



Testimony before the Senate Natural Resources and Energy Committee on SB 282 – 10/13/15

In 1977, the Legislature approved a lake bed grant for Renard Island in Green Bay for public uses such as slips, basins, docks, wharves, structures, wildlife refuges, recreation and park purposes.

One year later the Corps constructed and began to use Renard Island as a confined disposal facility for placement of dredged material from the Green Bay Harbor navigational channel.

Pursuant to the 1977 agreement between the Corps and the County, the Corps is to transfer ownership of Renard Island to the County after completion of the facility's use for disposal purposes.

In February of 2008, DNR approved the Corps and Brown County Renard Island Closure Plan and work began to remediate the island. To assist with the work ordered in the closure plan the Corps constructed a causeway for access to the island. With work now completed, the Closure Plan requires the Corps to remove the causeway unless Brown County wishes to maintain it as a permanent structure.

Brown County notified the Corps that they wanted to maintain the causeway because it would provide access to the island to fulfill the original public use intent of the lake bed grant. In March of 2014, the DNR issued a Chapter 30 permit allowing the causeway to permanently remain on the lake bed of Green Bay.

In November 2014 and April of 2015, the Corps indicated that due to the revocable nature of ch. 30 permits the County would need to seek a new lake bed grant or an amendment to the original lakebed grant issued by the State of Wisconsin if they were going to maintain permanent ownership of the causeway.

SB 282 amends the original 1977 lake bed grant to include the causeway to provide public access for Renard Island. The causeway will be used for the same public use purposes as originally described in the 1977 lake bed grant. SB 282 also further protects Green Bay by limiting the placement of structures on the land conveyed to the county. Structures may be placed if they facilitate public use of and access to the land or aid navigation.

SB 282 also prohibits Brown County from conveying all or any part of the lake bed land to any person other than this state, a political subdivision of this state or a special purpose district of the state.

TO THE HONORABLE MEMBERS OF THE
SENATE COMMITTEE ON NATURAL RESOURCES AND ENERGY

TESTIMONY REGARDING SENATE BILL 282
Brown County's Request for Lakebed Grant
October 13, 2015

Ladies and Gentlemen:

Thank you for the opportunity to provide Brown County testimony regarding Senate Bill 282 and thank you to Senator Cowles for drafting the legislation and working with our supportive regional elected officials in co-sponsoring the legislation.

In October 1976, Brown County passed a resolution requesting Wisconsin Legislature to grant Brown County use of the lakebed for Renard Island and agreeing to execute an Agreement ("Agreement") with the U.S. Army Corps of Engineers ("Corps") laying out a plan for construction, operation, maintenance and closure of Renard Island as a placement location for dredged material from the Port of Green Bay. In June 1977, the State of Wisconsin granted the lakebed around Renard Island to Brown County. The Lakebed was granted and ceded to Brown County to be held and used by the county for public slips, basins, docks, wharves, structures, wildlife refuges, recreation and park purposes, granting all State of Wisconsin's rights title and interests in the submerged land and any dry lands surrounding said island which exist in Green Bay to Brown County.

In November 1977, the Corps and Brown County executed an Agreement sponsoring Renard Island, with Brown County assuming ownership upon completion of filling the island with navigational dredged material. Between 1978 and 1995, the Corps operated Renard Island confined disposal facility for the placement of dredged material from the Green Bay Harbor navigational channel.

In February 2008, Brown County and the Corps received Wisconsin Department of Natural Resource's approval of the Renard Island Closure Plan that included geotechnical/hydrogeologic investigations, assessment of dredged material characteristics, criteria for using dredged material as part of an engineered soil cover, existing site features, design features, construction plan, monitoring plan, vegetation plan and maintenance activities that ensures protection of human health and the environment. Brown County's cost for investigation, design and approval under the Renard Island Closure Plan exceeded \$750,000 not including staff time. In 2010, the Corps permitted and constructed a \$2.6M temporary causeway from land to Renard Island to facilitate closure activities, including a temporary maintenance easement across said lands until 2020. In 2011, Brown County received \$1.5M in Great Lakes Restoration Initiative funding to begin the closure activities. In 2012, Brown County waived \$1.0M in Corps tipping fees at Bay Port in exchange for services provided to further additional closure activities. In 2014, the Corps spent \$3.1M to complete the closure activities and intends on turning ownership of the 55 acre island over to Brown County in 2016.

As part of the Corps project, the Corps is to remove the temporary causeway unless Brown County is interested in owning and maintaining the causeway as a permanent structure. All reasonable human use opportunities for Renard Island are dependent upon causeway access.

In 2014 Brown County received a Chapter 30 permit from the Wisconsin Department of Natural Resources in order to keep the permanent causeway to Renard Island. The permit determined the necessary design modifications needed for the causeway to remain a permanent structure and Brown County and Corps spent \$150,000 to do so during 2015. Also during 2015, the Corps determined that a permanent maintenance easement and a Legislative Lakebed Grant were required conditions necessary for the Corps to transfer ownership of the causeway to Brown County. Brown County has a permanent maintenance easement that will be acted upon by the Brown County Board of Supervisors on October 21, 2015. Assuming adoption of the permanent maintenance easement, Brown County is in need of this lakebed grant from the Wisconsin Legislature to fulfill the ownership transfer requirements.

Brown County's future plans for the 55-acre waterfront Renard Island will be determined by the County Board. Although undetermined at this time, the island is immediately adjacent to the Bay Beach Amusement Park and the island's use will likely be recreational in nature and compatible with the Bay Beach Area.

Thank you for your time and attention and consideration of this important legislation to Northeastern Wisconsin.





JOHN J. MACCO

STATE REPRESENTATIVE • 88TH ASSEMBLY DISTRICT

October 13, 2015

Members of the Senate Committee on Natural Resources and Energy,

I want to start off by thanking Senator Cowles and the Committee Members of the Committee on Natural Resources and Energy for hearing this bill. In the past ten years, the Greater Green Bay Community has undergone enormous change, renovation and rebuilding to become a dynamic economic engine of not only Northeast Wisconsin, but the upper Midwest region. This rapid and dynamic change has been driven by an ideological and financial investment of private business, local government and the state of Wisconsin.

The locus of the growth is the downtown Green Bay area. Driving down Washington Avenue and Broadway gives a stunning view of the new sights, sounds and activities the region has to offer. If this is the business, lifestyle and social center of the greater Green Bay Community, then Bay Beach Amusement Park is the entertainment center.

There are few places in the region that offer the same caliber of family and economically friendly amusement as Bay Beach Amusement Park. The park has been a staple of the community for generations going back to the days it was primarily used as a swimming beach. We have seen recent improvement to the park with the addition of the Zippin Pippin Roller Coaster and multiple other rides which make great additions to the classic roster of rides.

The future vision for the park is bright. The already planned additions of a new train track and clearing the beach will be a welcome sight to families. By passing SB 282, a bridge will be built to Renard Island so families enjoying a day at the park will get a unique view of Green Bay and the mouth of the Fox River.

I thank you once again for hearing this legislation. Your support will further the commitment to the Greater Green Bay area from Madison.

Sincerely,

A handwritten signature in black ink, appearing to read "John J. Macco". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

John J. Macco
Representative
88th Assembly District