

*** All present are expected to conduct themselves in accordance with our City's Core Values ***



OFFICIAL NOTICE AND AGENDA

of a meeting of a City Board, Commission, Department Committee, Agency, Corporation, Quasi-Municipal Corporation or Sub-unit thereof.

Notice is hereby given that the Park and Recreation Committee of the City of Wausau, Wisconsin will hold a regular or special meeting on the date, time and location shown below.

Meeting of the: **PARK AND RECREATION COMMITTEE OF THE CITY OF WAUSAU**
Date/Time: **Monday, February 6, 2017 at 4:30 pm.**
Location: **City Hall (407 Grant Street, Wausau WI 54403) - Council Chambers**
Members: **Gehin, Gisselman, Neal, Nutting, Peckham(c)**

AGENDA ITEMS FOR CONSIDERATION (All items listed may be acted upon)

- 1 Call the Meeting to order
- 2 Public Comment for Items Appearing on the Agenda
- 3 Approve Minutes - January 9, 2017
- 4 Athletic Park Picnic Area - Discussion and Possible Action on Renovating the Athletic Park Picnic Area
- 5 Athletic Park Parking - Discussion and Possible Action on Renewing the Annual Parking Agreement with Wilson Hurd
- 6 Drones in Parks - Report and Discussion on the Need to Create a Policy on the Use of Drones in City Parks
- 7 Project Update - Schulenburg Pool, Alexander Park, Comprehensive Outdoor Recreation Plan, JoJo's Jungle, East Riverfront Renovation Project, 400 Block Sign, Library Plaza Stage
- 8 Future Agenda Items

Public Comment & Suggestions
Adjournment

Pat Peckham - Committee Chair

This Notice was posted at City Hall and faxed to the Daily Herald newsroom on 02/03/2017 @ 1:50 p.m. Questions regarding this agenda may be directed to Jodi Luebbe, Park Office (715) 261-1560.

Please note that, upon reasonable notice, efforts will be made to accommodate the needs of disabled individuals through appropriate aids & services. For information or to request this service, contact Jodi Luebbe at 212 River Drive Ste. 2 or (715) 261-1560

It is possible that members of, and possible a quorum of members of other committees of the City of Wausau may be in attendance at the above mentioned meeting to gather information. No action will be taken by any such group at the above mentioned meeting other than the committee specifically referred to in this notice.

Distribution List: City Website, Media, WSD-Admin, Alderpersons, Mayor, Duncanson, Knotek, Dept. Staff, Maryanne Groat, Brad Lenz, Eric Lindman, Christian Schock, Brad Karger, Wisconsin Woodchucks, Wausau Events, Public Access, Wausau River District, Patrick Hoerter

DRAFT

CITY OF WAUSAU – PARK AND RECREATION COMMITTEE MEETING MINUTES

Date/Time: January 9, 2017 at 3:00p.m. Location: Council Chambers, City Hall

Members Present: Joe Gehin, Gary Gisselman, Tom Neal, Pat Peckham (c)

Excused: David Nutting

Others Present: Bill Duncanson-Director, Peter Knotek-Assistant Director, Elizabeth Field-Wausau River District, Patrick Hoerter – JoJo’s Jungle

In accordance with Chapter 19, Wisc. Statutes, notice of this meeting was posted and sent to the Daily Herald in the proper manner. It was noted that there was a quorum present and the meeting was called to order by Peckham at 3:00 p.m.

Approval of Minutes – **Motion** by Neal, second by Gehin to approve the Park and Recreation Committee December 5th, 2016 draft minutes. Motion **carried** by voice vote. Vote reflected as 4-0.

Project Update

Library Plaza Stage – Elizabeth Field-Wausau River District reported that the stage is funded. It is a stage platform with extensions to become a 16 X 20 foot stage with a three step walkup and a handrail for the steps. There is a need to create an ADA accessible ramp for it. Metal railings for around the stage were not ordered. Duncanson said railings would probably be needed if it was taken to its maximum height but that is not the intent. The intent is to have it at the low two foot type elevation. He said the City will own, store and manage the stage once it’s acquired. Field said there is a group of people working on getting the canopy financed.

400 Block Sign – Elizabeth Field-Wausau River District reported that they have specs out to eight or nine businesses asking for bids. The deadline is the end of January and at that time they will assess what best meets the needs of the City and bring it back to Committee.

JoJo’s Jungle – Hoerter said they have finished their paver design and will be publishing it for people to do memorial paver donations. He said they are working on having a poker tournament for a fundraiser at the end of February beginning of March. Design wise they are working on electrical and utility plans. Hoerter mentioned that they received a \$10,000 grant from the Dudley foundation and are waiting to hear back from the Christopher Reeve Foundation. They have raised almost 1.25 million of their total 2.4 million target.

Comprehensive Outdoor Recreation Plan (CORP) - Discussion and Possible Action on Approving the Final 2017 – 2020 CORP

– Knotek explained that input was taken from Committee members, staff, and the public. Final revisions included addressing minor corrections and including the development plans for upcoming work at several parks. The real scope of the plan did not change. Electronic copies will be provided on the City website. If Committee approves the plan it will next go to the Plan Commission and then to City Council. Knotek discussed the goal of stressing the benefits of larger neighborhood and community parks that provide a wide range of facilities over small playground and tot-lot facilities. Knotek said the plan includes larger items which are more initiative driven and come from support in the community down to the small things that help drive the parks annual capital plan. Not everything in the plan will be achieved in the next five years because of funding so items will be carried over into the next plan. **Motion** by Neal, second by Gehin to approve the final 2017 to 2020 Comprehensive Outdoor Recreation Plan. Motion **carried** by voice vote. Vote reflected as 4-0.

2017 Parks, Recreation, and Forestry Program Objectives - Discussion and Possible Action on Projects, Plans, and Initiatives to be Achieved in 2017

– Information about parks goals and objectives, funded projects, and some new items were previously distributed. Duncanson wanted to know what Committee may want to do in 2017 to be able to accomplish some of the items in the comprehensive plan for the 2018 budget. Peckham was interested in what the Wausau flowage drawdown entailed. Duncanson said the idea is to identify maintenance and construction needs of facilities on the Wausau flowage and prepare plans and cost estimates to perform work during the drawdown in 2018 or 2019. This is the Wausau downtown dam that is managed by Wisconsin Public Service. There are a number of parks on the flowage and this could be an opportunity to do work on boat launches and docks. Other issues the City could think about are shore work, improving water views from the Rivers Edge Trail and work having to do with the next phase of the east riverfront development. The City is

looking at more riverbank reconstruction on the River Edge Trail segment from the Barker-Stewart Island Bridge downstream to the floodway dam that is at the head of the kayak course. That sort of work would be better done if the river was dropped down. There are also discussions about the possibility of lowering some of the stone filled log cribs in that section of river to make boating safer and simpler. The City should look at what it would like to accomplish during the drawdown. Gehin thought a cleanup effort in the river would be a good idea. Gisselman asked about specific projects for the Capital Improvement Program. Knotek said what he anticipates to find is undermining of permanent piers, boat launches and maybe some retaining walls which typically don't rise to the Capital Improvement Program level. Gisselman was still interested in the idea of a bridge from Barker Stewart Island to the west side of the City and also if a restroom by the venue behind the library is needed. Staff would like to take more of a wait and see approach and thought people could use the restroom by the Farmers Market. Peckham would like the City to find a site for a dog park in 2017 and build it in 2018. Knotek said once a site is located and a plan developed there will be opportunities in the community for fundraising. Duncanson said a couple of years ago the objective was to have a dog park be volunteer built and operated. Individuals from the pet community thought this was quite doable. This is a common model communities use where the municipality acquires property and puts in basic services. Neal said the City should budget for the items related to the flowage so they are able to use it if the opportunity arises.

Winter Recreation Program Report - Report and Discussion on Winter Recreation Program Activities –

Duncanson said the tubing hill had heavy use over the school Christmas break. The hill recently closed one night because of bitterly cold temperatures. The number of days the hill is available for private daytime rentals has been reduced because of seasonal staffing issues last year that appear to be recurring this year. Knotek reported that there has not been a lot of skating on the 400 Block ice rink this year because of the cold temperatures. The school district is monitoring use on the Riverview School ice rink with their security cameras. They report that over the entire holiday break the maximum amount of people on the rink at any given time was three. Over the entire holiday break there was a total of 19 people that used the rink and some of those may have been repeat. The school will continue to monitor the use and provide information so that the Committee can make a decision on whether they want to continue a rink in that area. Duncanson reported that the sledding hills and the new segment of the Rivers Edge Trail have been getting a lot of use.

Future Agenda Items – none brought forward

Next Regular Meeting – Monday, February 6, 2017 at 4:30 p.m. in the Council Chambers, City Hall

Adjourn - **Motion** by Neal, second by Gehin to adjourn at 4:10 p.m. Motion **carried** by voice vote. Vote reflected as 4-0.

AGENDA SUMMARY

5. Athletic Park Parking – Discussion and Possible Action on Renewing the Annual Parking Agreement with Wilson Hurd – It is time to renew the annual Athletic Park parking agreement with Wilson Hurd. The 2016 agreement is enclosed. The only change in the agreement would be to update the agreement period to 2017. Upon committee approval, Wilson Hurd will be provided an updated agreement for their approval and the agreement will be taken to the City Council for approval.

6. Drones in Parks – Report and Discussion on the Need to Create a Policy on the Use of Drones in City Parks – The popularity of drones for recreational and commercial use is growing exponentially. Staff anticipates that there are large numbers of drones that arrived here over the Christmas season that will make their appearance this spring. The federal and state government have recently developed a good set of general regulations on the use of drones. However, our local ordinances do not address where and how drones should and shouldn't be used on public lands. Staff has initiated research into drone regulation with the City Attorney and County Corporation Counsel and would like to take this opportunity to begin this policy discussion with the appropriate committees. We have enclosed a general article about drones from the National Parks and Recreation Association and federal and state regulations. Considerations that need to be made for public lands include safety, privacy, noise, conflicts with other users, impacts on wildlife, etc..

TEMPORARY EASEMENT AGREEMENT FOR THE USE OF WILSON-HURD PROPERTY FOR ATHLETIC PARK
PARKING BY THE CITY OF WAUSAU

THIS AGREEMENT (the "Temporary Easement Agreement") made this ____ day of _____, 2016, by and between Wilson-Hurd Mfg. Co., a Wisconsin corporation, herein referred to as "GRANTOR," and the City of Wausau, a municipal corporation of the State of Wisconsin, herein referred to as "CITY";

WITNESSETH:

WHEREAS, CITY wishes to establish and operate a temporary parking lot on land owned by GRANTOR for the purpose of providing off-street parking for activities at Athletic Park; and

WHEREAS, GRANTOR will allow such parking lot as a temporary easement on GRANTOR'S property upon certain terms and conditions as hereinafter enumerated.

NOW, THEREFORE, the parties hereto agree as follows:

1. GRANTOR hereby grants to CITY at no charge, a temporary nonexclusive easement (the "Easement") over and across the south 195.00 feet of the Wilson-Hurd property at 311 Winton Street, Wausau, Wisconsin, as delineated on "Exhibit 1" which is attached hereto and incorporated herein by reference (the "Temporary Easement Area"), for the purpose of establishing, operating, and maintaining a temporary parking lot for the benefit of the public while the public is attending activities at Athletic Park.
2. CITY shall provide temporary perimeter improvements to delineate and contain the parking activities on the Temporary Easement Area, shall be responsible for all mowing, dust control, and litter collection and removal on the Temporary Easement Area, and shall install, maintain, repair and remove the surface of and other improvements on the Temporary Easement Area. Typical parking lot improvements and maintenance of the Temporary Easement Area will consist of filling low areas that collect water, maintaining the grass, removing surface debris, stabilizing and grading entrances, and installing identification signage, traffic control devices and signage, and security lighting. The security lighting shall consist of two wood poles without footings located along the south edge of the Temporary Easement Area as shown on Exhibit 2. Each pole shall have two flood type fixtures mounted on it. Such security lighting shall be allowed to remain in place until such time that it is determined whether a new Temporary Easement Agreement will be approved for the following year. If either GRANTOR or CITY determine that a new Temporary Easement Agreement will not be approved or sought for the following year, upon written notification to the other party, CITY will remove such security lighting within thirty (30) days and restore the Temporary Easement Area at the sole cost of CITY.
3. CITY shall be responsible to maintain the improvements in the Temporary Easement Area and, if CITY fails to adequately maintain the Temporary Easement Area and its improvements, GRANTOR may provide CITY with a written notice setting forth the needed repairs, improvements or maintenance. If it is determined that work is, in fact, needed in the Temporary Easement Area and if CITY does not commence such work within five (5) working days from the date of receipt of the aforesaid written notice, and such failure to commence such maintenance or repair work is not due to a cause beyond CITY'S control, then GRANTOR may perform such work and CITY shall reimburse GRANTOR for all costs which are reasonably incurred by GRANTOR in performing such work.
4. GRANTOR hereby grants CITY permission to establish and charge a nominal fee to individuals using the parking lot on the Temporary Easement Area.
5. CITY shall maintain in effect at all times during the term of this Temporary Easement Agreement a policy of commercial general liability insurance to insurance against injury to property, person, or loss of life arising out of use of the Temporary Easement Area with limits of coverage that are reasonably acceptable to GRANTOR. CITY shall provide GRANTOR with a certificate of insurance showing that GRANTOR is an additional insured under such commercial general liability insurance. The policy of commercial general liability insurance shall contain a supplemental endorsement covering contractual liability voluntarily assumed by CITY under this Temporary Easement Agreement. No such policy of commercial general liability insurance shall be terminated except after thirty (30) days' prior written notice to GRANTOR. At least thirty (30) days prior to the expiration of such policy of commercial general liability insurance, CITY shall furnish GRANTOR with evidence of the renewal of such policy.

6. CITY agrees to release, indemnify and hold harmless GRANTOR, and GRANTOR's employees, agents, and officers, from and against any and all judgments, damages, losses, costs, claims, expenses, suits, demands, actions and/or causes of action of any kind or of any nature which may be sustained or to which they may be exposed by reason of injury or injuries to anyone, or of the death or deaths of anyone, or by reason of any personal injury and/or real or personal property damage, or by reason of any other liability imposed by law, or by anything or by anyone else upon the above-referenced entities and/or individuals as the result of and/or due to the operations, actions, or omissions of CITY or the public in connection with the use of the Temporary Easement Area; specifically included within this release, indemnification, and hold harmless are attorneys' fees and other costs of defense which may be sustained by and/or occasioned to the above-referenced entities and/or individuals.
7. GRANTOR agrees to release, indemnify and hold harmless CITY, and CITY's employees, agents, officers and officials, (whether hired, appointed or elected), from and against any and all judgments, damages, losses, costs, claims, expenses, suits, demands, actions and/or causes of action of any kind or of any nature which may be sustained or to which they may be exposed by reason of injury or injuries to anyone, or of the death or deaths of anyone, or by reason of any personal injury and/or real property damage, or by reason of any other liability imposed by law, or by anything or by anyone else upon the above-referenced entities and/or individuals as the result of and/or due to the operations, actions, or omissions of GRANTOR on the Temporary Easement Area or on any adjacent premises owned by GRANTOR and/or as a result of and/or due to the presence of GRANTOR on the Temporary Easement Area or on any adjacent premises owned by GRANTOR; specifically included within this release, indemnification, and hold harmless are attorneys' fees and other costs of defense which may be sustained by and/or occasioned to the above-referenced entities and/or individuals.
8. CITY agrees to defend, indemnify and hold harmless GRANTOR, and GRANTOR's employees, agents, and officers from and against any and all judgments, damages, losses, costs, claims, expenses, suits, demands, actions, causes of action, administrative orders, consent agreements and orders, liabilities, and penalties arising under any applicable federal, state, or local statute, law, or regulation relating to environmental matters which are now in force or hereinafter enacted to the extent that such have been occasioned, wholly or in part, by any condition, accident, or event caused by any negligent or intentional act or omission of CITY, or any of CITY's employees, agents, officers, officials (whether hired, appointed, or elected), contractors, subcontractors, licensees, invitees (including the public), successors, and assigns on the Temporary Easement Area which arises out of disposing, releasing, spilling, leaking, pumping, pouring, emitting, emptying, or dumping of "Toxic Material," "Hazardous Substances," or "Hazardous Waste" during the term of this Temporary Easement Agreement or the performance or failure to perform any abatement activities required by any appropriate federal, state, or local government authority with regard thereto.
9. GRANTOR agrees to defend, indemnify and hold harmless CITY, and CITY's employees, agents, and officers, and officials (whether hired, appointed, or elected), from and against any and all judgments, damages, losses, costs, claims, expenses, suits, demands, actions, causes of action, administrative orders, consent agreements and orders, liabilities, and penalties arising under any applicable federal, state, or local statute, law, or regulation relating to environmental matters which are now in force or hereinafter enacted to the extent that such have been occasioned, wholly or in part, by any condition, accident, or event caused by any negligent or intentional act or omission of GRANTOR, or any of GRANTOR's employees, agents, officers, contractors, subcontractors, licensees, invitees (excluding the public), successors, and assigns on the Temporary Easement Area which arises out of disposing, releasing, spilling, leaking, pumping, pouring, emitting, emptying, or dumping of "Toxic Material," "Hazardous Substances," or "Hazardous Waste" prior to or during the term of this Temporary Easement Agreement or the performance or failure to perform any abatement activities required by any appropriate federal, state, or local government authority with regard thereto.
10. This Temporary Easement Agreement shall be effective as of the day and year first above written and, unless earlier terminated by GRANTOR, shall expire as of December 31, 2015. GRANTOR reserves the right to cancel this Temporary Easement Agreement at its sole discretion upon thirty (30) days' prior written notice to CITY. Upon receipt of such notice, CITY will have thirty (30) days to cease its use of the Temporary Easement Area, to remove all improvements which CITY has installed on the Temporary Easement Area, and to restore the Temporary Easement Area to the condition which it was in as of the day and year first above written.
11. This Temporary Easement Agreement shall be constructed and enforced in accordance with the internal laws of the State of Wisconsin.
12. All notices to either party to this Temporary Easement Agreement shall be delivered in person or sent by certified mail, postage prepaid, return receipt requested, to the other party at that party's last known address. Either party may change its address for notice by providing written notice to the other party.

13. Enforcement of this Temporary Easement Agreement may be by proceedings at law or in equity against any person or persons violating or attempting or threatening to violate any term or condition in this Temporary Easement Agreement, either to restrain or prevent the violation or to obtain any other relief. If a suit is brought to enforce this Temporary Easement Agreement, the prevailing party shall be entitled to recover its costs, including reasonable attorney fees, from the nonprevailing party.

14. Nothing in this Temporary Easement Agreement shall be deemed to be a gift or dedication of any portion of the Temporary Easement Area to the general public or for any public purpose whatsoever. CITY and GRANTOR agree to cooperate with each other and to take such measures as may be necessary to prevent the dedication to the public of the Temporary Easement Area, whether by express grant, implication, or prescription. These measures may include, without limitation, the posting of "Private Parking Lot", "No Through Traffic", or "No Trespassing" signs. Such measures shall not, however, unreasonably interfere with the easement rights granted under this Temporary Easement Agreement.

IN WITNESS WHEREOF, this Temporary Easement Agreement has been duly executed the day and year first above written.

WILSON-HURD MFG. CO.

CITY OF WAUSAU

Dan Wieselmann, Vice President Finance

Mayor

Toni Rayala, Clerk

STATE OF WISCONSIN)
) ss.
COUNTY OF MARATHON)

Personally came before me this ____ day of _____, 2016, the above named Dan Wieselmann of Wilson-Hurd Manufacturing Company, to me known to be the person(s) who executed the foregoing instrument and acknowledged the same.

Notary Public, Wisconsin
My commission: _____

STATE OF WISCONSIN)
) ss.
COUNTY OF MARATHON)

Personally came before me this ____ day of _____, 2016, the above named _____, Mayor, and Toni Rayala, Clerk for the City of Wausau, to me known to be the persons who executed the foregoing instrument and acknowledged the same.

Notary Public, Wisconsin
My commission: _____

This instrument was drafted by Anne L. Jacobson,
City Attorney for the City of Wausau,
407 Grant Street, Wausau, WI 54403-4783.

The Drones are Coming



Virtually anyone who has flown a quadcopter or other modern drone will say that they are a blast to fly. Drones combine the cool factor of impressive technology, the excitement of unmanned flight and the thrill of exploration, all in one amazingly simple and easy-to-operate package. Whether you fly alone, with friends or with your kids, flying drones is just plain fun.

But drones aren't only about fun. They will have an impact on virtually every aspect of our lives from agriculture to energy, scientific research, conservation, public safety and more. Drones have been labeled "disruptive technology," and held up as avatars of the mythical "billion-fold improvements" that have taken place in computing, imaging, aeronautics, medicine and other fields. Drones will come to shape our lives every bit as much as cellphones, tablet computers and other game-changing technology.

Futurists are abuzz with speculation that you will soon have your Amazon packages or Papa John's pizzas delivered to your door by drones. Mainstream media outlets breathlessly report breaking-news stories about unauthorized or potentially dangerous drones, such as the recent story of an errant drone piloted by a possibly inebriated operator in Washington, D.C., who, while reportedly trying to impress a female friend at 3 a.m., flew his friend's quadcopter from an apartment balcony a few blocks from the White House and crashed it on the White House grounds, causing major heartburn for the Secret Service.

Industry and media statistics on how many drones have been sold to the public differ slightly, but the sales totals almost defy belief. Hobby and commercial drones are reported to be selling at the rate of 15,000 or 16,000 per month, or almost 200,000 per year. That's a lot of people who will be looking to get outdoors and fly their new drones. And where will these people want to fly their drones? Why, in the wide open spaces designed for outdoor recreation, of course — parks!

There is no doubt drones are coming, and they are likely to have a profound effect on parks and recreation. The public and commercial use of drones will present substantial challenges to park managers very soon and agencies will do well to be prepared for the coming wave.

The Allure of Drones

It is not difficult to understand why drones are becoming so popular. Flying a drone is a cool thing to do. The technology is amazing, the flying is exciting, and if there was ever a gadget that appealed to people's imagination, drones would have to be near the top of the list.

Drones and quadcopters are also relatively inexpensive and easy to operate. But just as they are fun to fly, they are more than just cool toys. They represent a quantum leap in how technology can be used not just for personal enjoyment and enrichment, but also to expand human knowledge, aid research, fight environmental threats, save lives and much more. We haven't even plumbed the depths of what drones might be able to do, but we are starting to see those scenarios take shape.

There may be challenges ahead related to public flying of drones in parks, but there are also tantalizing opportunities for park agencies to utilize drone technology to fulfill important conservation, natural resource management and public-safety responsibilities. These include search-and-rescue operations, wildfire control, managing threatened natural areas, mapping the spread of invasive species, monitoring remote park locations and others. Drones may be able to provide agencies substantial time and cost savings for a wide variety of tasks. There is no doubt that drones are already stimulating interest among park planners, GIS specialists, park managers, rangers and even recreation program staff. Some agencies are already making plans for how they might use drones.

From a recreational perspective, one of the most popular uses of hobby drones is for photography. New drones can carry high-resolution cameras with onboard image stabilization and other advances. "It's all new," says Eric Cheng, director of aerial imagery for DJI, one of the largest manufacturers of hobby and commercial drones in the world. In a recent interview, he said the ability of drones to facilitate extraordinary new ways to photograph objects and landscapes has provoked intense curiosity and public interest. "The view from right overhead is unique. Nobody has ever seen such photographs before, and you are taking them. It's exhilarating."

Legitimate Fears

So what's not to like about drones? Well, crashes, lost drones, operator errors, mechanical failures, privacy invasions and other undesirable consequences of inept or irresponsible drone flying, just to name a few reasons. Such outcomes are becoming an increasing concern of those responsible for public safety, not to mention the ever-present threat of a drone being used in a terrorist plot. There is already a compendium of hair-raising stories of near-misses or collisions with drones including reports of drones flying too close to aircraft or in other highly inappropriate locations. Reports of drones flying within 50 feet of commercial aircraft at New York City airports make some believe that a collision with an airliner is not a matter of if, but when.

Parks have not been exempt from problems created by irresponsibly piloted drones, including a number of high-profile incidents at iconic national parks such as Zion and Grand Canyon. A

widely reported incident occurred at Mount Rushmore National Park when a hobby drone was launched from a parking lot, hovered over a crowd of 1,500 people gathered for an evening program at the monument, and then flew over and around the four sculpted heads before being flown back to the parking lot. Other public complaints about inappropriate or unauthorized use of drones have been received by the National Park Service (NPS), including harassment of wildlife, noise at iconic scenic viewing points and drone crashes in parks.

Jeffrey Olson, public affairs officer for NPS, says that the prohibition on unmanned aircraft in national parks issued by Director Jon Jarvis in a policy memo last June was “basically a timeout.” The ban on new drone flying was prompted by public complaints concerning incidents similar to what happened at Mount Rushmore. NPS management policies call for careful consideration of any “new form of recreation,” which drone flying clearly is, and the impact of this activity has not been evaluated. The administrative action will trigger a review of existing and proposed policies and will lead to a Notice of Proposed Regulation, a process that is likely to take about 18 months, according to Olson.

Incidents from rogue operators or inexperienced pilots are not the only concern. Privacy advocates, industrial and national security experts, and law enforcement officials are very concerned about the potential use of drones in terrorist plots or other criminal activity. Drones are starting to be a concern at virtually every large-scale public event that someone might want to observe or photograph, such as a drone that buzzed Chicago Park District’s Lollapalooza Festival last year. The Federal Aviation Authority (FAA) even went so far as to declare the 2015 Super Bowl a “No Drone Zone,” and issued an advisory to enjoy the game, but “leave your drone at home.”

Concerns about drones range from the relatively minor annoyance of crashes in open areas to the very deep concern regarding bad behavior by pilots whose ignorance or dangerous operation of drones can literally endanger people’s lives. Many drone enthusiasts are concerned about rogue operators giving all operators a black eye. “The rogues are outliers,” according to Jon Resnick, policy and marketing representative for DJI. Christopher Vo, president of the [DC Area Drone User Group](#), says, “There are a lot of people who are interested in flying safely and who just want to find places to fly.”

Nonetheless, there are still many concerns about drones from a variety of quarters, especially park agencies that many expect to be on the front lines of managing public flying of hobby drones. Vo agrees that crashes and uncontrolled descents are an issue. “Everyone who gets their first drone and takes it out to fly will crash — that’s almost a guarantee,” he says. “But it is not necessarily a problem, just a reality. The solution is user education about where it is safe to fly and to not fly near buildings or over private property.” Technology improvements, says Vo, such as inexpensive onboard infrared sensors and downward-facing cameras will help measure changes in speed and assist automatic hold, takeoff and landing. “It is also why the industry is trying to make drones lighter, stronger and safer,” he says.

Vo points out that how a drone is flown is a factor in how safe it is. There are two principal methods of piloting drones, First-Person-View (FPV) and Line-of-Sight flying. In FPV flight, the operator flies the aircraft through the lens of an onboard camera. Some think this is a largely

unsafe way to fly, and that hobby drones should be only be flown by line-of-sight with a spotter present at all times the drone is in operation.

Rules Not Well Understood; Guidance Lacking

With the large numbers of hobby drones being purchased daily and intense interest in commercial use growing, it is perplexing that there is so little understanding of exactly what the federal rules are for operating drones. The FAA regulates all U.S. airspace and there are strict rules for any type of aircraft flying above 500 feet. The rules governing unmanned aircraft systems, however, have been criticized for being seriously out of date.

Commercially flown drones present a different set of issues than hobby drones. Guidance for the operation of both commercial and hobby drones has been long-awaited and significantly overdue. At present, virtually all commercial use of drones is currently prohibited without a very difficult-to-obtain Certificate of Authorization (COA), but few rules govern hobby drones. Since sophisticated and versatile hobby drones can be purchased easily and without licensing requirements to operate them, not many people know what is actually allowed and what is prohibited by law.

Just before publication of this edition of *Parks & Recreation* magazine, the details of a Notice of Proposed Regulation by the FAA for commercial drone use were inadvertently posted online, and the FAA was essentially forced to release the entire proposal over a holiday weekend. To the commercial drone user's relief, the proposed regulations are being viewed as reasonable. They would not require operators to have a pilot's license as some had feared, and the training and costs to obtain a required FAA operator's certificate would not be prohibitive. Other proposed restrictions include a 500-foot ceiling, operation by line-of-sight only, and no flying above any people except those involved with the drone flight, such as a spotter. So, damp your expectations — no drone pizza deliveries to your door for now. The 60-day public comment period has now closed. The review and rule-making is expected to take up to two years. Cheng believes the FAA will need to issue some interim guidance for commercial users before the proposed rule becomes final, however, because there is such interest from potential commercial users for innovation and applications.

The recent FAA announcement indicated that guidance on hobby drones will be issued in the near future. The Academy of Model Aeronautics has advocated for more education and user training of drone operators and has supported the idea that hobby drone operators be required to obtain an operator's certificate or become a part of an organized model aircraft club.

If FAA-proposed rules do require hobby drone operators to be part of an organized club as some expect, there is likely to be an uptick in the membership of local model airplane clubs and drone user groups accompanied by an increasing demand for more public spaces in which to fly drones. But solutions may not be simple. It is true that many park and recreation agencies have a long history of providing model aircraft clubs space to fly radio-controlled planes, but virtually none are prepared for drone users. In addition, some park managers who currently provide parkland for radio-control clubs believe that flying fixed-wing RC planes and quadcopters on the same fields is not workable or desirable. This may mean that there will be new demands for drone-

flying areas and that park agencies will need to expand the search for suitable spaces for this purpose.

Policies for Public Flying in Parks Unformulated

While the popularity of drones is growing exponentially, the awareness of park and recreation agency personnel who will need to manage them is not. In response to a query on NRPA Connect, a number of park administrators said their agencies either had no policies on drones or that they were unaware of any if they did.

One conclusion was clear from conversations with park agencies across the country: Those park agency personnel who have not anticipated the boom in public drone flying will be caught unprepared both on a policy level and a management level. An important lesson is emerging — if your agency hasn't started thinking about how to manage drones, it's time to start thinking about it now.

Those agencies that react with blanket prohibitions on drone flying will find them difficult to enforce and they will do a disservice to people who are just looking for a place to safely recreate. Decades of successful experience providing space for model airplane fliers have shown that park agencies can and do accommodate this kind of outdoor recreation compatibly with other activities.

Vo says, "Most of our users are law-abiding and only want to fly. But a lot of us who want to fly safely and responsibly simply don't have any places to fly. A lot of park agencies turn us down because they just don't want to deal with us." The good news for drone users like Vo is that some agencies are expressing willingness to consider how they could accommodate the drone-flying public.

Many Agencies Anticipate Using Drones Themselves

Even if some agencies are unprepared for public drone use, quite a few are thinking about how they might use drones for a variety of management, monitoring, mapping and public safety applications.

The requirements for obtaining a COA from the FAA to use unmanned aircraft systems for governmental or research purposes are quite rigorous, but Cleveland Metroparks (CMP) was willing to go the distance, said Brian Zimmerman, executive director of CMP. "When we saw the potential, we never wavered," he said. They have obtained a COA for a research project to monitor the Rising Valley wetlands complex, the largest freshwater wetlands in their park system.

Stephen Mather, geographic information systems supervisor, says that to map and study the wetlands is extremely time-consuming and difficult to accomplish. By employing a small fixed-wing drone, they will be able to do 3D mapping of surface topography and plant communities as well as track the spread of invasive species, monitor stormwater events, and create other datasets in real time to better manage and protect this valuable wetland. "We will also use the drone on a

forest restoration project, and we hope to use it to do an ongoing assessment of shoreline infrastructure along Lake Erie,” Mather says. “With resolution accurate to within an inch, we can create 3D maps of new construction and monitor its condition over time.”

The Future of Drones in Parks

Cheng of DJI says, “We are in the earliest stages of drone technology and it is literally improving daily.” According to Cheng, there will be reliable, redundant return-home programming; mandatory no-fly software to prevent flying in federally designated no-fly zones; more autonomy and self-aware behavior; “follow-me” technology; and much more safety-related decision-making capability. “There is no reason that a drone should ever fly into a tree or building, and every drone will have sufficient power to return home.”

What’s on the horizon for drones in parks? Well, consider that drone fliers are already envisioning drone racing just like the old air races of the 1950s. Fly-ins, drone-building workshops and educational programs for drone users are already in the minds of forward-looking parks personnel. And the potential applications of commercial, hobby and agency-operated drones are mind-expanding. Hummingbird and nano-drones could aid in citizen science projects and enhance STEM learning opportunities for teens and adults. And what kid (under adult supervision of course) wouldn’t want to get connected to nature and the outdoors using a drone to observe and discover our natural world?

When asked if he could ever envision a future in which drone use in national parks could be common, Olson says, “Yes, probably, but the question will be where such use would be approved.”

So, what would the ideal future look like for users? Vo says, “Ideally, there would be park sites set aside for model aviation and open to users to fly their aircraft. There would be a way for users to communicate with park managers about what they were permitted to do and what they wanted to do. There would be a way for them to query the park managers about conditions and to be able to schedule times to fly. And there would be times and places where we could be able to educate others.” Possible? We’ll see.

[Richard J. Dolesh](#) is NRPA’s Vice President of Conservation and Parks.

FAA News



Federal Aviation Administration, Washington, DC 20591

June 21, 2016

SUMMARY OF SMALL UNMANNED AIRCRAFT RULE (PART 107)

Operational Limitations	<ul style="list-style-type: none">• Unmanned aircraft must weigh less than 55 lbs. (25 kg).• Visual line-of-sight (VLOS) only; the unmanned aircraft must remain within VLOS of the remote pilot in command and the person manipulating the flight controls of the small UAS. Alternatively, the unmanned aircraft must remain within VLOS of the visual observer.• At all times the small unmanned aircraft must remain close enough to the remote pilot in command and the person manipulating the flight controls of the small UAS for those people to be capable of seeing the aircraft with vision unaided by any device other than corrective lenses.• Small unmanned aircraft may not operate over any persons not directly participating in the operation, not under a covered structure, and not inside a covered stationary vehicle.• Daylight-only operations, or civil twilight (30 minutes before official sunrise to 30 minutes after official sunset, local time) with appropriate anti-collision lighting.• Must yield right of way to other aircraft.• May use visual observer (VO) but not required.• First-person view camera cannot satisfy "see-and-avoid" requirement but can be used as long as requirement is satisfied in other ways.• Maximum groundspeed of 100 mph (87 knots).• Maximum altitude of 400 feet above ground level (AGL) or, if higher than 400 feet AGL, remain within 400 feet of a structure.• Minimum weather visibility of 3 miles from control station.• Operations in Class B, C, D and E airspace are allowed with the required ATC permission.• Operations in Class G airspace are allowed without ATC permission.• No person may act as a remote pilot in command or VO for more than one unmanned aircraft operation at one time.• No operations from a moving aircraft.• No operations from a moving vehicle unless the operation is over a sparsely populated area.• No careless or reckless operations.• No carriage of hazardous materials.
--------------------------------	--

	<ul style="list-style-type: none"> • Requires preflight inspection by the remote pilot in command. • A person may not operate a small unmanned aircraft if he or she knows or has reason to know of any physical or mental condition that would interfere with the safe operation of a small UAS. • Foreign-registered small unmanned aircraft are allowed to operate under part 107 if they satisfy the requirements of part 375. • External load operations are allowed if the object being carried by the unmanned aircraft is securely attached and does not adversely affect the flight characteristics or controllability of the aircraft. • Transportation of property for compensation or hire allowed provided that- <ul style="list-style-type: none"> ○ The aircraft, including its attached systems, payload and cargo weigh less than 55 pounds total; ○ The flight is conducted within visual line of sight and not from a moving vehicle or aircraft; and ○ The flight occurs wholly within the bounds of a State and does not involve transport between (1) Hawaii and another place in Hawaii through airspace outside Hawaii; (2) the District of Columbia and another place in the District of Columbia; or (3) a territory or possession of the United States and another place in the same territory or possession. • Most of the restrictions discussed above are waivable if the applicant demonstrates that his or her operation can safely be conducted under the terms of a certificate of waiver.
<p>Remote Pilot in Command Certification and Responsibilities</p>	<ul style="list-style-type: none"> • Establishes a remote pilot in command position. • A person operating a small UAS must either hold a remote pilot airman certificate with a small UAS rating or be under the direct supervision of a person who does hold a remote pilot certificate (remote pilot in command). • To qualify for a remote pilot certificate, a person must: <ul style="list-style-type: none"> ○ Demonstrate aeronautical knowledge by either: <ul style="list-style-type: none"> ▪ Passing an initial aeronautical knowledge test at an FAA-approved knowledge testing center; or ▪ Hold a part 61 pilot certificate other than student pilot, complete a flight review within the previous 24 months, and complete a small UAS online training course provided by the FAA. ○ Be vetted by the Transportation Security Administration. ○ Be at least 16 years old. • Part 61 pilot certificate holders may obtain a temporary remote pilot certificate immediately upon submission of their application for a permanent certificate. Other applicants will obtain a temporary remote pilot certificate upon successful completion of TSA security vetting. The FAA anticipates that it will be able to issue a temporary remote pilot certificate within 10 business days after receiving a completed remote pilot certificate application. • Until international standards are developed, foreign-

	<p>certificated UAS pilots will be required to obtain an FAA-issued remote pilot certificate with a small UAS rating.</p> <p>A remote pilot in command must:</p> <ul style="list-style-type: none"> • Make available to the FAA, upon request, the small UAS for inspection or testing, and any associated documents/records required to be kept under the rule. • Report to the FAA within 10 days of any operation that results in at least serious injury, loss of consciousness, or property damage of at least \$500. • Conduct a preflight inspection, to include specific aircraft and control station systems checks, to ensure the small UAS is in a condition for safe operation. • Ensure that the small unmanned aircraft complies with the existing registration requirements specified in § 91.203(a)(2). <p>A remote pilot in command may deviate from the requirements of this rule in response to an in-flight emergency.</p>
Aircraft Requirements	<ul style="list-style-type: none"> • FAA airworthiness certification is not required. However, the remote pilot in command must conduct a preflight check of the small UAS to ensure that it is in a condition for safe operation.
Model Aircraft	<ul style="list-style-type: none"> • Part 107 does not apply to model aircraft that satisfy all of the criteria specified in section 336 of Public Law 112-95. • The rule codifies the FAA's enforcement authority in part 101 by prohibiting model aircraft operators from endangering the safety of the NAS.

Menu » 2013 » Related Documents » Acts » 2013 Wisconsin Act 213

Date of enactment: **April 8, 2014**

2013 Senate Bill 196 Date of publication*: **April 9, 2014**

* Section 991.11, WISCONSIN STATUTES: Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication."

2013 WISCONSIN ACT 213

AN ACT to amend 114.04; and **to create** 175.55, 941.292 and 942.10 of the statutes; **relating to:**
restricting the use of drones and providing a penalty.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 114.04 of the statutes is amended to read:

114.04 Flying and landing, limitations. ~~Flight~~ Subject to s. 175.55, and except as provided in s. 942.10, flight of or in aircraft or spacecraft over the lands and waters of this state is lawful, unless at such a low altitude as to interfere with the then existing use to which the land or water, or the space over the land or water, is put by the owner, or unless so conducted as to be imminently dangerous or damaging to persons or property lawfully on the land or water beneath. The landing of an aircraft or spacecraft on the lands or waters of another, without the person's consent, is unlawful, except in the case of a forced landing. For damages caused by a forced landing, however, the owner or lessee of the aircraft or spacecraft or the aeronaut or astronaut shall be liable, as provided in s. 114.05.

SECTION 2. 175.55 of the statutes is created to read:

175.55 Use of drones restricted. (1) In this section:

(a) "Drone" means a powered, aerial vehicle that carries or is equipped with a device that, in analog, digital, or other form, gathers, records, or transmits a sound or image, that does not carry a human operator, uses aerodynamic forces to provide vehicle lift, and can fly autonomously or be piloted remotely. A drone may be expendable or recoverable.

(b) "Wisconsin law enforcement agency" has the meaning given in s. 165.77 (1) (c) and includes the department of justice and a tribal law enforcement agency.

(2) No Wisconsin law enforcement agency may use a drone to gather evidence or other information in a criminal investigation from or at a place or location where an individual has a reasonable expectation of privacy without first obtaining a search warrant under s. 968.12. This subsection does not apply to the use of a drone in a public place or to assist in an active search and rescue operation, to locate an escaped prisoner, to surveil a place or location for the purpose of executing an arrest warrant, or if a law enforcement officer has reasonable suspicion to believe that the use of a drone is necessary to prevent imminent danger to an individual or to prevent imminent destruction of evidence.

SECTION 3. 941.292 of the statutes is created to read:

941.292 Possession of a weaponized drone. (1) In this section, "drone" means a powered, aerial vehicle that does not carry a human operator, uses aerodynamic forces to provide vehicle lift, and can fly autonomously or be piloted remotely. A drone may be expendable or recoverable.

(2) Whoever operates any weaponized drone is guilty of a Class H felony. This subsection does not apply to a member of the U.S. armed forces or national guard acting in his or her official capacity.

SECTION 4. 942.10 of the statutes is created to read:

942.10 Use of a drone. Whoever uses a drone, as defined in s. 175.55 (1) (a), with the intent to photograph, record, or otherwise observe another individual in a place or location where the individual has a reasonable expectation of privacy is guilty of Class A misdemeanor. This section does not apply to a law enforcement officer authorized to use a drone pursuant to s. 175.55 (2).

[Menu](#) » [2013](#) » [Related Documents](#) » [Acts](#) » [2013 Wisconsin Act 213](#)

850 – UNMANNED AERIAL VEHICLE OR DRONE USE

I. SUBJECT MATTER DESCRIPTION

What are the limitations on the public's use of unmanned aerial vehicles (UAVs, also commonly referred to as "drones") within the context of natural resource related activities and existing hunting, fishing, trapping, wildlife viewing, and WDNR land use regulations?

II. INFORMATION & REFERENCES

A. HUNTING

s. 29.001, Stats.

Definitions. *In this chapter, unless the context requires otherwise:*

(6) "Aircraft" means any contrivance invented, used or designed for navigation of or flight in the air.

s. 29.307, Stats.

Hunting with aid of aircraft prohibited.

(1) No person may hunt any animal with the aid of an aircraft, including the use of an aircraft to spot, group or drive, or otherwise attempt to affect the behavior of, animals for hunters on the ground.

Analysis

By statutory definition, unmanned aerial vehicles are considered aircraft, and are subject to the general "hunting with the aid of aircraft" prohibition. The broad text of the aircraft hunting prohibition means that UAVs effectively have no lawful role in assisting hunters while pursuing game in Wisconsin.

Examples of prohibited uses:

- Utilizing a weapon-equipped UAV to hunt
- Using any type of information, including digital signals, originating from a UAV (e.g. imaging-equipped) to assist with hunting, whether such signals are delivered via third-party or directly via electronic device
- Hunting animals that have been affected in any way (including grouped or driven) by the visual or auditory presence, or action of a UAV
- Searching for wounded/potentially downed game while hunting

B. FISHING

s. NR 20.05, Wis. Adm. Code.

General restrictions. *No person may do any of the following:*

(1) Fish by any means other than hook and line except as specifically authorized in this chapter or chs. NR 21, 22, 23, 24 and 25.

s. NR 20.06, Wis. Adm. Code.

Hook and line fishing. *No person may do any of the following:*

(10) Fish in open water with a free-floating, remote controlled or anchored buoyant device with attached hook and line that is not held or otherwise controlled by the angler with the use of a line connected to the device.

Analysis

Consistent with the department's position on remote-control boats, UAVs (as remotely controlled devices, wireless or tethered) are generally not an authorized method for fishing. The only exception to this is if the line to which the hook is attached is routed through the UAV and back to the operator, such that the angler can attend the line and immediately respond to indication of a bite.

C. TRAPPING

s. NR 19.25, Wis. Adm. Code.

Wild animal protection. *Unless engaged in dog training or dog trials as authorized by the department in s. NR 17.001 (3) and (5), or other activity specifically authorized by the department, a closed season is established and no person may harass, disturb, pursue, shoot, trap, catch, take, or kill protected wild animals by any means, except as described under s. NR 12.10 (1) (b) 4.*

Analysis

UAV use while trapping is generally unregulated, likely because UAVs theoretically provide little benefit to trapping activities. However, the general “wild animal protection” code provision would prevent a UAV from being used to harass or disturb animals in an attempt to drive them into traps. Additionally, an imaging-equipped UAV cannot be used to meet trap tending requirements, similar to the department’s position that current law does not permit remotely-viewed cameras to sufficiently meet these obligations.

D. WILDLIFE VIEWING

s. NR 19.25, Wis. Adm. Code.

Wild animal protection. *Unless engaged in dog training or dog trials as authorized by the department in s. NR 17.001 (3) and (5), or other activity specifically authorized by the department, a closed season is established and no person may harass, disturb, pursue, shoot, trap, catch, take, or kill protected wild animals by any means, except as described under s. NR 12.10 (1) (b) 4.*

Analysis

The use of an UAV for observing or photographing wildlife is somewhat restricted, because a UAV cannot harass or disturb the animals, in accordance with s. NR 19.25, Wis. Adm. Code. Wildlife enthusiasts must be particularly sensitive to the auditory and visual senses of species in the vicinity of UAV operations, as predator/prey behavior and territorial instincts frequently cue from visual observations and noises, including reflections and shadows, or sounds inaudible to humans.

Factors/situations where UAV use may rise to the level of “harass” or “disturb”:

- Using a UAV in a manner that disturbs an animal’s natural behavior, such as causing a bird to leave its nest or altering the path an animal travels because of the visual or auditory presence, or action of a UAV
- Interfering with migration or hibernation through the use or presence of a UAV
- Creating harassment zones through the use of an UAV to alter the natural presence or movement of animals, unless authorized by the department as a nuisance wildlife abatement measure

E. WDNR LANDS

s. NR 45.04(1)(c), Wis. Adm. Code.

(c) Flying related activities, including but not limited to, hang gliding, parasailing, hot air ballooning, land sailing, flying model airplanes or sky diving on state parks, state recreation areas, state natural areas, Kettle Moraine and Point Beach state forests and Lower Wisconsin state riverway shall be restricted to areas posted for their use.

Analysis

The use of UAVs is prohibited, except where posted for their use, at state parks, state recreation areas, state natural areas, Kettle Moraine and Point Beach state forests, and the Lower Wisconsin state riverway. UAV use is currently unregulated by NR 45 at state wildlife areas, other state forests, and additional DNR lands not otherwise included in s. NR45.04(1)(c), Wis. Adm. Code. For regulations on other government owned properties (local, county, state, federal), users will need to contact the appropriate supervising authority.

III. BACKGROUND

As UAV technology and prevalence continues to increase, existing legal frameworks will be challenged to assess, adapt, and integrate UAV regulation. Current Wisconsin law adequately addresses most proposed UAV uses within the conservation context, although constant innovation necessitates diligent intervention when new, unanticipated uses are proposed that challenge the biological, public safety, or fair chase principles upon which Wisconsin's conservation laws are based.

NOTE: Potential users are responsible for researching and adhering to all applicable laws affecting the deployment of UAV technology. This document presents an interpretive summary of certain Wisconsin natural resource laws applicable to UAV use; other sections of state and federal law, including FAA regulations, may impose additional controlling provisions.

IV. APPROVAL

Todd Schaller
Chief Warden - Bureau of Law Enforcement

V. REVISION HISTORY

4-1-15: Created

PROJECT UPDATE

Schulenburg Pool

Interior work continues. Installation of electrical, HVAC and interior finishes is on-going. Final exterior work will resume as soon as it is warm enough.

Alexander Park

Design work on the re-theming of Alexander Park into an airport style playground is being performed by Becher-Hoppe Associates. The neighborhood group is close to achieving their fundraising goal.

Comprehensive Outdoor Recreation Plan (C.O.R.P.)

The Wausau C.O.R.P. was approved by the Plan Commission in January and will be on the February 14th Council agenda.