

From: [Yach, James A - DNR](#)
To: [Paine, Jim](#); [Antonuk, Connie J - DNR](#); [Van Sickle, Jenny](#); [Hagen, Cherie L - DNR](#)
Cc: [Serck, Jason](#)
Subject: RE: Proposed Easement Requested for City of Superior Conservation Easement - Paine Property
Date: Monday, December 5, 2022 11:37:44 AM
Attachments: [image001.gif](#)
[image002.gif](#)
[image003.gif](#)
[image004.gif](#)
[image005.gif](#)
[image006.gif](#)

Mayor Paine,

The WDNR is planning to respond to the City of Superior the Paine families this week. One of the Department's attorneys is drafting the letter and is planning to send it to the attention of the City Attorney. Please let us know if you'd like it to go to your (Mayor's office) instead.

Thank you for reaching out to the WDNR and please let us know if you have any questions or concerns.

We are committed to service excellence.

Visit our survey at <http://dnr.wi.gov/customersurvey> to evaluate how I did.

James Yach

Secretary's Director- Northern Wisconsin
Wisconsin Department of Natural Resources
107 Sutliff Ave. Rhineland, WI 54501
Cell Phone: 608-218-0711
jamesa.yach@wisconsin.gov



dnr.wi.gov



From: Paine, Jim <painej@ci.superior.wi.us>
Sent: Monday, December 5, 2022 10:34 AM
To: Antonuk, Connie J - DNR <Connie.Antonuk@wisconsin.gov>; Van Sickle, Jenny <VanSicklej@ci.superior.wi.us>; Hagen, Cherie L - DNR <Cherie.Hagen@wisconsin.gov>
Cc: Serck, Jason <serckj@ci.superior.wi.us>; Yach, James A - DNR <JamesA.Yach@wisconsin.gov>
Subject: RE: Proposed Easement Requested for City of Superior Conservation Easement - Paine Property

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Do not click links or open attachments unless you recognize the sender and know the content is

safe.

Good morning everyone,

Just wanted to check and see if the group has made any progress on a response? If we even had a summary of the DNR's response it would help us organize anything we needed to do to fulfill any counter proposals you might have for us. As you can imagine, it's always best for us to get as much work as possible done early in December before the holidays slow everything down.

Thanks for all of your attention to this.

Jim Paine
Mayor
City of Superior

From: Antonuk, Connie J - DNR <Connie.Antonuk@wisconsin.gov>
Sent: Friday, November 18, 2022 8:46 AM
To: Van Sickle, Jenny <VanSicklej@ci.superior.wi.us>; Hagen, Cherie L - DNR <Cherie.Hagen@wisconsin.gov>
Cc: Serck, Jason <serckj@ci.superior.wi.us>; Paine, Jim <painej@ci.superior.wi.us>; Yach, James A - DNR <JamesA.Yach@wisconsin.gov>
Subject: RE: Proposed Easement Requested for City of Superior Conservation Easement - Paine Property

Hello Ms. Van Sickle:

My name is Connie Antonuk. I work at the Rhinelander DNR office with DNR's Northern Region Secretary Director James Yach. I just wanted to let you know that we are actively working on a response to your easement proposal. We hope to get that response to you very soon. Once we are prepared to respond, I believe that James Yach will be telephoning Jason Serck to discuss. I am sure James Yach would be willing to include you in the discussion as well. Please let me know if that is the case and I will let James know. Thank you for your inquiry and we are actively keeping this moving.

Connie Antonuk

From: Van Sickle, Jenny <VanSicklej@ci.superior.wi.us>
Sent: Wednesday, November 16, 2022 11:36 AM
To: Hagen, Cherie L - DNR <Cherie.Hagen@wisconsin.gov>
Cc: Serck, Jason <serckj@ci.superior.wi.us>; Paine, Jim <painej@ci.superior.wi.us>; Yach, James A - DNR <JamesA.Yach@wisconsin.gov>; Antonuk, Connie J - DNR <Connie.Antonuk@wisconsin.gov>
Subject: Re: Proposed Easement Requested for City of Superior Conservation Easement - Paine Property

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Thanks Cherie

Any news?

Jenny Van Sickle
907-738-2891
Superior City Council

Sent from my iPhone

On Oct 25, 2022, at 2:51 PM, Hagen, Cherie L - DNR <Cherie.Hagen@wisconsin.gov> wrote:

Hello Jenny – You're email note came in during our internal discussion that just finished up so apologize I didn't see it before we met today. We had a productive discussion and will be pulling some things together internally based on Mr. Paine's request. James Yach, our Northern Region Secretary Director, will reach out Jason in a few weeks. If there is someone else the City would like James to connect with please let us know. Thanks so much and glad we are taking steps forward.

Cherie Hagen
WI DNR Lake Superior Supervisor
715-416-4426

From: Van Sickle, Jenny <VanSicklej@ci.superior.wi.us>
Sent: Tuesday, October 25, 2022 2:35 PM
To: Hagen, Cherie L - DNR <Cherie.Hagen@wisconsin.gov>
Cc: Serck, Jason <serckj@ci.superior.wi.us>; Paine, Jim <painej@ci.superior.wi.us>
Subject: Re: Proposed Easement Requested for City of Superior Conservation Easement - Paine Property

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Hey Cherie! Thanks for the update. This sounds like good progress. Is there any chance the city could or should be a part of this meeting?

Jenny Van Sickle
907-738-2891
Superior City Council

Sent from my iPhone

On Oct 21, 2022, at 2:04 PM, Hagen, Cherie L - DNR
<Cherie.Hagen@wisconsin.gov> wrote:

Happy Friday Jenny – Perfect timing, I just checked in with our Real Estate program on status and we have an internal meeting next week to discuss. We should be reaching out soon after this discussion. Enjoy the beautiful fall weekend!

Cherie Hagen
WI DNR Lake Superior Supervisor
715-416-4426

From: Van Sickle, Jenny <VanSicklej@ci.superior.wi.us>
Sent: Friday, October 21, 2022 1:36 PM
To: Hagen, Cherie L - DNR <Cherie.Hagen@wisconsin.gov>
Cc: Serck, Jason <serckj@ci.superior.wi.us>; Paine, Jim <painej@ci.superior.wi.us>
Subject: Re: Proposed Easement Requested for City of Superior Conservation Easement - Paine Property

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Checking in—

Begin forwarded message:

From: "Hagen, Cherie L - DNR"
<Cherie.Hagen@wisconsin.gov>

Date: September 23, 2022 at
3:10:39 PM CDT

To: "Serck, Jason"

<serckj@ci.superior.wi.us>,

"Wolter, Peter B - DNR"

<Peter.Wolter@wisconsin.gov>,

"Flamang, Nicole M - DNR"

<nicolem.flamang@wisconsin.gov

>

Cc: "LaValley, Steven A - DNR"

<Steven.LaValley@wisconsin.gov>

, "Johnson, Mark"

<johnsonmark@ci.superior.wi.us>

, "Van Sickle, Jenny"

<VanSicklej@ci.superior.wi.us>,

"Becken, Stephanie"

<beckens@ci.superior.wi.us>

**Subject: Proposed Easement
Requested for City of Superior
Conservation Easement - Paine
Property**

<image001.jpg>

Thanks Jason -- I am also sharing with Peter Wolter and Nicole Flamang from our real estate program for review. Peter has some historical knowledge of this easement. The attached proposal from Fred will be helpful for our internal discussion. Since there is a significant decrease in the easement area, does the City have any ideas for other properties that could be protected with an easement as a result of the loss? I believe an original reason for the selection of this site for an easement was to protect the coastal wetland and nearshore areas that are important fisheries habitat so that is something we will consider when reviewing

Fred's request. We will be in touch after we've had a chance to discuss internally. Thanks again Jason and enjoy the fall weekend!

Cherie Hagen
WI DNR Lake Superior Supervisor
715-416-4426

-----Original Message-----

From: Serck, Jason
<serckj@ci.superior.wi.us>
Sent: Monday, September 19, 2022 2:51 PM
To: Hagen, Cherie L - DNR
<Cherie.Hagen@wisconsin.gov>
Cc: Flamang, Nicole M - DNR
<nicolem.flamang@wisconsin.gov>
>; LaValley, Steven A - DNR
<Steven.LaValley@wisconsin.gov>
; Johnson, Mark
<johnsonmark@ci.superior.wi.us>
; Van Sickle, Jenny
<VanSicklej@ci.superior.wi.us>;
Becken, Stephanie
<beckens@ci.superior.wi.us>
Subject: RE: City of Superior
Conservation Easement - Paine
Property

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Cherie...good afternoon.

I sat down with the land owners Fred Paine, Sr and Fred Paine Jr to discuss a potential area of the easement that they would be willing to work with the DNR on

for a revised future sanctuary site.
Attached is a very conceptual
idea the landowners had.

The original easement for the
most part, is the area that is
outlined in blue in the attached
map. The area that the Paine's
would like to have the DNR
consider for the new easement is
outlined in white on the map. It is
approximately 3.1 acres.

Again, this is very conceptual.
Please let me know if you have
any questions. Thanks for your
time!

Jason Serck
Economic Development, Planning
& Port Director City of Superior
1316 North 14th Street
Superior, WI 54880
715.395.7335
serckj@ci.superior.wi.us
www.ci.superior.wi.us

-----Original Message-----

From: Hagen, Cherie L - DNR
[<mailto:Cherie.Hagen@wisconsin.gov>]

Sent: Wednesday, September 7,
2022 6:15 AM

To: Serck, Jason

Cc: Flamang, Nicole M - DNR;
LaValley, Steven A - DNR; Johnson,
Mark; Van Sickle, Jenny; Becken,
Stephanie

Subject: Re: City of Superior
Conservation Easement - Paine
Property

Thank you for sharing Jason, we'll review. It would also be helpful if you could also please summarize the request from the City and landowner. Based on our conversation I think the property may not be in compliance with the easement and there is an interest in rectifying, but clarification would be great. Thanks so much!

Get Outlook for
iOS<https://secure-web.cisco.com/1YxZGj1paxU4JwdD_WkeX1Nkk84hZNp_VWw4_IM2ZKuWDpO21GWHS7kynCtSzZdOmMWyvssvDtcMTvOMZE2U4kUyJQrqm0rq4yjub-eq3Pxdd4AMyzov2kExUM2Aki-4iM7o_IQqb0e6Te8iP1B1JQf-t4KEPZGCV8fzoWxtJQwSLHFAKyfD93vcmFyJ0tMsit15xivzoL_l_v_4TQN3yW_h0ldpeCh3d2aXJCeAB5WaOZoSv0DcQ5qSLSr5AFw5STKA90UFEWle3e9OAuHmxflr3KKTyYs_t6f0K-AS1p6Sz9QQWEMUo7seahxKSPz9/https%3A%2F%2Faka.ms%2Fo0ukef>

From: Serck, Jason
<serckj@ci.superior.wi.us>
Sent: Tuesday, September 6, 2022
5:24:30 PM
To: Hagen, Cherie L - DNR
<Cherie.Hagen@wisconsin.gov>
Cc: Flamang, Nicole M - DNR
<nicolem.flamang@wisconsin.gov>
>; LaValley, Steven A - DNR
<Steven.LaValley@wisconsin.gov>
; Johnson, Mark
<johnsonmark@ci.superior.wi.us>
; Van Sickle, Jenny

<VanSicklej@ci.superior.wi.us>;

Becken, Stephanie

<beckens@ci.superior.wi.us>

Subject: RE: City of Superior
Conservation Easement - Paine
Property

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from outside the organization.
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attachments unless you recognize
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is safe.

Cherie....good afternoon...I am
attaching information related to
the limited development
easement that was enacted in
March of 1989. In addition, I am
attaching a map of the area in
question along with ownership
information.

As for a name, I have not run
across one but it does reference
in the easement the Barker's
Island Bird Sanctuary.

Section 16; Township Forty-Nine
(49) North; Range Fourteen(14)
West

Please let me know if you have
any questions. Thanks!

Jason Serck

Economic Development, Planning
& Port Director

City of Superior

1316 North 14th Street

Superior, WI 54880

715.395.7335

serckj@ci.superior.wi.us<<mailto:serckj@ci.superior.wi.us>>

www.ci.superior.wi.us<<http://www.ci.superior.wi.us>>

From: Hagen, Cherie L - DNR
[<mailto:Cherie.Hagen@wisconsin.gov>]

Sent: Tuesday, August 30, 2022
3:28 PM

To: Van Sickle, Jenny; Serck, Jason

Cc: Flamang, Nicole M - DNR;

LaValley, Steven A - DNR

Subject: City of Superior

Conservation Easement - Paine
Property

Hello Jenny and Jason – I was able to connect via email and voicemail with Nicole Flamang from Real Estate to provide more direction on next steps. If the City could please gather the information below that would be wonderful

and also a brief summary of the concerns or request you have. Also copied Steve LaValley who has some historical knowledge of property. Since many of us don't have the history it will be helpful to review this information in advance so we have a bit of background before we meet to discuss. Thanks so much!

- * Provide copy of conservation easement. Most conservation easements are perpetual and run with the lands, each of restrictions and reservations. It's really hard to tell without having a copy of the actual easement to reference. The easement should have shown up on the buyers title search.

- * Section, Township and Range location of this easement. Is there a name of the Lake Superior Wildlife or Fisheries area in question? Originally this easement was linked to the Barker's Island Bird Sanctuary, not sure if the property in question has a name.

- * Confirm current property owner is Thomas Paine. I think property was originally the City's but it was sold to Thomas, but I'm not sure.

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<http://dnr.wi.gov/customersurvey>

to evaluate how I did.

Cherie Hagen

Lake Superior Supervisor – Office
of Great Waters, Environmental
Management Division Wisconsin
Department of Natural Resources
Cell Phone: 715-416-4426

Cherie.Hagen@wisconsin.gov<
<mailto:Cherie.Hagen@wisconsin.gov>
>

[[cid:image001.png@01D8C212.AC
E26E30](#)]<<http://dnr.wi.gov/>>

dnr.wi.gov

[[cid:image002.png@01D8C212.AC
E26E30](#)]

<<http://facebook.com/WIDNR>>

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E26E30](#)] <[https://secure-
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%2Ftwitter.com%2FDNR)>

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<[http://www.youtube.com/user/
WIDNRTV](http://www.youtube.com/user/
WIDNRTV)>

[[cid:image006.png@01D8C212.A
CE26E30](#)]

<https://public.govdelivery.com/accounts/WIDNR/subscriber/new>

From: Van Sickle, Jenny
<VanSicklej@ci.superior.wi.us>
Sent: Tuesday, August 30, 2022
9:20 AM
To: Serck, Jason
<serckj@ci.superior.wi.us>
Cc: Johnson, Mark
<johnsonmark@ci.superior.wi.us>
; Becken, Stephanie
<beckens@ci.superior.wi.us>;
Hagen, Cherie L - DNR
<Cherie.Hagen@wisconsin.gov>
Subject: Fwd: DNR

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from outside the organization.
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the sender and know the content
is safe.

Morning Jason ☀️

Should we think about a meeting
of the minds...end of Sept?

Jenny Van Sickle

907-738-2891

Superior City Council

Sent from my iPhone

Begin forwarded message:

From: Thomas Paine
<thomaspaine90@gmail.com<<mailto:thomaspaine90@gmail.com>>>
Date: August 30, 2022 at 6:43:41 AM CDT
To: "Van Sickle, Jenny"
<VanSicklej@ci.superior.wi.us<<mailto:VanSicklej@ci.superior.wi.us>>
>
Cc: Dad
<painefred@gmail.com<<mailto:painefred@gmail.com>>>
Subject: Re: DNR

Hi Jenny,

The registrar of Deeds at the courthouse will have all the paperwork with the purchase of the property. Years ago I went in and had to use their computers to look the documents up. I am out of town for a few weeks so I am not able to assist. We have letters at the office in Superior from the DNR but they are more recent and not helpful. I don't believe we were ever given notice of the bird sanctuary being moved to our land.

There is not a sunken ship in front of the house, that is a barge used as a dock.

As far as the land trade vs sale I

will have to get clarification from my dad, my only thought is maybe the registrar has something in writing based on the sale of the land he purchased from the city.

Thanks for your continued help with this.

Thomas Paine

On Fri, Aug 26, 2022 at 5:22 PM
Van Sickle, Jenny
<VanSicklej@ci.superior.wi.us<<mailto:VanSicklej@ci.superior.wi.us>>
> wrote:

So I had a meeting with Cherie Hagan w/ the DNR about the 'conservation easement'

This is going to be a tough untangle, but we can handle it.

First things first: we need to collect as much documentation on the property as possible. Any letters, deeds, emails notices etc from the city or DNR (especially to identify names and departments of folks that are in the loop and can help.)

Cherie Hagan is going to reach out to our local DNR guy Steve Lavelle in hopes that he has some historical context of this easement. As well as DNRs real estate branch to start sorting out the options

Reduce the footprint of the easement,

trade it for a different parcel within the city etc

As best I understand it, fred sold or traded the property near barkers island?

Fred purchased the lot he's on now, or received it in trade?

Also, is there some kind of sunken ship on the shoreline over there?

Thank for helping me get to the bottom of this— we'll get there

Jenny Van Sickle

907-738-2891

Superior City Council

Sent from my iPhone

On Aug 22, 2022, at 10:12 PM,
Thomas Paine
<thomaspaine90@gmail.com<<mailto:thomaspaine90@gmail.com>>>
wrote:

Jenny thank you for coming! Sorry
we missed you at the party.

I'll make sure my dad sees this, if
you need anything from us let us
know we will be all hands on
deck!

Regards,

Thomas Paine

218-428-1863

Sent from my iPhone

On Aug 22, 2022, at 9:03 PM, Van
Sickle, Jenny
<VanSicklej@ci.superior.wi.us<<mailto:VanSicklej@ci.superior.wi.us>>
> wrote:

Hi, Fred

Good to see you on Friday. What
a beautiful couple & wedding!

Just keeping you in the loop, email below

<image0.jpeg>

Begin forwarded message:

From: "Van Sickle, Jenny"
<VanSicklej@ci.superior.wi.us<<mailto:VanSicklej@ci.superior.wi.us>>
>
Date: August 21, 2022 at 10:53:29 AM CDT
Subject: miigwech

Cherie:

First, I just wanted to say how much I appreciated getting to meet you on Friday and to see such strong support from DNR folks at the land transfer event. I was also hoping to quick check in with you regarding a more local issue one of our residents is trying to clear up in Billings Park and this bird sanctuary.

Any chance you might have a few minutes in the next couple weeks?

Thank you!

Sent from my iPhone
<image001.jpg>