

From: Joe S <joe.d.schubert@gmail.com>
Sent: Wednesday, May 8, 2024 5:30 PM
To: Park Commission <pacommission@cityofmadison.com>
Subject: Need for more clarity on olbrich north parcel

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Hi Board of Parks Commissioners!

As your prepare to vote on the olbrich north parcel tonight, I want to reiterate how I think more time and clarity are needed. I understand some parking may be needed, but I believe we need better clarity around this. Here are some more examples:

1) whether the parking is for Garver Feedmill is unclear:

- At ~52:35 minutes into the public input meeting on 12/7, Mike from the parks department said "the proposed parking is not directly to serve the Garver Feed Mill",
- In a follow up email, the parks department clarified they did consider Garver
- since then, there's has been continued ambiguity around this.
- to be clear, I love Garver! I just believe there should be clarity on this, from the parks department

2) the parks department's top priority for new amenities at the park (besides brownfield remediation) is unclear:

- at the SASY neighborhood meeting, Eric Knepp said that the parking lot was their number 1 priority
- parks later clarified that giving olbrich more storage, so they could free up a few parking spaces, was their first priority after brownfield remediation

3) lack of clarity on what analysis was done, to determine this parking lot makes sense

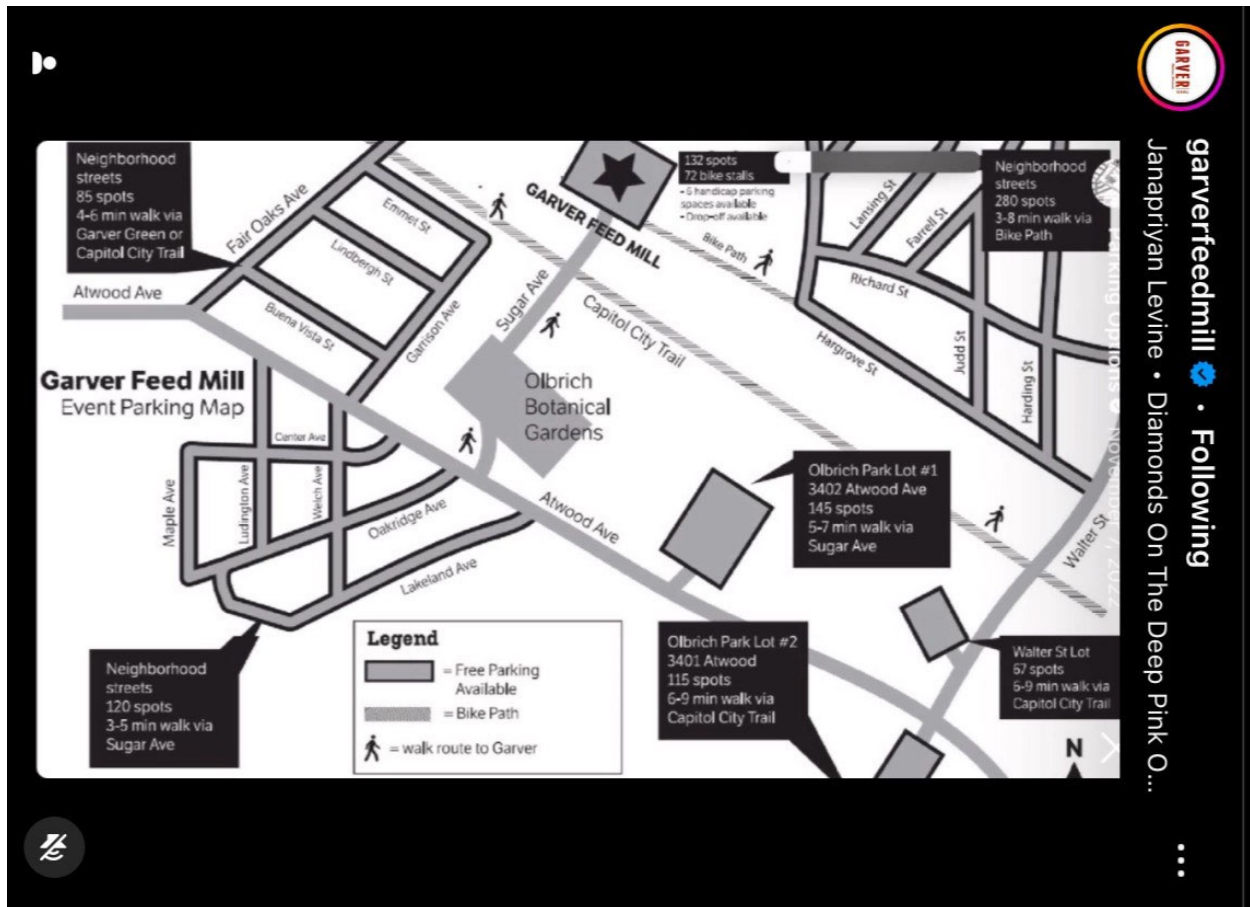
- multiple people have asked about this, with no clear answer
- we should have transparency and clarity here, for such a large expense.
- see attached image for a good resource on how we already have almost 1,000 parking spots in this area of olbrich alone

4) there is strong inconsistency with the parks department's decision to convert the playground at olbrich park to a nature play area:

- some reasons why the parks department switched from a playground to a nature play area: financial costs, environmental costs, there are other parks within walking distance, progressive cities are moving away from traditional playgrounds
- some negative trade offs with a parking lot: financial costs, environmental costs, there are parking lots and street parking in walking distance, progressive city policies are moving away from parking-centric design in many cases

Thanks for considering these points!

- Joe



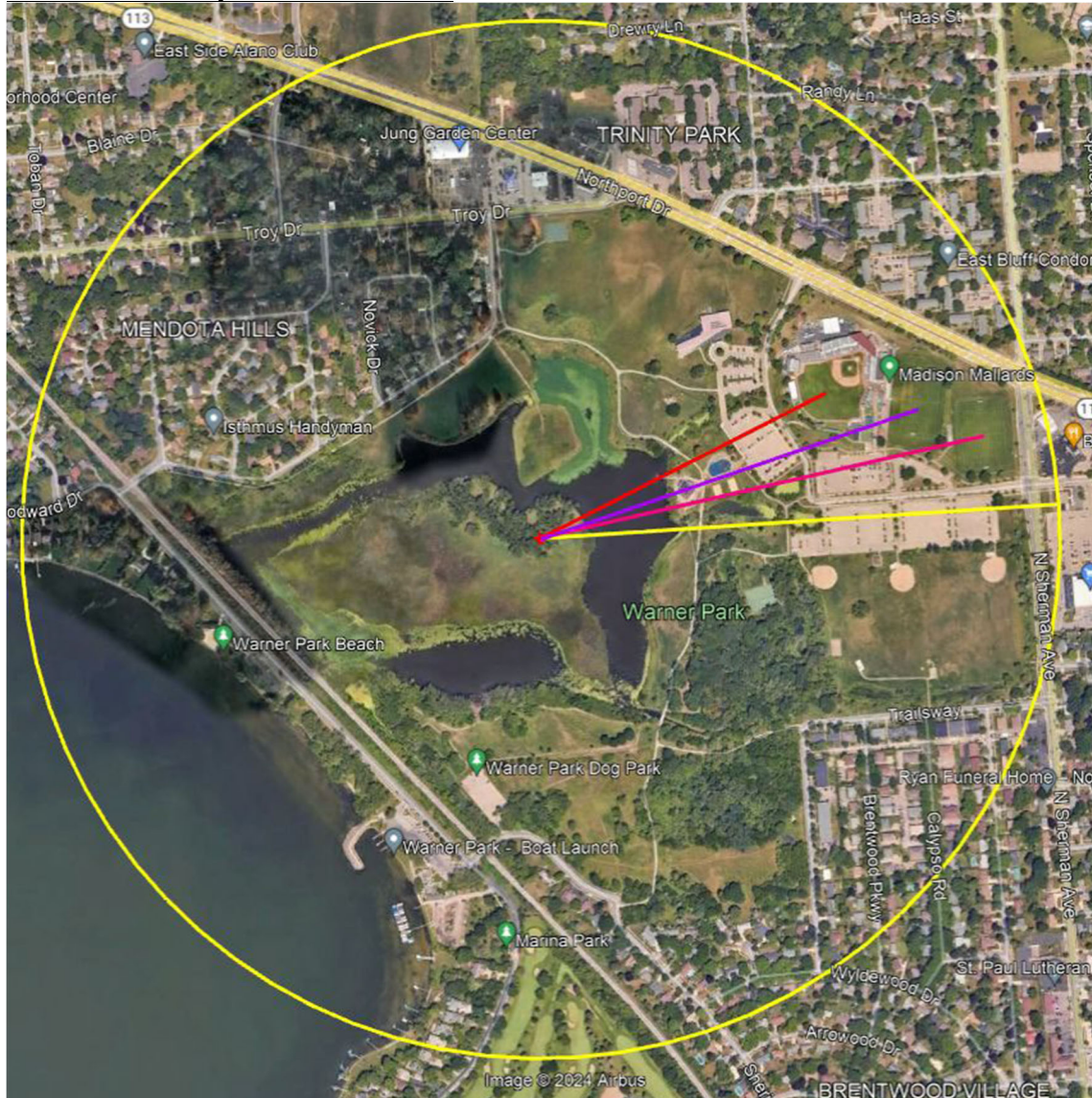
From: dakester@sbcglobal.net <dakester@sbcglobal.net>
Sent: Wednesday, May 8, 2024 6:06 PM
To: Park Commission <pacommission@cityofmadison.com>
Cc: Knepp, Eric <EKnepp@cityofmadison.com>
Subject: FW: Meeting May 8, 2024 Agenda Item #15 fireworks and eaglets at Warner Park

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From: dakester@sbcglobal.net <dakester@sbcglobal.net>
Sent: Wednesday, May 8, 2024 6:01 PM
To: PACommission@cityofmadison.com.
Cc: 'ERIC KNEPP' <eknepp@cityofmadison.com>
Subject: RE: Meeting May 8, 2024 Agenda Item #15 fireworks and eaglets at Warner Park

Map of distances

Warner Park Eagle Nest Distance Relationships
Red Line Eagle Nest to Mallard Stadium equals 1600 Feet or 0.30 Mile
Purple Line Eagle Nest to First Football Field equals 2000 Feet or 0.38 Mile
Pink Line Eagle Nest to Second Football Field equals 2300 Feet or 0.43 Mile
Yellow Line-Circle Eagle Nest to Circle Line equals 2640 Feet or 1/2 Mile - Radius



From: dakester@sbcglobal.net <dakester@sbcglobal.net>

Sent: Wednesday, May 8, 2024 5:09 PM

To: 'PACommission@cityofmadison.com.' <PACommission@cityofmadison.com.>

Cc: 'ERIC KNEPP (eknepp@cityofmadison.com)' <eknepp@cityofmadison.com>

Subject: FW: Meeting May 8, 2024 Agenda Item #15 fireworks and eaglets at Warner Park

Greetings Park Commissioners:

I am writing to bring your attention to a matter in regard to the proposed reconsideration of the Commission's previous decision that fireworks could be held at the first women's softball game in Warner Park Stadium scheduled for June 28, 2024.

The purpose of this reconsideration is the concern that fireworks on this date could cause distress, harm, or death to the three eaglets nesting with their parents on the island in the Warner lagoon if they have not matured enough by that date to fully fledge and leave the safety of the nest without risk of harm or death.

Proposed language for reconsideration review at this meeting on May 8, 2024, designates "park rangers" as the final decision makers for whether any of the three eaglets would be placed in jeopardy if this fireworks event were held at that time rather than in August.

It is clear that legally, the safety of bald eagles (*Haliaeetus leucocephalus*) is protected by the Bald and Golden Eagle Protection Act (hereafter, the Eagle Act) and the Migratory Bird Treaty Act (MBTA). In 2007 the U.S. Fish and Wildlife Service (Service) developed National Bald Eagle Management Guidelines to advise the public when and under what circumstances the protective provisions of the Eagle Act may apply to their activities. Fireworks fall under Category H of these Guidelines, which states as follows:

"Category H. Blasting and other loud, intermittent noises. Avoid blasting and other activities that produce extremely loud noises within 1/2 mile of active nests...." Page 14.]Emphasis supplied.]

Commissioners, I would draw your attention to two relevant facts.

- 1. The eagle nest at Warner Park is not half a mile (2640 feet) from any proposed fireworks. The nest is approximately 1600 feet from the Mallards stadium. Even the Warner Park football fields at the corner of Northport Drive and Sherman Avenue are not half a mile from the eagle nest. To be half a mile from the eagle nest, the fireworks would**

have to be launched from the Northside Town Center shopping center area—private property not within Warner Park.

- 2. The City of Madison Parks Department, of which the Parks Commission is a derivative, has zero legal authority to make determinations about eagle safety under the Eagle Act or the Guidelines. The Parks Rangers have the same amount of legal authority to make such a determination; that is, zero authority.**

It is to the Parks Department's advantage to use caution in using the Parks Commission to authorize the Parks Rangers to make any decision about eagle safety in regard to planned 2024 fireworks. They can confer no more authority than they legally have to make such a decision; which is no authority.

Many members of the public are interested in the safety of these eaglets. I would encourage the Parks Commission to exercise caution in considering a fireworks show on a date which might compromise the safety of this year's eaglets.

I hope this is helpful.

**Dolores Kester, Attorney Emeritus
State Bar of Wisconsin
1818 Winchester Street, Madison**
