

**Cana Island and Cana Island Lighthouse**  
Situation Assessment and Recommendations

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# **Cana Island Situation Assessment and Recommendations**

## **I. INTRODUCTION**

For more than 150 years small tracts of land along the Great Lakes have been withdrawn from the public domain to use as sites for life saving stations, lighthouses and navigational aids. During the past 20 years, the U.S. Coast Guard (USCG) has decided that the lands and many of the facilities are “excess to its needs” and have relinquished the properties to the Bureau of Land Management (BLM), Eastern States Office, for disposition.

Once the USCG declares the lands excess, BLM determines whether the property has changed substantially in character and if it can be returned to the operation of the public land laws. One of these properties, Cana Island in Door County, Wisconsin, is subject to a land use dispute resulting from recent increased tourism at the site.

A not-for-profit group, the Door County Maritime Museum (DCMM) operates Cana Island Lighthouse as a historic site under license from the USCG. Door County Parks and Recreation Department (DCP) filed an application with the BLM for the property under the Recreation and Public Purposes (R&PP) Act of 1926, as amended. In its application, DCP states that it would use the island as a county park with the emphasis and most of the management going to DCMM to develop the lighthouse as a historic facility. The county and museum anticipate entering into a no-cost long-term lease if Door County takes over ownership of the land.

BLM prepared a land-use plan, approved in March 2001, to authorize transfer of Cana Island, subject to an environmental analysis of site-specific impacts. During the development of the plan, local residents argued that operation of the facility had increased traffic beyond the capacity of the neighborhood road. Landowners complained that the operation has detrimentally changed the neighborhood by increasing noise levels and trash in what was once a quiet area along Lake Michigan. Others argued that increased visitation had not damaged the area, and even if it had, the “greater good” was being served by restoring an important and scenic treasure. BLM concluded that its “planning process revealed credible evidence that parking and other issues were relevant.”

In September 2001, BLM met with the officials of the county and DCMM to discuss the management and development plan that is required to complete the county’s R&PP application. BLM advised the county that while the plan was essentially sufficient, the fact that it was developed without public involvement meant that some local residents would likely appeal any BLM decision to the Department of Interior’s Board of Land Appeals (IBLA). BLM indicated that it would likely take two to three years for an appeal to be resolved.

The BLM is interested in finding ways to work with the various stakeholders involved in these issues in seeking a mutually agreed upon solution through a collaborative decision-making process. In October 2001, the BLM contacted the U. S. Institute for Environmental Conflict

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Resolution (“U.S. Institute”)<sup>1</sup> to discuss issues related to management of Cana Island and the Cana Island lighthouse.

The U. S. Institute agreed to conduct a situation assessment to identify key stakeholders and their interests, and to outline areas of agreement and potential controversy. The goal of the assessment was to find out about all the different perspectives of people involved in the issues and recommend whether, and/or how, a conflict resolution process might proceed.

To conduct the assessment, the U.S. Institute selected Aimee Gourlay, a professional mediator, from its national roster of Environmental Conflict Resolution and Consensus Building Professionals. Ms. Gourlay is Executive Director and CEO of the Mediation Center for Dispute Resolution (St. Paul, MN), in affiliation with Hamline University Law and Graduate Schools. Ms. Gourlay is experienced in conflict assessment, and also with facilitation and mediation of large group environmental conflict resolution processes.

The assessor’s role is to work on behalf of all the stakeholders in summarizing the diverse array of perspectives on issues related to the case. An attempt was therefore made to speak to all of the key parties with an interest in issues related to Cana Island. Questions for the assessment (attached) were developed with input from representatives from the U.S. Institute, BLM, Cana Island neighborhood, and Door County who are familiar with the Cana Island lighthouse issues. Comments obtained during the interviews were recorded and they have been incorporated into this report. However, all interviews were conducted confidentially, and no comment in the report is attributed to a specific individual.

This draft report was compiled from the assessor’s telephone interviews with twenty-one individuals representing federal, state, county, and town government agencies, current and former neighbors of Cana Island, local business representatives, and staff of the Door County Maritime Museum. The report focuses on environmental management issues related to Cana Island and the Cana Island lighthouse. Other relevant issues and concerns raised during these interviews are also noted in the report.

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<sup>1</sup> The U.S. Institute is a federal program established by the U.S. Congress to assist parties in resolving environmental, natural resource, and public lands conflicts. The Institute is part of the Morris K. Udall Foundation, an independent federal agency of the executive branch overseen by a board of trustees appointed by the President. The Institute serves as an impartial, nonpartisan institution, providing professional expertise, services and resources to all parties involved in disputes, regardless of who initiates or pays for assistance. The Institute helps parties determine whether collaborative problem solving is appropriate for specific environmental conflicts, how and when to bring all parties to the table, and whether a third-party facilitator or mediator might be helpful in assisting the parties in their efforts to reach consensus or resolve the conflict. For further information on the U.S. Institute, see [www.ecr.gov](http://www.ecr.gov).

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### **II. INTERVIEW SUMMARY: EVOLUTION OF THE CONFLICT**

Traffic on Cana Island Road has increased over time since before there was a public road to the sight. The increased traffic flow is due to construction of homes on the road leading to the lighthouse, growing public interest in lighthouses and increased publicity about the beauty of the Cana Island lighthouse, as well as road improvements made in the 1960's (widening and paving) and lower water levels in the past decade. One interviewee pointed out that “every year has seen more interest in the lighthouse and more private development,” and that “articles in local and national publications have been lightning rods for those of us who would just as soon enjoy our home towns without all the traffic and tourism .” While there was general agreement that the traffic has increased, interviewees offered varied perceptions about the number of cars and visitors to the Cana Island. All interviewees agreed, however, that there is a “peak” season in the summer months during which the road is very busy with tourist traffic.

In the 1990s, the U.S. Coast Guard decided that Cana Island, and the lighthouse located on the island, was “excess to its needs.” The property was relinquished to BLM for disposition. BLM determined that state or local government could apply for management of the property. The property continues to be under the U.S. Coast Guard’s jurisdiction. When BLM transfers the property to another entity (or decides to manage the property itself), the Coast Guard will be relieved of its management responsibilities.

As the area around Cana Island became more developed, there was no attempt at community planning or visioning about how the Cana Island fits into the community. One interviewee explained that it was believed in the community that the federal government would continue to own the island, and therefore nobody paid much attention to it. The local community first raised concerns about the impact from the increasing number of visitors to the Island in the early 1990s.

In 1994 Wisconsin Department of Natural Resources (“DNR”) worked with the Nature Conservancy to create a state natural area, “Bailey’s Harbor Boreal Forest and Wetland State Natural Area,” (initially called the “Cana Island Coastal Wetland”) to preserve Cana Island and nearby property. Local property owners were concerned that the designation would decrease land values, create restraints on land use, and increase the number of people visiting the area. A group of local property owners, the Cana Island Association, engaged the DNR in private discussions and attended public meetings about the management of Cana Island. The DNR removed Cana Island and the residents’ property from its list of state natural areas. There is disagreement as to whether the property owners wanted removal of the island and their property to occur. The DNR said that protection of Cana Island was a very minor goal of the original concept, and that the idea was dropped because of citizen comments and concerns during the planning process. Some citizens said that the DNR removed Cana Island and neighboring properties.

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<sup>2</sup>It is important to note that another site, the former Spikehorn campground, is also the subject of controversy in the Cana Island neighborhood. The DNR purchased the campground, which contains a boreal forest, from a private landowner, and intends to sell the developed portions of the site, including a house and the campground area. At the request of previous property owners and some local residents, the Natural Area’s original project boundary was modified to exclude some of these developed portions of the

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The motion to adopt the state natural area, excluding the island and residents' property, was amended to say that the DNR would "continue to work with Cana Island Association . . . to respect (their) concerns for privacy and property values" in management and implementation of the state natural area.

*The DNR originally applied for ownership of Cana Island. The DNR subsequently decided that it was not in a position to manage the island or work effectively through issues with the neighbors and thus withdrew its application to the BLM for ownership of Cana Island in the mid 1990s. Neighbors perceived the DNR's decision as a disregard for the pristine area the Department wanted to protect, and a violation of their statement to work with the neighbors. Door County applied to own the Island after the DNR withdrew.*

Neighbors of Cana Island said that they had not seen Door County's application to own the Island, even though they had requested a copy. They believed that the County's plan for managing traffic outlined in the application documents would not address their concerns. Some neighbors expressed concerns that the County planned to purchase property in their community for a parking lot. They also indicated a general concern that the County would take actions without informing them or seeking their input. Community members believed that the County had already tried to purchase property on or near Canal Island Road. A County staff member said that the land near Cana Island had been zoned agricultural or residential, and a parking lot could not be built there because this would not comply with the current land use plan. Another County staff member said that "the question of a parking lot could be addressed under certain limitations if it is tied to a County Park."

Neighbors also raised concerns that operation as a County Park would increase the use of the Island. Since visitors generally tend to look at the lighthouse and leave, neighbors believed that a County Park might mean visitors stayed for picnics and other recreation activities that increased their time on the island and thus increased the parking/traffic problems. They also indicated concerns that County Parks were open for longer hours than the lighthouse's current hours of operation.

Those interviewed from the County said that some of the neighbors' concerns were valid: there had been an increase in development and tourism, and parking was indeed a problem. However, County representatives indicated that they were confident that they could address the parking

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property. The agreement between the private landowner and DNR was that developed areas of the property would be returned to private ownership. The DNR said that only a small portion of the "campground" property will be disposed of. Options other than an outright sale are being considered by the DNR (such as trade for property within our project boundary). Only those parcels outside of the Natural Area's formal project boundary are being considered for disposal. Neighbors are concerned about the intended use for the area (that it will become a public beach or parking lot), perceived delays in selling the developed portions, and the potential for the property to attract more tourist traffic. Door County issued a critical news release about the DNR's handling of the sale of the property in March 2002. One person commented on the first draft of this report that "the Spikehorn property is not relevant to the discussion of Cana Island .... these issues should be kept separate." Another said that "this issue will definitely come up" during any conflict resolution process.

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problem after the County owned the land; they were already reviewing alternatives. Neighbors pointed out that addressing the parking problem after transfer of the property to Door County would be in contradiction to BLM's management plan which states that this must be done before the land is turned over. Interviewees from the County also stated that some of the options that neighbors had proposed to solve the problem were too costly or inappropriately limited public access. One County official said that "the people on Cana Island Road should be involved in the outcome."

There was disagreement among the interviewees over the appropriate amount of public access to the Island, and over the impact that visitors had on nearby properties. Some believed that those who had purchased property along the road to the Island knew or should have expected that there would be traffic from people visiting the lighthouse, and that it is unreasonable for them to ask for traffic to be curtailed on a public road. Neighbors who said they had heard this statement from officials at public meetings, felt like their legitimate concerns had been ignored and they had been told they would "just have to live with it." They pointed out that traffic levels had been much lower when many of them purchased their homes near the lighthouse. There was also the perception from an interviewee that property owners in the Cana Island neighborhood have a sense of "entitlement" to enjoy the public lands and exclude others. One person who was not directly involved in the situation thought that there was "stubbornness on both sides . . . one side [feels] that the island should be open to the public and won't accept any restrictions, and the other side won't accept any practical option that allows public access."

After the visitor traffic related issues were raised in the community, a local community member, with the help of a neutral third party, organized a conflict resolution process to decide how to address the concerns of neighbors of the lighthouse. The first meeting was on October 10, 1998, and there were five or six meetings that occurred every few months after that. These discussions ultimately did not result in a joint decision. Most interviewees indicated that this process was a positive step. However, there was some concern that the convenor, while having the highest intentions, was not perceived as neutral by all of the stakeholders. Other interviewees offered the view that the process stalled because some individuals were not interested in making any concessions. Some cited the fact that the people attending the meetings kept changing, showing no real commitment. This experience resulted in many of the stakeholders feeling frustrated. Many people mentioned individuals who refused to be flexible and commented on the antagonistic relationships that had developed during the process.

After the conflict resolution process ended, some neighbors continued to contact government officials to discuss their concerns. No other large group dispute resolution processes were attempted. Interviewees from all perspectives said that they were willing to try to work something out in a dispute resolution process, but did not trust others' willingness to find middle ground. There was almost universal agreement that the last conflict resolution process took too long.

Some interviewees indicated that a potential alternative course of action (to the BLM appeals process) was to attempt to transfer the property through federal legislation, and that preliminary discussions with federal legislators had occurred. One interviewee believed that this approach would reduce the degree of local control over the management and development plan, would

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likely take substantial time and resources, and could lead to more polarization in the community.

### **III. KEY ISSUES RELATED TO CANA ISLAND**

Listed below are the issues related to the transfer of ownership of Cana Island.

#### **A. Infrastructure: Managing the Impact Increased Tourism and Development**

There is general agreement that the infrastructure-related issues (traffic, parking, trash) have increased over the years as the Cana Island Lighthouse has become a popular tourist attraction and development in the area has occurred. The increase in traffic also generates complaints from the local property owners about speeding and trespassing, as well as questions about whether emergency vehicles can access their homes or the lighthouse if necessary. Neighbors are concerned about protection of their privacy and property values. Interviewees also agreed that the level of visitors would not decline (and some believed it would increase) regardless of which governmental body owns the island. This issue is made more challenging by the geography of the area, since there is no remaining space for road improvements or for adding new access points to the lighthouse. The road is on the only high land that leads to the island.

#### **B. Impact of Designation as a County Park**

There is a wide divergence of perspectives on whether and to what extent designation as a County Park will impact the Island. Some believe that conditions will change very little from the way the Island and lighthouse are currently managed. Others believe that visitors will use the island as they do other County Parks, staying on the island longer, bringing picnics, and pursuing other recreational interests. In addition, there is concern among the neighbors that the hours the island is officially open to the public will increase if the island becomes a County Park. Neighbors are concerned that a County Park will place further pressures on existing infrastructures.

#### **C. Clarify Maintenance of Cana Island and the Lighthouse**

Some interviewees mentioned that the increasing number of people visiting Cana Island is negatively impacting the Island. Those concerned cited examples of the island looking “trampled, with paths being created in the vegetation.” There is also considerable maintenance work that needs to occur on the lighthouse. The lighthouse is in need of a new roof, and there may be other environmental issues on the island (lead paint, kerosene contamination, contamination from leaking oil tanks). One interviewee suggested that this current period of uncertainty has made it difficult for DCMM to do more than general upkeep of the lighthouse. Another commented that DCMM is focusing its efforts and finances on the museum in Sturgeon Bay and is not interested in investing resources in Cana Island. While Door County and DCMM

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indicate their intention to partner if the island becomes a County park, there are different perceptions about whether their agreement is a completed deal or open to further negotiations. Another (unlikely) possibility is that another bidder will approach Door County to participate in managing the Island. Many interviewees identified the need for clarity and information sharing about DCMM's role.

There was also general agreement on the need for a plan to address maintenance issues. Maintenance work has been deferred pending the resolution of the property transfer, and these immediate maintenance needs increase the time sensitivity for resolving the issues. Obtaining clarity on parties' roles and the process for ensuring maintenance and environmental issues are addressed may occur during mediation. The BLM said that it should be noted that decisions about maintenance of the island and lighthouse are not at issue here. BLM will need to have all pertinent economic and management information available from the DCMM for when they prepare the environmental assessment.

### **D. Implementation Plan**

Interviewees disagreed about the roles and responsibilities of the various government agencies in implementing a management plan, and there was no clear agreement about how to ensure accountability. Interviewees mentioned the need not only to clarify how to address issues on the Island, but also to determine who will be responsible for implementation and how a group of interested stakeholders might participate and contribute on an ongoing basis. Many opinions were offered about the long-term vision for Cana Island and the lighthouse. It is outside the scope of this assessment to address this issue in depth. The mediation process may include discussion over creating a framework for a community planning process to address this issue.



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### **IV. RECOMMENDATIONS**

Previous discussions aimed at resolving Cana Island issues left most stakeholders feeling frustrated. Interviewees that participated in previous attempts praised these efforts; however they felt that others had prevented them from moving forward. They expressed distrust and uncertainty over others' willingness to listen to different points of view and seek common ground. However, there was general agreement that not addressing these issues would result in more years of conflict and inaction. For this reason, interviewees indicated that they were willing to participate in a conflict resolution process.

Based on the assessment interviews, it is the opinion of the assessor that mediation is the most appropriate process. Mediation can assist the parties in understanding each other's perspectives and in finding a resolution that everyone can live with.

Mediation is a formal process of facilitated negotiation. The parties voluntarily enter into the process and maintain all decision-making authority. There is a formal Agreement to Mediate that identifies those who will participate in the process, ground rules, issues for discussion and other procedural concerns. The formalization of the process may help allay concerns raised by some of the interviewees about different people coming to every meeting. Entering into formal mediation is also an indication from participants that they take it seriously and truly want to work out a solution, thus addressing concerns that some individuals are not interested finding common ground.

Many interviewees shared the perception that when they met to resolve issues they often reverted "back to square one." Several stated that they did not want to start over and that they did not want to rehash old ground in the same manner as before. One interviewee said that others needed to "let go of history;" another said that "people know what's going on . . . the problem is that there are no real, concrete solutions being developed."

The use of mediation focuses the parties on what needs must be met in the future for everyone to be satisfied. At the core of the mediation process is the concept that those involved in the process know best what they can accept. The mediator will not tell the parties what to do and will not suggest or force a particular viewpoint or decision. The mediator's role is to help participants look forward and overcome barriers, such as those presented by intense emotions, lack of information, inability to communicate, stressful relationships or simple unwillingness to work together.

The past is important in a mediation process in that it informs participants' perspectives about the future. But the participants will not focus on reaching agreement about what happened in the past. The parties will have to reach agreements as a group about the process, even if it has been done before. The group may decide on a different approach to decision making or ground rules than has been used in the past.

One interviewee felt strongly that the participants in a negotiation should not meet in the same room together because they engage in unhealthy conflict that undermines the process. Many

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interviewees did not see validity in others' perspectives, instead viewing others as unreasonable. The process of mediation allows for the option of "caucuses" in which the mediator or participants decide that it is productive to meet in private "stakeholder groups" with the mediator. The caucus approach helps parties to develop and assess proposals, decide how to communicate needs effectively, decide whether to accept an option, and discuss the realistic best- and worst-case scenarios. This mediation tool may help participants to think more reflectively about the decisions they are negotiating.

Some interviewees said that past attempts at conflict resolution had been "all over the board." The group did not focus on specific issues or options to address a single issue. Mediation can focus the parties on a limited number of issues that relate to the transfer of ownership of Cana Island; these issues will of course be defined and agreed upon by the participants. Focusing energy and discussion will allow participants to feel progress and reduce the potential for frustration.

It is important to emphasize that the mediation process cannot usurp the power of elected officials or government laws and procedures. The County Board will have to vote on any recommendations proposed through mediation. Local zoning laws and other regulations will need to be considered. Proposed actions will have to comply with BLM and other agency standards. The process should therefore be designed to create the highest likelihood that the recommendations will be acceptable by the County Board and will conform to agency regulations. All interested stakeholders will be encouraged to participate in the process, including representatives from the County Board and from relevant state and federal agencies.

The proposed framework for beginning mediated discussions is for stakeholders who are involved in the mediation process to make a recommendation to the Door County Board about how to address the issues raised by the proposed land transfer. The stakeholders will be responsible for formulating a recommendation that has the support of the entire group.

Some interviewees felt that they did not have sufficient information to negotiate. For example, neighbors wanted to read Door County's application to the BLM and its proposed plan for traffic management. The parties to the mediation would need to agree on a process for sharing information.

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### **Timing of the Mediation Process**

The following issues suggest support for entering into a conflict resolution process at this time:

- BLM and the U.S. Coast Guard desire to transfer ownership of the property.
- Door County is the only entity that has applied to own and manage the property.
- The public will continue to visit the lighthouse and create concerns regardless of which entity owns and manages Cana Island.
- A positional debate of whether or not Cana Island is owned by the County is unlikely to result in productive dialogue among stakeholders.
- The stakeholders understand that there is potential for a mediated agreement to avoid continuing conflicts.
- The stakeholders are willing to engage in a process if they believe their concerns will be heard.
- The stakeholders want a resolution as quickly as possible.

In January 2002, fifteen of the twenty Door County Board Members were replaced in a recall election (the recall was precipitated by unrelated issues). Some of those interviewed perceived that the new Board might take a different view regarding Cana Island than in the past, and that the new Board would want the neighbors to be involved in the resolution of issues related to Cana Island. A general election has been scheduled for April, and most interviewees agreed that a conflict resolution process should occur after the election.

There was general agreement that the process should not take too long or be “dragged out.” Before the recall election some of those interviewed said that any process should be completed before the end of March, although they were willing to wait until after the elections. For this reason, any effort at mediation would need to occur as soon as possible after the County Board election on April 16, 2002.

### **Interests: Needs to be Addressed**

Below is a summary of needs that interviewees identified as most important to them. This list will be expanded in discussions among stakeholders during mediation.

- Safety on the road to the lighthouse, access for emergency vehicles and enforcement of traffic laws
- Neighbors’ privacy and property protection
- Management of tourist traffic and parking
- Financial feasibility of managing Cana Island
- Public accessibility to Cana Island and the lighthouse
- Fees and/or contributions from visitors used to manage and maintain the lighthouse
- Clarity on which entities are responsible for managing and maintaining the lighthouse
- Preservation of Cana Island’s natural environment

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- Completion of repairs on the lighthouse
- Transfer of property from BLM to local ownership
- Short time frame for the mediation process

### **Stakeholders**

Some interviewees felt that a conflict resolution process that included the fewest number of parties, for example the neighbors and Door County, had the greatest likelihood of success. However, while it might be easier for a limited number of people to come to agreement in mediation, it would be much less likely that the agreement would be durable. Other parties who felt they had a stake in the outcome would be much less likely to support an agreement that they did not participate in creating.

The assessor recommends defining “stakeholder” as anyone, or any representative of an organization, who is impacted by the issues, has the ability to add information to the discussion, can commit resources to a resolution, or can assist with the implementation of agreements. Some stakeholders may participate in mediation for information, resources and support, and may not directly involved making some decisions. The stakeholder group will agree how to most organize their participation in mediation to allow for efficient use individuals’ time, sharing of information, understanding of resources and options, and decision making by the appropriate parties. For Cana Island, the principal representative stakeholders include:<sup>3</sup>

- Neighbors of Cana Island. The neighbors created the Cana Island Association, and have identified spokespersons. Residents and/or neighbors who have interests that are not represented by the Association are also encouraged to participate
- Bailey’s Harbor Town Board (the town owns the road leading out to the lighthouse)
- Business community (those that view the lighthouse as an asset)
- Wisconsin DNR
- BLM, Eastern Regional Office
- Door County Planning Department
- U.S. Fish and Wildlife
- Door County Board
- Door County Maritime Museum
- Door County Property Owners (The assessor could not find an active representative from this organization to interview. It has recently restructured or been discontinued)
- Door County Sheriff’s Department
- Door County Parks Department

### **Recommended Steps in Convening the Mediation Process**

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<sup>3</sup>Those listed as “stakeholders” may decide that they do not have a need to participate in the process after discussing these recommendations.

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1. Mail the draft report to all interviewees. The assessor will receive written comments on the draft report over a two week period following release of the draft report.<sup>4</sup>
2. Incorporate interviewees' comments into the final report and distribute to all interested parties and potential participants in mediation.
3. Present the report at a public meeting to solicit further comments on the report's recommendations. This public meeting would seek confirmation and commitment to these recommendations, including agreement on next steps, how to share information, the structure of the mediation process, and input on the desired characteristics of a mediator.
4. Identify a preliminary working group of representatives of key stakeholders. This group will work with the U.S. Institute to develop criteria and a scope of work for selecting a mediator. The mediator will begin a formal process at the end of April 2002.
5. The mediator will work directly with stakeholder representatives in defining and scheduling the mediation process. The mediation will take place over an initial (trial) period of four months. If agreement is not reached within this time frame, the parties can decide either to extend or discontinue the process, as appropriate.

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<sup>4</sup>A summary of the comments is attached to this report.

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### **ATTACHMENT**

#### **Cana Island Lighthouse Interview Protocol:**

##### **Introduction and Orientation**

I am a professional mediator hired by U. S. Institute for Environmental Conflict Resolution at the request of BLM. to conduct an assessment on issues related to the Cana Island Lighthouse. The goal of this assessment is to find out about all the different perspectives of people involved in these issues and recommend whether, and/or how, a conflict resolution process might proceed. The U.S. Institute is a federal agency that is committed to fairly serving all individuals, organizations, and agencies, and I view my role as working for all the stakeholders in this case.

The questions that I will ask were developed with input from various people familiar with the Cana Island lighthouse issues: U. S. Institute and BLM staff, neighborhood, county and town representatives.

These interviews will be confidential. Your comments will be recorded and integrated into the assessment report, but you will not be identified with any specific comment and your name will not be included in any way in the report. However, the information will be reported in aggregate and will inform my recommendations. You will receive a copy of the draft report, and will be invited to attend a public meeting to be held sometime in early March if I am recommending a conflict resolution process, during which time the findings of the report will be discussed. If you cannot attend this meeting, I would encourage you to send your comments in writing so that they can be incorporated into the final report and recommendations.

A copy of the final report will be available sometime in April.

Of course it is up to all the people involved in this case to determine the appropriateness of the report's recommendations in following through on resolving these issues.

Any questions about the process?

##### **Questions (Also, follow-up questions will be asked depending on responses.)**

1. History: When and how did you first become involved with the Cana Lighthouse? What has been your involvement over time?
2. Perspective: What is your perspective on the lighthouse issues? What issues do you feel need to be addressed? What challenges or barriers do you see to addressing those issues? What will be needed to overcome them? (Focus on substantive and relationship issues during this discussion.)

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3. Approach: What suggestions would you have on convening people toward resolving these issues? How would you like to be involved? What would you be looking for in trying to bring people together?
4. Timing: Is this the right time for the parties/people to be talking about these issues? If not, why not? What do you see happening in the future if you do not engage in a process right now?
5. Stakeholders: Who would need to participate to make sure that all interests are represented?
6. Anyone else you recommend I contact?
7. Anything else?

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### **ATTACHMENT**

#### **Interviewee Comments on Cana Island Draft Situation Assessment and Recommendations**

##### **General Comments**

- Cana Island has been a tourist attraction since before there was a public road to the site. Tourist traffic has increased over time, as has development and construction of private homes. It is doubtful that anyone can TRULY identify a single point in time that public traffic has dramatically increased. Every year has seen more traffic and more development.
- Articles in local and national papers have been lightning rods for those of us who would just as soon enjoy our home towns without all the traffic and tourism.
- Another factor leading to conflict is the expectations of private property owners in Door County about what they deserve.
- In the past, reports on Cana Island have been filled with inaccurate unverified information simply gleaned from phone conversations. These inaccuracies have been ignored in revised drafts and end up being lengthy points of fruitless discussions. Lets get to the facts, keep them straight, and thereby enabling us to have productive discussions.

##### **Clarifications**

**Page 1, Para 1, last sentence:** Change Eastern Regional Office to Eastern States Office.

**Page 1, Para 2, 2<sup>nd</sup> sent.:** Change to read: Door County Parks and Recreation Department filed an application with the BLM for the property under the R&PP.

**Page 3, 2<sup>nd</sup> paragraph,** it was in the 1990's, not the 1970's that the U. S. Coast Guard decided that Cana Island was excess property. Also the BLM has never managed the Island. They have been charged with overseeing the disposition of the Island, but have never been involved in the management of the island.

**Page 3, 2<sup>nd</sup> Para., last sent.:** The property continues to be under the Coast Guard's jurisdiction. When BLM transfers the property to another entity (or decides to manage the property itself) the Coast Guard will be relieved of its management responsibility.

**Page 3, 3<sup>rd</sup> paragraph,** Between the 1970's and 1990's no one applied for ownership of the island because it was not available, nor had it been offered until mid 1990's.



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**P3, paragraph 4** - “Cana Island Coastal Wetland” was renamed to Bailey’s Harbor Boreal Forest and Wetlands State Natural Area. Please add after 2<sup>nd</sup> sentence, that the area was renamed to the above.

**Page 3, Paragraph 4:** The name of the state natural area is *Baileys Harbor Boreal Forest and Wetlands State Natural Area*. The name *Cana Island Coastal Wetland* was dropped early in the planning for this Natural Area. Further, the primary purpose of this project was and is to protect a large expanse of coastal wetlands and boreal forest near Cana Island. Protection of Cana Island was, at best a very minor goal of the original concept and that idea was dropped, because of citizen comments and concerns during the planning process.

**Page 3, Footnote 2:** It is a *boreal* forest. This footnote should also clarify that only a small portion of the “campground” property will be disposed of. Options other than an outright sale are being considered (such as trade for property within our project boundary). At the request of previous property owners and some local residents, our original project boundary was modified to exclude some of the developed portions of the “campground.” Only those parcels outside of our formal project boundary are being considered for disposal.

**Page 4 paragraph 1.** Concerned about the County's statement that they will address the parking problem "after" they own the island. This is a direct contradiction to BLM's March 2001 management plan on p. 5 #3 which states that this must be done before the land is turned over.

**P4, paragraph 1** - There was not progress made in the original conflict process.

**Page 4, 1<sup>st</sup> Para, 1<sup>st</sup> sent.:** Change to read – The DNR originally applied, August 27, 1982, for ownership.

**On page 4, 1<sup>st</sup> paragraph,** The DNR did not apply for ownership and therefore never withdrew any application. The DNR did study the area, determined it was something they did not want to get involved in and it was the DNR that suggested that Door County consider ownership of the Island. Door County is the only Government body that ever formally applied for ownership of Cana Island.

**Page 4, paragraph 1:** The DNR never applied for ownership of Cana Island. Thus, we did not withdraw our request. There were internal Department discussions about applying for ownership of other islands (PLUM and PILOT) as well as Cana, but no applications were ever submitted. The Department agreed to work with a citizen’s group to help develop and implement a management plan for the natural area (which does not include Cana Island or any other areas outside the project boundary as approved by the Wisconsin Natural Resources Board). The DNR held public meetings and the Wisconsin Natural Resources Board (appointed by the Governor) removed Cana Island and the campground from the natural area.

**Page 4 1<sup>st</sup> Para, 2<sup>nd</sup> sent. and rest of paragraph** – is this a statement of fact on behalf of the DNR or is it what someone perceived to be the reason for their application withdrawal?

## **Cana Island Situation Assessment and Recommendations**

**On page 4, 2<sup>nd</sup> paragraph**, last sentence, I too have talked to the County Zoning Department, and the question of a parking lot could be addressed under certain limitations if it is tied to a county park. Perhaps your question was not phrased properly?

**Page 4, 4<sup>th</sup> Para, 3<sup>rd</sup> sent.:** Delete the word “were” after County.

### **Spikehorn Campground**

- Spikehorn campground is not relevant to the discussion of Cana Island, the Federal government is not involved. These issues should be kept separate.
- Door County staff members issued news release that was critical of the DNR’s handling of the Spikehorn Property.
- The Spikehorn issue is heating up recently. This issue will be raised at the April 20 meeting.
- Door County wants to keep the Spikehorn property along the shore. We are concerned that they would build a public beach and parking lot.

### **Issues**

- An issue is how to protect privacy and property values in the neighborhood.
- Speed of the traffic is a problem, make this explicit.
- During early discussions about the island it was stated that there was ground contamination due to old leaky oil tanks. Suddenly this remediation issues disappeared and has not been brought up again. How can a contamination issues be overlooked?
- **Page 6, Sec. C:** It should be noted that maintenance of the island and lighthouse is not at issue here. BLM will need to have all pertinent economic and management information available from the DCMM for when we prepare the environmental assessment.

### **Questions**

- Has the County submitted a new application with its management plan included? If so, please present copies of the plan.
- County applied to purchase island before the BLM had its management plan completed. Did the County resubmit an application?

## **Cana Island Situation Assessment and Recommendations**

- Concerned about the County's statement that they will address the parking problem "after" they own the island. This is a direct contradiction to BLM's March 2001 management plan on p. 5 #3 which states that this must be done before the land is turned over.
- During early discussions about the island it was stated that there was ground contamination due to old leaky oil tanks. Suddenly this remediation issues disappeared and has not been brought up again. How can a contamination issues be overlooked?
- **Page 5, 1<sup>st</sup> Para.:** When was the Door County Stewardship project (cited as conflict resolution process) begun?

## **Stakeholders**

- On page 10 your list of stakeholders is excessive and contains a number of groups that have been involved in the past and have indicated that they are no longer interested in the subject or do not need to be involved in preliminary discussions.
- The Cana Island Lighthouse ownership and management issue is not a DNR issue. Our role at this time is one of possibly being a partner in the ultimate resolution of the conflict simply because we are one of the largest property owners in the vicinity. Some potential solutions may result in a request to our agency to make use of land owned by the Department. How the island is managed, who manages it and how the congestion and landowner conflicts are resolved is not our agency's issues
- People who represent entities with resources to help solve the problem need to participate in mediation.
- BLM is better suited as a technical advisor in any conflict resolution process and not as a voting stakeholder. We see our role to ensure that any proposed solutions conform with our laws and the objectives of the Wisconsin RMPA.

**Mediation Process** (Discussion about the process will occur at a meeting on April 20 , 2002 from 9:00 - 12:30. A notice about the meeting was sent with the final assessment report.)

- How would the mediation process be initiated? Who would be the driving force to initiate it? I wonder how the recommendation can gain a life if no agency steps forward to act on the recommendation.
- Information needs to be shared, including Door County's management plan (or, if there is not a Plan an explanation of why not) before mediation.

## **Cana Island Situation Assessment and Recommendations**

- The past is important in the process. We want the government to live up to past agreements.
- We want to be sure that the Agreement to Mediate will not bind us to a decision, we may need to consult with others before making decisions.
- It would be more productive for the stakeholder groups to meet separately , and to trade proposals through the mediator.