

# Warren Knowles-Gaylord Nelson Stewardship Program

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# Warren Knowles-Gaylord Nelson Stewardship Program

## Introduction

Wisconsin's first stewardship program was created in 1989 Act 31 for the purpose of acquiring land to expand nature-based outdoor recreational opportunities and protect environmentally sensitive areas. The Department of Natural Resources (DNR) administers the stewardship program. Under the program, DNR acquires land and provides grants to local units of government and non-profit organizations for land acquisition and property development activities. The state generally issues 20-year tax-exempt general obligation bonds to support the stewardship program. General obligation bonds are backed by the full faith and credit of the issuing government (i.e., the state), and the government is required to use its taxing power if necessary to repay the debt. Annual debt service payments for principal and interest on stewardship bonds are primarily funded from general purpose revenues (GPR), with a portion paid from the segregated (SEG) conservation fund.

In 1989 Act 31, the Legislature authorized \$250 million of general obligation bonding (reduced to \$231 million by 1995 Act 27 due to anticipated federal funding) for the original stewardship program over a 10-year period through 1999-2000. 1993 Act 343 renamed the program the Warren Knowles-Gaylord Nelson

## Stewardship Program.

Through 1999 Act 9, the program was reauthorized as the Warren Knowles-Gaylord Nelson Stewardship 2000 Program. The Act set the maximum total public debt contracted under the stewardship program at \$460 million, with an annual bonding allotment of \$46 million from fiscal years 2000-01 through 2009-10. Under 2001 Act 16, annual authorized bonding was increased from \$46 million to \$60 million, from fiscal year 2002-03 through 2009-10. This increased the total authorized bonding of the reauthorized program to \$572 million (\$803 million total bonding for the 20-year program).

2007 Act 20 extended the stewardship program for an additional 10 years to fiscal year 2019-20 and increased the annual bonding authority from \$60 million to \$86 million beginning in 2010-11. This increased the total bonding authority by \$860 million, to \$1,663 million. 2011 Act 32 specified that DNR may not obligate more than \$60 million in each year from fiscal year 2011-12 through 2019-20 under the stewardship program. This reduced total authorized bonds for the program by \$234 million (to \$1,429 million). While DNR has some discretion over the use of funds, the general allocations under the stewardship program are shown in Table 1.

**Table 1: Stewardship Program Allocations**

	Original	Stewardship 2000	Reauthorized Stewardship	Total	% of Total
DNR Land Acquisition	\$140,800,000	\$341,750,000	\$313,500,000	\$796,050,000	55.7%
State Property Development	45,000,000	65,000,000	84,000,000	194,000,000	13.6
Local Assistance*	45,200,000	158,750,000	203,500,000	407,450,000	28.5
Recreational Boating	<u>0</u>	<u>6,500,000</u>	<u>25,000,000</u>	<u>31,500,000</u>	<u>2.2</u>
Total Allocations	\$231,000,000	\$572,000,000	\$626,000,000	\$1,429,000,000	100.0%

\*Including grants to Non-profit Conservation Organizations (NCOs) from the land acquisition subprogram.

As of June 30, 2012, the Department of Natural Resources (DNR) owned approximately 1.49 million acres of land, which represents approximately 4.3% of the state's land area (34.76 million acres). The DNR ownership represents approximately 25% of the publicly-owned conservation land in Wisconsin.

As of June 30, 2012, the Board of Commissioners of Public Lands (BCPL) owned approximately 75,900 acres bringing total state-owned conservation land to approximately 1.57 million acres. 2005 Act 352 allowed BCPL to "bank" proceeds from land sales and use them for acquisitions that meet certain criteria including: (a) improving land management, (b) decreasing forest fragmentation, or (c) increasing public access to the land. The Act also required DNR to set aside \$2,000,000 in each fiscal year from the stewardship program to acquire land from BCPL. Further, the Act specified that the total acreage of public lands managed by the Board may not exceed the total acreage of public lands managed by the Board on the effective date of the Act, May 3, 2006. As of that date, BCPL managed 77,845 acres.

Public conservation land throughout the state of Wisconsin is estimated to include approximately 5.9 million acres (or 17% of the state's land area). The federal government holds approximately 1.86 million (or 31.5%) of the 5.9 million acres (the majority of which constitutes national forests), and county ownership (in the form of county parks and forests) is estimated at approximately 2.5 million acres (or 42%) of the total. As of June 30, 2012, in addition to the 1.49 million acres owned by DNR, the Department held easements on an additional 239,300 acres. Table 2 summarizes public land ownership by governmental source. It should be noted that the acres listed as federal land exclude land used for such purposes as office buildings or prisons. In addition, approximately 645,000 acres of tribal lands in the state are not included in the table. Although these lands are held in trust, they are not

"owned" by the federal government and public access may be restricted on these lands.

**Table 2: Estimated Public Conservation Land Ownership in Wisconsin**

Land Owner	Acres	Percent of State Land
County	2,470,000	7.11%
Federal	1,856,500	5.34
DNR	1,487,800	4.28
BCPL	<u>75,900</u>	<u>0.22</u>
Total	5,890,200	16.95%
State Land Area	34,758,500	

The Department utilizes both fee title and conservation easement purchases in its land acquisition activities. Fee title acquisition involves outright purchases of land by the state, allowing for complete DNR management of the parcel. The Department makes aids in lieu of property tax payments to local governments, primarily from state general purpose revenue (\$7,842,000 GPR in 2011-12) and also from the segregated forestry account of the conservation fund (\$4,843,000 SEG in 2011-12), on the land it owns.

*Easements.* An easement is a permanent, perpetual agreement entered into by the landowner and DNR in which the state purchases certain specifically identified rights from the landowner. A conservation easement may provide for public access and recreational use, specify certain management criteria (such as maintaining streambank habitat or sustainable forestry practices) or contain certain development restrictions. The uniform conservation easement act under s. 700.40 of the state statutes governs these transactions. The seller of the easement retains ownership of the property, as well as the right to use the property subject to the restrictions set forth in the easement. In such instances, s. 70.32(1g) of the statutes directs assessors to consider the value of such easements in setting taxable values. The

owner of the property would continue to pay taxes on the property, but the taxable value would reflect the diminished value to the owner due to the conservation easement. The land can be sold, or passed on to the owner's heirs, but the conditions of the easement are part of the deed and are binding on future owners.

DNR properties are located in 71 of the state's 72 counties and range in size from less than one-tenth of an acre (the Jaegers Island Wildlife Area in Wood County) to approximately 227,600 acres (the Northern Highland/American Legion State Forest in Iron, Oneida, and Vilas counties). The Department has established a total acquisition goal of approximately 2,330,300 acres throughout the state. However, DNR periodically reviews and revises acreage goals or adds new acquisition projects with the approval of the Natural Resources Board. Of the current goal, over 1.7 million acres have either been purchased or protected by easement, bringing the Department to within 74% of its current goal.

In 1994, DNR established the Stewardship Advisory Council and solicited membership from a wide range of organizations with an interest in the stewardship program. The Council consists of 12 to 20 members appointed by the DNR secretary. At least five of the members represent organizations that own and manage land for conservation purposes and have direct experience with the stewardship program and five members represent local governments. The Council periodically meets to advise DNR on policy and administrative issues relating to the program and to determine ways the Department, nonprofit groups, and local units of government can improve communication and work more effectively together.

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### **Program Funding and General Requirements**

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Under the original stewardship program, DNR allocated \$23.1 million of general obligation

bonding authority and \$1.9 million of federal land acquisition funds to reach an annual expenditure authority of \$25 million. Currently, the Department utilizes several federal grant programs to fund land acquisition including: Federal Forest Legacy Program (FLP) Grants; Habitat Conservation Planning Grants (Endangered Species); Land and Water Conservation Fund (LAWCON) grants; National Coastal Wetlands Conservation Grants; National Fish and Wildlife Foundation Grants; North American Wetlands Conservation Act Grants (NAWCA); Sport Fish Restoration Grants (fishery projects, boating access); and Pittman-Robertson Federal Aid in Wildlife Restoration Grants. In addition to utilizing federal grants for land acquisition, DNR may also receive a gift or donation of land from a non-profit organization or private landowner. DNR also may utilize certain other non-stewardship state funds from programs such as the Nonpoint Source Pollution Abatement program and the Natural Resource Damage Assessment program to purchase land. However, the amount of available federal funds, gifts, and other state funds has varied greatly from year to year. Therefore, the bulk of land acquisition purchases are made using stewardship bonding authority.

The original stewardship program allocated funding among 12 categories of land acquisition and development programs. Table 3 provides a summary of the total general fund-supported bonding authorized for the original stewardship program ending June 30, 2000. During the 1990-91 and 1991-92 fiscal years, the general land acquisition program was funded at a level of \$8,600,000. In 1992-93, the urban rivers grant program was created at a level of \$1,900,000 annually and the general land acquisition program was reduced to \$6,700,000 annually.

For comparison, Table 4 shows how the \$572 million of bonding authority for the Stewardship 2000 program was allocated over the 10-year program (1990-91 through 1999-2000). The main

**Table 3: Stewardship Program Allotments From Initial Program Authorizations (1990-91 through 1999-2000)**

	Total Allotment (10 Years) (In Millions)
General Obligation Bonding	
General Land Acquisition	\$70.8
General Property Development	35.0
Local Park Aids	22.5
Lower Wisconsin State Riverway	20.0
Habitat Areas	15.0
Natural Areas Acquisition	15.0
Urban Rivers	15.2
Stream Bank Protection	10.0
Trails	10.0
Urban Green Spaces	7.5
Natural Areas Heritage	5.0
Ice Age Trail	<u>5.0</u>
Bonding Subtotal	\$231.0
Federal Land Acquisition	<u>19.0</u>
Total	\$250.0

**Table 4: Stewardship 2000 Allocation by Subprogram (2000-01 through 2009-10)**

Subprogram	Total Allotment (10 Years) (In Millions)
Land Acquisition	\$413.0
Property Development	65.0
Local Assistance	81.5
Recreational Boating Aids	6.5
Baraboo Hills	5.0
Bluff Protection	<u>1.0</u>
Total	\$572.0

body of the stewardship program consists of two funding categories, (a) land acquisition and (b) property development and local assistance. Out of the first year allotment only, programs for purchases related to the Baraboo Hills and bluff protection were added. In addition, 2007 Act 20 created a recreational boating aids subprogram and provided \$1.5 million in 2007-08 and \$2.5 million annually beginning in 2008-09 for this subprogram.

Table 5 illustrates how the additional \$626

**Table 5: Reauthorized Stewardship Allocations by Subprogram (2010-11 through 2019-20)**

Subprogram	Total Allotment (10 Years) (In Millions)
Land Acquisition*	\$433.5
Property Development	84.0
Local Assistance	83.5
Recreational Boating Aids	<u>25.0</u>
Total	\$626.0

\*Including grants to Non-profit Conservation Organizations (NCOs) of \$12 million annually, and one-time allocations of \$5.2 million to DATCP for grants under the Purchase of Agricultural Easements Program (PACE) and \$6 million for dam safety grants to counties under order by DNR.

million in general obligation bonding authorized from 2010-11 through 2019-20 is allocated (\$860 million was initially authorized by 2007 Act 20, but 2011 Act 32 reduced the annual bonding authority from \$86 million to \$60 million beginning in 2011-12 which reduced the total authorization by \$234 million).

As of June 30, 2012, the stewardship program has allowed DNR to purchase land or acquire easements on approximately 560,332 acres. The primary funding source during the reporting period is the stewardship program. However, these acres include those acquired through all sources, including acres donated to the DNR, or purchased or acquired using federal grant funding or other state funds since 1990 (the Stewardship program began in July, 1990). Table 6 provides a summary of the acreage acquired by program area.

DNR reports that during fiscal year 2011-12, it had 30.23 FTE positions in the agency funded from general operations appropriations that are involved in various aspects of the stewardship program. The estimate represents numerous staff from a variety of funding sources throughout the agency that devote a portion of their workload to stewardship program-related duties. These staff are assigned to the following Bureaus: (a) 15.0

**Table 6: Cumulative DNR Purchases, January 1, 1990 through June 30, 2012**

Program	Acres
Fisheries and Streambank Protection	42,672
Northern Forests	182,556
Southern Forests	6,648
Parks, Trails, and Recreation Areas	41,217
Wild Rivers and Resource areas	103,308
Wildlife Management	106,694
Natural Areas	71,123
Other	<u>6,114</u>
Total	560,332

positions in Facilities and Lands; (b) 9.0 positions in Community Financial Assistance; (c) 1.73 positions in Wildlife Management; (d) 2.0 positions in Parks; (e) 1.0 position in Fisheries Management and (f) 1.5 position in Legal Services. Staff in the Bureau of Facilities and Lands process approximately 200 to 250 real estate transactions per year, ranging from less than one acre to hundreds or thousands of acres per parcel.

The Department expended a total of \$434.5 million for land acquisition between July 1, 2000, and June 30, 2012, including approximately \$362.3 million in stewardship funds and \$72.2

million in federal grants, other non-stewardship state funds, and other funds and gifts. Acquisitions by component are summarized in Table 7. The table does not include land acquisition funds used for grants to non-profit conservation organizations (NCOs). As a means of encouraging private conservation groups to cooperate with the state in the acquisition of lands for conservation and nature-based outdoor recreational purposes, the stewardship program authorizes DNR to award grants to NCOs to acquire property (discussed later). From July 1, 2000, through June 30, 2012, DNR expended approximately \$161.2 million under the property development and local assistance subprogram.

Unless otherwise noted, an annual funding level has been established for each subprogram within the stewardship program for fiscal years 2000-01 through 2019-20 (by statute, DNR has some flexibility with respect to the annual bonding authority amounts for the subprograms).

The Department may not acquire land using funding from the stewardship program without the prior approval of a majority of the members-elect of the county board of supervisors of a county in which the land is located if at least 66%

**Table 7: DNR General Land Acquisition Expenditures July 1, 2000 through June 30, 2012**

Category	Acres Purchased	Stewardship Cost	Federal Cost*	Total Cost
Fisheries Management	17,600	\$37,253,000	\$6,840,300	\$44,093,300
Parks & Southern Forests	31,600	80,748,500	7,917,500	88,666,000
Northern Forests	168,000	95,950,300	18,467,300	114,417,600
Wild Rivers & Resources	34,800	46,750,200	5,066,800	51,817,000
Wildlife Management	53,500	64,682,500	21,467,100	86,149,600
Natural Areas	38,500	31,358,600	12,292,600	43,651,200
Other	<u>3,000</u>	<u>5,587,900</u>	<u>168,600</u>	<u>5,756,500</u>
Total	347,000	\$362,331,000	\$72,220,200	\$434,551,200

\*Including a small amount of gifts and land donations from private individuals and non-profit conservation organizations and certain other non-stewardship state funds from programs such as the Nonpoint Source Water Pollution Abatement program and the Natural Resource Damage Assessment program.

of the land in the county is owned or under the jurisdiction of the state, the federal government or a local governmental unit. Before determining whether to approve the acquisition, the county in which the land is located must post notices that inform the residents of the community surrounding the land of the possible acquisition. No county is currently subject to this provision.

As passed by the Legislature, the 2005-07 biennial budget act would have prohibited DNR from acquiring land in a township in which 35% or more of the land is under public ownership unless the Department received prior approval from a majority of the town board. However, the Governor item-vetoed this provision.

Under 2001 Act 16, DNR is required to provide the appraisals of any property acquired using stewardship funds to the clerk and the assessor of the local unit of government where the property is located within 30 days of acquiring the property. In addition, assessors are directed to include the information in the appraisals (including comparable sales) when setting land values.

Also, DNR may not obligate funding from the stewardship program for: (a) the acquisition of land for golf courses or for the development of golf courses; or (b) the acquisition by a municipality of land that is outside the boundaries of the municipality unless the municipality acquiring the land and the municipality in which the land is located approve the acquisition; or (c) for the acquisition or development of land by a county or other local unit of government if the land involved would be acquired by condemnation.

For the purpose of awarding grants under stewardship, the acquisition costs equal the sum of the land's current fair market value and other acquisition costs, as defined in rule by DNR.

Prior to 2000-01, for any land for which stewardship funding was proposed to be obligated to provide a grant to a local governmental unit or an

NCO, the locality or organization was required to submit two appraisals to DNR if the Department estimated that the fair market value of the land was greater than \$200,000. However, under 2001 Act 109, this requirement was modified to instead require grant applicants to pay for and submit one appraisal, and to require DNR to independently obtain a second appraisal. 2007 Act 20 specified that a second appraisal is not required for DNR to provide a grant to a governmental unit or a nonprofit conservation organization if the fair market value of the land is estimated by the Department to be at, or below, \$350,000. DNR requires all stewardship grant applicants to submit one appraisal, which, if the property value is estimated at less than \$350,000 may be the only appraisal used in the grant process. As appraisals are considered an eligible expense under the program, DNR would reimburse the applicant for up to 50% of the appraisal cost. If, however, DNR decides to conduct a second appraisal, the Department would not pay for any portion of the initial appraisal submitted by the grant applicant (meaning the Department would pay for one appraisal and the grant applicant would pay for one appraisal). DNR is allowed to require a third appraisal from the applicant. If DNR determines that a third appraisal is necessary, DNR would pay for up to 50% of the cost of the third appraisal.

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### **Stewardship 2000 and Reauthorized Stewardship Program**

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In 1998, the Governor appointed a Blue Ribbon Task Force on the Stewardship Program to evaluate the program and make recommendations for its future. The task force was composed of legislators, current and former state and local government officials, and representatives from the University of Wisconsin, business, conservation, and environmental groups. The task force released its findings and recommendations in ear-

ly 1999. In addition, the Stewardship Advisory Council, which was established by DNR in 1994, made several recommendations for the reauthorization of the stewardship program.

Several key components of the task force and the advisory council's recommendations were incorporated into the Stewardship 2000 reauthorization in the 1999-01 biennial budget, including increasing the bonding authority, reducing the number of designated subprograms, facilitating increased small-group participation, and providing greater flexibility for DNR to transfer funding between fiscal years. This last provision was intended to facilitate the Department's efforts to take advantage of unique opportunities to acquire and preserve larger blocks of unfragmented habitat as it became available. In addition, the Stewardship 2000 program created two additional subprograms (the bluff protection subprogram and the Baraboo Hills subprogram), and allowed DNR (upon review by the Joint Committee on Finance and the Governor) to reallocate spending authority across fiscal years.

In 2007, the Stewardship Advisory Council again made several recommendations regarding the proposed second reauthorization of the stewardship program. Some of these recommendations, such as increasing the statutory cap on the percentage of state-provided matching funds from 50% to 75% of project funding in select cases and increasing the threshold where a second appraisal is required for certain land acquisition grants, were incorporated into the extended program.

2007 Act 20 extended the stewardship program for another 10 years through fiscal year 2019-20 and increased the annual bonding authority under the program from \$60 million to \$86 million. This increased the total general obligation bonding authority of the stewardship program by \$860 million, to \$1,663 million (this was reduced by 2011 Act 32 to \$1,429 million). The act also created a new subprogram, the recrea-

tional boating aids subprogram, and provided \$1.5 million in 2007-08 and \$2.5 million annually beginning in 2008-09 for this subprogram. In addition, the act made several changes to the requirements related to grants to local governments and non-profit conservation organizations. 2007 Act 20 also specified that no more than 20% of available stewardship bonding authority in any fiscal year may be used to purchase parcels less than 10 acres in size. Further, the act restored the authority of the Joint Committee on Finance to review stewardship projects through a passive review process, which was later modified by 2011 Act 32 (discussed later).

As mentioned previously, 2011 Act 32 specifies that DNR may not obligate more than \$60 million in each year from fiscal year 2011-12 through 2019-20 under the stewardship program. This reduced total authorized bonds for the program by \$234 million (to \$1,429 million). In addition, beginning in fiscal year 2011-12, DNR will no longer be allowed to carry forward bonding authority into subsequent fiscal years. Further, 2011 Act 32 eliminated usership patterns as an acceptable reason for prohibition of a nature based activity, unless the property is for a state trail, or the Ice Age Trail. The Act also set aside funds from the land acquisition subprogram for grants from an agricultural easement program under the Department of Agriculture Trade and Consumer Protection (DATCP) and for DNR grants for dam safety projects. The Act also requires that, for any proposed acquisition using stewardship funds, DNR must provide notice to each affected city, village, town, or county. The municipality may adopt a nonbinding resolution that supports or opposes the proposed acquisition and DNR is required to consider such a resolution, if it is received within 30 days after providing notice, before approving or denying the grant or acquisition.

In addition, 2011 Act 32 lowered the threshold for review of a stewardship project by the Joint Committee on Finance from \$750,000 to

\$250,000 and brought the stewardship passive review procedure under s. 23.0917(6m) of the statutes into consistency with the general s. 16.515 14-day passive review procedures. Further, the Act altered the formula for the calculation of the payments for aids in lieu of property taxes for land acquired by the Department beginning July 1, 2012 (discussed later).

*Use of Prior Year Bonding Authority.* Prior to 2011 Act 32, if the Department did not obligate the full amount allocated under a stewardship subprogram, DNR was directed to raise the annual bonding authority for the subprogram by an amount equal to the unobligated amount. 2011 Act 32 specifies that this does not apply after fiscal year 2010-11. As a result, beginning in fiscal year 2011-12, DNR will no longer be allowed to carry forward unobligated bonding authority into subsequent fiscal years. DNR reports the June 30, 2012, unobligated balance was \$12.4 million.

### **Land Acquisition Subprogram**

DNR may obligate moneys under this subprogram to acquire land for any of the purposes specified under statute (such as forests, parks, wildlife areas, and natural areas). The Department must give priority to the following purposes: (a) acquisition of land that preserves or enhances the state's water resources, including land along the Lower Wisconsin State Riverway and land abutting wild rivers, wild lakes (defined in administrative rule as "a lake or flowage of at least five acres...identified in the Wisconsin register of waterbodies, where human influence, such as structural development of its shorelands, is not significant or can be removed at costs deemed warranted by the Department), and land along the shores of the Great Lakes; (b) acquisition of land for the stream bank protection program; (c) acquisition of land for habitat areas and fisheries; (d) acquisition of land for natural areas; (e) acquisition of land in the middle Kettle Moraine; and (f) acquisition of land in the Niagara Escarpment corridor (added by 2011 Act 250).

The Department has set additional priorities for the acquisition of recreational land in administrative rule (NR 1.40) such as placing primary emphasis on acquiring lands in and near the heavily populated areas of the state (Wisconsin's 12 largest cities include Appleton, Eau Claire, Green Bay, Janesville, Kenosha, La Crosse, Madison, Milwaukee, Oshkosh, Racine, Waukesha, and West Allis). In addition, the Department, with the advice and consent of the Natural Resources Board, periodically updates its acquisition strategy to address evolving ecological, social, and land use trends. The Department released the Wisconsin Land Legacy report in January, 2006, which provides a guideline for applying land acquisition criteria and priorities statewide. A copy of this extensive report may be obtained from DNR. An updated DNR land acquisition strategy for the stewardship program for fiscal years 2009-10 through 2019-20 was approved by the Board in December, 2010.

The Department undertakes projects based on various criteria. The top priority for acquisition is for the consolidation and completion of existing projects. DNR's 2010 to 2020 stewardship land acquisition strategy, states that approximately 60% of available land acquisition funds will be devoted to completing existing projects. When a state park, forest, wildlife area or recreation area is planned, a map showing the desired borders for the entire project is drawn. Usually, not all of the land proposed for the project is for sale at that time. DNR purchases property that is available within the mapped boundaries and then purchases additional parcels as they come onto the market to fill out the project borders.

According to the land acquisition strategy, the remaining 40% will be dedicated to new acquisition projects to meet three goals: (a) provide the public with the land base needed for high-quality nature-based outdoor recreational experiences; (b) preserve Wisconsin's high conservation value lands and waters; and (c) maintain a portfolio of public lands that supports and enhances Wiscon-

sin's nature-based economy.

As in the past, under the revised land acquisition strategy, the Department would seek to acquire lands to protect rare and threatened natural resources, genetic and biological diversity and critical fish and wildlife habitat; and water-based resources, including land for protecting and improving surface and ground water quality and land for recreation along streams, rivers, lakes and flowages. Another criterion the Department would consider when making land acquisition decisions is whether the land is under threat of conversion or impairment and whether DNR would be successful at acquiring a meaningful amount of land to meet recreation and conservation goals. In addition, the land's potential for return on investment, in the form of nature-based tourism, or generation of significant economic activity (e.g. wood products and biofuel industries) would also be considered. Administrative rule NR 1.41 specifies which Department land acquisitions require Natural Resources Board approval. In general, all land acquisition projects greater than \$150,000 are subject to Natural Resources Board approval.

Under current law, DNR is required to set aside \$3 million in each fiscal year for Department purchases and grants to NCOs for state

trails and the Ice Age Trail. The Department is also required to set aside \$2 million in each fiscal year to acquire land from the Board of Commissioners of Public Lands. Further, beginning in 2010-11, DNR is required to set aside at least \$12 million annually (increased from \$8 million) for matching grants that may be awarded only to nonprofit conservation organizations (NCOs). The \$12 million allocated for grants to NCOs also includes any grants made to NCOs for state trails and the Ice Age Trail. Table 8 illustrates how funding is allocated under the land acquisition subprogram under prior law and under 2011 Act 32.

2007 Act 20 also created a program under the land acquisition subprogram to provide grants to counties to acquire land to be included in a county forest and for projects for which DNR requests a county's assistance for nature-based outdoor recreation and conservation purposes. The Department has defined "nature-based outdoor recreation" in administrative rule to mean "activities where the primary focus or purpose is the appreciation or enjoyment of nature". These activities may include, but are not limited to, hiking, bicycling, wildlife or nature observation, camping, nature study, fishing, hunting, and multi-use trail activities. Through June 30, 2012, the Department has awarded grants totaling \$2,698,600 un-

**Table 8: Land Acquisition Subprogram (Annual Allotments)**

	Prior Law		2011 Act 32 Allocation		
	2009-10	2010-11	2011-12	2012-13	2013-14 through 2019-20
Department Acquisitions*	\$32,500,000	\$48,000,000	\$17,937,500	\$21,500,000	\$27,837,500
NCO Acquisition (minimum)	8,000,000	12,000,000	12,000,000	12,000,000	12,000,000
BCPL Natural Areas	2,000,000	2,000,000	2,000,000	2,000,000	2,000,000
PACE Grants**	0	0	5,200,000	0	0
County Dam Safety Grants***	<u>0</u>	<u>0</u>	<u>362,500</u>	<u>1,000,000</u>	<u>662,500</u>
Total Annual Bonding Authority	\$42,500,000	\$62,000,000	\$37,500,000	\$36,500,000	\$42,500,000

\*Includes grants for county forests (beginning in 2010-11) and acquisitions for state trails and the Ice Age Trail.

\*\*Under 2011 Act 32, \$5.2 million was allocated to DATCP for 16 grants awarded in 2010 under the Purchase of Agricultural Conservation Easements (PACE) program.

\*\*\*DNR planned 2012-13 allocation; 2013-14 through 2019-20 reflects the annual allocation that would utilize the \$6 million provided for dam safety grants to counties under order by DNR provided by 2011 Act 32.

der this program.

Each county receiving a grant under these programs is required to provide matching funds of at least 50% of the land acquisition costs. Further, a county is prohibited from converting the land or the rights in the land acquired using program grant money to a use that is inconsistent with the type of nature-based outdoor recreation for which the grant was awarded, without the approval of the Natural Resources Board. (Counties had always been eligible for stewardship local assistance grants; 2007 Act 20 extended eligibility to the land acquisition subprogram).

In order to be eligible for a grant to acquire land for inclusion in a county forest, subchapter 17 of administrative code NR 51 requires a county to have land entered in the county forest law program under s. 28.11(4) of the statutes, and to have entered into a memorandum of agreement with DNR. The rule also establishes criteria for evaluating and ranking applications for grants to counties to acquire land for inclusion in a county forest. These criteria include: (a) whether the project meets the criteria for county forests under s. 28.11; (b) whether the project has regional or statewide significance; (c) the degree to which the site is threatened by development or conversion to other land use; (d) whether the project is within the county forest boundary identified in the county forest comprehensive land use plan [(s. 28.11(5) stats.) a 15-year county forest land use management plan approved by the county board and DNR]; (e) whether the project is identified as an important acquisition within an existing plan or database including the land legacy report, statewide forestry plan, forest legacy plan, county forest comprehensive land use plan etc. Annually, DNR will provide notice of the maximum funding allotment to counties for grants to acquire land for county forests through a process defined in the memorandum of agreement.

In addition, NR 51 specifies that in order to receive a grant to assist DNR with land acquisi-

tion, a county must have been asked in writing by the Secretary or his or her designee to assist with the acquisition of title in fee simple or conservation easement acquisition. Counties are required to provide matching funds of at least 50% of eligible costs.

*Use of Future Bonding Authority For Certain Land Acquisitions.* Beginning in fiscal year 1999-00, DNR may obligate under the land acquisition subprogram any amount not in excess of the total bonding authority for that subprogram for the acquisition of land, subject to the approval of the Governor and the Joint Committee on Finance. (2007 Act 20 clarified that these transactions are subject to a 14-day passive review process by the Joint Committee on Finance). For such transactions, the Department must sell a portion of the acquired land. All proceeds from such sales, up to the amount obligated for the original purchase, are credited to a program revenue appropriation for the payment of principal and interest associated with such purchases. Any sale proceeds in excess of the amount originally obligated are deposited in the general fund.

For bonds that are retired from the proceeds of the sale of the acquired land within three years after the date on which the land was acquired by DNR, the Department must adjust the available bonding authority for the land acquisition subprogram by increasing the available bonding authority for the fiscal year in which the bonds are retired by an amount equal to the total amount of the bonds issued for the sale that have been retired in that fiscal year. For bonds that are not retired from the proceeds of the sale of the acquired land within three years after the date on which the land was acquired, DNR must adjust the available bonding authority for the land acquisition subprogram by decreasing the available bonding authority for the next fiscal year, beginning after the end of that three-year period, by an amount equal to the total amount of the bonds that have not been retired from such proceeds in that fiscal year. Further, if necessary, the De-

partment shall decrease for each subsequent fiscal year the available bonding authority in an amount equal to that available bonding authority or equal to the amount still needed to equal the total amount of the bonds that have not been retired from such proceeds, whichever is less, until the available bonding authority has been decreased by an amount equal to the total of the bonds that have not been retired.

The Department requested authority to use this provision in September, 1999 to finance the \$25 million "Great Addition" purchase of approximately 32,000 acres in Iron, Lincoln, Oneida, and Vilas Counties from Packaging Corporation of America. The agency allotted the \$25 million purchase price over three years beginning in fiscal year 2001-02. The purchase included 42 miles of river and stream frontage, all or part of 20 lakes with 6.3 miles of frontage, and 924 acres of scenic and trail easements.

Portions of the Great Addition purchase were sold or traded for other parcels. The state sold 190 acres of the Great Addition purchase to Vilas County for \$148,200 and 1,390 acres to the Lac du Flambeau tribe for \$1,080,400. In addition, DNR entered into a three-way agreement with the Board of Commissioners of Public Lands and the United States Forest Service in June, 2002, to exchange and sell parcels of land totaling 2,134 acres acquired under the Great Addition for \$997,000 and conservation easement rights.

The Department used this authority again in December, 2001, to purchase 9,239 acres of land and to acquire easements on an additional 383 acres from Wisconsin Public Service Corporation for the Peshtigo River State Forest in Marinette and Oconto Counties for \$25 million. The acquisition took place in four phases over three years, concluding in December, 2004. As a result of the purchase, DNR acquired land surrounding Caldron Falls, High Falls, Johnson Falls, Sandstone Rapids, and Potato Rapids.

Under another provision, DNR is permitted to, for a given fiscal year, in addition to obligating the amount of the annual bonding authority for a subprogram, obligate up to 100% of the annual bonding authority for that subprogram for that given fiscal year for a project or activity. Therefore, DNR could obligate bonding authority up to double the annual allotment for a subprogram in a given year. The Department must then adjust the annual bonding authority for that subprogram by lowering the annual bonding authority for the next fiscal year by the amount utilized beyond the authorized amount for the subprogram. In order for the Department to use this provision, the Natural Resources Board must determine that: (a) funds are otherwise insufficient; (b) any land involved in the project or activity covers a large area or the land is uniquely valuable in conserving the natural resources of the state; and (c) delaying or deferring all or part of the cost to a subsequent fiscal year is not reasonably possible.

DNR utilized this authority in 2006-07 to borrow \$16.5 million from 2007-08 bonding authority to purchase 5,600 acres in fee title and acquire an easement on 44,400 acres in Florence, Forest, and Marinette Counties referred to as the Wild Rivers and Forest Legacy purchase. The Department also used this authority in 2007-08 to borrow ahead from 2008-09 for three purchases: \$6.1 million for an approximately 5,900 acre addition to the Brule River State Forest in Douglas County; \$2.5 million for approximately 2,800 acres for the Mead Wildlife Area in Portage and Marathon Counties, and \$2 million for approximately 1,500 acres for the Willow Flowage Scenic Waters Area along the Tomahawk River in Oneida County. The procedure was also used in 2008-09 on a \$10.8 million purchase for 970 acres in Waukesha and Walworth Counties (Rainbow Springs property).

Under s. 23.0917(5m)(c) of the statutes, lands acquired using these provisions do not have to be

**Table 9: Stewardship Land Acquisition Subprogram Allocations with Borrow Ahead Purchases (\$ in Millions)**

	2007-08	2008-09	2009-10	2010-11
Department Acquisitions*	\$14.00	\$18.84	\$18.70	\$45.00
Grants to NCOs	8.00	8.00	8.00	12.00
BCPL Natural Areas	2.00	2.00	2.00	2.00
Ice Age and Other Trails	3.00	3.00	3.00	3.00
Wild Rivers and Forest Legacy	16.50	0.00	0.00	0.00
Brule River State Forest	0.00	6.11	0.00	0.00
Mead Wildlife Area	0.00	2.52	0.00	0.00
Willow Flowage Scenic Waters Area	0.00	2.03	0.00	0.00
Rainbow Springs Purchase	<u>0.00</u>	<u>0.00</u>	<u>10.80</u>	<u>0.00</u>
Borrow Ahead Subtotal	\$16.50	\$10.66	\$10.80	\$0.00
Total Allocation	\$43.50	\$42.50	\$42.50	\$62.00

\*Includes county forest-related acquisitions beginning in 2010-11.

for conservation or recreational purposes. The Department of Administration is required to monitor all transactions under these provisions to ensure compliance with federal law and to ensure that interest on the bonds is tax-exempt for the holders of the bonds. Table 9 shows stewardship land acquisition subprogram allocations including funds utilized for borrow ahead purchases.

### Recent Major Acquisitions

#### *Fiscal Year 2007-08*

As mentioned previously, the Department borrowed ahead from fiscal year 2008-09 to make three purchases in fiscal year 2007-08. The purchases included an approximately 5,900 acre addition to the Brule River State Forest in Douglas County, which DNR utilized approximately \$6.1 million in 2008-09 bonding authority to purchase. The four non-contiguous parcels which make up the acreage total are located in northeast Douglas County. About 350 acres were outside the previous Brule River State Forest project boundary. Under administrative rule, DNR may acquire lands for a state forest outside of established state forest boundaries only when the lands are needed for specific purposes. The Natural Resources Board approved a boundary expansion to

cover this parcel, and acquisition of the parcel allowed DNR to consolidate state ownership in the area. In addition, the parcel includes numerous small and intermittent streams that flow into Lake Superior; acquisition of the parcel allowed DNR to preserve these watersheds. Further, the Department's acquisition of the parcel allowed public hunting use to continue (the property was previously enrolled in the managed forest law program which generally requires public hunting access).

Also in 2007-08, DNR utilized approximately \$2.5 million in 2008-09 bonding authority for the purchase of approximately 2,800 acres for the Mead Wildlife Area in Portage and Marathon Counties. The property, as part of the Mead Wildlife Area, provides recreational opportunities such as hunting, fishing, trapping, cross-country-skiing, hiking and others. The property includes approximately 11 miles of frontage on the Little Eau Pleine Flowage, the Little Eau Pleine River, drainage ditches, and several oxbow lakes (u-shaped bodies of water formed when a wide meander from the main stem of a river is cut off to create a lake) and sloughs associated with the river. The river provides habitat for musky, northern pike, walleye, small mouth bass and pan fish. Acquisition of the property allowed DNR to establish a wildlife corridor between existing state ownership and the Little Eau Pleine Reservoir.

In addition, the Department used approximately \$2 million in 2008-09 bonding authority to purchase an approximately 1,500 acre parcel for the Willow Flowage Scenic Water Area along the Tomahawk River in Oneida County (an additional \$2 million in federal Forest Legacy Program (FLP) funds were used to acquire the property). About 700 of these acres were outside the previous boundary of the Willow Flowage Scenic

Water Area. The parcel includes over 7.4 miles of frontage along the Tomahawk River. Acquisition of the parcel allowed protection of a significant portion of the corridor from the Willow Flowage to Lake Nokomis, a mostly undeveloped lake. The parcel also provides increased recreational opportunities. For example, 27 acres of the project connect segments of the Bearskin State Trail.

#### *Fiscal Year 2008-09*

In September, 2008, DNR again utilized its authority to borrow ahead from future year bonding authority to purchase approximately 970 acres from the Rainbow Springs Golf Company, Inc. and U.S. Residential Golf Properties, Inc. The Department used \$10.8 million in 2009-10 bonding authority for the purchase. The tract, known as the Rainbow Springs property, is located in southwestern Waukesha County and northwest Walworth County four miles west of the Village of Mukwonago and three miles north of the Village of East Troy. The property is located in the Mukwonago River watershed, a priority area for preservation. Acquisition of the parcel provided DNR with additional acreage adjacent to the 1,800-acre Lulu Lake State Natural Area, which DNR manages in coordination with The Nature Conservancy. The southern unit of the Kettle Moraine State Forest is a few miles northwest of the parcel. The Rainbow Springs parcel includes the entire frontage around Rainbow Springs Lake, a 38-acre natural seepage lake, and a part of the Mukwonago River system. A three-quarter mile corridor of the Mukwonago River is also included in the parcel. The Mukwonago River is classified as an outstanding water resource and a Class II trout stream. The river system supports 39 species of fish, seven of which reportedly are listed as endangered, or species of special concern, in Wisconsin. The Department designated the property as the Mukwonago River Unit of the Kettle Moraine State Forest.

In August, 2008, DNR purchased 923 acres

from Wisconsin River Power Company for \$3.6 million for an addition to Buckhorn State Park in Juneau County. The company also donated 265 acres of land between the Castle Rock Flowage and the area DNR purchased. Buckhorn State Park was established in 1971 to provide water and land-based public recreation, to protect and manage the biological resources in the area and to protect the scenic beauty of the Buckhorn Peninsula, along the Castle Rock Flowage. The park provides opportunities for boating, camping, fishing, hiking, hunting, picnicking and swimming. The acquired parcel was the largest remaining undeveloped parcel of land near Buckhorn State Park.

#### *Fiscal Year 2009-10*

As mentioned previously, in August, 2009, the Department acquired an easement on the remaining 7,300 acres (from The Nature Conservancy) for \$3.5 million as part of the Wild Rivers Forest Legacy acquisition. Of the \$3.5 million, DNR received \$2.3 million in federal Forest Legacy Program (FLP) funds as reimbursement.

In November, 2009, DNR purchased 400 acres from Helania, Ltd. for \$1.72 million for the wild lakes program in Sawyer County. A "wild lake" is defined in state statute as "a lake or flowage of at least five acres...identified in the Wisconsin registrar of waterbodies, where human influence, such as structural development of its shorelands, is not significant or can be removed at reasonable cost". The 400-acre property encompasses Lake Helane, a 51-acre seepage lake located in northern Sawyer County, classified by DNR as a wild lake. The lake has approximately 11,350 feet of shoreline and provides habitat for bass and pan fish. The parcel provides increased opportunities for public recreation, while protecting the wild lake.

In June, 2010, the Natural Resources Board approved the purchase of 2,174 acres from The Conservation Fund for \$3,971,600 for the To-

togatic Wild River, in Washburn and Douglas Counties. (The Doris Duke Foundation donated \$400,000 for a total purchase price of \$4,371,600). 2009 Act 32 designated nearly 70 miles of the Totogatic River, from its outlet in Totogatic Lake in Bayfield, through Sawyer, Washburn, and Douglas Counties, to its mouth at the Namekogan River in Burnett County as a "wild river". The property involves seven blocks, spread over three townships and two counties and approximately six miles of two-bank frontage on the river. Previously owned by the Wausau Paper Company, the property is largely undeveloped. It provides habitat for forest interior bird species and natural plant communities and is open to the public for all non-motorized, nature-based outdoor recreational activities including hunting, fishing, trapping, hiking, and cross-country skiing.

The Board also approved two easements covering 18,438 acres of hardwood forestland in Forest County from Wisconsin Timber Associates for \$8,297,200 as part of the state's forest legacy program (not to be confused with the federal Forest Legacy Program, in which DNR also participates). The easements, known as the Connors easements, are primarily surrounded by the Chequamegon-Nicolet National Forest as well as county forestland. Major rivers that begin or flow through the tract form the upper reaches of the Green Bay watershed. This tract combined with adjacent public properties protects a several hundred thousand-acre block of forest that contains two wild lakes, Wabikon and Riley deemed in high need of protection by DNR. The easement allows for public access for all nature-based outdoor recreational activities including hunting, fishing, trapping, hiking, and cross-country skiing. It also prevents development of the property except for three, forty acre sites, each of which will be allowed to contain a five acre area that may be developed for residential use and each of which can be sold.

### *Fiscal Year 2010-11*

In November, 2010, the Joint Finance Committee approved three DNR stewardship transactions. DNR was authorized to acquire an 8,096 acre conservation easement in Sawyer County from Plum Creek Timberlands for \$3,663,300, known as Phase I of the Big Chip Buffer Easement. DNR received \$1.5 million in federal Forest Legacy funds for the project (reducing state stewardship program costs to \$2.2 million). The property provides a protected land connection between the Chequamegon-Nicolet National Forest and the lands of the Lac Courte Oreille Band of Lake Superior Chippewa. The property is located just south of DNR's existing Chippewa Flowage Scenic Waters Area and provides a wildlife corridor around the flowage. The property is open for hunting, trapping, fishing, and cross-country skiing. Designated snowmobile trails may also be permitted.

The Joint Finance Committee also authorized the Department's purchase of 4.8 acres in Door County from Wagon Trail Inc. for \$1,071,400. The property includes 860 feet of frontage on Lake Michigan in Rowley's Bay and has a deep-water pier and marina. The Department bought the property in fee simple then entered into a five-year lease with Rowley's Bay Resort (formerly Wagon Trail Inc.) whereby the resort owners maintain the property and provide public parking in exchange for allowing the resort owner to continue to rent out their cabins, a few boat slips, and a recreational sports operation. The site contains a boat launch, which is managed by the Town of Liberty Grove, who collects a launch fee, and the marina breakwater is open for the public to fish from. At the end of the five year agreement (in 2015), the Town of Liberty Grove will take over management of the property. According to the Department, the town plans to develop two new launch ramps in a new location that access deeper water in a shorter distance.

The third parcel is a 2,714 acre parcel in Marinette County, acquired by DNR in fee title, from Wisconsin Electric Power Company for \$3,272,200. The property includes 10.85 miles of frontage on the Menominee River including Piers Gorge. The river supports northern pike, walleye, smallmouth bass and panfish. The Piers Gorge portion of the river, located just downstream of the town of Niagara, contains rock outcroppings, deep pools, waterfalls, and rapids frequented by recreational rafters. The Natural Resources Board added the parcel to the previously existing Menominee River Natural Resources Area and renamed the entire almost 4,800 acre area the Menominee River State Park and Recreation Area. The Department is currently developing a joint management plan with Michigan for an almost 10,000 acre recreation area on both sides of the river.

#### *Fiscal Year 2011-12*

In September, 2011, the Joint Committee on Finance approved the acquisition of an easement on 10,084 acres in Sawyer County from Plum Creek Timberlands for Phase II of the Big Chip Buffer easement for \$2,056,000. In addition, federal Forest Legacy Program funds of \$2.5 million were provided for the purchase. In total, the two-phase, \$8.2 million project (including \$4.2 million stewardship and \$4 million federal funds) provides buffers for the Chippewa flowage, Wisconsin's largest semi-wilderness body of water and the Chequamegon-Nicolet National Forest. The forestland is managed using sustainable forestry and provides recreational opportunities for hunting, fishing, trapping, cross-country skiing, and hiking, among others.

In January, 2012, the Joint Committee on Finance approved the acquisition of 1,382 acres in Vilas and Iron County from the Board of Commissioners of Public Lands, for \$2,565,900. All BCPL lands are open for hunting, fishing, trapping, and public recreation. The project includes two parcels, a 432.5 acre parcel within the expan-

sion area of the Northern Highland-American Legion State Forest in Vilas County and a 949 acre parcel known as the Lehto Bog Natural Area for the statewide natural areas program in southeast Iron County. The Vilas County parcel includes 9,435 feet of frontage on Van Vliet and Averill Lakes, which together support muskie, northern pike, walleye, largemouth bass, and pan fish. In addition, the parcel also includes 6,135 feet of frontage on four other small lakes and ponds. The Iron County parcel supports a mix of swamp, hemlock, and white pine forest including timber stands of white spruce and balsam fir, as well as white and red pine.

In June, 2012, the Joint Committee on Finance approved the acquisition of a conservation easement on 44,679 acres in Bayfield, Burnett, Douglas, and Washburn County from Lyme St. Croix Forest Company for \$11,265,400. While the acquisition was approved in fiscal year 2011-12, and committed 2011-12 funds, the closing date for the transaction was August 31, 2012. Therefore, the acreage and purchase expenditures are not shown in most tables and appendices in this paper (with the exception of Table 8 which shows obligated amounts rather than solely expenditures). Under the easement, Lyme St. Croix Forest Company will continue to manage the land using sustainable forestry practices, as required by the easement, and continue to pay managed forest law acreage and severance payments or property taxes on the parcels, where applicable. This is the first of a planned two-phase project. The entire property will be open to the public for nature-based outdoor activities including hunting, fishing, trapping, hiking, and cross-country skiing. However, the easement specifies that certain areas may be temporarily closed to public access for forestry management purposes and under certain other specified circumstances (e.g. natural disasters).

The Phase I easement area also includes 39 miles of county snowmobile trails open for public use. These trails would also be open to ATV

use during the winter months, subject to certain restrictions. Walk-in access on existing trails will be available to six lakes for fishing, nature appreciation, and waterfowl hunting. The easement area includes the headwaters of the Bois-Brule, Totogatic and St. Croix Rivers. It also includes frontage on a number of trout streams. These include MacKay Creek and five Mile Creek; both Class II trout waters located in Washburn County. In Douglas County, the easement provides access to one mile of Bergen Creek and two miles of Upper Ox Creek, both Class II brook trout waters. Access to Cheney Lake, a 20-acre bass and panfish lake in Douglas County is also included. There are also several other small lakes throughout the easement area which may provide habitat for Trumpeter swans and may offer potential waterfowl hunting opportunities. In addition, DNR indicates that a considerable amount of the easement area is classified as Pine Barrens, an area of sandy soil characterized as a savanna community that includes scattered jack pines (or less commonly red pines) mixed with scrubby hills and burr oaks. The Pine Barrens found in Wisconsin are globally significant due to their distinctive ecological characteristics, restricted range, and global rarity. These Pine Barrens support a number of species, including the federally endangered Karner Blue Butterfly and the Kirtland's Warbler, as well as several other species including the sharp-tailed grouse.

For Phase II, the Department plans to acquire an additional easement on 22,668 acres from Lyme St. Croix Forest Company, at an estimated cost of \$6,007,000, utilizing a combination of stewardship funds and federal Forest Legacy Program (FLP) funds. As part of the 1990 Farm Bill, Congress created the Forest Legacy Program (FLP) to identify and protect environmentally important private forestlands threatened with conversion to non-forest uses- such as subdivision for residential or commercial development. To help maintain the integrity and traditional uses of private forest-lands, the FLP pro-

motes the use of conservation easements. If federal funds can be secured, the Department plans to return to the Joint Committee on Finance in 2014 for separate authorization for Phase II. The project, if completed, would total approximately \$17.3 million for 67,347 acres. According to the Department, acquisition of these tracts would connect to and provide buffers for existing state and other public lands, prevent forest fragmentation, promote sustainable forestry, as well as provide recreational opportunities for the public and protect habitat for critical species. Portions of the parcels abut existing state lands including the Brule River State Forest, Douglas County Wildlife Area, and Namekogan Barrons Wildlife Area.

### **Property Development and Local Assistance Subprogram**

Of the \$15 million in annual bonding authority allocated for this subprogram through 2009-10, the Department was required to obligate at least \$7 million for property development and could obligate up to \$8 million for local assistance annually for nature-based outdoor recreation purposes.

Beginning in 2010-11, 2007 Act 20 increased the annual bonding authority dedicated to the property development and local assistance subprogram to \$21.5 million, and increased the maximum amount that may be obligated for local assistance to \$11.5 million annually (leaving at least \$10 million annually for DNR property development). 2011 Act 32 allocated not more than \$8 million for local assistance (consistent with the 2009-10 allocation), leaving \$12 million in 2011-12, \$13 million in 2012-13, and \$7 million from 2013-14 through 2019-20 (consistent with the 2009-10 allocation) for property development. According to DNR, the additional property development allocation during the 2011-13 biennium are being utilized for what the Department has termed "conservation infrastructure" projects

**Table 10: Property Development and Local Assistance Subprogram (Annual Allotments)**

	Prior Law		2011 Act 32 Allocation		
	2009-10	2010-11	2011-12	2012-13	2013-14 Through 2019-20
Property Development	\$7,000,000	\$10,000,000	\$12,000,000	\$13,000,000	\$7,000,000
Local Assistance Grants (maximum)	8,000,000	11,500,000	8,000,000	8,000,000	8,000,000
Total Annual Bonding Authority	\$15,000,000	\$21,500,000	\$20,000,000	\$21,000,000	\$15,000,000

which include projects such as gravel parking areas, increased signage and campsite electrification. Table 10 illustrates how funding is allocated annually under the property development and local assistance subprogram under prior law and under 2011 Act 32.

Although property development and local assistance are components of the same subprogram, they serve different purposes. The property development component addresses property development on DNR-owned land, while the local assistance program uses funding to award grants to local governments (including tribes) and NCOs to acquire land for nature-based outdoor recreation and to local governments for nature-based recreational development on local conservation land. (Changes to NR 51 approved by the Natural Resources Board in January, 2011, clarify that tribes are considered eligible units of local government.)

Funding obligated for property development is used for: (a) property development on DNR land; (b) property development on conservation easements adjacent to DNR land; and (c) grants to friends groups and non-profit conservation organizations for property development activities on DNR land. Under statute, DNR (similar to other state agencies) is required to submit a six-year facility plan to the Division of State Facilities in the Department of Administration listing the development needs of the agency's facilities and setting a preliminary timeline for their completion. Appendix V provides information on recent major property development projects.

Funding obligated for local assistance may be used for: (a) grants for acquisition of urban green space; (b) grants for acquisition and development of local parks; (c) grants for acquisition of property development rights; and (d) grants for acquisition and development of urban rivers. Stewardship funds may generally be provided for up to 50% of eligible project costs (See Non-Profit Conservation Organization Grants). Administrative rule NR 51 further addresses the administration of these grant programs. Through fiscal year 2011-12, DNR had provided a total of approximately \$123.5 million in stewardship grants to local units of government under the local assistance program. (Local Assistance grants to NCOs are included in the Non-Profit Conservation Organization section of this paper.)

*Recent Grants to Local Units of Government*

In April, 2012, the Joint Committee on Finance approved three stewardship grants to local units of government. A stewardship grant of \$542,300 was awarded to the City of Oshkosh, in Winnebago County from the Urban Rivers (\$320,000) and the Acquisition and Development of Local Parks (\$222,300) grant programs for a project to redevelop William Steiger Park, along the Fox River. The redevelopment plans include constructing a 12-foot-wide concrete path with benches and lighting, landscaping on both sides of the path, and significant shoreline work along the Fox River to add native plantings, stabilize shoreline, add fish and wildlife habitat, and create access points for fishing and wildlife viewing. The adjacent Wisconsin Street Bridge was redone

in 2008 with additional pedestrian/bicycle lanes that connect to the WIOWASH State Trail and the city's Downtown Riverwalk located on the north side of the Fox River. The new trail segment will connect to the existing city-wide trail system, soccer fields, fishing pier, and the Fox Valley Technical College located west of Wisconsin Street.

Also in April, 2012, the Joint Committee on Finance approved a grant to the City of Muskego for the acquisition of 103 acres of land and a one-acre access easement known as the Borst property, located in Waukesha County, using \$389,500 in stewardship funds. The grant was provided from the Urban Green Space grant program for the acquisition of 103 acres on the northwest side of the city to improve access and add additional acreage to an existing 27-acre green space site. The rolling glacial topography of the property includes woodlands, wetlands, a spring-fed pond and a tributary stream to Little Muskego Lake. The property will be open to the public for hunting, fishing, trapping, hiking, cross-country skiing, non-motorized boat access, snowshoeing, and nature appreciation opportunities.

A third grant approved in April, 2012, of \$411,000 in stewardship funds, was awarded to the City of Madison, in Dane County, for the acquisition of 0.68 acres of land for the expansion of Esther Beach Park located along Lake Monona. The grant was provided from the Acquisition and Development of Local Parks grant program. The acquisition will expand the neighborhood park and provide passive recreational activities including hiking, fishing, cross-country skiing, swimming, picnicking, snow shoeing, non-motorized watercraft access, and ice skating. The property is not open to the public for hunting. As required under s. 23.0916(2)(c) of the statutes, the Natural Resources Board determined that it was necessary to prohibit hunting on the parcel in a residential neighborhood to protect public safety. Future city development plans in-

clude constructing a parking lot and picnic shelter and landscaping.

Under 1999 Act 9, moneys obligated under the property development and local assistance subprogram may only be used for nature-based outdoor recreation. The Department has defined "nature-based outdoor recreation" in administrative rule to mean: "activities where the primary focus or purpose is the appreciation or enjoyment of nature". These activities may include, but are not limited to, hiking, bicycling, wildlife or nature observation, camping, nature study, fishing, hunting, picnicking, cross-country skiing, canoeing, and multi-use trail activities. Support facilities for these activities may include, but are not limited to, access roads, parking areas, utility and sanitation systems, sanitary and shelter buildings, signs, interpretive items, and other features that enhance nature-based outdoor recreation or improve disabled accessibility. Changes to NR 51 approved by the Natural Resources Board in January, 2011, specify that "playgrounds that supplement the appreciation of nature, occupy a minor portion of the grant property, and do not distract from the primary purpose of the grant project may be considered an eligible support facility." Ineligible activities include, but are not limited to, sports that require extensively developed open space such as dedicated sports fields, swimming pools, and tennis courts. The Department's decisions as to whether a particular project or activity qualifies as a "nature-based outdoor recreation activity" are made on a case-by-case basis.

An October, 2000, review of the original stewardship program by the Legislative Audit Bureau (LAB) noted that some concerns had been raised regarding development projects paid for with stewardship acquisition and development of local parks grants. The report noted that under the original stewardship program, the acquisition and development of local parks grants category was allocated the most funding of any

grant category (\$2.25 million annually) and was the only category allowing for local development activities. The LAB found that for 119 local development grants reviewed, over one-third included the development of sport facilities and playground equipment. The LAB noted that by using the term "primary focus or purpose" being the enjoyment of nature to define nature-based outdoor recreational activities, it was unclear to what extent sport facilities or playground equipment might be eligible if they were not the "primary focus" of the project. Further, LAB also noted that for land acquisition grants it may be unclear under the DNR administrative rule whether sports fields or facilities may be sited on property purchased with stewardship grants. However, the January, 2011, changes to NR 51 clarify that playgrounds may be eligible for development of local parks grants only as "support facilities" and only if they "occupy a minor portion of the grant property" and do not take away from the primary purpose of the project. Further, the rule changes also specify that ineligible acquisition or development projects include, but are not limited to "acquisition and development of areas and facilities that do not meet the definition of nature-based outdoor recreation as defined in NR 51 such as spectator sports, *stand-alone* playgrounds, swimming pools, dedicated sports fields, tennis courts and hockey rinks".

### **Recreational Boating Aids Subprogram**

2007 Act 20 created a recreational boating aids subprogram and dedicated \$1.5 million in 2007-08 and \$2.5 million annually beginning in 2008-09 to this subprogram. Also under Act 20, \$1.5 million in 2007-08 and \$2.5 million annually beginning in 2008-09 in water resources account SEG (motorboat gas tax) was transferred from the recreational boating aids program to a DNR appropriation dedicated to grants for the control of aquatic invasive species. With \$400,000 remaining water resources SEG, funding for recreational boating grants totals \$2.9 million annually.

Under the recreational boating aids program, DNR provides grants to municipalities, counties, town sanitary districts, public inland lake protection and rehabilitation districts, qualified lake associations, the Milwaukee River Revitalization Council, and the Lower Wisconsin State Riverway Board for up to 50% of the costs (or more in certain circumstances) of developing recreational boating facilities approved by the Waterways Commission. The Waterways Commission is a five-member board appointed by the Governor with the advice and consent of the Senate for staggered, five-year terms. Grants are available for recreational boating projects that include providing public access (boat ramps and related parking facilities), navigational aids or markers, dredging, weed removal, and capital equipment used for trash or debris removal. Under NR 51, if, by the date of the grant award, a project sponsor fails to establish boat launch fees as a method to pay for maintenance of existing landings under the sponsor's jurisdiction, the Waterways Commission may reduce that grant award by a percentage to be determined by the Commission during each grant cycle, not to exceed 25% of the total grant award amount. The statutes limit boat launching fees to a "reasonable fee," set in administrative rule NR 1.91(11) as a maximum base fee equal to the daily park admission fee (currently \$7) plus additional fees for attendants on-duty, toilet facilities and larger boats (from 20% to 60%). A season pass may not exceed 10 times the daily launch fee and nonresident fees, if charged, may not exceed 150% of municipal resident fees.

### **Baraboo Hills Subprogram**

Under this subprogram, DNR could provide up to \$5 million to match the value of land acquisitions certified by the Department as meeting the following: (a) the land is being acquired for conservation purposes; (b) the land is being acquired by the federal government, a local governmental unit or NCO; and (c) any federal moneys used for the acquisition are federal non-transportation

moneys. The entire \$5 million allotted for the program was obligated by fiscal year 2010-11.

### Bluff Protection Subprogram

In 2000-01, \$1 million in bonding was allocated for a bluff protection program. No money may be obligated for the bluff protection subprogram after June 30, 2004. One grant totaling \$454,700 was awarded to the Ozaukee Washington Land Trust in 2001-02 under this subprogram to assist in the acquisition of 77 acres of bluff land ("Lion's Den Gorge") along the Lake Michigan shore in Ozaukee County.

### Current Subprogram Allocations

Under 2011 Act 32, in 2012-13, \$21 million is available to be divided between the Department's capital development budget and local assistance grants. The Act allocated not more than \$8 million annually for local assistance (consistent with the 2009-10 allocation). For 2012-13, the Department allocated \$13 million to the property development budget, with \$250,000 set aside for Friends' Group development grants. This left the maximum of \$8 million in grant funds available in 2012-13 for local assistance. Table 11 illustrates the stewardship expenditure plan for fiscal year 2012-13.

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### Grants to Nonprofit Conservation Organizations

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NCOs are eligible to apply for grants under both of the major stewardship subprograms, the land acquisition subprogram and the property development and local assistance subprogram. Funds received as grants under the land acquisition subprogram are used to acquire land for a variety of purposes, such as habitat areas, natural areas, streambank protection, trails, and wild lakes, in accordance with the statutorily enumer-

**Table 11: Stewardship 2012-13 Expenditure Plan**

Subprogram	2012-13
Land Acquisition	
Department Acquisitions	\$21,500,000
Grants to NCOs	12,000,000
BCPL Natural Areas	2,000,000
County Dam Safety Grants	1,000,000
Recreational Boating Aids	\$2,500,000
Property Development and Local Assistance	
DNR Property Development	\$12,750,000
Grants to Friends Groups and NCOs	250,000
Local Assistance Grants	<u>8,000,000</u>
<b>Total</b>	<b>\$60,000,000</b>

ated priorities for land acquisition funding.

Under 2007 Act 20, beginning in fiscal year 2010-11, grants of up to 75% of the property acquisition costs may be made to NCOs (rather than the prior maximum of 50%) if the Natural Resources Board determines that all of the following apply: (a) that the property is uniquely valuable in conserving the natural resources of the state; (b) that delaying or deferring the acquisition until 50% of the acquisition costs are procured by the NCO is not reasonably possible; and (c) that sufficient bonding authority remains in the \$12 million set aside for land acquisition grants to NCOs for that fiscal year, after awarding grants to nonprofit conservation organizations that meet the 50% matching requirement. Table 12 shows the amounts provided for the land acquisition subprogram, including the amounts available for general DNR land acquisition (and certain other specified purposes), and for NCO acquisitions since 2000-01.

Before receiving a grant, s. 23.096(3) of the statutes specifies that an NCO must enter into a contract with DNR. The contract must: (a) specify standards for the management of the property to be acquired; (b) prohibit use of the property as security for any debt, unless DNR approves; and (c) prohibit the property to be acquired from being closed to the public, unless DNR determines

**Table 12: Land Acquisition Allotments for Non-Profit Conservation Organizations**

Fiscal Year	Total Allotment	Available for Land Acquisition	Available for NCOs	Percentage of Funds Allocated to NCOs
2000-01	\$28,500,000	\$22,500,000	\$6,000,000	21.1%
2001-02	34,500,000	27,250,000	7,250,000	21.0
2002-03	45,000,000	37,750,000	7,250,000	16.1
2003-04	45,000,000	37,000,000	8,000,000	17.7
2004-05	45,000,000	36,750,000	8,250,000	18.3
2005-06	45,000,000	36,750,000	8,250,000	18.3
2006-07	45,000,000	36,750,000	8,250,000	18.3
2007-08	43,500,000	35,500,000	8,000,000	22.5
2008-09	42,500,000	34,500,000	8,000,000	23.2
2009-10	42,500,000	34,500,000	8,000,000	23.2
2010-11	62,000,000	50,000,000	12,000,000	24.0
2011-12	37,500,000	25,500,000	12,000,000	32.0
2012-13	36,500,000	26,500,000	12,000,000	32.9
2013-14	42,500,000	30,500,500	12,000,000	28.2

it is necessary to protect wild animals, plants or other natural features (beginning on or after October, 27, 2007, fee title acquisitions and easements on former MFL land acquired using stewardship funds are generally required to be open to the public for hunting fishing, trapping hiking, and cross-country skiing subject to the requirements under s. 23.0916). In addition, the contract must specify that any subsequent sale or transfer of the property by the NCO may be made only with the approval of the Department and only if the potential owner enters into a new contract with DNR. If the NCO violates any essential provision of the contract, title to the acquired property will vest in the state. In 2011-12, 43 NCOs received grant awards totaling \$7.5 million (including grants under the land acquisition subprogram and grants under the property development and local assistance subprogram).

Partnerships with NCOs have increased the Department's ability to protect land in more densely populated areas. For example, the "Polk Kames/Kettle Hills" project was located in the southeastern region of the state where open land is scarce and land values are generally higher than other regions. For the project, \$1.45 million

in Department land acquisition funds and \$1.89 million in NCO grant acquisition funds were paired with the National Park Service's Land and Water Conservation Fund (LWCF) as well as private funds of over \$5 million to protect over 550 acres in Washington and Waukesha counties. From 2000 to 2008, this multiple partner project collaboration resulted in an additional 43 miles of Ice Age National Scenic Trail and the purchase of 7,332 acres of habitat and recreation land.

NCOs are also eligible for matching grants under the property development and local assistance subprogram. Matching grants may be given to NCOs for property development and habitat restoration on land owned by the Department, acquisition of urban green space, acquisition of local parks (NCOs are not eligible for development of local parks), and urban rivers areas, and for the purchase of development rights (easements) for conservation purposes. As mentioned previously, all funds expended under this subprogram must be used for nature-based outdoor recreational purposes.

In addition, DNR may provide up to \$250,000 each year in matching grants to friends groups and NCOs for property development activities on Department-owned property, with no more than \$20,000 in grants for any property in a given fiscal year. Friends groups have first option on available funds.

DNR is currently authorized to contract with non-profit conservation organizations (including land trusts) and other third parties to perform land management, maintenance, and improvement activities on Department land. In addition, 2011 Act 32 authorized DNR to receive gifts, grants, and bequests of money, materials, or services from NCOs and other donors for the performance of these activities on Department land. The act also specified that DNR may

acknowledge the performance of these activities on DNR land through signs, bulletins, pamphlets or other communications.

DNR is required to submit a report to the Joint Committee on Finance annually by November 15, which includes information on costs of contracts with NCOs and other third parties, activities performed, and the cost effectiveness of the contracts in the prior year. Contracts of approximately \$3.2 million were identified in 2009-10 and approximately \$2.5 million in 2010-11. The fiscal year 2011-12 report categorized DNR contracts with private companies and NCOs totaling approximately \$3.2 million. Project categories included boat access site maintenance, habitat maintenance, fish hatcheries projects, invasive species control and eradication, land maintenance, and facilities and trail maintenance, among others.

Small groups that do not qualify as a nonprofit organization may enter into a partnership with a qualified NCO in order to apply for a one-time stewardship grant of up to \$20,000 for habitat restoration and land acquisition. Under this provision, the qualified NCO would act as the fiscal agent for the grant and would retain title to the land.

As of June 30, 2012, 68 NCOs (not including development grants to friends groups) have been awarded 592 grants totaling over \$113 million under ten of the stewardship components, as follows: (a) 209 grants for natural areas; (b) 197 habitat areas grants; (c) 50 for the Ice Age Trail; (d) 38 grants under the stream bank protection program; (e) 17 grants for urban green space; (f) 29 grants under the acquisition of development rights component; (g) 12 grants for acquisition of local park lands; (h) 11 grants under urban rivers; (i) four grants under state trails, and (j) nine in the Baraboo Hills program. In addition, another 16 grants were awarded through a mixture of funds from the multiple components listed above.

Since the inception of stewardship NCO grants, several NCOs have received multiple grants, including The Conservation Fund, Door County Land Trust, Mississippi Valley Conservancy, Natural Heritage Land Trust, and The Nature Conservancy, among others. During fiscal years 2010-11 and 2011-12, two NCOs received their first stewardship grants: the Aldo Leopold Foundation and Muskego Lakes Land Conservancy. In addition, the Friends of the Fox (River) group received an acquisition grant under the urban rivers program. Other recent grantees include organizations in several regions of the state including: Bayfield Regional Conservancy (Bayfield, Douglas, and Sawyer Counties); Caledonia Conservancy (Racine County); Ridges Sanctuary (Door County); the Baraboo Range Preservation Association (Columbia and Sauk Counties); Ozaukee Washington Land Trust (Ozaukee and Washington Counties); Driftless Area Land Conservancy (portions of Crawford, Dane, Grant, Green, Iowa, Lafayette, Richland, Sauk, and Vernon Counties); and Milwaukee Area Land Conservancy (Milwaukee County). Stewardship grant awards by County are summarized in Appendix IV.

#### *Recent Grants to NCOs*

In March, 2012, the Joint Committee on Finance approved a stewardship grant of \$474,500 to the Aldo Leopold Foundation for the acquisition of 124.32 acres in the Town of Fairfield, Sauk County. Those acres, along with acreage the Foundation used as an eligible form of grant matching funds, protect a total of 248.64 acres. The property is a mix of wetlands, ponds, prairie and grassland and floodplain forest. It adds protected acreage to the Leopold-Pine Island Important Bird Area and expands conserved habitat area near the Pine Island State Wildlife Area. The Foundation plans to manage the property for wildlife-based recreation, public education and habitat protection. The property will be open to the public year round for hunting, trapping, fishing, hiking and cross country skiing. Notably,

this addition to the Leopold Preserve allows an interpretive trail connection between the Leopold Legacy Center – the Foundation’s visitor center and headquarters – and Aldo Leopold’s famed “shack”, a National Historic Landmark.

In April, 2012, the Joint Committee on Finance approved a stewardship grant of \$305,300 to The Nature Conservancy for the acquisition of 164 acres in the Village of Nelson, Buffalo County. The acreage acquired will expand the Lower Chippewa State Natural Area which contains more rare species than any other location of comparable size in the state. It is situated above the Mississippi River, and is directly across the "Great River Road" from the U.S. Fish and Wildlife’s Upper Mississippi River Refuge. The property features two scenic bluffs rising 600 feet above the Mississippi River. The land hosts a known nesting site for endangered Peregrine falcons and a Timber rattle snake den. The property will be open to the public year round for hunting and trapping, hiking, cross-county skiing, snowshoeing, bird watching and other types of nature appreciation.

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### **Public Access on Stewardship Lands**

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The use of DNR lands is guided by statute and administrative code. Administrative rule NR 1.61 refers to the public use of Department land and states, "except as prohibited or regulated by rule or statute, all department land shall be open for: (a) traditional outdoor recreational uses, including hunting, fishing, trapping, walking, nature study and berry picking; and (b) other types of recreational uses, including camping, bicycling, equestrian uses, field trials, and snowmobiling or other motorized activities, as authorized on a parcel by the property master plan." Certain Department lands are statutorily allowed to be closed to public access for hunting and trapping. For example, section 29.091 of the statutes pro-

hibits hunting and trapping within a wildlife refuge.

Further, the Department is prohibited from permitting any use of a designated state natural area that is "inconsistent with or injurious to its natural values". The Department also has the authority under section 23.28 of the statutes to establish use zones within designated state natural areas and to limit the number of people accessing certain zones within that natural area. Further, several other DNR property types are also closed to hunting including: (a) administrative facilities (such as ranger stations); (b) forest nurseries; (c) boat access sites; and (d) certain conservation easements (such as those acquired to allow for fishing along certain trout streams and certain habitat protection easements). In addition, prior to 2011 Act 168, s. 29.089 of the statutes prohibited hunting or trapping in state parks (which includes state trails) and state fish hatcheries unless specifically opened by administrative rule (such as for hunting in a chronic wasting disease management zone). However portions of many state parks were open for deer hunting seasons, some requiring a Department issued park access permit, and others allowing hunting without a permit (a state park vehicle admission sticker is required for all vehicles in a state park).

Under 2011 Act 168, the prohibition of hunting and trapping in state fish hatcheries was maintained. However, the Act modified the prohibition of hunting and trapping in state parks (including state trails). 2011 Act 168 requires that, effective January 1, 2013, state parks must be open to hunting, fishing, and trapping. However, the act authorizes DNR to prohibit hunting, fishing, or trapping in a state park or a portion of a state park if the area is: (a) within 100 yards of a designated use area; or (b) if the Natural Resources Board determines that prohibiting hunting, fishing, or trapping is necessary to protect public safety or to protect a unique plant or animal (the act requires four or more of the seven members to concur in that determination). The

Bureau of Parks appointed a State Park Ad Hoc Committee on Act 168 which met in May, 2012, and September, 2012, to finalize an Act 168 implementation plan for the parks program. The Committee was made up of 17 DNR staff including park superintendents/managers, wildlife supervisors, park rangers, a trails coordinator, a wildlife policy coordinator, among others. As part of the implementation effort, district park supervisors met with property managers to determine opportunities for hunting, fishing, and trapping in their respective parks. DNR conducted public listening sessions regarding the Department's implementation plan in October and November, 2012, in five locations around the state. The final plan is to be presented to the Natural Resources Board in December, 2012.

In response to concerns raised regarding the level of public access on lands purchased using stewardship funds, specifically public access for hunting and trapping, in 2007, the Department conducted an analysis regarding public access on stewardship land. DNR found that, for land acquired by fee or easement through the land acquisition subprogram of the stewardship program from 1990 to 2006, approximately 94% of lands are open to hunting (as of September, 30, 2012, approximately 96% of Department lands acquired through the stewardship program are open to hunting). In addition, the analysis found that, for land acquired through DNR stewardship grants to local units of government and non-profit conservation organizations, 62% are open to hunting. Table 13 shows the amount of land acquired through the stewardship program that is open to hunting through 2006.

Under the land acquisition subprogram, the Department is statutorily authorized to acquire land for certain specified purposes including: stream bank protection, habitat areas, fisheries, and natural areas. As mentioned above, hunting is

prohibited on state fish hatcheries and the Department may control access to some state natural areas, and specified areas of state parks and state trails. In addition, s. 23.092 of the statutes specifies that habitat areas are designated as such in order to enhance wildlife-based recreation in Wisconsin, including hunting, fishing, nature appreciation, and the viewing of game and nongame species. Under administrative rule NR 44.06, habitat areas may be managed for a wide variety of purposes including focused species production and protection. Therefore, hunting may be allowed in some habitat areas, but may be prohibited in others where it would compromise the production or protection of a particular species. The acreage where hunting is not permitted on lands acquired under the land acquisition subprogram also includes boat access sites and park entrance/visitor stations.

Under the local assistance subprogram, the Department provides grants to local governments and non-profit conservation organizations (NCOs) for land acquisition and development. Moneys obligated under this subprogram may only be used for nature-based outdoor recreation. The 14,200 acres of fee title land shown in Table

**Table 13: Stewardship Lands Open to Hunting (1990-2006)**

	Total Acres Acquired	Acres Open to Hunting	% Open to Hunting
<b>DNR Land Acquisition</b>			
Fee title	282,900	276,400	98%
Easement	<u>142,800</u>	<u>122,900</u>	<u>86</u>
DNR Subtotal	425,700	399,300	94%
<b>Grants</b>			
Local Units of Government			
Fee Title	14,200	3,300	23%
Easement	800	0	0
Nonprofit Conservation Organizations			
Fee Title	31,900	28,000	88%
Easement	<u>4,700</u>	<u>500</u>	<u>11</u>
Grants Subtotal	51,600	31,800	62%
<b>Total</b>	477,300	431,100	90%

13 as acquired by local governments were used for municipal and county parks and trails. Hunting access on these lands is controlled by the local unit of government. However, in the chronic wasting disease (CWD) zones, the Department encourages deer hunting in all county parks. For example, Dane County, which generally prohibits hunting in county parks, allows archery deer hunting by permit to assist in the CWD control effort. The 800 acres of easements acquired by local units of government were acquired to help protect existing park and public green spaces from potential adjacent land developments. This acreage is not open for public hunting; however, hunting may be allowed on some of these lands by certain individuals with the landowner's permission.

#### *Statutory Requirements and Administrative Rules Addressing Stewardship Public Access*

2007 Act 20 (s. 23.0916(2) and (3) of the statutes) specified that land acquired by DNR or acquired through a stewardship program grant in fee simple, or acquired by an easement or other conveyance that was withdrawn from the managed forest law (MFL) program on or after October 27, 2007, must be open to the public for hunting, fishing, trapping, hiking, cross-country skiing, and any other nature-based outdoor recreational activity as defined in administrative rule, unless the Natural Resources Board determines that a closure is necessary to: (a) protect public safety; (b) protect a unique plant or animal; or (c) to accommodate usership patterns, as defined by administrative rule. 2011 Act 32 removed the accommodation of usership patterns from the allowable reasons for prohibition of a nature-based outdoor activity. However, if the property was acquired for a state trail or the Ice Age Trail, access could continue to be restricted to accommodate usership patterns. Appendix VII illustrates the public access requirements for stewardship land acquisitions under s. 23.0916(2) and (3) of the statutes. Exceptions to the public access requirements include fish, game, and wildlife ref-

uges, fish hatcheries, certain specified areas within state parks, and locations within close proximity to hospitals and schools where certain types of public access and/or hunting may be prohibited.

Administrative rule NR 52, effective August 1, 2010, was developed to address the stewardship public access requirements under s. 23.0916 of the statutes (Department staff utilized an interim protocol to review stewardship projects for public access prior to the effective date of the rule). The rule defines a nature based outdoor activity (NBOA) as "the nature based public outdoor activity of hunting, fishing, trapping, hiking, or cross-country skiing as described in s. 23.0916(1)(b) of the statutes". The rule specifies that decisions to prohibit public access for these activities will be reviewed by the Department of Natural Resources staff using "professional judgment and will be based on sound science, legitimate safety issues, factual data, and relevant information." It further specifies that a restriction of a nature based outdoor activity may be considered a prohibition if the restriction prevents a major or a significant amount of the nature based activity from occurring.

Further, administrative rule NR 52.01(3) specifies that the Natural Resources Board has determined that administrative rules NR 1.61 and 51.07(3)(e) govern public access on all other lands funded in whole or in part with funding from the stewardship program that are not subject to the requirements of s. 23.0916(2) or (3) (lands acquired in whole or in part with funding from the stewardship program that are acquired by easement, other than easements on former MFL land). As mentioned previously, administrative rule NR 1.61 states, "except as prohibited or regulated by rule or statute, all department land shall be open for: (a) traditional outdoor recreational uses, including hunting, fishing, trapping, walking, nature study and berry picking; and (b) other types of recreational uses, including camping, bicycling, equestrian uses, field trials, and

snowmobiling or other motorized activities, as authorized on a parcel by the property master plan." In addition, administrative rule NR 51.07(3)(e) requires that property acquired by a non-profit conservation organization (NCO) using stewardship funds, may not be closed to the public unless the Department determines that it is necessary to protect species of plants, wild animals or other natural features or if the right of public access is not acquired as part of the rights purchased with an easement.

For Department acquisitions, administrative rule NR 52 requires DNR to incorporate an evaluation of public access requirements in all Department master plans and other planning documents that include land acquisition as an implementation strategy and in all revisions to plans for existing projects subject to the public access requirements under s. 23.0916(3) of the statutes (exceptions include fish and game refuges, etc.). For non-department land acquisitions, the rule specifies that all stewardship program grants for land acquisitions subject to s. 23.0916(2) of the statutes (land acquired, with stewardship funds, in fee simple or through an easement on former MFL land) are required to include a description of the public uses proposed for the property being acquired and a checklist indicating which of the specific NBOAs will be permitted on the property. The checklist must include: (a) an indication as to whether a specific NBOA shall be allowed on the property; (b) for hunting, information regarding allowing waterfowl, small game, turkey, and big game hunting, and both gun and archery hunting; (c) for trapping, information regarding allowing water trapping and upland trapping; (d) for fishing, information regarding permitting shore fishing and boat fishing; (e) for hiking; information regarding allowing trail hiking and hiking off-trail; and (f) for cross-country skiing, information regarding allowing groomed trail skiing and off-trail skiing.

Additionally, section 23.096(3) of the statutes

specifies that, in order to receive a stewardship grant, an NCO must enter into a contract with the Department that details standards for management of the property. For grants to NCOs, the state holds a reversionary interest in the property, meaning that, if the NCO converts the use of the property to one inconsistent with the contract, the title to the acquired property vests in the state. Closed acreage on lands purchased using stewardship funds that are controlled by NCOs generally include lands where development rights were acquired to buffer existing public lands from development or land that was acquired with a stewardship grant prior to October 27, 2007 (the effective date of s. 23.0916).

In addition, a stewardship grant application must also include an explanation of the primary purpose of the acquisition such as for a local park or urban green space, and a description of the state, regional, or local plans that support the acquisition, as well as a description of the formal or informal public input received regarding the proposed project. Further, the grant application checklist must also include a description of the NBOAs to be prohibited on the property, if any, and the reason for the prohibition (related to protecting public safety, protecting a unique animal or plant community, or accommodating usership patterns, if applicable, subject to the provisions under s. 23.0916 of the statutes).

Under NR 52, Department staff evaluate each proposal to prohibit an NBOA and determine whether the prohibition will be allowed. The rule specifies the criteria for making the determination of whether to allow the prohibition of an NBOA for each of the allowable categories of prohibition. Under the rule, factors that Department staff should consider when evaluating a proposal to prohibit an NBOA include: (a) the primary purpose for the project; (b) laws and ordinances that may impact one or more NBOAs on the property; (c) user conflicts that may create public safety issues and impact one or more

NBOA(s) on the property and user incompatibility and how this incompatibility may lead to the primary purpose of the project being significantly altered or curtailed; (d) the complexity, feasibility, practicality, and cost effectiveness of separating activities by time and space or any other manner that might mitigate user incompatibility and or reduce the need for enforcement; (e) the physical characteristics of the property including size, shape, groundcover, topography or proximity to inhabited buildings that create public safety issues and influence NBOAs on the property as well as surrounding land uses, including the use of public lands immediately adjacent to the property which may or may not have been funded with stewardship funds; (f) the necessity to prohibit an NBOA to protect and enhance the biological diversity, composition and ecological functions of natural communities exhibiting relatively little human disturbance or that have the capacity to be easily restored to such conditions; (g) the potential for an NBOA to impact the natural values of the site (natural values as defined in s. 23.27 of the statutes); (h) the potential for an NBOA to accelerate or increase over time and cause damage to the natural values of a site; and (i) the potential for an NBOA to increase the risk of poaching rare plant or animal species, or the removal or destruction of rare geological or archeological features.

In addition, Department grant staff also evaluate proposed restrictions on an NBOA, such as a permitting or registration system (for NBOAs such as hunting, trapping, or cross-country skiing), to determine whether the restriction would prevent a significant amount of an NBOA from occurring, as to constitute a prohibition under administrative rule NR 52.01(1) and 52.02(10). Staff are guided by a number of factors in deciding whether the permit system is reasonable, or too restrictive, including the following: (a) the purpose of the permit or registration system; (b) whether there is a reporting requirement, voluntary or required; (c) the permit application meth-

ods (by mail, internet, in person, and/or by phone); (d) whether there is a fee, and if so, whether the fee is equal to or less than the cost of a daily Wisconsin resident park admission sticker (currently \$7); (e) whether the system is exclusive or favoring a particular user group (such as residents vs. non-residents); (f) whether the system is designed to create and/or improve an NBOA opportunity; and (g) whether there was public input into the design and implementation of the proposed system.

For any stewardship proposal to prohibit an NBOA subject to s. 23.0916 (including DNR acquisitions and stewardship grants), DNR is required to provide electronic public notice to any individual asking to receive such notice. This is followed by a public comment period and, if an objection is received during the comment period, an evaluation period. If an objection is received, DNR is required to create a written summary of its determination on the proposal to prohibit one or more NBOAs at the end of the public comment and evaluation periods.

The Department submits a report to the Natural Resources Board for each regularly scheduled board meeting that summarizes Department staff determinations regarding proposed prohibitions of NBOAs for DNR acquisitions or stewardship grant awards. The report is submitted to the Board and the information made available to the public over the internet at least five working days prior to the next regularly scheduled meeting of the Board. Administrative rule NR 52 requires the Board to allow public participation and receive public testimony regarding DNR's determinations and vote whether to ratify prohibitions of NBOAs on non-department land included in the report.

For proposed prohibitions of NBOAs on land acquired by DNR that is subject to s. 23.0916, NR 52 does not require the Board to vote whether to ratify the prohibitions included in the report.

However, the Board generally does vote on whether to approve the DNR land acquisition transaction as a whole. If a stewardship land transaction includes a prohibition of an NBOA, four or more members of the Natural Resources Board are required under s. 23.0916 to concur in the determination that the prohibition is necessary, in order for the transaction to be approved by the Board. In practice, the Department indicates it submits stewardship land acquisition projects subject to s. 23.0916, including grants for land acquisition, where DNR has determined an NBOA would be prohibited, or significantly restricted, to the Natural Resources Board for review (either individually or in a summary listing). Further, all Department land acquisition projects over \$150,000 are submitted to the Board for review, as required under administrative rule NR 1.41 (the rule also requires Board approval for certain other land acquisitions including land acquisitions with substantial improvements or land acquired by gift).

#### *Public Information*

Administrative rule NR 52 addresses the public notice requirements associated with the Department's determinations regarding NBOA prohibitions. The rule specifies that these determinations are subject to the public notice requirements of administrative rule NR 150. These generally require a news release including information about the project sponsor, location, and type, potential to cause adverse environmental impacts, a contact person at DNR for comments, and a date by which comments must be submitted to DNR for consideration.

In addition to the public notice requirements under administrative rule NR 150, administrative rule NR 52 requires DNR to provide individual notification over the internet to any person requesting to receive a notice of any proposal to prohibit an NBOA. Specifically, the rule requires any public notice regarding a proposal to prohibit an NBOA to include: (a) the name, address, and

phone number of the Department's contact person for the project; the checklist indicating which specific NBOAs will be permitted on the property; (c) a summary of the NBOAs to be prohibited; and (d) the Department's initial assessment of the proposal to prohibit the NBOA including an evaluation of the criteria described in the rule, and involving the Department's resource management professionals at the local, regional, and statewide level. DNR complies with this requirement through the use of an email sign-up feature available through the Department's website, which delivers news releases to a subscriber's email address containing the required information for each stewardship project.

Further, the rule establishes a public comment period of 15 business days beginning on the day immediately following the day the Department sends out the notice electronically, during which public comments concerning the proposal may be submitted, in writing, to DNR. Objections are required to show the proposed prohibition of an NBOA is inconsistent with the public access requirements of s. 23.0916(2)(b) or (3)(b), as well as administrative rule NR. 52.05. If an objection is received by DNR during the 15-day comment period, DNR has up to 15 additional business days from the close of the comment period to evaluate the public comments, including any objections. During this time, DNR must contact any person that submitted an objection and the project sponsor to notify them that the objection was received and to gain more information about the proposal. At the end of the public comment and evaluation period, DNR must create a written summary of its determination whether to allow the prohibition of an NBOA to anyone who submitted an objection and to the project sponsor.

DNR was also required by 2007 Act 20 to provide a report to the Joint Committee on Finance and standing committees on natural resources by November 15 annually (beginning in 2008) identifying each property acquired in the previous fiscal year that is not open for one or

more of the required nature-based outdoor recreational activities (hunting, fishing, trapping, hiking, and cross-country skiing) and the reason for the closure (either to protect public safety; protect unique plant and animal communities; or, if applicable, to accommodate usership patterns). 2009 Act 28 changed this to a biennial report. In the November, 2011, report, DNR identified one acquisition out of 286 acquired by DNR during fiscal years 2009-10 and 2010-11 where public access is restricted, and 39 grant projects acquired using stewardship funds out of a total of 107 awarded, where public access for one or more of the required nature-based outdoor activities was restricted. The DNR acquired property, an 80-acre former captive deer farm, depopulated due to CWD, was acquired in April, 2011. DNR acquired the property in order to prevent the spread of CWD to wild deer and provide research opportunities. All public access is prohibited on the property. Of the 39 grant projects where access is restricted, 28 involved prohibitions on both hunting and trapping, while an additional six involved prohibitions on hunting and five involved prohibitions on trapping (none of the projects involved prohibitions on cross country skiing, fishing, or hiking). The majority of these restrictions were related to protecting public safety, while some of the trapping restrictions were related to the protection of a unique plant or animal community and accommodating usership patterns and some of the prohibitions of hunting and trapping were also related to accommodating usership patterns.

In addition, 2007 Act 20 required DNR, before November, 2011, to establish and maintain an interactive mapping tool at the Department's website that identifies all stewardship land that is open for public access. The mapping tool must be available without charge. The mapping tool is available on the DNR website at <http://dnr.wi.gov/topic/lands/dmlmap/>. 2011 Act 95 requires DNR to, by December 21, 2013, make available to the public a written directory

of all stewardship land that is open for public access. The directory is required to be organized by county and town and clearly show the location of stewardship land and named or numbered roads. The directory must be updated at least every two years. DNR may prepare the directory or may make available a map, book, or directory published by a private entity. DNR may charge a fee for the directory, but it may not exceed the cost of preparing and publishing the directory. The act also requires DNR to make a list of all stewardship land that was acquired before October 27, 2007, for which public access has been restricted or prohibited and the reasons for that action, and make it available to the public by December 21, 2013.

Further, 2007 Act 20 required an owner of stewardship land, or DNR, if the land is surrounded by DNR land, to provide notice of public access to the stewardship land in the form of specific signs placed at major access points on the stewardship land that identify the land as acquired using stewardship funds (within six months of receiving stewardship funds for land acquired on or after October 27, 2007; and by November, 2011, for land acquired before October 27, 2007). The act specifies that the signs be at least 108 square inches and made of a durable substance. The act requires the signs to include: (a) either the primary activities that are restricted or prohibited on the stewardship land; (b) the name of the owner of the stewardship land or a person to contact regarding the stewardship land; and, (c) if the stewardship land has a cumulative acreage of 10 acres or more, the postal address or telephone number of the owner of the stewardship land, the postal address or telephone number of a person to contact regarding the stewardship land, or an internet website address where a person can locate that information.

Under Act 20, if a landowner fails to comply with these requirements, the landowner would be ineligible for state aid under the stewardship program until DNR determines that the landowner is

in compliance. If the Department is notified that a sign needs replacing, the act requires DNR to determine whether the sign needs to be replaced within 28 days. If the Department determines that replacement is necessary, DNR must replace the sign within 28 days (for signs on DNR lands, or lands surrounded by DNR land), or must notify the landowner within seven days of that determination. If the landowner does not replace the sign within three months after receiving notice from DNR, the landowner would be ineligible for any state aid under the stewardship program. The act also requires all owners of stewardship land to provide DNR with contact information. Further, the act specifies that, if the Department authorizes an NCO to charge a fee for hunting on stewardship land, the fee for the hunting season may not exceed the state park daily resident vehicle admission fee (currently \$7). Under the act, these requirements do not apply to stewardship easements for trails, land acquired or managed for the Ice Age Trail, and easements where the primary purpose of the easement is not public access.

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### **Stewardship Earmarks**

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Beginning in the 1991-93 biennium, statutory earmarks from the stewardship program have been included in some legislative acts. Table 14 shows the statutory stewardship earmarks by biennium. In addition, the 1995-97 biennial budget act authorized DNR to purchase the Willow Flowage and surrounding lands in Oneida County. Under the original stewardship program, \$2,000,000 annually was allotted for acquiring land along the Lower Wisconsin State Riverway. DNR purchased 8,720 acres for \$9.8 million for the Willow Flowage Scenic Waters Area in 1997.

Some earmarks required that stewardship program funding be matched in order for the stewardship funds to be released. For example, the 1997-99 biennial budget act (1997 Act 27)

required that for every \$3 received by DNR from private grants or bequests for the Crex Meadows Wildlife Center, \$1 was to be expended from the stewardship program. This would represent a state grant for 25% of eligible project costs (75% local match). The last column in the table shows the percent of eligible project costs required to be paid by the local recipient (no number in this column indicates no local match was required).

As shown in Table 14, 2007 Act 20 provided funding for five earmarks. First, the act directed DNR to expend up to \$1,000,000 of the bonding authority under the stewardship program for efforts to improve navigability for recreational boating in Mirror Lake in Sauk County and in the streams flowing into the lake. The act authorized DNR to expend bonding authority from either the land acquisition subprogram or the property development and local assistance subprogram. DNR has provided \$1,000,000 to the Mirror Lake Association for the Mirror Lake project (half of the funding was provided from the land acquisition subprogram and half from the property development and local assistance subprogram).

Second, 2007 Act 20 directed DNR to expend up to \$600,000 from either the land acquisition or the property development and local assistance subprogram to the City of Antigo for property development activities related to the Ice Age and Springbrook trails. The act requires DNR to provide \$1 for each \$1 expended by the City of Antigo. DNR issued a grant agreement and encumbered \$600,000 from the property development and local assistance subprogram, and as of September, 2012, a \$300,000 balance remains for the development of the trails. Work on the trails began in summer 2009.

In addition, the act provided up to the following amount from either the land acquisition or property development and local assistance subprogram and required the recipient to provide \$1 for each \$3 in state funding: (a) \$500,000 to Vernon County to restore Jersey Valley Lake; (b)

**Table 14: Statutory Stewardship Program Earmarks by Biennium**

Biennium	Project	Location (County)	Bonding Authority	Local Match*
1991-93	Monona Terrace Convention Center	Dane	\$3,000,000	50%
	Hank Aaron State Trail	Milwaukee	400,000	
	Horicon Marsh Interpretive Center	Dodge	250,000	
1997-99	Grandfather Falls Recreation Area	Lincoln	2,138,000	75
	Hank Aaron State Trail	Milwaukee	290,000	
	Crex Meadows Wildlife Center	Burnett	250,000	
	Flambeau Mine Trail	Rusk	100,000	
1999-01	Milwaukee Lakeshore State Park	Milwaukee	2,000,000	50
	Root River Multi-Purpose Pathway	Racine	750,000	
	Hank Aaron State Trail	Milwaukee	670,000	
	Sheboygan Riverfront Park	Sheboygan	173,800	
	Keyes Lake Recreational Area	Florence	125,000	
	Rock River Riverwall	Jefferson	96,500	
	Rib Mountain State Park Ski Chalet	Marathon	50,000	
	Upper Whiting Park	Portage	38,000	
	Non-profit Habitat Restoration and Land Acquisition	Not Specified	20,000	
2001-03	Milwaukee Lakeshore State Park	Milwaukee	3,000,000	50
	Kickapoo Valley Visitor Center	Vernon	2,370,000	
	State Fair Park	Milwaukee	2,000,000	
	Rib Mountain State Park Ski Chalet	Marathon	1,000,000	
	Wisconsin Agricultural Stewardship Initiative	Grant	1,000,000	
	Prairie River Restoration	Lincoln	450,000	
	Root River Parkway	Racine	375,000	
2007-09	Mirror Lake Boat Access	Sauk	1,000,000	25
	The Conservation Fund - Greenseams Flood Management	Milwaukee	1,000,000	
	Green Bay Recreational Trail	Brown	875,800	
	Ice Age and Springbrook Trails	Langlade	600,000	
	Jersey Valley Lake	Vernon	500,000	
2011-13	Dam Safety Grants	Milwaukee, Racine, Vernon	6,000,000	75
	DATCP Purchase of Agricultural Conservation Easements (PACE)	Several	5,200,000	

\*Percent of eligible project costs funded by grant recipient.

\$1,000,000 to The Conservation Fund for property acquisition for the Milwaukee Metropolitan Sewerage District Greenseams flood management program and for habitat restoration for lands acquired under the program; and (c) \$875,800 to the City of Green Bay for the acquisition of property to be developed into a recreational trail.

Jersey Valley Lake, located in Vernon Coun-

ty, was drained in response to a March, 2005, incident where manure runoff resulted in the death of many of the lake's fish. Further, the lake's dam was in need of repair and the lake's structure may have been leaking. The funding provided by 2007 Act 20 was for a project to install a grout curtain on the dam as well as monitoring wells downstream that record water levels and determine the effectiveness of the repair and continuing lake and dam function. DNR enumerated \$500,000 in

funds from the property development and local assistance subprogram and the final payment for the project was made on February 1, 2011.

Greenseams is a flood management program aimed at conserving water and preventing flooding through land protection. To implement Greenseams, the Milwaukee Metropolitan Sewerage district chose The Conservation Fund (TCF), a national non-profit conservation organization dedicated to land and water resource preservation. TCF helps MMSD acquire land along river corridors (such as the Menomonee, Milwaukee, and Root Rivers) containing hydric soils that can rapidly absorb water. A total of \$1,000,000 in stewardship funding from the land acquisition subprogram (grants to non-profit conservation organizations) was provided to TCF for the project.

The City of Green Bay project involved using stewardship funding to purchase approximately 25 acres from Wisconsin Central Railroad. In addition, Green Bay is acquiring parcels within the city limits and plans to construct an off-street multi-use bicycle and pedestrian trail separated from the city street grid, which will connect two existing multi-use trails. As of September, 2012, DNR had encumbered \$875,800 from the property development and local assistance subprogram with \$419,800 provided to the city for the project to date.

2011 Act 32 requires DNR to set aside funding from the land acquisition subprogram for two purposes not ordinarily covered under the stewardship program. Under the Act, DNR is required to set aside not less than \$6 million from the land acquisition subprogram for dam safety grants to counties under s. 31.385 of the statutes. Grants may only be awarded for a county-owned dam that is under an order by DNR for maintenance, repair, modification, abandonment or removal as of July 1, 2011. Grants are provided for up to 25% of eligible project costs, with a maximum grant award of \$2,500,000 (\$10,000,000 project).

Of this amount, as of July 1, 2012, DNR has awarded \$362,500 to Vernon County. The Department indicates that Milwaukee and Racine County are also eligible for grants under this subsection.

In addition, DNR is required to provide the amount necessary, but not to exceed \$5,200,000, to fund projects preliminarily approved in 2010 by the Department of Agriculture, Trade, and Consumer Protection (DATCP) for the Purchase of Agricultural Conservation Easements (PACE) program. The PACE program authorizes DATCP to enter into voluntary, perpetual easements with landowners to prohibit agricultural lands from being developed for nonagricultural uses. DATCP awarded 18 PACE grants for 15 projects in six counties. DNR provided this funding to DATCP in fiscal year 2011-12.

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### **Stewardship Program Oversight**

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A heightened review procedure for stewardship projects was enacted in 1995 in order to provide an increased level of legislative scrutiny for major expenditures under the stewardship program.

Prior to the passage of 2003 Act 33 (the 2003-05 biennial budget), DNR was prohibited from obligating any funding from the Warren Knowles-Gaylord Nelson Stewardship program for any project or activity that exceeded \$250,000 unless the Department first notified the Joint Committee on Finance in writing of the proposal. If the Co-Chairpersons of the Committee did not notify DNR within 14 working days after the date of the Department's notification that the Committee had scheduled a meeting to review the proposal, the Department was permitted to obligate the moneys. If, within 14 working days after the date of the notification by DNR, the Co-Chairpersons of the Committee notified the De-

partment that the Committee had scheduled a meeting to review the proposal, DNR could only obligate the funding upon approval of the Committee.

Prior to July 26, 2003, 109 projects had been submitted to the Committee. Of these, 48 were reviewed by the full Committee. All but four were approved. Three projects were denied, and one project was deferred. In addition, a \$350,000 grant to the City of Green Bay to fund a portion of the cost of the acquisition of 34.2 acres of land in the Bairds Creek Parkway was scheduled for Committee review in December, 1998, but was withdrawn by DNR. The Department then reduced the amount of the grant below the \$250,000 threshold for Joint Finance review.

As passed by the Legislature, 2003 Act 33 would have required that all land acquisition and property development activities under stewardship be reviewed by Joint Finance under the 14-day passive review process. The \$250,000 threshold of review by the Committee would have been maintained for local assistance or non-profit conservation organization (NCO) grants provided under the stewardship program. The Governor, in his partial vetoes of 2003 Act 33, deleted this provision. Further, the partial veto repealed all passive review requirements for land acquisition, property development, and grant activities supported by funding from an annual stewardship program allocation.

2007 Act 20 restored the authority of the Joint Committee on Finance to review projects under the stewardship program through a 14-day passive review process effective July 1, 2010. (As passed by the Legislature, the review requirements would have been effective on the general effective date of the bill; however, the Governor vetoed words from several sections of the bill to postpone the effective date to July 1, 2010). The act specified that all stewardship projects (excluding DNR property development projects and

DNR acquisition of land held by the Board of Commissioners of Public Lands) in excess of \$750,000 were subject to review. 2009 Act 28 specified that, if a stewardship project proposal is subject to review by the Joint Committee on Finance, the proposal is approved unless a majority of committee members present at the meeting vote to modify or deny the proposal.

Further, 2007 Act 20 specified that a DNR project or activity using stewardship funds of less than or equal to \$750,000 is subject to review by the Joint Committee on Finance if all of the following apply: (a) it is so closely related to one or more other Department projects or activities proposed as to constitute a larger project or activity that exceeds \$750,000; and (b) the Department separated the projects or activities primarily to avoid Joint Finance Review. DNR property development projects and certain lands purchased from the Board of Commissioners of Public Lands are excluded from review.

Under the act, if the Joint Finance Co-Chairs did not notify DNR within 14 working days that the Committee was scheduling a meeting to review the proposal, DNR was allowed to proceed with the project. In addition, the act required that at least five members of the 16-member Committee, including at least one Co-Chair, must object, in writing, for the item to be scheduled for a meeting. If the Committee did not hold a meeting to review the proposal within 16 working days after the Co-Chairpersons notified the Department that a meeting would be scheduled, the Department was allowed to proceed with the transaction. However, if the notification was made after the Legislature has adjourned its final general business floor period in an even-numbered year, then Joint Finance had 31 working days to hold a meeting. From July 1, 2010 through June 30, 2011, Joint Finance approved five stewardship projects through this passive review process (the statutory requirements for holding a meeting to review the projects were not met, and the pro-

jects were therefore approved). The projects included three DNR acquisitions and two grants.

2011 Act 32 reduced the threshold for review of a stewardship project by the Joint Committee on Finance from \$750,000 to \$250,000 and brought the passive review procedure under s. 23.0917(6m) of the statutes into consistency with the s. 16.515 14-day passive review procedure. Under the act, the Committee has 14 working days from the receipt of a stewardship passive review request in which to notify DNR that a meeting has been scheduled. If, within that time-period, the Joint Committee on Finance Co-Chairs do not notify DNR that a meeting has been scheduled, DNR may proceed with the project. Under 2011 Act 32, if the Co-Chairs schedule a meeting by the Joint Committee on Finance, a majority vote is required to approve the proposal. From July 1, 2011 through June 30, 2012, Joint Finance approved 36 stewardship projects including 17 DNR acquisitions and 19 grants.

In addition to review by the Joint Committee on Finance, non-legislative review procedures for stewardship projects also exist. Under administrative rule NR 1.41, the following land transactions require the approval of the Natural Resources Board: (a) acquisitions where the purchase price is \$150,000 or more; (b) acquisitions where more than 40 acres are outside of an established project boundary; (c) acquisitions where the purchase price exceeds the highest appraised value; (d) acquisitions where improvement values exceed 35% of the total appraised value; (e) acquisitions of short tenure with substantial increased value; and (f) sales of state land that are no longer needed for conservation purposes where the value exceeds \$50,000 or where the acreage exceeds 40 acres. In addition, s. 23.15 of the statutes requires all proposals for the sale of any land under the jurisdiction of DNR, determined by the Natural Resources Board to be no longer need for conservation purposes, to be submitted to the Governor for his approval.

Grants to local governments and NCOs generally are not subject to review by the Natural Resources Board. However, all projects go through an internal scoring process and review by Department staff. In addition, 2011 Act 32 requires that, in order for public access for nature based outdoor activities to be prohibited on land acquired using stewardship funds in fee title or through an easement on former MFL land, the Natural Resources Board must determine that a closure is necessary to: (a) protect public safety; (b) protect a unique plant or animal; or, (c) to accommodate usership patterns (if acquired for a state trail or the Ice Age Trail). As a result, a summary of those stewardship grants which a prohibition of an NBOA is proposed are submitted to the Natural Resources Board for approval.

Building projects over \$760,000 are required to be specifically enumerated in state law and reviewed by the State Building Commission for approval prior to bidding. For example, 2009 Act 28 enumerated a \$6.1 million stewardship project for an entrance and visitor station, rebuilt entrance road with bicycle and pedestrian lanes, and water and sewer utility connections at Rib Mountain State Park. The Legislature typically enumerates these projects in the state budget. Also, any state-funded development project in excess of \$185,000 but less than \$760,000 must be reviewed by the State Building Commission for approval prior to bidding. Building projects up to \$185,000 in costs are required to be reviewed by the Department of Administration, Division of Facilities Development (referred to as small projects) for approval prior to bidding.

In addition, under Governor Doyle, a Governor's review committee which consisted of the Secretaries of the Departments of Natural Resources, Tourism, and Revenue reviewed projects using more than \$250,000 of stewardship program funds. The committee met periodically and made recommendations to the Governor (through July 1, 2010). The Governor then made the final decision of whether to approve the project. This

committee has not been utilized since 2010. However, under current practice, all Department land acquisitions utilizing stewardship funds which are approved by the Natural Resources Board, or by the Joint Committee on Finance, are then sent to the Governor for his approval.

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### Stewardship Debt Service

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The state generally issues 20-year tax-exempt general obligation bonds to support stewardship purchases and grants. Debt service for stewardship bonding is primarily funded from a sum sufficient, general purpose revenue (GPR) appropriation in DNR.

In addition, 1997 Act 27 created two additional appropriations to offset a portion of the GPR payment of stewardship debt service from the segregated conservation fund. Annual debt service payments of over \$8.9 million from the conservation fund (\$8.7 million from the forestry account and \$225,000 from the water resources account) were authorized in 1997-98 and 1998-99 for the payment of principal and interest related to the acquisition and development of state forests and recreational boating-related properties under the stewardship program. These appropriations sunset on June 30, 1999.

Under the stewardship 2000 program, debt service is again funded from a sum sufficient, GPR appropriation in DNR. In addition, since 1999-00 funds have been appropriated from the forestry account of the segregated conservation fund. This shift was specified to be one-time only in each biennia from 1999-01 through 2003-05. However, under 2005 Act 25, \$13.5 million SEG beginning in 2006-07 was provided on an ongoing basis from the forestry account. Further, 2007 Act 5 provided an additional \$10.6 million in 2006-07 (for a total of \$24.1 million) from the for-

estry account for stewardship debt service payments (\$13.5 million was provided annually beginning in 2007-08). 2009 Act 28 provided an additional \$5 million forestry SEG (for a total of \$18.5 million in 2009-10) and \$2.5 million in 2010-11 (for a total of \$16 million in 2010-11) and reduced the amount provided from GPR by the same amount. However, the 2010-11 additional payment was specified as a one-time payment. (Payments from the forestry account for stewardship debt service returned to \$13.5 million annually beginning in 2011-12.)

While the majority of the debt service shown in the Table 15 is related to the stewardship program, a portion of the payments are related to bonding mostly authorized prior to the creation of the first stewardship program for several similar recreational land acquisition programs, and for a local dam repair and removal grant program.

Table 15 shows state stewardship related debt services costs over a 12-year period. Costs declined in 2003-04 primarily because of a state debt refinancing initiative to take advantage of lower interest rates and reduce short-term liabilities. From 2009-10 through 2011-12, GPR debt service payments for the program declined significantly due primarily to the state's decision to de-

**Table 15: Stewardship Debt Repayments**

Fiscal Year	SEG	GPR	Total
2001-02	\$4,901,900	\$19,774,000	\$24,675,900
2002-03	8,400,000	19,187,700	27,587,700
2003-04	10,000,000	8,649,200	18,649,200
2004-05	10,000,000	23,779,300	33,779,300
2005-06	14,100,000	25,618,900	39,718,900
2006-07	24,100,000	20,866,600	44,986,600
2007-08	13,500,000	34,104,900	47,604,900
2008-09	13,500,000	37,603,700	51,103,700
2009-10	18,500,000	7,235,000	25,735,000
2010-11	16,000,000	17,537,400	33,537,400
2011-12	13,500,000	13,767,000	27,267,000
2012-13*	13,500,000	70,682,000	84,182,000

\*Budgeted.

fer payment of principal on a large portion of its outstanding GPR-supported, general obligation debt, including the stewardship program debt. Debt service payments (principal repayment and interest) on the up to \$1.43 billion authorized for the program could total approximately \$2.2 billion over the life of the program bonds (a period of over 50-years).

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### Appraised Versus Assessed Value

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Assessors and appraisers generally determine the value of property based on the property's highest and best use, which is that use which will produce the greatest net return to the property owner over a reasonable period of time. Three methods are generally accepted in determining the value of property.

- Under the sales comparison method, value is determined by analyzing recent sales of property that are similar in size, age, use, location and other factors.

- Under the cost method, the value of the land is estimated and added to the cost of replacing any attached structures.

- Under the income method, the present value of the property is determined from the estimated future income derived from the property. While all three approaches are accepted, the sales method is the approach most commonly used.

Commonly-accepted definitions of highest and best use utilized by appraisers generally take into account four different factors when making the determination:

- Physical possibility, taking into account the size, terrain, soil composition and utility availability for the parcel that may limit the use of the land;

- Legal permissibility, including applicable zoning regulations (including rezoning prospects), building codes, deed restrictions, historic district controls and environmental regulations;

- Financial feasibility, meaning any use that produces a positive rate of return based on the characteristics of the property; and

- Maximum productivity, under which no other use of the land would provide a greater net return to the owner based on land costs, physical characteristics, legal constraints and the economic characteristics of the surrounding area.

For a particular piece of property, there may be some difference of opinion among those doing the property valuation relating to any of these factors. The physically possible uses of the parcel, for example, would be influenced by the proximity of a sewer line to the parcel. The legally permissible uses of a parcel of land could be affected by current zoning designations and a particular municipality's history of approving zoning changes that affect the ability of land in the municipality to be developed. In these cases, assessors and appraisers (and potential buyers) must make certain assumptions related to these factors to be able to determine a value for the property.

Providing less than the fair market value for land could be considered a taking without just compensation in violation of the Fifth and Fourteenth Amendments to the U.S. Constitution. Further, under Wisconsin Statutes s. 32.09(5)(b), any increase or decrease in the fair market value of a property caused by any public improvement for which property is acquired, or the likelihood that the property would be acquired for such an improvement, may not be taken into account in determining just compensation for the property.

Questions have sometimes been raised about parcels of land proposed for acquisition where

the appraised value was significantly greater than the assessed value. Assessed value is the value placed on a property by the local unit of government for property tax purposes. Most assessors value property at some fraction of market value, despite a statutory requirement that property be assessed at full value. A series of court cases, dating back to the nineteenth century, has interpreted statutes to allow assessed values at a fraction of market value, provided the same fraction applies to all property in the taxation district. As a result, local assessors can assess property at a level below market value without violating the state constitution's requirement of uniform taxation.

DNR, local governments, and NCOs hire private real estate appraisers to determine the fair market value of prospective land purchases. A large disparity between assessed and appraised value may result from local assessors significantly undervaluing all property, not having updated assessments, or as a result of local land use policies. If open space that could be preserved is likely to otherwise be developed, it is often within the power of localities to zone the land in such a way as to maintain it in a relatively undeveloped state, if that is the preferred local option. In addition, a significant contributor to the rapidly escalating value of some properties may be a municipality's history of rezoning agricultural or open space land to allow residential or commercial development.

The power of zoning as a tool for land preservation, however, is limited by the willingness of the locality to maintain land in an undeveloped state. Further, zoning ordinances must allow a reasonable use of the property by the owner to avoid a taking of private property for public use.

For certain stewardship grant applications submitted beginning October 27, 2007, for an acquisition estimated to cost over \$350,000 (\$250,000 previously) at least two appraisals are

required with one paid for by the grant applicant and one obtained by DNR. 2011 Act 32 clarified that two appraisals are required to determine the "current" fair market value of the land for all stewardship land acquisition grants to local units of government and NCOs for land where DNR estimates the current value at over \$350,000.

In addition, the Act modified a provision regarding grants for the acquisition of land owned by the seller for less than three years. The Act specifies that for land that has been owned by the current owner for less than one year, the buyer's acquisition price equals the sum of the current fair market value "and other acquisition costs, as determined by rule by the department" or the current owner's acquisition price, whichever is lower. In addition, for land that has been owned by the current owner for one year or more but for less than three years, the Act specified that the buyer's acquisition price shall equal the lower of the following: the sum of the current fair market of the land and "other acquisition costs, as determined by rule by the department" or the sum of the current owner's acquisition price and the annual adjustment increase (5% of the owner's acquisition price if over one year but less than two, and 10% for two years but less than three). The Act made sections 23.0917(7)(b) and (c) consistent with s. 23.0917(7)(a), which specifies that, for stewardship grants for the acquisition of land owned for longer than three years, "the acquisition costs shall equal the sum of the land's current fair market value and other acquisition costs, as determined by rule by the department". By making these sections consistent, the Act allows DNR to award stewardship grants for 50% of allowable acquisition costs (including 50% of such costs as land surveys, title insurance, recording fees, and appraisals) for the acquisition of land owned by the current owner for less than three years, as the Department had done for stewardship grants for the acquisition of land owned by the current owner for three or more years.

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## Aids in Lieu of Property Taxes

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Since 1992, when DNR acquires land, the Department pays aids in lieu of property taxes on the land to the city, village, or town in which the land is located in an amount equal to the tax that would be due on the estimated value of the property at the time it was purchased (generally the purchase price), adjusted annually to reflect changes in the equalized valuation of all land, excluding improvements, in the taxation district. The municipality then pays each taxing jurisdiction (including the county and school district) a proportionate share of the payment, based on its levy. 2011 Act 32 specifies that, for lands purchased after July 1, 2011, the aids in lieu formula is adjusted so that estimated value means either the lower of the equalized value of the property in the year prior to purchase by DNR or the purchase price (instead of the purchase price, as under prior law). In cases where the property had been previously tax exempt, the calculation would be the lower of either: (a) the purchase price; or (b) the last recorded equalized value, or a payment of \$10 per acre, whichever amount was greater.

Prior to 2003, aids in lieu payments were made entirely from a sum sufficient, GPR appropriation. However, the 2003-05 biennial budget provided \$1 million in 2003-04 and \$2 million in 2004-05 from the forestry account of the conservation fund for these payments. Statutory language specifies that the first draw for aids in lieu of property tax payments be taken from the forestry account appropriation. The 2005-07 biennial budget act provided \$4,000,000 SEG annually, beginning in 2005-06, from the forestry account for this purpose. This was reduced to \$3,960,000 due to a 1% reduction beginning in 2009-10. 2011 Act 32 provided payments of \$4,843,000 SEG in 2011-12 and \$5,470,000 SEG in 2012-13 from the forestry account. Table 16 shows aids in lieu of property tax payments for the past 10 years (the amounts shown in the table include

\$364,000 GPR annually for payments for lands acquired prior to January 1, 1992).

**Table 16: Aids in Lieu of Property Tax Payments**

Fiscal Year	GPR	SEG	Total
2002-03	\$4,755,400	\$0	\$4,755,400
2003-04	4,349,000	1,000,000	5,349,000
2004-05	4,133,000	2,000,000	6,133,000
2005-06	3,160,100	4,000,000	7,160,100
2006-07	4,190,800	4,000,000	8,190,800
2007-08	5,381,400	4,000,000	9,381,400
2008-09	6,352,000	4,000,000	10,352,000
2009-10	7,675,400	3,960,000	11,635,400
2010-11	8,305,000	3,960,000	12,265,000
2011-12	7,842,000	4,843,000	12,685,000

While the prior formula for calculating aids in lieu of taxes was intended to produce a state payment that was equivalent to what was paid in property taxes; in practice, state payments had typically exceeded the property taxes that would have been paid on the property because the purchase price of conservation land routinely exceeded the property's assessed value. In October of 2000, the Legislative Audit Bureau (LAB) released an evaluation of the Warren Knowles-Gaylord Nelson Stewardship program. The report found that within a sample of 74 property acquisition grants, the average appraised value per acre of the property was more than double (120% greater than) the average assessed value per acre. When adjustments were made to make comparisons on a per-property rather than a per acre basis, the average difference increased to 305%. The Legislative Audit Bureau noted that the sample was specifically selected to include large grants. Since it was not a random sample, the result could not be projected to all grants. While the Department does not make aids in lieu of taxes payments on lands acquired through a stewardship grant (DNR only makes payments on lands acquired by the Department), these wide discrepancies in appraised and assessed valuations raised questions by some about the fair market value of stewardship properties. However, the report also noted that infrequent updates in

assessed values also raise questions about fairness in local property taxes.

However, the difference between assessed and appraised values did have an effect on payments made by the state in lieu of property taxes under the prior law formula. When the DNR property being purchased: (a) was exempt from local property taxes (such as when owned by certain nonprofits or public utilities); (b) was subject to preferential tax treatment (such as under the managed forest law or agricultural use value); or (c) had a purchase price that exceeds the local assessed value, transferring the property to DNR resulted in a net gain in revenues for the affected local governments.

Table 17 compares the estimated aids in lieu of taxes payments on properties acquired in fee title by DNR under the stewardship program from January 1, 2009 through September 30, 2009, (51 parcels) to the amount paid in taxes for that year (2009 property tax levy paid in 2010). [The 51 parcels are those for which complete data was reported]. In some cases, the 2009 property tax amount listed is based on the estimated property taxes at the time of closing. In addition, in some cases, properties were enrolled in the managed forest law (MFL) program and agricultural properties benefited from use value assessment, which may have resulted in a lower than expected 2010 tax bill. Overall, the aids in lieu of taxes payments were nearly three times greater than the property taxes. Even excluding properties previously enrolled in MFL or forest crop law and properties subject to agricultural use value or another property tax exemption, local payments were routinely more than double under state ownership for the parcels reviewed.

In most cases, aids in lieu payments to municipalities under the prior law formula had exceeded revenues previously generated by property taxes. The Department indicated that the prior formula led to a reduction in the number of local

objections to state acquisition of land. Conversely, the intent of the formula was to establish a fair level of compensation, rather than to create a financial incentive, for municipalities to cooperate with state land acquisition.

As passed by the Legislature, the 2003-05 biennial budget would have changed the formula for the calculation of aids in lieu payments for lands purchased from the effective date of the bill forward. The modified formula would have defined the estimated value of the property to mean the lower of the equalized value of the property prior to purchase by DNR or the purchase price (instead of the purchase price). In cases where the property had previously been tax-exempt, the last recorded equalized value would have been used, or a payment of \$1 per acre would have been made, whichever amount was greater. The amount determined under this formula would have been adjusted annually to reflect changes in the equalized valuation of all land, excluding improvements, in the taxation district. Under this formula, aids in lieu of property tax payments would have been expected to decline by between one-half and two-thirds for future purchases. The Governor item vetoed this provision in 2003 Act 33. The 2005-07 budget, as passed by the Legislature, again included this provision. However, the Governor also item vetoed the provision in 2005 Act 25.

The modified formula provided under 2011 Act 32, which specifies that estimated value means either the lower of the equalized value of the property in the year prior to purchase by DNR or the purchase price and that in cases where the property had been previously tax exempt, the calculation would be the lower of either: (a) the purchase price; or (b) the last recorded equalized value, or a payment of \$10 per acre, whichever amount was greater, applies to lands purchased by the Department beginning on July 1, 2011. While savings of only approximately \$190,000 compared to prior law are anticipated

**Table 17: 2009 State Land Purchases**

Property Category	Acres	Purchase Price	County	2009 Tax Amount	Aids in Lieu Estimation*	% Change
Fishery	46	\$81,200	Ashland	\$539**	\$1,285	138
Fishery	10	32,800	Bayfield	8**	490	--*
Fishery	13	50,100	Bayfield	400**	749	87
Fishery	76	205,600	Bayfield	2,011**	3,072	53
Fishery	54	136,000	Bayfield	1,157**	2,479	114
Fishery	40	165,000	Burnett	1,093	2,516	130
Fishery	24	85,000	Burnett	303**	1,250	313
Wildlife Area	20	50,000	Burnett	400**	696	74
Fishery	27	94,000	Burnett	534	1,383	159
Park	71	600,000	Columbia	6,627**	10,424	57
Wildlife Area	42	195,000	Columbia	918	3,091	237
Wildlife Area	24	47,500	Columbia	234**	795	--*
Park	9	145,000	Columbia	2,594	2,519	-3
Wildlife Area	73	161,000	Columbia	853	2,219	160
Park	32	192,400	Columbia	547	2,882	--*
Park	28	168,800	Dane	122	3,031	2,384
Wildlife Area	61	184,000	Dodge	4,834**	3,288	-32
Wildlife Area	95	353,500	Dodge	538	5,831	984
Natural Area	25	166,100	Door	1,647	1,802	9
Northern Forest	20	42,000	Douglas	33	718	--*
Northern Forest	2	30,000	Douglas	151**	527	249
Northern Forest	40	80,000	Douglas	854	1,280	50
Park	43	98,500	Douglas	819**	1,576	92
Wildlife Area	42	78,800	Dunn	992	1,278	29
Wild River	40	85,000	Florence	895	1,397	56
Natural Area	25	57,400	Grant	1,221	1,212	-1
Wildlife Area	160	500,000	Green Lake	1,316	8,093	515
Wild River	55	124,000	Iron	0	1,362	--*
Wildlife Area	20	40,000	Jefferson	195**	570	192
Wildlife Area	20	80,000	Jefferson	92	1,192	1,196
Natural Area	1	16,800	Kenosha	231**	291	26
Fishery	48	159,000	Lincoln	536	2,575	380
Park	12	112,500	Marathon	793	2,125	168
Fishery	42	56,000	Marinette	824**	743	-10
Northern Forest	41	200,000	Oneida	1,238	2,009	62
Wildlife Area	42	146,900	Polk	767	2,589	238
Wildlife Area	68	140,000	Portage	1,928	2,408	25
Park	<1	220,000	Sauk	1,522	3,368	121
Wildlife Area	20	84,600	Sauk	977	1,260	29
Wild River	221	508,300	Sauk	444	7,581	1,607
Wildlife Area	23	112,700	Sauk	174	1,767	916
Northern Forest	53	343,000	Sawyer	2,968	3,989	34
Fishery	20	50,000	Sheboygan	533**	786	47
Wildlife Area	538	950,000	Taylor	10,731	18,352	71
Fishery	60	150,000	Taylor	881**	2,657	202
Northern Forest	1,103	2,096,000	Vilas	110	19,808	--*
Natural Area	51	360,000	Walworth	171	5,421	3,070
Natural Area	86	1,074,000	Walworth	199	14,816	--*
Fishery	1	56,000	Waushara	1,182	871	-26
Fishery	9	28,000	Waushara	0	427	--*
Wildlife Area	<u>39</u>	<u>89,700</u>	Wood	<u>136**</u>	<u>1,419</u>	943
Total	3,715	\$11,282,200		\$58,272	\$164,269	182%

Note: Aids in lieu estimation is calculated using the purchase price multiplied by the equalized tax rate for the taxing district in 2009.

\*At least a portion of the property was enrolled in managed forest law or forest crop law.

\*\*This figure is calculated based upon the estimated property taxes at the time of closing.

to be realized in 2012-13, payments for aids in lieu of property taxes would be expected to decline by one-half, or more, on average, for future purchases

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### **Conservation Reserve Enhancement Program**

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While not a stewardship program, \$28 million in general fund supported bonding is available for the Department of Agriculture, Trade and Consumer Protection to participate in the Conservation Reserve Enhancement Program (CREP). Under the federal land retirement conservation program, the state provides at least a 20% match to federal funds to provide financial incentives for farmers and ranchers who enroll in a minimum of 15-year conservation easements (permanent easements are allowed).

Under these easements, land is removed from agricultural production to improve water quality, erosion control, and wildlife habitat in specific geographical areas. The U.S. Department of Ag-

riculture has authorized \$200 million in federal funds for Wisconsin to enroll up to 100,000 acres in CREP. Through June 30, 2012, approximately 43,600 acres of land have been enrolled in CREP (37,150 acres in 15-year easements and 6,450 acres in perpetual easements).

The Farm Service Agency (FSA) projects that total federal payments associated with these acres over their CREP contracts (generally 15 years, unless a permanent easement is granted) will total about \$86.5 million. In addition, through June 30, 2012 the state had expended about \$12.5 million on incentive payments to enroll this land into the program and on cost-share grants to landowners for, the installation of conservation practices. As a result, expenditures of approximately \$99 million (out of the total of up to \$240 million available) are expected over the life of the CREP contracts (generally 15 years) for the 43,600 acres enrolled in CREP as of June 30, 2012. Under the current agreement with the USDA, state landowners are allowed to participate in CREP provided they have signed a federal contract by December 31, 2012.

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## Appendices

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Following are seven appendices which provide additional information about the Warren Knowles-Gaylord Nelson Stewardship program.

- Appendix I provides a summary of expenditures under the stewardship program for fiscal years 2002-03 through 2011-12.
- Appendix II summarizes DNR land acquisitions funded from the stewardship program (original and reauthorized programs) by county, including the number of acres in each county for which an easement has been purchased, the number of acres acquired by fee title purchase and total expenditures made by DNR for both fee title and easement purchases in the county.
- Appendix III shows stewardship program land acquisitions where the purchase price was greater than \$5 million.
- Appendix IV summarizes DNR grant program activity by county under stewardship, based on the location of the property involved, to local units of government and nonprofit conservation organizations.
- Appendix V provides information on major property development projects.
- Appendix VI shows the amount of stewardship funding spent on property development on DNR properties since 1990.
- Appendix VII illustrates the public access requirements for stewardship land acquisitions under s. 23.0916(2) and 23.0916(3) of the statutes.

## APPENDIX I

### Stewardship Program Expenditures: Fiscal Year 2002-03 through 2011-12\*

Category	2002-03	2003-04	2004-05	2005-06	2006-07	2007-08	2008-09	2009-10	2010-11	2011-12	Total
DNR Land Acquisition	\$16,091,700	\$32,935,800	\$42,247,500	\$25,139,700	\$61,573,000	\$27,678,200	\$34,137,300	\$26,577,100	\$42,380,700	\$19,047,400	\$327,808,400
NCO Land Acquisition	4,475,200	8,267,900	6,295,600	11,826,300	5,816,300	10,438,400	10,296,700	9,899,100	10,363,000	2,605,100	80,283,600
Baraboo Hills	128,100	986,500	366,400	1,191,400	1,214,500	743,100	2,000	368,000	0	0	5,000,000
Bluff Protection	0	4,700	0	0	0	0	0	0	0	0	4,700
Kickapoo Valley	305,400	745,200	800,900	415,700	102,800	0	0	0	0	0	2,370,000
Mirror Lake	0	0	0	0	0	493,500	493,500	13,000	0	0	1,000,000
Local Assistance	6,039,100	8,976,900	5,664,200	6,825,900	6,223,400	4,559,500	7,440,400	8,312,900	7,554,900	6,766,300	68,363,500
Property Development	4,332,800	2,016,500	3,985,800	4,455,800	9,375,300	7,154,900	9,886,900	6,189,700	16,285,900	8,084,600	71,768,200
Recreational Boating	0	0	0	0	0	261,500	1,409,600	1,424,800	2,089,400	2,076,800	7,262,100
Dam Safety	0	0	0	0	0	0	0	0	0	56,200	56,200
PACE Grants	<u>0</u>	<u>5,200,000</u>	<u>5,200,000</u>								
<b>Total</b>	<b>\$31,372,300</b>	<b>\$53,933,500</b>	<b>\$59,360,400</b>	<b>\$49,854,800</b>	<b>\$84,305,300</b>	<b>\$51,329,100</b>	<b>\$63,666,400</b>	<b>\$52,784,600</b>	<b>\$78,673,900</b>	<b>\$43,836,400</b>	<b>\$569,116,700</b>

\* Includes expenditures related to bonding authority provided under the original Stewardship program.

\*\*\$500,000 was provided from Local Assistance and \$500,000 from DNR Land Acquisition for the Mirror Lake Earmark.

**APPENDIX II**

**DNR Land Acquisitions Under Stewardship by County as of June 30, 2012**

County	Easement Acres	Fee Acres	Federal Expenditures	Stewardship Expenditures	Total Expenditures
Adams	1,714	7,470	\$3,376,626	\$7,160,301	\$10,536,927
Ashland	361	2,404	211,700	3,167,335	3,379,035
Barron	36	940	18,000	1,099,226	1,117,226
Bayfield	12	11,009	1,777,363	6,993,767	8,771,130
Brown	274	1,758	499,421	3,224,834	3,724,255
Buffalo	1	1,937	19,200	1,366,056	1,385,256
Burnett	27	3,814	1,568,616	3,165,069	4,733,685
Calumet	19	1,806	57,660	2,869,713	2,927,373
Chippewa	169	6,371	713,597	4,052,772	4,766,369
Clark	0	224	0	476,290	476,290
Columbia	974	3,778	1,124,829	7,060,429	8,185,258
Crawford	942	9,834	188,540	9,545,936	9,734,476
Dane	2,340	6,441	1,617,512	22,369,922	23,987,434
Dodge	713	1,650	1,001,857	2,485,349	3,487,206
Door	2,544	1,803	3,010,527	6,522,209	9,532,736
Douglas	287	16,098	911,750	9,534,797	10,446,547
Dunn	928	4,183	456,978	3,849,778	4,306,756
Eau Claire	108	737	497,600	2,397,493	2,895,093
Florence	1,959	13,903	2	19,677,576	19,677,578
Fond du Lac	1,908	6,107	3,445,792	4,898,962	8,344,754
Forest	62,780	845	0	27,628,328	27,628,328
Grant	1,267	4,496	422,701	5,609,969	6,032,670
Green	424	837	543,174	1,910,606	2,453,780
Green Lake	13	1,506	57,000	1,670,243	1,727,243
Iowa	1,479	5,389	72,868	8,911,855	8,984,723
Iron	3,114	45,305	623,859	26,285,645	26,909,504
Jackson	4	4,373	176,205	4,701,452	4,877,657
Jefferson	249	7,408	160,884	4,806,728	4,967,612
Juneau	463	6,276	1,048,881	8,079,912	9,128,793
Kenosha	178	457	596,505	2,225,643	2,822,148
Kewaunee	88	875	587,650	2,222,918	2,810,568
La Crosse	212	317	30,148	641,760	671,908
Lafayette	336	2,834	0	2,660,569	2,660,569
Langlade	18,846	2,371	3,313,050	8,476,215	11,789,265
Lincoln	20,777	8,251	3,566,077	9,304,147	12,870,224
Manitowoc	1,464	479	109,275	2,669,209	2,778,484
Marathon	1,395	3,718	1,159,821	5,731,939	6,891,760
Marinette	14,716	23,396	5,035,869	40,227,447	45,263,316
Marquette	903	2,594	330,112	2,210,739	2,540,851
Milwaukee	77	227	0	4,834,260	4,834,260

**APPENDIX II (continued)**

**DNR Land Acquisitions Under Stewardship by County as of June 30, 2012**

County	Easement Acres	Fee Acres	Federal Expenditures	Stewardship Expenditures	Total Expenditures
Monroe	636	1,295	\$566,756	\$1,397,617	\$1,964,373
Oconto	227	2,483	322,992	2,911,157	3,234,149
Oneida	20,410	36,817	2,018,602	46,923,783	48,942,385
Outagamie	24	5,905	39,500	8,425,240	8,464,740
Ozaukee	1,065	561	1,340,582	3,414,855	4,755,437
Pepin	297	2,294	319,500	2,247,274	2,566,774
Pierce	113	1,311	459,375	830,131	1,289,506
Polk	1,126	6,070	1,112,650	15,246,099	16,358,749
Portage	181	9,659	449,866	11,566,874	12,016,740
Price	37	509	0	445,412	445,412
Racine	131	844	347,497	2,170,253	2,517,750
Richland	743	4,925	242,386	5,257,087	5,499,473
Rock	697	2,067	536,625	2,325,725	2,862,350
Rusk	2	222	23,250	298,674	321,924
Sauk	4,602	9,204	2,537,083	17,319,839	19,856,922
Sawyer	18,237	1,852	4,111,170	8,110,052	12,221,222
Shawano	28	2,052	6,650	3,304,413	3,311,063
Sheboygan	929	3,767	1,131,835	9,892,311	11,024,146
St. Croix	231	3,484	563,244	6,264,110	6,827,354
Taylor	23	1,547	68,880	2,516,462	2,585,342
Trempealeau	136	1,519	136,283	884,397	1,020,680
Vernon	434	1,682	146,679	2,504,833	2,651,512
Vilas	2,605	5,839	65,500	10,030,508	10,096,008
Walworth	1,065	4,146	562,702	8,611,819	9,174,521
Washburn	180	3,557	0	6,264,927	6,264,927
Washington	760	2,393	3,307,500	10,480,630	13,788,130
Waukesha	405	3,796	217,019	26,449,726	26,666,745
Waupaca	704	2,588	891,120	4,289,091	5,180,211
Waushara	274	5,046	1,014,243	7,468,085	8,482,328
Winnebago	2,841	4,054	1,452,450	4,612,242	6,064,692
Wood	<u>28</u>	<u>1,351</u>	<u>87,900</u>	<u>1,892,831</u>	<u>1,980,731</u>
Total	203,272	357,060	\$62,411,488	\$527,083,855	\$589,495,343

### APPENDIX III

#### Stewardship Program Transactions Over \$5 million

Fiscal Year	Seller	County	Property	State Amount	Acres	Description	State Cost Per Acre
2007, 2009, and 2010	International Paper	Florence, Forest and Marinette	Wild Rivers Legacy Forest Easement (\$39.7 million project)	\$35,100,000	64,630	In July, 2006, DNR acquired fee title on 5,629 acres and a conservation easement on 44,401 acres in Florence, Forest, and Marinette Counties for approximately \$33 million for the Wild Rivers Forest Legacy acquisition. The Nature Conservancy (TNC) also acquired an easement on approximately 14,600 acres as part of the project. In July 2008, the Department acquired an easement on approximately 7,300 acres from TNC at a cost of approximately \$3.2 million. Of the \$3.2 million, DNR received \$2.3 million in federal forest legacy funds to reimburse a portion of the purchase cost. In August, 2009 (fiscal year 2009-10), the Department acquired an easement on the remaining 7,300 acres (from TNC) for \$3.5 million and received \$2.3 million in federal forest legacy funds as reimbursement. The almost 65,000 acre area includes more than 48 lakes and ponds, and more than 70 miles of rivers and streams. It is a working forest that also provides habitat for migratory waterfowl, trout, and other wildlife. The property offers a variety of recreational opportunities including hiking, hunting, fishing, kayaking, cross-country skiing, and snowmobiling.	\$543
1999	Packaging Corp. of America	Iron, Oneida, Lincoln, and Vilas	"Great Addition" additions to numerous properties including the Turtle-Flambeau and Willow Flowages	\$25,000,000	32,003	Purchased in two phases and DNR utilized borrow-ahead authority.	\$781
2002	Wisconsin Public Service Corporation	Marinette and Oconto	Peshtigo River State Forest	\$25,000,000	9,239	Purchased in three phases and utilized borrow-ahead authority. Over 66 miles of river and flowage frontage.	\$2,706
2012	Lyme St. Croix Forest Company	Bayfield, Burnett, Douglas, and Washburn	Phase I: Brule-St. Croix Legacy Forest Easement (\$17.3 million potential total project cost)	\$11,265,400	44,679	The property will be managed using sustainable forest practices and provide public access for nature-based outdoor recreational activities including hunting, trapping, fishing, hiking, and cross-country skiing. Phase II, if completed in 2014, would add approximately 22,000 acres to the easement. The entire project includes 110 water bodies, almost 17 miles of stream frontage, 47 miles of snowmobile trails, rare pine barrens habitat supports the endangered Kirtland Warbler and the sharp-tailed grouse.	\$252

Fiscal Year	Seller	County	Property	State Amount	Acres	Description	State Cost Per Acre
2009	Rainbow Springs Golf Company, Inc. and U.S. Residential Golf Properties, Inc.	Walworth and Waukesha	Rainbow Springs	\$10,800,000	970	Includes a 38-acre natural seepage lake, and three-quarter mile corridor of the Mukwonago River, an exceptional resource water and Class II trout stream. Designated as Mukwonago River Unit of Southern Kettle Moraine State Forest. Natural Resources Board approved borrow-ahead from a single year to cover full cost.	\$11,134
2005	Burnkow Hardwoods and Western Wisconsin Land Trust	Polk	Straight Lake State Park & Ice Age Trail (\$10.6 million project)	\$7,830,000	2,779	Includes a 107 acre wild lake, flowages and 3.5 miles of Ice Age Trail. Additional \$2.77 million federal contribution brought purchase price to \$10.6 million.	\$2,806
1998	Four States Timber/Tenneco	Oneida	Willow Flowage	\$9,800,000	8,720	Joint Finance approval process sped up to allow close of sale. Includes 73 miles of shoreline, 106 islands and 7 boat landings.	\$1,124
2005	Plum Creek Timberlands	Langlade	Wolf River Forest Legacy Easement (\$9.2 million project)	\$6,180,600	18,512	29 square mile easement for public recreation, timber management and development limits. Additional \$3 million FED provided for \$9.2 million total purchase.	\$334
2010	Wisconsin Timber Associates	Forest	Connors State Forest Legacy Easements	\$8,297,200	18,438	Easements consist of hemlock-hardwood forestland in Forest County acquired for the state forest legacy program. Adjacent to national forest and county forest land, which combined with this property protects two major wild lakes, Wabikon and Riley. The rivers flowing through the tract form the upper reaches of the Green Bay watershed. The property is managed using sustainable forest practices and provides public access for nature-based outdoor recreational activities including hunting, fishing, trapping, hiking, and cross-country skiing.	\$450
2011 and 2012	Plum Creek Timberlands	Sawyer	Big Chip Buffer Easement (\$8.2 million project)	\$4,219,300	18,179	\$8.2 million conservation easement acquired in two phases including federal forest legacy funds of \$4 million. Provides buffers for the Chippewa Flowage, Wisconsin's largest semi-wilderness body of water and the Chequamegon National Forest. The forestland is managed using sustainable forestry and provides recreational opportunities for hunting, fishing, trapping, cross-country skiing, and hiking, among others.	\$232
2004	Wisconsin Valley Improvement Corp.	Oneida, Vilas and Lincoln	Rainbow Flowage - Northern Highland/American Legion State Forest and New Wood Wildlife Area	\$7,950,000	5,875	Includes 63 miles of lake frontage, 4 boat landings and 10 islands.	\$1,353
2003	Tomahawk Timberlands	Iron, Oneida, Marathon, and Lincoln	Forest Legacy Easement (\$7.2 million project)	\$2,244,000	35,337	First Wisconsin easement under the federal Forest Legacy Program (\$7.2 million purchase, including \$5 million FED).	\$64
2008	Wausau Papers and The Conservation Fund	Douglas	Brule River State Forest Addition	\$6,111,400	5,889	Four non-contiguous parcels provided additional acreage in northern Brule River State Forest, permanently protected hunting and other public access rights on land previously open under the managed forest law program.	\$1,038

## APPENDIX IV

### DNR Grant Program Activity Under Stewardship by County as of June 30, 2012

County	Grants to Local Units of Government	Grants to Nonprofit Conservation Organizations	County Forest Grants	Total Grant Expenditures
Adams	\$218,700	\$470,000	\$0	\$688,700
Ashland	420,800	325,800	0	746,600
Barron	372,000	0	284,300	656,300
Bayfield	701,000	1,732,900	0	2,433,900
Brown	7,597,100	769,600	0	8,366,700
Buffalo	180,500	458,600	0	639,200
Burnett	202,800	224,300	0	427,100
Calumet	781,700	123,400	0	905,100
Chippewa	1,469,200	1,725,600	364,600	3,559,400
Clark	637,700	0	0	637,700
Columbia	582,400	2,512,400	0	3,094,800
Crawford	322,200	1,375,900	0	1,698,000
Dane	22,367,600	19,731,700	0	42,099,300
Dodge	2,138,200	309,400	0	2,447,600
Door	4,292,000	18,175,600	0	22,467,600
Douglas	474,100	5,095,400	0	5,569,500
Dunn	455,800	1,417,600	0	1,873,400
Eau Claire	1,453,600	6,600	0	1,460,200
Florence	142,200	0	0	142,200
Fond du Lac	1,337,200	57,500	0	1,394,700
Forest	430,500	0	613,400	1,043,900
Grant	422,900	1,358,500	0	1,781,300
Green	293,600	92,700	0	386,300
Green Lake	348,700	6,600	0	355,200
Iowa	135,000	5,459,000	0	5,594,000
Iron	248,700	0	0	248,700
Jackson	478,800	22,500	380,700	882,000
Jefferson	2,844,600	4,149,500	0	6,994,100
Juneau	657,300	178,100	0	835,400
Kenosha	3,369,500	599,800	0	3,969,200
Kewaunee	980,000	26,100	0	1,006,000
La Crosse	2,034,900	4,135,500	0	6,170,400
Lafayette	679,000	0	0	679,000
Langlade	962,800	0	756,300	1,719,100
Lincoln	744,100	9,000	0	753,100

**APPENDIX IV (continued)**

**DNR Grant Program Activity Under Stewardship by County as of June 30, 2012**

County	Grants to Local Units of Government	Grants to Nonprofit Conservation Organizations	County Forest Grants	Total Grant Expenditures
Manitowoc	\$2,332,300	\$275,700	\$0	\$2,607,900
Marathon	1,828,100	180,000	182,000	2,190,100
Marinette	341,100	0	60,800	401,900
Marquette	77,800	181,000	0	258,800
Menominee	0	0	0	0
Milwaukee	3,399,500	2,480,400	0	5,880,000
Monroe	811,100	10,000	0	821,100
Oconto	426,200	0	56,500	482,700
Oneida	586,500	0	0	586,500
Outagamie	2,717,500	39,300	0	2,756,800
Ozaukee	3,575,700	5,404,700	0	8,980,400
Pepin	23,500	645,000	0	668,500
Pierce	407,700	1,428,500	0	1,836,200
Polk	1,344,800	2,111,500	0	3,456,300
Portage	1,096,800	514,600	0	1,611,400
Price	669,500	0	0	669,500
Racine	3,414,400	293,500	0	3,707,900
Richland	221,400	0	0	221,400
Rock	2,433,600	648,900	0	3,082,500
Rusk	537,900	0	0	537,900
Sauk	1,959,500	9,793,400	0	11,752,900
Sawyer	352,600	35,300	0	387,900
Shawano	1,145,600	72,100	0	1,217,700
Sheboygan	2,060,900	348,100	0	2,409,100
St. Croix	1,231,100	2,975,900	0	4,207,000
Taylor	205,300	92,500	0	297,700
Trempealeau	140,500	67,200	0	207,700
Vernon	1,387,600	248,400	0	1,636,000
Vilas	1,182,800	4,359,900	0	5,542,800
Walworth	1,767,100	1,524,600	0	3,291,700
Washburn	324,100	567,900	0	892,000
Washington	3,791,400	10,146,700	0	13,938,100
Waukesha	14,337,800	3,885,500	0	18,223,300
Waupaca	1,758,600	116,100	0	1,874,700
Waushara	426,500	963,600	0	1,390,100
Winnebago	3,047,000	848,700	0	3,895,700
Wood	<u>1,306,400</u>	<u>48,100</u>	<u>0</u>	<u>1,354,400</u>
Total	\$123,447,400	\$120,856,700	\$2,698,600	\$247,002,300

**APPENDIX V**

**Stewardship  
Major Development Projects  
Active as of June 30, 2012**

Project Name	Budgeted	Expended	Encumbered	Balance
400 State Trail Resurface 20.5 Miles	\$109,200	\$81,200	\$0	\$28,000
Badger State Trail Resurface and Construct Drain	497,000	364,200	0	132,800
Big Bay State Park Hagan Road 6.5 Mile Bike Lane	152,200	136,600	500	15,100
Black River State Forest Park Entrance and Visitor Station	756,400	223,900	507,000	25,500
Blue Mounds State Park Entrance and Visitor Station	925,900	857,200	0	68,700
Devil's Lake State Park Electrify Campsites	402,200	0	30,000	372,200
Devil's Lake State Park New Sewage Pump Stations	1,014,000	45,100	32,600	936,300
Devil's Lake State Park Repair Retaining Wall	106,900	500	0	106,400
Devil's Lake State Park Storage Building	223,400	0	0	223,400
Elroy / Sparta State Trail Deck / Rail Rehab Bridges	221,500	100,300	111,800	9,400
Flambeau River State Park Repair Access Roads	100,500	0	0	100,500
Governor Thompson State Park Entrance and Visitor Station, Campgrounds, and Storage Building	6,647,100	5,403,800	12,200	1,231,100
Grand River Marsh Wildlife Area Accessibility Improvements	148,100	136,600	9,100	2,400
Great River State Trail Extension	496,100	107,700	0	388,400
Hank Aaron State Trail Developments	3,712,000	3,402,100	0	309,900
		0	0	0
Hartman Creek State Park Storage Facility	118,800	2,400	2,500	113,900
Havenwoods State Forest Garage / Service Building	230,000	71,800	9,200	149,000
High Cliff State Park Replace Water Line	104,500	60,100	29,800	14,600
Horicon Service Center Education Center Remodel	200,000	200,000	0	0
Interstate State Park Replace Windows and Doors at Ice Age Center Building	101,800	16,800	79,400	5,600
		0	0	0
Kettle Moraine State Forest Electrify Campsites	149,800	1,200	13,600	135,000
Kettle Moraine State Forest Northern Unit Upgrade Campsites	386,200	373,600	0	12,600
Kettle Moraine State Forest Southern Unit Toilet / Shower Buildings	847,700	837,400	7,800	2,500
Lake Kegonsa State Park Entrance and Visitor Station	855,400	0	0	855,400
Lakeshore State Park Phase I Construction	5,000,000	4,999,900	100	0
		0	0	0

Project Name	Budgeted	Expended	Encumbered	Balance
Lapham Peak Unit, Kettle Moraine State Forest Asphalt Trail	\$420,300	\$306,500	\$500	\$113,300
Lapham Peak Unit, Kettle Moraine State Forest Nature / Conference Center	1,490,100	1,476,400	13,200	500
Lower Wisconsin State Riverway Storage Facility	128,200	0	0	128,200
Montello Dam Reconstruct Dam	5,300,000	0	402,200	4,897,800
Old Abe State Trail Resurface 8.25 Miles	425,000	0	0	425,000
Pecatonica State Trail Surface Trail	249,000	0	0	249,000
Peninsula State Park Electrify Campsites	512,000	3,400	30,900	477,700
Peninsula State Park Reconstruct Beach Wall	173,300	0	0	173,300
Peninsula State Park Renovate Boat Launch	111,500	0	0	111,500
Penninsula State Park Nicolet Bay Showers	498,500	467,000	18,700	12,800
Pershing Wildlife Area Repair Access Roads and Dikes	175,500	200	0	175,300
Pine/Popple Wildlife Areas Repair Access Roads	131,800	0	0	131,800
Rib Mountain State Park Entrance and Visitor Station	914,800	746,200	93,700	74,900
Rib Mountain State Park Sewer and Water	5,202,100	5,163,100	1,600	37,400
Roche-A-Cri State park Reconstruct Landmark Stairway	354,600	315,800	200	38,600
St. Croix Reconstruct Boat Launch	240,500	23,900	201,400	15,200
Statewide (South Central) Campsite Electrification	106,700	0	0	106,700
Statewide Campsite Electrification	243,000	63,200	160,600	19,200
Statewide Construct 15 Toilets	1,191,500	1,005,800	43,000	142,700
Statewide Construct Vault Toilets	971,400	932,200	36,600	2,600
Straight Lake State Park Dam Evaluation	379,500	72,200	4,800	302,500
Van Loon Wildlife Area Repair Access Roads	175,500	0	0	175,500
White River Construct Accessible Fishing Pier	111,100	0	0	111,100
Wildcat Mountain State Park Entrance and Visitor Station	762,500	758,200	0	4,300
Willow River State Park Campground Expansion	2,832,900	0	0	2,832,900
		0	0	0
Willow River State Park Pedestrian Bridge	368,700	255,300	10,000	103,400
Wyalusing State Park Replace Indoor Group Camp Septic System	101,400	0	13,000	88,400
Major Projects Subtotal	47,078,100	29,011,800	1,876,000	16,190,300
Various Small Projects	<u>4,533,100</u>	<u>196,700</u>	<u>2,641,200</u>	<u>1,695,200</u>
Total	\$51,611,200	\$29,208,500	\$4,517,200	\$17,885,500

## APPENDIX VI

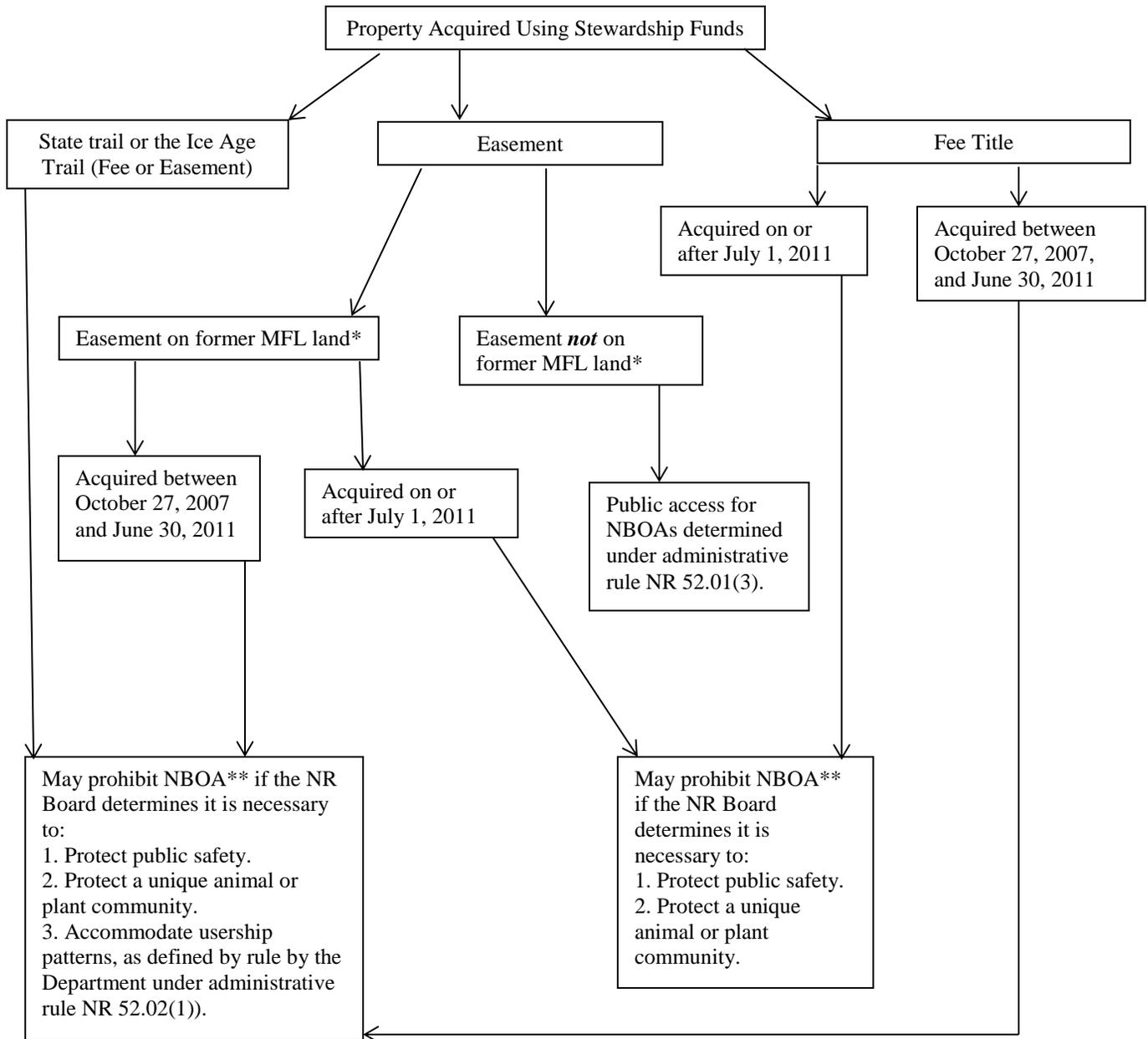
### Stewardship Development Expenditures by State Property, 1990 through June 30, 2012

10 Mile Creek Wildlife Area	\$500	Governor Dodge State Park	\$882,200
400 State Trail	718,600	Governor Knowles State Forest	668,600
Ahnapee/Casco Bridge	19,500	Governor Nelson State Park	205,100
Ahnapee Trail	8,400	Governor Thompson State Park	5,993,600
Amnicon Falls State Park	35,500	Grand River Marsh Wildlife Area	0
Aztalan State Park	4,000	Great River State Trail	246,600
Badger Trail	2,005,700	Green Bay West Shores	1,000
Baraboo Hills	2,357,400	Green Circle State Trail	7,700
Bearskin-Hiawatha State Trail	237,400	Hank Aaron State Trail	3,841,200
Besadny Wildlife Area	1,000	Harrington Beach State Park	4,034,200
Big Bay State Park	504,200	Hartman Creek State Park	196,600
Big Foot Beach State Park	149,100	Havenwoods State Forest	214,600
Black River State Forest	355,800	Heritage Hill State Park	43,200
Blue Mounds State Park	1,015,200	High Cliff State Park	1,175,400
Bong Recreation Area	1,256,000	Hoffman Hills State Park	8,700
Brillion Wildlife Area	19,500	Horicon Service Center	394,300
Brule River State Forest	156,200	Ice Age State Trail	101,100
Brunet Island State Park	889,100	Interstate State Park	618,600
Buckhorn State Park	302,700	Joel Marsh Wildlife Area	500
Buffalo River State Trail	269,800	Kettle Moraine State Forest-Northern Unit	2,665,300
Burlington to Kansasville Trail	50,000	Kettle Moraine State Forest-Southern Unit	3,603,900
Cadiz Springs Recreation Area	10,100	Kickapoo Valley Visitor Center	2,370,000
Chippewa Moraine Rec Area	64,900	Kimberly Clark Wildlife Area	500
Chippewa River State Trail	383,700	Kinnickinnic State Park	169,500
Chiwaukee Prairie Natural Area	60,000	Kohler-Andrae State Park	1,058,600
Copper Falls State Park	598,900	Lacrosse River State Trail	419,200
Council Grounds State Park	1,178,900	Lake Kegonsa State Park	298,200
Crex Meadows	273,500	Lake Wissota State Park	133,200
Devil's Lake State Park	2,496,500	Lakeshore State Park	5,000,400
Dodgeville Service Center	99,600	Lapham Peak Unit, Kettle Moraine SF	3,393,300
Door County State Natural Area	50,700	Loew's Lake	19,500
Eisenbahn State Trail	30,000	Lower Wisconsin State Riverway	582,400
Eldorado Wildlife Area	500	MacKenzie Creek Wildlife Area	5,200
Elroy-Sparta State Trail	822,400	MacKenzie Environmental Education Center	362,400
Flambeau Mine Trail	97,500	Mead Wildlife Area	228,100
Flambeau River State Forest	177,400	Meadow Valley Wildlife Area	179,500
Fox River Trail	162,700	Menominee River State Natural Area	29,300
Friendship Trail	6,600	Merrick State Park	52,800
Gandy Dancer Trail	50,800	Military Ridge State Trail	423,400
Glacial Drumlin Trail	789,200	Mill Bluff State Park	27,800

Mirror Lake State Park	\$1,726,400	State Fair Park	\$15,500
Miscellaneous Projects	272,500	Statewide-Asbestos	61,200
Mountain Bay State Trail	24,500	Statewide-Bridge Inspections	5,700
Namekgaon Wildlife Area	29,500	Statewide-Engineering	214,000
Navarino Wildlife Area	72,100	Statewide-Environmental Cleanup	120,900
Nelson Dewey State Park	152,100	Statewide-Miscellaneous	80,500
NE Region Headquarters	5,800	Statewide-Old Closed Projects	696,900
New Glarus Woods State Park	39,400	Statewide-Parks	628,800
Newport State Park	488,100	Statewide-Parks Electric Sites	572,400
Northern Highland/American Legion	2,295,400	Statewide-Parks Handicap Access	79,300
North Bend Bottoms Wildlife Area	69,000	Statewide-Parks Playground Equip	167,100
Old Abe State Trail	251,100	Statewide-Parks Toilet/Shower Bldgs	2,035,400
Open Balances Total-Large Proj	13,437,600	Statewide-Parks Trails	138,200
Open Balances Total-Small Proj	2,427,800	Statewide-Parks Vault/Pit Toilets	1,598,000
Parks Falls Area	30,100	Straight Lake State Park	72,200
Pattison State Park	1,509,600	Straight Lake Wildlife Area	12,100
Pecatonica State Trail	9,900	Sugar River State Trail	725,400
Peninsula State Park	2,244,400	Tower Hill State Park	43,200
Perrot State Park	578,300	Turtle/Flambeau Flowage	399,500
Pestigo River State Forest	3,700	Tuscobia State Trail	276,200
Pike Lake	197,900	Upper Fox Headwater	19,700
Pike Wild River	500	Van Loon Wildlife Area	0
Point Beach State Forest	952,900	Washington Creek Wildlife Area	500
Polk County Trails	4,700	Weirgor Springs Wildlife Area	500
Potawatomi State Park	589,300	Whitefish Dunes State Park	327,500
Red Banks	10,000	Wildcat Mountain State Park	3,068,200
Red Cedar State Trail	563,800	Wildlife Habitat Restoration	40,700
Rib Mountain Chalet	995,000	Willow Flowage	236,200
Rib Mountain State Park	6,322,100	Willow River State Park	4,019,600
Roche-a-Cri State Park	427,100	Wilson Nursery	37,300
Rock Island State Park	838,100	Woodburo Wildlife Area	500
Rocky Arbor State Park	36,000	Wyalusing State Park	903,000
Rush Lake Wildlife Area	1,900	Yellowstone Lake State Park	410,400
Shaw Marsh Wildlife Area	500	Yellowstone Lake Wildlife Area	<u>3,100</u>
Spread Eagle Barrens	109,700		
		Total	\$111,091,700

**APPENDIX VII**

**Stewardship Public Access Requirements as Required under S. 23.0916(2) and 23.0916(3) of the Statutes and Administrative Rule NR 52**



\***Former MFL land.** Section 23.0916(1) of the statutes defines former MFL land as "land that was withdrawn from the managed forest land program under subch. VI of ch. 77 on or after October 27, 2007".

\*\***NBOA** = Nature Based Outdoor Activity. Section 23.0916(1)(b) of the statutes defines nature-based outdoor activity as "hunting, fishing, trapping, hiking, cross-country skiing, and any other nature-based outdoor activity designated by rule by the Department for the purposes of this section."