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## Testimony in Support of Assembly Bill 852

*Assembly Committee on Forestry, Parks, & Outdoor Recreation*

February 2, 2022

Mr. Chairman and members of the committee, thank you for holding a public hearing on Assembly Bill (AB) 852. I'd like to thank Sen. Felzkowski for working with me on this important legislation.

Since the creation of the Knowles – Nelson Stewardship Program in 1989, all grant recipients, including the Wisconsin Department of Natural Resources (DNR), have used stewardship grant funding to help purchase 390,536 acres outright and 331,701 acres in easements. (*June 30, 2020*). Unfortunately, there is a lot of red tape these recipients must cut through in order to sell, transfer, or convert this purchased land bought with stewardship funds.

AB 852 simplifies this process for Non-government Conservation Organizations (NCOs), counties, and local governments from start to finish, while still maintaining the intent of the stewardship program. No one is required to sell their stewardship land; we are simply making it easier for those who no longer need the land for their own conservancy goals.

As it stands now, before one of the grant recipients is allowed to sell, transfer, or convert land that had been purchased with stewardship funding, they must first receive approval from the respective entity – based on the grant received. NCO Grant recipients must receive approval from the DNR; the County Forest Grant recipients – from the Natural Resources Board; and the Local Parks Grant recipients – from the “The State.”

Firstly, our proposal would simplify this approval process, so that all grant recipients would only receive approval from the DNR. Next, a more streamlined process is established for selling the land that had been previously purchased with Stewardship Grant funds.

The goal of the Knowles – Nelson Stewardship Program will remain intact by creating a set of conditions that must be met for a sale to occur:

1. The NCO, county, or local government must notify the DNR in writing of their intent to sell the land.
2. They must reimburse the state with the full amount of the original stewardship grant, plus interest, within one year of their notice to sell.
3. The property must remain open to the public as defined in their original Stewardship request, until the land is sold.

If one year passes by without the grant recipient finding a buyer and selling the property, then they will have to wait six months before restarting the process. They can also recall their intent to sell at any time within that one-year period.

Principle and interest paid back to the state, as a result of a successful sale, will go towards Stewardship debt service, which as of April 2021 was \$645.3 million (\$498.5 million in principle and \$146.8 million in interest).

Thank you again for this opportunity to testify in support of AB 852. I look forward to seeing your support on this important legislation.



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# MARY FELZKOWSKI

STATE SENATOR • 12<sup>TH</sup> SENATE DISTRICT

## **AB 852 Testimony**

Senator Mary Felzkowski

Assembly Committee on Forestry, Parks, and Outdoor Recreation

February 2, 2022 | 417 North

Chair Mursau and members of the committee:

Thank you for giving us the opportunity today to testify on Assembly Bill 852, which would allow for more local control over the sale of land, previously purchased using Knowles-Nelson Stewardship Grant funding.

Since Representative Callahan did a great job of explaining what the bill does, I would like to take this moment to discuss some of the concerns we've heard from stakeholders and constituents.

Our office has met with some of the Nongovernment Conservation Organization (NCO) groups on this legislation, and we've discussed amending the bill to help resolve some of their concerns. In those conversations, we've witnessed a lot of "them, not us" mentality. Instead of providing local governments, counties, and fellow NCO groups control over which properties they believe support their mission of conservation, they have suggested making it easier to sell off other state property. Unfortunately, this has shown us that the goal of these conversations has less to do with conservation and healthy ecosystems, and more to do with protecting their business.

We've also received an influx of constituent contacts stating they've been informed that we are "gutting the Stewardship Program". This is incredibly far from the truth, and we're extremely disappointed with these fear tactics.

One concern you will hear from testifiers today, is when an NCO receives a Stewardship Grant for a property and then transfers that property to another entity like a local government, they will have no say in whether that local government sells the land further down the road. We've drafted an amendment that would resolve this issue by requiring the original NCO grant recipient to sign off on any of those proposed sales.

Another concern we've heard, is when an NCO raises funds from their members to donate to another entity in an effort to help them with their Stewardship Grant match. If the other entity sells that property in the future, the NCO's members will be less inclined to donate because they don't have an assurance that the land will be held in perpetuity. We've been discussing this issue with Legislative Council to find out whether or not the NCO would have, and currently has, the ability to attach sale conditions to the donation through a contract or memorandum of

understanding (MOU). We haven't received an answer on that yet, but would be happy to share with the committee once we do.

We've also heard from constituents who would like to see an amendment that includes a requirement to publish a public notice when any of these entities intend to sell the land. This would provide more transparent and public feedback to the groups and local governments, and it's something we are considering adding.

We're more than willing to work with these stakeholders who have concerns, but will not stall legislation while they fail to provide any viable solutions.

The Stewardship Program is more than thirty years old. A lot can change in nature over the span of thirty years, and there is a strong possibility that 30 years further down the road, properties that were purchased in the past with Stewardship Grants will no longer be prioritized properties to conserve.

When groups and local governments apply for these grants, they do it based off of local decisions. The state does not force them to purchase land for conservation, and we shouldn't force them to keep it. If these entities pay back the principle and interest of the grant, they should not be penalized and required to keep land they no longer believe is necessary – for eternity.

Thank you so much for the opportunity to testify on Assembly Bill 852, and we'd be happy to answer any questions.

**Gathering Waters' Testimony to the  
Assembly Committee on Forestry, Parks & Outdoor Recreation  
In Opposition to Assembly Bill 852**

Dear Chair Mursau and Members of the Committee:

Thank you for the opportunity to testify here today. My name is Charles Carlin, and I work as the Director of Strategic Initiatives at Gathering Waters: Wisconsin's Alliance for Land Trusts. Gathering Waters' mission is to help land trusts, landowners, and communities protect the places that make Wisconsin special, and we represent over 40 independent nonprofit land trust organizations throughout the state.

These land trusts include groups that operate in the legislative districts of every member of this committee, including the Northwoods Land Trust, North Central Conservancy Trust, the Waukesha County Land Conservancy, Landmark Conservancy, Mississippi Valley Conservancy, Northeast Wisconsin Land Trust, and Glacial Lakes Conservancy, among others.

Many of you know the local land trusts in your district and you know firsthand that these are pragmatic, nonpartisan, solution-oriented groups that work hard to address community needs. In order for these nonprofits to be successful, they depend on the generosity and, importantly, the trust of individual donors and landowners who care deeply about conserving the character of the local community. These land trusts also depend on partnerships and rarely complete conservation projects without close working relationships with local governments in their service areas. Every 50% matching grant awarded by the state to a land trust through the Knowles-Nelson Stewardship Program represents a story of cooperation and collaboration.

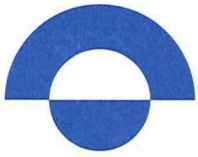
For years, Gathering Waters has worked with the Legislature, including members of this committee, to help ensure that the Knowles-Nelson Stewardship Program operates as efficiently and effectively as possible. The Legislature has always maintained safeguards to ensure that grantees—including NCOs and local governments—cannot just sell Knowles-Nelson funded projects on a whim. These safeguards—laid out in statute and administrative rule, and included in the Stewardship grant contracts recorded with the deed—have been relied upon by hundreds of landowners who chose to sell their land for conservation, by countless private donors who have helped raise the 50% match, and by local community members. These safeguards have been part of the deal from the beginning.

**For that reason, I am appearing before you in opposition to this legislation. The land trust community is concerned that the proposed changes would diminish the trust of donors and potentially imperil the positive working relationships that land trusts have developed with local governments. This concern goes beyond just the safeguards on the NCO subprogram because land trusts rarely work alone. There are dozens of examples where land trusts have assisted counties, cities, villages, sanitary districts and other governmental entities to conserve public lands within their jurisdictions.**

Here's a brief hypothetical to illustrate our point: A Wisconsin land trust and a local village have a positive working relationship. An opportunity arises where a private landowner adjacent to a village park would like to see his land enrolled in the park system. He's a lifelong sportsman and committed to conservation. He's not in a financial position to donate the land, but is willing to sell it. The village staff don't have experience applying for Knowles-Nelson grants, so they turn to their local land trust to take the lead. The land trust applies for an NCO grant, securing 50% funding from the Stewardship Program. In order to find the other 50%, the land trust appeals to their members and is able to raise 40% of the funds from private donations. The last 10% of the funds come from the village. The land trust and the landowner go to closing and a Knowles-Nelson grant contract is recorded with the deed. Subsequently, the land trust transfers the parcel to the village, subject to a Knowles-Nelson grant contract, and the land becomes part of the park system. The understanding among all of the parties is that the land is now conserved, *forever*. Unfortunately, under this bill, the land would no longer be conserved forever. And this would not just apply to future transactions. This legislation would change the rules after the fact for past purchases, casting aside the good faith of landowners who sold property to the land trusts, the donors who generously contributed, and the local community members who supported the project. This bill would also create a perverse incentive whereby grantees could use the Stewardship Program as a source of low interest capital in order to purchase real estate, hold it as an appreciating asset, and sell it for a profit in the future.

Please consider the potential consequences of the changes proposed in this bill, especially as they would apply retroactively. At a time when public lands are more popular than ever, the land trust community believes that we should be strengthening the integrity of the Stewardship Program, not undermining it.

Thank you for your consideration of our experiences and concerns.



**Oppose AB 852  
Testimony of Peter Burress  
Wisconsin Conservation Voters  
February 2, 2022**

Good morning Chair Mursau and members of the committee. My name is Peter Burress. I am the Government Affairs Manager with Wisconsin Conservation Voters. We have offices in Madison, Milwaukee, and Green Bay, where we work with our network of over 40,000 members and supporters to engage voters to protect our environment. I appreciate the opportunity to testify in opposition to Assembly Bill 852, which would make it easier to sell off lands protected under the Knowles-Nelson Stewardship Program.

Since its creation in 1989, the Knowles-Nelson Stewardship Program has played an important role in protecting Wisconsin's environment. Today, 650,000 acres are protected by the Stewardship Program and 99 percent of Wisconsinites live within just five miles of a project supported by it.<sup>1</sup> These lands are home to many of Wisconsin's approximately 700 species of native vertebrates, and 1,800 species of native plants.<sup>2</sup> Stewardship Program lands help preserve our state's biodiversity, while also making our communities more resilient to increasingly common and dangerous extreme weather events.<sup>3</sup>

Beyond conservation related-benefits, the Knowles-Nelson Stewardship Program is a cornerstone of Wisconsin's outdoor recreation-based economy. Our outdoor economy employs approximately 93,000 people, contributes 7.8 billion dollars to our gross domestic product, and puts us 5th in the nation for jobs in outdoor recreation-related manufacturing. During COVID, interest in exploring Wisconsin's outdoors skyrocketed.<sup>4</sup> We must do everything we can to build on this success and support the sustainable and equitable growth of our outdoor economy. Protecting our Stewardship Program is central to this task.

Our Stewardship Program also brings out the best in our local communities. Many of the benefits of the Stewardship Program are rooted in trust and close coordination between conservation-minded landowners, community members, nonprofit conservation organizations, and local officials. When landowners decide to sell their land to nonprofit conservation organizations or local governments, they expect that it will be protected in perpetuity. When community members work with nonprofit conservation organizations and local governments to meet program match requirements in order to buy that land, they expect the same. In its current form, our Stewardship Program drives much of the community collaboration that protects our land and makes Wisconsin a great place to live.

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<sup>1</sup> <https://knowlesnelson.org/>

<sup>2</sup> <https://dnr.wisconsin.gov/topic/endangeredresources/biodiversity>

<sup>3</sup> <https://climatecrisis.house.gov/issues/natural-solutions>

<sup>4</sup> [https://outdoorrecreation.wi.gov/Documents/2020HE%20WicsoOutdoorEconomyReport%20R7\\_HighRes\\_Spreads.pdf](https://outdoorrecreation.wi.gov/Documents/2020HE%20WicsoOutdoorEconomyReport%20R7_HighRes_Spreads.pdf)

With the strengths of the Stewardship Program in mind, we strongly oppose Assembly Bill 852. This proposed legislation would betray the spirit of the program by making it easier to sell protected lands to private developers – thereby weakening conservation efforts and threatening the growth of our outdoor economy. By making it harder to protect stewardship land in perpetuity, this proposed legislation would also erode trust between landowners, community members, nonprofit conservation organizations, and local officials. Ultimately, the seemingly innocuous proposals included in this bill would actually undermine the long-term viability of the Stewardship Program as a whole.

We understand that many Wisconsin communities are struggling to generate local revenue. To tackle this challenge, we encourage the legislature to revisit the more than 100 legislative changes made between 2011 and 2018 that restricted the authority of local units of government.<sup>5</sup> There are many opportunities to address challenges associated with generating local revenue, without weakening conservation efforts, threatening the growth of our outdoor economy, or undermining the long-term viability of the Stewardship Program – all things that this bill would do.

Stewardship lands are a big part of who we are as Wisconsinites. I myself have been shaped by many of the 260 projects in the county where I grew up, and by many more of the 6,762 projects across the rest of the state.<sup>6</sup> I took my first job selling soft-serve across from a beach protected by the Stewardship Program. Stewardship lands are where I worked with friends on Boy Scout merit badges, where I had my first kiss, where I mourned the death of my grandma, where I stressed about what to do with my life, and perhaps unsurprisingly, where I decided I wanted to be an environmental lobbyist. To this day, these lands are where I meet family to reconnect and enjoy our beautiful state. I imagine they have been a big part of you and your families' lives as well. We must do everything we can to protect them for future generations. Assembly Bill 852 would work against those efforts. With that in mind, we strongly urge you to oppose it.

Thank you for your time.

Peter Burress  
Government Affairs Manager  
Wisconsin Conservation Voters

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*For more information, contact Peter Burress at [peter@conservationvoters.org](mailto:peter@conservationvoters.org) or 920-421-3601. Visit Wisconsin Conservation Voters at [www.conservationvoters.org](http://www.conservationvoters.org).*

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<sup>5</sup> [https://legis.wisconsin.gov/senate/democrats/media/1159/lfb\\_local-control-memo\\_512018.pdf](https://legis.wisconsin.gov/senate/democrats/media/1159/lfb_local-control-memo_512018.pdf)

<sup>6</sup> <https://knowlesnelson.org/>





February 2, 2022  
<http://wicouncil.tu.org>

Contact: Council Chair Mike Kuhr  
(414) 588-4281

## Wisconsin TU Opposes AB 852

Wisconsin Trout Unlimited has taken the position of opposing AB 852, which would allow Nonprofit Conservation Organizations (NCO's) and Local Units of Government (LUG's) to sell off public lands purchased with the Knowles Nelson Stewardship Program.

Our members value the recreational opportunities provided by Wisconsin's woods and waters. We know that public access to these lands and waters are at the heart of our thriving outdoor recreation economy.

As a NCO, we work with many private landowners who wish to leave a legacy to future Wisconsinites in the form of publicly accessible lands and conservation easements. AB 852 would put in jeopardy the certainty that legacy donors receive through the Knowles Nelson Stewardship Program. Certainty that their legacy will be enjoyed by Wisconsinites for generations to come.

Selling off public lands is a short term fix, an economic band-aid that robs future generations of their outdoor recreation rights and prevents the expansion of our sustainable outdoor recreation economy.

We understand that the driver behind this bill is mainly one property in Langlade County. Wisconsin Trout Unlimited would like to work with the Legislature to find an alternative solution to this seemingly local issue.

We urge you to oppose AB 852 in its current form and would be happy to join in discussions on how the bill could be improved with an amendment.

Thank you for your time and for your commitment to public service.

Mike Kuhr  
Wisconsin Trout Unlimited, State Council Chair  
[mikek.trout@yahoo.com](mailto:mikek.trout@yahoo.com) (414) 588-4281

The Wisconsin Council of Trout Unlimited ("WITU") is a 501(c) 3 non-profit organization which consists of approximately 6,800 volunteer members in 21 chapters in Wisconsin working to ensure that future generations have access to cold, clean, fishable water. In a typical year, WITU and its Chapters report over 50,000 volunteer hours, working on conservation projects, youth education and outreach events, and operating Service Partnership Programs for the military veterans and first responders in our communities.



Date: February 2, 2022  
To: Assembly Committee on Forestry, Parks and Outdoor Recreation  
From: Clean Wisconsin  
Re: Please Oppose Assembly Bill 852

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Clean Wisconsin is a non-profit environmental advocacy organization working on clean water, clean air and clean energy issues. We were founded over fifty years ago and have over 30,000 members and supporters around the state. We employ scientists, policy experts and attorneys to protect and improve Wisconsin's air and water resources.

We respectfully request that committee members oppose Assembly Bill 852. By providing a new process under which land purchased with grant funds from the Knowles-Nelson Stewardship Program can be sold or converted, we believe the bill undermines the spirit and intent of the program.

Under current law, specified entities can receive grant funds to purchase private land and manage the land for conservation and outdoor recreation purposes. These entities are currently allowed to sell that land with approval from the state, but in most instances it must continue to be managed for conservation purposes by the new purchaser.

Assembly Bill 852 allows land previously purchased for conservation purposes with grant funds to be sold and converted for other uses. In essence, the bill treats these properties not as land to be conserved in perpetuity, but as land for potential development. This undermines the intent of the program.

If enacted into law, the legislation could have significant consequences for land trusts that use the program to acquire private land from owners who intend for it to be managed for conservation and outdoor recreation purposes. Weakening the program's conservation protections could discourage landowners from working with land trusts. Many landowners sell or donate their land through the Stewardship Program, sometimes after generations of family ownership, with the understanding it will be *protected* by the acquiring entity. Assembly Bill 852 could erode public confidence in the future management of lands the Knowles-Nelson Program has historically conserved.

The Knowles-Nelson Stewardship Program was created to protect vulnerable and valuable land and landscapes throughout Wisconsin and to provide outdoor recreational opportunities for Wisconsin families. Assembly Bill 852 would degrade protected conservation and recreational land to mere real estate. Clean Wisconsin does not support Assembly Bill 852, and we ask committee members to oppose it as well.

Thank you for your time and attention. If you have any questions, please contact our Government Relations Director Erik Kanter at [ekanter@cleanwisconsin.org](mailto:ekanter@cleanwisconsin.org).

**Date:** February 1, 2021

**To:** Committee on Forestry, Parks & Outdoor Recreation

Posoh (hello) My name is Anahkwet (Guy Reiter). I'm the Executive Director of a nonprofit by the name of Menikanaehkem, which is located on the Menominee Indian Reservation.

I'm writing today in opposition to Senate Bill 802 and Assembly Bill 852. The public does not want public land (that was purchased with tax-payer money & charitable donations) to be sold to private companies who can then develop it. If this legislation were to pass, it would mean portions of public lands (State Forests, County Forests, Bicycle Trails, ATV & Snowmobile Trails, River-way Trails, Public Beaches, etc.) could be sold to special interest private companies. These lands could then be developed as mineral exploration and extraction sites, golf courses, condominium developments, marinas, and other private for-profit enterprises. If these lands were transferred from public access to private ownership, they qualify for minuscule tax rates like that of Wisconsin's MFL Program. Forestland in the MFL Program has annual tax rates of less than one-dollar per acre. Therefore, the private ownership of these properties would not increase tax collection for the State. We want our land protected for our future generations. Vote **NO** to Senate bill 802 and Assembly bill 852!

Waewaenon for your time,

Anahkwet (Guy Reiter)

Executive Director- Menikanaehkem Inc.

Menominee Indian Organizer

P:715-853-2776

**If you have come here to help me, you are wasting your time. But if you have come because your liberation is bound up with mine, then let us work together. - Lilla Watson**

**Check out our amazing work:** [www.menomineerebuilders.org](http://www.menomineerebuilders.org)