



## Legislative Fiscal Bureau

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TO: Members  
Joint Committee on Finance

FROM: Bob Lang, Director

SUBJECT: Assembly Bill 187: Identification of Lands Acquired Under Stewardship Program

Assembly Bill 187 would require increased public notification of the location of lands purchased using funds provided by the Warren Knowles-Gaylord Nelson Stewardship program. The bill was introduced on March 10, 2005, and referred to the Assembly Committee on Natural Resources. On May 25, 2005, Assembly Substitute Amendment 1 was adopted by the Committee and the bill, as amended, was recommended for passage by a vote of Ayes, 13; Noes, 0. On June 1, 2005, the bill was referred to the Joint Committee on Finance.

### **CURRENT LAW**

The statutes currently allocate \$60 million of general obligation bonding authority annually for the stewardship program through 2009-10. The current Warren Knowles-Gaylord Nelson Stewardship program consists of two subprograms. Under the land acquisition subprogram, DNR may obligate moneys to acquire land directly, or provide grants to non-profit conservation organizations (NCOs) to assist these groups in acquiring land. Further, under the property development and local assistance subprogram, the Department may support nature-based outdoor recreational development on state land and provide matching grants to NCOs and local units of government for certain purposes, which may include land acquisition.

### **SUMMARY OF THE SUBSTITUTE AMENDMENT**

The bill would require DNR to create and maintain an interactive mapping tool at the Department's website that identifies all land purchased under the stewardship programs (including both the current Stewardship 2000 program and its predecessor, which was authorized in 1990) that

is open for public access. The mapping tool would be required to identify land owned by the Department as well as land acquired through the use of matching grants by NCOs and local units of government, and would be required to be available to the public free-of-charge within 48 months of the passage of the bill. Further, the bill would require DNR to make available a printed directory of these same lands, organized by county and town, identifying the land's legal description. The Department would be authorized to sell the printed directories under the bill at a price not to exceed the cost of the publication of the directory. The Department would be required to make the directory available within 48 months after the effective date of the bill, and would be required to update the directory at least every two years.

Further, the owner of any land purchased using stewardship program funding on or after the effective date of the bill would be required to provide notice of public access to that land by the placement of a sign within six months of having received the disbursement of stewardship funds. For land acquired with the assistance of stewardship funding prior to the effective date of the bill, land owners would be required to post signs providing notice of public access within 48 months of the effective date of the bill. The signs would be required to be at least 108 square inches and constructed of a durable substance, and be placed at major access points to the property. In instances where the land that was acquired with stewardship funding is surrounded by other lands owned by the Department, DNR would be directed to place the required signs at major access points to the larger parcel.

The signs required under the bill would need to include information on the primary activities that are restricted or prohibited on the land as well as the name of the owner of the property or a person to contact regarding the land, and must include notice that the property was acquired using stewardship funds. If the parcel of land is larger than 10 acres, the sign must also include the address or telephone number of either the owner or a person to contact regarding the land, or an internet address where the address or telephone number of either the owner or a contact person could be obtained.

The bill would direct DNR to provide a list to the Legislature every two years showing all land purchases under the stewardship programs for which public access has been restricted or prohibited, as well as the reasons for that action.

If the owner of land purchased under the stewardship program fails to comply with the requirement to place signs on the property in the timeframe provided under the bill, the owner would become ineligible to receive any additional funding from the stewardship program until such time that the Department determined that they were in compliance with the signing requirement. Under the bill, if DNR was notified that a sign needed to be replaced, the Department would have 28 days to verify that determination, and an additional 28 days from the date of determination to replace required signs on Department lands. Within seven days of determining that a sign needed to be replaced on lands not owned by the state, DNR would be required to notify the owner of the property under the bill. The owner of that property would have three months after receiving notice

from the Department to replace the sign. If the owner failed to replace the sign within three months, they would become ineligible for any stewardship program or grant until the sign is replaced.

Finally, if DNR authorizes a nonprofit conservation organization to charge a fee for hunting on land purchased under the stewardship program, the fee for the hunting season could not exceed the sum of the fee for a daily resident vehicle state park admission, including the issuing fee. Currently, this provision would cap the allowable fee at \$5.

## **FISCAL EFFECT**

Under the bill, DNR would be required to identify lands acquired through the use of stewardship funding by means of a web-based mapping tool. While the Department is currently able to provide this information for state-owned land, lands acquired by means of stewardship grants to NCOs and local units of government are not included in the Department's current mapped database. Data would need to be assembled on these properties and entered into the database. DNR estimates one time costs of \$100,000 for staff to add the additional information into the existing program, and \$10,000 annually in ongoing costs to continue maintaining this information. The bill would allow the Department four years from the passage of the bill to implement this provision.

The Department would also be required to make available a printed directory of these same lands, organized by county and town, identifying the land's legal description under the bill. The Department would be authorized to sell the printed directories under the bill at a price not to exceed the cost of the publication of the directory. The Department estimates that the cost of printing 5,000 copies of an 80-page color booklet (which would include lists for 72 counties plus eight pages of information) to be approximately \$25,000. If this were the case, the Department would be able to recoup its costs by charging approximately \$5 per copy.

The signage requirements created under the bill are expected to apply to approximately 450 DNR properties statewide. Assuming an average of seven major access points per property, one-time costs could approach \$350,000. The Department estimates the signage compliance costs as one-time, as signage requirements for future acquisitions would be completed as part of the acquisition process and sign materials used would most likely be funded with stewardship program dollars with existing staff placing the signs. It should be noted that the majority of the cost associated with meeting the signing requirement (approximately \$220,000) would be related to the actual cost of materials, including the production of aluminum signs, posts, and mounting hardware. This estimate assumes that the signs used would be approximately three times larger than those required by the bill. However, the estimate for a larger sign may be reasonable given the amount of information required to be posted under the bill. In the past, DNR has used stewardship development funding to acquire and install signs on certain properties as part of larger development projects. If the funding for the acquisition of materials were provided from available stewardship funds, the portion of the cost related to the staff time required for installation (approximately \$130,000) would still need to be reallocated from other Department resources. The bill would allow

the Department four years from the passage of the bill to implement the signing provision for lands purchased prior to the effective date of the bill.

It should be noted that the bill contains a substantial window of time for the Department to meet the required mapping and signage requirements for previously acquired properties. The Department expressed some concerns in its original fiscal note as to their ability to absorb the additional anticipated costs mentioned above. However, the fiscal note was prepared in response to the original version of the bill, which included an 18-month window of time, rather than the four-year window provided for under the amended bill. The four-year time frame would allow the Department to spread signing costs associated with previously acquired property over a longer period of time. Further, in the event that DNR was not able to absorb these costs, the four-year timeframe would permit the Department to request additional funding as part of its biennial budgeting process, if necessary.

Finally, it should be noted that local units of government and non-profit conservation organizations that acquired land with the support of stewardship program grants would also incur additional costs under the bill related to the signing of the properties. Since the stewardship program's inception in 1990, 258 grants have been awarded to NCOs for land acquisition projects totaling over 31,700 acres. In addition, 470 grants have been awarded to local units of government for land acquisition projects in excess of 13,300 acres. The State would not be responsible for the additional costs associated with providing appropriate signage for these properties. The Department estimates the cost of placing a 396 square inch sign to average approximately \$110 each, including the cost of materials, travel, and staff time (though costs could vary substantially depending on the size, location, and number of holdings). For future grant awards, it is uncertain whether DNR would include the signing requirement as an eligible expense when determining the amount of funding provided for local government and NCO projects. Stewardship grants may fund up to 50% of eligible project costs.

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