

State of Wisconsin

SENATE CHAIR
Howard Marklein

316 East, State Capitol
P.O. Box 7882
Madison, WI 53707-7882
Phone: (608) 266-0703



ASSEMBLY CHAIR
Mark Born

308 East, State Capitol
P.O. Box 8592
Madison, WI 53708-8953
Phone: (608) 266-2540

Joint Committee on Finance

MEMORANDUM

To: Members
Joint Committee on Finance

From: Senator Howard Marklein
Representative Mark Born

Date: May 16, 2024

Re: 14-Day Passive Review Approval – DNR

Pursuant to s. 23.0917(6m), Stats., attached is a 14-day passive review request from the Department of Natural Resources, received on May 16, 2024.

Please review the material and notify **Senator Marklein** or **Representative Born** no later than **Wednesday, June 5, 2024**, if you have any concerns about the request or if you would like the Committee to meet formally to consider it.

Also, please contact us if you need further information.

Attachments

HM:MB:jm

State of Wisconsin
DEPARTMENT OF NATURAL RESOURCES
101 S. Webster Street
Box 7921
Madison WI 53707-7921

Tony Evers, Governor

Telephone 608-266-2621
Toll Free 1-888-936-7463
TTY Access via relay - 711



MAY 16 2024
St. Finance

May 7, 2024

The Honorable Howard Marklein Co-Chair
Committee on Joint Finance
Room 317 East
State Capitol
PO Box 7882
Madison WI 53707

The Honorable Mark Born, Co-Chair
Committee on Joint Finance
Room 308 East
State Capitol
PO Box 8952
Madison, WI 53707

Dear Senator Marklein and Representative Born:

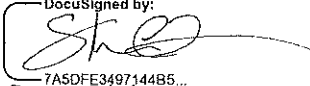
Pursuant to s. 23.0917(6m), Wis. Stats., the Department is notifying you as co-chairs of the Committee on Joint Finance of a proposed grant \$492,898 from the Knowles-Nelson Stewardship Program to Groundswell Conservancy for acquisition of a conservation easement.

The acquisition is located in the Town of Center, Rock County. The proposed project will protect 189 acres, a working grain farm, wildlife habitat near Footville State Wildlife Area, and provide outdoor recreation in an area of the state with little public land relative to population. The property is mostly flat, irrigated, productive cropland with seasonal wetland depressions. The property will be open to nature-based outdoor activities as defined in s. 23.0916(1)(b), Wis. Stats.

As provided in s. 23.0917(6m)(a), Wis. Stats., if the Department does not receive notification of the scheduling of a hearing from either of the Joint Committee on Finance co-chairpersons within 14 working days from submission of this letter, the Department will award this grant.

Thank you for your consideration.

Sincerely,

DocuSigned by:

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Steven Little
Deputy Secretary

CORRESPONDENCE/MEMORANDUM

DATE: May 7, 2024
TO: Members of the Joint Committee on Finance
FROM: Steven Little, Deputy Secretary

SUBJECT: Request for approval of a Stewardship grant exceeding \$250,000

Pursuant to s. 23.0917(6m), Wis. Stats., the Department of Natural Resources is notifying you of a proposed Knowles-Nelson Stewardship grant of \$492,898 to Groundswell Conservancy for the acquisition a conservation easement of 189.4 acres in Rock County. The Knowles-Nelson Stewardship program is funded under s. 20.866(2)(ta), Wis. Stats.

I. PROJECT DETAILS:

Project Sponsor: Groundswell Conservancy
Grant Sub-Program: Habitat Areas

Location: The subject property is located in the Town of Center, Rock County. Project maps are attached as Appendix A.

Project Description: The land is mostly flat, irrigated and productive cropland with seasonal wetland depressions. The property is located southeast of Evansville along Hwy 14 with ½ mile of frontage and legal parking along the shoulder for public access. The property is approximately ½ mile from the state-owned Footville Wildlife Area. The easement provides a small building site for agriculture operations only.

Key Benefits: The property will increase public access for outdoor recreation close to Footville Wildlife Area, while protecting a working grain farm and wildlife habitat. The subject property is composed of 189 acres of farmland comprised entirely of prime soils or soils of statewide importance and has participated in the Voluntary Public Access program for hunting since the 1940s. In accordance with s. 700.40(1)(a), Wis. Stats., the proposed conservation easement will retain and protect the natural, scenic and open space values of real property and the availability of real property for agricultural and recreational use.

Partnerships:

- USDA/NRCS Regional Conservation Partnership Program (RCPP).
- Rock County Agricultural Conservation Easements (PACE) program.
 - Written support from the Rock County Board of Supervisors and Land Conservation Committee is attached as Appendix B.
- American Farmland Trust
- Rock River Valley chapter of Pheasants Forever.

Project Goals: The Bjugstad easement acquisition will advance objectives of several conservation and recreational plans:

- Rock County PACE target acquisition area
- Town of Center Lowland Conservancy Overlay District
- Footville Wildlife Area Feasibility Study
- Sugar River Masterplan
- Rock River Valley chapter of Pheasants Forever

Public Uses: The property will be open to nature-based outdoor activities as defined in s. 23.0916(1)(b), Wis. Stats.

Property Management: The easement will be managed by the landowner, Groundswell Conservancy, and Pheasants Forever according to a conservation easement approved by the Department and USDA/NRCS.

Timetable: Pending grant approval, Groundswell plans to close on this property no later than September 30, 2024.

II. PROJECT FINANCES

A. Appraisals

As required by s. 23.0917(7)(e)1., Wis. Stats., two appraisals were used to determine the fair market value of the land. The property value used for grant calculation is based on the lower acceptable appraisal report.

Appraisal 1	\$1,135,000
Appraisal 2	\$975,000
Value approved by Department	\$975,000

B. Grant Calculation:

Approved land value	\$975,000
Eligible related transaction costs	<u>\$10,796</u>
Total eligible project costs	\$985,796
USDA/NRCS RCPP	\$426,000
Rock County PACE	\$7,500
Contribution from seller	\$55,398
Rock River Valley Pheasants Forever	\$2,000
American Farmland Trust	<u>\$2,000</u>
Proposed Stewardship grant amount (50%)	\$492,898


III. RECOMMENDED:

DocuSigned by:

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 Terry Bay, Director, Bureau of Facilities and Lands

5/7/2024 | 4:13 PM CDT

Date

DocuSigned by:

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 Tim Cooke, Administrator, Internal Services Division

5/10/2024 | 1:42 PM CDT







Date

Appendix A. Project Maps

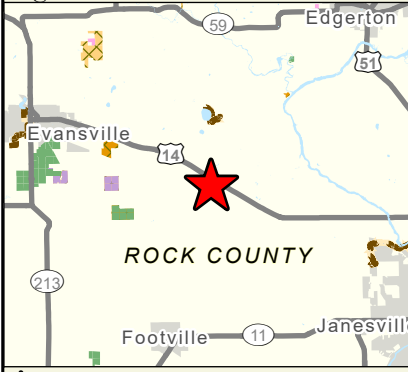
Bjugstad Conservation Easement


T3N R11E Sec. 3 & 10
Town of Center
Rock County

 Subject

-  DNR Project Boundary
-  DNR Fee Title
-  DNR Easement
-  NRCS - FRPP (Farm & Ranch lands Protection Program - Closed to public access)
-  Ice Age Trail
-  Section Boundary

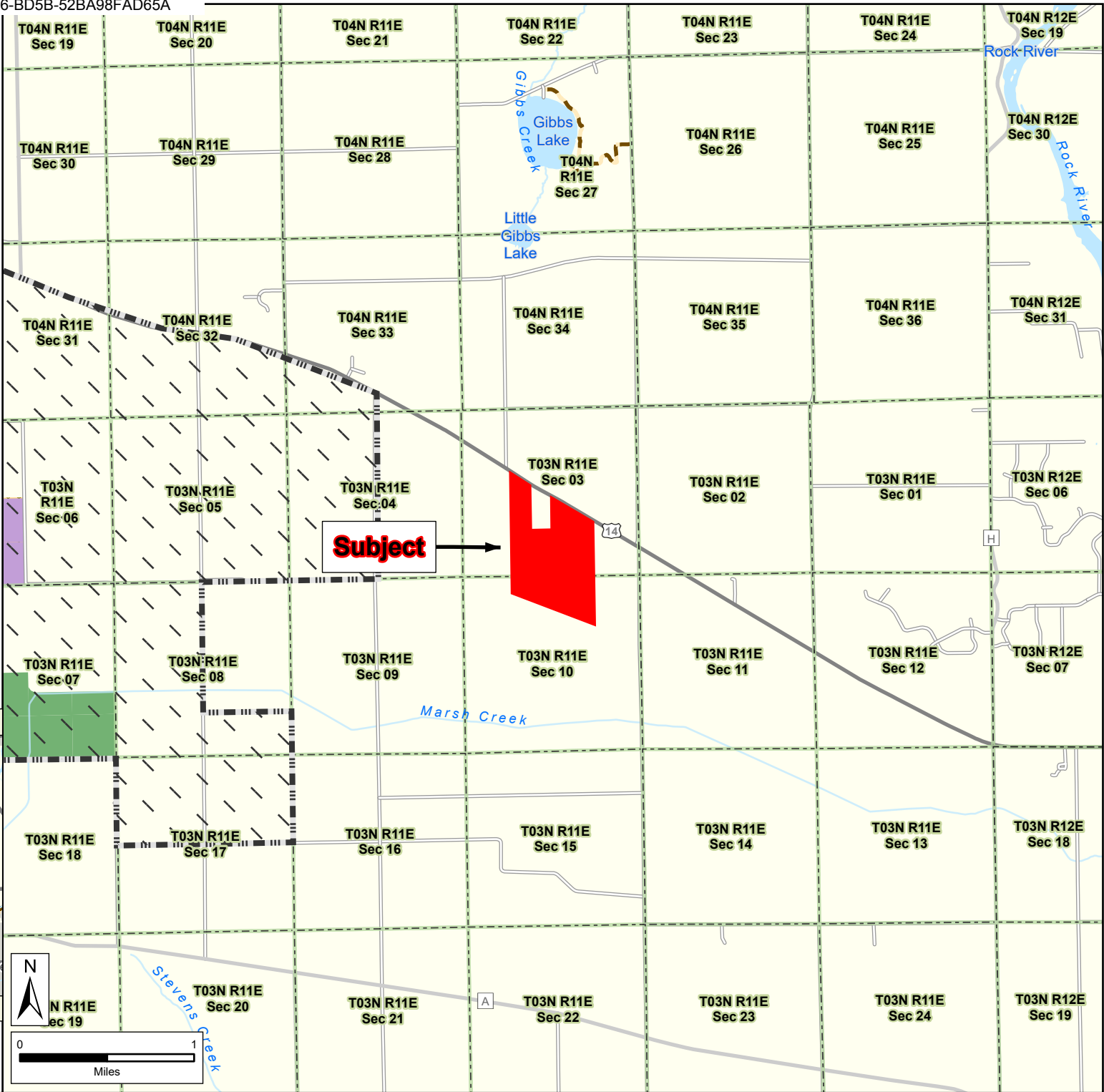
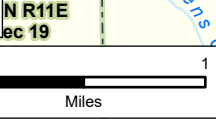
Regional View



 Location of Property



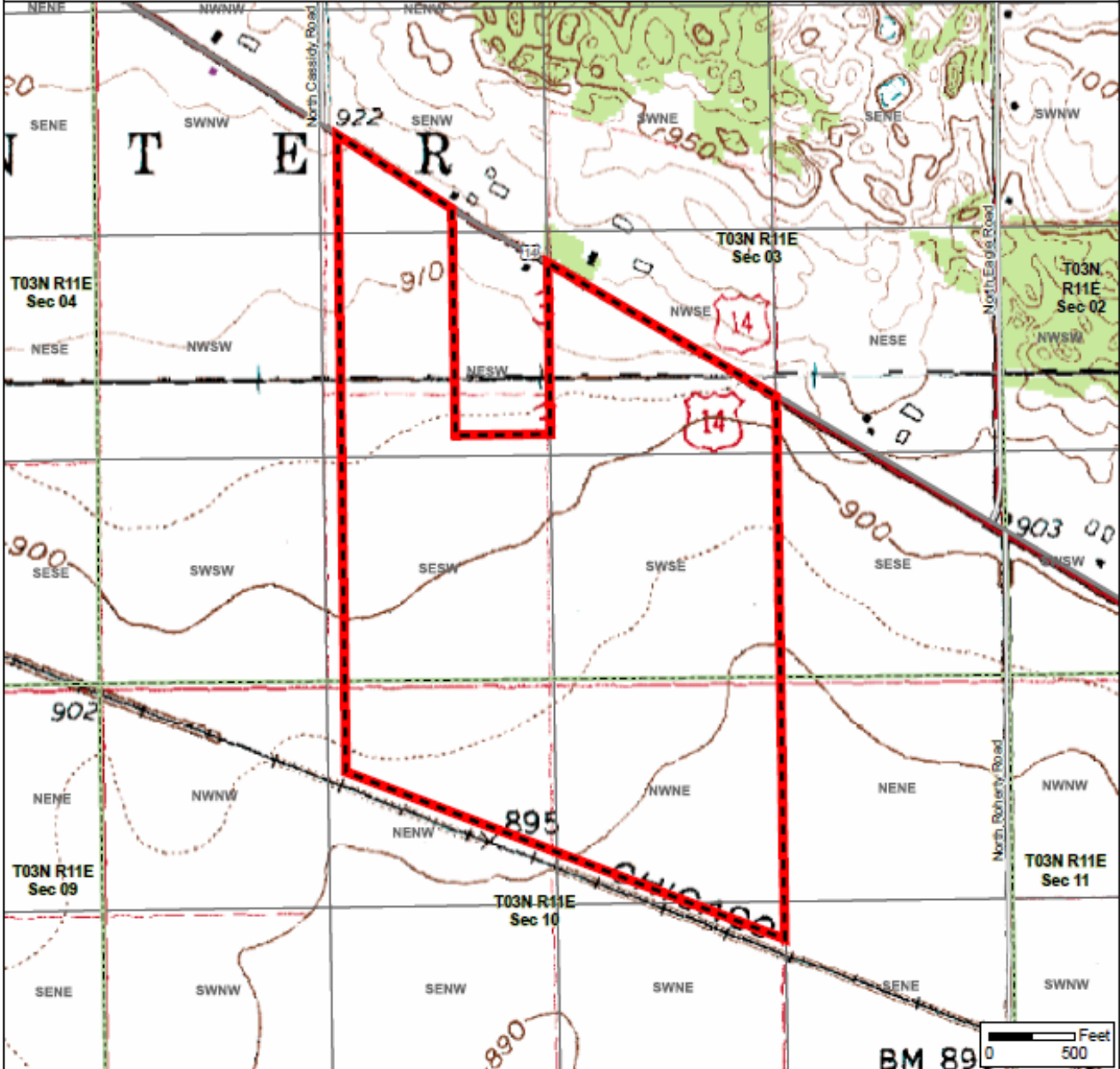
WISCONSIN DEPARTMENT
OF NATURAL RESOURCES
Bureau of Facilities of Lands
Map Created: Apr 15, 2024 lec






Bjugstad Conservation Easement

Proposed Stewardship Grant
Sponsor: Groundswell Conservancy
Approximate Total Acreage: 189

T3N R11E Sec. 3 & 10
Town of Center
County: Rock



 Subject

 Section Boundary
 QQ Section Boundary



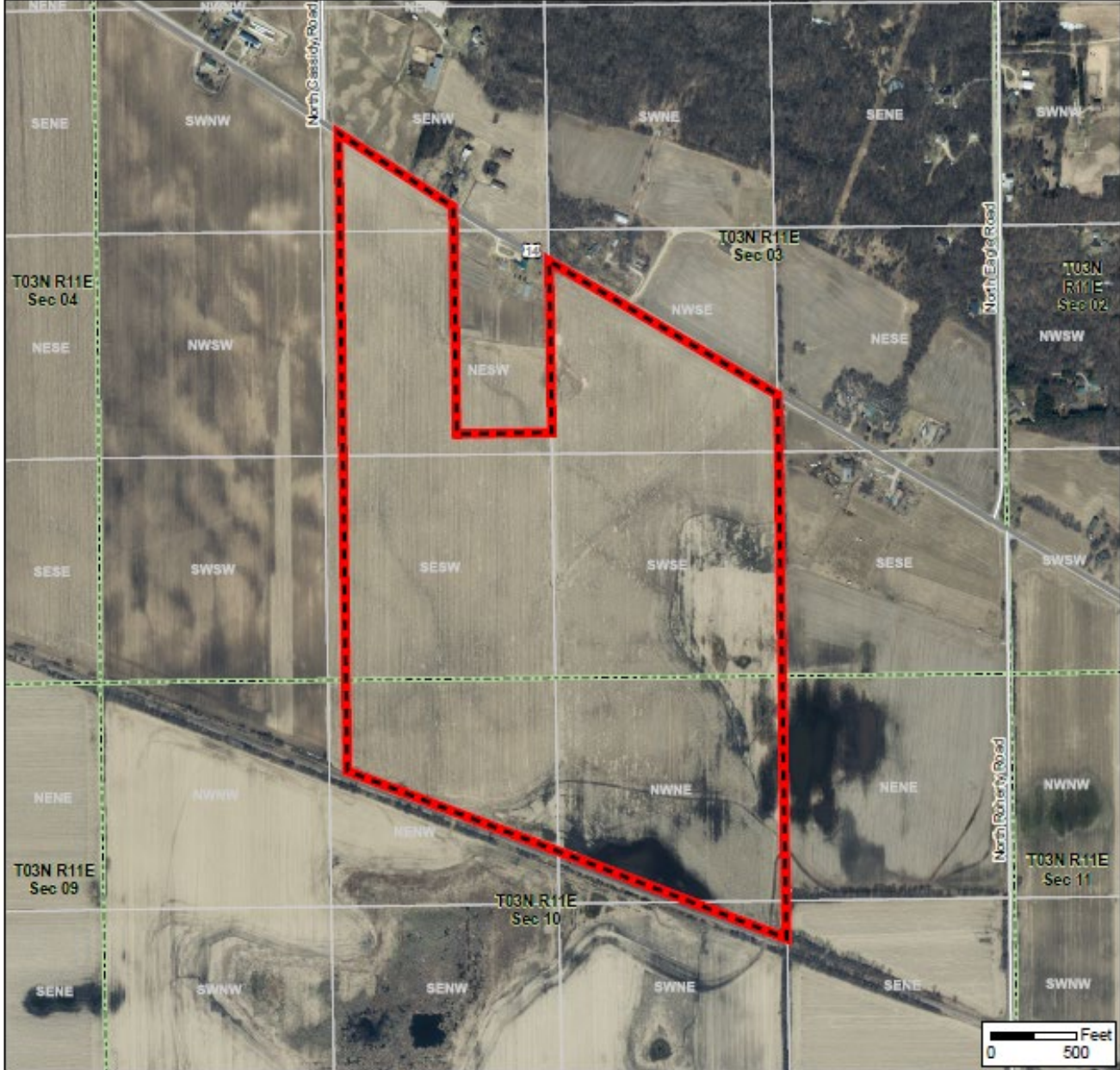
Apr 15, 2024 lec
Real Estate Section
Bureau of Facilities and Lands

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

Bjugstad Conservation Easement

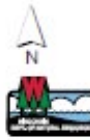
Proposed Stewardship Grant
Sponsor: Groundswell Conservancy
Approximate Total Acreage: 189

T3N R11E Sec. 3 & 10
Town of Center
County: Rock



 Subject

 Section Boundary
 QQ Section Boundary



Apr 15, 2024 lec
Real Estate Section
Bureau of Facilities and Lands

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Appendix B. Rock County Support



MINUTES
ROCK COUNTY LAND CONSERVATION COMMITTEE
Joint Meeting with PACE Council
Wednesday January 3rd, 2024 7:15 pm
USDA Service Center, 440 N Hwy 14

1. **Call to Order:** Chair Sweeney called the meeting to order at 7:24 pm.

Committee Members Present: Rich Bostwick, Alan Sweeney, James Quade, Kim Schneider and Debi Towns.

Committee Members Excused: Janelle Crary, Ron Bomkamp and Genia Stevens

PACE Council Members Present: Alan Sweeney, Ramona Flanigan (Zoom), Tim Tollefson, Don Jones and Gabriella Nelson

Others Present: Mike Foy (Groundswell, via Zoom) and Andrew Baker (staff)
2. **Approval of Agenda:** Andrew asked to strike item 7a. Mr. Quade moved to approve the agenda as revised, seconded by Supervisor Sweeney. **Motion carried unanimously.**
3. **Approval of Minutes – December 6, 2023.** Supervisor Towns moved to approve the minutes as presented, seconded by Supervisor Schneider. **Motion carried unanimously.**
4. **Citizen Participation, Communications, and Announcements.** Andrew noted that he would be presenting a 5-year review for the Land and Water Resource Management Plan at the DATCP Board on February 6.
5. **PACE Program Update: Possible Donation Application via Partnership with Groundswell Conservancy**
 - A. **Property Summary and Staff Report with Maps**

Andrew summarized that this would easement acquisition would be a partnership with Groundswell Conservancy. Mike Foy, from Groundswell, noted that the funding for the acquisition would be from State Stewardship funds and the USDA-NRCS. Stewardship funds can be used because the property will be open for hunting and other public use. Rock County PACE Program would not contribute to the purchase price, but would accept the easement as a donation to the program, paying for acquisition costs (i.e. appraisal and title work) and accept long term monitoring responsibilities. The donation component of the PACE program was approved a number of years ago to allow an option for landowners to preserve their land but may no be ranked high enough from a LESA score standpoint to get a payment from Rock County. Andrew clarified that the property will still be privately owned and taxed as it is today. The only difference between this and other PACE easements is that it will be open to the public, which will be monitored by the DNR.
 - B. **Recommendation from PACE Council**

Mr. Jones made a motion to recommend to LCC to proceed with acquisition of this easement. Seconded by Mr. Tollefson. **Motion carried unanimously.**

- C. Acquisition of the Bjugstad Property Agricultural Conservation Easement (Resolution).
Supervisor Sweeney made a motion to recommend to County Board that the resolution be approved. Seconded by Supervisor Schneider. **Motion carried unanimously.**

6. **Adjournment (PACE Council)**

Mr. Tollefson made a motion to adjourn PACE Council at 8:10 pm, seconded by Ms. Flanigan **Motion carried unanimously.**

~~7. Action Item. Approval of Farmland Preservation Notice of Noncompliance Documents~~

- ~~A. (Complete list to be provided at the meeting due to timing of agenda and end of calendar year, i.e. due date for compliance)~~

8. Action Items. Land and Water Resource Management Program

Andrew explained and summarized each project.

- A. Approval of Cost Share Agreement LR-026.23 - Philip and Carol O'Leary Trust - Nutrient Management
Supervisor Sweeney moved to approve, seconded by Mr. Quade. **Motion carried unanimously.**
- B. Approval of Cost Share Agreement LR-027.23 - Meadowdale Farms - Waterway and Critical Area Seeding
Supervisor Schneider moved to approve, seconded by Supervisor Towns. **Motion carried unanimously.**
- C. Approval of Cost Share Agreement LR-028.23 - Glacier Edge Dairy LLC - Nutrient Management
- D. Approval of Cost Share Agreement LR-029.23 - Glacier Edge Properties LLC - Nutrient Management
Mr. Quade moved to approve items 8.C. and 8.D., seconded by Supervisor Towns. **Motion carried unanimously.**
- E. Approval of Carryover 2023 Cost Share Contracts to 2024
Andrew summarized that cost share contracts approved late in the year or otherwise delay may be carried over to the next year for completion and payment.
Supervisor Sweeney moved to approve the list of carryover contracts, seconded by Supervisor Schneider. **Motion carried unanimously.**

9. Information Items

- A. Reports Regarding Out of State Conference Attendance
Andrew referenced the memo in the packet. There was no conference attendance that met this criterion.

10. Review Bills Paid.

A. December Bills

Bills were reviewed. There were no questions.

11. Adjournment (LCC)

Mr. Quade made a motion to adjourn at 8:30 pm, seconded by Supervisor Schneider. **Motion carried unanimously.**

Respectfully Submitted,

Andrew Baker
Director

Minutes are not official until adopted by the Land Conservation Committee.

G: office/lcc/lcc2024/M010724

RESOLUTION NO. R-2024-362AGENDA NO. 11.D.**RESOLUTION****ROCK COUNTY BOARD OF SUPERVISORS**Supervisor Alan Sweeney
INITIATED BY12/22/2023
DATE DRAFTED**Acquisition of the Bjugstad Property Agricultural Conservation Easement**

WHEREAS, the Rock County Board of Supervisors officially approved the Rock County Purchase of Agricultural Conservation Easements (PACE) Program and adopted the document entitled Rock County PACE Program Manual, identifying and outlining all aspects of Program development and implementation, on January 13, 2011; and,

WHEREAS, the Rock County Board of Supervisors officially authorized staff to accept applications to the PACE Program for the donation of an Agricultural Conservation Easement, process applications according to the PACE program policies and procedures and pay for acquisition costs, on June 13, 2013; and,

WHEREAS, the primary goal of the PACE program is to acquire and monitor easements which limit or restrict non-agricultural land uses on the agricultural property while maintaining private land ownership; and,

WHEREAS, a PACE application was submitted by the Brian L Bjugstad and Renee M Bjugstad Revocable Trust (Landowner) to the Land Conservation Department (LCD) in 2023 for PACE easement on real property located in part of Sections 3 and 10, Township 3 North, Range 11 East, Center Township, part of Rock County tax parcel numbers 6-4-22, 6-4-24B, 6-4-71 and 6-4-72.1; and,

WHEREAS, the acquisition of the Easement will take place through a partnership with Groundswell Conservancy, Inc, which has received tentative approval for funding from the Wisconsin State Stewardship program and the USDA-NRCS Regional Conservation Partnership Program (RCPP) for a portion of the value of the Easement; and,

WHEREAS, the remaining value of the Easement will be considered a partial donation by the Landowner to the PACE Program; therefore Rock County will not be contributing toward the purchase price of the Easement but will pay the related administrative costs, such as title work, appraisal, closing costs and long term monitoring, which is authorized for any PACE Program acquisition, including donations; and,

WHEREAS, the application was recommended for approval by LCD and the PACE Council and approved by the LCC in accordance with the Rock County PACE Program Manual; and,

WHEREAS, to formalize the Easement acquisition process, the Landowner, Groundswell Conservancy Inc, Rock County, will execute a Conveyance Agreement – Agricultural Conservation Easement document, identifying and outlining all aspects of the Easement acquisition process, including but not limited to, the following activities, subject to all terms and conditions as stated therein:

Opening an escrow with Brabazon Title Company, Inc. and securing a minimum title insurance commitment of \$15,000 (Title Report) for the property;
Landowner depositing three thousand five hundred dollars (\$3,500) in the established escrow account;
Rock County acquiring or reimbursing Groundswell for the services of qualified appraiser to determine the fair market value of an Easement on the property; and,

NOW, THEREFORE, BE IT RESOLVED, the Rock County Board of Supervisors duly assembled this 11th day of January, 2024, does by enactment of this Resolution authorize the LCD to undertake necessary activities identified herein and obligates all necessary funds to complete said activities to proceed with acquisition of the Agricultural Conservation Easement on the Bjugstad Property without

further action for the Board.

BE IT FURTHER RESOLVED, the County Administrator will act as the County's agent for purposes of signing the all necessary easement related documents.

FISCAL NOTE:

Sufficient funds are available in the Land Conservation Department's PACE budget for the escrow, estimated appraisal and related costs necessary to acquire this easement.

LEGAL NOTE:

The County Board is authorized to take this action pursuant to §§ 59.01, 59.51, 93.73 & 700.40, Wis. Stats.

Shanna Sanders
Deputy Corporation Counsel

ADMINISTRATIVE NOTE

Recommended.

Josh Smith
County Administrator

Committee Action

Land Conservation Committee

The Land Conservation Committee recommended this resolution for approval by a unanimous voice vote.

PACE Council

The PACE Council recommended this resolution to LCC for approval by a unanimous voice vote.