STATE OF WISCONSIN

SENATE CHAIR
Alberta Darling

317 East, State Capitol
P.O. Box 7882
Madison, WI 53707-7882
Phone: (608) 266-5830

ASSEMBLY CHAIR
John Nygren

309 East, State Capitol
P.O. Box 8953
Madison, WI 53708-8953
Phone: (608) 266-2343

JOINT COMMITTEE ON FINANCE

MEMORANDUM

To: Members
Joint Committee on Finance

From: Senator Alberta Darling
Representative John Nygren

Date: November 23, 2015

Re: DNR Report to JFC

Attached is a report on properties purchased with funds from the Knowles-Nelson Stewardship Program on which one or more Nature-Based Outdoor Activities (NBOA) is prohibited from the Department of Natural Resources, pursuant to s. 23.0916(6), Stats.

This report is being provided for your information only. No action by the Committee is required. Please feel free to contact us if you have any questions.

Attachments

AD:JN:jm

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

Scott Walker, Governor
Cathy Stepp, Secretary
Telephone 608-266-2621
Toll Free 1-888-936-7463
TTY Access via relay - 711

November 15, 2015

The Honorable Alberta Darling, Co-Chair
Joint Committee on Finance

The Honorable John Nygren, Co-Chair
Joint Committee on Finance

The Honorable Tom Tiffany, Chair
Senate Committee on
Sporting Heritage, Mining & Forestry

The Honorable Alvin Ott Chair
Assembly Committee on
Natural Resources and Sporting Heritage

Dear Senators and Representatives:

Pursuant to §23.0916(6), Wis. Stats., the Department of Natural Resources submits this Report to the Wisconsin Legislature: Properties Purchased with Funds from the Knowles-Nelson Stewardship Program on which one or more Nature-Based Outdoor Activities (NBOA) Is Prohibited. This report covers the period July 1, 2013 through June 30, 2015.

During the two years covered by this report, total acres acquired for public recreation and habitat preservation through the Knowles-Nelson Stewardship Program and acres with NBOA prohibitions are as follows:

Property Acquired by Local Governments, County Forests and Nonprofit Conservation Organizations with Stewardship grant assistance	**Total Projects**	**Projects with NBOA Prohibitions**	**Percentage**
Number of Projects	136	16	11.75%
Stewardship program costs*	$28,115,166.00	$1,987,486.00	7%
Total acres	16,483.91	123.81	.75%

* reflects grant cost-share amount only

Property Acquired by the DNR	**Total Projects**	**Projects with NBOA Prohibitions**	**Percentage**
Number of acquisitions (fee title and easement purchases)	193	0	0.00
Stewardship program costs	$28,557,560.16	$0.00	0.00
Total acres	34,480.76	0.00	0.00

I am happy to report continued progress reducing the number of acres on which NBOAs are not allowed from a high in the Program's first biennium of 1,240.4 acres, or 5.43% of the total acreage, to the current 123.81 acres or less than 1% of the total Stewardship lands purchased in the last two years. The Appendix at the end of the enclosed report provides additional information.

Sincerely,

for Cathy Stepp
Secretary

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Jt. Finance

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The Wisconsin Department of Natural Resources provides equal opportunity in its employment, programs, services, and functions under an Affirmative Action Plan. If you have questions, please write to Equal Opportunity Office, Department of Interior, Washington, D.C. 20240.

This publication is available in alternative format (large print, Braille, audio tape, etc.) upon request. Please call the Bureau of Facilities and Lands (608-266-2135) for more information.

REPORT TO THE WISCONSIN LEGISLATURE

PROPERTIES PURCHASED WITH FUNDS FROM THE
KNOWLES-NELSON STEWARDSHIP PROGRAM
ON WHICH ONE OR MORE
NATURE-BASED OUTDOOR ACTIVITIES IS PROHIBITED

Covering the period: July 1, 2013 – June 30, 2015

Stewardship

SUBMITTED BY THE DEPARTMENT OF NATURAL RESOURCES
November 15, 2015

PUB-LF-077 2015

The Knowles-Nelson Stewardship Program is administered by the Wisconsin Department of Natural Resources (DNR). For more information on the Stewardship Program, please contact the following:

Bureau of Facilities and Lands
Division of Fish, Wildlife and Parks
Department of Natural Resources
P.O. Box 7921
101 S. Webster Street
Madison, Wisconsin 53707-7921
Bureau main phone number: 608-266-2135
Program Web page: http://dnr.wi.gov/about/divisions/land/bureaus.html
Mapping Web page: http://dnrmaps.wi.gov/sl/?Viewer=Public_Access_Lands

WISCONSIN
DEPT. OF NATURAL RESOURCES

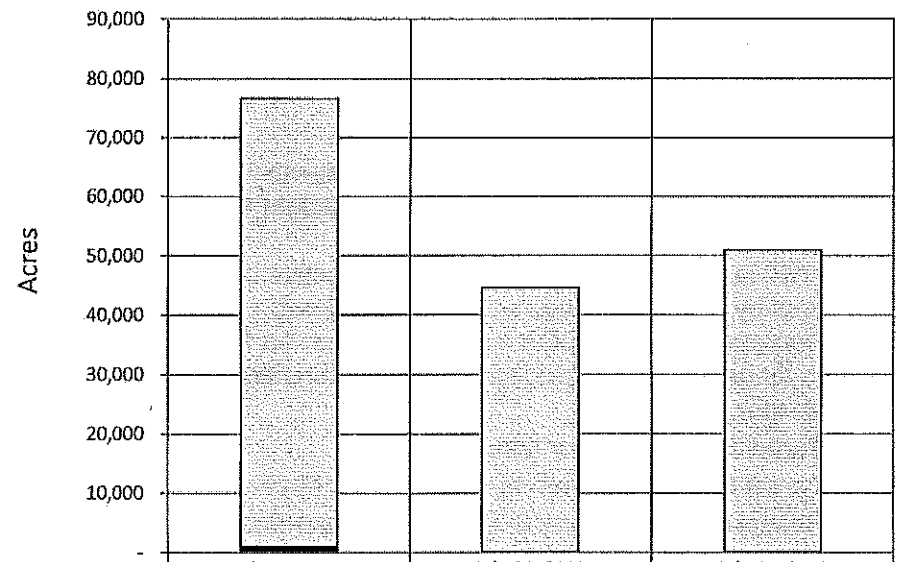
Additional copies of this report may be obtained from the DNR by calling 608-266-2135 or may be obtained from the DNR web site at: http://dnr.wi.gov/topic/Stewardship/Pubs.html

BACKGROUND

The Wisconsin Legislature created the Knowles-Nelson Stewardship Program in 1989 to preserve valuable natural areas and wildlife habitat, protect water quality and fisheries, and expand opportunities for outdoor recreation. The Stewardship Program is named for two of Wisconsin's most revered conservation leaders, Warren Knowles (Governor 1965-1971) and Gaylord Nelson (Governor 1959-1963, U.S. Senator 1964-1981).

After 10 successful years, the Wisconsin Legislature reauthorized the Knowles-Nelson Stewardship Program in 1999 for an additional 10 years. The 2007-2009 Biennial Budget act (2007 Wis. Act 20; see pp. 280-287 of Act) reauthorized the Knowles-Nelson Stewardship Program for a third decade – until June 30, 2020. The Act also required that lands acquired with Knowles-Nelson Stewardship Program after be open for nature-based outdoor activities (NBOA) as defined in Section 23.0916(1)(b), Wis. Stats.

Since October 27, 2007, the Knowles-Nelson Stewardship program has acquired 195,055 acres for public recreational use and only 2,713 acres have a prohibition of one or more a nature-based outdoor activities (NBOAs) defined as hunting, trapping, hiking, fishing and cross-country skiing. The following diagram is a representation of the program's progress.



	July 01, 2009 - June 30, 2011	July 01, 2011 - June 30, 2013	July 01, 2013 - June 30, 2015
Total Acres of Projects	76,645.15	44,615.19	50,964.67
Total Acres with NBOA Prohibitions	1,115.04	183.37	123.81

FY 2013-15 Biennium

This report satisfies the reporting requirement stated in §23.0916(6), Wis. Stats. By November 15, the department is required to issue a report on all lands purchased during the preceding biennium in whole or in part with funds from the Knowles-Nelson Stewardship Program for which public access for any nature-based outdoor activity (NBOA) has been prohibited. Section 23.0916(1)(b), Wis. Stats., defines nature-based outdoor activities as "... hunting, fishing, trapping, hiking, cross-country skiing, and any other nature-based activity designated by rule by the department ..." No additional NBOA were added by rule (ch. NR 52). This report must also include reasons for the prohibition.

During the past biennium, the department and its conservation partners have acquired a total of 50,964.67acres in fee and easement for public recreation and habitat preservation through the Knowles-Nelson Stewardship Program. During this timeframe, 124 of those acres (.75%) are subject to prohibitions of one or more NBOA. In most cases, those prohibitions come in the form of local ordinances disallowing hunting in urban centers and those prohibitions have been approved by the Natural Resources Board as necessary to protect public safety. The Appendix at the back of this report provides additional detail for each project with NBOA prohibitions. Additional details about any project may be requested from the Department.

FINDINGS

Tables A and B on the following pages summarize land purchases using Stewardship Program funds where one or more NBOA is prohibited during the period July 1, 2013 through June 30, 2015.

Section 23.0916(6), Wis. Stats., allows the Natural Resources Board to approve an NBOA prohibition only for the following reasons (alpha codes appear in Table B):

A. To protect public safety
B. To protect unique animal or plant communities
C. This category -- to accommodate usership patterns – was removed as a reason for a NBOA prohibition in the 2011-2013 Biennial Budget effective July 1, 2011.)

D. Chapter NR 52, Wis. Adm. Code, became effective on August 1, 2010, and describes the process by which the Natural Resources Board may approve the use of Stewardship funds when one or more NBOA's are prohibited. An NBOA prohibition is automatically approved as necessary for public safety if all conditions of § NR 52.05(1)(a)5, Wis. Adm. Code, are met, those are:
    - Parcel is five acres or less in size
    - Parcel is located within boundary of a city or village
    - Reason for NBOA prohibition is to protect public safety
    - Parcel is not adjacent to a public waterway
    - Parcel is not adjacent to another parcel where an NBOA prohibition already exists

E. Lastly, Wisconsin Statutes identify other times when an NBOA prohibition is allowed without approval of the Natural Resources Board including: properties acquired by Nonprofit Conservation Organizations or governments other than the municipality who passed a public safety ordinance; state trails, and wildlife refuges.

Table A. Details of DNR Stewardship Land Acquisitions subject to§ 23.0916(6), Wis. Stats., occurring between July 1, 2013, and June 30, 2015

County	Project Name	Property Name	Stewardship Amount	Total Project Acres	Acres with NBOA Prohibitions
N/A	No projects	N/A	$0.00	0.00	0.00

Table A. Details of Stewardship Grant Funded Land Acquisitions subject to§ 23.0916(6), Wis. Stats., occurring between July 1, 2013, and June 30, 2015

County	Project	Sponsor	Stewardship Grant Amount	Total Project Acres	NBOA Acres	NBOA (1-5)	Reason (A-E)
Brown	Green Bay East River Trail acquisition I - parcel 295	CITY OF GREEN BAY	$24,000	**0.02**	**0.23**	1	E
Brown	Green Bay East River Trail acquisition I – parcel 290	CITY OF GREEN BAY	$100,500	**0.21**	**0.21**	1	E
Brown	Green Bay East River Trail acquisition II - 517 St. George St.	CITY OF GREEN BAY	$50,250	**0.14**	**0.14**	1	E
Brown	City of Green Bay - East River Trail acquisition III	CITY OF GREEN BAY	$109,125	0.56	**0.56**	1	A
Columbia	Ice Age Trail - Portage Canal	ICE AGE TRAIL ALLIANCE, INC.	$115,320	46.00	**46.00**	1,3	E
Dane	City of Madison Merrill Springs Park expansion	CITY OF MADISON	$200,000	**0.39**	**0.39**	1	A
Eau Claire	City of Eau Claire 97 W Madison St. acquisition	CITY OF EAU CLAIRE	$180,705	1.30	**1.30**	1	A
Lincoln	City of Merrill River Bend Trail Railroad acquisition,	CITY OF MERRILL	$30,859	12.17	**12.17**	1,3	A

Prohibited NBOA: 1-Hunting; 2-Fishing; 3-Trapping; 4-Hiking; 5-Cross-country Skiing

Prohibition Reasons: A –Protect Public Safety; B –Unique Plant and Animal Communities; C –Usership Patterns; D –Compliance with s. NR 52.05(1)(a)(5), Wis. Adm. Code; E –Other exceptions allowed by WI Statutes

Milwaukee	Milwaukee County - UP Railroad Acquisition	MILWAUKEE COUNTY PARKS	$248,200	37.3	**37.3**	1,3	A
Ozaukee	OWLT Hammes Preserve addition	OZAUKEE WASHINGTON LAND TRUST	$11,838	**0.33**	**0.33**	1	E
Polk	Osceola, Village-Mill Pond acquisition	VILLAGE OF OSCEOLA	$89,500	1.71	**1.71**	1	A
Racine	Caledonia Conservancy - Tabor Woods acquisition	CALEDONIA CONSERVANCY	$71,334	11.05	9.05	1,3	E
Racine	City of Racine - West Bluff acquisition	CITY OF RACINE	$226,340	3.11	3.11	1	A
Sauk	City of Reedsburg - Granite Avenue Park acquisition	CITY OF REEDSBURG	$32,200	0.42	0.42	1	A
Waukesha	City of Waukesha - UP Railroad Corridor acquisition	CITY OF WAUKESHA	$170,315	10.60	10.60	1,3	A
Waukesha	Village of Pewaukee – Lakeside Park acquisition	VILLAGE OF PEWAUKEE	$327,000	0.50	0.50	1,3	A
		TOTALS	**$1,987,486**	**125.81**	**123.81**		

Prohibited NBOA: 1-Hunting; 2-Fishing; 3-Trapping; 4-Hiking; 5-Cross-country Skiing

Prohibition Reasons: A –Protect Public Safety; B –Unique Plant and Animal Communities; C –Usership Patterns; D –Compliance with s. NR 52.05(1)(a)(5), Wis. Adm. Code; E –Other exceptions allowed by WI Statutes

APPENDIX A

Details by Project: Stewardship Projects with NBOA Prohibitions (listed in alphabetical order by county)

Brown County – City of Green Bay

East River Trail acquisitions I
Parcel 295 & Parcel 290
Awarded August 29, 2013, the City was granted Acquisition and Development of Local Parks funds to acquire two parcels .023 and .21 acres along the East River for addition to the East River Trail. Hunting is not allowed on the parcel per local ordinance. This was an enumerated grant award, therefore not subject to access requirements in 23.0917.

East River Trail acquisition II
Awarded August 21, 2014, Acquisition and Development of Local Parks funds were awarded to the City to acquire .14 acres at 517 St. George Street, along the East River for an addition to the East River Trail. As with phase one of this project listed above, hunting is not allowed on the parcel per local ordinance. This was an enumerated grant award, therefore not subject to access requirements in 23.0917

East River Trail acquisition III
Awarded April 9, 2015, Urban Greenspace subprogram funds were granted to the City to acquire two parcels known as the Moski and Witt tracts totaling approximately 0.56 acres of land for public outdoor recreation purposes along the East River. Hunting is prohibited on this parcel by local ordinance. The Natural Resources Board approved this prohibition at their meeting in April, 2015.

Columbia County – Ice Age Trail Alliance

Portage Canal Segment
Awarded April 15, 2014, State Trail subprogram funds were granted to the Ice Age Trail Alliance to acquire 46 acres in the City of Portage for permanent Ice Age Trail corridor along over 3,000 feet along the banks of the Portage Canal. The Ice Age Trail Alliance is not prohibiting any NBOA on the property, however local City ordinance does not permit hunting or trapping on the parcel.

Dane County – City of Madison

Merrill Springs Park acquisition
Awarded March 4, 2014, Urban Greenspace and Acquisition and Development of Local Parks subprogram funds were granted to the City of Madison to acquire 0.39 acres to expand Merrill Springs Park along the southwest shore of Lake Mendota. The parcel will keep this section of shoreline as public lands and offer recreational infrastructure including a canoe/kayak launch. Local ordinance prohibits hunting on the property. This prohibition was approved by the Natural Resources Board as necessary to protect public safety at their meeting in February, 2014.

Eau Claire County – City of Eau Claire

W. Madison St. acquisition
Awarded March 4, 2014, Urban Rivers subprogram funds were granted to the City of Eau Claire to acquire 1.3 acres of property at 97 W Madison Street, Eau Claire, WI. The land will be developed into a trailhead for a multi-use non-motorized trail system. Local ordinance prohibits hunting on the property. This prohibition was approved by the Natural Resources Board as necessary to protect public safety at their meeting in February, 2014.

Lincoln County – City of Merrill
River Bend Trail RR Acquisition
Awarded February 1, 2014, Acquisition and Development of Local Parks subprogram funds were granted to the City of Merrill to acquire 12.17 acres including over a mile of abandoned railroad grade along the Wisconsin River in downtown Merrill as Phase I of the River Bend Trail connecting downtown Merrill to the Council Grounds State Park. Hunting and trapping are prohibited on the property by local ordinance. The Natural Resources Board approved those prohibitions as necessary to protect public safety at their meeting in January, 2014.

Milwaukee County – Milwaukee Co. Parks
Milwaukee County - UP Railroad Acquisition
Awarded January 13, 2014, Urban Rivers and Urban Green Space subprogram funds were granted to Milwaukee County to acquire 37.3 acres of the Union Pacific Railroad Corridor extending through the Cities of Milwaukee and Glendale to complete the Milwaukee County Oak Leaf Trail - Milwaukee Lakefront to Ozaukee County Interurban Trail Connector. Hunting and trapping are prohibited on the property by local ordinance. The Natural Resources Board approved those prohibitions as necessary to protect public safety at their meeting in December, 2014.

Ozaukee County – Ozaukee Washington Land Trust
Hammes preserve addition
Awarded March 16, 2015, Stream Bank subprogram funds were granted to acquire a .33 acre parcel adjacent to the Land Trust's Hammes preserve. The Land Trust is not prohibiting any NBOA on this property. However, hunting and trapping are prohibited by a local ordinance.

Polk County – Village of Osceola
Village-Mill Pond acquisition
Awarded January 28, 2015 Urban Rivers subprogram funds were granted to acquire 1.71 acres of land to expand the Mill Pond Park within the Village of Osceola. Gun hunting is prohibited by Village ordinance. This prohibition was approved by the Natural Resources Board as necessary to protect public safety in January 2015.

Racine County – Caledonia Conservancy
Tabor Woods acquisition
Awarded February 9, 2015, Urban Rivers subprogram funds were granted to the Caledonia Conservancy to acquire the 9.05 acres known as the Erlandsson/Tabor Woods property in the Village of Caledonia. As match to this grant, the Conservancy incorporated an additional 2 acre property into the Stewardship program. The Conservancy is not prohibiting any NBOAs, however, hunting and trapping are prohibited by a local ordinance.

Racine County – City of Racine
West Bluff acquisitions
Awarded April 18, 2014, Urban Greenspace subprogram funds were granted to the City of Racine to acquire 3.11 acres of land along the Root River in the City of Racine for their West Bluff Overlook Park and Root River pathway. Hunting is prohibited by local ordinance. This prohibition was approved by the Natural Resources Board as necessary to protect public safety in February 2014.

Sauk County – City of Reedsburg
Granite Ave. Park acquisition
Awarded April 9, 2015, Urban Rivers subprogram funds were granted to the City of Reedsburg to acquire approximately 0.42 acres of land on the Baraboo River for passive public outdoor recreation purposes. Hunting is prohibited on the parcel by City ordinance. This prohibition was approved by the Natural Resources Board as necessary to protect public safety in April, 2015.

Waukesha County – City of Waukesha

UP Railroad corridor acquisition Awarded February 25, 2015, Urban Green Space and Acquisition and Development of Local Parks subprogram funds were granted to the City of Waukesha to acquire approximately 10.6 linear acres along 1.45 miles of the abandoned Union Pacific railroad corridor for recreational trail use. This segment will connect the Central City and Carroll University to the Waukesha County's New Berlin Recreational Trail. Hunting and trapping are prohibited on the parcel by City ordinance. This prohibition was approved by the Natural Resources Board as necessary to protect public safety in February, 2015.

Waukesha County – Village of Pewaukee

Lakeside Park acquisition

Awarded April 8, 2015, Urban Greenspace subprogram funds were granted to the Village of Pewaukee to acquire an approximately 0.5 acre boat launch area with 212 feet of frontage on Pewaukee Lake for public walk-in access and other outdoor recreation use. Hunting and trapping are prohibited by local ordinance. This prohibition was approved by the Natural Resources Board as necessary to protect public safety in February 27, 2015.

KNOWLES-NELSON STEWARDSHIP PROGRAM

Preserving valuable natural areas and wildlife habitat,
Protecting water quality and fisheries, and
Expanding outdoor recreation opportunities