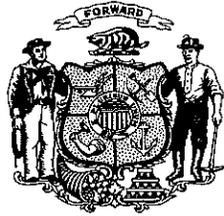


STATE OF WISCONSIN

SENATE CHAIR
Alberta Darling

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



ASSEMBLY CHAIR
John Nygren

308 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 18, 2019

Re: DNR Report to JFC

Attached is a report regarding properties purchased with funds from the Knowles Nelson Stewardship Program on which one or more nature based outdoor activities are 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

Tony Evers, Governor
Preston D. Cole, Secretary
Telephone 608-266-2621
Toll Free 1-888-936-7463
TTY Access via relay - 711



November 15, 2019

NOV 18 2019

St. Finance

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 and Forestry

The Honorable Rob Stafsholt, Chair
Assembly Committee on Sporting Heritage

Dear Senators and Representatives:

Pursuant to s. 23.0916(6), Wis. Stats., the Department of Natural Resources (DNR) prepared this report to the Wisconsin Legislature regarding properties purchased with funds from the Knowles-Nelson Stewardship Program on which one or more nature-based outdoor activities (NBOAs) are prohibited. This report covers the period July 1, 2017, through June 30, 2019. Of the acres acquired by DNR and local partners this biennium, more than 99.5% are open for all NBOAs, summarized as follows:

	Acres Acquired in 2017-2019 Biennium *	Acres with NBOA Prohibitions *
DNR acquisitions	35,605	26.8
Local government and nonprofit conservation organization Stewardship grant acquisitions	10,556	202.79
Total	46,161	229.59

* Values reflect fee acquisitions and easements.

Due in large part to public investment via the Stewardship program, residents and visitors have access to exceptional outdoor experiences in every corner of the state. By providing facilities and lands for outdoor recreation, the Stewardship program helps Wisconsin's economy continue to grow and prosper.

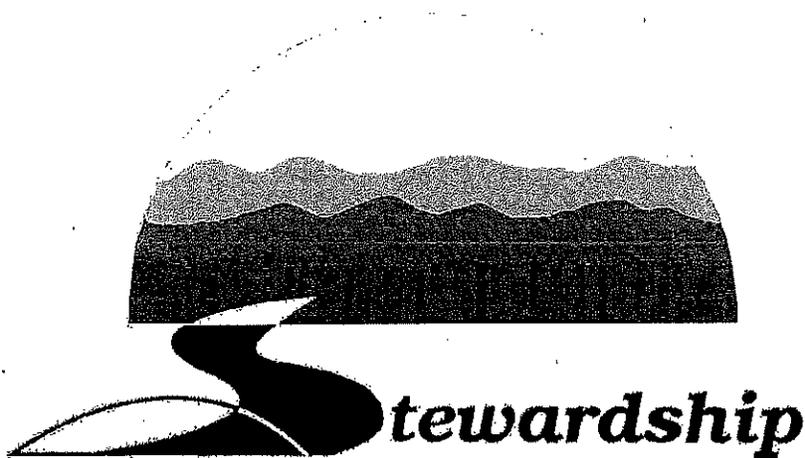
Sincerely,

Beth Bice

for Preston D. Cole,
Secretary-Designee

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

July 1, 2017 – June 30, 2019



SUBMITTED BY THE DEPARTMENT OF NATURAL RESOURCES
November 15, 2019

PUB-LF-077 2019

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
Internal Services Division
Department of Natural Resources
P.O. Box 7921
101 S. Webster Street
Madison, Wisconsin 53707-7921
608-267-7465

Real Estate Program: <http://dnr.wi.gov/topic/lands/RealEstate>
Stewardship Grants Program: <http://dnr.wi.gov/topic/stewardship>
Public Access Lands mapping: <http://dnr.wi.gov/topic/lands/PAL/application.html>

Additional copies of this report may be obtained from the DNR Bureau of Facilities and Lands.

BACKGROUND

The Wisconsin Legislature created the Knowles-Nelson Stewardship Program in 1989 to serve the public by expanding outdoor recreation opportunities, protecting fish and wildlife habitat, and preserving valuable natural areas. 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). Based on the Program's continued success delivering quality outdoor recreation opportunities for the public, the Wisconsin Legislature reauthorized the Stewardship Program in 1999 and again in 2007 (via the 2007-2009 Biennial Budget Act, 2007 Wis. Act 20).

Concurrent with the 2007 reauthorization, the Legislature required that lands acquired with Knowles-Nelson Stewardship Program be open for nature-based outdoor activities (NBOAs) unless otherwise approved by the DNR Natural Resources Board (NRB). 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 NBOAs have been added by rule.

Chapter NR 52, Wis. Adm. Code, became effective on August 1, 2010, and describes criteria the NRB may consider when reviewing a proposed acquisition where one or more NBOAs would be prohibited. Proposed Stewardship acquisitions (DNR or grant-funded) require NRB review and approval if the landowner plans to prohibit one or more NBOA post-acquisition. Section 23.0916, Wis. Stats., allows the NRB to approve acquisition of property with an NBOA prohibition only if the prohibition is necessary to protect public safety or unique animal/plant communities. An NBOA prohibition is assumed to be necessary for public safety if all the following conditions of Ch. NR 52.05(1)(a)5, Wis. Adm. Code, apply to the subject property:

- The parcel is five acres or less in size;
- The parcel is located within the boundary of a city or village;
- The parcel is not adjacent to a public waterway; and
- The parcel is not adjacent to another parcel where the NBOA proposed for prohibition is allowed.

In accordance with s.29.089(1m)(b), prohibition of hunting and trapping in State Parks and on State Trails is allowed if the property is within 100 yards of a designated use area or if the NRB determines that prohibiting hunting or trapping is necessary to protect public safety or protect a unique animal or plant community. NRB approval is not required prior to acquisition for properties acquired with Stewardship grant assistance by local governments or nonprofit conservation organizations where the prohibition originates from an entity other than the grant recipient.

By November 15 of each biennium, 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 Stewardship Program on which public access for any NBOA is prohibited (s. 23.0916(6), Wis. Stats.). This report satisfies the NBOA reporting requirement for fiscal years 2018 and 2019.

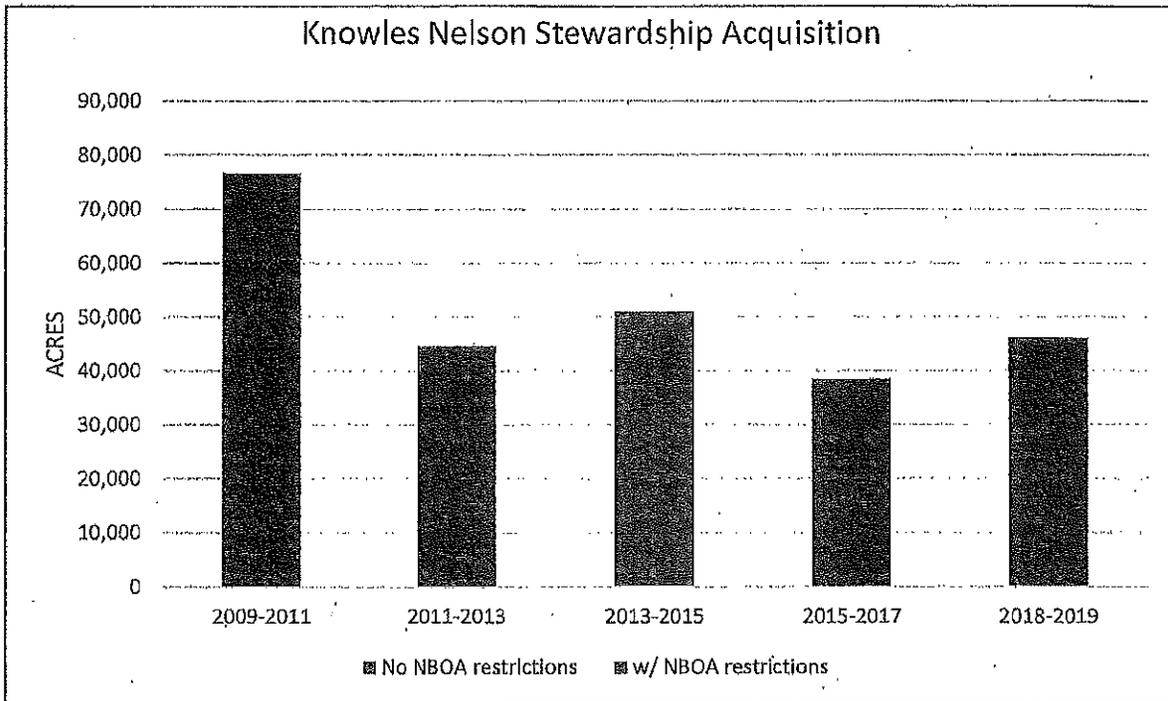
2018-2019 BIENNIUM

In the 2018-2019 biennium, Stewardship grant recipients acquired 9002 acres with grant assistance, and incorporated an additional 1,554 acres into the Knowles-Nelson Stewardship portfolio as match. 99% of those acres are open to the public for all those NBOA. In all cases, properties acquired with Stewardship funds on which one or more of those are prohibited are subject to local ordinance where limits on hunting and/or trapping are in place to protect public safety.

In this biennium, DNR acquired one parcel on which hunting is prohibited due to proximity to the Ice Age Trail.

Exhibit A, Table A, and Table B below summarize NBOA access on land acquired with Stewardship funds in the last biennium. Project-specific information is in Appendix A. Further details are available from the DNR.

In addition to land acquisition, Stewardship funds also support capital development. In the last biennium, 57% of all Stewardship fund expenditures went to construction of outdoor recreation facilities on state and local government property. Common project types included park shelters, restrooms, campsites, parking lots, and multi-use trails.



	2009-2011	2011-2013	2013-2015	2015-2017	2018-2019
Acres Open for all NBOAs	75,530 (98.5%)	44,432 (99.6%)	50,841 (99.8%)	38,251 (99.6%)	45,931 (99.5%)
Acres with NBOA Prohibition(s)	1,115 (1.5%)	183 (0.4%)	124 (0.2%)	134 (0.4%)	230 (.5%)
Total Acres	76,645	44,615	50,965	38,385	46,161

Exhibit A: Acres acquired with Stewardship funds open for all NBOAs and subject to prohibition(s).

Table A. DNR Stewardship Land Acquisitions subject to s. 23.0916(5), Wis. Stats.: July 1, 2017, through June 30, 2019

County	Project Name	Acquisition Type	Stewardship Amount	Project Acres with NBOA Prohibition(s)	Prohibited NBOA(s)	Reason
Manitowoc	Kaminski tract – IAT	Fee	\$86,000	26.8	Hunting prohibited w/in 300' of Ice Age Trail	Public Safety

Table B. Stewardship Grant Acquisitions Subject to s. 23.0916(5), Wis. Stats.: July 1, 2017, through June 30, 2019

Grant/Recipient	County	Project Name	Stewardship Grant Amount	Project Acres with NBOA Prohibition(s)	Prohibited NBOA(s)	Reason
Village of Osceola	Polk	St. Croix View Park	\$5,000.00	.13	Hunting; Trapping	Public Safety
City of Oak Creek	Milwaukee	Abendschein Park Expansion	\$38,879.00	4.6	Hunting; Trapping	Public Safety
Groundswell Conservancy	Dane	Yahara River/Cherokee Marsh Laborers' tract	\$107,695.00	95	Gun hunting; trapping	Public Safety
Groundswell Conservancy	Dane	Patrick Marsh Wildlife Area – Hanley tract	\$150,000	24.9	Hunting; Trapping	Public Safety
Northeast Wisconsin Land Trust	Oconto	Green Bay West Shores wetlands – VandenbergHeuvel tract	\$66,770.00	78.1	Trapping	Public Safety

APPENDIX A

Project Details: Stewardship Grant Acquisitions with NBOA Prohibitions

DNR Acquisition Project Name: Ice Age Trail – Kaminski tract

County: Manitowoc

Details: On September 3rd, the Department acquired 26.8 acres for the Ice Age Trail. The parcel is narrow, irregularly shaped, and includes several feet of both sides of the East Twin River and the confluence of the East Twin River and Jambo Creek. This acquisition allows for a 5.3-mile, road-to-road trail segment. Hunting is prohibited within 100 yards of the Ice Age Trail, which on this property encompasses the majority of the parcel. The Governor approved the acquisition on July 15, 2019.

Grant Recipient: Village of Osceola

Project Name: St. Croix View park

Details: on June 1, 2018 DNR issued a grant contract to the Village for \$5,000 toward their acquisition of a small park parcel overlooking the St. Croix River. The Village's long-term plan for the property is to construct a viewing platform for the St. Croix River. Village ordinance prohibits hunting and trapping within Village limits. Prohibition of hunting and trapping was assumed necessary to protect public safety, as the property meets all requirements of Ch. NR 52.05(1)(a)5.

Grant Recipient: City of Oak Creek

Project Name: City of Oak Creek - Abendschein Park Expansion

Details: On June 1, 2018 DNR issued a grant from the Urban Green Space subprogram to acquire 4.6 acres that will allow for a connection between the existing 75-acre Abendschein Memorial Park and Milwaukee County's Oak Leaf Trail. City ordinance prohibits hunting and trapping on this parcel. Prohibition of hunting and trapping was assumed necessary to protect public safety, as the property meets all requirements of Ch. NR 52.05(1)(a)5.

Grant Recipient: Groundswell Conservancy

Project Name: "Laborers" tract addition to Cherokee Marsh

Details: On June 8, 2018 DNR issued a grant contract to the Conservancy to acquire a ~95 acres tract along several oxbows and the irregular banks of the upper Yahara River adjacent to DNR Fishery Area in a large complex of conservation land at Cherokee Marsh. The parcel is within the Village of DeForest. Village ordinance prohibits gun hunting and trapping. Archery hunting is allowed on the parcel. NRB review was not required for this acquisition because the prohibition originated from Village ordinance, not the grant recipient.

Grant Recipient: Groundswell Conservancy

Project Name: Patrick Marsh upland – Hanley tract acquisition

Details: On October 15, 2018, DNR issued a grant contract for acquisition of 24.96 acres adjacent to Patrick Marsh Wildlife Area, a partnership of the DNR, Groundswell Conservancy and the City of Sun Prairie. Hunting and trapping are prohibited on the parcel, for the entire property is within 1,700 feet of Patrick Marsh Middle School. Sec. 29.301(1)(b), *Wisconsin Stats.* Prohibits hunting within 1,700 feet of schools. NRB review was not required for this acquisition because the prohibition is defined by statute, not the grant recipient.

Grant Recipient: Northeast Wisconsin Land Trust

Project Name: West Shores Green Bay – Oconto marsh addition

Details: On March 12, 2018, DNR issued a grant contract for acquisition of 78.1 acres adjacent to Oconto Marsh Wildlife Area. The parcel is within the Oconto City Limits, and City Ordinance prohibits trapping. NRB review was not required for this acquisition because the prohibition originated from Village ordinance, not the grant recipient.