

THE WISCONSIN KNOWLES-NELSON STEWARDSHIP PROGRAM

I. Overview

Although the State of Wisconsin demonstrates a strong stewardship ethic, increased development pressure and population has contributed to the fragmentation of rural countryside, increased crowding of lakeshores, and encroaching development near public lands.¹ Created by the state legislature in 1989 and renewed in 2000, Wisconsin's Knowles-Nelson Stewardship Program² seeks to "preserve valuable natural areas and wildlife habitat, protect water quality and fisheries, and expand opportunities for outdoor recreation."³ As of 2005, the Stewardship Program, the state's major open space funding and acquisition program, had helped protect approximately 300,000 acres according to program officials.^{4,5}

The Knowles-Nelson Stewardship Program is authorized to prioritize land acquisition based on habitat- and biodiversity-related considerations. The program includes several subprograms that focus on habitat, wildlife, and biodiversity goals to differing degrees. Program officials plan to utilize the state wildlife action plan (formerly known as the Comprehensive Wildlife Conservation Plan), aligning conservation goals with those of Wisconsin's Land Legacy Report and the 2005-2010 Statewide Comprehensive Outdoor Recreation Plan (under development as of September 2005), the state's primary conservation and recreation planning documents.

II. Wisconsin Knowles-Nelson Stewardship Program

The Knowles-Nelson Stewardship Program's goals are to preserve Wisconsin's "most significant land and water resources" and to "provide the land base and recreational facilities needed for quality outdoor experiences."⁶ Wisconsin Department of Natural Resources (WDNR), whose staff includes scientists, administers the program. A Stewardship Advisory Council composed of 12 to 20 members appointed by the Secretary of WDNR directs the agency on policy and administrative issues, particularly with respect to partnership activities. A minimum of five members of the council represent land conservation organizations that regularly partner with the program, and five members represent local governments.⁷

¹ Wisconsin Department of Natural Resources, *Draft Wisconsin Land Legacy Report*, at http://www.dnr.state.wi.us/master_planning/land_legacy/Docs/foreword.pdf (last visited July 25, 2005).

² The program is named for two prominent Wisconsin public officials and conservationists: Governor Warren Knowles and Senator Gaylord Nelson. Wisconsin Department of Natural Resources, *Knowles-Nelson Stewardship Program*, at <http://www.dnr.state.wi.us/org/caer/cfa/lr/stewardship/stewardship.html> (last revised July 16, 2003).

³ Wisconsin Department of Natural Resources, *supra* note 1.

⁴ Telephone interview with Janet Beach Hanson, Financial Assistance Specialist, Wisconsin Department of Natural Resources (Mar. 31, 2005).

⁵ Out of the total 300,000 acres that have been protected since 1990, Land Acquisition grants to Non-profit Conversation Organizations (NCOs) have protected approximately 31,700 acres. Telephone interview with Leslie Gauberti, Financial Assistance Specialist, Wisconsin Department of Natural Resources (Apr. 11, 2005).

⁶ Wisconsin Department of Natural Resources, *Key Provisions of the Program*, at <http://www.dnr.state.wi.us/org/caer/cfa/lr/stewardship/descrip.html> (last revised Sept. 24, 2004).

⁷ Wisconsin Department of Natural Resources, *Stewardship Advisory Council*, at <http://www.dnr.state.wi.us/org/caer/cfa/lr/stewardship/council.html> (last revised July 16, 2003).

The Stewardship Program is composed of five subprograms, each with its own purpose and priorities: (1) Land Acquisition, (2) Local Assistance, (3) Property Development on State Lands, (4) Conservation of the Baraboo Hills, and (5) Great Lakes Bluff Protection.⁸ This narrative focuses on the Land Acquisition subprogram, which has the greatest biodiversity-related conservation focus. The Land Acquisition subprogram funds WDNR projects, including all of the state's major conservation projects, and provides grants to non-profit conservation organizations (NCOs) for conservation and nature-based outdoor recreation projects.

Program Funding

The Knowles-Nelson Stewardship Program is funded through the sale of general obligation bonds.⁹ When the program was renewed in 2000, the Wisconsin legislature allocated \$46 million annually for ten years; in Fiscal Year 2003, funding was increased to \$60 million annually.¹⁰ As of 2005, annual stewardship funds are distributed among the subprograms as follows: \$45 million for the Land Acquisition Program (\$37 million for state land acquisition, and \$8 million for the NCO grants); \$8 million for the Local Assistance Program; and \$7 million for the Property Development on State Lands Program.^{11,12} Since 1990, approximately \$496 million has been spent on land acquisition and outdoor recreation development projects under the Knowles-Nelson Stewardship Program. Roughly 75 percent of these funds, or \$372 million, has been spent on land acquisition projects under all five subprograms.¹³

The Land Acquisition subprogram funds both WDNR projects and provides grants to NCOs for conservation and nature-based outdoor recreation projects. All grants to local governments and NCOs require a 50 percent match. NCOs eligible for grant funding must have “the acquisition of property for conservation purposes” as part of their mission statement and demonstrate financial and land management capacity.¹⁴

⁸ WIS. STAT. § 23.0917(2); Wisconsin Department of Natural Resources, *Stewardship Programs and Priorities*, at <http://www.dnr.state.wi.us/org/caer/cfa/lr/stewardship/subprogram.html> (last updated July 16, 2003).

⁹ Wisconsin Department of Natural Resources, *supra* note 6.

¹⁰ Wisconsin Department of Natural Resources, Bureau of Community Financial Assistance, *The Knowles-Nelson Stewardship Program Development Grants for State Properties*, at <http://www.dnr.state.wi.us/org/caer/cfa/lr/stewardship/guidelinesdev2001.pdf> (last visited July 27, 2005); Wisconsin Department of Natural Resources, *supra* note 6; Hanson, *supra* note 4.

¹¹ Wisconsin Department of Natural Resources, *supra* note 8.

¹² The Property Development on State Lands Program sets aside \$250,000 for “Friends” groups and NCOs for development projects and habitat restoration. Stewardship funds also included a one-time \$5 million allocation for the protection of the Baraboo Hills forests and a one-time \$1 million allocation great lakes Bluff Protection Program. See: Wisconsin Department of Natural Resources, *Property Development on State Lands*, at <http://dnr.wi.gov/org/caer/cfa/lr/stewardship/propdevelop.html> (last revised July 16, 2003); Wisconsin Department of Natural Resources, *Baraboo Hills*, at <http://www.dnr.state.wi.us/org/caer/cfa/lr/stewardship/baraboo.html> (last revised July 16, 2003); Wisconsin Department of Natural Resources, *Bluff Protection Program*, at <http://www.dnr.state.wi.us/org/caer/cfa/lr/stewardship/bluffprotection.html> (last revised July 16, 2003).

¹³ Approximately \$224 million was allocated to the Stewardship Program between 1990 and 2000 alone. Hanson, *supra* note 4.

¹⁴ Wisconsin Department of Natural Resources. *2003 Grant Guidelines and Application*. Publ. CF-003 03, at 6, available at www.dnr.state.wi.us/org/caer/cfa/lr/stewardship/2003stewguidelines.pdf (last visited Aug. 12, 2005).

III. Land Protection

Land Protection Tools

Projects funded under the Knowles-Nelson Stewardship Program (including those conducted by both WDNR and local government and NCO grantees) protect lands through fee title acquisition, conservation easements, and the purchase of development rights.¹⁵

Prioritizing Land Protection

WDNR's overall land acquisition strategy is determined by the uniqueness of a property and how its acquisition aligns with the agency's mission.¹⁶ WDNR has developed evaluation criteria and selection methodologies (described further below) to assess both agency acquisition projects and grant proposals. Wildlife and habitat benefits are included among criteria and are primary considerations under the Land Acquisition Program.¹⁷

Wisconsin statutes require the Land Acquisition subprogram to prioritize potential acquisitions and grants using the following criteria:

- Acquisition of land that preserves or enhances the state's water resources, including land in and for the Lower Wisconsin State Riverway, land abutting wild rivers..., and wild lakes and land along the shores of the Great Lakes;
- Acquisition of land for the stream bank protection program;
- Acquisition of land for habitat areas and fisheries;
- Acquisition of land for natural areas;
- Acquisition of land in the middle Kettle Moraine; and
- State trails and ice age trails.¹⁸

In practice, land acquisitions for the specific purpose of biodiversity protection are conducted through the Land Acquisition subprogram's Natural Area Program, which is dedicated to the preservation of "high quality native communities,"¹⁹ and the Habitat Areas and Fisheries Program, which seeks to "protect, restore and enhance wildlife habitat."²⁰

Both WDNR and NCOs implement Natural Area and Habitat Area projects. WDNR may acquire lands only after performing a feasibility study and determining that the project is "Department-approved."²¹ WDNR acquires lands of statewide significance (usually large parcels) that further the state's conservation goals, outlined in its recent Land Legacy Report.

¹⁵ Hanson, *supra* note 4.

¹⁶ Telephone interview with Doug Haag, Real Estate Specialist, Wisconsin Department of Natural Resources (Apr. 4, 2005).

¹⁷ WIS. STAT. § 23.0917(3)(c).

¹⁸ *Id.*

¹⁹ Wisconsin Department of Natural Resources, *Natural Areas Program*, at <http://www.dnr.state.wi.us/org/caer/cfa/lr/stewardship/naturalareas.html> (last revised July 16, 2003).

²⁰ Wisconsin Department of Natural Resources, *The Habitat Areas Program*, at <http://www.dnr.state.wi.us/org/caer/cfa/lr/stewardship/habitat.html> (last revised July 16, 2003).

²¹ Haag, *supra* note 16.

The two-year land legacy study identifies land that is not protected by the WDNR and is used by agency staff in determining acquisition priorities and in evaluating grant proposals.²²

NCO projects are selected through a grant process administered by WDNR. If a proposal is submitted for an unprotected site that is on the state's Natural Areas list, it automatically qualifies for a grant. When WDNR is considering projects that are not on the Natural Areas priority list, the prioritization process begins with an analysis of information from the state's Natural Heritage Inventory.²³ WDNR also uses the following evaluation criteria when reviewing NCO Natural Area proposals:

- The quality of the natural value to be protected;
- The condition of the natural value to be protected, including an analysis of the degree to which the natural value has been damaged or altered from its optimal condition and character;
- The long-term viability of the natural value to be protected, including the extent to which the project meets the minimum area required by area-dependent species of concern, the adequacy of the project to maintain community function and dynamics, the impacts that fragmentation, isolation, and size of community may have on its longevity, and the ability of the project to support minimum viable populations of species to be protected;
- The defensibility of the natural value and the project from adverse effects that threaten it; and
- Additional various criteria, including the rarity of the natural value to be protected, the number of natural values to be protected, the degree to which the natural value and the project are threatened and the degree to which they are already protected, the value of the area for research and education, the degree to which acquisition (as opposed to other protection tools) will protect the natural value, and the degree to which the type of natural value is already protected in the state.²⁴

NCOs can also receive grants through the Habitat Areas Program to “protect, restore, and enhance wildlife habitat in Wisconsin” with easements, land acquisition, and habitat restoration. Priority projects include those that “protect, enhance, or restore ecologically-significant plant and wildlife communities, biological diversity, unique or outstanding ecosystems, or rare wildlife and plant species,” as well as projects that target “sites identified as regionally important for wildlife or plants in a comprehensive plan of the Natural Heritage Inventory.”²⁵

Protection in Perpetuity

Most land acquired under the Stewardship Program is protected in perpetuity. For example, easements acquired by NCOs using stewardship grants may not be converted to uses inconsistent with the easement.²⁶

²² Hanson, *supra* note 4; Wisconsin Department of Natural Resources, *supra* note 19.

²³ *Id.*

²⁴ *Id.*

²⁵ Wisconsin Department of Natural Resources, *supra* note 20.

²⁶ WIS. ADMIN. CODE § 51.03 (2001).

Ongoing funding facilitates the long-term stewardship of properties acquired by WDNR under the Land Acquisition Program. WDNR field biologists, funded by hunting and fishing license and park entrance fees, conduct long-term monitoring of agency-acquired lands. However, available funding is low because fees have not been increased significantly since 1998.

IV. State Wildlife Action Plan

WDNR developed Wisconsin's wildlife action plan, (formerly known as the Comprehensive Wildlife Conservation Plan), in collaboration with members of supportive organizations and teams of technical specialists and scientists.²⁷ The plan identifies native Wisconsin species of greatest conservation need and presents priority conservation actions to protect species and their habitats.

The Knowles-Nelson Stewardship Program anticipates utilizing the wildlife action plan in conjunction with the Land Legacy Report (which outlines the state's conservation plans for the next 50 years) for project selection; however, the Land Legacy Report is expected to remain as the lead planning document for the Land Acquisition subprogram.²⁸

V. Summary

The Wisconsin Knowles-Nelson Stewardship Program provides funding for the acquisition of land by WDNR, NCOs, and local governments for a variety of purposes, including the protection of biodiversity, outdoor nature based recreation, and resource conservation. The Land Acquisition subprogram's Natural Areas and Habitat Areas Programs are the state's primary biodiversity-focused open space protection programs. WDNR does anticipate utilizing Wisconsin's wildlife action plan as an open space planning document in conjunction with the program's other lead guidance documents, which include the Land Legacy Report and the Statewide Comprehensive Outdoor Recreation Plan.

²⁷ Wisconsin Department of Natural Resources, *Strategy for Wisconsin's Comprehensive Wildlife Conservation Plan*, at <http://www.dnr.wi.gov/org/land/er/cwcp/strategy.htm#process> (last revised Feb. 7, 2005).

²⁸ Telephone interview with Leslie Gauberti, Financial Assistance Specialist, Wisconsin Department of Natural Resources (Nov. 1, 2005).