

**Wisconsin Department of Natural Resources
Natural Resources Board Agenda Item**

SUBJECT: Request approval of the Department's updated streambank easement protection strategy.

FOR: October, 2013 Board meeting

TO BE PRESENTED BY: Doug Haag, Real Estate Operations Manager, Paul Cunningham, Fisheries Staff Specialist

SUMMARY:

The Stream Bank Protection program was established in the original Knowles - Nelson Stewardship Program legislation in 1989 with the goal of providing angler access to and protecting the water quality and fish habitat of Wisconsin's highest quality streams. In February 1991 the Natural Resources Board approved the initial list of 64 priority streams in southern and southeastern Wisconsin and in May 1991 the Natural Resources Board approved an additional 82 streams for the program. At that time the Natural Resources Board also delegated to the Department the authority to add and delete additional streams from the list of eligible streams. The Department has been actively buying stream bank easements under this authority since that time. Given the history of the program and the success on many of the streams that were originally identified for the program, the the Bureaus of Fisheries Management and Facility and Lands have drafted a roadmap for the acquisition of Streambank Protection Easements for the current biennium. This new strategy describes: 1) Three geographic focus areas; 2) Changes needed to streamline the easement acquisition process; and 3) How local implementation teams will collaborate with partners to successfully accomplish our goal of providing angling access and protecting and improving habitat on many of our premier streams.

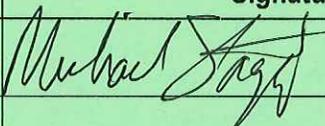
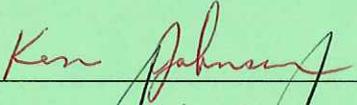
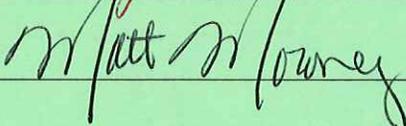
The primary geographic focus of this strategy includes the Driftless Area, located in the western and southwestern portion of the state, the Milwaukee and Sheboygan River watersheds in the southeast part of the state and trout streams in northeast Wisconsin. These areas were chosen based on the quality of the streams in the area, the potential to build partnerships with conservation partners and the importance of these areas to anglers.

The primary goal of this strategy is to develop a streamlined acquisition process that significantly improves the Department's ability to contact landowners, negotiate easements and close transactions resulting in increased angling access and habitat protection on 100 miles of stream corridor. The Department plans to implement this new strategy during the FY14-15 bienium and then evaluate the success of the program and adjust accordingly during future years.

RECOMMENDATION: That the Board approve the Department's updated Streambank Easement Protection Program including three new priority acquisition areas.

LIST OF ATTACHED MATERIALS (check all that are applicable):

- Background memo NA
- NA
- NA

Approved by	Signature	Date
Mike Staggs, Bureau Director		10-3-2013
Ken Johnson, Kurt Thiede, Administrator		10-4-2013
Cathy Stepp, Secretary		10/7/13

DATE: September 30, 2013

TO: Natural Resources Board

FROM: Cathy Stepp

SUBJECT: Request NRB approval for the Streambank Protection (SBP) Easement Implementation Strategy

Introduction

The Department is proposing to expand its efforts to acquire streambank easements in three primary areas of the state. The Department's specific objective in this effort is to purchase riparian easements along 100 miles of stream. The cost to accomplish this objective is estimated at \$5.3 million dollars. The ability of the Department to meet this objective will be influenced by the effectiveness of the Department's local implementation teams, our outreach efforts, coalition building, a streamlined acquisition process, and landowner interest in the program.

History, Authority, Justification

Since its inception in 1989, the Knowles-Nelson Stewardship program has gone through various revisions reflecting changing constraints, opportunities, and needs. The FY 14-15 budget made changes to the Stewardship program including a cap on the amount of funding used for fee title acquisitions. The Department's updated streambank easement strategy allows the Department to effectively utilize Stewardship funding to meet ongoing recreation and conservation goals in the current biennium.

The Streambank Easement Program (SBE) was created in the original Knowles Nelson Stewardship legislation in 1989 with the goal of providing angling access, protecting water quality and improving fish habitat along priority warm and cold-water streams. In February 1991, the NRB approved the initial list of 64 priority streams covering almost 638 miles in the southern and southeastern part of the state. Shortly thereafter, in May 1991, the NRB approved an additional 82 streams and 679 miles of stream in other parts of the state and granted the Department the authority to administratively adjust the list of priority streams going forward. This acquisition authority was based on a standard 66' wide easement which is the minimum width established in statute.

The SBE program has been popular with landowners and anglers. Landowners are amenable to the streambank easement concept and in some cases receive assistance restoring the stream corridor from the Department or local conservation groups. Anglers enjoy improved access to streams that provide high quality angling experiences. From the Department's perspective, these narrow easements are advantageous both because they are cost effective (the Department is only acquiring the relevant access and habitat management rights) and, because the land remains in private ownership, payments-in-lieu-of-taxes (PILT) are not required.

Goal of the Updated Strategy

The primary goal of this effort is to develop a streamlined easement acquisition process that allows the Department to contact a large number of landowners during a short period of time and develop a real estate process that will accommodate a positive response from those landowners. To accomplish this, the Department will develop an abbreviated easement valuation method that will recognize the quality of fisheries present, prevailing real estate markets, historical prices paid for easements and other factors that might logically influence land values. The Department will also prioritize the watersheds within which it will focus these acquisition efforts and work with partners on landowner outreach.

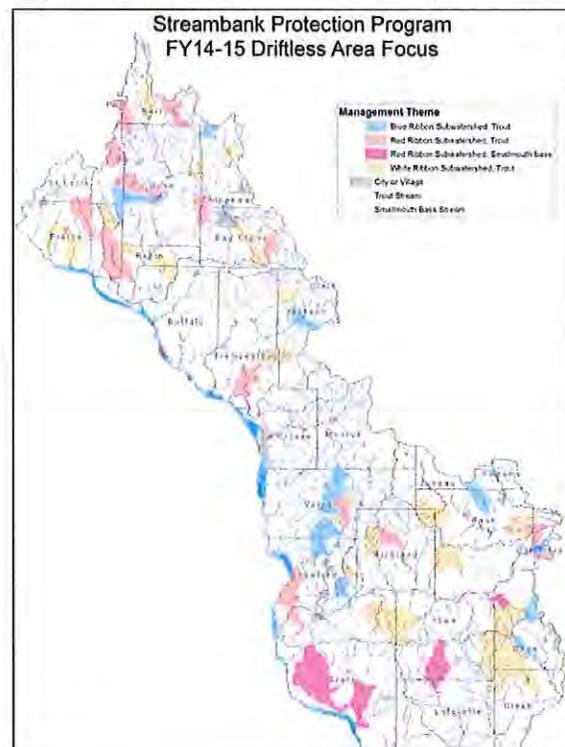
Geographic Emphasis

In consultation with the Bureaus of Facilities and Lands and Wildlife Management, Fisheries Management has defined three primary areas of geographic emphasis for the biennium: trout and smallmouth bass streams of the Driftless Area, cool and warm water systems in the Milwaukee and Sheboygan River watersheds, and trout streams of Northeast Wisconsin. Watersheds within these regions have been selected for this targeted effort based on several factors including the quality of existing habitat, the current performance of the fishery, and the interest of partners.

Driftless Area -- Angling in southwestern Wisconsin's Driftless Area is unquestionably one of the state's premier outdoor experiences. Over the better part of a century, the Department has worked with a wide range of partners to protect, restore, and manage the streams and rivers that flow through this unique landscape. Thanks to the efforts of fish biologists, fishing organizations and clubs and their tireless volunteers, farmers and landowners, businesses, and local governments, few places in the Midwest can rival the diversity and quality of fishing here. Nonetheless, public angling access is distributed unevenly across the Driftless Area – 6.5% of the sub-watersheds have over 50% of their trout stream miles in public ownership, while a third of the 325 sub-watersheds with trout streams have stream access only at public road crossings. Recent research by the Department has revealed that uncrowded settings and public shore access are the two most important attributes which influence an angler's "favorite fishing spot". The Driftless Area has a history of easement purchases by the Department and our angling public supports the use of Stewardship funds on easement acquisition. All of these factors make the Driftless Area an obvious focal point for this effort.

Geographic choices in the Driftless Area involve a two-pronged approach (see map). The first approach is to acquire riparian habitat protection and secure angling access on many of our outstanding fisheries. These stream systems harbor abundant quality-sized trout, and furthermore, are self-sustaining via natural reproduction. Providing access to these streams will give anglers access to some of the best remaining trout waters in the state. Inexpensive management measures such as posting access signs and low-level landowner compliance monitoring are the primary management costs, as little stream rehabilitation work is anticipated. The second approach is the selection of watersheds where the Department collaborates with its many partners (TU, Conservation Clubs, County LCD, NRCS, etc.) in stream rehabilitation and acquisition projects. These watersheds are typically underperformers (sub-par abundance of quality-size fish); yet possess excellent habitat potential.

Milwaukee and Sheboygan River Area - Fisheries and Wildlife Management field staff collaborated to select 11 sub-watersheds located primarily in Sheboygan, Ozaukee, and Washington counties. Sub-watershed selections were based on the geographic interests of our partners, spatial connectivity, Streambank Protection streams currently eligible for



acquisition funds, contemporary water quality/habitat conditions, fisheries potential, and threats of degradation of water quality caused by agricultural or urban runoff. The selected focus area represents 25% of the analysis area. Two primary opportunities for partnerships in this focus area include: 1) Milwaukee Metropolitan Sewage District will be securing protection of riparian corridors as they implement their Milwaukee River TMDL (in Ozaukee and Washington Counties); and 2) the Sheboygan River Area of Concern (AOC) project where natural resource damage assessment funds may be used to acquire riparian habitat protection and public access.

Trout Streams of Northeast Wisconsin-- The Fisheries Management program is in the process of recruiting a trout habitat coordinator for the Northeast Wisconsin. This position will be located in Shawano. Forty percent of this person's time will be spent working with Department real estate agents in obtaining access and habitat rights to trout resources in Northeast Wisconsin.

Local Implementation Teams

Local implementation teams are a critical element of this strategy. The use of implementation teams is recognition that a multifaceted team approach involving partnerships with Trout Unlimited and other conservation clubs, local landowner advocates, and County staff will be most successful in reaching our easement acquisition goal. Initially there will be 8 local implementation teams statewide. At a minimum the implementation teams will consist of a fisheries biologist and a real estate specialist and where available local representation from conservation clubs, Land Conservation Departments and landowners will also be encouraged to serve on the team.

Local Implementation Teams will be responsible for the development and implementation of outreach methods, maintaining contact with landowners, and conducting negotiations for stream bank easements within their assigned focus area. Examples of outreach methods that would be available to teams include mailing of contact letters, phone calls, personal visits, distribution of brochures, media releases, public meetings and events, displays at local events and website development. Information outlining the acquisition process, negotiation protocol, recommended materials, and timelines will be developed to assist these teams in their acquisition efforts.

Summary

The Department proposes to focus and streamline efforts to protect high priority streams using the land acquisition authority granted under the Streambank Protection Program. The Department seeks to work collaboratively with partners to protect and provide public access along 100 miles of high quality streams during the FY 13-15 biennium. These streams are either already high performing fishery resources or partners are ready to lead restoration projects. Although the Department's intent is to focus staff time on a select group of watersheds, opportunities to acquire easements along other streams currently eligible under the Streambank Protection Program will continue.

