

CHAPTER I. Land acquisition and protection & real estate issues.

A. INTRODUCTION.

The Department and partner groups will use different approaches to land protection and acquisition based on landowner wishes, protection goals, funding availability, and other factors. This chapter describes the methods to be used both to acquire land and land rights and to maintain farming and open space uses within the project boundaries established in the GHA.

Given the range of recreation and conservation goals the GHA project addresses, the Department and partner groups will use a range of land protection “tools” in different places to achieve different objectives. For example, it will likely be most appropriate to acquire in fee title those areas planned to provide significant recreation opportunities. That is, given the nature of different outdoor activities it is not appropriate to expect private landowners to provide substantial amounts of recreation opportunity for the general public.

Other areas intended to provide only limited or focused recreation opportunities (e.g., a horseback riding trail) or simply to be maintained in their current farming or open space use can be appropriately protected through the acquisition of limited rights (e.g., an easement). The Department and the partners will need to pursue the land protection tools that are most suitable to the protection need and the best fit for the landowner’s wishes.

Although the GHA project is intended to meet state-significant recreation and conservation needs, the Department will rely on partner groups and agencies to help reach the land acquisition goals. The partner groups have worked together and with the Department to protect important lands over the last several decades and it is expected that this high level of successful collaboration and coordination will continue.

The acquisition goals listed in the accompanying table are for the collection of properties for the conservation parks, linking trails, all three types of river-based conservation areas, and wildlife areas. For example, the GHA plan authorizes the Department to acquire up to 2,900 acres within the seven new conservation parks, but does not authorize a specific number of acres for each park. Rather, the plan provides an intended target size for each park and allows flexibility in determining how much land is ultimately viewed as being critical to meeting each park’s recreation and conservation goals.

In addition to lands currently owned by the Department and partners, the Department’s acquisition authority in the GHA and land to be protected by partners is summarized here:

	Land DNR is authorized to acquire* (acres)	Land to be protected by partners (acres)	Total land to be protected (acres)
Conservation Parks	2,900	901	3,801
<i>Expand five existing parks</i>	0	901	901
<i>Establish seven new parks</i>	2,900	0	2,900
Linking Trails	330	1,014	1,344
River-based Conservation Areas	2,150	325	2,475
<i>Small-scale recreation areas</i>	400	75	475
<i>High quality habitat & natural areas</i>	1,500	0	1,500
<i>Narrow bands of habitat along streams, rivers, lakes</i>	250	250	500
Wildlife & Natural Areas	27,425	0	27,425
<i>State Wildlife & Natural Areas</i>	21,325	0	21,325
<i>Crawfish Prairie Habitat Area</i>	2,500	0	2,500
<i>Rural Landscape Protection Areas</i>	3,000	0	3,000
<i>Red Cedar Lake State Natural Area</i>	600	0	600
TOTAL	32,805	2,240	35,045

*includes lands that the Department was authorized to purchase within projects in existence before the GHA plan was approved, as well as the lands the Department is authorized to purchase as a result of the GHA plan being approved.

Similarly, the Department is authorized to acquire up to 21,325 acres within the project boundaries of the State Wildlife Areas as a collection.

A **project boundary** has been drawn around each of the new or expanded conservation parks, wildlife and natural areas, and the high quality river-based conservation area sites. The project boundaries **delineate zones within which these protected areas are to be located.** For nearly all of the conservation parks, high quality river-based conservation areas, and wildlife areas, the project boundaries encompass significantly more land than the acquisition goals. The Department's and partners' hope is that some of the landowners within these project boundaries will be interested in selling or donating portions of their property to enable the establishment or expansion of the protected areas.

In most cases, the project boundaries for these conservation areas follow roads. This is done simply to make it easier to portray where these boundaries are located and to ensure that adequate access is available for lands that may be acquired in the future. However, a consequence of this approach is that many homes, farmsteads, and other improvements are located within the project boundaries. The Department and partners do **not** seek to purchase improvements or small lots as part of the GHA project. In most situations where buildings are purchased as part of a larger land holding, the buildings will be split from the larger parcel and sold according to and consistent with local ordinances.

Several programs available to assist landowners interested in maintaining farmland and conservation lands are described in Chapter IV. Local and county governments, who together control local land use issues, will continue to play the pivotal role in determining the setting within which the conservation parks, trails, river-based conservation areas and wildlife areas sit.

B. ACQUISITION AUTHORITY, PROPERTY DESIGNATIONS, AND LAND MANAGEMENT CLASSIFICATIONS.

The Department will acquire land for the Glacial Heritage Area using the following authorities:

- State Wildlife Areas under the authority of State Statute 23.09(2)(d) 3 and 15.
- Crawfish Prairie State Habitat Area under the authority of State Statute 23.09(2)(d) 14.
- Rural Landscape Protection Areas under the authority of State Statute 23.09(2)(d) 14.
- Red Cedar Lake State Natural Area under the authority of State Statute 23.09(2)(d) 8.
- Conservation Parks under the authority of State Statute 23.09(2)(d) 2 and Stats. 27.01.
- Linking Trails under the authority of State Statute 23.09(2)(d) 12.
- River-based Conservation Areas under the authority of State Statute 23.09(2)(d) 7 and 14.

The Department will acquire less than fee rights in the Glacial Heritage Area under the authority of State Statute 23.09(10).

Partners will acquire lands under their respective operating authorities.

The different property designations are described in Sec 23.09, Sec. 23.091, Sec 23.175, Sec. 23.27, and Sec 27.01 *State Stats*. The lands within the GHA project *that the Department acquires* will be designated as follows:

- The 2,900 acres for the seven new conservation parks will be designated as “state parks.”
- The 330 acres for the new or expanded linking trails will be designated as “state trails.”
- The 400 acres for the river access sites will be designated as “recreation areas.”
- The 1,500 acres for the high quality habitat blocks in riparian zones will be designated as “habitat areas” or “state natural areas.”
- The 250 acres for the narrow bands of permanent habitat along river, creeks, and major tributaries will be designated as “recreation areas” or as “habitat areas.”

- The 21,325 acres for the expansions of the wildlife areas will be designated as “state wildlife areas.”
- The 2,500 acres for the new Crawfish Prairie State Habitat Area will be designated as “habitat areas.”
- The 3,000 acres for the new Rural Landscape Protection Areas will be designated as “habitat areas.”
- The 600 acres for the Red Cedar Lake State Natural Area will be designated as “state natural area.”

When the Department establishes a property (e.g., a new state park or state forest), it also assigns the property, or portions of the property, land management classifications that describe the general management objectives. The land management classifications for the different types of properties that the Department acquires in the GHA will be:

Conservation Parks

The Conservation Parks will be classified as “recreation management areas” as defined in Administrative Code NR 44.06. In addition to their designation as “recreation management areas,” these properties will also be assigned a “recreational use setting sub-classification” of Type 3 or 4.

Linking Trails

The Linking Trails will be classified as “recreation management areas” as defined in Administrative Code NR 44.06. The sub-classifications will be Type 4.

River-based Conservation Areas

The one or two planned larger river access sites designed to provide shore fishing opportunities and water-access-only camping sites will be classified as “recreation management areas” with a sub-classification of Type 3 or 4. Lands protected within the larger blocks of habitat planned at Allen Creek, Lower Bark River, and Lower Koshkonong Creek Woods, will be classified as either “habitat management areas” or “native community management areas” where appropriate, based on ecological features. The narrow bands of permanent habitat along river, creeks, and major tributaries will be classified as “recreation management areas” with sub-classifications of Type 3 or 4 or “habitat management areas.”

Wildlife & Natural Areas

The State Wildlife Areas will be classified primarily as “habitat management areas” with some areas of high ecological quality classified as “native community management areas” where appropriate. The State Natural Areas will be classified as “native community management areas.”

C. REAL ESTATE MANAGEMENT POLICIES.

1. Acquisition Policies.

It is the policy of the Natural Resources Board and the DNR to acquire lands only from willing sellers. As required by state and federal laws, the Department pays just compensation for property, which is the estimated market value based on an appraisal. At times, it is in the interest of the Department and the landowner for the Department to acquire only part of the rights to a property, or an easement. The Department has a number of easement options available to address these situations.

Landowners within the property boundary will be contacted periodically by Department staff to explain the Department’s land acquisition program and to see if they have an interest in selling their property. Acquisition priorities for the properties vary from year to year and are based on a number of factors, such as resource management or recreation needs and available funding.

In almost all cases the DNR can only purchase property for its appraised fair market value, as determined by an independent appraisal. This insures that landowners are offered a fair and competitive price and that taxpayers (as the ultimate buyers) pay only what a property is worth.

2. Project boundaries and acquisition goals.

For most state parks, wildlife areas, forests, and other Department properties, the agency is only authorized to purchase land within approved “project boundaries.” For the GHA, project boundaries have been drawn for the conservation parks, the habitat areas of the river-based conservation areas, the expansions of the wildlife areas, the Crawfish Prairie Habitat Area, and the Rural Landscape Protection Areas.

In most cases, the project boundaries for these conservation and recreation areas follow roads. This is done simply to make it easier to portray where these boundaries are located and to ensure that adequate access is available for lands that may be acquired in the future. However, a consequence of this approach is that many homes, farmsteads, and other improvements are located within the project boundaries. **The Department and partners do not seek to purchase improvements or small lots as part of the GHA project.** In most situations where buildings are purchased as part of a larger land holding, the buildings will be split from the larger parcel and sold according to and consistent with local ordinances. **It is the Department’s and partners’ hope that lands within the project boundaries that do not become part of the protected areas will be maintained in agricultural or other open space use.**

In all cases, **the project boundaries encompass significantly more land than is planned to be acquired.** As an example, the project boundary for the North Shore Moraine Park encompasses 2,050 acres; the park itself —**planned to be located somewhere within this boundary**—is intended to be formed through the acquisition of up to 300 acres from willing sellers. The linking trails do not have project boundaries due to the fact that for the most part they can be successfully located in a broad swath between two destinations. As such, their ultimate locations are considerably flexible and not “place-dependent.” Instead of project boundaries, the linking trails are portrayed as general routes between cities and protected areas.

3. Future Boundary Adjustment Process.

From time to time adjustments in property boundaries are needed. In some cases parcels of land are removed from the boundary to allow alternative, necessary public uses by local governments. In other cases it may be desirable to add small parcels adjacent to the property so they can be purchased for resource protection or to meet expanding recreational needs. Property boundary changes of 40 acres or more require approval by the Natural Resources Board. Wisconsin Administrative Code Ch. NR 44 provides a plan amendment process that may be used to make adjustments in the property boundary.

4. Property Taxes and Payments in Lieu of Taxes (PILT).

Since 1992, the Department of Natural Resources pays aids in lieu of taxes on lands it acquires **equal to property taxes that would have been paid had the land remained in private ownership.** According to the new law (State Statute 70.11 (1)), property acquired by DNR comes off the tax roll and in place of the loss of tax base, each taxing jurisdiction receives an aid payment equivalent to property taxes.

The law requires one difference between how DNR lands and private properties are assessed. To avoid the need for local assessors to continually assess DNR property and for the DNR to review and possibly appeal assessments, the law states that initial assessed value is set at the DNR purchase price of the property. Subsequently, this value is adjusted to reflect the change in the assessed value

of land in the taxation district. For example, if the assessed value of land in a Township increases by 5%, then the assessed value of DNR land in the Township is automatically increased 5% and the payment in lieu of taxes also increases 5%. All other aspects of the way DNR makes its payment in lieu of tax under this new program are the same as those for a local taxpayer.

Prior to 1992, the state made payments to local governments where the Department owned land based on a rather complicated formula. Due to the confusion surrounding these payments, the Legislature created a new law in 1992 that simplified the payment process.

D. METHODS TO ACQUIRE LAND OR LAND RIGHTS IN THE GHA.

The Department is authorized to acquire land or specific land rights in the GHA through a variety of ways described below. The appropriate acquisition approach will depend on the intent of the future use of the land and the wishes of the land owner. The different land acquisition tools that the Department (and other organizations as applicable) may use in the GHA are as follows:

1. Options to acquire *full* interests in property.

(a) Fee title (simple) purchase.

Fee title acquisition is the outright purchase of land including the transfer of title to the property and all the rights associated with ownership (i.e. the entire bundle of rights). The Department and partner groups applying for state funds are required to offer the land's fair market value as determined by an independent appraisal.

(b) Fee title purchase with life-estate.

In some cases, a landowner may wish to sell their land but continue living on the property. The Department and partner groups can delay public control of all or a portion of the land by negotiating a life estate or a lease-back arrangement. With a life estate, the buyer pays the landowner fair market value for the land minus the value of the landowner's use during his or her lifetime, which depends on the projected life span of the landowner. The landowner receives payment during his or her lifetime and continues to live on the land.

(c) Fee title transfer with a donation, partial donation, or bargain purchase.

In a bargain sale of land, the land is sold for less than its fair market value. This makes the land more affordable for the Department or partner groups and also offers the landowner, several potential benefits. A bargain sale provides cash to the land owner, may reduce capital gains taxes, and entitles the landowner to a charitable income tax deduction based on the difference between the land's fair market value and its sales price.

(d) Fee title sale or donation and then resale.

Some properties have critical open space values, help meet key public access needs, or have other attributes that make their preservation in an undeveloped state important to the success of the GHA project. In some of these situations, the DNR or partner groups may seek to acquire a property and retain the development rights and/or public access rights, but then re-sell the lands for farming or other open space uses.

2. Options to acquire *partial* interests in property.

(a) Easements.

Easements are used by landowners to sell or donate specific rights to another person, organization, or agency. Easements go by different names, typically according to the resource of interest: historic preservation easements, agricultural easements, access easements, conservation easements, and

others. Easements are recorded on the title so that all future owners of the land are bound by the original agreement.

In most cases, particularly for conservation and access purposes, easements involve the permanent transfer of rights. Not surprisingly, easements are popular with many landowners because they enable them to sell or donate particular rights (often some of the most financially valuable ones) while retaining ownership of the property. Because they allow limited financial resources to be focused on specific needs, easements are also popular with private and public conservation and recreation groups. The most common types of easements that may be acquired in the GHA project are conservation, agricultural, scenic or public access easements.

3. Options for acquiring segments of the linking trails.

The Department has experience with establishing trails, most notably the Ice Age Trail, that do not have access to pre-existing corridors such as rail beds or utility corridors. Establishing these “cross-country” trails is made difficult by the number of landowners and the diversity of their perspectives and needs. One method to help ensure that the trail is acquired most efficiently is to negotiate long-term options to purchase a trail corridor with all landowners within a particular section before actually purchasing the strips of land. That is, the **Department or partner groups may wait to purchase pieces of a trail corridor until an adequate number have been lined up to be able to build a useable trail.**

E. METHODS TO MAINTAIN LANDS IN AN UNDEVELOPED STATE IN THE GHA.

As stated previously, the conservation parks, river-based conservation areas, and wildlife areas will benefit very much from being surrounded by undeveloped land that is farmed or in some form of conservation or open space use. Some of the options for landowners to maintain their property in an undeveloped state include the following:

1. Purchase or donation of development rights (PDR).

In some cases, there is a desire to permanently protect rural landscapes to maintain them for agriculture, forestry, or other open space uses. One way that landowners, organizations, and agencies can accomplish this goal is to supplement existing land use plans with the donation or purchase of a property’s development rights. By acquiring the development rights and then placing a conservation, forestry or agricultural easement on the land, PDR programs can maintain the rural character of land. PDR programs are being used increasingly by local units of government in Wisconsin and elsewhere.

2. Federal Farm Bill programs.

The Farm Bill was reauthorized in May 2008 and USDA agencies are revising how the new law will be implemented. Below are descriptions of the major conservation-focused programs within the earlier version of the Farm Bill. It is expected that the reauthorized programs will retain most of these attributes, although some changes may occur.

(a) Conservation Reserve Program (CRP)

The Conservation Reserve Program is a voluntary program for agricultural landowners to receive annual rental payments (based on the agriculture rental value of the land) and cost-share assistance to establish long-term, resource conserving covers on eligible farmland. Acreage enrolled is planted to permanent grassland or forest covers making the program a major contributor to increased wildlife populations and protects millions of acres of topsoil from erosion. Landowners enroll in CRP contracts for 10 to 15 years.

(b) Conservation Reserve Enhancement Program (CREP)

The Conservation Reserve Enhancement Program is a voluntary land retirement program that helps agricultural producers protect environmentally sensitive land, decrease erosion, restore wildlife habitat, and safeguard ground and surface water. The program is a partnership among

producers; tribal, state, and federal governments; and, in some cases, private groups. CREP is an offshoot of the Conservation Reserve Program.

Like CRP, CREP is administered by USDA's Farm Service Agency (FSA). By combining CRP resources with state, tribal, and private programs, CREP provides farmers and ranchers with a sound financial package for conserving and enhancing the natural resources of farms. CREP addresses high-priority conservation issues of both local and national significance, such as impacts to water supplies, loss of critical habitat for threatened and endangered wildlife species, soil erosion, and reduced habitat for fish populations such as salmon. CREP is a community-based, results-oriented effort centered around local participation and leadership.

(c) Wetland Reserve Program (WRP)

The Wetland Reserve Program (WRP) is a voluntary program that provides technical and financial assistance to eligible landowners to address wetland, wildlife habitat, soil, water, and related natural resource concerns on private lands in an environmentally beneficial and cost-effective manner. The program provides an opportunity for landowners to receive financial incentives to restore, protect, and enhance wetlands in exchange for retiring farmed wetlands from agriculture.

(d) Environmental Quality Incentives Program (EQIP)

The Environmental Quality Incentives Program is a voluntary program that provides assistance to farmers and ranchers who face threats to soil, water, air, and related natural resources on their land. Through EQIP, the Natural Resources Conservation Service (NRCS) provides assistance to agricultural producers in a manner that will promote agricultural production and environmental quality as compatible goals, optimize environmental benefits, and help farmers and ranchers meet Federal, State, Tribal, and local environmental requirements.

3. Other federal programs.

(a) Wildlife Habitat Improvement Program (WHIP)

The Wildlife Habitat Incentive Program (WHIP) provides cost-share assistance to private landowners to help them enhance wildlife habitat areas on their lands. WHIP complements other cost share/incentive programs and provides a mechanism capable of overcoming two major obstacles to increasing wildlife habitat area. First, WHIP compensates landowners for the lack of market incentive to invest in public goods, such as watershed and wildlife protection. Second, it encourages landowners to make long term investments in maintaining the natural resource base (particularly land management practices capable of improving habitat areas). WHIP is administered by the NRCS.

(b) North American Wetlands Conservation Act (NAWCA)

NAWCA provides matching grants to organizations and individuals who have developed partnerships to carry out wetland conservation projects. The Act was passed, in part, to support activities under the North American Waterfowl Management Plan, an international agreement that provides a strategy for the long-term protection of wetlands and associated upland habitats needed by waterfowl and other migratory birds. In December 2002, Congress expanded its scope to include the conservation of all habitats and birds associated with wetland ecosystems.

4. State landowner assistance programs.

(a) Managed Forest Law (MFL)

The purpose of Wisconsin's forest tax laws is to encourage sustainable forestry on private lands by providing property tax incentives to landowners. This is accomplished with a binding agreement between the state Department of Natural Resources and private landowners. Under the Managed Forest Law, the landowner agrees to a management plan for a period of 25 or 50 years that includes

mandatory and recommended practices. The reward for following the plan is that MFL property taxes average 80% less than regular property taxes.

(b) Wisconsin Forest Landowner Grant Program (WFLGP)

The Wisconsin Forest Landowner Grant Program was created to encourage private forest landowners to manage their lands in a manner that benefits the forest resources and the people of the State. WFLGP assists private landowners to protect and enhance their forested lands, prairies, and waters. The program allows qualified landowners to be reimbursed up to 50% of the eligible cost of eligible practices. Private landowners in Wisconsin are eligible for WFLGP funding if they own at least 10 contiguous acres of non-industrial private forest but not more than 500 acres within Wisconsin.

(c) Wisconsin Department of Agriculture, Trade, and Consumer Protection's Purchase of Agricultural Conservation Easements (PACE) program

The DATCP's Working Lands Program has established a new program to provide up to 50% of the cost of purchasing agricultural conservation easements, including transaction costs. Through the PACE program, the state will provide funding to cooperating local governments or non-profit organizations to purchase easements from willing landowners. Land with an agricultural conservation easement cannot be developed for any purpose that would prevent its use for agriculture.

F. PUBLIC ACCESS ON LANDS ACQUIRED OR EASED.

In accordance with recent legislation and unless otherwise exempted, lands acquired using Stewardship funds under the authority of wildlife, fisheries, habitat, or recreation areas are required to be open for the five nature-based outdoor recreation activities as defined by the State Stewardship Law (Sec. 23.0916, *Wis. Stats.*) Lands acquired for State Parks and Trails are not subject to this requirement.

These five activities are: cross-country skiing, fishing, hiking, hunting, and trapping. Although lands acquired using Stewardship are to be open for these activities, there is no requirement that designated or maintained hiking or skiing trails be provided. Lands acquired with Stewardship funds may be closed to one or more of these activities in order to: (a) protect public safety, (b) protect a unique animal or plant community, or (c) to accommodate a usership pattern. Administrative Code NR 52 describes the factors to be addressed and process for restricting or prohibiting one or more of these activities.

The following section describes the situations where it may be appropriate to restrict or prohibit one or more of these five activities on land or land rights within the GHA project boundaries that are acquired by the Department or partners. Any restrictions or prohibitions will need to meet the conditions of NR 52.

1. Lands acquired in fee.

At the present time, no areas are known to harbor potential public safety issues or exceptionally sensitive resources that would necessitate prohibiting all public access. There are some sites within the GHA project that harbor high-quality occurrences of rare species and native communities where, if acquired, it may be appropriate to limit access to only trails, to particular times of the year when disturbance will be less of a concern, to the types of recreation allowed, or limit uses in other ways.

Lands acquired in fee for the wildlife and natural areas and the larger blocks of land for the river-based conservation areas will be open to cross-country skiing, fishing, hiking, hunting, and trapping, in addition to some other activities that are described later in this chapter. The GHA plan calls for the acquisition of 22,875 acres to expand and create wildlife, habitat, and natural area properties (to go with the approximately 32,000 acres of public land in the area that are currently open for cross-country skiing, fishing, hiking, hunting, and trapping).

The State Stewardship Law requirement regarding lands acquired with Stewardship funds be open to these five nature-based activities does not apply to lands acquired under the authority of state parks (which includes state trails). Park properties are intended and designed to provide a range of recreational uses, including many higher intensity uses, some of which may need to be separated to ensure that participants enjoy high quality experiences and minimize impacts to resources. By statute, the conservation parks and linking trails are required to be closed to hunting (unless otherwise opened) and closed to trapping.

For further explanation of how the Department intends to incorporate hunting in portions of the planned seven new conservation parks, see page 29.

2. Lands acquired in fee with subsequent sale of specific use rights (e.g., farming)

There may be some instances where it is appropriate for the Department or partners to acquire lands in fee then subsequently to sell certain rights in the property. For example, the Department has used this approach successfully in some limited situations to purchase properties that contain both important conservation values and high quality farmland. The right to farm the prime fields can be re-sold to local farmers. Depending on the circumstances unique to a property, public access may not be appropriate or the Department can retain public access rights for different hunting or trapping seasons.

3. Land rights acquired through easement

There may be some instances where it is appropriate for the Department or partners to acquire easements conveying partial rights in a property. For example, the Crawfish Prairie Habitat Area (CPHA) and the Rural Landscape Protection Areas (RLPA) are both intended to protect pockets of conservation lands within a mosaic of open, undeveloped land (primarily farmland). Some of these lands could be protected through conservation easements. Similarly, some of the undeveloped lands within the CPHA and RLPA could be protected through agricultural easements.

In some cases, landowners are willing to sell or donate easements on properties with high conservation value but are unwilling to include some or all forms of public access in the easement. Although current State Stewardship Law does not require public access on lands protected through an easement, the Department and the partners strong preference is to secure at least some forms of public access for nature-based recreation (e.g., cross-country skiing, fishing, hiking, hunting, and trapping) on easements. As stated earlier, at the present time no areas within the GHA project boundaries are known to harbor potential public safety issues or exceptionally sensitive resources that would necessitate prohibiting all public access. However, in some very limited cases it may be appropriate for the Department or partners to acquire easements without or with only limited public access. These situations could include the following:

(a) Acquisition of scenic easements.

The Department, or partners using Stewardship grants, may purchase or accept as donations scenic easements with limited or without public access within the project boundaries established in the GHA that meet one of the following criteria:

- Parcels that provide critical visual buffers as seen from protected lands within parks, natural areas, wildlife areas or other conservation areas where acquisition in fee is not feasible or practical.
- Parcels that have high scenic value and are too small (10 acres or less), or otherwise limited, to provide meaningful recreational use.

(b) Acquisition of agricultural easements.

The GHA plan encourages the protection of farmlands buffering the parks, natural areas, wildlife areas and other conservation areas and there is strong interest from many partners in developing a farmland protection program throughout the entire area. Agricultural easements could include limited public access (e.g., hunting after crops have been harvested or in the spring prior to planting), but public access is not necessarily required to meet the goals of protecting farmland and its buffering benefits.

The Department, or partners using Stewardship grants, may purchase or accept as donations agricultural easements with limited or without public access within the project boundaries established in the GHA that provide critical buffering to maintain an existing protected area's conservation or recreation values.

If additional federal, state, or local funding becomes available to purchase agricultural easements, the Department will work with partners in their efforts to acquire agricultural easements in the GHA project area and may also seek to purchase some forms of public access on these lands as appropriate.

(c) Acquisition of conservation easements.

The Department or partners may purchase or accept as donations conservation easements with limited or without public access in the project boundaries established in the GHA that meet one of the following criteria:

- Parcels that harbor particularly sensitive resources where some forms of nature-based recreational use would conflict with the conservation goals of the easement. For example, the easement may restrict access during critical parts of the year, for example during the breeding season of rare grassland birds.
- Parcels too small or inaccessible to provide meaningful recreational use (e.g., a 10-acre isolated wetland parcel).
- Parcels that harbor unique or high-quality resources that the Department concludes could be harmed by general public access (e.g., sensitive archaeological sites).
- Parcels that provide critical habitat connections or linkages between protected lands.

For lands protected using easements, it is the Department's and partners' intent to also acquire a right-of-first-refusal. This will allow the Department to have the flexibility to provide a full range of recreation activities suitable for the parcel.

G. CRITERIA TO GUIDE ACQUISITION OF LAND WITHIN THE PROJECT BOUNDARIES.

The implementation of the GHA project is designed to provide flexibility for the Department and its partners as well as for landowners. Because the project boundaries for various components of the network are larger than the acquisition goals, in some cases considerably larger, there is a need to evaluate the relative strengths of different parcels and properties within project boundaries. ***If landowners are interested in selling property, the following criteria will be used by the Department and partners to assess properties for potential acquisition. As stated earlier, it is the Department's and partners' hope that lands within these project boundaries that do not become part of the conservation parks, river-based conservation areas, and wildlife area remain in farming, conservation or other open space uses through a combination of landowner initiatives, farmland protection programs, purchase of development rights, and other tools.***

1. Conservation Parks.

The project boundaries of the conservation parks encompass 13,000 acres and are considerably larger than the acquisition goals (3,801 acres). In assessing which lands to seek to acquire within these project boundaries, the Department and partners will follow these criteria:

- Lands whose owners are interested in selling or are willing to consider selling all or portions of their property.
- Lands that possess characteristics such as water features, topography, vegetation, historical features, and scenic views that will enable particularly satisfying recreational opportunities.
- Lands that harbor high quality native habitats or significant ecological features or lands that can be restored relatively easily to high ecological quality.
- Lands that harbor habitat that supports Species of Greatest Conservation Need or lands that can be restored to support significant populations of SGCN.
- Lands adjacent to existing park lands or other protected lands.
- Lands that are in larger ownership blocks.
- Lands with no or low-value improvements.
- Lands that do not have significant amounts of prime farmland or that will not significantly impact working farms in the area.

2. River-based Conservation Areas.

The project boundaries for the high-quality habitat areas of the river-based conservation areas encompass nearly 6,000 acres and are considerably larger than the acquisition goals (1,500 acres). In assessing which lands to seek to acquire within these project boundaries, the Department and partners will follow these criteria:

- Lands whose owners are interested in selling or are willing to consider selling all or portions of their property.
- Lands that harbor high quality native habitats or significant ecological features or lands that can be restored relatively easily to high ecological quality.
- Lands that harbor habitat that supports Species of Greatest Conservation Need or lands that can be restored to support significant populations of SGCN.
- Lands adjacent to existing park lands or other protected lands.
- Lands that are in larger ownership blocks.
- Lands with no or low-value improvements.
- Lands that do not have significant amounts of prime farmland or that will not significantly impact working farms in the area.
- Lands that currently affect the hydrology of important conservation lands.
- Lands that will be affected by the restoration of other nearby protected wetland areas (i.e., restoration efforts are impeded by potential impacts to surrounding lands).

No project boundaries have been established for the small-scale recreation sites (primarily access sites). In assessing which lands to seek to acquire along “paddleable” rivers and streams, the Department and partners will follow these criteria:

- Lands whose owners are interested in selling or are willing to consider selling all or portions of their property.
- Small sites that can provide improved access and are spaced at approximately 3-5 mile intervals.
- Lands with no or low-value improvements.
- Lands that do not have significant amounts of prime farmland or that will not significantly impact working farms in the area.
- One or two larger sites that can provide a small, rustic water-access only campground.

No project boundaries have been established for the narrow bands of permanent vegetation along major rivers and streams. In assessing which lands to seek to acquire along rivers and streams, the Department and partners will follow these criteria:

- Lands whose owners are interested in selling or are willing to consider selling fee or easement rights.
- Lands on which the restoration of permanent vegetation will have a substantive impact on water quality.
- Lands adjacent to or near existing blocks of native habitat where a band of permanent vegetation can provide important travel corridors.
- Lands along rivers and streams that can provide good quality shore fishing opportunities.
- Lands with no or low-value improvements.
- Lands that do not have significant amounts of prime farmland or that will not significantly impact working farms in the area.

3. Linking Trails.

No project boundaries have been established for the linking trails due to the flexibility in their ultimate location. In assessing which narrow strips of land to seek to acquire, the Department and partners will follow these criteria:

- Lands whose owners are interested in selling or are willing to consider selling all or portions of their property.
- Lands that build on existing trail segments and sections or protected lands that can support trails.
- Lands that do not significantly interfere with the existing land uses and operations.
- Lands that possess characteristics that will enable particularly satisfying recreational opportunities.
- Lands that can support sustainable trails.

4. Wildlife & Natural Areas.

The project boundaries for the existing Wildlife Areas encompass 56,268 acres of which 26,883 acres are currently owned by the Department. Of the other 29,385 acres in the project boundaries, the Department has authorization to purchase 21,325 acres boundaries of the Wildlife Areas. In addition, the Red Cedar Lake Natural Area is planned to be expanded by 600 acres within a total project boundary of approximately 1,500 acres.

In assessing which lands within these project boundaries for the expansions to the existing Wildlife Areas to seek to acquire, the Department and partners will follow these criteria:

- Lands whose owners are interested in selling or are willing to consider selling all or portions of their property.
- Lands that harbor native habitats or significant ecological features.
- Lands adjacent to existing Wildlife Area lands or other protected lands.
- Lands that are in larger ownership blocks.
- Lands with no or low-value improvements.
- Lands that do not have significant amounts of prime farmland or that will not significantly impact working farms in the area.
- Lands that can provide high-quality hunting, trapping, and fishing experiences as well as opportunities for other compatible nature-based outdoor activities.
- Lands that currently affect the hydrology of important conservation lands.
- Lands that will be affected by the restoration of other nearby protected wetland areas (i.e., restoration efforts are impeded by potential impacts to surrounding lands).

The Rural Landscape Protection Areas are designed to be a mosaic of working farms interspersed with a limited amount of conservation lands. The Department is authorized to purchase up to 3,000 acres scattered through these broad areas to provide wildlife habitat. In assessing which lands to seek to acquire within these project boundaries for the Rural Landscape Protection Areas, the Department and partners will follow these criteria:

- Lands whose owners are interested in selling or are willing to consider selling all or portions of their property.
- Lands that harbor native habitats or significant ecological features.
- Lands with no or low-value improvements.
- Lands that do not have significant amounts of prime farmland or that will not significantly impact working farms in the area.
- Lands that can provide high-quality hunting, trapping, and fishing experiences as well as opportunities for other nature-based outdoor activities.
- Lands that currently affect the hydrology of important conservation lands.
- Lands that will be affected by the restoration of other nearby protected wetland areas (i.e., restoration efforts are impeded by potential impacts to surrounding lands).

The Crawfish Prairie Habitat Area is designed to follow the land protection model used at other grassland conservation projects elsewhere in the state and region. This approach seeks to protect a small number of larger core habitat areas surrounded by a landscape of farmlands and smaller, scattered conservation lands. The Department is authorized to purchase up to 2,500 acres here. The intent is to protect lands in one or two large core blocks and in scattered areas through the project boundary.

In assessing which lands to seek to acquire within the project boundary for the Crawfish Prairie Habitat Area, the Department and partners will follow these criteria:

- Lands whose owners are interested in selling or are willing to consider selling all or portions of their property.
- Lands that harbor native habitats or significant scenic or ecological features.
- Lands that are in larger ownership blocks or that assist in creating a larger, core area.
- Lands with no or low-value improvements.
- Lands that do not have significant amounts of prime farmland or that will not significantly impact working farms in the area.
- Lands that can provide high-quality hunting, trapping, and fishing experiences as well as opportunities for other nature-based outdoor activities.
- Lands that can be restored relatively easily to high ecological quality.
- Lands that harbor habitat that supports Species of Greatest Conservation Need or lands that can be restored to support significant populations of SGCN.
- Lands that currently affect the hydrology of important conservation lands.
- Lands that will be affected by the restoration of other nearby protected wetland areas (i.e., restoration efforts are impeded by potential impacts to surrounding lands).

Throughout the areas identified for the Wildlife Areas, the Department will work with partner groups (e.g., such as Ducks Unlimited, Pheasants Forever, local rod and gun clubs, and other conservation organizations) to protect and restore lands. Also, the Department will encourage efforts by the counties or DATCP to protect and maintain farmlands in these areas through purchase of agricultural conservation easements or development rights, particularly in areas harboring larger blocks of prime farm soils.