



# Roadmap for the Acquisition of Streambank Protection (SBP) Easements

Photo by Dan Braun

## Roadmap Team

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## Introduction

The Streambank Protection goal for this biennium is to provide angling access and habitat protection along many of the premier stream fisheries in our State. The Department’s specific objective is to purchase riparian easements along 100 miles of stream over the next biennium. The cost to accomplish this objective is an estimated 6.3 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 local real estate markets. The Real Estate Program will maintain flexibility to re-allocate annual funding between Forest Legacy, Ice Age Trail, and Stream Bank Protection Programs based on ongoing opportunities.

The Bureaus of Fisheries Management and Facility and Lands have drafted this roadmap, which describes how the Department will adapt to the new Stewardship legislation and implement the Streambank Protection Program. This document outlines the changes needed for streamlining the transaction process and developing local implementation teams with our partners to successfully accomplish our goal of providing angling access and protecting habitat on many of our premier streams.

## 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 program including a reduction in funding for land acquisitions and a cap on the amount of funding used for fee title acquisitions. Thus, the new acquisition parameters for the program will require that the Department adjusts its approach to land protection.

For FY11-13, the Department developed and the Natural Resources Board approved a criteria-based system to allocate Stewardship acquisition funds to the land holding programs (e.g., Forestry, Wildlife Management, Fisheries Management, Endangered Resources/Natural Heritage Conservation, Parks, and Facilities and Lands). Each program subsequently developed parcel evaluation systems that incorporated a variety of criteria designed to ensure only the highest priority parcels were acquired.

With the new funding level and the requirement that only one-third of acquisition funds be spent on fee title purchases, the Department is adapting how to most effectively apply Stewardship dollars to meet ongoing recreation and conservation goals. In particular, the Department is assessing what habitat and recreation priorities can be addressed using easements. One option is to re-energize the Streambank Easement (SBE) program, which for a number of reasons has seen declining acquisitions over the last ten years.

The SBP program was created in the original Stewardship legislation with the goal of protecting water quality and fish habitat of streams considered highest priority for protection from urban and agricultural runoff. In February 1991 the NRB approved the initial list of 64 streams covering almost 638 miles in the southern and southeastern part of the state and an acreage authority of 10,205 acres. Shortly thereafter, in May 1991, the NRB approved an additional 82 streams and 679 miles in other parts of the state and increased the acreage authority to 21,075 acres. The acreage authority was established based on the program's desire to protect a minimum of 66' on each side of the streams (132 feet x 1317.2 miles = 21,075 acres). Administrative Code NR 51 describes the criteria used to select streams for the program and conveyed to the Department the authority to add and delete streams from the list.

The SBE program has been popular with landowners and anglers. Landowners enjoy the ability to sell part of their rights in their property and in some cases get assistance from the Department or local conservation clubs in restoring the stream corridor, while anglers enjoy access to streams that provide high quality experiences. In addition to fishing, the public can hike, watch wildlife, snowshoe, and cross country ski. 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 (sometimes referred to as PILT) are not required.

Despite being a popular and effective program, some administrative obstacles have led to a decline in the number of easements acquired over the last decade. Maybe most notable is the amount of time and expense that goes into appraising the value of each easement. Because the Department is the primary purchaser of streambank easements, nearly all of the comparable sales of easements that appraisers use to calculate the value of a specific easement are other DNR purchases. This can lead to questions about the accuracy of the appraised values and at times prolonged negotiations with landowners. Further, the cost of appraising an easement can approach the value of the easement, an illogical situation. Consequently, although a highly regarded program, the amount of staff time and expense needed to see an easement purchase through the whole real estate process has led to a decline in easement acquisitions over time.

## **Goals**

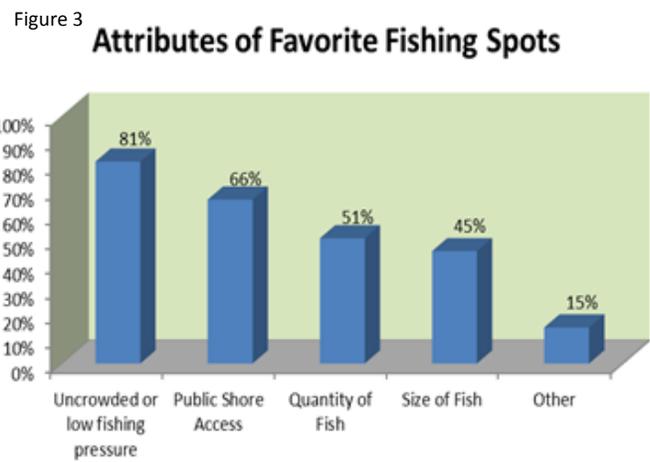
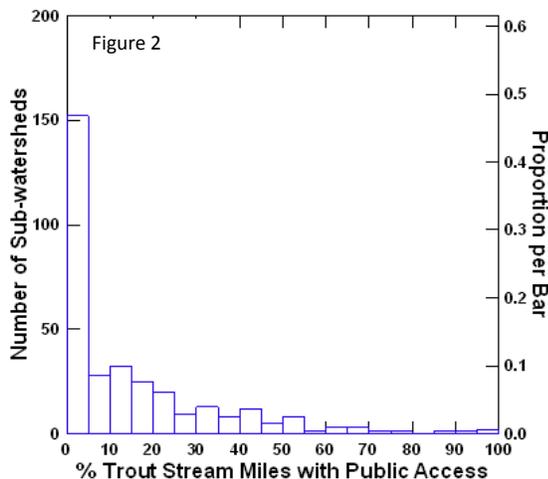
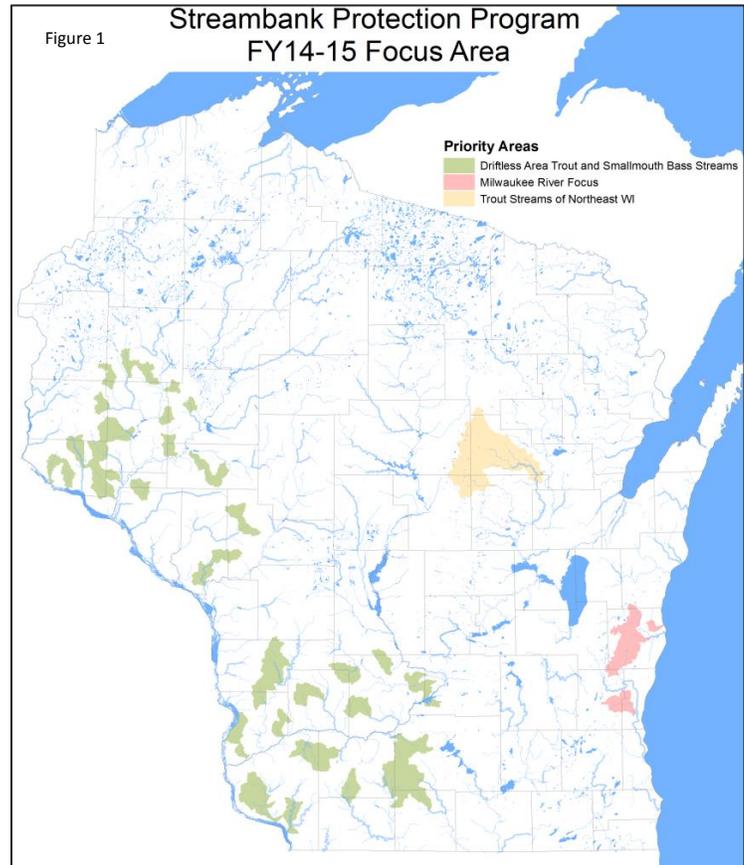
The primary goal of this effort is to develop a streamlined appraisal and acquisition process for streambank easements so that the Department can acquire easements along 100 miles of trout and smallmouth bass streams in this biennium. The Department's intend to construct an abbreviated easement valuation that will recognize the increased value to the public of longer reaches of streams with public access, the quality of fisheries present, the market rate of land in the county, and other factors. With a simplified process in hand, the Department also seeks to prioritize the watersheds within which it will focus acquisition efforts and work with partners on restoration projects. Thus, the

Department seeks to undertake an initial revision of the list of streams eligible under the SBE program as part of this process as well.

### Geographic Emphasis

In consultation with the Bureaus of Facilities and Lands and Wildlife Management, Fisheries Management has defined three primary areas of geographic emphases for the biennium; Trout and Smallmouth Bass Streams of the Driftless Area, the Milwaukee River, and trout streams of Northeast Wisconsin (Figure 1).

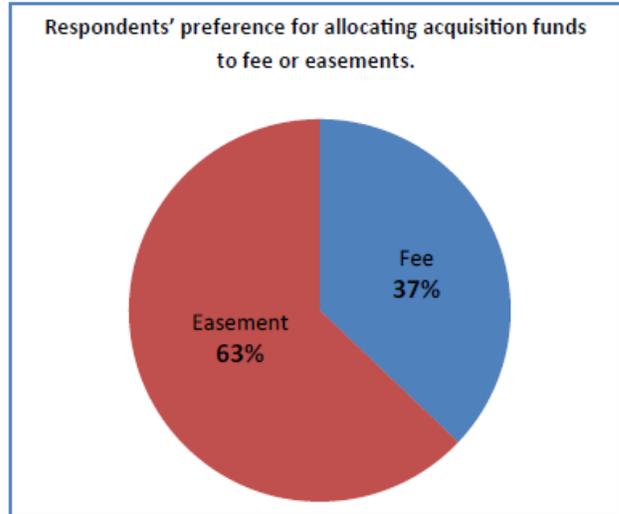
**Driftless Area** -- Angling in southwestern Wisconsin’s Driftless Area is unquestionably one of the state’s premier outdoor experiences. Over the better part of a century, the Department of Natural Resources (DNR) has worked with a wide range of partners to help protect, restore, and manage the streams 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 patchily distributed across the Driftless Area – 6.5% of the sub-watersheds have over 50% of their trout stream miles in public ownership, while for nearly a third of the 325 sub-watersheds with trout streams, the only public access is from roads (Figure 2). Uncrowded settings and public shore access are the two most important attributes which influence an angler’s “favorite fishing spot” (Figure 3).



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 (Figure 4).

The Department of Natural Resources is developing a master plan for over 200 of its properties encompassing 35,000 acres along trout and smallmouth bass streams in the Driftless Area. As part of the planning process, the DNR drafted an extensive back-ground document (a “regional and property analysis” or RPA) describing the properties, habitat quality and potential, the fisheries, and future challenges in the Driftless Area. Information in the RPA ranges from fish abundance to habitat quality to human population density. In an effort to present the information simply and consistently, each watershed and sub-watershed is evaluated for how well it “performs” for a particular metric, relative to the other watersheds and sub-watersheds. These scores are then presented in a “report card” format. Contemporary data on sport-fisheries performance, combined with habitat models which depict current and future fish species distributions, provides resource managers with spatially powerful tools. These science-based approaches enable managers to make wise investments of limited staff and financial resources. The selection of subwatersheds the Driftless Area FY14-15 focus was primarily based on this “report card”.

Figure 4.



Implementation Goals for the Driftless Area are as follows:

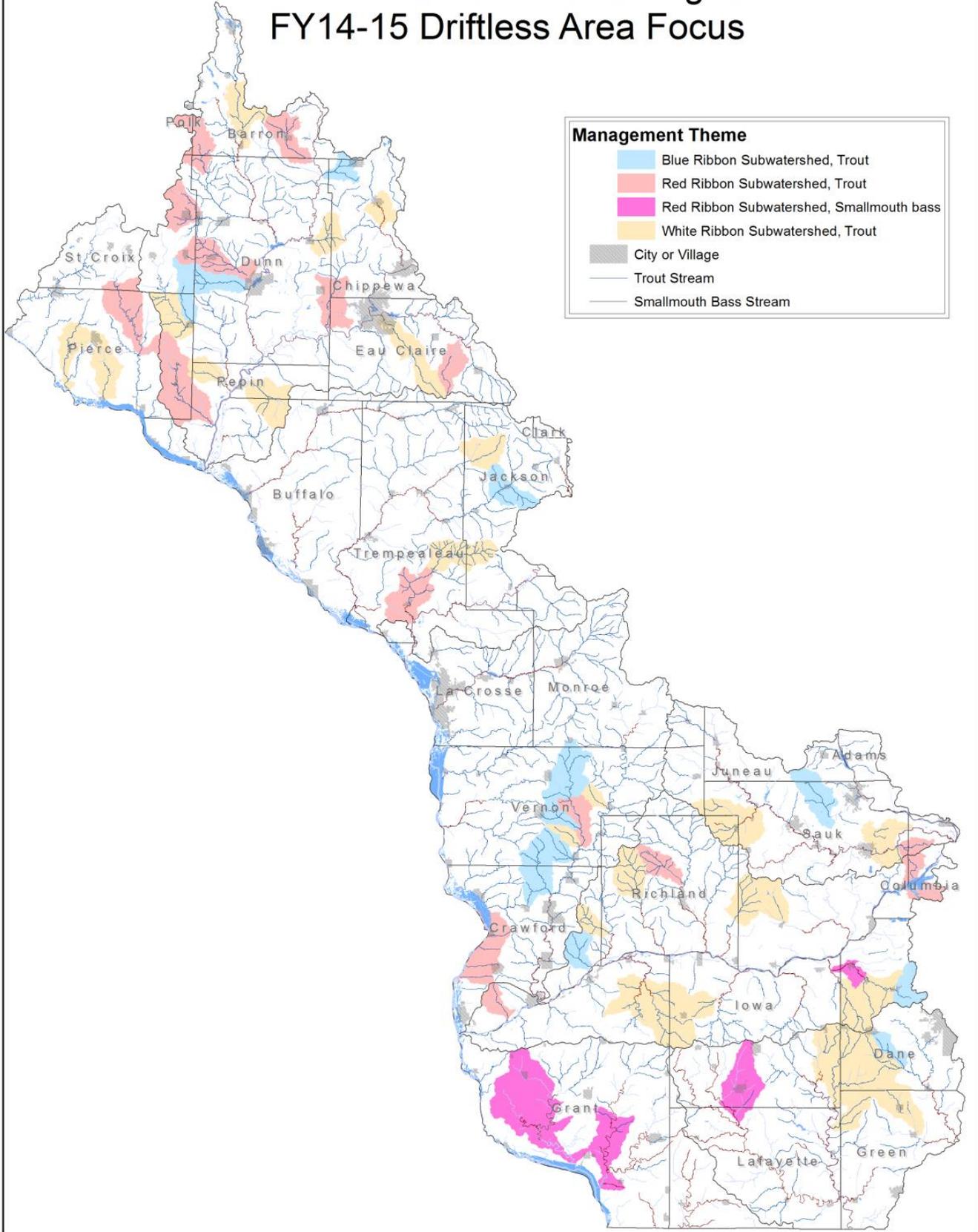
- > **Convert some of our Red Ribbon Stream Fisheries to Blue Ribbon Fisheries**
- > **Improve Public Access and Protect Riparian Habitat on some of our "weaker" Blue Ribbon Subwatersheds**
- > **Work with our Partners on White Ribbon Stream Rehabilitation Efforts**

Geographic choices in the Driftless Area involve a two-pronged approach (Figure 5). The first approach is to acquire riparian habitat protection and secure angling access on our many of our outstanding performing fisheries (Blue and Red Ribbon Sub-watersheds). These blue and red ribbon stream systems harbor abundant quality-sized trout, and furthermore, are self-sustaining via natural reproduction. Here, providing access is key. 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 needed. The second approach is the selection of sub-watersheds where the Department collaborates with its many partners (TU, Conservation Clubs, County LCD, NRCS, etc.) in stream rehabilitation and acquisition projects. These White Ribbon Rehabilitation sub-watersheds are typically underperformers (sub-par abundance of quality-size fish), yet possess excellent habitat potential and good resilience to the effects of climate warming.



Figure 5

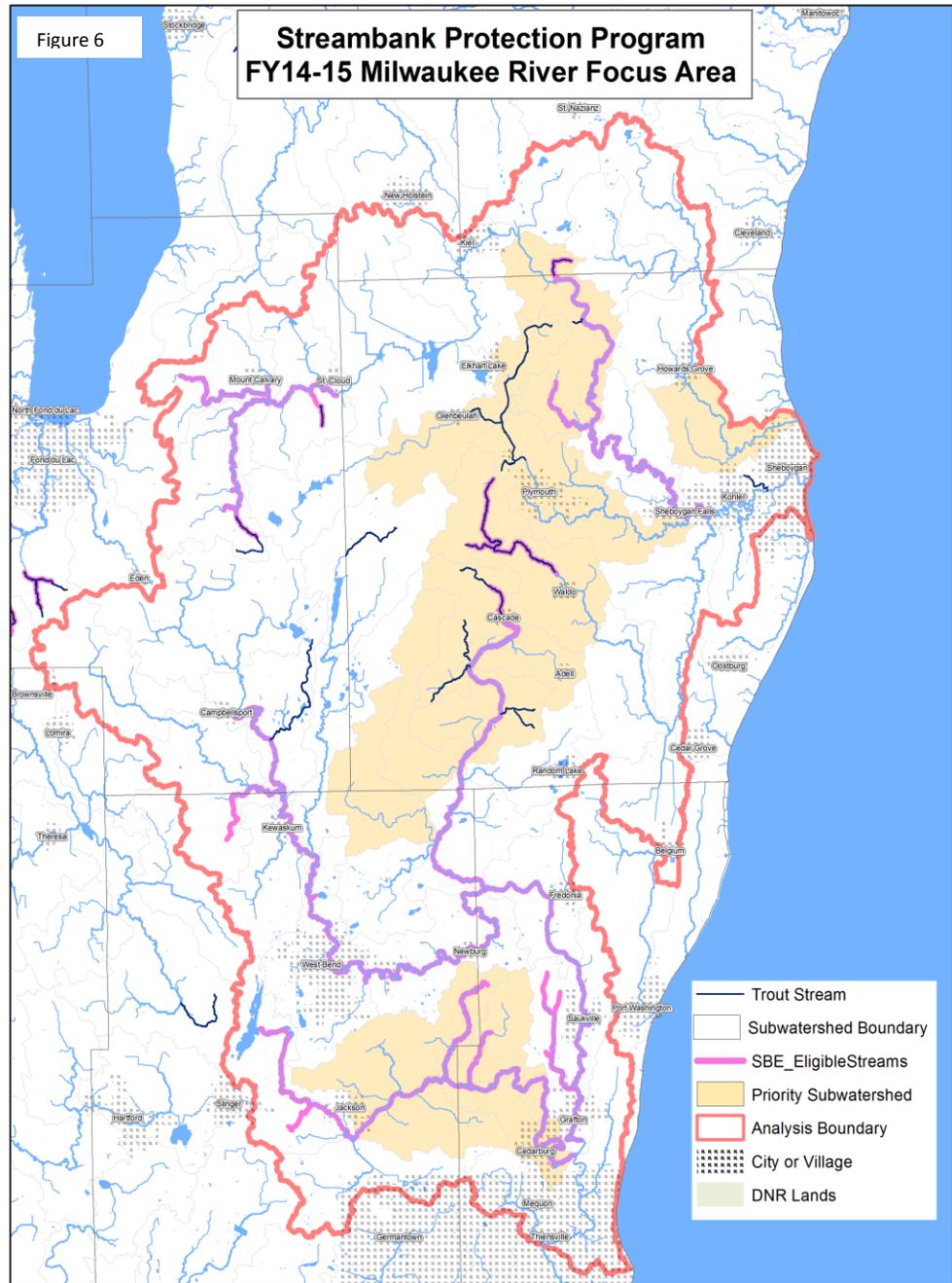
# Streambank Protection Program FY14-15 Driftless Area Focus



**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 (Figure 6.). Sub-watershed selections were based on geographic interests of our partners, spatial connectivity, Streambank Protection streams currently eligible, contemporary water quality/habitat conditions, fisheries potential, and threats of degradation of water quality caused by agricultural or urban runoff. The focus area represents 25% of the analysis area. Two primary opportunities for partnership in this focus area include:

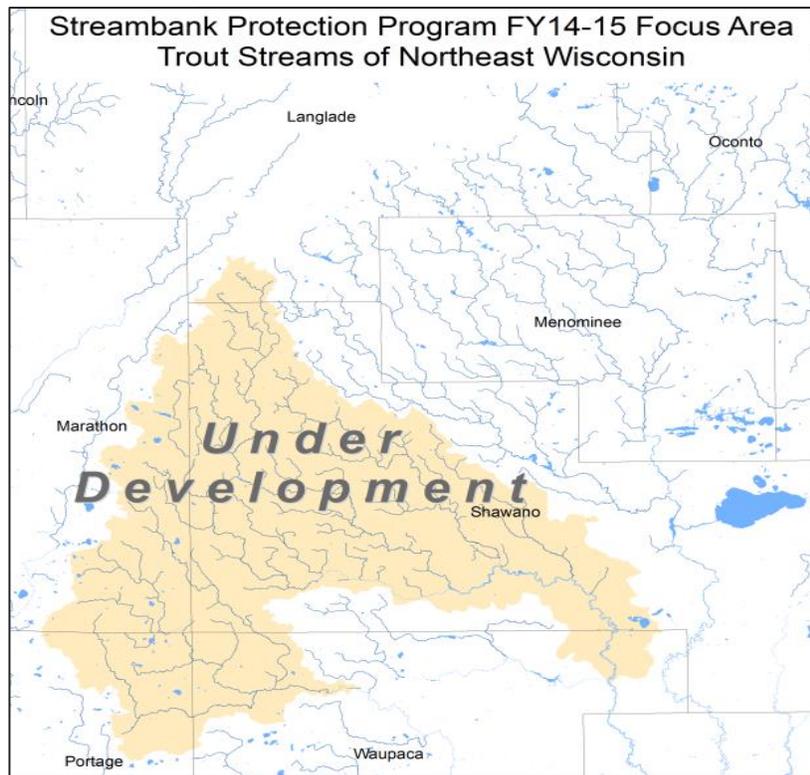
- 1) Milwaukee Metropolitan Sewage District will be securing protection of riparian corridors as they implement their Milwaukee River TMDL (in Ozaukee and Washington Counties); and 2) The Sheboygan River Area of Concern (AOC) project where natural resource damage assessment funds may be used acquire 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. The geographic area shown in Figure 7 represents an approximate focus as field staff are analyzing resource data and networking to refine the placeholder area shown.

Figure 7



### Local Implementation Teams (LIT)

Local implementation teams are a critical element of this roadmap. The success of the program will be dependent on their success. The use of implementation teams is recognition that a multifaceted team approach involving partnerships with Trout Unlimited and other conservation clubs, Conservation Congress, 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 (Figure 8), as acquisition in existing focus areas ceases and new focus areas are defined this number may change.



Wisconsin Department of Natural Resources personnel will be appointed as team leaders. Team leaders will be made up of a combination of fisheries biologist(s), real-estate personnel, and possibly fisheries technician(s). Team leaders will be listed as the primary contact for their respective team. They will be responsible for recruiting external partners to the team, assigning team tasks, and insuring an open line

of communication through regular meetings of team members. External partnership will not be limited and will include a variety of entities. See potential coalition members on page 9.

Local Implementation Teams will be responsible for the development and implementation of outreach methods, maintaining contact with landowners, and finalizing negotiations for stream bank easements within their assigned focus area. Examples of outreach methods that would be available to teams can be found on page 10 (e.g. mailing of contact letters, phone calls, personal visits, distribution of brochures, media releases, public meetings, displays at public events, and website development.)

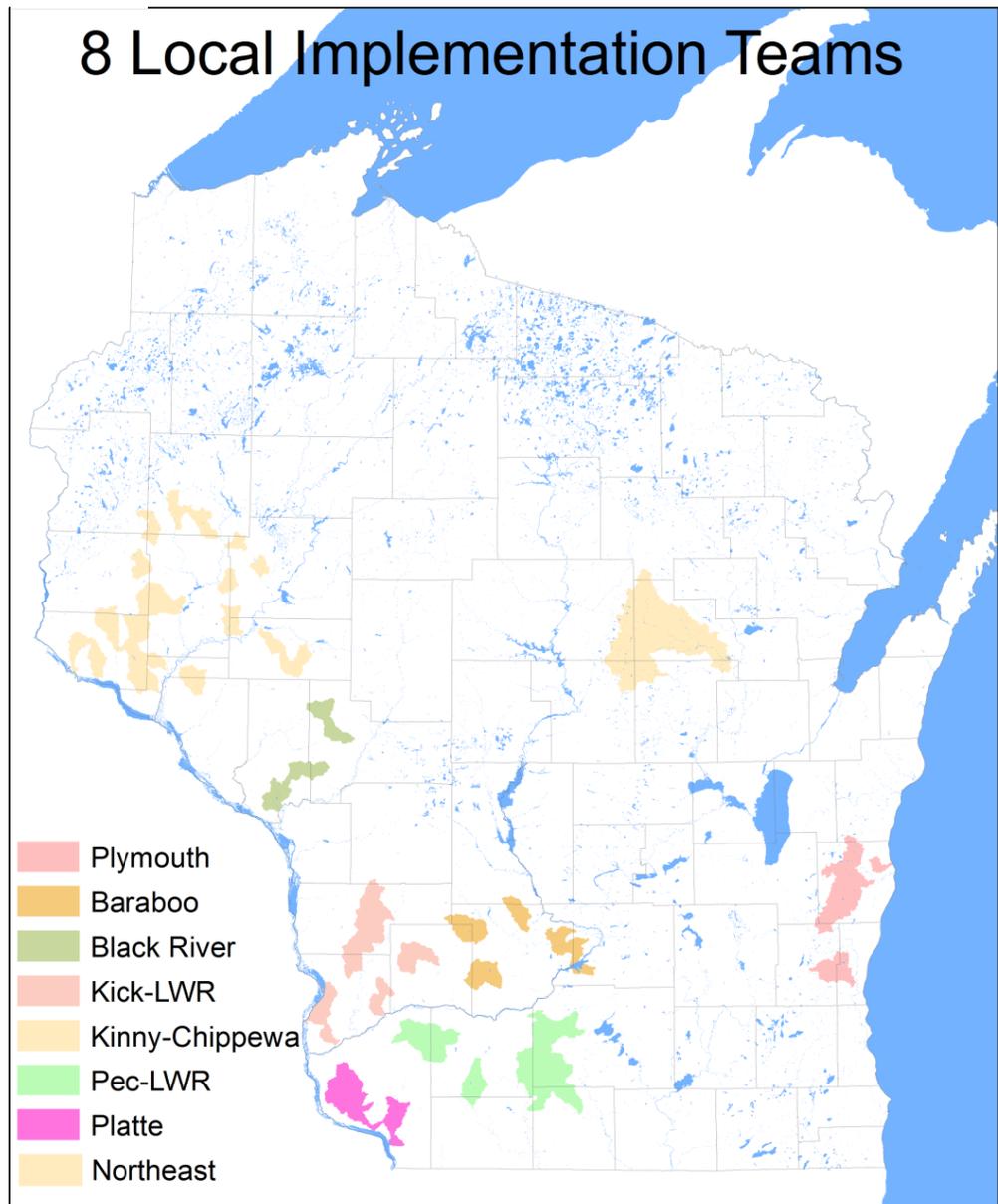
as part of the outreach and communication tools. Guidance outlining the acquisition process, negotiation protocol, recommended materials, and timelines will be developed to assist teams in their acquisition efforts.

### Easement Valuation

The Department's Real Estate staff intends to replace the conventional appraisal process with an abbreviated methodology for establishing an offering price for streambank easements.

Traditionally, the Department has hired contract appraisers to write appraisals that determined fair market value or an offering price for the potential purchase of streambank easements from willing sellers. From past appraisal work as well as realtor/broker survey data, we have concluded that most

Figure 8



stream bank easements impact a property in the range of 10-30% of their full value, depending on a number of physical factors present on a particular property. The Department anticipates encountering a high volume of applicants through this new initiative and the Department's real estate staff recommends developing an abbreviated valuation process.

Under this new streambank easement initiative, target areas for proposed purchase of stream bank easements have been identified across the State. Prior to contacting landowners within these target areas, the Department proposes to complete a sales study of the target area. This study could be completed by Department staff or by a contract appraiser using comparable sales data or other market based information (listings, recent DNR purchases, local assessment information) to determine an average land value for recreational, agricultural and residential properties within the target area. Once the sales study is complete the Department will evaluate the information and specific circumstances that will influence easement values within the target area. Depending on the circumstances the Department will establish a base value for all easements within the target area using a front foot unit of measurement or the Department will establish a formula for determining the value for each individual easement using the comparable sales study as the basis for the valuation.

Landowners will be contacted by core work team members to determine individual landowner interest in selling a stream bank easement within the target area. Any landowner that expresses interest will be encouraged to complete a short application with assistance from a core work team member. This application would contain specific details on the nature of the proposed easement which will be specific to each landowner. This will allow the department to capture the unique characteristics of each potential purchase and make valuation judgments based on the sales study and the unique circumstances of each transaction. The final offering price would be detailed in a brief valuation memo that would be completed by the real estate program.

## **Outreach and Communications**

### **OBJECTIVE:**

- Form streambank protection coalitions to provide diverse voices that can identify with local landowners on benefits of Streambank Protection Easements.
- Coalition will help to coordinate blocks of landowners who apply for permits in a given focus area.
- Coalition will serve as advocate and local contacts for promoting easements.
- Coalition combines/leverages resources to promote program.

### **POTENTIAL COALITION MEMBERS:**

- Local non-government conservation organizations (Trout Unlimited)
- Business and tourism interests (including local business, Chambers of Commerce, Dept. of Tourism)
- Agriculture/commodity groups
- State sporting groups with local chapter/affiliates
- Local rod and gun clubs
- Department of Natural Resources
- Realtors/Realtor's Association
- Conservation Congress

- Conservation District/Land and Water Conservation Association leads
- County LCD
- Landowners
- UW-Extension

AUDIENCE: Priority landowners grouped within identified focus areas for securing Streambank Protection Easements. Audience transitions to statewide angling/access interests once there are successes to share.

ADDITIONAL STAFFING NEEDS: At least one DNR coalition coordinator will need to be hired. This coordinator will need to have strong communication, network building and outreach materials development skills.

TACTICS : Four- pronged approach

1. Form coalitions, utilizing networks
2. Localized communication – through use of regional/local media, targeted mailings, paid ads in local publications, alert to process starting.
3. Direct communications with priority landowners – direct mailers, landowner packets, and face-to-face meetings involving appropriate members of the coalition in each priority area.
4. Statewide promotion of efforts – Promote the formation of coalitions and efforts underway to benefit anglers, other users, and the enhancement of habitat with benefits to landowners.

TOOLS

- Local and statewide news releases and other earned media
- GovDelivery – create list for each coalition or combination of focus areas
- Paid Ads in local publications and potential billboard (in cooperation with coalition members)
- Designated web page with SBP information and streamlined online application process
- Landowner application/promotion packet, with printed materials
- Kitchen table meetings (carried out by coalition members)
- Landowner testimonials – video for GovDelivery, Web, and DVD in landowner packets
- Direct mailing(s) – including customized letters to targeted landowners, identifying personal benefits of joining program; potentially follow up post card reminding and directing to online application process or coalition contact for more information.
- Natural Resources Magazine
- Coalition newsletters/publications
- Local town hall or open house style meetings – potentially include a local draw, ie. pig roast
- Maps – priority focus areas, goals for protection/access, online and in print

## **Outreach Partnership with Trout Unlimited**

The Department of Natural Resources will be collaborating with Trout Unlimited on implementation and outreach efforts. Trout Unlimited volunteers and staff will host or assist with outreach efforts, including but not limited to: Forming Local Coalitions, Paid Ads and billboards, newsletters, hosting open house meetings, creating landowner testimonial videos, and training outreach methods to TU volunteers.

## **Landowner Application Packets**

Landowner application packets will inform landowners about the Streambank Protection Program and enable Real Estate Specialist to; draft a timely easement offer, and capture all the information necessary for completing the land transaction. The application should contain enough detailed information about the program so the landowner can make an informed decision from the material provided in order to decrease the amount of staff time needed to answer preliminary questions.

The application packet should provide the landowner with:

- an understanding of what an easement is (definition)
- guidelines of the easement program (what the landowner can expect once the easement is purchased; possible FAQ sheet; possible landowner testimonials)
- a sample easement form
- a map for the landowner to indicate location and length of easement area
- a rough estimate of the purchase price
- contact number and link to our website for more information and an online application

A completed landowner application should provide Department staff with enough information in order to present an offer to the landowner:

- complete landowner information, (ie name, address, phone and email)
- location and length of the easement area
- physical parcel information (i.e.: natural/special features, existing use, nearby structures)
- record title, tax parcel information and encumbrances on the parcel
- estimate of the purchase price
- landowner concerns

## **Conversion of limited-term easements to permanent easements**

Statewide, anglers have enjoyed the benefits of NCO's and counties past efforts to also establish fishing access easements. These are often limited term easements (20 years) which eventually lapse. The Department will collaborate with our NCO and county partners to contact easement holders who are near the end of their easement term. These landowners often view conservation programs favorably and may be willing to sell a permanent easement to the DNR.

## **Geographic Information Systems**

Department staff will use an automated approach in GIS to intersect parcels with priority waters in order to identify riparian landowners within priority area. The Wisconsin Land Information Program (WLIP) provides funding to counties to modernize land records. In some counties, land records

modernization literally means updating from 19<sup>th</sup> Century technology, such as paper maps based on original land surveying conducted in the pre-settlement era, into the 21<sup>st</sup> Century dominated by Geographic Information Systems (GIS). Private and public landowners rely on land records and maps created by local governments to manage their property. Precise, accurate, and modern land information systems enable local and state governments to operate more efficiently and provide better service to constituents.

For example, online digitized parcel maps enable decision-makers, investors, and developers to quickly assess information vital to policy and business decisions. Department staff will use GIS tools to “intersect” target streams with GIS parcel layers and quickly generate a mailing address databases for all landowners adjacent to target streams.