

September 25, 1991

Memo Half Moon Lake Wetlands

I talked to Herbert Baldwin, 492-2180 in Jordan, MN who is a landscape architect and who is the owner of the Tamarac area. He said that his family probably would not want to sell any of the Tamarac property. He said there are 4 different kinds of orchids in the area. He said they have plans for planting some more wild life flowers in the area and do want to maintain it in it's present condition. He said there might be 2 buildable lots on the north end coming in off the road that goes by the public beach. Other than that, it sounded as though he did not intend to have the property developed. I told him about the possibility of the state acquiring the property and he said he did not think he wanted to proceed on that at the present time.

~~Building bridges with farmers.~~

Joss, Doug, & Margary

Bruce - son

Russell - brother of Doug

Eli's son.

Steve - son

3 girls

Bryan, son

at end of 140th Street
call Sat.

- Don Nelson - 825-3342
- George B. Mitchell - 825-3274 - 140th St - 10:30 AM. ^{long} drive.
- Steven Milberg - 825-3164 - 12 noon - 46+G.
- Phillip Nelson - 825-2239 -
- Christoffer Nelson
- Voss -
- H. Clayton Lages - 200th St

Phil Wallace - 635-4159.

DNR - works with Dan Ryan on Lake Hunt Project

1. Ask for sample conservation easement form.
2. Ask about appraiser ~~of~~ ^{Ron} Hanson
3. Provisional approval before we hire an appraiser?
4. Method of appraisal
5. What about contributed property.

Hypo -

10,000	cost of property.
2,000	contributed
<hr style="width: 50%; margin-left: 0;"/>	
8,000	net cost.

would state pay \$5000 + we pay \$3000?
 what if \$6000 was contributed?
 would state pay \$4000?

Phillip Nelson, 825-2239 -

son Christopher

8/29/93 - Talked with Mrs. ^{May} Nelson ^{on the telephone}. They would be glad to give conservation easement. There property affecting the lake is wooded, & they never use it. Abouts Voss property. Said I needed to talk with her son & Chris.

10/29/93

George Mitchell

Gov. Lot 4, Sec 23-35-17

40 acres and 10th
ok with conservation agreement.

There may not be anything in this property
that affects lake.

Appraiser -

assessor - Dana Reinecius

Area - 349-2288.

10/29/93

Ron Hanson - Lucke ⁷¹⁵⁻ - 472-2340

Blandig - Summerset.

10/29/93

Voss - SW 1/4 - How.
Co

$$\begin{array}{r} 50 \\ 40 \overline{) 2000} \\ \underline{400} \\ 1600 \\ \underline{1600} \\ 0 \end{array}$$
$$\begin{array}{r} 30 \\ 40 \overline{) 1200} \\ \underline{1200} \\ 0 \end{array}$$

1/29/93

H. Clayton Hoge & wife - at their home.

He is ok with idea, wants to preserve right to sell cabin area on high ground & let a person put in dock. Said we could consider easement that allows dock for one family. Done a lot of fishing. His son is also conservation minded.

10/29/93

Land acquisition - To Do

1. Call DNR - Called Dan Ryan Nov 3 - He will call me.
2. Contact other property owners.
3. Have committee set priorities & develop long range plan.
4. Locate an accountant CPA on the lake. Put together letter re deduction of value.
5. Check on transfer tax on deed to District.
6. Get IP #'s for each of the 6 property owners. Get acreages & description & assessed values.
7. Write to assessor to get breakdown of assessed values. How much in marsh value at \$50?

Easements around Tamarock Bay.

1. No buildings or roads. No alteration of the property from its $\&$ natural condition. No tilling of the soil, Nothing that would create erosion. No extraction of dirt, peats or other substances. No docks or other structures. Restrict use by public other than may be permitted by the holder of the easement. To allow ingress and egress to the holder, allow the holder to construct paths or roadways. To restrict runoff from adjoining areas into the easement areas, Prohibit subdividing into smaller units, Prohibit cutting of trees, ^{removal of shrubs, brush} or doing anything that modifies the natural condition of the land. Prohibit dumping or storage of material. allow the holder to add material to control erosion ~~on~~ into ~~the~~ the water shed area, allow for creation of structures to enhance wild life such as loon nests or bird stations. Protect fauna & flora. Maintain vegetative cover on adjoining areas to reduce runoff or erosion. Limit chemical runoff into the area from adjoining grounds.

Gifts of Fee title

1. Get charitable deduction - \$100 per acre,
2. Reduces real estate tax - \$50 on assessed value
3. Might need to purchase some of the land to establish value at \$100 per acre,
4. Special recognition for people making gifts of the land. Plagget at the park or entryway.
5. District cost would be, appraisal if needed, atty fees, abstracting, recording fees.
6. May take 220 acres out in Tannorock Bay. $\$50 \times 220 = \$11,000$ of assessed value.
7. Deduction of \$100 an acre $\times 40 = \$4000$ would save 18% to 31% federal tax plus the state tax = maybe total 35% or \$1400 which is more than we would pay for an easement.
8. Easement value - \$10 an acre?

Easements (continued)

Rights to monitor use of land, Need right to access. In perpetuity
Held by State, County, Township or District,
~~or State Conservancy.~~

Power to enforce the easement provisions.
Runs with the land adjoining. Describe adjoining land.

Don Nelson - 825 - 3342.

Called Nov. 3 - Call Sat Nov 6,
will be home, Talked about
seeing him Sat PM.

Saw him Nov. 6. He has been here 59 yrs. There
8 cabins on the lake. Don's ~~Mother~~^{father} was Doug
Voss's Mother's brother so Don is a cousin
of Doug Voss. He says there are springs that
feed Tamarock Bay. He feels there is more
runoff from the Bay than from Harder Creek.
He says fish used to spawn in the area
but don't anymore. He says there was a 100'
wide channel at one time from the lake
to the bay but a bog broke off & when
they returned it the result was that the
channel got closed off.

He would not want to give up title but
he would consider an easement. He wants to
keep it natural. He would be glad to
~~take~~^{take} us around the area this winter.

Doug Voss &
Don Nelson
are cousins

Steve Millberg - 825-3164.

Called Nov 7, Ok to call Sat.

Nov 6. Met Mr. Millberg. Couldn't talk
because of noise in milking parlor.
Told him I would call later.

October 14, 1993

Craig Johnson
10801 Girard Circle
Bloomington, MN 55108

Phil Siegle
2429 Hillside Road
White Bear Lake, MN 55110

David Butler ✓
Suite 526
6625 Lyndale Ave. S.
Richfield, MN 55423

Dana Gauthier
3652 Windtree Drive
Eagan, MN 55123

Art McMahon
314 Willow Brook Drive
Mason City, IO 50401

Dear Craig, David, Art, Phil, and Dana:

There will be a meeting of the Half Moon Lake District
Land Acquisition Committee on Saturday, November 6, at
1:00pm at my cabin. Please plan to attend if you can.

Best regards,


Gordon Mommsen

612-537-6654

GM/lms/Meet



BALSAM BRANCH PRIORITY WATERSHED

"A Clean Water Project"

Wisconsin Department of Natural Resources • Polk County Land Conservation Department

P.O. Box 460
Balsam Lake, WI 54810

Phone: (715) 485-3725
FAX: (715) 485-9325

8/24.

DAVID,

HERE ARE A COUPLE OF OPTIONS
TO CONSIDER AS FAR AS ACQUIRING
THE LAND WE DISCUSSED. LET ME
KNOW IF EITHER OF THESE SEEM
FEASIBLE IN THIS CASE. GIVE ME
A CALL IF YOU HAVE ANY QUESTIONS.

— Carl

WHAT DOES IT MEAN TO PURCHASE AN EASEMENT?

Purchase of an easement means purchasing a limited set of rights associated with the ownership of a particular tract of land. (Fee simple purchase is the "normal" process whereby the property is purchased outright, including all rights which go with ownership of the land.) The point of an easement is to purchase only specific rights to accomplish a specific purpose. The rights purchased in any particular transaction will vary depending on the buyer's purpose and on the character of the tract of land relative to that purpose.

Easements that most people are familiar with are access-ingress easements. In an access-ingress type of situation the purpose of the easement is to provide access to public highways across private land that does not belong to the party purchasing the easement. Typically a land-locked landowner will pay his neighbor an agreed upon price for the privilege of constructing and maintaining a driveway across the neighbor's land. Ownership of the land does not change hands, the land-locked party buys only the right to build and maintain a driveway across the adjacent land.

Utility easements are another familiar type of easement. Utility companies purchase mile after mile of easement in order to lay out and maintain overhead and/or underground utility lines. The utility companies generally do not purchase the land, they merely purchase an easement which entitles them to construct and maintain utility lines within a corridor across private property. Sometimes they purchase only the right to construct and maintain underground utility lines, sometimes they purchase only the right to construct and maintain overhead utilities and sometimes they purchase the right to construct and maintain both overhead and underground utility lines.

WHO OWNS THE LAND AFTER AN EASEMENT IS PURCHASED?

Ownership of the land continues with the party who owned the land before the transaction took place. The easement holder "owns" only the specific rights to the property described within the easement document.

WHY NOT SIMPLY PURCHASE THE LAND OUTRIGHT? WHAT ARE THE ADVANTAGES OF EASEMENTS?

Easements allow both the buyer and the seller to be very specific about the future use of the land and to divide the land use rights exactly as is desired by both parties. In the utility easement example the landowner often retains the right to grow crops on the land, hunt, establish a lawn, etc. which

they could not do if they sold the land outright. The utility company in turn pays a lower price than if they bought all rights to the land and has no obligation to manage aspects of the land irrelevant to their purpose but they do have sufficient rights to ensure that they can install and maintain utility lines.

WHAT TYPES OF RIGHTS ARE NORMALLY PURCHASED AS PART OF A NONPOINT SOURCE POLLUTION CONTROL EASEMENT?

There are two types of easements purchased through the DNR's Nonpoint Source Pollution Abatement Program. They are: "Corridor Easements" and "Critical Area Stabilization, Flowage and Wildlife Habitat Easements". In addition, the DNR's Stewardship program provides for the purchase of "Streambank Corridor Easements". One of the primary goals of the Stewardship Streambank Corridor Easements is to improve water quality. Since some landowners in NPS priority watersheds are eligible only for Stewardship easements, it is important for NPS program staff to be familiar with all three types of water quality easements. There are important differences in the eligibility criteria for the three easement types and differences in the terms of the three easement types. These differences are summarized below. Many of the terms of the three types of easements are similar; these terms are summarized in the section entitled "Conditions Common to all Three Easement Types".

Nonpoint Source Corridor Easements: As the name implies, the purpose of these easements is to acquire property rights in a corridor immediately adjacent to a stream. Generally speaking these easements are a 66 foot strip on each bank of the stream, although wider, and rarely, narrower widths are possible when circumstances warrant. **ELIGIBILITY:** In order to be eligible for this type of easement the stream must be within a designated priority watershed, the landowner must agree to control all critical nonpoint sources of pollution on all of his/her properties within the watershed, the easement must help to correct an existing problem that adversely effects water quality, acquisition of an easement must be consistent with the appropriate watershed plan, and the easement must be approved by the District NPS coordinator. **CONDITIONS:** In addition to the conditions common to all three types of easements, the landowner agrees to: 1) allow the construction of structures within the eased area that are intended to improve the water quality and/or fish habitat of the eased stretch of stream, 2) allow public access (non-motorized) to the eased area (in rare instances public access is not required) and, 3) allow posting of the area to inform the public that they have a right of access.

Nonpoint Source Critical Area Stabilization, Flowage, and Wildlife Habitat Easement: These easements have two purposes; either or both may apply to any particular property. One purpose is the stabilization of areas critical to maintaining water quality in adjacent riparian areas. The second purpose for these easements is to return the land to a wetland state by removing/disabling drainage structures. The exact location and shape of these easements varies with the topography and fragility of each individual site. **ELIGIBILITY:** The eligibility criteria for this type of easement are identical to the criteria outlined for NPS corridor easements. **CONDITIONS:** In addition to the conditions common to all three types of easements the landowner agrees to: 1) leave the topography of the eased area unaltered and, 2) allow the construction of water control structures (dikes, dams, etc.). This type of easement does not normally include public access.

Stewardship Streambank Corridor Easement: The purpose of this easement is very similar to the Nonpoint Source Corridor Easement, but there is a greater emphasis on improving the quality of the fishery. **ELIGIBILITY:** Eligible streams do not need to be in a priority watershed, but they must have been designated by the Natural Resource Board as a stewardship stream. Once a stream is designated, all sites along the stream are eligible for easement acquisition. Therefore, these easements can be purchased in order to correct an existing problem that adversely effects water quality or on high quality sites in order to protect from possible land use changes. **CONDITIONS:** In addition to the conditions common to all three types of easements the landowner agrees to: 1) allow the construction of structures within the eased area that are intended to improve the water quality and/or fish habitat of the eased stretch of stream, 2) allow public access (non-motorized) to the eased area (public access is required, according to administrative rules), 3) allow posting of the area to inform the public that they have a right of access and, 4) seed the area with permanent vegetative cover, if requested to do so.

CONDITIONS COMMON TO ALL THREE EASEMENT TYPES

THE LANDOWNER SELLS THE FOLLOWING RIGHTS TO THE GRANTEE:

1) The right to fence the property if requested by the Grantee. (IMPORTANT NOTE: The Grantee acquires the right to fence all three easement types, but the cost to purchase and install fencing is handled differently. The Stewardship program pays for purchase and installation of all fencing on Stewardship Streambank Easements. If it is included in a Cost Share Agreement, the Nonpoint Source Pollution Abatement

Program would pay for up to 70% of the cost of installing fencing. The landowner is responsible for the remaining share of installation costs.)

2) The right to protect the land from erosion by physical and mechanical means, including construction of crossovers, installation of rip rap, grading, etc.

3) The right to manage fish and wildlife populations.

4) The right to manage the vegetation within the eased area. This means that the landowner cannot plant, grow or harvest any crops within the eased area unless they have a separate written agreement with the Grantee. It also means that the landowner cannot mow, burn or otherwise alter the natural vegetation of the eased area.

5) A right of access to the eased area for the Grantee, including the right to cross over adjacent lands owned by the landowner.

IN ADDITION, THE LANDOWNER AGREES NOT TO:

1) Alter water levels or flow within the eased area. This includes not altering levels through activities on lands adjacent to the eased area. The landowner is allowed to maintain existing drainage tiles on lands adjacent to the eased area.

2) Post any signs on the eased area.

3) Build any structures within the eased area.

4) Dump any trash, manure, ash, or other offensive material within the eased area.

5) Graze any livestock within the eased area.

NOTE: The terms of the easement can be modified somewhat to meet the exact circumstances of the situation as long as the goal of reducing nonpoint source pollution to an acceptable level is maintained.

EXACTLY WHAT TYPE OF PUBLIC ACCESS IS INCLUDED WHEN THE DNR PURCHASES A RIGHT FOR PUBLIC ACCESS?

The public may only enter the eased area from other lands open to the public, and can only travel by foot, snowshoe or ski. No trails will be developed by the DNR unless the landowner signs a separate written agreement to allow the construction

of trails.

WHO DETERMINES IF A PARTICULAR STRETCH OF STREAM IS ELIGIBLE FOR AN EASEMENT?

In the case of NPS easements, this determination is made by the District NPS coordinator, in consultation with Rodney Walter of the central office staff. In the Stewardship program, all sites on designated streams are eligible. The designation of eligible Stewardship streams is determined by the DNR administration acting on the recommendation of the Bureau of Fisheries. If you have questions about the eligibility of any particular stream, contact the appropriate Area Fish Manager and/or Rodney Walter.

CAN A LANDOWNER SELL AN EASEMENT IF THE LAND IS ALREADY ENROLLED IN ANOTHER PROGRAM LIKE CRP OR STATE FOREST TAX LAWS?

In the case of federal CRP land, the answer is yes. If the land is already enrolled in CRP, the Department may still be interested in acquiring an easement in order to ensure that the land remains in permanent vegetative cover even after the end of the CRP program.

With other programs the answer is more complicated. It would depend on whether or not the specific management planned is compatible with the goal of improving water quality. These properties should be evaluated by the District NPS Coordinators on a case-by-case basis, with assistance from the central office staff as needed.

WHO CAN PURCHASE AN EASEMENT?

If the easement is purchased through the NPS program, it is usually purchased directly by the DNR, but it also can be purchased by the County, or any other unit of Government eligible for a grant through the NPS program. If the easement is purchased through the Stewardship program it can be purchased directly by the DNR, or it can be purchased by any not-for-profit conservation organization that receives a grant from the DNR for the purpose of easement acquisition.

WHEN CAN AN EASEMENT BE PURCHASED?

If the easement is purchased by the DNR through the NPS program, it can be purchased at any time during the implementation phase of the appropriate priority watershed project. If the easement is purchased through the Stewardship program, it can be purchased at any time acceptable to the administrators of the program.

HOW LONG DOES AN EASEMENT REMAIN IN EFFECT?

If purchased through the Stewardship program, easements are perpetual and run with the land which means if the land is sold the easement conditions apply to the new landowner. NPS program easements also run with the land. The law provides that NPS easements could be as short as 20 years, but as a matter of policy the DNR does not acquire easements of any type unless they are perpetual.

WHAT ARE THE ADVANTAGES OF EASEMENTS WHEN USED TO CONTROL NPS POLLUTION?

Several key differences between easements and the type of practices included in Cost Share Agreements make easements an important part of the NPS program:

- * Easements are perpetual, so they provide some protection for the watershed even after the landowners' are no longer required to abide by the terms of their cost share agreements.

- * In many situations easements provide the least-cost alternative to correct a nonpoint source pollution problem. In other instances they will cost about the same as engineering alternatives, but may provide a better solution to the problem. Examples of these instances are: situations in which barnyards, feedlots and/or manure storage areas are in the floodplain or on very shallow soils above bedrock, making engineering solutions very costly and limited in potential for success; situations in which livestock exclusion is the only way to protect highly erodible stream banks; soil erosion due to row cropping that could only be controlled by constructing terraces, agricultural sediment basins, or other costly engineering measures. In these, and other instances, an easement provides the means to compensate the landowner for the expense of altering his/her land use practices and the price paid is lower than the cost of purchasing the land outright or trying to design costly engineering fixes that would allow the land use to continue.

- * Easements are a cash payment to the landowner. Landowners who sell easements to the DNR are free to spend the money in any way that they desire. This can be a strong incentive to increase landowner participation in the NPS program, especially if the landowner's share of the proposed Cost Share Agreement is substantial.

- * Easements can provide limited public access and enhance fish and wildlife habitat. (These are **secondary** benefits of NPS easements. Only Stewardship easements can be justified if the primary goal is not the control of NPS pollution.)

HOW DOES A LANDOWNER BENEFIT FROM AN EASEMENT AGREEMENT?

- * The landowner receives the value of the easement in a cash payment.
- * If the easement is made through the NPS program, the landowner can receive a 70% cost share to do necessary bank stabilization including installation of rip-rap, animal and/or machinery crossings, and other engineering work. (These items would need to be included in the CSA and identified in the easement document.) If the easement is made through the Stewardship program the DNR would pay the entire cost of providing rip rap, but only if funding is provided by another source within the DNR.
- * The landowner retains the right to sell, trade or otherwise change the ownership of the land.
- * The landowner, along with the general public, will benefit from the improved water quality and fish and wildlife habitat of the watershed. In instances where the landowner still uses water from the stream to supply livestock, improved water quality can mean improved livestock health as well.
- * In certain real estate markets, (generally areas experiencing residential or second-home development), acquisition of an easement by the DNR can actually increase the resale value of the land if prospective buyers are interested in aesthetic and sport fishery aspects of the property.

HOW IS THE VALUE OF AN EASEMENT DETERMINED?

If the easement is purchased by the Wisconsin Department of Natural Resources, or if it is purchased by a County working through the Nonpoint Source Pollution Control Program of the Wisconsin DNR, the value of the easement must be determined by an appraiser working for the DNR or an appraiser working under contract to the buyer. The purpose of the appraisal is to establish "just compensation" for the property rights purchased. Just compensation means the price that would be paid on the open market by a willing buyer to a willing seller when neither party is under any unusual pressure to complete the transaction.

Appraisal theory and practice are complex topics in their own right, but typically the value of an easement is established by determining the value of the land to be eased before an easement is in place and then determining what the value of the land will be after an easement is in place. The difference between these two values (before minus after) is

considered to be the value of the easement and is the price that the landowner is offered.

WHEN IS THE LANDOWNER PAID?

Easement acquisition is a lengthy process, as is true for most real estate transactions. Many, but not all of the steps are outlined below in the section entitled "Roles and Timeline". Generally after the landowner makes a written offer of an easement to the DNR, the DNR has 90 days to accept or refuse the offer. Before the DNR accepts the offer a title insurance company is hired to verify ownership of the land and to guarantee that the landowner has clear title to the area to be eased. If title problems arise the landowner cannot be paid until they are resolved.

Generally the entire sum is included in one check, but if the landowner prefers, the sum can be divided into yearly payments, plus interest, for a period not to exceed five years.

WILL AN EASEMENT AFFECT THE LANDOWNER'S PROPERTY TAX BILL?

Since the landowner retains ownership of eased land, the property taxes must continue to be paid by the landowner. Under state law, assessors must consider any changes in land use when setting assessments. Whether or not an easement will impact tax rate varies from situation to situation and from County to County. If the landowner is concerned about this issue as a condition of the sale, they are advised to consult their local tax assessor in advance.

WHO WILL MANAGE THE LAND IN THE EASED AREA?

Management of the land becomes the responsibility of the Grantee. If the easement is purchased by a local unit of government or a not-for-profit conservation organization, they would be responsible for managing the land. If the DNR purchases the easement through the Stewardship program, it is the responsibility of the Bureau of Fisheries to manage the land or to designate a site manager. If the DNR acquires the easement through the NPS program, it is the responsibility of the Bureau of Water Resources to manage the land or to designate a site manager.

WILL THE BOUNDARIES OF THE EASEMENT BE MARKED? IF SO, HOW?

In instances where the easement is intended to exclude livestock, the boundary of the easement will be marked by the fence. In the case of those easements that the DNR is not currently interested in fencing, the boundary will either

remain unmarked (usually done if the eased area is a corridor defined in relation to a distance from a stream, or if it is clearly defined in relation to the government land survey system), or, if the boundary is irregular in shape and important to define, the DNR will pay for a land survey of the eased area, which will include physically marking the corners of the eased area with steel markers. When possible, the DNR avoids the added expense of land surveying.

IS THE LANDOWNER EVER ELIGIBLE FOR PAYMENTS IN ADDITION TO THE PURCHASE PRICE OF THE EASEMENT?

Yes. Almost all landowners who sell an easement through the NPS program will also be party to a Cost Share Agreement that will identify what BMP's they will institute and what share they will receive from the County.

In addition to this obvious instance, landowners who sell easements under either the NPS program or under the Stewardship program may also be eligible for relocation payments under rules overseen by the Wisconsin Department of Industry, Labor and Human Relations (DILHR). These payments are completely different from the cost sharing of Animal Lot Relocation as a BMP, even though they may be made to a landowner to compensate for the expense of animal lot relocation as the result of an easement. In fact, if a landowner receives DILHR relocation benefits to compensate them for the cost of relocating an animal lot due to the terms of an easement, they are not eligible for Animal Lot Relocation as a cost shared BMP for the same animal lot. DILHR has very specific guidelines for the determination of eligibility for benefits and for what the benefits can be used for. This section will only summarize several important points.

After the easement has been appraised, if the landowner is seriously interested in selling the easement, employees of the DNR's Bureau of Real Estate will determine if the landowner is eligible for DILHR relocation benefits. If the landowner is eligible, the Bureau of Real Estate will draw up a DILHR approved relocation plan that will specify which benefits the landowner is eligible for and a maximum amount that they are eligible for for each benefit.

The landowner can be informed of their eligibility and what benefits they are eligible for before they sign any papers to commit them to selling an easement. That means the landowner will know both what price the DNR is offering for the easement and what they are eligible for in DILHR relocation benefits before they have to decide on the easement sale.

If the landowner decides to sell the easement they will get paid for the easement as soon as the DNR accepts their offer and determines that the title to the land is clear. The landowner will not be paid any DILHR relocation benefits until they submit receipts showing that they incurred expenses within the categories specified by the plan. At that point they are reimbursed for their expenses up to the amount that they actually spent on a particular category within the plan, or the amount specified in the plan, whichever is lesser.

ROLES AND TIMELINE: WHO DOES WHAT WHEN?

Since every real estate transaction involves different variables, and since each district has slightly different operating procedures, I can only summarize some of the key stages in the process and discuss the most likely set of actors at any one stage. For the sake of simplicity, the following discussion is limited to those instances in which a NPS easement is acquired by the DNR. If the Grantee is someone other than the DNR, the procedures are specified in the Real Estate Handbook. If the easement is acquired through the Stewardship program, rather than the NPS program, the process will be similar, but approval would come from the Bureau of Fisheries, not NPS program staff. In short:

* District NPS Coordinators and LCD staff discuss where easement acquisition would be desirable, based on the watershed plan.

* LCD staff approach appropriate landowners to determine their interest in selling an easement at the same time that CSA's are discussed.

* LCD staff and/or District NPS Coordinator develop an easement proposal to include: Watershed, affected water body, Town, Range, Section, 1/4 Section, Landowner Name, type of easement proposed (NPS Corridor or Critical Area Stabilization), map showing proposed boundary of easement, approximate acreage of easement, statement of purpose for the easement, statement that the easement is eligible under the Watershed Plan and why.

* District NPS Coordinator approves the proposal and recommends it to central office (Rodney Walter).

* Rodney Walter reviews the proposal for consistency with the Watershed Plan and to package the proposal in a form for processing by the Bureau of Real Estate. If clarification is needed, Rodney contacts the District NPS Coordinator for more information/clarification.

* Rodney approves the proposal and sends a "Documentation Memo" to Becky Wallace with cc to District NPS Coordinator, or if significant questions/important new policy precedents are included he passes the proposal to appropriate central office NPS staff for further review.

* Rodney works with the District NPS Coordinator and/or the LCD staff to fill out an "Appraisal Request Form" for the easement. (Sample of form attached. Note: Southern District and Southeast District use different forms.)

* Appraisal Request Form is submitted to the appropriate Area Land Agent for appraisal contracting.

* Area Land Agent appraises property or contracts with a private appraiser to appraise property.

* Bureau of Real Estate staff review the appraisal. If it is satisfactory, they will meet with the landowner to explain the offer and negotiate the easement.

* If the landowner agrees, he/she signs the easement. **AT THIS POINT THE LANDOWNER IS COMMITTED TO SELL IF THE DNR ACCEPTS THE OFFER. BEFORE THIS POINT, THE LANDOWNER CAN REFUSE AT ANY POINT AND THE DEAL IS OFF.**

* The DNR has a specified number of days, usually 90, to accept or reject the offer to sell the easement. Rodney will move the offer through the appropriate administrative approval stages, including checking with the District NPS Coordinator to ensure that the landowner has signed a CSA.

* The DNR accepts the easement and informs the landowner that they will receive payment as soon as title is found clear.

* Bureau of Real Estate staff order title insurance for the area to be eased, work with the lien holders and the landowner to resolve any liens against the property and issue a check to the landowner as soon as title insurance is issued.

* Rodney informs District NPS Coordinator and Becky Wallace that the easement acquisition is complete.

WHO DO I CONTACT FOR MORE INFORMATION?

Contact your district Nonpoint Source Coordinator, or if they prefer, feel free to contact me directly:

Rodney Walter, PM/4
Wisconsin DNR
POB 7921
Madison, WI 53707
(608) 264-9230

APPRAISAL REQUEST INFORMATION

Landowner Name _

Address: _

Phone: _

Easement Form: _(circle one)

NPS Corridor

NPS Critical Area

Stream Bank (Stewardship)

Special Conditions, if any: _

Public Access Included? _

Legal Description of Entire Ownership: _

Legal Description of area to be eased: _

Acreage of eased area: _

Length of frontage: _ How determined? _

Attachments:

Plat map _

Detail map _

Deeds _

Tax data _

Other? (tax maps, zoning, etc.) _

I _____ owner of the above property have received a copy of the proposed easement and hereby give the Department of Natural Resources, its agents and employees permission to inspect my property for the purposes of appraisal. I understand that I am under no obligation to sell any interest in my property.

If you have additional questions, please contact: _
rev. 1/23/93 phone _

Also incl. est of pollution reduction.

