

WISCONSIN LANDSCAPES

Citizens United for Responsible Land Use

A Quarterly Newsletter of 1000 Friends of Wisconsin & 1000 Friends of Wisconsin Land Use Institute

Volume 5, Issue 3 Fall 2001

The state budget signed into law in late August by Governor Scott McCallum contained another dramatic increase in the state Stewardship Fund. The Stewardship Fund is our state's land acquisition program for public outdoor recreation and habitat protection.

For the last three years, 1000 Friends of Wisconsin's goal has been a \$60 million per year program. Two years ago, the program was reauthorized to run through the year 2009 at \$46 million per year. While we fought hard for that increase, which doubled the program from the \$23 million per year that it had been held at since 1990, we knew we needed to do more. Land prices had more than doubled since 1990 and even at \$46 million per year the program's buying power was only returned to 1990 levels.

The Senate Democratic Caucus included our \$60 million per year proposal in its version of the state budget in July. The Assembly Republicans did not include the increase in their version. In fact, they cut the program slightly. But in negotiations between the houses, the Senate held firm and the higher level was included in the budget sent on to the Governor. Finally, Governor McCallum, who could have line-item vetoed the increase, chose to approve it instead.

The Power of Numbers

At every step of the process we asked our members through our email network and through direct mail pieces to contact their legislators and the governor. State officials reported being swamped with messages in favor of the larger program. There is no question that 1000 Friends members helped make the difference.

60!

(If you would like to be added to our e-mail network, write us at friends@1kfriends.org. You will receive periodic updates on state issues related to land use and suggestions on which state officials to contact.)

The successful lobbying effort included our partners, The Nature Conservancy and its Government Relations Director Jordy Jordahl, Gathering Waters Conservancy and its Executive Director Vicki Elkin, and the umbrella group the Alliance for the Stewardship Fund, which represents 80 local conservation organizations. None of us could have accomplished this alone. It was really a victory for the entire Wisconsin conservation community.

What It Means

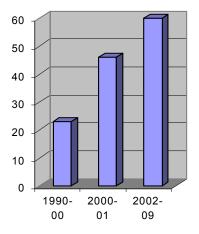
The Stewardship Fund has its roots in Governor Gaylord Nelson's Outdoor Recreation Act Program of the early 1960's. That program was strengthened later on in that decade by Governor Warren Knowles, but the program was allowed to deteriorate in the following decades until it was revitalized by Rep. Spencer Black as the "Stewardship Fund" in 1990.

This increase puts our state back among the leaders in conservation programs. Over the remaining eight years of the new program, a total of \$112 million, or almost \$600 million over the full ten year course of the program, will be invested in conservation statewide. The increase translates to about another 50,000 acres of protected land — for a total that may approach 300,000 acres added to

public conservation lands by the end of the decade. It means park expansions, trail extensions, better upkeep of park facilities, increased protection of our native biological diversity and more. The timing of this increase is especially important as thousands of acres of forested land and pristine northern lakes are currently coming on the market from paper and timber companies that have held them for many decades.

Land acquisition is very often a oncein-a-lifetime proposition. When a piece of untouched land is available, the Department of Natural Resources needs to have the ability to act. At \$60 million per year, they will have the resources to protect key pieces of land. At a cost of only about twotenths of one percent of the state budget, we can protect land permanently for our children and their children to enjoy.

Growth in the Stewardship Fund In Millions Per Year



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The Enduring City

One of the best things about America during the recent tragedies has been taken for granted by just about everyone: there was never any question that New York was part of us. That may seem like a given, but Americans have been at best ambivalent about cities and often openly hostile to them. New York, as the biggest of our big cities, has often come in for the worst of it, but not this time.

Americans saw New Yorkers coping heroically. Police, fire and volunteer rescue workers defied the danger and exhaustion, others gave blood beyond the need, and the mayor was described by one observer as Winston Churchill in a Yankees cap. In response, help poured in from around the country.

It might not be too optimistic to think that this is the turning point in how Americans view cities. Despite great fires and earthquakes, despite disastrous "urban renewal" programs, despite expressways tearing them apart and tax structures that punish them and reward their suburbs, despite everything we can throw at them cities have endured. They've endured because there is something about them that we like; something we have not expressed nearly as well as our seemingly endless expressions of affection for the small town and the natural world.

Cities have sheltered us as immigrants, they've nurtured the development of our culture, they've been our economic workhorses, they've been refuges of tolerance in times of intolerance, and they have been good to our environment. The environmental footprint of the average city resident is much smaller than that of his suburban cousin. Yet, Americans have never really loved their cities. As Wisconsin writer and farmer Justin Isherwood has written, "Every time the wilderness is held up alongside an equal portion of city, people choose wilderness as the inherent good. We admire the diversity of nature, but not the same complexity in metropolis."

But on September 11th, America's biggest city showed selflessness and courage and determination – the same things that exist in every city in America. There is a line embedded deep within one of our most beloved national hymns. Maybe now we will not always stop at the first verse, no longer content just to sing of spacious skies and amber waves of grain, but to sing of *all* the things that make America what it is. Because despite everything, even the senseless destruction of madmen, our alabaster cities still gleam.

David Cieslewicz

Director, 1000 Friends of Wisconsin, Inc.

Welcome New 1000 Friends Inc. Members!

Friends (\$100 to \$249) Benish, George W., 2234 Brandt, Janet & Mike, 2216

Regular (\$35 to \$99) Costa, Dave & Jim Henry, 2229 Danial, Eddee, 2233 Pavelko, Dan, 2222 Richard, Jane, 2223

THANK YOU!

1000 Friends, Inc. & the Land Use Institute want to thank member/volunteer **Barb Irvin** for her tireless efforts to ensure all our computers are running smoothly.

We would also like to thank **Matt Otto** of the DNR for his help researching brownfields and redevelopment projects for our new website, www.picturesmartgrowth.org and for donating his computer to our offices.

Another thank you goes to **Sue Nelson** of Mintz Kelly Associates for donating computer CPUs through Community Shares to our offices.

The Silver Lining

My mind, like everyone else's nationwide, is flooded with thoughts and sadness for the events that occurred on September 11, 2001.

My parents live in New York City so the first day of the terrorist attack was especially terrifying as I wondered if they were OK; thankfully, they are. I have talked to them two to three times a day since the attack to see how they're doing and how the city is handling this traumatic event. Like all of us, they go through the day in a zombie-like state: wanting to help in any way possible, standing in long lines to give blood, keeping windows closed to keep out the air now full of debris. But like my parents, I am an optimist and am constantly looking for the silver lining.

If there is a silver lining to this tragedy, it is found in the camaraderie and unified spirit of New Yorkers. My parents report to me how everyone offers smiles to one another while crossing the street. They stop and talk longer to their neighbor or grocer or busdriver. They stop and thank the police and firemen they pass during daily chores. The lines that often separate – blue collar versus white collar, black versus white, rich versus poor, young versus old – have been erased and the people of that city have a newfound unity in their joint efforts to recover and rebuild.

New York City, perhaps more than any other city in the world, is an integrated one – from CEOs, to firemen, to trash collectors – they all live and work in close proximity to provide the vital services that make that city what it is.

So many of the communities we have built in the past five decades lack the integration of New York. Communities are separated by income level, by color, and by distance. We get in our cars alone to travel to work, shop and play. And I am afraid that in times like this – when we need each other more than ever – these divisions don't allow us vital interdependence. You may feel that New York City is too dense – and it is for many of us. But it was built in a way that fosters human contact – which is so important in times like these.

I know that all our members join me in sending thoughts and prayers to the friends and families of those who passed away in New York – as well as in Washington, DC and Pennsylvania. Thankfully, in addition to the support of the country, they also have each other – joined by bonds that are now stronger than ever before.

Andrea J. Dearlove

Director, 1000 Friends Land Use Institute

Welcome New 1000 Friends Institute Members!

Friends Society (\$500 to \$999) Village of Poynette, 2225

Friends Fellowship (\$250 to \$499)

Cornue, Virginia, 2231

Friends (\$100 to \$249) Sisters of St. Dominic, 2228 Fox, Robert & Barbara Holly-Fox, 2218 Griffin, Roger, 2221

Horvath, Bill, 2217

Thimmesch, Charles, 2220

Regular (\$35 to \$99) Brooks, Loren, 2230 Knezevic, Anne, 2226 Koegler, Scott, 2232 Kroenke, Mike, 2224 Pavelko, Dan, 2222 Ryan, Susan, 2227 Town of Dunn, 2219

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Protecting the Kettle Moraine — A New Land Use Institute Initiative

Paul G. Hayes, Cedarburg, is a retired journalist, co-chair with Betty Jo Nelson of the Mid-Kettle Moraine Partners Group, third co-chair of the Kettle Moraine Task Force, vice president of the Ice Age Park and Trail Foundation, and a founding member of 1000 Friends. He contributes this guest article to the 1000 Friends newsletter to introduce our

In the mid-1930s, the Wisconsin Department of Natural Resources created the north and south units of the Kettle Moraine state forest, to protect in perpetuity that elegant landscape of braided ridges, eskers, kettles and kames sculpted by the great Wisconsin glacier. These two state forest units have since become two of Wisconsin's most-used recreation areas.

The initial concept for the Kettle Moraine State Forest was a continuous green belt from mid Sheboygan County to deep in Walworth County. The forty-mile gap that remains between the north and south units resulted from rising land prices and some local opposition. Urban sprawl, highway development and gravel mining have been, and continue to be, constant threats to those irreplaceable remnants of the Ice Age.

In 1995, a renewed effort to close the gap began when Henry S. Reuss, former Congressman from Milwaukee, told a gathering of the Wisconsin Academy of Sciences, Arts and Letters that the 1930s dream of Wisconsin conservationists should be revived.

The outcome of the speech was the formation by the Wisconsin Academy of the Kettle Moraine Task Force, co-chaired by Reuss and Ody Fish, then Academy president. Its 12 other members included some Academy stars in ecology, education, geology, biology, science, law and communications.

The task force wrote two reports that outlined actions to link the

north and south units, using the Ice Age Trail, which follows the Kettle Moraine ridge, as a backbone. Luckily, some stunning glacial features had already been protected, including Pike Lake State Park, Holy Hill and Loew's Lake in Washington County, and Hartland Marsh and Lapham Peak State Park Waukesha County. The reports recommended their expansion.



Picture courtesy of the Ice Age Park & Trail Foundation.

Fish and Reuss asked George Meyer, then Secretary of the DNR, to have his department coordinate the work of private and public agencies. Meyer thought the concept good but wanted a mandate from the governor or the Wisconsin legislature.

He got both. Then Gov. Tommy Thompson provided support in a letter and both the Senate and Assembly overwhelmingly passed Joint Resolution 48 on January 13, 1998. Effective support before the legislature came from 1000 Friends.

In February 2000, Meyer outlined the DNR's Mid Kettle Moraine policy calling for new efforts to expand the north and south units of the Kettle Moraine State Forest and the Ice Age Trail corridor, and to protect critical natural areas within the corridor. The DNR's Paulette Harder was retained to coordinate the Mid Kettle Moraine project among local governments and citizen groups in southeastern Wisconsin.

The DNR initiative has successfully brought together the following groups to work towards the protection of this valuable and cherished resource: the Ice Age Park and Trail Foundation, 1000

Friends, the DNR, the Southeastern Wisconsin Regional Planning Commission, Waukesha and Washington County parks departments, the Cedar Lake Conservation Foundation, the Ozaukee-Washington Land Trust, the Waukesha County Land Trust and city town and village governments in the corridor.

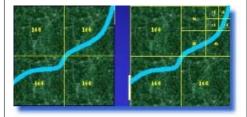
Local land trusts and agencies that can buy land are stitching the mid-Kettle Moraine together like a quilt. To complement their efforts, Harder, 1000 Friends' planner Nick Lelack and I have visited several affected local governments and realtors to explain our goals and encourage them to incorporate their protection goals into local "Smart Growth" plans. We find little or no opposition.

Good ideas are like trick birthday cake candles; they burst into flame again and again. We hope that this flame will continue to reignite until our wish — to protect this vanishing landscape — has been granted.

Forest Fragmentation — The Sprawl of the North

Forested land covers nearly 50% of our state's area and is an important part of the identity of the part of our state affectionately known as "northwoods." These forests provide resources for biological diversity, the pulp, paper and lumber industries and recreational activities including hunting, fishing, hiking and birdwatching. They enhance air quality, benefit waterways and provide wildlife habitat. And they represent a mythic sort of refuge to many of us — a secluded place to get away from it all.

Unfortunately, forestland in Wisconsin's north county is being parceled and sold off into smaller and smaller lots, and accordingly, much of what has come to define the northwoods – solitude, quiet lakes, abundant wildlife – is disappearing. Fragmentation of our



northern woods is another form of sprawl.

Where is Forest Fragmentation Occurring?

Although forest fragmentation and forestland use conversion is an issue throughout the state, the real hotspots are in the northern counties. This trend is occurring at an increasing pace as large tracts of forest in northern Wisconsin, previously owned by paper companies, are being sold in small parcels to new landowners and as highway access to previously hard-to-get-to areas is increased.

The Problem, in a Nutshell

Wisconsin's forests provide both livelihood and leisure to residents and visitors. Unplanned, haphazard development and increased road access have significant impact on our forests and erode our uses of this resource:

RWisconsin's wood products industry is the second largest manufacturing sector in the state, employing 96,000 workers. Eighty-two percent of our timber harvests come from private lands. Forest product-based economies are seriously impacted by reduced availability of resources, higher removal costs and increasing conflict among landowners regarding goals for use of the forest.

RSpecies that depend on continuous forest cover, as well as air and water quality, are threatened by fragmentation and forest conversion.

RRecreational forest users are impacted by decreased access to private lands, conflicts between new and traditional recreation uses and lost opportunities for solitude.

RLocal governments find themselves facing increasing infrastructure costs in efforts to respond to service demands and

serious planning challenges.

While the current fragmentation picture looks troubling, predictions for what our northern forests could look like should population and development trends continue is of greater concern still.

Friends' Forest Fragmentation Project

Thanks to a grant from the Wisconsin Environmental Education Board, in August 2000, the 1000 Friends Land Use Institute hired retired DNR forester John Grosman to lead a one-year pilot project; designed to work with forest owners, business leaders and decision makers to find ways and means to address the causes and effects of forest fragmentation.

Project work over the year focused on:

- 1) Collecting and synthesizing forest cover, land ownership and population trend data.
- 2) Providing a series of local landowner workshops to discuss causes, effects and solutions. Workshops were held throughout May & June in Ashland, Eagle River, Spooner and Wisconsin Rapids.

3) Hosting a statewide forum (held in Wausau on July 12), for business leaders, government officials and members of forestry organizations to respond to local opinion and address innovative and effective solutions.

Throughout these workshops, we heard from landowners and local decision makers across the northern half of our state offering ideas for how we might work together with forestowners to improve the outlook for the long-term health of our forests.

Recommendations

Based on guidance from landowners and forest industry representatives, the forest fragmentation taskforce (including Northwest Regional Planning, Forest Service Research, UW-Extension, UW-Madison Forestry, the Wisconsin Woodland Owners Association, the DNR, Trees for Tomorrow, and UW-Stevens Point, among others) made the following recommendations to 1000 Friends:

- 1. Encourage the DNR to hire additional forestry staff to meet demands for enrollment in the Managed Forest Law program.
- 2. Review property assessment rules with the Department of Revenue.
- 3. Change state law to require assessors to recognize the value of lands enrolled in conservation easements.
- 4. Continue efforts to enhance livability in cities.
- 5. Research methods for retaining large blocks of forest land via tax and other incentives.
- 6. Partner with forestry organizations to more fully integrate forest preservation issues into natural resource planning under Smart Growth.

Over the coming months, 1000 Friends will be working to follow up on these recommendations and to address devoting organizational resources to forest fragmentation on a

Wetland Protection Exemptions Declared Unconstitutional

By Lisa MacKinnon, Staff Attorney, 1000 Friends Land Use Institute

The environment and the citizens of Wisconsin won a precedent-setting victory in August in a decision handed down by the Trempealeau County Circuit Court.

In November, 1999, five environmental groups — 1000 Friends of Wisconsin, The Sierra Club-John Muir Chapter, Wisconsin Wetlands Association, the River Alliance of Wisconsin and Wisconsin's Environmental Decade — filed a lawsuit challenging the constitutionality of a provision included in the 1999-2001 State Budget Bill. The provision would have exempted Ashley Furniture Industries in Arcadia and the Stout Technology Park in Menomonie from the state's wetland protections and other environmental regulations.

We challenged the wetlands exemption arguing that it was a private or local bill enacted in a large, multisubject budget bill by the legislature in violation of the Wisconsin Constitution.

The wetland protection exemption was a bad move because it would have allowed these companies to fill almost 20 acres of high quality wetlands, but the exemption also had broader implications. If these companies were allowed to bypass state environmental regulations without any oversight or participation by the public, it could have signaled the beginning of a budget free-for-all for other private interests hoping to quietly exploit the environment in Wisconsin without being subject to any regulation or public comment.

What made the exemption even more offensive was that the trail of campaign contributions from its beneficiaries led right to the doorsteps of the legislators who sponsored it and Governor Thompson, who ultimately signed the bill.

We are very pleased that the court issued a decision in our favor and declared this exemption "a private or local law which was not adopted in accord with the Wisconsin Constitution and [is] therefore null and void." The court in this case has spoken very clearly in favor of upholding the State Constitution and protecting the environment in the face of corporate campaign influence.

This decision is a victory not only for the environment but also for democracy in Wisconsin. The lands of Wisconsin belong to all its citizens and the future of those lands should not be decided by special interests behind closed doors.

We would like to thank Attorneys Glenn Stoddard and Diane Milligan of Garvey & Stoddard for their work on this case, and for their willingness to do much of it pro bono. As of this writing, Ashley Furniture Industries had not yet indicated whether they would appeal this decision to the Court of Appeals.

For more information, please visit our website at http://www.lkfriends.org/legislative/AshleyComments.shtml.

NOTE: The case citation is Sierra Club, et al. v. Ashley Furniture, Inc. et

Legislative Update — More Progress

The 2001-03 state budget recently signed into law by Governor Scott McCallum builds on the progress in land use reform we began last session. The budget includes increases in key budget items while some of the worst budget provisions were vetoed. Finally, on some issues we will need to fight another day. Here are the highlights.

The Good Stuff

Stewardship. The budget increases this land protection program from \$43 million per year to \$60 million per year. Because of this increase about 50,000 more acres will be protected through 2009. (See cover story.)

Smart Growth Planning Grants. This state aid program for local planning efforts was increased by 75% to \$6 million over the next two years.

Smart Growth Data Set. This budget provision requires state government to establish a web-based one stop shopping center for information within state government that local governments need to do their Smart Growth plans. When it is up and running some time next year, it will make good planning easier and less expensive.

Bad Items Vetoed

The Governor also vetoed three bad policy items from the budget.

Department of Forestry. We fought against this ill-advised provision, which would have split management of our state forests and private forestry programs from the Department of Natural Resources. This was a thinly veiled attempt to begin a divide and conquer strategy of the DNR. If this had succeeded, the next attempt would have been to split off state parks and on and on until regulatory programs of the DNR were isolated and strangled. Most importantly, this provision ignored Aldo Leopold's wise advice to manage our natural resources as a whole.

Continued on page 7...



This new feature of our newsletter will allow us to update you on our constantly evolving website — in the case that you haven't visited us online lately!

New features you will find at www.1kfriends.org include:

⇒Our 2001-2003 legislative agenda, Wis Conservation

⇒A "Citizen Tool Box" section that answers many of your frequently asked questions about the Smart Growth law and tools for responsible development

Starting September 15th, our site will feature a link to a new, spin-off site called "Picture Smart Growth." This site (also found at www.picturesmartgrowth.org) shows what smart growth actually looks like — on a variety of scales. You will see attractive affordable housing units that protect neighborhood property values, you will see retail chains that have adhered to local design standards,

1000 Friends Land Use Institute a New Community Member Agency of Community Shares of



Community Shares of Wisconsin Begins 2001 Fundraising Campaign

This year, the 1000 Friends Land Use Institute was accepted as one of the Community Shares of Wisconsin member agencies and can now receive funds through their workplace giving program. Celebrating 30 years of advocacy and activism. Community Shares has a rich tradition of supporting nonprofit agencies working for social, environmental and economic justice. Their payroll deduction campaigns at workplaces throughout Dane County give you an opportunity to contribute to the 1000 Friends Land Use Institute and the 40 other agencies supported by Community Shares.

There are many benefits from giving at work including being asked to give only once a year and the convenience of payroll deduction. And when you make a designation to the 1000 Friends Land Use Institute through Community Shares, 100% of your gift comes to us and provides us critical funds for our mission to protect Wisconsin's urban and rural landscapes.

If you are a public sector employee (state, university, city, county, school district or federal government), look for us listed in the Community Shares section of your fall 2001 campaign brochure.

If you are a private sector employee, you may receive Community Shares of Wisconsin materials as part of your fall campaign. Community Shares is currently included in over 50 worksites. If we are not part of your employee campaign and you would like us to be, contact Community Shares csw@communityshares.com or call 256-1066.

Thank you for your generous support, not only for the work the Land Use Institute does but also for Community Shares of Wisconsin and the other nonprofit agencies working to promote a fair, humanitarian community.

Legislative Progress, continued...

Billboard Blight. The Governor also vetoed a provision that would have allowed billboard companies to clear cut trees in front of their signs in publicly owned highway rights of way - without even having to ask for the state's permission. This was an outrageous power grab by the billboard industry. It backfired and gave new life to a bill that would create a fund to buy and tear down existing billboards. We are working for passage of this billboard removal bill, SB-219.

Stewardship Earmarks. The budget contained several inappropriate earmarks of Stewardship Fund dollars. The governor vetoed some of the worst of these, including a skateboard park in Menasha.

A Few Losses

The Governor did veto two provisions that we lobbied for. Lifecvcle cost estimates for major highway projects would have required the Department of Transportation to estimate the complete cost of building new roads, including the cost to build, maintain, police, repair and rebuild them over twenty years. believed that this would have made the Legislature look before they leaped into massive highway expansion projects. And he also vetoed an extension in the life of the Dane County Regional Planning Commission, now set to expire in October, 2002.

In addition, long negotiations on tax

incremental finance reform and the agricultural preservation program resulted in greater understanding among the parties on those issues, but no concrete proposals that we could advance in the budget. Finally, the Wisconsin Historic Preservation Trust and the Conservation Tax **Credit** were not included in the final budget sent to the Governor. We will keep working on these issues in separate bills.

1000 Friends of Wisconsin & The Land Use Institute

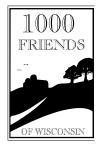
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 Success on the Stewardship Front

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