

Freedom Matters

A Weekly Newsletter

Dane County, Wisconsin

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We are a free people in a republic, under a constitution which limits the powers of government to those necessary to secure the unalienable rights of each person to their life, liberty and property. Yet, when a legislature is in session, no one's life, liberty or property is safe. It's the curse of a democracy. That's why we have a republic instead. *Freedom Matters* dedicates itself to the fight to restore our republic. Most of the press and courts fail to do so. They've forgotten that freedom matters.

THE SAUK COUNTY PRESERVATION PROGRAM - IT'S FOR THE BIRDS

By Audrey Parker and the
Glacial Area Conservancy Federation, Inc. (GACF)
Baraboo, Wisconsin

How did Sauk County get into this fix? Our county employees, in the persons of the Planning and Zoning Staff, are pushing the county board to approve a far-reaching program, called the Sauk County Preservation Program, which has unspoken motivations and consequences.

In politics, things are seldom what they are called. The Sauk County Preservation Program is no exception. It is not a preservation program. Baldly put, it is a sell-out of local control.

It began in the 1960s, when the National Park Service (NPS) started the National Natural Landmarks (NNL) program, and when the Wisconsin DNR targeted the Baraboo Hills for eventual public acquisition. Soon after, the NPS designated the Baraboo Hills as an NNL. In the 1970s, according to Range Magazine (Spring Issue, 2003), the NNL program became an environmental espionage and land-targeting program. Nationwide, 587 NNLs were designated, and another 3,029 proposed for designation, before landowner outrage sent the NNL program into moratorium in 1989. NPS admitted in 1990 in the Federal Register that some NNL onsite evaluations and designations were done without appropriate notification or consent of the legal landowners. The NPS was thus forced in 1999 to give landowners a chance to opt out of the Baraboo Range NNL (BRNNL).

NPS did their best to hide this from the landowners. In May of 1999, they announced the opt-out period in a Baraboo newspaper by publishing a 2 by 2 inch ad in a font too small to read. However, the ad was discovered by two grandmothers, who enlarged it to make it readable and went door to door in the NNL to notify landowners. Their effort evolved into the Glacial Area Conservancy Federation, Inc. (GACF).

Private Landowners of Wisconsin (PLOW) also acted to inform landowners of the opt-out.

By September, 240 had opted out of the BRNNL, and more opting out daily, out of approximately 700 homes in the NNL. The Federal Register had stated that if more than half opted out, the NNL designation would be removed. Now, NPS was worried. In a letter to Assembly Representative Sheryl Albers, NPS claimed 2000 landowners in the BRNNL, while by letter to GACF dated Sept. 17, 1999, NPS claimed 1000 landowners in the BRNNL. Two Sauk County newspaper articles claimed only 700. Mike Gallagher, NPS agent, then said that 700 was probably accurate. GACF checked records and counted almost 700.

Later, NPS said the area was larger than shown in the ad, and claimed another 100 landowners in the 50,700 acres of the BRNNL. If so, that made 800.

When the deadline arrived, 450 had opted out, more than half. Gallagher admitted to GACF on 3-30-01 that over half the area opted out, but NPS reneged on removing the NNL designation. Gallagher said there would always be a BRNNL. He wrote that a new map would be drawn to include only the land not opted out. Two years later, still no map. When called recently about it, he said, "I will look into it."

Enter the Memorandum of Agreement (MOA) on the BRNNL. March 29, 1999, it was signed by NPS, by U.S. Fish & Wildlife Service, by WI Department of Natural Resources (DNR), by Nature Conservancy, by the Baraboo mayor, the Federal Highway Administration, Dane County Executive, Sauk County Administrative Coordinator, the U.S. Environmental Protection Agency, Governor Thompson, et al. This MOA agreed to widening U.S. 12 in return for money to get control of the 50,700 acre BRNNL.

To implement the MOA, the Sauk County Board set up the Baraboo Range Commission, on advice from Planning & Zoning, and directed it to buy easement/development rights in the Baraboo hills from "willing sellers" (the MOA expressly forbids

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condemnation). To fund this, the MOA provided \$5 million out of highway appropriations. Another \$5 million in Knowles-Nelson stewardship funds was later added by the state legislature, to be matched dollar for dollar by non-state funds. All tax dollars.

The NPS was legally committed to allow landowners to opt out of the BRNNL, so we see no authority by which the NPS could legally agree to a BRNNL which would include landowners who opted out. Yet, the Baraboo Range Commission asserts that it may use funds earmarked by the MOA for the BRNNL in order to buy conservation easements/development rights on land legally opted out of the BRNNL. At best, this is bad faith; at worst, it is illegal.

Besides buying up the BRNNL, the MOA also offered \$250,000 spread over 5 years for the purchase of conservation easement/development rights in ALL of Sauk County. To implement that, Sauk County staff now proposes a Sauk County Preservation Program (SCPP). They held two public meetings just before Christmas and two since, on the proposal. The opposition they encountered set them back, and they are scrambling to find support, before taking this proposal to the Sauk County Board. If implemented, county staffers are touting that this would be the first county-wide purchase of easement/development rights program in the State of Wisconsin.

It is one thing to propose "protecting" the Baraboo Hills from development. It is quite another thing to propose "protecting" land all over the county. The south range of the Baraboo Hills constitutes the 50,700 acres originally in the BRNNL. That amounts to about 12% of the area of Sauk County. Why then target land in the rest of Sauk County?

One answer lies in a map representing the Wildlands Project, championed by a number of environmentalists and environmental organizations. In that map, all of Sauk County is shown as an area to be returned to wilderness, with little or no human activity permitted in it. We believe this is the ultimate aim of the Sauk County Preservation Program. For example, the Wisconsin DNR has been busy implementing features of the Wildlands Project, such as taking out dams to return rivers to their wild state, as it did for the Baraboo River. Another feature is the reintroduction of wolves, bears and cougars, to reconstitute the predators necessary to the Wildlands project. Another is the establishing of the environmental corridors that are to link the various wildland core areas.

Decapitalization of land is a critical step in the Wildlands Project. Conservation easements

development rights are a tool for decapitalization. Those easements divide ownership of the land, thus blocking further development of it. Later, a creeping enlargement of the rights of the holders of the conservation easements (e.g., through lawsuits over endangered species and critical habitat, etc., if necessary), will eventually block all uses of the land. Long before that, however, Sauk County would be devastated by ever increasing amounts of land locked up in conservation easements. *Other states have already seen this scheme, and are considering laws to rein in the legal rights and tenure of conservation easements.*

Conservation easements, in decapitalizing the land, take it out of the economic base of the county, and of the nation. Already, here in Sauk County, some lending institutions will not accept easement land as collateral for loans. At that point, the land is decapitalized. Thus, long before the Wildlands Project has achieved its goal of wilding more than 50% of the land area of the coterminous United States, the prosperity of the United States will be greatly diminished. That of Sauk County is to be so diminished that there will no longer be an economic base in the county capable of supporting human habitation.

Loss of local control. One can see the loss of local control by the nature of the conservation easements established by the MOA, and being pursued by the Baraboo Range Commission. Not only the **state**, but also **The Nature Conservancy (TNC)**, are parties to the MOA. That gives TNC the standing to sue to enforce the MOA; i.e., to enforce any conservation easements purchased under the aegis of the MOA.

TNC is a \$3 billion private entity that controls over 10,000,000 acres of land in the U. S. That's an area the size of Switzerland. The TNC also controls millions more acres outside the U.S.A. Every conservation easement purchased in Sauk County under the MOA therefore sells control of that land to the TNC, as well as to the State of Wisconsin. By that mechanism, that land is forever lost to *the local and economic control of Sauk County and its citizens.*

Action

The Sauk County Board should vote to retain local control. Therefore, it should refuse to extend the conservation easement program set out in the MOA to any part of the county outside the BRNNL. It should explore the legality of the agreement whereby it sells control of county land via conservation easements enforceable by non-governmental entities such as TNC. The ultimate future of Sauk County lies in its land, and that is what is at stake.