

# Freedom Matters

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Dane County, Wisconsin

Preserving Property Rights

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Our republic limits government to securing individual unalienable rights to life, liberty, and property. These rights are eroded by legislatures, and by courts complicit with them. To encourage wise jurists and journalists to help, *Freedom Matters* dedicates itself to the fight to restore that republic.

## Sauk County's Board Saved Sauk County from the Baraboo Range Commission

by Bob Bowman

Sauk County is in a fight for its life. The latest round was at the county board meeting of August 21, 2007.

This fight first got serious when Sauk County ran into the ambitions of Dane County Executive Kathleen Falk. The issue was the upgrade of Highway 12 to four lanes from Madison to the Dells. Sauk County favored it. Environmentalists in Madison opposed it. Enter their champion, Falk. At the last minute, she held up federal funds for it. Wisconsin's Department of Transportation (WisDOT) then moved to build it with state funds, leaving Falk to take the blame for blocking federal funds.

Falk caved. The result was a March 1999 Memorandum of Agreement (MOA) signed by Falk, WisDOT, The Nature Conservancy (TNC), Wisconsin (Governor Thompson), the U.S. **National Park Service**, Fish and Wildlife and EPA, and yes, Sauk County. In return for \$10 million of state and federal funds to buy easements in the Baraboo Range National Natural Landmark area, as mapped by the U. S. National Park Service *just before half of its landowners legally opted out of it*, plus other land use pay-offs for Dane County, Falk dropped her active opposition to WisDOT's plans for Highway 12.

Thus, in July 1999, the Sauk County Board created the Baraboo Range Commission (BRC). It first met in **April, 2000**, tasked with negotiating conservation easements on private land in a **falsely inflated** Baraboo Range "NNL" (~50,000 acres). You see, **private landowners** had been omitted from the MOA and its implementation, and by October 1999, most of them **legally opted out** of the U.S. Baraboo Range NNL. So, most landowners in the **inflated "NNL"** saw it and its easements as a government scam, and refused to give up or sell away their rights. Thus, after spending seven years and \$5 million, the BRC locked up but 3071 acres of the 50,000.

Yet, encumbering land in the Baraboo Range "NNL" was, as it turned out, a cover for a far more ambitious agenda, namely, for government to obtain controlling rights on **all rural land** in Sauk County. That would take away the tax base of 90% of the county, destroying it as a county. Sauk county would end up being one huge nature preserve, displayed ever after as a monument to a cult-like extremist nature movement.

The seed for this larger ambition was planted in the MOA as a provision for the county to extend conservation purchase rights to the **entire county**. The MOA provided a quarter of a million dollars in start-up funds for that. In September 2004, the BRC first tried to activate those funds by asking the county board to create a "Sauk County Preservation Program" (SCPP). The county board voted it down.

In December 2005, the BRC coyly asked to buy easements on land outside the NNL. Opponents pointed out that this was the SCPP in disguise, and the county board again rejected it, and its quarter million dollars.

The BRC then waited another year to try again to open a wedge to the purchase of conservation easements outside the Baraboo Range "NNL." On August 21, 2007, they brought to the board a proposal to buy an easement on just one particular property adjacent to the "NNL." They had lobbied board members and thought they had the votes. But, in an unusual move, the county corporation counsel left for an hour and asked the board to delay the issue til he got back. When he returned, he defended the purchase as legal. He was rebutted point by point by a county supervisor who chaired the board's judicial committee. A Baraboo News Republic report on citizen input at the meeting quoted "Tony Clem" (sic); this was Tony Klemm, a local real estate agent, who spoke to the negative effects of conservation easements and said of the county's past approval of them: "This county government has willingly decreased the physical size of Sauk County and its economic value."

That one statement captures the essence of the fight for the life of the county. **The county is its people, who must have the economic ability to survive.** If most of the land in the county is taken over by the government and can no longer be used by its people for economic purposes, the county will die. It's that simple.

A species that loses its economic base will fail. Humans are no exception. Nations that embraced communism in the 1900s proved that if government owns the economic base, the economy fails and collapses. **Sustainability requires private ownership of land.**

That's why the Sauk County board, in rejecting the proposed conservation easement, 12 yes to 17 no, on August 21, 2007. took a big step in favor of the **sustainability** of the county. If it keeps to that course, Sauk County can save itself from extinction.

Readers' Bulletin Board. e-mail us your comments. Include your name, for publication by *Freedom Matters*

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