

SUBJECT: EASEMENT ACQUISITION AND PARTIAL DONATION – FOREST LEGACY PROGRAM – WASHINGTON COUNTY

FOR: AUGUST 2008 BOARD MEETING

TO BE PRESENTED BY: Richard Steffes

SUMMARY: The Department proposes to purchase a 74.64-acre conservation easement for \$945,400 from Mark and Renee Beeler for the Forest Legacy Program, Holy Hill Area, in Washington County. The item is being submitted because the price exceeds \$150,000 and to recognize and accept a partial donation of easement value. The total appraised easement value is \$1,480,000, thus, the Beeler's are donating \$534,600 in easement value as part of this transaction.

The Beeler tract is located in the Town of Erin, in Washington County in southeastern Wisconsin. The property borders land owned by the Carmelite Fathers, commonly known as Holy Hill, a well-known tourist and spiritual attraction to many visitors. The remainder of the property is surrounded by other private lands. Acquisition of a Forest Legacy easement will protect and preserve the integrity of these mid-Kettle Moraine forest lands and will prevent forest fragmentation as well as promote the sustainable use of these forests. The entire purchase price of \$945,400 will be funded by a Federal Forest Legacy Grant from the U.S. Forest Service. The easement does not allow public access to the area, however, no state Stewardship funds are being used. The easement prohibits any additional development and requires sustainable forestry.

The purpose of the Forest Legacy Program is to preserve and protect land for continued sustainable forestry and resource management and to maintain the undeveloped character of the property. In addition, the program aims to manage the property as part of a commercial timber harvest base while providing open space by precluding buildings, deforestation or any significant topographical change.

The Kettle Moraine Forest Legacy Area is largely developed and populated compared to other parts of the state's proposed Forest Legacy Areas (FLA). This area is under significant pressure for both recreation and development. The glacial features of this area are internationally significant, formed from ice-disintegration topography, an interlobe area between the Green Bay and Lake Michigan lobes of the Wisconsin Glaciation. The landform features numerous kettle lakes on steep ridges of fluvial sand and gravel. Within these areas fens, prairies, and oak dominated uplands are the objects of protection.

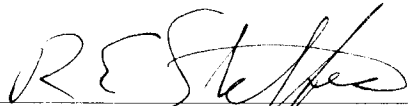
The religious order that owns Holy Hill is voluntarily keeping the Hill in a largely natural, wooded condition. Thus, the Department, the Mid-Kettle Moraine Partner Group and the Ozaukee/Washington Land Trust have emphasized working with surrounding neighbors for land protection. The Beeler easement will preserve woodland along the east side of Holy Hill.

RECOMMENDATION: That the Board approve the purchase of an easement for \$945,400 for the Forest Legacy Program in Washington County and accept a partial donation of value. In addition, that the Board recognize the donors with a certificate of appreciation, and that an expression of appreciation is made part of the official records of the Natural Resources Board.

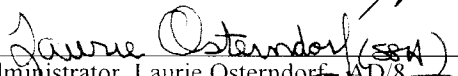
LIST OF ATTACHED MATERIALS:

- | | | | |
|--|---|---|----------|
| No <input checked="" type="checkbox"/> | Fiscal Estimate Required | Yes <input type="checkbox"/> | Attached |
| No <input checked="" type="checkbox"/> | Environmental Assessment of Impact Statement Required | Yes <input type="checkbox"/> | Attached |
| No <input type="checkbox"/> | Background Memo | Yes <input checked="" type="checkbox"/> | Attached |

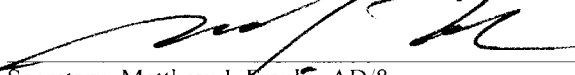
APPROVED:


Real Estate Director, Richard E. Steffes - LF/6

7-17-08
Date


Administrator, Laurie Osterndorf - AD/8

7/17/08
Date


Secretary, Matthew J. Frank - AD/8

7/17/08
Date

- cc: P. DeLong – AD/8 L. Ross – AD/8
 S. Miller – LF/6 G. McCutcheon – SER/Milwaukee
 R. Steffes – LF/6

CORRESPONDENCE/MEMORANDUM

DATE: July 17, 2008 FILE REF: NF 30002

TO: Natural Resources Board

FROM: Matthew J. Frank *MJF*

SUBJECT: Proposed Easement on the Mark and Renee Beeler Tract, File # NF 30002

1. PARCEL DESCRIPTION:

Forest Legacy Program
Washington County

Grantor:

Mark and Renee Beeler
5585 State Road 167
Hartford, WI 53033

Acres: 74.64Price: \$945,400Appraised Value: \$1,480,000Interest: Conservation EasementImprovements: NoneLocation: The tract is located four miles south of Hartford along the east edge of Holy Hill.Land Description: The subject land is generally rolling.Covertypes Breakdown:

Type:	Acreege:
Upland Woods	39.37
Grassland	5.79
Cropland	18.24
Wetland	10.13
Open Water	<u>1.11</u>
TOTAL	74.64

Zoning: Agriculture (permitting one single-family home with farm, 35-acre lot minimum)Present Use: Single Family Home and Horse BarnProposed Use: Scenic Protection and Timber ManagementTenure: 8 yearsEasement Date: 7/9/20082. JUSTIFICATION:

The 74.64-acre easement area is part of 87.6 acres owned by Mark and Renee Beeler in the Town of Erin, Washington County. The property borders land owned by the Carmelite Fathers, commonly known as Holy Hill, and a well-known tourist and spiritual attraction to many visitors. The remainder of the property is bounded by other private lands. Acquisition of a Forest Legacy easement will help protect and preserve the integrity of these mid-Kettle Moraine forest lands, prevent forest fragmentation and promote the sustainable use of the southern Wisconsin forests. The entire purchase price of \$945,400 will be funded by a Federal Forest Legacy Grant from the U.S. Forest Service. The easement does not allow public access to the area, but requires sustainable forestry and prohibits new buildings.



The property lies in what is locally referred to as the mid-Kettle Moraine area. The Kettle Moraine is an area of unique hilly topography created by glaciers, with the "mid-Kettle Moraine" being the area stretching between the Kettle Moraine State Forest Northern and Southern Units. The Beeler land lies roughly mid-way between these properties and less than a mile north of the Loew Lake Unit of the Kettle Moraine State Forest (approximately 1,100 acres). The Ice Age Trail traverses the Carmelite property adjacent to the Beeler property. Of the Beeler's 87.6 acres, the central portion is a residential site not included in the easement. Much of the remaining land is forested with some areas of cropland, grasses, wetland and three small ponds. The easement area will exclude 13 acres with the improvements. This area of the mid-Kettle Moraine, in general, has a very rural character, with farmland common, and woodlands regularly found in steeper areas or those too wet to farm. However, it is an area of slow, but steady change as well. Subdivisions become more common, large land holdings continue to be split into many smaller properties, more single family homes spring up on the smaller tracts and farms are transitioned away from farming.

The purpose of the Forest Legacy Program is to preserve and protect land for continued sustainable forestry and resource management and to maintain the undeveloped character of the property. In addition, the program aims to manage the property as part of a commercial timber harvest base while providing open space by precluding buildings, deforestation or any significant topographical change.

The Kettle Moraines Forest Legacy Area is largely developed and populated compared to other parts of the state's proposed Forest Legacy Areas (FLA), however, it is the only contiguous forested area of any size in the area. It meets the criteria for consideration plus has the most vocal local support of the proposed FLA's. This area is under tremendous pressure for both recreation and development, it has regional significance, and there are a number of land trust organizations active in the area. The glacial features of this area are internationally significant. It is a band of ice-disintegration topography formed as an interlobe area between the Green Bay and Lake Michigan lobes of the Wisconsin Glaciation. The landform features numerous kettle lakes on steep ridges of fluvial sand and gravel. There are currently over 50,000 acres of state, county and municipal owned land in the Kettle Moraine area. These acres of forest contains over 20 state natural areas and a nature conservancy preserve. Within these areas fens, prairies, and oak-dominated uplands are the objects of protection.

This block of forest is important habitat to rare and endangered neotropical songbirds. The area is considered critical landscape for many uncommon or rare species characteristic of southern Wisconsin, especially vertebrates, but also invertebrates, plants and aquatic organisms. This is the most intact landscape remaining in southeastern Wisconsin (Albert, 1995). The Department is working to form partnerships and a coalition of municipalities and non-profit conservation organizations to work together to protect the Kettle Moraine area in Washington and Waukesha County. The public input from this area underscored the political support for including this area as one of Wisconsin's FLA's.

The Wisconsin Assembly passed Joint Resolution 48 in 1997, which states, "that the Wisconsin Legislature recognizes the importance of the Kettle Moraine State Forest in protecting the features of our glacial landscape, providing open space and recreational opportunity and maintain and enhancing natural communities; and, be it further resolved the Wisconsin Legislature encourages the efforts of the Wisconsin Department of Natural Resources, in cooperation with private citizens, conservation organizations and local governments, to protect the Kettle Moraine lands linking the Northern and Southern Units of the Kettle Moraine State Forest and provide a route for the Ice Age Trail." The Ice Age Trail, an important recreational feature, runs through the heart of the forest.

Acquisition of a Forest Legacy easement is recommended to protect and preserve the integrity of these mid-Kettle forest lands in perpetuity, to prevent forest fragmentation and to promote the sustainable use of the northern forests. The property included in this easement will be managed as sustainable forestland with some tree planting required of the owners.

3. FINANCING:

Federal Forest Legacy funds are anticipated:

Funds allotted to program:	Balance after proposed transaction:
\$1,975,000	\$1,029,600

4. ACQUISITION STATUS OF THE FOREST LEGACY PROGRAM -- STATEWIDE:

Established: 2002
Acres Purchased to Date: 98,169
Acquisition Goal: 112,876.00
Percent Complete: 87%
Cost to Date: \$35,399,629

5. APPRAISAL:

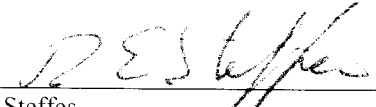
Appraiser: S. Steven Vitale (Private Appraisers)
Valuation Date: August 24, 2006
Appraised Value: \$1,480,000
Highest and Best Use: Forestry and Recreational Subdivision

Allocation of Values:

- a. Easement: 74.64 acres @ \$19,829/acre: \$1,480,000
- b. Six comparable sales cited
- c. Range of values for the easement: \$11,694 to \$28,967 per acre

Appraisal Review: Kenneth Daw, U.S. Forest Service – August 31, 2007

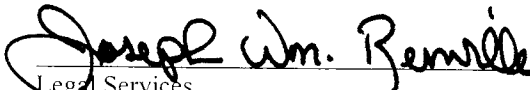
RECOMMENDED:



Richard E. Steffes

7-15-08

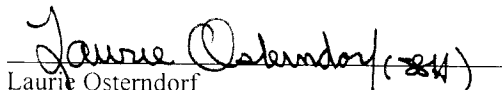
Date



Legal Services

7/16/08

Date



Laurie Osterndorf

7/17/08

Date

