

Purchase of Development Rights

Issue: Unique landscape is threatened

The Baraboo Range, also known as Baraboo Hills, in southwest Wisconsin is the largest block of mostly deciduous forest remaining in the upper Midwest. This forest is very important habitat for neotropical migratory birds such as the Canada warbler and wood thrush, which are threatened primarily by forest fragmentation. This significance has been recognized by The Nature Conservancy and U.S. Forest Service as well as the Department of Interior, which designated the South range of the hills as the Baraboo Range National Natural Landmark (BRNNL).

This landscape has been under and continues to be under development pressure created by several factors including: accelerating population growth in the region, a housing and development boom, and widening of U.S. Highway 12 (USH 12) between Middleton and Sauk City. In addition, Sauk County is the number three tourist destination in the state because of its unique natural resource areas and scenic beauty, and its proximity to the booming Baraboo-Wisconsin Dells tourist market.

In the early 1990s the Sauk County Board of Supervisors recognized that the above factors could cause significant change to the natural values of the Baraboo Hills and this area should be protected from scattered development.

Approach: Purchase of Development Rights

The proposed expansion of U.S. Highway 12 in the 1980s had caused years of controversy over lack of public participation and an

Sauk County is a rural county that is 36% forested. Almost 95% of forestland is privately owned.



insufficient Environmental Impact Statement. In 1999 the White House Council for Environmental Quality mandated a binding agreement between the U.S. Environmental Protection Agency, the National Park Service and the U.S. Fish and Wildlife Service, the Federal Highway Administration, the Wisconsin Department of

Transportation (DOT), and local governments to help mitigate environmental impacts of widening USH 12. The agreement set conditions for highway expansion and stated a "vision" for the desired future of the Baraboo Range, including protection of forest habitat, scenic quality, healthy ecosystems and a stable agricultural economy.

The Baraboo Range Protection Program enabled by this agreement was created by the Sauk County Board of Supervisors. Priority forestland within the Baraboo Range National Natural Landmark is preserved by purchasing development rights (PDR) from owners of forested or adjacent lands and then placing a conservation easement on those lands. The focus is on preservation of existing forestland since restoration would take 100 plus years.

A commission of local people oversees the program, funded by a five million dollar grant from the Wisconsin DOT. Equal shares of DOT money, state stewardship money, and matching funds sought by Sauk County, for a total of \$15 million dollars, completes the funding package. These funds reimburse landowners for the development rights and conservation easement on their lands, and pay for the administration of the program by Sauk County. Sauk County is augmenting its portion of the funding through the Farmland Protection Program, Forest Legacy Program and from local conservation groups.

Purchase of Development Rights works in Sauk County (<i>selected examples</i>)				
Name	Acres	Conservation features	Timber management	Other conditions
Holmes & Holding	108	Aesthetic values, southern dry forest, persistent rock-bottom stream habitat, rare and threatened plant communities and forest interior bird species.	Part of property was recently harvested. Some new growth has not reached marketable size, but other areas have trees of marketable size, and there are several mature pine plantations.	Ten adjacent acres are not under easement, which include the owner's residence, ancillary buildings and a pioneer-era log cabin.
North Freedom Rod, Gun & Archery Club	160	Aesthetic values, scenic views, southern dry forest, rock outcrops, bedrock glades, stream habitat, rare and threatened plant communities and forest interior bird species.	Property logged in 1960s. New growth is significant, with some trees reaching marketable saw log size. Property is in the Wisconsin Forest Crop program until 2004. There are chances for short-term timber stand improvement and long term forest restoration.	They may maintain the target range equipment (tree stands, platforms, target support frames, small signage, etc.) within the protected property.

Reflections on Purchase of Development Rights

Weaknesses

The agreement resulting in the Baraboo Range Protection Program was negotiated in a way that was not entirely public; rather it was hammered out between county, state and federal resource agencies.

Negotiations of PDR and conservation easements are lengthy and complicated. Obtaining professional appraisals for determining the value of conservation easements can be cumbersome and time consuming.

Funding for the Baraboo Range PDR projects will eventually run out, but the funded projects will still have to be monitored. Baseline documentation and related legal documents need to be permanently archived. There also needs to be staff responsible for tracking easements and maintaining close communications with landowners, a crucial function in maintaining trust and confidence.

Strengths

As of August 2004, twenty-two Baraboo Range landowners had sold development rights with easements to Sauk County. The easements protect over 2000 acres of the Baraboo Range. The program is popular among landowners and many have applied after seeing a neighbor's positive experience. The factors contributing to a positive experience include:

- The program is completely voluntary and offers great flexibility.
- Landowners retain the actual land and existing improvements, which can be given to their children or put up for sale at a later date, knowing that the land is protected by the conservation easement under the new ownership.
- Landowners receive the proceeds from the sale of development rights to use as they wish.

The PDR program has also created partnerships between Sauk County government, The Nature Conservancy Baraboo Range staff and various staff and departments within the WDNR.

Future

Sauk County has enough funding to purchase development rights from 10 to 12 additional property owners. Sauk County will continue to monitor the lands with conservation easements and keep in contact with the landowners. While the Baraboo Range Protection Program will not be able to seek new conservation projects without additional funding, several other local groups are pursuing habitat conservation in the Baraboo Hills.



A privately owned forested area protected under the Baraboo Range Protection Program

Conclusion

Future highway development impacts could be mitigated with the use of the purchase of development rights. Sauk County developed funding for a PDR program based on its unique landscape, development pressure and funding related to highway expansion. Yet PDR could be a forest conservation tool for any community that identifies a need to protect their remaining forested land.

This case study was written by Bobbie Webster, Dave Tremble, & Lynn Markham

For more information

Dave Tremble, Land Preservation Specialist/Planner, Sauk County Dept. of Planning and Zoning, (608) 355-3485; dtremble@co.sauk.wi.us, www.co.sauk.wi.us/dept/pz/brpp/
Bob Wagner, American Farmland Trust, 800-370-4879, bwagner@farmland.org http://www.farmland.org/upper_midwest/wisconsin.htm