Form 1100-1
Rev. 5-91

NATURAL RESOURCES BOARD AGENDA ITEM

Item No. 3.B.7

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 ☒	Fiscal Estimate Required	Yes ☐ Attached
No ☒	Environmental Assessment of Impact Statement Required	Yes ☐ Attached
No ☐	Background Memo	Yes ☒ Attached

APPROVED:

R E Steffes — 7-17-08
Real Estate Director, Richard E. Steffes - LF/6 — Date

Laurie Osterndorf (SBM) — 7/17/08
Administrator, Laurie Osterndorf - AD/8 — Date

Secretary, Matthew J. Frank - AD/8 — 7/17/08 Date

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

State of Wisconsin

CORRESPONDENCE/MEMORANDUM

DATE: July 17, 2008 FILE REF: NF 30002

TO: Natural Resources Board

FROM: Matthew J. Fr

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: 74.64
Price: $945,400
Appraised Value: $1,480,000
Interest: Conservation Easement
Improvements: None

Location: The tract is located four miles south of Hartford along the east edge of Holy Hill.

Land Description: The subject land is generally rolling.

Covertype Breakdown:

Type:	Acreage:
Upland Woods	39.37
Grassland	5.79
Cropland	18.24
Wetland	10.13
Open Water	1.11
TOTAL	74.64

Zoning: Agriculture (permitting one single-family home with farm, 35-acre lot minimum)
Present Use: Single Family Home and Horse Barn
Proposed Use: Scenic Protection and Timber Management
Tenure: 8 years
Easement Date: 7/9/2008

2. 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.

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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

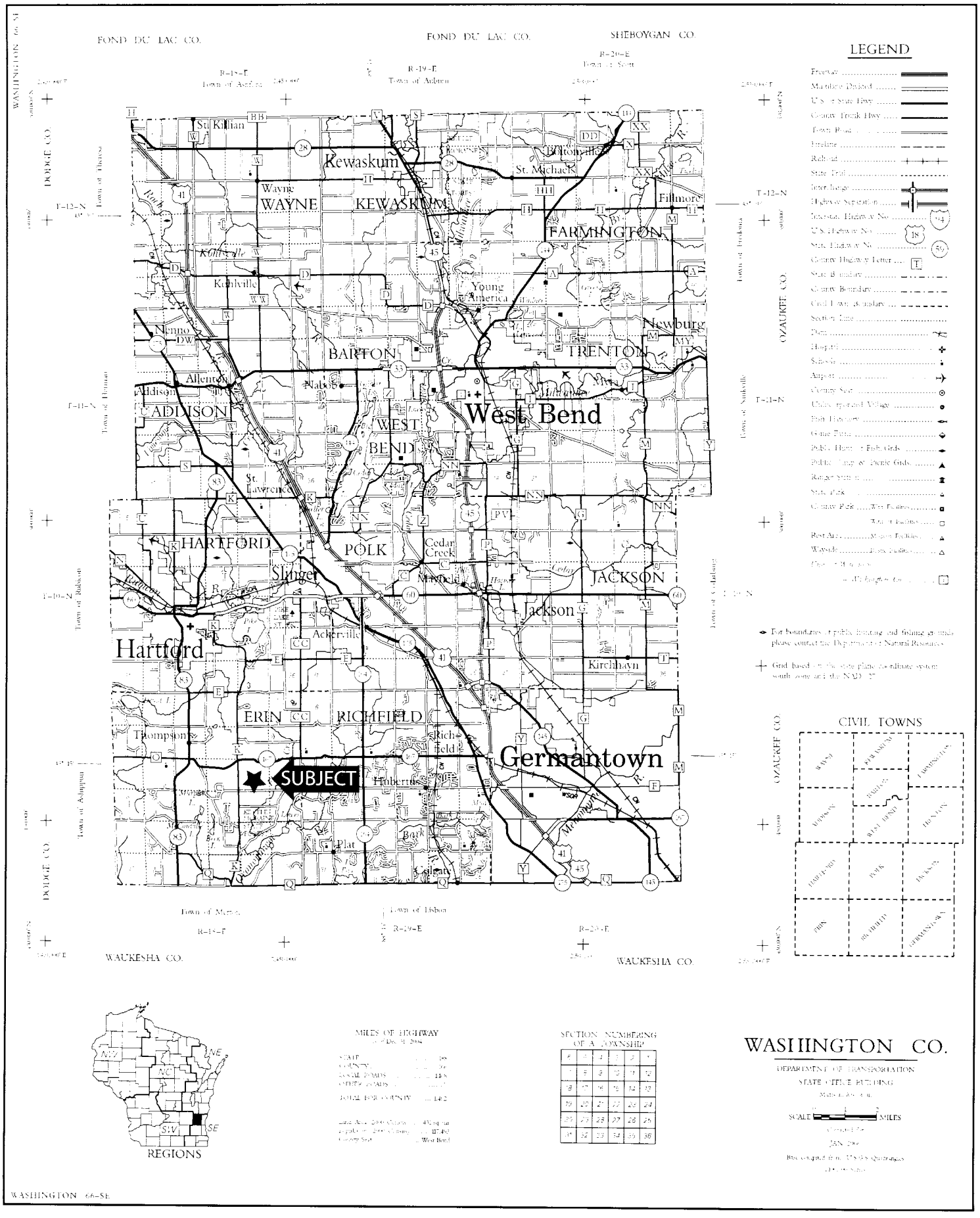
Appraisal Review: Kenneth Daw, U.S. Forest Service – August 31, 2007

RECOMMENDED:

Richard E. Steffes — Date 7-15-08

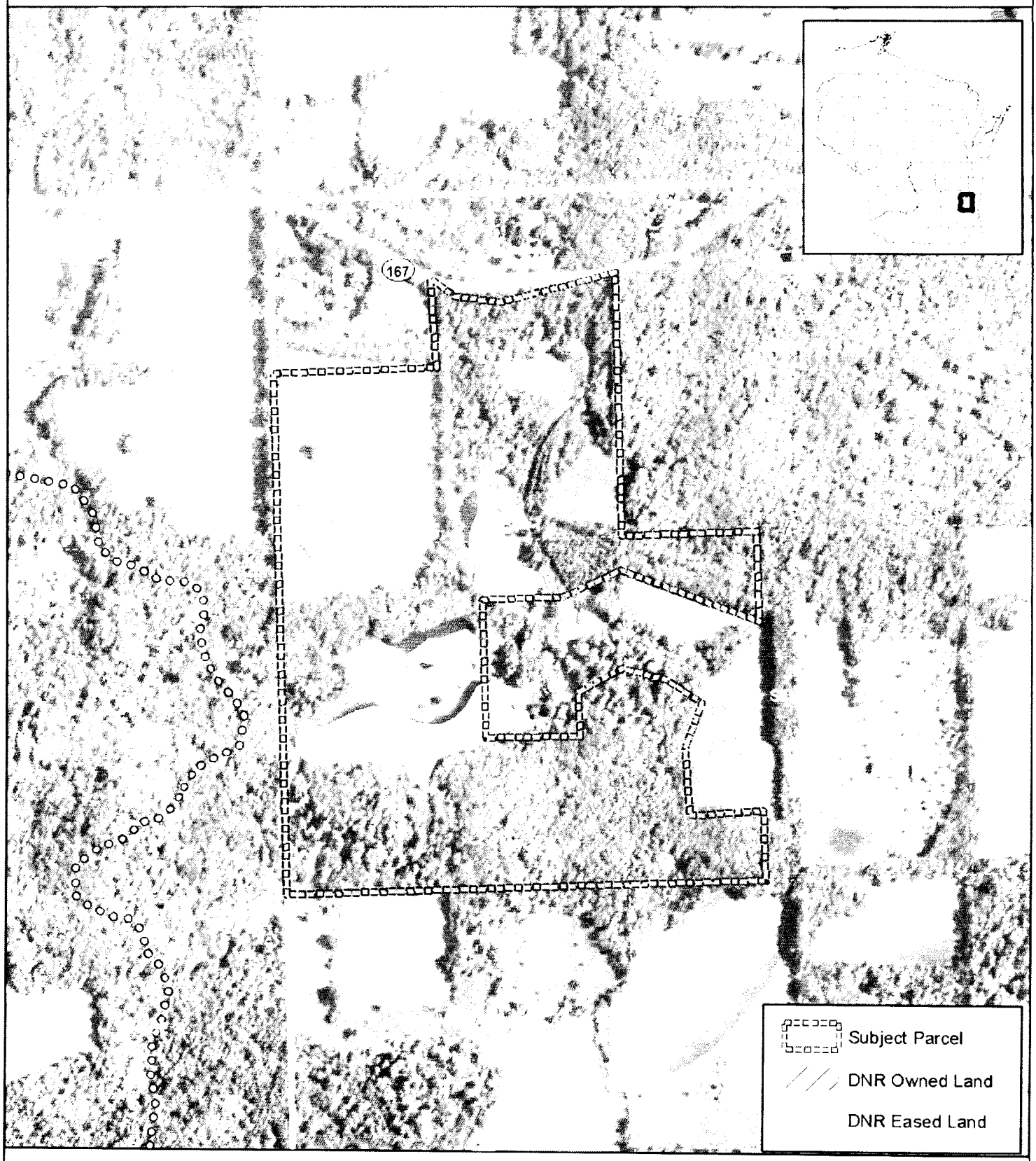
Legal Services — Date 7/16/08

Laurie Osterndorf — Date 7/17/08


FOND DU LAC CO.
FOND DU LAC CO.
SHEBOYGAN CO.
WASHINGTON 66-SE
DODGE CO.
OZAUKEE CO.
WAUKESHA CO.
WAUKESHA CO.
DODGE CO.
OZAUKEE CO.
R-18-E
R-19-E
R-20-E
T-12-N
T-11-N
T-10-N
Town of Ashford
Town of Auburn
Town of Scott
Town of Theresa
Town of Herman
Town of Ashippun
Town of Fredonia
Town of Saukville
Town of Cedarburg
Town of Merton
Town of Lisbon
St. Killian
Kewaskum
Boltonville
St. Michael
Wayne
WAYNE
KEWASKUM
Fillmore
FARMINGTON
Kohlville
Young America
Newburg
Nenno
BARTON
TRENTON
Allenton
Addison
Nabob
ADDISON
West Bend
WEST BEND
St. Lawrence
HARTFORD
POLK
Cedar Creek
Slinger
Mayfield
JACKSON
Jackson
Hartford
Ackerville
Kirchhayn
ERIN
RICHFIELD
Thompson
Richfield
Germantown
SUBJECT
Hubertus
Plat
Colgate
LEGEND
Freeway
Multiplane Divided
U.S. or State Hwy
County Trunk Hwy
Town Road
Firelane
Railroad
State Trail
Interchange
Highway Separation
Interstate Highway No.
U.S. Highway No.
State Highway No.
County Highway Letter
State Boundary
County Boundary
Civil Town Boundary
Section Line
Dam
Hospital
Schools
Airport
County Seat
Unincorporated Village
Fish Hatchery
Game Farm
Public Hunt. or Fish. Grds.
Public Camp. & Picnic Grds.
Ranger Station
State Park
County Park
Rest Area
Wayside
For boundaries of public hunting and fishing grounds please contact the Department of Natural Resources
Grid based on the state plane coordinate system south zone and the NAD 27
CIVIL TOWNS
WAYNE
KEWASKUM
FARMINGTON
ADDISON
BARTON
WEST BEND
TRENTON
HARTFORD
POLK
JACKSON
ERIN
RICHFIELD
GERMANTOWN
REGIONS
NW
NE
NC
SW
SE
MILES OF HIGHWAY
STATE
COUNTY
LOCAL ROADS
OTHER ROADS
TOTAL FOR COUNTY
SECTION NUMBERING OF A TOWNSHIP
WASHINGTON CO.
DEPARTMENT OF TRANSPORTATION
STATE OFFICE BUILDING
SCALE
MILES
JAN 2006
WASHINGTON 66-SE

Beeler Property

T 9N, R 18E, Section 13, Town of Erin, Washington County



N

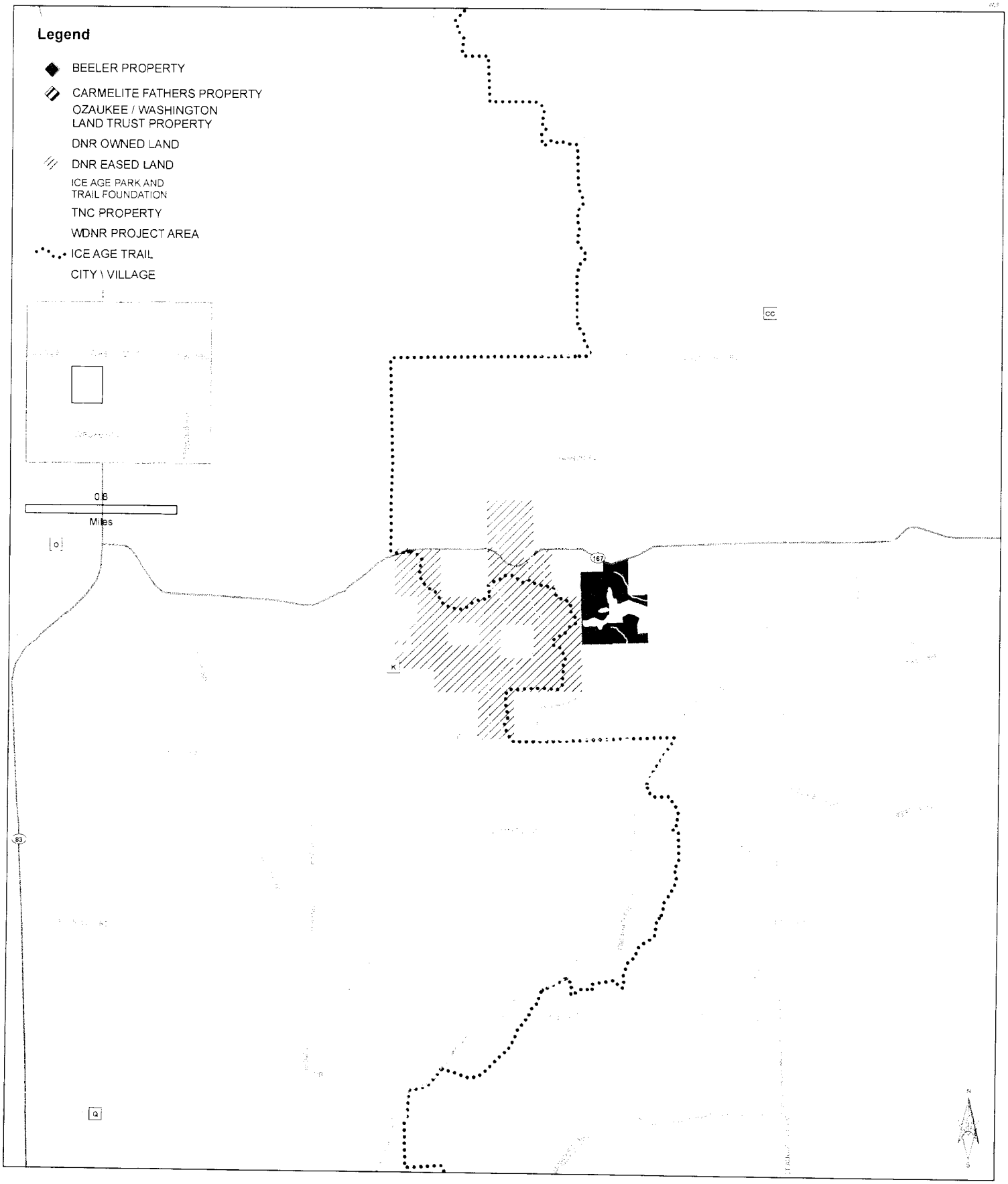
0 445 890 1,780 2,670 Feet

Created by Bureau of Facilities and Lands
Real Estate Section
July 10, 2008

Beeler Property

WISCONSIN DEPARTMENT OF NATURAL RESOURCES
BUREAU OF FACILITIES AND LANDS
REAL ESTATE SECTION

MAP PRODUCED 4/29/2008



Acknowledgment Of Gift

This is to certify that at its August 2008 meeting, the Natural Resources Board gratefully accepted a partial donation of value for a 74.64-acre conservation easement from

MARK AND RENEE BEELER

The easement will protect and enhance the scenic and timber management values under the Forest Legacy Program at Holy Hill. It is significant that individuals like you are interested in helping protect Wisconsin's natural heritage and contribute materially toward this goal.

An expression of our appreciation is a part of the official records of the Natural Resources Board. We present this certificate of sincere appreciation on behalf of present and future generations to thank you for your thoughtfulness and generosity.

Natural Resources Board

Christine L. Thomas, CHAIR