Form 1100-1
Rev. 5-91

NATURAL RESOURCES BOARD AGENDA ITEM

Item No 3.C.7

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

FOR: DECEMBER 2008 BOARD MEETING

TO BE PRESENTED BY: Richard Steffes

SUMMARY: The Department proposes to purchase a 35.0-acre conservation easement from Peter and Catherine Whelan for $361,500 for the Forest Legacy Program in Washington County. The item is being submitted because the purchase price exceeds $150,000, and to recognize and accept a partial donation of easement value. The total appraised easement value is $566,000, thus, the Whelan's are donating $204,500 in easement value as part of this transaction.

The Whelan 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 forestlands and will prevent forest fragmentation as well as promote the sustainable use of these forests. The entire purchase price of $361,500 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 development and requires sustainable forest management.

The purpose of the Forest Legacy Program is to preserve and protect land for continued sustainable forestry and resource management and 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. 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 Whelan easement will preserve woodland along the south side of Holy Hill.

RECOMMENDATION: That the Board approve the purchase of a 35-acre conservation easement for $361,500 for the Forest Legacy Program in Washington County. In addition, that the Board accept a partial donation of value and 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:

Real Estate Director, Richard E. Steffes - LF/6 — Date 11-6-08

Administrator, Laurie Osterndorf - AD/8 — Date 11/11/08

Secretary, Matthew J. Frank - AD 8 — Date 11/13/08

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

CORRESPONDENCE/MEMORANDUM

State of Wisconsin

DATE: November 5, 2008 FILE REF: NF 30012

TO: Natural Resources Board

FROM: Matthew J. Frank

SUBJECT: Proposed Easement on the Peter and Catherine Whelan Tract, File # NF 30012

1. PARCEL DESCRIPTION:

Forest Legacy Program
Washington County

Grantor:

Peter and Catherine Whelan
5803 Donegal Road
Hartford, WI 53033

Acres: 35
Price: $361,500.00
Appraised Value: $566,000
Interest: Conservation Easement
Improvements: None

Location: The tract is located in Washington County five miles south of Hartford.
Land Description: The subject land is gently rolling

Covertype Breakdown:	Type:	Acreage:
	Grass/Pasture	3
	Upland/Woodland	24
	Cropland	8
	TOTAL	35

Zoning: Agriculture (minimum 35-acre lot)
Present Use: Part of residential site
Proposed Use: Scenic Protection and Timber Management
Tenure: 15 years
Easement Date: October 21, 2008
Stewardship Land Access: The easement does not provide for public access. However, no sate funds are being used.

2. JUSTIFICATION

The Department proposes to purchase a 35-acre conservation easement for $361,500 from Peter and Catherine Whelan 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 $566,000, thus, the Whelans's are donating $204,500 in easement value as part of this transaction.

The Whelan 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

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these forests. The entire purchase price of $361,500 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. 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 Whelan easement, along with the adjacent Ice Age Park and Trail Foundation parcel will preserve woodland along the south side of Holy Hill to compile a larger block of forested area, as well as provide scenic protect for lands within the Ice Age Trail corridor. Recent acquisitions in this area, such as a Forest Legacy Easement with Mark and Renee Beeler, area focusing on forming an environmental corridor from Holy Hill to Kettle Moraine State Forest-Loew Lake. The unique landform features of the area are 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.

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 Forest Legacy Areas.

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." This easement purchase will help protect scenic qualities of the area.

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 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	$668,100

4. ACQUISITION STATUS OF THE FOREST LEGACY PROGRAM:

Established: 2002
Acres Purchased to Date: 148,435.83
Acquisition Goal: 112,876.00

Percent Complete: 131.50
Cost to Date: $35,399,629.00

5. APPRAISAL:

Appraiser: S. Steven Vitale - (Private Appraiser)
Valuation Date: August 24, 2006
Appraised Value: $566,000
Highest and Best Use (Before): Low Density Residential (larger lots)
Highest and Best Use (After): Low Density Residential with Recreation (compact development)

Allocation of Values:
a. Easement: 35.0 acre @ $16,171: $566,000 (Rounded)
b. Five comparable sales cited
c. Range of values for the easement: $14,952 to $25,491 per acre

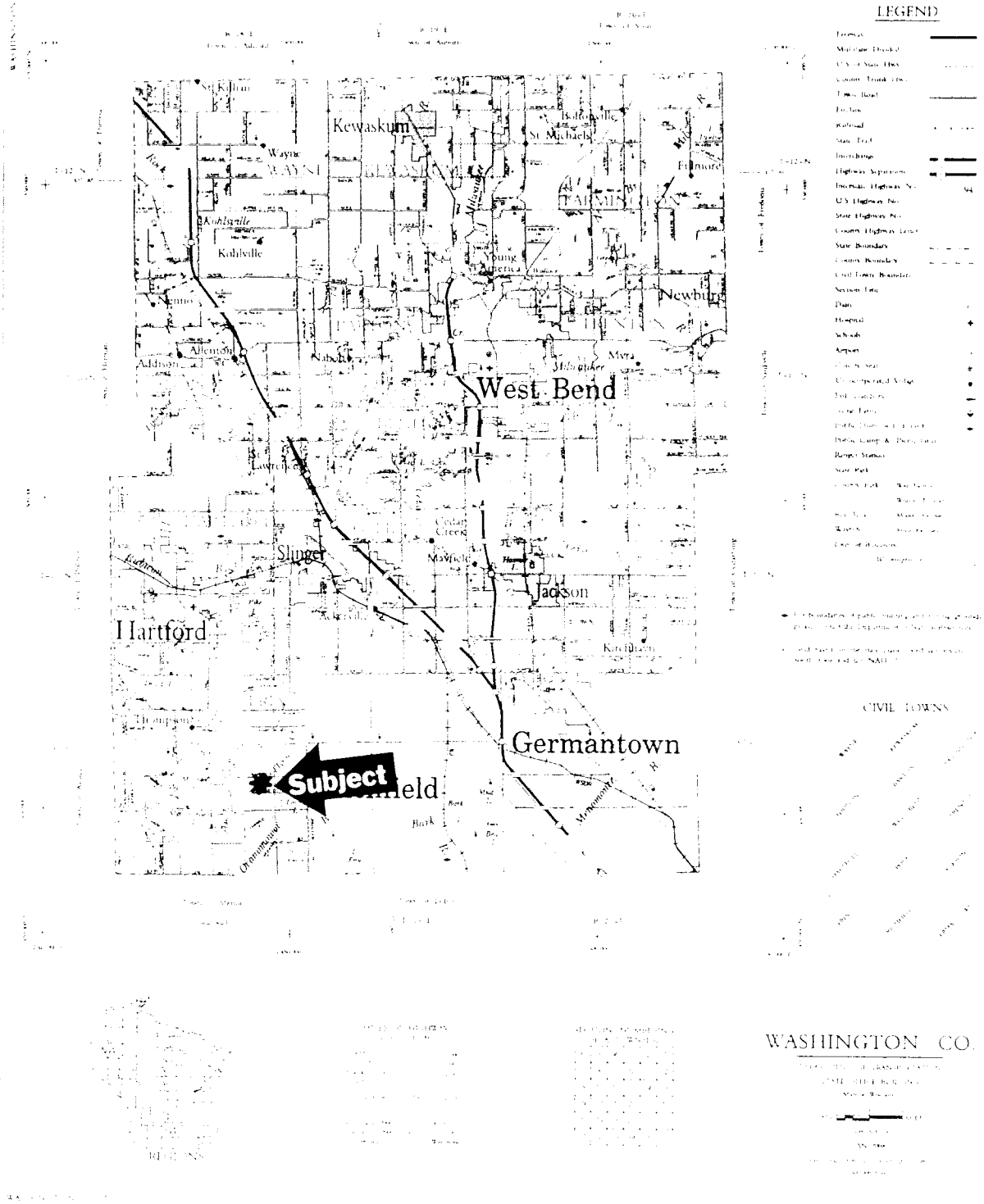
Appraisal Review: Kenneth Daw, U.S. Forest Service

RECOMMENDED:

Richard E. Steffes — Date: 11-6-08

Legal Services — Date: 11/10/08

Laurie Osterndorf — Date: 11/11/08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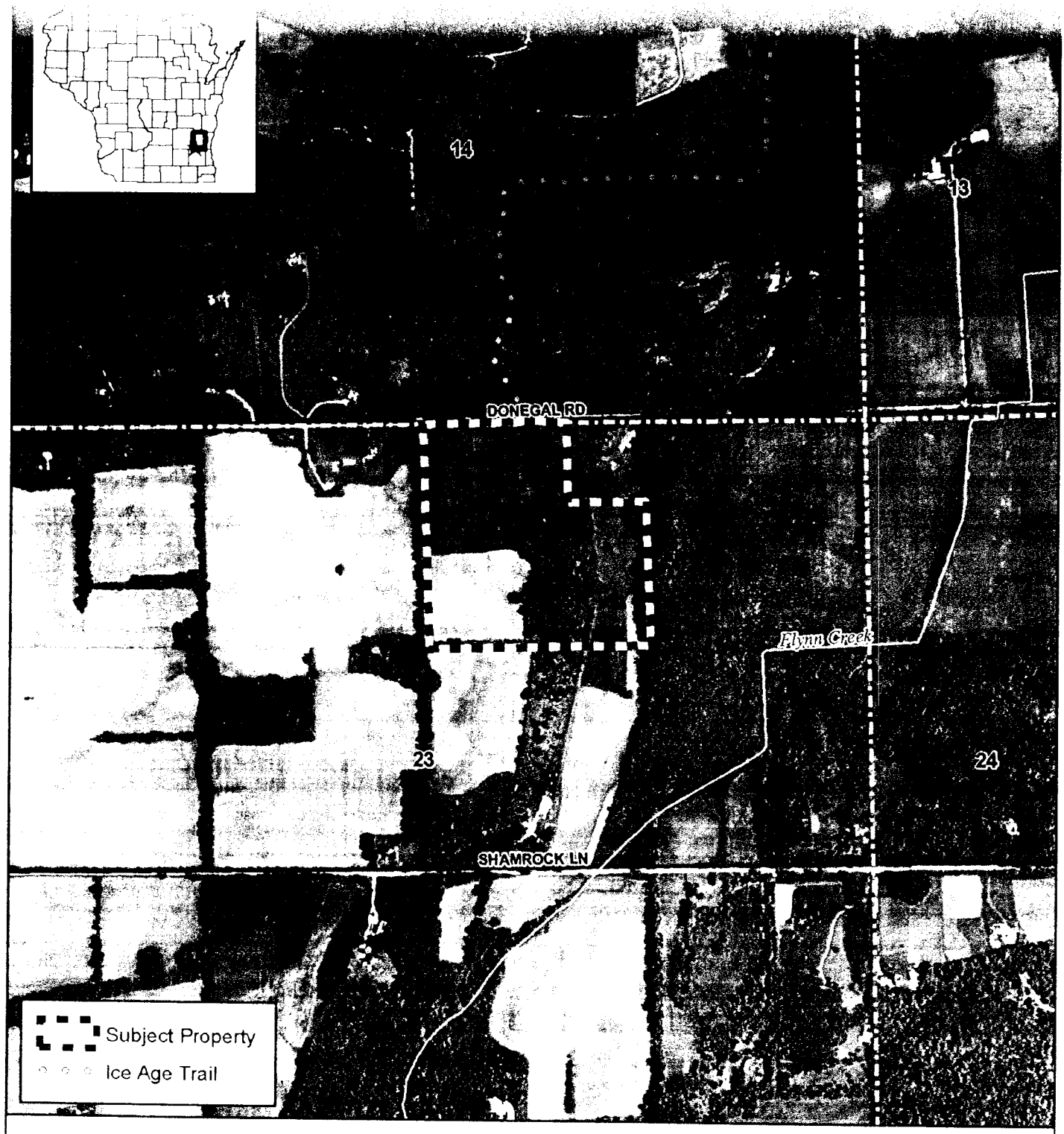
Peter J. and Catherine A. Whelan Easement



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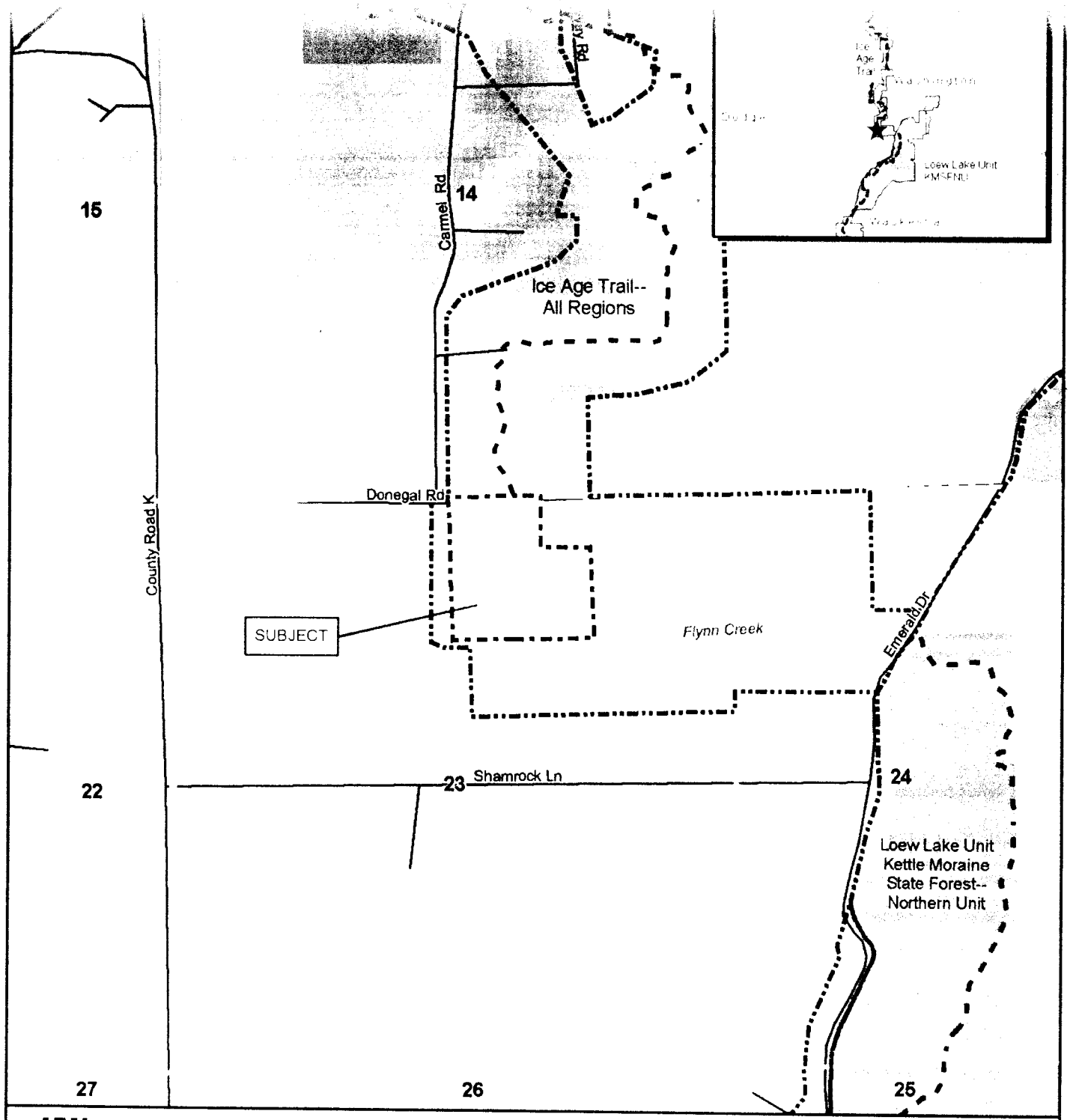
Real Estate Section
November 3, 2008

Peter J. and Catherine A. Whelan Easement



Subject Property

DNR Owned

Project Boundary

Ice Age Trail

STATE OF WISCONSIN
DEPT. OF NATURAL RESOURCES

Bureau of Facilities and Lands

Acknowledgment of Gift

This is to certify that at its December 2008 meeting, the Natural Resources Board gratefully accepted a partial donation of value for a 35.0-acre conservation easement from

PETER AND CATHERINE WHELAN

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