

- In the license year immediately following the license year for which the contractor paid the assessment, the sum of the contractor's current ratio assessment rate and debt to equity assessment rate (both calculated according to current statutory formulas) declines by at least 50% compared to the license year for which the contractor paid the assessment.
- The contractor requests the refund in writing, by the first day of the next license year.

### **Refund Amount**

The amount of the refund under this rule will equal 75% of the difference between the assessment amount paid by the contractor and the assessment amount required of the contractor in the next license year.

### **Refund Paid as Credit Against Next Year's Assessment**

Whenever DATCP pays a refund under this rule, DATCP must pay the refund as a credit against the contractor's assessment for the next license year. DATCP must apportion the credit, pro rata, against the quarterly assessment installments required of the contractor in that next license year. If the credit exceeds the total assessment required of the contractor in that next license year, DATCP must credit the balance in the same fashion against assessments required of the contractor in subsequent license years (up to 2 years).

DATCP may not pay refunds except as credits against future assessments (there is no cash refund). DATCP may not pay a refund (grant a credit) to any person other than the contractor who paid the original assessment on which the refund is given.

### *Disclosures to Producers*

Under current rules, a contractor must provide an annual written "notice to producers." The notice must disclose whether the contractor participates in the fund, or has filed security with DATCP, to secure the contractor's payment obligations to producers. The notice may take different forms, depending on the basis on which the contractor is licensed by DATCP. Current rules spell out the type of notice that each contractor must give, and exact wording that the notice must include.

2003 Wis. Act 38 modified fund assessments and security filing requirements for some contractors. This rule modifies current disclosure requirements for some contractors, so that the disclosures accurately reflect current law.

### *Electronic Receipts for Grain*

Chapter 126, Stats. requires grain dealers and grain warehouse keepers to provide written receipts for grain received from producers and depositors. This rule authorizes grain dealers and warehouse keepers to provide those receipts in electronic form, provided that the producer or depositor can readily retrieve, view, store and print the receipt for future reference.

## *Federal and Surrounding State Regulations*

### **Wisconsin's Security Program**

Wisconsin has an agricultural producer security program for grain, milk and vegetables. The Wisconsin legislature has spelled out detailed statutory requirements for grain dealers, grain warehouse keepers, milk contractors and vegetable contractors (ch. 126, Stats.). Contractors must be licensed by DATCP, and most contractors must contribute to an agricultural producer security fund administered by DATCP. A few contractors must also file security with DATCP.

DATCP cannot alter current statutory requirements, but can interpret and implement those requirements by rule. This rule makes limited changes to current rules. This rule will benefit contractors by authorizing assessment refunds and electronic grain receipts, without reducing producer security. This rule also modifies contractor disclosure requirements to implement recent statutory changes.

### **Federal Programs**

There are no federal producer security programs related to milk. The United States department of agriculture (USDA) administers a producer security program for federally licensed grain warehouses that store grain for producers. Grain warehouses may choose whether to be licensed under state or federal law. Federally-licensed warehouses are exempt from state warehouse licensing and security requirements. State-licensed warehouses are likewise exempt from federal requirements.

The federal grain warehouse program currently provides little or no protection against financial defaults by grain dealers. Grain dealers are persons who buy and sell grain. Sometimes, grain dealers also operate grain warehouses. DATCP currently licenses grain dealers. Licensed warehouse keepers must also hold a state grain dealer license if they engage in grain dealing.

USDA proposes to regulate grain dealer activities of federally licensed warehouses, to the exclusion of state regulation. But USDA has not yet finalized its regulations. In any case, the federal regulations would not apply to state-licensed grain warehouses, or to grain dealers who do not operate a warehouse.

There is a federal security program for fresh market vegetables, but not for processing vegetables. Wisconsin's vegetable security program applies only to processing vegetables (not fresh market vegetables covered by federal regulations).

### **Surrounding States**

In Minnesota, contractors must be licensed to procure grain, milk or processing vegetables from producers, or to operate grain warehouses. Regulated contractors must file bonds as security against default.

Neither Iowa nor Illinois have producer security programs for milk or vegetables. However, both states maintain indemnity funds to protect grain producers. Fund assessments are based solely on grain volume. In Wisconsin, by contrast, fund assessments are based on grain volume and financial condition.

Michigan has the following producer security programs:

- Potato dealers must be licensed, and must post bonds as security against defaults. (Wisconsin's vegetable security program includes, but is not limited to, potatoes.)
- Dairy plants that fail to meet minimum financial standards must file security or pay cash for milk.
- Grain producers have the option of paying premiums into a state fund. In the event of a grain default, the fund reimburses participating producers.

#### *Fiscal Estimate*

This rule will have little or no fiscal impact on the agricultural producer security fund, and no fiscal impact on the department. This rule authorizes partial refunds of fund assessments in certain cases, but the department does not anticipate many such cases. Refunds, when made, would merely eliminate unanticipated "windfalls" to the fund, and would not affect overall revenue projections for the fund. The rule will not have a significant impact on the department's operating costs.

#### *Business Impact Analysis*

This rule will have a minimal impact on regulated businesses. The Wisconsin legislature has spelled out detailed statutory requirements for grain dealers, grain warehouse keepers, milk contractors and vegetable contractors (ch. 126, Stats.). DATCP has limited authority to change these requirements by rule.

This rule will make minor changes to current rules. This rule will have a positive impact on some businesses, by authorizing assessment refunds and electronic receipts. This rule updates current disclosure requirements (per recent law changes), but the updated disclosure requirements will have a minimal impact on regulated businesses.

This rule does not impose any new regulatory requirements. This rule does not add business costs, and will reduce costs for some businesses. This rule will have little, if any, impact on small business.

## EMERGENCY RULE

### Refund of Contractor Assessments (Mergers and Acquisitions)

#### Analysis Prepared by the Department of Agriculture, Trade and Consumer Protection

Statutory Authority:	ss. 126.15(1)(intro.), 126.30(1)(intro.), 126.46(1)(intro.), 126.60(1)(intro.), 126.81 and 126.88(intro.), Stats.
Statutes Interpreted:	ch. 126, Stats.

This temporary emergency rule took effect on January 30, 2004. The contents of this rule are incorporated, with minor changes, into the proposed "permanent" rule (see above).

This emergency rule authorizes a partial refund of certain agricultural producer security assessments required of grain dealers, grain warehouse keepers, milk contractors and vegetable contractors (collectively referred to as "contractors") under ch. 126, Stats.

This rule authorizes a partial refund of an annual assessment that is drastically inflated by a temporary change in financial condition caused by a merger or acquisition. This rule defines the specific circumstances under which the refund is authorized. This rule does not authorize a refund if the change in the contractor's financial condition lasts more than one fiscal year.

#### *Background*

The Wisconsin department of agriculture, trade and consumer protection ("DATCP") currently administers an agricultural producer security program under ch. 126, Stats. ("producer security law"). This program is designed to protect agricultural producers from catastrophic financial defaults by contractors who procure agricultural commodities from producers.

Under the producer security law, contractors pay annual assessments to an agricultural producer security fund ("the fund"). If a contractor defaults in payments to producers, DATCP may compensate producers from the fund. A contractor's annual fund assessment is based on the contractor's size, financial condition and risk practices.

Financial condition is determined on the basis of an annual financial statement filed by the contractor. Other things being equal, contractors with weaker financial statements pay higher annual fund assessments. Fund assessments are calculated according to a formula spelled out in the producer security law. However, DATCP may modify fund assessments by rule.

In some cases, a merger or acquisition may temporarily affect a contractor's financial statement. This temporary change may in some cases cause a disproportionate increase

in annual fund assessments (based on the current statutory assessment formula). In such cases, this rule authorizes DATCP to refund part of a contractor's assessment if certain conditions apply. The refund is paid as a credit against the next year's assessment.

### *Rule Contents*

#### **Partial Refund of Assessment**

Under this rule, DATCP must refund part of an annual fund assessment paid by a contributing contractor if all of the following apply:

- The contractor paid the full amount of the assessment including any late penalties.
- The contractor is the surviving entity in a merger under ss. 179.77, 180.1101, 183.1201, or 185.61, Stats., or has acquired property pursuant to a sale of assets under s. 180.1202, Stats.
- The assessment was based on the contractor's financial statement for the fiscal year in which the merger or acquisition took effect.
- The contractor's financial statement, for the fiscal year in which the merger or acquisition took effect, caused the sum of the contractor's current ratio assessment rate and debt to equity assessment rate (both calculated according to current statutory formulas) to increase by at least 100% compared to the preceding license year.
- The contractor's annual financial statements, for the fiscal years immediately preceding and immediately following the fiscal year in which the merger or acquisition took effect, show positive equity, a current ratio of at least 1.25 to 1.00 and a debt to equity ratio of no more than 3.0 to 1.0.

In the license year immediately following the license year for which the contractor paid the assessment, the sum of the contractor's current ratio assessment rate and debt to equity assessment rate (both calculated according to current statutory formulas) declines by at least 50% compared to the license year for which the contractor paid the assessment.

- The contractor requests the refund in writing, by the first day of the next license year.

#### **Refund Amount**

The amount of the refund under this rule will equal 75% of the difference between the assessment amount paid by the contractor and the assessment amount required of the contractor in the next license year.

#### **Refund Paid as Credit Against Next Year's Assessment**

Whenever DATCP pays a refund under this rule, DATCP must pay the refund as a credit against the contractor's assessment for the next license year. DATCP must apportion the

credit, pro rata, against the quarterly assessment installments required of the contractor in that next license year. If the credit exceeds the total assessment required of the contractor in that next license year, DATCP must credit the balance in the same fashion against assessments required of the contractor in subsequent license years.

DATCP may not pay refunds except as credits against future assessments (there is no cash refund). DATCP may not pay a refund (grant a credit) to any person other than the contractor who paid the original assessment on which the refund is given.

### *Finding of Emergency*

The Wisconsin department of agriculture, trade and consumer protection currently administers an agricultural producer security program under ch. 126, Stats. ("producer security law"). This program is designed to protect agricultural producers from catastrophic financial defaults by contractors who procure agricultural commodities from producers.

Under the producer security law, contractors pay annual assessments to an agricultural producer security fund ("the fund"). If a contractor defaults in payments to producers, the department may compensate producers from the fund. A contractor's annual fund assessment is based, in large part, on the contractor's annual financial statement. The producer security law spells out a formula for calculating assessments. However, the department may modify assessments by rule.

The fund assessment formula is designed to require higher assessments of contractors who have weak financial statements (and may thus present greater default risks). But the statutory formula may generate unexpectedly high assessments in some cases, where a contractor's strong financial condition is temporarily affected by financial transactions related to a merger or acquisition. This may cause unfair hardship, and may unfairly penalize some mergers or acquisitions that actually strengthen security for agricultural producers. This may have an unnecessarily adverse impact on contractors, producers and Wisconsin economic development.

The department may adjust assessments by rule, in order to ameliorate unintended results. But the normal rulemaking process will require at least a year to complete. The following temporary emergency rule is needed to address this matter in the short term, and to provide relief for contractors already affected.

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## EMERGENCY RULE

### Reduced Contractor Assessments (Contractors Filing Security)

#### Analysis Prepared by the Department of Agriculture, Trade and Consumer Protection

Statutory Authority: ss. 126.15(1)(intro.), 126.30(1)(intro.),  
126.46(1)(intro.), 126.60(1)(intro.), 126.81 and  
126.88(intro.), Stats.

Statutes Interpreted: ch. 126, Stats.

The department proposes to adopt this temporary emergency rule and add the emergency rule provisions to the final draft "permanent" rule (see above).

This emergency rule reduces agricultural producer security assessments required under ch. 126, Stats., for certain grain dealers, grain warehouse keepers, milk contractors and vegetable contractors (collectively referred to as "contractors").

#### *Background*

The Wisconsin department of agriculture, trade and consumer protection ("DATCP") currently administers an agricultural producer security program under ch. 126, Stats. ("producer security law"). This program is designed to protect agricultural producers from catastrophic financial defaults by contractors who procure agricultural commodities from producers.

Under the producer security law, contractors pay annual assessments to an agricultural producer security fund ("the fund"). If a contractor defaults in payments to producers, DATCP may compensate producers from the fund. Fund assessments are calculated according to a statutory formula, but DATCP may modify fund assessments by rule.

The law directs DATCP to obtain bonds or other backup security for the fund. The backup security is intended to protect producers against large contractor defaults that may exceed the capacity of the fund. But changes in the insurance and bonding industry have prevented DATCP from obtaining any backup security (DATCP has received no acceptable bids).

Before the fund was created in 2002, contractors who failed to meet minimum financial standards were required to file individual security (typically a bond or letter of credit) with DATCP. The amount of security was based on the size of the contractor's producer payroll (potential default exposure). DATCP returned much of this security after the fund was created. But because DATCP was unable to obtain backup security for the fund, DATCP retained security from some of the largest contractors. DATCP did this in

order to protect agricultural producers against large contractor defaults that might exceed the capacity of the fund.

DATCP's action protected agricultural producers against catastrophic defaults, but imposed additional costs on some large contractors. The affected contractors (approximately 6 contractors) must now pay security costs *and* fund assessments. This emergency rule reduces fund assessments for these contractors, to compensate for the added security costs that the contractors must incur.

### *Rule Contents*

Under this rule, if DATCP still holds pre-fund security from a contractor that now also contributes to the fund, the contractor's annual fund assessment is reduced by an amount determined as follows:

(a) Divide the maximum amount payable from the fund (in the event of a default) by the contractor's "estimated default exposure." "Estimated default exposure" is currently defined by statute, based on the size of the contractor's producer obligations.

(b) Subtract the result in par. (a) from 1.0.

(c) Multiply the result in par. (b) by the amount of the contractor's annual fund assessment.

(d) Subtract, from the result in par. (c), other assessment reductions that may currently apply (a contractor may not claim duplicate deductions).

### *Finding of Emergency*

The Wisconsin department of agriculture, trade and consumer protection ("DATCP") currently administers an agricultural producer security program under ch. 126, Stats. ("producer security law"). This program is designed to protect agricultural producers from catastrophic financial defaults by contractors who procure agricultural commodities from producers.

Under the producer security law, contractors pay annual assessments to an agricultural producer security fund ("the fund"). If a contractor defaults in payments to producers, DATCP may compensate producers from the fund. Fund assessments are calculated according to a statutory formula, but DATCP may modify fund assessments by rule.

The law directs DATCP to obtain bonds or other backup security for the fund. The backup security is intended to protect producers against large contractor defaults that may exceed the capacity of the fund. But changes in the insurance and bonding industry have prevented DATCP from obtaining any backup security (DATCP has received no acceptable bids).

Before the fund was created in 2002, contractors who failed to meet minimum financial standards were required to file individual security (typically a bond or letter of credit) with DATCP. The amount of security was based on the size of the contractor's producer payroll (potential default exposure). DATCP returned much of this security after the fund was created. But because DATCP was unable to obtain backup security for the fund, DATCP retained security from some of the largest contractors. DATCP did this in order to protect agricultural producers against large contractor defaults that might exceed the capacity of the fund.

DATCP's action protected agricultural producers against catastrophic defaults, but imposed additional costs on some large contractors. The affected contractors (approximately 6 contractors) must now pay security costs *and* fund assessments. This emergency rule reduces fund assessments for these contractors, to compensate for the added security costs that the contractors must incur.

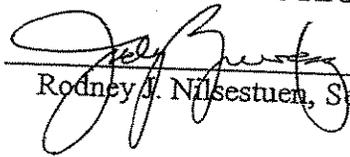
This temporary emergency rule will provide needed financial relief (assessment reductions) to the affected contractors in the current license year, pending the adoption of permanent rules to provide longer term relief. This emergency rule will provide cost savings and fairer treatment to the affected contractors, consistent with the original intent of the producer security law, pending the adoption of permanent rules. This emergency rule will promote the public welfare by helping to maintain the security, stability and competitiveness of Wisconsin's agricultural economy and processing industry.

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Dated this 30th day of March, 2004

STATE OF WISCONSIN  
DEPARTMENT OF AGRICULTURE, TRADE  
AND CONSUMER PROTECTION

By: \_\_\_\_\_

  
Rodney J. Nilsestuen, Secretary

<b>Preliminary FISCAL ESTIMATE</b>		LRB or Bill No. / Adm. Rule No. ATCP 99, 100 & 101
DOA-2048 (R 10/94)	<input checked="" type="checkbox"/> ORIGINAL <input type="checkbox"/> UPDATED	Amendment No. (If Applicable)
	<input type="checkbox"/> CORRECTED <input type="checkbox"/> SUPPLEMENTAL	

**Subject:**  
Agricultural Producer Security

<b>Fiscal Effect</b> State: <input checked="" type="checkbox"/> No State Fiscal Effect  Check below only if bill makes a direct appropriation or affects a sum sufficient appropriation.  <input type="checkbox"/> Increase Existing Appropriation <input type="checkbox"/> Increase Existing Revenues <input type="checkbox"/> Decrease Existing Appropriation <input type="checkbox"/> Decrease Existing Revenues <input type="checkbox"/> Create New Appropriation	<input type="checkbox"/> Increase Costs –  May be possible to absorb within agency's budget? <input type="checkbox"/> Yes <input type="checkbox"/> No  <input type="checkbox"/> Decrease Costs
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<b>Local :</b> <input type="checkbox"/> No local government costs 1. <input type="checkbox"/> Increase Costs                      3. <input type="checkbox"/> Increase Revenues <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory 2. <input type="checkbox"/> Decrease Costs                      4. <input type="checkbox"/> Decrease Revenues <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory	<b>5. Types of Local Gov. Unit Affected:</b> <input type="checkbox"/> Towns <input type="checkbox"/> Villages <input type="checkbox"/> Counties <input type="checkbox"/> Cities <input type="checkbox"/> Other: _____ <input type="checkbox"/> School Districts <input type="checkbox"/> WTCS Districts
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<b>Fund Source Affected:</b> <input type="checkbox"/> GPR <input type="checkbox"/> FED <input type="checkbox"/> PRO <input type="checkbox"/> PRS <input type="checkbox"/> SEG <input type="checkbox"/> SEG-S	<b>Affected Ch. 20 Appropriations:</b>
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**Assumptions Used in Arriving at Fiscal Estimate**

This rule authorizes a partial refund of certain agricultural producer security assessments required of grain dealers, grain warehouse keepers, milk contractors and vegetable contractors (collectively referred to as "contractors") under ch. 126, Stats.

This rule authorizes a partial refund of an annual assessment that is drastically inflated by a *temporary* change in financial condition caused by a merger or acquisition. This rule defines the specific circumstances under which the refund is authorized. This rule does not authorize a refund if the change in the contractor's financial condition lasts more than one fiscal year.

This rule is currently in effect as an Emergency Rule. Under the emergency rule, there has been one contractor who successfully applied for the credit. That credit will result in a roughly \$60,000 reduction in assessment collections over the next two years. The reduction is not reflected in this fiscal estimate because it was granted under the emergency rule, not this proposed rulemaking order. DATCP is not aware of any contractors that are currently in a position to take advantage of the credit on assessments.

Furthermore, in order to qualify for the assessment credit, the contractor must have had a large, temporary increase in its assessment rate during the previous year. This means that any reduction in revenues do to the credit would be accompanied by an unexpected increase in assessment revenues during the previous year.

**Long - Range Fiscal Implications**

It is impossible to predict how many contractors may qualify for this credit in the future. However, any future credits would have to be proceeded by a large and unexpected increase in the contractors annual assessment. Therefore, any future reductions in assessment collections would be countered with it increased revenues.

<b>Agency/prepared by: (Name &amp; Phone No.)</b> DATCP Kevin LeRoy      ph. 608-224-4928	<b>Authorized Signature/Telephone No.</b> Barbara Knapp, ph. 608-224-4746	<b>Date</b> Feb. 16, 2004
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**FISCAL ESTIMATE WORKSHEET**

Detailed Estimate of Annual Fiscal Effect  
DOA-2047 (R10/94)

ORIGINAL  UPDATED  
 CORRECTED  SUPPLEMENTAL

LRB or Bill No/Adm. Rule No. Amendment No.  
ATCP 99, 100 & 101

**SUBJECT**

Agricultural Producer Security

**I. One-time Cost or Impacts for State and/or Local Government (do not include in annualized fiscal effect):**  
*Costs are recurring; see below.*

II. Annualized Cost:	Annualized Fiscal Impact on State funds from:	
A. State Costs by Category	Increased Costs	Decreased Costs
	\$	\$ - 0
		- 0
		- 0
	0	- 0
<b>TOTAL State Costs by Category</b>		\$ - 0
B. State Costs by Source of Funds	Increased Costs	Decreased Costs
1. GPR	\$	\$ - 0
2. FED	0	- 0
3. PRO/PRS	0	- 0
4. SEG/SEG-S	0	- 0
III. State Revenues -	Increased Revenue	Decreased Revenue
<small>Complete this section only when proposal will increase or decrease state revenues (e.g., tax increase, decrease in license fees)</small>		
• GPR Taxes	\$ 0	\$ - 0
• GPR Earned	0	- 0
• FED	0	- 0
• PRO/PRS	0	- 0
• SEG/SEG-S	0	- 0
<b>TOTAL State Revenues</b>	\$ 0	\$ - 0

**NET ANNUALIZED FISCAL IMPACT**

	<u>STATE</u>	<u>LOCAL</u>
NET CHANGE IN COSTS	\$ 0	\$ 0
NET CHANGE IN REVENUES	\$ 0	\$ 0

Agency Prepared by: (Name & Phone No.) DATCP Kevin LeRoy, ph. 608-224-4928	Authorized Signature/Telephone No. Barbara Knapp (608) 224-4746	Date April 16,2001
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## Interfaith Leaders' Letter to the U.S. Senate in Support of Bold Energy Conservation Program

February, 2002

Dear Senator:

As leaders of major faith communities, we write to you, our senators, at a moment of great moral urgency for our nation and the planet - God's children and God's creation. We caution Congress not to adopt an energy policy based on short-term regard for long term solutions. On May 18, 2001, 41 heads of major denominations and senior religious leaders joined in issuing "*Let There Be Light: An Interfaith Call for Energy Conservation and Climate Justice.*" In this document, they lifted up these moral stakes of a sustainable energy policy:

*"At stake are: the future of God's creation on earth; the nature and durability of our economy; our public health and public lands; the environment and quality of life we bequeath our children and grandchildren. We are being called to consider national purpose not just policy."*

Drawing upon scripture, the statement affirmed the importance of considering long-standing principles of faith and values concerning all of creation - stewardship, covenant, justice, prudence, solidarity, and intergenerational equity. Today, more than ever, these precepts should guide our action. Recent events remind us of the intimate link between the safety of people and the reliability of our energy system. Efforts to preserve the environment are ever more clearly necessary in order to protect human life. Security and sustainability are inextricably linked.

We agree with President Bush's statement on October 11 that said, "The less dependent we are on foreign sources of crude oil, the more secure we are at home." Yet, it is clear that we do not have sufficient domestic reserves to replace foreign oil supplies. Conservation and reducing our dependence on oil and other fossil fuels is critical to achieving energy independence and can be accomplished in economically responsible and economically beneficial ways.

Concerning energy use, we believe that conservation and the development of the cleanest technologies possible are the wisest, most just, and most prudent means to fulfill our moral obligations to ensure the health and well-being of the American people and people around the world, now and for generations to come. We have established Interfaith Climate and Energy campaigns in 21 states that are educating congregations on the link between energy conservation and renewable energy sources that benefit climate change reduction.

Rooted in moral values and concern for God's creation and God's children, we support the following energy policy initiatives:

- Raise substantially vehicle fuel economy across the board in the shortest feasible timeframe, and require SUVs, minivans, and passenger cars to meet the same standard.
- Develop strategies to encourage the auto industry to further design and produce vehicles using hybrid-electric, fuel cell, and other promising clean technologies, and provide incentives for their purchase.
- Support substantially increased funding for inter-city rail and metropolitan mass transit to provide attractive and functional alternatives to single occupancy autos.
- Fill the Strategic Petroleum Reserve and increase it with the least possible environmental damage.

We strongly oppose policies that would allow drilling or mining in our nation's dwindling wild lands and places important to the traditional cultures of indigenous peoples. We specifically oppose drilling in the Arctic National Wildlife Refuge. Conservation is a morally superior alternative to drilling in such places. Furthermore, conservation is also more effective, providing much greater benefits that are more permanent, rather than a modest and short-lived increase in oil supply.

Alongside energy concerns that relate directly to oil, we have longstanding distress about other health and environmental effects of energy policy, including global climate change. Therefore, we support policies that would:

- Invest significantly more resources in renewable energy research and development with a focus on wind, geothermal, solar and biomass technologies.
- Include carbon dioxide as a regulated pollutant from power plants.
- Apply the strictest feasible energy efficiency standards to consumer products, including air conditioners.
- Increase funds for the Low Income Energy Assistance Program and other programs to alleviate economic hardship on low-income people caused by high energy prices.

Now is the time to embrace energy conservation and efficiency and alternative energy development as the central strategies of our nation's energy policy. The energy policies we adopt in the coming debate must reflect our resolve as a nation to be faithful to our values and to fulfill our obligations at a time of national crisis.

God calls humans to strive toward peace, justice, and harmony for all of creation. We have called on our congregants and communities to practice energy conservation as part of our values. Now we urgently call on the United States Congress and the Administration. As this critical issue comes forward for legislative action, we call upon our senators to reflect and act as God's stewards. The same energy policies that will help achieve peace for humankind by reducing our dependence on oil will create greater harmony within creation by protecting the environment.

Together, we can achieve energy solutions that embody and promote justice, stewardship, and intergenerational responsibility. We urge you to consider and consult these values as you evaluate the energy policy options before the nation and work to pass responsible and effective legislation.

Yours faithfully,

## **1,200 signatures including:**

### **Wisconsin Religious Leaders**

Organizations and affiliations are listed for identification purposes only

#### **AU SABLE ENVIRONMENTAL INSTITUTE**

Dr. Calvin B. DeWitt, Director and Professor of Environmental Studies

Au Sable Environmental Institute and UW-Madison, Madison

#### **AMERICAN BAPTIST CHURCH**

Rev. Arlo R. Reichter, Executive Director, American Baptist Churches of Wisconsin

#### **BUDDHIST**

Rev. Toshu John Neatrou, Buddhist Priest, Milwaukee Zen Center, Milwaukee

#### **CHURCH WOMEN UNITED**

Ms. Beverly Ferguson, State President

#### **EVANGELICAL LUTHERAN CHURCH IN AMERICA**

Rev. Dick Blomker, Pastor, ELCA, Lake Edge Lutheran Church, Madison

Rev. Sue Moline Larson, Director, Wisconsin Lutheran Office of Public Policy, Madison

Bishop Peter Rogness, Greater Milwaukee Synod, Evangelical Lutheran Church in America

#### **GREEK ORTHODOX CHURCH**

Fr. Ted T. Trifon, Sts Constantine and Helen Greek Orthodox Church, Milwaukee

#### **INTERFAITH**

Rev. Dave Steffenson, Ph.D., Executive Coordinator, Wisconsin Interfaith Climate Change Campaign of WI Interfaith IMPACT

Rev. Aden Ward, President, Policy Board, Wisconsin Interfaith IMPACT

Mr. Marcus White, Executive Director, Interfaith Conference of Greater Milwaukee

#### **JEWISH**

Rabbi Marc E. Berkson, Congregation Emanu-El B'ne Jershuir, Milwaukee

Rabbi Jay R. Brickman, Emeritus, Congregation Sinai, Milwaukee

Rabbi David Brusin, Congregation Shur Hadash, Milwaukee

Rabbi David B. Cohen, Congregation Sinai, Milwaukee

Rabbi Dena Feingold, Beth Hillel Congregation, Kenosha

Ms. Barbara I. Kuhn, Wisconsin Jewish Conference, Milwaukee

Rabbi Simcha Prombaum, Sons of Abraham Congregation, LaCrosse

Rabbi Brian Serle, Congregation Beth El, Sheboygan

Ms. Paula Simon, Executive Director, Milwaukee Jewish Council for Community Relations

Rabbi Sidney Vineburg, Cnesses Israel Synagogue, Green Bay

Rabbi Ira S. Youdovin, Congregation B'nai Israel, Oshkosh

#### **KOREAN PRESBYTERIAN CHURCH**

Rev. Jin Kwang Chang, Pastor, Korean Presbyterian Church of Madison

#### PRESBYTERIAN CHURCH USA

Rev. Philip C. Brown, Executive Presbyter, The Presbytery of Milwaukee  
Rev. Hal Murry, Executive Presbyter, John Knox Presbytery

#### ROMAN CATHOLIC

Sister Michelle Balek, OSF, North American Region Coordinator, Franciscans International, Milwaukee, WI  
Mr. Rich Bogovich, National Co-Organizer, Catholics for Ecological Conversion  
Sister Miriam Brown, OP, Director, Churches' Center for Land and People, Sinsanawa  
Sister Mary Christine, CSA, Congregation of St. Agnes, Fond du Lac  
Rt. Rev. E. Thomas De Wane, O. Praem, Abbot, St. Norbert Abbey, DePere  
Rev. Jude Peters, OCD, Discalced Carmelite Friars, Washington Province  
Sister Mary Francis Gebhard, Justice and Peace Coordinator, St. Bede Monastery, Eau Claire

#### UNITARIAN

Rev. Joy D. Gasta, Minister, Norway and West Paris, Maine, Unitarian =  
Universalist Churches  
Rev. Michael A. Schuler, Pastor, 1st Unitarian Society, Madison  
Rev. Elena L. Rigg, , Unitarian Church North, Milwaukee

#### UNITED CHURCH OF CHRIST

Rev. Dr. Thomas O. Bentz, Southeast Association Minister, Wisconsin Conference, UCC  
Wauwatosa  
Rev. Janice L. Davis, Northeast Association Minister, Wisconsin Conference, UCC Appleton  
Rev. Gail O'Neal, Associate Conference Minister, Wisconsin Conference

#### UNITED METHODIST CHURCH

Rev. Donald L. Frank, District Superintendent, Chippewa District, Wisconsin United Methodist  
Conference Eau Claire  
Rev. Dr. Thomas O. Garnhart, District Superintendent, Metro-South District, Wisconsin United  
Methodist Conference, Milwaukee  
Mr. Walt Jackson, Chair, Board of Church and Society, Wisconsin Conference, UMC, Sun Prairie  
Rev. Hee Soo Jung, District Superintendent, Nicolet District, Wisconsin United Methodist  
Conference Appleton Nicolet District, Wisconsin United Methodist Conference  
Ms. Audrey Kammerud, Mission Coordinator for Social Action, United Methodist Women of the  
Wisconsin United Methodist Conference  
Bishop Sharon Zimmerman Rader, Wisconsin Conference of the United Methodist Church  
Rev. Velma G. Smith, District Superintendent, Metro-North District, Wisconsin United  
Methodist Conference Milwaukee, WI  
Rev. Forrest Wells, District Superintendent, Coulee District, Wisconsin United Methodist  
Conference, Sun Prairie  
Rev. Wesley White, President, Wisconsin Chapter, United Methodist Federation for Social Action,  
La Crosse

#### WISCONSIN COUNCIL OF CHURCHES

Rev. Gretchen Lord Anderson, Associate Director, Sun Prairie  
Rev. Dr. Jerry L. Folk, Executive Director, Wisconsin Council of Churches, Sun Prairie  
Rev. Kenneth L. Pennings, Coordinator for Local Ecumenism, Sun Prairie

**Emergency Rule NR 1.1016,  
1.05, 1.06, and 1.07**

*will suspend Preamble  
as part of emergency  
rule*

**Relating to Natural Resources Board  
policies on protection and management of  
public waters.**

## Natural Resources – Affects Ch. NR 1

SECTION 1. NR 1.016 is created to read:

**NR 1.016 Department responsibilities to conserve and enhance public waters. (1)** The Natural Resources Board recognizes that the state of Wisconsin has an affirmative duty, under the public trust doctrine, which emanates from Article IX, Section I, of the Wisconsin Constitution, to protect and preserve the state's waters, which are one of Wisconsin's most important natural resources. The Wisconsin Supreme Court has admonished that, at the time of statehood, the state of Wisconsin "became a trustee of the people charged with the faithful execution of the trust created for their benefit." The Court further noted that the "wisdom of the policy which... carefully preserved to the people the full and free use of waters cannot be questioned, nor should it be limited by narrow construction." (*Diana Shooting Club v. Husting*, 156 Wis. 261(1914). The Wisconsin courts have noted that the state of Wisconsin must take into account the "potential ecological impacts" of projects in our navigable waters to carry out its "assigned duty as protector of the overall public trust in maintaining one of Wisconsin's most important natural resources. (See *Sterlingworth v. DNR*, 205 Wis. 2d 710(Ct. App.1996))

(2) In addition to the common law provisions requiring the state of Wisconsin to protect the ecology of our public trust waters, scientific research has demonstrated that the impacts of human manipulation of our shorelines and in water habitat are having significant impacts on our vital aquatic ecosystems. The department of natural resources participated actively in collaborative efforts with interest group leaders and scientists from across the state of Wisconsin to assess the status of Wisconsin's water resources during 2003 – The Year of Water. This collaborative effort resulted in a report of the Wisconsin Academy of Sciences, Arts and Letters entitled, "*Waters of Wisconsin: The Future of our Aquatic Ecosystems and Resources*". This report noted the critical importance of maintaining our lakes, rivers and streams, wetlands, and aquatic ecosystems and the biodiversity of our state's waters. (*Waters of WI* at pps. 12-20) It recognized that all actions affecting our waters have consequences and that these consequences accumulate over time, and, cumulatively, cannot be ignored. (*Waters of WI* at p. 63.) The report adopted a "Statement of Principles" that noted "the citizens of Wisconsin increasingly appreciate that the degradation of water bodies and watersheds, loss of aquatic biodiversity, and varied forms of water pollution pose serious threats to human health, the quality of life, a thriving economy, and vital aquatic ecosystems." The report noted that Wisconsin's "bounty of freshwater and the variety of its aquatic ecosystems are assets of global significance", which face diverse challenges to their integrity....". It was noted that "sustainability" of these resources "implies a commitment to protecting, managing, restoring, and using Wisconsin's waters in a manner that ensures the health of our aquatic ecosystems while securing their cultural, economic and public health benefits for future generations." (*Waters of WI* at pps. 92-93) The report noted "Management of Wisconsin's waters should strive to protect and where possible restore natural hydrologic functions, native biological diversity, and ecological integrity. (*Waters of WI* at p. 96). The conclusions and recommendations of the Waters of Wisconsin report are consistent with state and national research assessing the impacts of physical activities on our aquatic ecosystems.

Note: For a full copy of the *Waters of Wisconsin Report*, contact the Wisconsin Academy of Sciences, Arts and Letters, 1922 University Avenue, Madison, WI or go to their website at [www.wisconsinacademy.org](http://www.wisconsinacademy.org). For a survey of other research supporting the need to protect, see "The Construction, Aesthetics and Effects of Lakeshore Development: A Literature Review, by Sandy Engel and Jerry L. Pederson, Jr., Wisconsin Department of Natural Resources Research Report 177, December 1998.

(3) Recognizing that the legislature has delegated to the department of natural resources the authority to administer its surface water management programs, the Natural Resources Board directs the department to administer those programs in a manner consistent with its delegated authority under the statutes, the rules which it has promulgated, the common law public trust principles and the science relating to the management of our aquatic resources in order to assure the sustainability of our aquatic ecosystems.

(4) The Natural Resources Board recognizes that conservation of the extent and quality of public waters and the remaining aquatic habitat and natural features is critical to the future of hunting, fishing, recreation, tourism, economic development and the quality of life in Wisconsin.

(5) Recent legislative actions have modified and streamlined the regulatory processes under ch. 30, Stats., which is the primary mechanism for ensuring that physical alterations do not diminish the extent or nature of public rights in navigable waters. During the course of the deliberations in the adoption of these statutory modifications, the bill sponsors clearly stated their intent to provide exemptions for "very minor activities" and not to diminish the public trust protections of Wisconsin's waters. The bill's sponsors noted that, "Under the [Act], the DNR is **required** to consider public rights or interest when promulgating rules regarding the issuance of statewide general permits." The expressed intent of the Legislature, and of the Governor, was to "uphold the highest environmental standards."

(6) As trustee of public waters, the department shall conserve and enhance public rights established under the laws of this state in our navigable waters. These public rights include, but are not limited to, the right to navigate, hunt, fish, swim,

recreate, enjoy natural scenic beauty in clean water free of environmental pollution, and other rights as may be established by law in the future.

SECTION 2. NR 1.05 is created to read:

**NR 1.05 Identification of areas of special natural resource interest.** (1) To fulfill its affirmative duty to protect public trust waters, the department shall designate by rule areas of special natural resources interest as defined in s. 30.01(1am), Stats.

(2) Exemptions listed in ss. 30.12(1g)(a) to (km) and 30.20(1g)(b)1. and 2., Stats., do not apply in areas of special natural resource interest. General or individual permits are required.

Note: Activities not exempted in areas of special natural resource interest are deposits less than 2 cubic yards; seasonal structures other than piers or wharves; fish habitat structures; bird nesting platforms; boat shelters, hoists and lifts; piers or wharves meeting dimensional standards; dry hydrants; pilings; riprap repair or replacement; biological shore erosion control structures; intake or outfall structures; dredging to place or maintain an exempt structure; dredging without auxiliary power.

(3) Waters that can serve as benchmarks for assessing and guiding the conservation and management of all public waters shall be identified as possessing significant scientific value under s. 30.01(1am)(c), Stats. In identifying the waters, the department shall consider the presence of self-sustaining populations of native plants and animals, unique natural features, remnant areas of native biota, and water uses of statewide significance including research or education.

(4) The following waters are hereby determined to be areas of special natural resources interest as defined in s. 30.01(1am), Stats:

(a) A state natural area designated or dedicated under ss. 23.27 to 23.29, Stats.

(b) A surface water identified as a trout stream by the department under s. NR 1.02(7).

(c) A surface water identified as an outstanding or exceptional resource water under s. 281.15, Stats.

(d) Waters inhabited by any endangered, threatened, special concern species or unique ecological communities identified in the Natural Heritage Inventory.

(e) Wild rice waters as identified by the department and the Great Lakes Indian Fish and Wildlife Commission.

(f) Tributaries to and rivers connecting to inland lakes containing naturally-reproducing populations of sturgeon up to the first dam.

(g) Navigable waters having self-sustaining populations of walleye located in the ceded territory of the state where resource allocation rights are shared by sovereign tribes.

(h) Muskellunge waters of the state where the muskellunge population is entirely or partially sustained through natural reproduction (Category 0, Category 1 and Category 2 muskellunge waters).

(i) Waters in areas identified in a special area management plan (SAMP) or special wetland inventory study (SWIS) under s. NR 103.04.

Note: Special area management plans exist for the City of Superior, Douglas County and Chiwaukee Prairie, Kenosha County. A Special Wetland Inventory Study exists for the area bordering the bay of Green Bay.

(j) Waters in ecologically significant coastal wetlands along Lakes Michigan and Superior as identified in the Coastal Wetlands of Wisconsin (DNR-CMP project).

(k) Federal or state, under ss. 30.26 and 30.27, designated wild or scenic rivers.

(l) Perennial tributaries to surface waters identified as trout streams by the department under s. NR 1.02(7).

(5) The department shall maintain on its website and make available at its offices a consolidated list of areas of special natural resource interest along with all other waters designated under ss. NR 1.06 and 1.07 so that a person may readily determine the applicability of all exemptions or permit requirements under ch. 30, Stats.

Note: See the department's website at [www.dnr.state.wi.us/org/water/fhp/waterway/index.shtml](http://www.dnr.state.wi.us/org/water/fhp/waterway/index.shtml).

SECTION 3. NR 1.06 is created to read:

**NR 1.06 Identification of public rights features.** (1) To fulfill its affirmative duty to protect public trust waters, the department shall continually assess the state's public trust waters to identify locations of public rights features that require general or individual permit review in lieu of exemptions, or reasonable limitations on location to assure that the public's rights and interests under the public trust doctrine are protected, under ss. 30.12(1p)3. and (2m), 30.123(6m) and (6s), 30.20(1k)2. and (1m), 30.206(1c) and (3)(3r), Stats.

(2) Due to the potential significant adverse impacts of the activity on public rights features, exemptions listed in ss. 30.12(1g)(b) or (f), 30.123(6)(e) and 30.20(1g)(b)2., Stats., in locations where there are public rights features, except for piers and wharves as specifically provided in s. NR 326.08(1)(d). General or individual permits are required for those activities in locations of public rights features.

Note: Exemptions not allowed in locations of public rights features are: seasonal structures other than piers or wharves; piers or wharves meeting dimensional standards in s. 30.12(1g)(f), Stats., but not meeting standards under s. NR 326.08(1)(d), replacement culverts with inside diameter not more than 24 inches; dredging without auxiliary power.

(3) For those activities that may not be located where there are public rights features as defined in s. NR 1.06, a person may undertake an exempt activity after they have evaluated the site and determined that no public rights features as described under s. NR 1.06(4) may be affected by their activity.

(4) Public rights features include:

(a) Fish and wildlife habitat, including but not limited to spawning, nursery and feeding areas.

Note: Physical features constituting fish and wildlife habitat include stands of aquatic plants; riffles and pools in streams; undercut banks with overhanging vegetation or that are vegetated above; areas of lake or streambed where fish nests are visible; large woody cover.

(b) Physical features of lakes and streams that ensure protection of water quality.

Note: Physical features that protect water quality include stands of aquatic plants (that protect against erosion and so minimize sedimentation), natural streambed features such as riffles or boulders (that cause turbulent stream flow and so provide aeration).

(c) Reaches of bank, shore or bed that are predominantly natural in appearance (not man-made or artificial) or that screen man-made or artificial features.

Note: Such reaches include those with stands of vegetation that include intermixed trees, shrubs and grasses; stands of mature pines or other conifer species; bog fringe; bluffs rising from the water's edge; beds of emergent plants such as wild rice, wild celery, reeds, arrowhead.

(d) Navigation thoroughfares or areas traditionally used for navigation during recreational boating, angling, hunting or enjoyment of natural scenic beauty.

Note: Physical features indicative of navigation thoroughfares include shallow water areas typically used by wading anglers or areas frequently occupied by regularly repeated public uses such as water shows.

(5) The department shall base its identification of public rights features on factual information obtained from reputable sources, including but not limited to:

(a) Field surveys and inspections, including historical surveys for fish, wildlife, rare species, aquatic plants, geologic features or water quality.

(b) Surveys or plans from federal, state or local agencies.

(c) Factual documentation of features or use patterns from property owners, user groups or knowledgeable users on the waterbody.

(6) Procedure for identifying public rights features.

(a) After determining the locations of public rights features, the department shall give notice in the official state newspaper or other media the department selects in the area affected which is likely to inform the local residents.

(b) The department shall notify the county clerk of any county bordering the lake or reach of a stream and legislators whose districts include the affected public waters and the chairpersons of the committees of the legislature with jurisdiction for natural resources issues.

(c) The notice shall contain the location and description of the public rights features and the basis for its determination that the location contains public rights features. If a hearing is not requested in writing within 30 days after the mailing of the notice, the department may waive the hearing. Upon receipt of a request for a hearing, the department shall, not less than 10 days before the hearing, mail written notice thereof to each person notified under par. (a) or other media the department selects in the area affected which is likely to inform the local residents.

(d) At each hearing, the department shall take evidence offered by persons in support of or in opposition to the determination. If the department finds any location not properly classified, the location may not be identified as the location containing public rights features.

(7) Areas of special natural resource interest as determined in this chapter are determined to be locations of public rights features.

(8) The following locations are determined to contain public rights features:

(a) Sensitive areas designated under ch. NR 107.

(b) Lakes and streams specifically named in the Wisconsin Land Legacy Report, publication number LF-001-2004.

(9) The department shall maintain on its website and make available at its offices a consolidated list of waters with identified public rights features along with all other waters designated under s. NR 1.07 along with a visual guide to identification of public rights features to assist a person the applicability of all exemptions or permit requirements under ch. 30, Stats.

Note: See the department's website at [www.dnr.state.wi.us/org/water/fhp/waterway/index.shtml](http://www.dnr.state.wi.us/org/water/fhp/waterway/index.shtml).

SECTION 4. NR 1.07 is created to read:

**NR 1.07 Identification of priority navigable waterways.** (1) To fulfill its affirmative duty to protect public trust waters, the department shall designate priority navigable waterways as defined in s. 30.19(1b)(c), Stats.

(2) Rules promulgated under s. 30.19(1d), Stats., shall apply to priority navigable waterways.

(3) The following waters are hereby determined to be priority navigable waterways:

- (a) All areas of special natural resources interested as defined in s. NR 1.05.
- (b) Lakes less than 50 acres in size.
- (c) All locations containing public rights features as defined in s. NR 1.06.
- (4)** The department shall maintain on its website and make available at its offices a consolidated list of priority navigable waters so that a person may readily determine the applicability of all exemptions or permit requirements under ch. 30, Stats.

Note: See the department's website at [www.dnr.state.wi.us/org/water/fhp/waterway/index.shtml](http://www.dnr.state.wi.us/org/water/fhp/waterway/index.shtml).

# Kickapoo Valley Reserve

A look at efforts to sustain the environment and the communities of the Kickapoo River watershed.



Wolfgang Hoffmann

## The Kickapoo Valley in Transition

**It's a busy time for those charged with preserving the Kickapoo Valley.**

It's been a busy couple of years at the Kickapoo Valley Reserve.

The 8,569-acre Reserve, which surrounds the Kickapoo River between the villages of La Farge and Ontario, emerged out of 1996 federal legislation proposed by Wisconsin Sens. Russ Feingold and Herb Kohl and then Rep. Steve Gunderson as part of the Water Resource Development Act (WRDA). The Reserve is set as a recreational and educational site as well as a preserving the area's environment, its state and cultural history.

There are several "firsts" associated with the Reserve. For one thing, it's the first time a locally controlled natural resource, like the Kickapoo Valley, is managed by an independent board. It also has a joint management agreement with the Ho-Chunk Nation. In 1997, the state signed an agreement with the Nation that identified 1,200 acres of the Reserve as unique archaeological or cultural sites to be managed by the Nation through the Bureau of Indian Affairs. Two board members represent the Nation.

"To our knowledge, this type of an agreement has never been done before where a state and a sovereign nation would manage property together," says Marcy West, executive director of the Reserve. "The Ho-Chunk Nation has joint management authority and a staff and crew that will work with us on a variety of activities."

The board is committed to federal and state legislative directives that declare the highest priority to

be protecting and preserving the land, which contains unique ecological features including endangered and rare plant life along with large tracts of hemlock, oaks and pines. More than 100 species of nesting birds have been observed, some of them rare

**Recreational activities available at the Kickapoo Reserve include on- and off-road biking, primitive camping, canoeing, hiking, cross-country skiing, horse riding, fishing, hunting and snowmobiling.**



Wolfgang Hoffmann

and endangered. The Reserve also provides habitat for a number of mammals, amphibians and reptiles. A forest management plan calls for harvesting the area's plantation pines and practicing sustainable forestry to allow some of the area to revert back to native species.

There was a consensus on the board to ban motorized vehicles — except snowmobiles — in addition to snowmobiling, recreation activities available at the Reserve include on- and off-road biking, primitive camping, canoeing, hiking, cross-country skiing, horse riding, fishing and hunting.

"It's too sensitive of an area as far as ecology for beds to be whatever they want," says Reserve board chair Ron Johnson.

While 7,369 acres of the Reserve eventually were transferred to state ownership, the U.S. Army Corps of Engineers still owns the property. After proposing a dam and reservoir just north of La Farge to control downstream flooding, the federal government bought 140 farms. The project was stopped in 1973 for environmental and economic reasons.

*Continued on page 7*

## A tale of three townships

**To understand landscapes and ecosystems, you have to understand their human histories.**

Three townships in the heart of the Kickapoo River Valley each tell a very different story of the area's land.

UW-Madison forest ecology and management graduate student Lynne Heasley is completing an environmental history of Clinton, Stark and Liberty townships in Vernon County. The study tracks changes in the landscape, land ownership and land-use patterns since the 1930s. Heasley's collaborators include UW-Madison forestry professor Ray Guries, UW-Madison soil scientist Steve Ventura, UW-Stevens Point geography professor Keith Rice, and Hawthorne Beyer, a UW-Stevens Point specialist in geographic information systems (see sidebar, p. 2).

"Environmental history is a passionate topic for people in the valley," Heasley says. "Taking a historical perspective is a powerful way to link research and people's concerns."

Heasley's research team constructed a geographic information system (GIS) to document both broad landscape and ownership changes from the 1930s to the 1990s and more detailed changes in forest ecosystems. The system enabled them to examine various trends as property changed hands. The researchers also assessed forest succession from oak-hickory to maple-basswood forests. No previous study has mapped such a change on a landscape scale.

As more people move in, will the environment suffer? . . . . .

The 8,569-acre environmental classroom . . . . .

Beyond fish and fly-tying: An innovative approach to river conservation . . . . .

Growing jobs in the woods . . . . .

Earning a living in the Kickapoo Valley . . . . .

The woodland chorus sounds a warning: What we can learn from birds and frogs . . . . .

About this report . . . . .

The team carried out fieldwork on current land cover in the three townships and used historical land surveys and old aerial photos to reconstruct past land cover. Heasley compiled data on land ownership by searching the archives of the Vernon County Historical Society, and working with the county treasurer and register of deeds. She also interviewed landowners to gather historical accounts of the cultural dynamics that influenced the region's environmental history.

The team found that landscape and ecological changes are closely connected to long-term trends in land ownership. Surprisingly, says Heasley, the landscapes of the three townships have diverged sharply

*Continued on page 2*

# A tale of three townships

(Continued from p. 1)

over the years, even though their boundaries touch geographically. The study demonstrates that landscapes and ecosystems in the valley can only be understood together with their human histories.

Perhaps the most prominent feature in Clinton township is the expanding Amish population. The Amish began buying farms in Clinton in 1965. By 1995 they owned nearly half the land in the township. Parcel size and land distribution of fields, forests and pastures have changed less in Clinton than in the other townships. To a large extent, the Amish have carried on the use of small and medium-sized parcels for agriculture and timber production. Amish farmers have made a few dramatic changes in Clinton. They have removed many of the contour strips from their fields. Contour strips declined from 32 percent to 17 percent on land the Amish have farmed. At the same time, contour-strip cropping on other land increased slightly. The Amish also use their forests intensively, for grazing livestock, harvesting timber and tapping maples. While the Amish intensively use their land for subsistence and agricultural production, for cultural reasons they are least accessible to county extension agents.

Stark township tells a much different story. A large part of the Kickapoo Valley Reserve lies within Stark. The Reserve's history has profoundly affected the township's landscape and communities. In the 1960s, the Army Corps of Engineers proposed building a dam and a large recreational lake north of La Farge. The government bought 140 farms surrounding the area. Anticipating a new recreational area, speculators bought real estate in the area. Nearly three-fourths of the private land in the township changed hands from 1978 to 1995, with absentee ownership increasing during that period. Because of environmental concerns, the dam never was built. Instead, much of the area is protected as a reserve for its ecological and cultural value.

The project and the resulting Kickapoo Valley Reserve led to very complex landscape dynamics, Heasley notes. In terms of the landscape, Stark has changed the most of the three townships, primarily because agriculture has declined dramatically in the last half century. Conversely, forest cover has increased from 40 percent in 1939 to nearly 60 percent today. The Kickapoo Valley Reserve is one place in the valley where oak forests are not declining. Private land around the valley shows increasing rates of forest succession and fragmentation.

"The Reserve is truly a magnificent place for sustaining our southern mesic forests in the region," says Heasley. She adds, however, that Stark's residents paid a high price in loss of private property and community stability.

## GEOGRAPHIC INFORMATION SYSTEMS:

### Technology to understand land

**A geographic information system (GIS)** provides an invaluable tool for land-use planning, management and decision-making in the Kickapoo River Valley. Spatial data such as cultural and biophysical features can be linked to tabular or attribute data about those features. Such data can be used alone or in combination to represent, analyze and model demographic, cultural and natural resource patterns and activities. The information can help evaluate the impact of past and present land uses and activities and for planning and managing for the future.

The database for the Kickapoo Valley Reserve GIS project is extensive. The various data layers include soils, forest, water, endangered species, wildlife,

Like Stark, Liberty township has seen an increase in forest cover and a decline in agriculture. From there the environmental histories of these two townships differ significantly. Liberty township is characterized by small, struggling dairy farms. However, many of these farms have been sold to absentee corporate beef ventures, or are being divided into smaller parcels as more absentee recreational owners buy land throughout the township. Liberty clearly exhibits the highest concentration of large parcels and the greatest fragmenting of land into smaller parcels of the three townships.

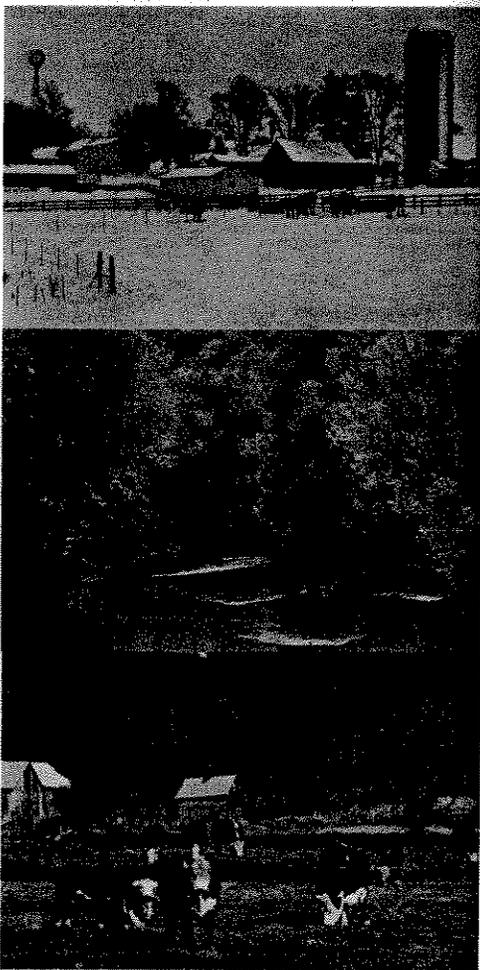
Parcel maps of Liberty from the 1930s, 1940s and early 1950s reveal rural stability. While land changed hands regularly during these decades, local farm families retained ownership. In the mid-1950s, however, the Soil Bank Act, a program intended to help farmers, may have led to unintentional detrimental effects. The act paid farmers to convert cropland into forests by planting trees or leaving old fields to succession. This allowed farmers to remove entire farms from production. When the Soil Bank ended in the 1960s, many older participants and their children weren't able to reenter farming, which had grown in scale and capital intensity. Some of the land devoted to agriculture has reverted back to forested land.

Heasley sees three implications from the study. One is that land ownership and landscape are closely connected, but researchers can't begin to grasp the connections without paying close attention to both the human and ecological histories of rural areas. Collecting data at one or two dates in time is insufficient in an area as dynamic as the Kickapoo Valley. For example, forest succession is occurring in all three townships, but the extent, rate and causes of succession are very different.

A second implication is that researchers must develop better methods of exploring relationships between ecosystems and people. "You can't tell a thousand landowners what to do with their land," Heasley notes. "But we still need methods of studying complex landscapes like the Kickapoo Valley, then presenting the results in ways that make sense to the people with the most at stake."

Heasley says that this study is unique because it brought together scholars who organized the research around a set of historical questions about cultural landscapes. The researchers worked with a diverse group in the Kickapoo Valley, including DNR county forester Jim Dalton, Phil Hahn and Jeff Hastings of the Vernon County Land Conservation office, county treasurer Sandra Vold-Brudos, Judy Gates, curator of the Vernon

County Historical Museum, and Ben Logan, a local author and storyteller. Third, says Heasley, society must come to terms with the most divisive land-use and ownership debates. Property rights advocates and environmental rights activists are often set up as antagonists. The Kickapoo Valley is home to people who would place themselves firmly on one side or the other. For example, in Liberty township beef ranchers are pitted against environmentalists. Beef ranching can hurt forest ecosystems and water quality, but the valley is also a hot spot for rotational grazing. Some might consider the Amish ideal land stewards, while others would disagree. Absentee landowners are often seen as being more sensitive to aesthetic and ecological concerns than local owners. Yet, says Heasley, local residents have been passionate about their land for more than 150 years.



Photos by Wallace Hoffmann

Three adjacent Kickapoo Valley townships have dramatically different patterns of land ownership and use. The most prominent feature in CLINTON TOWNSHIP is an expanding population of Amish farmers. After the federal government first announced plans in the 1960s to create a large recreational lake north of LaFarge, nearly three-fourths of the private land in the STARK TOWNSHIP changed hands, with absentee ownership increasing. A large part of the township now lies within the Kickapoo Reserve. LIBERTY TOWNSHIP has seen an increase in forest cover and a decrease in agriculture. Many small farms in the area have been sold to absentee owners for livestock operations or recreational use.

County Historical Museum, and Ben Logan, a local author and storyteller

Third, says Heasley, society must come to terms with the most divisive land-use and ownership debates. Property rights advocates and environmental rights activists are often set up as antagonists. The Kickapoo Valley is home to people who would place themselves firmly on one side or the other. For example, in Liberty township beef ranchers are pitted against environmentalists. Beef ranching can hurt forest ecosystems and water quality, but the valley is also a hot spot for rotational grazing. Some might consider the Amish ideal land stewards, while others would disagree. Absentee landowners are often seen as being more sensitive to aesthetic and ecological concerns than local owners. Yet, says Heasley, local residents have been passionate about their land for more than 150 years.

"Our aim is to use these stories to move beyond the conflicts," says Heasley. "I want to get at the cultural roots of the debate. How did we reach this point and where do we go from here?"

For more information on this study, contact Ray Gates at (608) 202-0449, or e-mail him at rgates@the19th100s.com.

# People Pressure

## Will environmental quality decline as the population grows?

Population growth can have an impact on the management and conservation of an area's natural resources. A team of Madison researchers recently studied demographic characteristics and land cover in the Kickapoo River Valley to determine how human settlement will affect the landscape in the future. The study, part of a larger five-state research project, tells a story of how people and the landscape are connected and allows researchers and resource professionals to identify areas that are developing rapidly.

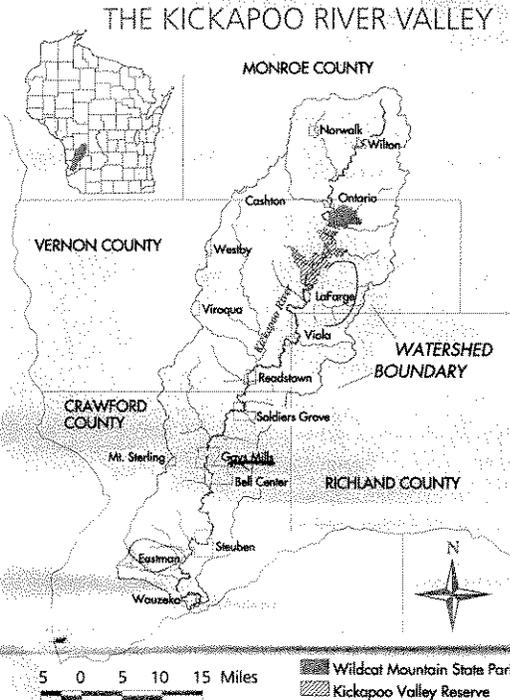
Resource managers and planners must balance various land-use and ownership demands. Environmental issues such as water quality, biodiversity and aesthetics may be at odds with population growth. For example, increased housing density often fragments forested land, making it harder to sustain productivity. It also may affect water quality, make it harder to retain certain habitats — wetlands, for instance — and threaten endangered species. Population growth also can spur demand for recreational opportunities, adding to the challenge of managing public land.

Using GIS data, the researchers integrated the population data from the 1990 census with data on the area's land cover obtained using Landsat™ satellite imagery. They plotted changes in land cover from 1940 to 1990, and traced housing density in the area during the same period. They then projected housing growth to the year 2020 to predict how both communities and landscapes will change.

The researchers studied housing density because the number of housing units has grown faster than population in the Kickapoo Valley. They also evaluated other demographic characteristics such as employment and age.

The study focused on two of the Kickapoo's five sub-watersheds: the West Fork and the Lower Kickapoo. Land cover types in this study include water, barren land, urban, wetland, forested wetland, coniferous forest, deciduous forest, grassland and agriculture. Housing density was divided into six classes, with six being the most densely populated.

While the Kickapoo watershed as a whole is clearly rural, differences exist across sub-watersheds.



The Lower Kickapoo is hillier and more forested than the West Fork — one reason for the lower population density. About one-third of the Kickapoo Watershed wetlands and almost half of the forested wetlands are located in the Lower Kickapoo sub-watershed. This terrain supports increased seasonal recreational activity, which may explain the area's high number of vacant housing units. High absentee ownership and seasonal or recreational property use may lead to different land-use practices and impact forest and water resource management there.

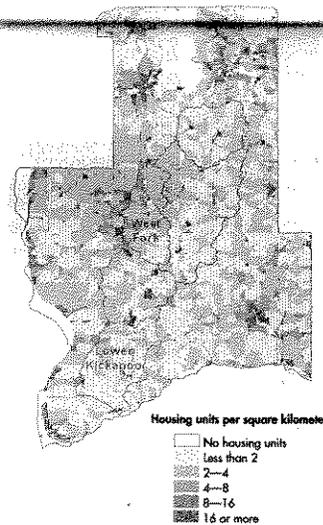
The researchers note that, if current trends continue, resource management and planning will increasingly be conducted on a landscape scale, and management programs will be designed to incorporate housing and population data into the landscape.

The researchers have begun a larger study of housing trends throughout the Kickapoo. This study will also look at changes in farm numbers.

The research team included Volker Radeloff and Donald Field from the Department of Forestry Ecology and Management, Tracy Kuczynski, a Madison lawyer and former UW-Madison graduate student in the Institute for Environmental Studies and School of Law, and Paul Voss, Alice Hagen and Roger Hammer, all from UW-Madison Rural Sociology Applied Population Lab.

For more information contact Volker Radeloff at (608) 265-6371 (e-mail: radeloff@students.wisc.edu), Don Field at (608) 263-0853 (e-mail: dfield@facstaff.wisc.edu), or Roger Hammer at (608) 267-2898 (e-mail: rhammer@facstaff.wisc.edu).

HOUSING DENSITY IN THE KICKAPOO RIVER WATERSHED IN SIX DENSITY CLASSES



The West Fork, which includes the communities of Viroqua and Westby, has the valley's highest population density and is dominated by agricultural land. About 60 percent of the West Fork sub-watershed is in housing density class III (2-4 housing units per sq. kilometer), while 64 percent of the Lower Kickapoo is in class II (fewer than 2 housing units per kilometer). About 40 percent of the population in the West Fork is age 65 or over, compared with 13 percent in the Lower Kickapoo. An expanding older population could lead to changes in land ownership and use. Land now in agriculture could be converted to housing, further increasing West Fork population growth. This would impact land restoration and water quality management efforts. On the other hand, The West Fork is seeing a growing population of Amish, who rely on agriculture and logging for their livelihood. This could bring other landscape changes.

— fishing, hunting, biking and snowmobiling — to agriculture and timber harvesting.

The survey also asked landowners which of eight types of conservation programs they used. The list included woodland management programs, the USDA Conservation Reserve Program, ponds or wetlands, nutrient management plans, USDA-approved conservation plans, the Wisconsin farmland preservation program, and others. The typical respondent used only one such program. Only one used more than two.

Other researchers in the study include forestry graduate student Erica Van Wie, forestry professor Don Field and former rural sociology researcher Bob McCallister.

For more information contact Pete Nowak at (608) 265-3581, e-mail: pnowak@facstaff.wisc.edu.

## What the neighbors think

### How nearby landowners feel about the reserve depends on how long they've lived there.

UW-Madison researchers asked 45 of the 59 landowners adjacent to the Kickapoo Reserve about their knowledge of the Reserve and the conservation practices they use. The landowners were placed into two categories based on how long they lived in the area. The researchers asked about how the Reserve affected land values, rural character, the local economy, recreational opportunities, tourism and wildlife.

Longer-term residents viewed the Reserve more negatively than did newcomers. The researchers note that long-term residents faced abrupt changes in their lives due to flood-control efforts — such as the proposed La Farge dam — over the last 40 years.

Newcomers tend to use land around the Reserve for residence or recreation. Historically, the land has been used extensively for timber and agriculture. The study found that area residents are more dependent on off-farm jobs than they were in the past.

UW-Madison rural sociologist Pete Nowak is continuing this study to learn how land uses along the boundary affect land both inside and outside the Reserve. Ecologically, the boundary line of the Reserve is invisible, he says. These boundary impacts on the land must be better understood, he says, to protect landowner rights while preserving the area's environment. Current land uses vary from recreation

# The 8,569-acre Classroom

**Kickapoo students and teachers take to the streams and woods to learn about their environment.**

Students and teachers in the Kickapoo Valley are taking to the streams and woods to learn more about their environment.

At Kickapoo High School, teacher Frank Accomando's environmental science class conducts hands-on research on the river each year. Last spring the class studied physical, chemical and biological factors in three tributaries. They selected sites along each tributary based on perceived problems such as agricultural waste or industrial pollution.

The students monitored stream flow, erosion, velocity, water depth, vegetation cover, water temperature, turbidity, dissolved oxygen and pH levels. They also collected, counted and evaluated insect species. Based on insect type and an index of animals present, the students classified streams into four water quality levels.

The project helps the students understand the various aspects of water quality monitoring and what to look for in the future. "I never really thought about how important water is," said senior James Weber. "Without water you can't sustain life."

"I learned how to grade how good a stream is," added senior Adam Lemcool.

In the classroom, students are encouraged to develop what Accomando calls a "land ethic," based on Aldo Leopold's book, *A Sand County Almanac*. They also read Thoreau's *Walden* and local author Ben Logan's *The Land Remembers*.

Based on their research results, the students write final reports. Accomando isn't the only reader. The reports are also evaluated by the Wisconsin DNR, Community Conservation (an area conservation group) and Kathy Knapp, Vernon County Land Conservation District education coordinator.

The students shared their information via poster displays at the Valley Stewardship Network's Celebrate the Kickapoo day in April at Readstown. They also took a third-grade class to the teacher's pond and performed some tests to teach the youngsters about such things as dissolved oxygen, turbidity, insects and pH level.

"They (the high school students) have to tell other people what they have learned," Accomando says. "We're trying to make our class more holistic all the time."

In previous years, Accomando's students have written haiku and other poetry based on their outdoor experiences, and compiled them in booklets.

Accomando and other Kickapoo High School teachers are teaming up with students to plant a prairie and design wetland restoration and woodland sites. Their goal is to develop a nature trail and study area near the school.

Downstream at North Crawford Middle School, students in Russell Gilbert's 7th and 8th grade science classes are also delving into the Kickapoo River to study water chemistry, physical properties and insect indicator species. In addition, they participate in a school-wide project to design an integrated trail that will establish learning stations on 50 acres of school grounds. The goal is to provide activities from 1st to 12th grades. For example, a 1st-grade class might guess how old a tree is, while a high school class could use the same tree to work on more advanced mathematics, such as trigonometry. The learning stations would integrate science, math, language arts, social studies and history.

"We keep kids indoors way too much in school," Gilbert notes.

Gilbert's 7th grade class studies electrical usage in students' homes with an eye on reducing use. His 8th grade class analyzes different soils for texture, nutrients and germination rates. Much of the environ-



Kickapoo High School senior Adam Lemcool talks about water quality monitoring with a local third-grade class.

mental studies in Gilbert's classes aren't limited to a single unit but are integrated in the curricula all year. "I want the students to have an awareness of what they do at all times. For example, the things they buy and consume have impacts on the environment."

Accomando and Gilbert's classes are just a few examples of environmental education activities taking root throughout the valley. In 1999, the La Farge and Norwalk-Ontario-Wilton school districts and the Kickapoo Valley Reserve landed a two-year Wisconsin Environmental Education Board grant worth nearly \$20,000 per year to fund summer field schools on the Reserve. Each summer, 10 to 15 middle school students participated in two-week sessions where they learned about team building, journal writing, archaeology, birding, geology, canoeing, forestry, photography, camp skills, water quality monitoring and other skills. Week-long high school programs have featured courses on Water Quality on the Reserve, Human History and Land Use, Forests of the Reserve, and Ecology of the Reserve. High school students receive one-quarter credit for each course they take. Area instructors teach the courses. In summer 2000, students from eight school districts in the Kickapoo Valley participated in the classes.

The Reserve also serves as an outdoor classroom for teacher in-service workshops. Last fall, 40 educators from around the valley gathered to learn about ecology, wetlands, land management, water quality and the oral history of Native American and European settlers in the area. Ron Johnson, a local jeweler and Kickapoo Reserve board chair, taught a session on art and the environment. Another teacher in-service will be held this October.

In addition, a spring field day brought around 100 students and teachers to the Reserve to learn more about land management, water quality, forestry and orienteering, and wildlife ecology. Next spring a field day for students of the Ho Chunk nation has been scheduled, as well as for 5th-graders from throughout the Kickapoo watershed.

Knapp and Barb Schieffer team up to facilitate many of the teacher training and environmental education programs. Schieffer is a naturalist at Wildcat Mountain State Park and coordinator of the Valley Stewardship Network (VSN). Knapp and Schieffer work in partnership with the Reserve, Community Conservation (CC), Wisconsin DNR, Wildcat

Mountain State Park, local conservation clubs and private landowners. When school districts lack money for field trips, they travel to the schools to work with students. VSN and CC help teachers to design nature and interactive trails at their schools.

"There is nothing like it when you see in the children's faces how the whole ecosystem works," Knapp notes. "They're our future decision makers."

This past year, more than 200 Kickapoo Valley students traveled to area farms and other properties to see conservation practices at work. Throughout the year, Jack and Nancy Letzring host students, teachers and tour groups on their La Farge dairy farm. Working with the Vernon County Land Conservation Department, the Letzrings have employed a variety of conservation practices. They've installed cow and heifer yards to control manure runoff, built a riprap to reduce streambank erosion and a lunger structure for trout habitat, and constructed a controlled dam to slow the water that surges down from the hills above them. A 3-foot deep pond provides habitat for wood ducks, mallards, "tons of frogs" and cattail.

At one time, a steep stream bank on Jeff and Georgia Everson's property was eroding at a rate of 25 tons per year. They've stabilized the bank by re-sloping the sides, constructing a riprap and lunger structures, planting dogwood and seeding everything down. The Eversons say they are starting to see trout in the stream. School groups come out regularly to their land to observe the various practices, take water samples and check the riprap.

The Letzrings and Eversons receive technical and financial assistance from the Middle Kickapoo Priority Watershed Project for implementing the conservation practices. The project's goal is to improve water quality by reducing non-point source pollution. The project area covers a 250 square-mile drainage basin in the middle section of the Kickapoo that includes Vernon, Monroe and Richland counties. Landowners receive a 70-percent cost share for implementing conservation practices and an extra 10 percent for allowing educational easements on their land. The project, which is voluntary, runs until 2004. ■

For more information on environmental education programs, you can contact Frank Accomando at (608) 735-4906, Russ Gilbert at (608) 735-4311, or Kathy Knapp at (608) 637-8335.

## Beyond fish and fly-tying

**Trout Unlimited is a key player in efforts to improve Kickapoo Valley's environmental quality.**

An innovative approach to river conservation has taken shape in the Kickapoo Valley.

In fall 1996, Trout Unlimited began the Home Rivers Initiative to improve water quality, raise awareness and support for the Kickapoo River's protection, and provide a framework for long-term sustainable management. The Kickapoo River Valley is the second national site for such a program.

The valley sustained tremendous environmental damage over many years, through eroding hillsides and widespread cutting of forests. Enough soil eroded from hillsides and fields to cover more than 52 squares miles of land with soil a foot deep. Floods choked streams with silt, and flooded river towns.

Decades of conservation work, along with economic and land-use changes, helped restore water quality of many streams. A number of coldwater streams again support wild brook trout populations. Area resource management agencies and sports clubs have restored degraded stream habitat to further improve fishing. These activities enabled Trout Unlimited's initiative to be successful, says Laura Hewitt, Upper Midwest conservation director for the organization.

The Home Rivers Initiative, which ended in fall 1999, focused on education and outreach, applied biophysical research, stream habitat and watershed restoration, socio-economic studies and tools for resource managers.

**Public education and outreach.** Slide shows, newsletters and a web page helped to raise public awareness of the river's resources. So did an annual report, summary reports to county boards, informational signs throughout the watershed, and a fly-fishing skills day. Trout Unlimited helped sponsor two river and public land clean-up days.

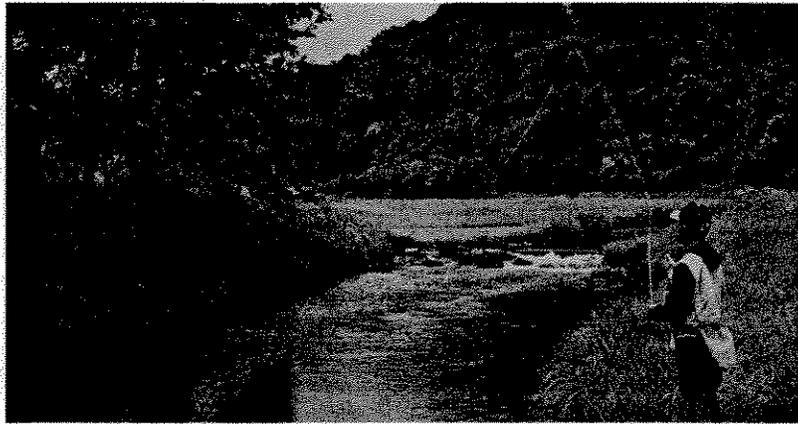
Trout Unlimited worked with Community Conservation, a local group, to implement an educational initiative with eight area schools. The schools received curriculum support, along with supplies and training for monitoring water quality. Students and teachers shared their projects in watershed forums. Community Conservation also obtained a grant to introduce geographic information systems (GIS) — computer mapping — into the schools. The schools are using GIS to help with land-use planning and assist area businesses.

The project also began a Citizen Water Quality Monitoring program to complement the schools' monitoring programs. Volunteers received training and water quality monitoring kits to monitor sites across the watershed.

Trout Unlimited hired a conservation educator to work with the local Amish community to promote soil conservation and stream habitat protection.

**Applied biophysical research.** In conjunction with the Wisconsin Geologic and Natural History Survey, researchers conducted a groundwater hydrology and spring study of the Kickapoo watershed. Study results were widely distributed among schools, agency partners, county government and other interested parties.

Trout Unlimited and the DNR cooperated on reintroducing native brook trout into the river. In fall



Laura Hewitt, Trout Unlimited

**Trout Unlimited began a Home Rivers Initiative in the Kickapoo Valley to improve water quality, raise awareness and support for the river's protection, and provide a framework for long-term sustainable management. The Kickapoo River Valley is the second national site for the Home Rivers program. The Home Rivers Initiative, which ended in fall 1999, focused on education and outreach, applied biophysical research, stream habitat and watershed restoration, socio-economic study, and tools for resource managers.**

1997, more than 3,800 brown trout were taken out of a stream and 500 brook trout were introduced. By the following fall, crews found more than 180 winter survivors and over 630 fingerlings. DNR fisheries staff conducted comprehensive surveys to identify existing brook trout populations and habitat capable of supporting the fish.

**Stream habitat restoration.** During the project's three years, partner groups completed 25 stream habitat projects on 14 tributary streams, improving about 4.5 miles of stream habitat, of which about 1.5 miles were native brook trout habitat. The project improved more than 240 degraded sites, installed 570 fish habitat structures, and stabilized 4.65 miles of eroding stream banks. Work was done on both public and private land. Trout Unlimited invested \$113,000, while project partners kicked in \$352,000.

**Socio-economic study.** UW-Madison School of Business Real Estate Program researchers studied sales and land use trends. Although agriculture is the dominant land use and forests cover 40 to 60 percent of the watershed, both farmland and forest are being converted to recreational use. There are also increasing numbers of sales to out-of-town buyers, although most sales are still between area residents. The most popular parcel size for sale is smaller than five acres.

With Nuzum Fund assistance, UW-Extension researchers also collected data to repeat an economic impact study of canoeing and fishing first conducted in 1994 and 1995. The study looked at angler and canoeist characteristics, the nature of their visit, what they value most in their experience, and how satisfied they were. A final report, due out this fall, will be widely shared in the Kickapoo area.

**Tools for resource managers.** The GIS data set has been completed and shared with schools, county conservation departments and the DNR. GIS was the primary tool used to determine high-priority protection and management areas in the watershed. Resource managers will continue to use GIS to make decisions about protection and management of lands in the watershed.

A draft Kickapoo Watershed Conservation Plan is now available. The plan establishes priority areas for protection and management, makes recommendations about managing ecosystem health and species of concern, and outlines goals and objectives for youth education, outreach, coordinated management and establishing a Watershed Conservation Group.

While the Home Rivers Initiative has formally ended, a new organization, the Valley Stewardship Network, has formed. The Network promotes sustainability and stewardship in the valley (see sidebar). Also this year, Trout Unlimited's Coldwater Conservation Fund will invest \$15,000 to support projects in the valley.

Project partners instrumental in carrying out the Initiative include: the Wisconsin Department of

Natural Resources, local Land Conservation Departments, USDA Natural Resource Conservation Service, local sports clubs, regional Trout Unlimited chapters, Wisconsin State Council of Trout Unlimited, Community Conservation, local school districts, the UW-Madison, UW-Extension, the Kickapoo Valley Reserve and the Ho-Chunk Nation. ■

For more information on Trout Unlimited's work, contact Laura Hewitt at (608) 250-3534. Her e-mail is [lhewitt@tu.org](mailto:lhewitt@tu.org).

## PROMOTING PRIDE AND GOOD DECISIONS

### The valley stewardship network

**A coalition of citizens** committed to conservation efforts in the Kickapoo River Valley has formed the Valley Stewardship Network (VSN). VSN's goal is to "encourage, promote and create opportunities for proactive stewardship efforts in the Kickapoo river watershed — through education and awareness efforts, and by promoting community pride, positive land-use patterns, compatible development and communication and coordination among groups and individuals in the watershed."

VSN will sponsor spring and fall community events, field days and workshops. The group's kickoff event, a "Celebrate the Kickapoo River Valley" Day held in April 2000, offered information and presentations on sustainable forestry, organic farming, prairie and wetland restoration and stream bank protection. There was a fly-fishing demonstration and student watershed displays. The event was held at Roadstown Community Park.

"Our goal is to expose more people to what's going on and let them know what opportunities are out there," says VSN coordinator Barb Schieffer. "A lot of people in their hearts would do stewardship things if they knew how."

VSN also coordinates water quality monitoring of the Kickapoo and its tributaries by adults and students.

VSN members seek input from more people to "increase the number of voices heard," says Schieffer. "We're thinking about holding quarterly meetings and how we can work together to make a greater impact."

Community Conservation, Inc. and Trout Unlimited are working closely with VSN, including providing funding, to help the Network get off the ground. ■

For more information on the Valley Stewardship Network, contact Barb Schieffer at (608) 337-4775.

# Growing Jobs in the Woods

## Wood cooperative aims to keep timber and timber revenue in the valley

Kickapoo-area landowners are hoping a new cooperative will enable them to generate steady incomes from their woodlots while practicing sustainable forestry.

Many woodland owners are accustomed to having commercial loggers come in and take out the best trees, says Chuck Driscoll, a member of the recently formed Kickapoo Wood Cooperative. The landowner doesn't get much money for the lumber and is "left with a mess when it's over," he adds.

"We want to work with landowners to take out the least desirable trees first, take that lumber to the sawmill, have it kiln dried, and sold on the open market."

This would provide added revenue for the landowner. Because the finished lumber would remain in the area, Driscoll notes, it would also benefit the local economy through job creation and economic development. For example, co-op members expect local entrepreneurs to open wood-working businesses.

The primary goal of the Kickapoo Wood Cooperative is to assist landowners in establishing and maintaining well-managed forests in the Kickapoo River watershed and neighboring watersheds in Vernon, Crawford, Richland and Monroe counties. To this end, the co-op will offer education, management and marketing services. They include training landowners in sustainable forestry practices, helping foresters and loggers work with landowners to develop woodland management plans, and coordinating processing and marketing of members' timber and wood products. Right now, fewer than 25 percent of private, non-industrial Wisconsin forest owners have woodland management plans.

Driscoll emphasized that the co-op will take a sustainable approach to forest management. A primary goal of sustainable forestry is to maximize growth of trees through selective harvesting and not depleting the forest. This fosters forest regeneration, allowing the woodland owner to receive a steady financial return and create a much more valuable woodlot.

The co-op hopes to receive certification from the Forest Stewardship Council, an international organization concerned with preserving forests and promoting sustainable forestry. To achieve this goal, the co-op will make use of sustainable forestry practices as defined by the Forest Stewardship Council, as well as the USDA Forest Service and the Wisconsin Department of Natural Resources.

The co-op held a field day May 20 for area woodland owners and the general public on sustainable forestry practices. Topics included precision-felling techniques, chain saw safety and proper equipment safety, low-impact logging such as the use of horses, and a portable sawmill demonstration. Jim Birkemeier, a member of the Spring Green-area wood cooperative, was on hand to explain how that cooperative functioned. Birkemeier's operation includes a sawmill, three solar kilns, a wood shop and retail space to sell lumber in his barn. Kickapoo cooperative members propose to hold quarterly workshops on ecologically sound harvesting and low-impact logging techniques for landowners, foresters and loggers.

The Kickapoo Wood Cooperative's steering committee members are hoping to enlist at least 5,000 acres in the program in order to start operations. "It's important to get a critical mass so we can get into a capital program to get land and equipment to process the logs and get value added for members," Driscoll says. "If we can get large enough numbers of landowners in the program, then collectively we will have a large number of acres. All will have forestry management plans and collectively you're dealing with a forest then."

The cooperative is searching for a coordinator to do organizational work such as finding funding support for the co-op, devising marketing strategies for the wood products, and organizing membership sign-ups.

The Nuzum Fund is providing \$24,000 to the cooperative to begin operation, with an additional \$24,000 in matching funds coming from co-op membership fees, the USDA and the University of Wisconsin Center for Cooperatives. Project collaborators include: UW-Madison Forest Ecology and Management professor Ray Guries; Community Forestry Resource Center in Minneapolis; Timbergreen Forestry and Clark Forestry, which have been approved by SmartWood™ to prepare Forestry Stewardship Council-certified plans; and Jody Padgham, outreach specialist with the UW Center for Cooperatives. Area DNR foresters have also expressed interest in working with the cooperative. ■

For more information on the cooperative, contact Chuck Driscoll at (608) 689-2663 (e-mail: chuckydriscoll@hotmail.com) or Ben Hansen at (608) 689-2585 (e-mail: ben@wvnr.net).



Wolfgang Hoffmann

The Kickapoo Valley Wood Cooperative aims to encourage sustainable forestry. It expects to market the valley's timber to local woodworkers.

## WILL NEW TAX RULES TURN WOODLANDS INTO PASTURE?

A new Wisconsin law intended to reduce farmers' property taxes may have unintended consequences for the state's woodlands. The 1995 Use Value Assessment law changes the way agricultural property is valued. The law allows farmland near urban areas to be assessed on its current use rather than its potential development value. But the law also provides a strong incentive to graze woodlands and other acreage not cropped.

The law places farm acreage into four classifications: first-, second- and third-grade tillable cropland, and pasture. Pastured land is assessed at the lowest use value. All other farm uses — including woodlands not enrolled under the Forest Crop Law (FCL), Woodland Tax Law (WTL) or the Managed Forest Law (MFL) — are assessed at market value. For example, pastured land could be assessed at approximately \$20 an acre less per acre than ungrazed woodland. So a farmer with 200 acres of ungrazed woodland could be taxed \$4,000 more per year than if that land were grazed.

Over the past 50 years state conservation programs have been geared toward keeping cows out of woodlands and off steep slopes, and for good reason. Coupled with reforestation, these measures have curtailed erosion and reduced flooding, leading to improved water quality.

There's another good reason to discourage grazing woodlands: Cows often graze the most commercially valuable trees first.

Forty to 60 percent of the land in Crawford, Monroe, Richland and Vernon counties is forested. Owners of woodlands enrolled in the tax programs mentioned above (FCL, WTL, MFL) would receive property tax relief and a written management plan over a 25- to 50-year period. But less than 20 percent of the woodlands in southwestern Wisconsin are enrolled in these programs, leaving the rest are vulnerable to the new assessment rules.

For more information on the tax law, contact Russ Jaden, Crawford County land conservationist, at (608) 526-7179.



Wolfgang Hoffmann

# Earning a Living in the Kickapoo Valley

## Timber and farm jobs distribute income more evenly than those related to tourism.

Jobs in timber and agriculture distribute income more evenly than tourism-related employment in the Kickapoo River Valley.

A recent study found that forestry and agricultural-related activities generated more income for middle-income households, while tourism provided more income to higher- and lower-income households. Timber production and processing provided the greatest growth in regional economic activity of the four economic sectors. Meanwhile, tourism-related businesses produced the largest share of local income and returns to capital. Tourism was the most labor-intensive activity, while timber and agriculture required more production inputs and capital than tourism.

Tourism businesses are generally owned by higher-income people who hire a relatively large number of lower-skilled workers. One implication of tourism development may be a "hollowing-out" of income distribution over time, or a widening of the gap between higher- and lower-income groups. However, as the researchers note, income disparities

exist among all four economic sectors: agricultural production, agricultural processing, timber production and wood processing, and tourism.

Recent strong economic growth has hidden the growing disparity between high-income and low-income groups. National policies that support income redistribution have largely fallen out of favor. Welfare reform legislation emphasizes the importance of private markets to provide for individual welfare. Local units of government increasingly bear the responsibility of economic development.

This study was conducted to determine which types of economic activities could best provide income and spur economic development in the Kickapoo Valley.

UW-Madison professor of urban and regional planning Dave Marcouiller and Kansas State agricultural economics professor John Leatherman conducted the study, which was funded by the Nuzum Fund and the UW-Madison Center for Community Economic Development.

Marcouiller and Leatherman used a social accounting matrix (SAM) to track income flows from different production sectors to the various household income groups. SAM features a comprehensive accounting of regional

**Tourism businesses are generally owned by higher-income people who hire a relatively large number of lower-skilled workers. One implication of tourism development may be a "hollowing-out" of income distribution over time, or a widening of the gap between higher and lower-income groups.**



Wolfgang Hoffmann

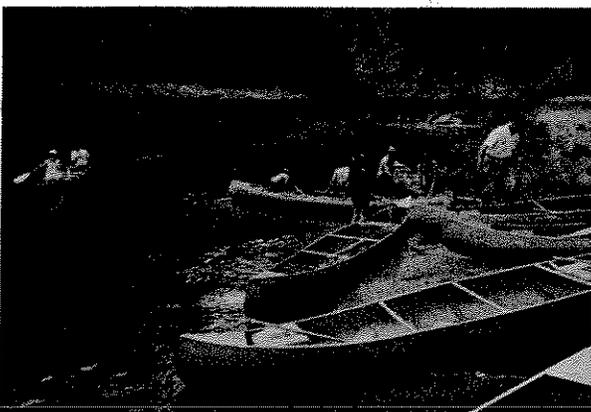
**Kickapoo Valley agriculture and forestry jobs generate more income for middle-income households, while tourism jobs generate more income for upper- and lower-income households, a recent survey indicates. About half of the land in the valley is given over to agriculture, primarily small-scale dairying.**

income and the structural and institutional factors that serve to organize and distribute income.

About 50 percent of land in the Kickapoo Valley is in agriculture, and 44 percent is forested. Area population is approximately 27,500, with 44 percent of the households classified as low income (less than \$20,000) in 1990; 34 percent middle income (\$20,000 to 40,000) and 22 percent high income (more than \$40,000). Small-scale dairying has dominated much of the valley's local economy. Many valley residents view timber production and wood products and tourism as having potential for economic development.

Marcouiller and Leatherman also repeated a study from the mid-1990s on the impacts of fishing and canoeing on the Kickapoo River Valley's economy. Preliminary findings reveal that trout angling continues to grow significantly in the valley. Many of the anglers come from outside the area, providing a positive impact on the local economy. Canoeing also continues to grow in popularity. A final report on this study is due out later this year. ■

For more information on this study, contact Dave Marcouiller at (608) 262-2998, or e-mail him at [dave@rage.wisc.edu](mailto:dave@rage.wisc.edu).



Wolfgang Hoffmann

## The Kickapoo Valley in Transition (from p. 1)

### Environmental inventories, timber bridges, a multi-use trail and oral histories

Reserve administrators are responsible for day-to-day operations at the site while the Corps has been responsible for environmental clean-up, site safety and boundary identification. The land transfer would be the first time in history that the Corps has given land back to a state or Indian nation.

The Reserve board plans to turn old Wis. Hwy. 131 from La Farge to Rockton into a multi-use trail. This year the board is overseeing construction of four timber bridges along the former highway. The bridges, were funded by a grant from the U.S. Forest Service and designed by students in the UW-Madison College of Engineering. Locally grown, laminated red pine is being used to build the bridges. The U.S. Forest Products Laboratory will conduct feasibility studies on the red pine as an alternative to the more commonly used southern pine.

The Water Resources Development Act requires the reconstruction of Hwy. 131 from Rockton to Ontario. The board has worked with the state transportation planners on design modifications that protect nearby natural and archaeological features. The board favors a six-foot shoulder on each side of the

highway for biking. Board members expect many families to take advantage of the bike trails in the Reserve and along the reconstructed highway.

The Reserve also serves as a hub for educational activities for children and adults. Last spring middle and high school students from La Farge and Norwalk-Ontario-Wilton participated in an environmental education field day. The field day brought together 87 students and six teachers with resource professionals in water quality, forestry, wildlife and land management for a series of activity-based presentations. In 1999, the La Farge and Norwalk-Ontario-Wilton school districts, along with the Reserve, secured a two-year \$19,050 grant from the Wisconsin Environmental Education Board to expand summer courses on the Reserve. This summer the Reserve is sponsoring six hands-on environmental courses for middle and high school students. Many other educational activities will be scheduled during the school year. The goal is to involve more educational institutions in activities at the Reserve.

As a cultural focus, the board is seeking information from long-time area residents who lost property

in the federal government's land acquisition. This fall, area students will interview some of these residents as part of an oral history project. The project is funded by a grant from the Wisconsin Humanities Council.

"People have interesting anecdotes that we want to make sure aren't lost," West says.

West and the board are also busy with plans for a new visitor center on the Reserve. The State Building Commission approved \$165,000 in planning funds for the center, which will cost \$2.3 million. The center will serve as an educational facility and public exhibit, as well as housing administrative offices. It will provide information about American Indian presence, the area's geology and the history of European-Americans who lost their farms to the proposed dam, as well as the advocacy campaign that eventually stopped the Corps' flood-control project. ■

For more information on the Reserve, contact Mary West at (608) 625-2960, 108 east Wisconsin Ave., Rockton, State, WI.

# The woodland chorus sounds a warning

**In an era of fragmented forests, the Kickapoo habitat becomes vitally important.**

With its diverse and relatively undisturbed habitats, the Kickapoo River Valley provides a unique area for bird watching in southwestern Wisconsin. Among the species nesting there are birds generally found in more northern areas of the state.

A bird survey conducted during the summers of 1997 and 1998 identified 101 nesting species in and around the Kickapoo Valley Reserve. UW-Madison wildlife ecologist Bob Ruff, former wildlife ecology outreach specialist Darrel Covell, and Barbara Duerksen, an avid bird watcher and Kickapoo-area resident, conducted the study. Duerksen followed survey routes and completed all surveys during both field seasons. Relying on sightings and calls, Duerksen looked for both neotropical migrants and resident species in three different areas — along a hiking trail, a road and the river. Neotropical birds nest here in the summer and migrate to tropical areas in the winter. Many of these species have declined in number in recent years, and ecologists don't know for certain where the problem is occurring or why it's happening.

Based on the survey, Ruff and Covell devised a coding system for each species and assigned them an abundance index (abundant, common, uncommon or not detected) according to how often they were seen or heard. The coding system indicates which area — trail, road or river — a bird watcher would be more likely to find a particular species. The species then received an overall rating for abundance. For example, the bobolink was uncommon along rivers, common on trails, and abundant along roads. The overall index rates the bobolink as "common."

Information from the survey will be incorporated into the existing Kickapoo GIS and could reveal important habitat relationships among species. "If something happens in the watershed five or ten years



Stephen J. Lang

from now, we can see if birds are increasing, decreasing, or holding their own," Ruff says.

The index has been used to create a bird guide to the Upper Kickapoo watershed. Called *A Birder's Guide to the Kickapoo Valley*, the guide provides an inventory of each species' abundance. It features a map indicating points on the walking trail where uncommon bird species were seen or heard. The



Wolfgang Hoffmann

The common yellowthroat (left) and wood frog (above) were among more than 100 species inventoried during a survey of the Kickapoo Valley. Information from the survey will be incorporated into the existing Kickapoo geographic information system (GIS) database and could reveal important habitat relationships among species. "If something happens in the watershed five or ten years from now, we can see if birds are increasing, decreasing, or holding their own," says wildlife ecologist Robert Ruff.

guide has been made available to tourists and to local schools and meetings.

Duerksen says that the Kickapoo area is important from an environmental education standpoint. She hopes that more bird watchers come to the valley to help keep track of what they see.

"I think the Kickapoo Valley is going to be a very important site for forest birds in southern Wisconsin," says Duerksen. "We are finding some of the more northern birds here."

Ruff and his colleagues also conducted a frog and toad survey in the Kickapoo River watershed. They identified seven species by their calls during the breeding season: wood frog, spring peeper, American toad, Eastern gray tree frog, green frog, chorus frog and leopard frog. The latter has declined significantly in population in recent years. The researchers also identified the pickerel frog by a daytime sighting. Fourteen frog and toad species live in Wisconsin. Species not found in the Kickapoo Valley generally live farther north or prefer specific water characteristics not found in the watershed. ■

For more information on the bird survey, contact Bob Ruff at (608) 263-2074 or e-mail him at [bruff@facstaff.wisc.edu](mailto:bruff@facstaff.wisc.edu).

## IMPROVING THE KICKAPOO VALLEY

No one loved the Kickapoo Valley more than the late Ralph E. Nuzum, owner of the Nuzum Lumber Company in Viroqua, Wisconsin. In 1973 a generous bequest from Nuzum to the University of Wisconsin Foundation allowed the establishment of the Kickapoo Valley Reforestation Fund. As described in Ralph Nuzum's bequest, the fund was designed to support projects "in the fields of ecology, conservation, forestry and related subjects." He requested that the funds be used by the University to develop a comprehensive land-use plan "with broadly representative citizen groups and local leaders in the Kickapoo Valley in order to enrich the quality of their lives and the pristine beauty of their natural environment..." Mr. Nuzum indicated that projects may include other activities that serve to promote a "Green America." Specific activities selected for support may include "...regeneration of existing forests, integrating farm woodlots into an overall forestation program, aesthetic logging to enhance the beauty and recreational values of the Kickapoo Valley, education of absentee landlords to an ecologically sound management of their wooded property, and reforestation programs giving emphasis to the planting of hardwood forests..." The fund has provided opportunities for UW-Madison to conduct multi-faceted research and service programs in the Kickapoo River Valley. The projects described in this report have been directly or indirectly supported by the Nuzum fund.

## Kickapoo Valley Report

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