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(FORM UPDATED: 08/11/2010)

## WISCONSIN STATE LEGISLATURE ... PUBLIC HEARING - COMMITTEE RECORDS

### 2011-12

(session year)

### Assembly

(Assembly, Senate or Joint)

### Committee on Natural Resources...

#### COMMITTEE NOTICES ...

- Committee Reports ... **CR**
- Executive Sessions ... **ES**
- Public Hearings ... **PH**

#### INFORMATION COLLECTED BY COMMITTEE FOR AND AGAINST PROPOSAL

- Appointments ... **Appt** (w/Record of Comm. Proceedings)
- Clearinghouse Rules ... **CRule** (w/Record of Comm. Proceedings)
- Hearing Records ... bills and resolutions (w/Record of Comm. Proceedings)  
(**ab** = Assembly Bill)                      (**ar** = Assembly Resolution)                      (**ajr** = Assembly Joint Resolution)  
(**sb** = Senate Bill)                              (**sr** = Senate Resolution)                              (**sjr** = Senate Joint Resolution)
- Miscellaneous ... **Misc**

\* Contents organized for archiving by: Stefanie Rose (LRB) (August 2013)

## Assembly

### Record of Committee Proceedings

#### Committee on Natural Resources

##### Assembly Bill 395

Relating to: acquisition of land in the Niagara Escarpment corridor.

By Representatives A. Ott, Ziegelbauer, Endsley, LeMahieu, Litjens, Spanbauer and Thiesfeldt; cosponsored by Senators Cowles and Schultz.

November 23, 2011 Referred to Committee on Natural Resources.

January 4, 2012 **PUBLIC HEARING HELD**

Present: (11) Representatives Mursau, Rivard, Nerison, Steineke, Tiffany, Stroebel, Litjens, Molepske Jr, Mason, Danou and Hulsey.  
Absent: (5) Representatives Williams, Kleefisch, Severson, Clark and Milroy.  
Excused: (0) None.

##### Appearances For

- Al Ott, Madison — Representative, 3rd Assembly District
- Julie Schmeltzer, Chilton — Calumet County
- Jon Hochkammer, Madison — Wisconsin Counties Association
- Eric Fowle, Menasha — Niagara Escarpment Resource Network
- Robert Bultman, Baileys Harbor — Niagara Escarpment Resource Network

##### Appearances Against

- None.

##### Appearances for Information Only

- Kurt Theide, Madison — Wisconsin Department of Natural Resources

##### Registrations For

- Shelly Allness, Marshall
- Jennifer Giegerich, Madison — Wisconsin League of Conservation Voters
- George Meyer, Madison — Wisconsin Wildlife Federation
- John Reindl, Madison

Registrations Against

- None.

Registrations for Information Only

- None.

January 10, 2012

**EXECUTIVE SESSION HELD**

Present: (14) Representatives Mursau, Rivard, Kleefisch, Nerison, Steineke, Tiffany, Stroebel, Litjens, Molepske Jr, Mason, Danou, Clark, Milroy and Hulseley.

Absent: (2) Representatives Williams and Severson.

Excused: (0) None.

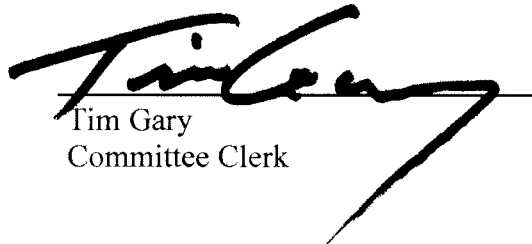
Moved by Representative Rivard, seconded by Representative Danou that **Assembly Bill 395** be recommended for passage.

Ayes: (14) Representatives Mursau, Rivard, Kleefisch, Nerison, Steineke, Tiffany, Stroebel, Litjens, Molepske Jr, Mason, Danou, Clark, Milroy and Hulseley.

Noes: (0) None.

Absent: (2) Representatives Williams and Severson.

PASSAGE RECOMMENDED, Ayes 14, Noes 0

  
Tim Gary  
Committee Clerk

## Vote Record Committee on Natural Resources

Date: January 10, 2012

Moved by: Rivard

Seconded by: Danou

AB 395 SB \_\_\_\_\_ Clearinghouse Rule \_\_\_\_\_  
 AJR \_\_\_\_\_ SJR \_\_\_\_\_ Appointment \_\_\_\_\_  
 AR \_\_\_\_\_ SR \_\_\_\_\_ Other \_\_\_\_\_

A/S Amdt \_\_\_\_\_  
 A/S Amdt \_\_\_\_\_ to A/S Amdt \_\_\_\_\_  
 A/S Sub Amdt \_\_\_\_\_  
 A/S Amdt \_\_\_\_\_ to A/S Sub Amdt \_\_\_\_\_  
 A/S Amdt \_\_\_\_\_ to A/S Amdt \_\_\_\_\_ to A/S Sub Amdt \_\_\_\_\_

Be recommended for:

- Passage   
  Adoption   
  Confirmation   
  Concurrence   
  Indefinite Postponement  
 Introduction   
  Rejection   
  Tabling   
  Nonconcurrence

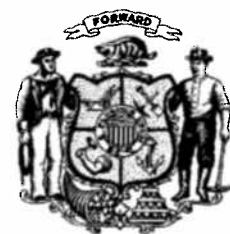
<u>Committee Member</u>	<u>Aye</u>	<u>No</u>	<u>Absent</u>	<u>Not Voting</u>
<b>Representative Jeffrey Mursau, Chair</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Representative Roger Rivard</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Representative Mary Williams</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Representative Joel Kleefisch</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Representative Lee Nerison</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Representative Erik Severson</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Representative Jim Steineke</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Representative Thomas Tiffany</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Representative Duey Stroebel</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Representative Michelle Litjens</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Representative Louis Molepske Jr</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Representative Cory Mason</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Representative Chris Danou</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Representative Fred Clark</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Representative Nick Milroy</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Representative Brett Hulsey</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Totals:</b>	<u>14</u>	<u>0</u>	<u>2</u>	<u>0</u>

Motion Carried

Motion Failed



# WISCONSIN STATE LEGISLATURE





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## MEMORANDUM

TO: Honorable Members of the Assembly Committee on Natural Resources

FROM: Jon Hochkammer, Director of Insurance Operations

DATE: January 4, 2012

SUBJECT: WCA Support for Assembly Bill 395

In recent years the Niagara Escarpment in eastern Wisconsin has been the scene of significant challenges in the areas of land use and environmental regulation. There are many issues detailed in the 2001 report and subsequent publications, but perhaps most notable is that the unique geology and soil makeup of the escarpment have lead to concerns about groundwater quality as a result of certain land uses.

A study by the Wisconsin Department of Natural Resources completed ten years ago was one of the notable efforts to summarize the issues and discuss possible solutions. More recently, the Wisconsin Geological and Natural History Survey designated 2010 as the Year of the Escarpment, and conducted a number of programs and projects to raise awareness of the escarpment and the issues facing the area.

In 2011, the Niagara Escarpment was discussed by several WCA steering committees, and our Board of Directors was moved to adopt a position in support of additional protection for the escarpment. Specifically, the Board voted to support state action to make the escarpment a protected area eligible for land conservation funding to purchase and preserve land along the Escarpment.

This action by our Board lead us to approach Representative Al Ott to seek authorship of what is now AB 395. As you know, the bill would add land located in the Niagara Escarpment corridor to these priorities.

While the State of Wisconsin has identified the Niagara Escarpment as a legacy place in its *State of Wisconsin Land Legacy Report*, and engages in environmental and sustainable land use activities through its managed forest law (MFL) and Stewardship programs, the state has not developed a plan to sustainably manage the portions of the Niagara Escarpment found in Wisconsin. Absent limited state leadership, many local preservation organizations have been formed and local and regional plans developed stressing the need to protect the escarpment, but due to lack of funding, the State of Wisconsin is unable to help implement the preservation goals of those plans and protect such lands.

Page 2  
January 4, 2012  
AB 395

AB 395 would create a targeted expansion of the Warren Knowles–Gaylord Nelson Stewardship 2000 program. This program (administered by the Department of Natural Resources) exists in part to allow the state to acquire lands (and to incur debt to acquire these lands) if the lands meet certain statutory criteria as priorities for conservation and preservation. These priority lands include acquisitions along the shores of the Great Lakes, land for habitat and natural areas, and land in the middle Kettle Moraine.

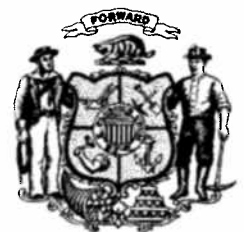
Current law allows Stewardship funds to be expended to protect land forms such as bluffs along the Great Lakes (Wis. Stats. Ch. 23 and 30), but does not specifically allow for funds to protect escarpments. In addition, statutes allow protection dollars for other specified areas such as the Wolf River, Florence Wild Rivers, and the Baraboo Hills (again, Wis. Stats. Ch. 23 and 30). However, no specific program is targeted to allocating funds to protect the state significant and international treasure known as the Niagara Escarpment.

The WCA Board supports AB 395 because it views protection of the escarpments as important, and it views AB 395 as a means of attaining more protection for this important resource. Accordingly WCA asks your support of AB 395.

Please contact WCA if you have questions or desire additional information.



# WISCONSIN STATE LEGISLATURE







**Al Ott**

State Representative • 3rd Assembly District

**Assembly Bill 395**  
**Acquisition of Land in the Niagara Escarpment Corridor**  
**Assembly Committee on Natural Resources**  
**January 4, 2012**

Thank you for the opportunity to testify on Assembly Bill 395 (AB 395), relating to acquisition of land in the Niagara Escarpment corridor under the Stewardship Program.

Introduced at the request of constituents from Calumet County, AB 395 would give priority to the purchase of lands along the Niagara Escarpment corridor under the Warren Knowles-Gaylord Nelson Stewardship Program.

Under current law, the Department of Natural Resources utilizes the Stewardship Program to acquire land for conservation. State statutes give priority to certain types of Stewardship land acquisitions, including acquisitions along the shores of the Great Lakes, land for habitat and natural areas, and land in the middle Kettle Moraine.

This legislation adds lands located in the Niagara Escarpment corridor to the existing list of statutory program priorities.

The Niagara Escarpment is a unique geologic feature that reaches across Wisconsin, Michigan, Ontario, and New York. In Wisconsin, the Niagara Escarpment extends for a distance of over 230 miles, running through Door, Kewaunee, Brown, Manitowoc, Calumet, Fond du Lac, Dodge, and Waukesha counties.

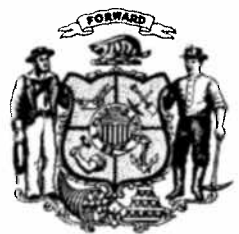
The Legislature declared 2010 as the Year of the Niagara Escarpment (2009 AJR 1), in recognition of this ecologically sensitive and historically significant feature of northeastern Wisconsin's landscape. AB 395 is a simple and logical next step for the protection and preservation of key portions of the Escarpment in Wisconsin.

This proposal does not mandate purchases along the Escarpment corridor, nor does it enumerate funds specifically for Escarpment land. Further, the legislation does not increase the Department's Stewardship Program bonding authority, nor does it increase program costs. Rather, the proposal provides flexibility in utilizing Stewardship funds to target areas along the Escarpment most in need of protection in the context of statewide preservation priorities.

Thank you for your time, and for your consideration of AB 395.



# WISCONSIN STATE LEGISLATURE



**Testimony: Acquisition of land in the Niagara Escarpment corridor (AB-395)  
Assembly Natural Resources Committee - Wednesday, January 4, 2012**

**Kurt Thiede, Land Division Administrator, Wisconsin Department of Natural Resources**

Running over 150 miles from the islands off of Door County to southeastern Wisconsin where it disappears beneath glacial deposits, the Niagara Escarpment has long been of interest to the Department. From a biological perspective, the Escarpment supports many rare species (including a group of globally rare snails), the oldest trees known in Wisconsin, and contains important hibernacula for bats. It has value for migratory birds and bats by providing updrafts and a generally north-south 'leading line.'

From a recreation perspective, the exposed dolomite cliffs offers spectacular views and several portions of the Escarpment have been protected as state or local parks. In addition, where the dolomite is at or near the surface precipitation can rapidly enter groundwater through cracks and fissures in the rock. Protection and management of key portions of the Escarpment can have significant benefits to the region's drinking water supply.

Protection of the Escarpment has been and continues to be a priority of the DNR. The Escarpment's unique values have been recognized by the DNR in many documents including the Land Legacy Report, the Wisconsin Wildlife Action Plan, the Statewide Comprehensive Outdoor Recreation Plan (SCORP), and many others. There are five State Parks and ten State Natural Areas that include the Escarpment; in total these properties encompass over 5,000 acres of permanently protected land immediately along the Escarpment.

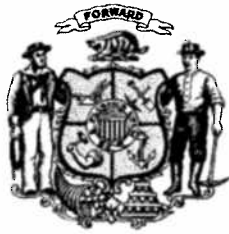
As you can see from the map, in Wisconsin the Escarpment exists as discontinuous outcroppings from the tip of Door County to Dodge County. A few of these outcroppings stretch miles in length and present focal points for protection and conservation. However, the vast majority of the Escarpment's outcroppings are much shorter and this irregular distribution pattern complicates protection efforts. Indeed, this situation lends itself to a cooperative approach combining private conservation efforts and many levels of government.

The DNR works with many partner groups on conservation opportunities along the Escarpment. Most notable is the work of the Niagara Escarpment Resource Network (NERN) which leads, organizes and implements a wide range of protection efforts throughout the length of the Escarpment and ties efforts in Wisconsin with those in Michigan, Ontario, and New York. It is hard to overstate NERN's value and effectiveness and we look forward to continuing our involvement in, and support of, their work.

Funds from the Stewardship Program enable the Department, municipalities, and non-profit conservation organizations to protect the highest quality conservation and recreation lands in the state. These lands are critical in supporting Wisconsin's remarkable biological diversity, protecting water and groundwater resources, and sustaining our tourism, forestry and outdoor recreation industries. The Department, often in conjunction with partner groups, has protected key sites along the Escarpment in the past and will continue to do so in the future. The proposed legislation would formally recognize the Escarpment as one of the state's significant natural features and a priority for protection efforts funded through the Stewardship program.



# WISCONSIN STATE LEGISLATURE



# State of Wisconsin



2009 Assembly Joint Resolution 1

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## ENROLLED JOINT RESOLUTION

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**Relating to:** proclaiming Niagara Escarpment year and month.

Whereas, the Niagara Escarpment is a 650 mile long geologic feature of international scale and global importance that reaches across Wisconsin, Michigan, Ontario, and New York; and

Whereas, in Wisconsin, the Niagara Escarpment extends for a distance of over 230 miles and runs through Door, Kewaunee, Brown, Manitowoc, Calumet, Fond du Lac, Dodge, and Waukesha counties; and

Whereas, the Niagara Escarpment's cliff faces and high elevation on the landscape provide numerous important vistas and viewsheds, several of which are as much as 200 feet above the surrounding landscape; and

Whereas, the Niagara Escarpment corridor is home to high levels of biodiversity and unique plant and animal species, and over 240 different rare, threatened, or endangered plant and animal species have been identified along the Niagara Escarpment; and

Whereas, the Niagara Escarpment is known to have highly sensitive groundwater resources due to its composition of highly fractured bedrock and karst features; and

Whereas, the Niagara Escarpment contains numerous high-value passive recreation areas and contributes significantly to the tourism-based economy of many of the corridor's communities, and two of Wisconsin's most visited State Parks — Peninsula and High Cliff — lie along the Niagara Escarpment; and

Whereas, the Niagara Escarpment corridor has significant historical and cultural features which equate with both past and present uses of its resources. The Niagara Escarpment has been used since Paleo-Indian times for ceremonial purposes, has a long tradition of being a top agricultural area, is home to a rapidly growing viticulture industry and wine producing region, and is known as a present day source for quality building materials such as cut stone and crushed rock; and

Whereas, past and present landowners have used the Niagara Escarpment landscape as a resource for which to build communities, sustain their livelihoods, and promote a strong stewardship ethic; and

Whereas, the Niagara Escarpment has been recognized by the Wisconsin Department of Natural Resources as a highly ranked "Land Legacy Place"; now, therefore, be it

**Resolved by the assembly, the senate concurring, That** the members of the Wisconsin state legislature proclaim the year 2010 as the "Year of the Niagara Escarpment" in the State of Wisconsin so as to foster awareness and education on this important and unique landscape feature; and, be it further

**Resolved, That** the month of May 2010 be proclaimed as the "Month of the Niagara Escarpment" in the State of Wisconsin in order to promote efforts to recognize the Niagara Escarpment's significance as a statewide geologic and natural resource.

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Senator Fred A. Risser  
President of the Senate

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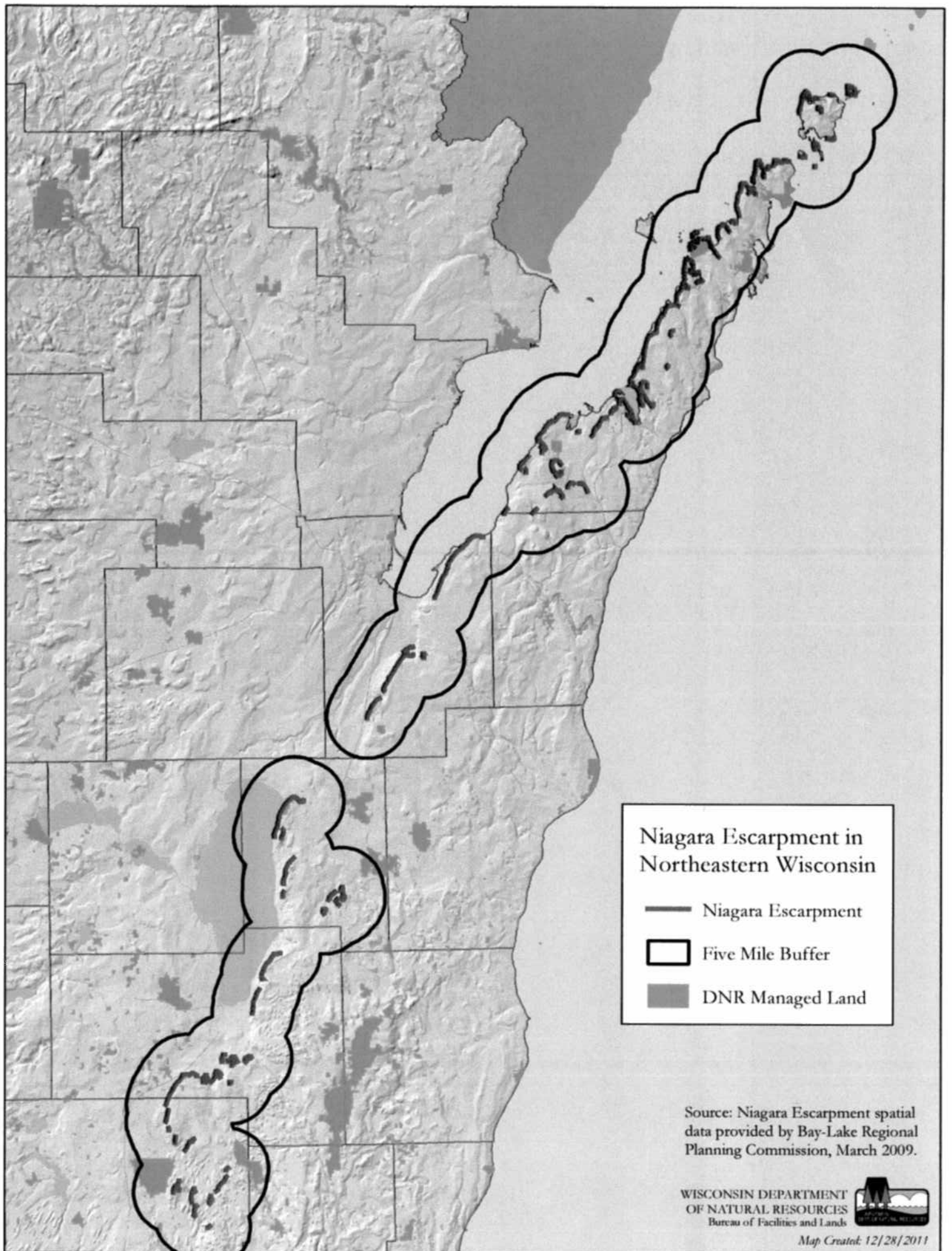
Representative Michael J. Sheridan  
Speaker of the Assembly

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Date

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Patrick E. Fuller  
Assembly Chief Clerk



### Niagara Escarpment in Northeastern Wisconsin

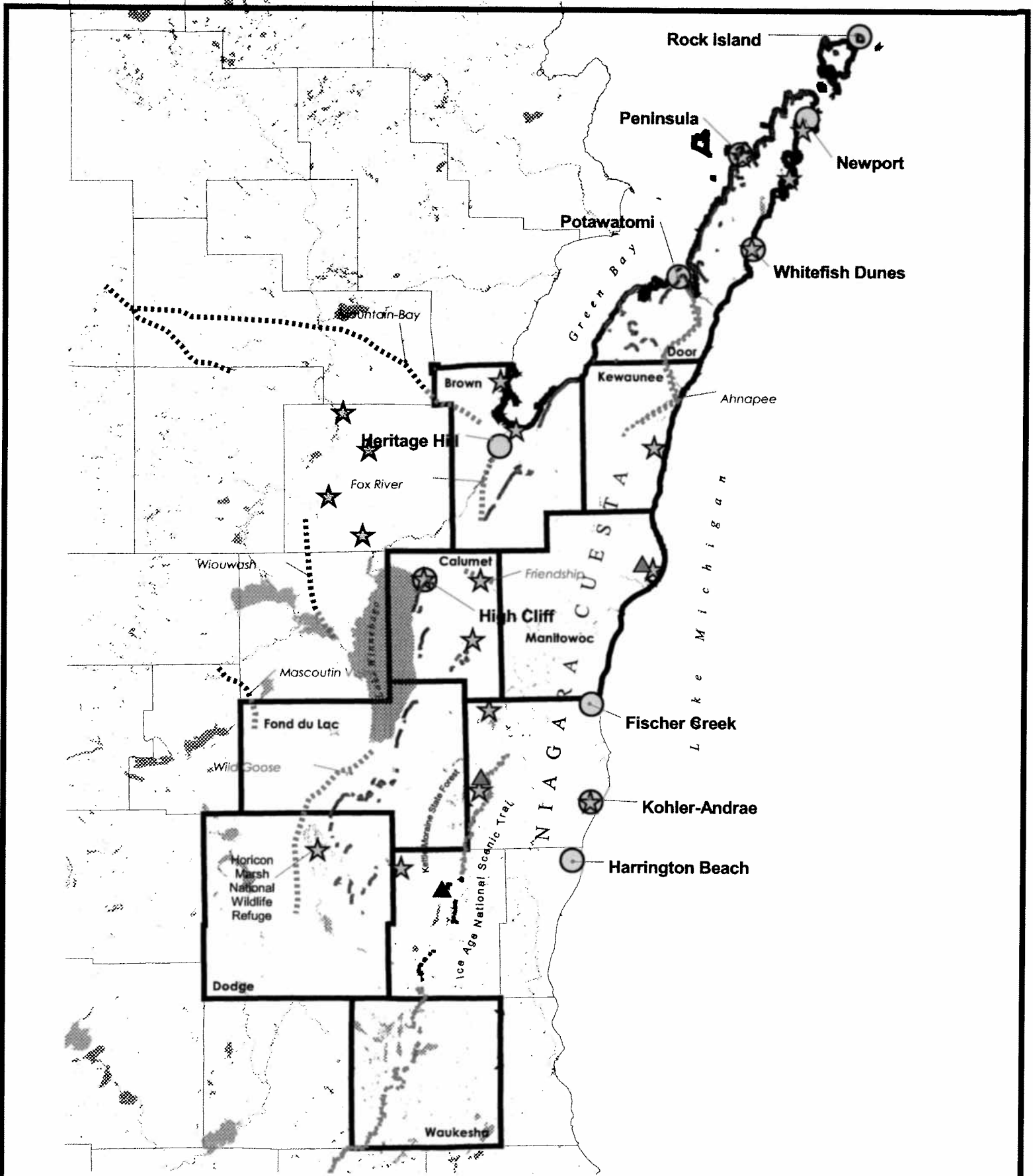
- Niagara Escarpment
- Five Mile Buffer
- DNR Managed Land

Source: Niagara Escarpment spatial data provided by Bay-Lake Regional Planning Commission, March 2009.

WISCONSIN DEPARTMENT  
OF NATURAL RESOURCES  
Bureau of Facilities and Lands



Map Created: 12/28/2011



# Niagara Escarpment Corridor - Wisconsin



10 0 10 20 Miles

Niagara Escarpment Counties

Niagara Escarpment Outcrops (J. Kluessendorf, 1998)

Ice Age National Scenic Trail

State Hiking/Biking Trails

State Wildlife Areas

State Parks

State Forests



Generalized Location of Niagara Escarpment in North America

