

Attorney General Brad Schimel States Wisconsin Residents Have No Interest in State Parks

On July 30, 2018, Wisconsin's Attorney General weighed in on a lawsuit that a group of Wisconsin residents have filed against the Department of Natural Resources. The DNR and Attorney General Brad Schimel are joining Kohler Co. in asking the circuit court judge to dismiss the suit before hearing it. The reasoning behind Schimel's request will come as a great surprise to many Wisconsin residents.

Friends of the Black River Forest, Inc., and Ms. Claudia Bricks, a retired special education teacher, have asked a judge to decide whether the Wisconsin Department of Natural Resources followed statutes and its own rules when agreed to give Kohler Co. land in Kohler-Andrae State Park. Kohler would use the land for storing fertilizer, fuel, pesticides, and maintenance equipment for the golf course, and for an access road so its clients could enter the adjacent golf course property.

The Kohler Company purchased a horse farm to the west of the state park to exchange for the natural and undisturbed state park land.

Ms. Bricks and the Friends are asking a judge to examine the DNR's unprecedented decision to give state park land to a private company for private purposes.

Kohler, with Schimel's support, has filed a motion to dismiss the case without being heard. Schimel's reasoning, simply put, is that Wisconsin residents are not entitled to ask a judge to review a state agency's decisions... because they have no interest in state parks.

According to Schimel, statutes and rules governing state parks "are not designed to protect the recreational and aesthetic interests of the public." These statutes and rules are only meant to bind DNR as a "property manager."

Said Friends member Mary Faydash, "State parks are not like an apartment building the DNR manages for profit and can sell at a whim. Since when were the rules made to protect the interests of bureaucrats instead of the public?"

Wisconsin statutes provide that "The purpose of the state parks is to provide areas for public recreation and for public education in conservation and nature study." Wis. Stat. s. 27.01(1).

DNR's own rules recognize the importance of keeping land in state parks for the benefit of the public. Administrative rule NR 1.47 explicitly states: "State owned lands within state park boundaries shall not be sold or otherwise disposed of."

"We're disappointed that our Attorney General would make arguments so at odds with the purpose of state parks and the statutes and rules mean to protect the public interest in these taxpayer-supported lands," said Faydash.

If granted, this motion to dismiss sets a precedent that should worry Wisconsin residents, regardless of how they might feel about building another luxury golf course on the shores of Lake Michigan. A legal precedent that holds that Wisconsin residents are not legally entitled even to request judicial review of a state agency's decisions essentially means that monied interests are free to deal, literally, with public agencies for control of public assets maintained with public resources while the public is sidelined at a crucial moment.

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