

# Land Resource Policy and Planning in Wisconsin: An Interpretive History

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## Introduction

It is both exciting and difficult to prepare a paper on the history of land resource policy and planning in Wisconsin.

Wisconsin's unique record in this area makes the task an exciting one. This state has been home to many "firsts" in land resource policy that have been adopted throughout the country, and it has nurtured many of the important figures and movements that have advanced the field of land resources policy. Early "firsts" include the application of the urban-born concept of zoning to rural land use problems, particularly in the state's northern "cutover" areas in the 1930s (e.g., Rowlands 1933), and the location of the first nationally recognized U.S. Department of Agriculture Soil Conservation Service project at Coon Valley in southwestern Wisconsin, also in the 1930s (Wisconsin State Soil and Water Conservation Committee 1964). More recently, the state Supreme Court decision in *Just v. Marinette County* in the early 1970s has come to be regarded as an important legal expression of an intergenerational environmental ethic (Large 1973). The state was also among the first in the country to establish a statutorily required program for the use of negotiation, mediation, and arbitration in managing land use disputes (Bingham and Miller 1984), an approach in which there is increasing interest throughout the country (Lake 1987; Bingham 1986).

All of these "firsts" are themselves set within a broader tradition of political and intellectual innovation. This tradition includes, for example, the emergence of the field of land economics at the University of Wisconsin-Madison (Salter 1948); the university career of the noted ecologist and conservation philosopher Aldo Leopold (Meine 1988); and the general legacy of activist and progressive government, both at the state level, as exemplified early in this century by the career of Robert M. LaFollette, and at the local level, as expressed in the decades of socialist leadership in Milwaukee (Nesbit 1973).

Yet the very breadth and depth of this tradition of innovation makes this task difficult. The concept of land resource policy and planning encompasses a wide range of activities. Properly defined, it includes the obvious planning and regulating activities that affect private and public lands at the local, regional, state, and federal levels. This alone involves such familiar endeavors as zoning, comprehensive land use planning, agricultural land protection, and forest management planning. But land resource policy and planning also includes policies and programs that pertain to soil erosion, water quality, pollution control, transportation and other public infrastructure investment, wildlife and game management, and economic development strategies. All of these activities affect the use and management of the state's land resources.

Obviously it is impossible to capture and characterize all of these dimensions in a paper as brief as this one. A proper historical account of Wisconsin's land resource policy and planning requires a book, not a paper. But it is our task, and we believe it useful, to attempt a brief account. In so doing we hope to provoke discussion and debate about the central concern of this conference: the future of Wisconsin's land resources. In particular we can ask what issues history raises and what lessons it offers, if any, for future policy design. We believe there are important lessons and that they should frame future discussions about the nature of land resource problems and their possible solutions.

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The authors have chosen to list themselves alphabetically but share equal responsibility and credit for this paper.

Because the full story of the evolution of Wisconsin land policy is beyond the scope of any one paper, the history we present here reflects self-imposed boundaries and structure. We concentrate our discussion on the twentieth century. Although we will refer to certain key events of the nineteenth century to frame events that opened this century, we focus our presentation on the period 1900-1988. Within this period, our structure is largely chronological. We have organized Wisconsin's land policy history into three major periods: Early History (1900-1950); The Active Years (1950-1980); and Consolidation (the 1980s).

In our discussion we concentrate largely, though not solely, on the policy process and the professional practice of land use planning -- that is, direct policy and planning for private and public lands by local, regional, state, and national governmental bodies. We examine policies and plans that have been adopted as well as key proposals that, although not implemented, represent important concepts of appropriate policy direction and action.

Finally, we have organized our research and writing around a set of key themes that we believe highlight the history of land resource policy and will continue to be important in the future. These themes include: the continuing importance of land resource policy for the state of Wisconsin; the tension between forces seeking decentralized control over the policy process and those favoring centralization; the parallel tension between integrated resource planning and planning by land resource components; and the dialogue between national and state forces over the content and form of land resource policy.

We recognize that the many readers, conference participants, and other individuals who have helped shape this history will not necessarily agree with either our choice of themes or the particular policies, programs, and events we have chosen to highlight and/or leave out. We expect and welcome this because this paper is intended to provoke discussion and debate.

### **The Early Years (1900-1950)**

The history of land resource policy and planning in Wisconsin embraces themes and events both similar to and different from that of other regions of the United States. The similarities involve the national trend toward urbanization in this century, the long-term process of industrialization, and land settlement policies that facilitated these phenomena. Although land policy in the late nineteenth and early twentieth centuries seemed to encourage dispersed rural settlement, it was actually part of a larger set of policies aimed at establishing clear title to land for economic development through resource consumption. It developed as larger socioeconomic forces of industrialization worked toward the concentration of population in urban areas and away from semi-independent production in the countryside.

Yet events in Wisconsin did not occur as they did elsewhere in the United States. (For examples of parallel, but different, cases in Maine and New York state, see Judd 1988 and Jacobs 1989a.) Land settlement in Wisconsin occurred later than in the eastern states; forest policy played a more important role than it did in some of the more urban agricultural states; and the state government early on defined a more activist posture for itself relative to public policy in general and land policy in particular.

Several key events of the eighteenth and nineteenth centuries set the stage for the early history of Wisconsin land policy and planning. The Land Ordinance of 1785 established the pattern of public land survey for Wisconsin and other western territories of the new nation. The resultant rectilinear pattern of townships, counties, and towns, lacking any real consideration of physical geography and ecology, has left a significant legacy of expectations about levels of governments with "rights" to exercise over land use policy.

The practice of widespread forest exploitation in this state dates to the mid-1800s. Even as the pineries began to fall, concern about the importance and future of the state's forests was emerging, particularly in the northern part of the state. Some observers wondered whether the practice of unrestricted logging would have long-term negative consequences, especially on the ability of the forests to moderate adverse environmental conditions. In 1854, Increase Lapham called for the first study of forests and forestry in Wisconsin; in 1867 the first official commission was established to engage in this type of study. In 1871, the great Peshtigo fire, in which 1.4 million acres of land burned and 1,500 lives were lost, demonstrated the dangers of unrestricted and unregulated logging.

At the same time, Wisconsin was experiencing significant population growth. As part of the general westward movement of population to lands of opportunity -- a movement encouraged by national laws and policies -- farmers from the northeastern states found it economical to sell their established farms and move to Wisconsin, where they could acquire twice the amount of virgin land for production (Gates 1969a). This was also a period of significant immigration to Wisconsin from northern Europe (Nesbit 1973). Initially this settlement occurred in the rich agricultural lands of southern Wisconsin. As the century progressed and available land in the south became scarce, the settlement process itself moved ever northward (Helgeson 1952-53; Gates 1969b; Carstensen 1958).

This period of activity was marked by intense resource use and exploitation. In keeping with the national mood, the public posture in Wisconsin was to encourage land settlement and active resource use in agriculture, forestry, and mining. This period was also marked by the application of individual effort and the free enterprise system, aided by the public sector, to achieve public goals.

By the turn of the century the national mood had begun to change. In 1893, Frederick Jackson Turner, drawing on his own experience and studies of the Wisconsin frontier, had called attention to the importance of the closing of the national frontier. Settlement of the continent was complete, and a national system of private railways now tied the country together. At the national level the precursor of the modern environmental movement -- the progressive conservation movement -- began to emerge. Concern over the wasting of valuable renewable resources and the desecration of nonrenewable resources and sites led key individuals to pressure individual states and the Congress to undertake conservation efforts; Charles Van Hise, president of the University of Wisconsin at the time, was a principal figure in this initiative. At the same time, it seemed clear to some analysts that the long-term trend toward a nation of cities would soon be cemented. The rural heritage and concerns of the nation would give way to those of an increasingly urban society with an entirely different social and environmental agenda. Along with this trend toward urbanization, modern industrialization and the modern corporation began to transform the process, style, and places of production.

Wisconsin shared in some aspects of this changed mood and in some cases led it. By 1878, the state legislature had begun to recognize the need to give some protection to the state's northern forest resources. In that year the legislature took action to create a state park of 500,000 acres, in which cutting was prohibited on 50,000 acres. In 1903 the legislature passed a law establishing a system of state forests and hired a state forest superintendent, E. M. Griffith (Wilson 1982). In the area of urban land policy, the legislature, reflecting another emerging idea, passed a law authorizing cities to engage in city planning.

But the turn of the century was also a time of intense social and political conflict over these changes. The first half of the 1910s saw a systematic, concerted attack on the new state forest system by a broad array of groups (Carstensen 1958). Conflicting conceptions of public rights and responsibilities regarding the state's forests eventually led in 1915 to a challenge and state Supreme Court rejection of the 1903 law. The promising state forestry program was abandoned. Actions of the ensuing decade, however, laid the groundwork for a decided shift in public opinion.

The period 1915-1925 saw several concurrent events with profound impacts on land use policy in the state. Private lumber companies continued their pattern of destructive logging, turning now from the depleted pine forests to the remaining mixed hardwoods. Meanwhile, settlement of the cutover north continued as newcomers attempted to take up farming on lands largely unsuitable for agriculture (Kane 1956-1957; Carstensen 1958).

In this same period, urban areas throughout the country were experimenting with a new approach to managing land use conflict -- zoning -- which would eventually see experimental and innovative use in Wisconsin. New York City is credited with adopting the first modern zoning ordinance in 1916, and by 1926 more than 400 other cities throughout the U.S. had followed New York's lead. Milwaukee was among them with its adoption of zoning in 1920. This action by New York and related municipalities, sustained by the U.S. Supreme Court in 1926 in the case of *Euclid v. Ambler Realty*, established two important principles: The public sector could use the police power in the form of land use regulation to manage existing and anticipated private land use conflicts, and local government was the proper place for the exercise of this authority.

The attempt to settle Wisconsin's cutover was ill-fated on a grand scale. It soon became clear that neither the soil, the climate, nor the infrastructure was conducive to agriculture. Initial yields were acceptable, but soil productivity was soon exhausted, leaving farm families unable to pay their taxes. Tax delinquency, already a problem on the wasted lands left behind by the lumber barons, became epidemic, and local governments were unable to provide adequate public services to isolated farm families (Hibbard et al. 1928). Out of this emerged a movement whose aims were (1) to provide for appropriate management of forests, (2) to try to prevent further settlement in these areas, and (3) to relocate already settled farmers to areas more appropriate for agriculture.

Between 1927 and 1929 the state legislature passed a number of laws addressing these aims. The Forest Crop Law of 1927 was designed to encourage private investment in forestry through property tax relief. This measure failed to attract significant capital, however, and it was amended in 1929 to authorize the establishment of a cooperative, publicly owned state-county forest system (Titus 1946).

The desire to prevent further unwise settlement in the cutover produced a nationally recognized landmark in Wisconsin and national land policy history. In 1923 the state legislature authorized counties to use zoning to regulate the location of commercial and industrial enterprises, subject to town approval. In 1929 the legislature expanded this power by authorizing the use of zoning to manage conflicts in rural land use.

There were several unique aspects to this action. It was the first explicit authorization for the broad use of zoning in rural areas; until this time, zoning had been developed and used primarily as an urban land use management device. Second, unlike its urban counterpart, which was conceived to preserve the integrity of residential and business areas by separating them from industrial and low-class commercial uses, Wisconsin's rural zoning legislation was designed to keep people out of areas deemed most appropriate for forestry and recreation. In effect, Wisconsin's efforts took the zoning concept and turned it on its head. Finally, while this program of rural zoning continued to recognize the dominance of local government in land use policy and planning, it gave towns the final say about whether such policy authority would be used. It also identified a significant role for the county in the planning and implementation process, a level of scale above that of cities using urban zoning (Rowlands 1933; Wilson 1957-1958).

The need for these actions in Wisconsin was glaring, but the state was not alone in questioning the utility of undirected market forces in fostering appropriate uses of natural resources. Other states, such as New York, were also addressing problems of rural land abandonment in their northern areas where agricultural settlers had tried to produce on forest soils (Jacobs 1989a). These efforts were themselves buttressed by an intellectual movement among land economists, geographers, and conservationists that urged wide-scale resource mapping programs to identify the best use of lands, following the assumption that more and clearer information would assist in wise resource management decisions (Guttenberg 1976).

By the 1930s several major variables had changed the national climate in which resource policy and planning was considered. The Great Depression, which gripped the national economy and was itself a continuation of a depression that had plagued the country's rural areas since the early 1920s, opened up a dialogue on the appropriate scope of private and public action with regard to resources -- specifically the role of public planning. Into this came Franklin D. Roosevelt as president, after two successful terms as New York's governor during which he established himself as a policy activist and experimented with alternative ideas and programs for resource management (Jacobs 1989a; Slichter 1959). New resource management programs emerged in various agencies -- for soil conservation, for example, through the U.S. Department of Agriculture, and for general resource planning and coordination through what became the National Resources Planning Board. These programs played a prominent role throughout Roosevelt's administration but especially in the first term (Kirkendall 1966; Clawson 1981).

Wisconsin reflected these shifts in the nation's efforts and in some cases took the lead. The southwestern portion of the state, the so-called driftless area, had long experienced excessive erosion because of inappropriate agricultural practices on the area's steep, thin-soiled slopes (Cohee 1934). In what became another precedent, the Soil Erosion Service established the country's first nationally recognized soil and water conservation project in this area, in the Coon Valley watershed, in 1933 (Wisconsin State Soil and Water Conservation Committee 1964). Before the decade was over, soil conservation districts were established throughout the state.

At about the same time, in 1929, the state legislature authorized creation of the nation's first office of regional planning. Two years later, in 1931, the legislature upgraded the status of this office by creating a state regional planning committee. The activities of this office and committee presaged those later undertaken by the National Resources Planning Board. The committee produced, in 1934, one of the first integrated reviews of the state's economy, people, and resources (Wisconsin Regional Planning Committee 1934). By the mid-1930s, prompted by national efforts, the state reorganized the regional planning committee into a state planning board. This board found itself addressing many of the issues of the immediate past -- the fate, for example, of the cutover (Wisconsin State Planning Board 1939) and the problem of widespread soil erosion. The board also addressed the broader questions that such issues raised: What sort of resource management does the state want, and in whose interest? Meanwhile, in the cutover, tax delinquency continued (Wehrwein 1937), as did efforts to rationalize land use and resettle isolated farmers (Wehrwein 1939; Sorden 1964).

The period of the mid-1930s also saw the state legislature extend the power of zoning throughout the state. In 1935, counties gained authority to regulate land use along natural watercourses. In keeping with precedent, however, this regulatory activity was made subject to the review and approval of town governments. This model of county planning subject to town approval is still followed in other areas of land use policy in the state.

By the early 1940s, the thrust of this policy activity began to fade, due in large part to the shift in emphasis at the federal level. As the nation prepared to enter World War II and attention shifted away from domestic policy innovations in land use, resource management, agriculture, and regional planning, President Roosevelt found the need to shore up support in Congress. Many of the president's more "radical" domestic policy advisers -- such as Rexford Tugwell -- who supported wide-scale planning had been dismissed earlier in his administration. Some of his programs were unable to survive challenges in the Supreme Court. By 1943 the National Resources Planning Board, the only true national effort to integrate resource management and planning and the impetus for much of the creative activity in the states, was dismantled.

Activism, then, at both the national and state levels, was short-lived. And both national and state efforts could be interpreted as continuations of efforts in the previous decade to understand and correct the functionings of a capitalist economy. Little of what took place in this period offered fundamental challenges to the market economy as a basic social and economic strategy. Instead,

what we would now call a form of public-private partnership emerged wherein the public sector recognized some of the inherent contradictions of capitalist markets and developed tools and procedures to save capitalism as a system and capitalists as individuals. More and clearer information, public regulation as a means of reducing the social cost of private and public externalities, and plans for resource protection and management -- all can be seen as serving these ends.

With the end of the war even the explicit form of public policy focus began to change. Following the fate of the NRPB, the Wisconsin State Planning Board was dismantled in 1951 and replaced by an interagency committee, the Natural Resources Committee of State Agencies. Some analysts at this time noted what was to become one of the predominant land policy issues of the postwar period -- urban fringe growth and management (Andrews 1945).

### The Active Years (1950-1980)

The 30-year period following World War II was, on the whole, one of great policy activity and experimentation, both in Wisconsin and throughout the United States. It began relatively quietly, however, as the 1950s set the stage for more explicit activities in the following two decades.

Throughout the nation the most important phenomena of the period were related to the changing spatial form of cities, countrysides, and regions. During these years, the federal government authorized and began constructing the nation's interstate highway system, suburbanization emerged as a significant trend in urban-regional form, and the rapid depopulation of the nation's countryside continued. Nationally, an important supplement to land resource policy turned out to be Section 701 of the Housing Act of 1954. The funding available through this section eventually led to the proliferation of public sector planning agencies at the state, regional, and local levels in Wisconsin as well as elsewhere in the country (Feiss 1985).

Wisconsin reflected these national trends of changing spatial form, experiencing suburbanization of the urban fringe and industrialization and consolidation of agriculture. In the mid-1950s, direct policy activity continued to concern itself with the quality and management of the state's forest resources. The Woodland Tax Law, passed in 1954, embraced many of the same objectives of the Forest Crop Law passed three decades earlier. It was designed specifically to encourage good forestry practices on small, irregular tracts of land in southern Wisconsin just as the companion law was intended to encourage such practices in the north. However, following the general thrust of previous policy activity, the program was voluntary in nature, relying on the incentives of property tax reductions to encourage landowner participation. It was not targeted to areas of greatest need, i.e., not guided by an overall plan, but was simply made available to all interested landowners.

Another significant point of policy activity during this period was legislation in 1955 that enacted the state's regional planning law. Drawing on Section 701 for key seed funding, this legislation established the authority for what would ultimately become a set of agencies seeking to facilitate planning and management of land and environmental resources throughout the state.

It was in the 1960s that truly significant change began to occur in the climate for planning and policy, in both the state and the nation. Democrat Gaylord Nelson was elected Wisconsin's governor in 1958 and took office with a Democratic plurality in the state Assembly. Nationally, John F. Kennedy came to the White House promising a new era of ideas and enthusiasm in public policy.

In the area of land resource policy, the emerging intellectual mood was one of concern and skepticism about the appropriateness for the future of methods employed in the past. By the mid-1950s some scholars had begun to wonder if basic democratic rights were being compromised by a tradition of fragmented, voluntary, local control (e.g., Williams 1955). In Wisconsin, other authors pondered the institutional capacity of local, suburban, and rural governments to handle the pressure of suburbanization (Cutler 1959).

The early 1960s were years of tremendous planning activity in Wisconsin. Under the leadership of Governor Nelson, attention focused on natural resources and their management in the interest of all the state's citizens. Nelson moved early to create a new Department of Resource Development with a director directly accountable to the governor rather than to an appointed citizen policy board, as had been the tradition in the state (Thomas 1989). This move was undertaken with substantial opposition from both the existing Conservation Department and the Republican Senate. The legislation establishing the new department gave the agency sweeping responsibilities and the authority to oversee planning, economic development, ports and harbors, and outdoor recreation.

Using both state funds and federal funds available through the 701 program, the new department undertook a wide range of extensive studies in transportation, economic development, public facilities, land use, and outdoor recreation (Johnson 1963). Several years later, these studies resulted in a plan for the state (Wisconsin Department of Resource Development 1963; Wisconsin, State of 1966). While much of this plan was simply an inventory of existing conditions, it was also the first attempt at integrated planning for the state as a whole since the mid-1930s. The plan identified existing patterns of growth and offered alternative strategies by which the future could be not merely responded to but actively shaped. Further, the document stressed the need for state leadership in planning, recognized the limitations of strictly sectoral planning, and emphasized the need for comprehensive planning by and between all levels of government. In line with the changing intellectual mood of the period, the plan subtly acknowledged the power and utility of existing divisions of authority for land use and resource management and, at the same time, noted the need to identify and successfully plan for resources of statewide significance.

Wisconsin was not alone in its effort to implement comprehensive state planning. States as far west as Hawaii and as far east as New York took advantage of the same federal funds and engaged in similar exercises (Jacobs 1989a). These plans also provided extensive inventories of existing conditions and to varying degrees explored the capacity and responsibility of the state and the public sector in general to shape rather than react to individual and collective market forces in land use and resource management. Together these plans represented the first wave of renewed interest in and attention to the potential of planning for land use and environmental resource management.

As the state was preparing its plan, Governor Nelson also initiated an expansive and innovative program of planning and implementation for outdoor recreation. In 1961, Nelson announced a new 10-year, \$50 million Recreation Act program. This act provided funds for the acquisition and improvement of state parks, forests, and fish and wildlife areas. In an innovative departure from the usual use of property tax incentives or regulatory authority to implement policy, the state used funds to purchase less-than-fee easements for public access rights along trout streams and to provide scenic vistas along key highways (Jordahl 1963). This program of direct expenditures, together with the program for extensive inventory and planning, set the tone for activist government approaches in the area of land resources.

Two other key efforts of the mid-1960s -- the battle over a new county forest crop act and enactment of legislation for the management of floodplains and shorelands -- fit this pattern and captured this mood, although they both also reflected the tensions inherent in this area of public policy.

The 1927 Forest Crop Act was implemented amid a crisis in the cutover. As amended in 1929 it provided for 50-year state contracts with counties, with no explicit provisions for either extending or terminating the program. In the postwar period, this once essentially valueless land began to acquire value for recreation and forestry. Counties wanted to assert their right of local control over these resources and generally wanted to end the state contract system so they could be free either to manage the lands or to sell them to private individuals and corporations. In the early 1960s legislation was enacted that would have terminated the state-county partnership in these lands and could have resulted in the sale of the most valuable lands to private parties. There was conflict within state government about this proposal; the Conservation Department favored it and the Department of Resource Development opposed it. Governor Nelson intervened, vetoed the bill, and called for a

new, permanent state-county public forest system. His wish was enacted in a 1963 bill that resulted in the current system of 2.3 million acres of county forest land (Jordahl 1984). Notably, the new law required comprehensive multiple use plans for the forests long before federal legislation required such planning for the national forests.

In 1965 the state enacted another piece of land resource legislation that, like the rural zoning law of 1929, represented creative use of existing policy powers and led the nation in new directions. After an extended battle, the legislature adopted new floodplain and shoreland zoning laws. This program transferred from town governments to counties the authority to regulate uses of floodplains and shorelands. This, however, did not give the counties free rein. Instead, counties had to adopt policies to manage these resources within state guidelines. If a county chose not to act, the state was authorized to intervene and undertake action on the county's behalf. The county was made financially responsible for, and required to implement, these measures (Weber and Peroff 1977).

Meanwhile, planning as a general activity of government was undergoing a tremendous and remarkable resurgence, largely as a result of new federal initiatives. During the 1960s a wide range of resource and social programs adopted at the national level provided funds for state, regional, and local planning. These included such measures as the Water Resources and Public Works and Economic Development Acts of 1965, which furnished funds for the formation of river basin and economic development planning and action commissions; the Older Americans Act of the same year, which provided for development of areawide councils on aging; the Public Health Services Act of 1966, which stimulated growth of regional health planning organizations; and the Model Cities Act of the same year, which called for the creation of metropolitan areawide planning bodies. In 1969, the Office of Management and Budget adopted the so-called A-95 circular, which reinforced the role of substate regional coordinating and planning agencies. Together these programs helped legitimate the process of planning and establish an infrastructure of planning professionals throughout the states. However, they also led to a heavy reliance on both federal leadership and federal funding for programs.

As planning experienced this period of legitimation, the intellectual climate for land resource management was changing significantly. In particular, two prominent land policy planners published separate statements, both of which called into question certain aspects of policy orthodoxy (Reps 1964; Babcock 1966). Both authors harshly criticized the local, voluntary nature of land policy in the United States. They suggested that such a framework resulted in policy that was ultimately ineffective at making rational land use allocations and often socially and economically elitist and parochial. They further argued that the existing administrative system for land resource management, relying as heavily as it did on these local, voluntary structures, was unsuited to reform. Their prescriptions for change called for integrated, comprehensive, mandatory regional land policy planning.

This posture soon took hold throughout the country. Several years after the publication of Babcock's book, the American Law Institute launched a prestigious study of the existing system of land use planning and regulation that ultimately concluded with recommendations in accord with the basic positions of Reps and Babcock (American Law Institute 1975). In 1971 the U.S. Council on Environmental Quality (CEQ) issued a report that declared a "quiet revolution in land use control"; the object of this revolution was the existing fragmented, voluntary system of local land use planning and policy (Bosselman and Callies 1971). The report offered profiles of alternatives to the existing system. They included, for example, statewide regional land use planning and regulation in Vermont; substate, multicounty regional land use planning and regulation in New York State's Adirondack Park region and California's Lake Tahoe area; and Wisconsin's system of planning and policy for floodplains and shorelands.

The CEQ report was as much an advocate for this position as a reporter of it. In the early 1970s the idea of comprehensive, mandatory, centralized land resource management was in the air. The experiments and experiences of policy innovators in Vermont, California, and New York State,



among others, were well known and admired by planners, resource managers, and environmentalists. This mood even extended into the federal arena, where several bills introduced over a period of years tried to create a mandate for national land use planning for private lands (Plotkin 1987).

Events in Wisconsin closely followed and mirrored all of this activity. The celebration of Earth Day in 1970, a brainchild of Wisconsin's senator and former governor Gaylord Nelson, symbolized for many the renewed focus on centralized resource management. Here was evidence of widespread citizen concern with matters of land resource and environmental management. Wisconsin's governor at this time was Patrick Lucey, who came to office believing in a strong role for state government. Early in his administration Lucey appointed a committee headed by another former governor, Warren P. Knowles, to study the issue of land resource management in the state. The creation of this committee was a direct reaction to the movement in Congress to consider national land use policy as well as an expression of the governor's conviction that the existing policy framework was unable to address adequately many current concerns.

The committee's final report was, in retrospect, quite predictable. It reflected the changing views on land policy outlined by Babcock (1966) and Bosselman and Callies (1971) and finally codified by the American Law Institute (1975). What became known as the Knowles Committee Report (Knowles 1973) identified five areas of regional and state concern in the land resource area: protection of unique natural and cultural resources, regulation of developments with multijurisdictional impact, regulation of impacts from public facility sites, regulation of major new urban developments, and protection of existing urban quality. These concerns would be addressed through a system of mandatory, comprehensive state plans developed for approval by the legislature and governor. Local governments would play a part through implementation of these plans and through the authority to plan for the management of activities deemed to be of solely local concern. Research at the University of Wisconsin in Madison strongly supported these recommendations (Runge and Kusler 1972). Parallel activities occurred in other states such as New York (Jacobs 1989a) that were generally regarded as progressive in these matters.

But expectations for a policy revolution at the national level and in Wisconsin and many other states were overly optimistic. The national effort was a victim of President Nixon's need to shore up support among congressional conservatives as his political problems with Watergate mounted. In various state legislatures including Wisconsin's, proposals for mandatory, comprehensive, centralized planning proved to be out of step with public opinion and political reality. Their failure to win acceptance has yet to be analyzed satisfactorily, but it appeared to reflect the reaction of political conservatives who touted the primacy of private property rights and the concerns of many suburban and rural jurisdictions about the loss of their traditional authority over land use. In Wisconsin, former governor Knowles eventually disowned publicly the bill that resulted from his own committee's report, and it never left the legislative committee.

By the mid-1970s, the country's mood had changed. The oil embargo of 1973 and the subsequent recession hit the housing and land development industries particularly hard, apparently lowering the pressures of growth and therefore the concern about growth's impact on environmental resources. These events, combined with the failures of initiatives among national and state legislatures, seemed to spell doom for efforts to implement comprehensive, integrated land resource policy.

In Wisconsin, however, this did not happen immediately. The death of the Knowles Committee proposal for integrated planning did not signify the death of the issue in the state. During the 1970s two other legislative committees took up the issue of local-regional-state relations (Wisconsin Assembly Committee 1976; Wallace 1977), although no substantive change resulted from their studies. The mid-1970s also saw a revival of the state planning office and planning activities. In keeping with his approach to public policy, Governor Lucey acknowledged the importance of this activity. But the state planning office, reading the signs of the times, put little effort into centralized, comprehensive planning. Instead, it concentrated on providing up-to-date information for planning and policy and assisting other participants in the policy and resource management arenas.

## Consolidation (The 1980s)

The election of Jimmy Carter to the presidency in 1976 ushered in the changing mood that marks the final period of this history. Carter came in with a reputation as a planning president because he had been active in urban and regional planning affairs in Georgia. It was expected that, under Carter, planning would find a friend in the White House. To some extent this proved true. Carter proved to be quite concerned with long-term resource management in the areas, for example, of energy and agricultural land policy, and the exercise that came to be known as the Global 2000 study was an important expression of integrated environmental forecasting (Plotkin 1987; National Agricultural Lands Study 1981; Council on Environmental Quality 1980). It was Carter who urged the American people to turn down their thermostats and adjust to the fact that the future would not be the same as the past; it would instead be an era when we would have to learn to live with less.

Yet Carter was unable to communicate this concern to the American public. In his election bid against Carter, Ronald Reagan portrayed the president as asking the American people to sacrifice when they did not need to; as an alternative, Reagan offered a vision of an American lifestyle as good as, if not better than, it had ever been. According to Reagan, the key was to decrease government interference in private life, not to increase it. Once released from unnecessary restrictions, the private sector, through the market, would increase individual and social quality of life.

The philosophy of the Reagan administration entailed privatization of existing governmental services and antipathy toward planning for resource management (Savas 1982; Stroup and Baden 1983). These changes in resource management philosophy at the top resulted in several very tangible impacts: the elimination of the 701 planning assistance program in 1981, the elimination of federal support for multistate regional planning commissions, and the reduction of funds available to states and localities through the Land and Water Conservation Fund for recreation planning and implementation. The Reagan administration's priorities were clear: reliance on the private sector and a shifting of public sector responsibilities from the federal level to the states and localities.

In some ways Wisconsin reflected these changed circumstances; in other ways it resisted them. In terms of regional planning, the elimination of certain federal programs, the general cutback in federal funds, and the shifting of responsibility to the state tended to focus the activities of substate regional planning commissions on sectoral and local planning issues at the expense of regionwide concerns.

At the state level a clear movement toward addressing individual land and environmental resource problems -- that is, toward addressing resource problems on a case-by-case basis -- had begun in the mid-1970s. By the mid-1980s the legislature was regularly involved in issues concerning wetlands, groundwater, agricultural lands, forests, soil and water conservation, mineral resources, power plants and transmission lines, and solid waste sites. The Knowles Committee and the study group at the University of Wisconsin-Madison had identified all of these as resources requiring attention. As discussed in the Knowles Committee report, they were to have been addressed as part of a comprehensive reform package. Instead, the legislature took them on one by one, and then only on a partial basis. Importantly, though, even this list did not include all the resources that the Knowles Committee and the UW-Madison study group felt critical and deserving of attention. In retrospect, it seems inevitable that a process keyed to the ability to garner political and public support will leave out resources that, for whatever reason and however important, are not popular causes at the time.

The history of the state program to protect agricultural land exemplifies the efforts of this period. As noted, the conversion of agricultural land to nonagricultural purposes was a resource problem that received national attention under President Carter in the late 1970s (National Agricultural Lands Study 1981). A political consensus seemed to emerge suggesting that long-term protection of this resource was necessary for agronomic, economic, ecological, and ethical reasons. Concern about farmland protection, though, was not new. Maryland had passed legislation enabling differential taxation for such lands as early as the late 1950s. By the late 1970s, a wide range of policy tools existed or were proposed that could be used for farmland protection, though their relative effectiveness, efficiency, and equity were matters of debate (Coughlin et al. 1981).

In 1974, Wisconsin voters authorized a program of property tax relief for farmland owners. Drawing on the experiences of other states, policy analysts decided that a fair, effective program had to tie tax relief to local planning and zoning programs, farm family income, and the relative burden of property taxes. This, they hoped, would ensure that income tax credits would go only to those who actually needed them and would be part of at least a locally comprehensive program of agricultural land preservation (Barrows and Yanggen 1978).

The program was operational by 1979, and by 1988 it appeared to be a huge success. Over 8 million acres were enrolled under the program, representing 50 percent of eligible farm lands. All but two of the state's counties now have a certified farmland protection plan, and 361 of the state's 1,268 towns have certified zoning ordinances.

In many ways the program for farmland protection mirrored earlier resource management efforts. While establishing broad state goals and guidelines, it relied on local implementation. Actual participation in the program was voluntary. And it was designed to garner broad political support: It was available to farmland owners throughout the state rather than targeted at types of farmland or areas of the state with the most evidence of need. The costs of these decisions are only now becoming evident. In 1979-1980 the value of tax credits given to farmland owners was \$6.8 million; by 1986-1987 it had increased to \$35.5 million and appeared to stabilize.

On other policy fronts, Wisconsin continued its tradition of innovation. On the ever more complex issue of solid waste management and the inadequacy of traditional landfills, the state was among the first in the nation to initiate a program for the use of mediation and arbitration to try to prevent impasses over siting plans (Bingham and Miller 1984). It should be noted that the appropriateness of this program is still a matter of debate.

Likewise, the legislature in the spring of 1989 is considering a proposal for a regional body to deal with land use issues along the lower Wisconsin River. The proposal, which appears likely to emerge in some form as an enacted bill, would provide for a riverway commission to facilitate cooperative state and local management and regulation of acknowledged scenic resources along the 90-mile riverway. The proposed commission would have jurisdiction in the territories of six counties and 22 towns (Wisconsin Department of Natural Resources 1988).

In formulating this proposal, the state has responded to the interest in greater private involvement in land resource management. One aspect of the lower Wisconsin River discussions has been the potential role of private land trusts -- nonprofit, private organizations that work on land conservation and preservation in the public interest. These organizations have grown tremendously in the last two decades, and there is no sign of that growth abating. They have emerged precisely because the public sector is not always able to formulate and implement policies that are targeted and/or strict enough to achieve the specific conservation and preservation goals of selected individuals and groups and because public funds for such activities are generally lacking (Foti and Jacobs 1989). Various units of state government -- the legislature, the bureaucracy -- have shown interest in working with these organizations to achieve a wide range of public policy goals in, for example, recreational, agricultural, and natural area and open space protection.

### **Lessons for Future Policy?**

As suggested in our title and introduction, this paper has been a self-consciously interpretive and selective history of land resource policy and planning in Wisconsin. We do not claim to have comprehensively covered all substantive issues in land resources policy, nor have we covered all possible themes that could help us understand the development of policy in the twentieth century. However, we do believe that our selection of significant events and themes of this period provides a basis for pondering the lessons of nearly 90 years of policy activity. In summary and synthesis, we offer four principal points that we believe will be pivotal in the design of future land resource policy.

First, it is clear that land resource management is a critical element of Wisconsin's policy history. Whether due to the potential for economic development or to concern for the protection of unique land resources, public policy for land resources has consistently been a central focus of legislative activity and citizen interest. We see no reason for this focus to change. Whether it is concern over the management of the lower Wisconsin River, protection of groundwater resources, land management for lake quality (see, for example, Born and Rumery 1989), solid waste management and landfill siting, supervision of mining operations, efficient management of the state's forest resources (see, for example, Roberts, Tlusty, and Jordahl 1986), agricultural land protection at the edges of the state's cities, revitalization of deteriorating city centers, the systemic and long-term environmental and fiscal consequences of rural development (see, for example, Hanson and Jacobs 1989), or, more likely, a combination of all of these plus other issues not mentioned or perhaps even foreseen, land resource management will remain central to public policy activity in Wisconsin, at the state, regional, and local levels.

Second, it is clear that much, though not all, policy activity in Wisconsin has both influenced and been influenced by explicit federal public policy and the changing national climate of intellectual opinion. The record indicates that, throughout this century, policies initiated in the state have been spurred on either by the direct availability of federal funds or by the climate of opinion concerning land resources within the federal government and among intellectual leaders. To some degree this will continue. Wisconsin does not, cannot, and should not exist in an intellectual or policy vacuum. Yet the record also indicates that Wisconsin has often taken significant steps in developing its own innovative responses to crises in resource management and has often turned to proactive planning before or independent of federal actions or national movements.

Predictions for the future of planning are likely to be as unreliable as any other predictions, yet those that do exist (e.g., Levin 1988) suggest the unlikelihood of any new major federal initiatives in the immediate future, the ever-increasing importance of states and localities, and an increased emphasis on the economic impacts and consequences of proposed policy initiatives. Within the environmental community there is uncertainty about the future. New issues seem more complex than older ones; it is less clear what constitutes appropriate policy. The environmental movement itself is becoming increasingly polarized over what constitutes an appropriate agenda and posture for action (Borelli 1987). In this next period it is fitting for the state to return to its tradition of leadership in land resource policy and thus to be less subject to the changing winds that swirl around it.

Clearly a third dominant theme in a history of land resource policy and planning in Wisconsin is the ever-present tension between the social and political forces that established and continue to encourage local control of policy and those that advocate some form of centralized policy. As we noted, this tension in Wisconsin reflects a generalized trend that was most prominent from the mid-1960s to the mid-1970s. There is little disagreement about the events that unfolded in that period, though there is some interesting dissension about how to view them (see, for example, Walker and Heiman 1981). At present there is no consensus on the agenda for the future. One analysis has recently argued that although the move for comprehensive, mandatory, centralized reform of land policy failed, the centralization of policy by individual resource area, at both the federal and state levels, is a significant outgrowth of this period. This trend toward selective centralization is predicted to continue, coexisting with the pattern of widespread local control over much of land resource policy (Popper 1988). This position is itself similar to one taken earlier in the decade by a Wisconsin scholar who contended that there was no systematic basis for arguing the appropriateness of local, regional, or central control over land policy and that it is necessary to sort out this question issue by issue (Barrows 1982).

Another position suggests that the debate over local versus centralized control should not be understood or approached as primarily an issue of administrative efficiency because it acts as a proxy for deep-seated controversies about private property control and democratic rights in contemporary society. Instead, this position suggests, the debate needs to be placed in a broader context of social and political conflict. This position is skeptical about the long-term utility of centralization and

broaches the possibility of a new form of local control (Jacobs 1989b, Heiman 1988, Plotkin 1987). This new localism posits the possibility of responsible activity by local governments, i.e., activity that is aware of and integrates regional and state interests. Responsible local planning would occur through a process of shared governance in which greater-than-local units would provide expertise and vision for local action while local government would retain substantive authority for planning and implementation.

There appears to be no ready resolution of this issue. We are certain, however, that it will remain at the center of much of land resource policy in the future, as is evidenced by the current controversy over the proposal for the lower Wisconsin River (Beeman 1989).

Finally, we believe it fair to say that despite all of the efforts and innovations throughout Wisconsin's history, we have not yet developed an acceptable and workable set of policies and institutions for dealing with land resource problems. On the one hand, this is not surprising. Land resources are socially, economically, politically, and ecologically complex. It is difficult to design "correct" policies for their management. Yet the continued presence of such long-standing resource issues as those involving farm and forest lands, and the emergence of such newer issues as groundwater contamination and solid waste management, challenge us to work even harder than we already have in fashioning solutions. As we do this, we face a set of questions that have plagued land resource policy throughout the century:

- \* Resource policy for whom? Existing land owners? Future generations? Producers? Recreationists? Local people? The population of the state?
- \* Resource policy by whom? The landowner? The local community? The region? The state? Federal authorities? All of these together in a collaborative fashion?
- \* Should land resource policy be proactive or reactive? Leading or following signals from private market activities and actions at the federal level and throughout the nation?
- \* What role will be played by the private sector in land resource policy -- both the private-interest private sector and the public-interest private sector?
- \* Can fragmented, as opposed to integrated, land resource policy succeed? That is, can it result in prudent and sustainable management of resources?

We do not suggest that this is a complete list of questions that need to be asked as we consider land resource policy for the future. These are only some of the questions suggested by our investigation.

In closing, we offer one final thought. As participants in this symposium ponder land resource policy for the future, consider the fact that Wisconsin's strong legacy in the land resource area, and in fact in many areas of public policy, has been built by individuals who were not afraid to think, speak, and act upon bold thoughts. Timidity and incrementalism in public policy, by their very nature, are unlikely to bring about significant change. We have no doubt that, as we edge toward the twenty-first century, significant change is upon us, and appropriate policy for this change is necessary if we are not to be swept along by events over which we exercise little or no control. Only by thinking and speaking boldly, by being unafraid to engage in spirited and open debate, and by being open to experimentation in policy design will we be in a position to fashion solutions to the problems that are now before us and that will present themselves in the future.

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