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Rock County landowners seek eminent domain reform

By Nate Jackson njackson@gazettextra.com Mar 6, 2018

JANESVILLE

Steph Steinke inherited her family's land after her mother died last year.

Her mother, Mary Brooks, often fought with Enbridge, a Canadian energy transportation company whose pipeline transports crude oil through a corner of the family's 12-acre property off Scharine Road in Whitewater, Steinke said.

As an ode to her mother, Steinke spoke at a Feb. 22 Rock County Board meeting to support a resolution asking the state Legislature to enact a three-year moratorium on Wisconsin's eminent domain laws.

At least 12 other speakers delivered impassioned pleas in favor of the resolution, which the board approved unanimously.

Eminent domain is the right of a government or its agent to take private property for public use, as long as it offers fair market value to the property owner. Municipalities and states have used that power to build roads and set aside land for parks, among other things.

Businesses also have powers under eminent domain.

The Racine County village of Mount Pleasant is using it to acquire property for roads for Taiwanese tech giant Foxconn's new plant. Companies such as Enbridge can ask states to use eminent domain to gain easements for a new pipeline. Wisconsin environmentalists fear the company plans to run another pipeline through Wisconsin, but Enbridge has denied that.

Susan Peterson, who owns land on St. Lawrence Avenue in the town of Beloit, told the board that an Enbridge pipeline runs through her property. Like most other speakers, she was concerned that the company is taking advantage of eminent domain laws to increase profit without concern for landowners.

She said eminent domain laws are for public good, not private profit.

“When money is the motivation, it is tempting to want to make more money and cut costs,” she said.

Rock County Board member Wes Davis, who drafted the resolution, said the measure is in response to “concerns about what’s happened in the past.”

“We should not be enslaved by corporate greed,” Davis said. “Some of these family farms are century farms. They don’t want their farm to be split in half.”

Under the resolution, the county asks that the state reform its eminent domain laws during the moratorium to ensure property owners are protected.

The resolution will be forwarded to the Wisconsin Counties Association. The county board’s hope is that the Legislature votes on the moratorium.

Davis said eminent domain statutes haven’t been amended since 1970, and since then, “corporations became people.”

George Wellenkotter lives in Edgerton but owns farmland in Columbia County, where he grows pumpkins, asparagus and corn.

An Enbridge pipeline cuts through about three and a half acres of his property, and he said it’s getting more difficult to grow crops anywhere near the pipeline.

“You can see the crops are dwarfed,” he said. “The heat of the oil takes all of the moisture out of the ground. Unless you’ve got a way to irrigate that section, your crop production is really depreciated.”

He supports the proposed moratorium, and he’d like to see environmental studies conducted on any future pipelines. They should transport only oil, he believes.

“No power lines, no toxic waste,” he said.

Steinke said she is afraid if another pipeline is installed on her family’s property, it could leak and contaminate well water and local habitat—similar to the 2010 pipeline spill that contaminated the Kalamazoo River in Michigan.

She said eminent domain should be used for the common good of the community, “not for a private company to profit off of private land.”

Davis said he’s not confident the Legislature will ever vote on the measure. That’s despite the fact that other counties—including Walworth County—have approved similar resolutions.

“When it goes to the Legislature, my fear is they will let it lapse and let it die,” he said. “We need to protest legislation—we are called to action at this point.”

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