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## PRESS RELEASE

SEPTEMBER 15, 2020

The Wisconsin Court of Appeals has handed Friends of the Black River Forest a victory in the group's challenge to a 2017 decision by the Department of Natural Resources to give land in Kohler-Andrae State Park to Kohler Co. to develop a golf course.

In exchange, the DNR would have received acreage outside of the park that is already developed as a hobby farm, with far less natural resource value.

The Friends filed suit in 2017 challenging the DNR's decision as violating rules against selling or disposing of state park property. Kohler, later joined by then-Attorney General Brad Schimel on behalf of the DNR, moved to dismiss the case.

A Sheboygan County circuit court granted the motion because it found the Friends lacked standing, or a sufficient injury, to sue.

The Court of Appeals reversed. It found that the land exchange decision anticipated that Kohler Co. would construct a golf course and noted the impact of the decision on the Friends' members.

Said the Court:

[I]t is not difficult to imagine that the Friends will no longer be able to use the remaining parkland for recreation without interference from traffic and noise in the area caused by the golf course and its patrons. Similarly, it is easy to imagine that interference to habitats could interfere with the Friends ability to use the remaining parkland for recreational uses such as birding.

Decision, ¶ 22.

The Court also found that state laws “creat[e] an environmental interest in the protection and regulation of Wisconsin’s state parks, including the Kohler-Andrae State Park at the heart of the dispute here.” Decision, ¶ 29.

“Our state parks are irreplaceable treasures. We need them now—more than ever,” said Friends President Mary Faydash. “The Friends of the Black River Forest will continue to fight to preserve our state parks for future generations, and not a luxury golf course.”

“Kohler and Attorney General Schimel tried to keep us from speaking up on behalf of Wisconsin citizens and state park users,” said Friends member and treasurer Claudia Bricks. “This decision affirms the right of ordinary citizens to have and use their voice.”

The case, along with a related case in Dane County, now returns to the circuit court for further proceedings.

The Court of Appeals decision is available at <https://www.wicourts.gov/ca/opinion/DisplayDocument.pdf?content=pdf&seqNo=286762>

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