



1.0 Authority

[s. 700.40\(1\)\(a\) Wis. Stats.](#), defines a scenic easement as a “conservation easement”. It is unlimited in duration unless otherwise specified in the recorded deed.

2.0 Background

Initial scenic easement acquisitions in Wisconsin occurred in 1938 in conjunction with highway improvements along the Great River Road Parkway. Additional scenic easements were acquired sporadically through the 1950's and accelerated during the 1960's as the result of the state Outdoor Recreation Act Program (ORAP) of 1961. This program was extended as ORAP-200 in 1969. Scenic easement purchases by the Wisconsin Department of Transportation ceased after 1977.

The purpose of scenic easements on the state trunk highway system is to ensure the preservation of natural beauty and features enhancing and contributing to the general appearance of the highway and of interest and enjoyment to highway users. This may include scenic views of lakes, rivers and streams, wooded areas, ranges of hills, geological features and other areas with outstanding natural scenic or cultural features.

A scenic easement is an interest in property and the department may protect this ownership interest as it deems necessary for the purpose and intent of the recorded deed. This ownership interest follows with the land and may not be transferred or removed without the express consent of the department and its agents. See [FDM 7-55](#), Scenic Easements, [FDM 12-1-15.6](#), Types of Acquisition and Chapter 6.8 of the Real Estate Program Manual for additional information.

3.0 Prohibited Uses and Restrictions

Scenic easements are used to protect scenic areas and views by restricting the presence of visual distractions. Typical prohibited uses and restrictions are as follows:

- No depositing of trash, garbage or other unsightly or offensive material.
- No erection or display of signs, billboards, outdoor advertising structures or advertisement of any kind except for one sign advertising the property for sale, hire or lease or the sale, and/or manufacture of any products or services incidental to a permitted occupation or use of the land.
- With few exceptions, no trees or shrubs may be destroyed, cut or removed from the restricted area without a permit from the department.

The easement includes the right of the state of Wisconsin and its agents to enter the restricted area only for the purpose of inspection and enforcement of the terms of the easement.

4.0 Policing

1. The regional real estate supervisor should provide the regional maintenance engineer with one set of right of way plats or a suitable substitute and county location maps for all scenic easement projects within the region. The specific rights and/or restrictions acquired should be printed on or identified with each parcel.
2. Each regional maintenance engineer is responsible for doing the following:
 - a. Becoming familiar with scenic easement projects in the region.

- b. Reporting any violations or suspected violations of scenic easement rights to the regional real estate supervisor so violations may be investigated and corrected or eliminated.

5.0 Enforcement

The State of Wisconsin's scenic easement inventory is enforced like any other interest in public property is enforced. It is legal title that allows for the public interest to be protected and preserved.

The regional real estate supervisor should enforce scenic easement rights and be responsible for doing the following:

1. Investigating each reported or suspected violation of scenic easement rights. In the case of a questionable interpretation of restrictions or rights, the Statewide Bureau of Technical Services, Real Estate Office should be notified before legal action to eliminate a violation is taken.
2. Taking steps to correct or eliminate violations, as follows:
 - a. Any violation of the easement rights must be discussed in person with the landowner in an attempt to get voluntary compliance.
 - b. If a. fails, or in the case of an absentee owner, a letter should be sent by certified mail confirming the violation and setting a deadline for compliance.
 - c. If b. fails, the necessary legal steps should be taken to eliminate the violation. Real estate personnel acquainted with scenic easements and/or restrictions should report any suspected violations to the regional real estate section.