

a voice
for the natural
landscaping
movement



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You Don't Have to Fight City Hall

Realizing that municipalities have an obligation to promote and encourage native landscaping is the first step in getting what you want. Your job (our job) is to show local governments how and why native landscaping is good for everyone so they'll stop working against us and start working with us. (Part 1)

By Bret Rappaport

I grew up in Deerfield, Illinois, and spent my summers hiking in beautiful, natural places like Isle Royale. After becoming a lawyer, I joined the Sierra Club Lawyers Round Table, a group that volunteered its time to assist individuals and organizations with environmentally related legal problems.

In 1989 I took on the representation of what became known as "the Chicago Five." Less famous than the Chicago Seven, the Chicago Five were gardeners who grew native Illinois plants on their property. When neighbors complained about the "weeds," the City of Chicago prosecuted these individuals under its existing weed ordinance.

After attempts to work with the city failed, we filed a lawsuit to have the ordinance declared unconstitutional. After a lengthy legal battle, the court dismissed the case, holding that the plaintiffs lacked standing. Even though we lost that battle, the war was ultimately won: we later convinced the city not only that what the Chicago Five was doing was not illegal, but also that it was environmentally beneficial to the city.

That was 14 years ago. The case exposed me to a network of individuals and organizations promoting natural landscaping across the country. From Maine to California, individuals and organizations work to convince neighbors, municipalities, and state and federal officials that gardening with native plants makes sense. Today, because of the attention raised by the Chicago Five case, as well as a "green" mayor and the persistence of many others, Chicago not only allows native plant gardening, but also encourages it. Chicago even has an annual award given to the best native landscape.

What Is Natural Landscaping?

Native landscaping is: the practice of cultivating plants which are native to the bioregion without resort to artificial methods of planting and care, such as chemical fertilizer, mowing, watering other than through natural processes (rain/snow), with the goal of harmonizing the landscape with the larger biotic community and ecosystem of the immediate and surrounding bioregion.

A natural garden is a smaller version of a natural landscape. In its most simple terms, it is a garden planned and designed to work with, rather than against, nature. Municipalities have an obligation to not only allow natural gardens and native landscapes, but to promote them within their jurisdiction as a means of protecting the environment and enhancing the quality of their communities.

The Natural Landscape Movement traces its origin to a few pioneers in the Midwest in the early part of the twentieth century. Its main proponents included landscape architect Jens Jensen and, to a degree, Frank Lloyd Wright. These individuals and others promoted a notion of landscaping that was in harmony with the natural environment, using native plant materials, the existing topography, and other natural features such as rocks, rivers, and lakes. The Depression brought an end to most suburban development, and with it, the early Natural Landscape Movement came to a halt. The emergence of suburbia following World War II buried whatever was left of the early Natural Landscape Movement beneath a carpet of lush, green lawns, closely cropped shrubs, and



lollipop-shaped tees. "Levittown" gave rise to a sea of conformity, as subdivision after subdivision was built without regard for native plant material or the natural topography.

A Modern Movement Takes Root

The environmental consciousness of the 1960s, spawned by Rachel Carson's book, *Silent Spring*, outlining the disastrous environmental effect of DDT, caused some individuals to question standard suburban landscape practices. These leaders of the modern Natural Landscape Movement, began to plant prairie plants in the Midwest, wild flowers in the East, cacti in the West, and other species native to their ecoregion in place of the exotic lawns, tulips, and roses in their suburban yards. These pioneering natural landscapers met with ridicule and disdain, and were frequently cited by municipal officials for violating weed ordinances. Some of them gave up. Others persevered and continued to make the case for native landscaping.

More than a century ago, philosopher John Stuart Mill commented that every great movement goes through three phases: ridicule, discussion, and adoption. The Natural Landscape Movement of the 1960s and '70s met with ridicule, but those who persevered were able to transform this ridicule, and progress into the next phase.

Books were written and seminars conducted as government officials and others began to realize the merits of using native plants and a natural landscape rather than exotic plants in an artificial setting. When President Clinton issued an executive memorandum mandating the use of native plants and natural landscapes at all federal facilities, 1994 marked the transition of the Natural Landscape Movement from the discussion phase to the acceptance phase.

Landscape Movement Acceptance Phase

Once the federal government mandated the use of such landscapes at post offices, army bases, and other federal facilities around the country, others began to "jump on the bandwagon." State departments of transportation are now using native plants on roadsides. Corporations are using native plants on their corporate campuses. The traditional homeowner is beginning to look at his or her lawn – which takes hours and hours of work a month, thousands of dollars a year, and oodles of precious resources to maintain – not as an asset, but as a liability. In the place of this green monster that carpets our nation, native landscapes are taking hold.

The Natural Landscape Movement has also begun to take root in other countries. Canada, Great Britain, and many other nations have all begun to embrace natural landscaping by returning their suburban and residential landscapes to native plants and natural topography.

The Municipal Route

Municipalities have an obligation to be pro-active with respect to native plants and natural landscaping. City officials must not just

tolerate native plants in their community, but actively promote native plants in their community. City attorneys must review laws that advocate natural landscaping. The benefits of a pro-active municipal natural landscape policy are substantial. Ecologically, there is no doubt that natural landscapes are preferable, particularly when compared to traditional suburban exotic lawns. Since natural landscapes do not require pesticides, herbicides, or fertilizers, the harmful effects of these chemicals on human and non-human residents are eliminated. In light of water shortages and other problems with non-point source pollution, natural landscaping has profoundly positive ecological effects. "Xeriscaping," the practice of planting native, low-water-consuming plants, is now the law in many cities, particularly in the arid West. In addition to eliminating the problems associated with exotic lawns, natural landscapes provide habitat for native animals.

There are also positive economic consequences to the use of native landscapes. First, direct costs are reduced because natural landscapes are less costly to maintain than traditional lawns or other landscapes. Once established, natural landscapes are not mowed, fertilized, or treated with pesticides or herbicides, and they do not need watering. Natural landscapes also reduce the costs of pollution cleanup by filtering runoff. Finally, natural landscapes offer a significant benefit with respect to flood reduction by holding rainwater in the roots and plants, rather than allowing the water to run off into rivers and lakes.

An additional economic argument in favor of natural landscaping is the doctrine of diminishing marginal value – the less of an asset that remains, the more valuable it becomes. As suburban sprawl continues to gobble up open space, the elements of nature that remain and can be preserved increase in value. Accordingly, many developers view natural landscapes retained in their developments as a positive asset. Prices of homes in such subdivisions are often higher than similar homes in areas without natural landscaping. ★

Bret Rappaport is a partner with the Chicago law firm Schwartz, Cooper, Greenberger & Krauss. A committed conservation and native plant enthusiast, he is a leading expert on municipal weed laws and natural landscaping. He is a member of Lake-to-Prairie (IL) Chapter of Wild Ones.