



May 1999

### **Kickapoo Reserve Management Board**

The Kickapoo Reserve Management Board was created in 1994 to manage the Kickapoo Valley Reserve, which encompasses nearly 8,600 acres along 14 miles of the Kickapoo River in Vernon County. The 11-member Board, which is appointed by the Governor, is required by statutes to manage the land for low-impact recreation. It currently does so under a management lease agreement with the U.S. Army Corps of Engineers, which purchased the land in the early 1970s as part of a large flood control and dam-building effort that was discontinued in 1975 because of environmental and cost concerns.

In 1996, federal legislation deauthorized the dam project and provided for ownership of approximately 7,400 acres to be transferred to the State when federal requirements are met. The remaining 1,200 acres of tribally significant land is to be held in federal trust for the Ho-Chunk Nation. The federal transfer legislation also authorized the Corps to request up to \$17.0 million in federal funds to complete certain duties related to the transfer. To date, Congress has appropriated approximately \$3.6 million for this purpose, and the Corps has spent approximately \$1.0 million. Federal legislation does not specify a date by which title to the reserve must be transferred; however, the management lease agreement with the Corps is in effect until April 30, 2000.

#### **Not All Federal Transfer Requirements Have Been Met**

In October 1997, the State and the Ho-Chunk formally agreed to co-manage the reserve according to a general plan that emphasizes the protection of natural and cultural resources while allowing for limited recreational activities such as canoeing, hiking, cross-country skiing, and snowmobiling. As required under the federal transfer legislation, the agreement specified the boundaries of two parcels within the reserve that will be Ho-Chunk land. In addition, the State agreed to add two Ho-Chunk representatives to the Board and to consider transferring additional reserve land to the Ho-Chunk if tribally important sites are discovered after ownership of the reserve is transferred from the Corps.

The Corps has also met some of its federal requirements by preparing an environmental assessment of the reserve and identifying cultural and historic sites. In addition, it has nearly completed a survey to set property boundaries, some of which have been subject to encroachment over the years. By September 1999, the Corps expects to have completed safety modifications to the flood-control structures, along with required federal environmental and real estate transfer documents. However, three unresolved issues could delay the transfer of ownership: cleaning lead and petroleum contamination from two sites on the property, negotiating a "hold-harmless" agreement under which the State would assume liability for the property and any future claims related to the Corps' past ownership or use of the land, and obtaining federal funding to reconstruct portions of state and county highways in the reserve that have not been maintained since the discontinued dam project was begun. The Department of Transportation estimates this work will require approximately \$15.4 million of the \$17.0 million Congress has authorized for transfer activities.

#### **Legislative Action May Be Needed**

The Corps is willing to complete the land transfer before the issue of funding for road construction is resolved. However, Congress may be less inclined to appropriate funds for a state highway on state-owned land at a later date. Therefore, in 2000, the Legislature may need to choose between accepting ownership of the reserve without federal funding for highway reconstruction, or refusing the transfer until a funding agreement can be negotiated with the Corps.

Regardless of when the transfer is effected, it appears likely that the Board will continue to request appropriations from

the Legislature. In fiscal year 1998-99, its operations were supported by \$180,000 from the Conservation Fund. The Board is actively pursuing other forms of income, such as project grants and user fees, but its projected user fee income for the current fiscal year will be only 5.5 percent of its 1998-99 appropriation. Further, both the Board's and the Ho-Chunk's emphasis on protecting natural and cultural resources make it unlikely that the reserve will experience a substantial increase in visitor attendance in the near future. Therefore over the long term, any growth in programming or activities will require either increased state funding or the development of alternative types of support.

### **The Board Has Operated Effectively**

Despite difficulties caused by delays in the transfer process, the Board has effectively balanced the desires of local citizens and visitors to the reserve with the State's statutory requirements for management of the reserve. Since its lease agreement with the Corps was signed in May 1998, the Board has marked boundaries and trails, helped fund an outdoor education class for grade school students, and received a grant from the U.S. Forest Service to help pay for the construction of pedestrian bridges across the Kickapoo River. The Board also is developing a comprehensive master plan that will include plans for the reserve's natural areas, education and recreation opportunities, and finances. It appears that the plan has properly included local citizens and will be completed and approved on schedule. However, continued uncertainty about the transfer could affect the Board's ability to manage the reserve in the future.

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