



MONROE COUNTY BOARD OF SUPERVISORS

202 SOUTH K STREET, RM 1
SPARTA, WISCONSIN 54656
PHONE 608-269-8705
FAX 608-269-8747
www.co.monroe.wi.us

AMENDED NOTICE OF SPECIAL MEETING

COMMITTEE: FINANCE MEETING
TIME: 5:00 p.m.
PLACE: Monroe County
County Board Assembly Room
210 W. Oak Street - Room 1200
Sparta, WI 54656
DATE: Wednesday, April 24, 2024

SUBJECT MATTER TO BE CONSIDERED

1. Call to Order/Roll Call
2. Review/Action Regarding the Decision of the Department of the Interior/Bureau of Indian Affairs Decision to Place Land Into Trust
3. Notice of Budgetary Adjustment(s) – Discussion/Action
 - a. Rolling Hills / Bus Garage
 - b. Finance / Self Fund Health Insurance
4. Resolution(s) – Discussion/Action
 - a. Resolution Approving Amendment to Monroe County Ordinance Chapter 5 Animals
 - b. Resolution Allocating Additional American Transmission Company (ATC) Environmental Impact Fee Funds
5. Adjournment

Cedric Schnitzler, Committee Chair
Date notices mailed: April 23, 2024

PLEASE NOTE: A quorum of the Monroe County Board or other committees may be present at this meeting. No business of the County Board or other committees will be conducted at this meeting, only the business noted above.



MONROE COUNTY BOARD OF SUPERVISORS

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Cedric Schnitzler, Committee Chair
Date notices mailed: April 17, 2024

PLEASE NOTE: A quorum of the Monroe County Board or other committees may be present at this meeting. No business of the County Board or other committees will be conducted at this meeting, only the business noted above.



United States Department of the Interior

BUREAU OF INDIAN AFFAIRS

Midwest Regional Office

Norman Pointe II

5600 American Boulevard West, Suite #500

Bloomington, Minnesota 55437

IN REPLY REFER TO:
Division of Fee to Trust
Sherwood

MAR 27 2024

NOTICE OF DECISION INTENT TO TAKE LAND INTO TRUST

BY CERTIFIED MAIL – RETURN RECEIPT REQUESTED: 9489 0090 0027 6174 1960 88

The Honorable Jon Greendeer
President, Ho-Chunk Nation of Wisconsin
W9814 Airport Road
Black River Falls, Wisconsin 54615

Dear President Greendeer:

On September 23, 2019, the Ho-Chunk Nation of Wisconsin (“hereinafter Nation”), submitted a fee-to-trust application¹ for land known as the Sherwood property (“subject property”), located in Monroe County, Wisconsin. We have consulted with the State and local governments as required and have completed our analysis of the application and all documentation in the record. This letter serves as our *Notice of Decision* to approve the application and to acquire the land in trust status on behalf of the Nation.

This fee-to-trust acquisition is supported by the Ho-Chunk Nation Legislature Tribal Resolution No. 05-07-19 B, dated May 7, 2019. The following is the legal description of the subject property:

Commencing at a point where the South line of State Highway 21 crosses the West line of the NW 1/4 of NW 1/4, Section 19, Township 18 North, Range 1 East, thence due South along the West line of said forty a distance of 16 rods, thence due East a distance of 10 rods, thence due North parallel to the first course a distance of 16 rods, thence West along the South line of State Highway 21 to the place of beginning, all being located in the NW1/4 of the NW1/4 of Section 19, Township 18 North, Range 1 East, Town of Byron, Monroe County, Wisconsin.

Tax Parcel No: 006-00476-0000
Containing 1.00 acre more or less.

Regulatory Authority

The applicable regulations are set forth in the Code of Federal Regulations (C.F.R.) Title 25,

¹ Letter from Karena Thundercloud, Vice-President, Ho-Chunk Nation, to Tammie Poitra, Regional Director, BIA, Midwest Regional Office (September 23, 2019) (on file with the Midwest Regional Office).

INDIANS, Part 151, as amended. The regulations specify that it is the Secretary of the Interior's ("Secretary") policy to accept lands "in trust" for the benefit of Tribes² when such acquisition is authorized by an Act of Congress; and, (1) when such lands are within the exterior boundaries of the Tribe's reservation, or adjacent thereto, or within a Tribal consolidation area; or (2) when the Tribe already owns an interest in the land; or (3) when the Secretary determines that the land is necessary to facilitate Tribal self-determination, economic development, or Indian housing.³

This acquisition facilitates Indian Housing.⁴ Thus, the request for trust status is within the land acquisition policy as set forth by the Secretary of the Interior.

For the purposes of a trust acquisition, "Indian reservation" is defined in 25 C.F.R. § 151.2(f) as "that area of land over which the tribe is recognized by the United States as having governmental jurisdiction...or that area of land constituting the former reservation of the tribe as defined by the Secretary." 25 C.F.R. § 151.3(a) (1) specifies: "When the property is located within the exterior boundaries of the tribe's reservation *or adjacent thereto*" land may be taken into trust. Analysis of a map provided with the application, a Land Description Review Certificate prepared by the Bureau of Land Management,⁵ and a Title Status Report printed from the Trust Asset and Accounting Management System, shows the subject property to be contiguous and adjacent to trust land.⁶

Pursuant to 25 C.F.R. § 151.10, *On-reservation acquisitions*, we are required to provide notice to state and local governments, then consider the following criteria in evaluating the requests for the acquisition of land in trust status when the land is located within or contiguous to an Indian reservation, and the acquisition is not mandated:

- The existence of statutory authority.
- Need of the tribe for additional land.
- The purpose for which the land will be used.
- Impact on the State and its political subdivisions resulting from removal of the land from the tax rolls.
- Jurisdictional problems and potential conflicts of land use which may arise.
- Whether the Bureau of Indian Affairs is equipped to discharge the additional responsibilities resulting from the acquisition of the land in trust status.
- Compliance with 516 DM 6, Appendix 4, National Environmental Policy Act Revised Implementing Procedures, and 602 DM 2, Land Acquisitions: Hazardous Substances Determinations.

² A "tribe" is any group of Indians recognized by the Secretary as eligible for the programs and services from the BIA. The Nation is currently listed as eligible to receive services from BIA. See 25 C.F.R. § 151.2(b) and Federal Register/Vol. 89, No. 5, 945 (January 8, 2024).

³ 25 C.F.R. § 151.3.

⁴ Letter from Karena Thundercloud, Vice-President, Ho-Chunk Nation, to Tammie Poitra, Regional Director, BIA, Midwest Regional Office at 6 (September 23, 2019) (on file with the Midwest Regional Office).

⁵ Kenneth D. Roy, Bureau of Land Management, Indian Land Surveyor, BIA, Midwest Region, Land Description Review Certificate (December 10, 2020) (on file with the Midwest Regional Office).

⁶ Trust tract numbered: 439 T 1-A.

25 C.F.R. § 151.10 Notice and Comments.

Upon receipt of a written request to have lands taken in trust, the Secretary will notify the state and local governments with regulatory jurisdiction over the land to be acquired, unless the acquisition is mandated by legislation. The notice will inform the state and local government that each will be given 30 days in which to provide written comments as to the acquisition's potential impacts on regulatory jurisdiction, real property taxes and special assessments. If the state or local government responds within the 30-day period, a copy of the comments will be provided to the applicant, who will be given a reasonable time in which to reply and/or request that the Secretary issue a decision.⁷

On January 25, 2023, the State of Wisconsin, Monroe County, and the Town of Byron were consulted to provide comments regarding potential impacts as a result of removal of the subject property from the tax rolls.⁸ No comments were received.

25 C.F.R. § 151.10(a) Statutory authority for the acquisition of the property.

Section 5 of the Indian Reorganization Act (IRA), codified in title 25 of the United States Code at section 5108, authorizes the Secretary of the Interior (Secretary) to acquire land for Tribes or individual Indians in her discretion. For the reasons explained below, the Tribe is eligible for the land into trust provisions contained in 25 U.S.C. § 5108.

Standard of Review

Carciere

Section 5 of the IRA⁹ authorizes the Secretary to acquire land in trust for “Indians.” Section 19 of the Act defines “Indian” to include several categories of persons.¹⁰ As relevant here, the first definition of “Indian” applies to “all persons of Indian descent who are members of any recognized Indian tribe now under Federal jurisdiction.”¹¹ In *Carciere v. Salazar*,¹² the Supreme Court considered the ordinary meaning of the term “now,” its sense within the context of the IRA, as well as contemporaneous Departmental correspondence,¹³ and concluded that the phrase “now under the federal jurisdiction” unambiguously referred to tribes “that were under the federal jurisdiction of the United States when the IRA was enacted in 1934.”¹⁴ The majority did not, however, address the meaning of the phrase “under federal jurisdiction,” however, concluding that the parties had conceded that the Narragansett Tribe was not under federal jurisdiction in 1934.¹⁵

⁷ 25 C.F.R. § 151.10.

⁸ Notice of (Non-Gaming) Land Acquisition (January 25, 2023) (on file with the Midwest Regional Office).

⁹ IRA, § 5, codified at 25 U.S.C. § 5108.

¹⁰ *Id.* at § 19, codified at 25 U.S.C. § 5129.

¹¹ 25 U.S.C. § 5129.

¹² 555 U.S. 379 (2009).

¹³ *Carciere*, 555 U.S. at 388-90.

¹⁴ *Id.* at 395.

¹⁵ *Id.* at 382, 395.

Solicitor Opinion M-37029

To guide implementation of the Secretary's discretionary authority under Section 5 after *Carciere*, in 2010, the Department prepared a two-part procedure for determining when an applicant tribe was "under federal jurisdiction" in 1934.¹⁶ In 2014, the Solicitor of the Interior (Solicitor) memorialized the Department's interpretation in the Sol. Op. M-37029¹⁷ (M-37029).¹⁸ The Solicitor determined that because the IRA does not unambiguously give meaning to the phrase "under federal jurisdiction," Congress left a gap for the agency to fill.¹⁹ When construing the phrase at issue, the Solicitor considered the text of the IRA, its remedial purposes, legislative history, the Department's early practices, as well as the Indian canons of construction.²⁰

As a threshold matter, the Solicitor rejected the argument that Congress' constitutional plenary authority over tribes standing alone is sufficient to show that a tribe was "under federal jurisdiction."²¹ Rather, the Solicitor concluded, *Carciere* requires indicia that Federal officials exercised that authority with respect to the Tribe or its members.²² The analysis for determining a tribe's eligibility for land into trust under the M-Opinion therefore presumes a tribe is subject to the Federal Government's plenary authority over Indian affairs.²³

After establishing that plenary authority alone was insufficient to satisfy the requirements of the first definition, the M-Opinion construed the phrase "under federal jurisdiction" as requiring the application of a two-part inquiry to determine eligibility for the IRA's land into trust benefits.²⁴ The first part examines whether evidence from the tribe's history, at or before 1934, demonstrates that it was "under federal jurisdiction."²⁵ This step looks to whether the United States had, in 1934 or earlier, taken an action or series of actions — through a course of dealings or other relevant acts for or on behalf of the tribe or in some instances tribal members — that are sufficient to establish or that generally reflect federal obligations, duties, responsibility for or authority over the tribe by the Federal Government.²⁶

The Solicitor noted that certain federal actions in and of themselves demonstrate that a tribe was under federal jurisdiction at some identifiable period in its history, such as treaties or the

¹⁶ See U.S. Dep't. of the Interior, Assistant Secretary, Record of Decision, Trust Acquisition of, and Reservation Proclamation for the 151.87-acre Cowlitz Parcel in Clark County, Washington, for the Cowlitz Indian Tribe at 77-106 (Dec. 17, 2010) (hereafter "Cowlitz ROD"); see also *County of Amador v. United States Department of the Interior*, 872 F.3d 1012, n. 15 (9th Cir. 2017).

¹⁷ Sol. Op. M-37029, The Meaning of 'Under Federal Jurisdiction' for Purposes of the Indian Reorganization Act (Mar. 12, 2014) ("M-37029").

¹⁸ See M-37029 (A signed M-Opinion binds Departmental offices and officials and may only be overruled or modified by the Secretary, Deputy Secretary, or Solicitor. Dept. of the Interior, See Departmental Manual, Part 209, Ch. 3, § 3.2(A)(11)).

¹⁹ M-37029 at 17. The Secretary receives deference to interpret statutes that consigned to his administration. See *Chevron v. NRDC*, 461 U.S. 837, 842-45 (1984); *United States v. Mead Corp.*, 533 U.S. 218, 229-31 (2001); see also, *Skidmore v. Swift*, 323 U.S. 134, 139 (1944) (holding that agencies merit deference based on "specialized experience and broader investigations and information" available to them).

²⁰ M-37029 at 19.

²¹ *Id.* at 17-18.

²² *Id.* at 18.

²³ *Ibid.* The M-37029 instructs that indicia of federal jurisdiction beyond the general principle of plenary authority is required to demonstrate that a tribe was "under federal jurisdiction."

²⁴ *Id.* at 18-19.

²⁵ *Id.* at 19.

²⁶ *Ibid.*

implementation of specific legislation (e.g., votes conducted under Section 18 of the IRA).²⁷ While in “other cases, a variety of federal actions viewed *in concert* may demonstrate that a tribe was under federal jurisdiction.”²⁸ Such evidence might include guardian-like actions undertaken on behalf of a tribe or a continuous course of dealings with a tribe.²⁹ It could also include the negotiation of treaties; federal approval of contracts between a tribe and non-Indians; enforcement of the Trade and Intercourse Acts (Indian trader, liquor laws, and land transactions); the education of Indian students at Bureau of Indian Affairs (BIA) schools; and the provision of health or social services to a tribe.³⁰ Finally, it might also include actions by Office of Indian Affairs officials administering the affairs of Indian reservations or implementing federal legislation.³¹

Where a tribe established that it was under federal jurisdiction before 1934, the second part of the inquiry determines whether that jurisdictional status remained intact in 1934.³² The courts that have considered the Department’s reading of “under Federal jurisdiction,” articulated in the M-Opinion, including the United States Court of Appeals for the District of Columbia,³³ have upheld the Department’s interpretation.³⁴

Analysis

We conclude that the evidence demonstrates that the Tribe was under federal jurisdiction in 1934 within the meaning of Section 19 of the IRA. The Tribe came under federal jurisdiction no later than 1816 when the United States negotiated and executed a treaty with the Tribe. In the decades following, the United States continued to exercise significant jurisdictional authority over the Tribe and its members. The Tribe retained its jurisdictional status through and beyond 1934, as evidenced by a 1937 Solicitor’s Opinion clarifying that the Tribe was eligible to organize under the IRA.

Federal Jurisdiction before 1934

The evidence before the Office of the Solicitor (Solicitor’s Office) reveals that the federal government engaged in a course of dealings establishing that the Tribe was under federal jurisdiction before 1934 and as early as 1816. This evidence includes entering into multiple treaties with the Tribe; removal west of the Mississippi River; specific legislation applicable to the Tribe and its members; enumeration of the Tribe in censuses and numerous reports; conferring

²⁷ *Id.* at 19-20.

²⁸ *Id.* at 19 (emphasis added).

²⁹ *Ibid.*

³⁰ *Ibid.*

³¹ *Ibid.*

³² *Id.* at 19.

³³ *Confederated Tribes of the Grand Ronde Cmty. of Or. v. Jewell*, 75 F.Supp.3d 387 (D.D.C. 2014), *aff’d*, 830F.3d 552 (D.C. Cir. 2016), *cert. den. sub nom. Citizens Against Reservation Shopping v. Zinke*, 137 S.Ct. 1433(2017) [hereinafter *Grand Ronde*].

³⁴ *Cent. NY. Fair Bus. Ass’n v. Jewell*, 2015 WL 1400384 (N.D.N.Y. Mar. 26, 2015) (not reported), *aff’d*, 673 Fed. Appx. 63 (2d Cir. 2016) (not reported), *cert. den.*, 137 S. Ct. 2134 (2017); *Citizens for a Better Way v. United States DOI*, 2015 WL 5648925 (E.D. Cal. Sep. 23, 2015) (not reported), *aff’d sub. nom. Cachil Dehe Band of Wintun Indians v. Zinke*, 889 F.3d 584 (9th Cir. 2018); *Stand Up for Cal. v. United States DOI*, 204 F. Supp. 3d 212, 282 (D.D.C. 2016), 879 F.3d 1177 (D.C. Cir. 2018), *reh’g en banc den.*, Apr. 10, 2018, *cert. pet. docketed*, No. 18-61 (U.S. Jul. 11, 2018); *County of Amador v. Jewell*, 136 F. Supp. 3d 1193 (E.D. Cal. 2015), *aff’d*, 872 F.3d 1012, 1025 (9th Cir. 2017), *reh’g en banc den.* (Jan. 11, 2018), *cert. pet. docketed*, No. 17-1432 (U.S. Apr. 13, 2018). *See also Shawano County, Wisconsin v. Acting Midwest Reg’l Dir.*, 53 IBIA 62 (2011); *Village of Hobart, Wisc. v. Acting Midwest Reg’l Dir., Bureau of Indian Affairs*, 57 IBIA 4 (2013).

jurisdiction on the Court of Claims to redress the Tribe's claims against the United States as well as approval of attorney contracts.

1816 – 1865 Treaty Making and Removal

On June 3, 1816, the United States entered into a treaty of peace and friendship with the Ho-Chunk Indians.³⁵ This treaty, executed in the wake of the War of 1812, was to be the first of many between the parties, which would ultimately result in the loss of all Ho-Chunk lands east of the Mississippi River.³⁶ After removals to Iowa, Minnesota, and South Dakota, the Ho-Chunk Indians negotiated a final treaty in 1865, wherein it exchanged its reservation in South Dakota for reserved lands in northeast Nebraska.³⁷ The several treaties between the Tribe and the United States provide strong evidence of federal jurisdiction. As M-37029 explains, a treaty between the United States and a tribe may in and of itself implicitly establish federal jurisdiction over the tribe.³⁸

1873 – 1912 Ho-Chunk Indians of Wisconsin

Throughout these relocations, there remained Ho-Chunk Indians who refused to leave, or would subsequently return to their ancestral homelands in Wisconsin.³⁹ After a final attempt at removal in 1873,⁴⁰ federal Indian policy began to shift, and in 1875 Congress extended the provisions of the Homestead Act to those Indians who agreed to abandon tribal relations.⁴¹ A “large number” of Ho-Chunk Indians in Wisconsin secured allotments under the Homestead Act, as amended, but such allottees often selected unproductive land and remained in “extreme poverty.”⁴² In response, Congress enacted the Winnebago Homestead Act in 1881 (1881 Act).⁴³

Among other things, the 1881 Act recognized the unique challenges faced by the Ho-Chunk Indians of Wisconsin, as compared to the Ho-Chunk Indians residing on the Winnebago Reservation in Nebraska. The 1881 Act acknowledged that the location of the Ho-Chunk Indians of Wisconsin “has (...) become permanent” and that certain funds intended for its benefit by Congressional statute enacted in 1885 and held at the Department of the Treasury (Treasury) had been improperly directed to the Winnebago Reservation in Nebraska. The 1881 Act then directed the Secretary to “cause a census of the tribe of Winnebago Indians” (Winnebago Census) and record enrollment upon separate lists for those in Nebraska and those in Wisconsin.⁴⁴ From this list, the Secretary was to take certain actions to “equalize the payments between the two bands”⁴⁵ and prospectively use the census to distribute future annuities on a pro-rata basis.⁴⁶

³⁵ Treaty with the Winnebago, 7 Stat. 144 (1816).

³⁶ *Winnebago Tribe v. United States*, 8 Ind. Cl. Comm. 78 Dockets 243, 244, 256 at 81-82 (Aug. 10, 1959).

³⁷ 14 Stat. 671 (Mar. 8, 1865).

³⁸ M-37029 at 14.

³⁹ *Winnebago Tribe*, 8 Ind. Cl. Comm. at 82 (approximately 1,000 Winnebago remained in Wisconsin).

⁴⁰ *Id.*

⁴¹ 18 Stat. 420 (Mar. 3, 1875).

⁴² 21 Stat. 315 (Jan. 18, 1881) at § 1.

⁴³ *Ibid.*

⁴⁴ *Ibid.*

⁴⁵ *Id.* at § 2.

⁴⁶ *Id.* at § 3.

In the early 1900s, Congress considered permanently segregating the Treasury funds between the Winnebago of Nebraska and the Ho-Chunk Indians of Wisconsin.⁴⁷ In support of such legislation, C.F. Hauke, Acting Commissioner of Indian Affairs, submitted a report to the House Committee on Indian Affairs in March 1912, expressly describing the Ho-Chunk Indians of Wisconsin as a “recognized tribe” and those listed on the Winnebago Census and residing in Wisconsin as eligible for distribution of tribal funds.⁴⁸

In this case, the federal government recognized the Ho-Chunk Indians of Wisconsin through legislation specific to the Tribe. This constitutes strong evidence of the exercise of federal jurisdiction.⁴⁹ As explained in M-37029, there is a great breadth of actions and jurisdiction that the United States has asserted over Indians over the course of its history.⁵⁰ These include a number of administrative actions such as the production of “annual reports, surveys, and census reports on many of the tribes and Indians under its jurisdiction.”⁵¹ The Winnebago Census and its use to determine payments to the Tribe’s members provides additional evidence of an ongoing course of dealings between the Tribe and the federal government evidencing federal jurisdiction.

1928 Court of Claims

In 1928, Congress conferred jurisdiction on the United States Federal Court of Claims (Court of Claims) to adjudicate all legal and equitable claims arising under the various treaties, statutes and executive orders “which said Winnebago Tribe of Indians, or any band thereof, may have against the United States.”⁵² The Department’s report to Congress on the jurisdictional bill referred to “branches” of Winnebago in both Nebraska and Wisconsin,⁵³ and in subsequent years, the Department approved a number of attorney contracts supporting representation of the “Winnebago Tribe of Indians resident in Wisconsin” before the Court of Claims.⁵⁴ Congress’ specific authorization for the Tribe to bring claims against the United States and the approval of attorney contracts between the Tribe (specifically the Winnebago Tribe of Indians resident in Wisconsin) and non-Indians for that purpose constitute strong indicia of federal jurisdiction.⁵⁵

Summary

The course of federal dealing with the Ho-Chunk Tribe from 1816 to 1934 clearly demonstrates that the federal government engaged in a course of dealings with the Tribe and its members that evidenced federal obligations, duties, responsibility for, and authority over the Ho-Chunk Tribe. We find that the Tribe was under federal jurisdiction prior to 1934.

⁴⁷ See, 35 Stat. 781, 798 (Mar. 3, 1909)(established a roll for all Winnebago Indians); 36 Stat. 873 (Jan. 20, 1910)(directing payments to “the members of the Winnebago Tribe of Indians in Nebraska and Wisconsin); 37 Stat. 187 (Jul. 1, 1912)(directing the Secretary to make a census of the “two branches of the tribe”).

⁴⁸ *Relief of Winnebago Indians of Nebraska and Wisconsin*, Report from C.F. Houke, Acting Commissioner of Indian Affairs to the House of Representatives Committee on Indian Affairs, 62nd Cong. Report No. 384 at 4 (1912).

⁴⁹ See, M-37029 at 22-23 (specifically discussing Wisconsin Winnebago).

⁵⁰ M-37029 at 16.

⁵¹ *Id.*

⁵² 45 Stat. 1027 (Dec. 17, 1928).

⁵³ Status of Wisconsin Winnebago, Memorandum to the Commissioner of Indian Affairs, Solicitor Nathan R. Margold, 733 (Mar. 6, 1937) (“Margold Opinion”).

⁵⁴ Margold Opinion at 733. See also, *Winnebago Tribe of Indians v. United States*, 100 Ct. Cl. 1, 6 (1942).

⁵⁵ M-37029 at 19.

Federal Jurisdiction through 1934 and after

Having established that the Ho-Chunk Tribe was under federal jurisdiction prior to 1934, the next step in the inquiry is to determine whether the Tribe's jurisdictional status remained intact through 1934. The absence of probative evidence that a tribe's jurisdictional status was terminated or lost prior to 1934 strongly suggests that such status was retained in 1934.⁵⁶

Margold Opinion

After passage of the IRA in 1934, there were immediate questions as to whether the Ho-Chunk Indians in Wisconsin were eligible to organize under the Act. In March 1937, the Solicitor issued a legal opinion concluding that, despite taking allotments pursuant to the Homestead Act, as amended, later Congressional actions made clear that "abandonment of tribal relations was never fully accomplished."⁵⁷ Thus, Solicitor Margold determined that these Indians can be considered either as an organized band or tribe for the purposes of organization and land purchase. They can be designated as the 'Winnebago Tribe of Wisconsin' or 'Winnebago Band of Wisconsin' or by other variations of the name.⁵⁸

Indian Claims Commission

In 1959, when considering the consolidated treaty claims of the Winnebago of Nebraska and the Ho-Chunk Indians of Wisconsin, the Indian Claims Commission (Commission) summarized the Tribe's historic and continuous relationship with the United States government, as follows:

Throughout their history from 1634 to the present there has always existed a Winnebago Tribe or Nation of significant numbers, well known to the United States Government. The United States has dealt with them as a tribal entity on many occasions finally locating part of them as a tribe or nation on a Nebraska reservation. In like manner the existence of a large group of Winnebago Indians living in Wisconsin has been well known to government officials. Therefore, the evidence shows that the petitioner members of the Winnebago Tribe of Nebraska, as well as the individual petitioners residing in Wisconsin are descendants of members of the Winnebago Tribe and Nation of Indians as originally constituted, and with whom the United States has dealt by treaty on numerous occasions as set out in the Commission's findings.⁵⁹

Consistent with the Margold Opinion and the Commission's findings of fact, in January 1963, the Department supervised an election for the Tribe to organize under the IRA and adopt a constitution and bylaws.⁶⁰

⁵⁶ M-37029 at 20.

⁵⁷ *Id.* at 732.

⁵⁸ *Id.* at 733.

⁵⁹ *Winnebago Tribe*, 81 Ind. Cl. Comm. at 83.

⁶⁰ Letter from E.J. Riley, Superintendent to James Hawkins, Area Director (Jan. 22, 1963) (The Tribe adopted the proposed Constitution and Bylaws by a vote of 514 to 5 on January 19, 1963).

Summary

Despite any questions regarding the Tribe's status in the wake of the IRA, the probative evidence demonstrates that the Tribe's jurisdictional status remained intact through 1934. Both Solicitor Margold's opinion and the Indian Claims Commission's findings confirm this conclusion. Finally, there is no evidence in the record to establish that jurisdiction over the Tribe was ever terminated or extinguished.

Conclusion

Beginning as early as 1816 the federal government asserted jurisdiction over the Tribe through negotiating and entering into a treaty with it. The record demonstrates that the federal government continued to exercise significant jurisdictional authority over the Tribe and its members by removing the Tribe from its lands, enacting and implementing tribe specific legislation, approving attorney contracts on the Tribe's behalf and enumerating the Tribe in a census. The evidence further demonstrates that the Tribe retained its jurisdictional status through and beyond 1934. Based on the foregoing, the Tribe satisfies the IRA's first definition.

25 C.F.R. § 151.10(b) The need of the Tribe for additional land.

The Bureau of Indian Affairs' fee-to-trust land acquisition regulations require the BIA to consider the need for additional land. In its application, the Nation describes its need for additional land as follows:

The Nation does not have a contiguous land base, as do many of the reservations in the State of Wisconsin. The Ho-Chunk Nation's lands are scattered primarily throughout west central Wisconsin, including Monroe County. The Ho-Chunk purchased the Sherwood Property in 2015, in pursuit of expanding their land base in order to continue their cultural and socioeconomic existence. The placement of land into trust is a priority of the Nation's; providing an adequate land base to offer housing, health, social, cultural, and economic opportunities for its tribal members and to protect the land from forfeiture, sale, or foreclosure. Presently, the Nation does not possess sufficient land to provide for these basic needs for their members.⁶¹

The Ho-Chunk Nation has long recognized that its members are in need of affordable, quality housing; and the advent of gaming provided the Nation with the ability to meet this most basic of human needs. In 1994, the Nation's Home Ownership Program was established to assist Ho-Chunk members who wished to have their own homes.⁶²

Unfortunately, much of the Nation's trust land is not available for development due to some poor environmental conditions of the land such as wetlands, shallow depths to bedrock and steep terrain. Such environmental conditions are inadequate for any

⁶¹ Letter from Karena Thundercloud, Vice-President, Ho-Chunk Nation, to Tammie Poitra, Regional Director, BIA, Midwest Regional Office at 5-6 (September 23, 2019) (on file with the Midwest Regional Office).

⁶² Letter from Karena Thundercloud, Vice-President, Ho-Chunk Nation, to Tammie Poitra, Regional Director, BIA, Midwest Regional Office at 6 (September 23, 2019) (on file with the Midwest Regional Office).

development, hindering the Nation from meeting the present needs of its members. In addition, the parcel's fee simple status subjects it to alienation and tax forfeiture, demonstrating a need for future protection for the benefit of the Ho-Chunk people, particularly due to the Nation's past history of the loss of their lands.⁶³

Trust acquisition of Sherwood is consistent with the Nation's goals and would ensure that the land would be held in trust for the Nation by the federal government.⁶⁴

25 C.F.R. § 151.10(c) Purpose for which the property will be used.

The Bureau of Indian Affairs' fee-to-trust land acquisition regulations require the BIA to consider the purposes for which the land will be used. In examining the purpose or use, the BIA "must first determine the current use of the property, then ascertain the Tribe's plans for the property," which "not only facilitates a clear understanding for BIA of how the property will be used for purposes of determining whether to grant the fee-to-trust applications, but also assists local jurisdictions in their planning for any ongoing services that may be needed and in commenting on a proposed fee-to-trust land acquisition."⁶⁵ Considering the purposes for which the land will be used "also informs and facilitates BIA's consideration of whether there may be jurisdictional or land use conflicts" and "determines the level of environmental review required under the National Environmental Policy Act."⁶⁶

The purpose for the land acquisition is clearly stated in the Nation's application; the subject property "addresses the need for housing." The subject property consists of one single-family home. The Nation states there will be no change in land use.⁶⁷

25 C.F.R. § 151.10(e) Impact on the State and its political subdivisions resulting from the removal of this property from the tax rolls.

The Notice of (Non-Gaming) Land Acquisition Application provides state and local governments the opportunity to submit comments regarding the proposed trust acquisition in the areas of regulatory jurisdiction, real property taxes, and special assessments. On January 25, 2023, the State of Wisconsin, Monroe County, and the Town of Byron were consulted to provide comments regarding potential impacts as a result of removal of the subject property from the tax rolls.⁶⁸ No comments were received. The BIA must consider the present impact on the tax rolls of a proposed acquisition, i.e., the taxes currently assessed.⁶⁹ BIA must also consider the impacts to programs and services that State and local governments have articulated as resulting from a tax loss.⁷⁰

⁶³ Letter from Karena Thundercloud, Vice-President, Ho-Chunk Nation, to Tammie Poitra, Regional Director, BIA, Midwest Regional Office at 6 (September 23, 2019) (on file with the Midwest Regional Office).

⁶⁴ *Id.* at 7.

⁶⁵ *Thurston County, Nebraska v. Great Plains Regional Director*, 56 IBIA 296, at 307 (2013).

⁶⁶ *Id.* at 308.

⁶⁷ Tribal Resolution # 05-07-19 B.

⁶⁸ Notice of (Non-Gaming) Land Acquisition (January 25, 2023) (on file with the Midwest Regional Office).

⁶⁹ *City of Eagle Butte, South Dakota v. Acting Great Plains Regional Director, BIA*, 49 IBIA 75, 81-82 (2009).

⁷⁰ *State of South Dakota and City of Wagner, South Dakota v. Acting Great Plains Regional Director, BIA*, 63 IBIA 179, 188 (2016).

BIA Analysis of the Impact on Local Tax Rolls:

The total estimated fair market value of the subject property is \$101,100.⁷¹ The annual amount of net property taxes for the subject property is \$1182.41.⁷² The breakdown is as follows:

Monroe County	Local	Tomah School District	Vocational School	First Dollar Credit
\$531.95	\$103.29	\$484.22	\$113.22	-\$50.27

The Nation states it has much to offer its members and the surrounding community by carefully planning and taking responsibility for all trust land, relieving financial burden on the local governments of expensive public works. There will be no added costs for Monroe County or the Town of Byron by the Nation requesting that the subject property be placed in trust.⁷³

In addition, the Nation states a greater part of the taxes cover the services the Nation is able to provide; the Nation is willing to execute service agreements for additional services such as: road maintenance/signage, local plowing/salting, parks and trails management, animal control, health care, and social services.⁷⁴

Furthermore, the Nation stimulates the local economy as the Nation's members and employees buy homes, vehicles, groceries, and other consumer goods. The Nation's employees contribute to the state income tax base and local property tax base.⁷⁵

25 C.F.R. § 151.10(f) Jurisdictional problems and potential conflicts of land use.

In accordance with 25 C.F.R. Part 151, BIA must consider jurisdictional problems or potential conflicts but is not required to resolve those problems or issues.⁷⁶

The Nation states, the subject property is zoned residential and there will be no change in this land use.⁷⁷ According to the Monroe County Web Portal, the subject property is currently zoned as G1-Residential.⁷⁸

Also, the Nation states it has enacted a comprehensive land use plan which all tribal departments of the Nation are required to follow, and the plan identifies residential future land use for the subject property.⁷⁹

⁷¹ Monroe County Web Portal – Property Summary Tax Year 2022 for Parcel No. 006-00476-0000 (on file with the Midwest Regional Office).

⁷² *Id.*

⁷³ Letter from Karena Thundercloud, Vice-President, Ho-Chunk Nation, to Tammie Poitra, Regional Director, BIA, Midwest Regional Office at 6 (September 23, 2019) (on file with the Midwest Regional Office).

⁷⁴ *Id.* at 8.

⁷⁵ *Id.* at 8-9.

⁷⁶ *Thurston County, Nebraska v. Great Plains Regional Director*, BIA, 56 IBIA 296, 307 (2013).

⁷⁷ Ho-Chunk Nation Legislature - Tribal resolution 05-07-19 B.

⁷⁸ Monroe County Web Portal – Property Summary Tax Year 2022 for Parcel No. 006-00476-0000 (on file with the Midwest Regional Office).

⁷⁹ Letter from Karena Thundercloud, Vice-President, Ho-Chunk Nation, to Tammie Poitra, Regional Director, BIA, Midwest Regional Office at 10 (September 23, 2019) (on file with the Midwest Regional Office).

In addition, the Nation states it carefully considers the surrounding local government's regulatory schemes to ensure consistency and accommodation to local land uses and mandates that neighboring outside municipalities and their zoning laws must be considered. Various cooperative agreements are in place to address potential jurisdictional land use differences on the subject property when it is taken into trust and removed from the local regulatory system.⁸⁰

Furthermore, the Nation states, it foresees continual municipal service agreements with the local government on a typical fee-for-service basis and is experienced with the administering intergovernmental municipal service agreements in other counties to minimize service burdens.⁸¹

Currently, the Nation has an Agreement for fire and first responder services with the Oakdale Area fire Association⁸² and a Cooperative County/Tribal Law Enforcement Agreement with Monroe County.⁸³

25 C.F.R. § 151.10(g) Is the Bureau of Indian Affairs (BIA) equipped to discharge the additional responsibilities and duties resulting from the acquisition of this land in trust status.

The Acting Superintendent, Great Lakes Agency, BIA, has reviewed the trust application for the subject property and determined that they will be able to discharge the additional responsibilities associated with the acceptance of land into trust.⁸⁴ Any additional responsibilities resulting from the transaction are foreseen to be minimal. Acceptance of this property in trust status will not impose any significant additional responsibilities or burdens upon the Great Lakes Agency beyond those already inherent in the federal trusteeship over the existing trust lands.⁸⁵

25 C.F.R. § 151.10(h) Environmental Hazards.⁸⁶

A review of the Sherwood application pursuant to 25 C.F.R. 151.10 for compliance with the National Environmental Policy Act of 1969 (NEPA), the National Historical Preservation Act of 1966 (NHPA), the Endangered Species Act of 1973 and 602 DM 2 has concluded as of November 12, 2019. Based on our review, we assert the following:

National Environmental Policy Act Compliance

⁸⁰ *Id.* at 10.

⁸¹ *Id.* at 6-7.

⁸² *Id.* at 7.

⁸³ 2024 Cooperative County/Tribal Law Enforcement Agreement between Monroe County and Ho-Chunk Nation (on file with the Midwest Regional Office).

⁸⁴ Memo from Eric Oliphant, Acting Superintendent, BIA, Great Lakes Agency, to Regional Director, BIA, Midwest Regional Office (March 28, 2023) (on file with the Midwest Regional Office).

⁸⁵ *Id.*

⁸⁶ Memo from Martin Lorenzo, Environmental Protection Specialist, BIA, Midwest Regional Office, to Scott Doig, Regional Environmental Scientist, BIA, Midwest Regional Office & Russell Baker, Supervisory Realty Specialist, BIA, Midwest Regional Office (November 19, 2019) (on file with the Midwest Regional Office).

No further compliance with NEPA is required. The BIA-Midwest Region Office (BIA-MRO) determined that no change in land use is anticipated; therefore, the contemplated fee-to-trust acquisition will not have a significant effect on the quality of the human environment (individually or cumulatively) and neither an Environmental Assessment (EA) nor an Environmental Impact Statement (EIS) is required (40 C.F.R. 1508.4; 43 C.F.R. 46.205) and can be categorically excluded. BIA-MRO issued the Categorical Exclusion (CE) on November 12, 2019.

National Historic Preservation Act (NHPA) Compliance

No further compliance with NHPA is required. The BIA-MRO determined that the subject parcel trust acquisition does not have the potential to cause effects on historic properties [36 CFR § 800.3 (a) (1)]. The BIA-MRO issued this determination on November 12, 2019.

Endangered Species Act (ESA) Compliance

No further compliance with ESA is required. The Ho-Chunk Nation recognizes the US Fish and Wildlife Services (USFWS) Information for Planning and Consultation (IPaC) Report for a listing of Threatened and Endangered Species for each defined project area. BIA-MRO also reviews the IPaC report in consultation and determination of Threatened and Endangered Species. The BIA-MRO determined that the contemplated fee-to-trust acquisition supports a “No Effect” determination based on the intent of the Ho-Chunk Nation to maintain current land use. The BIA-MRO issued this determination based on the intent of the Ho-Chunk Nation’s intent to maintain current land use of the subject parcel. The BIA-MRO issued this determination on November 12, 2019.

602 DM 2 using ASTM International E 1527-21

Recognized Environmental Conditions (RECs) were not found on the Sherwood property. This assertion is supported by the following initial assessments dated November 12, 2019 and February 19, 2021, for the Phase I Environmental Site Assessments for the Sherwood parcel prepared by BIA-MRO.

In accordance with 602 DM 2, if necessary, an additional pre-acquisition Phase I ESA will be completed within 180 days prior to the acquisition of title and acceptance into trust status.

Conclusion

Based on the foregoing, we issue notice of our intent to accept the Sherwood property into trust status. Title will vest in the United States of America in trust for the Ho-Chunk Nation of Wisconsin, in accordance with Section 5 of the Indian Reorganization Act of 1934 (IRA), 25 U.S.C. § 5108, provided the Nation delivers marketable title to the property in a manner as required in 25 C.F.R. Part 151, Land Acquisition Regulations. In accordance with 25 C.F.R. § 151.13, we have requested an examination of the title evidence by the Twin Cities Regional Solicitor’s Office, Bloomington, Minnesota, to determine whether title to the subject property is

marketable. The subject property will not be accepted in trust until all identified title exceptions have been met.

Appeal Rights

This decision may be appealed to the Interior Board of Indian Appeals, 801 North Quincy Street, Suite 300, Arlington, Virginia 22203, in accordance with 43 C.F.R. § 4.310-4.340. Your notice of appeal to the Board must be signed by you or your attorney and **must be mailed within 30 days of the date that you receive this decision**. It should clearly identify the decision being appealed. If possible, attach a copy of the decision. You must send copies of your notice of appeal to (1) the Assistant Secretary-Indian Affairs, 1849 C Street, N.W., Washington, D.C. 20240; (2) each interested party known to you, and (3) this office. Your notice of appeal sent to the Board of Indian Appeals must certify that you have sent copies to these parties. If you file a notice of appeal, the Board of Indian Appeals will notify you of further appeal procedures.

If no appeal is timely filed, this decision will become final for the Department of the Interior at the expiration of the appeal period. No extension of time may be granted for filing a notice of appeal.

If you have any questions, do not hesitate to contact Russell Baker, Supervisory Realty Specialist, Division of Fee to Trust, by email at russell.baker@bia.gov.

Sincerely,

**TAMMIE
POITRA**

Regional Director

Digitally signed by
TAMMIE POITRA
Date: 2024.03.27 07:11:37
-05'00'

CC: BY CERTIFIED MAIL – RETURN RECEIPT REQUESTED:

Office of the Governor, State of Wisconsin 9489 0090 0027 6174 1960 95
Post Office Box 7863
115 East State Capitol
Madison, Wisconsin 53702

Chairman, Monroe County 9489 0090 0027 6174 1961 01
202 South K Street Run 1
Sparta, Wisconsin, 54656

Chairman, Town of Byron 9489 0090 0027 6174 1961 18
12850 Co Hwy N
Tomah, Wisconsin 54460

CC: BY FIRST CLASS MAIL:

Matthew Carriaga, Real Estate Director
Ho-Chunk Nation of Wisconsin
Post Office Box 667
Black River Falls, Wisconsin 54615

Larry Garvin, Lands Specialist
Ho-Chunk Nation of Wisconsin
Post Office Box 667
Black River Falls, Wisconsin 54615

DEPARTMENT

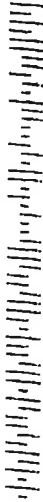
BUREAU OF INDIAN AFFAIRS
GREAT LAKES AGENCY
ASHLAND WISCONSIN 54806

OFFICIAL BUSINESS
PENALTY FOR PRIVATE USE, \$300

STICKER AT TOP OF ENVELOPE TO THE RIGHT
OF THE RETURN ADDRESS. FOLD AT DOTTED LINE



CERTIFIED MAIL



9489 0090 0027 6174 1961 01

Label 890-PB, Oct. 2015
Priney Bowes

NEOPOST

03/28/2024

US POSTAGE

\$008.93

US OFFICIAL MAIL

SPARTA, WISCONSIN

ZIP 54806

041M1120028

FIRST CLASS MAIL

Chairman, Monroe County
202 South K Street Run 1
Sparta, Wisconsin 54656
c/o Monroe County Clerk

MONROE COUNTY

Notice of Budgetary Adjustment

Unanticipated Revenue or Expense Increase or Decrease Not Budgeted

Date: April 15, 2024
 Department: Finance/Self Fund Health Insurance
 Amount: \$602,341.96
 Budget Year Amended: 2024

Does this Budget Adjustment decrease future fund balance available for Debt Service Payments in future years?
 Yes or No? Yes Explain: The transfer of \$154,112 of funds from the general fund will decrease the funds available December 31, 2023 to go towards the Minimum Fund Balance policy calculation.

Source of Increase / Decrease and affect on Program:
 (If needed attached separate brief explanation.)

Health insurance claims continue to be higher than anticipated, causing shortfalls in available funding.
At this time, we are requesting to increase Interest on Investments \$200,000 based on the final Interest on Investments balance for the 2023 fiscal year of \$1,021,443.70. In addition, use of the remaining 2024 Contingency Fund balance of \$119,914. At this time, Monroe County has uncommitted ARP funds of \$128,315.96, plus future interest payments. Approval of this budget adjustment would commit all current funds and future earned interest payments. The final adjustment would use \$154,112 of the General Fund balance from 2023 health insurance premium savings. At the end of 2023, \$154,112 of budgeted health insurance premiums remained unused.

Revenue Budget Lines Amended:

Org	Object	Project	Account Name	Current Budget	Budget Adjustment	Final Budget
71730000	499999		Self Funded Ins. Transfer In	\$ -	\$ 602,341.96	\$ 602,341.96
10000001	481000		Interest on Investments	\$ 800,000.00	\$ 200,000.00	\$ 1,000,000.00
10000001	435528		COVID 19 ARP Funds	\$ 121,684.66	\$ 128,315.96	\$ 250,000.62
10000001	493000		General Funds Applied	\$ 3,626,731.40	\$ 154,112.00	\$ 3,780,843.40
Total Adjustment					\$ 1,084,769.92	

Expenditure Budget Lines Amended:

Org	Object	Project	Account Name	Current Budget	Budget Adjustment	Final Budget
10000000	599999		Transfer Out	\$ 339,157.25	\$ 482,427.96	\$ 821,585.21
10010000	539200		Contingency Fund	\$ 119,914.00	\$ (119,914.00)	\$ -
71730000	573010		Insurance Claims	\$ 6,381,659.00	\$ 602,341.96	\$ 6,984,000.96
Total Adjustment					\$ 964,855.92	

Department Head Approval: *Deane Erickson*

Committee of Jurisdiction Approval: _____ Date _____

Following this approval please forward to the County Clerk's Office.

Date Approved by Finance Committee: _____

Date Approved by County Board: _____

Per WI Stats 65.90(5)(a) must be authorized by a vote of two-thirds of the entire membership of the governing body.

Date of publication of Class 1 notice of budget amendment: _____

**RESOLUTION APPROVING AMENDMENT TO MONROE COUNTY ORDINANCE
CHAPTER 5 ANIMALS**

1 **WHEREAS**, the Monroe County Code of Ordinances does contain a chapter addressing issues involving animals
2 in Monroe County, and

3
4 **WHEREAS**, a review of this chapter has been conducted by the Monroe County Dog Control Department and
5 the Monroe County Humane Officer(s) as well as the Corporation Counsel office regarding any changes or
6 updates to this ordinance, and

7
8 **WHEREAS**, after this review, there are certain recommended changes to this chapter to bring this chapter into
9 compliance as well as to eliminate any conflicts or confusion and to improve the administration of this chapter by
10 Monroe County officials.

11
12 **NOW THEREFORE BY IT RESOLVED** that the Monroe County Board of Supervisors does hereby approve
13 certain changes to Chapter 5 of the Monroe County Code of Ordinances, and as to those ordinance changes,

14
15 **THE MONROE COUNTY BOARD OF SUPERVISORS DOES HEREBY ORDAIN AS FOLLOWS:**

16
17 **CHAPTER 5 OF THE MONROE COUNTY CODE OF ORDINANCES SHALL HEREBY BE**
18 **AMENDED AS FOLLOWS:**

19
20 This sentence shall be added at the very beginning of Chapter 5:

21
22 **In all sections of the Monroe County Code of Ordinances where the title “Dog Control” is used, those**
23 **references shall be amended and changed to “Animal Control” throughout the entire code.**

24
25 **Section 5-266 shall be created to read:**

26
27 **Humane Officer – Abatement orders.**

28
29 The Humane Officer shall also have the authority to issue abatement orders to any animal owner to address issues
30 of animal abuse and neglect and non-compliance with this chapter. Said abatement orders shall be reduced to
31 writing and shall be personally served upon the animal owner and shall include the specific actions that need to be
32 taken by the owner and the date by which compliance shall be achieved. This abatement order shall be in effect
33 for a period of up to one year after compliance is achieved and shall be monitored by the Humane Officer during
34 this period of time. In the event of the failure of the animal owner to follow the abatement order and failure to
35 come into compliance with this chapter of the Monroe County Code of Ordinances by the compliance date or the
36 review period, the animal owner may face a penalty and forfeiture pursuant to Monroe County Ordinance Section
37 1-15.

38
39 **Section 5-297(e) shall be amended to read as follows;**

40
41 Every person in charge or control of any dog, cat or other animal shall provide sufficient food, water, shelter as
42 previously defined, grooming and veterinary care necessary to maintain the animal in good health.

43
44 **Section 5-297(f) shall be amended to read as follows:**

45
46 For purposes of enforcing this section, abandonment shall be defined as leaving an animal in a public place or on
47 private property where neither the owner of the private property nor any person occupying the private property
48 accepted the animal nor agreed to be responsible for the animal.

50 Section 5-324, that portion shall be amended to read as follow:

51
52 **Replace last sentence:** The final determination shall be made by an independent hearing examiner duly appointed
53 by the Monroe County Board of Supervisors via the office of the Corporation Counsel, as to whether the vicious
54 dog determination will be lifted. (All other portions of this section shall remain in effect).

55
56 **Section 5-354(2) shall be amended to read:**

57 Non-human primate.
58

Dated this 24th day of April, 2024.

OFFERED BY THE SANITATION AND ZONING COMMITTEE:


Fiscal note: Indirect costs of amending county ordinances. This would include publication and ordinance update costs.

Statement of purpose: Update the Monroe County Code of Ordinances to current practices and needs of the Monroe County Dog Control/Animal Control Department.

Drafted by: Kerry Sullivan-Flock

Finance Vote (If required): ___ Yes ___ No ___ Absent
--

Committee of Jurisdiction Forwarded on: <u>April 15</u> , 20 <u>24</u> ___5___ Yes ___0___ No ___0___ Absent

Approved as to form on <u>4/16/2024</u>  Lisa Aldinger Hamblin, Corporation Counsel
--

Committee Chair: <u>James B Kuh</u> <u>Mary J Cook</u> <u>Bob R Spinks</u> <u>[Signature]</u> <u>[Signature]</u>
--

<input type="checkbox"/> ADOPTED <input type="checkbox"/> FAILED <input type="checkbox"/> AMENDED <input type="checkbox"/> OTHER _____ County Board Vote on: _____ 20__ ___ Yes ___ No ___ Absent
--

STATE OF WISCONSIN COUNTY OF MONROE I, SHELLEY R. BOHL, Monroe County Clerk, DO HEREBY CERTIFY that the foregoing is a true and correct copy of Resolution # _____ acted on by the Monroe County Board of Supervisors at the meeting held on _____. _____ SHELLEY R. BOHL, MONROE COUNTY CLERK <i>A raised seal certifies an official document.</i>
--

ALLOCATING ADDITIONAL AMERICAN TRANSMISSION COMPANY (ATC) ENVIRONMENTAL IMPACT FEE FUNDS

- 1 **WHEREAS**, The American Transmission Company (ATC) constructed a section of the Badger-Coulee
2 Transmission Line Project through Monroe County. As a requirement they are to pay an Environmental Impact
3 Fee consisting of 5% of the total cost of construction, distributed among the impacted local units of government
4 based on the total length of the transmission line located in each local unit of government. Within an impacted
5 county, 50% of the fee is paid to the county and 50% to the towns, villages, and cities within that county; and
6
- 7 **WHEREAS**, Monroe County received an estimated one-time Environmental Impact Fee payment of \$1,327,296
8 from ATC on May 8, 2017 for the portion of the Badger Coulee Project construction activities to take place in
9 Monroe County; and
- 10
- 11 **WHEREAS**, Monroe County received a final second one-time Environmental Impact Fee payment of \$173,852
12 from ATC on December 13, 2023 for the project adjusted fee reflecting final construction costs and the actual
13 length of line impacting Monroe County; and
- 14
- 15 **WHEREAS**, a county that receives a distribution under 16.969(4) sub. (3)(b) may use the distribution only for
16 park, conservancy, wetland or other similar environmental programs, unless the commission approves a different
17 use; and
- 18
- 19 **WHEREAS**, the original \$1,327,296 was split \$797,296 to the Highway Department, \$240,000 Land Conservation
20 non-lapsing conservation programs account, and \$290,000 to the Forestry and Land Conservation non-lapsing
21 land development/management account; and
- 22
- 23 **WHEREAS**, the Finance Committee accepted proposals and heard presentations from the Forestry & Parks
24 Department, Highway Department, and Land Conservation Department; and
- 25
- 26 **WHEREAS**, the Finance Committee recommends acceptance of the Forestry & Parks Department proposal to put
27 the \$173,852 in the non-lapsing land development/management account for future land development needs by
28 the Forestry & Parks Department; and
- 29
- 30 **WHEREAS**, some potential projects consist of Tri-Creek property recreation development, Rolling Hills green
31 space recreation development, Town of Byron future recreation area public access, and Town of Byron recreation
32 destination land acquisition, trails, and camping.
- 33
- 34 **THEREFORE, BE IT RESOLVED** by the Monroe County Board that it approves transferring the \$173,852 of
35 additional ATC funds to the non-lapsing land development/management account for future use by the Forestry &
36 Parks Department; and

Dated this 24th day of April, 2024.

Offered By The Finance Committee.

Fiscal Note: The ATC funds would be allocated in 2024 to the Forestry and Land Conservation non-lapsing land development/management account for future use by the Forestry & Parks Department.

Statement of Purpose: To allocate additional American Transmission Company Environmental Impact fee funds and request approval of the allotted use of the funds. These funds will not be distributed until final approval is granted by the Public Service Commission.

Drafted by County Administrator, Tina Osterberg

Finance Vote (if required):

___ Yes ___ No ___ Absent

Approved as to form:

Lisa Aldinger Hamblin, Corporation Counsel

Committee of Jurisdiction Forwarded on: April 24, 2024

VOTE: ___ Yes ___ No ___ Absent

Committee Chair: _____

ADOPTED FAILED AMENDED

OTHER _____

County Board Vote on: _____ 20__

___ Yes ___ No ___ Absent

STATE OF WISCONSIN
COUNTY OF MONROE

I, SHELLEY R. BOHL, Monroe County Clerk, DO HEREBY CERTIFY that the foregoing is a true and correct copy of Resolution # _____ acted on by the Monroe County Board of Supervisors at the meeting held on _____.

SHELLEY R. BOHL, MONROE COUNTY CLERK
A raised seal certifies an official document.

Monroe County Park Department

ATC Environmental Impact Fee Proposal Summary

PROPOSAL: Deposit the \$173,000 into the Forestry/Land Conservation Land Development and Management Account.

PURPOSE: This will allow the money to be used for acquisition and development of multiple recreation areas within Monroe County:

Tri-Creek Property: Recreation Trails, Parking Areas, Restroom Facility	\$110,000
Rolling Hills Green Space: Recreation Trails, Picnic Pavilion, Restroom Facility	\$50,000
Town of Byron Public Access: Parking, Boat Launch, Picnic Pavilion, Beach	\$90,000
Town of Byron Recreation Destination: Land Acquisition, Recreation Trails, Camping	<u>\$760,000</u> >\$1,000,000

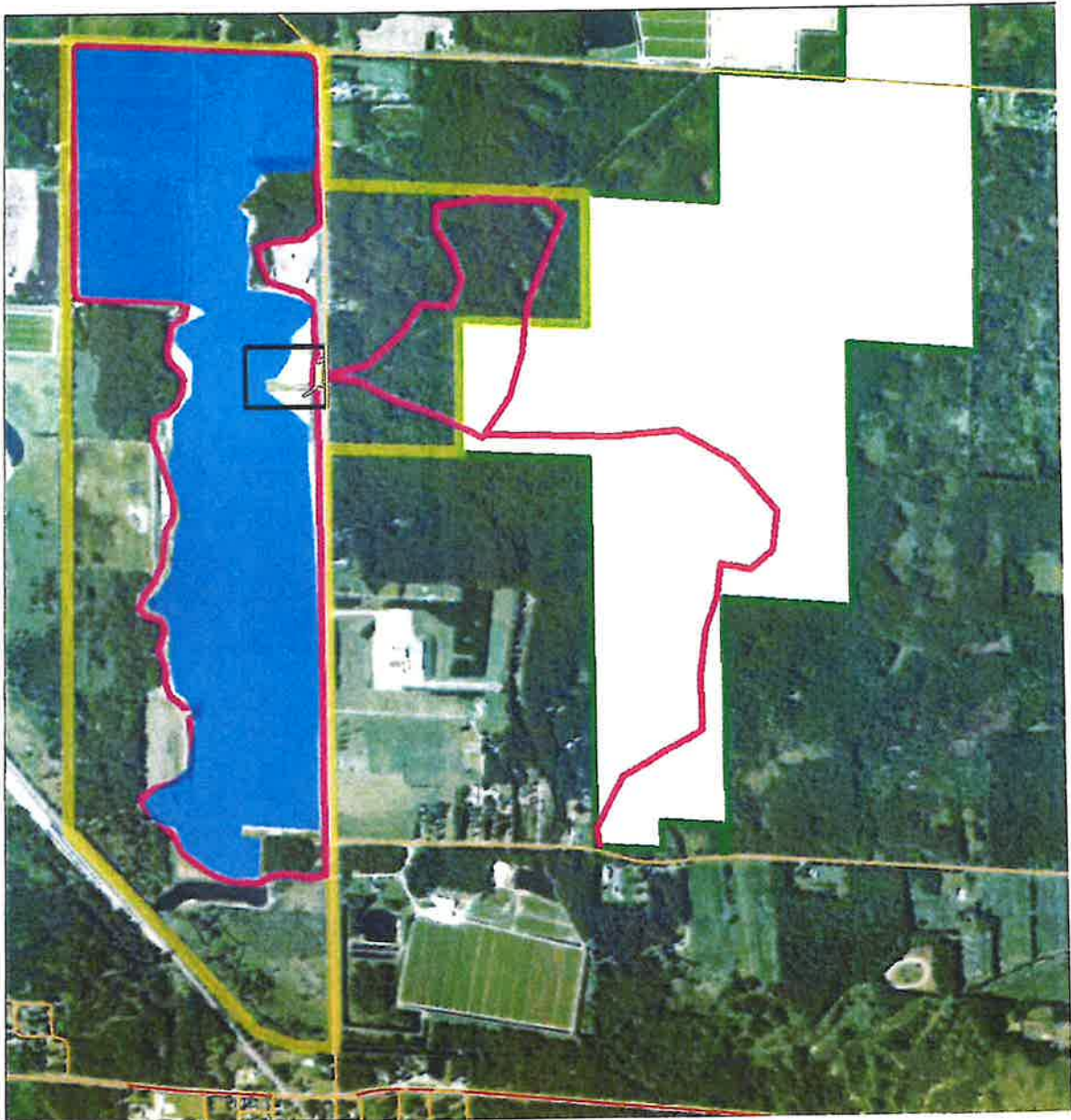
These recreation investments will provide and improve multiple outdoor recreation opportunities throughout the county: hiking, fishing, hunting, camping, wildlife viewing, etc. Preliminary discussions are occurring with non-profit agencies to form a partnership for acquiring land and providing public recreation opportunities.

INVESTING IN TOURISM

In 2022 the economic impact of tourism in Wisconsin was \$23.7 billion. Investing in recreation will provide a perpetual revenue stream to Monroe County in the form of:

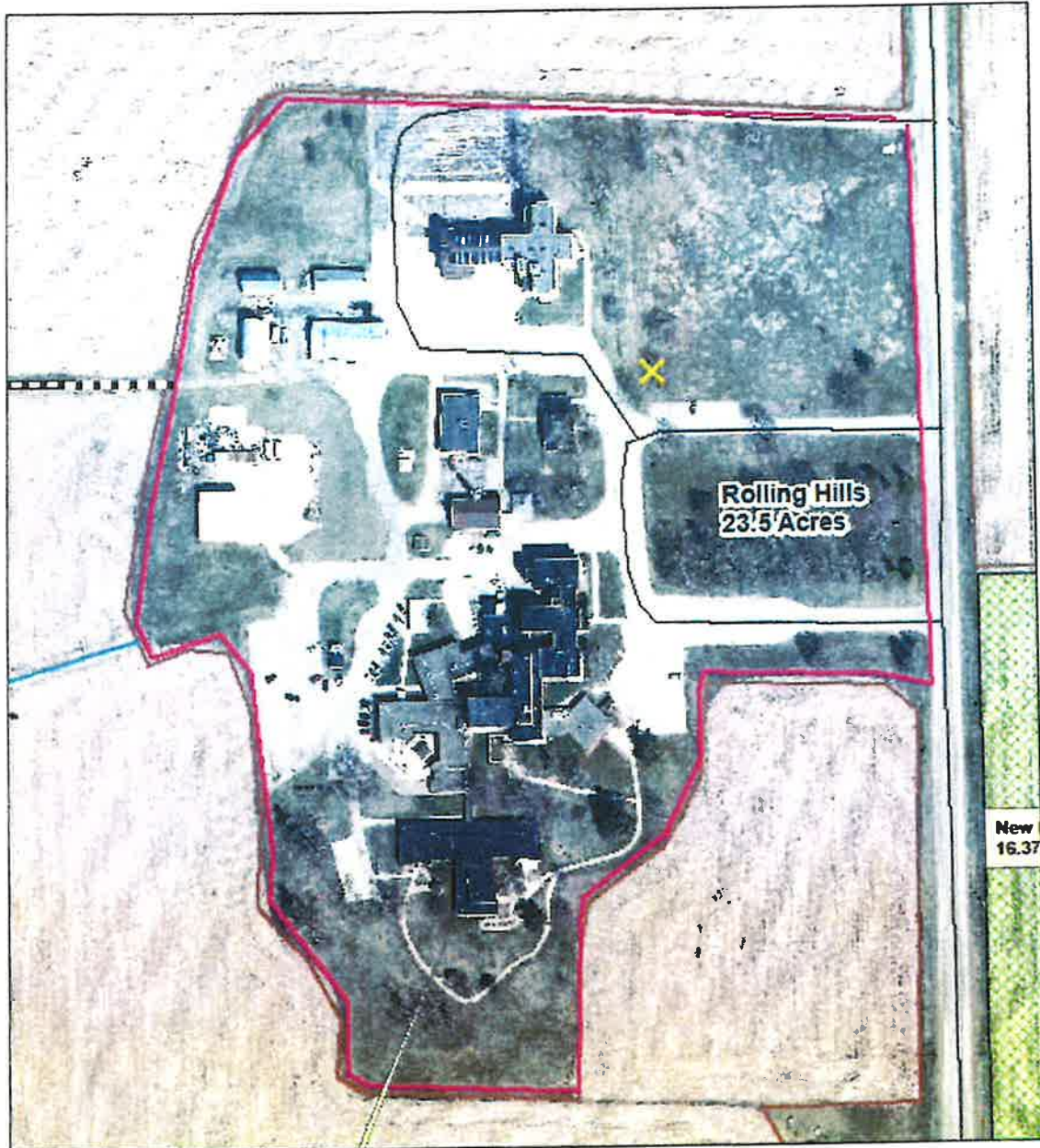
County Park Revenue	\$200,000+ annually	
Population	Recreation Increases quality of life, which attracts people = WORK FORCE for employers	(WI Dept of Tourism)
Jobs	1 in 21 jobs are sustained by tourism	(WI Dept of Tourism)
State & Local Sales Tax	\$1.5 billion generated from tourism in WI in 2022	(WI Dept of Tourism)
Federal Taxes	\$1.3 billion generated from tourism in WI in 2022	(WI Dept of Tourism)

continued










continued





Rolling Hills



Legend

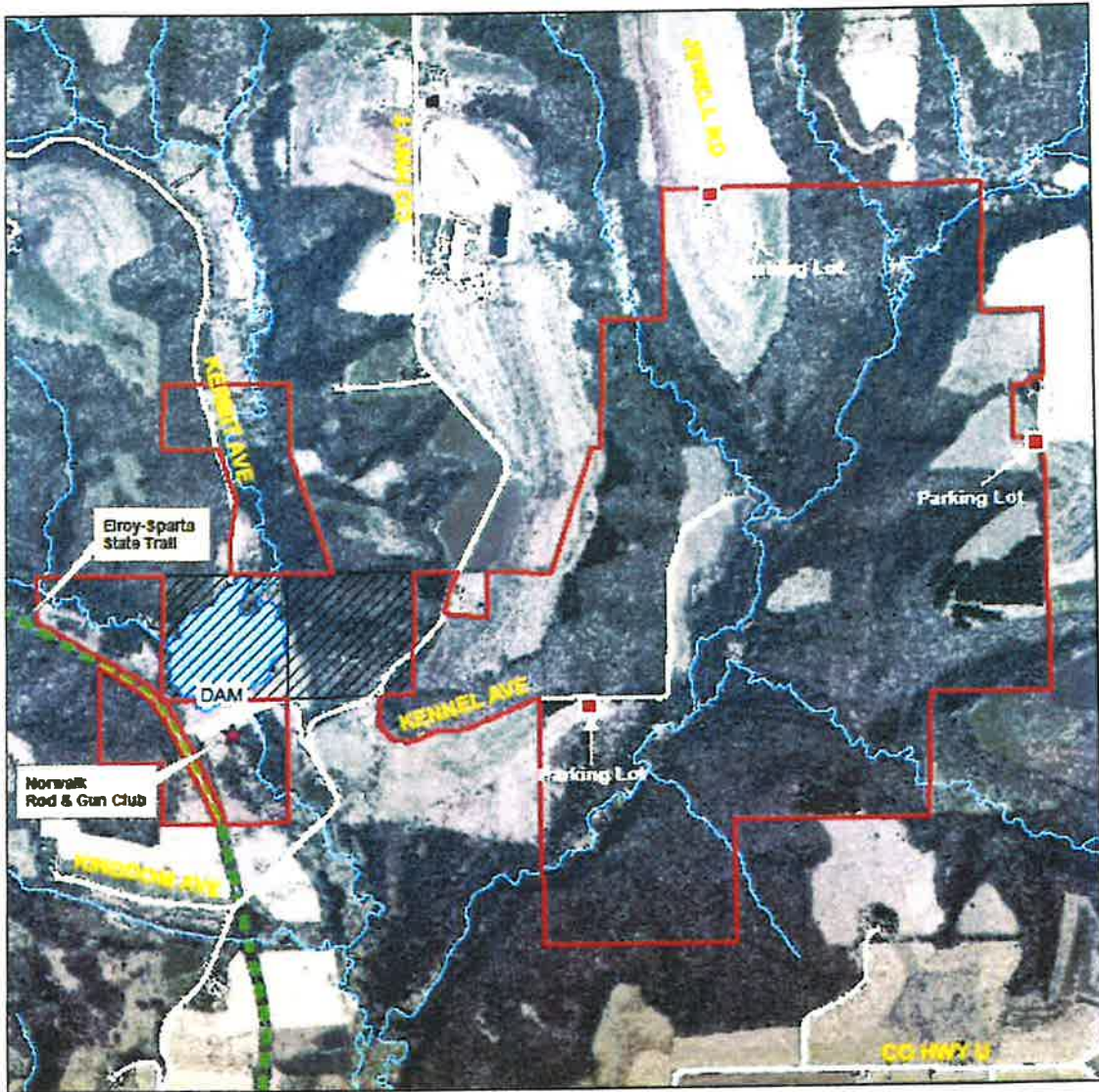
-  Streams & Rivers
-  Access Roads
-  Grass Waterways

-  Hanson Park
-  County Property Outline
-  Rolling Hills Site
-  New Nursing Home Site

-  Cemetery
-  Gas Line Access
-  Cropland Areas Outline
-  CREP Areas






continued

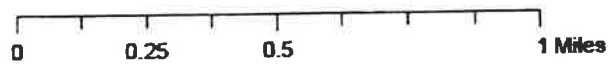
Tri-Creek Property Map



Agency: Monroe County LCD
Date: 3/18/2024

Legend

-  Tri-Creek Boundry
-  Roads
-  Tri_Creek Easement
-  Streams & Rivers
-  Bike Trail



Total County Acres: 888

