

MARK POCAN  
2ND DISTRICT, WISCONSIN

COMMITTEE ON OVERSIGHT  
AND GOVERNMENT REFORM

COMMITTEE ON THE BUDGET

ASSISTANT WHIP



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UNITED STATES  
HOUSE OF REPRESENTATIVES

August 28, 2013

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DNR  
OFFICE OF THE  
SECRETARY

The Honorable Kathy Stepp  
The Wisconsin Department of Natural Resources  
101 S. Webster Street  
Madison, WI 53707

Dear Secretary Stepp,

The 2001 Badger Reuse Plan was an agreement entered into by 21 representatives of local, state, federal and tribal units of government, as well as neighboring landowners, businesses, school districts, and nonprofits. The plan emphasized conservation and low-impact recreational activities and it is still in effect. The National Parks Service agreement with the Wisconsin Department of Natural Resources (Wisconsin DNR) also emphasizes conservation and low-impact recreational activities.

For more than ten years, the various stakeholders in the area - including the Army, Wisconsin DNR, Ho-Chunk, Dairy Forage, Sauk County, and others - have planned to use the former Badger Army Ammunition Plant lands for low-impact recreation, and as an extension of Devil's Lake State Park. Such uses would include hiking, fishing, biking, and hunting.

As the newly elected Federal Representative that serves nearly all of the stakeholders here, I respectfully ask that the spirit of the original agreement be honored. Devil's Lake is one of Wisconsin's most pristine natural areas, and as the agreement ensures, we must prioritize its conservation so generations for years to come can enjoy its beauty. It is my strong preference that you proceed ahead in the spirit of the original agreement, which is still valid and should guide all future actions taken with regard to Badger Ammunition.

Sincerely,

Mark Pocan  
Member of Congress

*Hit for assignment!*

MP/st

*cc: Elizabeth Khroonen  
on response.*



# WISCONSIN LEGISLATURE

P.O. Box 7882 • Madison, WI 53707-7882

August 12, 2013

Mark Aquino, Regional Director  
DNR South Central Region  
3911 Fish Hatchery Road  
Fitchburg, WI 53711

Dear Mark:

Thank you for your willingness to respond to our questions, and those of various members of the public who have contacted our offices. With the short window of open, public questions you offered at the July 31 Open House, we know there were many in the audience left with theirs unanswered.

We believe that ensuring that the answers to these questions be made available to the public only enhances the Master Planning process currently under way for the Sauk Prairie Recreation Area. Your willingness to post them on your DNR website is also greatly appreciated.

The questions are in an attached document for your use. An attempt has been made to make them as succinct as possible.

Given the fact that the comment period on the proposed alternatives concludes at the end of this month, your timeliness in providing the answers to our offices is also greatly appreciated.

Thank you for your verbal agreement to consider the questions – we look forward to the DNR response to them.

Sincerely,



JON ERPENBACH  
State Senator  
27<sup>th</sup> District



FRED CLARK  
State Representative  
81<sup>st</sup> District

## United States Senate

WASHINGTON, DC 20510

September 25, 2013

The Honorable Cathy Stepp  
Wisconsin Department of Natural Resources  
P.O. Box 7921  
Madison, WI 53707-7921

Dear Secretary Stepp,

I am writing in regard to the master planning process that the Department of Natural Resources (DNR) is currently conducting for the Badger Army Ammunition Plant (BAAP) property in Sauk County.

Having represented Sauk County in Congress since 1999, I have long had an interest in the issues surrounding this land, and was pleased to secure federal funds to support a facilitated community consensus process. That process brought together all stakeholders, from federal agencies to local government, tribal representatives and community organizations, who worked for many months to reach a consensus. The Wisconsin Department of Natural Resources played an active and important role in that process.

On March 28, 2001, the Badger Reuse Committee issued its consensus report which set out clear values and criteria. Among the values were:

- That the property be managed collaboratively and holistically as a single unit by those entities who take ownership.
- That the U.S. Army and/or the federal government complete the highest quality cleanup of the Badger property's contaminated land and water, and
- That Educational, Research and Recreational opportunities afforded by the Badger property's unique natural, agricultural, historical, and cultural resources be developed and made available to the public.

The plan provided that the "recreational activities should focus on Badger's natural and cultural features and values. . . . Activities should be low impact in nature and should be compatible with other uses and overall management goals."

The progress that has been made in cleaning up the BAAP property is extraordinary. Significant contamination from the explosives residue affected the buildings, land, and water and required great care and cooperation to safely remove and bring the land and water up to state and federal standards. The DNR has played a vital role in that process.

Thereafter, the U.S. Dairy Forage Research Center and the State of Wisconsin requested parcels of BAAP land from the General Services Administration (GSA). As a part of the process, GSA, the U.S. Dairy Forage Research Center, and the Wisconsin DNR entered into a Memorandum of Understanding (MOU) between anticipated future owners of the property. The MOU provided

that "Parties agree that the Badger Reuse Plan's values, criteria, and concepts will be considered the guiding principles for the future development, operation, and management of the premises."

Now, after 12 years, the vision of the Badger Reuse Committee is within reach.

As we approach the realization of the vision established over a decade ago, many are dismayed that the master planning process now includes use options that are not consistent with the Badger Reuse Plan.

The Wisconsin DNR deserves great credit for supporting the development of the Badger Reuse Committee's Reuse Plan and for working to establish recreational space on this extraordinary land. Its proximity to the Wisconsin River and Devil's Lake State Park provide special opportunities for enhanced recreational activities.

However, one of the three proposed use alternatives offered by the DNR and currently being considered would, in part, establish a shooting range and All-Terrain Vehicle (ATV) trails on the property. Pursuing such high-impact uses would not be consistent with either the values or criteria outlined in the Badger Reuse Plan or the MOU.

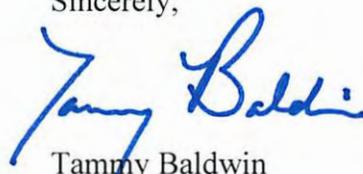
In a letter to the DNR, dated August 5, 2013, Acting Director Richard Muck of the U.S. Dairy Forage Research Center outlined his concerns regarding motorized recreational trails and a shooting range on land parcels contiguous with their operations. He noted the incompatible aspects of these use alternatives and raised significant concern regarding an increase in noise levels and vehicular activity on land adjacent to grazing areas that may have a negative impact on their research.

In addition to those concerns, it is worth noting that millions of taxpayer dollars have been invested in environmental remediation of the property to remove explosives residue that threatens water quality and public safety. After more than a decade of clean-up work, it is inconceivable that any party to the Badger Reuse Plan or the MOU would propose reintroducing explosive or "ammunition" materials in any form to this extraordinary property.

As you evaluate alternatives, I hope that you will be guided by the values and criteria set forth in the Badger Reuse Plan and reject the idea of introducing a shooting range or ATV trails on this particular property because they are incompatible with the BAAP land.

Thank you for your careful consideration of the issues presented. Over the years, citizens and government officials have spent many thousands of hours working toward the realization of a vision. The BAAP lands present a rare opportunity for Wisconsin to enhance its natural resources and provide a special place for education, conservation, and recreation for many generations to come.

Sincerely,



Tammy Baldwin  
United States Senator



# HO-CHUNK NATION

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## OFFICE OF THE PRESIDENT

Wednesday, August 28, 2013

Diane Brusoe, Planner  
WI Dept. of Natural Resources  
PO Box 7921  
Madison, WI 53707-7921

Mark Aquino, Regional Director  
WI Dept. of Natural Resources  
3911 Fish Hatchery Rd.  
Fitchburg, WI 53711

Dear Ms. Brusoe and Mr. Aquino:

The following comments are being submitted in response to the WDNR Sauk Prairie Recreation Area (SPRA) Draft Conceptual Alternatives.

The Ho-Chunk Nation has requested the transfer of an estimated 1552.5 acres of the Badger Army Ammunition Plant (BAAP) declared as surplus pursuant to 25 U.S.C. § 450j(f)(3). This acquisition is for the use and benefit of the Ho-Chunk Nation and their People.

The Ho-Chunk recognize the former Badger Army Ammunition Plant (BAAP) property as part of their aboriginal lands that span the southern two thirds of Wisconsin from the Green Bay area westward into Minnesota and then south including areas of northern Illinois. Within this area lays thousands of years of ancestors, traditional villages and spiritual sites attributed to the Ho-Chunk People. Specifically, the BAAP property falls within a cultural district that is an important part of a Traditional Cultural Properties (TCP) associated with the Day-wa-kun-chunk, or Holy Lake (Devils Lake) area. Historically, the areas south of Day-wa-kun-chunk provided an area where traditional crops such as corn, squash and beans could be readily farmed, medicinal plants could be gathered and seasonal game could be harvested. Along with this, there are culturally significant sites still spiritually and physically intact which the Ho-Chunk recognizes. The Ho-Chunk considers the BAAP property an important part of what makes this area spiritually whole.

In respecting this history and the land, the Nation has developed a draft land management plan that focuses on the restoration and enhancement of the natural habitats at Badger including prairie, wetlands and oak savanna. Restoration and land management is intended to be a cooperative effort with stakeholders and landowners including the WI

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Dept. of Natural Resources. Restoration activities will complement the future establishment of a bison herd on the Badger property and promote conservation agriculture as a land management tool. These concepts are the building blocks for Badger becoming a model of cooperation and are part of the shared vision summarized in the final report of the Badger Re-use Committee (BRC). The 21 member BRC, consisting of stakeholders and various governments, clearly defined nine key values to guide consideration of future use with the premise that Badger lands provide remarkable opportunities for the protection, enhancement, use, restoration, and enjoyment of the property's unique natural and cultural features. The Wisconsin DNR accepted the values and guiding principles established by the BRC in the final Re-use Plan. The Wisconsin DNR did this by signing the January 2002 Memorandum of Understanding between stakeholders to address the future use of the Badger Army Ammunition Plant and, specifically, agreed that the Badger Army Ammunition Plant premises would be used for purposes consistent with the Badger Re-use Plan.

The establishment of a Special Use Zone in the WDNR Alternative 3-Outdoor Recreation Emphasis is *inconsistent* with the values and criteria found in the BRC report, conflicts with the missions of the surrounding landowners, and is contrary to the agreement made by the WDNR when it signed the MOU. A shooting range would generate more concentrated year-round noise from gunshots than that resulting from any normal hunting activities allowed on the property. This noise would affect the Nation's use of the property and may also affect the Nation's bison herd once established. Similarly, recreational all-terrain vehicles have the potential to generate noise that impacts lands far beyond the M parcels.

In closing, the Nation requests that the M parcels not be used for motorized recreational vehicles or a shooting range and that no Special Use Zones are established on WDNR lands associated with the Badger parcel. Future land use and management of the property should focus on conservation with opportunities for low impact recreation. This approach is best outlined in the BOMC Planning and Land-use document known as "Alternative 4". This alternative is most consistent with our mission for Badger and the values held by the Nation.

Thank you for the opportunity to comment on the Draft Conceptual Alternatives.

Sincerely,



Jon Greendeer  
President of the Ho-Chunk Nation



College of  
Agricultural & Life Sciences  
UNIVERSITY OF WISCONSIN-MADISON

August 30, 2013

Ms. Diane Brusoe  
PO Box 7921  
Madison, WI 53707-7921  
[Diane.Brusoe@Wisconsin.gov](mailto:Diane.Brusoe@Wisconsin.gov)

Re: Sauk Prairie Recreation Area

Dear Ms. Brusoe:

We represent two University of Wisconsin – Madison academic units with strong commitments to education and research in the areas of agriculture, wildlife, responsible recreation, and the human use of landscapes. Our objectives in desiring to be involved in the future of the Sauk Prairie Recreation Area (SPRA) and with the collective lands of the former Badger Plant would best be supported by Alternative 2 – Ecological Restoration Emphasis but with the addition of many elements of Alternative 3.

Our reasons for wishing for long-term involvement may be summarized by these points:

- 1. We strongly support the idea that the lands of the former Badger Plant be kept intact and cooperatively managed as a whole.** Our ability to accomplish the most meaningful research and education is based on the fact that it is a large area. Some research questions can be answered in small plots, but important and challenging questions about how to maximize agricultural output while also preserving Wisconsin's rich wildlife heritage can only be answered through the use of large land areas.
- 2. We view the degree of commitment of citizens to this property as a positive element that increases its value to us as a site for research and education.** We believe that the citizen involvement that led to the formation of the Badger Oversight and Management Commission (BOMC) is an outstanding example of grass-roots efforts to seek ways for different constituencies and communities to work together for the public good. We wish to support this effort going forward because it can benefit our teaching and research programs.
- 3. We welcome the reality that our teaching and research activities must be compatible with, and to the extent possible conducted jointly with the Wisconsin DNR, the USDA Dairy Forage Research Center, and should they become landowners, the Ho Chunk Nation.** Practical solutions to land use problems require involvement with

**Office of the Dean and Director**

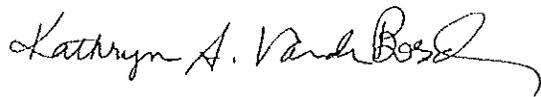
140 Agricultural Hall 1450 Linden Drive Madison, WI 53706  
608-262-1251 Fax: 608-262-4556 [www.cals.wisc.edu](http://www.cals.wisc.edu)

those who will use the knowledge produced by university research. As educators, we recognize that our students need to interact with professionals who have responsibility for on-the-ground decisions. The former Badger lands, managed as a whole, would include state, federal, and local partners. It also, and importantly, has a history of dedicated citizen involvement. Experience with this mix of uses and stakeholders will provide an excellent training ground for the next generation of land managers who must be versed in cooperative management.

**4. We believe that UW, including campuses from across the state, can play a vital role in the economic development of this unique area, making it into an internationally significant site exemplifying productive private-university cooperation.** The partnership of a world-renowned institution of higher learning (the UW system), local government, federal and state agencies, possibly a Native American Nation, and private citizens and enterprises will make the SPRA a focal point for regional development. It will provide the basis for local job creation and economic sustainability.

**5. We are committed to the Wisconsin Idea.** We believe that this means that our students, staff, and faculty can make important contributions to the development of the SPRA and to the integrated management of all of the former Badger lands.

Respectfully submitted,



Kathryn A. VandenBosch  
Dean and Director



Paul Robbins, Director  
Nelson Institute for Environmental Studies



United States Department of Agriculture

Research, Education, and Economics  
Agricultural Research Service

August 5, 2013

Wisconsin Department of Natural Resources (WDNR)  
Attention: Ms. Diane Brusoe – LF/6  
Post Office Box 156  
Madison, WI 53707-7921

and

Mark Aquino, Regional Director  
WDNR  
3911 Fish Hatchery Road  
Fitchburg, WI 53711

**Re: WDNR Sauk Prairie Recreation Area (SPRA) Draft Conceptual Alternatives**

Dear Ms. Brusoe:

The following comments are being submitted in response to the WDNR Sauk Prairie Recreation Area (SPRA) Draft Conceptual Alternatives.

First, I want to provide some background regarding the Badger land transfer.

The U.S. Dairy Forage Research Center (USDFRC) currently administers and uses approximately 1,942 acres of land which once was a part of the Badger Army Ammunition Plant (Badger). In 2004, USDFRC made its request to the General Services Administration (GSA) for this acreage. That request was informed by and based upon USDFRC's participation in a multi-year effort involving public discussion and processes related to the unique excess and surplus process conducted by the GSA for the disposal and re-use of Badger.

As a part of those processes, in 2002, USDFRC executed a Memorandum of Understanding (MOU) to which the Wisconsin Department of Natural Resources (WDNR) was a party. The MOU set forth a mutual understanding between anticipated future owners of Badger as related to the allocation of lands and the future use by the new owners. Though not superseding the applicable decision-making authority or jurisdiction related to the future land management of the parties, the MOU did evidence a common understanding that was an important basis for later discussions concerning the parameters of the division of the Badger lands via the GSA-led process.

The MOU provided that the "Parties agree that the Badger Reuse Plan's values, criteria and concepts will be considered the guiding principles for the future development, operation and management of the premises." It stated that the land "shall be used for purposes consistent with the Badger Reuse Plan, including but not limited to research, conservation, agricultural, environmental, historical, cultural, educational, or recreational purposes." The MOU also stated that "land management decisions...will emphasize security and safety of people, wildlife, livestock, equipment, and improvements."

U.S. Dairy Forage Research Center  
1925 Linden Dr.  
Madison, WI 53706  
608-890-0050

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Among its many values and criteria, the Reuse Plan states that: "Recreational activities should focus on Badger's natural and cultural features and values. Activities should be low-impact in nature *and should be compatible with other uses* and overall management goals. Efforts shall be made to accommodate appropriate recreational activities, but these activities shall have no significant detrimental impacts on the cultural and natural features of the property (*emphasis added*)." (Criterion 5.3, Badger Reuse Plan, p. 5, March 14, 2001).

In a general way, Criterion 5.2 states that "[a]ccess for people, animals, and equipment necessary for approved uses is balanced with the protection and enhancement of Badger's natural and cultural resources and safety issues."

These mutually agreed-to concepts were the expectations that USDFRC had when it interacted with WDNR to decide which land and under which conditions USDFRC would request, or not request, from GSA. Importantly, as between the State of Wisconsin and USDFRC, GSA's process recognized that USDFRC's request had priority in the land selection process. As a result, Badger land would only be available for WDNR's selection if it were not selected first by USDFRC.

It should be remembered that the USDFRC was willing to change its original land request in order to accommodate the WDNR's desire to have a land corridor leading from Devils Lake State Park to the Wisconsin River, which was recognized in concept by the Reuse Plan. USDFRC's original land request to GSA in 2000 included that area of land. After entering into the MOU and further discussions with WDNR, USDFRC accommodated the land corridor interest by not selecting that land in its final request to GSA in 2004, even though the non-selection of that corridor meant giving up good farmland as well as sacrificing the contiguity of USDFRC's land request. USDFRC's action to defer on land selection to the benefit of WDNR was motivated by the common understanding and relationships created concerning Badger, as evidenced in the MOU. We trust that such motivating factors are still alive today among all parties to the MOU.

#### **USDFRC comments on land use and access:**

The acreage administered by USDFRC is generally located adjacent and south of the main portion of WDNR's Sauk Prairie Recreation Area (SPRA). It is also adjacent to all four sides of the area identified as Parcels M, M1, M2 and M3 on the enclosed map. WDNR identifies this area as the Special Use Zone in its Alternative 3 (Outdoor Recreation Emphasis) of the WDNR SPRA land, located on the south central edge of Badger. This area has also been referred to as the 'donut hole.' USDFRC raises crops and pastures heifers on land adjacent to this area.

Ever since the USDFRC began farming inside Badger in 1980, pursuant to a lease with the Army, USDFRC has been allowed to drive trucks, tractors and farm equipment (for planting, harvesting, hauling manure, etc.) through the M parcels. In previous talks between USDFRC and WDNR (both before and after actual land transfers were made to USDFRC), WDNR assured the USDFRC that it would be able to continue to use roads through this portion of land, even after WDNR ownership. We believe that such access is necessary for continued efficient agricultural use by USDFRC.

If the designated SPRA use in this Special Use Zone were to make it impossible for the USDFRC to continue to safely pass through the M parcels, USDFRC farm operations would be negatively impacted

due to additional fuel consumption and increased labor time caused by having to drive around the Special Use Zone. The additional transportation requirements would also be less environmentally sensitive. Enclosed is a map which identifies agricultural use access routes over existing roads that USDFRC has used the past 30 years; we believe that such existing access should be accommodated in any land management plan developed by WDNR for the M parcels. After all, this intermittent road use has been on-going for decades, without detriment to the existing natural resource values of the area.

Importantly, the USDFRC also pastures heifers, with 20 acres of designated research pastures sharing a border with the northeast corner of the area (Parcels M1 and M2). Less intensive grazing activities occur within a mile of the M parcels.

In keeping with the concepts set forth in the Badger Reuse Plan and the 2002 Memorandum of Understanding, the safe and efficient conduct of USDFRC's agricultural and research activities should be viewed as a priority. Moreover, it would be incongruent with these common understandings that led to the amicable division of Badger to allow any activity within the SPRA to now compromise the safety and productivity of USDFRC mission or its research animals.

**USDFRC comments on the three draft alternatives for the SPRA:**

***Outdoor Recreation Emphasis Alternative***

This draft alternative for the SPRA, as presented by the WDNR in July 2013, proposes that the Special Use Zone (donut hole/M parcels) be used for motorized recreational vehicle trails and a shooting range. The USDFRC believes that these uses are inconsistent with the description of recreational activities set forth by Criterion 5.3 of the Badger Reuse Plan quoted above. The USDFRC also finds that these two uses are incompatible with its operations for the following reasons:

- Potential for motorized recreational vehicle riders to leave the designated trails and damage USDFRC crops or cropland, research plots, other research facilities/equipment, or research results.
- Potential for motorized recreational vehicle noise and motion to spook the cattle grazing in Badger.
- Unsafe to have motorized recreational vehicles and farm equipment crisscrossing through the same area.
- If the WDNR erects a fence around the trails, the USDFRC might no longer be able to cross the WDNR land with its farm equipment.
- Research has shown that loud noises do have an effect on cattle, depending upon the circumstances. Gunshot and vehicle noises potentially could spook cattle and may have other impacts that may or may not impact our research. In the past, Army blasting noises have disturbed USDFRC calves and heifers grazing on Badger lands and those housed farther away at the dairy facility; some minor injuries to cattle have even resulted.

Some of these potential concerns might also apply to other recreational uses in the SPRA but to a significantly lesser extent. We believe that motorized recreational vehicles pose a greater hazard due to their speed, weight, noise level, and their ability to cover more ground in less time. A shooting range would generate more concentrated, year-round gunshots than that resulting from any seasonal hunting activities allowed at SPRA. Consequently, USDFRC requests that the donut hole/M parcels not be used for motorized recreational vehicle use, including all-terrain vehicles, or as a shooting range. This is the

surest way to avoid the negative impacts upon USDFRC operations and honors the previous expectations created in the Badger disposal process.

***Ecological Restoration Emphasis Alternative***

The donut hole is home to an abundance of wildlife, including deer, turkeys and grassland birds, and plant life, including a remnant prairie. Given these attributes, the USDFRC sees the ecological restoration emphasis as a more appropriate alternative for this portion of the SPRA.

The USDFRC would not be opposed to having non-motorized recreational activities in the donut hole/M parcels, such as hiking, bike or horse trails, as such activities do not cause the conflicts implicated by the other alternative. Indeed, we believe that such use is in keeping with Criterion 5.3 of the Badger Reuse Plan and compatible with USDFRC's adjacent agricultural research use. However, even with this alternative, USDFRC still requests that existing road access, as described above, be allowed to continue and that the WDNR make a concerted effort to keep users off of USDFRC land via adequate signage and limited fencing.

***No Action Alternative***

This alternative would have the least impact on the USDFRC. If this alternative is chosen, the USDFRC still requests that existing road access, as described above, be allowed to continue and that the WDNR make a concerted effort to keep users off USDFRC land via adequate signage and limited fencing.

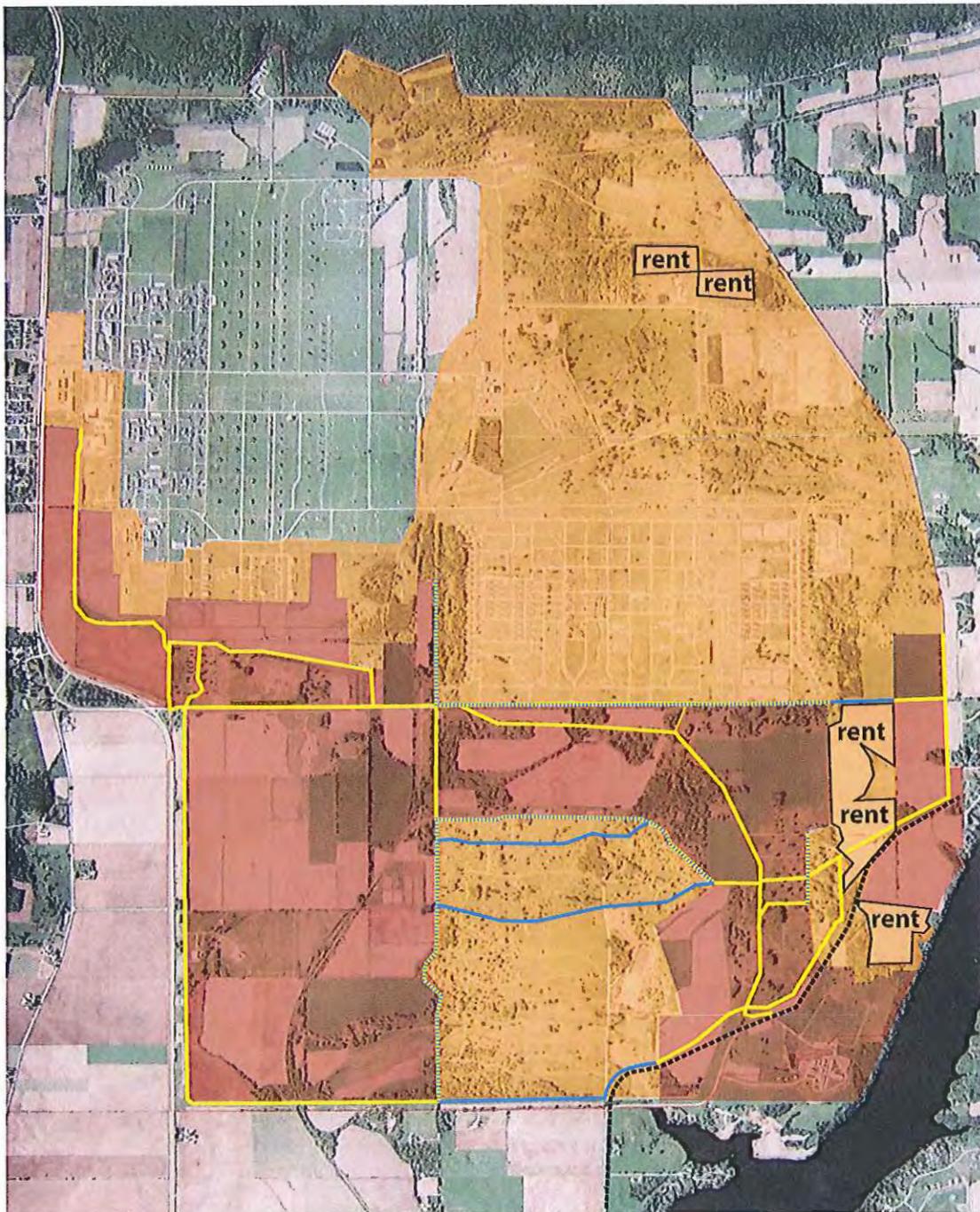
Thank you for the opportunity to comment upon your Draft Conceptual Alternatives.

Sincerely,

*Richard E. Muck*

Richard E. Muck  
Acting Center Director  
U.S. Dairy Forage Research Center

Enclosures



 DFRC

 DNR

 DNR roads for which DFRC wants access

 Border roads

 DFRC main roads

 Hwy. 78