

**Badger Oversight Management Commission**  
**Meeting Recap**  
 March 17, 2011

The Badger Interim Oversight Management Commission (IOMC) convened at the Sauk County Law Enforcement Center, Room D102, for its regular meeting on Thursday, March 17, 2011.

Chair Wenzel called the meeting to order at 6:30 pm. Staff affirmed compliance with Open Meetings Laws.

**Attendance:**

<b>Commission Member</b>	<b>Commission Representative</b>	<b>Present</b>
HoChunk Nation	John Holst Samantha Greendeer	Yes Yes
Wisconsin DNR	Steve Schmelzer Craig Karr	Yes Yes
Sauk County	Bill Wenzel	Yes
Town of Merrimac	Judy Ashford	Yes
Town of Sumpter	Pete Mullen	No
<b>Stakeholder Interest</b>	<b>Stakeholder Rep</b>	
Badger History Group	Michael Goc	No
Citizens for Safe Water @ Badger	Laura Olah	Yes
UW-Baraboo	Ann Vogel	Yes
Baraboo School District	David Haseley	No
Bluffview Sanitary District	Jeff Little	Yes
City of Baraboo	Eugene Robkin	Yes
Sauk Prairie Cons. Alliance	Dave Tremble / Allison Duff	Yes
Sauk Prairie School District	Teresa Kreutzmann	No
Wisconsin Wildlife Federation	Don Hammes	Yes
The Village of Sauk City	Bill Stehling	No
<b>Commission Liaison</b>	<b>Liaison Représentative</b>	
USDA-DFRC	Rick Walgenbach	Yes
U.S. Army	Joan Kenney	No

Others present: Gina Templin, Todd Liebman, Gail Lamberty, David Serafy-Cox, Dave Tremble, Tim Lins, Charles Gonzalez - ATC, Frank Olah, and others.

Motion by Ashford, seconded by Schmelzer, to adopt the agenda for the March 17, 2011 meeting. **Motion carried.**

Motion by Ashford, seconded by Schmelzer to adopt the minutes from the January meeting. **Motion carried.**

**Public Comment:**

None.

**Commissioner Reports:**

1. *Wisconsin Department of Natural Resources:* Schmelzer spoke of the activity report submitted by Karr. Wenzel asked about the status of the cemeteries. Karr stated he is meeting with the Town of Sumpter to alleviate the access concern and will provide an easement so that it is legally recorded, however the exact route will be determined in the master plan. He spoke of the Town having issues yet with GSA. He also spoke of a decision between the Army and the DNR that the Army will close the landfill and cap it prior to leaving the property and fund the project prior to leaving the property. He also spoke of remaining infrastructure and the materials needing to be land-filled will be shipped offsite. Wenzel asked about inventory. Karr stated they will remove the hazardous materials, and the remaining will be mostly concrete.

Robkin asked for a list of issues that the Town of Sumpter still has with GSA. Karr stated the Town wants HoChunk and DNR to take ownership, will they maintain the road to get to the cemetery, will they create a fund for maintenance, liability, etc. Karr also spoke of the ownership of 1800 acres, with another 370 being transferred in the near future, in which those lands will be subject to payment in lieu of taxes. He also spoke of the changes proposed in the Governor's new budget.

Hammes asked when the DNR will start the master plan process. Karr stated the plan was to spend 2011 doing surveys and inventory on the property and capturing data and then in 2012 start the plan. Hammes asked about biological survey not being done. Robkin spoke of the commission being as much a part of the master plan as possible. Karr stated that is their intent.

Chair Wenzel moved "new business item #1" to this part of the agenda.

Charlie Gonzalez, ATC, appeared and provided copies of documentation on the Badger Coulee Transmission Line project. He provided a company history and summary. He spoke of the new transmission line, referring to the map showing the study area showing the substations and where

the lines will need to connect. He spoke of 3 more rounds of open houses before they file for the project. He spoke of the application being 2 maybe 3 routes and then the PSC selects which route will be chosen and the documentation that goes along with that consideration. Cost to build, impact to residents, impact to nature, impact of tree cutting are things that go into the selection process. He also provided a map of Sauk County and existing corridors. He stated they are not looking for county and town roads as a corridor, but look specifically at state and federal highways. They also look at recreational trails, which would require them to bury it underground. 120-150' easement is required for this transmission line and spoke of it being along a road, allowing for a portion of the easement space and will use up less private property. He then spoke of new corridors and what would be required, such as following a property line or section line. He also spoke of the what is avoided when placing a transmission line, such as homes. The transmission pole is 120' above ground and can go higher, single steel poles, rusty color or galvanized color, as well as a lattice tower as an option, but not very commonly used today, and an "H" frame pole.

He then provided a copy of a map of the town of Sumpter and the town of Merrimac. He spoke of the rail through BAAP in the Town of Sumpter, which would need to be evaluated. He also spoke of the existing volt line that is along USH 12, which will also be evaluated. The open houses that will take place this summer will be more informative on what corridors make the next round of evaluations. He also spoke of the need to connect on the other ends as well. After that is when they eliminate corridors, which will take place in spring of 2012, which will be fewer and narrower evaluation and in the fall of 2012 that will show what the preferred route(s) is which will be submitted to the PSC.

Vogel asked what the purpose of the line is. Gonzalez explained the project and the purpose. He also referred to the first handout. Vogel asked about enough power within Wisconsin. Gonzalez stated there is enough power in Wisconsin that is generated generally through 2016, but doesn't answer the question on whether you can buy it cheaper than using what is in the state. He also stated if Wisconsin has excess power, other states can purchase it.

Robkin spoke of the BOMC organization and the Badger Reuse Report and stated all of Badger could be considered a recreational trail, except for those going to non public entities, and at this time, there is an application from the WDOT to convert all of the rail easement through Badger as a rails to trails. He also asked if any reports have been created on electrical storage that are public. Gonzalez stated storage is not one of their components and the other utilities would be more focused on that. Robkin stated if storage becomes feasible the transmission issue could evaporate. Gonzalez stated that could be correct.

Wenzel asked what kind of lines will be put up, super conductor transmission lines. Gonzalez stated there is a piece of those kinds of lines in operation and they are very expensive and not economically good compared to what is currently being used. Wenzel also asked why you would use 345 versus 130 and 69. Gonzalez stated it carries more power, more efficiently and

less power loss over the line and the most efficient way to move power over long distances. It will have to make it from Madison to La Crosse.

Hammes asked about the criteria selection and order looking for a corridor. Gonzalez stated it is state law. He spoke of the public issues with taking the transmission line through the middle of Badger.

Tremble asked at what point in the process the environmental analysis is done. Gonzalez stated it is ongoing and when the application is submitted the written environmental analysis will be provided in writing. Gonzalez stated that groups provide environmental issues and welcomes all information and request to have certain environmental issues studied. He also spoke of the elaborate process that the PSC looks at. He also spoke of state funds can be requested to assist groups that don't have financial basis to weigh in.

Wenzel asked about the data being public. Gonzalez stated the data/report will be provided in 2013, hardcopy and electronic form.

Tremble asked when an appropriate time would be to submit. Gonzalez stated ongoing.

Robkin spoke of the reuse process and the resources at Badger and this groups represents a large amount of the community and ATC needs to recognize that.

Wenzel asked if they went south of Madison or north of Madison. Gonzalez stated north of Madison first and then 19 miles to the cardinal substation.

Wenzel spoke of the existing 69kV line along BAAP and at some point would it be possible move to the west so that it would be along the highway 12 corridor. Gonzalez stated they don't move existing poles.

Tremble asked if they choose that corridor, does it have to stay in the same place. Gonzalez stated it doesn't and if that is what is selected, you could move it at that time.

Robkin invited members of ATC to tour the BAAP property.

2. *Town of Merrimac:* No report.

3. *Town of Sumpter:* No report.

4. *Bluffview Sanitary District* – No report.

5. *Sauk County:* Wenzel spoke of the resolution passed to recommend state acquisition of rail line from Madison to Reedsburg. He reviewed the resolution. He also spoke of Mr. Huntington speaking of the Badger easement granted by GSA to the State, has a 2 year sunset clause that if the line is not used for 2 years the easement reverts. He spoke of the rail turning to trail if that would retain the easement. He suggested that action does not need to be taken

tonight, but take the info back and come to the next meeting ready to take some type of action on the issue. Liebman spoke of the rail service to Baraboo and Reedsburg and the County's interest.

Karr spoke of the document and past discussion, but determined that the easement will be terminated if after 2 years there has been no use, which is different than what was understood earlier. He also asked what action Wenzel would like the commission to make at the next meeting. Wenzel stated some support from the group would be desirable which would support the application from the Surface Transportation Board.

Robkin stated a letter from the Commission to the WDOT would suffice. Karr asked about a letter supporting rails to trails just through BAAP or further. Wenzel stated just where the easement runs through BAAP.

Ted Walmer, Snowmobile Association President, spoke of the history and background of their group and asked what the commission is interested in and spoke of resources they have in maintaining, installing and creating a trail and have roughly 450 club members (Sauk County). What does the BOMC want to see the trail look like. Wenzel asked for the club to supply the commission with information so it can be on a future agenda for discussion.

Tremble suggested reviewing language in the easement document and the information needed to provide to the landowner to be able to make a decision or recommendation on the rails/trails. Walgenbach spoke of the requirements he will need to do to run this through the appropriate people.

Wenzel asked for the information to be emailed from USDA to summarize their stance on the conversion of rails to trails and the easement documentation. Tremble asked if USDA would come up with new restrictions. Walgenbach spoke of the safety concerns they would have.

Walmer asked about the language and information about crossing, etc. Walgenbach stated he hasn't reviewed the easement lately, but there is some information in there.

Tremble spoke of the reuse process and the uses proposed at BAAP.

6. *HoChunk*: Holst spoke of a meeting with the BIA and the GSA will be working on an outline or MOU between the two parties on how to move the properties, as well as a timeline, and met with Baldwin's office and is supportive of the process. Greendeer spoke of the BIA review of the application and the regulations that have to be followed. She spoke of the issues with the BIA interested in properties with contamination and the cultural benefits outweigh the contamination issues. She stated they are at the top of the docket but concerned if enough legwork has been done and they have pursued everything they said they would do. Big concern is new Secretary, new policy advisor that has taken over the BAAP request. She spoke of Baldwin's office being a large help and asking for congressional briefing on the process and the final result was a meeting with the BIA. She stated if the Nation does not get the land, the GSA

will put that up for public sale and the concern is that if the BIA does not take the parcel for HoChunk, the GSA is under pressure and they may need to move the property sooner than later. BIA has legal liability concerns, but the HoChunk doesn't agree with that due to the work they have done with the BOMC. She stated the BIA is going to do an independent assessment of the liabilities, which means that the rules and laws for disbursing the land are almost identical to what the interior has for acquiring the lands and they want to make sure they can do an independent assessment that meets their regulations that way they can determine what liabilities they may have. She stated they did invite the BIA out to tour BAAP, which will hopefully be done in the spring. She spoke of the possibility of needing this group to send some type of support, at some point in the future.

Hammes asked if HoChunk does not get the land if it will be up for public sale. Greendeer stated that it is federal regulation and it is up to the GSA on how they dispose of the property.

Robkin asked if any land that did not transfer to another entity would transfer to the DNR. Karr stated that the DNR would accept any lands that another entity didn't want. Robkin stated the GSA has an automatic second option then. Greendeer explained and spoke of the GSA intending to go to either a negotiated sale or a straight out public sale to get the best top dollar.

Robkin asked Liebman/Wenzel to find out GSA's intent.

Lamberty spoke of a letter to Mark Lundgren dealing with specifics. Greendeer spoke of the letter addressing parcels.

Hammes asked for a written status report. Greendeer spoke of being more broad on the report other than just to the commission, such as a press release.

Wenzel commented about the BIA's issues with contamination issues and the Army being responsible.

Robkin feels this issues needs to be brought to Baldwin's attention and we need to find out how serious the GSA is on possibly taking the land sale public. Greendeer stated that when the time is right they will come to the commission and community for support. She also spoke of relaying comments to the GSA/BIA from the BOMC. She did say that they left the meetings in Washington as positive and there is a lot of good to it, even though they still face challenges.

Robkin asked to see a list of the documents sent to the BIA. Greendeer stated she could provide a list of the documents, but not the actual documents themselves.

### **Committee Reports:**

1. *Executive and Finance.* Informal discussions but nothing specific.
2. *Planning and Land Use.* Karr spoke of the latest meeting and spoke of 2 DNR Biologists attending. He spoke of the bats and a disease decimating the bat population and the

department has hired extra staff to try to keep that from happening in Wisconsin. He also spoke of surveys done at BAAP on the bat population and that they are not using any of the trees or buildings for nesting. He stated survey work was also done and about 1100 salamanders live in the reservoirs and the breed is no different than anywhere else, other than they are trapped in the water and have learned to survive there. He also said that they are not concerned if the reservoirs are demolished that the salamanders cannot be relocated.

3. *Education and Outreach.* No report.

4. *AdHoc:* Tremble spoke of the planning efforts for the 10 year anniversary celebration and the ideas presented. He spoke of the landowners deciding the activities and the BOMC is the body that organizes and facilitates the celebration. He spoke of the BOMC take care of various activities, but the owners and stakeholders responsible for the specific activities on presenting their own perspective on BAAP and share their vision with the public.

Holst stated the HoChunk would be willing to present and take part in the celebration.

Tremble spoke of funding sources. Robkin spoke of “groupon” funding and try to get some business to buy in while making a donation and provide the coupons. Tremble asked for a request for proposals, send out to all the stakeholder groups and ask for a commitment, with a response by April 1<sup>st</sup>. Robkin spoke of the economic benefit and feels it makes sense for the stakeholders to participate.

### **Liaison Reports:**

1. *US Army:* No report.

2. *USDA:* Walgenbach stated the facilities planning staff have contracted a company to do an environmental assessment of the Site B in BAAP for the planning purposes of the new facility and funding is still a question.

### **New Business:**

1. *Charlie Gonzalez, American Transmission Co., introduction and update on Badger Coulee Transmission Line. (Addressed above)*

2. *Update on uses for HoChunk funding – Todd Liebman.* – Liebman stated the only restrictions on the funds are that to be used for nothing detrimental to the HoChunk. He stated the commission can authorize to spend that money, which is in the Planning and Zoning Departments budget. Originally to be used for the offset of administration costs, however, there is some flexibility on the possible uses. However there are a variety of restrictions on public funds and the restrictions on spending county funds applies to the restrictions of spending of these funds. He request the BOMC comes up with some type of budget to create road map. Robkin asked if the money would be appropriate for the

items Tremble spoke about. Liebman stated he doesn't feel the money could be spent on food and beverages. He stated if it will be spent on issues other than the administrative costs, there has to be a road map on what to be used for. Schmelzer asked if any spending authority would have to go to PZLR committee. Liebman stated that is how it is set up right now. Robkin asked for copies of the Sauk County financial policy. Ashford stated the BOMC does not want its own checking account and feels it is better to keep the funds within the county and use the county processes to fund. Ashford suggested the BOMC create a budget.

3. *Discussion and possible action on disposal of records by Spec Pro.* Karr spoke of the report on the disposal of records he provided and asked if there are any concerns. Robkin asked if Bldg 200 has a basement. Karr stated the building is coming down either way. He also stated they are looking at moving all of the files into Bldg 207 as quickly as possible. Tremble asked about the letter sent by Goc relating to storage of all documents and inventory and cataloging of the documents. Karr stated the Army is reviewing all documents on their own and the Badger History group is asking the Army to let them review a document that the Army wishes to dispose of. Tremble is concerned with BHG decided what gets thrown. Karr stated BHG cannot dispose of any records.

Ashford asked about the sustainability of the BHG over time. Karr stated that is a concern, but feels if they fold, the State Historical Soc could take ownership of everything, but doesn't feel they would want to.

Robkin suggested talking to Tom Pleger about storage space. Liebman suggested contacting the Sauk County Historical Soc. Ashford was concerned with public access and that they need to be put into a building that has public access.

Karr stated there are 2 issues: where to store the materials and who oversees it. He stated if there are specific files at BAAP that you want to make sure they are not disposed of, we can provide that opinion to them.

Olah spoke of doing a formal request and for what, it would be helpful to know exactly what do they have so they know what to ask for. She spoke of shipping manifest showing what was shipped onsite and offsite. But feels they should get as much information as they can and should look at a storage facility or possibly archiving. She also addressed the public issue.

Robkin asked if archiving and sorting would be a legitimate use of the funding. Liebman stated it could be. Olah spoke of funding to be used, how it will be shared with the public. Robkin feels digitally scanned files are easy to share, hard copies in a room somewhere are not as easy.



Wenzel to organize a sit down with interested bodies to discuss the records retention of documents at BAAP and then to follow up with a letter. Parties to include: Army, BHG, HoChunk, Wenzel.

4. *Discussion and possible action on trail(s) through Badger.* (addressed above)

5. *Next meeting date:* **Thursday, May 19, 2011 @ 6:30 p.m.**

6. *Public comment.* None.

Wenzel spoke of being advised by Counsel earlier in the meeting that the doors to the LEC were locked around 8:30 p.m. and could be a violation to the open meetings law. Due to issues with complete open access at meeting facilities, future meetings will be held in the basement conference rooms of the Sauk County West Square Building, unless otherwise determined.

Motion by Ashford, second by Holst to adjourn. **Motion carried.**

Respectfully submitted,

Judy Ashford

*Recap by Templin*