

Clearinghouse Rule 99-124

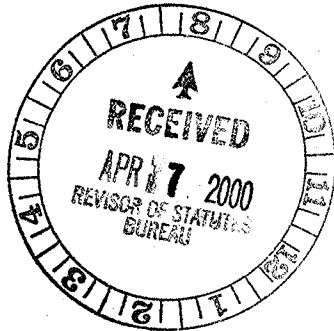
CERTIFICATE

STATE OF WISCONSIN)
) SS
DEPARTMENT OF TOURISM)

I, Marcy West, Executive Director and Custodian of the official records of the Kickapoo Reserve Management Board, do hereby certify that the annexed rules relating to use of the land, water and facilities in the Kickapoo Valley Reserve were duly approved and adopted by the Board on April 4, 2000.

I further certify that said copy has been compared by me with the original on file in the Board office and that the same is a true copy thereof, and the whole of the original.

IN TESTIMONEY WHEREOF, I
have here unto set my hand as
Executive Director at 505 North
Mills Street in the Village of
LaFarge, this 4th day of April
2000.



Marcy West

Marcy West, Executive Director

6/1/00

ORDER OF THE KICKAPOO RESERVE MANAGEMENT BOARD

The Kickapoo Reserve Management Board adopts an order to create Chapter KB 1 relating to the use of the land, water and facilities in the Kickapoo Valley Reserve.

Analysis Prepared by the Kickapoo Reserve Management Board

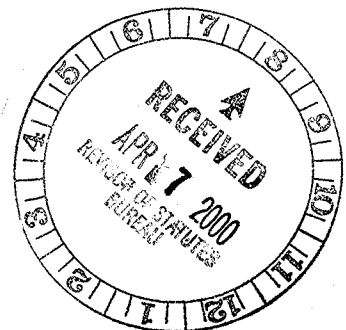
Statutory authority: ss. 41.41(7)(k) and 227.11 (2) (a), Stats.

Statutes interpreted: ss. 41.40 and 41.41, Stats.

The Kickapoo Reserve Management Board was created in 1994 to manage the Kickapoo Valley Reserve, which encompasses approximately 7,400 acres along 14 miles of the Kickapoo River in Vernon County. The 11 member board, which is appointed by the Governor, is required by statute to manage the land for low impact recreation. It currently does so under a management lease agreement with the U.S. Corps of Engineers, which purchased the land in the early 1970's as part of a large flood control and dam-building effort that was discontinued in 1975 because of environmental and cost concerns.

In 1996 federal legislation deauthorized the dam project and provided for ownership of approximately 7,400 acres to be transferred to the state when federal requirements are met. An additional 1,200 acres of tribally significant land is to be held in trust for the Ho-Chunk Nation by the Federal Bureau of Indian Affairs. The federal legislation that provides for the transfer of ownership does not specify a date by which title must be transferred but, it is anticipated that transfer of title to the 7,400 acres to the State will be completed in April of 2000.

The proposed rules contain the detail related to the Board management of the property, public use of the property and fees for public use of the property. The rules are very similar to Department of Natural Resources rules related to the use and management of state parks. (See Chapter NR 45.) In addition to general rules related to the management and use of the Reserve, the proposed rule regulates vehicle operation, animals, fires, use of firearms and hunting and camping on the Reserve. The proposed rule also provides for the charging of fees for camping and other recreational uses of the Reserve.



Text of Rule:

SECTION 1: Chapter KB 1 is created to read:

CHAPTER KB 1

KICKAPOO VALLEY RESERVE MANAGEMENT

KB 1.01 Purpose and applicability	KB 1.06 Fires
KB 1.02 Definitions	KB 1.07 Waters-river
KB 1.03 General rules	KB 1.08 Firearms and hunting
KB 1.04 Vehicles	KB 1.09 Camping
KB 1.05 Animals	KB 1.10 Fees

KB 1.01 Purpose and applicability. The purpose of this chapter is to govern the conduct of visitors to the reserve and to provide for the protection of natural and cultural resources in the reserve. This chapter applies to all lands, structures and property owned, under easement, leased or administered by the state of Wisconsin and under the management of the board.

KB 1.02 Definitions. Except where the context clearly requires otherwise, in this chapter :

- (1) "Backpack campsite" means an area designated for camping that has no vehicle access to or near the area, to which all supplies are carried by foot, and that may be occupied by one camping party consisting of an immediate family or a group of 6 or fewer persons who are not all from the same immediate family.
- (2) "Bicycle" means a device propelled by the feet acting upon pedals and having one or more wheels.
- (3) "Board" means the Kickapoo reserve management board created by s.15.445 (2) (a), Stats.

- (4) "Camping" means the use of a shelter such as a tent, trailer, motor vehicle, tarpaulin, bedroll or sleeping bag for temporary residence or sleeping purposes.
- (5) "Camping party" means the occupant of a backpack campsite, a campsite or a group campsite consisting of members of an immediate family, a group of 6 or fewer persons who are not all from the same immediate family, or a group of 7 or more persons who either belong to an organization or an extended family.
- (6) "Campsite" means an area, other than a backpack campsite, designated for camping with a limit of two vehicles and one camping party consisting of an immediate family or a group of 6 or fewer persons who are not all from the same immediate family unless designated as a group campsite.
- (7) "Dog or field trial" means any organized competitive field event involving sporting dog breeds which is sanctioned, licensed or recognized by a local, state, regional or national dog organization.
- (8) "Dog training" means the activity of teaching a dog to retrieve, point, flush, or track game for the purpose of hunting or dog trial competition.
- (9) "Education group" means any group visiting the reserve for educational purposes that is sponsored by a school, college, university or other educational institution or organization.
- (10) "Firearm" has the meaning provided in s. 167.31, Stats.
- (11) "Firearm season" means an open season for hunting with any of the following firearms loaded with a single slug or ball: rifle, muzzle-loader, shotgun or handgun for deer or bear hunting described in s. NR 10.09 (1) (c) 1.c.
- (12) "Group campsite" means any tract of land designated for camping by a group of 7 or more persons who belong to an organization or extended family.
- (13) "Immediate family" means a parent or parents, their unemancipated children and not more than 2 guests.
- (14) "Primitive camping" means camping with no services provided including drinking water, electricity, or manmade structures of any kind.
- (15) "Property Manager" means the executive director of the board or the director's designee.
- (16) "Reserve" means the Kickapoo valley reserve created pursuant to s. 41.41 (2), Stats.
- (17) "River access site" means any tract of land designated for access to the Kickapoo river or its tributaries within the reserve.
- (18) "Snowmobile" has the meaning specified in s. 340.01(58a), Stats.
- (19) "State trail" means a recreational trail designated by the department of natural resources under s. NR 51.73.
- (20) "Vehicle" has the meaning provided in s.340.01(74), Stats., and any snowmobile.

KB 1.03 General rules. (1) RESERVE PROPERTY. (a) No person may destroy, molest, deface, remove or attempt to remove any natural growth, rocks, minerals, fossils or a natural or archaeological feature except as follows:

1. Edible fruits, nuts, wild mushrooms, dogwood and willow limbs, and wild asparagus may be removed without a permit for non-commercial use.
2. Dead downed wood may be collected and used for campfires at designated campsites unless prohibited by posted notice.
3. Tenants on lands covered by agriculture lease agreements may utilize the leased land as provided under the terms of the applicable lease.
4. Members of the Ho-Chunk Nation may obtain special permits to harvest plants for ceremonial, medicinal, or religious purposes if approved by the traditional court or clan elders and the department of natural resources.

(b) The Board may close, by posted notice, any land, structure or property on the reserve. No person may enter or be in any building, installation or area on the reserve that may be locked or closed to public use or contrary to posted notice without a written permit from the property manager.

(c) A group may reserve an area for a special event through application to the board. Reservations are restricted to groups of 25 or more individuals. The board may deny permits to groups hosting activities that do not meet the objective of the reserve identified in s. 41.41, Stats., or this chapter.

(d) Approved recreational uses include archery events, bicycling on designated trails, bird watching, non motorized boating, camping, canoeing, cross-country skiing, dog sledding, dog training, dog trials, falconry, fishing, foot racing, hiking, horseback riding on designated trails, hunting, in line skating on paved trails, inner tubing, kayaking, nature study, photography, arts and crafts, sleigh riding on designated trails, snowmobiling on designated trails, ski-joring on designated trails, trapping and other recreation activities as approved by the board.

(1) **HOURS OF OPERATION.** The board may designate and post hours of operation for buildings and areas within the reserve.

(2) **PERSONAL CONDUCT. (a) Disorderly conduct.** No person may engage in violent, abusive, indecent, profane, boisterous, unreasonably loud or otherwise disorderly conduct, or conduct which tends to cause or provoke a disturbance or create a breach of the peace.

(b) *Evictions.* The board may expel any person or persons from the reserve for violations of any state law, administrative rule or posted rules or regulations. The period of time for which a person may be expelled is 48 hours, or for the period of his or her camping permit, whichever is longer. No expelled person may return to the property before the eviction period has elapsed. Persons expelled are not eligible for unused camping or user fees. People charged with violent, assaultive or disorderly conduct may be expelled until after the case is adjudicated in court.

(c) *Refuse and recyclable materials.* 1. No person may dispose of any debris, waste or recyclable material except by placing the material in receptacles provided for those purposes.

2. No person may dispose of any waste or recyclable materials in any waste or recyclable receptacles or at any location if the waste or recyclable material is generated from a permanent or seasonal residence or a business or other commercial operation.

(d) *Noise.* No person may operate any sound track, loud speaker, generator, chainsaw, air-conditioner or other device that produces excessive, loud or unusual noises without first obtaining a written permit from the property manager.

(e) *Soliciting.* No person may peddle, solicit business of any nature, distribute handbills or other advertising matter, or post unauthorized signs on any lands, structures or property on the reserve, or use such lands, structures or property for commercial operations, for soliciting or conducting business, peddling or providing services within or without such lands, structures or property unless first authorized in writing by contractual agreement with the board.

(f) *Destruction of property.* No person may destroy, molest, attempt to remove or remove the property of others.

(g) *Metal detectors.* The use of metal detectors is prohibited except by written permit issued by the property manager.

(h) *Ski trails.* No person may hike or snowshoe on designated cross-country ski trails when the trails are snow covered.

(i) *Quiet zones.* The board may establish quiet zones by posted notice. Within a quiet zone no person may operate a generator, radio, boombox, musical instrument, tape player or similar noise producing device, unless the noise is confined to the person through the use of a headset.

(j) *Fireworks.* No person may possess or discharge any fireworks as defined in s. 167.10(1), Stats.

KB1.04 Vehicles. (1) **TRAFFIC AND PARKING.** (a) No person may operate or park any vehicle as defined in s. 340.01 (74) Stats., which is required to be registered by law on the reserve except:

1. On highways as defined in s.340.01 (22), Stats.
2. In posted areas and designated river access areas.
3. By permit at designated trail parking areas.
4. As otherwise specifically authorized by law or administrative rule.

(b) No person may park, stop or leave standing, whether attended or unattended, any vehicle or watercraft in any of the following situations:

1. In any manner as to block, obstruct or limit the use of any road, trail, waterway or winter sport facility.
2. Outside of any area provided for such purposes when it is practical to use such areas.
3. Contrary to posted notice.

(c) The board may cause any vehicle or watercraft in violation of paragraph (b) to be towed off the property and stored at the owner's expense.

(d) No person may operate a motor vehicle as defined in s. 340.01 (35), Stats., off highways and parking lots while under the influence of an intoxicant or a controlled substance or without a valid driver's license issued by this or another state or province.

(2) **ABANDONED VEHICLES.** No person may leave any vehicle unattended without prior board approval for more than 48 hours under such circumstances as to cause the vehicle to reasonably appear to have been abandoned. An abandoned vehicle shall constitute a public nuisance and be towed at owners' expense.

(3) **VEHICLE AND WATERCRAFT OPERATION.** (a) No vehicle may be operated on lands and no watercraft on waters under the supervision, management or control of the board unless its use is specifically authorized by posted notice.

(b) No person may conduct or engage in snowmobile races on any lands under the supervision, management or control of the board.

(c) The board may authorize by permit persons with physical disabilities to use a motorized vehicle on the reserve as a mode of personal conveyance.

KB 1.05 Animals. (1) No person may allow a dog, cat or other pet in any building under management of the board. No person may allow his or her dog, cat or other pet to interfere in any manner with the enjoyment of the area by others.

(2) Nothing in this section shall prohibit or restrict the use of dogs for hunting purposes in any area which is open to hunting, except during the bird-nesting season, April 15 through July 31. The use of dogs for dog trials and dog training may be restricted to areas designated by the property manager through the event permit procedure.

(3) No person may allow his or her dog, cat or other animal on any cross-country ski trail during that period of the year when those trails are covered with snow.

(4) Dogs, cats and other pets shall be under control by leash during the bird nesting season, April 15 through July 31, and at all other times by leash, voice command, including whistles, or other physical control such as kennel or mechanical collar

(5) Persons bringing or allowing pets, horses or mules in high use areas such as trailheads, parking lots and campsites shall be responsible for proper removal and disposal of any waste produced by their animals.

(6) No person shall abandon pets or previously captive animals on the reserve except approved pheasant and trout stocking by the department of natural resources, or while engaged in dog trials and training under board permit and NR 17.01 and NR 17.02.

- (7) Horses are prohibited on reserve lands except public highways and areas or trails posted for their use or by permit in field trial areas.
- (8) No person may ride a horse in a careless, negligent or reckless manner so as to endanger the life, property or persons of others on the reserve.
- (9) Notwithstanding the provisions of this chapter, service animals as defined in s.174.056, Stats., may accompany persons with disabilities.

KB 1.06 Fires. (1) No person may start, tend or maintain any fire on the ground or burn any refuse except in fire rings at campsites in the reserve.

(2) No person may leave any fire unattended, or throw away any matches, cigarettes, cigars or pipe ashes or any embers without first extinguishing them, or start, tend or use in any manner any fire contrary to posted notice on the reserve.

(3) In the event of threat to natural resources by the presence of forest fire hazards, the board may establish emergency use and burning regulations by posted notice.

KB 1.07 Waters - River. (1) The board may prohibit swimming in areas adjacent to water access sites by posted notice. No person may swim in the area delineated by the posted notice.

(2) No person may possess any glass beverage container or other glass product while on the river or the adjacent stream bank.

(3) Canoes and kayaks may only be launched or removed in those areas posted as designated river access sites.

(4) No person or business shall leave a canoe or kayak overnight except at an occupied campsite.

KB 1.08 Firearms and Hunting. (1) Except as provided in s. 29.327 (2), Stats., no person may construct, occupy or use any elevated or ground blind or other elevated device for hunting except that portable tree stands and blinds may be used provided they are removed from the property each day at the close of hunting hours. No person may cause damage to trees by the placement or erection of portable tree stands or by any other manner while climbing or hunting from a tree.

(2) No person may possess any loaded or uncased firearm or air gun while within the reserve except as follows:

- (a) While engaged in hunting in accordance with the open seasons established in s. NR 10.01 and 10.02 or in accordance with (c).
- (b) While engaged in dog trials or training under board permit and NR 17.01 and 17.02.
- (c) Members of the Ho-Chunk Nation may be granted permission to harvest deer out of the state calendar season for religious feasts, funeral rites and warrior feasts as provide in s. 29.079, Stats.

KB 1.09 Camping. (1) Primitive camping is allowed on the reserve at designated campsites and at backpack campsites by permit.

(2) Campsites are available on a first-come first-served basis unless an area is reserved with an event permit.

(3) A camping party shall obtain a permit prior to setting up camp, unless otherwise posted.

(4) All camping permits begin at 3:00 p.m. of the first day, and expire at 3:00 p.m. on the last day of the permit period.

(5) Violation of any state law or any rule of the board by a member or guest of a member of a camping party is cause for revocation of the camping permit and eviction from the property.

(6) The board may reject or cancel camping permits when necessary to protect either campers or the natural resources.

(7) No camping party, nor member of a camping party, shall remain for a period greater than 21 days in any 4-week period. After 21 days the camping party shall be removed from the property for at least 7 days before being eligible to return.

(8) No more than one camping party is permitted at any camping site in the reserve. A camping party that includes persons other than immediate family members may not exceed 6 persons except a camping party that receives a permit to camp at a group campsite.

(9) A camping party shall pack out all refuse generated by that camping party.

KB 1.10 Fees. (1) All users of the reserve are required to pay either annual, camping, day use or event fees except snowmobilers using that portion of the state snowmobile trail within the reserve, canoeists who are neither camping nor parking within the reserve, persons who fish, hunt or trap.

(2) Educational groups or nonprofit organizations recognized by the internal revenue service under 26 USC 501 (c) (1) or 3 may apply for a fee waiver through forms provided by the board. The forms for a fee waiver must be received by the property manager along with proof of nonprofit status at least 7 days prior to arrival.

(3) Camping, annual, day use and event fees are approved and published by the board no later than December 30th the year prior to which they will be in effect.

(4) The board may enforce a penalty fee to users failing to register.

(5) An applicant shall apply for an event permit at least 30 days prior to the event.

(6) The board may charge participants of board sponsored events or programs a fee sufficient to cover the cost of providing the program.

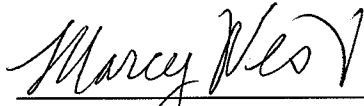
EFFECTIVE DATE. The regulations set forth in this order shall be effective on the first day of the month following publication in the Wisconsin administrative register as provided in s.227.22 (2) (intro.), Stats.

STATE OF WISCONSIN

KICKAPOO RESERVE MANAGEMENT BOARD

Dated: 4-4-2000

Agency:



Marcy West, Executive Director

Marcy West, Executive Director