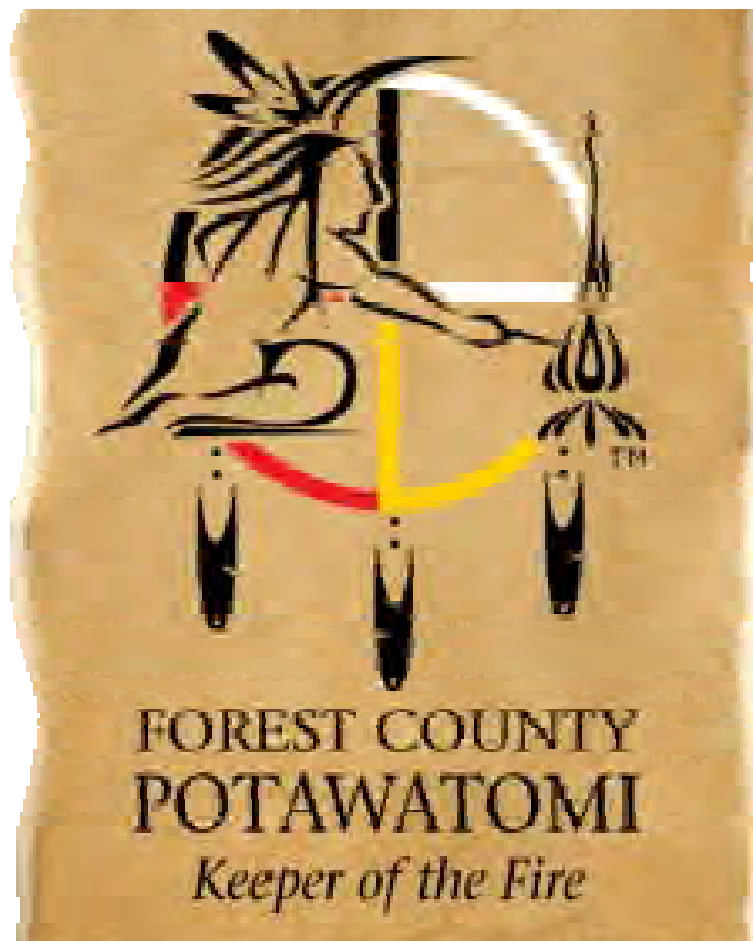


# FOREST COUNTY POTAWATOMI COMPREHENSIVE PLAN

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Adopted  
November 2011

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Prepared by  
**North Central Wisconsin  
Regional Planning Commission**

## **Forest County Potawatomi**

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**Draft Review: December 2010**

**Adopted: November 9, 2011**

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This plan was prepared as part of the Forest County Comprehensive Plan process under the direction of the Forest County Potawatomi Core Planning Team by the North Central Wisconsin Regional Planning Commission. For more information contact:

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### **Attachment**

- A. Plan Adoption Documentation

# **CHAPTER 1: ISSUES AND OPPORTUNITIES**

## **A. BACKGROUND**

### 1. Introduction

The Forest County Potawatomi community is a sovereign nation chartered by the Bureau of Indian Affairs, and is recognized federally as a Native American Tribal Nation and operates under a ratified constitution. The tribal lands are scattered within the Town of Lincoln in Forest County, Wisconsin. The Town of Lincoln the is a double township stacked atop each other, less the area taken up by the City of Crandon and two sections from the northeast and southwest corners. The Town lies in the southwest corner of Forest County, Wisconsin and surrounds the City of Crandon on three sides. See the planning context map.

This chapter, the first of nine chapters of the Potawatomi Comprehensive Plan, explores potential issues that may have an effect on the development of the Town over the 20-year planning period of the plan. This chapter contains trends and forecasts with jurisdictional comparisons for some basic demographics including: population, households, employment, age, education, and income. Although forecasts should typically cover the 20-year planning period, in some cases, the only acceptable sources had lesser time periods for their forecasts. Official sources are used for data and forecasting, including the WDOA Demographic Service Center and the U.S. Census Bureau.

In addition to this review of basic town statistics, a variety of tools are utilized to identify issues, including a review of past plans, brainstorming by the Plan Commission/Committee, a public hearing, and observations of the NCWRPC professional planning staff.

### 2. The Planning Process

The Forest County Potawatomi participated in the Forest County Comprehensive Plan Multi-jurisdictional planning effort. This effort includes ten towns, both tribes, the City of Crandon and Forest County.

The Plan Commission oversaw the development of the Plan and met to analyze and discuss information that was gathered and presented by the NCWRPC. The planning process was open to the public and the Town's adopted Public Participation Program and documentation of comprehensive plan adoption are in the Attachments.

### 3. Purpose of the Plan

The purpose of this plan is to develop a plan that is guided by the requirements of the State of Wisconsin Comprehensive Planning Law. This plan will use the framework of the Wisconsin Comprehensive Planning Law but will be tailored to the needs Forest County Potawatomi. The plan will provide a summary assessment of the Tribe's lands and natural resources and those developments that impact tribal land base.

## B. DEMOGRAPHICS

Community demographics are an important component of planning. Below we review both tribal and town level data.

### 1. Population Trends and Forecasts

In 2000, 531 persons lived on tribal lands. Between the 1990 and the 2000 Censuses, the Forest County Potawatomi population increased by 9.3%, see Table 1-1. Both the County and the State grew at a faster rate than the tribe, with growth rates of 14.2 and 9.6 percents respectively. The tribe added 834 people from 1990 to 2010. According to the 2010 population estimate of 1,320 people were enrolled with the Forest County Potawatomi, another 789 people were added since the 2000 Census.

Table 1-1 also displays the total population for the Forest County Potawatomi, the neighboring towns, the County, and the State. The Forest County Potawatomi has grown much faster than the County, State and surrounding towns. The Town of Lincoln grew the second fastest from 1990 to 2010 at an overall change of 68.6 percent. The slowest rate of growth was recorded in the Town of Blackwell, which increased by 1.0 percent.

**Table 1-1:  
Population Trends**

	1990	2000	Estimate 2010	% Change 1990-00	% Change 2000-10	% Change 1990-10
Potawatomi	486	531	1,320	9.3%	158.8%	171.6%
Town of Lincoln	630	1,005	1,062	59.5%	5.7%	68.6%
Town of Laona	1,387	1,367	1,431	-1.4%	4.7%	3.2%
Town of Wabeno	1,012	1,264	1,322	24.9%	4.6%	30.6%
Town of Blackwell	384	347	388	-9.6%	11.8%	1.0%
Town of Freedom	296	376	412	27.0%	9.6%	39.2%
Forest County	8,776	10,024	10,540	14.2%	5.1%	20.1%
Wisconsin	4,891,769	5,363,675	5,695,950	9.6%	4.0%	14.1%

Source: US Census and WDOA Demographic Services Center, Forest County Potawatomi Enrollment Department

Population projections in Table 1-2 show the Tribe growing by 1.25 over the next 20-year period between 2010-2030. Compared to the Town of Lincoln the tribe has a much slower population growth, which is projected to grow by 22.9 percent over the next 20-year period. The towns Wabeno and Freedom are projected to experience slow growth over this time frame and the towns of Laona and Blackwell are projected to decrease in population over this time frame. Forest County is projected to have a 1.1 percent growth rate between 2010-2030.

**Table 1-2:  
Population Estimate 2010 and Population Forecasts to 2030**

	Estimate 2010	Projection 2015	Projection 2020	Projection 2025	Projection 2030
Potawatomi	1,264	1,280	1,296	1,312	1,328
Town of Lincoln	1,062	1,145	1,195	1,234	1,261
Town of Laona	1,431	1,315	1,279	1,238	1,189
Town of Wabeno	1,322	1,335	1,348	1,351	1,343
Town of Blackwell	388	305	290	273	255
Town of Freedom	412	416	426	433	436
Forest County	10,213	10,420	10,463	10,433	10,323
Wisconsin	5,695,950	5,988,420	6,202,810	6,390,900	6,541,180

Source: WDOA Demographic Services Center, Forest County Potawatomi Enrollment Department

Further analysis of population change can be found in other chapters of this Plan, particularly in the Housing chapter and the Land Use chapter.

## 2. Household Trends and Forecasts

The 531 residents of the Forest County Potawatomi formed 166 households in 2000. Total households are projected to increase to 624 by 2025, see Table 1-3. This reflects the population growth projected in Table 1-2. Average household size in Lincoln was 3.20 people in 2000, which is much higher than the 2.50 State average. Table 1-3 reflects an overall trends for households.

**Table 1-3:  
Households**

	Total 2000	Projection 2005	Projection 2010	Projection 2015	Projection 2020	Projection 2025
Potawatomi	166	181	196	211	226	241
Town of Lincoln	404	449	502	548	587	624
Town of Laona	564	568	580	583	579	573
Town of Wabeno	497	526	562	591	612	631
Town of Blackwell	45	34	31	32	29	18
Town of Freedom	158	168	180	190	198	205
Forest County	4,043	4,206	4,434	4,613	4,729	4,811
Wisconsin	2,084,556	2,190,210	2,303,238	2,406,789	2,506,932	2,592,462

Source: US Census and WDOA Demographic Services Center, Forest County Potawatomi Enrollment Department

### 3. Age Distribution

Population distribution by age is important in the planning process. Two age groups are examined here: 1) people 5 to 17 years old, and 2) people 65 years and older. These two age groups are often referred to as dependent populations and have different needs. The younger group requires schools, and the older group is retiring from the workforce. Table 1-4 shows each of these groups in 1990 and 2000.

In 1990, the median age of Lincoln's population was 34.4 years. At that time, residents of the County had a slightly higher median age (35.7 years). Both the Town and the County had populations older than the State (32.9 years) as a whole. The Town of Lincoln had almost the same proportion of population (19.7%) in school (5-17 age class) as the County (19.5%), and the State (19.0%). Lincoln's older population (65+ age class) percentage of 15.1 is lower than the County (18.9%), and higher than the State (13.3%).

By 2000, the median age of Lincoln's population had advanced by 5.5 years to 39.9; which is more than the County (4.2 years) and State (3.1 years). The Town's median age is higher than the State's. All of the surrounding towns have median ages that are lower than 40 years. The Town of Lincoln's school age population (5-17 age class) decreased very slightly to 19.5 percent in 2000. This is a similar proportion of the population as the County (19.6%), and the State (19.1%); both of which remained about even from 1990 to 2000. Lincoln's older population (65+ age class) percentage of 18.8 is still between the County, which rose slightly (19.3%), and the State, which stayed almost even (13.1%).

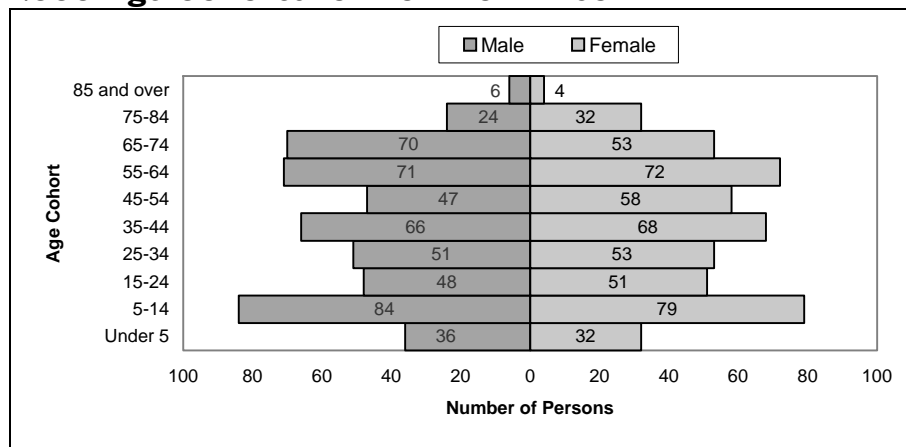


**Table 1-4:  
Age Distribution 1990 to 2000**

		Percent of Population				Median Age
		<5	5-17	18-64	65+	
Potawatomi	1990	n/a	47.3%	50.2%	2.5%	n/a
	2000	n/a	18.5%	78.8%	2.7%	n/a
Town of Lincoln	1990	8.4%	19.7%	56.8%	15.1%	34.4
	2000	6.8%	19.5%	54.9%	18.8%	39.9
Town of Laona	1990	7.3%	19.5%	53.3%	19.9%	36.9
	2000	6.5%	19.6%	55.1%	18.8%	39.7
Town of Wabeno	1990	9.2%	21.8%	51.8%	17.2%	33.5
	2000	7.8%	23.8%	53.6%	14.8%	35.7
Town of Freedom	1990	9.5%	15.5%	60.8%	14.2%	35.0
	2000	3.7%	16.8%	60.1%	19.4%	47.8
Town of Blackwell	1990	2.9%	22.7%	56.0%	18.5%	20.6
	2000	2.0%	18.4%	59.4%	20.2%	20.9
Forest County	1990	7.6%	19.5%	54.0%	18.9%	35.7
	2000	5.7%	19.6%	55.4%	19.3%	39.9
Wisconsin	1990	7.4%	19.0%	60.3%	13.3%	32.9
	2000	6.4%	19.1%	61.4%	13.1%	36.0

Source: U.S. Census Bureau, Forest County Potawatomi Enrollment Department

**Figure 1-1:  
2000 Age Cohorts for Town of Lincoln**



Source: U.S. Census Bureau

#### 4. Education Levels

The educational attainment level of persons within a community is often an indicator of the overall income, job availability and well being of a community.

In 1990, 68.7% of the Town of Lincoln's population age 25 and over were high school graduates, compared to 64.1% in the County and 78.6% in the State. By 2000, the percentage of high school graduates had risen significantly to 80.5% in the Town, and rose in both the County at 78.5% and the State at 85.1%. See Table 5 for details.

The number of residents in Town who are 25 and older and have four or more years of college has increased in Town from 42 people in 1990 to 91 in 2000. Both the County and State percentages also rose from 1990 to 2000 as shown in Table 1-5.

**Table 1-5:  
Education Levels**

	Potawatomi		Forest County		State of Wisconsin	
	1990	2000	1990	2000	1990	2000
Less than 9 <sup>th</sup> Grade		12	846	428	294,862	186,125
9-12 Grade / No Diploma		75	1,166	1,011	367,210	332,292
High School Diploma		51	2,177	2,859	1,147,697	1,201,813
College / No Degree		43	658	1,403	515,310	715,664
Associate Degree		15	332	322	220,177	260,711
Bachelor Degree		15	303	478	375,603	530,268
Graduate/Professional Degree		3	126	193	173,367	249,005
Total Persons 25 & Over		214	5,608	6,694	3,094,226	3,475,878
Percent high school graduate or higher		59.3%	64.1%	78.5%	78.6%	85.1%
Percent with bachelors degree or higher		8.4%	7.6%	10%	17.7%	22.4%

Source: U.S. Census Bureau

## 5. Income Levels

In 1990, the median household income for the Town was 13.4% lower than the County, and about 50.7% lower than the state. On a per capita basis, the income of Lincoln's residents was 4.9% more than that of the County, and about 51.6% lower than the state in 1990.

Between 1990 and 2000, Town of Lincoln's median household income expanded 130%, which widened the gap with the County to 28.7% more than

the County. On a per capita basis, the Town of Lincoln's income grew 146.6%, and surpasses the state by 1.5%, see Table 1-6.

**Table 1-6:  
Income Levels**

	1990			2000		
	Town of Lincoln	Forest County	State of Wisconsin	Town of Lincoln	Forest County	State of Wisconsin
Median Household Income	\$19,531	\$16,907	\$29,442	\$44,917	\$32,023	\$43,791
Per Capita Income	\$8,760	\$8,339	\$13,276	\$21,602	\$16,451	\$21,271

Source: U.S. Census Bureau

## 6. Employment Characteristics

According to the Census, the civilian labor force (population 16 and over) living in the Town of Lincoln was approximately 425 workers in 2000. Of these, 37 were unemployed for an unemployment rate of 8.7%. The unemployment rate for the County was 7.7% in 2000. The primary occupations of Lincoln residents in the labor force are: *Management, professional & related*; and *Service*; both of which employed 91 people each. See Table 1-7.

**Table 1-7:  
Occupation of Employed Workers**

	Town of Lincoln		Forest County	
	1990	2000	1990	2000
Management, professional & related	45	91	603	831
Service	22	91	492	855
Sales & office	42	76	600	799
Farming Fishing & Forestry	17	17	274	179
Construction, extraction & maintenance	5	41	252	472
Production, transportation & material moving	39	72	973	908
Totals:	170	388	3,194	4,044

Source: U.S. Census Bureau

## **C. ISSUE IDENTIFICATION**

### 1. Review of Demographic Trends

Demographic change is a principle factor in predicting future community growth. Population characteristics relate directly to the community's housing, education, utility, recreation, and facility needs, as well as future economic development. Over time, fluctuations in local and regional economies can influence population change.

From Part A—Background Information—a number of issues and opportunities facing the Tribe can be identified:

- ✓ A shifting age structure affects a variety of services and needs within the community including transportation, housing, elderly care, and schools.
- ✓ Diversifying Economic Base
- ✓ Expanding Health Services
- ✓ Educational Attainment

### 2. Past Planning Efforts

The Tribe has completed several plans over the years. These are:

- Preliminary Draft of the Comprehensive Plan in 2007
- Integrated Resources Management Plan in 1997

### 3. Community Brainstorming Session

After reviewing the background data as presented above, the Plan Commission discussed various issues it felt were pertinent to add to the dialogue on the future development of the Town, as follows:

- ✓ Motorized Recreational Vehicle trails
- ✓ Tourism
- ✓ Economic diversification
- ✓ Lack of sewer/water service
- ✓ Wind turbines
- ✓ More silent sport trails are needed

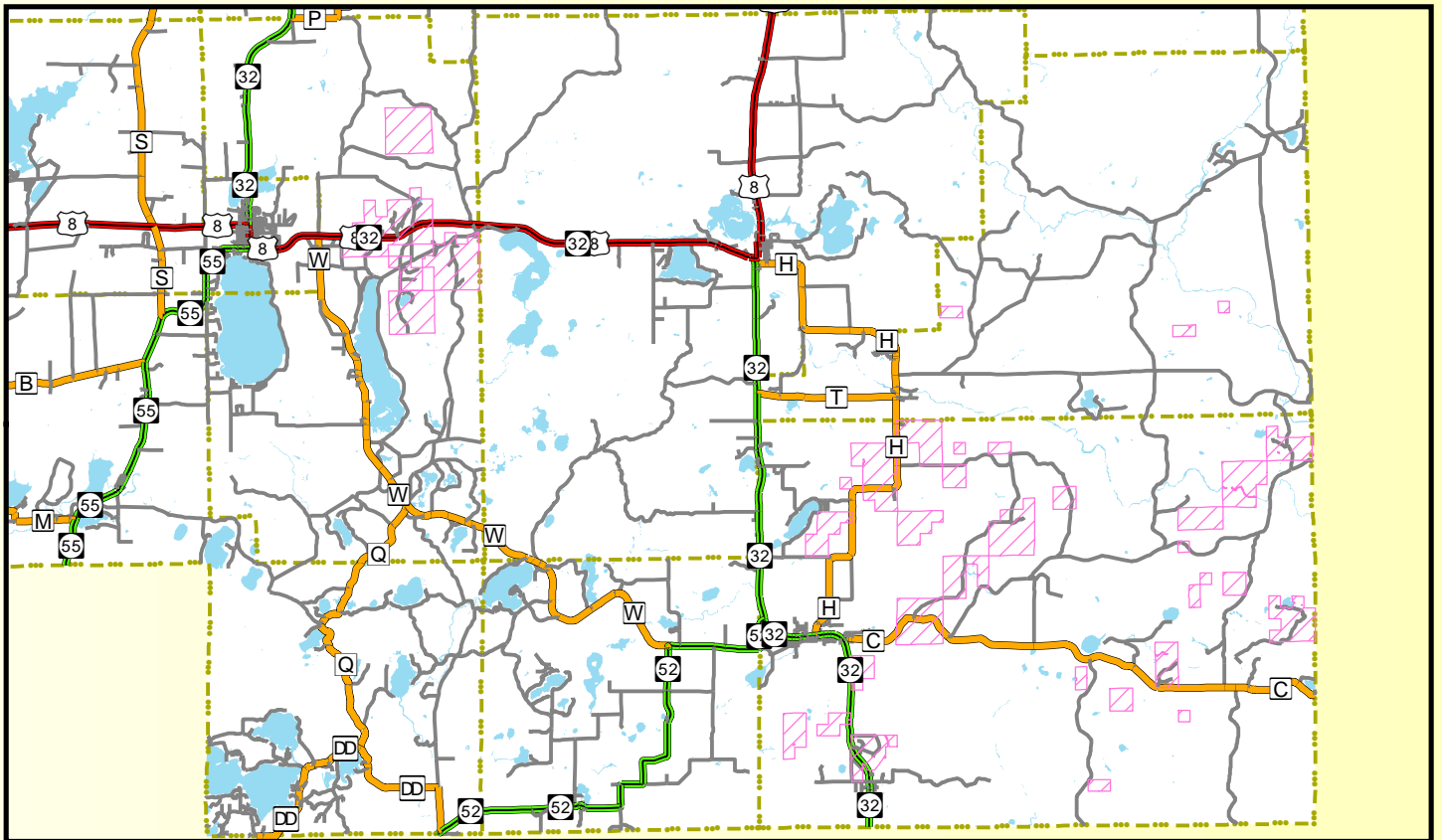
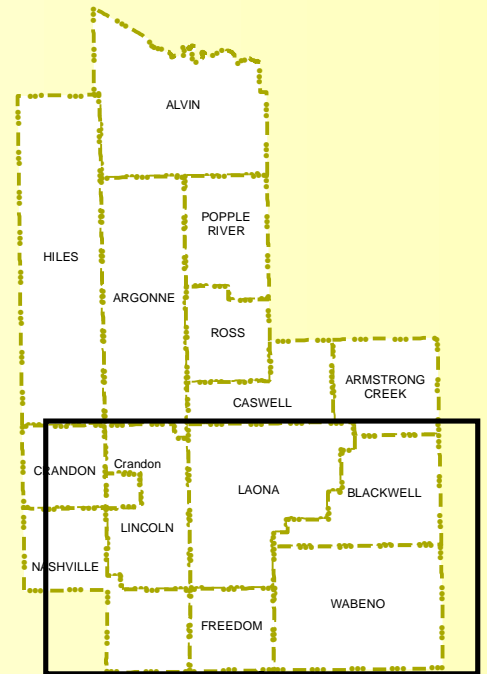
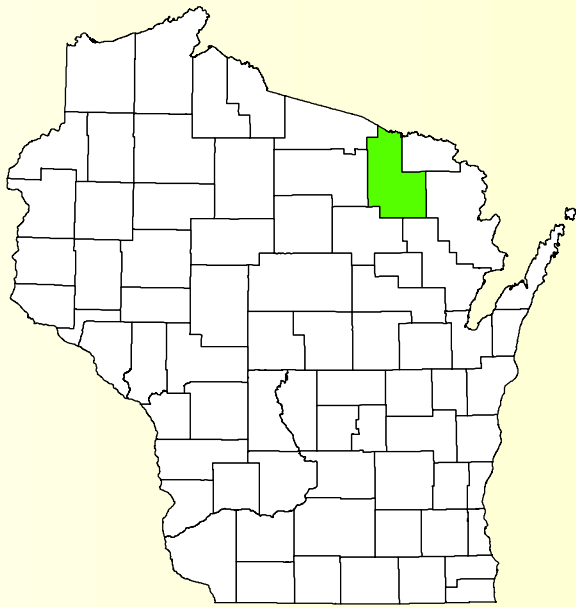
## D. GOALS, OBJECTIVES & POLICIES

Each of the following seven topical chapters of this Comprehensive Plan includes a set of goals, objectives and policies, which the Potawatomi will use to guide the future development and redevelopment over the next 20 years.

For purposes of this plan, goals, objectives, and policies are defined as follows:


- ✓ **Goals:** Broad statements that express general public priorities about how the Tribe should approach development issues during the next 20 years. These goals are based on key issues, opportunities and problems that affect the community.
- ✓ **Objectives:** More specific than goals and are usually attainable through planning and implementation activities. Accomplishment of an objective contributes to the fulfillment of a goal.
- ✓ **Policies:** Rules or courses of action used to ensure plan implementation and to accomplish the goals and objectives. Decision-makers use policies on a day-to-day basis.

In addition, each chapter includes a listing of possible programs that might implement in order to advance the goals and objectives of this plan. The listing does not imply that the Tribe will utilize every program shown, but only that these programs are available and may be one of many possible ways of achieving the planning goals.



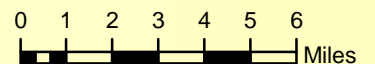
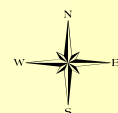
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 Tribal Ownership

Source: WI DNR, NCWRPC

This map is neither a legally recorded map nor a survey and is not intended to be used as one. This drawing is a compilation of records, information and data used for reference purposes only. NCWRPC is not responsible for any inaccuracies herein contained.



## **CHAPTER 2 NATURAL, AGRICULTURAL AND CULTURAL RESOURCES**

### **A. BACKGROUND**

This chapter, the second of nine chapters of the Potawatomi Comprehensive Plan, for a compilation of objectives, policies, goals, maps and programs for the conservation, and promotion of the effective management, of natural resources such as groundwater, forests, productive agricultural areas, environmentally sensitive areas, threatened and endangered species, stream corridors, surface water, floodplains, wetlands, wildlife habitat, metallic and nonmetallic mineral resources, parks, open spaces, historical and cultural resources, community design, recreational resources and other natural resources.

Since the tribal lands are scattered throughout the Town of Lincoln, we use the town level information for this chapter. Where we have more detailed information we display tribal data.

All planning efforts need to examine relevant previous plans about the community and the surrounding county. Those plans are discussed below:

1. Forest County Potawatomi Integrated Resources Management Plan 1997

This plan provides a summary assessment of the Potawatomi Tribe's lands and natural resources and those developments that impact the lands. The report profiles the reservation setting, the four management areas, and major resources of value.

2. Forest County Land and Water Resource Management Plan 2006-2011

This Plan provides a framework for local/state/federal conservation program implementation efforts. Implementation of this plan will help protect and improve the valuable water and soil natural resources in Forest County. Some of the plan's recommendations include replacing failing septic systems, reducing pollutants entering the waterways, and protecting and managing the area forests. A copy is available in the Forest County Land Conservation Department.

3. Forest County Outdoor Recreation Plan 2007-2011

The primary purpose of this recreation plan is to provide continued direction in meeting the current and future recreation needs of the County. This direction takes the form of an inventory and analysis of outdoor recreational facilities followed by establishing recommendations to meet identified needs. Adoption of this plan and its subsequent acceptance by the Wisconsin Department of

Natural Resources (WisDNR) allows for continued eligibility for financial assistance from the Land and Water Conservation Fund (LAWCON), the Stewardship Fund, and many other federal and state funding programs. Some of the recommendations of this plan include: continued expansion of non-motorized and multiple purpose trails, refurbishing the Otter Springs springhouse, and relocation consideration of the county fairgrounds. A copy is available in the Forest County Forestry Department.

#### 4. County Forest Use Plan

The mission of the County Forest is to manage, conserve and protect the natural resources within the county forest on a sustainable basis for present and future generations. The Plan contains information about forest resource planning, outdoor recreation planning, silvicultural practices, aesthetic management zones, trails and access control, biological communities, and wildlife species that exist within the county forest. A copy is available in the Forest County Forestry Department.

### **B. INVENTORY**

#### **LIFE SUSTAINING RESOURCES:**

##### 1. Surface Water

Surface water resources support the area's economy by drawing tourists, and providing a good quality of life for residents. Tribal lands are part of several watersheds. Forest County Potawatomi lands are part of the: Upper Peshtigo River, Upper Wolf and Post Lake, Lower North Branch Oconto River and Otter Creek and Rat River watersheds. Both of these watersheds drain into Lake Michigan.

Forest County Potawatomi Tribal Lands are scattered throughout the Towns of Blackwell, Lincoln and Wabeno. Because of these we will examine those towns for outstanding and exceptional Resource Waters, Impaired Waters and Invasive Aquatic Species.

#### Outstanding and Exceptional Resource Waters

Outstanding Resource Waters (ORWs) and Exceptional Resource Waters (ERWs) share many of the same environmental and ecological characteristics. The primary difference between the two is that ORWs typically do not have any direct point sources discharging pollutants directly to the water. In addition, any pollutant load discharged to an ORW must meet background water quality at all times. Exceptions are made for certain types of discharge situations to ERWs to allow pollutant loads that are greater than background water quality when human health would otherwise be compromised.



Several water bodies in the Town of Lincoln are listed as ORWs—Otter Creek (T36N R13E Sec 14), Lake Metonga, Lake Lucerne, and Swamp Creek (which drains Lucerne Lake). One water body is listed as an ERW—Rocky Siding Creek (T35N R13E Sec 6).

In the Town of Blackwell one area water body is listed as an ORW—Peshtigo River. Also four area water body are listed as ERWs—Armstrong Creek (from the Town of Armstrong Creek to Peshtigo River), all of Rock Creek (T36N R16E Section 29), Stony Creek (T35N R15E Section 10), and Spencer Creek (T35N R15E Section 20).

In the Town of Wabeno one area water body is listed as an ORW—Peshtigo River (T35N R16E Sec 2 area). Four water bodies are listed as ERWs—Spencer Creek (T35N R15E Sec 20 area), Knowles Creek (T34N R16E Sec 35 area), Indian Creek (T34N R15E Sec 13 area), and the North Branch Oconto River.

### Impaired Waters

Section 303(d) of the federal Clean Water Act requires states to develop a list of impaired waters, commonly referred to as the "303(d) list." A water body is considered impaired if a) the current water quality does not meet the numeric or narrative criteria in a water quality standard or b) the designated goals described in Wisconsin Administrative Code are not being achieved. Every two years, states are required to submit a list of impaired waters to EPA for approval.

No water bodies in the Town of Lincoln, Wabeno and Blackwell are listed as Section 303(d) for not meeting the standards set under the U.S. Clean Water Act. However, mercury levels have been cited as a concern in some of the water bodies.

### Invasive Aquatic Species

Surface water resources in Forest County are threatened by the introduction of invasive aquatic species. These species out compete native species and degrade habitats possibly by decreasing biodiversity from having less plant and animal species. Lake Metonga has infestations of eurasian water-milfoil (*Myriophyllum spicatum*), zebra mussel (*Dreissena polymorpha*), and rusty crayfish (*Orconectes rusticus*). Lake Lucerne has minor infestations of purple loosestrife and also contains rainbow smelt. Bear Lake (T35N R16E Sec 17) has a boat launch in town, and the lake has rusty crayfish (*Orconectes rusticus*). Trump Lake (T35N R15E Sec 31) has a boat launch in town, and the lake has rusty crayfish (*Orconectes rusticus*). Contact the County Land Conservation Department for public outreach education strategies.

## 2. Wetlands

Wetlands perform many indispensable roles in the proper function of the hydrologic cycle and local ecological systems. In terms of hazard mitigation, they act as water storage devices in times of high water. Like sponges, wetlands are able to absorb excess water and release it back into the watershed slowly, preventing flooding and minimizing flood damage. As more impermeable surfaces are developed, this excess capacity for water runoff storage becomes increasingly important.

Wetland plants and soils have the capacity to store and filter pollutants ranging from pesticides to animal wastes. Calm wetland waters, with their flat surface and flow characteristics, allow particles of toxins and nutrients to settle out of the water column. Plants take up certain nutrients from the water. Other substances can be stored or transformed to a less toxic state within wetlands. As a result, the lakes, rivers and streams are cleaner.

Wetlands that filter or store sediments or nutrients for extended periods may undergo fundamental changes. Sediments will eventually fill in wetlands and nutrients will eventually modify the vegetation. Such changes may result in the loss of this function over time. Eradication of wetlands can occur through the use of fill material. This can destroy the hydrological function of the site and open the area to improper development. The WDNR has promulgated minimum standards for managing wetlands.

## 3. Floodplains

A floodplain is generally defined as land where there is a one percent chance of flooding in any year. The primary value of floodplains is their role in natural flood control. Flood plains represent areas where excess water can be accommodated whether through drainage by streams or through storage by wetlands and other natural detention/retention areas. Specific areas that will be inundated will depend upon the amount of water, the distance and speed that water travels, and the topography of the area. If uninterrupted by development, the areas shown on a map as floodplains should be able to handle the severest (regional) flood, i.e. those that have a probability of occurring once every one hundred years. See the Natural Resources Map.

## 4. Groundwater & Geology

Groundwater is water that occupies void spaces between soil particles or cracks in the rock below the land surface. It originates as precipitation that infiltrated into the ground. The type of soil and bedrock that a well is drilled into often determines water's pH, saturation index, and the amount of hardness or alkalinity in water. The type of soil and bedrock in a region also determines how quickly contaminants can reach groundwater.

The majority of the Town lies within a glacial drift aquifer, which is the major source of ground water in most of the county. Large yields of ground water are available where the thickness of the saturated drift is at least 50 feet. Precambrian crystalline rock underlying the county is not considered a significant source of water. The availability of water from the bedrock is difficult to predict and is probably less than 5 gallons per minute. The glacial drift aquifer above the bedrock is the best source of ground water.

Susceptibility of groundwater to pollutants is defined here as the ease with which a contaminant can be transported from the land surface to the top of the groundwater called the water table. Many materials that overlie the groundwater offer good protection from contaminants that might be transported by infiltrating waters. The amount of protection offered by the overlying material varies, however, depending on the materials. Thus, in some areas, the overlying soil and bedrock materials allow contaminants to reach the groundwater more easily than in other areas of the state. Groundwater contamination susceptibility in Forest County is "most susceptible" based upon soil characteristics, surficial deposits, depth to water table, depth to bedrock, and type of bedrock.

Many land use activities have the potential to impact the quality of groundwater. A landfill may leach contaminants into the ground that end up contaminating groundwater. Gasoline may leak from an underground storage tank into groundwater. Fertilizers and pesticides can seep into the ground from application on farm fields, golf courses, or lawns. Leaking fluids from cars in junkyards, intentional dumping or accidental spills of paint, used motor oil, or other chemicals on the ground can result in contaminated groundwater.

Groundwater quality in Forest County is generally good. The aquifer water is principally a calcium magnesium bicarbonate type that is moderately hard or hard. A high content of iron is a problem in many wells, but it is not a health hazard. However, a 1995 survey by the U.S. Geological Survey found wells in the Stone Lake area tested significantly higher in radon than EPA standards. Well yields within Forest County vary greatly from a few gallons to 1,000 gallons per minute.

## 5. Air Resources

In 2008, The U.S. Environmental Protection Agency (EPA) granted the Forest County Potawatomi Community a Class 1 air re-designation. Class 1 air re-designation within the tribal lands will enhance the sustainability of air and water quality.

## **EXTRACTIVE PRODUCTIVE RESOURCES:**

### 1. Forests

Forests play a key role in the protection of environmentally sensitive areas like steep slopes, shorelands, wetlands, and flood plains. Expansive forests provide recreational opportunities, aesthetic benefits, and economic development.

The pre-settlement composition of forestland in the area was a mixed conifer and deciduous tree species that included white pine, red pine, yellow birch, sugar maple, hemlock, and beech.

All forests are dynamic, always changing from one stage to another, influenced by natural forces and humans. Changes can be subtle and occur over long periods, or can happen in seconds from a timber harvest, windstorm, or fire.

### 2. Metallic & Non-Metallic Mineral Resources

The Wisconsin Department of Natural Resources estimates that there are five metallic mineral deposits that could have the potential to be developed, including one in Forest County. That is the Crandon deposit, which is now owned jointly by the Potawatomi and Mole Lake Tribes. There are no plans to mine this site.

There are a number of non-metallic operations in the area, including quarries throughout the towns where Forest County Potawatomi Land is located, as well as a few closed or inactive sites.

### 3. Soils & Productive Agricultural Areas

According to the *Wisconsin Land Use Databook*, the Town of Lincoln between 1991-1993 was 6.2 percent agricultural, 74.5 percent forested, and 19.0 percent wetlands. The town's total land area is 58.1 square miles. Of the total land area, no land was used for row crops, 2.8 percent was used for foraging, and 3.5 percent was grassland. Several smaller hobby farms exist in the Town that are not listed due to economic criteria. The Town of Blackwell between 1991-1993 was 1.9 percent agricultural, 80.4 percent forested, and 17.6 percent wetlands. The town's total land area is 66 square miles. Of the total land area, no land was used for row crops, 0.3 percent was used for foraging, and 1.6 percent was grassland. The Town of Wabeno between 1991-1993 was 3.2 percent agricultural, 80.9 percent forested, and 15.6 percent wetlands. The town's total land area is 107.3 square miles. Of the total land area, no land was used for row crops, 1.2 percent was used for foraging, and 2.0 percent was grassland.

In terms of farming trends, the town of Lincoln has lost 20.1 percent of farmland acreage on tax rolls between 1990 and 1997. According to the *Wisconsin Land Use Databook* there were 5 farms, 1 of which was a dairy farm in 1997. Prime farmland produces the highest yields with minimal inputs and results in the least damage to the environment. The town of Blackwell has lost 3.8 percent of farmland acreage on tax rolls between 1990 and 1997 and there was 1 farm, none of which were dairy farms in 1997. The town of Wabeno has lost 0.3 percent of farmland acreage on tax rolls between 1990 and 1997. According to the *Wisconsin Land Use Databook* there were 9 farms, 1 of which were dairy farms in 1997. Prime farmland produces the highest yields with minimal inputs and results in the least damage to the environment, see Natural Resources Map.

#### 4. Environmentally Sensitive Areas

Environmentally sensitive areas are typically defined by the local jurisdiction and often include many of the areas referred to in this section such as special groundwater protection areas, threatened or endangered species habitat, floodplains, wetlands and other unique or special resources where encroachment or development could have negative consequences. The Town of Lincoln has not established a specific guideline for defining environmentally sensitive areas, however, some potentially sensitive areas are discussed below.

Steep slopes have a slope of 12 percent or greater, and are considered unsuitable for all types of urban development as well as for most types of agricultural uses. Steep slopes were identified from a digital USGS 30-meter digital elevation model (DEM).

One type of area which might fall under the environmentally sensitive designation is contaminated or potentially contaminated sites in part because they may need special care or monitoring to prevent further environmental degradation or hazard to human life. The WDNR Internet database known as the Bureau of Remediation and Redevelopment Tracking System (BRRTS).

The following site was listed as “open,” which means that remediation is ongoing:

- LUST Site: Schroeder Bldg. Const., 1695 3<sup>rd</sup> St (Wabeno)

The following sites were listed as “closed”:

- ERP Site: Huettl, Gerald Property, 2319 CTH H (Wabeno)
- LUST Site: Town Recycling Center (formerly: Forest Co. Hwy Dept), Soper Ave (Wabeno)
- LUST Site: Adams Garage, 1513 STH 32 S (Wabeno)
- LUST Site: Georges Self Services, 4497 N Branch St. (Wabeno)
- LUST Site: Schrader Oil Co., 4466 Branch St. (Wabeno)

- LUST Site: Dales Mobile Service, 4360 N Branch St. (Wabeno)
- LUST Site: Pionetek Bros. Trucking, Hwy 32 N(Wabeno)
- LUST Site: Geiter Const., 1774 Ogden Ave. (Wabeno)
- LUST Site: Forest Rds 2134 & 2136, Forest Rds 2134 & 2136 (Wabeno)
- Spill Site: Wabeno Ready Mix, Hwy 52 3/4 mi E of CTH W (Wabeno)
- Spill Site: Hogan Enterprises, Inc., 1449 Hwy 32 S (Wabeno)
- ERP Site: Blackwell Job Corp., CTH H – 5.5 Mi SE of Laona (Blackwell)
- LUST Site: 5376 CTH W Lincoln Town Hall (Lincoln)

All these sites were remediated to DNR standards, and are ready for use.

**ERP (Environmental Repair)** sites are sites other than LUSTs that have contaminated soil and/or groundwater.

**LUST(Leaking Underground Storage Tank)** site has contaminated soil and/or groundwater with petroleum, which includes toxic and cancer causing substances.

**Spills** are a discharge of a hazardous substance that may adversely impact, or threaten to impact public health, welfare or the environment.

## 5. Rare Species & Natural Communities

The Town of Lincoln has 24 sections, Blackwell has 10 sections and Wabeno has 55 sections with occurrences of endangered resources (rare, threatened, or endangered species of plants & animals, and high-quality natural communities) as identified in the Wisconsin Natural Heritage Inventory.

Wisconsin's biodiversity goals are to identify, protect and manage native plants, animals, and natural communities from the very common to critically endangered for present and future generations. Knowledge, appreciation, and stewardship of Wisconsin's native species and ecosystems are critical to their survival and greater benefit to society.

### C. Historical & Cultural Resources

#### 1. The Creation Story

In the beginning there was nothing but water everywhere. No land could be seen. On the waves there floated a canoe, and a man sat in it and wept for he had no idea what his fate would be. At length a muskrat clambered up on the canoe and said, “Hau, grandfather! What are you crying for?”

“Oh!” answered the man, “I have been here a long time, and I cannot find any land.”

“But there is earth under all this water,” replied the muskrat.

“Can you get me some?” asked the man.

“Yes,” replied the animal, and he dove down and came up again with both paws full of mud. He dived again and brought up a ball of earth in his mouth.

“Are you all alone?” asked the man.

“No,” answered the muskrat, and he called up to the canoe several aquatic animal chiefs. The first to come was a white muskrat.

“I hear that you want to see us;” he said to the man.

“Yes, I want you to bring me some earth so I can make the world, and I will also create on it a good place for you to stay.”

“Hau,” replied the animals, “We will start at once.”

So they all began to dive, and the beaver came and helped them also. They saw their grandfather kneading the mud that they brought to him and molding it into a long column that reached from the surface to the bottom of the water. It projected above the waves, and he kept adding to it. They kept on day after day, until it was finally solid. At last there was considerable space there. It was big enough to walk on. Then the man planted a great tree there. He still added to his island.

As the man worked on the north end of the island, he noticed in traveling back and forth that the ground grew dry and dusty. He asked his animal helpers how they liked what he had made, and they told him it was a good place to sun themselves. He told them to persevere in bringing him earth, and he would make it still better. Thus he kept on, until the world was completed. Then he told his animal friends that it would be covered with green grass and trees. He took a stick and marked out where he wanted the rivers to run, and then he had the muskrats dig out the channels.

At last the man built a wigwam. When he had it ready the muskrats were close by in a lake, so he went over and planted rushes along the shore for their benefit. Then he got into his canoe and paddled out into the ocean, and called on the muskrats to help him again while he built another world. He built it up until it met the first one.

“Now,” he said, “I have it the way that I want it.”

One day he walked up to the north end of this island and found some people there. He approached them and inquired of them where they came from and when. They were Potawatomi, and they asked in their turn who he was.

“I am Wi’saka,” he replied.

“Well, we have heard of you; you must have come from above, as we did.”

“No,” answered Wi’saka, “I have always been here, and I made this earth and all that you can see on it.”

“Well,” said one, “This must be the Great Spirit.”

“Yes,” answered Wi’saka, “That is who I am. Who can do any more than I have?”

“But, if you are the Great Spirit, why didn’t you put us here?”

“You came too soon, there were others to precede you,” he said to them, and they believed, and asked him what he ate. Wi’saka told them that he lived upon muskrats and he ordered the muskrats to dive into the lake and fetch him yakepin roots. When he had plenty he told them to stop, and then he gave the roots to the Indians. They camped beside his lodge and he lent them his cooking utensils. He showed them how to make clay kettles and how to cook their food.

Wi’saka likewise showed the people the forest he had made, and in the woods he showed them how to peel bark and make household utensils. He showed them how to make string to tie their lodge poles together. He instructed them how to gather and prepare reeds to weave mats, and how to make rush-mat wigwams. The next day he told them that there would be animals in the world, and at his command deer, buffalo, and other game appeared.

## 2. The Nishnabek or “Original People”

Life was full and rich for the people, the Nishnabek. The Nishnabek developed their natural heritage of wisdom and power through dreams and the way of the circle. They followed the path of the Great Spirit, walking in balance, in harmony with all beings. They communicated with the animals and fish that provided them with food. They respected the magic and mystery of the Forest, underground, water and sky spirits. Using the knowledge granted to them they traveled great distances with ease through the great forests, lakes and rivers.

## 3. The Three Brothers

At this time there came to be three groups among the *Nishnabek* (original people). Like the animals, each group had a special talent and task. One group, called the *O-dah-wahg*, were responsible for providing the people with their food and supplies. They traveled great distances by birchbark canoes.



They were the hunters and traders. A second, called the *O-day'wah-to-mee*, were the keepers of the Sacred Fire as the people moved along. The third group was the faith keepers of the nations, called the *Ojib-way*.

Today, the O-day-wahg' are called the Ottawa. The O-day-wah-to-mee are called the Potawatomi, and the O-jib-way are called the Ojibwe or Chippewa. These are the nations of the Three Fires, powerful and united by a common purpose – following the Sacred Megis to an unknown destination. They followed the *sissagwad*, the soft whisper of spirit, not knowing where it would lead them.

A story that was documented by Peter Sahpenais and Simon Kahquados, both Potawatomi dated March 30, 1919, tells the origin of the nation of the Three Fires that was said to have united over 300 years ago in Detroit, Michigan. One war after another was killing nearly every family from the Ojibwe, Ottawa and Potawatomi /tribes by the Sioux and other Native American tribes. There was an old Ojibwe man that was weeping and crying as he walked throughout the land. He came upon a very large tree and decided to sit for a moment by the roots. In the distance, he heard a weeping noise and noticed another man, an Ottawa Indian. He came up to the elder Ojibwe man and told him he had lost all of his family, killed by another tribe of Indians. Shortly after he arrived, the third man came upon them, this time a Potawatomi, which was said to be the youngest out of the three. He, too, was crying and weeping about his family being killed. They formed together as the three brothers, which is called the “United Nation.” They worked together stopping the wars between the Native Americans and the white man. In this story, Sahpenais and Kahquados state their father knew of the great story and shared this story with them and other Native Americans that he came in contact with.

This alliance is also referred to as the Confederacy of Three Fires or Three Brothers.

#### 4. The Prophecy of the 7 Fires

*See current Tribal Plan.*

#### 5. Bodéwadmik – Keepers of the Fire

The Potawatomi or “Keepers of the Fire” are related to the Ojibwe and Ottawa, but speak a distinct dialect of the Algonquian language. The Potawatomi, Ojibwe, and Ottawa nations make up the Three Fires alliance. Fleeing the complex intertribal strife unleashed by European pressures on the Atlantic Coast, particularly the warriors of the Iroquois or Five Nations Confederacy, the Potawatomi began leaving their territory in lower Michigan after 1640. From the eastern shore of Lake Michigan, they moved to the Door County peninsula of Wisconsin around 1665. Developing favorable trading partnerships with the

French, by 1820 the Potawatomi extended their influence into a large area around the southern shore of Lake Michigan including Milwaukee and Chicago and along Lake Michigan's eastern shoreline, but many forced treaty signings and removals dispersed their numbers. The Forest County Potawatomi, residing in northeastern Wisconsin are descendants, in part, of people who resisted removal to Iowa Territory.

### 1630

When the French first explored the western Great Lakes in the 1630s , they had already been dealing for some years with the Ottawa, those famed long-distance traders whose homeland lay along the shores of Lake Huron. But as they traveled the region, the French came upon other Indian societies previously unknown to them. These included the many small bands of hunters and fishermen, later collectively known as the Chippewa, who lived on both sides of the Sault Ste. Marie rapids in the upper peninsula, and four tribes in the lower peninsula, the Sauk, Fox, Kickapoo, and Mascouten.

Also living in the lower peninsula, on lands that stretched along the eastern shore of Lake Michigan, from about Ludington to the St. Joseph River, was an Indian society which Jean Nicolet, the first French visitor to the western Great Lakes, learned to call Potawatomi.

### 1894

Rev. Erick O. Morstad of the Evangelical Lutheran church mission, and for many years missionary to the Wisconsin Potawatomi writes that he and family: "Moved with the band led by Chief Charles Kisheck (spring of 1894) from the vicinity of Wittenberg, to take up homesteads under the special Indian Homestead Act of July 4, 1884 allowing Indians to make entries and after five years residence prove up free of cost when patent in trust would be issued to them free of taxes for twenty-five years. A few Potawatomi families moved with them. They settled on scattered forties, mostly in Forest County, but also along Peshtigo River in Marinette County and some few in Oconto County. Chief Kisheck settled on two forties on the Peshtigo river, in Marinette County. In a short time there were about thirty such homesteads taken by members of the tribe. They had before been living at different places in this timbered north land, without title to the land though they had log huts in villages, made clearings, raised hay for their ponies, and raised Indian corn, beans and potatoes. Every spring even to this day they tap maple trees and make a good supply of maple sugar. They are the most industrious Indians I have ever known. Charles Kisheck died February 5, 1914. He was an interesting man. He was born at Manitowoc about 1840. The band want an industrial school of their own."

## 6. The Treaties

*See current Tribal Plan.*

## 7. The Removal

### The Indian Removal Bill 1830

In 1830 the Congress of the United States passed the "Indian Removal Act." Although many Americans were against the act, most notably Tennessee Congressman Davy Crockett, it passed anyway. Andrew Jackson was president for two terms, from 1829 until 1837. On May 28, 1830 he quickly signed the Indian Removal Bill into law and militarily enforced fraudulent treaties resulting in the agonizing deaths of tens of thousands of Native American men, women, children and elderly.

Although the most infamous removal is of the Cherokee, the Potawatomi also experienced a similar devastation. The Trails of Tears set the stage in 1838 of what happened next to the Potawatomi on the Trail of Death.

### The Trail of Tears – May 17, 1838

In 1830 the Congress of the United States passed the "Indian Removal Act." Although many Americans were against the act, most notably Tennessee Congressman Davy Crockett, it passed anyway. President Jackson quickly signed the bill into law. The Cherokees attempted to fight removal legally by challenging the removal laws in the Supreme Court and by establishing an independent Cherokee Nation. At first the court seemed to rule against the Indians. In *Cherokee Nation v. Georgia*, the Court refused to hear a case extending Georgia's laws on the Cherokee because they did not represent a sovereign nation. In 1832, the U.S. Supreme Court ruled in favor of the Cherokee on the same issue in *Worcester v. Georgia*. In this case Chief Justice John Marshall ruled that the Cherokee Nation was sovereign, making the removal laws invalid. The Cherokee would have to agree to removal in a treaty. The treaty then would have to be ratified by the Senate.

By 1835 the Cherokee were divided and despondent. Most supported Principal Chief John Ross, who fought the encroachment of whites starting with the 1832 land lottery. However, a minority (less than 500 out of 17,000 Cherokee in North Georgia) followed Major Ridge, his son John, and Elias Boudinot, who advocated removal. The Treaty of New Echota, signed by Ridge and members of the Treaty Party in 1835, gave Jackson the legal document he needed to remove the First Americans. Ratification of the treaty by the United States Senate sealed the fate of the Cherokee. Among the few who spoke out against the ratification were Daniel Webster and Henry Clay, but it passed by a single

vote. In 1838 the United States began the removal to Oklahoma, fulfilling a promise the government made to Georgia in 1802. Ordered to move on the Cherokee, General John Wool resigned his command in protest, delaying the action. His replacement, General Winfield Scott, arrived at New Echota on May 17, 1838 with 7000 men. Early that summer General Scott and the United States Army began the invasion of the Cherokee Nation.

### The 'Trail of Death' September 4, 1838

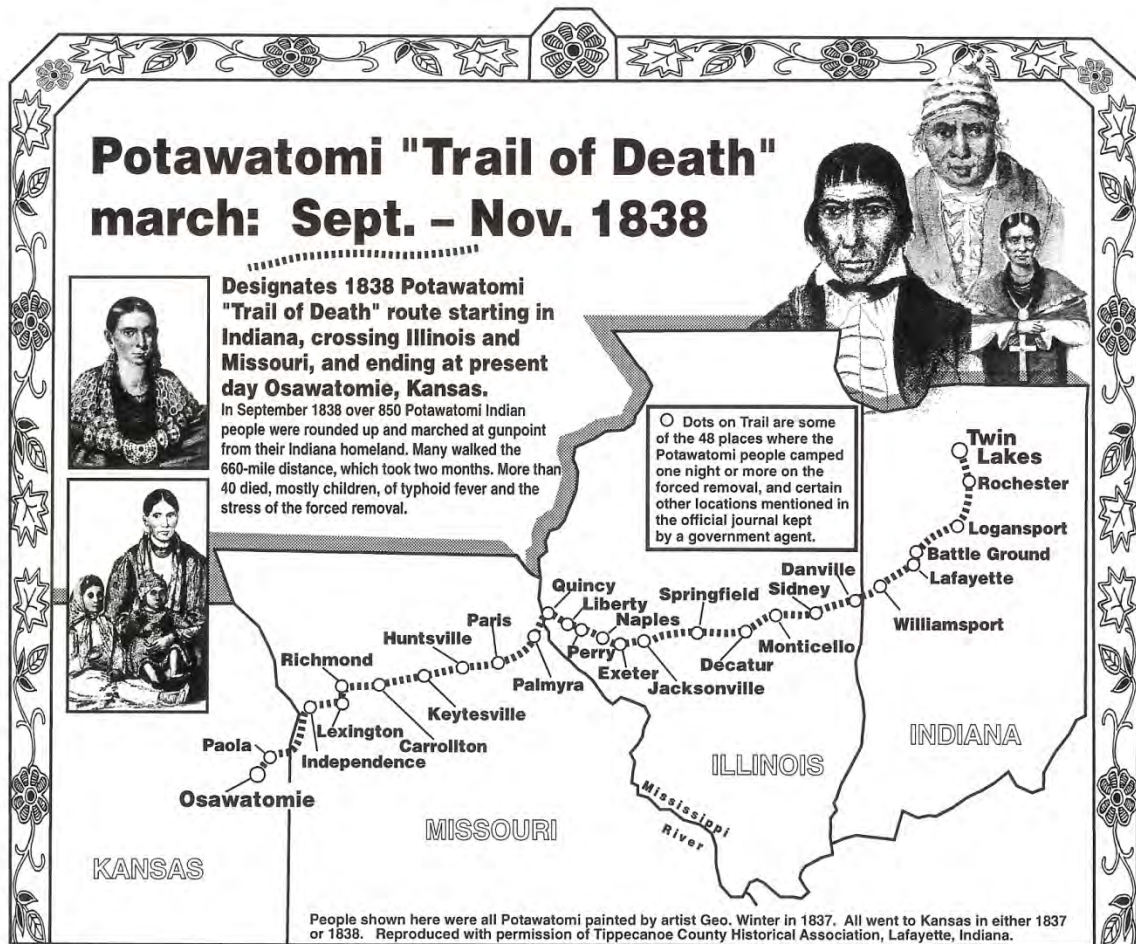
Chief Menominee refused to sign the treaty in 1836 which would sell his land for \$1 an acre and require him and his band to move west in two years. He lived at Twin Lakes in north central Indiana. He did not sign the treaty but was forced to go anyway. Hundreds of Potawatomi who did not want to leave Indiana moved to his village, which grew from 4 wigwams in 1821 to 100 wigwams and cabins in 1838.

But the Governor of Indiana, David Wallace (grandfather of Lew Wallace), sent General John Tipton with 100 volunteer militia to round up all the Potawatomi they could find in three days and march them to Western Territory, now called Kansas. They marched by gun point, single file down Rochester's Main Street, September 5, 1838. That night the first death, a baby, occurred at their camp at Mud Creek. Father Petit obtained permission to accompany them and caught up with the emigration as they crossed into Illinois at Danville, Illinois. They had their last Mass in Indiana, with Bishop Brute and Father Benjamin Petit. Petit had been their missionary priest for the past couple of years and was greatly loved. They went through Springfield, and ferry crossed the Mississippi River at Quincy, IL. They crossed Missouri and ferried across the Missouri River at Lexington.

George Winter, the frontier artist, sketched the Potawatomi and later made oil paintings. As they marched across Indiana, more Potawatomi died, mostly children and the elderly. He baptized and performed funeral rites and helped with the sick. There was a terrible drought that fall, and what little water they found was stagnant so they got fever, probably typhoid.

By the time they reached the end of the trek, 42 of the 859 Potawatomi had died. Father Petit died on the way back to Indiana, accompanied by his good friend, a full blood Potawatomi named Abram Burnett. In 1850, Father Edward Sorin went to St. Louis and brought Petit's remains to Notre Dame University at South Bend, Indiana.

Today Petit's remains rest under the Log Cabin Chapel at Notre Dame. Because of Father Petit's letters, John Tipton's letters, William Polke's diary, and the George Winter picture's, all published in separate books by the Indiana Historical Society, the Potawatomi Trail of Death is very well documented. (Indian Country News July 23, 2007)

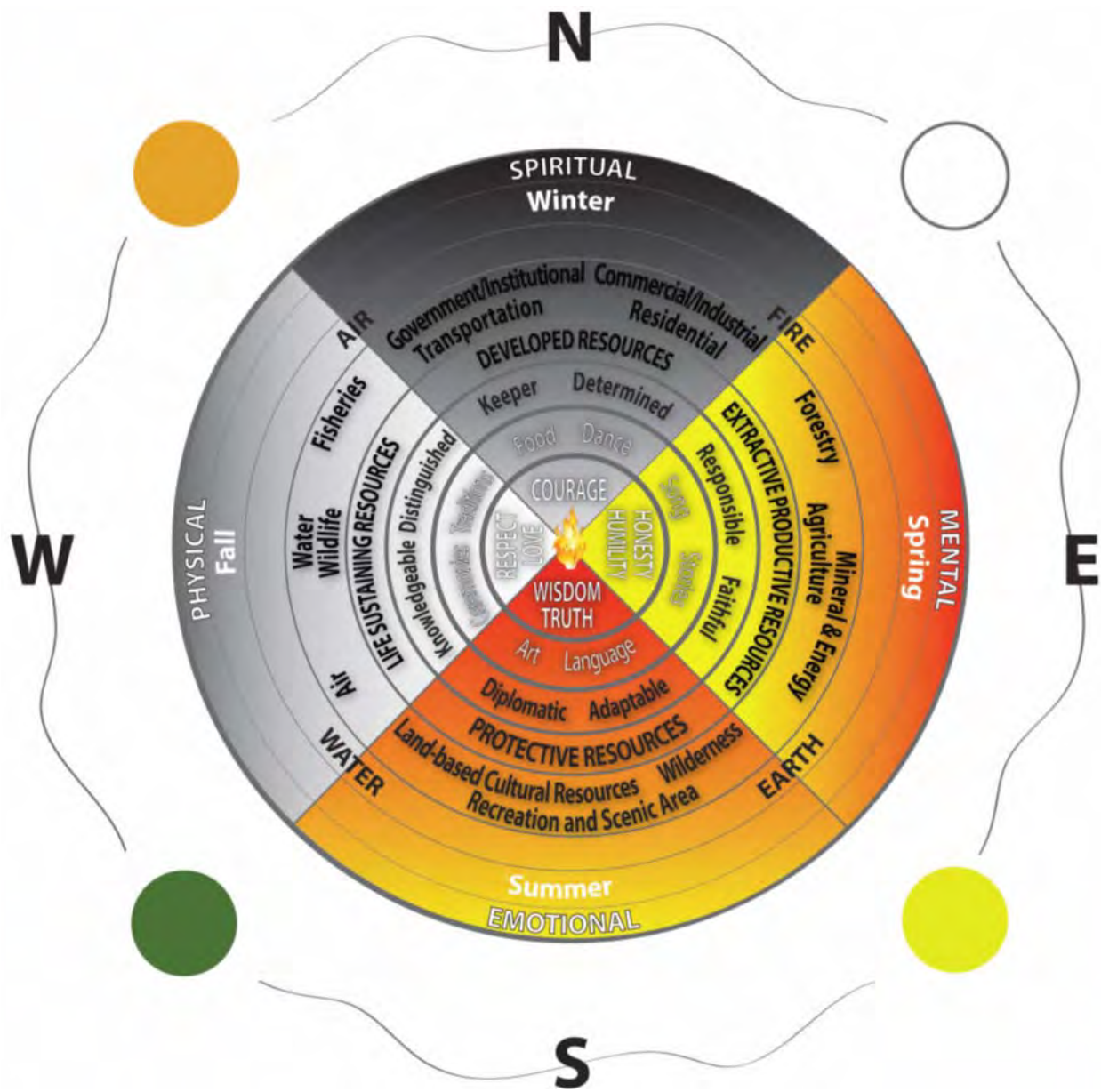


Map by T. Hamilton, Fulton County Historical Society, Rochester, Indiana, 2004.

8. Ksenyaniyek - Forest County Band of Potawatomi

9. Indigenous World View and the Circle of Life

Additional thought directs management to be holistic and integrated, respectful of all creation. An understanding of the universal order and recognition of man's dependence on all other life forms, rather than his dominance, assures holistic management. Traditional thought also demands long-term vision, protecting the well-being, not just of the next generation or two, but of the 'Seventh Generation,' thus extending responsibility for the impact of management decisions far into the future."





## **D. NATURAL, AGRICULTURAL & CULTURAL RESOURCES PROGRAMS**

Natural, agricultural, and cultural resource programs available to the town are identified below. The following list is not all-inclusive. For specific program information, the agency or group that offers the program should be contacted.

Aquatic Habitat Protection Program: The WDNR provides basic aquatic habitat protection services. Staff members include Water Management (Regulation) Specialists, Zoning Specialists, Rivers (Federal Energy Regulatory Commission-FERC) Specialists, Lakes Specialists, Water Management Engineers, and their assistants (LTEs). The program assists with water regulation permits, zoning assistance, coordination of rivers, lake management, and engineering.

County Conservation Aids: Funds are available to carry out programs for fish or wildlife management projects as per §23.09 (12), Wis. Stats. and NR 50, Wis. Adm. Code. Projects related to providing improved fish or wildlife habitat or projects related to hunter/angler facilities are eligible. Projects that enhance fish and wildlife habitat or fishing and hunting facilities have priority. Contact the WDNR for further information.

Drinking Water and Groundwater Program: This WDNR program is responsible for assuring safe, high quality drinking water and for protecting groundwater. This is achieved by enforcing minimum well construction and pump installation requirements, conducting surveys and inspections of water systems, the investigation and sampling of drinking water quality problems, and requiring drinking water quality monitoring and reporting. A team of specialists, engineers, hydrogeologists, and a program expert and program assistants staff the program. WDNR staff provide assistance to public and private well owners to help solve water quality complaints and water system problems. They also provide interested citizens with informational or educational materials about drinking water supplies and groundwater.

Wisconsin Fund is a program by the Wisconsin Department of Commerce, Safety and Buildings Division. Grants are provided to homeowners and small commercial businesses to help offset a portion of the cost for the repair, rehabilitation, or replacement of existing failing Private Onsite Wastewater Treatment Systems (POWTS). Eligibility is based upon several criteria, including household income and age of the structure.

Endangered Resources Program: The WDNR's Endangered Resources staff provides expertise and advice on endangered resources. They manage the Natural Heritage Inventory Program (NHI), which is used to determine the existence and location of native plant and animal communities and Endangered or Threatened Species of Special Concern. The NHI helps identify and prioritize areas suitable for State Natural Area (SNA) designation, provides information needed for feasibility studies and master plans, and maintains the

list of endangered and threatened species. All management activities conducted by Wildlife Management and Forestry staff must be reviewed to determine the impact on NHI-designated species. A permit for the incidental take of an Endangered or Threatened species is required under the State Endangered Species Law. The Endangered Resources Program oversees the permit process, reviews applications and makes permit decisions. Funding for the Endangered Species Program comes from a number of sources, including tax checkoff revenue, license plates, general program revenues (GPR), gaming revenue, Natural Heritage Inventory chargebacks, wild rice permits, general gifts and Pittman Robertson grants.

Fisheries Management Program: The WDNR funds this program primarily through the sale of hunting and fishing licenses. The program assists with fishery surveys, fish habitat improvement/protection, and fish community manipulation. This program may also be used to fund public relations events and a variety of permitting and administrative activities involving fisheries.

Forest Management Program:

Funding for the forestry program is supported primarily by a fixed rate mill tax on all property in the State of Wisconsin. Other support is received from the federal government, from recreation fees, from sale of forest products, from sale of state produced nursery stock, forest tax law payments, and other miscellaneous sources. All activities of the Forestry Program help support efforts to promote and ensure the protection and sustainable management of Wisconsin's forests.

Private Forestry: The WDNR's goal is to motivate private forest landowners to practice sustainable forestry by providing technical forestry assistance, state and federal cost-sharing on management practices, sale of state produced nursery stock for reforestation, enrollment in Wisconsin's Forest Tax Law Programs, advice for the protection of endangered and threatened species, and assistance with forest disease and insect problems. Each county has at least one Department forester assigned to respond to requests for private forestland assistance. These foresters also provide educational programs for landowners, schools, and the general public. Both private and industrial forest landowners have enrolled their lands under the Managed Forest Law.

Managed Forest Law (MFL): The purpose of the MFL is to promote good forest management through property tax incentives. Management practices are required by way of an approved forest management plan. Landowners with a minimum of 10 contiguous acres (80% must be capable of producing merchantable timber) are eligible and may contract for 25 or 50 years. Open lands must allow hunting, fishing, hiking, cross-country skiing, and sight-seeing, however, up to 80 acres may be closed to public access by the landowner. There is a 5% yield tax applied to any wood products harvested. Contact the WDNR for further information.



Nonpoint Source Pollution Abatement Program: This WDNR program is currently undergoing restructuring and being gradually replaced by short-term grants that will address specific projects rather than focusing on entire watersheds. The goal of this voluntary program is to improve and protect the water quality of surface waters and groundwater within the watershed. Landowners are encouraged to control nonpoint pollution on their properties through cost sharing of Best Management Practices. This program will be replaced by Targeted Runoff Management projects (TRM). These are projects that are more specific in nature and may last up to three years. They are scored on a competitive basis, based on the amount of pollutant control they will achieve and the degree of impairment of the location. One nonpoint source coordinator is located in the Rhinelander WDNR Service Center. This coordinator administers and oversees the priority watershed program and will also assist with the TRM grants. The coordinator also provides nonpoint source pollution advice to counties that are implementing their land and water plans.

Parks and Recreation Program: The WDNR gets its authority for administering the Parks and Recreation Program from Chapter 27 Wisconsin Statutes. This program provides assistance in the development of public parks and recreation facilities. Funding sources include: the general fund, the Stewardship Program, Land and Water Conservation fund (LAWCON), and the recycling fund, and program revenue funds.

Stewardship Grants for Nonprofit Conservation Organizations:

Nonprofit conservation organizations are eligible to obtain funding for the acquisition of land or easements for conservation purposes and restoration of wildlife habitat. Priorities include acquisition of wildlife habitat, acquisition of lands with special scientific or ecological value, protection of rare and endangered habitats and species, acquisition of stream corridors, acquisition of land for state trails including the Ice Age Trail and North Country Trail, and restoration of wetlands and grasslands. Eligible types of projects include fee simple and easement acquisitions and habitat restoration projects. All projects must be in a WDNR approved outdoor recreation plan. Contact the WDNR or NCWRPC for further information.

Wastewater Program: The Department of Natural Resources provides this program to address point and non-point source pollution control. Operating funds for this program come from the federal government's Clean Water Act funding as well as state general program revenues. The core work of this program involves the issuance of wastewater discharge permits that discharge directly to surface or groundwater and enforcing the requirements of these permits. The program closely monitors the impacts of industry, septic tanks, sludge, and stormwater on the environment. Pretreatment plants for wastewater are offered economic assistance and provided with plan review services before the facility is established.

Watershed Program: The WDNR seeks to protect wild and domestic animals, recreational activities, natural flora and fauna, agriculture, business, and other land uses through watershed management. Funds to run this program are provided by the federal government through Clean Water Act and through state general program revenues. The program assists with watershed planning, water quality monitoring and modeling, and development of water quality standards and policy.

Wetlands Reserve Program (WRP): The purpose of the WRP is to restore wetlands previously altered for agricultural use. The goal of the WRP is to restore wetland and wildlife habitats. Lands that have been owned for at least one year and can be restored to wetland conditions are eligible. Landowners may restore wetlands with permanent or 30-year easements or 10-year contracts. Permanent easements pay 100% of the agricultural value of the land and 100% cost-sharing; 30-year easements pay 75% of the agricultural value and 75% cost sharing; 10-year contract pays 75% cost share only. Permanent or 30-year easements are recorded with a property deed, however 10-year contracts are not. Public access is not required. Contact the USDA Natural Resources Conservation Service for further information.

Wildlife Management Program: The WDNR's Bureau of Wildlife Management oversees a complex web of programs that incorporate state, federal and local initiatives primarily directed toward wildlife habitat management and enhancement. Programs include land acquisition, development and maintenance of State Wildlife Areas, and other wild land programs such as State Natural Areas. Wildlife Staff work closely with staff of state and county forests to maintain, enhance, and restore wildlife habitat. Wildlife Management staff conduct wildlife population and habitat surveys, prepare property needs analysis's, develop basin wildlife management plans and collaborate with other WDNR planning efforts such as Park, Forestry or Fishery Area Property Master Plans to assure sound habitat management. Funding comes from the federal government in the form of Endangered Species grants and Pittman-Robertson grants and from state government in the form of hunting and trapping license revenues, voluntary income tax contributions, general program revenue and Stewardship funds.

Wisconsin Historical Society, Office of Preservation Planning (OPP): The OPP can provide information on how to protect and preserve your own historic property, to implement grassroots strategies for preserving and protecting historic properties, and on state or federal laws and regulations that may be applicable to a given case.

Forest County Potawatomi: The Tribe has significant cultural and natural resources programs including its Natural Resources Department, Museum and Cultural Center.

## **D. GOALS, OBJECTIVES & POLICIES**

### *Goals:*

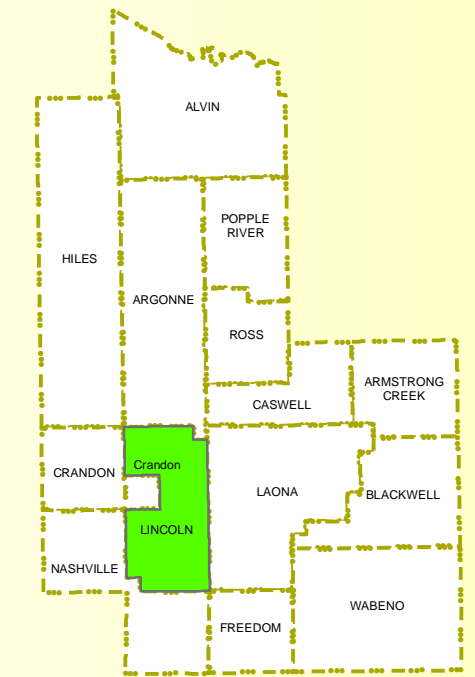
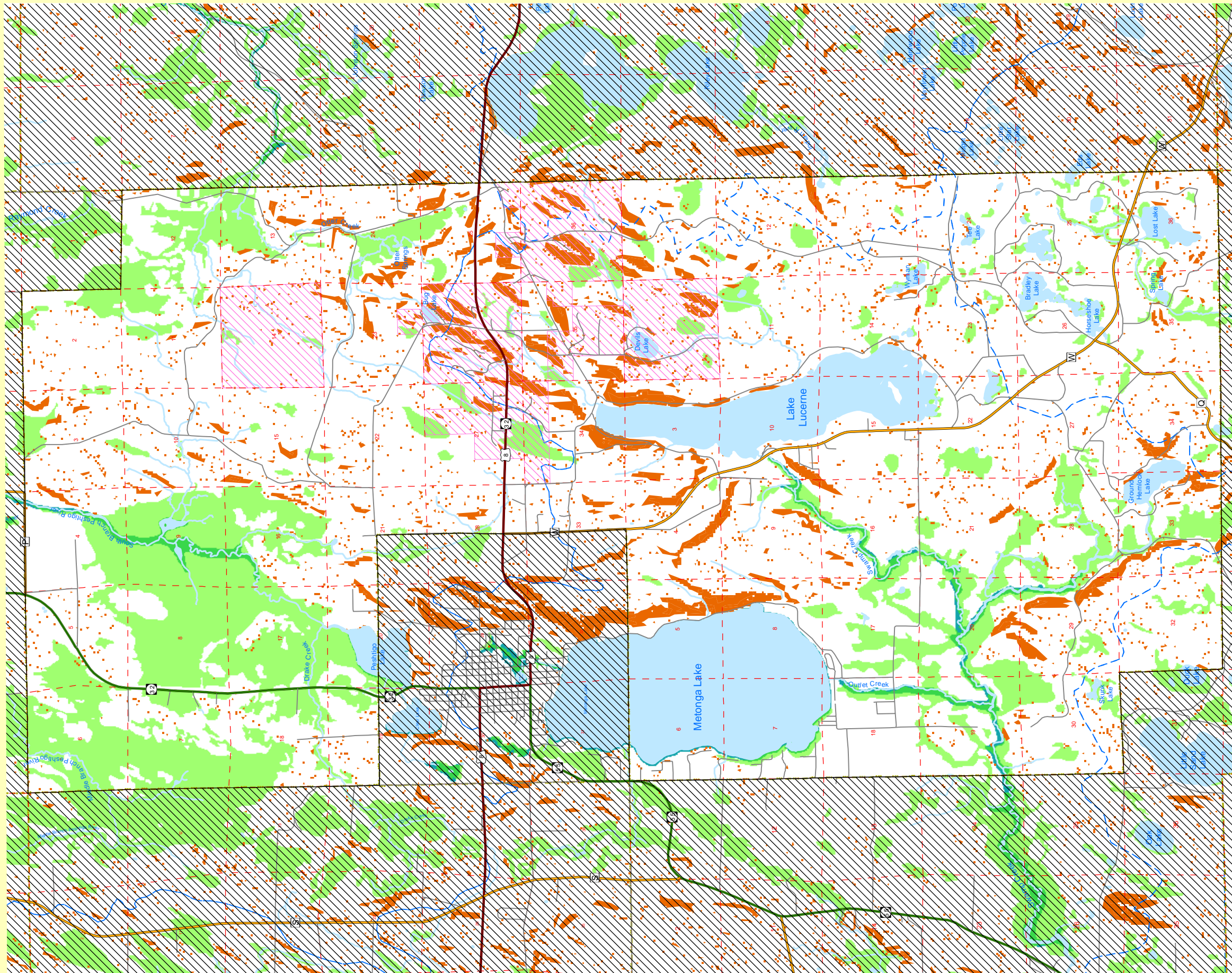
1. Protect natural areas, including wetlands, water bodies, forest lands, wildlife habitats open spaces and groundwater resources.
2. Protect economically productive areas, including farmland, forests and recreational areas.
3. Preserve scenic, cultural, historic, archaeological and recreational sites and unique habitats.

### *Objectives:*

1. Protect the rural character and natural settings.
2. Promote development that minimizes groundwater impacts from on-site septic systems and other sources.

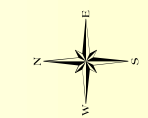
### *Policies:*

1. Prevent new development in the Tribal land from negatively impacting the areas rural character and northwoods setting.
2. Minimize impacts to the Tribes natural resources from metallic or non-metallic mining.



**Legend**

- Minor Civil Divisions
- Section Lines
- US Highway
- State Highways
- County Highways
- Local Roads
- Water
- Steep Slopes
- Wetlands
- Watershed Boundaries
- Flood Plain
- Tribal Ownership



Source: WI DNR, NCWRPC, FEMA

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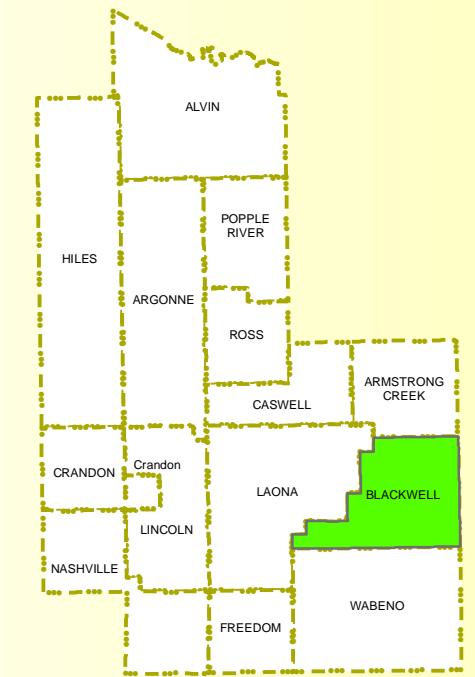
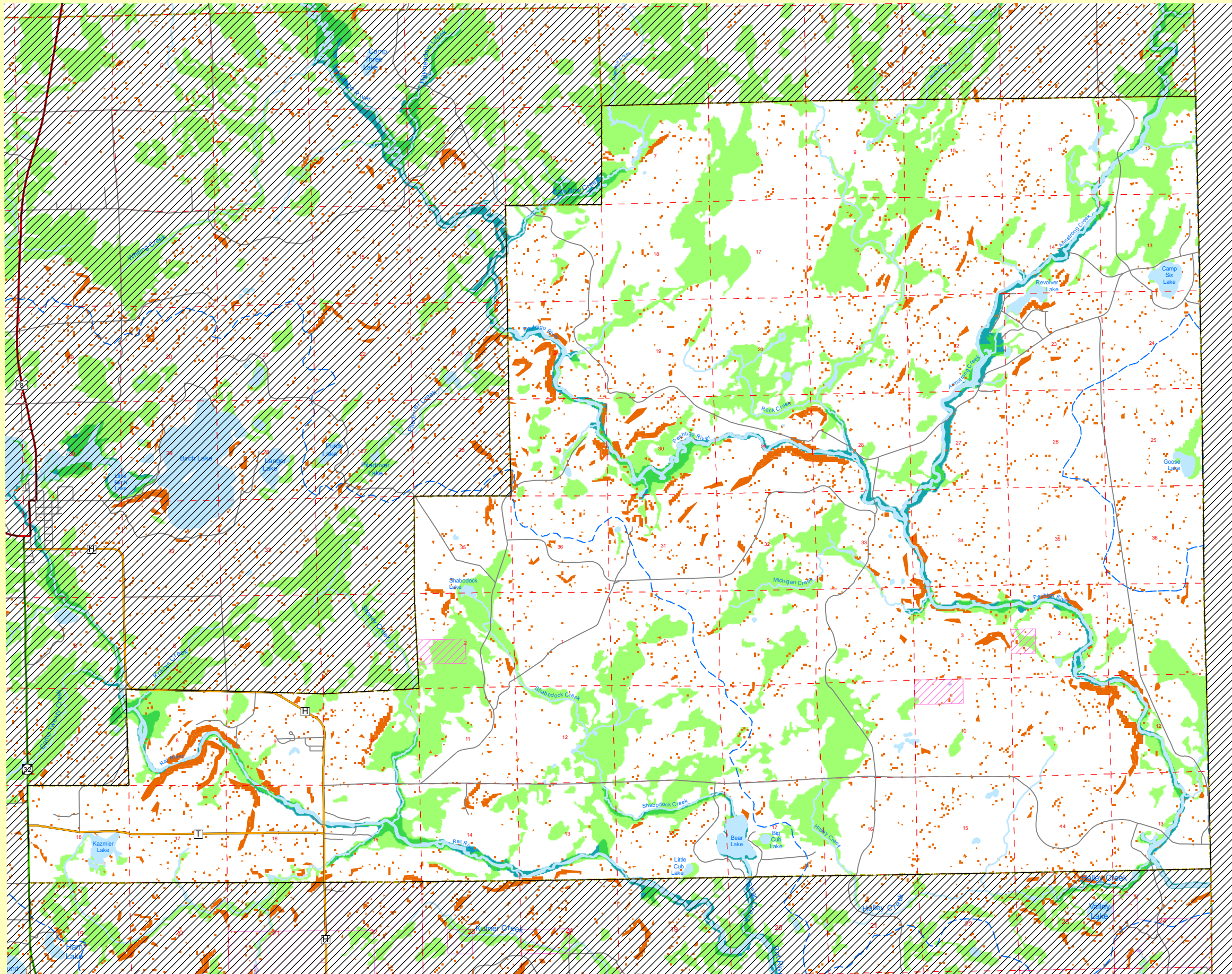


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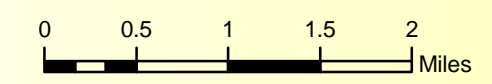






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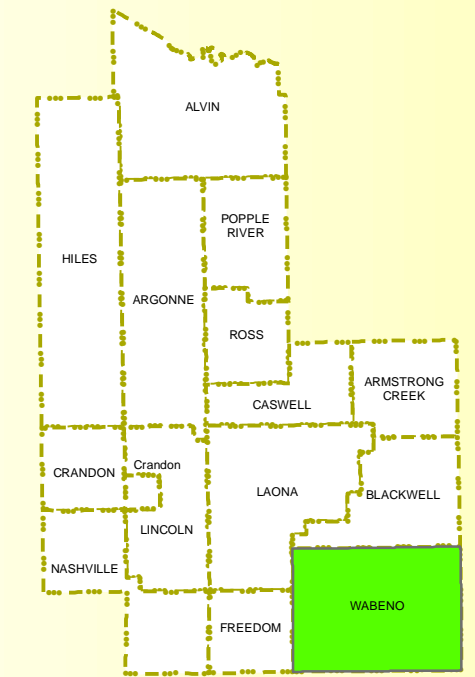
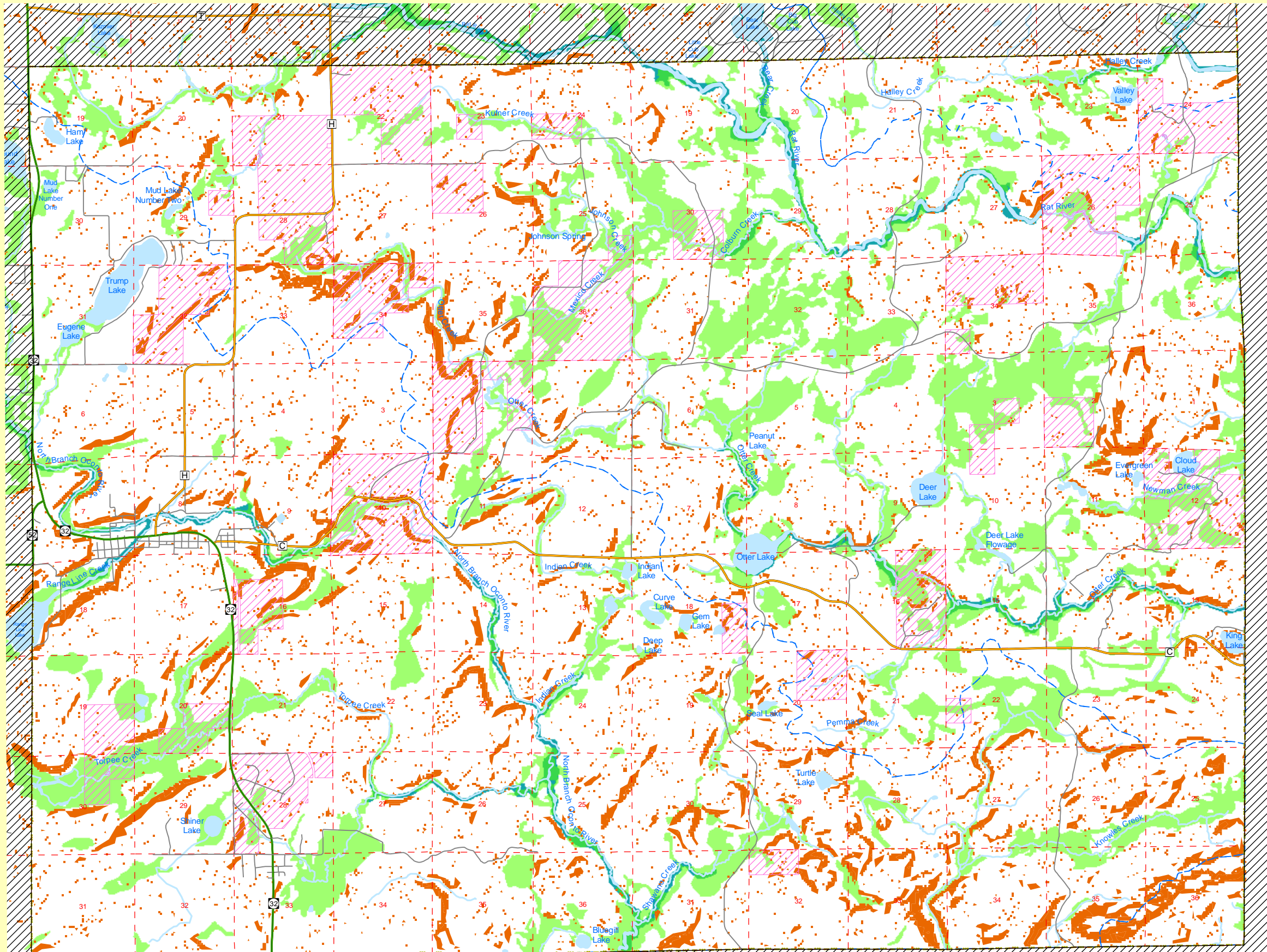


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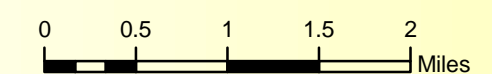






**Legend**

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## CHAPTER 3: HOUSING

This housing chapter is based on the statutory requirement for a compilation of objectives, policies, goals, maps and programs to provide an adequate housing supply that meets existing and forecasted housing demand. This chapter provides a basic housing stock assessment and identifies policies and programs that promote the development of housing for all members of the Forest County Potawatomi including a range of choices that meet the needs of persons of all income levels, age groups and special needs; that promotes the availability of land for low-income housing; and that maintains the existing housing stock.

Forecasts for housing demand (residential land) are discussed in the Land Use Chapter. The existing residential housing base is shown on the Existing Land Use Inventory Map. The potential future residential housing areas to meet forecasted demand are shown on the Future Land Use Plan Map.

### A. HOUSING STOCK ASSESSMENT

#### 1. AGE CHARACTERISTICS

Table 8 indicates the age of the housing stock for the Potawatomi is based on the year the structures were built as reported in the 2000 Census. The overwhelming majority of structures were built from 1990-2000, during this time frame over 80 percent of all structures were built.

**Table 8**  
**Year Structure Built, 2000**

	1939 or earlier	1940-1959	1960-1969	1970-1979	1980-1989	1990-2000
Forest County Potawatomi	6	4	2	7	5	142
Town of Lincoln	38	165	75	158	172	405
Town of Laona	186	190	78	160	85	134
Town of Nashville	165	251	124	247	149	326
Town of Crandon	41	58	43	133	58	88
Town of Argonne	70	82	33	35	34	72
City of Crandon	321	134	70	214	112	108
Forest County	1,524	1,608	820	1,425	994	1,951
Wisconsin	543,164	470,862	276,188	391,349	249,789	389,792

Source: U.S. Census Bureau

## 2. OCCUPANCY CHARACTERISTICS

Table 9 breaks down the occupancy status of housing units on the Tribal Lands. About 57 percent of the housing units are owner occupied, 38 percent are renter occupied.

**Table 9**  
**Residential Occupancy Status, 2000**

	Total Housing Units	Owner Occupied	Renter Occupied	Vacant Units	
				Vacant	Seasonal (Part of Vacant Units)
Forest County Potawatomi	174	100	66	8	0
Town of Lincoln	998	338	66	594	574
Town of Laona	850	437	127	286	225
Town of Nashville	1,264	354	131	779	727
Town of Crandon	443	211	27	205	176
Town of Argonne	314	180	14	120	100
City of Crandon	803	504	299	158	100
Forest County	8,322	3,188	855	4,279	3,856
Wisconsin	2,321,144	1,426,361	658,183	236,600	142,313

Source: U.S. Census Bureau

## 3. STRUCTURAL CHARACTERISTICS

The vast majority of housing units are single-family homes (91%); see Table 10. Tribal Lands have a higher percentage (15%) of multiple-unit housing than some of the surrounding towns.

**Table 10**  
**Housing Units by Structural Type, 2000**

	Single-family	%	Multi-family	%	Mobile Home	%	Other	%	Total
Forest County Potawatomi	151	91.0	15	9.0	0	0	0	0	166
Town of Lincoln	898	88.7	21	2.2	81	8.0	13	1.3	1,013
Town of Laona	695	83.5	59	7.1	67	8.0	12	1.4	833
Town of Nashville	1,043	82.6	37	2.9	171	13.5	11	0.9	1,262
Town of Crandon	335	79.5	2	0.5	82	19.5	2	0.5	421
Town of Argonne	286	87.7	2	0.6	36	11.0	2	0.6	326
City of Crandon	671	70.0	194	20.2	94	9.8	0	0.0	959
Forest County	6,807	81.8	392	4.7	1,055	12.7	68	0.8	8,322

Source: U.S. Census Bureau

#### 4. VALUE CHARACTERISTICS

The year 2000 median value of housing stock for the Forest County Potawatomi is above Forest County's median. See Table 11 for more details. Over 60 percent of the house values are below \$100,000.

**Table 11**  
**Housing Values, 2000**

	<\$50,000	\$50,000 to 99,999	\$100,000 to 149,999	\$150,000 to 199,999	\$200,000 to 299,999	\$300,000 and up	Median Value
Forest County Potawatomi	6.7%	62.9%	21.3%	4.5%	4.5%	--	\$85,000
Town of Lincoln	8.3%	41.7%	22.7%	11.2%	14.5%	1.6%	\$100,000
Town of Laona	29.4%	49.9%	10.7%	6.5%	3.0%	0.6%	\$67,200
Town of Nashville	6.2%	41.4%	33.5%	10.6%	7.5%	0.9%	\$103,100
Town of Crandon	32.0%	40.2%	22.7%	5.2%	--	--	\$59,200
Town of Argonne	30.3%	46.7%	18.9%	4.1%	--	--	\$66,700
City of Crandon	29.7%	51.6%	10.8%	2.9%	4.6%	0.4%	\$72,000
Forest County	22.9%	48.3%	16.3%	6.3%	5.4%	0.7%	\$77,400
Wisconsin	6.5%	35.4%	30.6%	15.5%	8.5%	3.5%	\$112,200

Source: U.S. Census Bureau

## **B. HOUSING PROGRAMS**

Various organizations offer a variety of programs to assist with the purchase, rehabilitation, or construction of housing. Many of these programs are listed below:

Potawatomi Housing Authority: The mission of the Tribal Housing Program is to provide quality, affordable housing opportunities to the Forest County Potawatomi Community through homeownership and rental housing. The Tribal Housing Program assures quality homeownership by providing inspection services, training and educational programs, and funding for housing opportunities. A priority of the Tribal Housing Program is to provide housing services to Tribal elders and handicapped individuals and to be a housing advocate for all Tribal members.

### HUD: Office of Native American Programs (ONAP)

ONAP ensures that safe, decent and affordable housing is available to Native American families, creates economic opportunities for Tribes and Indian housing residents, assists Tribes in the formulation of plans and strategies for community development.

### Indian Community Development Block Grant Program (ICDBG)

The ICDBG Program provides eligible grantees with direct grants for use in developing viable Indian Communities, including decent housing, a suitable living environment, and economic opportunities, primarily for low and moderate income persons.

### Indian Home Loan Guarantee Program (Section 184)

This is a mortgage product for Native Americans, tribes, or tribally designated housing entities. The program was designed to offer homeownership and housing opportunities for eligible Native Americans, families, tribes and tribally designated housing entities.

### Indian Housing Block Grant Program (IHBG)

IHBG is a formula grant that provides a range of affordable housing activities on Indian reservations and Indian areas. Indian tribes or tribally designated housing entities are eligible to receive these grants. Recipients must submit to HUD and Indian Housing Plan each year to receive funding, and an Annual Performance Report. These grants can be used for housing development, housing services, crime prevention, and model activities to solve affordable housing problems.

### Title VI Tribal Housing Activities Loan Guarantee Program

The purpose of Title VI is to assist IHBG recipients who want to finance eligible affordable housing activities, but are unable to secure financing without the assistance of a federal guarantee. The borrower leverages IHBG funds to

finance affordable housing activities today by pledging future grant funds. Title VI provides a guarantee to private lenders that if the borrower defaults HUD repays the obligation and seeks reimbursement from the borrowers future IHBG grant funds.

Bureau of Indian Affairs: Housing Improvement Program (HIP)

HIP is a home repair, renovation and replacement grant program administered by BIA and federally recognized Indian tribes. HIP is a grant program to serves the neediest of the needy, who have substandard housing or no housing at all and have no immediate sources of housing assistance.

Housing Repair and Rehabilitation Grant: This program is administered by the Rural Housing Service of the USDA Rural Development Department. Seniors aged 62 and older may obtain a grant for rehabilitating their home provided they are below 50% of the area median income and are unable to procure affordable credit elsewhere.

Housing Repair and Rehabilitation Loan: Also administered by USDA, this program is a loan for rehabilitation provided applicants meet the same standards as the grant above.

Rural Housing Guaranteed Loan: USDA also offers this loan that is used to help low-income individuals or households purchase homes in rural areas. Funds can be used to build, repair, renovate or relocate a home, or to purchase and prepare sites, including providing water and sewage facilities.

Rural Housing Direct Loan: USDA-Rural Development also offers this loan to provide financing at reasonable rates and terms with no down payment. The loan is intended for low-income individuals or households to purchase homes in rural areas. Funds can be used to build, repair, renovate or relocate a home, or to purchase and prepare sites, including providing water and sewage facilities.

Rural Housing Direct Loan: USDA-Rural Development uses this program to help very low- and low-income households construct their own homes. The program is targeted to families who are unable to buy clean, safe housing through conventional methods.

VA Home Loans: These loans, administered by the U.S. Department of Veterans Affairs, are often made without any down payment at all, and frequently offer lower interest rates than ordinarily available with other kinds of loans. These loans may be used for purchase or construction up to \$240,000.

NEWCAP: The Northeastern Wisconsin Community Action Program offers a number of housing rehabilitation programs, rental rehabilitation programs,

homeowner opportunity programs, Section 8 Housing Assistance, and revolving loan funds to assist disadvantaged population groups.

### **C. ISSUES, GOALS, OBJECTIVES & POLICIES**

#### ***Issues:***

A variety of issues have been identified by during the planning process. The issues identified are:

- Migration back to reservation
- Quality of Housing
- Lack of Rental Units
- High Levels of Radon in Homes and Buildings
- Providing assisted living housing for tribal members who are unable to care for themselves
- Impact of New Federal Indian Housing Act and potential reduction of HUD funds

#### ***Goals:***

1. Create a variety of housing choices that satisfies the needs of all income levels, age groups, and people with special needs.
2. Maintain and rehabilitate the existing housing stock.
3. Eliminate any health threats, like high levels of radon, from the housing stock.
4. Build facilities to provide care for tribal member who are unable to take care of themselves.

#### ***Objectives***

1. Continue housing development with focus on elderly housing.
2. Build additional rental units to address increased housing demand.
3. Provide education in financing, maintenance, and management for first-time home buyers.
4. Offer safety training on such issues as emergency exits, power outages, fire extinguishers, and health effects of radon.
5. Encourage use of Renewable energies

6. Determine how to best use former HUD sites.
7. Curb vandalism and damage in neighborhoods and housing areas.
8. Provide Educational opportunities regarding winterization issues (water testing, air leaks, windows, furnace, filters, chimneys)
9. Encourage renters to obtain renters Insurance

***Policies:***

1. Provide neighborhood watch programs.
2. Provide adequate supply of suitable land for residential development on the Future Land Use Plan Map
3. Provide revolving loan fund to help remedy housing that had high levels or radon and other contaminant.

## **CHAPTER 4: UTILITIES AND COMMUNITY FACILITIES**

This is the fourth of nine chapters of the Forest County Potawatomi Comprehensive Plan. It is a compilation of objectives, policies, goals, maps and programs to guide future development of utilities and community facilities. This element inventories existing public utilities and community facilities and assesses future needs for such services including those located outside the community and/or under another jurisdiction.

### **A. INVENTORY & ANALYSIS OF EXISTING FACILITIES**

#### **1.) WATER AND WASTEWATER FACILITIES**

The Potawatomi Utility department currently maintains and operates three (3) public water supply systems, two (2) complete sewage collection systems with wastewater treatment facility. The utility depart is also responsible for all individual water and sewer systems within the community.

The disposal of wastewater is handled by private on-site septic systems that discharge wastewater to underground drainage fields and which may include: conventional (underground), mound, pressure distribution, at-grade, holding tank, and sand filter systems. These on-site wastewater treatment technologies are regulated by the Potawatomi Utility department.

#### **2.) SOLID WASTE DISPOSAL AND RECYCLING FACILITIES**

The solid waste disposal and recycling for the Forest County Potawatomi is contracted out with a private contractor. The tribe is exploring the option of a biodigester which converts organic wastes into a nutrient rich liquid fertilizer and biogas, a renewable source of electrical and heat energy.

#### **3.) POWER AND TELECOMMUNICATIONS FACILITIES**

Electrical service for the Forest County Potawatomi is provided by Wisconsin Public Service Corporation. Telephone service is provided by CenturyTel and Frontier. One Prospect Technologies, which is a tribally owned business, provides high speed internet to the tribe. Cable television service is provided by Charter Communications.



#### 4.) PARKS, RECREATION AND OTHER YOUTH FACILITIES

Potawatomi Park on CTH H is maintained by the Tribe.

Potawatomi Bingo Northern Lights Casino is located along STH 32, halfway between downtown Wabeno and Carter. Bingo, slots, a restaurant, gas station, and a hotel are all part of this facility.

The Forest County Potawatomi Lands are partly in the Crandon and Wabeno school districts. The Nicolet Technical College, located in Rhinelander, serves the town. The Crandon Public Library and Wabeno Public Library are the closest libraries available to the Forest County Potawatomi.

The Tribe operates childcare for Tribal members.

#### 5.) EMERGENCY AND MEDICAL SERVICES

Police protection in is provided by the Forest County Sheriff's Department.

The Wisconsin State Patrol, located in Wausau, has statewide jurisdiction on all public roads but operates mainly on State and U.S. highways as a matter of general practice to enforce traffic and criminal laws, and help motorists in need. They also help local law enforcement by reconstructing traffic accidents; inspecting trucks, school buses, and ambulances; and helping local agencies with natural disasters and civil disturbances.

The tribe contracts their fire protection out with local fire department. The Potawatomi has an agreement with the City of Crandon Fire Department for fire and rescue squad service to cover the Stone Lake Area. For Blackwell and Carter fire protection is covered by a contract with the Town of Wabeno. The town of Wabeno has an ISO rating of 9. An ISO rating of 1 represents the best protection and 10 represents an essentially unprotected community.

The nearest medical facility is Saint Mary's Hospital in Rhinelander, which provides 24-hour emergency service and critical care.

The Crandon medical clinic is affiliated with Saint Mary's Hospital in Rhinelander.

#### 6.) OTHER GOVERNMENT FACILITIES

The local road system is the most significant public facility maintained by the Town and is covered in the Transportation Element.

## **B. UTILITIES AND PUBLIC FACILITIES PROGRAMS**

Providing public infrastructure—roads, sewer and water service, schools, police and fire protection—is one of the major functions of local government. In addition to these public services, both public and private entities provide electricity and telephone service as well as such specialized services as child-care, health-care and solid-waste disposal. Taken together these constitute the utilities and community facilities that represent much of the backbone of modern life. Beyond what these facilities do for us, they also represent a huge investment of public and private resources.

The efficient utilization of these resources is one of the basic principles of comprehensive planning. Already in-place infrastructure is a public asset that must be safeguarded for the future, both to conserve and protect environmental values and to maximize the benefits of economic growth. Development that bypasses or ignores existing infrastructure resources is wasteful of the public investment that they represent. Development patterns that require the extension of utilities and the expansion of public facilities while existing facilities go unused at other locations is probably not the best use of scarce public resources.

Both the state and federal governments offer programs that assist communities with the development of critical infrastructure and facilities. These programs are listed in more detail in the Economic Development Element of this plan.

## **C. ISSUES GOALS, OBJECTIVES & POLICIES**

Issues:

1. Providing adequate capacity to meet the demand
2. Lack of training to tribal members to complete some basic utility functions.
3. Better communication between Utility Department and Tribal Consumers

Goals:

1. Provide adequate public services and an adequate supply of developable land to meet existing and future market demand for residential, commercial and industrial uses.
2. Provide ambulance, volunteer fire and first responder services to residents.
3. Consider cost effectiveness of future development proposals in covering required services, utilities and community facilities.

Objectives:

1. Consider the potential impacts of development proposals on groundwater quality and quantity.
2. Explore opportunities to develop integrated, multi-use trail systems and recreational facilities.
3. Educate residents on the proper maintenance of septic systems and the benefits of recycling.

Policies:

1. Work with adjoining towns, the county, the state, and individual landowners to address known water quality issues.
2. The feasibility of wastewater collection and treatment systems on water quality should be considered by major developments.
3. Develop and maintain a Capital Improvements Plan for major equipment purchases.
4. Make information available to residents on the proper maintenance of septic systems and on recycling.

## **CHAPTER 5: TRANSPORTATION**

This chapter, the fifth of nine chapters of the Forest County Potawatomi Comprehensive Plan, is a compilation of objectives, policies, goals, maps and programs to guide the future development of the various modes of transportation, including highways, transit, transportation systems for persons with disabilities, bicycles, walking, railroads, air transportation, trucking and water transportation. This element compares the Tribes' objectives, policies, goals and programs to state and regional transportation plans. The element also identifies highways that serve the tribe by function and incorporates state, regional and other applicable transportation plans, including transportation corridor plans, county highway functional and jurisdictional studies, urban area and rural area transportation plans, airport master plans and rail plans that apply in the Forest County Potawatomi.

### **A. REVIEW OF STATE & REGIONAL TRANSPORTATION PLANS & PROGRAMS**

This section contains a review of state and regional transportation plans and how they affect the Fore.

#### Corridors 2020

Corridors 2020 was designed to enhance economic development and meet Wisconsin's mobility needs well into the future. The 3,200-mile state highway network is comprised of two main elements: a multilane backbone system and a two-lane connector system. All communities over 5,000 in population are to be connected with backbone & connector systems.

This focus on highways was altered in 1991 with the passage of the federal Intermodal Surface Transportation Efficiency Act (ISTEA), which mandated that states take a multi-modal approach to transportation planning. Now, bicycle, transit, rail, air, and other modes of travel would make up the multi-modal plan. The Wisconsin Department of Transportation's (WisDOT) response to ISTEA was the two-year planning process in 1994 that created TransLinks 21.

## TransLinks 21

WisDOT incorporated Corridors 2020 into TransLinks 21, and discussed the impacts of transportation policy decisions on land use. TransLinks 21 is a 25-year statewide multi-modal transportation plan that WisDOT completed in 1994. Within this needs-based plan are the following modal plans:

- State Highways Plan 2020
- Airport System Plan 2020
- Bicycle Transportation Plan 2020
- Wisconsin Pedestrian Policy Plan 2020
- Wisconsin Rail Issues and Opportunities Report
- No plans exists for transit or local roads.

## Connections 2030

Connections 2030 will be a 25-year statewide multi-modal transportation plan that is policy-based. The policies will be tied to “tiers” of potential financing levels. One set of policy recommendations will focus on priorities that can be accomplished under current funding levels. Another will identify policy priorities that can be achieved if funding levels increase. Finally, WisDOT may also identify critical priorities that we must maintain if funding were to decrease over the planning horizon of the plan. This plan will not conflict with the Forest County Potawatomi Comprehensive Plan, because the policies are based upon the transportation needs outlined in TransLinks 21. Recommendations will be presented in "multimodal corridors." There is one corridor (North Country – USH 8) in Forest County.

## State Trails Network Plan

The Wisconsin Department of Natural Resources (DNR) created this plan in 2001, to identify a statewide network of trails and to provide guidance to the DNR for land acquisition and development. Many existing trails are developed and operated in partnership with counties. By agreement the DNR acquires the corridor and the county government(s) develop, operate, and maintain the trail.

## Regional Comprehensive Plan

The Regional Comprehensive Plan (RCP) titled “A Framework for the Future”, adopted by the North Central Wisconsin Regional Planning Commission (NCWRPC) in December of 2003, is an update of a plan adopted by NCWRPC in 1981. The RCP looks at transportation in all ten counties that make up the North Central Region, including Oneida. It looks at general trends within the Region and recommends how county and local government can address transportation issues.

The RCP recommends a variety of strategies to address a variety of transportation issues such as growing traffic volumes, congestion and the increase of drivers aged 65 and over. Two such strategies include corridor planning and rural intelligent transportation systems. Corridor planning is one

way to relieve some of the need for additional direct capacity expansion by comprehensively managing critical traffic corridors. Rural ITS applications have the potential to make major improvements in safety, mobility, and tourist information services

**B. TRANSPORTATION MODE INVENTORY**

1. HIGHWAYS AND TRUCKING

a. Functional and Jurisdictional Identification

Public highways are generally classified by two different systems, the functional and the jurisdictional. The jurisdictional class refers to which entity owns the facility and holds responsibility for its operations and maintenance. The functional class refers to the role the particular segment plays in moving traffic within the overall system. Each is described in more detail below.

In addition to these main classifications, a road or segment of road may hold a variety of other designations including county forest road, rustic road, emergency route, truck route, etc. There are no rustic roads, or county forest roads within the Town of Lincoln. Truck routes are discussed at the end of this section, under Trucking.

The highway system that serve the Forest County Potawatomi is a network of federal (USH), state (STH) and county highways (CTH) together with various local roads and streets, see the Community Facilities Map. U.S. Highway 8 is a Principal Arterial in the Town of Lincoln. State Highway 32, County Highway W, E Lakeview Street, County Highway H, and County Highway T are Major Collectors. Pine Road to Potawatomi Trail, Lake Lucerne Drive, Goodman Park Road, Michigan Creek Road, Peshtigo River Road and County Highway C are Minor Collectors. The remainder of roads in the area is classified as "Local."

**Table 12:  
Traffic Counts**

Count Site	2000	2009	#/% Change '00-'09
Site 1: Bugs Lake Road Lincoln	N/A	510	N/A
Site 2: County HWY W Lincoln	1200	1500	300/25.0%
Site 3: County HWY H Wabeno	380	380	0/0.0%
Site 4: HWY 32 Wabeno	3200	3600	400/12.5%
Site 5: County HWY C Wabeno	320	340	20/6.3%
Site 6: Goodman Park Rd Blackwell	140	100	-40/-28.5%

Source: Wisconsin Department of Transportation & NCWRPC

According to WisDOT, which records average daily traffic volumes (number of vehicles) for major state roadways, traffic in the areas with tribal lands have seen little growth in the last 10 years. The two roads that experienced a significant increase in traffic is County Highway W in Lincoln which increased 25.0% between 2000 and 2009 (from 1200 to 3500 vehicles per day) and State Highway 32 in Wabeno which increased 12.5% between 2000 and 2009 (from 3200 to 3600 vehicles per day).

Town roads are an important component of the county-wide transportation system, because they serve local development, as well as the forestry areas. A particular issue of concern with Town roads is that of seasonal weight limits. In Lincoln, Blackwell and Wabeno seasonal weight limits apply to Town roads depending on conditions. Forestry activities within the Town make logging trucks a significant concern.

A functional classification system groups streets and highways into classes according to the character of service they provide. This character of service ranges from providing a high degree of travel mobility to providing land access functions.

The current classification system used in Wisconsin consists of five classifications divided into urban and rural categories. Functional classifications are used to determine eligibility for federal aid. For purposes of functional classification, federal regulations define urban as places of 5,000 or more population, so the rural classifications apply throughout the Town. Table 13 summarizes the rural functional classification system.

Principal Arterials	Serve interstate and interregional trips. These routes generally serve to connect all urban areas greater than 5,000 population. The rural principal arterials are further subdivided into 1) Interstate highways and 2) other principal arterials.
Minor Arterials	In conjunction with the principal arterials, they connect cities, large communities, and other major traffic generators providing intra-regional and inter-area traffic movements.
Major Collectors	Provide service to moderate sized communities and other inter-area traffic generators and link those generators to nearby larger population centers or higher function routes.
Minor Collectors	Collect traffic from local roads and provide links to all remaining smaller communities, locally important traffic generators, and higher function roads. All developed areas should be within a reasonable distance of a collector road.
Local Roads	Provide access to adjacent land and provide for travel over relatively short distances. All roads not classified as arterials or collectors are local function roads.

Source: WisDOT

## b. Trucking

State Highway 55 is the principal truck route within the Town as designated by WisDOT.

Local truck routes often branch out from these major corridors to link local industry with the main truck routes as well as for the distribution of commodities with the local area. Mapping these local routes is beyond the scope of this study, and local issues such as safety, weight restrictions, and noise impacts play significant roles in the designation of local truck routes.

A number of private trucking companies are available in Crandon and Rhinelander.

## 2. TRANSIT AND TRANSPORTATION FACILITIES FOR THE DISABLED

The Forest County does have a handicap accessible van and a coach bus that they provide for the elderly.

There is no intercity bus service within Forest County or any surrounding counties.

## 3. BICYCLE AND WALKING

All roads are available for bicycle and pedestrian travel. Roads that do not have sidewalks may not provide much gravel shoulder to walk on outside of the traffic lanes.

There are no potential trails from the DNR State Trails Network Plan of 2001. A variety of snowmobile trails cross through the Town.

## 4. RAILROADS

There is no local access to rail service for the tribal lands. Shipments needing rail service would have to be trucked to nearby cities with rail access such as Crandon, Rhinelander, Tomahawk, or Wausau.

## 5. AIR TRANSPORTATION

The Rhinelander/Oneida County Airport (RHI) in Rhinelander is the closest passenger airport to the tribal lands. RHI is an air carrier / air cargo airport, which is designed to accommodate virtually all aircraft. Airports in this category are usually referenced by the type of air carrier service provided—RHI



is a short haul air carrier airport. This airport serves scheduled, nonstop, airline markets and routes of less than 500 miles. Short haul air carriers typically use aircraft weighing less than 60,000 pounds, and use primary runways with a length between 6,500 to 7,800 feet.

There were about 42,340 total aviation operations (take-offs and landings) in 2000. WisDOT projections show total aviation operations increasing at RHI to 44,040 by 2010, and 45,740 by 2020; an 8 percent increase from 2000.

The Crandon Municipal Airport (Y55) in Nashville is a basic utility (BU-A) airport that is designed to accommodate aircraft of less than 6,000 pounds gross weight, with approach speeds below 91 knots and wingspans of less than 49 feet. Such aircraft are typically single-engine piston.

## 6. WATER TRANSPORTATION

No harbors or ports exist within Forest County.

## 7. RECREATIONAL VEHICLES

Extensive through routes for ATVs and snowmobiles are designated in Forest County. These trails support tourists' and residents' desires to enjoy the Northwoods. Active ATV and snowmobile clubs exist within Forest County for trail maintenance and outdoor enjoyment.

## C. TRANSPORTATION PROGRAMS

Below is a listing of programs that may be of assistance to the Tribe with regard to the development of the local transportation system. The Wisconsin Department of Transportation is the primary provider of programs to assist local transportation systems. A wide variety of programs are available to serve the gamut of jurisdictions from county down to the smallest town. The programs most likely to be utilized by rural towns such as Lincoln, Blackwell and Wabeno include:

- Flood Damage Aids
- Town Road Improvement Program
- Local Transportation Enhancements
- Traffic Signing & Marking Enhancement Grant
- Rustic Roads

The BIA administers the Indian Reservation Roads (IRR) program, that provides funding for roads on tribal land. The IRR program funds can be used for any type Title 23 transportation project providing access to or within federal or

Indian lands and may be used for state/local matching share for apportioned Federal-aid Highway Funds.

More information on these programs can be obtained by contacting the WisDOT region office in Rhinelander or on the Internet at <http://www.dot.wisconsin.gov/localgov/>.

## **D. ISSUES, GOAL, OBJECTIVES AND POLICIES**

### **Issues:**

1. Safety concerns at specific intersections and for vehicles and school busses
2. Maintenance of local roads.
3. Storm water Management.

### **Goals:**

1. Support and maintain a safe and efficient road system.
2. Provide an integrated, efficient, and economical transportation system that affords mobility, convenience and safety to meet the needs of all citizens, including disabled citizens.
3. Provide Recreational trails for hiking and ATV vehicles

### **Objectives:**

1. Avoid allowing land uses that generate heavy traffic on local roads that have not been constructed or upgraded for such use.
2. Town roads must accommodate access requirements for emergency services (fire, EMS, ambulance, etc.) as well as school bus and snowplows, while still maintaining road aesthetics.

### **Policies:**

1. Update street signage to improve visibility for all Town residents.
2. Space roadway access along the existing Town road network to increase safety and better preserve capacity.
3. Consider connecting adjacent properties with road connections when reviewing development plans and proposals, then add those connections to the official Town map if those connections are Town roads.
4. Support snowmobile and ATV trails within the Town by continuing to provide access to local businesses.
5. Promote use of specialized transit to Town residents.

## **CHAPTER 6: ECONOMIC DEVELOPMENT**

This is the sixth chapter of the nine chapter Forest County Potawatomi Comprehensive Plan. It is a compilation of objectives, policies, goals, maps and programs to promote the stabilization, retention or expansion of the economic base and quality employment opportunities in the tribe. This chapter analyzes the labor force and economic base, ensures designation of adequate sites for business and industry, evaluates potentially contaminated sites for reuse, and identifies applicable county, regional and state economic development programs.

### **A. LABOR FORCE, ECONOMIC BASE ANALYSIS & ASSESSMENT OF LOCAL CONDITIONS**

#### 1. Labor Force

According to the Census, the civilian labor force (population 16 and over) for the Forest County Potawatomi was approximately 131 workers in 2000. Of these, 24 were unemployed for an unemployment rate of 8.1%. The unemployment rate for the County was 7.7% in 2000.

#### 2. Economic Base Analysis

Geographically, the land within the tribal lands is overwhelmingly dedicated to the forestry sector. See the Agricultural, Natural and Cultural Resources and Land Use chapters of this plan for more on the forest cover of the community.

The primary occupations of Forest County Potawatomi in the labor force include: Management, professional and related; Service; and Sales & office, see Table 14. The leading economic sectors or industries in the Town are: Public Administration; Arts, entertainment, recreation, accommodation and food services; and Manufacturing, with each industry sector employing over 75 people, see Table 15.

Historically Retail Trade industry has been the strongest sector county-wide, with 3,064 workers in 1990, but declined by 8.2% to employ only 2,080 people in 2000. Education, Health and Social Services has jumped ahead as the dominant industry sector in 2000 by employing 3,953 people county-wide.

These figures in Tables 14 & 15 are all based on the number of workers residing in the Town and what they do for employment not where they are actually employed.

	Potawatomi		Forest County	
	1990	2000	1990	2000
Management, professional & related	N/A	20	603	831
Service	N/A	47	492	855
Sales & office	N/A	16	600	799
Farming Fishing & Forestry	N/A	N/A	274	179
Construction, extraction & maintenance	N/A	15	252	472
Production, transportation & material moving	N/A	9	973	908

Source: U.S. Census Bureau

	Potawatomi		Forest County	
	1990	2000	1990	2000
Ag., Forestry, Fishing, Hunting & Mining	N/A	N/A	199	303
Construction	N/A	11	174	303
Manufacturing	N/A	5	881	669
Wholesale Trade	N/A	N/A	53	57
Retail Trade	N/A	N/A	553	402
Transportation, Warehousing & Utilities	N/A	6	239	256
Information	N/A	N/A	N/A	49
Finance, Insurance, Real Estate & Leasing	N/A	N/A	80	119
Professional, Scientific, Management, Administrative & Waste Mgmt Services	N/A	8	163	136
Education, Health and Social Services	N/A	12	499	755
Arts, Entertainment, Recreation, Accommodation and Food Services	N/A	30	34	527
Public Administration	N/A	35	205	168
Other Services	N/A	N/A	147	300

Source: U.S. Census Bureau

### 3. Assessment of Local Conditions

Forest County has a number of strengths that may be helpful in attracting or retaining business and industry: main state highway, and a forestry recreational and natural resource base.

Some weaknesses in attracting or retaining business and industry include: limited 3-phase power (high-voltage lines), limited hi-speed internet (fiber optic lines), and a lack of workforce for medium-to large employers.

There may become a lack of workforce, because Forest County's average age the average age was 43.2 years in 2000. By 2020 it is anticipated that the median age of county residents will be 46.3 years, and by 2030 it will be 49 years. In Wabeno, the median age was 35.7 years in 2000, so over the 20-year period of this plan, the same amount of workforce may exist.

## **B. ECONOMIC DEVELOPMENT PROGRAMS**

Various organizations at the County, Regional and State level offer a variety of programs to assist with economic development. Many of these are listed below:

### *Local:*

Potawatomi Business Development Corporation: The Potawatomi Business Development Corporation (PBDC) is the economic development and income diversification business of the Forest County Potawatomi Community. The PBDC is headquartered in Milwaukee, Wisconsin.

The mission of the PBDC is to generate wealth and improve the quality of life for the Forest County Potawatomi Community by making strategic investments, acquisitions and prudent asset management and community development decisions. Resources generated by PBDC and its holdings will help diversify the tribal economy that supports Forest County Potawatomi Community tribal government and help improve the lives of the tribal members.

### *Regional:*

North Central Wisconsin Development Corporation: The North Central Wisconsin Development Corporation (NCWDC) manages two revolving loan funds designed to address a gap in private capital markets for long-term, fixed-rate, low down payment, low interest financing. The fund is targeted to businesses in the ten county region.

North Central Advantage Technology Zone Tax Credits: The County has been designated a Technology Zone by the Department of Commerce. The Technology Zone program brings \$5 million in income tax incentives for high-tech development to the area. The North Central Advantage Technology Zone offers the potential for high-tech growth in knowledge-based and advanced manufacturing clusters, among others. The zone designation is designed to attract and retain skilled, high-paid workers to the area, foster regional partnerships between business and education to promote high-tech development, and to complement the area's recent regional branding project.

*State:*

Rural Economic Development Program: This program administrated by Wisconsin Department of Commerce provides grants and low interest loans for small business (less than 25 employees) start-ups or expansions in rural areas. Funds may be used for "soft costs" only, such as planning, engineering, ad marketing assistance.

Wisconsin Small Cities Program: The Wisconsin Department of Commerce provides federal Community Development Block Grant (CDBG) funds to eligible municipalities for approved housing and/or public facility improvements and for economic development projects. Economic Development grants provide loans to businesses for such things as: acquisition of real estate, buildings, or equipment; construction, expansion or remodeling; and working capital for inventory and direct labor.

Wisconsin Small Business Development Center (SBDC): The UW SBDC is partially funded by the Small Business Administration and provides a variety of programs and training seminars to assist in the creation of small business in Wisconsin.

Transportation Economic Assistance (TEA): This program, administered by the Wisconsin Department of Transportation, provides immediate assistance for the cost of transportation improvements necessary for major economic development projects.

Other State Programs: Technology Development grants and loans; Customized Labor Training grants and loans; and Major Economic Development Project grants and loans.

*Federal:*

U.S. Dept. of Commerce - Economic Development Administration (EDA): EDA offers a public works grant program. These are administered through local units of government for the benefit of the local economy and, indirectly, private enterprise.

U.S. Department of Agriculture - Rural Development (USDA – RD): The USDA Rural Development program is committed to helping improve the economy and quality of life. Financial programs include support for water and sewer systems, housing, health clinics, emergency service facilities, and electric and telephone service. USDA-RD promotes economic development by supporting loans to businesses through banks and community-managed lending pools. The program also offers technical assistance and information to help

agricultural and other cooperatives get started and improve the effectiveness of their member services.

Small Business Administration (SBA): SBA provides business and industrial loan programs that will make or guarantee up to 90% of the principal and interest on loans to companies, individuals, or government entities for financing in rural areas. Wisconsin Business Development Finance Corporation acts as the agent for the SBA programs that provide financing for fixed asset loans and for working capital.



### **C. GOALS, OBJECTIVES & POLICIES**

A review of economic base assessment information has lead to the establishment of the following economic development policy statement:

Goals:

1. Promote the stabilization of the current economic base.

Objectives:

1. Encourage new retail, commercial & industrial development to locate adjacent to county or state highways.
2. Discourage industrial development from negatively impacting environmental resources or adjoining property values.
3. Encourage businesses that are compatible with a rural setting.
4. Review costs and benefits of a proposed development project prior to approval.

Policies:

1. Accommodate home-based businesses that do not significantly increase noise, traffic, odors, lighting, or would otherwise negatively impact the surrounding areas.
2. Support efforts to promote economic development within the county.
3. Commercial and industrial development should be directed to designated planned areas consistent with the Future Land Use Map.
4. Intensive industrial uses should be steered to areas that have the service capability to support that development.
5. Develop incubator facility

**CHAPTER 7:  
LAND USE**

This is the seventh of nine chapters of the Forest County Potawatomi Comprehensive Plan. This chapter is a compilation of objectives, policies, goals, maps and programs to guide the future development and redevelopment of public and private property. This chapter reviews existing land uses, trends, programs, and future land use.

**A. EXISTING LAND USE INVENTORY**

Current land use activity (see Existing Land Use map) for tribal is characterized mainly by large blocks of Forest lands. Residential development generally exists along USH 8 and Indian Drive near Bug Lake and in Carter. Table 18 presents the current breakdown of land use types within tribal lands. The majority of tribal lands is woodlands that cover about ninety four (94) of the Tribal Lands.

Table 18: EXISTING LAND USE, 2010 Forest County Potawatomi		
Land Use	Acres	Percent
Agriculture	547	4.54
Commercial	27	0.22
Government/Institution	27	0.22
Outdoor Recreation	4	0.03
Residential	88	4.74
Woodlands	11,337	94.24
Total	12,030	100.0

Source: NCWRPC

**B. LAND USE TRENDS**

1. LAND SUPPLY

As shown by the existing land use inventory in Table 18, the majority of the tribal lands is forestland. The remaining undeveloped land is residential governmental with some agricultural and open lands.

Even under a rapid growth scenario, the supply of land for the Forest County Potawatomi is more than sufficient to accommodate projected demand over the next 20 years for all use categories, which are described below in Land Demand.

2. LAND DEMAND

Residential:

The Forest County Potawatomi has planned for 605 acres of residential development over the next 25 years which will accommodate the future growth. The development of this land will result in 306 housing units. TABLE 19 shows planned projects for the Forest County Potawatomi.

<b>Table 19</b>	<b>Forest County Potawatomi Proposed Housing Developments</b>	
Project Name	Acres	Housing Units
Bug Lake Project	20	20
Kwe Da kik Exentions	60	24
Bear Road	35	17
Devils Lake Rd	100	50
Chief Wabeka	250	125
Trump Lake	140	70
<b>Total</b>	<b>605</b>	<b>306</b>

*Source: Forest County Potawatomi*

Commercial and Industrial:

The commercial development on Tribal lands is primarily in the Carter area, with the main development being the Casino and Resort.

<b>Table 20</b>	<b>Projected Land Use Demand to 2030</b>				
	2010	2015	2020	2025	2030*
Residential Acreage	684	759	834	909	984
Commercial Acreage	-	-	-	-	-

Source: NCWRPC

\*Extension of 2000-2025 trend.

Agricultural:

There is limited agricultural activity within the reservation.

### 3. LAND PRICES

Based on the total land area of the Town of Lincoln and the equalized valuation of land in the town, the average value of an acre of land is \$2,458.35.

### 4. OPPORTUNITIES FOR DEVELOPMENT

In 2003 the Sokaogon Chippewa Community and the Forest County Potawatomi purchased what is known as the Crandon Mine site. This nearly three thousand acre property is primarily wooded and undeveloped. Both tribes have stated that they have no intention of pursuing mine development. Planning for the use of this property represents an historic opportunity for the Potawatomi people.

### 5. EXISTING AND POTENTIAL LAND USE CONFLICTS

Because the Forest County Potawatomi owns all the land, both trust and fee land, in common there should be no land use conflicts that are not somehow within the power of the Tribe to regulate.

An area of concern is the clear cutting of larger forested tracts for timber or pulpwood.

This Plan seeks to avoid or minimize potential future land use conflicts through controlled development, planned use-buffers, and public information components.

## **C. LAND USE PROGRAMS**

Because of tribal sovereignty state and county land use regulations and programs do not apply on the reservation. The Update of the Land Use Plan is intended to guide tribal land use policy. In this document it is advocated to “Establish and enforce a Tribal land use ordinance.” Such an ordinance would provide an overall land use program to guide the land use related actions of the Forest County Potawatomi.

### **D. FUTURE LAND USE 2010-2030**

The Future Land Use map represents the long-term land use recommendations for all lands in the Town. Although the map is advisory and does not have the authority of zoning, it is intended to reflect community desires and serve as a guide for local officials to coordinate future development of the Town.

Subdivision, zoning, and official map decisions must be consistent (§66.1001(3) WI Stats.) with this map.

Forest County Potawatomi members participated in a mapping exercise with NCWRPC staff to identify the desired future land uses by using the Land Use Map Classifications as described below. Members used their broad knowledge of the tribal lands to draw shapes on an existing land use map, with wetlands delineated, that was created from a 2008 airphoto. The goal was to produce a Future Land Use Map for residents to review that will guide the Town's growth through 2030. See the Future Land Use map.

#### Existing & Future Land Use Map Classifications:

Land use classifications group land uses that are compatible and provide for the separation of conflicting uses. Not all classifications are used on both maps. The classifications are not zoning districts and do not have the authority of zoning, but are intended for use as a guide. Subdivision, zoning, and official map decisions must be consistent (§66.1001(3) WI Stats.) with the Future Land Use Map.

The Existing Land Use Map shows what existed in 2009. The Future Land Use Map is intended for use as a guide when making land use and zoning decisions from the time this Plan is adopted through 2030.

#### **1. Agriculture**

Lands that are managed to produce crops or raise livestock.

#### **2. Commercial**

Identifies areas that sell goods or services to the general public; such as gas stations, stores, restaurants, professional services, hotels, campgrounds, and car dealerships. Higher density residential development is also allowed here, along with some storage facilities.

#### **3. Governmental/Institutional**

Identifies areas where the main purpose of use is for public good facilities, for example: utilities, community non-profit facilities, schools, churches, and governmental buildings.

#### **4. Industrial**

Identifies areas that produce goods or services for distribution to commercial outlets, for example: manufacturers and wholesale distributors. Any uses that directly relate to trucking or mining operations are also located in industrial areas.

#### **5. Open Lands**

Contains sensitive environmental areas, such as 100-year floodplains as defined by the Federal Emergency Management Agency, DNR wetlands, steep slopes of 12 percent or greater. This area could include endangered species habitat or other significant features or areas identified by the Town, including cultural area.

#### **6. Outdoor Recreation**

Land that is or could become parks or trails. Ball fields, outdoor amphitheatres, and waysides are all included in this designation.

#### **7. Residential**

Identifies areas of residential development typically consisting of smaller lot sizes that may be served by municipal water and sewer systems, even if a municipal system is not planned.

#### **8. Rural Residential**

Identifies areas that are recommended for less dense residential development, consisting of larger minimum lot sizes than the Residential category. This Rural Residential area will also allow a mixture of residential uses, and provide a transition from more dense development to the rural natural areas.

#### **9. Transportation**

Identifies the existing road network along with the recommendations for improved and safe traffic movement in the town, including airports and rail facilities. This classification also includes trails with a permanent right-of-way, like rails-to-trails facilities.

#### **10. Woodlands**

Areas of land that are covered with trees and hardly any grass. Single family houses, and hunting shacks may exist in this area on large lots. DNR wetlands that contain many trees, and campgrounds may also exist in this area.

## **E. GOALS, OBJECTIVES, AND POLICIES**

To address competing development concerns, a natural resource based land management set of goals, objectives, and policies was created.

GOAL 1: Maintain orderly planned growth for the health, safety, and general welfare of residents, and makes efficient use of

### Objectives

1. Place land uses on the Future Land Use Map so that development occurs in an orderly manner and land use conflicts are avoided.
2. Balance individual property rights with community interests and goals.
3. New development should not adversely affect the property value or livability of neighboring properties.

### Policies:

1. Permit new development based upon consideration of this Plan.
2. Provide adequate infrastructure (i.e. roads) and public services (ie. fire and rescue) and an adequate supply of developable land to meet existing and future market demand for residential, commercial, and industrial.

GOAL 2: Promote and regulate development to preserve the rural and natural character of the tribal land, and minimizes groundwater impacts from on-site septic systems, and other sources.

### Objectives:

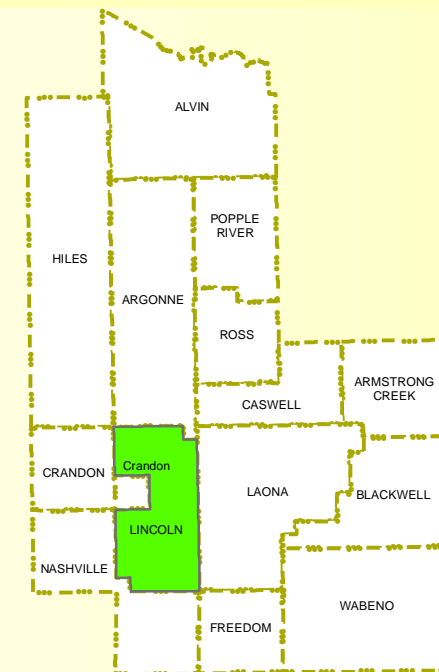
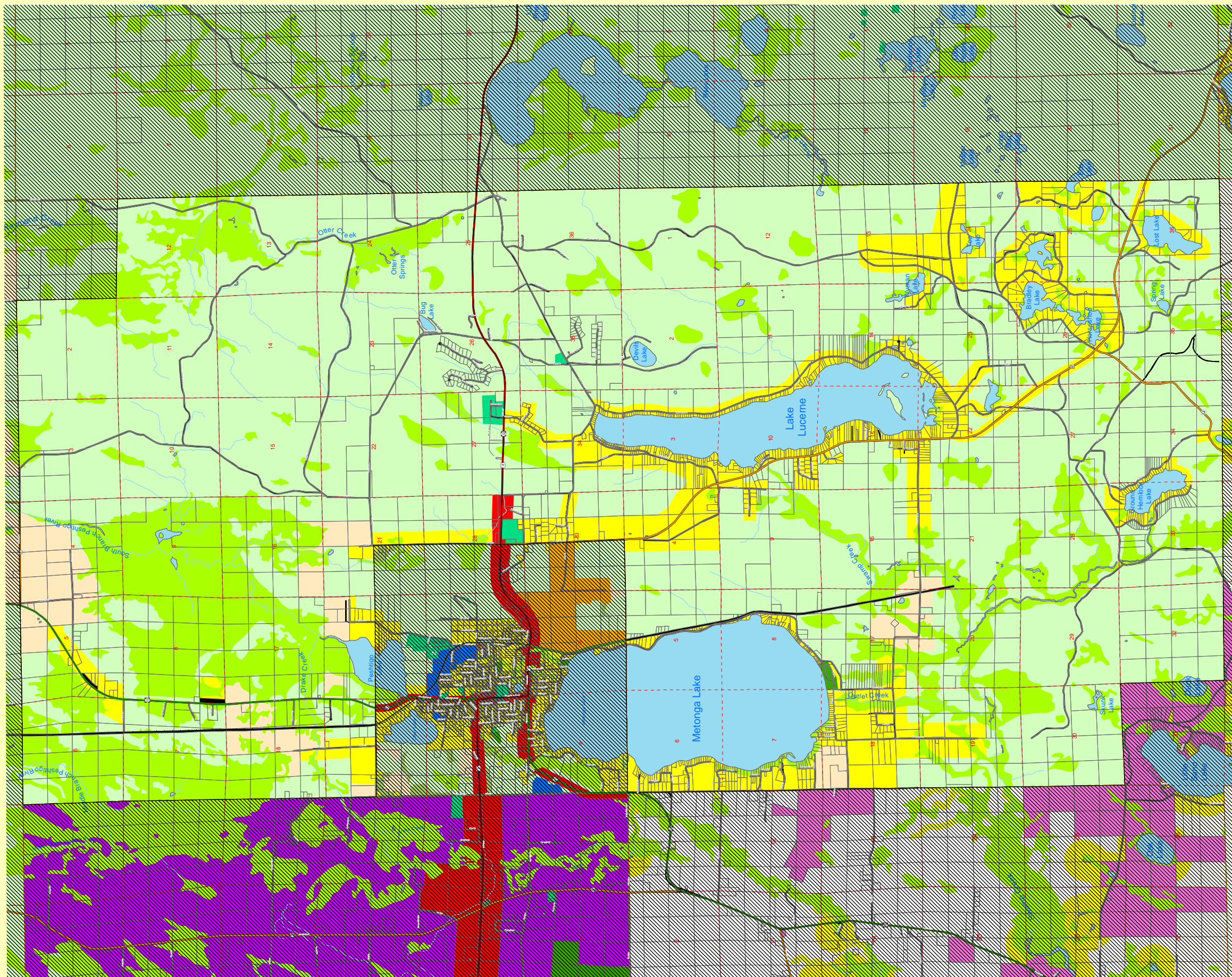
1. New development should not negatively impact the natural environment or existing property values.
2. New development will be restricted from areas shown to be unsafe or unsuitable for development due to flood hazard, potential groundwater contamination, highway access problems, or incompatibility with neighboring uses

### Policies:

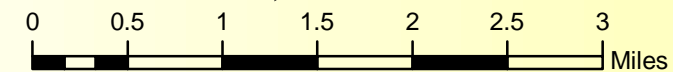
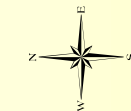
1. Require that timber harvests appear like natural disturbances, with a jagged harvest pattern and vegetative screen, between the harvest area and county highways.

2. Continue to allow current and new residential development along lakefronts.
3. Encourage development proposal site designs to preserve or enhance the rustic and rural nature of the community by redeveloping residential areas.





- Legend**
- Minor Civil Divisions
  - - - Section Lines
  - US Highway
  - State Highways
  - County Highways
  - Local Roads
  - Railroad
  - ▭ Parcels
  - Wetlands
  - Water
  - Agricultural Areas
  - Commercial
  - Forestry Areas
  - Governmental/Public/Institutional
  - Industrial
  - Mixed Use
  - Preservation and Open Space
  - Outdoor Recreation
  - Residential
  - Rural Residential
  - Shoreland Development
  - Transportation
  - Tribal



Source: WI DNR, NCWRPC

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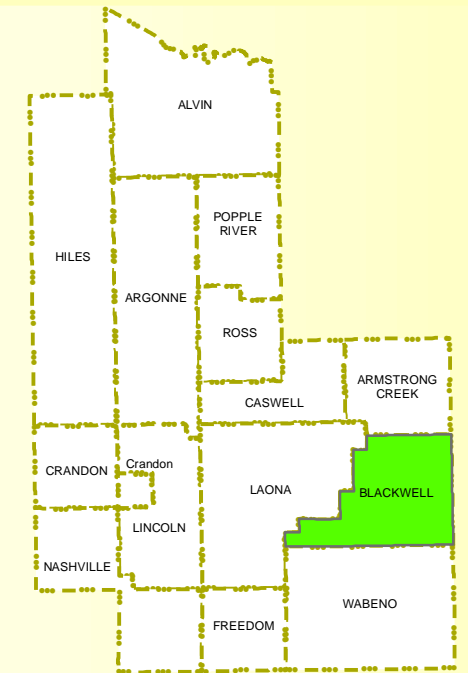
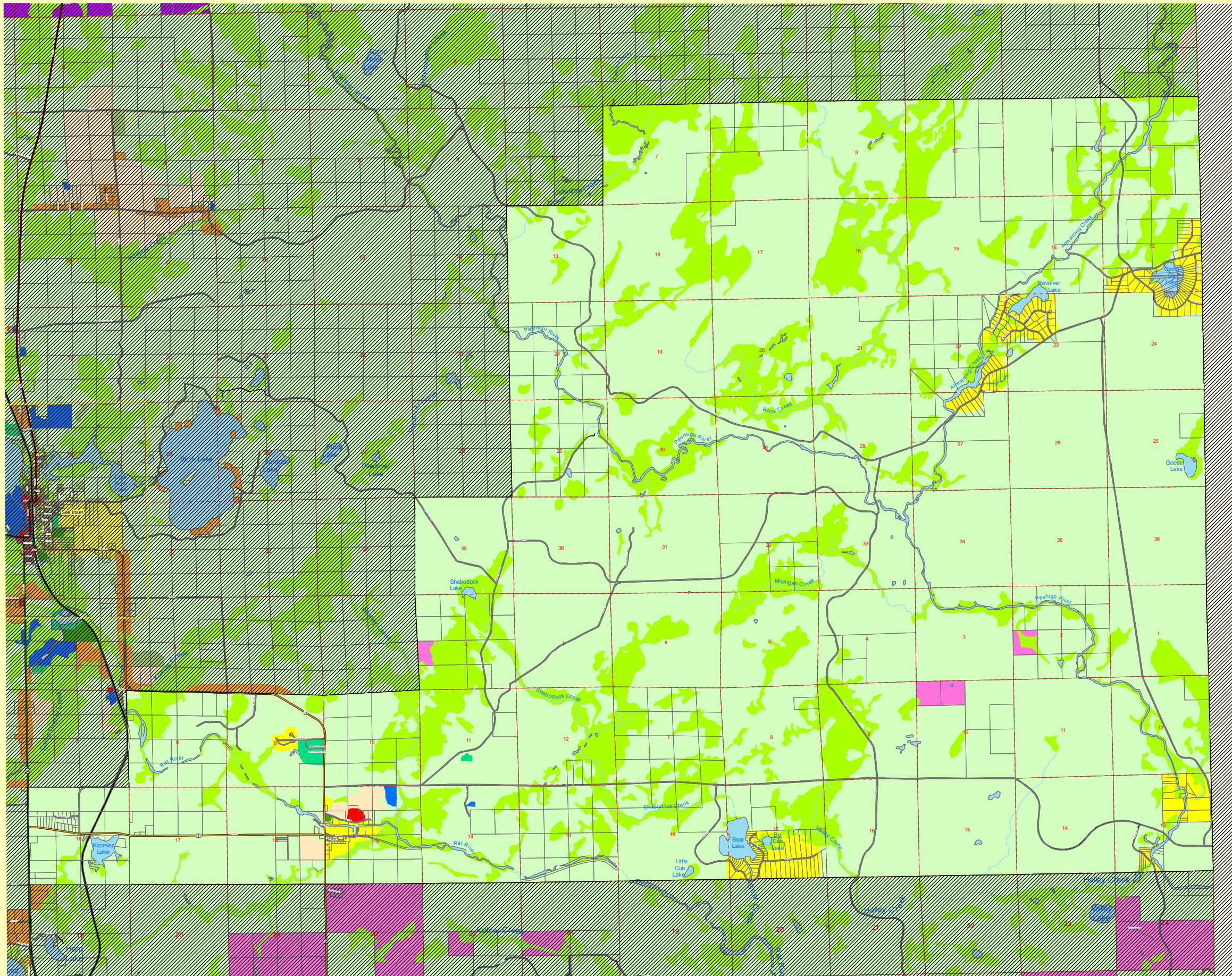


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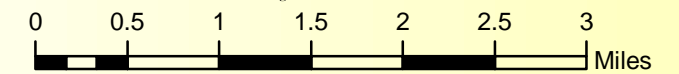
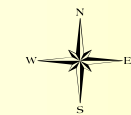






Legend

- Minor Civil Divisions
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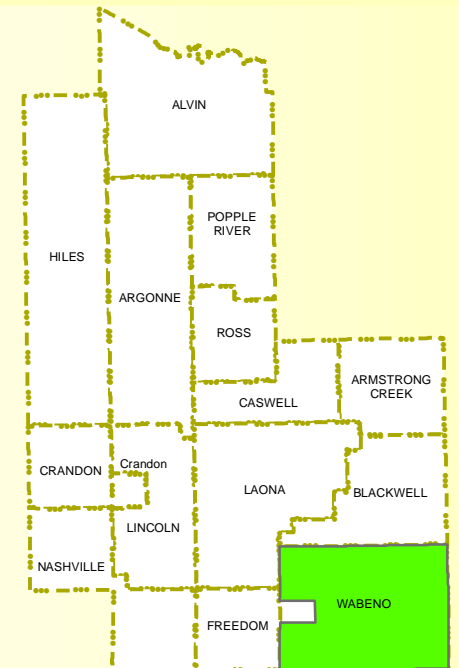
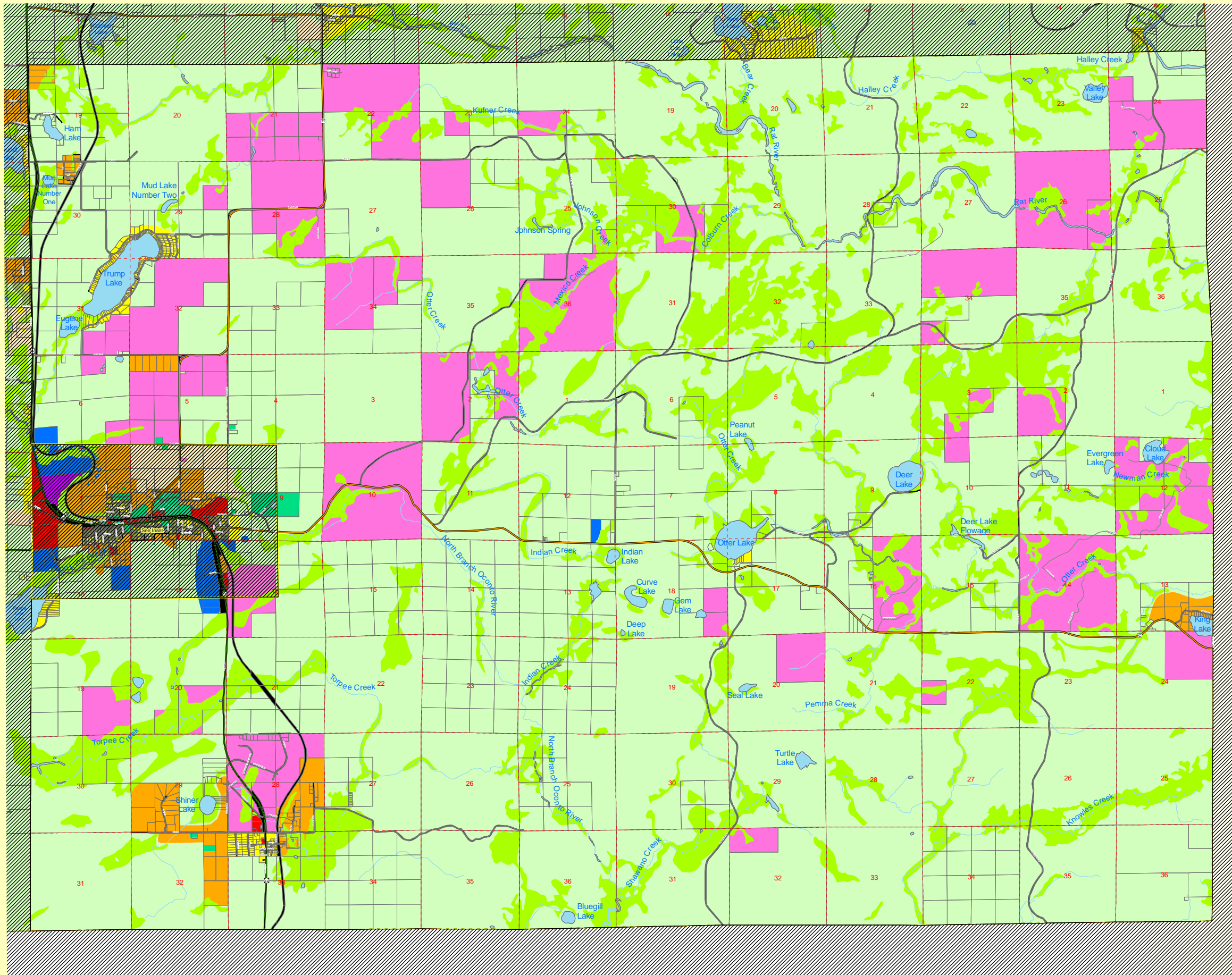


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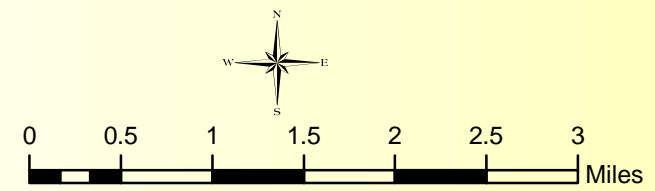
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## **CHAPTER 8: INTERGOVERNMENTAL COOPERATION**

This chapter is a compilation of objectives, policies, goals, maps and programs for joint planning and decision making with other jurisdictions, including school districts and adjacent local governmental units, for siting and building public facilities and sharing public services. This chapter first analyzes the relationship of the Forest County Potawatomi to school districts, adjacent local governmental units, the Region, the state, and other governmental units; then it incorporates plans and agreements under sections 66.0301, 66.0307, and 66.0309 of Wisconsin Statutes; and finally it concludes with an identification of existing or potential conflicts between the governmental units and a process to resolve such conflicts.

### **A.) Sovereignty**

Tribal sovereignty refers to the inherent authority of indigenous tribes to govern themselves. Current federal policy in the United States recognizes this sovereignty and stresses the government to government relations between Washington and the American Indian tribes. However, all Indian land is held in trust by the United States and Federal law still regulates the political and economic rights of tribal governments.

Before the American Revolution, tribes entered into treaties with the British Crown as sovereign governments. During the Revolution, the Continental Congress established three regional departments of Indian affairs, charged with negotiating treaties and alliances with native tribes, most of which sided with the British during the war. With the creation of the U.S. Constitution in 1789, the new Congress transferred those duties to the newly established United States Department of War.

While government to government treaties, like the 1785 Cherokee Treaty of Hopewell, were still relied on to define rights for the tribes, the legal status of Indian Nations as sovereigns began to change in the early years of the new Republic. The U.S. Supreme Court recognized the rights of indigenous landholders for the first time in its 1823 decision, *Johnson v. McIntosh*, but the ruling did not answer the lingering questions of tribal sovereignty. Chief Justice John Marshall's decision was primarily concerned with establishing the doctrine that only the federal government had the authority to enter into land deals with the tribes. However, the Court did recognize an indigenous right to occupy and use the land, through the legal title was held by the U.S. government. Marshall explained that Indian lands in the U.S. were granted to the federal government through treaty with Great Britain and that "these grants have been understood by all to convey a title to the grantees, subject only to the Indian right of occupancy.

The Court acknowledged that, despite the U.S. holding title to the lands, tribal rights to occupy an area could not be extinguished unless the tribe ceded its right to the government.

The question of the tribes' status as sovereign nations was ultimately decided by the Supreme Court's decision *Cherokee Nation v. Georgia* in 1831. In writing the majority opinion Chief Justice Marshall stated: "an Indian tribe or nation within the United States is not a foreign state in the sense of the constitution, and cannot maintain an action in the courts of the United States." Marshall characterized the tribes as "domestic dependent nations." He elaborated on this concept and determined that these domestic nations "are in a state of pupilage" and that "their relations to the US resemble that of a ward to his guardian." The next year, in *Worcester v. Georgia*, the Marshall court established the doctrine that only the national government of the United States—and not the individual states—had authority in Indian affairs.

For the time being, tribes were without access to U.S. Courts. A March 3, 1871 act of Congress established that tribes could no longer enter into treaties with the United States, but held the United States liable to honor all of the treaties it previously had signed with Indian Nations. In 1886, a U.S. District Court, asked to decide where two Indian murder suspects should stand trial, observed that "the constitution of the United States is almost silent in regard to the relations of the government which was established by it to the numerous tribes of Indians within its borders." The court concluded the Indian nations were wards of the United States.

On April 10, 1883, five years after establishing Indian police powers throughout the various reservations, the Indian Commissioner approved rules for a "court of Indian offenses." The court provided a venue for prosecuting criminal charges, but afforded no relief for tribes seeking to resolve civil matters. The new courts' rules specifically targeted tribal religious practices which it called "heathenish rites" and the commissioner urged courts to "destroy the tribal relations as fast as possible." Another five years later, Congress began providing funds to operate the Indian courts.

While U.S. courts clarified some of the rights and responsibilities of states and the federal government toward the Indian nations within the new nation's first century, it was almost another century before United States courts determined what powers remained vested in the original nations of the continent now occupied by the US.

From the mid-19<sup>th</sup> Century, as a trustee charged with protecting their interests and property, the federal government was legally entrusted with ownership and administration of the assets, land, and water and treaty rights of the tribal nations. In 1934 the Indian Reorganization Act, codified as Title 25, Section

476 of the U.S. Code, allowed Indian nations to select from a catalogue of constitutional documents that enumerated powers for tribes and for tribal councils. Though the Act did not specifically recognize the Courts of Indian Offenses, 1934 is widely considered to be the year when tribal authority, rather than United States authority, gave the tribal courts legitimacy.

In 1956, a U.S. Court concluded no law had ever established tribal courts, but nonetheless, decades of federal funding implied that they were legitimate courts.

Though Congress on June 2, 1924, extended national citizenship to include members of enrolled tribes, the court concluded two Oglala Sioux defendants convicted of adultery under tribal laws did not enjoy legal protection afforded to other citizens by the US Constitution. The court cited case law from a pre-1924 case that said, “when Indians are prepared to exercise the privileges and bear the burdens of *one sui juris* (not under the power of another), the tribal relation may be dissolved and the national guardianship brought to an end, but it rests with Congress to determine when and how this shall be done, and whether the emancipation shall be complete or only partial...” (*U.S. v. Nice*, 1916). The court further determined, based on the earlier *Lone Wolf v. Hitchcock* case, that, “It is thoroughly established that Congress has plenary authority over Indians.” The court held that, “the granting of citizenship in itself did not destroy ... jurisdiction of the Indian tribal courts and ... there was no intention on the part of Congress to do so.” The adultery conviction and the power of tribal courts were upheld.

In 1953, Congress enacted Public Law 280, which gave some states extensive jurisdiction over the criminal and civil controversies involving Indians on Indian lands. Many, especially Indians, continue to believe the law unfair because it imposed a system of laws on the tribal nations without their approval.

In 1965 the U.S. Court of Appeals, Ninth Circuit, concluded that no law had ever extended provisions of the US Constitution, including the right of habeas corpus, to tribal members brought before tribal courts. Still, the court concluded, “it is pure fiction to say that the Indian courts functioning in the Fort Belknap Indian community are not in part, at least, arms of the federal government. Originally they were created by federal executive and imposed upon the Indian community, and to this day the federal government still maintains a partial control over them.” In the end however, the Ninth circuit limited its decision to the particular reservation in question and stated, “It does not follow from our decision that the tribal court must comply with every constitutional restriction that is applicable to federal or state courts.”

While many modern courts in Indian nations today have established full faith and credit with state courts, the nations still have no direct access to U.S.



courts. When an Indian nation files suit against a state in U.S. court, they do so with the approval of the Bureau of Indian Affairs. In the modern legal era, courts and congress have, however, further refined the often competing jurisdictions of tribal nations, states and the United States in regard to Indian law.

In the 1978 case of *Oliphant v Suquamish Indian Tribe*, the Supreme Court, in a 6-2 opinion authored by Justice William Rehnquist concluded that tribal courts do not have jurisdiction over non-Indians. (The Chief Justice of the Supreme Court at the time, Warren Burger, and Justice Thurgood Marshall filed a dissenting opinion.) But the case left unanswered some questions, including whether tribal courts could use criminal contempt powers against non-Indians to maintain decorum in the courtroom, or whether tribal courts could subpoena non-Indians.

A 1981 case, *Montana v. U.S.*, clarified that tribal nations possess inherent power over their internal affairs and civil authority over non-members within tribal lands to the extent necessary to protect health, welfare, economic interests or political integrity of the tribal nation.

Other cases of those years precluded states from interfering with tribal nations' sovereignty. Tribal sovereignty is dependent on, and subordinate to, only the federal government, not states, under *Washington v. Confederated Tribes of Colville Indian Reservation*, (1980). Tribes are sovereign over tribal members and tribal land, under *United States v. Mazurie* (1975).

In *Duro v. Reina*, 495 U.S. 676 (1990), the Supreme Court held that a tribal court does not have criminal jurisdiction over a non-member Indian, but that tribes "also possess their traditional and undisputed power to exclude persons who they deem to be undesirable from tribal lands. Tribal law enforcement authorities have the power if necessary, to eject them. Where jurisdiction to try and punish an offender rests outside the tribe, tribal officers may exercise their power to detain and transport him to the proper authorities." In response to this decision, Congress passed the 'Duro Fix', which recognizes the power of tribes to exercise criminal jurisdiction within their reservations over all Indians, including non-members. The 'Duro Fix' was upheld by the Supreme Court in *US v. Lara* (2004).

At the dawn of the 21<sup>st</sup> Century, the powers of tribal courts across the United States varied, depending on whether the tribe was in a Public Law 280 state or not. Tribal courts maintain much criminal jurisdiction over their members, and because of the *Duro Fix*, over nonmember Indians regarding crime on tribal land. The Indian Civil Rights Act, however, limits tribal punishment to one year in jail and a \$5,000 dollar fine. Tribal Courts have no criminal jurisdiction over non-Indians. In PL280 states (Alaska, California, Minnesota,

Nebraska, Oregon, and Wisconsin), the state has been granted criminal and civil adjudicatory jurisdiction over activities in Indian Country. In non-PL280 states, Indian on Indian crime in Indian Country may be prosecuted in Federal Court if the crime is one of those listed in the Major Crimes Act (§1153). Indian on non-Indian crime in Indian Country will be prosecuted in Federal Court, either from the MCA, or the Indian Country crimes Act (§1152) (unless the Indian was punished by the tribe). Non-Indian on Indian crime in Indian Country will be prosecuted in Federal court using ICCA. Non-Indian on non-Indian crime in Indian Country will be prosecuted by the state.

While tribal nations do not enjoy direct access to U.S. courts to bring cases against states, as sovereigns they do enjoy immunity against many lawsuits (*Santa Clara Pueblo v. Martinez*, 1980), unless a plaintiff is granted a waiver by the tribe or by congressional abrogation (*Oklahoma Tax Comm. V. Citizens Band Potawatomi Indian Tribe*, 1978). The sovereignty extends to tribal enterprises (*Local IV-302 Int'l Woodworkers Union of Am. V. Menominee Tribal Enterprises* 1984), and tribal casinos or gaming commissions (*Barker v. Menominee Nation Casino*, 1995). The Indian Civil Rights Act does not allow actions against an Indian tribe in federal court for deprivation of substantive rights, except for habeas corpus proceedings (*Santa Clara Pueblo v. Martinez*, 1978).

Tribal and pueblo governments today launch far-reaching economic ventures, operate growing law enforcement agencies and adopt codes to govern conduct within their jurisdiction but the United States retains control over the scope of tribal law making. Laws adopted by Native American governments must also pass the Secretarial Review of the Department of Interior through the BIA.

### **Per the Midwest Alliance of Sovereign Tribes**

Sovereignty is the legal right of a government to determine its own destiny, make laws, collect taxes, and protect the rights and welfare of its citizens. The inherent sovereignty of Indian tribes has been recognized by the U.S. government and must be protected.

Indian tribes existed before the United States was formed. This means tribes are inherently sovereign. Their sovereignty is something they always possessed; it is not something that was granted to them by the U.S. or any other government.

The U.S. government has entered into many treaties with Indian tribes, thereby acknowledging tribes as self-governing sovereign entities. Several Supreme Court decisions have upheld this relationship reinforcing tribes' status as sovereign nations. The Constitution also recognizes tribal sovereignty. Article

One gives Congress the power, “To regulate commerce with foreign nations, and among the several states and with Indian tribes.”

## **B. ASSESSMENT OF INTERGOVERNMENTAL RELATIONSHIPS, PLANS AND AGREEMENTS**

### 1. SCHOOL DISTRICT

The Forest County Potawatomi Lands are in the School District of Crandon and Wabeno.

The Nicolet Technical College, located in Rhinelander, serves the Potawatomi Tribal Lands.

The Tribe has little participation in issues pertaining to administration or siting of new facilities. All school and college board meetings are open to the public.

### 2. SURROUNDING TOWNS

The Forest County Potawatomi lands are located in the Town of Lincoln, Town of Blackwell and Town of Wabeno. These towns are bordered (refer to Map 1) by the City of Crandon; the towns of Crandon, Nashville, Armstrong Creek, and Laona in Forest County; Town of Townsend in Oconto county; and the Town of Silver Cliff in Marinette county.

### 3. FOREST COUNTY

Forest County (refer to Map 1) directly and indirectly provides a number of services to Forest County Potawatomi. The Tribe enjoys a good working relationship with many departments, including Finance, Highways, Sheriff, Parks and Zoning.

The County Highway Department maintains and plows the County, state and federal highways within the Town. The County Sheriff provides protective services through periodic patrols. The Sheriff also manages the 911-dispatch center, not only for police protection, but also for ambulance/EMS response. The Forestry Department maintains a county park and forest system for the use and enjoyment of all residents including the Town of Wabeno. The County also provides land records and land & water conservation services.

In many cases where state and federal agencies require area-wide planning for various programs or regulations, the County sponsors a county-wide planning effort to complete these plans, and include each individual local unit in the process and resulting final plan. Examples of this include the County Outdoor Recreation plan which maintains the eligibility for WisDNR administered park

and recreation development funding of each local unit that adopts it, and All Hazard Mitigation Plans which are required by FEMA in order for individual local units of government to qualify for certain types of disaster assistance funding.

#### 4. NORTH CENTRAL WISCONSIN REGIONAL PLANNING COMMISSION

The North Central Wisconsin Regional Planning Commission (NCWRPC) was formed under §60.0309 Wis. Stats. as a voluntary association of governments within a ten county area. Forest County is a member of the NCWRPC, which qualifies the Forest County Potawatomi for local planning assistance. Typical functions of the NCWRPC include (but are not limited to) land use, transportation, economic development, intergovernmental and geographic information systems (GIS) planning and services.

#### 5. STATE AND FEDERAL GOVERNMENT

The Wisconsin departments of Natural Resources (WisDNR) and Transportation (WisDOT) are the primary agencies the Town might deal with regarding development activities. Many of the goals and objectives of this plan will require continued cooperation and coordination with these agencies.

The WisDNR takes a lead role in wildlife protection and sustainable management of woodlands, wetland, and other wildlife habitat areas, while WisDOT is responsible for the planning and development of state highways, railways, airports, and other transportation systems. State agencies make a number of grant and aid programs available to local units of government and Tribes.

As a sovereign government the Forest County Potawatomi has a very different relationship to the State than most Towns. Rather than a hierarchy of agencies where the State has authority to regulate its, the Tribe approaches the State as an equal, on a government-to-government basis.

#### 6. Towns of Lincoln, Wabeno and Blackwell

The Forest County Potawatomi tribal lands lie within the Towns of Lincoln, Wabeno and Blackwell. The Town has a good working relationship with the Tribe. The Town and Tribe frequently partner on road projects, grants, etc.

### **C. EXISTING OR POTENTIAL INTERGOVERNMENTAL CONFLICTS**

The following intergovernmental conflicts were identified in the Forest County Potawatomi planning area:

- ✓ The following potential intergovernmental conflicts may arise in the Forest County Potawatomi planning area:
- ✓ The process for resolving these conflicts will in part be a continuation of past practices as new mechanisms evolve. The Tribe will continue to meet with surrounding towns when significant issues of mutual concern arise.

### **D. INTERGOVERNMENTAL PROGRAMS**

66.0301 – Intergovernmental Cooperation: Wisconsin Statute §66.0301 permits local agreements between the state, cities, villages, towns, counties, regional planning commissions, and certain special districts, including school districts, public library systems, public inland lake protection and rehabilitation districts, sanitary districts, farm drainage districts, metropolitan sewerage districts, sewer utility districts, Indian tribes or bands, and others.

Intergovernmental agreements prepared in accordance with §66.0301, formerly §66.30, are the most common forms of agreement and have been used by communities for years, often in the context of sharing public services such as police, fire, or rescue. This type of agreement can also be used to provide for revenue sharing, determine future land use within a subject area, and to set temporary municipal boundaries. However, the statute does not require planning as a component of any agreement, and boundary changes have to be accomplished through the normal annexation process.

## **E. GOALS, OBJECTIVES, AND POLICIES**

### **Goal**

- Seek mutually beneficial cooperation with all levels of government.

### **Policies**

1. Investigate cost sharing or contracting with neighboring towns and the County to provide more efficient service or public utilities.
2. Work with Forest County on the development of countywide planning efforts.
3. Identify alternative solutions to existing or potential land use, administration or policy conflicts that may hinder intergovernmental cooperation.

## **CHAPTER 9: IMPLEMENTATION**

This last chapter of the Forest County Potawatomi Comprehensive Plan is a compilation of programs and specific actions to implement the objectives, policies, plans and programs contained in the previous chapters. This chapter includes a process for updating the plan, which is recommended every 10 years at a minimum.

### **A. RECOMMENDATIONS TO IMPLEMENT COMPREHENSIVE PLAN**

This Plan is intended to be used as a guide by tribal officials when making decisions that affect growth and development on tribal lands. It is also important that local citizens and developers become aware of the Plan.

This Plan was adopted by Tribal Council resolution.

#### RECOMMENDATION 1: PLAN ADOPTION

It is incumbent upon the Tribal Council that once the Plan is approved, it will be used to guide decisions that affect development.

The Forest County Potawatomi Plan Commission is to measure the Town's progress toward achieving the Plan on an annual basis and make a full review and update of the Plan every 10 years. (See Section B, below.)

The plan may be used as the foundation for the development of the Integrated Resource Management Plan (IRMP).

#### RECOMMENDATION 2: INTERGOVERNMENTAL COOPERATION

The Forest County Potawatomi should cooperate with neighboring communities and other units of government to minimize intergovernmental conflict and ensure that the goals and objectives of this plan are fully realized. Key recommendations include the following:

- ✓ Work with Forest County and surrounding towns to incorporate the Forest County Potawatomi Comprehensive Plan.
- ✓ Continue to build on the initial framework established in the Intergovernmental Cooperation Chapter of this Plan.

#### RECOMMENDATION 3: INFORMATION AND EDUCATION

Copies of this Plan should be made available to the public and all materials, maps, programs and information mentioned in the Plan should be assembled

and displayed at the Tribal Offices, available for anyone to review when the facility is open or upon reasonable request. In addition, the same information should be made available on the Internet.

## **B. PLAN REVIEW AND UPDATE**

An annual review is to be completed by the Plan Commission, comparing how each land use decision made during the year measured up to the goals and policies of the Plan. If a pattern of land use decisions inconsistent with the goals and policies of this Plan is found, the following options are to be considered:

- ✓ Appropriate adjustments should be made to bring decision-making back in line with Plan goals and policies
- ✓ The goals and policies themselves should be reviewed to ensure they are still relevant and worthwhile
- ✓ Possible changes to existing implementation tools such as the zoning or land division ordinance should be considered to ensure the ordinances properly support land use decision-making and plan implementation.
- ✓ New implementation tools should be considered to gain more control over land use decisions.

An essential characteristic of any planning program is that it reflects the desires of the Tribe's citizens.

## **C. PLAN AMENDMENT PROCEDURE**

Amendments to this Plan may include minor changes to plan text or maps or major changes resulting from periodic review. Frequent changes to accommodate specific development proposals should be avoided. The Comprehensive Planning Law (§66.1001 Wis. Stats.) requires that the same process used to adopt the Plan will also be used to amend it, specifically:

Approved changes shall be sent to:

- The school district, and the technical college district that serve the Town;
- All adjacent town clerks;
- Clerk of Forest County
- The local library;
- North Central Wisconsin Regional Planning Commission; and
- WDOA, Division of Intergovernmental Relations, Comprehensive Planning Program.



#### **D. PLAN CONSISTENCY BETWEEN CHAPTERS**

The state comprehensive planning law requires that the implementation chapter describe how each chapter of the plan will be integrated and consistent with the other chapters. Preparing all the chapters of the Forest County Potawatomi Comprehensive Plan simultaneously has ensured that there are no known inconsistencies between the different chapters of the Plan.

**ATTACHMENT A**  
**PLAN ADOPTION DOCUMENTATION**

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# Forest County Potawatomi Community

P.O. Box 340 • Crandon, Wisconsin 54520

POTAWATOMI  
(Keeper of the Fire)

## FOREST COUNTY POTAWATOMI COMMUNITY OF WISCONSIN EXECUTIVE COUNCIL RESOLUTION Resolution Number 082-2011

WHEREAS, the Forest County Potawatomi Community of Wisconsin (the "Tribe") is a federally-recognized Indian Tribe organized under a Constitution adopted June 5, 1982, and approved by the Secretary of the Interior on July 14, 1982, pursuant to the provisions of the Indian Reorganization Act of 1934, as amended;

WHEREAS, Article I of the Constitution provides that "[t]he territory and jurisdiction of the Forest County Potawatomi Community shall embrace lands purchased by the United States for the occupancy and use of the Wisconsin Potawatomes residing in Wisconsin, and any additional lands acquired by the Federal Government or the Community under any law of the United States, except as otherwise provided by law;"

WHEREAS, the Tribe has participated with Forest County, Wisconsin in seeking support from the State of Wisconsin to complete a county and local level comprehensive plan;

WHEREAS, pursuant to Forest County Potawatomi Community Executive Council Resolution 024-2007, the Tribe has prepared a draft comprehensive plan as described in section 66.1001 of the Wisconsin Statute while adhering to the principles of tribal sovereignty;

WHEREAS, the draft comprehensive plan will be expanded and revised to serve as the Tribe's Integrated Resource Management Plan.

NOW THEREFORE BE IT RESOLVED, the Forest County Potawatomi Community Executive Council has completed the Tribe's draft comprehensive plan and will continue to work toward incorporating the draft comprehensive plan into the Tribe's Integrated Resource Management Plan.

### CERTIFICATION

I, Lorna Shawano, the undersigned Secretary of the Forest County Potawatomi Executive Council, do hereby certify that 4 members constituted a quorum at a meeting duly called, convened, and held on the 9<sup>th</sup> day of November, 2011, and that the above resolution was duly adopted by an affirmative vote of 3 members for and 0 members against, and 0 members abstaining, and that said resolution has not been rescinded or amended in any way.



Lorna Shawano  
Tribal Secretary, Executive Council  
Forest County Potawatomi Community