

Kickapoo Valley Reserve

Cultural Resources Plan

Resources Overview

Natural History

Approximately 12,000 years ago the Ice Age was ending. As the glaciers receded northward, spruce/fir forests that were interspersed with poorly drained marshes replaced the tundra. Floodplain ponds and marshes were established well into the deeply dissected Driftless Area drainages from the back flushing of catastrophic glacial meltwater floods in the Wisconsin and Mississippi Rivers. This environment supported a variety of Pleistocene megafauna such as woolly mammoth and mastodon, giant beaver, caribou, and early forms of North American horse and camel. However, virtually all the megafauna had become extinct by 10,000 Before Present (B.P).

As the Laurentian ice sheet continued to retreat towards Hudson Bay, westerly Pacific air flow dominated the jet stream, cutting off moist Gulf air from reaching the Upper Midwest, and resulting in a warm-dry regime called the Altithermal. This period persisted from about 8,000-6,000 B.P. and allowed the eastward expansion of the prairies and herds of early buffalo (*Bison occidentalis*). Due to the rugged nature of the Driftless Area, natural fire breaks appear to have retarded grassland expansion across this region, resulting in a mosaic vegetation community including stands of remnant pine along the sandstone outcrops; deciduous maple, basswood, and birch on north and east facing slopes; oak forests and openings to prairies on south and west facing slopes and open bluff tops. It is likely that the backwater ponds had filled in or drained by this time. This diverse set of communities likely supported a substantial deer and elk herd.

By 6,000 B.P. conditions became cooler and wetter, allowing peat to begin forming again in the floodplains. This period saw the retreat of the prairies and westward expansion of deciduous forests across the Midwest. In the Kickapoo area, the mosaic vegetation community was maintained, though prairies likely became smaller and the maple basswood forest became more established. These conditions persisted with less intensive climatic moderation until European contact. The warm-moist (Neo-Atlantic) period occurred approximately 1,000 B.P., followed by a brief dry spell (Pacific) at about 700 B.P. Around 450 years ago, a cooling trend was felt across the northern hemisphere and has been labeled the Little Ice Age.

Mid-19th century General Land Office surveyors documented a unique Driftless Area vegetation community in the Kickapoo Valley. Whereas much of this region supported a mixture of prairie, savannah, and oak forest, a remnant sugar maple forest dominated the Kickapoo Valley. This forest reflects the natural firebreak created by the steep east facing slope of the major ridge divide separating this valley from that of the Mississippi. The southern boundary of this extensive sugar maple forest follows the Wisconsin River. The lower Kickapoo River forms the ecotone between the oak/prairie to the west and sugar maple forest to the east; but the upper portion of this valley, including the Kickapoo Valley Reserve, is completely encompassed within the sugar maple forest. The upper portion of the valley also continued to support floodplain marshes and remnant pine on the sandstone outcrops, whereas these communities did not occur to the south. Tree species other than sugar maple, which were important in this forest community, are basswood, elm, red

oak, ironwood, and infrequently hickory and butternut. This would have been a unique community surrounded mainly by oak savanna and prairie grasses with park-like clumps of oak.

Previous Investigations

The KVR is one of the most intensively studied localities in the Driftless Area. However, these studies have focused almost exclusively on prehistoric sites. No comparable comprehensive surveys of historic Native American or Euro-American sites were completed within the reserve. Surveys in conjunction with the original proposed dam, reservoir, and recreation areas covered approximately seventy percent of the 8,569-acre project; and these were complimented by a series of road surveys that traversed the project area.

Before 1960 only a handful of sites had been reported from this section of the Kickapoo Valley, largely through correspondence with Charles Brown of the State Historical Society. By 1978, after a decade and a half of formal investigations by the State Historical Society of Wisconsin (SHSW), over 450 archaeological sites were identified within and immediately adjacent to the Reserve. The history and details of the SHSW research have been summarized in several technical reports and several articles published in *The Wisconsin Archeologist*.

After the work stoppage of the La Farge Lake Project in 1976, a few other studies have been undertaken in the Project boundary and are summarized below. The Great Lakes Archaeological Research Center (GLARC) has done extensive surveys in conjunction with the proposed re-alignment of STH 131 north of Rockton. The GLARC surveys relocated numerous previously recorded sites and found 11 new sites. Evaluations of five sites that were within the Area of Potential Effect of the road design determined that four were not significant, and one mound group was not located within the right-of-way.

In 1996 Archaeological Consulting Services conducted a survey of a proposed re-alignment of CTH P in the lower portion of the Project. They did not relocate 47Ve132 and found only a single isolated flake in 161 shovel tests.

In 1996 and 1997, the Mississippi Valley Archaeology Center (MVAC) undertook archaeological investigations in conjunction with proposed stream bank stabilization rip rapping by the Vernon County Land Conservation Department. The specific bank sites were near areas of previously reported sites in Weister and Warner Creeks. These surveys documented deep deposits of historic alluvium and found no buried cultural deposits. During these projects, Middle Woodland artifacts were found eroding from the base of a sandstone ledge. This find was reported by MVAC for the Region 6 Archaeology Program.

In 1997, the Ho-Chunk Nation Historic Preservation and Lands Departments organized a team to initiate an archaeological reconnaissance of the Project Area to facilitate selection of 1,200 acres for tribal control under a cooperative agreement with the USACE and State of Wisconsin. That year the tribe also hired a team from the University of Wisconsin-Madison to oversee the survey. This survey was undertaken in early summer and consisted of pedestrian walkover with a no collection policy. The majority of the lands covered were upland ridges with focus on potential mound, rock

shelters, and/or rock art sites. The survey relocated six previously reported sites and found 15 new sites including two mounds, six petroglyphs, and seven open air camps/isolated finds.

In 1998, MVAC conducted an inventory of previously unsurveyed property (3500 acres) within the La Farge Lake Project for the St. Paul District, Corps of Engineers per stipulations within the Programmatic Agreement (Attachment 5). This inventory focused on steep wooded slopes which were walked over, with relatively level settings shovel tested, but also included pedestrian survey of several cultivated parcels on terraces towards the upstream end of the project. The 1998 survey located an additional 90 sites and relocated five. The majority of the sites located during this survey are isolated finds or small lithic scatters of unknown cultural age or affiliation. Seventeen sites were classified as a camp and/or village, and another represents an occupied rock shelter. These sites produced only four ceramic sherds, three of which are grit-tempered; the other is shell-tempered that is probably attributable to either Middle Mississippian or Oneota influences. Almost all the camp and village sites located during the survey are situated on the major high terraces of the Kickapoo River. The largest measures 90 x 50 meters (300 x 175 feet). These almost certainly represent locations that were reused through time, rather than large single use "villages." Overall, these sites indicate small groups moving in seasonal rounds through the Kickapoo River Valley.

The MVAC survey completed the inventory phase of the KVR regarding prehistoric sites. All the sites were determined eligible (contributing elements) for or listed on the National Register of Historic Places as part of a single archaeological district (the Upper Kickapoo Valley Prehistoric Archaeological District). The boundaries of the district and the reserve are the same. Future undertakings in the KVR having a potential to impact these National Register sites (i.e. historic properties) should conduct Phase III investigations to mitigate the impacts affecting them.

In 1998, U.S. West Research conducted a literature search for potential historic sites within the reserve (Godfrey 1998). Original hopes were to conduct some fieldwork, but it was discovered that all standing structures within the reserve had been demolished after the land transfer to the COE in the 1970s. The author concluded that historic sites still exist within the reserve (some possibly eligible to the National Register), but they can only be investigated through archaeological fieldwork. Archaeological surveys concentrating on historic sites are still needed.

Since the writing of the National Register nomination in 1999, site monitoring by archaeologists for the STH 131 and CTH P reconstruction within the reserve has identified five new sites (Twinde and Arzigian 2001; Watson 2001). They are not currently part of the district.

Cultural History

The Upper Kickapoo Valley Prehistoric Archaeological District is an important archaeological resource that qualifies for listing on the National Register of Historic Places. The archaeological record of the Driftless Area reflects a diverse range of Native American cultures beginning nearly 12,000 years ago and persisting until late pre-European times, with various tribes settling the area in the early and middle historic periods. The KVR contains the densest quantity of recorded archaeological sites within the Driftless Area but is probably typical of site densities throughout the region. The high number of recorded sites in the Reserve reflects decades of intensive survey and

excavation, which is unparalleled in other portions of the region. Consequently, the cultural sequence of the KVR is well understood; and the following summation is based largely on data obtained through past studies within the La Farge Lake Project. On the other hand, not all the cultural manifestations known for the Driftless Area have been documented within the project, so some aspects of this context are derived from other studies within the region.

Paleoindian Tradition (ca. 12,000-10,000 B.P.)

While recent tantalizing evidence for pre-Clovis cultures have been reported in the Americas, the earliest known cultural tradition in the Driftless Area continues to be the early Paleoindian stage of the Paleoindian tradition. This culture is most often recognized by lanceolate-shaped chipped stone spear tips with distinctive “flutes” or channel flake scars running from the base towards the tip. Early Paleoindians are thought to have been migratory hunters, moving as small bands across the landscape, which was much different at the end of the Pleistocene Ice Age than today. With much cooler temperatures, the Driftless Area was a mixture of tundra and spruce-fir forests in the uplands, while many of the narrow valleys were apparently blocked forming ponds and bogs. Contemporary fauna included woolly elephants (mammoth and mastodon), probably caribou, bear, and giant beaver, and perhaps musk ox, early forms of horse, camel, and giant ground sloth. Forest-dwelling mastodon remains have been found in the rugged heart of the Driftless Area, while prairie-oriented mammoth bones have been found on the less steep northern margins of this region. Megafauna remains reported nearest the KVR include a vague reference to mastodon remains at La Farge. More reliable are other reports from the vicinity such as the largely complete skeleton of the Boaz mastodon, and tusks at Bloom City, Hub City, and Bear Creek in Richland County; a mastodon tooth at Coon Valley in Vernon County; and the Chipmunk Coulee mastodon at the La Crosse/Vernon County border.

Several examples of Early Paleoindian fluted points have been reported for the KVR. These include specimens manufactured of both chert and orthoquartzite. The orthoquartzite probably originated from sources in exposed Cambrian sandstone to the north of the Kickapoo River, including the renowned Silver Mound, source of Hixton Silicified Sandstone. Another orthoquartzite fluted point was allegedly found with the Boaz mastodon.

10,000 B.P. had abandoned the fluted point technology in favor of unfluted lanceolate points. Shortly thereafter, notched projectile points appear for the first time in the archaeological record of the Midwest. By this time, most of the megafauna had become extinct, and there was an eastward expansion of the prairies along with earlier forms of buffalo such as *Bison occidentalis*. True prairie and significant numbers of bison may not have invaded the heart of the Driftless Area, including the Lake La Farge Project. Instead, the Driftless Area may have remained a mosaic of conifer/deciduous forest on the north and east facing slopes, with isolated “goat” prairies on south and west facing slopes. Under this scenario, the Middle Kickapoo Valley may have supported elk and deer at this time rather than herds of *Bison occidentalis*. Several examples of Late Paleoindian spear tips were documented in the early surveys of the La Farge Lake Project. Late Paleoindian materials were found beneath the plow zone at the Markee site, making this a rare find.

Archaic Tradition (9,000-3,000 B.P.)

The Archaic represents the longest period of pre-European culture in the Upper Midwest and is also the least well known. Early Archaic spear tips were notched, possibly indicating the innovation of the atlatl spear thrower. In the Driftless Area, the small number of Early-Middle Archaic artifacts suggests a low population during the peak of the Altithermal. On the other hand, sites of this age may be deeply buried as water levels rose about 4,000 B.P.

By 5,000 years ago, the archaeological record indicates a sharp increase in Driftless Area settlements. Side-notched "Raddatz" points have been found throughout this region, and radiocarbon dates place this style at 5,000-3,000 B.P. Associated remains in rock shelters indicate winter occupations with primary subsistence of deer and some elk.

Raddatz points are the most common projectile point recorded from numerous surveys and test excavations in the Reserve, including in the stratified Bard Lawrence Rockshelter. They are generally manufactured of local chert and are often heat-treated. Most of the small camps found throughout the project have yielded heat-treated chert debitage and no diagnostics, and many of these may represent Mid-Late Archaic activity areas. The quantity and distribution of Raddatz points across the valley suggests that this was the first time the valley was utilized with any degree of intensity.

About 3,000 years ago, a major cultural shift marks the transition from the Archaic to Woodland tradition. The first formal cemeteries occur at the end of the Archaic, suggesting stronger group ties to territories. Late Archaic cemeteries sometimes contain elaborate and exotic grave offerings reflecting far reaching trade networks that transcended the newly established territories. Furthermore, exotic artifacts are not equally distributed but are concentrated with certain individuals, indicating social ranking. Smaller projectile points also distinguish the end of the Archaic Tradition. Expanding stemmed "Durst" points were found in the Bard Lawrence Rockshelter, and radiocarbon dated to ca. 2,000-3,000 B.P.

Woodland Tradition (ca. 2,500-1,000 B.P.)

The beginning of the Woodland tradition is usually recognized by the first ceramics, evidence of horticulture, and in some areas the first earthen mounds. In the Driftless Area, pottery and horticulture appear about 2,500 B.P. Diagnostic projectile points for this era are larger, detachable spear tips. The earliest ceramics are thick-walled, flat-bottomed vessels that are rarely decorated, while shortly thereafter thinner, cone-shaped pots appear--often tempered with sand and decorated with incised lines and fingernail impressions. Early Woodland pottery is rare in the KVR, though contemporary contracting stemmed points have been recovered. Currently there is little evidence for Early Woodland mound construction in Wisconsin.

By A.D. 200, mound construction had become a common practice in Wisconsin, including the Driftless Area. Large conical mounds of the Hopewell culture have been documented at prominent settings along major rivers. Excavations in the late nineteenth and early twentieth centuries documented evidence of elaborate construction and exotic artifacts. Many of these items were made of non-local materials that were transported hundreds of miles for the sole purpose of

accompanying the dead. This exchange network touched all corners of North America east of the Rocky Mountains. No Hopewell burial mounds are verified for the KVR, but the relatively large Kaukl Mound is comparable to Hopewell mounds recorded along the Upper Mississippi River.

Artifacts from campsites of the people who constructed the Hopewell mounds are much less exotic. Habitation materials include large corner-notched points and cone-shaped pots with bold tool-stamped decorations. Few habitation sites of this age have been excavated in the Driftless Area. It seems that Middle Woodland remains are sparse but widespread within the interior valleys, including the KVR. Surveys documented several local camps and rock shelters that produced Middle Woodland pottery and a few points. These suggest an increased utilization of the reserve from the preceding Early Woodland stage.

By about 1,600 B.P., the Hopewell Interaction Sphere had dissolved; and exotic materials were no longer imported or buried with the dead. Conical burial mounds continued to be constructed but generally contain fewer individuals with sparse offerings. Still, local populations continued to hunt and gather, supplemented by horticulture. In southwestern Wisconsin the subsequent period is recognized by new expanding stemmed spear tips and thinner, tool-stamped pottery. Approximately 1,500 years ago, the bow and arrow were introduced to this region; and projectile points become distinctly smaller. Only a few late Middle Woodland sites have been documented within the KVR.

It appears that by around A.D. 700, mound forms began to evolve into oval and linear forms, and subsequently into animal-shaped effigies. These, along with distinct cord-impressed pottery, mark the Late Woodland Effigy Mound Culture. The transition from Middle to Late Woodland is marked by pottery container decorative styles that blend characteristics of each period. These vessels are rare in the KVR. However, a few oval and linear mounds were recorded and excavated by the State Historical Society that may represent mounds for this transitional period.

The Effigy Mound Culture is centered across southern Wisconsin. Characteristics that distinguish it are animal-shaped mounds, cord-impressed ceramics, arrow tips, and the first corn in this region. Within the Kickapoo River drainage, effigies are recorded in the lower portion of the valley as far upstream as Viola, where a substantial group was recorded. No true effigy mounds are known for the upper portion of this valley, including the KVR. This local edge to the distribution of effigy mounds may mark a cultural boundary coincidence with vegetation differences. Effigy mound artifacts have been recovered from a number of sites within the KVR. These include small arrow tips and distinctive pottery. Furthermore, corn was found in the Bard Lawrence Rockshelter.

Mississippian Tradition (ca. 1,000-350 B.P.)

The Effigy Mound Culture appears to have ended rather suddenly about A.D. 1100. This coincides with the emergence of Middle Mississippian cultures at centers like Cahokia in southern Illinois. Mississippian interaction with Late Woodland groups in southern Wisconsin is well documented at the famous site of Aztalan in Jefferson County and a few others in western Wisconsin, but Middle Mississippian artifacts are exceedingly rare in the Kickapoo Valley.

The Middle Mississippian presence in southern Wisconsin appears to have been short-lived but coincides with the end of the effigy mound culture and emergence of the Upper Mississippian

Oneota culture, which dominates the archaeological record until European contact in the mid-1600s. Oneota sites tend to have been sprawling complexes supported by intensive corn agriculture and supplemented by hunting and exploitation of floodplain resources in the summer. These villages are generally clustered in distinct localities ranging from Lake Michigan to the Missouri River. Between these are uninhabited lands that were presumably exploited only by short-term hunting parties. In Wisconsin, Oneota complexes occur along waterways in the glaciated eastern and southeastern portion of the state, and along the Mississippi River at Lake Pepin and La Crosse. Except for isolated finds, Oneota sites are not known for vast tracts of the state, which were formerly intensively inhabited by Woodland groups. For example, no Oneota sites are reported for the Madison Lakes district, while Oneota pottery has been found only sporadically at Prairie du Chien. Likewise, to date only a few possible Oneota artifacts have been found in the KVR. In sum, this locality appears to have been essentially abandoned for the last 500-600 years of pre-European time.

Ho-Chunk Nation

Archaeological evidence suggests that approximately 12,000 years ago, a variety of Native American cultures inhabited what was to become the State of Wisconsin and the land that would eventually become the KVR. Ho-Chunk oral history supports the archaeological record and indicates that the Ho-Chunk people have enjoyed a continuous occupation of the region and repeatedly visited the Kickapoo Valley. Nomadic tribes frequently used the area as a temporary home and hunting ground, including the Ho-Chunk, Sauk, and Kickapoo.

The Ho-Chunk Nation's oral history contains many stories relating directly to sites in the Reserve, which affirms the Nation's strong cultural tie to the Kickapoo Valley. Archeological evidence places the Ho-Chunk in Wisconsin for thousands of years before European settlement. A number of sites within the Reserve have special cultural or religious significance for the Ho-Chunk Nation including but not limited to the many natural springs, medicinal plants, rock shelters and rock art and burial mounds. Furthermore, many sites have been used for traditional religious practices.

In 1634, Jean Nicolet met with the Ho-Chunk people in the Green Bay area, marking the first documented meeting in Wisconsin between the Ho-Chunk Nation and Europeans. For decades, the Ho-Chunk worked with Euro-Americans in the fur trade and even fought in French and British battles. However, the Louisiana Purchase and the War of 1812 brought about further westward expansion and settlement, thereby changing the relationship between the two cultures.

In 1822, the federal government began leasing Ho-Chunk lands in southwestern Wisconsin to lead miners. After enacting the Indian Removal Act of 1830, the federal government opened land sales offices in what would become the Wisconsin Territory. Approximately 900,000 acres of land were sold; and thus began the influx of miners, lumbermen, and settlers eager to make their living off the recently "acquired" land. Before 1830, the Ho-Chunk held title to more than 10,500,000 acres in southern Wisconsin and northern Illinois; within 10 years the Nation would have none.

From 1816 to 1865, 11 treaties between the Ho-Chunk and the U.S. government were written. However, the Treaty of 1837 had the greatest impact on the Nation as it removed the Ho-Chunk

from their land in Wisconsin, which encompassed the Kickapoo Valley, to “neutral” ground along the Turkey River in Iowa. The Ho-Chunk Nation does not have typical reservation land in Wisconsin; instead, they have scattered individual allotments and trust lands throughout the states of Wisconsin and Minnesota acquired under the Indian Homestead Act. Acquiring land in the Kickapoo Valley is the first time the Ho-Chunk have obtained a large contiguous piece of their ancestral lands since the removal periods.

Euro-American and African American Settlement

Vernon County, where the KVR is located, was surveyed in the late 1830s. It was first known as Bad Axe County in 1852 but changed to Vernon County in 1862. Within the reserve, several villages were eventually incorporated along the Kickapoo River. These include Rockton, Potts Corner, Odin Mills, Star Mills, Seelyburg, and La Farge. In addition to the villages, Godfrey (1998) identified a series of other Euro-American sites, within the logging, dairy, and crop (wheat, feed, and tobacco) historic contexts, once existed within the reserve. Many 19th and 20th century buildings also were once located on the Reserve, including several rural schoolhouses, an inn, a sawmill, many businesses, and bridges.

The Kickapoo Valley area was and is home to a number of non-Native American ethnic groups who settled in the Valley and used the lands for their livelihood. The Amish, Norwegian, African American, and Czech settlements of Vernon County represent the ethnically diverse groups who have called this part of the Driftless Area home.

The Ho-Chunk were not the only residents of the Upper Kickapoo Valley who were removed from their land under the direction of the federal government. Beginning in the late 1960s, 140 families were displaced during the initial preparations of the Lake La Farge Project. Some farms had been in a single family for over one hundred years.

Finance and Administration

One of the objectives of the Finance Management Plan Section of the Master Plan says, “Protection of the natural and cultural resources will not be overshadowed by potential gain.” To ensure that implementation of the Plan continues, HCN and the KRMB require suitable, stable funding and staffing. Funding must cover permanent salaries, limited term employee salaries, KRMB per diems, fringe benefits, supplies and services, and construction of limited facilities and visitor center.

Funding Requirements

Estimated budgets will be submitted at the appropriate times as required by the HCN Legislature and KRMB in preparation for the Wisconsin biannual budget. KRMB and HDHP staff will work cooperatively on any opportunities for grants, donations, or bequests relating to cultural resource management. Availability of funding and staff resources will ultimately determine the success of accomplishing the implementation activities outlined in this plan.

Staffing

Currently there is a full-time Executive Director, Property Manager, Executive Assistant, and an Education Coordinator. with part-time, contract, and seasonal limited term employees (LTEs) to manage the KVR. The KRMB will review staffing needs every five years to ensure there are sufficient personnel to adequately address critical management needs of the KVR. Contracts will be utilized for maintenance projects, catering, and specialists in fields such as forestry, engineering, geographic information systems, and public relations.

A proposal for an archaeologist position may be developed through the KRMB for funding consideration on a case-by-case basis or under contract through the state legislature and through the HDHP for consideration by the HCN legislature. Depending upon the workload that is generated in the KVR, a part-time or seasonal position might be sufficient as an LTE or hired under contract.

To implement this plan, it will be necessary to utilize KVR and HCN Cultural Resource Division (Tribal Historic Preservation Officer - THPO) personnel for cultural resource coordination. Their responsibilities and training requirements are discussed in the Land Management and Tourism sections. Additional tasks are identified elsewhere in this plan, especially Appendixes F, G and H. Their areas of responsibility can be summarized as follows:

- ·Update cultural resource information.
- ·Initiate assessments of compliance needs through record reviews.
- ·Prepare/obtain proposed project plans.
- ·Conduct monitoring activities.
- ·Contract management for site evaluations and/or mitigation.
- ·Maintain records of cultural resource-related matters.
- Provide interface between the public, the professional community, and Cultural Resources Division (Tribal Historic Preservation Officer - THPO) regarding interpretive programs.

Land Management and the Preservation and Protection of Cultural Resources

The Master Plan identifies six natural and human aspects of the ecosystem in the KVR that are to be managed to restore and sustain health, productivity, and biological diversity. Management of any of these six parts of the ecosystem may play a larger or smaller role regarding effects on historical landmarks, cultural resources and cultural landscapes within the KVR. It basically depends upon the level of environmental disturbance required to manage the KVR. Some policies are already in place that address impacts and are restated below. In those instances where projects are yet to be implemented, a series of procedures are also outlined. Specific information requirements will be found in the Appendixes and regulations cited in the Plan.

As stated in the Introduction, implementation of this plan will involve a number of state statutes, several federal laws and their implementing regulations, Executive Orders, plus a number of federal bulletins that address existing and potential National Register properties. State statutes and federal laws that are applicable to this document are listed in Appendix A of this Plan. Implementation of federal and state historic preservation laws depends upon whether proposed activities are undertaken on lands under the jurisdiction of the State of Wisconsin or the Ho-Chunk Nation/Department of Interior or if a federal action occurs on state lands (See Map A in Attachment 5). Federal historic preservation laws, regulations, and Executive Orders listed in Appendix A will apply for those activities occurring on HCN land and if there is federal involvement in an activity on state lands. Wisconsin state historic preservation statutes listed in Appendix A will apply when an activity occurs on state land without federal involvement. Federal bulletins listed in Appendix A may be used for guidance purposes on any lands within the KVR. Historic preservation ordinances developed by the HCN will apply to Ho Chunk lands.

Natural Areas

Actions that will require review are the control of plant succession, removal of exotic and invasive species, and restoring disturbed lands to native plant communities such as forests, prairies, riparian, streambanks and streambeds.

Forest

Forest management practices that potentially affect cultural resources comprise planting projects, timber harvests, and demonstration sites.

Wildlife

Some land alterations to enhance wildlife populations can also have impacts on cultural resources. Some of these impacts are thinning woodland stands, oak seedling plantings, and stream bank stabilization.

Agriculture and Recreation

There are areas on the property that are considered particularly significant in terms of culture and history; therefore, recreational and agricultural activities will be restricted or prohibited in these designated areas as determined by the KRMB and the HCN.

Archeological research has confirmed that agricultural and recreational use has impacted culturally sensitive areas that have been identified. For example, a recent assessment by the Mississippi Valley Archeology Center estimates that more than 80 percent (at least 12,000) of the mounds in the Midwest have been plowed under or destroyed through development and farming activities in the last 150 years. Recreational and agricultural activities found to have impacted cultural resources have been redirected to other non-sensitive areas of the KVR. Both the HCN and the KRMB will notify each other and the State Historical Preservation Officer of any proposed undertaking where soil disturbance may or will occur on the Reserve lands that may have an adverse effect on a significant cultural or historic site as directed in s. 44.40, Wis. Stats. The 36 CFR 800 Section 106 process supersedes the state process where federal dollars are involved and if the site is located on the 1,200 acres of Ho-Chunk trust land.

To protect these fragile resources, sites in cultivated areas and areas known to experience high levels of recreational activity will be monitored regularly to determine if human actions are negatively impacting the sites. Sites, whether direct, indirect and/or accumulatively. Based on monitoring efforts, if it is determined that a site is suffering or could potentially suffer from an activity that may adversely affect the physical integrity of the site, the SHPO/THPO will be notified and given the opportunity to comment within thirty days. Monitored activities may include air pollution, water contamination, ground disturbance, physical destruction, and damage/alteration that affect the cultural and historic significance of the property. The notice will include a description of the activity and its expected effect on the site. The SHPO/THPO will be afforded reasonable opportunity to investigate the activity and provide a response.

The KRMB will coordinate proposed re-route of trails through Ho-Chunk land with representatives of the HCN and SHPO/THPO to ensure that culturally or religiously significant sites are avoided. No trails may pass over or within 50 feet of a known archeological site. Including springs, fasting sites, marker/directional trees, rock shelters, petroglyphs, and burial mounds.

Water Resources. Cultural resources can be affected depending on the methods used to prevent erosion as part of the effort to upgrade the water quality in the KVR.

Project Compliance Procedures. Per the Memorandum of Understanding between the State of Wisconsin and HCN signed in 1997, Native Americans will be given reasonable access for practicing religious and cultural traditions and for research on culturally significant areas of the Reserve. HDHP will grant access permission in consultation with the KRMB. Via representation HCN Tribal Representatives on the KRMB, the HDHP and/or legislature will be given ample opportunity to comment on actions (e.g., tree harvest, prescribed burns, trail re-routes, group events and educational outreach programs, moving and/or creating campsite locations) that may impact a Traditional Cultural Property.

A major assumption in formulating the Plan is that field personnel are often in the best position to identify potential impacts earliest; to expedite cultural resource management activities, especially and primarily with regard to monitoring ground modification, river/stream bank erosion-caused damage, vandalism to archaeological sites; and to

anticipate the need for compliance activities that must precede operation and maintenance projects and related activities.

Regulations published under the provisions of the National Historic Preservation Act (NHPA) define adverse effects; the definition should clarify our concerns with cultural resource management. The regulations state that adverse effects include, but are not limited to:

1. Destruction or alteration of all or part of a property.
2. Isolation from or alteration of the property's surrounding environment.
3. Introduction of visual, audible, or atmospheric elements that are out of character with the property or alter its setting.
4. Neglect of a property resulting in its deterioration or destruction.
5. Transfer or sale of a property without adequate conditions or restrictions regarding preservation, maintenance, or use.

Operation and maintenance projects, such as road and parking lot construction, bank stabilization, timber clearing, and other ground-disturbing activities cause adverse effects to cultural properties under criteria (1), (2), and/or (3) above. Stream bank erosion constitutes an adverse effect under criterion (4). It is the KRMB and staff responsibility to be aware of potential or imminent adverse effects and to avoid or mitigate those effects whenever possible.

Public laws mandate that federal and state agencies identify and evaluate all cultural resources on all lands under public domain; and that where any federal undertaking may possibly impact cultural properties, whether under public or private domain, an explicit set of compliance steps (36 CFR Part 800) must precede the undertaking. The Programmatic Agreement instituted for the KVR requires basically these same steps for all KVR lands whether under state ownership or in trust for the HCN. The BIA will become involved when activities occur on the HCN portion of the KVR when there is a federal undertaking and when an ARPA permit is required, and as requested by the Ho-Chunk on the state-owned portion of the KVR.

Compliance steps must precede any undertaking that may possibly impact cultural properties. Where the cultural properties that exist in the work area are large in number and/or extent, or where large-scale and/or complex construction, operation, or maintenance work is proposed, it is advised to request the immediate involvement of an archaeologist. The same advice is held whenever doubts or problems arise at any point in the compliance procedure. The following steps are intended to address the compliance procedure.

Step 1: Project Proposal and Compliance Initiation [36 CFR 800.4(a) and .5(a)]

All new construction, operation, and maintenance activities (including renovation of existing facilities), activities licenses or permits on the KVR, and leases must comply with

applicable public laws and the National Historic Preservation Act. Depending upon the nature of the undertaking being considered, the extent of the required compliance could run from a simple "no properties affected" through any or all the steps detailed below. For that reason, it will be desirable to initiate compliance at the earliest possible opportunity to ensure that a project schedule does not experience delays. HDHP and KRMB or their delegated agents will be responsible for preparing a Project Assessment and Compliance Requirements form for all work related to proposed new construction, operation and maintenance activities, proposed permits or licenses, and leases.

An example of a Project Assessment and Compliance Requirements form is in Appendix C. The Assessment of Compliance Requirements includes project information, background information, an assessment of adverse effects, and compliance requirements.

Step 2: Identify and Evaluate Historic Properties [36 CFR 800.4(b) and (c)]

Phase I archaeological inventories of the KVR are finished in relation to prehistoric sites. Furthermore, the KVR has been identified as a single archaeological district and all the prehistoric sites found up to 1999 located within the district are identified as contributing elements. In other words, all the known prehistoric sites recorded in and before 1999 in the district have been determined eligible for the National Register of Historic Places (i.e., historic properties) and will not need to be part of any Phase II evaluation studies. It should be noted, however, that similar comprehensive historic archaeological surveys are still needed for the KVR (Godfrey 1998).

Some future work projects may uncover previously unknown cultural resources—regardless of cultural affiliation. In those instances, each discovered site will require evaluation to determine its eligibility to the National Register. In such situations, qualified staff/contract archaeologists will be called upon to conduct or obtain an evaluation (usually test excavation) sufficient to determine the National Register eligibility of the site. This will involve consultation with the SHPO, BIA, and possibly the keeper of the National Register. Reports generated from the evaluation will follow the Guidelines for Public Archeology in Wisconsin or comparable guidelines developed by HCN. Any cultural resource site determined not eligible for the National Register is thereby removed from further management consideration. The steps that follow need be applied only to those properties that are determined eligible for listing on the National Register. The procedures in the following steps are found in 36 CFR 800.

Step 3: Assessment of Adverse Effects (36 CFR 800. 5)

Adverse effects can be direct or indirect and/or accumulative through time. An adverse effect is caused by the proposed work when the work will alter “any of the characteristics of a historic property that qualify it for inclusion in the National Register in a manner that would diminish the integrity of the property’s location, design, settings, materials, workmanship, feeling, or association.” Applying the Criteria of Effect must include the direct effects that will be caused by project implementation and indirect effects that may occur in the future, such as increased erosion, heavier user access, and so forth.

If one or more historic properties are affected by a project, the Criteria of Effect will be applied individually for each.

Step 4: Resolving Adverse Effects and Consultation Termination (36 CFR 800.6 and 800.7)

HDHP, KRMB, SHPO/THPO, and BIA will consult “to develop and evaluate alternatives or modifications to a project that could avoid, minimize, or mitigate adverse effects on historic properties.” Resolving adverse effects will involve the Advisory Council on Historic Preservation (ACHP), consulting parties, and the public. Specific documentation about a particular project must be prepared for the parties involved. Adverse effects can be resolved without the ACHP. It may be necessary to write a Memorandum of Agreement to resolve the adverse effect.

There could be projects where the adverse effects cannot be resolved because consultation will not be productive. The ACHP and other consulting parties may terminate consultation. The ACHP will provide comments regarding termination before the final decision is made by the agency responsible for compliance.

Proceed with Project

Once a determination of no historic properties affected or no adverse effect has been obtained, or once adverse effect has been mitigated as specified in an MOA, project implementation may begin. For some kinds of mitigation measures, the MOA will make it necessary to monitor project implementation and will provide procedural guidance.

Monitoring

For better resource management decision-making, it will be important to keep our current knowledge of both the existing condition of known cultural properties and the potential adverse effects to them. This is a task that can only be accomplished in the field. As budgets allow, field monitoring will be conducted of all cultural resource sites with primary focus on those sites within the six ecosystem units identified in the Land Management section. It will be the joint responsibility of KRMB and HDHP to monitor the sites.

In any particular year, there is the potential that a large number of archaeological sites will be subject to disturbance, erosion, and pothunting in areas other than those that are the focus of routine monitoring. It is important that these sites receive attention. If the activities are observed by KVR staff during their daily routine activities, the HDHP, KRMB, SHPO/THPO and possibly the BIA (when on HCN lands) will be immediately notified.

Site monitoring will require compilation of information obtained in the field as a permanent record for individual sites. Appendix D has a sample Monitoring Report form. The Monitoring Report should be easy to use, yet very informative. A copy of each completed Monitoring Report will be retained by KRMB and HCN.

Identification of Cultural Resource Sites, Evaluation of Sites for Nomination to the National Register of Historic Places, and Mitigation of Adverse Effects

Sites whose eligibility for the National Register has not been determined must be preserved until eligibility can be determined. The National Register eligibility of most archaeological sites will be evaluated relative to the sites' potential to yield information important in prehistory (Criterion D). Sites that have been considered for listing on the National Register and have been found ineligible require no further management consideration; they effectively have no status in the planning process.

In planning and implementing cultural resource management, the National Register of Historic Places is not a sanctuary for sites that must be preserved; the Register is a planning tool and was intended for establishing and maintaining the Register and for managing the sites listed/eligible for listing. When a listed site or an eligible to be listed site might be impacted, the KRMB, HCN, and other consulting parties must decide to either (1) avoid impact; (2) mitigate impact; or (3) allow the impact to occur.

It will usually be necessary to contract services to mitigate adverse effects on a historic property. Occasionally a new site may be found through routine activities that will also require identification and evaluation under contract. The steps for contracting archaeological services are outlined below:

- ·A Scope of Work and detailed cost estimate for the work will be prepared by HDHP in cooperation with the KRMB staff and/or SHPO/THPO liaison to the Board or BIA.
- ·The pertinent contract type is called professional services. This is a contract by negotiation under the HCN system or by bid under the State of Wisconsin system.
- ·Proposals will be reviewed cooperatively by HDHP, SHPO/THPO, and/or KRMB staff or BIA.
- ·The President or Vice-President of the HCN will approve all contracts relative to HCN payments for services; the KRMB Executive Director will approve all contracts relative to State of Wisconsin payments for services.
- ·In the field, the qualified contractor will survey by the transect method and will determine site boundaries by means of subsurface examination and will locate test excavation units in a manner designed to obtain a random sample of the entire site.
- ·HDHP in consultation with KRMB staff will be responsible for coordinating land access and logistics.
- ·HDHP and KRMB will identify personnel appropriate to receive training and field experience under the contractor's direction during the contractor's investigation.
- ·The contractor will submit a detailed survey report and/or an evaluation making explicit reference to the National Register Criteria if the site has not been evaluated. If it is the contractor's opinion that the site(s) investigated would be eligible for listing on the National Register, then at least a portion of the contractor's report will be formatted according to the Guidelines for Requesting Determinations of Eligibility for Listing on the National Register. In such cases, HDHP, SHPO/THPO, and the KRMB staff (and possibly the BIA) will review the final report, provide comments, and when accepted, transmit this documentation to the proper authorities for inclusion on the National Register.

Stabilization

If natural deterioration severely threatens any cultural property, the preferred management will be to stabilize the natural processes and preserve the property in place. Such actions will of course be taken into full consideration of other resource concerns, e.g., watershed, fisheries, recreation, waterfowl, etc.

Before installation of riprap or planting of vegetation, it may be necessary to conduct small-scale mitigation excavation, depending upon the nature and magnitude of site preparation that would be required for installation. In any case, exposed features should be mapped; and salvage excavation of some features may be warranted.

Data Recovery

Data recovery, a compromise measure for mitigating deterioration of cultural properties, will be desirable in cases where it is deemed infeasible or inappropriate to counter natural processes, or where a property is otherwise immediately or drastically threatened with destruction. In such cases, the most expeditious or protective solution may be to remove the property from harm by conducting sufficient archaeological data recovery to salvage the information contained in the deposit. If this is the desired management, the services of a professional archaeologist will be procured. The archeologist will follow all applicable federal and state laws directing curation of archeological materials and work in close consultation with HDHP and SHPO/THPO. Recovered materials will be housed at an appropriate repository (currently most artifacts of previous surveys or recoveries are housed at UW-Madison or UW-La Crosse). Consideration will be given to the option of using images of the recovered materials to produce a quality scientific and interpretive document. In addition, through consultation between the KMRB and HDHP, part of the collection may be suitably prepared for display at the Visitor Center.

Records Management

All reports and correspondence generated by field investigations, whether conducted by contractors or the staff, will be filed together at the KVR headquarters. The file will include all original forms, notebooks, maps, LiDAR Imagery and photographs pertinent to cultural resources. It will also contain such baseline documents as the two volume Field Guide to the Identification of Indian Artifacts and a copy of this Plan. The KRMB and HDHP will budget for an up-to-date set of 1:1000 scale aerial photographs showing compartment boundaries, and onto which site locations will be transposed.

The file will also contain contracts, scopes of work and work plans, as appropriate, and cultural resource reports generated by contractors, permittees, and other individuals and institutions. The following organization is suggested:

A. Project-related records, grouped by project, will include project-related maps, aerial photos, plans, etc.; project-related site forms, photographs, maps; photo log sheets; reports of project surveys; the staff archaeologist's comments; reports of project surveys;

reports of project surveys by outside qualified individuals; contracts and scopes of work used for project-related cultural resource compliance; all completed forms (See Appendixes E and F).

B. General information will include this Plan; copies of pertinent federal and state laws; copy of the 1997 Programmatic Agreement; the Field Guide; work plans; integrated planning status reports; interpretive material; field notebooks; training records.

C. Material relating to the overall cultural resource data base will include the aerial photos referenced above; an up-to-date cultural resource inventory represented on U.S.G.S. quadrangles, in site forms, and in reports of investigations; contracts and scopes of work used for inventory, evaluative testing, and data recovery; reports of inventory, evaluation, and data recovery work; correspondence with the SHPO and the Keeper of the National Register, especially Memoranda of Agreement, National Register nomination forms, and determinations of National Register eligibility; all completed monitoring reports.

D. All Records, Reports and correspondence regarding field investigations shall be available by written request to the HDHP, HCN and SHPO/THPO within 30 days of their request. This can be accomplished either electronically and/or by hard copy.

Curation

The curation of artifacts recovered from the KVR, and related documents will be the responsibility of the HCN and KRMB. Artifacts and their related documents (e.g., catalog sheets, drawings, photographs, reports) will be kept in a location or locations with restricted access. The Mississippi Valley Archaeology Center, USACE, and the University of Wisconsin have curated, catalogued, and maintained records of archeological materials recovered from the KVR. These repositories may continue to maintain the artifacts and records. Other facilities also may be used when approved by HCN and KRMB. Permission to study them or use them for display purposes must be obtained from the HCN and KRMB. Contractors conducting cultural resource compliance work or individuals and institutions conducting special studies will be so advised and will be required under the appropriate scope of work to document the storage of collected artifacts. All contracts and permits will provide that any stored specimens may be obtained for use in other studies, interpretive displays, training exercises, etc. Artifacts collected from the KVR may be curated elsewhere, such as a university or museum, with the same caveats regarding storage and accessibility. The ultimate disposition of any artifacts, whether prehistoric or historic Indian or historic Euro-American, will depend upon the overall evaluation of available information as to cultural affiliation. A method for determining cultural affiliation is found in the implementing regulation for the Native American Graves Protection and Repatriation Act (NAGPRA). HCN and KRMB will follow NAGPRA regulation 43 CFR Part 10, Subpart D, Section 10.14, Lineal Descendent and Cultural Affiliation to decide with whom the artifacts will be disposed.

Tourism, Education, and Training

Cultural resources can provide valuable information on an area's cultural history. Information obtained from the archaeological research conducted on these sites offer insight on the age of the sites, cultures that existed in the region, and the trade networks established between regions in the United States. This information can be used for educational purposes and as a means of preserving the heritage and culture of the place and its people. Appropriate public education is the most effective tool available to ensure that the integrity of the associated cultures and the remaining resources remain intact and are not exploited or misrepresented. Establishing an awareness and appreciation of the KVR's history and cultural resources may also encourage public involvement in reporting vandalism or activities that threaten cultural sites.

Instead of targeting specific sites of cultural significance, the KRMB may conduct presentations, workshops, and seminars that focus on the methods and techniques of preserving and protecting cultural landscapes as a whole. Discussions may emphasize the science of archeology, history of peoples who lived in the Kickapoo River Valley, and the responsibility of the public to preserve these cultural treasures. Historical perspectives on human land use and impact should include Indigenous tribes , Euro-American settlement, the USACE's La Farge Lake Project, and the management and vision of the KRMB—all particularly important as this information keeps the history of the area alive and gives context to the creation of the KVR General survey courses of archeology and human history can be offered as part of a field school program.

The Visitor Center will house a museum/interpretive center that will exhibit cultural and historic information and displays. The KRMB has proposed the Visitor Center to highlight the museum/interpretive center, allowing a large space to be dedicated to cultural and historic information. The KRMB and the HCN will work collectively to develop this educational resource that will include in-depth history on Indigenous tribes and Euro-American settlement on the KVR, geologic history of the Driftless area, and the history of the dam project.

Extensive displays of artifacts and relics will not be housed in the Visitor Center, as these delicate artifacts require a controlled climate for preservation. The Visitor Center will, however, display some artifacts that are not fragile or sacred. The artifacts will be used to educate and share the legacy of Native Americans in the Kickapoo Valley. The Visitor Center will not display human remains or any artifacts that are fragile, sacred, or known to be associated funerary objects. The Visitor Center may also house a cultural and historic library containing survey and research reports, manuscripts, and photographs to be used for educational efforts that have been priorly approved by both the KVMB and HDHP.

The KRMB may consider hosting special cultural events including "old-time" music festivals, storytelling sessions, or historical dramas where actors portray significant characters of the Valley. These events would share the historical legacy of the Valley through entertainment thereby drawing tourists while preserving the heritage of the area.

In 1999, the USACE produced publications outlining the prehistory and history of the KVR area and distributed copies to the HCN and the KRMB to be used for public information. The design, size, and content of the publications were developed in consultation with HCN, the

KRMB, and the State Historic Preservation Office. To ensure the most accurate and educational resource, future publications will be jointly developed by the HCN and the KRMB.

The dam tower will also remain as a symbol of the Lake La Farge Project. The structure will be helpful in educating the public about the history of the dam project and will give context to the KVR. Further, the tower will remind visitors of its significance to local populations.

The foundations of these structures and any other remaining historic artifacts are in generally poor condition. Although the Wisconsin State Historical Society has indicated that there are “no known features of historical significance within the project boundary area”, the former structures certainly are of local significance. The few foundations of former homes and farms that remain are a testament to those who lost their homes and property. The KRMB will not physically remove or alter the remains of former buildings or residences but will allow them to naturally degrade unless otherwise directed by the State Archeologist.

Education

Many cultural properties give us the opportunity to provide interpretive experiences to KVR visitors. In considering all the sites for which interpretive opportunities exist and attempting to narrow the field to a few best cases, four questions will be asked:

1. How representative is the site of a specific time period or of the resource at the KVR, and what appears to be its interest to the public relative to other sites?
2. How close is it to places used by people in other recreational contexts, and how well can interpretation be integrated with other nearby recreational opportunities?
3. How easily could the visitors and their impact on the site be monitored?
4. How can interpretive efforts be coordinated with protection, preservation, and maintenance needs be identified elsewhere in this plan?

By subjecting all interpretable sites to these criteria, the field will be narrowed to a small number of best cases. These will be further subdivided by considering each as either an historic event or as a representative site.

In classifying a cultural property either as a representative site or as being associated with a historic event or person, we expect to be able to document certain facts about the site or event and impart an understanding of certain concepts regarding the site or event. In developing an interpretive display for an historic event, visitors should learn some pertinent facts, including:

- What led to the event?
- What happened?

- Who was involved?
- What took place elsewhere at the time?
- What were the results?

Conceptually, interpretation of a site involving an historic event should impart to people an understanding of the importance of the event and its relevance to the present.

A representative site is one at which the remains typify a lifestyle, segment of technology, style of architecture, etc. For such a site, the following facts should be presented:

- Characteristics of the society/technology/architecture/etc. represented, use of tools, furnishings, and equipment.
- The interpretive display at a representative site should impart to the visitor a feeling that people of all ages have had similar needs that are satisfied in ways corresponding to the peculiarities of the day. Archaeological sites will always fall under the representative site heading.

Interpretation can take any of several forms, including outdoor displays erected at recreational facilities; indoor displays at the visitor center; informative pamphlets and brochures; incorporation of an interpreted site with existing or planned nature trails; outdoor talks given at campgrounds; indoor talks, including audio-visual support; and open house tours given at the sites of archaeological or historical field investigations. Opportunities to involve local archaeological societies, primary and secondary school groups, and university field schools will be pursued, both to benefit the public and to benefit the KVR by engaging the public in fieldwork and in designing, fabricating, and erecting an interpretive display.

KRMB in cooperation with HDHP will be responsible for identifying interpretive opportunities and recommending their implementation. Cultural properties on lands designated for recreational use, or on natural areas, will be those considered most suitable for interpretive displays. These land classes are deemed suitable because they are used by people seeking recreational experiences and they will coincide with heavily visited areas. It is likely that archaeological sites with high visitation rates will suffer the most from collecting; therefore, needs for maintenance are probably high. If the integrity of the interpretive cultural/archaeological site becomes compromised and/or the maintenance and management of these sites becomes a burden upon the KVR staff or HCN, the sites will be removed as a public interpretive site and reassessed to determine the next steps to ensure the best protection management practices for the site.

Interpretive displays will entail:

- Prehistoric and historic archaeological sites.
 2. Posting information about the Archaeological Resources Protection Act.
 3. Making explicit in the display the desire to manage the cultural resource for the benefit of future generations.

Training

Based on the program of cultural resource management and compliance set forth in this Plan, it is possible to identify a number of skills that should be possessed by the pertinent KRMB and HDHP personnel responsible for implementation. Because of the above needs involving archaeological fieldwork, the necessary training at the KVR can be accomplished by attending formal classes, training sessions or workshops and utilizing service professionals contracted to provide cultural resource work. On any cultural resource contract, the contractor will be required to conduct task-specific training exercises for appropriate personnel. The successful accomplishment of such training will be certified, by the contractor, in letters that will be provided to the trainee, with copies to HDHP and the KRMB.

To become proficient at cultural resource management, it will be necessary for appropriate personnel, under supervision of a qualified archaeologist, to acquire the knowledge and the ability to:

- Use archaeological survey techniques.
- Read 7-1/2-minute USGS topographic maps.
- Make accurate sketch maps.
- Recognize artifacts and features.
- Complete Assessment of Compliance Requirements, monitoring, and site inventory forms.
- Make informative photographs of project areas and cultural properties.
- Conduct pre-fieldwork records searches.
- Use compass for taking azimuths.
- Identify accurately the legal locations and grid coordinates of project areas and/or cultural properties.
- Use established soil color charts and describe their characteristics.
- Identify and accurately describe effects and adverse effects, using previously established criteria.
- Clean, label, and package artifacts for curation.
- Compile detailed statements of need.
- Compose, review, and/or comment upon scopes of work.
- Monitor contractor's performance of tasks required under a scope of work.
- Identify and make recommendations regarding interpretive opportunities.

Enforcement

Theft and vandalism significantly threaten preservation efforts, which are not only destructive but also extremely disrespectful to Native Americans and others who lived in or currently use the KVR. The Antiquities Act of 1906 was the first federal law established for the protection of American antiquities. The Act included penalties for destruction of antiquities, the proclamation of national monuments, and the creation of the issuing of permits for excavating archaeological sites. This was followed by several other federal laws and state statutes applicable to the KVR (See Appendix A). Most recently, for Wisconsin, Governor Thompson signed a bill that criminalizes rock art vandalism in 1996. The passing of this law was brought about by an act of attempted theft where a chainsaw was used to remove a Ho-Chunk drawing. As per the MOU and Programmatic Agreement, the KRMB initiated the adoption of s. 23.095(2m), Wis. State Stat., to further protect sites within the KVR and increase penalties of violators.

The collection of artifacts from the KVR is illegal. When untrained excavators and private collectors pillage, the scientific and historic connections with the past and customs are lost—a critical link to the past is forever destroyed.

It is also necessary to specify measures for protecting cultural properties from vandalism, defacement, or unauthorized collecting and excavation (pothunting), and from natural events, particularly shoreline erosion. Consequences for those committing unlawful acts to archaeological features or archaeological resources are found in Appendix A within state statutes s. 23.095-Protection of Natural Resources; s. 44.47-Field Archaeology; and 157.70-Burial Sites Preservation for state lands and P.L. 59-209-Antiquities Act; P.L. 89-665-National Historic Preservation Act; P.L. 96-95-Archaeological Resources Protection Act (ARPA); and P.L. 101-601-Native American Graves Protection and Repatriation Act and their implementing regulations for Ho Chunk lands.

Interpretive Signs

There will be no interior or exterior signage directing visitors to cultural or historic sites, nor will fencing be constructed around the sites. The KRMB and the HCN elect to educate visitors about the cultural history of the KVR through various publications, an interpretive center, and lectures provided at seminars, workshops, and other educational programs. It is hoped that this approach will ultimately protect the sites from vandalism, looting, and traffic-related disturbance.

Land Management and the Preservation and Protection of Cultural Resources

Warning Signs

Under the Archaeological Resource Protection Act (P.L. 95-95) and s. 23.095(2m), Wis. Stats., it is illegal to deface or destroy an archeological resource. In cases where such actions are occurring, a notice can be erected to indicate that such actions are illegal and are punishable under federal and state law. However, it is justifiably feared that to label sites in this manner, especially in remote locations, will merely hasten their destruction, as the sort of notice being considered would serve to identify good looting grounds as effectively as it would deter people from pothunting. Therefore, sites will not be publicly identified.

Confidentiality

The KRMB will not disclose the locations of rock art (petroglyphs), mounds, or any other culturally significant site on the KVR. Public access to site maps and descriptions is restricted and is not subject to the open records provisions of s. 19.35, Wis Stats. Visitors seeking public displays will be directed to Roche-a-Cri State Park (the only rock art site in Wisconsin open to the public), and the Effigy Mounds National Monument. Both parks provide excellent examples of Native American culture in the Driftless Area.

Specific cultural resource location data are exempt from mandatory public disclosure under the Freedom of Information Act. There are two reasons for this. First, it gives federal agencies the opportunity to protect cultural properties from vandalism by keeping their locations confidential. Second, and most importantly, it prevents unauthorized defacing, collecting or digging up artifacts. Both activities are punishable by federal and state law. Keeping site locations confidential protects both the resource and the public.

Public Relations

A third public awareness measure can be indirectly a result of interpretive programs and other public affairs activities. It will be the responsibility of HDHP and KRMB to interface with the public, both in the KVR and through the local news media, so that the public remains aware of the legal and ethical implications of pothunting or defacing cultural properties. Additionally, maps, signage and other notifications of the property lines between the local, state and federal lands must be clearly identifiable to ensure the public is aware of the differing regulations governing their actions within those property boundaries.

Archaeological (ARPA) Permits

Any cultural research or surveys conducted on the state portion of the KVR will require a permit from the State Archeologist as outlined in s. 44.47(2-4), Wis. Stats., and from the HCN THPO or its designee. The BIA will require permits under ARPA for similar work done on HCN lands.

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APPENDIX A -

APPLICABLE STATUTES, FEDERAL LAWS, IMPLEMENTING REGULATIONS, EXECUTIVE ORDERS, AND NATIONAL PARK SERVICE BULLETINS

State Statutes

State Statute 23.095, Protection of Natural Resources; (2m), Prohibition on Land in the Kickapoo Valley Reserve. No person may damage or attempt to damage any natural resource or archaeological feature located in the Kickapoo Valley Reserve.

State Statute 23.27, Natural Areas; Definitions; Importance; Inventory; Acquisition; Sales. Maintain a system to evaluate the importance of natural areas that include standards for determining low, high, and critical levels of importance for natural areas. The statute addresses the heritage inventory program, information access acquisition of natural areas and their sale.

State Statute 44.40, (Amended 2018) State Agency Decision, Negotiation. Each state agency must consider how its actions will affect listed historic properties or on the inventory list of locally designated historic places.

State Statute 44.47(2-4), Field Archaeology. No person other than the state archaeologist and individuals licensed may engage in any field archaeology on any state site or site owned by a political subdivision.

State Statute 157.70, (Amended 2018) Burial Sites Preservation. Provides for the identification, inventory, and protection of burial sites.

1906-Antiquities Act (P.L. 59-209). Established protection over any "historic or prehistoric ruin or monument, or any object of antiquity situated on government lands..."; required permits for their removal. Secretary of the Interior charged with responsibility.

Implementing Regulations

36 CFR Part 79-Curation of Federally Owned and Administered Archaeological Collections. Also applies to collections recovered from the Reservoir Salvage Act, NHPA and ARPA.

1935-Historic Sites Act (P.L. 74-292). Congress declared that "it is a national policy to preserve for public use historic sites, buildings, and objects of significance..." Act empowers the Secretary of the Interior through the National Park Service to conduct surveys, publish studies, and otherwise encourage the preservation of historic properties not federally funded.

1960-Reservoir Salvage Act (P.L. 86-523). Gave Department of the Interior through the National Park Service major responsibility for preservation of archeological data that might be lost specifically through dam construction.

1966-National Historic Preservation Act (NHPA) (P.L. 89-665). Established the Advisory Council on Historic Preservation, expanded National Register. Pledged federal assistance to preservation efforts of state and local groups. The Advisory Council is given the

responsibility to comment on the effect of federal undertakings affecting National Register properties.

Section 106. The head of any federal agency having direct or indirect jurisdiction over a proposed federal or federally assisted undertaking in any state, and the head of any federal department or independent agency having authority to license any undertaking shall, prior to the approval of the expenditure of any federal funds on the undertaking or prior to the issuance of any license, as the case may be taken into account the effect of the undertaking on any district, site, building, structure, or object that is included in or eligible for inclusion in the National Register. The head of any such federal agency shall offer the Council a reasonable opportunity to comment on the appropriate institutions regarding such undertaking.

Section 110. The heads of all federal agencies shall assume responsibility for the preservation of historic properties, which are owned or controlled by such agency. Prior to acquiring, constructing, or leasing buildings for purposes of carrying out agency responsibilities, each federal agency shall use, to the maximum extent feasible, historic properties available to the agency. Each agency shall undertake, consistent with the preservation of such properties and the mission of the agency and the professional standards established pursuant to section 101(g), any preservation, as may be necessary to carry out this section (See entire Section 110 for further information).

36 CFR Part 60-National Register of Historic Places.

36 CFR Part 63-Determination of Eligibility for Inclusion in the National Register of Historic Places.

36 CFR Part 800-Protection of Historic Properties.

Standards and Guidelines

Federal Register Volume 48, Number 190, pp. 44716-44742-Archeology and Historic Preservation; Secretary of the Interior's Standards and Guidelines. These are intended to provide technical advice about archaeological and historic preservation activities and methods.

There are about three dozen National Register of Historic Places bulletins available through the National Park Service that address various aspects of potential and existing historic properties via guidelines, policies, and procedures. Some of those more frequently used bulletins are:

Bulletin 15: How to Apply the National Register Criteria for Evaluation

Bulletin 16: Guidelines for Completing National Register of Historic Places Forms

Bulletin 24: Guidelines for Local Surveys: A Basis for Preservation Planning

Bulletin 29: Guidelines for Restricting Information About Historic and Prehistoric Resources

Bulletin 30: How to Identify, Evaluate and Register Rural Historic Landscapes

Bulletin 32: Guidelines for Evaluating and Documenting Properties Associate with Significant Persons

Bulletin 38: Guidelines for Evaluating and Documenting Traditional Cultural Properties

Bulletin 39: Researching Historic Property

Bulletin 41: Guidelines for Evaluating and Registering Cemeteries and Burial Places

1969-National Environmental Policy Act (NEPA) (P.L. 91-190). This law is our basic national charter for protection of the environment. It establishes policy, sets goals (Section 101), and provides means (Section 102) for carrying out the policy. NEPA procedures must ensure that environmental information is available to public officials and citizens before decisions are made and before actions are taken. Title I, Section 101(b) states, "...it is the continuing responsibility of the federal government to use all practicable means... to preserve important historic, cultural and natural aspects of our national heritage..." Under Title I, Section 102(c), federal agencies were to prepare environmental impact statements for each major federal action having an effect on the environment.

Implementing Regulations

40 CFR Parts 1500-1517-Regulations of the Council on Environmental Quality

1971-Executive Order 11593 Protection and Enhancement of the Cultural Environment. Charged federal agencies with responsibility to survey all lands and nominate properties to the Register. Requires Secretary of the Interior to advise other federal agencies on matters pertaining to the identification and evaluation of historic properties located on lands in their jurisdictions.

1974-Archeological and Historic Preservation Act (AHPA) (P.L. 93-291). Amends the Reservoir Salvage Act of 1960. Secretary of the Interior to be responsible for coordinating and administering a nationwide program for recovery, protection, and preservation of scientific, prehistoric, and historic data.

1978-American Indian Religious Freedom Act (AIRFA) (P.L. 95-341). Makes it a policy of the government to protect and preserve for American Indians, et al their inherent right of freedom to believe, express, and exercise their traditional religions. It allows them access to sites, use and possession of sacred objects, and the freedom to worship through ceremonial and traditional rights. It further directs various federal departments, agencies, and other instrumentalities responsible for administering relevant laws to evaluate their policies and procedures in consultation with Native traditional religious leaders to determine changes necessary to protect and preserve Native American cultural and religious practices

1979-Archeological Resources Protection Act (P.L. 96-95). Establishes stricter fines and penalties for disturbance of archeological resources on federal and Indian lands. New procedures for permitting studies of archeological resources. Clarifies definition of archeological sites and objects.

Implementing Regulations

25 CFR Part 261-Preservation of Antiquities.

Implementing Regulations cont.

25 CFR Part 262-Protection of Archaeological Resources.

43 CFR Part 7-Archaeological Resources Protection Act of 1979; Final Uniform Rules.

1990-Native American Graves Protection and Repatriation Act (NAGPRA) (Amended 2024) (P.L. 101-601). This act addresses the rights of lineal descendants and members of Indian Tribes to certain American human remains and cultural items with which they are affiliated.

Implementing Regulations

43 CFR Part 10-Native American Graves Protection and Repatriation Act Regulations.

1994-Executive Order 12898. To the greatest extent practicable and permitted by law, and consistent with the principles set forth in the report on the National Performance Review, each federal agency shall make achieving environmental justice part of its mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority populations and low-income populations in the United States, and its territories and possessions, the District of Columbia, the Commonwealth of Puerto Rico, and the Commonwealth of the Mariana Islands.

1996-Water Resources Development Act (WRDA) (P.L. 104-303). Authorizes the transfer of up to 1200 acres of land to the Ho-Chunk Nation and 7,369 acres to the State of Wisconsin.

1996-Executive Order 13007 Accommodation of Sacred Sites. In managing federal lands, each executive branch agency with statutory or administrative responsibility for the management of federal lands shall, to the extent practicable, permitted by law, and not clearly inconsistent with essential agency functions: 1) accommodate access to and ceremonial use of Indian sacred sites by Indian religious practitioners and 2) avoid adversely affecting the physical integrity of such sacred sites. Where appropriate, agencies shall maintain the security confidentiality of sacred sites. (See Executive Order for full content).

APPENDIX B-

Project Assessment and Compliance Requirements Report

Materials to be included in the Assessment will be project maps and drawings but must also include descriptions of any appurtenances (e.g.-haul roads, borrow and/or disposal areas).

Project Name/Number:

Project Description:

Project Purpose:

Schedule for completion/milestone dates:

Legal Description:

USGS Quadrangle:

Sources Searched

___ Archaeology Reports ___ Site Forms ___ County History ___ Ho-Chunk Nation ___ State Historical Society ___ Federal Agency (Specify:)

___ County Courthouse ___ County Atlases and Plat Maps

References Identified

Title: _____ Author: _____ Date: _____

Sites In and Adjacent to the Project Area

Total Number of Sites: Prehistoric ___ Historic ___ Burials/Cemeteries ___ Multi-component ___

Archaeological District: _____

Site Number: _____ Unevaluated for NRHP Yes/No ___ Eligible/Listed on NRHP Yes/No ___

Site Number: _____ Unevaluated for NRHP Yes/No ___ Eligible/Listed on NRHP Yes/No ___

Site Number: _____ Unevaluated for NRHP Yes/No____ Eligible/Listed on NRHP Yes/No

Site Number: _____ Unevaluated for NRHP Yes/No____ Eligible/Listed on NRHP
Yes/No _____

Site Number: _____ Unevaluated for NRHP Yes/No____ Eligible/Listed on NRHP
Yes/No _____

Site Number: _____ Unevaluated for NRHP Yes/No____ Eligible/Listed on NRHP
Yes/No _____

Site Number: _____ Unevaluated for NRHP Yes/No____ Eligible/Listed on NRHP
Yes/No _____

Site Number: _____ Unevaluated for NRHP Yes/No____ Eligible/Listed on NRHP
Yes/No _____

Site Number: _____ Unevaluated for NRHP Yes/No____ Eligible/Listed on NRHP
Yes/No _____

Site Number: _____ Unevaluated for NRHP Yes/No____ Eligible/Listed on NRHP
Yes/No _____

Compliance Requirements

Compliance requirements for the proposed project are:

APPENDIX C -

Sample Monitoring Report

INSTRUCTIONS: Use this form when a site is being monitored. Complete Items 1 through 8 before leaving the office. Complete the remaining items in the field.

1. Site:

2. Date:

3. Ecosystem Area (e.g.-agriculture lease, natural area):

4. Date of previous survey/monitoring activity:

5. Name(s) and affiliation(s) of last surveyor(s)/monitor(s):

6. Observation(s) they made regarding cultural properties and/or land disturbance:

7. Last reporting document:

a. Subject or title:

b. Prepared by:

c. Date of issue:

8. Site/Stream bank setting: ___hill/ridge crest ___hill/ridge slope ___bluff crest ___bluff slope ___level upland ___alluvial upland ___colluvial foot slope ___hill/ridge bottoms ___floodplain ___terrace ___other

9. Erosion: ___splash ___rill ___gully ___wave ___other

10. Deposition: ___alluvial ___colluvial ___modern fill ___other

11. Soil texture: ___sand ___silt ___clay ___loam ___other

12. Soil color: ___light brown ___brown ___dark brown ___black ___grey ___other

13. Plow zone: ___absent ___present; depth (if known) _____

14. Comments on soil observations:

15. Current land use: ___forest ___grassland ___wetland ___public facility ___residential ___industrial ___fallow ___project facility ___agricultural ___other

16. If agricultural: ___cultivated ___plowed ___disked

a. What season was the cultivation, plowing, or disking done?

b. How many weeks since?

c. Crop condition: ___sprouting ___maturing ___chaff

d. Crop cover: ___corn ___wheat ___beans ___clover ___alfalfa ___milo ___oats ___other

e. Height____

17. Surface visibility in area surveyed: ___ %

18. If site(s) present

a. Cultural material observed: ___chert ___ceramics ___rough rock ___limestone
___sandstone ___historic ___other

b. Material collected:

c. Prehistoric features observed? ___yes ___no ___possibly

d. If yes: ___earthworks ___house basin(s) ___midden(s) ___depression(s) ___fire hearths
___ other

19. Nearby sites:

20. Photographs taken? ___no ___yes; numbers____

21. Sketch map: This is a very important part of the report. Indicate the chief topographic features in the area walked, such as streams and elevations, and indicate any cultural site(s) present as accurately as possible. Show site boundaries with dashed lines. Also, indicate landmarks such as houses, roads, and recreation facilities. Note scale. Attach USGS map showing area monitored.

22. Observed stream bank morphology (if applicable):

23. Description(s), location(s), and condition of devices newly or previously installed for erosion monitoring:

24. Date installed (if known):

25. Stream bank changes since last walkover, based on measurements taken from monitoring devices, or by other means (if applicable):

26. Measurement by: ___transit ___compass ___tape ___pacing ___rangefinder ___ other

27. Observed direct and potential indirect impacts:

___ destroy historic structure, site, or area

___ remove historic structure or site

___ add non-historic elements to a historic structure, site, or area

___ alter historic area, terrain, or environment

___ introduce non-historic elements into a historic setting

___ remove historic elements from a historic setting

___disturb, destroy, impair, or render inaccessible archaeological resource(s) (either surface or subsurface)

- ___ incur gradual deterioration of historic or archaeological sites, structures, or setting
- ___ possibly disturb presently unidentified archaeological or historical resources
- ___ other (describe briefly)

28. Survey coverage:

- a. Number of people:
- b. Time spent in field
- c. Time spent completing this form:

29. Report prepared by: _____ **Date:** _____

29. Reviewed by: _____ **Date:** _____

APPENDIX D

EQUIPMENT AND FIELD/LABORATORY PROCEDURES AND REPORTING

Personnel who conduct fieldwork for Section 106 compliance on a project will use federal and state guidelines for field investigations, laboratory analysis, and report writing. The basic equipment and field observations are listed here

Equipment

To conduct a field survey properly, the qualified/trained personnel will visit the project area, equipped with the following items:

- project plans.
- field notebook/forms.
- 35mm camera loaded with color slide film or digital camera.
- USGS topographic map, aerial photograph, or other maps showing the project area and adequate reference to allow the documentation of the location of any cultural properties discovered, relative to known points such as benchmarks, streams, lakes, project boundary lines, buildings, etc.
- a compass (necessary for walkover survey and for tying site locations to known points.
- site inventory forms; and
- tools (screen, shovel, trowel, measuring tape).

Field Notes

During the walkover, accurate records will be kept in the field notebook, the following information being the minimum:

- Project identification, name, location.
- Name of the person recording the field notes.
- Name(s) of any other person(s) in attendance.
- Date and time of day.
- Weather conditions at time of walkover.
- The survey method used.
- Extent of survey coverage (that is, the extent to which the methodology used approached the ideal of straight-line transects at 15 mm intervals).
- Describe the project area (e.g., plowed field, streambank, cropped field, pasture, timber, etc.).

- Slope and aspect of the project area (e.g., level floodplain, sheer cutbank, steep north-facing slope, gradual south-facing slope, etc.).
- Extent of ground surface visibility over entire project area; visibility decreases in crops, pasture, and timber.
- Describe dominant vegetation (e.g., plowed field and/or timber, state what kinds of trees are present, and describe under story and/or bare rock).
- Describe current land use, and especially previous modification (e.g., a timbered project area may have a campground in it; stream bank may already have riprap, dike, jetty; agricultural fields may have dumps, etc.);
- Where erosion is present, describe it: how deep and long are gullies? How high are cut banks? Most important, how do soil texture, soil color, rock content, etc., in and at the base of erosion features differ from what can be seen on the surface?
- In plowed fields or other areas of bare ground, note any anomalies in soil color and describe their shape, size, and color according to an established chart.
- In plowed fields or cropped fields, note rain splash erosion: how recently it has rained since the field was plowed or disked; what is the nature of the surface: is it well-settled by rainfall, or recently plowed and not yet settled.
- On generally level ground, note subtle or pronounced rises that could indicate the presence of a mound.
- Photograph an overview of the project area; on large areas, several shots will be necessary; also, photograph representative topography and ground cover, and include several shots if ground cover and/or topography varies; keep a detailed log of all photographs taken during walkover surveys, including frame number, direction of view, and description of subject matter.

Inventory

The transect method is ideal to be approached and will be used wherever opportunities and conditions permit. On steep terrain, it will be difficult to walk straight lines, in which case, contours will be followed instead. In timber or other vegetation, it also will be difficult to walk straight lines; and it will be important to have less than 15 meters between the lines walked. In thick vegetation, any eroded or exposed soil should be checked; that may be the only opportunity to see cultural remains.

If an archaeological or historical site is identified as a result of the walkover, the following activities will be performed on the site:

- Delineate the resource: make an attempt to determine the boundaries or limits of the site. Some sites extend beyond project boundaries. In such cases, that portion of the site, which lies outside the project area, should also be documented (this is not an instruction to trespass).

- Photograph the resource: for purpose of documentation, and to assist others who may need to visit the site without ever having been there, no amount of photography is ever too much. Take photographs from close up, as well as more distant views. Most important will be an overview of the entire site, especially when this can show landmarks such as roads, buildings, signs, or prominent natural features. On large sites, several shots may be necessary. Keep detailed records of all photographs taken during walkover survey and site inventory, including frame number, direction of view, and description of subject matter.
- Complete a Wisconsin Archaeological Site Inventory (ASI) form. Nothing will be left blank; if the form requires information that cannot be provided, indicate as "not observable", "not ascertainable", "don't know", or whatever else that is appropriate.
- Make a collection: collect artifacts only if the site seems immediately threatened by unauthorized collecting or pothunting. It will be in the best management interest to facilitate subsequent compliance steps, to leave the maximum amount of information on the site when inventory is concluded. Therefore, unless artifacts are immediately likely to "disappear" due to unauthorized collecting, severe erosion, or other ground disturbance, they should be left in place so that their value for subsequent compliance steps is retained. If a collection is made, include only ceramics and shaped stone tools, i.e., scrapers, projectile points, axe heads, etc. If more than one site is identified, keep the materials from each site in separate labeled containers (bags).

APPENDIX E – Definitions

Archaeological. The term "archaeological" is two-fold. It refers to materials left by prehistoric and historic American Indians and historic Euro-Americans. It also is used to typify sites where features, artifacts, and ruined structures are scattered on and beneath the surface.

BIA. Acronym for Federal Bureau of Indian Affairs, which holds 1200 acres of the KVR in trust for the Ho-Chunk Nation.

COE or USACE. Acronyms for the U.S. Army Corps of Engineers.

Cultural Resource. Cultural resources are comprised of archaeological and historical districts, sites, buildings, structures, and objects. By federal regulation, anything may be of historical or archaeological importance if it is older than fifty years. Effigy mounds and linear mounds (which include conical mounds) are examples of archaeologically important structures. The term "object" includes material remains of past human activities. This definition brings into picture such things as "features", i.e., cooking pits, storage pits, refuse pits, middens, graves or burials, post molds, house pit foundations; artifacts, such as whole or fragmentary tools, implements, containers, weapons, and weapon projectiles, including pottery, chipped stone, ground or pecked stone, worked bone, wood, metal, ceramics, coins, bullets, bottles, and so forth. A "site", then, is the location or context in which one finds historically or archaeologically important structures and/or objects.

HCN. The Ho-Chunk Nation adopted its name in a secretarial election in September 1994. The HCN was known as the Wisconsin Winnebago Business Committee until 1994.

HDHP. Ho-Chunk Department of Heritage Preservation consists of four Divisions: Cultural Resources; Enrollment; Language; and Veterans Affairs.

Historical. The period of time that post-dates the first European exploration and settlement.

KRMB. The Kickapoo Reserve Management Board was organized when the Kickapoo land transfer was initiated. The HCN has two members on the Board - appointed by the HCN President and confirmed by the Governor, six members are nominated locally, and three are directly appointed by the Governor.

KVR. Acronym used in this document for the Kickapoo Valley Reserve.

MOA. Acronym used in this document for Memorandum of Agreement.

National Register of Historic Places (National Register). Contains a wide range of historic property types, reflecting the diversity of the nation's history and culture. Buildings, structures, and sites; groups of buildings, structures or sites forming historic districts; landscapes; and individual objects are all included in the Register if they meet the criteria specified in the Register's Criteria for Evaluation. Such properties reflect many kinds of significance in architecture, history, archeology, engineering, and culture.

SHPO. Acronym for the State Historic Preservation Officer.

THPO. Acronym for the Tribal Historic Preservation Officer.