



Douglas La Follette, *Secretary of State*  
Kurt Schuller, *State Treasurer*  
J.B. Van Hollen, *Attorney General*  
Tia Nelson, *Executive Secretary*

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2nd Floor  
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Madison, WI 53708-8943

608 266-1370 INFORMATION  
608 266-0034 LOANS  
608 267-2787 FAX  
[bcpl.wisconsin.gov](http://bcpl.wisconsin.gov)

**Managing Wisconsin's trust assets for public education**

## AGENDA

September 4, 2012

2:00 P.M.

Board of Commissioners of Public Lands  
101 E. Wilson Street, 2<sup>nd</sup> Floor  
Madison, Wisconsin

1. Call to Order
2. Approve Minutes – August 21, 2012
3. Approve Loans
4. Proposed Land Bank Sales
  - A. Forest County Potawatomi Community (S1109, S1110 and S1111)
  - B. Bluff Road – Jackson County (S1202)
5. Proposed Land Bank Purchase – Cavour Property (P1101)
6. Proposed Memorandum of Understanding with Forest County Potawatomi Community
7. Executive Secretary's Report
8. Adjourn

**BOARD MEETING  
SEPTEMBER 4, 2012**

**AGENDA ITEM 2  
APPROVE MINUTES**

Attached for approval are the minutes from the August 21, 2012, board meeting.

Board Meeting Minutes  
August 21, 2012

**ITEM 1. CALL TO ORDER**

Board Chair La Follette called the meeting of the Board of Commissioners of Public Lands to order at 3:00 p.m.

Present were:

Doug La Follette, Board Chair	Secretary of State
Kurt Schuller, Commissioner	State Treasurer
J.B. Van Hollen, Commissioner	Attorney General
Tia Nelson, Executive Secretary	Board of Commissioners of Public Lands
Tom German, Deputy Secretary	Board of Commissioners of Public Lands
Richard Sneider, Loan Analyst	Board of Commissioners of Public Lands

**ITEM 2. APPROVE MINUTES – AUGUST 7, 2012**

**MOTION:** Commissioner Schuller moved to approve the minutes; Commissioner Van Hollen seconded the motion. The motion passed 3-0.

**ITEM 3. APPROVE LOANS**

Executive Secretary Nelson said the loans had received legal review.

Municipality	Municipal Type	Loan Amount
1. Christmas Mountain Sauk County Application #: 02013035 Purpose: Finance facilities upgrade	Sanitary District Rate: 3.75% Term: 20 years	\$500,000.00
2. Cumberland Barron County Application #: 02013036 Purpose: Replace sewer and purchase sewer truck	City Rate: 2.50% Term: 5 years	\$193,463.00
3. Geneva J4 Walworth County Application #: 02013031 Purpose: Refinance prior service pension liability	School Rate: 2.75% Term: 10 years	\$163,000.00
4. Merton Waukesha County Application #: 02013032 Purpose: Refinance BCPL Loans	Town Rate: 2.50% Term: 5 years	\$687,528.12
5. Merton Waukesha County Application #: 02013033 Purpose: Refinance bank debt	Town Rate: 2.50% Term: 5 years	\$829,681.03

6.	Mondovi	City	\$323,000.00
	Buffalo County	Rate: 2.75%	
	Application #: 02013030	Term: 10 years	
	Purpose: Purchase fire truck		
7.	Rochester	Village	\$650,000.00
	Racine County	Rate: 3.75%	
	Application #: 02013034	Term: 20 years	
	Purpose: Finance village hall construction		
		<b>TOTAL</b>	<b>\$3,346,672.15</b>

**MOTION:** Commissioner Schuller moved to approve the loans; Commissioner Van Hollen seconded the motion. The motion passed 3-0.

**ITEM 4. PROPOSED LAND BANK SALE – WHITING CREEK (S1001)**

**MOTION:** Commissioner Schuller moved to approve the proposed land bank sale; Commissioner Van Hollen seconded the motion. The motion passed 3-0.

**NOW, THEREFORE BE IT RESOLVED**, that the Board of Commissioners of Public Lands approves the sale of the Whiting Creek Property to the U.S. Forest Service at the price of Two Hundred Forty Two Thousand Dollars (\$242,000) in accordance with Chapter 24 of the Wisconsin Statutes on such terms and conditions as the Executive Secretary determines to be reasonable and necessary. The Executive Secretary is authorized and directed to execute any documents reasonably necessary to complete such transaction.

**ITEM 5. EXECUTIVE SECRETARY’S REPORT**

Executive Secretary Nelson reported that there is a possibility that the funds for this sale may be diverted for fighting forest fires out west.

She reported that she continues to do outreach with policymakers, landowners, and timber producers. She recently met with Congressman Duffy in his district and also Butch Johnson at his mill, the Flambeau River Mill, in Park Falls.

**ITEM 6. ADJOURN**

**MOTION:** Commissioner Schuller moved to adjourn the meeting; Commissioner Van Hollen seconded the motion. The motion passed 3-0.



Tia Nelson, Executive Secretary

These minutes have been prepared from a tape recording of the meeting. The summaries have not been transcribed verbatim. Anyone wishing to listen to the tape may do so at the Board of Commissioners of Public Lands, 101 E. Wilson Street, 2<sup>nd</sup> Floor, Madison, Wisconsin.

**BOARD MEETING  
SEPTEMBER 4, 2012**

**AGENDA ITEM 3  
APPROVE LOANS**

Municipality	Municipal Type	Loan Amount
1. Leeds Columbia County Application #: 02013041 Purpose: Finance restroom project	Town Rate: 3.75% Term: 20 years	\$100,000.00
2. Leeds Columbia County Application #: 02013042 Purpose: Refinance BCPL Loan #2005195	Town Rate: 2.75% Term: 10 years	\$338,521.77
3. Madison Dane County Application #: 02013037 Purpose: Construct road, remodel building and purchase vehicles	Town Rate: 3.75% Term: 20 years	\$573,000.00
4. Marquette Marquette County Application #: 02013040 Purpose: Finance roof repair	County Rate: 2.50% Term: 5 years	\$85,000.00
5. Marshfield Marathon and Wood Counties Application #: 02013038 Purpose: Finance fairground improvements	City Rate: 2.75% Term: 10 years	\$400,000.00
6. Rochester Racine County Application #: 02013039 Purpose: Purchase ambulance	Village Rate: 2.75% Term: 10 years	\$100,000.00
<b>TOTAL</b>		<b>\$1,596,521.77</b>

**BOARD MEETING  
SEPTEMBER 4, 2012**

**AGENDA ITEM 4A  
PROPOSED LAND BANK SALE – FOREST COUNTY POTAWATOMI COMMUNITY  
(S1109, S1110, S1111)**

The Forest County Potawatomi Community (“FCPC”) has determined that 280 acres of BCPL Trust Lands in Forest County would be beneficial for FCPC use.

BCPL staff recommends the sale of the Property to the FCPC for the following reasons:

- The Property is comprised of three isolated tracts, which are located adjacent to the federally recognized boundaries of existing FCPC lands;
- The Property does not provide access to other BCPL lands;
- Sale of the Property would provide BCPL with funds to purchase other lands that would provide better access to existing BCPL lands, produce timber revenue, improve management efficiency, reduce forest fragmentation, or all of the above; and
- Sale of the Property to the FCPC would improve management efficiencies for the FCPC by adding parcels that block well with existing FCPC lands.

Attachments:

*Resolution w/Exhibits*

*Exhibit A - BCPL Sale Criteria*

*Exhibit B - Appraisal Certification*

*BCPL Project Map*

**BOARD MEETING  
SEPTEMBER 4, 2012**

**AGENDA ITEM 4A  
PROPOSED LAND BANK SALE - FOREST COUNTY POTAWATOMI COMMUNITY  
(S1109, S1110, S1111)**

**RECITALS**

- A. The Forest County Potawatomi Community (“FCPC”) has determined that certain property currently owned by the Board of Commissioners of Public Lands, totaling approximately 280 acres in size would be beneficial for Tribal use as Indian Trust Lands. These lands are comprised of three separate parcels more particularly described as:
- a. the Southwest ¼ of the Southeast ¼ (SWSE) of Section Two (2), Blackwell Township, (the “Shabodock Creek Property”);
  - b. the Southwest ¼ of the Southeast ¼ (SWSE), and the Southeast ¼ of the Southeast ¼ (SESE) of Section Twenty-four (24), the Northeast ¼ of the Northeast ¼ of Section Twenty-five (25), Wabeno Township (the “Kufner Creek Property”); and
  - c. the Southeast ¼ of the Northeast ¼ (SENE), the Northeast ¼ of the Southeast ¼ (NESE) and the Northwest ¼ of the Southeast ¼ (NWSE) of Section Thirty-four (34), Wabeno Township, (the “Otter Creek Property”) all located in Township Thirty-five (35) North, Range Fifteen (15) East, Forest County Wisconsin, (Collectively, the “Property”)
- B. All of the Property is located adjacent to federally recognized boundaries of tribal lands.
- C. The Property has been evaluated by BCPL staff against sale criteria previously adopted by the Board. The Property has been determined by BCPL staff to be appropriate for sale according to such criteria. Copies of the sale analysis are attached to this resolution as Exhibit A.
- D. The Property has been independently appraised by Compass Land Consultants, Inc. at a value of Sixteen Hundred Dollars (\$1,600) per acre for a total of Four Hundred Forty Eight Thousand Dollars (\$448,000). A copy of the Certification of the Appraisal has been attached to this resolution as Exhibit B.
- E. The FCPC has offered to pay the sum of Four Hundred Forty Eight Thousand Dollars (\$448,000) to acquire the Property. The offered price is equal to the appraised value.

- F. BCPL staff recommends that the Board authorize the sale of the Property to the FCPC at the appraised value of \$448,000.

**NOW, THEREFORE BE IT RESOLVED**, that the Board of Commissioners of Public Lands approves the sale of the Property to the Forest County Potawatomi Community at the price of Four Hundred Forty Eight Thousand Dollars (\$448,000) in accordance with Chapter 24 of the Wisconsin Statutes on such terms and conditions as the Executive Secretary determines to be reasonable and necessary. The Executive Secretary is authorized and directed to execute any documents reasonably necessary to complete such transaction.

Board of Commissioners of Public Lands  
Summary Analysis of Potential Property Sale  
Transaction ID#: S1109

Item 4A  
Exhibit A  
Page 1

Common Name for Land Parcel Shabodock Creek  
County Forest Township Blackwell  
Legal Description T35N-R15E, Section 2, SWSE  
GLO Acres 40

Sale Criteria

1. Title

- Ownership verified with Register of Deeds  
 Title appears merchantable

2. Timber Management

- Parcel is located outside of Consolidation Zone  
 Parcel is an isolated or unproductive parcel within the Consolidation Zone  
 Parcel is a deferred natural area

3. Access

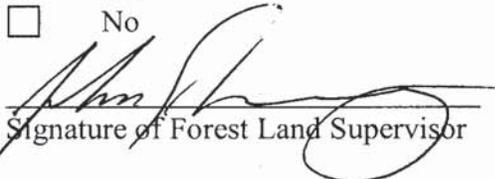
- Parcel does not provide the only reasonable access to other BCPL parcels that will be retained.  
 If parcel does provide the only reasonable access to other BCPL parcels to be retained, a public access easement across the parcel has been reserved.  
 Parcel has no current access

4. Parcel Required By Other Government Entity

- The parcel is located within a project boundary of another government agency or adjacent to a parcel of land owned by another unit of government.  
 Parcel is otherwise required by another unit of government.

I recommend that BCPL sell the above property on terms and conditions acceptable to BCPL:

- Yes  
 No

  
\_\_\_\_\_  
Signature of Forest Land Supervisor

8/19/2010  
\_\_\_\_\_  
Date

I accept the recommendation of the Trust Lands Forestry Supervisor and direct the staff to proceed accordingly.

- Yes  
 No

  
\_\_\_\_\_  
Executive Secretary

Sept 10, 2010  
\_\_\_\_\_  
Date

Board of Commissioners of Public Lands  
Summary Analysis of Potential Property Sale  
Transaction ID#: S 1110

Item 4A  
Exhibit A  
Page 2

Common Name for Land Parcel Otter Creek

County Forest Township Wabeno

Legal Description T35N-R15E – Section 34, NESE, NWSE, SENE

GLO Acres 120

**Sale Criteria**

**1. Title**

- Ownership verified with Register of Deeds  
 Title appears merchantable

**2. Timber Management**

- Parcel is located outside of Consolidation Zone  
 Parcel is an isolated or unproductive parcel within the Consolidation Zone  
 Parcel is a deferred natural area

**3. Access**

- Parcel does not provide the only reasonable access to other BCPL parcels that will be retained.  
 If parcel does provide the only reasonable access to other BCPL parcels to be retained, a public access easement across the parcel has been reserved.  
 Parcel has no current access

**4. Parcel Required By Other Government Entity**

- The parcel is located within a project boundary of another government agency or adjacent to a parcel of land owned by another unit of government.  
 Parcel is otherwise required by another unit of government.

I recommend that BCPL sell the above property on terms and conditions acceptable to BCPL:

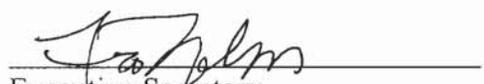
- Yes  
 No

  
\_\_\_\_\_  
Signature of Forest Land Supervisor

8/19/2010  
\_\_\_\_\_  
Date

I accept the recommendation of the Trust Lands Forestry Supervisor and direct the staff to proceed accordingly.

- Yes  
 No

  
\_\_\_\_\_  
Executive Secretary

Sept 9, 2010  
\_\_\_\_\_  
Date

Board of Commissioners of Public Lands  
Summary Analysis of Potential Property Sale  
Transaction ID#: S1111

Common Name for Land Parcel Kufner Creek

County Forest Township Wabeno

Legal Description T35N-R15E, Section 24, SESE, SWSE – Section 25, NENE

GLO Acres 120

**Sale Criteria**

**1. Title**

- Ownership verified with Register of Deeds  
 Title appears merchantable

**2. Timber Management**

- Parcel is located outside of Consolidation Zone  
 Parcel is an isolated or unproductive parcel within the Consolidation Zone  
 Parcel is a deferred natural area

**3. Access**

- Parcel does not provide the only reasonable access to other BCPL parcels that will be retained.  
 If parcel does provide the only reasonable access to other BCPL parcels to be retained, a public access easement across the parcel has been reserved.  
 Parcel has no current access

**4. Parcel Required By Other Government Entity**

- The parcel is located within a project boundary of another government agency or adjacent to a parcel of land owned by another unit of government.  
 Parcel is otherwise required by another unit of government.

I recommend that BCPL sell the above property on terms and conditions acceptable to BCPL:

- Yes  
 No

  
Signature of Forest Land Supervisor

8/19/2010  
Date

I accept the recommendation of the Trust Lands Forestry Supervisor and direct the staff to proceed accordingly.

- Yes  
 No

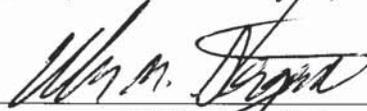
  
Executive Secretary

Sept 9, 2010  
Date

## Certification

I certify that, to the best of my knowledge and belief:

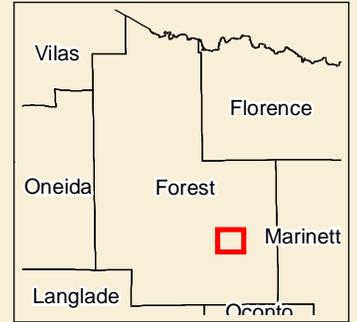
- The statements of fact contained in this report are true and correct.
- The reported analyses, opinions, and conclusions are limited only by the reported assumptions and limiting conditions, and are my personal, impartial, and unbiased professional analyses, opinions, and conclusions.
- I have no present or prospective interest in the property that is the subject of this report, and no personal interest with respect to the parties involved.
- I have had no prior engagements involving inspections or appraisals of the subject property.
- My engagement in this assignment is not contingent upon developing or reporting predetermined results.
- My compensation for completing this assignment is not contingent upon the development or reporting of a predetermined value or direction in value that favors the cause of the client, the amount of the value opinion, the attainment of a stipulated result, or the occurrence of a subsequent event directly related to the intended use of this appraisal.
- My analyses, opinions, and conclusions were developed, and this report has been prepared in conformity with the "Uniform Standards of Professional Appraisal Practice."
- I personally inspected the subject property and the market sales used in this appraisal. Nate Nelson, Appraisal Assistant, and Terry Hess, the landowner's representative, accompanied me in the inspection on January 18, 2011. The comparable sales were inspected on various dates in 2009 and 2010.
- Nate Nelson, Appraisal Assistant, provided assistance with the preparation of this report.
- Based upon the information contained in this report, and upon my general experience as an appraiser, it is my opinion that the market value of the subject property, fee title and unencumbered, is \$448,000 as of January 18, 2011.



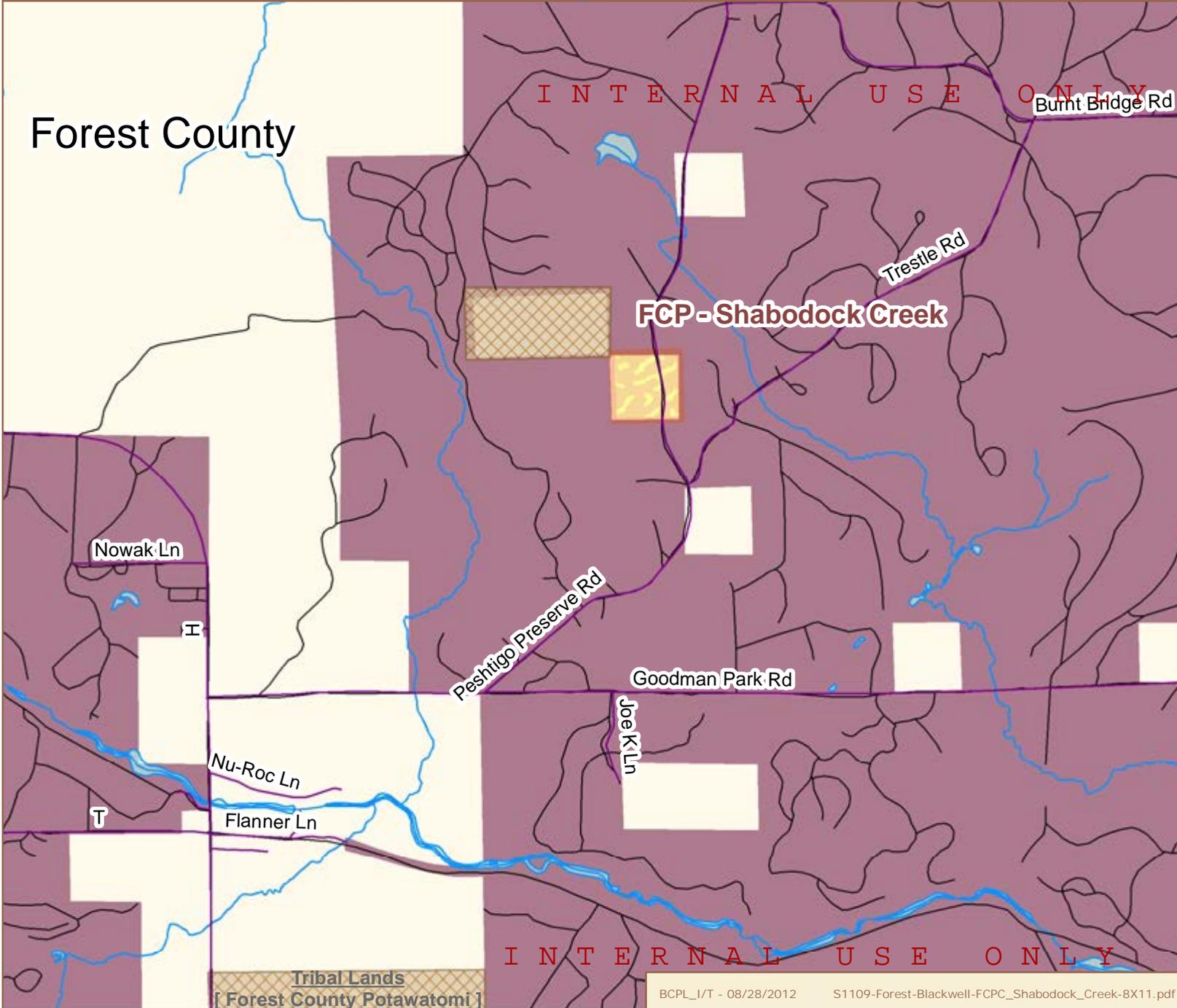
William M. Steigerwaldt  
Real Estate Specialist

Wisconsin Certified General Appraiser #394-10

SALE TO FOREST COUNTY POTAWATOMI (FCP)  
SHABODOCK CREEK PROPERTY (S1109)



Forest County



BCPL Project #:  
S1109

County: Forest

Town: Blackwell

Common Name

Shabodock Creek Property

Acres - 40.00

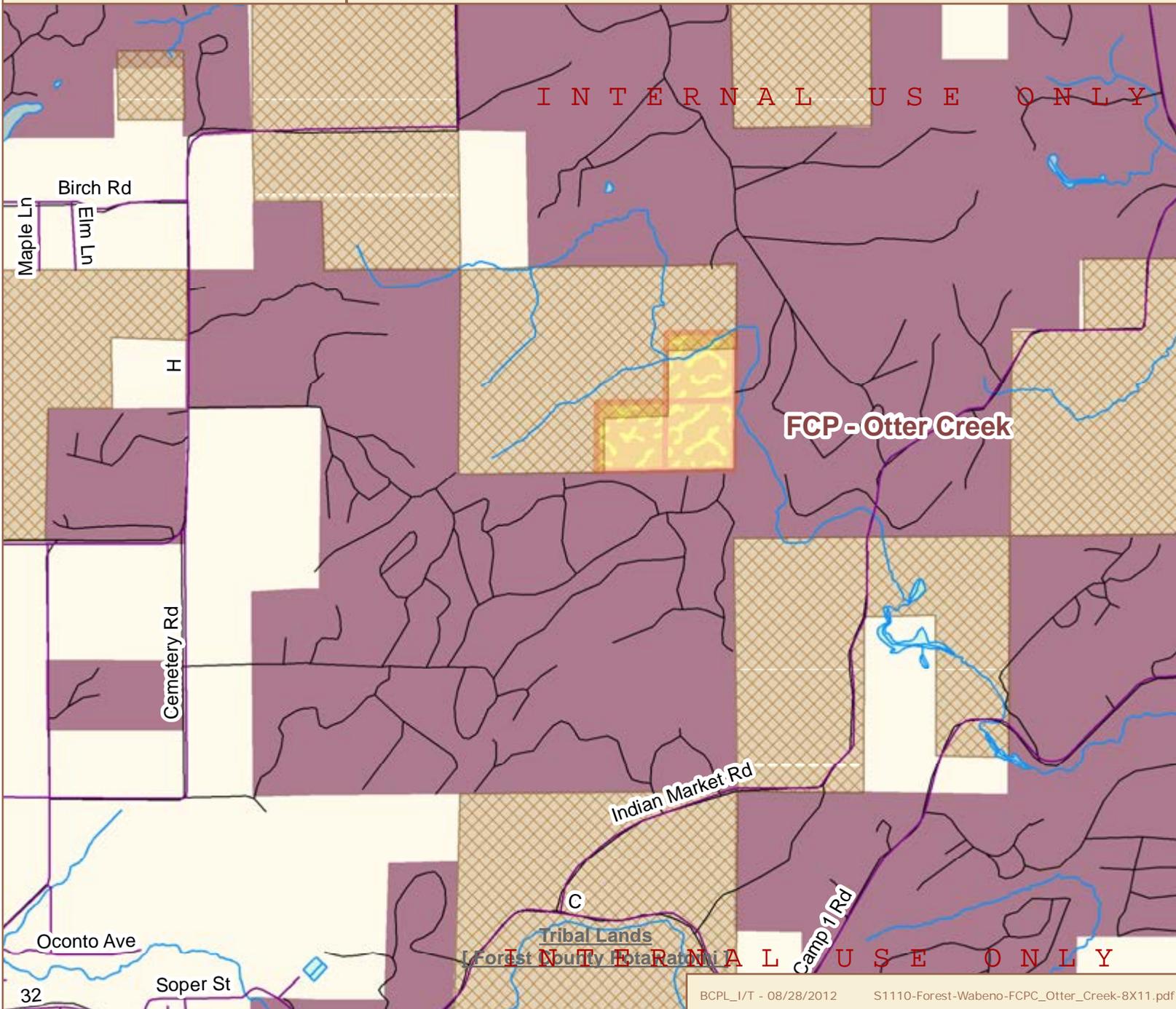
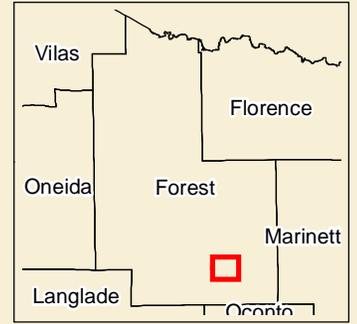
Fund 745



-  **Outgoing**
-  **Tribal Lands**
-  **Nicolet NF**



**SALE TO FOREST COUNTY POTAWATOMI (FCP)  
OTTER CREEK PROPERTY (S1110)**



INTERNAL USE ONLY

**FCP - Otter Creek**

INTERNAL USE ONLY

BCPL Project #:  
S1110

County: Forest

Town: Wabeno

Common Name  
Otter Creek Property

Acres - 120.00

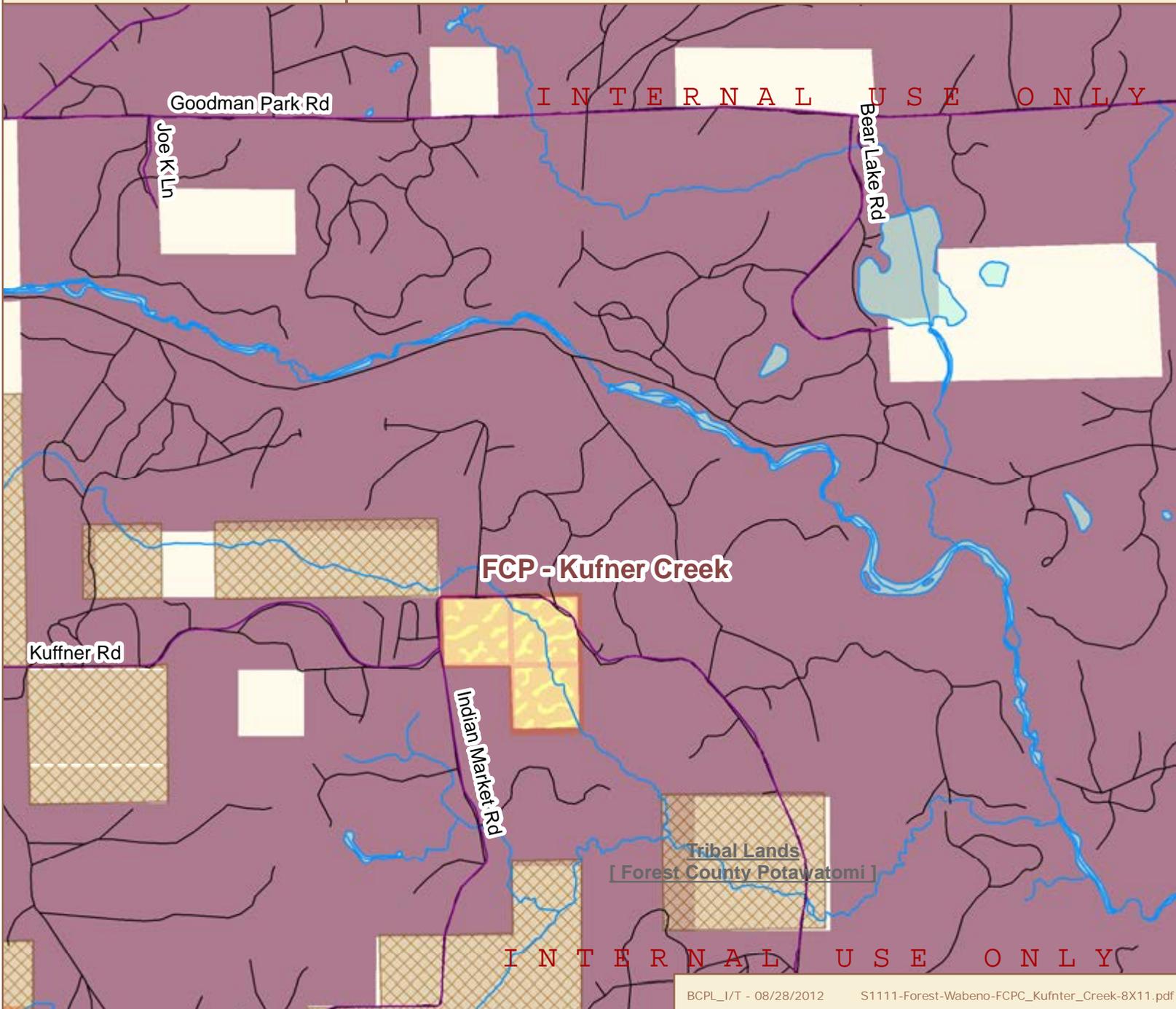
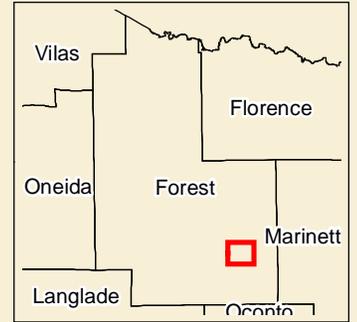
Fund 744



-  **Outgoing**
-  **Tribal Lands**
-  **Nicolet NF**



**SALE TO FOREST COUNTY POTAWATOMI (FCP)  
KUFNER CREEK PROPERTY (S1111)**



BCPL Project #:  
S1111

County: Forest

Town: Wabeno

Common Name

Kufner Creek Property

Acres - 120.00

Fund 745



- Outgoing**
- Tribal Lands
- Nicolet NF



**BOARD MEETING  
SEPTEMBER 4, 2012**

**AGENDA ITEM 4B  
PROPOSED LAND BANK SALE – BLUFF ROAD (S1202)**

Jackson County has determined that 40 acres of BCPL land in Jackson County is required for county use.

BCPL staff recommends the sale of the property to the Jackson County for the following reasons:

- The property is an isolated, landlocked parcel, outside the Consolidated Zone.
- The property is completely surrounded by County Forest Lands.
- Sale of the property would provide BCPL with funds to purchase other lands that would provide better access to its existing lands, produce timber revenue, improve management efficiency, reduce forest fragmentation, or all of the above.
- Sale of the property to the County would eliminate an inholding within the County Forest and reduce the threat of fragmentation to the County Forest.

Attachments:

*Resolution w/Exhibits*

*Exhibit A - BCPL Sale Criteria*

*Exhibit B - Appraisal Certification*

*BCPL Project Map*

**BOARD MEETING  
SEPTEMBER 4, 2012**

**AGENDA ITEM 4B  
PROPOSED LAND BANK SALE – BLUFF ROAD (S1202)**

**RECITALS**

- A. Jackson County has determined that certain property more particularly described as the Northeast ¼ of the Northwest ¼ (NENW) of Section Twelve (12) Township Twenty (20) North, Range One (1) West, Knapp Township, Jackson County, Wisconsin totaling 40 acres in size (the “Bluff Road Property”) is required for county use.
- B. The Bluff Road Property is currently owned by the Board of Commissioners of Public Lands.
- C. The Bluff Road Property has been evaluated by BCPL staff against sale criteria previously adopted by the Board. The Bluff Road Property has been determined by BCPL staff to be appropriate for sale according to such criteria. A copy of the sale analysis is attached to this resolution as Exhibit A.
- D. The Bluff Road Property has been independently appraised by Compass Land Consultants, Inc. at a value of Two Thousand Dollars (\$2,000) per acre for a total of Eighty Thousand Dollars (\$80,000). A copy of the Certification of the Appraisal has been attached to this resolution as Exhibit B.
- E. Jackson County has offered to pay the sum of Eighty Thousand Dollars (\$80,000) to acquire the Bluff Road Property. The offered price is equal to the appraised value.
- F. BCPL staff recommends that the Board authorize the sale of the Bluff Road Property to Jackson County at the appraised value of \$80,000.

**NOW, THEREFORE BE IT RESOLVED**, that the Board of Commissioners of Public Lands approves the sale of the Bluff Road Property to Jackson County at the price of Eighty Thousand Dollars (\$80,000) in accordance with Chapter 24 of the Wisconsin Statutes on such terms and conditions as the Executive Secretary determines to be reasonable and necessary. The Executive Secretary is authorized and directed to execute any documents reasonably necessary to complete such transaction.

Board of Commissioners of Public Lands  
Summary Analysis of Potential Property Sale  
Transaction ID#: S/202

Common Name for Land Parcel Bluff Road

County Jackson Township Knapp

Legal Description NENW, Section 12, Township 20N, Range 1W, Town of Knapp, Jackson  
County, Wisconsin

GLO Acres 40

**Sale Criteria**

**1. Title**

- Ownership verified with Register of Deeds  
 Title appears merchantable

**2. Timber Management**

- Parcel is located outside of Consolidation Zone  
 Parcel is an isolated or unproductive parcel within the Consolidation Zone  
 Parcel is a deferred natural area

**3. Access**

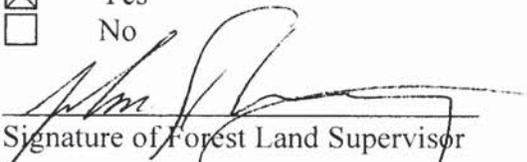
- Parcel does not provide the only reasonable access to other BCPL parcels that will be retained.  
 If parcel does provide the only reasonable access to other BCPL parcels to be retained, a public access easement across the parcel has been reserved.  
 Parcel has no current access

**4. Parcel Required By Other Government Entity**

- The parcel is located within a project boundary of another government agency or adjacent to a parcel of land owned by another unit of government.  
 Parcel is otherwise required by another unit of government.

I recommend that BCPL sell the above property on terms and conditions acceptable to BCPL:

- Yes  
 No

  
\_\_\_\_\_  
Signature of Forest Land Supervisor

1/26/12  
\_\_\_\_\_  
Date

I accept the recommendation of the Trust Lands Forestry Supervisor and direct the staff to proceed accordingly.

- Yes  
 No

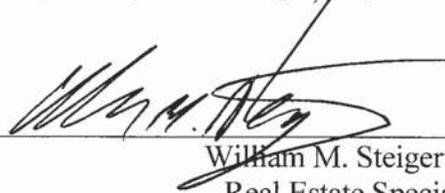
  
\_\_\_\_\_  
Executive Secretary

1/28/12  
\_\_\_\_\_  
Date

## Certification

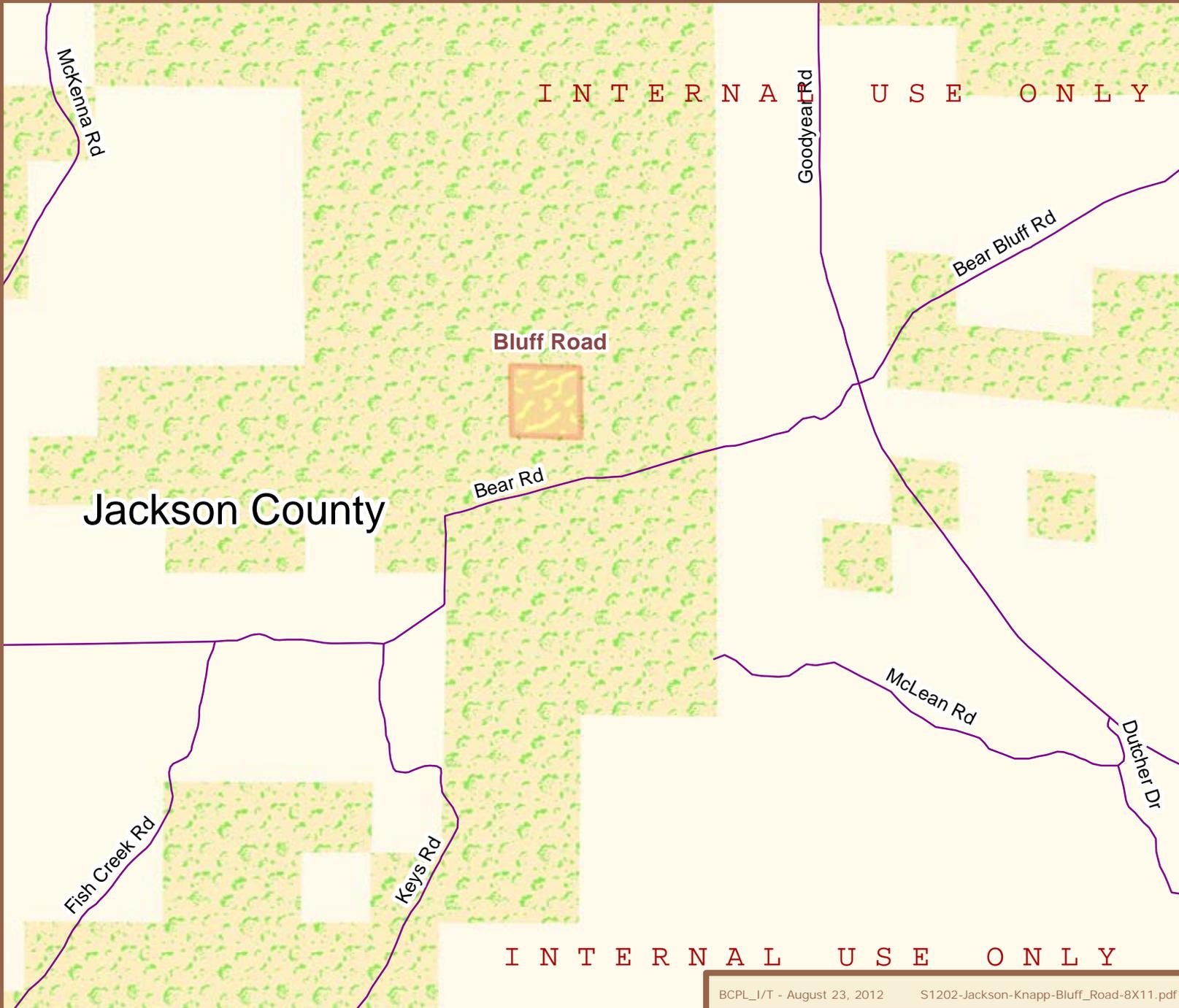
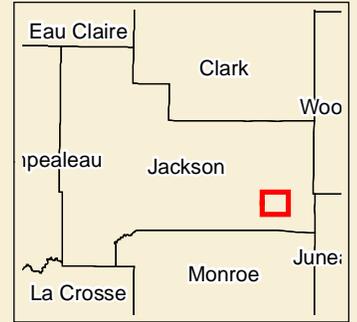
I certify that, to the best of my knowledge and belief:

- The statements of fact contained in this report are true and correct.
- The reported analyses, opinions, and conclusions are limited only by the reported assumptions and limiting conditions, and are my personal, impartial, and unbiased professional analyses, opinions, and conclusions.
- I have no present or prospective interest in the property that is the subject of this report, and no personal interest with respect to the parties involved.
- I have had no prior engagements involving inspections or appraisals of the subject property.
- My engagement in this assignment is not contingent upon developing or reporting predetermined results.
- My compensation for completing this assignment is not contingent upon the development or reporting of a predetermined value or direction in value that favors the cause of the client, the amount of the value opinion, the attainment of a stipulated result, or the occurrence of a subsequent event directly related to the intended use of this appraisal.
- My analyses, opinions, and conclusions were developed, and this report has been prepared in conformity with the "Uniform Standards of Professional Appraisal Practice."
- I personally inspected the subject property and the market sales used in this appraisal. The agent for the landowner was not able to join me in the inspection on April 22, 2012.
- Based upon the information contained in this report, and upon my general experience as an appraiser, it is my opinion that the market value of the subject property, fee title and unencumbered, is \$80,000 as of April 22, 2012.



William M. Steigerwaldt  
Real Estate Specialist  
Wisconsin Certified General Appraiser #394-10

SALE TO JACKSON COUNTY  
BLUFF ROAD PROPERTY



BCPL Project #:  
S1202

County: Jackson

Town: Knapp

Common Name

Bluff Road

Acres - 40.00

Fund 745



 Outgoing

 County Forest



INTERNAL USE ONLY

**BOARD MEETING  
SEPTEMBER 4, 2012**

**AGENDA ITEM 5  
PROPOSED LAND BANK PURCHASE – CAVOUR PROPERTY (P1101)**

The Forest County Potawatomi Community (FCPC) is offering to sell 40 acres of land in Forest County.

BCPL staff recommends the purchase of the property from the FCPC for the following reasons:

- Purchase of the Property would provide BCPL with productive timberland that can be expected to produce revenue for the Trust Funds through future timber harvests;
- Purchase of the Property would increase the percentage of upland on BCPL property;
- Purchase of the Property would increase the number of acres and size of tracts where BCPL has summer logging opportunities;
- Purchase of the Property would result in improved management efficiencies as the size of BCPL's block of land would increase and the boundary line work associated with that block would decrease; and
- Purchase of the Property would reduce forest fragmentation and improve and protect public access on a sizeable block of forestland.

Attachments:

*Resolution w/Exhibits*

*Exhibit A - BCPL Purchase Criteria*

*Exhibit B – Appraisal Certification*

*BCPL Project Map*

**BOARD MEETING  
SEPTEMBER 4, 2012**

**AGENDA ITEM 5  
PROPOSED LAND BANK PURCHASE – CAVOUR PROPERTY (P1101)**

**RECITALS**

- A. BCPL staff is requesting authority to purchase Forty (40) acres of land from the Forest County Potawatomi Community (“FCPC”) more particularly described as the Southeast Quarter of the Southwest Quarter (SESW) of Section Thirty-four (34), Township Thirty-seven (37) North, Range Fifteen (15) East, Town of Caswell, Forest County Wisconsin, totaling 40 acres in size (the “Cavour Property”).
- B. The Cavour Property is bordered on three sides by land currently owned by the Board of Commissioners of Public Lands.
- C. The Cavour Property has been evaluated by BCPL staff against purchase criteria previously adopted by the Board. The Cavour Property has been determined by BCPL staff to be appropriate for purchase according to such criteria. A copy of the purchase analysis is attached to this resolution as Exhibit A.
- D. The Cavour Property was independently appraised by Compass Land Consultants, Inc. at a value of One Thousand Three Hundred Dollars (\$1,300) per acre for a total of Fifty-Two Thousand Dollars (\$52,000). A copy of the Certification of the Appraisal has been attached to this resolution as Exhibit B.
- E. The FCPC is asking One Thousand Three Hundred Dollars (\$1,300) per acre for the Cavour Property for a total of Fifty-Two Thousand Dollars (\$52,000).
- F. The asking price is equal to the appraised value.
- G. BCPL staff recommends the purchase of the Cavour Property because purchase of the Property would:
  - a. add 40 acres of productive, upland timber that can be expected to produce revenue for the Trust Funds through future timber harvests;
  - b. provide summer logging opportunities;
  - c. improve management efficiencies by increasing the tract size of an existing Trust Land parcel and reduce boundary line work associated with the tract; and
  - d. reduce forest fragmentation while at the same time protecting and improving public access to a sizable block of forestland.

H. BCPL staff recommends that the Board authorize the purchase of the Cavour Property from the FCPC at the appraised value of \$52,000.

**NOW, THEREFORE BE IT RESOLVED**, that the Board of Commissioners of Public Lands approves the purchase of the Cavour Property from the Forest County Potawatomi Community at the price of Fifty-Two Thousand Dollars (\$52,000) in accordance with Chapter 24 of the Wisconsin Statutes on such terms and conditions as the Executive Secretary determines to be reasonable and necessary. The Executive Secretary is authorized and directed to execute any documents reasonably necessary to complete such transaction.

Board of Commissioners of Public Lands  
Summary Analysis of Potential Property Purchase  
Transaction ID#: P 1101

County: Forest Township: Caswell

*Cavour Property*

Legal Description: T37N-R15E - Section 34, SESW

Acres: 40.0

Parcel ID Number: 010-07710-0000

Previous Year Tax Levy: \$26.80

Name(s) of Seller(s): Forest County Potawatomi Community

Address of Seller(s): FCP, 5460 Kak Yot Ln.

Crandon, WI 54520

Seller Phone #: ( )

Seller's Attorney or Agent: Carol Muratore

Contact Information: 780 North Water Street

Milwaukee, WI

53202-3590

Seller's Attorney or Agent Phone Number(s): (414) 273-3500

Asking Price: \$

**Summary Analysis of Potential Property Purchase**  
**Transaction ID#: P1101**

Acres of productive forest land in parcel(s): 39 acres

Acres of non productive land in parcel(s): 1 acres

Acres of land with public access in parcel(s): 40 acres

Acres of land without public access in parcel(s): 0 acres

Acres of current BCPL land that will become accessible to the public through parcel(s): 0 acres

Acres of our current BCPL land that will become accessible for timber management purposes through parcel(s): 0 acres

Comments (parcel cover type or other attributes of parcel or transaction):

BCPL owns land on three sides of this isolated parcel. Parcel will:

- 1) Provide high proportion of upland productive timber
- 2) Create good blocking opportunity
- 3) Reduce line work and enhance management efficiency

Summary Analysis of Potential Property Purchase  
Transaction ID#: P 1101

Purchase Criteria

1. Forest Fragmentation

- Average tract size increases
- The ratio of perimeter to area decreases
- There is a clear reduction of the threat for conversion from forest to non-forest use

2. Access

- Management access to our existing timber tracts is improved
- There is an increase in the number of BCPL acres open to the public

3. Management Efficiency

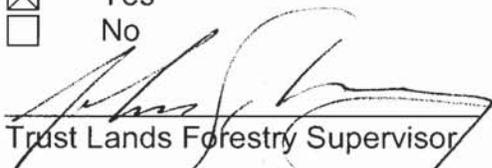
- The percentage of upland on BCPL properties increases
- The amount of line work per acre decreases
- The average distance from the tracts to the BCPL field office decreases

4. Timber Character and Value

- The average site index of forest soils on BCPL property increases
- Within one cutting cycle there is an increase in the potential high value sawlog volume and growth, on the tract
- There is an increase in the forest types and species that diversify the BCPL's timber portfolio
- There is an increase in the number of acres and size of tracts where the BCPL has summer logging opportunities

I recommend that BCPL purchase the above property on terms and conditions acceptable to BCPL:

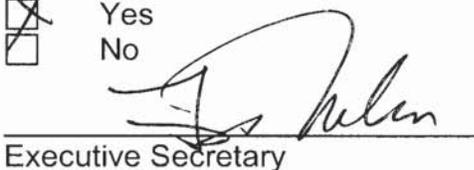
- Yes
- No

  
Trust Lands Forestry Supervisor

9/3/2010  
Date

I accept the recommendation of the Trust Lands Forestry Supervisor and direct the staff to proceed accordingly.

- Yes
- No

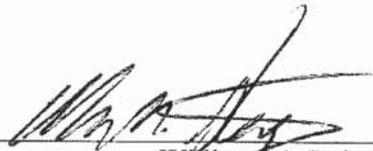
  
Executive Secretary

9/20/2010  
Date

**CERTIFICATION**

I certify that, to the best of my knowledge and belief:

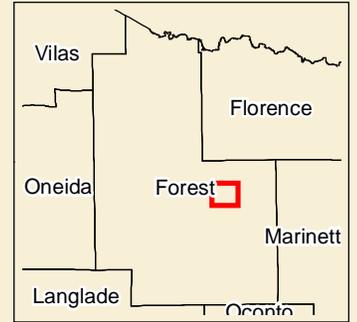
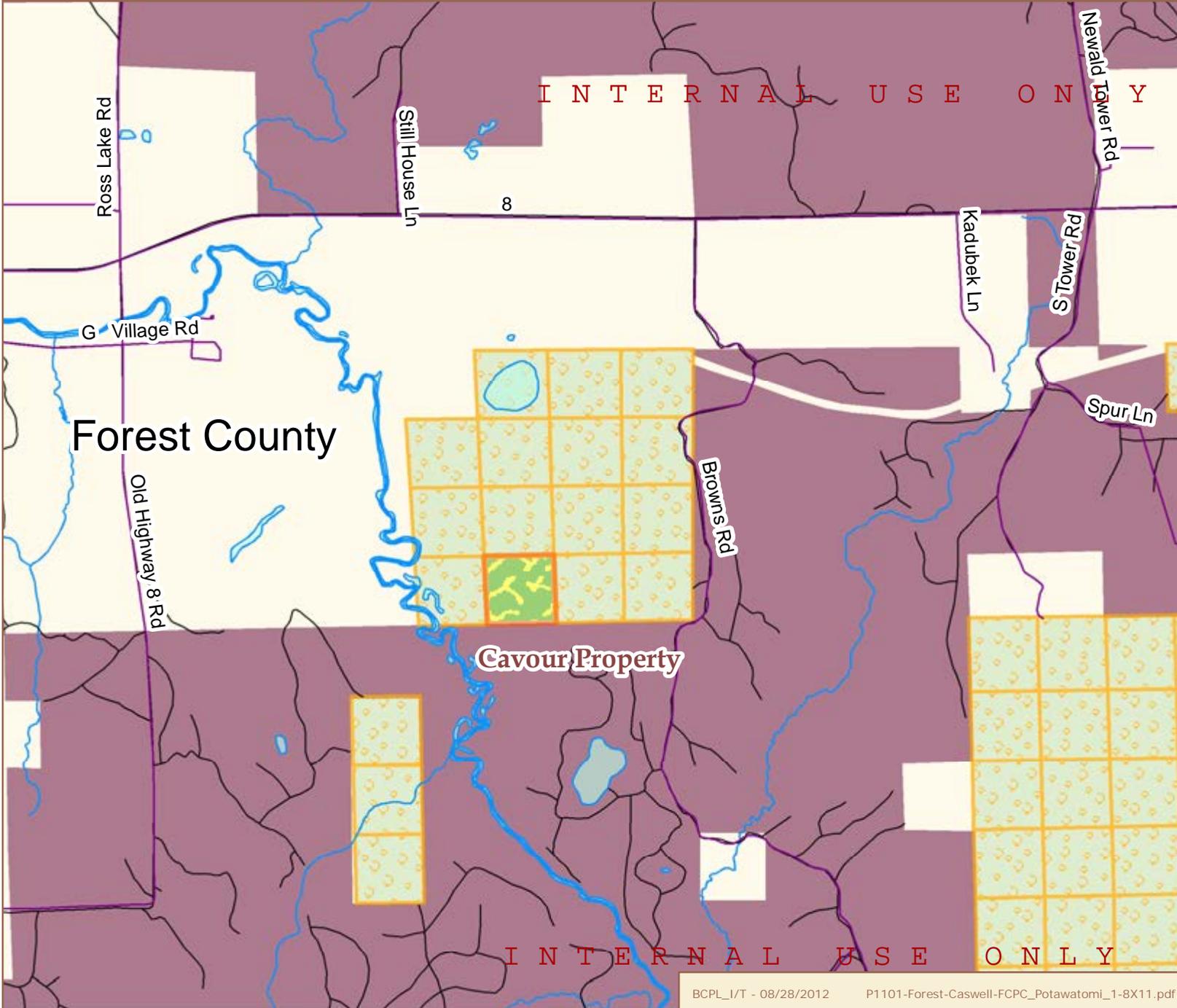
- The statements of fact contained in this report are true and correct.
- The reported analyses, opinions, and conclusions are limited only by the reported assumptions and limiting conditions, and are my personal, impartial, and unbiased professional analyses, opinions, and conclusions.
- I have no present or prospective interest in the property that is the subject of this report, and no personal interest with respect to the parties involved.
- I was engaged to appraise this property as part of a larger assignment involving 481.62 acres for the Forest County Potawatomi Community and the Board of Commissioners of Public Lands in January, 2011.
- My engagement in this assignment is not contingent upon developing or reporting predetermined results.
- My compensation for completing this assignment is not contingent upon the development or reporting of a predetermined value or direction in value that favors the cause of the client, the amount of the value opinion, the attainment of a stipulated result, or the occurrence of a subsequent event directly related to the intended use of this appraisal.
- My analyses, opinions, and conclusions were developed, and this report has been prepared in conformity with the "Uniform Standards of Professional Appraisal Practice."
- I personally inspected the property that is the subject of this report, and all comparable sales.
- It is my opinion that the subject property has a market value of \$52,000 as of January 18, 2011.



William M. Steigerwaldt  
Real Estate Specialist

Wisconsin Certified General Appraiser #394-10

PURCHASE FROM FOREST COUNTY POTAWATOMI (FCP)  
CAVOUR PROPERTY - (P1101)



BCPL Project #:  
P1101

County: Forest

Town: Caswell

Common Name

Cavour Property

Acres - 40.00

Fund 745



-  Incoming
-  Other BCPL Land
-  Nicolet NF



**BOARD MEETING  
SEPTEMBER 4, 2012**

**AGENDA ITEM 6  
PROPOSED MEMORANDUM OF UNDERSTANDING WITH  
FOREST COUNTY POTAWATOMI COMMUNITY**

**RECITALS**

- A. The Board of Commissioners of Public Lands (BCPL) has worked informally with the Forest County Potawatomi Community (FCPC) over the years on a number of different matters.
- B. Over the past year, BCPL staff has worked more closely with FCPC on potential real estate transactions and other land management issues.
- C. In an effort to strengthen the relationship, facilitate the exchange of knowledge, improve communications and enhance the management of resources, BCPL staff is recommending that the Board authorize the execution of a Memorandum of Understanding between BCPL and FCPC in substantially the format set forth in attached Exhibit A.
- D. The main focus of the MOU is to provide a framework for working together with the FCPC on matters of mutual interest. Any future transactions between the parties involving the transfer of funds or property must be separately approved by BCPL and the FCPC.

**NOW, THEREFORE BE IT RESOLVED**, that the Board of Commissioners of Public Lands authorizes and directs the Executive Secretary to execute an MOU with the Forest County Potawatomi Community in substantially the form attached hereto as Exhibit A and take whatever actions are reasonably necessary to implement the MOU.

Attachments:

*Exhibit A – Proposed Draft of Memorandum of Understanding*

**MEMORANDUM OF UNDERSTANDING  
BETWEEN  
THE FOREST COUNTY POTAWATOMI COMMUNITY  
AND  
STATE OF WISCONSIN BOARD OF COMMISSIONERS OF PUBLIC LANDS**

This MEMORANDUM OF UNDERSTANDING (MOU) is hereby made and entered into by and between the Forest County Potawatomi Community, hereinafter also referred to as Tribe, and the State of Wisconsin, Board of Commissioners of Public Lands, hereinafter also referred to as BCPL.

**A. PURPOSE:**

The purpose of executing this MOU is to formalize the relationship between the Tribe and the BCPL that has existed informally in the recent past.

The BCPL recognizes status of the Tribe as a sovereign domestic dependent nation and a Federally Recognized American Indian Tribe with historical interests in the conservation and management of the natural and cultural resources of lands owned and administered by the BCPL.

By implementation of this Memorandum of Understanding, both parties agree that a formal Government-To-Government relationship exists between them. BCPL recognizes the unique status between the Federal Government and its entities and Federally Recognized American Indian Tribes as established by the United States Constitution, Treaties, Statutes, Regulations, Court Decisions, Executive Orders, and Policies. Likewise the parties acknowledge a Government-to-Government relationship exists between the State of Wisconsin and the tribes, consistent with Executive Order # 39, Relating to an Affirmation of the Government-to-Government Relationship between the State of Wisconsin and Indian Tribal Governments Located within the State of Wisconsin.

The MOU recognizes that pursuant to the Wisconsin Constitution and Statutes, BCPL forest resources and associated lands are primarily managed to produce revenue for public education trust funds. In managing the BCPL Lands for revenue production, the social, economic, ecological, cultural and spiritual needs of present and future generations will be considered.

This MOU also recognizes there are areas of mutual interest in natural, cultural, and human resource programs that can be jointly pursued to further the trusting and respectful relationship between the Tribe and BCPL.

**B. STATEMENT OF MUTUAL BENEFIT AND INTERESTS:**

Cooperation between the Tribe and BCPL will strengthen the Government-to-Government relationship and increase collaborative involvement in site decision-making that affects tribal interests on public lands. The formalized relationship will facilitate exchange of technology and scientific and traditional ecological knowledge, improve the effectiveness of communication and consultation, and enhance collaborative planning and management of resources on both BCPL and tribal lands.

**C. BCPL SHALL:**

1. Designate a person or identify a position to serve as staff level liaison with the Tribe.
2. Once a year, send a copy of the BCPL's Schedule of Proposed Actions, identifying the nature and location of proposed BCPL projects to the elected Tribal leader, with a copy to the Tribal Historic Preservation Office.
3. Schedule a meeting on an annual basis between the Tribe and BCPL to review matters of mutual concern.
4. Facilitate access to areas and resources on sites of special cultural, ecological, economic or religious significance to the Tribe for non-commercial traditional uses, including the collection of medicinal and ceremonial plants. Access is assured through the American Indian Religious Freedom Act and Executive Order 13007 (Sacred Sites), provided the activity complies with other laws and regulations (Organic Act of 1897, 36 CFR 223 and BCPL Manual 1563). The Tribe, or designated tribal member(s), is encouraged to obtain a permit, which may include fee waivers as appropriate and information on local availability and access by contacting the BCPL Tribal Liaison who will consult with the Tribe on a case by case basis about visits to culturally sensitive areas.
5. In accordance with Wis. Stats. §44.47, forward to the Wisconsin Historical Society, and copy the Tribe's Tribal Historic Preservation Officer all records, maps, communications, photographs or other information that relate to the areas and sites of special cultural, ecological, economic or religious significance to the Tribe. To the extent permissible under state law, the BCPL shall not create or keep duplicate records. This paragraph is a critical term for the Tribe and is intended to protect the location and resources of special cultural, ecological, economic or religious sites of the Tribe by utilizing the protections contained in Wis. Stats. §44.48(1)(c) and §157.70(2) from public disclosure under Wisconsin Public Records Law Wis. Stats. §19.36(1).
6. Provide technical assistance to the Tribe in natural and cultural resource management activities such as timber, soils, wildlife, fire, geospatial applications, or heritage as time, funding, and interests permit.
7. Compensate Tribe for the application of their traditional knowledge regarding the use of forest species or management systems in forest operations. This compensation shall be formally agreed upon with written consent of Tribe before forest operations commence.

8. Make good faith efforts to include the Tribe during project development and prior to public scoping for NEPA and Heritage Program project proposals, and assure that forest management shall not threaten or diminish, either directly or indirectly, the resources or tenure rights of indigenous peoples.
9. In cooperation with Tribe, sites of special cultural, ecological, economic or religious significance shall be clearly identified, recognized and protected by BCPL forest managers.

**D. The FOREST COUNTY POTAWATOMI COMMUNITY SHALL:**

1. Designate a person or identify a position as the staff level Liaison with BCPL.
2. Through the Tribal Historic Preservation Office, work with knowledgeable people to identify issues, locations, and areas of special importance to the Tribe that may be located on BCPL lands, and work with the BCPL Tribal Liaison to identify these places on BCPL Lands. Site-specific tribal information is subject to exemption number 3 of the Freedom of Information Act which incorporates nondisclosure provisions contained in other federal statutes such as the Archeological Resources Protection Act (36CFR296.18), and Section 304 of the 1992 Amendments to the National Historic Preservation Act to protect confidentiality.
3. Assist in the development and presentation of orientation, educational, and interpretive material as it relates to the Tribe for any sites of special cultural, ecological, economic or religious significance on BCPL lands.
4. Develop a list of projects and issues of mutual concern to facilitate consultations between the parties.
5. Make good faith efforts to respond, according to Tribal interests, during project development and public scoping of NEPA and Heritage Program project proposals.

**E. IT IS MUTUALLY UNDERSTOOD AND AGREED BY AND BETWEEN THE PARTIES THAT:**

1. PARTICIPATION IN SIMILAR ACTIVITIES. This instrument in no way restricts the BCPL or the Tribe from participating in similar activities with other public or private agencies, organizations, and individuals.
2. COMMENCEMENT/EXPIRATION/TERMINATION. This MOU takes effect upon the signature of the BCPL and Forest County Potawatomi Community. The BCPL or the Tribe may terminate this MOU with a 60-day written notice to the other party.
4. RESPONSIBILITIES OF PARTIES. The BCPL and the Tribe and their respective agencies and offices will handle their own activities and utilize their own resources, including the expenditure of their own funds, in pursuing these objectives. Each party will carry out its separate activities in a coordinated and mutually beneficial manner.

5. PRINCIPAL CONTACT. The principal contacts for this MOU are:

BCPL Project Contact	Tribal Project Contact
John Schwarzmann, Forest Supervisor	Mike Alloway, Acting THPO
P.O. Box 277	P.O. Box 340
Lake Tomahawk, WI 54539-0277	Crandon, WI 54520
Phone: 715-277-3366	Phone: 715-478-7474
FAX: 715-277-3363	FAX:
E-Mail: John.Schwarzmann@Wisconsin.gov	E-Mail:mike.alloway@fcpotawatomi-nsn.gov

BCPL Administrative Contact	Tribal Administrative Contact
Tia Nelson, Executive Secretary	Eugene Shawano, Tribal Administrator
P.O. Box 8943	P.O. Box 340
Madison, WI 53708-8943	Crandon, WI 54520
Phone:608-266-8369	Phone: 715-478-7200
FAX:608-267-2787	FAX:715-478-4714
E-Mail: Tia.Nelson@Wisconsin.gov	E-Mail: <a href="mailto:Eugene.shawano@fcpotawatomi-nsn.gov">Eugene.shawano@fcpotawatomi-nsn.gov</a>

6. NON-FUND OBLIGATING DOCUMENT: Nothing in this MOU shall obligate either the BCPL or the Tribe to obligate or transfer any funds. Specific work projects or activities that involve the transfer of funds, services, or property among the various agencies and offices of the BCPL and the Tribe will require execution of separate agreements and be contingent upon the availability of appropriated funds. Such activities must be independently authorized by appropriate statutory authority. This MOU does not provide such authority. Negotiation, execution, and administration of each such agreement must comply with all applicable statutes and regulations.

7. ESTABLISHMENT OF RESPONSIBILITY. This MOU is not intended to, and does not create, any right, benefit, or trust responsibility, substantive or procedural, enforceable at law or equity, by a party against the United States, its agencies, its officers, the State of Wisconsin, its agencies, its officers, its employees, or any person.

[Signatures on next page]

THE PARTIES HERETO have executed this instrument

**FOREST COUNTY POTAWATOMI  
COMMUNITY**

**STATE OF WISCONSIN, BOARD OF  
COMMISSIONERS OF PUBLIC  
LANDS**

By: Harold Frank  
Name: Harold "Gus" Frank  
Title: Tribal Chairman  
Date: 8-6-12

By: \_\_\_\_\_  
Name: Tia Nelson  
Title: Executive Secretary  
Date: \_\_\_\_\_

\_\_\_\_\_