

## TITLE 12 ► Chapter 2

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# County Forests

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## Sec. 12-2-1 Designation of County Forests.

- (a) Determination is hereby made that for the purpose of proper and complete identification all County owned forest lands now held and entered under the Wisconsin County Forest Law by Bayfield County or hereafter acquired for forestry purposes and located within the areas described below, and as indicated on the official map appended to the comprehensive plan and on file in the office of the County Forestry and Parks Administrator are established and designated as the Bayfield County Forest. The Bayfield County Forest boundaries are hereby established to encompass the areas described as follows:

Bayfield County Forest Blocking T43N, R7W: The NW-NW, S $\frac{1}{2}$  NW $\frac{1}{4}$  and S $\frac{1}{2}$  of Section 26; The E $\frac{1}{2}$  of Section 27; All of Sections 29 through 32; the S $\frac{1}{2}$ -N $\frac{1}{2}$  and S $\frac{1}{2}$  of Section 33; The NE $\frac{1}{4}$ , S $\frac{1}{2}$  NW $\frac{1}{4}$  and S $\frac{1}{2}$  of Section 34; All of Sections 35 and 36, T43N, R9W.....All of Sections 1 through 4 and 8 through 36, T44N, R9W.....All of Sections 25 through 28 and 33 through 36, T45N, R9W.....All of Sections 1 through 6; The N $\frac{1}{2}$  of Section 7; The N $\frac{1}{2}$ , N $\frac{1}{2}$ -SW  $\frac{1}{4}$  and SE $\frac{1}{4}$  of Section 8; All of Sections 9 through 16; The E $\frac{1}{2}$  of Section 17, T46N, R9W.....The entire Township T47N, R8W.....The NE $\frac{1}{4}$  of Section 2; The NW $\frac{1}{4}$  and W $\frac{1}{2}$  -SW $\frac{1}{4}$  of Section 3; All of Section 4; The N $\frac{1}{2}$ , N $\frac{1}{2}$ -SW $\frac{1}{4}$  and SE $\frac{1}{4}$  of Section 9; The W $\frac{1}{2}$ -NW $\frac{1}{4}$ , NW-SW, S $\frac{1}{2}$ -SW $\frac{1}{4}$  and S $\frac{1}{2}$ -SE $\frac{1}{4}$  of Section 10; All of Sections 12, 13 and 14; The E $\frac{1}{2}$  of Section 22; All of Sections 23 and 24; The S $\frac{1}{2}$  of Section 29; The S $\frac{1}{2}$  of Section 30; The N $\frac{1}{2}$  and SE $\frac{1}{4}$  of Section 31; All of Section 32, T47N, R9W.....The SWNW and W $\frac{1}{2}$ -SW $\frac{1}{4}$  of Section 1; The S $\frac{1}{2}$ -NE $\frac{1}{4}$ , NW $\frac{1}{4}$  and S $\frac{1}{2}$  of Section 2; All of Sections 3, 4, 8 and 9; The N $\frac{1}{2}$  of Section 11; The W $\frac{1}{2}$ -E  $\frac{1}{2}$  and W $\frac{1}{2}$  of Section 12; The NW $\frac{1}{4}$  and W $\frac{1}{2}$ -SW $\frac{1}{4}$  of Section 15; All of Sections 16, 17 and 19 through 22; The S $\frac{1}{2}$ -SW  $\frac{1}{4}$  of Section 23; The S $\frac{1}{2}$  of Section 25; The NE $\frac{1}{4}$ , N $\frac{1}{2}$ -NW $\frac{1}{4}$ , NESE and S $\frac{1}{2}$ -SE  $\frac{1}{4}$  of Section 26; The N $\frac{1}{2}$ -NE $\frac{1}{4}$ , SWNE and W $\frac{1}{2}$ , W $\frac{1}{2}$ -SE $\frac{1}{4}$  and SESE of Section 27; All of Sections 28 through 36, T48W, R8W.....All of Sections 1, 2, 3 and 14; The E $\frac{1}{2}$ -NE $\frac{1}{4}$ , S $\frac{1}{2}$ -SW $\frac{1}{4}$ , NESE and S $\frac{1}{2}$ - SE $\frac{1}{4}$  of Section 15; All of Sections 22, 23, 26, 27 and 33; The N $\frac{1}{2}$ , SW $\frac{1}{4}$  and N $\frac{1}{2}$ -SE $\frac{1}{4}$  of Section 34; The N $\frac{1}{2}$ , N $\frac{1}{2}$ -SW $\frac{1}{4}$  and SE $\frac{1}{4}$  of Section 35, T49N, R4W.....All of Sections 6 and 7. T49N, R5W...All of Sections 1 through 5; Sections 8 through 12 and 14 through 17, T49N, R7W.....All of Sections 2, 3 and 5 through 8; The N $\frac{1}{2}$ -NE $\frac{1}{4}$  and W $\frac{1}{2}$  of Section 10; All of Sections 18, 19, 30 and 31, T49N, R8W.....All of Sections 1, 2 and 11 through 14; The E $\frac{1}{2}$  of Section 15; All of Sections 22 through 27 and 34 through 36, T50N, R4W.....The W $\frac{1}{2}$ -NW $\frac{1}{4}$  and the SW $\frac{1}{4}$  of Section 4; All of Sections 5, 6, 7 and 8; The N $\frac{1}{2}$  of Section 17; All of Section 18; The W $\frac{1}{2}$  of Section 19; The SE $\frac{1}{4}$ -

SE $\frac{1}{4}$  of Section 29; the SW $\frac{1}{4}$  and the SW $\frac{1}{4}$  -NW $\frac{1}{4}$  of Section 30; All of Section 31; The N $\frac{1}{2}$  of Section 32, T50N, R5W. All of Sections 1, 2 and 3; The E $\frac{1}{2}$  of Section 4; All of Sections 6 and 7; The W $\frac{1}{2}$  of Section 8; All of Sections 10 through 15; The E $\frac{1}{2}$  and E $\frac{1}{2}$ -W $\frac{1}{2}$  of Section 16; All of Section 18 and Sections 20 through 36, T50N, R6W.....All of Section 1; The S $\frac{1}{2}$  of Section 4; The S $\frac{1}{2}$  of Section 5; The SE $\frac{1}{4}$  of Section 6; All of Sections 7,8 and 9; The W $\frac{1}{2}$ -E $\frac{1}{2}$  and W $\frac{1}{2}$  of Section 10; All of Sections 12 and 13; The E $\frac{1}{2}$  and SW $\frac{1}{4}$  of Section 14; The W $\frac{1}{2}$ - NE $\frac{1}{4}$  and SE $\frac{1}{4}$  of Section 15; All of Sections 18 and 19; The W $\frac{1}{2}$ - NW $\frac{1}{4}$  and SW $\frac{1}{4}$  of Section 20; All of Sections 23 through 36, T50N, R7W.....The E $\frac{1}{2}$ -E $\frac{1}{2}$  of Section 12; All of Sections 13, 24, 25, 35 and 36, T51N, R3W.....The SWNW and SW $\frac{1}{4}$  of Section 6; The W $\frac{1}{2}$  of Section 7; The N $\frac{1}{2}$  of Section 18, T51N, R4W.....The S $\frac{1}{2}$ - N $\frac{1}{2}$  and S $\frac{1}{2}$  of Section 1; The S $\frac{1}{2}$ -NW $\frac{1}{4}$  and SW $\frac{1}{4}$  of Section 6; All of Section 7; The SE $\frac{1}{4}$  of Section 8; The S $\frac{1}{2}$ -NE $\frac{1}{4}$  and S $\frac{1}{2}$  of Section 9; All of Sections 11 and 12; The N $\frac{1}{2}$  of Section 13; The N $\frac{1}{2}$  of Section 14; All of Sections 15 and 16; The E $\frac{1}{2}$  of Section 17; The NW $\frac{1}{4}$  of Section 18; The NE $\frac{1}{4}$  of Section 21; The N $\frac{1}{2}$  of Section 22; All of Sections 29, 30, 31 and 32, T51N, R5W.....The S $\frac{1}{2}$ -NE $\frac{1}{4}$ , NW $\frac{1}{4}$  and S $\frac{1}{2}$  of Section 1; All of Section 2; The S $\frac{1}{2}$  of Section 9; All of Section 10 through 16 and 22 through 28; The S $\frac{1}{2}$ - N $\frac{1}{2}$  and S $\frac{1}{2}$  of Section 29; The S $\frac{1}{2}$ -N $\frac{1}{2}$  and S $\frac{1}{2}$  of Section 30; All of Section 31; The N $\frac{1}{2}$  of Section 32; All of Sections 33, 34, 35 and 36, T51N, R6W.....The S $\frac{1}{2}$  of Section 36.

- (b) It shall be the policy of the Bayfield County Board to acquire lands within the County Forest boundaries as they become available and upon a determination by the Forestry and Parks Committee that County ownership of said land is beneficial to the people of Bayfield County and the State of Wisconsin.

### **Sec. 12-2-2 Committee Appointment.**

The Bayfield County Board assigns administration of the County Forest(s) to the Forestry and Parks Committee, hereinafter referred to as the Committee.

### **Sec. 12-2-3 Responsibilities and Duties of the Forestry and Parks Committee.**

- (a) Annually, at the budget meeting, the Committee shall present to the County Board, for its consideration and adoption, a work plan for the ensuing calendar year together with a detailed recommended budget in a form prescribed by the Finance Committee of the County Board. The work plan and budget adopted by the County Board at this meeting shall serve as a directive to the Committee and shall establish the limits as well as purpose for which expenditures may be made.

- (b) Subject to budget limitations, the Forestry and Parks Committee is assigned the responsibilities detailed in Subsections (b)(1) through (24) below:
- (1) The Committee shall direct and supervise the County Forestry and Parks Office, shall employ a competent County Forest and Parks Administrator as its agent and such other competent personnel to direct, perform and enforce the administrative mid-management functions of this Chapter.
  - (2) The Committee shall establish and maintain forest headquarters for office space and the housing of machinery, tools, equipment and supplies needed in conducting forestry operations.
  - (3) In conformity with the procedures established by the Forestry and Parks Committee or County Board rules, the Committee may purchase, acquire, sell, trade or dispose of instruments, tools, equipment and supplies required for the operations of the Department. Items costing more than Twenty Thousand Dollars (\$20,000.00) shall be purchased by competitive bid according to Sec. 59.08, Wis. Stats.
  - (4) The Committee is empowered to negotiate for and acquire lands within the designated County Forest area. Acquisition may be by outright purchase, based on competent appraisal of the value or values involved, or by gift, bequest or action to foreclose tax liens, or by trade of County owned lands outside of such areas for the purpose of blocking the forest for better administration or for recreational purposes. The Committee shall have the power and duty to execute applications for entry under provisions of Ch. 28, Wis. Stats., for lands acquired or owned by Bayfield County within the County Forest boundaries. Upon entry of the tax-delinquent lands, the Committee will have delinquent taxes satisfied using funds from the Land Acquisition account.
  - (5) The Committee shall approve and make application for entry of "County Special Use" lands, which are defined in Sec. 28.11(4)(b), Wis. Stats.
  - (6) The Committee shall do all things necessary for the protection of the forest, whether from fire, insects, disease, trespass, encroachment or from damage by animals or from other causes, in cooperation with the Department of Natural Resources, in all such related matters.
  - (7) Regulate the disposal of slash and dispose of all salvaged materials.
  - (8) Locate survey lines and appropriately monument corners of County forest land.
  - (9) Construct, improve and maintain a system of forest roads, trails and firebreaks, and purchase or secure easements for access ways and recreational trails to cross privately owned lands.

- (10) Conduct forest improvement work including reforestation, release cuttings, thinning, pruning and weeding by any method including spraying or dusting of chemicals by airplane and other methods not prohibited by law.
- (11) Cooperate with the Department of Natural Resources in the determination of the allowable annual cut by establishment of an intensive County forest management plan including an inventory of growing stock and increment, acreage control, establishment of cutting compartments and other necessary items for such plan.
- (12) Sell timber stumpage in accordance with a County forest management plan in cooperation with the Department of Natural Resources.
- (13) In accordance with plans approved by the County Board, establish, construct and maintain wherever desirable within the forest, picnic grounds, waysides, camps and campsites, public access roads and boat landings, scenic areas, nature trails, multiple use trails, and designate, mark and preserve places of natural or historic interest and significance. Management and regulatory control of all County forest recreation areas is hereby specifically delegated to said Committee.
- (14) Cooperate with the Department of Natural Resources on all matters relating to game and fish management within the County forest on which a memorandum of understanding between the County Board and the Wisconsin Department of Natural Resources is in existence.
- (15) The Committee is authorized to enter into agreement with the North Central Forest Experiment Station, the University of Wisconsin or other recognized research organizations, bureaus or entities with the endorsement of, or directly with the Department of Natural Resources for the use of tracts of County Forest lands, labor, materials and equipment for conducting forest research.
- (16) Perform special forest or recreation development work on other public lands not included in the County forests including such lands as County lands, state lands, federal lands, school forests, County Special Use Lands, community forests, County parks, public highways and similar projects and be authorized to acquire easements and develop trails over private land.
- (17) With Board approval and after obtaining Department of Natural Resources approval, the Committee may grant permits to prospect for ore or minerals upon County lands under the jurisdiction of this Committee in accordance with the provisions of the County Forest Law.

- (18) Establish regulations pertaining to the posting of signs on County Forest lands.
- (19) The Committee may issue permits for private access roads across County Forest land with such safeguards as are needed to protect the County's interest.
- (20) The Committee may issue easements across County Forest land with such safeguards as are needed to protect the County's interest. If a requested easement would cross both County Forest land and other County lands and the greater portion thereof would be located on County Forest land, the Committee shall have the authority to grant the entire easement.
- (21) Prepare and present an annual report of its activities to the County Board. The report shall include statistics showing work accomplished. Such reports shall be in sufficient detail so that performance of the Forestry and Parks Department may be measured.
- (22) To manage, appraise and sell timber as directed by the Development and Land Sale Committee or County Board on tax-delinquent properties.
- (23) Reserved
- (24) The Committee may sell sand/salt/gravel from county lands to private vendors under the following conditions:
  - a. Sales are for public purposes that meet the public purpose doctrine.
  - b. The private vendor must provide a binding and enforceable contract that requires it to use materials for a specific public purpose.
  - c. The sale price shall take into consideration all operational costs, including, but not limited to, extraction, reclamation, administration and storage, in addition to appropriate royalties.
  - d. The private vendor must maintain all applicable insurances and MSHA certificates.
  - e. Additional policies may be adopted by the Committee.

*(Adopted July 31, 2012, Published August 4, 2012)*

### **Sec. 12-2-4 County Forest Law Administration.**

When the Committee makes application for entry of additional lands under the County Forest Law, the County Clerk and County Board Chairman shall take all necessary action to approve such application as provided by statute. Withdrawal of lands entered under the County Forest Law shall be in the manner prescribed by Sec. 28.11(11), Wis. Stats., or any amendment thereof. Upon receipt of a withdrawal request by the

Committee, a study group will be designated to investigate. The group will be composed of five (5) members: One (1) from the Forestry and Parks Committee, one (1) from the township in which the land lies, one (1) from the Department of Natural Resources, one (1) from the Zoning Department, and the Forestry and Parks Administrator. The Chairman of the study group will be determined by the group. It shall be the duty of this study group to investigate the withdrawal request and report back to the Committee all information relative to the proposal.

### **Sec. 12-2-5 Forest Finances.**

- (a) All allotments from the Wisconsin Department of Natural Resources to Bayfield County under Sec. 28.11(8)(b), Wis. Stats., or any amendment thereof, for the purchase, development, preservation, maintenance and sustainability of the County Forest lands, shall be deposited in the County Forestry Aid Fund. If any lands or equipment purchased from said funds are sold, the County shall restore the purchase price to the County Forestry Fund. All monies received as cost sharing on the expenditure of County Forestry Funds shall be credited to that fund. All unexpended County Forestry funds shall be non-lapsing.
- (b)
  - (1) All monies received from the sale for timber stumpage, cut forest products, fees and use permits, sale of building materials, sale of surplus materials and equipment, fire or other damage collections or other revenue received by the Committee, except income specified in Subsections (a) and (c) of this Section, shall be deposited in the Bayfield County General Fund. All severance taxes incurred as a result of such sales shall be paid as required by statute from the County General Fund.
  - (2) Monies received from the sale of timber from non-County Forest Crop or Special Use lands will be used first to pay expenses of the Department for labor, equipment and materials. The balance of the funds will go to the Land and Development Fund.
- (c) For the purpose of financing land acquisition within the County Forest boundaries, there is hereby established a non-lapsing fund known as the County Forest Land Acquisition Fund. Said fund to consist of revenues from the following sources:
  - (1) All net proceeds from the sale of lands withdrawn from the County Forest(s), subject to the limitations set forth herein below in Subsection (c)(2).
  - (2) Whenever the balance in the County Forest Land Acquisition Fund is less than Forty Thousand Dollars (\$40,000.00) the Forestry Committee, with the concurrence of the Executive Committee, may direct that a maximum of ten percent (10%) of the net proceeds from County timber sales be deposited in said fund as they are collected, but only until a Fifty

Thousand Dollar (\$50,000.00) balance in said fund has been attained, which last said amount shall be the maximum balance permitted to accumulate in said account.

## **Sec. 12-2-6 County Forest Use Regulations.**

### **(a) Recreational Use.**

- (1) Overnight camping, including tents, trailers, cars, trucks and portable hunting and fishing camps may be permitted at County Forest campgrounds, or other areas on the County Forest not to exceed two (2) weeks.
- (2) No overnight camping will be permitted at areas designed as picnic areas, boat landings, or on any town or County Forest road or access trail.
- (3) The Committee shall be empowered to establish trails and facilities and procedural standards for development and regulations for the use of all types of recreational trails.
- (4) Vehicular traffic and motorized recreational devices may be banned or otherwise restricted from any part of the County Forest when in the opinion of the Committee, serious damage may result from such use.
- (5) The following activities are prohibited on County Forest lands or in the lakes, rivers and streams of such lands:
  - a. Careless use of fire.
  - b. Dumping or leaving of rubbish, garbage, debris, dirt, stone or other littering materials.
  - c. Creating a disturbance.
  - d. Damage, destruction or misuse of any improvement including any land monument, landmark, or corner post of the government survey, County survey or survey of public record.
- (6) Legal action for violation of rules and regulations under this Section are covered under Section 12-2-7.

### **(b) Timber Cutting.**

- (1) Cultural cuttings shall include thinnings, release cuttings, sanitation cuttings and improvement cuttings to remove trees or weed species from or condition for the purpose of stand improvement. All cultural cuttings on County Forests shall be in accordance with County Forest Management



Plan and in cooperation with the staff of the Department of Natural Resources. Materials cut in such operations may be used by the Forestry and Parks Department or given to other agencies for their use, or sold, as the Committee shall determine. When sold to other public agencies, the latter shall pay to the County a sum of not less than the prevailing average stumpage rate.

- (2) Salvage cuttings shall include the cutting of timber damaged by fire, storm, insect or disease. Salvage cutting shall be done under the procedure specified in Forestry Handbook 2461, as the Committee may decide.
- (3) Commercial cuttings shall include all cutting where stumpage is sold under contract in which the primary object of the cutting is the marketing of the timber products, including logs, ties, poles, posts, pulpwood, piling, Christmas trees and boughs or other forest products.
- (4) Contract specifications for each cutting operation pertaining to payment and financial responsibility of the bidder shall be determined by the Committee.
- (5) All timber sales shall conform to provisions of Sec. 28.11(6), Wis. Stats., and shall follow the procedure for pre-sale appraisal, pre-sale approval, cutting notice and cutting report as provided by Department of Natural Resources Timber Sale Handbook 2461 or any amendments thereto. Timber sales may be submitted to the Committee for approval prior to the sale.

### **Sec. 12-2-7 Legal Action.**

- (a) **Criminal Action.** Whenever an arrest shall have been made for unlawful cutting on land owned by Bayfield County or on which the County holds a tax certificate, the District Attorney shall take appropriate action under Ch. 26, Wis. Stats., or any amendment thereof.
- (b) **Seizure.** Whenever forest products are found, known to have been unlawfully severed from County lands, the Bayfield County Sheriff shall on satisfactory evidence seize such materials pursuant to Sec. 26.06, Wis. Stats., for use by the County or sale as the Committee may determine.
- (c) **Civil Action.** Whenever evidence of unlawful cutting on Bayfield County lands shall be lodged with the District Attorney, he/she shall on recommendation of the Committee bring suit to recover damages as provided by Sec. 26.09, Wis. Stats. Similarly, civil suit shall be brought against parties responsible for forest fire damage under Sec. 26.21, Wis. Stats.

- (d) **Cooperation.** It shall be the duty of the Committee and its appointed administrative agent to secure information and to seek the cooperation of state, county and town officers in securing information required for legal action.
- (e) **Penalties.** Any person, firm, company or corporation including all forest visitors and users who violate the rules and regulations of Section 12-2-6 shall be subject to a forfeiture as prescribed in Section 1-1-6, together with the cost of the action and in default of payment thereof to imprisonment on the County Jail until such forfeiture and cost be paid but for not more than thirty (30) days pursuant to law. Those who violate any part of Section 12-2-6 or any state fish and game laws or litter laws shall be subject to ejection from the County Forest.

### **Sec. 12-2-8 Miscellaneous Forest Products Regulations.**

- (a) **Definition.** As used in this Section, the term "miscellaneous forest product" shall mean any forest product produced on Bayfield County Forest Lands other than saw timber, pulpwood, veneer wood, cabin poles, wood chips, firewood cut for resale purposes or products normally associated with timber sales.
- (b) **Permit Required.** No person shall cut, pull, harvest or remove any miscellaneous forest product from Bayfield County Forest Lands without first having a miscellaneous forest products permit issued for said products by the Bayfield County Forestry and Parks Department for the period, product and location of harvesting.
- (c) **Placard Required.** No person shall harvest or transport any miscellaneous forest product without a placard issued by the Bayfield County Forestry and Parks Department clearly displayed in the windshield of the vehicle.
- (d) **Timber Sale Purchaser Permission.** No person shall harvest or transport any miscellaneous forest product from an active timber sale without written permission from the timber sale purchaser.
- (e) **Prohibited Harvest Area.** No person shall harvest any miscellaneous forest product within a Wilderness Area, Wild Area, administrative site, developed recreation site, within fifty (50) feet of the cleared area of any gas tax road or recreation trail, or within seventy-five (75) feet of any lake, river or stream unless designated in writing on the permit.
- (f) **Firewood.**
  - 1) No more than ten (10) cords of firewood may be cut for personal use in any calendar year.
  - 2) No live tree may be cut unless designated in writing on the permit.

- (3) No dead tree may be cut within one hundred (100) feet of any road unless designated in writing on the permit.
- (g) **Christmas Trees.**
- (1) No cutting of a tree greater than fifteen (15) feet in height is allowed.
  - (2) No stump may be left in excess of six (6) inches from the surrounding ground level.
  - (3) No more than one (1) Christmas tree may be harvested per household (per permit).
  - (4) No tree may be cut from any plantation or County planting area.
- (h) **Conifer Boughs.**
- (1) No cutting of species other than balsam fir is allowed.
  - (2) No cutting of a bough is allowed from a tree less than ten (10) feet in height, or from the top one-third (1/3) of the branched portion (live crown) of a tree.
  - (3) No tree may be cut down to harvest a balsam fir bough.
  - (4) Branches shall be cut cleanly with a shear or similar tool, and may not be broken or torn from the tree.
  - (5) Lateral branches shall be cut to parent branch at least three (3) times the diameter of the portion removed.
- (i) **Birch Products.** No harvesting of a birch product is allowed from a live tree or from a tree not harvested as part of commercial timber sale operation.
- (j) **Princess Pine.** No specie other than Lycopodium obscurum may be harvested unless specified on the permit.
- (k) **Violation.** Violation of this Section shall be punishable by forfeiture prescribed by Section 1-1-6, plus the statutory penalty assessment, jail assessment, automation fee, and court costs and other costs of prosecution, and upon failure to pay such forfeiture, assessments, fees, and costs, confinement in the Bayfield County jail until the same have been paid but not to exceed sixty (60) days. The deposit amount for a violation of a provision of this Section shall be double the amount otherwise stated in this schedule if the violator has been convicted of violating the same provision within five (5) years prior to the current violation. Additionally, a violator shall be liable to the County for the current market value of products removed or trees damaged and for all restoration costs. Each day the ordinance is violated shall constitute a separate offense.

- (l) **Enforcement.** This Section shall be enforced by the Bayfield County Sheriff's Department Officers and Forestry and Parks Department Foresters, who may issue citations for violations hereof.