



# Sawyer County

## Agenda

Land, Water, & Forest Resources Committee Meeting  
Wednesday, October 7, 2020 @ 8:30 AM  
Assembly Room

Page

### 1. CALL TO ORDER

- a. The public is strongly encouraged to access the public meeting remotely due to public health and safety concerns. To view or participate in the virtual meeting from a computer, iPad, or Android device please go to <https://zoom.us/j/99719807086> You can also use the dial in number for listening only at [1-312-626-6799](tel:1-312-626-6799) with the Webinar ID: 997 1980 7086. If additional assistance is needed please contact the Sawyer County Forestry Office at 715-634-4846 prior to the meeting.

### 2. CERTIFICATION OF COMPLIANCE WITH THE OPEN MEETINGS LAW

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- a. [meeting notice](#)

### 3. PLEDGE OF ALLEGIANCE

### 4. PUBLIC COMMENTS

### 5. MINUTES FROM PREVIOUS MEETING

7

- a. [9-9-20 Minutes](#)

### 6. 2021 BUDGET DISCUSSION

### 7. EVENTS - DISCUSSION AND POSSIBLE ACTION

### 8. SAWYER COUNTY TREASURERS DEPARTMENT

- a. Application for Preference to Previous Owner- Town of Bass Lake 002-157-03-1000 Rev Dewey D White Parcel (Approval Needed)
- b. Approval of October 2020 County Land Sale Parcels (Action

Item)

**9. LAND RECORDS AND COUNTY SURVEYOR DEPARTMENT REPORT**

**10. SAWYER COUNTY FORESTRY DEPARTMENT**

8 - 61

- a. Review of 15yr plan Chapters 300, 400, 500, & 600. Committee review and approval to post online for public review. (Action Item)  
[Chapter 400 draft](#)  
[Chapter 500 draft](#)  
[Chapter 600 draft](#)
- b. ORV Council Meeting Summary (Information Only)
- c. Recreational Trails Report  
Motorized-  
Non-Motorized-
- d. County Forestry Report
- e. DNR Forestry Report

**11. ZONING/ CONSERVATION DEPARTMENT**

62 - 63

- a. Request for a letter of support for Decontamination Ordinance (Discussion/Action)  
[Decontamination Ordinance Letter of Support request](#)  
[Decontamination Letter of Support](#)

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- b. Amendment to Wildlife Damage Abatement and Claims Program (Discussion/Action)  
[Amendment to Wildlife Damage Claim Program](#)

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- c. County Report  
[Permits Issued as of Sept 2020](#)
- d. USDA report
- e. LCO report

**12. OTHER TOPICS FOR DISCUSSION**

**13. FUTURE TOPICS**

**14. ADJOURNMENT**

*A quorum of the County Board of Supervisors or of any of its committees may be present at this meeting to listen and observe. Neither the Board nor any of the committees have established attendance at this meeting as an official function of the Board or committee(s) or otherwise made a determination that attendance at the meeting is necessary to carry out the Board or committee's function. The only purpose for other supervisors attending the meeting is to listen to the information presented. Neither the Board nor any committee (other than the committee providing this notice and agenda) will take any official action with respect to this noticed meeting.*

**Land, Water, and Forest Resources Committee Mission Statement:**

*"Develop, guide and implement policies that protect and ensure the sustainability of our bio-diverse community."*

Carol Williamson  
Sawyer County Clerk  
10610 Main Street, Suite 10  
Hayward, Wisconsin 54843  
cwilliamson@sawyercountygov.org  
telephone 715.634.4866  
toll free 877.699.4110



October 1, 2020, 2:35 p.m.

Sawyer County Record  
erika.juhl@mx3.com

WRLS Radio  
jirvine@cheqnet.net

WOJB Radio  
wojbfm@wojb.org

Sawyer County Gazette  
gazette@centurytel.net

WHSM Radio  
radio@whsm.com

members  
Sawyer County Board of Supervisors

## Meetings schedule subject to change due to COVID-19

### Public Access to meeting:

Links and telephone instructions to meetings are provided on each committee meeting agenda on our website at [sawyercountygov.org](http://sawyercountygov.org) > Government > Agendas & Minutes.

NOTICE IS HEREBY GIVEN, pursuant to section 19.84, Wisconsin Statutes, that:

The **Economic Development and University of Wisconsin-Extension Committee** of the Sawyer County Board of Supervisors will meet on Monday, October 5, 2020; at 8:30 a.m.; in the Assembly Room of the Sawyer County Courthouse. The agenda will include: Meeting agenda; Public Comments; Minutes of September 8, 2020 meeting; 2021 Budget Discussion; Sawyer County Agricultural Fair Association report; University of Wisconsin-Extension Department report; Hayward Lakes Visitor and Convention Bureau report; Northwest Regional Planning Commission report; Economic Development Corporation report; Future Agenda Items; Other matters for discussion only.

The **Labor Negotiations Committee** of the Sawyer County Board of Supervisors will meet on Tuesday, October 6, 2020; at 10:00 a.m.; in the Assembly Room of the Sawyer County Courthouse, for negotiations with County employee bargaining units for employee bargaining unit agreements. The Committee may convene into **closed session**, pursuant to section 19.85(1)(e), Wisconsin Statutes, for the negotiations and to discuss those negotiations

The Sawyer County **Health and Human Services Board** will meet on Tuesday, October 6, 2020; at 6:30 p.m.; in the Large Courtroom in the Sawyer County Courthouse. The agenda will include: Meeting agenda; Audience Recognition; Minutes of September 8, 2020 meeting; Committee Reports

including LCO Liaison and Senior Resource Center; Public Health including Coronavirus Update and Update to Existing Public Health Ordinance-Discussion and Possible Action; Fiscal including 2021 Budget, Budget Performance Report, and Purchased Services Recap; Any Items for discussion only.

The Sawyer County **Land, Water, and Forest Resources Committee** will meet on Wednesday; October 7, 2020; at 8:30 a.m.; in the Assembly Room of the Sawyer County Courthouse. The agenda will include: Meeting agenda; Public Comments; Minutes of September 9, 2020 meeting; 2021 Budget Discussion; Events-Discussion and possible action; Sawyer County Treasurers Department Application for Preference to Previous Owner-Town of Bass Lake 002-157-03-1000 Rev Dewey D White Parcel (Approval Needed) and Approval of October 2020 County Land Sale Parcels (Action Item); Land Records and County Surveyor Department report; Forestry Department report, including Review of 15-year plan Chapters 300, 400, 500, & 600. Committee review and approval to post online for public review (Action Item), ORV Council Meeting Summary Information Only), recreational trails report, County and DNR forestry reports; Zoning and Conservation Department report, including Request for a letter of support for Decontamination Ordinance (Discussion/Action), Amendment to Wildlife Damage Abatement and Claims Program (Discussion/Action), USDA report and LCO report; Other topics for discussion only; Future Topics.

The **Public Works Committee** of the Sawyer County Board of Supervisors will meet on Wednesday; October 7, 2020; at 6:30 p.m.; in the Assembly Room of the Sawyer County Courthouse. The agenda will include: Meeting agenda; Public Comments; Minutes of September 9, 2020 meeting; 2021 Budget Discussion; Sawyer County Airport report, including Hayward Aviation (contracted Airport management) report; Highway Commissioner's report, including Fund Balance and Overtime Report, ATV/UTV requests on CTH S, from Moose Lake Road to STH 77, CTH B from Fishtrap Road to STH 70, and CHT M, from Bebak Road to CTH W; Maintenance Department report, including Project report; Future Agenda Items; Other matters for discussion only. **CLOSED SESSION** pursuant to Wisconsin Statute 19.85 (e) for the purpose of deliberating or negotiating an exchange of public property and other public business relating to the Sawyer County Courtroom Public Works project, the Purchase of a Hangar at the Sawyer County Airport, cell tower lease negotiations, and utility easement negotiations. The Committee may reconvene in open session to discuss and take action on closed session items.

The **Finance Committee** will meet on Thursday; October 8, 2020; at 8:30 a.m.; in the Assembly Room of the Sawyer County Courthouse. The agenda will include: Meeting agenda; Public Comments; Minutes of September 10, 2020 meeting; Supplemental Information including the Treasurer's financial report and the sales tax report and the Accounting Manager's Budget Watch List; Future Agenda Items; Other matters for discussion only.

The **Administration Committee** will meet on Thursday; October 8, 2020; at 10:00 a.m.; in the Assembly Room of the Sawyer County Courthouse. The agenda will include: Meeting agenda; Public Comments; Minutes of September 10, 2020 meeting; Veterans Service Department report; Information Technology Department report; Human Resources Report; County Administrator's report; Future Agenda Items; Other matters for discussion only.

The **Sawyer County Board of Supervisors** will meet on Thursday; October 15, 2020; at 6:30 p.m., in the Large Courtroom of the Sawyer County Courthouse. The agenda for the meeting will be provided on the Friday before the meeting.

The **Zoning Committee** of the Sawyer County Board of Supervisors will meet on Friday; October 16, 2020; at 8:30 a.m.; in the Large Courtroom of the Sawyer County Courthouse. The Zoning Department provides notice of Zoning Committee meetings, including agenda items.

Note: Any person wishing to attend whom, because of a disability, requires accommodation should call the Sawyer County Clerk's Office (715.634.4866) at least 24 hours before the scheduled meeting so appropriate arrangements can be made.

**Minutes of the September 9<sup>th</sup> 2020 meeting of the Sawyer County  
Land, Water and Forestry Resources  
Committee Sawyer County Board of Supervisors  
Assembly Room; Sawyer County Courthouse**



**Committee Members Present:**

Bruce Paulsen, Ron Buckholtz, Marc Helwig, Tweed Shuman, Jesse Boettcher

**County Personnel Present:**

Jay Kozlowski, Greg Peterson, Jessica Kujala, Tom Hoff, Dan Pleoger

**Also Present:**

Don Mrotek, Cherrie Ahle, Jane Getting, Kris Treland

**Call to Order-** Bruce Paulsen Calls meeting to order.

**Approval of August 12<sup>th</sup> Meeting Minutes-** Motion by Buckholtz 2<sup>nd</sup> by Helwig to approve minutes. Motion carried.

**Land Records and County Surveyor Department-**

Dan Pleoger Land Records gives a short review of his department's activities. *(Information only)*

**Forestry Department**

**Recreational Trails**

**Motorized-** Don Mrotek of the Snowmobile and ATV Alliance gives a brief report on the ATV trails.

**Non-motorized-** None

**County Report-** Forestry Administrator Greg Peterson gives a review of current activities in the forestry department. *(Information Only)*

**DNR report-** None

**Zoning/Conservation Department**

**Request for a letter of support for Decontamination Ordinance-** Zoning Administrator Jay Kozlowski speaks to the Committee and explains what a County wide Decontamination Ordinance would actually entail. He explains that the give issue with this type of ordinance would be enforcement. Kozlowski tells the committee that he does think this type of ordinance is a good idea however he wants to make sure that the process and enforcement issues are all done correctly, and at this time there are still many steps that need to be taken, such as consulting with legal counsel before the County should committee to anything. He tells the Committee that the White Fish Lake Association has requested a letter of support for the creation of a County wide ordinance. The Lake Association is in the process of applying for a State Grant and they need a letter of support from the County to finish the application. Cherrie Ahle and Jane Getting of the White Fish Lake Association both speak about where they are in the process of the application as well as they November 1<sup>st</sup> deadline. Kozlowski tells the Committee that he feels at this point they should wait to send a letter of recommendation until they hear back from legal council on how this ordinance can legally be enforced.

Motion by Helwig, 2<sup>nd</sup> by Buckholtz to postpone the decision until next month after Legal Council has been consulted. Motion Carried

**County Report-** Kozlowski presents to Committee with a brief report of the Zoning and Conservation department.

**Adjourned –** meeting adjourned

COUNTY FOREST COMPREHENSIVE LAND USE PLAN

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DRAFT 9/1/20

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**CHAPTER 400 OBJECTIVE**

The purpose of Chapter 400 is to identify policy and procedures relating to:

1. The acquisition of land to be enrolled in County Forest pursuant to s. 28.11(4)(b), Wis. Stats. or other lands possessing special or unique values areas that are not suited primarily for timber production to be entered under s. 28.11(4)(c), Wis. Stats., special use classification.
2. The acquisition of lands throughout the county for the purpose of future trading for priority parcels to be enrolled in County Forest pursuant to s. 28.11(4)(b), Wis. Stats.
3. The acquisition of land interests such as conservation easements, first right of refusal, or other land rights of the benefit to county forests.
4. Location, identification, and protection of county forest ownership boundaries.

**400 COUNTY FOREST OWNERSHIP**

The majority of the County Forest lands throughout the State were previously in private ownership and came under public ownership in a substantially degraded condition, by way of real estate tax delinquency and subsequent tax deed to Counties. Continued attempts to sell much of the degraded tax deeded lands were unsuccessful. In response to the lack of demand from private owners, counties worked in cooperation with State and Federal Agencies to restore these lands into productive forests and recreational assets. (“The County Forests of Wisconsin”, WI Conservation Dept., 1938)

Over time, counties have realized benefits from continuing to retain select tax deeded land, acquiring select land from willing sellers by purchase, trade, or gift, and the continual protection of county forest ownership boundaries.

**405 LAND OWNERSHIP GOALS**

It is the goal of Sawyer County to acquire land from willing landowners for fair prices established pursuant to Uniform Standards of Professional Appraisal Practices or other method approved by the County. See section 420 for criteria on how to achieve these goals.

**410 COUNTY FOREST BLOCKING**

**Commented [PTT1]:** This section should be edited to reflect any specific nuances to how your forest was acquired/developed.

**Commented [PTT2]:** This is a generic statement on acquisition goals. Edit to reflect your County’s policy on land acquisition.

**Commented [PTT3]:** The process described here is likely what occurred on a majority of forests. Edit as appropriate.

Since the beginning of the County Forest Program in the State of Wisconsin, counties established boundaries for the purpose of distinguishing between lands that were best suited for forestry and lands best suited for agricultural production. This boundary became referred to as a “Blocking Boundary” and provided public information, assisted long-term planning, and guided management decisions.

In the early stages of the development of County Forests, counties commonly traded tax deed parcels that were located outside of the Blocking Boundary for the remaining privately-owned parcels within the Blocking Boundary. A primary purpose for these trades was to promote agricultural economic development by assisting farmers with obtaining the most productive agricultural lands available in a given County.

Blocking Boundaries are dynamic and should be evaluated on a routine basis to evaluate adequacy relative to the current priorities. Forestry staff will notify the Committee as parcels become available within the Blocking Boundary.

County Forest Blocking Boundaries are established by Committee and by subsequent approval of the Sawyer County Board. A map of the official boundaries is found in the Appendix.

**415 PRIVATE INHOLDINGS**

Sawyer County recognizes that extensive private landholdings lie within the forest boundaries. The County will respect the rights of the private landowners who are its neighbors. The County may approach private landowners with proposals for land purchases or trades, but will not coerce landowners to sell or trade. It would not be the intent of Sawyer County Forest to pursue properties through condemnation.

**Commented [PTT4]:** Edit to reflect current committee/board policy or stance on land acquisition of inholdings.

**420 ACQUISITION OF LAND WITHIN THE COUNTY FOREST BLOCKING BOUNDARY**

The land within the blocking boundary includes private land as well as land owned by Sawyer County and other government entities. It is not the deliberate intent of Sawyer County to acquire all lands within the blocking boundary.

Determination of a parcel’s value to the County and the State of Wisconsin shall be made by

the Committee in consultation with the County Forest Administrator.

Certain lands are considered to be of higher priority for acquisition due to:

1. Lands that improve management efficiencies such as reducing the length of private/public boundaries or improve access to existing county forest.
2. Lands that will increase the counties inventory of productive timberland and provide a consistent source of raw material to the forest products industry.
3. Lands that conserve surface and groundwater, maintain undeveloped shoreline, and increase public access to water features.
4. Lands that are threatened by private development or fragmentation that may result in a long-term negative impact on adjacent public lands.
5. Lands that are threatened by private development or fragmentation that may result in a long-term net negative impact to local and county governments.
6. Lands that will provide for priority trail connections and expansions or reduce or eliminate existing user conflicts.
7. Lands that contain threatened or endangered plant, animals, or communities; or other natural features considered to be of high conservation value.
8. Lands that, when acquired by the county, will not result in an unreasonable negative impact to local tax collections as determined by the Committee in consultation with the affected Towns.

**Commented [PTT5]:** If your program is actively acquiring property, consider documenting priorities for land purchase using criteria provided or developing your own.

425 **ACQUISITION OF LAND OUTSIDE THE COUNTY FOREST BLOCKING BOUNDARY**

Counties may consider acquisition of lands outside the blocking boundary in instances where:

1. Land becomes available to the County which possess values consistent with the priority criteria listed above and is eligible to be enrolled as County Forest Special Use under s. 28.11(4)(c) Wis. Stats.
2. Land becomes available to the County that, if acquired by the County, will facilitate a fair trade or other transaction resulting in county ownership of land within the county forest blocking boundary.

**Commented [PTT6]:** Edit as appropriate to define any policies for acquiring lands outside the blocking boundary.

430 **ACQUISITION OF LAND RIGHTS**

In addition to acquiring fee simple land ownership, Counties may find it advantageous to acquire other interests in private or public lands within the blocking boundary such as:

1. Conservation easements for such purposes as:
  - A. Limiting residential density.
  - B. Managing runoff that affects county land.
  - C. Achieving greater silvicultural consistency, pest management, invasive species control, research, or other on adjacent private lands.
2. First right of refusal.
3. Flowage easements.
4. Ingress and egress easements for county management purposes

**Commented [PTT7]:** This may not apply, but provide detail of how your program may acquire land rights.

435 **METHODS AND AUTHORIZATION FOR ACQUISITION LAND TITLE OR RIGHTS**

Acquisition may be by outright purchase or trade based on competent appraisal of the value or values involved, or by gift, bequest or action to foreclose tax liens. The County Forest Administrator will be the agent of the Committee in making first contact with potential sellers and in carrying on acquisition activities.

In the event that the County Forest Administrator determines that a land or land rights acquisition is in the best interest of the County, in consideration of the factors described above, the County Forest Administrator shall present a recommendation to the Committee. Upon approval of the Committee, an authorizing resolution shall be forwarded for consideration by the County Board.

County Board authorization is required for execution of any legal instruments that bind the county to acquiring title or other land rights. In the event that any legal documents are signed by an agent(s) of the county, prior to County Board authorization, said legal documents must include an explicit contingency requiring County Board approval.

440 **FINANCING**

County Forest Administrators shall propose financing options as part of any

**Commented [PTT8]:** Even if your county does not acquire lands, it may be appropriate to include financing options.

recommendations to acquire forwarded to the Committee. Typical funding sources include:

1. Fund balance that has resulted from previous county forest withdrawal proceedings.
2. Fund balance that has resulted from the sale of tax deed parcels.
3. Funds appropriated through the County's capital budgeting procedure.
4. Grants and Loans, including:
  - A. Loans
    - i. County Forest Project Loans ([s. 28.11\(8\)\(b\)\(2\)](#), [Wis. Stats](#))
    - ii. Variable Acreage Share Loans ([s. 28.11\(8\)\(b\)\(1\)](#), [Wis. Stats](#))
    - iii. Board of Commissioners of Public Lands State Trust Fund Loan Program ([s. 24.61\(3\)\(a\)\(2\)](#), [Wis. Stats](#))
  - B. Grants
    - i. Warren Knowles-Gaylord Nelson Stewardship Program ([s. 23.0953](#), [Wis. Stats](#).)
    - ii. County Forest Stewardship Subprogram ([s. 23.0953](#), [Wis. Stats](#).)
    - iii. Acquisition and Development of Local Parks Subprogram ([s. 23.09\(20\)](#), [Wis. Stats](#).)
    - iv. Lake Protection ([s. 281.68](#) [Wis. Stats](#).)
    - v. River Protection ([s. 281.70](#) [Wis. Stats](#).)
    - vi. County Forest Wildlife Habitat ([s. 20.370\(5\)\(as\)](#)), [Wis. Stats](#).
    - vii. County Forest Fish and Game Projects ([s. 23.09\(12\)](#), [Wis. Stats](#).)
    - viii. ATV/UTV Trail Aids ([s. 23.33\(9\)](#), [Wis. Stats](#).)
    - ix. Snowmobile Trail Aids ([s. 23.09\(26\)](#), [Wis. Stats](#).)
    - x. Federal Funding ([s.20.370\(5\)\(cy\)](#), [Wis. Stats](#)).

**Commented [PTT9]:** # 1-3 depend on your specific policies.

**Commented [PTT10]:** Grants and loans should be considered a comprehensive statewide list and not edited unless you have access to other locally derived grants.

#### 445 ENTRY OF LANDS

Lands to be entered under the regular classification of the County Forest Law must be suitable for forestry purposes and be within the County Forest blocking boundary. Lands designated for classification as County Forest -Special Use need not be contained within the county forest blocking boundary nor suitable primarily for timber but they must be suitable for scenic, outdoor recreation, public hunting and fishing, water conservation or other multiple-use purposes.

**Commented [PTT11]:** Static Language. Do not edit

445.1 **TIME OF ENTRY**

Application for entry of newly acquired lands under the County Forest Law will be made as soon as possible. Applications for entry will be prepared with the assistance of the DNR Forestry Leader. The County Forest Administrator will secure the signatures of the proper county officials and transmit the application to DNR's County Forest Specialist.

**Commented [PTT12]:** Static Language. Do not edit.

450 **WITHDRAWAL OF LANDS FROM COUNTY FOREST LAW**

Lands within the County Forest blocking boundary will not normally be considered for withdrawal from the County Forest Law. Applications for the purchase of these lands by the private sector will be discouraged by the committee, unless a greater public benefit can be demonstrated. If, in the opinion of the committee and county board, the land will be put to better and higher use and will benefit people of the county and State to a greater extent by being withdrawn from the County Forest Law program, the County should follow the withdrawal procedure as outlined by the [Public Lands Handbook](#). The legal means by which counties may apply for withdrawal of lands from County Forest status is provided by s. 28.11, Wis. Stats. Initially the County Forest Administrator notifies the DNR Forestry Liaison Forester of the County Forestry Committee meeting at which the proposed withdrawal will be considered. At that meeting DNR personnel and the County will discuss the proposed withdrawal and, if approved by the County Forestry Committee, the withdrawal will be recommended by the Committee by resolution to the County Board. If approved by the Board by the necessary 2/3 majority, the application is prepared by the county and submitted to the appropriate DNR designee. The DNR may ask for additional information from the County and will then coordinate the public notice. Pending the results of any investigatory hearings deemed advisable, the DNR will act on the withdrawal application. If the application is denied, the County may appeal as provided in s. 28.11(11)(a)4., Wis. Stats.

**Commented [PTT13]:** Static Language. Do not edit.

450.1 **WITHDRAWAL PROCEDURE**

The purpose of this section is to provide general information in formulating and processing applications for withdrawal of County Forest lands under s.28.11(11) Wis. Stats. and ch. NR 48, Wis. Adm. Code. The legal means by which counties may apply for withdrawal of lands from county forests is provided by s.28.11(11)(a) Wis. Stats. This

**Commented [BKL14]:** Doug will rewrite withdrawal language

**Commented [PTT15]:** Leave a placeholder for statewide static language on withdrawal procedure.

section states in part: “The County Board shall first refer the resolution to the county forestry committee which shall consult with an authorized representative of the department in formulating its withdrawal proposal.” Section. 28.11(11)(a) Wis.Stats. also states: “The county board shall not take final action thereon until 90 days after such referral or until the report thereon of the forest committee has filed with the board.”

Consequently, if the county board takes final action on a withdrawal application without referring it to the County Forestry Committee, the application is not valid. On the other hand, if the County Forestry Committee does not report to the county board within 90 days after receipt of the referral, the Board may act upon the application without a Committee recommendation.

The District Forestry Leader is designated as the authorized representative of the DNR who shall consult with the forestry committees in formulating withdrawal proposals. The District Forestry Leader may appoint designees to represent them if circumstances warrant. All DNR communications concerning withdrawal of county forestlands shall be coordinated through the District Forestry Leader. The final decision for requests for withdrawal presently rests with the DNR’s Division of Forestry.

455 **LAND SURVEYING**

The importance of survey corner monumentation is recognized in the interest of avoiding the problems of trespass both by and against the County, facilitating the settlement of those cases which would occur, and aiding in the proper transfer of property.

**Commented [PTT16]:** Most of the Land Surveying Section reflects statutory language and what could be referred to as “best practices” to avoid conflict with Chapter 59 as well as timber trespass and other statutes. Team recommends not editing unless you need to add specific safeguards that you use.

455.1 **LEGAL SURVEYING**

Of prime importance are the forest boundaries and property lines in common with other owners. All such surveying shall be under the supervision of a registered surveyor. When the office of the county surveyor is not staffed, the committee will comply with the provisions of Chapter 59, Wisconsin Statutes by hiring registered surveyors to perform the necessary running of property lines. Section corners, one-quarter corners and forty corners (1/16 corners) will be reestablished where needed and Certified Land Corner Restoration forms filled out in duplicate as time permits, under the direction of registered land surveyor.



455.2 LOCATION OF LINES BY OTHER THAN LEGAL SURVEY

Forestry personnel who are not registered surveyors may, with all possible prudence, establish lines for forest management purposes including those necessary for ordinary management activities such as timber sales and road / trail locations using available equipment including, but not limited to, air photos, quadrangles, county surveyor's records and known corners. In the absence of known corners, lines abutting other ownership may be established by mutual agreement to avert trespass claims. At a minimum, notify the adjoining landowner(s) of the management boundary in writing. This documentation should be retained in the timber sale file.

455.3 PRESERVATION OF LANDMARKS, MONUMENTS, AND CORNER POSTS

Section 59.74, Wis. Stats., provides:

1. Penalties for destruction of landmarks, monuments and corner posts established by government survey, the county surveyor or a surveyor or public record.
2. A procedure for notification of intent to destroy such surveying evidence and referencing prior to destruction.
3. The assignment of enforcement responsibility to the Department of Natural Resources.

All personnel with land management responsibilities are directed to:

1. Make a reasonable search for the above-mentioned surveying evidence prior to implementing any soil moving or cover type manipulation projects, including timber sales, that could result in covering, destruction or removal of such evidence.
2. In the event such evidence is found:
  - A. If practical, redesign the project so that the evidence will not be disturbed or
  - B. If destruction is unavoidable, notify the county surveyor at least 30 days prior to destruction giving the legal description of the monument and the reason for destruction or other obliteration. **If the county surveyor does not re-reference the evidence within 30 days notice, the project supervisor will determine if the evidence has future value to the state and, if it does, will arrange for a re-reference by a registered surveyor or engineer.**
3. If reasonable search fails to uncover survey evidence in the suspected vicinity, conduct

**Commented [LKM-D17]:** I don't see this in the law... just information about adding "witness monuments"...

an additional search if he / she sees fit.

4. In order to further reduce the possibility of inadvertent destruction of invaluable survey evidence:
  - A. Each forester with county forest responsibilities should discuss with county administrators the need for including adequate protective clauses in easements, rights-of-way, timber sale contracts, and other agreements that might result in destruction of monuments.
  - B. Personnel advising landowners regarding forestry or other land management practices should alert such owners to possible monument destruction that may be caused by them.
  - C. Any instances of potential or accomplished obliteration of survey monumentation discovered in the course of field operations should be brought to the county surveyor's attention.

**460 TERMS OF LAND SALE OR TRADE**

All sale or trading of county lands within the forest boundaries shall be subject to terms established between the Land, Water, and Forest Resources Committee and the party which will receive the land from the County.

**Commented [PTT18]:** This section is intended for counties that still have opportunities to enhance blocking through land trades.

**460.1 VALUES AND ACREAGE OF LAND SALE/TRADES**

Lands within the County Forest Boundary will not normally be considered for withdrawals from the County Forest law. Requests for purchasing or trading for any of these lands by the private sector will be discouraged by the Committee. If, in the opinion of the Committee, the land will be put to a better and higher use and will benefit people of the county and state to a greater extent, the withdrawal procedure outlined in section 450 will be followed. A higher and better use is to be determined by the Committee and County Board taking into consideration the monetary value, or the value/acreage of lands received in trade along with the proposed use of the lands being withdrawn. The legal mean by which counties may apply for withdrawal of lands from the County Forest status is provided by s. 28.11, Wis. Stats.

**Commented [PTT19]:** The items below are listed as options that certain counties use when considering lands for trade. In most cases, if withdrawal is needed, public gain must be documented. Use, add, edit as appropriate. Options are trading on a ratio of acreage or value. Some or 2:1 ratios or more.

**460.2 ASSOCIATED COST**

All costs such as appraisals, legal surveys, abstracts, title insurance, transfer fees, recording

fees, notices, etc. shall be borne by the party initiating the land transaction. Withdrawal applications shall clearly state the person or entity responsible for such costs.

460.3 PUBLIC HUNTING AND FISHING RIGHTS

The county may retain the public right of ingress and egress for the purpose of hunting and fishing when lands are sold or traded. The Committee will make these determination on a case by case basis.

460.4 MINERAL RIGHTS

The County may retain mineral rights on all lands sold or traded and will not accept lands in trade unless accompanied by all rights of ownership, including mineral rights. Exceptions will be allowed only in unusual circumstances, upon approval of the County Board following a recommendation by the Land, Water, and Forest Resources Committee.

**Commented [PTT20]:** Insert any policy on retention of mineral rights.

460.5 DEED RESTRICTIONS

All land sales and trades must be accompanied by a deed restriction, approved by the Board of Supervisors, which identifies the specific uses, reservations, and other conditions attached to the lands being released from public ownership. The restriction shall include a reversion clause whereby ownership of the land shall revert, without compensation, to the County if terms of the restriction are not observed.

465 PROPERTY RIGHTS CONVEYANCES

The instrument used for property right conveyance shall be the one which relinquishes the least amount of County control over public land. All property right conveyances will be made on a case by case basis. Examples are listed below:

- A. Easements: An easement is a permanent right that entitles the easement owner to use of the land of another for a special purpose not inconsistent with the general property rights of the owner. Easements run with the land and do not expire. They may be appropriate for public utilities, such as gas, electric and communication uses, and public road rights-of-way.

Easements shall not be used for access to private lands unless there is

**Commented [BKL21]:** Doug will consult with Legal on this section.

**Commented [PTT22]:** This section (all of 465) will be static and should be consistent across all plans. There is a need to create consistent application of conveyances across all county forest. Leave as a placeholder pending additional edits by DNR and Legal Counsel. Remember, easements to individuals are an exclusive right on a public access and are not legal.

exceptional advantage to the County Forest, and unless the easement further promotes the purposes of the County Forest program. The committee may consider easement requests on a case by case basis. The County Forest Administrator will consult with DNR's County Forest Specialist on these cases.

Easements shall not be used for access to private lands unless there is exceptional advantage to the County Forest, and further promotes the County Forest program. The committee may consider easement requests on a case by case basis. The County Forest Administrator will consult with the County Forest Specialist on these cases.

- B. Lease: A lease is a written document which grants use of real property and/or improvements to another party for a specified period of time, for monetary or other consideration. Specific County Forest Law provisions regarding leases can be found in ss. 28.11(3)(i) and (j), Wis. Stats. Leases on County Forest lands shall be negotiated for the shortest possible period of time and in no case shall they exceed ninety-nine years.

**Commented [LKM-D23]:** I am changing this sentence because the AGO from 2010 implies that this list of county board powers is not exhaustive.

**Commented [LKM-D24]:** Where does this come from?

- C. Permit: A permit is a written document conferring a right, power or privilege to do a particular act or series of acts on land of another without possessing any interest therein. A permit can be revoked with cause and cannot be assigned to other parties. A permit, unlike an easement, does not imply an interest in the land and is not transferred with the land. Permits issued on County Forest lands shall be issued for the shortest possible period of time and in no case shall they exceed ninety-nine years.

Permits shall be the preferred property rights conveyance for private driveways and most other activities dealing with the private individuals using County Forest lands. Driveway permits expire when the land changes ownership. A prospective new property owner may receive a driveway permit in advance of completing a property purchase. Advance permits will not become effective until the new property purchase is recorded by the Register of Deeds office. The

County will retain the right to revoke a driveway permit with cause. "Cause" can include, but is not limited to, violation of permit terms, misuse of County land, damage to County property, and noncompliance with County ordinances.

- E. Agreement: An agreement is a written document executed by two or more persons or entities expressing a mutual and common purpose. An agreement details the responsibilities, obligations, conditions, liabilities, etc. of all parties concerned and would be an appropriate instrument for dealing with activities such as public school forests, flowages, gravel crushing operations, and concessions. Agreements shall be effective for the shortest possible time.

#### 465.1 TERMS OF PROPERTY RIGHTS CONVEYANCES

Any agreement, license, permit, lease or easement must contain at least the following information, requirements and terms. More restrictions may be added as needed to protect the interests of the public.

- A. Location by legal description
- B. Permitted uses under the conveyance
- C. Fee for the use of the land
- D. Expiration date
- E. Right of the County to cancel or suspend the conveyed rights with cause
- F. Requirement for restitution to original condition upon expiration or cancellation of the conveyance.

#### 465.2 PROCEDURES FOR PROPERTY RIGHTS CONVEYANCE

Proposals to use County Forest lands for private purposes without purchasing the land may be approved depending on the nature of the proposal and its consistency with the purpose of the forest. The following steps are required to consider property rights conveyance to a second party:

- 1. All proposals must be filed with the Sawyer County Forestry Department on the appropriate form with the required processing fee and supportive documentation. Municipalities, other units of government, and public utilities may be exempted from the processing fee by the Land, Water, and Forest Resources Committee.

2. If the proposal can be addressed through a permit or agreement as defined in Section then a report shall be presented at a regular meeting of the Land, Water, and Forest Resources Committee. The Committee shall consult with the DNR Liaison on the matter. The Committee may then approve, deny, or modify the proposal.
3. If the proposal for addition is approved, the Land, Water, and Forest Resources Committee shall apply to the Wisconsin Department of Natural Resources to enter the land under the County Forest Law.

Commented [LKM-D25]: ??

Commented [LKM-D26]: I don't understand this section. Should it be deleted?

**470 TAX DEED LAND**

Commented [PTT27]: If you have a policy addressing Tax Deed Land in relationship to County Forest Lands, see below for examples. Otherwise, delete this section.

Occasionally tax delinquent lands revert to the County. The lands may lie within the County Forest boundaries and may be added to the County Forest lands. The following procedure shall be observed:

1. The County Treasurer advises the Forest Administrator who examines the property and determines if it should be added to the County Forest.
2. The Forest Administrator advises the Land, Water, and Forest Resources Committee, which considers the proposal and decides whether or not to add the land to the County Forest.
3. If the proposal for addition is approved, the Land, Water, and Forest Resources Committee shall apply to the Wisconsin Department of Natural Resources to enter the land under County Forest Law.

COUNTY FOREST COMPREHENSIVE LAND USE PLAN

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**500 LAND USE**

**500.1 OBJECTIVES**

1. To identify policies and procedures employed to effectively manage, utilize and sustain the resources of the County Forest.
2. To identify regulated management activities, land uses and special resource areas.
3. To layout proper permits needed for certain activities on the County Forest

**505 TIMBER SALES**

Regulated cutting of timber is essential to the goals and objectives of this plan. Timber harvesting will be conducted to achieve a sustainable harvest level. Harvest areas will be distributed in the forest to accommodate such needs as biodiversity, wildlife, aesthetics, watershed protection and other biological needs. WisFIRS will be used for planning all timber harvests activities on the County Forest. All sales will be established, administered and reported in accordance with the DNR Timber Sale Handbook (2461). All sales on the forest are to be advertised for public bidding, with the exception of small sales with an estimated value of \$3000 or less or sales that would qualify under a salvage provision (s. 28.11(6)(c), Wis. Stats.). These sales may be sold direct without advertising.

**Commented [LKM-D1]:** I think this IS the salvage provision...

**505.1 FIELD PREPARATION OF TIMBER SALES**

The County and the DNR will cooperate to locate, designate and prepare harvest areas for sale. The Forest administrator and DNR liaison forester shall jointly be responsible to see that the field work on sales is accomplished. Administrator and Liaison will also jointly be responsible for ensuring that all proper documentation for each timber sale is properly filled out and routed for signatures.

**505.2 ADVERTISING FOR BIDS**

After field work is completed and necessary reports receive DNR approval, the administrator shall prepare a sale prospectus and make it available to interested loggers. Under s.28.11(6)(b) Wis. Stats, timber sale advertisements, at a minimum, will be by classified ad in a newspaper having general circulation in the county. Ads shall be run once each week for two consecutive weeks, the last being at least one week prior to the bid opening. A longer advance time will be given when feasible. Sealed bid sales will generally be offered in early spring and fall, or as needed.

**Commented [PTT2]:** Add your own sale schedule

### 505.3 PROSPECTUS

The following minimum information will be made available to prospective bidders:

1. Species to be harvested and estimated volume
2. Maps of sale areas
3. Special contract provisions
4. Procedures for bidding
5. Bid forms
6. Timber sales bond and advance stumpage schedule

### 505.4 METHOD OF BIDDING

**Commented [PTT3]:** Insert your county specific procedures here. Text provided as example

Bids will be reviewed, and/or approved, by the Committee. A sealed envelope showing tract number or advertised number and marked "sealed bid" shall be submitted on County Forest bid forms by the bidder for each tract bid on, and shall contain:

1. The bid price per unit of species product. The total value of the timber sale bid shall be indicated on both scaled and lump sum bids. The total bid value must meet or exceed the minimum acceptable bid value, as documented in the 2460.
2. A minimum of 10% of the bid value of each tract must accompany the bid as a bid bond, payable to Sawyer County.

### 505.5 AWARDING SALES

Bid summaries will be reviewed and approved at a meeting of the Land, Water, and

**Commented [LKM-D4]:** Counties likely want to make sure that this information (and the information in the next few sections) is either repeated in their bid/contract paperwork or that these sections of the 15-year plan are referenced.

Forest Resource Committee.

1. The high bidder is normally awarded the sale contract; however, the committee reserves the right to reject any or all bids and accept the bid offer most advantageous to the county. Grounds for rejecting bids may include without limit:
  - A. Non-compliance with County Forest contract requirements.
  - B. Delinquent financial obligations.
  - C. Unsatisfactory past performances.
  - D. Inability to demonstrate financial or professional capability. Evaluation criteria on timber sales will be price and documented ability to satisfactorily complete the contract. Factors to be assessed may include proposed equipment and operation, references, proof of financial stability, past performance and documented training completed. The award of contract to the successful bidder shall be based upon the bid determined most advantageous to the County.
2. Tie bids may be settled by toss of a coin if both parties are agreeable; otherwise the bids on that tract will be rejected and the sale re-advertised.
3. Sales remaining unsold after being advertised for two bid openings may be sold direct at not less than the appraised value even though their estimated value exceeds \$3,000. (See DNR [Timber Sale Handbook](#)).

**Commented [LKM-D5]:** Fine to include this but counties should be aware that there are limits of reasonableness

#### 505.6 SALE CONTRACTS

1. Contracts will be prepared with copies provided to the logger with the original filed in the Forest Administrator's office.
2. Contracts are to be signed by the successful bidder within 30 days of the sale or before cutting begins, whichever occurs first, with payment being made according to the County Timber Sale Bond and Advance Stumpage Payment Schedule. Failure to sign the contract within 30 days may result in forfeiture of the bid bond.

#### 505.7 TIMBER SALE PERFORMANCE BOND

1. Surety bonds or an irrevocable letter of credit issued by a bank which is a member of the Federal Reserve System or insured by the Federal Deposit Insurance

**Commented [PTT6]:** Edit to reflect allowable surety

Corporation may be used in lieu of cash as a performance bond on sales. The letter of credit or surety bond must be in effect for a period of time equal to the term of the contract, plus a sufficient time to allow for possible extension(s) and for closeout of the contract after cutting is completed.

2. The bid bond may be transferred to the performance bond.

#### 505.8 CONTRACT PROVISIONS

All timber sale contracts will be on the form approved by the committee and all provisions therein shall apply. A copy of the timber sale map will be attached and become a part of the contract. The following items are essential contract provisions that should be covered in each contract.

**Commented [PTT7]:** Detail County timber sale contract policies/provisions. The provided language is a list of items that should be found in a contract. Edit, add, delete as appropriate.

##### 505.8.1 Contract Number

Every contract shall have a unique numerical number.

##### 505.8.2 Contract Parties

Contracts must have Name, Address, and other contact information of the Purchaser.

##### 505.8.3 Duration and Extension of Contracts

**Commented [PTT8]:** Sample language itemized here. Edit reflect County policy.

- A. All timber sale contracts will begin on the date of signature by the Forest Administrator. All contracts must have a specific end date. Generally, most timber sale contracts will be written to expire two years after the award date. Some timber sale contracts may have longer or shorter duration than two years as determined by the Forest Administrator and /or Committee.
- B. At the discretion of the Forest Administrator a one-year extension, if deemed necessary by the seller, may be granted. This first extension will have a ten percent increase in stumpage rates. A second one-year extension may be granted with an additional fifteen percent increase in

stumpage rates.

- C. The maximum time duration of a timber sale contract, including extensions, shall be 4 years. Extension beyond this period of time shall be considered by the committee only in the event of special justification. Special stumpage rate adjustments may be made.
- D. If purchasers do not wish to have contracts renewed or extended and do not finish the sale prior to expiration, appropriate penalties may be assessed. The performance bond will be forfeited either in part or in full based upon costs to reestablish and advertise timber sale as well as loss of stumpage value, growth losses and impact to harvest rotation schedules.
- E. The contractor may request a contract release due to severe physical or financial disability. The committee shall determine whether a release shall be granted and may withhold all or a portion of the performance bond deposit for damages.

505.8.4 **Termination of Contract by Seller**

Contracts may be terminated upon a breach made by the purchaser or at other times deemed necessary by the Forest Administrator, as per the terms of the timber sale contract.

**Commented [PTT9]:** Detail County's contract termination policy

505.8.5 **Performance Bond, Damages, Future Contracts**

This section of the contract is to identify the dollar amount and the duration of the performance bond. Also covered under this section of the contract are items to which the performance bond may be used to cover damages. This section also addresses County powers should damages exceed the performance bond amount. Examples of damages include:

- A. Undesignated timber removed
- B. Removal of timber without payment
- C. Damage to residual timber, roads or other infrastructure
- D. Restoration of sale area
- E. Costs associated with resale of uncut timber

**Commented [PTT10]:** Include any specific language for items that may be covered by performance as well as other damage related policies.

F. Other costs associated with breach of contract as determined by the County.

Upon termination of the contract the County will determine damages as applicable as per the timber sale contract and/or other County policies. If damages exceed the amounts of performance bonds held by the County, the County may pursue legal action.

505.8.6 **Title to Timber**

Title to all forest products shall remain with the County until products are scaled and paid for by the purchaser.

**Commented [PTT11]:** This section is to state when title to the timber sold under contract is transferred to the purchaser. Under normal circumstance title will remain with the county until the timber has been paid under accordance with the contract.

505.8.7 **Payment Schedule**

All contracts shall have a payment schedule that will layout the responsibilities of the seller and the purchaser for payments under the contract. This schedule will vary based on sale type (lump sum v. scale sale). Payment schedule and terms of payment are outlined in the timber sale contract.

**Commented [PTT12]:** Detail timber sale payment schedule

505.8.8 **Utilization Specifications**

Utilization standards will be specified on individual contracts to provide maximum utilization of all merchantable timber. Typical standards are the following:

- A. Cordwood: Utilize to a 4" diameter inside the bark at the small end.
- B. Hardwood Sawlogs: Utilize to a 10" diameter inside the bark at the small end and is capable of making a grade #3 log or better.
- C. Softwood Sawlogs: Utilize to a 9" diameter inside the bark at the small end and is capable of making a grade #3 log or better.

**Commented [PTT13]:** Detail utilization specifications specific to your County

All logs will be scaled using the Scribner Decimal – C log rule.

505.8.9 **Training Requirement**

Logging contractor and sale operators are to be compliant with the Wisconsin SFI Training Standard as adopted by the Wisconsin SFI Implementation

**Commented [PTT14]:** Edit training standard as appropriate to match County policy

Committee. Valid documentation of compliance with the Forest Industry Safety and Training Alliance training standards must be on file with the County before cutting operations begin and during all operations. At a minimum, the contract holder and one “in-woods” person actively responsible for each logging site must be a “Qualified Professional”.

505.8.10 **BMPs, Roads, Landings**

Location, construction, and use of logging roads are subject to advance approval by a representative of the forestry department. Upon sale completion, all roads must be returned to the same or better condition. All roads and landings shall comply with all the recommended BMPs for Water Quality guidelines as described in “Wisconsin’s Forestry Best management Practices for Water Quality” published by the WDNR, publication Pub-FR-093. A copy of this publication is available upon request by the contract holder. Contract holder’s certification in Wisconsin BMP training or equivalent through a FISTA coordinated BMP workshop is also required. The contract holder shall make every attempt to comply with Forestry BMPs for Invasive Species as described in “Wisconsin’s Forestry Best Management Practices for Invasive Species” published by the WDNR, publication Pub-Fr-444-09.

**Commented [PTT15]:** This section should describe the process for new road building as well as expected restoration of all roads and landing areas on the sale area at the completion of the sale. Reference BMP’s for Water Quality, Invasive Species, and if applicable Biomass Harvesting Guidelines.

505.8.11 **Soil Disturbance and Rutting**

Soil compaction and rutting can reduce the productivity of a site, disrupt surface drainage and infiltration, and contribute to erosion and sedimentation. Compaction occurs over broad areas, but does not necessarily result in visible depressions. Ruts are depressions, such as furrows or trenches, created by breaking through the forest floor. Existing road systems will be utilized when environmentally appropriate. The Forest Administrator will have the final approval in designating the location of roads, landings, and skid trails, and may consult with other County and DNR staff. Wisconsin Forestry Best Management Practices for Water

**Commented [PTT16]:** Insert rutting policy

Quality and this plan will be followed during all phases of the timber sale to prevent or reduce erosion and sedimentation to surface waters and wetlands. Expanding the footprint of roads, landings, and skid trails to maneuver around wet or muddy areas that develop during use is prohibited unless authorized by the Forest Administrator. It is expected that appropriate measures will be taken to prevent excessive rutting. If excessive rutting occurs, forestry operations will be suspended. The Forest administrator may modify standards in this policy if modifications provide equal or greater soil and water protection. Depending on site conditions, rutting standards may need to be more restrictive or flexible. Detail of and justifications for modifications must be documented in timber sale inspection sheets. As a requirement of certification all contracts must have a rutting policy in the contract. Sawyer County's rutting policy is as follows:

Forest Roads

- Rutting is prohibited on forest roads within a riparian management zone (RMZ). New forest roads are to be located outside of RMZs, except at stream crossings.
- In wetlands, a rut on a forest road may not exceed 50 feet in length with depths of 6 inches or greater.
- In uplands, a rut on a forest road may not result in channelized flow into a wetland or water body.
- Other ruts are acceptable provided it is shown that they can and will be repaired prior to final sale close out.

Landings

- Landings are prohibited in wetlands unless the timber sale is located in a large wetland complex without suitable upland landing sites. Wetland landings may only be used during frozen ground conditions.
- In uplands, a rut on a landing may not result in channelized flow into a wetland or water body.



- Other ruts are acceptable provided it is shown that they can and will be repaired prior to final sale close out.

Skid Trails

- Ruts with depths of 6 inches or greater may not exceed a total of 25 feet in any 100 feet.
- Total rut length on skid trails may not exceed 10% of the total length of skid trails.

General Harvest Area

- The rutted area for an acre of general harvest area may not exceed 5% (six inches or deeper).
- The average rutted area per acre may not exceed 2% of the total harvest area.

Measurements

Forest Road Rut Length is determined by measuring the length of ruts with depths of 6 inches or greater.

Skid Trail Rut Length is determined by measuring the total length of ruts and dividing by the total length skid trails. The length of rut made by each wheel or track is measured separately.

General Harvest Area Rutted Area is determined by measuring the length and width, in feet, of ruts, greater than 6 inches in depth, in an acre of harvest to determine square feet of rutted area.

505.8.12 Liability and Workers Compensation Insurance

All contracts should require proof of insurance. The proof of insurance shall be kept in the sale folder and must cover the entire operation period of the contract.

505.8.13 **Scaling and Conversion Factors**

All logs will be scaled with the Scribner Decimal C log rule. All sawlogs shall be scaled by the County prior to hauling.

**Commented [PTT17]:** Add peeled conversion factors, log rule, cords/tons ratios, mbf to cords, etc.

Conversion of MBF (thousand board feet) to cords or cords to MBF will be 2.40 cords per MBF for softwoods and 2.20 cords per MBF for hardwoods. Pulpwood sold by weight will be converted using conversion rates outlined in the WDNR Timber Sale Handbook. When peeled cordwood is measured, it is agreed that 12.5% will be added to hand peeled volume and 25% will be added to machine peeled volume to compute the equivalent unpeeled volume.

505.8.14 **Forest Certification**

The Sawyer County Forest is dual certified by third parties Forest Stewardship Council® FSC® C006090 FSC 100% and Sustainable Forestry Initiative® SFI-01617 SFI 100%. Certificate license numbers shall be placed on all lock box haul tickets and invoices.

**Commented [PTT18]:** Add your County's policy for certification language in contract. It is not required but should be on invoices, scale sheets and scale tickets.

505.8.15 **Other Contract Conditions**

- A. Waste: Any logging generated waste shall not be disposed of on site but shall be disposed of properly. Spills of petroleum or other hazardous fluids must be reported, according to state law, to the proper authorities.
- B. Stump heights: Stump height in saw timber shall not exceed 16 inches, and shall not exceed 12 inches in pulpwood.
- C. Zone/Unit completion: All timber, marked or otherwise designated by the contract to be cut, shall be cut progressively and to the satisfaction of the County, whether or not the quantity of such timber is more or less than the estimates comprising the specifications.
- D. Slash requirements: All logging debris should be scattered across the tract. Tops and limbs should be lopped to 24 inches or less. Slash that falls onto the land of an adjoining landowner shall be immediately removed from the adjoining land.
- E. Forest fire prevention: The purchaser shall do all in his/her power to cooperate with the fire protection officers to prevent and suppress forest fires and to comply with all state laws regarding timber slash disposal.

**Commented [PTT19]:** Itemize any other contract provisions. The list provides examples.

- G. Survey monument restriction: The purchaser shall be responsible for the repair or replacement of Land Survey Monuments within the sale area. In the event that the performance bond is insufficient to cover such cost, Section 59.635, Wis. Stats., Perpetuation of Landmarks, may be enforced.
- H. Indemnification: The purchaser agrees to protect, indemnify and save harmless the County and the County's employees and agents from and against all causes of action, claims, demands, suits liability or expense by reason of loss or damage to any property or bodily injury to any person, including death, as a direct result of operation under the contract or in connection with any action or omission of the purchaser, who shall defend the County and the County's employees and agents in any cause of action or suit.
- I. Independent contractor: Purchaser holds itself out as an independent contractor, it is understood that there is no employee-employer relationship between the seller and the purchaser, and any subcontractor of the purchaser.
- J. Assignment (sub-contracting): The contract cannot be assigned in whole or in part.
- K. Right of inspection by seller: County shall, at all times have the right to ingress and egress for any and all purposes.

**Commented [LKM-D20]:** These 2 are essential

505.8.16 **Attachments to Contract**

Attachments to the contract shall include the timber sale map, payment schedule and all cutting requirements including the timber sale prospectus. All addendums to the contract including contract extensions shall be made part of the contract.

**Commented [PTT21]:** This section should spell out any attachments needed to complete the contract such as; map, payment schedule, cutting requirements.

505.9 TIMBER SALE RESTRICTIONS

1. To minimize resource damage, the types of logging equipment, methods, and times of operation used on sale areas may be restricted by the county.
2. Special restrictions may be required in accordance with county aesthetic policy, if applicable.
3. Seasonal restrictions may be applied to protect roads, minimize recreation use conflicts, benefit wildlife management, avoid endangered resources concerns, minimize insect and disease problems, or to assist in fire protection.

505.10 **TIMBER SALE ROADS**

1. The contractor will be responsible for securing legal access to sale areas across private or other non-county ownership.
2. The contractor will be responsible for securing permission to conduct logging activities within town, county or state road rights-of-way (e.g. decking, skidding)
3. Forestry personnel will approve the lay-out of all roads and make other necessary special provisions within the sale contract.
4. Skidding, decking, or other logging activity is not allowed on County Forest roads or ditches unless approved by the County Forest Administrator. These areas will be kept free from logging debris. County Forest access roads will be maintained by the logger and be left in good as original condition at the close of the sale. Roads will be inspected by county personnel to insure minimal resource damage.
5. A timber sale purchaser may request permission to gate a timber sale access road. The administrator may grant a gate permit to prohibit only motorized traffic.

**Commented [PTT22]:** The provide list is typical of road requirements. Edit as appropriate to match individual policy.

505.11 **SUPERVISING SALES**

Sale inspections will be performed periodically by county and / or DNR Forestry personnel, as requested, with corresponding notations in the sales record.

**Commented [PTT23]:** Edit to reflect local work assignments.

505.12 **FOREST PRODUCTS ACCOUNTABILITY**

505.12.1 **Scaling Merchantability**

1. **Sawlogs** will be scaled by the Scribner Decimal C. log rule. A log is defined as:

**Commented [PTT24]:** Each county should insert the definition that best fits their current specifications.

- 9" diameter or larger inside bark (d.i.b.) at 8' in length (plus trim) for softwood
  - 10" diameter or larger inside bark (d.i.b.) small end at 8' in length for hardwood
  - Minimum net scale of 50% of the gross scale of the log
2. The standard unit of measure for cordwood is measuring 4' x 4' x 8' of unpeeled wood. A pulpwood tree contains at least one 1. 8' stick, to a minimum top diameter as defined in the contract.
  3. The DNR [Timber Sale Handbook](#) will be used as a guide in determining the **conversion rates** for posts, poles, bolts, chips, weight- scaled wood or other types of forest products.

**Commented [PTT25]:** Insert conversion rates if differing from DNR handbook

#### 505.12.2 Utilization Standards

Utilization standards will be specified on individual contracts to provide maximum utilization of all merchantable timber and will be based on the scaling standards noted in 505.8.8.

#### 505.12.3 **Methods of Accountability**

Wood harvested from the sale area must be accounted for and payment made in accordance with existing policy and procedure. One or more of the following may be used on an individual sale:

1. The ticket system utilizes serialized three-part tickets, based on the approximate stumpage value of the wood to be hauled. One ticket must accompany each load of wood to the mill. Mill scale will be accepted for volume determination.
2. Wood may also be scaled on the landing. This method is generally used for sawlogs. Payment for wood products scaled is normally due within 30 days of the date of issue of an invoice from the County.
3. Lump sum sales may be utilized and divided into cutting units when practical. Payment for a cutting unit must be received in full before any cutting begins in that unit.

**Commented [PTT26]:** Describe sale process - lump sum, tickets, other.

505.13 **SPECIAL FOREST PRODUCT PERMITS**

**Commented [PTT27]:** Describe permits for special products - boughs, firewood, etc.

1. A written permit for taking fuelwood for personal use must be purchased for a specific area designated on the permit.
2. A written permit for cutting boughs for personal use will be issued for a specific area designated in the permit. Bough payment rate will be set by the Land, Water, and Forest Resources committee.
3. Written permits may be issued for special forest products for community or personal use, with fees established by the Land, Water, and Forest Resources committee.

Stumpage of fuelwood, Christmas trees, boughs, posts and poles and other special forest products for resale will be handled as a regular timber sale.

510 **TIMBER THEFT**

**Commented [PTT28]:** Detail any County policies for timber theft process. Do not edit statutory language included here.

All cases of alleged timber theft on the county forest shall be investigated and resolved promptly. An allegation of theft by cutting and /or removing timber from the county forest does not alleviate the county from payment under s. 28.11 (9) Wis. Stats. The county will collect damages pursuant to s. 26.05 Wis. Stats. and may also pursue criminal charges under s. 943.20 Wis. Stats. and /or seek civil damages.

510.1 **TIMBER THEFT INVESTIGATION**

**Commented [PTT29]:** This is likely the investigation process to be used, but edit if your procedure is unique.

The following procedure should be used in all cases of alleged timber theft:

1. Determination of Theft
  - A. Gathering facts - The county, through its sheriff's department and along with assistance of the DNR liaison, rangers and wardens, will ascertain the facts pertinent to the alleged theft, including determination of the damages to the county. Legal counsel representing the county should be involved in all aspects of investigation. Property involved in the alleged theft may be seized pursuant to s. 26.064 Wis. Stats. for use as evidence.
  - B. Boundary determination - If property boundaries are involved, the county shall

conduct a legal survey of the boundary in question.

**515 ENCROACHMENTS**

The county will actively investigate all suspected cases of encroachments on the County Forest. To insure the integrity and continuity of the County Forest land, all cases will be dealt with promptly and in a consistent manner. The following procedures will be used in all cases of suspected encroachments:

1. The county will establish property boundaries; if necessary, a legal survey will be conducted.
2. The county will gather all facts.
3. The Committee, in consultation with the forest administrator, county legal counsel, and the DNR, will make a decision as to the disposition of the case.
  - A. All above ground encroachments that are movable will be removed from county property.
  - B. Permanent type facilities, such as homes, garages, and septic systems shall be addressed individually and may be removed or handled by a land use agreement. Sale or transfer of the encroachment should remain an option depending on the circumstances involved and the viability of an adverse possession claim (s. 893.29 Wis. Stats.).
  - C. Provisions in the land use agreement, if that option is pursued, may include granting the encroacher permission to encroach on the County Forest lands with the following stipulations: no other encroachments will be allowed; the permit is non-transferable; the county must be notified once encroachment is terminated; county continues full ownership and control of property; permittee agrees to waive any rights to any future declaration of ownership or interest in the encroached county property; county reserves the right to cancel the permit and the permit is to be filed in the office of the County Forestry Department and all fees related to the land use permit shall be paid by the permittee.
  - D. A copy of the actual Land Use Agreement can be found in the

**Commented [PTT30]:** *Italicized is sample language. Edit to include other policies/procedures that you may use.*

Appendix.

**520 SPECIAL USES**

1. Recognizing the vast potential for a variety of special uses of the County Forest by governmental units, businesses, organizations or individuals, the committee may designate specified areas for special uses. Specific management methods are to be considered on these areas. Uses must be consistent with the intent and purposes of the County Forest Law.
2. All requests for specialized uses of any County Forest lands will require a permit authorized by the Committee.
3. A list of existing special use areas can be found the Appendix.

**520.1 SAND AND GRAVEL**

Sand and gravel pits located on the County Forest may be used only by units of government or contractors performing public works. Use of existing pits and the opening of new pits by other than the County Forestry Department will require Committee approval and be authorized by permit only. The condition of such permits may include, but are not be limited to:

1. Requiring the pit and its access road to be screened from view from any public highway
2. Severing trees from the stump
3. Disposition of brush and dirt spoil by leveling or hauling away
4. Sloping to prevent steep banks
5. Filing with the forestry office an annual written report of gravel and sand removed

Other conditions may be set at the discretion of the Committee or County Forest Administrator. The Committee may set fees for materials removed. Other non-metalliferous materials will be dealt with on an individual basis.

All active, nonmetallic sites greater than one acre in size, including those on the County Forest, are also subject to the provisions of the Nonmetallic Mining Reclamation

**Commented [PTT31]:** Government/public works restriction is a requirement in order to allow extraction on CFL lands. Uses contrary to this require withdrawal. Do not edit

**Commented [PTT32]:** Add any necessary criteria



Program, Chapter NR 135, Wis. Adm. Code. The County Forestry Department shall work with the Sawyer County Zoning and Conservation Department in obtaining the necessary permits for nonmetallic mining operations.

Sand and gravel may, under **some circumstances**, be leased to private contractors for private use. In these situations, the land must be withdrawn from the County Forest Law until sand/gravel removal and reclamation of the site is completed. Upon completion of reclamation to the satisfaction of the county and the state, the lands shall be reapplied for entry under the County Forest Law.

**Commented [PTT33]:** Generally this will trigger withdrawal requirement.

#### 520.2 EXPLORATION, PROSPECTING, AND MINING

1. The committee may investigate all mineral exploration, prospecting and mining requests as they are received.
2. The DNR shall be notified of all requests as they become known in accordance with s. 28.11(3)(i) and (j) and with DNR Manual Code 2712.1 or other codes which may be subsequently adopted.

The [Public Lands Handbook](#) should be referenced for more detailed procedure.

#### 520.3 SANITARY LANDFILLS

The use of County Forest lands for sanitary landfills will not be allowed unless the lands involved are withdrawn from the County Forest Law.

#### 520.4 **MILITARY MANEUVERS**

Military maneuvers on County Forest lands will be considered under a lease or written land use agreement. Upon receipt of a written request from the military the Committee, other necessary County staff, Military, and DNR representatives will discuss the issue at a public Committee meeting. After the needs have been outlined, the site shall be field checked, DNR input and consistency with the County Forest Law sought, and town officials advised. Depending on the scope of the project, a public hearing may be appropriate. If all aspects and concerns are addressed and agreed to, a legal instrument

**Commented [PTT34]:** Reference any specific language or any permits you may use.

will be drafted. The matter will then be brought back to a Committee meeting for final input and approval. The [Public Forest Lands Handbook](#) will be used for further direction in this matter.

520.5 **PUBLIC UTILITIES.**

Easements for public utilities may be considered by the Committee. Underground installations will be encouraged. The following main provisions shall be included in any County Board resolution granting permission for construction of any utility transmission line:

1. Utility may be billed for merchantable forest products and existing timber reproduction.
2. Utility may be billed for land removed from production due to right-of-way clearing for losses of future income and multiple use benefits.
3. Land removed for utility operations that is no longer suited “primarily for timber production or, that is no longer suitable for scenic, outdoor recreation, public hunting & fishing, water conservation or multiple use purposes” (s. 28.11(4)(c) Wis. Stats) may need to be withdrawn from county forest law designation. The utility shall replace any lands requiring withdrawal from county forest with **other lands** suitable for county forest entry that are in the forest blocking of the County Forest.
4. Utility companies will be encouraged to use existing corridors and underground lines to minimize disturbance to the county forest and native plants and animals.
5. Merchantable timber will be removed in a manner approved by the Committee. Timber cut must be reported to the DNR on form 2460-1.
6. Utility must provide notice of proposed route, including a map of not less than 1 inch /mile scale, 90 days in advance of proposed construction.
7. Special maintenance, controlled access and signage concerns shall be addressed in any proposal.
8. An appropriate fee shall be charged for easements.

**Commented [PTT35]:** These are general requirements and your county may have specific clauses. Itemize as appropriate. In general, public utility easements (electric distribution line for example) should not trigger withdrawal unless public use of the area is restricted.

**Commented [LKM-D36]:** Do we want to add in something like “or money in a segregated land acquisition account to purchase lands”

520.6 ACCESS TO PRIVATE LAND

The Department has determined that granting a private easement across county forest lands is not consistent with the County Forest Law program. This determination is based on an Attorney General opinion (OAG-08-10). Easement grants to individuals are generally determined to be an exclusive right on a publicly owned asset. Counties are generally restricted from granting easements unless the overall management of the forest could be improved by granting the easement or if the easement grant will serve a greater public good.

**Commented [BKL37]:** Doug to find AG ruling.

#### 520.6.1 Temporary Access

Requests for temporary access across County Forest Lands will be reviewed for any potential conflicts with management activities or public access. If impacts are minimal, access for short term needs will be permitted through the use of access agreements or letters of authorization. Temporary access is generally for activities such as access to maintain utilities (rail, powerline, etc.) or for logging access on private lands. The recipient of temporary access is required to restore the roadway to at least its prior condition and to expand coverage of any performance deposits or liability insurance to cover the use of the County road.

**Commented [PTT38]:** In general these are for logging access, but may include other purposes. Reference or insert any permits that you use.

#### 520.6.2 Access Agreements

Requests for access to private lands may be made by private parties to build or improve access roads through the County Forest. Access agreements will be considered on a case-by-case basis and with the understanding that the County is not legally obligated to provide access to private lands.

**Commented [PTT39]:** Based on AG ruling, easement grants to individuals are inconsistent with the purpose of 28.11. Plans will be returned to counties incorporating easement language that is not consistent with this section.

A fee will be assessed by the Committee for access permits. The Committee may elect to waive these fees in cases of agreement renewals or in cases of existing roads or driveways.

**Commented [PTT40]:** Describe fee system

Access across County Forest lands must be demonstrated by the applicant as the route of last resort, including evidence of an offer of fair compensation for access across other private lands. The following stipulations will be included in access agreements:

1. Permits are made by and between the County and the property owner. The permits are not transferrable and subsequent property owners must secure their own agreement.
2. Permits are for a five-year period.
3. Gates, signs, or other articles of the permittee are not permitted on County lands

520.6.3 **Prescriptive Easements**

Historical access points and driveways may meet the requirements of prescriptive use. A prescriptive use easement does not generally trigger a need to withdraw lands from the County Forest program unless the public is excluded from motorized travel on the subject road. Any potential claims of prescriptive easement across County Forest lands must be reviewed by legal counsel in order to determine legal validity and possible legal defense or standing.

**Commented [PTT41]:** FYI, prescriptive easements are adverse possession of access rights. They do not result in transfer of full property rights.

520.6.4 **Other Types of Access**

Complex issues of private access needs may arise in the future. Any proposals to grant an easement across County Forest must help achieve the purposes of the County Forest Law and meet a standard of better and higher public use. Easements to private parties will require withdrawal from County Forest Law and are to be discussed with the Department prior to initiating any proposals.

**Commented [PTT42]:** This section should remain intact. It is best policy to consult with the Department prior to initiating any access projects to determine withdrawal needs.

520.7 **PRIVATE UTILITY SERVICE LINES**

If a landowner cannot gain utility access across other lands, the committee may consider a land use agreement for access across County Forest. Requests will be considered on a case by case basis. These agreements should consider the inclusions mentioned below:

1. The permit is non-transferrable
2. The County retains full ownership of the utility corridor; however, it shall not be liable for maintenance, upkeep, or other damages associated with the utility service.

**Commented [PTT43]:** As with private access, easements for private utilities lines are inconsistent with 28.11. Utility access should be granted under agreement rather than easement. Insert any county specific language for the permit and/or reference permit in appendix.

3. The permittee waives any rights to any declaration of ownership or interest in the utility corridor on County land for administrative costs as a result of this Land Use Agreement – Utility permit. This agreement is granted upon the signature and any fees being received by Sawyer County.
4. The fee for such a land use agreement is set by the Land, Water, and Forest Resources Committee.

520.8 **COMMUNICATION TOWERS**

The siting of communication towers on the Sawyer County Forest will be considered by the Committee on a limited basis. Requests will be considered on a case by case basis subject to the following conditions:

1. It must be demonstrated that the site is the most practical location for such a tower.
2. Land selected for such a tower is no longer suitable for continued entry in the County Forest program. According to section 28.11(4), Wis. Stats, any accompanying lands needed for tower support wires that inhibit the practice of forestry and are no longer suitable for scenic, outdoor recreation, public hunting & fishing, water conservation or multiple use purposes may also need to be withdrawn from County Forest Law. Withdrawal is subject to approval by both County Board and DNR.
3. A request to withdraw lands from County Forest Law by a private communication company shall follow withdrawal protocol.
4. Any agreement should also consider the inclusions listed under 520.5 (Items 1-8).

**Commented [PTT44]:** Private communication towers are likely to trigger withdrawal. There may be options for towers with public purposes (emergency management for example). Consult with DNR

520.9 OTHER

Other types of special uses of the county forest may be considered by the committee. Regulations governing these uses will be developed on an individual basis. These may include, but are not limited to: research, independent study and scientific areas. Regulations governing these uses will be developed on an individual basis.

525 **TREATY RIGHTS: GATHERING MISCELLANEOUS FOREST PRODUCTS**

**Commented [PTT45]:** Delete this section if your forest is not part of the ceded territory.

Ordinance No. \_\_\_\_\_, adopted by the County Board of Supervisors of the County of \_\_\_\_\_ on \_\_\_\_\_, 199\_\_\_\_, authorizes Sawyer County to require permits for gathering miscellaneous forest products on County land by Native American treaty rights participants. The ordinance, Section \_\_\_\_\_ of the General Code of \_\_\_\_\_ County, adopts language of, and complies with, the Federal District Court decision and states as follows:

**Commented [PTT46]:** Your County will have an ordinances regulating gathering within ceded territory. This would have been adopted after the treaty trials

1. Any treaty rights participant interested in gathering firewood, tree bark, maple sap, lodge poles, boughs, marsh hay or other miscellaneous forest products (except fruits, seeds, or berries not enumerated in County ordinances) from County land shall obtain a County gathering permit from the County forestry office. The County shall respond to the gathering permit request no later than 14 days after receipt of the request. The gathering permit shall indicate the location of the material to be gathered, the volume of material to be gathered, and conditions of the gathering of the material necessary for conservation of the timber and miscellaneous forest products on the County land, or for public health or safety.
2. The County may not deny a request to gather miscellaneous forest products on county property under this section unless: (a) the gathering is inconsistent with the management plan for the property, (b) the gathering will conflict with the pre-existing rights of a permittee or other person possessing an approval to conduct an activity on the property, including a contractor of the county or, (c) is otherwise inconsistent with conservation or public health or safety. See subchapter IV, Ch.NR13, Wis. Adm. Code.

COUNTY FOREST COMPREHENSIVE LAND USE PLAN

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Revised 9/1/20

**CHAPTER 600**

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**600 PROTECTION**

**OBJECTIVE**

To protect and manage the resources of the forest from preventable losses resulting from fire, insects, diseases and other destructive elements including those caused by people. Protective methods shall include proper silvicultural methods.

The DNR provides statewide technical guidance that will be used to inform local decisions. This guidance will be referenced to make decisions at the county level.

**605 FIRE CONTROL**

Damage to the forest caused by uncontrolled fire can create an important challenge in the management of the forest. Loss of resource values caused by fire will be minimized through organized prevention, detection and suppression methods. Maintaining a healthy forest is key to fire management. The DNR is responsible for all matters relating to the prevention, detection and suppression of forest fires outside the limits of incorporated villages and cities, as stated in s.26.11(1), Wis. Stats. The DNR works cooperatively with local fire departments in all fire control efforts. Sawyer County Forest is part of the Intensive Forest Fire protection area. The Fire Management Handbook No. 4325.1 and the Area Operations Plan shall serve as the guidelines for fire control activities.

**Commented [PTT1]:** Select proper fire control designation (intensive, extensive, cooperative)

**605.1 COOPERATION WITH THE DEPARTMENT OF NATURAL RESOURCES**

Pursuant to s. 26.11(4) and s. 28.11(4)(f), Wis. Stats., and of the Sawyer County Forest Ordinance, the county may cooperate with the DNR in the interest of fire prevention, detection and suppression on the County Forest. This is accomplished through agreements authorizing the DNR to use County Forest land or to utilize county personnel and equipment for fire protection activities.

**Commented [PTT2]:** You may need to redraft this section to reflect any cooperative agreements that you may have with DNR fire control

**605.1.1 Personnel**

County Forest personnel, upon request from the DNR, shall be made available for forest fire control efforts within the county in accordance with an established memorandum of understanding (MOU). The DNR is responsible for training and directing the activities of

county personnel in accordance with the rules identified in the Fire Management Handbook, No. 4325.1.

#### 605.1.2 Equipment

County Forest equipment, upon request and as identified in the MOU, shall be available for forest fire control suppression. A partial list of equipment that may be available includes:

- Four ¾ ton 4-wheel drive pick-up trucks
- One UTV with slip on watertank and pump
- One ATV

During periods of high fire hazard, all County Forest vehicles and/or crews should be equipped with one or more back pack cans, axes or shovels, appropriate personal protective equipment, mobile communication and any other equipment deemed essential by the MOU. All hand tools shall be maintained and provided by the DNR.

#### 605.1.3 Fire Detection

Fire detection is the responsibility of the DNR. County Forestry personnel may assist and report any wild fires to the DNR, local Fire Department or 911 Dispatch.

**Commented [PTT3]:** Insert any protocol specific to your county

#### 605.1.4 Forest Fire Prevention

DNR fire control personnel are authorized by the county to place fire prevention signs at recreational areas and other strategic locations within the forest. The County conducts and controls all operations (including harvesting) on the forest in a manner designed to prevent forest fires. The use of the county forest and the Department will coordinate during high fire danger periods to impose any necessary restrictions. These restrictions may include, but are not limited to, recreation and logging.

#### 605.2 DEBRIS BURNING

Unauthorized burning of debris will not be permitted on County Forest Lands pursuant to s. 26.12(5), Wis. Stats.

#### 605.3 CAMP FIRES

600-4

During periods of high fire danger, use of campfires may be restricted.

#### 605.4 PRESCRIBED BURNING

All prescribed burning on County Forest lands will follow the DNR recommendations. See Prescribed Burn Handbook No. 4360.5 for details. Prescribed fire may be an effective management tool on the County Forest.

#### 605.5 COUNTY FOREST FIRE HAZARD AREAS

The DNR places primary emphasis will be placed on fire control efforts in pine areas. Maps of these areas are available at the local DNR field office. The County will cooperate with DNR Fire Control in providing for firebreaks or access ways. Existing access roads, firebreaks and water access points will be maintained as deemed necessary. Secondary emphasis will be placed on hardwood areas with no firebreaks developed or maintained. However, access roads will be maintained as defined in Chapter 700 of this plan.

### 610 CONTROL OF FOREST PESTS & PATHOGENS

#### 610.1 DETECTION

Damage to the forest caused by insects, other pests and diseases can adversely affect management of the forest resources. Losses to resource values impacted by forest pests will be minimized through integrated pest management methods, with emphasis on silvicultural prescriptions (timber sales). The detection and control of pest problems will be accomplished by county and DNR personnel in cooperation with other agencies.

#### 610.2 PEST SURVEYS

Pest surveys are conducted under the direction of the DNR's forest health specialists. The County may cooperate by providing personnel and equipment to assist in these operations.

#### 610.3 SPECIFIC PESTS AND PATHOGENS OF CONCERN

Integrated pest management for the purpose of this Plan, is defined as follows:

*“The maintenance of destructive agents, including insects, at tolerable levels, by the*

*planned use of a variety of preventive, suppressive, or regulatory tactics and strategies that are ecologically and economically efficient and socially acceptable.”*

The integrated pest management control and methodology shall be determined jointly by the County Forest Administrator, and DNR liaison forester in consultation with the DNR district Forest Health Specialist. Suppression of forest pests may include the following:

1. Silvicultural prescriptions, including timber sales.
2. Biological control.
3. Chemical control.

#### 610.3.1 Specific Pests of Interest

##### 610.3.1.1 Gypsy Moth

Gypsy Moth, *Lymantria dispar*, is an introduced pest that has progressed westward from the northeastern United States since the early 1900's. gypsy moths were first found in Wisconsin in the mid 1970's in the eastern part of the state. By 1989, they had settled along the Wisconsin's eastern shore. The moths have since been found in every county. To date, Gypsy Moth damage has been relatively minor in Sawyer County. Sawyer County Forest's strategy to combat this defoliating insect will be to focus on using silvicultural techniques to maintain and improve forest vigor to decrease the likelihood and severity of tree mortality. In addition, suppression spraying with approved insecticides may be considered in high use recreation areas and in stands containing a high percentage of susceptible, high value timber. Biological controls may also be available for introduction to help reduce outbreak frequency. All control methods will be coordinated through consultation with the DNR Forest Health Specialist.

##### 610.3.1.2 Jack Pine Budworm

Jack pine budworm, *Choristoneura pinus*, is a native needle-feeding caterpillar that is generally considered the most significant pest of jack pine. Red, Scotch and white pine, and spruce, can also be defoliated and suffer top-kill and mortality by jack pine budworm. Vigorous, young jack pine stands are less likely to be damaged during

**Commented [PTT4]:** Delete if not pertinent to your county

outbreaks. The most vigorous stands are well stocked, evenly spaced, fairly uniform in height, and less than 45 years old. Stands older than 45 years that are growing on very sandy sites and suffering from drought or other stresses are very vulnerable to damage. Tree mortality and top-kill are more likely to occur in these stands. In addition, stressed stands are more susceptible to attack by Ips bark beetle. Mortality from Ips can occur for 2-3 years after the jack pine budworm outbreak collapses. This mortality and top-kill create fuel for intense wildfires.

It will be Sawyer county's strategy to harvest at the appropriate rotation age, maintain high stand densities (without overcrowding), and use good site selection for jack pine. This will be an effort to help avoid budworm-caused tree mortality and reduce the threat of damaging wildfires while still providing suitable conditions for jack pine regeneration. Prompt salvage following an outbreak will also help reduce the possibility of wildfire. Esthetic strips and/or islands should not be used. Leaving these esthetic strips/islands can prolong the outbreak by giving the budworm areas for breeding. Use of insecticides is not warranted in combating this forest pest on the County Forest.

#### 610.3.1.3 Oak Wilt

Oak wilt, *Bretziella fagacearum*, is a destructive disease of oak trees. It is responsible for the death of thousands of oak trees in forests, woodlots, and home landscapes each year. Oak wilt is caused by a fungus that invades and impairs the tree's water conducting system, resulting in branch wilting and tree death. Trees in both the red oak group and white oak group are affected. There is no known cure once a tree has oak wilt. Prevention of new oak wilt infection centers is the best management option and involves avoiding injury to healthy trees and removing dead or diseased trees. Counties should use the [Oak Harvesting Guidelines to Reduce the Risk of Introduction and Spread of Oak Wilt](#) for management guidance. . If pruning is necessary or damage is incurred **during the growing season**, e.g. through construction activities or storms, the wounds should be painted immediately with a wound paint.

**Commented [HCR5]:** Counties have a couple different options here...  
-During the growing season  
-During high risk periods  
-From April 1 to July 15/April 15 to July 15  
-Their own date range  
  
Recommendation is "growing season" but some may view that as more restrictive than oak wilt guidelines

It will be Sawyer County's policy to remove infected trees harvest or burn and/or chemically treat trees and/or stands of trees confirmed to be infected with oak wilt. A vibratory plow, or similar implement, may also be used to sever root grafts on isolated pockets where feasible. Timber harvest of red oak will be restricted between April 15 and July 15. Additionally, any trail or road construction or maintenance activities will be restricted during that time period.

#### 610.3.1.4 Forest Tent Caterpillar

Forest tent caterpillar, *Malacosoma disstria*, can be found throughout the United States and Canada wherever hardwoods grow. The favored hosts in Wisconsin are aspen and oak. This native insect causes region-wide outbreaks at intervals from 10 to 15 years; outbreaks usually last 2 - 5 years in the Lake States. Severe and repeated defoliation can lead to dieback and/or reduced growth of affected trees, which in some instances may be significant. Populations are often controlled by natural enemies, helping the population crash. Aerial spraying of insecticides can be an option for control as well. It will be Sawyer County's strategy to employ sound silvicultural practices to combat this cyclic pest.

#### 610.3.1.5 Two-lined Chestnut Borer

The two-lined chestnut borer, *Agrilus bilineatus*, is a common secondary pest in trees which have been severely defoliated several years in a row. Oaks that are under stress from drought and/or defoliation by insects such as gypsy moth (*Lymantria dispar*), fall cankerworm (*Alsophila pometaria*), and forest tent caterpillar (*Malacosoma disstria*) can be infested and killed by two-lined chestnut borer. Prevention of two-lined chestnut borer through sound silvicultural practices is the best management option. Postponing management activities in stressed stands for two years after severe drought and/or defoliation have ended will provide time for trees to recover and reduce their susceptibility to two-lined chestnut borer attack. Infestations should be salvaged promptly. Sawyer County will strive to maintain healthy trees through sound silvicultural practices to discourage infestation.

600-8

**Commented [HCR6]:** Counties can put their own dates here. The confusing thing is that April 15 to August 1 isn't one of the recommended time periods in the guidelines. It's fine to keep as it, but just so you're aware the recommended dates in the guidelines are April 1 to July 15/April 15 to July 15.

By keeping the example as is, it does demonstrate that counties can be more restrictive if they choose. They just need to know what date range they're going to use and be aware that the example is more restrictive than the guidelines. I hope they would be familiar enough with guidelines to be aware.

#### 610.3.1.6 Emerald Ash Borer

The emerald ash borer, *Agrilus planipennis*, was accidentally introduced to North America from Asia in 2002. Emerald ash borer (EAB) infestations in Wisconsin have resulted in widespread mortality to *Fraxinus* species including green, white, and black ash. It is expected that 99% of the ash trees in Wisconsin will die. Ash comprises a significant component in the northern hardwood timber type and can be found in nearly pure stands in some lowland areas. Adult EAB beetles feed on foliage but it is the larvae that cause mortality by feeding on the phloem and outer sapwood of the ash trees.

The [Emerald Ash Borer Silviculture Guidelines](#) are available to help resource managers make informed stand-level decisions to manage forests that are not yet infested by EAB, as well as implement salvage harvests and rehabilitation in stands that have already been impacted by EAB.

It is Sawyer County's policy to follow the Emerald Ash Borer Silviculture Guidelines.

#### 610.3.1.7 Heterobasidion Root Disease

Heterobasidion root disease (HRD, previously called annosum root rot), is caused by the fungus, *Heterobasidion irregulare*. It is a serious disease that causes pine and spruce mortality in Wisconsin, but over 200 woody species have been reported as hosts. Red and white pine trees are most commonly affected in plantation-grown stands subjected to thinning. The disease was first confirmed in Wisconsin in 1993 and has since been found in a number of counties throughout Wisconsin. Diseased trees, including overstory trees and understory seedlings and saplings, will show fading, thin crowns with tufted foliage, and eventual mortality. Currently there are no curative treatments to eliminate the HRD pathogen from a stand once it is infested, so preventing disease introduction is the best approach.

Commented [PT17]: Edit or delete as appropriate. Not all Counties are impacted

Infection most often occurs when HRD spores land and germinate on a freshly cut stump. The pathogen then grows into the root tissue and progresses underground from tree to tree through root contact. As the pathogen spreads, and trees decline and die, an ever-expanding pocket of mortality is formed. HRD fruit bodies, or conks, may be found at the base of dead trees and old stumps. Fruit bodies are most commonly observed in the fall but can be found any time of the year.

[Guidelines for stump treatment to reduce the risk of introduction and spread of Heterobasidion root disease in Wisconsin](#) should be used by the county forests.

The HRD guidelines are designed to help property managers and landowners determine whether the preventive pesticide treatment should be used to reduce the risk of introduction and spread of HRD at the time of harvest in a pine and/or spruce stand.

At this time HRD is not present in Sawyer County.

**Commented [GR8]:** This should link to our guidelines if possible

#### 610.3.2 Funding

The County Forest will make all reasonable efforts to secure funding for control efforts, through county funds, or other state, federal or private funding sources.

#### 610.3.4 Special Projects

The County may cooperate with other agencies in forest pest research.

#### 610.4 DEER BROWSE

Forest regeneration and reproduction is critical to sustain both timber production and wildlife habitat and the overall health of the deer herd. As a keystone species, deer can affect forest regeneration, long-term forest production, and forest sustainability. This is a concern for all interested in forest production and trying to balance deer numbers with habitat.



Sawyer County Forest may monitor herbivory impacts during forest reconnaissance

#### 610.5 INVASIVE PLANT SPECIES

Invasive plants can cause significant negative impacts to the forest. Invasive species can displace native plants and hinder the forest regeneration efforts. Preventing them from dominating habitats is critical to the long-term health of the forest. There are a number of invasive plant species in varying densities on the County Forest. Some warrant immediate and continual treatment efforts while others may be allowed to remain due to extent and financial ability to control them. The County will continue to train staff in invasive species identification as well as attempt to secure funding sources to control them as much as is practical. Invasive plants on the forest should be documented as well as potential response to new infestations.

##### 605.5.1 Funding and Partnerships

Grant opportunities for invasive species control funding can be found on the [Financial Assistance webpage](#) of the Wisconsin Invasive Species Council. The number of grants for local governments and county forest is limited, especially for terrestrial invasive plant control. Some grants, such as the Department of Natural Resource's [turkey stamp program](#), support invasive plant control as part of larger efforts to promote certain outcomes and might be applicable.

The Department of Natural Resources promotes the formation of cooperative invasive species management areas (CISMAs) through its [Weed Management Area – Private Forest Grant Program](#). While activities funded by this grant are restricted to non-industrial private forests, CISMAs are encouraged to partner with other groups in their area and some can provide technical support to county forests. The CISMA's of Wisconsin can be found on this [map](#).

##### 605.5.2 Best Management Practices

In 2009, the Department of Natural Resources and many stakeholder groups

600-11

Commented [BDE-D9]: Looking at Coops. Need language/input

approved a series of Best Management Practices (BMPs) for minimizing the spread of forest invasive plants. The full text of the [BMPs](#) is found on the Wisconsin Council on Forestry website. Voluntary use of the BMPs during forestry stewardship activities reduces the spread of invasive plants that can impede forest regeneration in county forests.

BMPs used before, during and after a harvest promote forest regeneration. Reasonable efforts to clean vehicles, equipment, footwear and other clothing helps reduce the spread of seeds and plant fragments to un-infested forests. Planning the sequence and timing of stewardship activities to reduce contact with invasive plants during forestry operations is another helpful strategy. Similarly, controlling populations of invasive plants before logging reduces the risk of spreading them. Follow-up monitoring of disturbed stands can detect populations of invasive plants while they are still small and more easily managed.

### 605.5.3 Current Plant Invasives

**Commented [PTT10]:** Pick and choose to fit your needs

#### 605.5.3.1 Buckthorn

Two species of invasive buckthorn impact Wisconsin's forests. Common buckthorn, *Frangula cathartica*, is more often found growing on well-drained soils while glossy buckthorn, *Frangula alnus*, favors wetter soils. Both species grow in shade or sun, quickly form dense, even-aged thickets that shade out understory plants, including tree seedlings, and hinder forest regeneration. Their dark colored fruits are eaten by birds who disperse them long distances. Both buckthorns green-up before native plants and remain green after the natives drop their leaves.

Buckthorn can be controlled by taking advantage of the longer period in which they retain their leaves. Foliar applications of herbicide applied when buckthorn has leaves and the natives are leafless will minimize damage to native plants. Other control options include mowing the shrubs

and then treating re-sprouts with foliar herbicide, basal bark herbicide applications, and cut stump herbicide applications.

#### 605.5.3.2 Garlic Mustard

Garlic mustard (*Alliaria petiolata*) is an herbaceous, biennial, native to Europe. During the first year a basal rosette of only leaves develops. The second year, several stems from 1 – 4 feet tall grow from the basal rosette. The leaves have a distinct garlic fragrance when crushed. From the stems grow several small white flowers. Each plant can produce 100's of tiny seeds inside long, narrow capsules. Garlic mustard can quickly colonize disturbed forests as it often follows corridors such as game trails or man-made roads/paths. As garlic mustard spreads, it quickly displaces native plants and is known to radiate chemicals into the soil that disrupt associations between mycorrhizal fungi and native plants. Small populations can be hand pulled, while larger populations are better controlled with prescribed fire and/or herbicide. All pulled plant materials should be bagged and removed from the forest as seeds have been known to mature on dead plants left on site. Treatment should be repeated until the seed bank is depleted, which takes multiple years. Garlic mustard sites should be monitored annually, until no plants are discovered for several years.

#### 605.5.3.3 Honeysuckle

Bush Honeysuckles (*Lonicera maackii*, *L. tatarica*, *L. morrowii*, *L. X bella*) were introduced from Eurasia as ornamentals, wildlife cover and soil erosion control. Bush honeysuckles are upright deciduous shrubs, ranging from 5 - 12 feet tall with gray shaggy bark. The leaves are opposite, simple, oval and untoothed and can be smooth, to velvety depending on species. Flowers are fragrant and tubular ranging in colors of white, red and pink. They bloom May through June and then form red to yellow berries that are found as pairs on the leaf axils. Honeysuckles replace native forest shrubs and herbaceous plants by inhibiting growth of understory plants due to early leaf-out which shades out herbaceous ground cover and depletes soil moisture. Control options include hand pulling

small infestations and prescribed burning which kills seedlings and top kills mature shrubs. Herbicide options include cut stump treatment and foliar spraying. With all control efforts repeated monitoring is needed.

#### 605.5.3.4 Spotted Knapweed

Spotted knapweed (*Centaurea stoebe*) is an herbaceous, short-lived perennial native to Eurasia that can grow 2 – 4 feet tall. This plant first appears as a basal rosette of somewhat silvery leaves and may persist this way for several years before developing pink-purple flowers on long spreading stems. The flowers are thistle-like with many petals and stiff bracts. Knapweed invades dry-upland areas including disturbed sites such as forest trails and openings. The roots exude an allelopathic chemical which inhibits establishment of other plants; hindering forest regeneration. Small populations can be hand pulled provided the entire tap root is removed. Gloves, long sleeves and pants should be worn when handling this plant as it may cause skin irritation. Chemical control should be applied directly to plants or broadcast across large areas of infestation. Biological control is also available as part of an integrated pest management plan.

#### 605.5.3.5 Japanese Barberry

Japanese barberry (*Berberis thunbergii*) was introduced from Japan around 1875 and now ranges across most of North America. It is a compact, spiny, deciduous shrub with arching branches of dense foliage. It commonly grows 2 - 3 feet tall and has been known to reach heights of 6 feet. Japanese barberry regenerates by seed, creeping roots and branches that root freely when they touch the ground; which increases its overall spread. Small, rounded, smooth edged leaves are clustered in tight bunches close to the spiny branches and small yellow flowers bloom through May forming red oblong berries that mature in mid-summer and persist into winter. This plant is highly adapted to growing in young forests where it forms thorny thickets that shade out and limit the growth of native plants and spreads easily under the shade of established forests. The primary method of mechanically controlling barberry is hand pulling or digging

early before seed set in areas where there are only a few plants. It has shallow roots but resprouting may occur if the entire root system is not removed. Larger populations may be controlled by herbicides with a cut stump treatment and repeated monitoring for both seedlings and roots re-sprouting.

605.5.3.6 Other

600-15



**SAWYER COUNTY ZONING & CONSERVATION DEPARTMENT**

10610 MAIN STREET SUITE 49 • HAYWARD, WISCONSIN 54843 • Phone (715) 634-8288

Email: [Jay.kozlowski@sawyercountygov.org](mailto:Jay.kozlowski@sawyercountygov.org)

Website: [www.sawyercountygov.org](http://www.sawyercountygov.org)

September 9, 2020

Land, Water, and Forest Resource Committee Members

Re: Sawyer County Decontamination Ordinance

Dear LWFC Committee members,

Previously this Committee was approached by Cherrie Ahle from Whitefish Lake Property Owners Association (WLPOA), regarding a possible Sawyer County wide Boat Cleaning and Decontamination Ordinance. In additional conversations with another member of WLPOA, Jane Getting the association wants to proceed with requesting for a Wisconsin Department of Natural Resources (WDNR) Grant. Cherrie and Jane met with the WDNR biologist, Scott Van Egeren, who covers Sawyer County. He was extremely supportive and encouraging of the association to pursue this grant. WLPOA would like to be the leaders to set an example for other counties to pursue this same action throughout the state.

Cherrie and Jane would do most of the leg work by reaching out to Lac Courte Orielles (LCO), Sawyer County AIS coordinator Pat Brown, and all the Wisconsin Lake List organizations which includes those Lake associations active with the State of Wisconsin. They have already had numerous conversations with Lisa Burns of Washburn County who is the AIS coordinator there and also very supportive to them. She has offered more education and information as we need it in the future. The association will facilitate the grant writing and work with the WDNR to create a rough draft of the narrative with the assistance of our local biologist, Scott Van Egeren. As you know, zebra mussels are noted to be in Lake McKenzie over by Spooner, about 30 miles away from us. Sand Lake Township did pass a boat cleaning and decontamination ordinance, but WLPOA strongly feels that is not enough to protect our great natural resources of Sawyer County. Many recreational boaters and fishermen use multiple lakes, not to mention those vacationers that may come from other lakes/states without proper boat cleaning practices that increase the risk of aquatic invasive species (AIS) on any given day.

Included in the development of a county wide ordinance would be time spent creating the ordinance, any training regarding the ordinance, presentation time of adoption of the ordinance, and legal fees. These fees incurred by the County for the ordinance adoption process could be requested as part of the grant application.

WLPAO at this point is requesting support of this Committee to proceed with applying for the WI DNR grant and to draft a rough version of a potential ordinance.

Thank you,

Jay Kozlowski

Sawyer County Zoning & Conservation Administrator



October 7, 2020

As Chairman of the Sawyer County Land, Water, and Forest Resource Committee (LWFRC), the committee and myself support the grant proposal efforts of Whitefish Lake Property Owners Association (WLPOA) for a potential decontamination ordinance. This would be specifically from a policy standpoint in that preventing the spread of aquatic invasive species is very important for Sawyer County. This letter of support in no way binds the actions of the LWFRC or County Board of Supervisors to adopt any type of ordinance in the future.

I hope the WI DNR looks favorably on this grant proposal. Decontamination programs and education are very important in stopping the spread of aquatic invasive species.

Sincerely,

Bruce Paulsen  
Chairman of the Sawyer County Land, Water, & Forest Resource Committee.

State of Wisconsin  
Department of Natural Resources

**AMENDMENT TO WILDLIFE DAMAGE  
ABATEMENT AND CLAIMS PROGRAM**  
Sect. 29.889, Wis. Stats.

County: Sawyer

Amendment Number: 1

This amendment to program year 2020 is hereby made and agreed upon by the State of Wisconsin, acting through the Deputy Secretary, Department of Natural Resources and by Sawyer County, pursuant to the Wildlife Damage Abatement and Claims program. The State of Wisconsin and Sawyer County, in mutual consideration of the promises made herein seek to amend Sawyer County's 2020 Plan of Administration as follows:

Sawyer County requires an \$4,500.00 increase to its 2020 WDACP budget for program delivery. The result is a total budget increase of \$4,500.00, increasing the total WDNR funded portion of the 2020 budget of \$50,062.10 to \$54,562.10.

In all other respects the agreement of which this is an amendment, and the plans and specifications relevant thereto, shall remain in full force and effect. In witness whereof the parties hereto have executed this amendment as of the last date entered below.

1) Sawyer County

2) State of Wisconsin  
Department of Natural Resources  
For the Secretary

By \_\_\_\_\_

By \_\_\_\_\_

(Title) \_\_\_\_\_

(Title) Director--Bureau of Wildlife Management

(Date) \_\_\_\_\_

(Date) \_\_\_\_\_



## Permits issued for September 2020

<u>Item</u>	<u>Month Total</u>	<u>YTD</u>	<u>Last YTD</u>
Soil Test	36	192	186
Sanitary	15	237	234
Land Use	70	379	401