

COUNTY FOREST COMPREHENSIVE LAND USE PLAN

TABLE OF CONTENTS

CHAPTER 400

FOREST OWNERSHIP

1

2

3

4

5

6

7 400 **COUNTY FOREST BLOCKING** 2

8 405 **FOREST BLOCKING BOUNDARIES**..... 2

9 410 **LAND ACQUISITION** 2

10 410.1 **METHODS OF ACQUISITION**..... 2

11 410.2 **FINANCING** 3

12 415 **ENTRY OF LANDS** 3

13 415.1 **TIME OF ENTRY**..... 3

14 420 **WITHDRAWAL OF LANDS FROM COUNTY FOREST LAW**..... 3

15 420.1 **COUNTY OWNED LANDS OUTSIDE THE BOUNDARY** 4

16 420.2 **WITHDRAWAL PROCEDURE**..... 4

17 425 **LAND SURVEYING**..... 9

18 425.1 **LEGAL SURVEYING**..... 9

19 425.2 **LOCATION OF LINES BY OTHER THAN LEGAL SURVEY** 9

20 425.3 **PRESERVATION OF LANDMARKS, MONUMENTS AND**

21 **CORNOR POSTS**..... 9

22

23

24

25

26

27

28 **400 COUNTY FOREST BLOCKING**

29 OBJECTIVES

- 30 (1) To provide for the most efficient administration of the forest by consolidating and
31 blocking lands within established County Forest boundaries through purchase or
32 trade as provided in s.28.11 (3) (c), Wis. Stats. (for full text see Chapter 900.1), and
33 to enter lands so acquired as county forest, pursuant to s. 28.11 (4) (b), Wis. Stats.
34
- 35 (2) To provide additional public benefits through the acquisition of unique or special
36 areas that will be entered under s.28.11 (4)(c) Wis. Stats. special use classification.
37
- 38 (3) To facilitate adequate land control on the County Forest by undertaking
39 establishment and perpetuation of survey corners.
40

41 **405 FOREST BLOCKING BOUNDARIES**

42 The county forest blocking boundaries are established by the Committee and by subsequent
43 approval of the Iron County Board and the DNR. A map of the official boundaries is found
44 in Chapter 900 (900.3).
45

46 **410 LAND ACQUISITION**

47 Lands within the County Forest blocking boundaries or areas possessing special or unique
48 values shall be recommended to the County Board for acquisition as they become available.
49 The determination of a parcel's value to the County shall be made by the Committee in
50 concert with the County Forest administrator, the Department and objective third party
51 appraisers, if necessary.
52

53 **410.1 METHODS OF ACQUISITION**

54 Acquisition may be by outright purchase or trade based on competent appraisal of the value
55 or values involved, or by gift, bequest or action to foreclose tax liens. The administrator
56 will be the agent of the Committee in making first contact with potential sellers and in
57 carrying on acquisition activities. However, options for purchase must have the approval of
58 the Committee and the Iron County Board of Supervisors.
59

60 410.2 FINANCING

61 Financing of land acquisition either within the forest boundaries or special use lands
62 outside, will come from the county land acquisition account. The proceeds from the sale of
63 any County Forest lands will be deposited in the land acquisition fund and be available for
64 any future County Forest land purchases. If funds are not available in the land acquisition
65 account, alternate budgeting will be sought. State Forestry Aid Loans described in Chapter
66 215.2.1(1) may also be used for acquisition of lands to be entered as County Forest. County
67 Forest project loans described in Chapter 215.2.1(2) may also be used for acquisition of
68 lands to be entered as County Forest. Application for project loans will comply with
69 NR.47.60, Wis. Adm. Code.

70

71 **415 ENTRY OF LANDS**

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

78

79 415.1 TIME OF ENTRY

80 Application for entry of newly acquired lands under the County Forest Law will be made as
81 soon as possible. Applications for entry will be prepared with the assistance of the DNR
82 Liaison Forester. The administrator will secure the signatures of the proper county officials,
83 and the county clerk will then verify county ownership and transmit the application to the
84 Department of Natural Resources, Box 7921, Madison, WI., 53707-7921, marked attention,
85 "County Forest Specialist."

86

87 **420 WITHDRAWAL OF LANDS FROM COUNTY FOREST LAW**

88 Lands within the County Forest boundary will not normally be considered for withdrawal
89 from the County Forest Law. Applications for the purchase of these lands by the private
90 sector will be discouraged by the committee. If, in the opinion of the Committee and
91 County Board, the land will be put to better and higher use and will benefit people of the

92 county and State to a greater extent, the withdrawal procedure outlined in section 420.2 will
93 be employed. The Public Lands Handbook also contains details on the application
94 procedures for withdrawal. The legal means by which counties may apply for withdrawal
95 of lands from county forest status is provided by s.28.11, Wis. Stats. Initially the County
96 Forest administrator notifies the DNR liaison forester of the County Forestry committee
97 meeting at which the proposed withdrawal will be considered. At that meeting DNR
98 personnel and the county discuss the proposed withdrawal and, if approved by the county
99 forestry committee, the withdrawal will be recommended by the committee by resolution to
100 the county board. If approved by the board by the necessary 2/3 majority, the application is
101 prepared by the county and submitted to the appropriate DNR regional forester or designee.
102 The DNR may ask for additional information from the county and will then coordinate the
103 public notice and proceed with needed environmental studies. Pending the results of the
104 environmental studies and any investigatory hearings deemed necessary, the DNR will act
105 on the withdrawal application. If the application is denied, the county may appeal as
106 stipulated in s.28.11 (11)(a), Wis. Stats.

107

108 420.1 COUNTY OWNED LANDS OUTSIDE THE BOUNDARY

109 County owned lands outside the boundary may eventually be sold or exchanged as part of
110 the effort to consolidate the ownership within the boundary. The County may retain certain
111 rights to these lands in accord with County policy upon transfer of ownership. The
112 proceeds of such a land sale will be deposited in a non-lapsing, carryover Land Acquisition
113 Account for the sole purpose of funding future County Forest land purchases within the
114 County forest block.

115 A parcel of land outside the boundary may contain exceptional resources or functional
116 values, such as trail corridors, that warrant maintaining in county forest ownership.

117

118 420.2 WITHDRAWAL PROCEDURE

119 The purpose of this procedure is to provide general information in formulating and
120 processing applications for withdrawal of County Forest lands under s.28.11 Wis. Stats. and
121 ch. NR 48, Wis. Adm. Code. The legal means by which counties may apply for withdrawal
122 of lands from county forests is provided by s.28.11(11)(a) Wis. Stats., This section states in
123 part: “The County Board shall first refer the resolution to the county forestry committee

124 which shall consult with an authorized representative of the department in formulating its
125 withdrawal proposal.” Section. 28.11(11)(a) Wis.Stats. also states: “The county board shall
126 not take final action thereon until 90 days after such referral or until the report thereon of the
127 forest committee has filed with the board.”

128
129 Consequently, if the county board takes final action on a withdrawal application without
130 referring it to the County Forestry committee, the application is not valid. On the other
131 hand, if the County Forestry committee does not report to the county board within 90 days
132 after receipt of the referral, the board may act upon the application without a committee
133 recommendation.

134
135 The regional forestry leader is designated as the authorized representative of the DNR who
136 shall consult with the forestry committees in formulating withdrawal proposals. The
137 regional forestry leader may appoint designees to represent them if circumstances warrant.
138 All DNR communications concerning withdrawal of county forestlands shall be coordinated
139 through the regional forestry leader.

140
141 **County Forest Administrator**

- 142 1. Notifies DNR liaison forester to the county forest of the date and place of the county
143 forestry committee meeting, at which time the proposed withdrawal will be
144 considered for formulation of a withdrawal application. Such notice shall include
145 pertinent details of the withdrawal proposal including legal description of the lands
146 involved and purpose of the withdrawal. The liaison forester shall review ch.NR 48
147 with the County Forest administrator to ensure all the required information is
148 identified for the application. NOTE: In the event a withdrawal exchange is
149 involved, it is very important that the county postpones final financial negotiations
150 with the owner of the land involved in the exchange until the Department has
151 established the minimum values of the land as required in s.28.11(11)(a) Wis. Stats.
152 To protect the county interest, the necessary preliminary negotiations should also be
153 made conditional upon approval of the withdrawal by both the county board and DNR
154 as provided by statutes.

155

156 DNR Liaison Forester

- 157 1. Advises their supervisor and regional forestry leader immediately of the proposed
158 withdrawal and committee meeting date.
- 159 2. Takes action necessary to be acquainted with the proposal.
- 160 3. Consults with the Public Lands / County Forest Specialist, Bureau of Forest
161 Management concerning the proposed withdrawal.
- 162 4. Attends County Forestry committee meeting and consults with the Committee on
163 proposed withdrawal.

164

165 County Forestry Committee

- 166 1. A committee meeting is held to evaluate the proposal and to consult with DNR
167 regional forestry leader or designee and either:
- 168 a. Undertakes further study of the proposal; or
- 169 b. Rejects applicants request for withdrawal, or
- 170 c. Prepares resolution for county board action recommending approval or
171 disapproval of application.

172 County Board of Supervisors

- 173 1. Upon receipt of the recommendation of the County Forestry committee, or 90 days
174 after referral to the Committee, whichever is first, acts on resolution to approve,
175 disapprove or modify the withdrawal application, or refer it back to the County
176 Forestry Committee for further study.
- 177 2. If approval for withdrawal given by two-thirds vote of membership, authorizes and
178 directs county clerk and county forest administrator to prepare and submit the County
179 Forest Withdrawal Application (Form 2453-3) for withdrawal to appropriate
180 Department regional forestry leader.

181

182 Regional Forestry Leader (or designee)

- 183 1. Upon receipt of county forest withdrawal application (Form 2453-03), acknowledges
184 receipt of the application to the county clerk with copies to the Department liaison
185 forester, County Forestry committee, County Forest administrator, the liaison
186 forester's supervisor and Bureau of Forest Management in Central Office. Requests
187 additional information from the county as necessary to provide adequate detail for

188 Department processing of the application. This request must be sent to the county
189 within 60 days as identified in .NR 48.03(2), Wis. Adm. Code.

190 2. Consults with Public Lands / County Forest Specialist regarding specifics of the
191 proposal.

192 3. Directs DNR liaison forester to contact the regional environmental impact coordinator
193 to determine if an environmental assessment (EA) or environmental impact statement
194 (EIS) is required under M.C. 1606.1 or if an Environmental Impact Report should be
195 requested from the county. If required, prepares environmental documents. If an EIS
196 is required, notifies the Bureau of Integrated Science Services to proceed in
197 accordance with M.C. 1610.1

198 4. Coordinates public notice and certifies environmental proposal is in compliance with
199 Wisconsin Environmental Policy Act (WEPA)

200 5. Transmits one copy of county application, approved EA/EIS, if required, and the
201 regional recommendation to the County Forest Specialist in the Bureau of Forest
202 Management, Division of Forestry.

203

204 Division of Forestry

205 Public Hearings

206 1. Coordinates with Bureau of Legal Services for scheduling of public hearing(s) if
207 requested in writing by the county OR if determined by the Department to be
208 necessary or if required as part of the WEPA procedure. Hearings are not a
209 requirement for all withdrawals.

210 2. Coordinates with the Bureau of Integrated Science Services the preparation of an EIS
211 if required.

212 3. The format of the Public Hearing is quite different depending on which agency
213 requests the Hearing:

214 • If the *County* requests the Hearing (must be a written request), the Hearing is
215 considered a “Contested Case” Hearing as defined in s. 227.01(3), Wis. Stats.
216 The Hearing procedures and format are as directed by subch. III, ch. 227, Wisc.
217 Stats., and ch. NR 2, Wis. Adm. Code. An Administrative Law Judge will be
218 appointed, and upon completion of the hearing, the Administrative Law Judge
219 normally makes and issues a decision approving or rejecting the withdrawal

220 application.

221 • If the *Department of Natural Resources* decides to conduct an “Investigatory”

222 Hearing, the format of the Hearing is less formal and is normally facilitated by a

223 DNR employee. Following an Investigatory Hearing (or if neither agency

224 requests a hearing), the following procedure applies.

225

226 Regional Forestry Leader (or designee)

227 1. Prepares a “DRAFT” decision including Findings of Fact,

228 Conclusions of Law and Order and Notification of Appeal Rights and sends draft to the

229 Public Lands / County Forest specialist. The draft shall, at the minimum cover the

230 items identified in NR 48.04, Wis. Adm. Code. *Note: This draft is NOT a public*

231 *record. It may not be released to the public upon request.*

232

233 Division of Forestry

234 1. Reviews and modifies draft documents as necessary. Upon completion of Department

235 investigation of the withdrawal application, prepares a final draft decision including

236 Finds of Fact, Conclusions of Law and Order and Notification of Appeal Rights, for the

237 Administrator, Division of Forestry. *Note: This draft is NOT a public record. It may*

238 *not be released to the public upon request.*

239

240 Administrator, Division of Forestry

241 1. Issues the final decision on the withdrawal application.

242

243 Section 28.11(11)2., Wis. Stats. provides the county the right to appeal withdrawal

244 applications that are denied either by the DNR or an Administrative Law Judge. The appeal

245 process is pursuant to s.28.11(11)(a), Wis. Statutes.

246 If a withdrawal decision is appealed to the review committee by a county pursuant to

247 s.28.11(11)(a), Wis. Stats.

248

249 Division of Forestry

250 1. Keeps the Division Administrator’s and Secretary’s Office

251 informed of all developments in the appeal process.

252 **425 LAND SURVEYING**

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

256

257 **425.1 LEGAL SURVEYING**

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

266

267 **425.2 LOCATION OF LINES BY OTHER THAN LEGAL SURVEY**

268 Forestry personnel who are not registered surveyors may, with all possible prudence,
269 establish lines for forest management purposes including those necessary for ordinary
270 management activities such as timber sales and road / trail locations using available
271 equipment and references including, but not limited to, GPS, GIS, air photos, quadrangles,
272 county surveyor's records, witness posts, meander posts, historical line and corner indicators
273 and known corners. In the absence of known corners, lines abutting other ownership may
274 be established by mutual agreement to avert trespass claims. In all cases of non-certified
275 surveyor's fieldwork, complete and detailed records of all locations, assumptions, historic
276 evidence, random lines, lines and intersections shall be kept by the Forestry Department for
277 future reference and documentation.

278

279 **425.3 PRESERVATION OF LANDMARKS, MONUMENTS AND CORNER POSTS**

280

281 Section 59.74, Wis. Stats., provides:

- 282 1. Penalties for destruction of landmarks, monuments and corner posts established by
283 government survey, the county surveyor or a surveyor or public record.

- 284 2. A procedure for notification of intent to destroy such surveying evidence and
285 referencing prior to destruction.
- 286 3. The assignment of enforcement responsibility to the Department of Natural Resources.
287 All personnel with land management responsibilities are directed to:
- 288 1. Make a reasonable search for the above mentioned surveying evidence prior to
289 implementing any soil moving or cover type manipulation projects, including timber
290 sales, that could result in covering, destruction or removal of such evidence.
- 291 2. In the event such evidence is found:
- 292 a. If practical, redesign the project so that the evidence will not be disturbed or
293 b. If destruction is unavoidable, notify the Iron County Forestry Department at least
294 30 days prior to destruction giving the legal description of the monument and the
295 reason for destruction or other obliteration. If Iron County does not re-reference
296 the evidence within 30 days notice, the project supervisor will determine if the
297 evidence has future value to the state and, if it does, will arrange for a re-
298 reference by a registered surveyor or engineer.
- 299 3. If reasonable search fails to uncover survey evidence in the suspected vicinity,
300 conduct an additional search as time allows.
- 301 4. In order to further reduce the possibility of inadvertent destruction of invaluable
302 survey evidence:
- 303 a. Each forester with county forest responsibilities should discuss with county
304 administrators the need for including adequate protective clauses in easements,
305 rights-of-way, timber sale contracts, and other agreements that might result in
306 destruction of monuments.
- 307 b. Personnel advising landowners regarding forestry or other land management
308 practices should alert such owners to possible monument destruction that may
309 be caused by them.
- 310 c. Any instances of potential or accomplished obliteration of survey monumentation
311 discovered in the course of field operations should be brought to the forest
312 administrator's (in absence of county surveyor) attention.

313
314