

Iron County Forest

Comprehensive Land Use Plan

2021-2035



IRON COUNTY FOREST COMPREHENSIVE LAND USE PLAN

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Chapter 100

IRON COUNTY FOREST COMPREHENSIVE LAND USE PLAN
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100 MISSION STATEMENT

The mission of the Iron County Forest (adopted 2003) is to manage, conserve and protect natural resources on a sustainable basis for present and future generations. These resources, such as those provided by the County Forest, are the base for addressing the ecological and socioeconomic needs of society.

County Forest resources should be protected from natural catastrophes such as fire, insect and disease outbreaks, and from human threats such as encroachment, over-utilization, environmental degradation and excessive development. While managed for environmental needs including watershed protection, protection and maintenance of biotic diversity, these same resources must also be managed and provide for sociological needs, including the production of raw materials for wood-using industries that provide a wide variety of products fulfilling consumer demands, and provisions for recreational opportunities.

The Iron County Forestry & Parks Department will manage the Iron County Forest for the benefit of the residents of Iron County, their guests, and visitors. The Department will maintain, protect, or enhance the resources that contribute to the whole of the Forest. Wherever possible, the Department will attempt to optimize revenues from the natural resources available on the County Forest. This revenue may come from timber sales, non-commercial forest products, recreational opportunities, and sand and gravel sales. Revenues generated will be applied to labor, equipment, and materials needed to manage the County Forest. Revenues in excess of expenses will be returned to the Iron County General Fund thus providing property tax relief for Iron County landowners. In all management endeavors, we will strive for the most efficiency and highest quality. The Department will strive to manage a sustainable, healthy, and productive forest for the next generation.

105 GOAL OF THE COUNTY FOREST COMPREHENSIVE LAND USE PLAN
(Hereafter referred to as the "Plan")

To administer the County Forest program consistent with the mission statement and the purpose and direction of the County Forest Law as stated in s. 28.11, Wis. Stats., giving

consideration to input from citizens and groups. The purpose of the County Forest Law being:

“ ... to provide the basis for a permanent program of county forests and to enable and encourage the planned development and management of the County Forests for optimum production of forest products together with recreational opportunities, wildlife, watershed protection and stabilization of stream flow, giving full recognition to the concept of multiple use to assure maximum public benefits; to protect the public rights, interests and investments in such lands; and to compensate the counties for the public uses, benefits and privileges these lands provide; all in a manner which will provide a reasonable revenue to the towns in which such lands lie.”

110 IRON COUNTY FOREST COMPREHENSIVE LAND USE PLAN

This plan shall incorporate or reference all official County Forest policies, pertinent county regulations, planning documents and the needs and actions for the period 2021 through 2035.

This plan is the authority for management on county forest lands enrolled under Wisconsin County Forest Law s.28.11. This plan may be encompassed within required local planning efforts.

110.1 MANAGEMENT PLANNING

OBJECTIVES

Management planning shall be used to establish objectives, policies, procedures, rules and regulations, and to promote an efficient and orderly program of development and management of the County Forest in the interest of:

1. Determining needs and priorities.
2. Achieving goals set forth in the mission statement of this plan.
3. Satisfying the statutory requirements of s. 28.11, Wis. Stats.
4. Satisfying requirements for participation in various state and federal aid programs.
5. Providing broad long-term and detailed short-term guidelines for actions.

110.2 DEVELOPMENT OF THE PLAN

Section 28.11, Wis. Stats., places the responsibility for the plan development on the Committee with technical assistance from the Department and other agencies. The County Forest Administrator will take the lead at the committee's request. During development of the plan public participation should be utilized to provide for public participation throughout the planning process. Public participation and inputs into the plan should consider s. 28.11, Wis. Stats., which governs the County Forest program and provides the sideboards to which this plan must adhere.

Iron County's public participation process includes the following:

- Before DRAFT plan is written
 - Form Stakeholder Group including County Forest user groups
 - Towns, loggers, snowmobile, ATV, non-motorized sports, hunting, fishing, hiking, boating club, Chambers of Commerce
 - Minimum of 2 meetings with stakeholders to review existing plan and potential revisions
- Develop DRAFT plan
 - Review DRAFT with stakeholder group
 - Make amendments based on group feedback
- Public Hearing on DRAFT plan
- 30-Day Public Comment period
- Address comments and amend plan as necessary
- Approval of DRAFT by Iron County Forestry & Parks Committee
- Submit DRAFT to DNR for review
- Return to Iron County Forestry & Parks Committee for changes/amendments if necessary
- DRAFT plan to full Iron County Board of Supervisors for approval
- Return plan to DNR for FINAL approval

110.3 APPROVAL OF THE PLAN

Comments received should be given consideration during plan development. The Committee will then present the plan to the County Board for their approval. Following County Board approval, the plan will then be forwarded to the Department for approval of the plan by the DNR is required by s. 28.11(5)(a), Wis. Stats.

110.4 DISTRIBUTION OF THE PLAN

Each member of the County Board will have access to a copy of the plan at the time of initial review and approval. Updated official copies will be maintained by the Forest Administrator and available electronically.

Plan and future amendments will be: Electronic versions of the plan or plan amendments or electronic links to the documents will be distributed to the following:

1. Department of Natural Resources - Liaison and County Forest Specialist.
2. Executive Director- Wisconsin County Forest Association.

110.5 UPDATING THE PLAN

Necessary changes in policy and procedure will be incorporated into the plan by amendment as required. Amendments to the plan will require approval by both the County Board and the Department of Natural Resources as stated in s. 28.11(5)(a), Wis. Stats. Changes to official County Forest Blocking map require County Board approval. The annual county board approved work plan, budget, and annual accomplishment report are appended to the plan and do not require official DNR approval. In addition, changes to Chapters 1000, 2000, 3000, 4000 do not require a plan amendment or official DNR approval, with the exception of the official County Forest Blocking map.

110.6 COORDINATION WITH OTHER PLANNING

The development of this plan and any future amendments to this plan will include considerations, and if warranted, participation in other local and regional planning efforts.

115 FOREST RESOURCE PLANNING

The Committee will utilize procedure as set forth in the Department of Natural Resources Public Forest Lands Handbook no. 2460.5. Silviculture Guidance, supported by Wisconsin's forestry community and Silvicultural Guidance Team may be referenced in forest management activities. WisFIRS will be utilized as a primary tool for forest management planning decisions. Additional resources such as forest habitat type classification, soil surveys, and DNR's Best Management Practices for Water Quality guidelines may be utilized in management decisions.

Iron County has implemented a Continuous Forest Inventory (CFI) Program for monitoring growth and overall forest health in its northern hardwood timber type. This program is in the initial measurement phase but will provide excellent growth and health data for planning purposes. It is the goal of Iron County to harvest approximately 90% of annual growth of northern hardwood and aspen stands. Continued implementation of the CFI program will provide accurate, localized growth data for these planning decisions.

115.1 FOREST CERTIFICATION COMMITMENT

As the certification group manager, the Department of Natural Resources will be responsible for overall administration of third-party certification efforts. The DNR County Forest Specialist will work in close cooperation with the Wisconsin County Forests Association in coordinating this effort. The group manager's responsibilities will include:

- Record keeping of certification
- Coordinating communication with the certification auditing firms
- Reporting and payment of fees
- Processing new entries and departures from the groups
- Internal compliance monitoring
- Dispute resolution

Detail on the certification group administration is maintained in the Public Forest Lands Handbook.

115.2 FOREST CERTIFICATION

Iron County's Commitment to Sustainable Forestry

Our county forests provide a vital contribution to the State and the world by providing economic, environmental and social benefits important to our quality of life. Iron County believes that accomplishing such sustainable forestry requires a commitment and partnership from all the groups and individuals that benefit from these public lands.

Iron County's Commitment

Within the scope of the Wisconsin County Forest Law and the County Forest Comprehensive Land Use Plan, Iron County will implement forestry practices that promote forest sustainability and multiple use of the forest. In the management of the Forest that will include the sustainable harvest of forest products, the protection of special sites, wildlife, plants, water quality and aesthetics.

All forestland owners have a responsibility to provide sound forest stewardship. Iron County will work in cooperation with the Department of Natural Resources (DNR) and other natural resources groups / agencies in providing sustainable forestry information to those landowners and individuals impacting forest sustainability in Wisconsin. We will support research efforts to improve the health, productivity, and management of forestlands both internally and through cooperative efforts. In managing the Iron County Forest a spectrum of forestry practices will be employed to achieve our sustainable forestry objective. Both intensive and more extensive forest management techniques will be used to provide for wildlife, forest products, recreation, water quality, aesthetics and ecosystem maintenance. In keeping with this responsibility, Iron County is committed to conforming to the standards of the Forest Stewardship Council® (FSC® C006090) FSC 100% and/or Sustainable Forestry Initiative® SFI-01617 SFI 100%.

120 COUNTY AUTHORITY

The County Forest Comprehensive Land Use Plan is the official County Forest authority. The Iron County Forestry and Parks Committee of the County Board enforces the regulations

governing the use of the County Forest.

120.1 ORDINANCES

The county ordinances that apply to the administration and management of the Iron County Forest can be found in Chapter 1005. In addition, the following will be considered in planning process.

- Parks, Navigable Waters, and Forests
- Zoning ordinance
- Floodplain - Shoreland Zoning ordinance
- Motorized recreation ordinance

125 HISTORY

125.1 STATEWIDE HISTORY AND DEVELOPMENT

In 1927, the State Legislature passed the Forest Crop Law, authorizing counties to create county forests. An opinion of the Attorney General with reference to the Forest Crop Law stated that the counties would be exempt from the owner's share of annual tax. In 1929 the law was amended to create the County Forest Reserve Law. In 1963, several major revisions were made, creating the County Forest Law s28.11. The most notable change was the creation of a permanent program of forests that would be managed in accordance with a 10 Year Comprehensive Land Use Plan developed by the county, with the assistance of the Department of Natural Resources. Several grants and loans were created and remain available to counties to compensate for public uses of these county forest lands as stipulated in s28.11. To fulfill additional statutory obligations acreage share payments to towns are currently \$.30/acre, and towns with county forest land receive a minimum of 10% of the stumpage revenue from their respective County Forest each year.

In 2020, thirty counties in Wisconsin owned approximately 2.4 million acres entered under the County Forest Law.

211 125.2 IRON COUNTY FOREST HISTORY AND DEVELOPMENT

212 During the economic depression years of 1931 and 1932, Iron County acquired over 30,000
213 acres of tax delinquent lands. By the fall of 1933, forest boundaries were established, and
214 22,151 acres were entered under the Forest Crop Law by County Board action. In August
215 of 1934, Iron County received \$2,215.13 in forest aid from the State. Upon receipt of this
216 money, the County was obligated to begin serious management of the Iron County Forest.
217 Fire protection and access (road construction and maintenance) were the main management
218 activities from 1935 until 1960. In subsequent years, more lands were added to the Forest.
219 In 1953, the Iron County Forest included 172,945 acres. Forest aid funding from the State
220 increased proportionally with this growth. Presently, the Iron County Forest is the fourth
221 largest county forest in the state with approximately 175,305 acres.

222
223 Timber sales and stumpage revenues from the Iron County Forest were minimal from
224 World War II until the mid '70's. During these years, the Forest was re-establishing itself
225 through natural regeneration, and growing out of the sapling-small pole class stages in
226 which it had remained following the heavy cutting three decades prior. In the mid '70's,
227 significant aspen stands had reached maturity and State DNR foresters were assigned to
228 begin a systematic, comprehensive forest inventory (RECON) and timber sale
229 establishment program. From 1978 until 1991, timber sales, on the Iron County Forest,
230 were established by State DNR foresters. In 1991, Iron County hired its first professional
231 field forester and in 1998 a second forester was added.

232
233 The early 2000's brought the development and implementation of a Geographical
234 Information System (GIS) program in Iron County. By 2003 the GIS program was up and
235 running. The operation of this system was initially developed and staffed through the
236 Forestry & Parks Department but later became its own County department. With the
237 backlog of available timber for harvest, the timber program grew substantially in the early
238 2000's. An Assistant Administrator position was filled for a short time but was eventually
239 replaced by the addition of 2 more field foresters bringing County staffing levels to their

current levels. Timber harvest backlogs have been drastically reduced and harvest objectives have leveled off in recent years.

In 2016, a Continuous Forest Inventory (CFI) program was started to better evaluate growth and yield data on the County Forest. The CFI program includes 250 fixed plots located randomly throughout the northern hardwood timber types on the forest. Since the majority of the annual harvest comes from northern hardwoods and aspen stands, it was important to better determine growth rates on these stands. The CFI plots are measured on a 5-year rotation, with 50 plots being measured annually. Growth data will be utilized as the primary driver for allowable harvests of northern hardwood stands as better, localized information is obtained.

125.3 WISCONSIN COUNTY FORESTS ASSOCIATION

Iron County is a member of the Wisconsin County Forests Association, Inc. (WCFA). This Association was incorporated on May 15, 1968 under Chapter 181 of the Wisconsin Statutes, without stock and not for profit. The WCFA Board of Directors is composed of fifteen delegates elected from County Forestry Committees who are members of the Association and two members at large.

WCFA provides a forum for consideration of issues and policy that are common to all of the county committees responsible for their respective County Forest programs, including those programs encompassed under s. 28.11 and chapter 77, Wis. Stats. WCFA also provides leadership and counsel to County Forest administrators and forestry committees through regular meetings and active committees on legislative and recreational issues. WCFA develops and implements a strategic plan. The organization's mission statement is as follows:

Wisconsin County Forests Association provides leadership uniting the interests of the world's largest county forest program while ensuring long term forest health and sustainability.

125.4 TRENDS

The values and uses of the Iron County Forest contribute significantly to fulfilling many of society's ecological and socioeconomic needs now and in the future. Changing trends will impact the values and uses of the Forest in coming years.

- Wisconsin's forests are naturally changing due to forest succession. Most of the County Forest acreage statewide is a result of regeneration or planting from the early to mid-1900's. Mid to late successional northern hardwood forests are replacing the early successional aspen-birch, oak and jack pine forests of the 1940's through the 1970's. The aspen cover type is key habitat for many of the state's premier game species including deer, ruffed grouse, snowshoe hare and woodcock. The county forest system currently has 15% of the State's public land base and 24% of the aspen resource.
- Conflict over timber management practices will likely continue to increase as more individuals and groups demand greater involvement in forestry decisions. Practices such as clearcutting and even-aged management will continue to be controversial. Efforts to educate the public on the merits of these sound forest management techniques will continue.
- Iron County may experience funding problems as municipalities are being required to provide more services with less money. Potential losses of revenue from decreased shared revenues and resistance to tax increases may make county timber revenues increasingly important to the finances of county governments. This is complicated by increasing public pressure to reduce timber harvests on county forests.
- Increasing knowledge about a wider variety of species and their habitat needs is leading to a growing list of threatened and endangered species. This could lead to improvements in managing the forest and mitigating impacts to these species. Mitigating measures have the potential to impede recreational and forest management activities. Refer to Chapter 800 (840) for specifics on this subject.
- Invasive exotic species pose an ever-increasing threat to the County Forest. Gypsy moth, Asian long-horned beetle, garlic mustard, buckthorn, honeysuckle have all

gained a foothold in Wisconsin's forests. Refer to Chapter 600 for specifics on this subject.

- The Forest is considered to be an outdoor classroom serving all age groups. It consists of diverse communities with a large variety of plant and animal life giving ample opportunity for study and observation.
- Recreation opportunities of all types within the Iron County Forest enhance the region's appeal as a destination for tourists, create an environment for healthy lifestyles and promotes economic expansion.

125.5 PROTECTING THE PUBLIC RESOURCE

As stated in State Statute 28.11 (1), the county forest program enables and encourages "the planned development and management of the county forests for optimum production of forest products together with recreational opportunities, wildlife, watershed protection and stabilization of stream flow, giving full recognition to the concept of multiple-use to assure maximum public benefits to protect the public rights, interests and investments in such lands; and to compensate the counties for the public uses, benefits and privileges these lands provide; all in a manner which will provide a reasonable revenue to the towns in which such lands lie."

Chapter 200

IRON COUNTY FOREST COMPREHENSIVE LAND USE PLAN

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200 GENERAL ADMINISTRATION

Objectives

1. To comply with and implement the provisions of the County Forestry Ordinance.
2. To administer and manage the County Forest in accordance with s. 28.11, Wis. Stats.
3. To cooperate with the Department of Natural Resources and other agencies and organizations in the interest of furthering the optimum management of the forest on a sustainable basis.
4. To provide adequate financial support for the program by using county designated revenues and appropriations, along with funds available from federal and state sources.
5. To maintain an adequate system of accounts, records and reports for the orderly administration of the forest and evaluation of program needs and implementation.
6. To facilitate the administration of the forest by authorizing personnel, equipment and facilities necessary to assist the Committee and the administrator in carrying out their duties.

205 ROLES

Iron County has an Administrative Coordinator type of government. The County Clerk also operates as the Administrative Coordinator for Iron County. The County Board of Supervisors have standing committees that oversee the different departments within the County system, including the Forestry & Parks Committee.

The County and the Department have a mutual interest in administration of the County Forest. It shall be the policy of the County Board through the Forestry and Parks Committee to cooperate with county and Department personnel in carrying out the program on the county forest. The County/Department roles are further defined in the Public Forest Lands Handbook, 2460.5.

205.1 COUNTY BOARD OF SUPERVISORS

Powers of the Iron County Board, relative to the management of county forest lands are defined in s.28.11(3) and additional authority may include:

- Annual Budget and Work Plan
- Grants/Loans
- Land acquisitions

205.1.1 Forestry Committee

The Board of Supervisors assigns the administration of the County Forest to the Forestry and Parks Committee as detailed below.

1. Preparation of an annual work plan and budget for the ensuing calendar year to be presented for the Board's approval.
2. Establishment and maintenance of the facilities necessary to conduct forest operations.
3. Negotiations for and acquisition of lands necessary to further the objectives of the county forest.
4. Review and approval of proposed recreation projects on the county forest lands.
5. Cooperation with the Department of Natural Resources on all matters pertaining to natural resource management on the county forest.
6. Participation in all other activities involved in the execution and administration of forestry operations in the county forest program.
7. Employ personnel to administer and implement the county forest program.
8. Hold committee meetings as necessary to carry out the above duties.

205.1.2 Forest Administrator

1. The Forest Administrator will act as the agent of the committee and will carry out its orders, as well as execute assignments outlined in the comprehensive plan, and an annual plan, all within the framework outlined in s. 28.11, Wis. Stats.
2. The Forest Administrator will prepare an agenda for and will be present at all Forestry and Parks Committee meetings.
3. The Forest Administrator will record minutes of each meeting and distribute as appropriate, as well as maintain a permanent minutes record.
4. The Forest Administrator will serve as the Director of the Forestry Department

in coordinating the programs of work of staff members and other matters as directed by the Committee.

5. The Forest Administrator will supervise the timber sale program, tree planting, site preparation, timber stand improvement, road and firebreak construction and maintenance, land acquisition, entry and withdrawal of county forest lands, trespass investigations, and long and short-term planning, all within the restrictions of s. 28.11 Wis. Stats.

205.2 DEPARTMENT OF NATURAL RESOURCES

The role of the Department in the County Forest program is to:

1. Encourage technically sound management of the County Forest resources.
2. Protect the public rights, benefits and investments in County Forest lands.
3. Administer state compensation to the county for the public rights, benefits and privileges the county forest lands provide as required by s. 28.11-(8) Wis. Stats.
4. Provide County Forest assistance consistent with those identified per the [Public Forest Lands Handbook](#).

205.2.1 Central Office – Madison/Rhinelanders

It is the function of this Division to:

1. Certify and make forest aid payments (variable acreage and project loans) to the county and audit county expenditures of the forestry fund account pursuant to s. 28.11(8)(b), Wis. Stats.
2. Certify and make acreage payments to towns pursuant to s. 28.11(8)(a), Wis. Stats.
3. Maintain and certify County Forest acreage by township, and audit distribution of severance share payments (s. 28.11(9) Wis. Stats.) made annually by the counties.
4. Collect severance share payments of not less than twenty percent of actual stumpage sales value on timber cut from the County Forest pursuant to s. 28.11(9)(a), Wis. Stats.

5. Administer various aids and grants pertaining, but not limited to, the County Forest program.
6. Assist with development and implementation of the County Forest Comprehensive Land Use Plan.
7. Interpret and administer the laws and regulations set forth by the Legislature and the Natural Resources Board.
8. Review and approve or deny applications for withdrawal and entry of lands into the County Forest Law program.
9. Audit Programmatic and Financials

205.2.2 Local Office

Field representatives of the Department are available to provide technical advice and assistance to the county in natural resources management. This assistance includes, but is not limited to the following:

205.2.2.1 Forest Management

The forester designated by the Department to serve as liaison to the Committee will provide technical assistance in managing the resources of the county forest. The forester's duties include the following, but not limited to:

1. Attend all Committee meetings and any county board meetings as requested.
2. Assist in establishing, inspecting, and administering timber sales in cooperation with county forest personnel.
3. Process timber sale approvals, cutting notices and reports.
4. Maintain for the Department a record of forest management accomplishments, forms and maps.
5. Assist in preparation of projects, plans and estimates.
6. Provide assistance to the Committee in the preparation of the annual budget, annual work plan and the County Forest Comprehensive Land Use Plan. (Individual Counties evaluate this one)
7. Assist in County Forest timber theft and larceny investigations.

8. Organize and prepare minutes of annual partnership meeting as required in the [Public Forest Lands Handbook](#).

205.2.2.2 Other DNR Program Functions

1. Fire Management - Maintain a system of communications, equipment, and trained personnel to prevent and suppress forest fires, assist with prescribed burns: and enforce forest fire related laws.
2. Forest Pest Control - Provide technical services for prevention, detection and suppression of forest pests in the district.
3. Wildlife Management - Conduct surveys of wildlife populations, habitat, and public use. Wildlife personnel use this information when providing technical assistance on long term ecosystem planning as well as wildlife habitat management, habitat improvement and wildlife health. Attend committee meetings as requested.
4. Fisheries Management - Maintain the quality of the fishery resource in the waters of the Forest to produce a balanced return to the angler, consistent with sound management principles.
5. Law Enforcement - Enforce state natural resource laws and regulations and assist in the enforcement of county and federal natural resource laws and ordinances.
6. Environmental Protection - Enforce and provide technical assistance in matters related to water and shore land management, pollution detection and waste disposal.
7. Endangered Resources - Provide technical expertise on rare, threatened or endangered species and natural community surveys, identification and management. Assist other DNR functions and the county in identifying local and landscape level issues.

210 COOPERATION

To meet the obligation of the county to the public in accordance with s.28.11, it is in the best interest of Iron County to cooperate with public agencies, non-profit organizations, tribal nations, and others.

215 FINANCIAL SUPPORT

An annual budget shall be prepared by the Committee. This budget shall contain county, state, private, non-profit and federal funds needed to carry out the forestry, park and recreation program on the forest.

215.1 REVENUE FROM OPERATIONS

The following procedure will apply in crediting income from the forest:

215.1.1 Timber Sale Revenue

All revenue received from the sale of timber stumpage or cut forest products shall be deposited in the County Forest Stumpage Revenue Fund (#46810). All severance taxes incurred as result of such sales shall be segregated into a separate account (#21413) from timber sales income and paid as required by statute.

215.1.2 Parks, Harbor, and Recreation Revenue

All revenue including, but not limited to, camping fees, rental fees, day use and trail use fees shall be deposited in the County Park Revenue Account (#46720) or the Saxon Harbor Revenue Account (#46740).

215.1.3 Lands and Gravel

County Forest Land Acquisition Fund: a non-lapsing fund for the purpose of financing land acquisition within the county forest boundaries will be used to deposit all net proceeds from the sale of land withdrawn from the County Forest. Revenues from the sale of gravel will be deposited in a non-lapsing fund for the purpose of gravel pit reclamation, development, and acquisition.

215.1.4 Other County Forest Revenue

All revenue collected from fees and use permits, sale of building materials, fire or other damage collections, or other revenue received by the committee shall be deposited in the Miscellaneous County Forest Income Account (#48307) and the sale of surplus materials (except gravel) and equipment are deposited into the Sale of Equipment – Forestry Account (#48306).

215.2 OUTSIDE SOURCES OF REVENUE

215.2.1 State Funds

In addition to other state funds that may subsequently become available for county use, the following state funding sources will be used where appropriate in administration of the Forest:

1. Variable Acreage Share Loan (s. 28.11(8)(b)1., Wis. Stats.). The county may apply for variable acreage share loans in the amount of up to fifty cents per acre of regular entry County Forest land by December 31. Payment is made to the county on or before March 31st of each year and deposited in the State Forest Aid fund. Application is made by County Board Resolution.
2. Project loans (s. 28.11(8)(b)2., Wis. Stats.) are available to undertake acquisition and development projects of an "economically productive nature". Fish and game projects or recreation projects do not qualify. Application is made by County Board Resolution.
3. County Forest Administration Grant Program (s. 28.11-(5m) Wis. Stats). Annual grants are available to fund up to 50% of the salary and fringe benefits of a professional forester in the position of county forest administrator or assistant county forest administration. Benefits may not exceed 40% of salary. Application is made by County Board resolution with payment by April 15th of each year.
4. Sustainable County Forest Grants. Annual grants made for short-term unanticipated projects that promote sustainable forestry. Details are contained

in s. NR 47.75, Wisconsin Administrative Code.

5. County Fish and Game Projects s. 23.09(12), Wis. Stats.).
6. Wildlife Habitat Development Grant (s. 23.09(17m), Wis.Stats).
7. County Forest Road Aids funds are available for each designated mile of County Forest road. The certification is done on a biannual basis.
8. Knowles-Nelson Stewardship Program: Grants available to assist Counties in purchasing additional lands to add to the County Forest land base, usually funded at 50% of the purchase price.

215.2.2 Federal funds and programs

In addition to others that may be available, the following funds and programs will be used where practical:

1. Land and Water Conservation Fund Act (LAWCON) This fund provides up to 50% matching grants for the acquisition, development and renovation of local parks.
2. Resource Conservation and Development (Technical Services).
3. Pittman-Robertson fund. This fund provides for wildlife management and habitat improvement.
4. Sport Fish Restoration (Dingell-Johnson) fund. This fund provides financing for fish management projects administered by DNR.
5. Federal Endangered Species fund. This fund provides cost sharing and grants for surveys, monitoring and management programs that conserve a threatened or endangered species. Contact the DNR Natural Heritage Conservation for information.

215.2.3 Other Funds

Other potential funding sources are groups such as Ducks Unlimited, Ruffed Grouse Society, Trout Unlimited, Whitetails Unlimited, National Wild Turkey Federation, local sportsman's clubs, service organizations, etc. The Committee will consider donations, endowments and other gifts, whether real estate, equipment or cash. The county corporation counsel may be consulted to ascertain whether such gifts benefit

the county.

215.3 COUNTY EXPENDITURES

All purchases and expenditures shall comply with County purchasing policy, and state statutes.

220 COUNTY RECORDS

The County Forest administrator will keep concise and orderly records and accounts of all revenue received, expenditures incurred and accomplishments resulting from the operations of the forestry department. A job description, time and expense report, and training record will be kept on each employee.

220.1 ACCOUNTS

220.1.1 State Aid Forestry Account (#43587)

Variable acreage share loans (s. 28.11(8)(b)1., Wis. Stats.), project loan funds (s. 28.11(8)(b)(2.)Wis. Stats.), and sustainable forestry grants (s. 28.11(5r), Wis. Stats., and s. NR 47.75, Wis. Adm. Code) that are distributed by the DNR are deposited in this account. Expenditures of variable acreage share funds from this account are restricted to the purchase, development, preservation and maintenance of the county forest. Expenditure of project loan funds are governed by the conditions of project approval. Sustainable Forestry grants from this account must be spent specific to the approved project. Revenue received from the sale of equipment purchased with State Aid Account money must be redeposited in the State Aid Account.

220.1.2 Other County Forest Accounts

Accounts used by the Forest for recreation and resource management include: Saxon Harbor County Parks, Public Access, Snowmobile Trails, ATV Trails, County Signs, State Forest Loan, County Forest, Land Acquisition, Land Bonds, Bonds, Road Aids, Wildlife Habitat, and Conservation Matching.

280

281 220.1.3 Account Numbers

| 282 | <u>Forest Management</u> | <u>Expenditures</u> | <u>Revenue</u> |
|-----|---------------------------------|----------------------------|-----------------------|
|-----|---------------------------------|----------------------------|-----------------------|

| | | | |
|-----|-----------------------|-------|-------|
| 283 | State Loan – Forestry | 56102 | 43587 |
|-----|-----------------------|-------|-------|

| | | | |
|-----|----------|--|-------|
| 284 | Stumpage | | 46810 |
|-----|----------|--|-------|

| | | | |
|-----|----------------------|--|-------|
| 285 | County Land Stumpage | | 48308 |
|-----|----------------------|--|-------|

| | | | |
|-----|---------------|-------|-------|
| 286 | County Forest | 56103 | 48307 |
|-----|---------------|-------|-------|

| | | | |
|-----|------------------|-------|--|
| 287 | Land Acquisition | 56104 | |
|-----|------------------|-------|--|

| | | | |
|-----|----------------|-------|--|
| 288 | Land Purchases | 56105 | |
|-----|----------------|-------|--|

| | | | |
|-----|-------|-------|-------|
| 289 | Roads | 56108 | 43572 |
|-----|-------|-------|-------|

| | | | |
|-----|----------|-------|--|
| 290 | Wildlife | 56206 | |
|-----|----------|-------|--|

| | | | |
|-----|------------------|-------|-------|
| 291 | Wildlife Habitat | 56208 | 43588 |
|-----|------------------|-------|-------|

| | | | |
|-----|------------|-------|-------|
| 292 | Land Bonds | 22203 | 22203 |
|-----|------------|-------|-------|

| | | | |
|-----|--------------|-------|-------|
| 293 | Bond Account | 22204 | 22204 |
|-----|--------------|-------|-------|

| 294 | <u>Recreation Management</u> | | |
|-----|-------------------------------------|--|--|
|-----|-------------------------------------|--|--|

| | | | |
|-----|--------------|-------|-------|
| 295 | Saxon Harbor | 54203 | 46740 |
|-----|--------------|-------|-------|

| | | | |
|-----|--------------|-------|-------|
| 296 | County Parks | 55202 | 46720 |
|-----|--------------|-------|-------|

| | | | |
|-----|------------------------|-------|--|
| 297 | Public Access to Lakes | 55206 | |
|-----|------------------------|-------|--|

| | | | |
|-----|-------------------|-------|-------|
| 298 | Snowmobile Trails | 55208 | 43570 |
|-----|-------------------|-------|-------|

| | | | |
|-----|------------|-------|-------|
| 299 | ATV Trails | 55210 | 43571 |
|-----|------------|-------|-------|

300

301 220.2 TIMBER SALES

302

303 220.2.1 Active Files

304 Active timber sale files (hardcopy or e-copy), at a minimum, should contain or
 305 reference the following items:

306 1. Timber sale cutting notice and report (Form 2460-1)

307 2. Timber sale narrative (Form 2460-1A)

308 3. Contract and all addendums

309 4. Timber sale map

310 5. Ledger account of scale

6. Timber sale inspection journal / notes
7. Pertinent correspondence
8. Liability insurance
9. FISTA training
10. Financial assurance (performance bonds, ILC, etc...)
11. Field scale sheets
12. Lock box tickets (if applicable)

220.2.2 Closed Files

Once sales have been completed and audited by DNR only the following items need to be maintained in the file as a permanent record:

1. Timber sale notice and cutting report
2. Contract and addendums
3. Timber sale map
4. Pertinent correspondence
5. Financial ledger/summary

225 PERSONNEL

The Forest Administrator shall have authorization to organize the workload of the Forestry and Parks Department employees and contractors. Personnel of the Forestry and Parks Department will be governed by the work policies as set forth by the county, and their respective work policies.

225.1 COUNTY FOREST STAFF

The following positions are essential for the operation of the Forest:

- Forest Administrator
- Office Manager / Trails Coordinator
- Three (3) Foresters
- Equipment Operator / Mechanic
- Two (2) Recreation Forest Technicians
- Five (5) Part-time Caretakers

- Other labor is hired on a part-time basis as needed.

225.2 HIRING PERSONNEL

Hiring of permanent personnel will be approved by the Committee, after having been accounted for in the annual work plan and budget. The actual hiring of permanent personnel will be by recommendation of the Committee with approval of the Finance Committee. Seasonal help and short-term labor for special projects will be recruited and hired by the Forest Administrator. Seasonal, short-term and temporary labor shall work no more than six months or 1040 regular hours in any given calendar year.

225.3 OTHER SOURCES OF LABOR

The Forest Administrator will consider supplemental resources that can be utilized on the forest, following county procurement policy.

225.4 SPECIALIZED PERSONNEL

Projects requiring expenditures for specialized skills and/or operation of specialized equipment are handled on a contract basis by the Committee if such skills and equipment are not available from the county.

225.5 TRAINING

The Forest Administrator is responsible for scheduling and providing appropriate training to keep staff current with safety requirements, BMP's, silviculture, pesticides, new technologies, and other training appropriate to manage the Iron County Forest. A training record will be retained for each employee identifying the course name, content and date of attendance.

230 EQUIPMENT

All equipment and supplies will be coordinated by the Forest Administrator. The Forest Administrator will be responsible for locating equipment, considering the most economical alternatives of buying, borrowing, renting or constructing. The Forest Administrator will also be responsible for maintaining an inventory, to be updated annually, of equipment under his/her jurisdiction. Any forestry department employee may purchase equipment and supplies when he / she has prior approval from the Forest Administrator. Equipment shall be purchased

by competitive bidding as per county policy.

Necessary Equipment includes:

- Office equipment including computers and related software
- Vehicles
- ATV's, UTV's, and Snowmobiles
- GPS and handheld computers or dataloggers
- Forestry field equipment (marking guns, snowshoes, etc.)
- Heavy Equipment including dump trucks, end loader, excavator, dozer, road grader, and backhoe
- Snow grooming equipment including tractor, drag, and roller
- Miscellaneous hand tools and maintenance and repair tools and equipment

230.1 FACILITIES

Maintenance of the facilities is assigned to the Forest Administrator and includes the following:

- Forestry Office located at 607 3rd Ave N., Hurley WI.
- Forestry Shop and Storage located at 610 4th Ave N., Hurley WI.
- Saxon Harbor Marina and Campground
- Weber Lake Park
- Schomberg Park
- Lake of the Falls Park
- Lake of the Falls Dam
- Shay's Dam Park
- Potato River Falls Park
- Various boat landings

IRON COUNTY FOREST COMPREHENSIVE LAND USE PLAN
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300 DESCRIPTION OF FOREST

300.1 COUNTY FOREST OWNERSHIP

The County Forest is **175,303** acres and is composed of **259** management compartments ranging in size from **74** acres to nearly **1,590** acres. Iron County contains 484,660 acres, of which 86.4 percent is forested. Of the forested lands, approximately **36.3** percent is county owned, **22.8** percent are private holdings, **14.5** percent Industrial Forest, and **12.8** percent State-owned lands. A map of these compartments can be found in Chapter 1000.3.

300.2 NATURAL FEATURES

300.2.1 Topography

The Iron County Forest, located in the northwestern part of the state, lies primarily within the Northern Highland and Lake Superior Lowlands physiographic regions of Wisconsin. The topography of the forest and surrounding area has glacial origin. The glaciers eroded hilltops and filled valleys, thus reducing relief. Elevations range from 1,877' in the central part of the county forest to 603' at the Lake Superior shoreline. The terrain ranges from relatively flat with deep, steep ravines north of the Penokee Range towards Lake Superior, exposed rock outcrops and very hilly terrain in the Penokee Range and pitted, outwash plain throughout the central and southern portions of the forest.

300.2.2 Geography

Iron County has a land area of approximately 454,758 acres, plus another 29,902 acres of water included in lakes and streams. Approximately 86.4 percent of the land in the county is classified as forest land. The County Forest contains approximately 175,305 acres. Appendix 1000 contains maps showing the location of the County Forest.

300.2.3 Bedrock Geology

Iron County is underlain by three general bedrock formations. Sedimentary rocks which include sandstone, shale and conglomerate are found under the extreme

northwest corner of the county. Under the area along and to the north of the Gogebic Range are lava flows, formed mostly of basalt and crystalline rocks consisting of steeply dipping and complexly faulted layers of slate, iron formation and dolomitic marble. The remainder is underlain by undifferentiated crystalline rocks. Numerous bedrock outcrop areas exist in the county, especially along streams, in the Hurley-Montreal area along the Gogebic Range in the Saxon Harbor area and in an area west of Mercer. Depths to bedrock vary widely from over 400 feet in the northwest corner of the county to less than 50 feet in and around the Gogebic Range and other areas.

300.2.4 Metallic and Nonmetallic Minerals

The Penokee/Gogebic iron-bearing formations contain one of the largest iron reserves in North America. Future pressures to develop this resource will likely spur debate, as mining has the potential to expose aquifers, impact wetlands, alter the flow of rivers and streams, and increase impervious surface area. In addition to metallic mineral resources, Iron County has an abundance of non-metallic mineral reserves. Non-metallic mineral resources include sand, gravel, and aggregate deposits. Within Iron County there are several existing and former non-metallic mining sites. All of these non-metallic mining sites are sand and gravel extraction areas.

300.2.5 Glacial Geology & Soils

With the exception of the outcrop areas, all of Iron County is covered with a variety of glacial deposits. Clay deposits cover most of the northern end of the county and ground and end moraine glacial till deposits cover most of the center of the county. Pitted outwash covers the southern part of the county, and outwash is found in narrow areas, primarily stream beds. The clayey deposits consist of mostly clayey till, covered by a thin layer of clayey lake deposits in a few areas. The ground and end moraine till deposits consist of a mixture of sand, gravel, boulders, silt and clay. Most of the deposits in the county have a high proportion of sand except for mostly clayey till end moraine deposits in the far northern part of the county. The

generalized soils of Iron County have been mapped at a scale of 1:250,000 as part of the Digital General Soil Map of the United States or STATSGO2 database. This level is designed for broad planning and management uses. Iron County soils have been mapped digitally by the Natural Resources Conservation Service (NRCS) and can be found at <http://soils.usda.gov>.

Soil Associations of Iron County

| General Soil Association Unit | Soil Type & Representative Slope |
|---|--|
| Loxley-Kinross-Croswell-Au Gres (s8708) | Mucky peat; 0-2% representative slope |
| Monico-Goodwit-Champion (s8707) | Silt loam; 0-5%; representative slope |
| Pence-Champion (S8703) | Silt loam; 0-5%; representative slope |
| Pence-Padus (s8705) | Fine sandy loam; 15-45% representative slope |
| Rifle-Lupton-Loxley-Cathro (s8702) | Muck; 0-5%; representative slope |
| Rock Outcrop-Michigamme-Gogebic (s8709) | Very stony; 6-35% representative slope |
| Sayner-Rubican-Omega (s8704) | Loamy sand; 5-15% representative slope |
| Udorthents-Selkirk-Hibbing (s8716) | Clay loam; 0-7% representative slope |
| Watton-Alstad Variant (s3425) | Silt loam; 1-8% representative slope |
| Witbeck-Sarona-Gogebic (s3377) | Very stony, muck; 0-2% representative slope |

Source: USDA-NRCS

300.2.6 Ecological Landscapes

Ecological Landscapes are regions in Wisconsin containing similar ecology and management opportunities. Each landscape can present unique management opportunities and challenges. These landscapes are essentially based on the National Hierarchical Framework of Ecological Units (NHFUE) (Cleland et al. 1997). More information on the 16 Ecological Landscapes defined within Wisconsin is available at: <https://dnr.wi.gov/topic/landscapes/index.asp?mode=Choose>

The Iron County Forest lies within the Superior Coastal Plain, North Central Forest and Northern Highland Ecological Landscapes.

Superior Coastal Plain – The Superior Coastal Plain is Wisconsin’s northernmost ecological landscape. It is bordered on the north by Lake Superior and on the south by the Northwest Sands, Northwest Lowlands, and North Central Forest ecological landscapes. The climate is strongly influenced by Lake Superior, resulting in cooler summers, warmer winters, and greater precipitation compared to more inland locations. Exposed coastal areas are subject to significant disturbance from windstorms, waves, ice, currents, and periodic water level fluctuations. These disturbance regimes play significant roles in determining and maintaining the characteristic landforms and vegetation types of shoreline ecosystems. The most extensive landform in this ecological landscape is a nearly level plain of lacustrine clays that slopes gently northward toward Lake Superior. The coastal plain is cut by deeply incised stream drainages.

North Central Forest – The North Central Forest Ecological Landscape occupies much of the northern third of Wisconsin. Its landforms are characterized by end and ground moraines with some pitted outwash and bedrock-controlled areas. Kettle depressions and steep ridges are found in the northern portion. Two prominent areas in this ecological landscape are the Penoque-Gogebic Iron Range in the northern part of the ecological landscape, extending into Upper Michigan, and Timm’s Hill, the highest point in Wisconsin (1,951 feet), in the southern part of the ecological landscape. Soils consist of sandy loam, sand, and silts. Forests here are extensive, and this ecological landscape contains over 28% of the state’s forests. Both forested and unforested wetlands are numerous. Agriculture is much less prevalent here than in much of the state, partially due to a climate that is generally not well suited to crop production. Lake Superior influences climate in the northern portion of the North Central Forest, especially during the winter season when greater snowfall occurs here than in most areas in Wisconsin.

Northern Highland – The primary landforms are mainly outwash sands, with both pitted and un-pitted surfaces, as well as some remnant morainal hills, drumlins, and a few eskers. Most soils in the ecological landscape are sandy, although loamier soils

occur on the remnant moraines. In areas with relatively level topography, the water table may be close to the surface.

300.2.6.1 Land Type Associations

Land type associations are units of the National Hierarchical Framework of Ecological Units (NHFEU) classification system. They are much smaller than Ecological Landscapes and are generally based on glacial features. They can be useful for planning at finer scales within a landscape. The following Land Type Associations are present within the Ecological Landscapes of the Iron County Forest. More information is available at:

<https://dnr.wi.gov/topic/landscapes/index.asp?mode=detail&Landscape=11>

Superior Coastal Plain

- 212Ya - Superior / Ashland Clay Plain

North Central Forest

- 212Jb – Gogebic-Penokee Iron Range
- 212Jb02 – Gile/Erwin Till Plain
- 212Jb05 – Gurney/Ontonagon Spillway
- 212Jc – Winegar Moraines
- 212Xa – Glidden Loamy Drift Plain Subsection
- 212Xa01 – Glidden Drumlins
- 212Xa03 – Chequamegon Washed Till & Outwash

Northern Highlands

- 212Xb01 – Northern Highland Outwash Plain
- 212Xb02 – Vilas-Oneida Sandy Hills
- 212Xb03 – Vilas-Oneida Outwash Plain

300.2.7 Vegetative Cover Types

Approximately 87.1 percent of the Iron County Forest land base is forested, and approximately 12.9 percent of the Iron County Forest is non-forested. Forested uplands are comprised of primarily northern hardwoods, aspen, hemlock, balsam fir,

spruce, and white and red pines while cedar, tamarack, black ash, spruce, and balsam fir occupy the forested lowlands. Non-forested includes types such as open water, wetlands, rights-of-way, rock outcroppings, grass openings, shrubs and bogs.

FORESTED COMMUNITIES

The forested cover types are made up of a variety of size classes (*regeneration, sapling-pole, and saw timber*) and structure (*canopy, layers, ground vegetation, dead and downed material and inclusions*).

Forest cover types associated with the County Forest are:

| Forest Type | Acres* | Percent of Forested Acres |
|-------------------------|----------------|--|
| Aspen | 41,871 | 27.8% |
| White Birch | 227 | 0.2% |
| White Cedar | 9,975 | 6.6% |
| Balsam Fir | 647 | 0.4% |
| Fir / Spruce | 3,092 | 2.1% |
| Hemlock | 746 | 0.5% |
| Miscellaneous Conifer | 77 | 0.1% |
| Miscellaneous Deciduous | 25 | 0.0% |
| Red Maple | 3,384 | 2.2% |
| Northern Hardwoods | 62,865 | 41.7% |
| Oak | 732 | 0.5% |
| Jack Pine | 159 | 0.1% |
| Red Pine | 1,811 | 1.2% |
| White Pine | 678 | 0.5% |
| Black Spruce | 6,327 | 4.2% |
| Swamp Conifer | 7,346 | 4.9% |
| Swamp Hardwoods | 7,934 | 5.3% |
| White Spruce | 471 | 0.3% |
| Tamarack | 2,213 | 1.5% |
| TOTALS -- | 150,580 | 100.0% |

*Acres shown are GIS acres (source: WisFIRS)

Forest Type Descriptions

Aspen – Consisting primarily of aspen species. Often found in combination with white birch, red maple, and balsam fir.

White Birch – Consisting of more than 50% white birch.

White Cedar – Consisting of more than 50% white cedar. Often in combination with black spruce, balsam fir, and black ash.

Balsam Fir – Consisting of more than 50% balsam fir.

Fir / Spruce – Consisting of swamp border or upland types with mixed species, predominately balsam fir and spruce associated with white pine, white cedar, red maple, aspen, and birches. This is an old cover type description that is no longer used. These stands must be updated to current cover types.

Hemlock – Consisting of more than 50% hemlock. Often in combination with northern hardwood species.

Red Maple – Consisting of more than 50% red maple. Often associated with aspen and white birch and has been included as northern hardwoods previously.

Northern Hardwoods – Consisting of a mixture of upland hardwood species including sugar maple, yellow birch, basswood, and red maple.

Oak – Dominated by red oak, white oak, black oak, and associated with other hardwoods.

Jack Pine – Consisting of more than 50% jack pine.

Red Pine – Consisting of more than 50% red pine.

White Pine – Consisting of more than 50% white pine.

Black Spruce – Consisting of more than 50% black spruce.

Swamp Conifer – Lowland type identified by balsam fir, white cedar, and spruce in combination with red maple and other lowland hardwoods. This is an old cover type description that is no longer used. These stands must be updated to current cover types.

Swamp Hardwoods – More than 50% swamp hardwood species including black ash, red maple, and elm.

White Spruce – Consisting of more than 50% white spruce.

Tamarack – Consisting of more than 50% tamarack.

NON-FORESTED COMMUNITIES

Non-forested habitats are important components of management within the County Forest. Upland and wetland non-forest types provide important habitat for distinct groups of species. The Iron County Forest consists of 12.9% of these non-forest cover types.

Upland Non-Forest

Upland non-forest areas of the County Forest include:

- Grass openings- consist of upland grasses such as brome, quack, bluegrass, timothy, big and little bluestem, and Indian grass.
- Herbaceous vegetation- ground cover predominated by herbaceous species with bracken fern, sweet clover, giant ragweed, sting nettle, upland aster, goldenrod, and prairie dock being common.
- Shrub opening- primarily upland site less than 10% stocked with tree species but having 50% or more of the area stocked with taller growing, persistent shrubs. This includes hazel, dogwood, junberry, sumac, alder, willow, and prickly ash.
- Rock outcrops- include rocky talus and bedrock.

See Chapter 830 for detailed discussion on Biological Community Types.

Wetlands

Wisconsin State Statutes define a wetland as “an area where water is at, near, or above the land surface long enough to be capable of supporting aquatic or hydrophytic vegetation, and which has soil indicative of wet conditions.”

Wetland communities are recognized to be a complex association of plants and animals, soils and water levels having special natural values. They provide many functional values including shoreline and flood protection, water quality protection, groundwater recharge, and animal and plant habitat. Therefore, it is the policy of Iron County to preserve, protect, and manage wetlands under its jurisdiction in manner that recognizes the natural values of wetland and their importance on the environment. Scientist distinguish dozens of wetland

types, characterized by vegetation, soil type and degree of saturation or water cover. Some of the more prominent types found on the County Forest include:

- Aquatic bed- plants growing entirely on or in a water body no deeper than 6 feet. Plants may include pondweed, duckweed, lotus and water-lilies.
- Marshes- characterized by standing water and dominated by cattails, bulrushes, pickerelweed, lake sedges and/or giant bur-reed.
- Sedge or “wet” meadows- these wetlands more often than not have saturated soils rather than standing water. Sedges, grasses and reeds dominant, but may also have blue flag iris, mash milkweed, sneezeweed, mint and several species of goldenrod and aster.
- Scrub/shrub- these areas, which include bogs and alder thickets, are characterized by woody shrubs and small trees such as tag alder, bog birch, willow and dogwood.
- Forested- these areas, include bogs and forested floodplain complexes, are characterized by trees 20 feet or more in height such as tamarack, white cedar, black spruce, elm, black ash, green ash and silver maple.

Forest management is conducted on many of the forested wetlands with activities occurring primarily during frozen conditions. See Chapter 830 for detailed discussion on Biological Community Types.

300.2.8 Fish and Wildlife

Wisconsin supports over 650 different types of mammals, birds, reptiles, amphibians and fish as well as millions of invertebrates. Management of county forest lands and the biotic communities they support provide a mix of habitat types and ages for a wide range of wildlife species. Each species, or interacting group of species, do best under different conditions. County forest lands provide a full range of habitats from open grasslands/barrens to mature forests, from bogs to forested wetlands, from spring ponds to lake shorelines. County forest staffs work closely with WDNR fish and wildlife managers and conservation organizations to identify and manage critical habitat for breeding, migrating and wintering fish and wildlife.

While the Iron County Forest provides for a wide range of fish and wildlife species, current management strategies or programs have emphasized the following species and/or communities: ruffed grouse / Potato River Grouse Management Area and whitetail deer winter yarding areas.

A primary goal of wildlife management on the Iron County Forest is to provide a diversity of healthy ecosystems necessary to sustain native populations for their biological, recreational, cultural and economic values.

300.2.9 Rare and Endangered Resources

A review of the Natural Heritage Inventory (NHI) indicates the presence of a number of rare species, natural communities and unique natural features on the Iron County Forest. All land disturbing projects will include an evaluation phase, to determine whether an NHI screening is required. The NHI Database is the most comprehensive source of rare species data for Wisconsin. These data are used for a variety of purposes including research, land management, state land master planning, community planning, conservation planning and review of public and private activities across the state. The NHI Portal is currently available to DNR staff and County Forest staff who hold a data sharing license. The Wisconsin Historical Preservation Database is the most comprehensive source of cultural resources for Wisconsin. These data are used for a variety of purposes including research, land management, state land master planning, community planning, conservation planning and review of public and private activities across the state. The Wisconsin Historical Preservation Database is currently available to DNR staff and County Forest staff.

300.2.10 Water

With 29,902 acres, Iron County has an abundance of surface water resources. Inland lakes make up over six percent of Iron County's total surface area. There are 495 lakes and impoundments in the county with frontage of 612 miles. Two-thirds of the county's lakes are small seepage lakes less than 10 acres in size. This factor

increases their sensitivity to pollution and development. Iron County's land falls into two major drainage basins aligned along the continental divide. The northern half of the county is in the Lake Superior basin and the southern half is in the Upper Chippewa River basin. Iron County has 222 named streams totaling 633 linear miles; 84 streams (336 linear miles) are classified as trout water. In addition, Iron County's most northern border lies along approximately seven miles of Lake Superior's coast. Private land ownership encompasses about two-thirds of this coast, while the other third is split between tribal land and county forest.

Outstanding and Exceptional Resource Waters

Surface water resources have been evaluated and rated for water quality, fish, wildlife, and aesthetic values by the WDNR. High quality resources are classified as either Outstanding Resource Waters (ORW) or Exceptional Resource Waters (ERW).

- ORW: Lakes, streams, or flowages having excellent water quality, high recreational and aesthetic value, high quality fishing, and are free from point or nonpoint source pollution.

- ERW: Lakes, streams, or flowages with the same resource values as an ORW but may be impacted by point or nonpoint source pollution or have the potential for future wastewater discharge from a small sewer community.

ORW & ERW in Iron County

| Waterbody Name | Portion Within ORW/ERW Classification | Status |
|-----------------------|--|---------------|
| Catherine Lake | All | ORW |
| Cedar Lake | All | ORW |
| N Fork Flambeau River | From Turtle-Flambeau Flowage Dam downstream to the Ashland County Line | ORW |
| Gile Flowage | All | ORW |
| Hewitt Lake | All | ORW |
| Owl Lake | All | ORW |
| Potato River | From origin to Bad River Indian Reservation Boundary | ORW |

| | | |
|-------------------------|---|-----|
| Trude Lake | All | ORW |
| Turtle-Flambeau Flowage | All | ORW |
| Tyler Forks | From origin to Bad River Indian Reservation Boundary | ORW |
| Alder Creek | Middle of S4 T45N R1E upstream | ERW |
| Apple Creek | All | ERW |
| Augustine Creek | All | ERW |
| Barr Creek | All | ERW |
| Bell Creek | All | ERW |
| Flood Creek | S of Rd crossing S7 T46N R2E | ERW |
| Fourche Creek | All except portion between RR crossings @ T47N R1E S35 SESE & T46N R1E S12 NWNW | ERW |
| Frieberg Creek | All | ERW |
| Graveyard Creek | All | ERW |
| Javorsky Creek | All | ERW |
| Kaminski Creek | All | ERW |
| LeClairs Creek | All | ERW |
| Manitowish River | All | ERW |
| Oronto Creek | Upstream of CTH A to junction with Spoon Creek | ERW |
| Pardee Creek | All | ERW |
| Vaughn Creek | From origin to Bad River Indian Reservation Boundary | ERW |

Source: WNDR

304 *Note: An entire listing of the outstanding and exceptional resource waters can be found in Wisconsin*
305 *Admin. Code NR102.10 and 102.11.*

306

307 300.3 CULTURAL FACTORS

308

309 300.3.1 Economy

310 The importance of the County Forests to Wisconsin's economic health continues to
311 rise. County Forests sustain over 60,000 full-time jobs derived from logging,
312 trucking, paper production, manufactured building materials, and lumber. Many

other jobs are created in such businesses as the expanding printing industry and are located far from the forested northland. County Forests are major contributors to the \$24 billion forest industry in Wisconsin. In addition, the lands managed by these 30 counties provide an important recreation resource to complement our state's valuable tourism industry. Tourists spend valuable money at local businesses. By providing 2.4 million acres of public recreation land, we bring tourists to our state. As population increases and public access to privately owned forestland decreases, the need for accessible lands unquestionably will assume an ever more important role. More information on the economic impact of the County Forest program can be found in Chapter 1020.5. Production of forest products and spin-off industries derived from the recreational opportunities on the Forest and the forest products it produces are vitally important to Iron County's economic well-being. Forest industry is the #1 ranked employer in the County, producing \$44.32 million in 2017. Tourism is ranked #2, producing \$28 million in 2017. This information can be found at <https://dnr.wi.gov/topic/forestbusinesses/factsheets.html>

300.3.2 Education and Research

Education and research continue to be critical components in making decisions that affect our natural resources. As public needs and demands of our forest and its products increase, we must be prepared to assure that sound decisions result. To this end, Iron County encourages and supports research efforts that relate to the forest, and educational opportunities that will promote a better understanding of forest communities and management.

300.4 OTHER PUBLIC LANDS OWNERSHIP

Iron County Forest shares a common boundary with the Turtle Flambeau Flowage, Northern Highlands – American Legion State Forest, Underwood Grade Wildlife Area, Moose Lake Natural Area, and Caroline Lake Natural Area. Roads and trails are connected without interruption between the public lands providing for a more enjoyable experience for the user groups. Iron County Forest will continue to form and build on these relationships with other adjacent public lands in the best interest of the public.

IRON COUNTY FOREST COMPREHENSIVE LAND USE PLAN
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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.

During the economic depression years of 1931 and 1932, Iron County acquired over 30,000 acres of tax delinquent lands. By the fall of 1933, forest boundaries were established, and 22,151 acres were entered under the Forest Crop Law by County Board action. Fire protection and access (road construction and maintenance) were the main management activities from 1935 until 1960. In subsequent years, more lands were added to the Forest.

In 1953, the Iron County Forest included 172,945 acres. Since the 1950's smaller entries into the County Forest have been made, adding an additional 2,360 acres.

405 LAND OWNERSHIP GOALS

It is the goal of Iron 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

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 Iron County Board. A map of the official boundaries is found in the Appendix.

415 PRIVATE INHOLDINGS

Iron 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 the Iron County Forest to pursue properties through condemnation.* Iron County may wish to list priority properties to be pursued as they become available.

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 Iron County and other government entities. It is not the deliberate intent of Iron 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.

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.

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

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 Administrator shall propose financing options as part of any 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 gravel.
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.](#)).

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.

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 Liaison. The County Forest Administrator will secure the signatures of the proper county officials and transmit the application to DNR's County Forest Specialist.

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. 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.

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 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.

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.

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, other historic evidence (blazes, wire, rock piles, etc.), 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, District Attorneys, and professional land surveyors.

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, (s 59.74(2)(b), Wis. Stats.) 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. The notice shall include a description of the landmark, monument of survey, or corner post and the reason for removing or covering.
3. If reasonable search fails to uncover survey evidence in the suspected vicinity, conduct 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 Forestry & Parks Committee and the party which will receive land
from the County.

460.1 VALUES AND ACREAGE OF LAND SALE/TRADES

1. For outright land sales, the sale price shall not be less than twice the appraised value of
the land being sold.
2. For land trades, the acreage received shall not be less than twice the acreage traded. The
appraised value of the land received shall not be less than twice the appraised value of
the land being traded.
3. Combinations of land and cash may be considered, but the 2:1 ratios described above
will be observed. An example would be a 1:1 land trade, plus the appraised cash value
or the land being traded. Other similar combinations are possible.
4. Transactions at less than a 2:1 land/value ratio can be considered, but only when there
is exceptional advantage to the County in terms of land value, blocking, etc.

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 MINERAL RIGHTS

The County shall 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 explicit approval of the County Board

following a recommendation by the Forestry & Parks Committee.

460.4 LAND ACQUISITION ACCOUNT

All monetary proceeds from the sale or withdrawal of lands enrolled in the County Forest Law shall be deposited in a non-lapsing account of the General Fund known as the County Forest Land Acquisition Account. The account shall be used only for the acquisition of other lands for addition to the County Forest. Lands acquired from this fund shall be immediately applied for entry into County Forest under the provisions of s. 28.11 Wis. Stats.

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 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.
- 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.
- 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.

- d. 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 Forestry & Parks 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 Forestry & Parks Committee.
2. If the proposal can be addressed through a permit or agreement as defined in Section 465, then a report shall be presented at a regular meeting of the Forestry & Parks 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 Forestry & Parks Committee shall apply to the Wisconsin Department of Natural Resources to enter the land under the County Forest Law.

470 TAX DEED LAND

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 Clerk 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 County Clerk, which considers the proposal and decides whether or not to add the land to the County Forest. The Forest Administrator advises the Forestry & Parks Committee of the County Clerk's decision.
3. If the proposal for addition is approved, the Forestry & Parks Committee shall apply to the Wisconsin DNR to enter the land under County Forest Law.

IRON COUNTY FOREST COMPREHENSIVE LAND USE PLAN

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CHAPTER 500 – LAND MANAGEMENT AND USE

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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.

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 spring and fall, typically June and October, or as needed.

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

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

1. On the required bid form, 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. Every species / product listed MUST have a bid price equal to or greater than the advertised minimum bid price, as documented on the bid form.
2. A minimum of 10% of the bid value of each tract must accompany the bid as a bid bond, payable to Iron County Forestry.

505.5 AWARDING SALES

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 total 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 one bid openings may be sold direct at advertised or appraised value even though their estimated value exceeds \$3,000. (See DNR [Timber Sale Handbook](#)).

505.6 SALE CONTRACTS

1. Contracts will be prepared with copies provided to the purchaser with the original filed in the administrator's office.
2. Contracts are to be signed by the successful bidder within a reasonable time after the sale is awarded or before cutting begins, whichever occurs first, with payment being made according to the County Timber Sale Performance Bond, Downpayment, and Stumpage Payment Schedule. Failure to sign the contract within 60 days may result in forfeiture of the bid bond.

505.7 DOWN PAYMENT

1. Prior to logging operations but within six (6) months of the bid opening, Purchaser shall deposit with Seller by cash, cashier's check, money order, or acceptable irrevocable letter of credit, a down payment in the applicable following amount:

- 15%, of bid value for sales greater than \$10,000 in bid value; or
- The entire bid value, for sales with a bid value under \$10,000.

An irrevocable letter of credit, cashier's check or money order must be valid for six months beyond the expiration of this Contract. Failure to submit the down payment

will be considered a breach of this Contract and subject the Purchaser to liability for damages.

2. No work or operations shall be commenced under this Contract until the entire down payment has been deposited with Seller.

505.8 TIMBER SALE PERFORMANCE BOND

1. At the time of bidding, the Purchaser must deposit with Seller cash, cashier's check, or money order, as an initial performance bond in the amount of \$1,000 or 10% of the bid for this Contract, whichever is greater. The cash deposits may be replaced with a performance bond written by an insurance company licensed to do business in Wisconsin or an acceptable irrevocable letter of credit, as a performance bond. In such cases, the replacement security must be received within twenty (20) days of bid opening. A separate performance bond or irrevocable letter of credit is required for each contract awarded.
2. The Purchaser agrees that the performance bond may be retained by the Seller until all performance under this Contract has been completed to the Seller's satisfaction. Seller shall have 150 days from the time it receives notice of the completion date or termination date, whichever occurs first, to inspect the Sale Area to determine if the Contract has been satisfactorily performed. If the Seller determines that the performance has not been completed satisfactorily and in conformance with this Contract, the bond may be retained by the Seller until the Seller can determine damages caused by the lack of performance. Seller may apply the bond, or any portion thereof, to said damages.

505.9 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.

505.9.1 Contract Number and Contract Name

Every contract shall have a unique numerical number and depending on county policies/procedures shall have a unique name.

505.9.2 Contract Parties

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

505.9.3 Duration and Extension of Contracts

1. All contracts begin on the date of signature of the Administrator. Contract MUST have a specific end date.
2. If, during the course of performance of this Contract, Purchaser is prevented from cutting merchantable timber or removing merchantable logs solely as a result of strikes, fires (whose origin or spread is not contributed to by Purchaser or Purchaser's operations), government order, floods, severe weather, poor ground conditions, or other acts of God, or causes beyond the reasonable control of Purchaser, and if solely because of this event Purchaser is unable to complete its obligations by the date of expiration of this Contract, or if extremely poor market conditions render it impossible or impracticable for Purchaser to complete its obligations in a timely manner, Seller, at its sole discretion, may grant to Purchaser an extension of the time period in which Purchaser is obligated to complete the terms of this Contract. Seller shall have no obligation whatsoever to extend this time period, and Purchaser may not rely upon contract extensions for the purpose of completing performance under this Contract.
3. If Purchaser desires an extension, Purchaser must file with the Forestry Department a written request for an extension not less than thirty (30) days prior to the expiration of the underlying Contract (or extension, if applicable), setting forth the basis for the extension request.
4. If extensions of this Contract are deemed reasonable by the Seller, the purchaser must pay to Seller fifty (50%) percent of the estimated sale value as a condition of the extension being granted. For the first one-year extension, the stumpage price

156 agreed upon herein shall remain unchanged. For subsequent extensions, the
157 stumpage price agreed upon herein shall be increased by up to ten (10%) percent,
158 as determined by the Forestry Department.

- 159 5. The Purchaser may appeal the increase in stumpage, included with an extension,
160 by making a written request to the Forestry Department. This request must be
161 received not more than thirty (30) days prior to the expiration of the underlying
162 Contract (or extension, if applicable), and include reasons why the increase should
163 be waived. The individual making the request must be available to appear before
164 the Forestry Committee, if the need should arise.
- 165 6. If, at the expiration of this Contract, Purchaser has not fulfilled its obligations and
166 has not been granted an extension, all or a portion of Purchaser's performance
167 bond and down payment may be forfeited to Seller. Any such forfeiture resulting
168 from a failure of completion or compliance with the terms of this Contract shall
169 not preclude legal action by the Seller for damages, specific performance, or other
170 appropriate remedy.
- 171 7. No contracts will be extended beyond four years from date of purchase. Contracts
172 must be complete, and all stumpage paid for within four years. After four years,
173 the Forestry and Parks Committee may terminate the Contract and Purchaser will
174 forfeit all bond monies and any wood or timber not already paid for, remaining at
175 the sale location.

176
177 505.9.4 Termination of Contract by Seller

178 The Seller may terminate this Contract by written notice to the Purchaser upon
179 Purchaser's breach as determined by the Seller or at other times when deemed
180 necessary by Seller. Upon such notice, the Purchaser shall cease all operations
181 on and immediately leave, and not return to, the Sale Area unless otherwise
182 provided by the Seller.

183
184 505.9.5 Performance Bond, Damages, Future Contracts

185 This section of the contract is to identify the dollar amount and the duration of
186 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
- f. Other costs

505.9.6 Title to Timber

Seller warrants that it has good and marketable title to all standing timber subject to this Contract and Timber Sale. Title to timber cut under this Contract shall remain with the Seller until payment as required in this Contract is received by the Seller or authorization to remove the timber or forest products has been given by the Seller.

505.9.7 Payment Schedule

1. All stumpage payments shall be cash, personal check, cashier's check or money order. Seller will invoice the scale, based upon Seller's calculations, and payment must be received from the Purchaser within fourteen (14) days of the date of invoice, unless other arrangements are made with Seller and memorialized on a Payment Schedule to be attached to and made a part of this Contract. Each payment should be identified by Contract Number and Invoice Number. Payments not received within 14 days after invoice date shall be assessed a finance charge of 1.5% per month for each month that payment is not made. Payments not received within 30 days after invoice may require purchaser to deposit 100% bond on future sales.
2. Accurate mill scale slips and trucker copies of lockbox tickets must be provided to the Seller on a weekly basis.
3. Payments will be made to the order of the Iron County Treasurer but shall be sent

to the Forest Administrator.

4. Three Year Contracts: If this Contract has a contract period of three (3) years, Purchaser shall make payment to Seller of no less than 50% of the estimated bid value by the date that is two (2) years from the effective of this Contract. In addition to constituting a default, failure to make the required payment will render the Purchaser ineligible for an extension under Section 5.

505.9.8 Utilization Specifications

1. Cordwood Products: All designated hardwood trees shall be utilized to one stick (100 inches long), to a minimum of four (4) inch top diameter inside bark (dib) and a maximum of ten (10) inch top dib, unless otherwise specified. All designated softwood trees shall be utilized to one stick (100 inches long), to a minimum of four (4) inch top dib and a maximum of eight (8) inch top dib, unless otherwise specified. If cordwood material is mixed with a higher valued product, the stumpage price applied will be that of the higher product.
2. Hardwood Bolt Products: All material which is a minimum diameter of eight (8) inches dib to 100-inch length, unless otherwise specified, and sound, green timber, free from decay, split, shake, holes, large or numerous knots or other imperfections which will impair strength or durability.
3. Sawlog Products: Designated softwood species shall be utilized down to an eight (8) inch top dib and hardwood species shall be utilized down to a ten (10) inch top dib, unless otherwise specified. Product that does not meet sawlog specifications will be utilized as boltwood or pulpwood.

505.9.9 Training Requirement

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

505.9.10 BMPs, Roads, Landings

1. The Purchaser shall have the right to build such landings and temporary roads on Seller's land as may be necessary to log the Sale Area. The Seller reserves the right to specify locations of roads and landings. No landing or road shall be constructed or cleared and no existing road shall be used until the proposed construction and use has been disclosed to Seller and approved by Seller. In constructing any landing or road, Purchaser shall comply with Best Management Practices and all applicable state and federal laws and regulations.
2. No landings may be built within 200 feet of a lake, stream, or public road, unless permission is granted by the Seller and any and all necessary approvals have been obtained.
3. Logging roads that are to intersect any town, county or state roads or highways must have these intersections approved by the proper authorities prior to construction. Said intersections shall be kept free of unsightly debris.
4. No skidding, landing, or piling of wood products will take place on County Forest roads, town roads, county roads, or on cleared portions of rights-of-way, unless permission has been obtained from the Seller and the appropriate town official.
5. Purchaser shall keep existing roads and trails free from all logging debris. The Purchaser shall repair any damage to existing roads and restore them to a condition equal to, or better than, before the damage occurred.
6. All private roads used to reach the Sale Area shall be maintained by Purchaser in a good, usable condition.
7. All roads constructed by Purchaser shall be subject to the terms and conditions of this Agreement. Iron County shall have the right to use any road constructed by the Purchaser under this Contract for any and all purposes in connection with the protection and administration of the County Forest, or for any other purpose.
8. All roads used or constructed by the Purchaser are public roads and thus open to the public unless designated otherwise by the Forest Administrator.
9. Purchaser shall be responsible, at its cost, for all road maintenance on all roads used to perform this Contract. Road maintenance shall include keeping culverts free of debris, grading, and addition of rock during periods of log hauling. Within a

reasonable period of time after termination of log hauling, if requested by Seller, Purchaser shall grade and ditch all roads used to perform this Contract, and leave them in a condition equal to or better than they existed prior to the logging and hauling operations. In the alternative, and upon Seller's request, Purchaser shall block any roads designated by Seller, with berms placed at locations specified by Seller. Said berms shall extend across the roadway and shall be approximately 3.5 feet high. Purchaser shall pay all costs for road maintenance work. Failure to comply with these provisions will cause the work to be done by Seller or its agents and the cost of the work will be charged to the Purchaser. Seller may deduct the said costs from any bond posted by Purchaser.

10. Purchaser agrees to construct any roadways or landings utilizing Wisconsin BMP's for Water Quality and Wisconsin BMP's for Invasive Species to protect the resource from damage and the introduction or spread of invasive species to the County Forest.

505.9.11 Soil Disturbance and Rutting

Rutting Policy: In order to provide quantitative standards for defining the limits of acceptable rutting as required for Forest Certification Standards, Iron County Forest enforces the following policy. This policy is a part of the 2006 Fifteen Year Comprehensive Forest Management Plan. These standards will be used on timber sales, landings, skid trails, forest roads and trails, recreation trails (motorized and non-motorized), parks and the harbor. Materials that complement the standards are being developed by State and Federal entities. Our past experiences with managing soil quality have been used to develop this policy and will be implemented for future problem solving. These materials will provide information on how to avoid unintentional soil disturbances and how to correct them if they occur. This policy should be used in conjunction with field visits and in consultation with contractors, users and equipment operators. The policy should guide decisions made by the administrator and by users; but it does not mandate decisions. On the ground conditions and availability of equipment and other resources should also be considered. Goals for the management of soil disturbance are to:

- Minimize inadvertent soil disturbance and potential adverse impacts to soil productivity, water quality, fish and wildlife habitat and other natural resources.
- Protect public investment in the Iron County Forest.
- Maintain roads and trails to intended design standards.
- Combine professional expertise and operator (user) experience in the formation of on the ground decisions.
- Provide a protocol for identifying and responding to maintenance needs.

The Iron County Forest recognizes that soil disturbances occur during forestry operations and recreational pursuits. Some disturbances are intentional, such as mechanical site preparation, construction of roads, landings and trails, and improvement of infrastructure and facilities. Other soil disturbances are unintentional, such as ruts or gullies, and may result in tree mortality, reduced forest soil productivity, and reduced water quality. Ruts and other soil disturbances visually suggest poor forest stewardship, even if forest productivity or water quality is not impacted. Soil disturbance during logging or recreational use can be avoided or minimized by using appropriate equipment, by avoiding forest use on susceptible sites during wet periods, and by carefully monitoring and controlling operations. If they do occur, the potentially negative effects of soil disturbance can be mitigated by remedial actions such as reestablishing drainage or installing erosion controls. Repair and mitigation is less desirable than avoidance because of the cost of implementing and maintaining repair and mitigation practices, the loss of forest productivity, and the possibility that the soil degradation may not be correctable.

Areas with excessive levels of soil disturbance display degradation due to poor site conditions or excessive use. To avoid reaching excessive levels of soil disturbance and to avoid disruption in timber sale and other forest use activities, it shall be the policy of the Iron County Forest to take the following actions:

- Identify areas susceptible to soil disturbance and plan activities accordingly.
- Operate equipment and vehicles only when ground is frozen or dry enough

to support the load.

- Monitor air temperature. Equipment or vehicles may not be able to operate once temperatures rise above freezing.
- Avoid sharp turns, especially at base of hills.
- Avoid traveling through depressions.
- Utilize mats made from slash or manufactured material for temporary crossings. Remove when finished.
- Shift all operations to upland areas when soil or temperature conditions deteriorate.
- Reduce loads.
- Use low ground pressure equipment and vehicles.
- Use common sense while operating vehicles on the Iron County Forest, ask yourself “will I cause significant soil disturbance? Do I have the proper equipment and time to repair any damage I cause?”

Excessive soil disturbance requires special attention from timber sale administrators in order to make any necessary recommendations. Classifying a soil disturbance as excessive does not mandate closing of a timber sale or a forest road, however, actions should be taken, as appropriate, to minimize further soil disturbances. A guideline for excessive rutting is as follows:

| | |
|--|--|
| Roads, landings, skid trails, and general harvest area | A gully or rut 6 inches deep or more and is resulting in channelized flow to a wetland, stream, or lake. |
| Roads, landings, and primary skid trails | In a riparian management zone (RMZ) or wetland, a gully or rut is 6 inches deep or more and 100 feet long or more. |
| | In an upland area (outside of RMZ), a gully or rut is 10 inches deep or more and 66 feet long or more. |
| Secondary skid trails and general harvest area | A gully or rut is 6 inches deep or more and 100 feet long or more. |

Note: The depth is to be measured from the original soil surface to the bottom of the depression. If individual lug depressions are visible, the depth would be measured to the lesser of the two depths (the top of the lug). The length would be measured from the start of the too deep section to the end of the too deep section. Measurements are not cumulative.

505.9.12 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.

1. Unless the Purchaser is exempted by the Seller from this coverage requirement as an independent contractor, as defined in s. 102.07(8)(b), Stats., and as determined by the Seller based on an affidavit submitted to it, the Purchaser agrees to elect to maintain worker's compensation insurance coverage for the cutting operation under this Contract and any and all employees engaged in cutting on the Seller's land during the period of this Contract and any extensions, regardless of any exemptions from coverage under chapter 102, Wis. Stats. Prior to commencing any work under this Contract, the Purchaser must provide to Seller an original certificate of insurance showing proof of compliance covering the contract period and all employees on the Sale Area, naming the Seller as a certificate holder, and providing that the Seller shall be given a thirty (30) day advance notice of cancellation, non-renewal, or material change in coverage during the Timber Sale contract period.
2. The Purchaser agrees to furnish the Seller with a certificate of public liability insurance covering the contract period of logging operations on the Seller's property for:
 - a. \$1,000,000 single limit liability for personal injury or \$1,000,000 bodily injury per person and \$1,000,000 per occurrence; and
 - b. \$100,000 property damage.
3. In the event the Purchaser uses a contractor or subcontractor to perform any work under this Contract, the Purchaser shall ensure that the contractor or subcontractor meets the requirements of the foregoing subsections A and B.

Prior to the commencement of any work by Purchaser's contractor or subcontractor, the Purchaser must provide to Seller certificates of insurance showing proof of the contractor's or subcontractor's compliance with the worker's compensation insurance coverage required under subsection A and the public liability insurance coverage required under subsection B.

505.9.13 Scaling and Conversion Factors

1. All wood will be mill scaled under lockbox system, as described in Section 505.12.3.1, unless other arrangements are made or required by Seller. The Purchaser must notify the Seller at least two (2) working days in advance if woods scale of forest products is required. Piles must be level and square with at least three (3) cords per pile.
2. Removal of forest products shall be under either the lockbox ticket method or woods scale method, not both, unless agreed upon. No forest products may be removed until scaled and marked by an employee or designee of the Iron County Forestry Department, unless the wood is being transported under the Iron County lockbox ticket scaling rules. Payments shall be made for same not more than fourteen (14) days after the billing date.
3. Purchaser agrees to pay double the market value of timber removed from the Sale Area without advance payment or authorization as required in par. B, above. Market value shall be the payment rate received by Purchaser from the buyer purchasing the timber; or, in the case of timber that has not yet been delivered to a buyer, the wood shall be seized and sold by Seller, and market value shall be the amount paid to Seller for that timber.
4. When two or more species having different stumpage rates are mixed, the higher of the rates will apply.
5. The Scribner Decimal C Log Rule shall be used for scaling logs.
6. All sawlogs shall be separated from pulpwood when piled.
7. All logs will be yarded for scaling. If logs are decked, the length of each log shall be marked on the small end with lumber crayon. All pieces that have a small end diameter of ten (10) or more inches, and that are 50% or more sound

will be considered logs for the purposes of this Contract.

8. All logs must be scaled on and prior to leaving the premises.
9. Conversion of MBF (thousand board feet) to cords, or cords to MBF, will be done at the rate of 2.44 cords per MBF for softwoods and 2.20 cords per MBF for hardwoods.
10. All cordwood volumes are based on unpeeled measure. Unless otherwise specified, a cord is 4 feet by 4 feet by 100 inches (4' x 4' x 100"). It is agreed that 12.5% will be added to peeled volume to calculate equivalent unpeeled volume.
11. All firewood must be woods scaled, unless other arrangements have been made. Firewood must be decked properly for scaling.
12. The Forest Administrator, Forestry Department Personnel, local law enforcement officers, and Wisconsin Department of Natural Resources Foresters may inspect trucks hauling forest products from the Sale Area and check scale at any time.
13. Conversion rates for weights of cordwood products will be determined using data published in the Wisconsin DNR [Timber Sale Handbook \(2461\)](#).

505.9.14 Forest Certification

The area encompassed by this timber sale is certified to the standards of the Forest Stewardship Council® SCS-FM/COC-00083G FSC 100% and the Sustainable Forestry Initiative® NSF-SFIS-1Y943 SFI 100%.

505.9.15 Other Contract Conditions

A. Waste

1. Any debris or trash not natural to the land accumulated during the logging operation shall be removed and properly disposed of by Purchaser on a daily basis. Purchaser shall remove, to the satisfaction of Seller, all equipment, tools, solid waste, oil filters, grease cartridges, trash, and debris remaining on the Sale Area and Seller's property upon completion of performance under this

Contract, or the termination of this Contract due to breach by the Purchaser, or when requested by the Seller.

2. Anti-freeze, waste oil, hydraulic oil, and all other petroleum products and chemicals shall be disposed of properly and lawfully. No petroleum products shall be dumped on the site. In the event any fuel oil, petroleum products or other hazardous wastes are deposited on any part of the Sale Area or any other portion of Seller's property, or any adjacent property, as a direct or indirect result of any activities of Purchaser or Purchaser's agents, Purchaser shall promptly notify Seller of this fact and shall report the hazardous material spill to the Wisconsin DNR immediately, in accordance with Best Management Practices. **Wisconsin DNR 24-Hour Emergency Hotline can be reached at 1-800-943-0003.** Purchaser shall remove and clean up the spill in full compliance with all provisions of state and federal law, at Purchaser's sole cost. Purchaser agrees to have at least minimum spill containment equipment available within the Sale Area at all times, as outlined in the Best Practices Manual.

B. Stump heights

Maximum stump height shall not exceed stump diameter, except that stumps of less than ten (10) inches in diameter shall not exceed (10) inches in height.

C. Slash requirements

All logging debris to include slash, tops, and bark will be managed in accordance with State laws and regulations regarding slash or as specified on maps and/or diagrams attached hereto and made a part of this Contract. Slash falling on the land of an adjacent landowner shall be immediately removed. No slash may be piled on public road rights-of-way or recreational trails. No slash is allowed in lakes or streams. Any slash falling within wetlands, lakes, or streams shall be immediately removed. Tops from felled trees may not be left hanging in standing trees.

D. Forest fire prevention

1. The parties acknowledge that the activities of Purchaser under this Agreement may cause fire risk to the Sale Area and adjoining areas. Purchaser agrees to

use the highest degree of care and caution to prevent forest fires from starting on or coming onto the Sale Area. Purchaser shall require employees, contractors, agents and invitees of Purchaser to guard against fire dangers. Should a fire occur on any part of the Sale Area, Purchaser shall immediately take action to control the fire by making every reasonable effort to summon assistance and fight, control, and extinguish the fire. Purchaser agrees to fully comply with all provisions of the Wisconsin Statutes and Administrative Code regarding fire. In no event shall requirements under this Section 27 be construed as relieving Purchaser of the duty and responsibility to fight, control, and suppress fire on forest land. All requirements provided in this paragraph are in addition to and not in lieu of duties and responsibilities required by Wisconsin law. Purchaser shall comply with all reasonable requests made by Seller regarding forest fire prevention and suppression, including, but not limited to, requests to modify or cease operations. Further, Purchaser shall place its equipment at the disposal of Seller for the purpose of fighting forest fires on, or near, the Sale Area, if requested by a representative of Seller.

2. Purchaser agrees that if a fire starts due to Purchaser's operations and it becomes a wild fire, forest fire or grass fire, Purchaser shall be liable for all damages, public and private, resulting from the fire, and any and all costs and expenses incurred in suppression of that fire. Purchaser shall fully defend, indemnify and hold Seller harmless from all liability (including attorney fees), to other governmental authorities or to public or private parties arising, directly or indirectly, from Purchaser's violation of law, and/or any fire resulting, directly or indirectly, from Purchaser's operations under this Contract. Purchaser understands that Wisconsin Forest Fire Law specifies that any person who starts a forest fire is responsible for paying the suppression costs and for damages resulting from the fire.

3. Purchaser agrees to take reasonable precautions to prevent the starting and spreading of fires during snow-free periods. Those precautions include, but are not limited to:

i. Fire tools: In order to maximize the ability to put out a forest fire in its initial

stages, hand tools such as shovels and rakes and one or more backpack cans of water or other water supply shall be readily available and accessible, and a minimum of one fully charged 5 pound or larger ABC fire extinguisher with a flexible spout shall be carried on each off-road logging vehicle.

ii. Spark Arresters: All chainsaws and all non-turbocharged off-road logging equipment used in the operation shall be equipped with spark arrestors that have been approved by the U.S. Forest Service. Such arrestors may not be altered in any manner or removed and shall be properly maintained.

iii. Machinery Maintenance: All machinery, including engine compartments of tree harvesting equipment and power saws, shall be kept free of accumulations of flammable materials (oil, residues, and forest litter).

iv. Refueling: Safe areas shall be established for refueling saws and equipment. Operators shall be advised of these areas and shall comply with safe refueling techniques:

- a) No smoking or open flames when refueling.
- b) Store fuel properly in approved containers.
- c) Store power saws away from the refueling areas.

v. Smoking, Burning and Warming Fires: Smoking materials shall be disposed of safely; Fires shall not be permitted during burning bans; Warming fires shall be maintained within an area cleared of burnable material within ten feet of said fires.

vi. Fire Surveillance: Purchaser shall post a lookout on the harvest area for one (1) hour after logging activity ends each day, during periods of very high or extreme fire danger.

vii. Restriction of Harvest Operations During Peak Fire Danger: During periods of very high or extreme fire danger, the foregoing precautions may not be sufficient to prevent a fire. During these periods, the Forest Administrator may restrict hours of operation or suspend logging operations. In either case, Purchaser will be alerted to these conditions as far in advance as possible.

E. Preservation of Survey Monuments

Purchaser is responsible for the preservation of all survey monuments. Purchaser agrees to comply with s. 59.74, Wis. Stats., regarding perpetuation of landmarks and pay for the cost of repair or replacement of property or land survey monuments or accessories which are removed, destroyed, or made inaccessible during Purchaser's operations. If any survey monuments are destroyed or damaged during Purchaser's operations, Purchaser shall immediately notify the Forest Administrator. After such notification, Purchaser shall cause the monument(s) to be replaced by a professional surveyor, who is licensed and acceptable to the Forest Administrator. Purchaser shall ensure that the professional land surveyor makes all appropriate filings of any resurvey with the Iron County Register of Deeds.

F. Indemnification

1. Purchaser agrees to indemnify and hold Seller and its agents, employees, officers and assigns harmless from any and all liability and damages which may arise from accident or incident which may occur, directly or indirectly, as a result of Purchaser's entry upon the Sale Area, logging operations, or any other activity of Purchaser or Purchaser's contractors, subcontractors, agents, employees, officers or assigns. Purchaser agrees to hold Seller and its agents, employees, officers and assigns harmless from any liens, claims, uninsured liabilities, contingent or otherwise, including, but not limited to, tax liabilities, trade creditors, tort claimants, Purchaser's negligence, Worker's Compensation claimants, contractor's liens, environmental damage, and any other claim of any kind whatsoever. Purchaser further agrees to indemnify and hold Seller and its agents, employees, officers and assigns harmless from any and all liability, loss, or damage that Seller or its agents, employees, officers or assigns, or Purchaser or its contractors, subcontractors, agents, employees, officers or assigns may suffer as a result of claims, demands, costs, including attorney's fees or judgments, or other action against it or them by reason of personal injury or death to any person or persons, or any property damage, resulting, directly or indirectly, from the Purchaser's said entry upon the Sale Area, logging

operations, or any other activity of Purchaser or Purchaser's contractors, subcontractors, agents, employees, officers or assigns. Purchaser shall indemnify and reimburse Seller for any attorney fees, other professional fees, and expert witness fees incurred by Seller in defending any claim subject to the indemnity provisions of this paragraph and shall indemnify Seller against any and all out-of-pocket costs. It is the parties' intent that this indemnity provision be construed as broadly as possible in favor of Seller. Seller may utilize the services of any professionals of its choice in defending any claims.

2. Purchaser agrees to promptly discharge and protect Seller and Seller's property and all timber and forest products taken therefrom from any and all liens, claims and liabilities whatsoever based upon, arising out of or resulting from the logging operations contemplated by this Contract. This provision applies to, but is not limited to, mechanic's liens, laborer's liens, materialmen's liens, tax liens, any claims for loss, damage or personal injury by employees of others, and any claims for trespass upon other property and any claims for violating any law relating to taxation, worker's compensation, unemployment compensation, and similar provisions.
3. Purchaser shall be responsible for all activities of any contractor or subcontractor of Purchaser. Purchaser's duty to indemnify Seller applies to any damage of any kind whatsoever incurred by Seller as a result of actions of Purchaser's contractors or subcontractors.

1. Independent contractor

The Purchaser is an independent contractor for all purposes including Worker's Compensation and is not an employee or agent of the Seller. The Seller agrees that the undersigned Purchaser, except as otherwise specifically provided herein, shall have the sole control of the method, hours worked, time and manner of any timber cutting to be performed hereunder. The Seller reserves the right only to inspect the job site for the sole purpose of insuring that the cutting is progressing in compliance with the cutting practices established under this Contract. The Seller takes no responsibility for supervision or direction of the performance of any of the harvesting to be performed by the Purchaser or Purchaser's employees.

The Seller further agrees to exercise no control over the selection and dismissal of the Purchaser's employees, except that jobbers and other employees who, on this sale or on previous county timber sales, have been unsatisfactory in the execution of their work, or in their integrity, shall, upon written request of the Forest Administrator, be barred from work on the Sale Area by the Purchaser.

J. Assignment (sub-contracting)

1. This Contract is not assignable without Seller's written consent, which may be withheld for any reason. Seller has relied on the reputation and creditworthiness of Purchaser in entering into this Contract and reserves the right to withhold its permission to assign this Contract based on Seller's sole and complete discretion.
2. If Purchaser elects to utilize a contractor or subcontractor, Purchaser shall remain responsible for all operations as provided in this Contract. Seller's consent to Purchaser's employment of a contractor or subcontractor does not constitute a release of Purchaser as to any obligations under this Contract.

K. Right of inspection by seller

The Seller retains for itself the right of ingress and egress to and on the Sale Area and may inspect the Sale Area and trucks hauling forest products from or traveling on the Sale Area at any time. If the inspection reveals any violations of this Contract, the Purchaser shall promptly take measures to remedy the violation. The Seller may terminate the Purchaser's operations upon oral notice to the Purchaser. Upon receipt of the notice, the Purchaser shall cease operations until the Seller approves resumption of them.

L. Governing Law and Venue

This Agreement shall be construed and interpreted under the laws of the State of Wisconsin, and the forum for disputes under this Agreement shall be the Circuit Court of Iron County, Wisconsin.

505.9.16 Attachments to Contract

1. Timber Sale Map – A map identifying parcel legal description, area to be harvested, roadways, water features, and a description of the harvest

specifications will be attached.

505.10 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.

505.11 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 or berm a timber sale access road. The administrator may allow a gate or berm to prohibit only motorized traffic.

505.12 SUPERVISING SALES

Sale inspections will be performed periodically by Iron County Forestry personnel during harvest operations, or as requested by the purchaser. Sale inspections may also be completed by DNR Forestry personnel as part of the requirements of the Wisconsin DNR Timber Sale Handbook (2461).

505.13 FOREST PRODUCTS ACCOUNTABILITY

505.13.1 Scaling Merchantability

1. Sawlogs will be scaled using Scribner Decimal C. log rules. A log is defined as:
 - 8” 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.) at 8' in length (plus trim) 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.

505.13.2 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 Section 505.8.13.

505.13.3 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 lockbox ticket system utilizes serialized three-part tickets that must be completed prior to leaving the sale area. Tickets identify sale contract number, Purchaser name, hauler, product, approximate volume, and date and time wood was removed from the sale area. 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. Cordwood products may also be scaled on the landing at the request of the Purchaser. Payment for wood products scaled is normally due within 15 days of billing.
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.

505.14 SPECIAL FOREST PRODUCT PERMITS

1. A written permit for taking fuelwood for personal use must be purchased for a specific area designated on the permit. A copy of the firewood permit is included in Chapter 1010.3.
2. A written permit for cutting boughs will be issued for a specific area designated in the permit. Bough payment rate will be set by the Forestry & Parks Committee. A copy of the bough permit is included in Chapter 1010.7.
3. Written permits may be issued for special forest products for community or

personal use, with fees established by the Forestry & Parks Committee.
Stumpage of fuelwood, Christmas trees, boughs, posts, poles and other special
forest products for resale will be handled as a regular timber sale.

510 TIMBER THEFT

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

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 ensure 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 commonly be removed but may be handled by a land use agreement in rare situations. For example, when the encroachment will be removed within a short and defined time period (e.g. septic system needs replacing, dilapidated structure needs to be rebuilt and relocated). 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 Iron 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 Appendix XX.

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 Program, Chapter NR 135, Wis. Adm. Code. The County Forestry Department shall work with the local permit coordinator (often county or local zoning office) 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.

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 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 or money in a segregated land acquisition account to purchase lands.
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.

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 on county forest lands unless the easement helps to achieve the purposes of the County Forest Law program.

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.

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.

A fee, based on the adopted department fee schedule, 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.

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 not to exceed 10 years without approval of the full County Board of Supervisors.
3. Gates, signs, or other articles of the permittee are not permitted on County lands
4. A copy of Iron County's Road Use Permit can be seen in Chapter 1010.4

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.

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.

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.
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 Iron County.
4. The fee for such a land use agreement is based on the adopted department fee schedule for the application and \$0.35 per lineal foot for each utility with a minimum fee of \$50.00.

520.8 COMMUNICATION TOWERS

The siting of communication towers on the Iron 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. Iron County shall be provided use of such tower for a rate to be determined by the parties.
5. Any agreement should also consider the inclusions listed under 520.5 (Items 1-8).

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. An example of these types of areas is the Penokee Range Biological Reserve Area.

525 TREATY RIGHTS: GATHERING MISCELLANEOUS FOREST PRODUCTS

Ordinance No. 12-1-6, adopted by the County Board of Supervisors of the County of Iron on July 31, 2006, authorizes Iron County to require permits for gathering miscellaneous

forest products on County land by Native American treaty rights participants. The ordinance, Section 12-1-6 of the General Code of Iron County, adopts language of, and complies with, the Federal District Court decision and states as follows:

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.

IRON COUNTY FOREST COMPREHENSIVE LAND USE PLAN
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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. Iron 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.

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 Iron 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.

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. Equipment available can include: bulldozer, dump trucks and trailers, excavator, and loader. 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 wildfires to the DNR, local Fire Department or 911 Dispatch.

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 CAMPFIRES

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 and Pathogens of Interest

610.3.1.1 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 Iron County’s policy to follow the Emerald Ash Borer Silviculture guidelines.

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 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 Iron 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 from April 15 to July 15, e.g. through construction activities or storms, the wounds should be painted immediately with a wound paint.

Oak Wilt has not yet been discovered in Iron County. If found, it will be Iron County's policy to remove infected trees and debark or chip them when located in a highly intensive use area. Once chipped or debarked, the materials shall be covered with plastic for a period of six months to kill the fungus and any insects in the material. A vibratory plow, or similar implement, will 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.

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 Iron 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. Iron County will strive to maintain healthy trees through sound silvicultural practices to discourage infestation.

610.3.1.6 HRD

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. 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. While HRD is not known to be in Iron County, if discovered, it will be Iron County's policy to follow the "Guidelines for stump treatment to reduce the risk of introduction and spread of Heterobasidion root disease in Wisconsin."

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. Iron 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.

610.5.1 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](#).

610.5.2 Best Management Practices

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

610.5.3 Terrestrial Invasive Species

Terrestrial invasive species are equally damaging to habitat, native species, and recreation. Invasive terrestrial plants and animals have potentially devastating consequences to forest, farm and wetland ecosystems if their presence is ignored. Terrestrial invasive species management will be prioritized based on location, access, and threat. Terrestrial invasive species listed below have been documented in Iron County:

- Asiatic/Amur Honeysuckle (*Lonicera maackii*)
- Common/Glossy Buckthorn (*Rhamnus cathartica* and *R. frangula*)
- Earthworms (*Amyntas*, *Acanthodrilidae*, *Lumbricidae*, *Megascloedidae*)
- European Swamp Thistle (*Cirsium palustre*)
- Garlic Mustard (*Alliaria petiolata*)
- Giant, Bohemian, Japanese Knotweed (*Polygonum cuspidatum*)
- Giant Hogweed (*Heracleum mantegazzianum*)
- Gypsy Moth (*Lymantria dispar*)
- Japanese Barberry (*Berberis thunbergii*)
- Leafy Spurge (*Euphorbia esula* & *Euphorbia cyparissias*)
- Reed Canary Grass (*Phalaris arundinacea*)
- Spotted Knapweed (*Centaurea maculosa*)
- Wild Parsnip (*Pastinaca sativa*)

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700 ACCESS CONTROL AND HISTORY

Resource management, protection activities, recreational uses, and other public uses on the Iron County Forest require several different types of access. Since the Forest is large and diverse, a broad network of access opportunities have developed over the years. A combination of geography, soils, vegetation, surface waters, seasons of the year, presence/absence of roads or trails, ownership of adjoining lands, and public regulations interact to control access to any part of the Forest. Many of the existing roads and trails were originally developed as logging roads, forest fire protection lanes, or trails used to reach popular hunting and fishing areas. The locations and standards for these earlier roads were not routinely established by county personnel, nor were they maintained on a regular basis. Over the years, the road density and frequency of vehicle use on the Forest has increased in response to an expanding number of motorized recreational vehicles and to provide access for our harvest program. Often times, different uses have occurred on the same trails with minimal conflicts. But the diverse demands for, and uses of, the County Forest have reached the point where integrated access management planning is needed.

705 CHAPTER OBJECTIVES

1. Provide direction to the committee and resource managers in order to maintain a network of roads and trails on the County Forest. This will meet the needs for resource management and protection activities, as well as provide public access for recreation opportunities.
2. Identify the distribution, density, and types of roads and uses of roads and trails needed to establish a safe and efficient transportation and recreation system that complements the economic, environmental, and social interest in the County Forest.
3. Identify the existing and future County Forest roads eligible for transportation aids under s.86.315(1), Wis. Stats.
4. Identify areas on the County Forest where the access is limited or restricted.
5. Identify the provisions and criteria that will be policy when addressing management issues on the County Forest.

710 ROADS

Iron County Forest staff will oversee the construction and maintenance of all roads within the County Forest. These roads are constructed and maintained by the Forestry Department with occasional cooperation of local Towns and private contractors.

The specifications for road construction and maintenance will vary with the frequency, duration, and planned use of each road. Three major types of roads occur on the Forest: permanent primary roads; permanent secondary roads, and temporary roads.

New road establishment should consider information identifying areas with sensitive soils or severe slopes that have the potential for adverse water quality impacts from land management practices. County staff can work with local DNR forest hydrologists to develop site-specific measures where appropriate and to follow all required permitting processes when applicable. The forest should have enough roads to provide sufficient access, without degrading water resources, while still maintaining recreational experience. Program evaluation of road infrastructure will continuously occur.

710.1 PERMANENT PRIMARY FOREST ROADS (County Forest Roads)

These roads are the primary roads accessing the County Forest. They are designed, constructed, and maintained for year-round use. These roads serve as essential access corridors for multiple use management. Some of these roads are graveled and routinely graded. Vehicle use may be restricted at various times of the year to minimize physical damage to the road or for safety reasons. Many of these roads are not typically snow plowed unless access for logging operations is needed.

Forest roads in this category qualify for the County Forest Road Aids program. Qualifying roads in this program must meet minimum design standards set by WI Statute Section 86.315 (4) (a) and 86.315 (3) and administered by WIDOT. A yearly aid payment is used to maintain and improve these certified public roads. The following table lists the roads currently certified under s. 86.31(1), Wis. Stats. Also included are roads proposed for addition once improvements meet statute requirements.

IRON COUNTY 2020 WisDOT CERTIFIED ROADS

| <u>Township</u> | <u>Road Name (segment)</u> | <u>Length (in miles)</u> |
|----------------------------------|----------------------------|------------------------------|
| Anderson | Apple Creek Road | 0.95 |
| Anderson | Norman Creek Road | 1.60 |
| Anderson | Wren Falls Road | 1.50 |
| Anderson | Bull Gus Road | 2.80 |
| Anderson Total -- | | 6.85 |
| Carey | Obadash Lake Road | 0.93 |
| Carey | Hogsback Road | 0.43 |
| Carey | Lake One Road | 0.95 |
| Carey Total -- | | 2.31 |
| Gurney | Birch Hill Drive | 1.60 |
| Gurney Total -- | | 1.60 |
| Knight | Shirley Lake Road | 2.65 |
| Knight | Game Management Road | 6.12 |
| Knight | Apple Creek Road | 2.50 |
| Knight | Snaketrack Road | 3.68 |
| Knight | Roddis Cutoff | 0.33 |
| Knight | Crawford Road | 4.20 |
| Knight | Augustine Creek Road | 4.90 |
| Knight | Crawford Pit Road | 0.90 |
| Knight | Bucks Pit Road | 0.70 |
| Knight | Norman Creek Road | 1.75 |
| Knight Total -- | | 27.73 |
| Oma | Nasi Camp Road | 1.00 |
| Oma Total -- | | 1.00 |
| Pence | CF #701 Road | 0.34 |
| Pence | Hogsback Road | 6.14 |
| Pence Total -- | | 6.48 |
| Saxon | Boomer Creek Road | 1.60 |
| Saxon Total -- | | 1.60 |
| Iron County Total | | 47.57 |

IRON COUNTY PROSPECTIVE FUTURE WisDOT CERTIFIED

| <u>Township</u> | <u>Road Name</u> | <u>Length (miles)</u> |
|-----------------|------------------|---------------------------|
| Anderson | Bull Gus | 0.60 |
| Knight | Roddie Road | 0.33 |
| Total -- | | 0.93 |

These permanent primary roads will be maintained and remain open to public use. These roads are all gravel surface roadways. They are typically graded two times per year and other general maintenance such as brushing, spot gravelling, and culvert replacements are completed as needed. It is the policy of the Iron County Forestry Dept. to not snowplow these County Forest Roads unless they are needed for access for silvicultural purposes such as timber harvesting, fire & insect protections, and planting or site preparations.

710.2 PERMANENT SECONDARY ROADS

These roads often serve a variety of uses including forest management, fire protection, and recreation. These roads are maintained as part of a permanent road system but are often narrower than permanent primary roads and are built and maintained to lower standards. Some of these roads are designed for use only when the ground is frozen or firm.

Some roads in this category are located in areas on the Forest where motor vehicle use is limited or restricted. In these instances, the roads will be blocked and/or signed as restricted

In instances where motorized traffic is restricted, vehicle access will only be authorized for planned management activities, fire protection, and in cases where motorized handicapped access has been approved. Foot traffic is allowed on all roads.

710.3 TEMPORARY ROADS

Many of the roads on the Forest fall into this classification. These roads are designed and constructed for short-term use for a specific project; often for timber harvest access. These

roads are used only for a short duration and when the activity is done, the temporary road is closed. These roads are naturally or artificially revegetated and may be closed by use of earthen berms/bunkers or other physical barriers. In some cases, roads are completely closed with slash and debris to prevent future use and to encourage natural regeneration of trees.

Temporary roads on existing and past sales will be considered for closure. Reasons will include protection of perpetually wet soils, human safety, and prevention of illegal dumping.

The need for new temporary roads will be evaluated on a case-by-case basis. Road locations will be included in designing timber harvests. Consideration will be given to the objectives within each County Forest unit, existing road density, potential use, and soil type.

710.4 STATE, COUNTY, TOWN DRIVEWAY PERMITS

710.4.1 State Highways

Wisconsin DOT generally requires permits for permanent and temporary driveways on state highways. The County should track and retain permit records and work with local DOT officials for access.

710.4.2 County Highways

Driveway permits for County Highways are issued through the Iron County Highway Dept. through its Highway Commissioner. A copy of the driveway permit application is located in Chapter 1010.11.

710.4.3 Town Roads

Driveway permits for Town Roads located in Iron County are under the jurisdiction of the individual Towns. Additional information on the requirements of each Town can be obtained from the respective Town Clerks.

710.5 UTILITIES

Utility lines, pipelines, railroads, and other public services may be allowed within the County Forest. See Chapter 520.5 and 520.7 for additional requirements of public and private utilities.

710.6 CULVERTS

In many cases culverts are needed in all three classifications of roads that are on the County Forest when dealing with drainages, wetlands and stream crossings. Some of these are temporarily placed culverts that are used during a specific project then removed, while others are permanent structures. In all instances, culverts should be placed according to required DNR permitting procedures and should follow BMP's for culverts that can be found in chapters 4 and 5 of the WI BMP's for Water Quality PUB FR-093 2010. Routine maintenance of these structures should also be completed to make sure structures are adequately working. The county may want to consider documenting the location of culverts on the forest and provide a list of the culverts that should be routinely checked.

715 RESTRICTED ACCESS AREAS

In addition to providing trails for motorized vehicle use, the Forest may also provide and designate areas where motorized equipment is not permitted unless authorized by the Committee. The principal intent of these areas is to prevent environmental damage to sensitive areas, protect historical or archeological sites, protect endangered and threatened species, provide for human safety and provide areas for quiet, secluded recreation.

720 WILD LAKES

The surface waters encompassed under the wild lakes designation include those restricted use areas that are not open to any gasoline-powered vehicles, water craft, or snowmobiles except when snow covered. In general, all or most of the shorelines of these lakes and streams are owned by Iron County or the State of Wisconsin. Counties may request that townships, under authority of s. 30.77 (3) Wis. Stats., establish regulations restricting motorized use on these surface waters. Canoes, kayaks, and boats propelled by wind, oars, or electric motors are

permitted. Gasoline or diesel-powered equipment is not permitted. The intent of these restrictions is to protect the aquatic resources of these lakes but still allow human access. Several lakes, listed in internal DNR documents, designated as “Wild Lakes” include shoreline, which is part of the Iron County Forest:

- Dorothy Lake
- Saxon Falls Flowage
- Beaver Lake (Sec. 10, T43N R4E)
- Beaver Lake (Sec. 26, T44N R3E)
- Maki Lake

725 ROAD CONSTRUCTION BEST MANAGEMENT PRACTICES FOR WATER QUALITY

The layout and construction of any new road or trail situated on the County Forest shall adhere to *Wisconsin’s Best Management Practices for Water Quality* (PUB-FR-093-95). This access management plan addresses the need and diversity level of forest roads and trails within the County Forest. The BMP Manual provides guidelines for road construction. Soil disturbance activities in highly erodible soil areas may require mitigating measures in excess of those currently listed in the Best Management Practices manual PUB-FR-093-2010. Wider buffers, sediment control structures and water diversion techniques will be used as appropriate in these sensitive areas.

730 SIGNS

Signs on the County Forest will be used discreetly to perform and function with minimal disruption to the multiple uses of the Forest. Private signs promoting personal, commercial or political objectives will not be permitted. Signs erected by the county for management purposes or by non-profit recreational trail groups will be as follows:

1. Informational Type Signs
 - a. Interpretive Signs - to educate the general public about forest management practices.
 - b. Public Land Signs - to identify the land as Iron County Forest property.

- c. Trail Markers - to provide direction and safety to trail users.
 - d. Scientific, Historical or Geological Markers - to identify points of interest.
 - e. Recreational Facility Markers - to identify park entrances, etc.
 - f. Directional Markers.
 - g. Wayfinding Signs – direction to gas or supplies, trails, etc.
2. Regulatory Type Signs - to regulate the use of the Forest in specific areas.

730.1 SIGNING STANDARDS

To assure that signs will serve a purpose without damaging aesthetics, the following standards will be maintained:

- 1. All signs will be mounted on treated wooden posts or steel backed wooden posts.
- 2. Routed wood signs will be used wherever practical. Fiberboard or painted metal signs, when used, will be of neat appearance.
- 3. Signs placed on snowmobile/ATV trails must conform to state standards and be approved by the committee.
- 2. All authorized signs shall be protected by ordinance from being damaged, defaced, obstructed, removed, or possessed by unauthorized persons.
- 3. All unauthorized signs will be removed by the Forestry staff. No compensation will be afforded for loss or damage to signs during removal. Individuals erecting unauthorized signs may be prosecuted under s. 943.13(3), Wis. Stats.

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800 CHAPTER OBJECTIVES

1. To introduce and communicate to the public, the County Board of Supervisors, and to the Wisconsin DNR, the integrated resource approach that forestry, wildlife and other natural resource staff will use on the Iron County Forest during this planning period.
2. Counties may wish to consider "Integrated Resource Management Units" (IRMU) approach, that will identify and summarize the natural resources, social and physical management potential and opportunities for each unit.

805 INTEGRATED RESOURCE MANAGEMENT APPROACH

Integrated Resource Management is defined as: "the simultaneous consideration of ecological, physical, economic, and social aspects of lands, waters and resources in developing and implementing multiple-use, sustained yield management" (Helms, 1998).

This balance of ecological, economic, and social factors is the framework within which the Iron County Forest is managed.

The working definition of Integrated Resource Management means, in large part, keeping natural communities of plants and animals and their environments healthy and productive so people can enjoy them and benefit from them now and in the future.

The remainder of this chapter is written to help communicate how the Forest is managed on an integrated resource approach.

810 SUSTAINABLE FORESTRY

"The practice of managing dynamic forest ecosystems to provide ecological, economic, social and cultural benefits for present and future generations" NR 44.03(12) Wis. Adm. Code and s.28.04(1)(e), Wis. Stats.

For the purpose of this chapter, sustainable forestry will be interpreted as the management of the Forest to meet the needs of the present without knowingly compromising the ability of future generations to meet their own needs (economic, social, and ecological) by practicing a land stewardship ethic which integrates the growing, nurturing, and harvesting of trees for useful products with the conservation of soil, air and water quality, and wildlife and fish habitat. This process is dynamic, and changes as we learn from past management.

810.1 TOOLS IN INTEGRATED RESOURCE MANAGEMENT

810.1.1 Compartment Recon

The County will support and utilize the compartment reconnaissance procedures as set forth by the DNR Public Forest Lands Handbook 2460.5. WisFIRS serves as the database for housing recon information.

810.1.2 Forest Habitat Classification System

The Forest Habitat Classification System (*A Guide to Forest Communities and Habitat Types of Northern Wisconsin Second Edition; Kotar, et al.*) is a natural classification system for forest communities and the sites on which they develop. It utilizes systematic interpretation of natural vegetation with emphasis on understory species.

810.1.3 Soil Surveys

Forestry staff's knowledge of forest ecology and their experience across the landscape can assist in associating forest habitat types and site indices with soil type information. These associations can be beneficial in determining management prescriptions for specific sites. WisFIRS contains soil survey data, and this information can also be found on the NRCS website-based soil survey. <https://websoilsurvey.sc.egov.usda.gov/App/HomePage.htm>

810.1.4 Ecological Landscapes

The Wisconsin DNR uses Ecological Landscapes of Wisconsin (WDNR Handbook 1805.1) which is an ecological land classification system based on the National Hierarchical Framework of Ecological Units (NHFEU). Ecological landscapes distinguish land areas different from one another in ecological characteristics. A combination of physical and biological factors including climate, geology, topography, soils, water, and vegetation are used. They provide a useful tool and insight into ecosystem management. Land areas identified and mapped in this manner are known as ecological units. Generally accepted silvicultural systems are prescribed on a stand level scale, in recognition of the position within an ecological landscape.

810.1.5 Integrated Pest Management

“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 Committee has the authority to approve and direct the use of pesticides and other reasonable alternatives in an integrated pest management program on the Forest. Refer to Chapter 600 (610.3) for more detailed discussion and integrated pest management strategies.

810.1.6 Best Management Practices for Water Quality

The most practical and cost-effective method to assure that forestry operations do not adversely affect water quality on the Iron County Forest is to utilize "best management practices" (BMP's) as described in *Wisconsin's Forestry Best Management Practices for Water Quality*. Publication number FR-093.

Consistent with the aforementioned manual (page 6), Iron County will use BMPs on the Forest with the understanding that the application of BMP's may be modified for specific site conditions with guidance from a forester or other natural resource

professional. Modifications will provide equal or greater water quality protection or have no impact on water quality. Areas with highly erodible soil types, proximity to streams or lakes, or steep slopes may require mitigating measures in excess of those outlined in the manual. All Iron County employees practicing forestry will receive BMP training. Additionally, Iron County will encourage BMP training of all logging contractors that operate on County timber sales.

810.1.7 Fire Management

Reference Chapter 605.

810.1.7.1 Prescribed Fire

Prescribed burning on the County Forest may play an important role in management. Many of the plant communities are present today as a result of wildfires.

As the needs are presented to regenerate or maintain timber types or other plant communities, the Committee will examine the costs and benefits of each opportunity. Increased regulations, the county's cost of completing the burn, and the risk of breakouts and uncontrolled fires will have to be considered with any benefits of vegetation management through prescribed burning.

All prescribed burning will be done in accordance with Wisconsin State Statutes 26.12, 26.14, and the DNR Prescribed Burn Handbook 4360.5 and in cooperation with the Department of Natural Resources per section 605.5 of this plan.

810.1.8 Outside Expertise, Studies and Survey

Additional data necessary to make management decisions on the County Forest will be sought from agencies or individuals, who have the best capability and technical expertise, including, but not limited to:

- Water Resources: WDNR
- Wildlife Resources: WDNR
- Soil Resources: NRCS
- Mineral Resources: WDNR
- Wetland Resources: WDNR, Army Corps of Engineers, County Zoning
- Navigable Streams: WDNR, Army Corps of Engineers, County Zoning
- Floodplains: County Zoning
- Cultural Resources: WDNR, State Historical Society
- Entomology / Pathology: WDNR
- Endangered Resources: WDNR
- Forestry: Cooperative Field Trials, see WDNR website

810.1.9 Local Silvicultural Field Trials

To date, numerous field trials have been completed or are ongoing on the Iron County Forest. These trials include:

- Caroline Lake Road Swamp Hardwoods Strip Harvesting
- Caroline Lake Road Swamp Hardwoods Underplanting
- Vogues Road Swamp Hardwood Underplanting
- Aspen Conversion on the Clay Plain

Additional information about these trials can be found at:

<https://dnr.wisconsin.gov/topic/forestmanagement/silviculturetrials>

815 MANAGEMENT CONSIDERATIONS TO REDUCE LOSS

Consideration will be given to altering or adjust forest management prescriptions as necessary in order to prevent or mitigate risk of financial losses due to damaging agents. In general, retaining high value forest products for long terms on the landscape should always be weighed against the risk of losing that product's value in a weather event or other damaging factor.

The long-term impacts of climate change are unknown at this time, however the certainty of increasing weather events appears readily apparent. Given this change, the following responsive measures will be evaluated and applied.

815.1 RISK FACTORS

815.1.1 Wind

In general, all stands with higher than normal economic value should be evaluated to determine ways to capture certain high value trees in a way that complies with stand prescriptions and does not impact other stand characters. Final harvests and regeneration on aspen, jack pine, white birch and other even aged stands will be conducted as close to the targeting rotation age as is feasible. In northern hardwood stands dominated by larger diameter, high quality trees, on sites not at or near target age for regeneration, apply intermediate treatment (thinning) with adjustments to the order of removal to include economic maturity as one of the standards. For all-aged managed stands, consider economic maturity when evaluating retention versus removal. This does not mean that all large diameter and high value trees are to be removed, only that field staff will look for opportunities to remove some of those trees within the marking order of removal while maintaining residual basal area, spacing, and other criteria.

815.1.2 Flooding

In general, flooding events appear to also be on the rise, usually associated with storm systems. These floods tend not to impact forested settings to any great degree and mitigating management prescriptions are usually not necessary. Flooding relating to beaver activity can cause significant impacts to the forest. To that end, Iron County will review forest stands lying on lowland soils to determine which sites are associated with stream flow and are likely to be at risk of flooding from beaver activity.

815.1.3 Timber Markets

Market conditions for certain forest products may be a criterion to use for establishing alternative management techniques. It is important for County Forest staff to have a solid understanding of the value of certain products within the timber markets. Objectives may be adjusted to capture higher values. Red pine, for example may have alternate prescriptions in order to produce utility poles, which are generally higher in value than larger sawlog products. Hardwood markets generally have a maximum diameter that the mills are able to saw, which may impact top end diameter in hardwood or oak stands.

820 PLANT COMMUNITIES MANAGEMENT

Iron County recognizes the importance of maintaining the diversity of the forest under an ecosystem approach. The process involved in making management decisions to encourage or not encourage specific species or communities is complex. It includes an understanding of:

- Objectives of the County
- Integration of landforms, soils, climate, and vegetative factors
- Habitat classification
- Past, present and future desired condition
- Surrounding ownership patterns and general objectives
- Wildlife habitat and other values
- Social needs

820.1 SILVICULTURAL PRACTICES/TREATMENTS

Silviculture is the art and science of controlling forest composition, structure, and growth to maintain and enhance the forest's utility for any purpose. These practices are based on research and general silviculture knowledge of the species being managed. The goal is to encourage vigor within all developmental stages of forest stands, managed in an even aged or uneven aged system. The application of silviculture to a diverse forest needs a unified, systematic approach. The DNR Public Forest Lands Handbook (2460.5) and DNR

Silvicultural Guidance will be used as guidelines for management practices used on the County Forest.

820.1.1 Natural Regeneration

Where feasible, natural regeneration will be encouraged through the use of silvicultural methods that promote regrowth and recruitment of the forest. In general, the particular silvicultural method chosen will depend on the biological functions of the target species or forest type.

820.1.1.1 Clearcutting/Coppice

Clearcutting is a silvicultural method used to regenerate shade intolerant species. Complete, or nearly complete removal of the forest canopy will stimulate the regeneration and growth of species such as aspen, jack pine and white birch. This method is also used as a final rotation removal in species such as red oak, red pine and others. Tree retention guidelines are followed when prescribing clearcut or coppice cuts.

820.1.1.2 Shelterwood / Seed Tree

Shelterwood harvest is a method used to regenerate mid-shade tolerant and shade tolerant species. Partial canopies stimulate regeneration, enhance growth and can provide seed source. Canopies are eventually removed. This method is used for white birch, white pine, red oak, and northern hardwood (when managing even aged).

820.1.1.3 All Aged Regeneration Harvests

All aged regeneration harvests are used in shade tolerant species. Gaps in the forest canopy allow regeneration to occur throughout the stand. Over time, multiple entries into the stand will create multiple age class structure with the intent of creating a fully regulated stand. All aged regeneration harvests may be prescribed in the form of single tree selection, group selection or patch selection. This method is used in northern hardwood and

occasionally in swamp hardwoods (when managing for all aged)

820.1.1.4 Prescribed Burning

Prescribed burning may be utilized as a tool to promote regeneration. While not predominate, a number of forest types in Iron County are ecologically tied to fire. Burning may create seeding conditions or release regeneration from competing vegetation. Prescribed fire may be used for regeneration of red oak, jack pine or white pine. See section 605.

820.1.1.5 Soil Scarification

Scarification is a technique used to prepare a seedbed beneath forest stands scheduled for harvest and regeneration. This mechanical disturbance that exposes bare mineral seedbeds and creates conditions necessary for regeneration of pine species. Disturbance that mixes seed into duff and soil layers creates optimal conditions for regeneration of oak, white birch, fir and others. Iron County utilizes salmon blades, root rakes, straight blade, and anchor chain for soil scarification.

820.1.1.6 Other

Other natural regeneration techniques may be considered where necessary and appropriate. New methods for natural regeneration are continually tested for effectiveness.

820.1.2 Artificial Regeneration

When natural regeneration fails, or when tree species present do not coincide with management objectives for the site, artificial means will be employed to establish a desirable stand of trees. Artificial regeneration on a site usually requires some form of site preparation followed by seeding or planting.

820.1.2.1 Mechanical Site Preparation

Mechanical site preparation includes the use of soil disturbance equipment

such as a disc, roller chopper, patch scarifier, disk trencher or V-plow prior to tree planting or seeding. These types of equipment are used to reduce logging debris to a smaller size, incorporate debris into the soil, clear brush and debris from the site, and to reduce competition from other vegetation.

820.1.2.2 Chemical Site Preparation

Herbicide application can be an effective means of controlling unwanted vegetation in order to establish seedlings or plantations. It should be used sparingly and in situations where mechanical treatment is not expected to provide the level of vegetative control needed. Chemical will be applied in strict accordance with label recommendations, requirements, and under the oversight of a certified applicator. Herbicides will normally be applied with motorized, ground based equipment, hand applications, or aurally. A written prescription for each herbicide application will be prepared and kept on file.

820.1.2.3 Prescribed Burning

Prescribed burning for site preparation can be used to reduce logging debris, clear the site, reduce competing vegetation, and to release nutrients into the soil.

820.1.2.4 Tree Planting / Seeding

Both machine and/or hand planting/seeding will be utilized to insure adequate regeneration. The selection of species will be determined according to the specific management objectives and capabilities of each site. Planting or seeding will primarily occur in areas where natural regeneration is inadequate or conflicts with the management goals of the site. Iron County will make all reasonable efforts to source seeds/seedlings from local genetics.

820.1.3 Intermediate Treatments

Intermediate treatments are those practices used to enhance the health and vigor of a forest stand. In general, intermediate treatments are applied to forest stands managed as even aged.

820.1.3.1 Mechanical Release

Mechanical release is the removal of competing vegetation by means other than herbicide or fire. Mechanical may include releasing young pine plantations from competing vegetation using chain saws or other hand-held equipment; or mowing to release regeneration.

820.1.3.2 Chemical Release

Chemical Release is the removal of competing vegetation from desirable trees through the use of herbicides. It should be used sparingly and in situations where mechanical treatment is not expected to provide the level of vegetative control needed. Chemical will be applied in strict accordance with label recommendations, requirements and under the oversight of a certified applicator. A written prescription for each herbicide application will be prepared and kept on file.

820.1.3.3 Non-Commercial Thinning (TSI)

In general, most thinning needs are accomplished through commercial harvest operations. Non-commercial thinning may be considered if the individual site requirements, funding and/or available labor make it desirable.

820.1.3.4 Thinning / Intermediate Cuts

Management of some even aged forest types necessitates the use of commercial thinning, also known as intermediate harvests, to maintain forest health and vigor. Thinning is generally prescribed in forest types

such as red pine, red oak, and in cases of even aged hardwood management. Thinning may be prescribed on other even aged types as appropriate and where feasible. Intermediate harvests include prescriptions for residual densities, marking priorities, spacing, crown closure, diameter distribution, or other measurements.

820.1.3.5 Pruning

Pruning is the removal of limbs from lower sections of trees to increase log quality. Major pruning efforts were conducted in the past, but it is not generally recognized as economically viable on the forest.

820.2 SILVICULTURAL PRESCRIPTIONS

820.2.1 Even-Aged Management

A forest stand composed of trees having relatively small differences in age. Typical cutting practices include clear cutting, shelterwood cutting and seed-tree cutting. Even aged management is generally required to manage shade intolerant, early successional forest types.

820.2.1.1 Aspen

These are types where aspen trees comprise of more than 50% of the stems. On the forest, aspen types may be dominated by quaking or big tooth aspen or a combination of both. Aspen stands contain a wide variety of associated hardwood and conifer species.

- Shade tolerance – Intolerant
- Habitats – PArVAm, AVDe
- Intermediate treatments – None
- Median rotation age – 60
- Primary regeneration method – Natural
- Harvest method – Clearcutting with coppice
- Habitat value – Early successional related species

- Economic value – Fiber production / bolts
- Insect disease considerations – Hypoxylon and other cankers
- Trends – General decline on statewide acreage
- Landscape considerations – Retain/increase acreage where possible

820.2.1.2 Red Pine

These are types where red pine makes up more than 50% of the stems.
Common associates in Iron County are pin oak, aspen, and white birch.

- Shade tolerance – Intolerant
- Habitats – AVb / Par / VAa
- Intermediate treatments – Thinning
- Median rotation age – 90
- Primary regeneration method – Artificial/Natural
- Harvest method – Seed tree / Clearcut
- Habitat value – Wildlife Cover/Shelter/Food Source
- Economic value – High
- Insect disease considerations – Ips Spp / Diplodia / Pine weevil
- Armillaria Landscape considerations – Retain / Increase

820.2.1.3 Red Maple

These are types where red maple makes up more than 50% of the stems.
Common associates in Iron County are yellow birch, aspen, black ash and white ash.

- Shade tolerance – Intermediate
- Habitats – TMC / ATM
- Intermediate treatments – Thinnings
- Median rotation age – 90
- Primary regeneration method – Natural
- Harvest method – Group Selection / Shelterwood

- Habitat value – Nesting / Food Source / Cavities or dens / Early successional species habitat
- Economic value – Low to Moderate
- Insect disease considerations – Hypoxylon canker / Drought stress
- Landscape considerations – Maintain / increase on wetter sites

820.2.1.4 White Birch

These are types where white birch makes up more than 50% of the stems.

Common associates in Iron County are balsam fir, aspen, and red maple.

- Shade tolerance – Intolerant
- Habitats – ATD, ATM, TMC, AVVib
- Intermediate treatments – Thinning
- Median rotation age – 75
- Primary regeneration method – Natural
- Harvest method – Thinning, Shelterwood, Seed Tree, Clearcut
- Habitat value – Early successional related species
- Economic value – Low to Moderate
- Insect disease considerations – Birch Dieback / Sapsuckers
- Trends – General decline statewide
- Landscape considerations – Increase where possible

820.2.1.5 Northern Hardwoods

These are stands dominated by shade tolerant and mid-shade tolerant species. In Iron County, northern hardwood stands are typically dominated by sugar maple, ash, basswood, and red maple. Common associates in Iron County are balsam fir, white spruce, and hemlock.

- Shade tolerance - Tolerant to mid-tolerant
- Habitats - ATM / ATD
- Intermediate treatments - Thinning / Shelterwood

- Median rotation age - 100
- Primary regeneration method - Natural
- Harvest method - Thinning/group selection/shelterwood/overstory removal
- Habitat value - Nesting / Food Source / Cavities or dens
- Economic value - High to moderate
- Insect disease considerations - Emerald Ash Borer, Eutypella canker
- Landscape considerations - Retain / Increase on poorer sites

820.2.2 Uneven-Aged Management

A forest stand composed of trees in various age and size classes. The typical cutting practice is selection cutting, where individual trees are removed from the stand. Regeneration is continually occurring after the stand is cut. Uneven-aged management is generally used to manage shade tolerant forest types.

820.2.2.1 Northern Hardwood

These are stands dominated by shade tolerant and mid-shade tolerant species. In Iron County, northern hardwood stands are typically dominated by sugar maple, ash, basswood, and red maple. Common associates in Iron County are balsam fir, white spruce, and hemlock.

- Shade tolerance - Tolerant to mid-tolerant
- Habitats - ATM / ATD
- Intermediate treatments - None
- Median rotation age - N/A
- Primary regeneration method - Natural – all aged regeneration
- Harvest method - Single tree / Gaps
- Habitat value - Nesting / Food Source / Cavities or dens
- Economic value - High

- Insect disease considerations - Emerald Ash Borer, Eutypella canker
- Landscape considerations - Retain / Decrease to favor diversity

820.2.2.2 Swamp Hardwood

Swamp Hardwood stands are often comprised of relatively pure stands of black ash, although mixed stands are commonly found. Black Ash with its rapid growth rate initially, dominates the structure and composition in this cover type. In old growth black ash stands, an uneven age structure with gaps is usually exhibited depending in the natural disturbance regime at the site (wind throw and flooding).

- Shade tolerance - Tolerant to mid-tolerant
- Habitats - FnArI / FnAbArOn
- Intermediate treatments - None
- Median rotation age - N/A
- Primary regeneration method – Natural/all aged regeneration
- Harvest method - Single tree / Patch selection
- Habitat value - Nesting / Food sources / Cover
- Economic value - Low to Moderate
- Insect disease considerations - Emerald Ash Borer, others
- Landscape considerations - Retain

820.3 LOCALLY UNCOMMON TREES / FOREST TYPES

The presence or lack of a particular tree species is dependent on land capability, climate, natural range, natural or human disturbance and many other factors. The following trees and types are considered uncommon on the Iron County Forest and likely across the general region. These trees may be left as reserves in even aged management prescriptions, or in thinnings and all aged regeneration harvests.

820.3.1 American Elm (*Ulmus americana*) is scarce primarily due to Dutch elm

disease. Small seedlings and small sapling regeneration are found throughout the County Forest from remnant elm trees. Healthy looking elm may be left uncut in hope that they may continue on the landscape as potential resistant seed sources. The resurgence of Dutch Elm Disease is, once again, taking a toll on elm trees.

820.3.2 Butternut (*Juglans cinerea*) occurs on the County Forest primarily in the southeast block. Due to butternut decline, fewer individuals are present than in previous years. Existing healthy butternut will normally be left in hopes that they may continue in the landscape as potential resistant seed source individuals. Where possible during silvicultural operations, efforts may be made to encourage regeneration of butternut. This may include cutting to encourage stump sprouts in certain situations.

820.3.3 Swamp White Oak (*Quercus bicolor*), while occurring out of its normal range, is found in a few locations in the Iron County Forest. Swamp white oak is typically retained and released to allow for additional regeneration.

820.4 FOREST TYPES REQUIRING INTENSIVE EFFORT TO REGENERATE

There are certain forest types within the County Forest that are difficult to regenerate. In many cases, this difficulty may be related to the exclusion of fire from the landscape, deer herbivory or other factors. The following list itemizes forest types with difficult regeneration and County management goals:

820.4.1 White birch

White birch is a shade intolerant species normally found in even aged stands. It appears white birch evolved to regenerate after disturbances such as fire. The County is committed to retain as much of the existing acreage of white birch as possible. Regeneration efforts will include pre-sale salmon blade scarification.

820.4.2 Northern red oak

Northern red oak is a shade intolerant to mid tolerant species found in primarily

even aged stands. Northern red oak appears to require disturbance to regenerate and herbivory appears to be a limiting factor on regeneration success. The County is committed to retain as much of the existing acreage of northern red oak as possible. Regeneration efforts will focus on timing soil scarification with good acorn crops and shelterwood harvests. Regeneration may require prescribed burning to release seedlings from competing vegetation.

820.4.3 Eastern Hemlock

Hemlock is a shade tolerant species that typically grows as a component of a northern hardwood stand or in pure stands with smaller components of maples, yellow birch, and basswood. Hemlock provides excellent wildlife cover and habitat and is an important species in providing diversity and cover in northern hardwoods. While regeneration is present in many areas of the Iron County Forest, consistent recruitment is difficult and remnant stands will be retained to provide seed sources for future management activities and for wildlife benefits.

820.4.4 Northern White Cedar

Northern white cedar is a slow-growing, conifer species that is normally found on wetter sites. Regeneration of cedar occurs through seeding or layering. Limitations for establishing regeneration is typically the disruption of site hydrology and over-browsing. Young cedar is a preferred food source for whitetail deer and snowshoe hares. Over browsing can lead to regeneration failure if high numbers of either are present. Given the difficulty in establishing large-scale regeneration successes, Iron County usually does not harvest cedar to protect the seed source and the habitat benefits for wildlife.

820.5 INVASIVE PLANT SPECIES OF CONCERN

Invasive plants can cause significant damage to the forest. Invasive species can displace native plants and hinder the forest regeneration efforts. Preventing them from dominating forest understories 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. More information on invasive species can be found in Section 610.5.

820.6 LEGALLY PROTECTED AND SPECIAL CONCERN PLANT SPECIES

There are plants in Wisconsin that are protected under the Federal Endangered Species Act, the State Endangered Species Law, or both. On County Forest, no one may cut, root up, sever, injure, destroy, remove, transport or carry away a listed plant without a valid endangered or threatened species permit. There is an exemption on public lands for forestry, agriculture and utility activities under state law. The County will, however, make reasonable efforts to minimize impacts to endangered or threatened plants during the course of forestry/silviculture activities (typically identified in the timber sale narrative).

The Wisconsin Department Natural Resources Bureau of Natural Heritage Conservation tracks information on legally protected plants with the Natural Heritage Inventory (NHI) program. The NHI program also tracks Special Concern Species, which are those for which some problem of abundance or distribution is suspected, but not yet proven. The main purpose of this category is to focus attention on certain species before they become threatened or endangered. The County has access to this data under a license agreement and is committed to reviewing this database for endangered resources that may occur within proposed land disturbing project areas.

820.6.1 Legally Protected Plant Species Identified by NHI on or near the Iron County Forest (*as of 2019*)

| <u>Name</u> | <u>Federal Status*</u> | <u>State Status**</u> | <u>Type</u> |
|-----------------------|------------------------|-----------------------|-------------|
| Algae-leaved Pondweed | None | THR | Aquatic |

| | | | |
|----------------------------|------|-----|---------|
| Braun's Holly-fern | None | THR | Upland |
| Broad-leaved Twayblade | None | THR | Wetland |
| Calypso Orchid | None | THR | Wetland |
| Giant Rattlesnake-plantain | None | SC | Upland |
| Large-leaved Sandwort | None | END | Upland |
| Little Goblin Moonwort | None | END | Upland |
| Maidenhair Spleenwort | None | SC | Upland |
| New England Sedge | None | SC | Upland |
| Pale Beardtongue | None | SC | Upland |
| Pale Green Orchid | None | THR | Wetland |
| Robbin's Spike-rush | None | SC | Aquatic |
| Russet Cotton-grass | None | SC | Wetland |
| Smith's Melic Grass | None | END | Upland |
| Vasey's Pondweed | None | SC | Aquatic |

***SC= State Special Concern; THR=State Threatened; END = State Endangered*

820.6.2 Other Legally Protected Plant Species Identified by NHI in Iron County (as of 2019)

| <u>Name</u> | <u>Federal Status*</u> | <u>State Status**</u> | <u>Type</u> |
|--------------------------|------------------------|-----------------------|-------------|
| Linear-leaved Sundew | None | THR | Wetland |
| Male Fern | None | SC | Upland |
| Northeastern Bladderwort | None | SC | Wetland |
| Oregon Woodsia | None | SC | Upland |
| Ram's-head Lady-slipper | None | THR | Upland |
| Swamp Bedstraw | None | SC | Wetland |

***SC= State Special Concern; THR=State Threatened; END = State Endangered*

820.7 NATURAL COMMUNITIES

Similar to the tracking of protected plant species, the NHI database also tracks certain natural communities. According the DNR's NHI program, a natural community is "an assemblage of different plant and animal species, living together in a particular area, at a particular time, in a specific habitat." NHI tracks natural communities that are deemed by the DNR to be significant because of their undisturbed condition, size and what occurs around them. The following natural communities, recognized by NHI, are found on or near the Iron County Forest:

| <u>Community Name</u> | <u>Type</u> |
|--|----------------|
| <u>Black Spruce Swamp</u> | <u>Wetland</u> |
| <u>Boreal Forest</u> | <u>Upland</u> |
| <u>Emergent Marsh</u> | <u>Wetland</u> |
| <u>Ephemeral Pond</u> | <u>Aquatic</u> |
| <u>Lake – Deep, Very Soft, Seepage</u> | <u>Aquatic</u> |
| <u>Lake – Shallow, Soft, Drainage</u> | <u>Aquatic</u> |
| <u>Lake – Soft Bog</u> | <u>Aquatic</u> |
| <u>Mesic Cedar Forest</u> | <u>Upland</u> |
| <u>Moist Cliff</u> | <u>Upland</u> |
| <u>Muskeg</u> | <u>Wetland</u> |
| <u>Northern Dry-mesic Forest</u> | <u>Upland</u> |
| <u>Northern Hardwood Swamp</u> | <u>Wetland</u> |
| <u>Northern Mesic Forest</u> | <u>Upland</u> |
| <u>Northern Sedge Meadow</u> | <u>Wetland</u> |
| <u>Northern Tamarack Swamp</u> | <u>Wetland</u> |
| <u>Northern Wet Forest</u> | <u>Wetland</u> |
| <u>Poor Fen</u> | <u>Wetland</u> |
| <u>Shrub-carr</u> | <u>Wetland</u> |
| <u>Stream – Slow, Hard, Cold</u> | <u>Aquatic</u> |

Iron County will recognize these designations during all land management activities, but it is unlikely that changes to forest management prescriptions are necessary. Many of the sites are excluded from management and those actively managed sites are likely to include goals that are consistent with the NHI community designations. More information can be found at:

<https://dnr.wi.gov/topic/EndangeredResources/Communities.asp>

820.8 TREE RETENTION GUIDELINES

Most stands that are actively managed include timber production as a management goal (often in concert with other goals). Tree retention typically focuses on crop tree selection and regeneration methods. To satisfy multiple objectives and provide multiple benefits, retain additional trees to achieve non-timber management objectives. Integrate the following recommendations for tree and snag retention into the management of most forest stands:

820.8.1 Even-aged rotations

- Retain 2 - 4 (if available), preferably large, snags per acre.
- Retain reserve trees and/or patches at 3-15% crown cover or stand area, including large vigorous trees, mast trees, and cavity trees. Reserve tree retention is a generally recommended silvicultural practice for stands ≥ 10 acres. It is encouraged in smaller stands, but operational, shading, and other biological issues may limit application.
- Retention should generally be species representative of the pre-harvest dominant trees.
- Trees may be other than those dominant to the site in cases where disease or other management concerns exist (hypoxylon canker in aspen, dipolodia in red pine, etc.)

820.8.2 Even-aged intermediate treatments

- Retain 2 - 4 (if available), preferably large, snags per acre.
- Retain 2 - 4 (if available), preferably large, cavity trees per acre.

- Retain 2 - 4 (if available), preferably large, mast trees per acre.
- If previously established, manage reserve trees and patches. Management may include timber harvesting or passive retention.

820.8.3 Uneven-aged systems

- Retain 2 - 4 (if available), preferably large, snags per acre.
- Retain 2 - 4 (if available), preferably large, cavity trees per acre.
- Retain 2 - 4 (if available), preferably large, mast / legacy trees per acre.

Large mast trees, in addition to yellow birch and white pine, are ideal candidates for retention. These species can grow to large diameters and provide cavities, species diversity and excellent wildlife habitat. In cases where these recommendations for retention are not applied, then sound reasons and expected impacts of deviation should be documented.

820.9 BIOMASS HARVESTING GUIDELINES

Due to the prevalence of heavier soils in Iron County and the risk of residual stem damage in non-clearcut harvesting, biomass harvesting is not typically utilized. A map of biomass restricted soils is included in Chapter 1000.4. If biomass harvesting, if utilized, will adhere to guidance established in [Wisconsin's Forestland Woody Biomass Harvesting Guidelines](#).

825 ANIMAL SPECIES MANAGEMENT

Iron County Forest provides a wide range of wildlife habitats from open grasslands/barrens to mature forests, from bogs to forested wetlands, from spring ponds to lake shorelines. A primary goal of wildlife management on the Iron County Forest is to provide a diversity of healthy ecosystems necessary to sustain and enhance native wildlife populations. This forest will be managed primarily to provide habitats for a suite of species rather than focusing on a specific species, with exceptions made for Federal or State Listed Endangered or Threatened Species.

825.1 TECHNICAL PLANNING

Management of wildlife populations on the Iron County Forest falls under the jurisdiction of the DNR. Planning may be a cooperative effort of the County Forest staff, DNR liaison forester and wildlife manager in formulating management plans and utilizing forest and wildlife management techniques to accomplish desired forest and wildlife management goals.

825.2 GUIDELINES

DNR operational handbooks including the Public Forest Lands Handbook (2460.5), manual codes and guidance documents are important references and guidelines to utilize in fish and wildlife planning efforts.

825.3 INVENTORY

Habitat needs will be determined by analysis of forest reconnaissance information. Population estimates will be conducted periodically by DNR Wildlife, Natural Heritage Conservation personnel, and other trained cooperators. Currently, Department staff and volunteers conduct the following surveys on or adjacent to the Iron County Forest:

- Biotic inventories
- Summer deer observations
- 10-week brood surveys
- Carnivore tracking

- Frog and toad surveys
- Bat monitoring
- Bear hair snare surveys
- Snapshot Wisconsin
- Woodcock singing-ground survey
- Wolf howling survey
- Ruffed grouse drumming surveys
- Annual bald eagle nest surveys

825.4 RESOURCE MANAGEMENT CONSIDERATIONS FOR WILDLIFE

The following areas of focus are identified for achieving plan objects and for benefit of wildlife.

825.4.1 General Management Policies

Forest management practices may be modified to benefit wildlife and diversity. The following will be considered when planning for management activities:

- Even-aged regeneration harvests (clearcuts) should vary in size and shape and include retention considerations.
- A diversity of stand age, size and species.
- Mast-bearing trees and shrubs, cavity trees, and an adequate number and variety of snags.
- Cull trees (future snag or den trees) not interfering with specific high value trees.
- Timber types, habitat conditions and impacts on affected wildlife.
- Access management.
- Best management practices for water quality (BMP's).

825.5 IMPORTANCE OF HABITATS

Important habitat types are those cover types known to be of importance to certain native wildlife and whose absence would make that wildlife significantly less abundant. These shortages may be on a local or broader scale. The following habitat types can be considered important:

825.5.1 Non-forested wetlands

The Iron County Forest contains 13,870 acres of non-forested wetland types providing a variety of habitats for common, rare and endangered species. Emergent wetland, sedge meadow, muskeg bog and deep marsh provide habitat for species such as wood turtle, black tern, American bittern, and numerous other species.

825.5.2 Aquatic habitats

The Iron County Forest includes 754 acres of lakes, rivers, streams, ponds and other aquatic habitats. Open water provides habitat for species such as wood duck, boreal chorus frog, water shrew and many other species reliant on water related resources.

825.5.3 Riparian and other non-managed areas

Undisturbed shoreline and riparian areas present on the forest and provide habitat for species such as red shouldered hawk, green frog, and woodland jumping mouse.

825.5.4 Early successional forests

Management of aspen, white birch, jack pine and other shade intolerant species creates habitat for a large suite of wildlife species that benefit from early successional forests. On the Iron County Forest there are currently 42,128 acres of these forest types present. This is a key habitat used for recreational hunting activities providing conditions favorable for American woodcock, ruffed grouse, white-tailed deer and non-game species such as golden-winged warbler, Kirkland's warbler and black-billed cuckoo.

825.5.5 Conifers

Conifers, whether jack pine, white pine, spruce, fir or other types appear to be an important habitat for a number of wildlife species. The Iron County Forest currently has 33,196 acres of coniferous habitat. Connecticut warbler, red crossbill, northern flying squirrel, and many others utilize conifer types. Jack pine areas can

be managed to provide temporary barrens habitat providing habitat for Kirtland's warbler and other barren related species.

825.5.6 Oak management

Oak is an important mast producing food source on the forest, providing acorns for a wide variety of game and non-game species. The Iron County Forest has 732 acres of oak habitat. It is considered a critical resource to retain on the landscape for both its timber and wildlife value, providing habitat for species such as scarlet tanager, wood thrush, red headed woodpecker, and black bear.

825.5.7 Uneven/all aged management

Management of uneven aged stands provides for multi-storied canopies, diverse age structure and potentially older forest characters. The Iron County Forest has 74,795 acres being managed under an all aged management system. Species such as Canada warbler, little brown bat, black throated blue warbler and many others benefit from these forest type. In addition, numerous amphibian and reptiles utilize these forest types.

825.5.8 Large forest blocks

Large blocks of County Forest provide habitat for numerous interior species. Gray wolf, black throated blue warbler, Canada warbler and least flycatcher are a few examples of animals that rely on these large blocks.

825.5.9 Grasslands, openings, upland brush

Wildlife openings, grass rights-of-way, natural openings, upland brush and other upland open habitats provide for diversity and unique habitats benefitting pollinators, numerous species including upland plover and whip-poor-will. The Iron County Forest currently has 4,994 acres identified as open grassland or upland brush habitat.

Iron County also maintains approximately 435 wildlife openings ranging in size from a quarter of an acre to 7 acres.

825.6 INTENSIVE WILDLIFE MANAGEMENT PROJECTS

825.6.1 Wisconsin Wildlife Action Plan / Species of Greatest Conservation Need (SGCN)

In addition to species listed as endangered, threatened or special concern within the NHI database, the Department also maintains a statewide list of species of greatest conservation need. This list includes species that have low or declining populations and may be in need of conservation action. The list includes birds, fish, mammals, reptiles, amphibians and insects that are:

- Already listed as threatened or endangered
- At risk due to threats
- Rare due to small or declining populations
- Showing declining trends in habitat or populations

The WWAP working list can provide information on how management activities may impact, or in many cases benefit species of greatest conservation need. More information is available on the WWAP website:

<https://dnr.wi.gov/topic/wildlifehabitat/actionplan.html>.

825.6.2 Potato River Grouse Management Area

The Potato River Grouse Management Area managed by the Iron County Forestry and Parks Department was established in 2012 with funding support from the Ruffed Grouse Society. This area has a high component of aspen within its boundaries that is being managed with an emphasis on enhancing ruffed grouse habitat. A system of gated hunter walking trails connects twelve wildlife openings across the property. These openings provide quality brood rearing habitat for ruffed grouse chicks in the late spring and summer and singing grounds for breeding woodcock in the spring. A map of this management area is included in Chapter 1000.5.

825.6.3 Shea Dam Grouse Management Area

Initial development of the Shea Dam Grouse Management Area is being explored in 2020. WDNR and Iron County staff are evaluating development this 460+ acre block along the north bank of the Turtle River in the Town of Mercer to provide grouse and woodcock habitat, hunter walking trail construction, and potential wildlife opening construction.

825.7 FISH AND WATERS MANAGEMENT

Public waters shall be managed to provide for optimum natural fish production, an opportunity for quality recreation, and a healthy balanced aquatic ecosystem. Emphasis will also be placed on land-use practices that benefit the aquatic community. Management of County Forest lands will attempt to preserve and/or improve fish habitat and water quality.

825.7.1 Technical Planning and Surveys

Management of all waters within the County Forest is the responsibility of the DNR. Technical assistance will be provided by the local fisheries biologist. Studies and management will be conducted in the manner described in DNR Fish Management Handbook 3605.9. Water and Population Surveys fall under the jurisdiction of the Department and will be conducted as needed by fisheries biologists.

825.7.2 Special Projects

Iron County has participated in special fisheries projects including large boulder placement for structure in Oronto and Parker Creeks during the Saxon Harbor Reconstruction project and the WDNR tree felling for fish habitat around the Gile Flowage.

825.7.3 Shoreland Zoning

Shoreland zoning is regulated by the Iron County Comprehensive Planning / Land & Zoning Department. A copy of the Iron County Shoreland Ordinance is included in Chapter 1005.2.3.

825.7.4 Access and development

Access and development of County Forest waters will be limited to those activities consistent with the above water management policies.

825.7.5 Important Water Resources

825.7.5(a) Potato River Falls

This 10 to 20-acre site is an exceptional resource. The 90-foot waterfall is one of the premier scenic attractions in Wisconsin. Although separated into upper and lower sections with cascades in between, the falls multiple aspects give is characteristics not found in singular plunge waterfalls. The site is significant from geological interpretation standpoint with opportunities to view the red clay till and Glacial Lake Duluth sediments from the “Ice Age” to viewing Keweenaw conglomerate, shale and sandstone of the late Precambrian age. Also included in the features are plants that thrive on wet exposed rocks, such as lichens, liverworts, and especially ferns. Management considerations are to promote longer-lived tree species, minimize erosion from volunteer trails by providing informational signs and focusing activity on developed trails.

825.7.5(b) Potato River Water Gap/Upson Lake

This area has three units (Upson Lake, the gorge along Potato Creek and Corrigan’s look-out) when combined recognizes a significant geological feature. The high conservation value site provides for the interpretation of the Penokee Range glacial geology (mountain formation, erosion, scouring of cirque lakes by ice sheets, and the erosion forces of a river in creating

watergaps) through the range. The timber management would not change except that clearcuts to regenerate aspen would be small. Most of the timber management would be uneven aged and would be very complementary of the interpretive geological values. Access to Upson Lane and fishing opportunities will remain the same with future development limited to existing facilities. Development at Corrigan's look-out will be limited to foot travel on a primitive trail. The Potato River in its gorge with a 75-foot area on both sides could interpret the watergap close up. This site is primarily a geology interpretation site, although rare plants occur in the river gorge and on the bare rock outcrop.

825.7.5(c) Remote Waterfalls

Iron County has numerous waterfalls. Most are promoted as tourist stops. The county has a unique blend of amenities that go along with the experience of waterfall viewing with some areas developed, some areas easily accessible, and some areas remote with a wild area experience associated with the waterfalls. Five waterfalls on Iron County Forest (Wren, Foster, Rouse, Little Balsam, and Spring Camp) promote the wild area experience. Access is via primitive roads or hiking overland. Timber management would focus on maintaining the aesthetic qualities of a wild area experience near the waterfalls. Primitive and rustic access will be maintained.

A map showing these important water resources is found in Chapter 1000.6.

830 EXCEPTIONAL RESOURCES, UNIQUE AREAS

830.1 HCVFs FOR FSC AND DUAL-CERTIFIED COUNTIES

The Forest Stewardship Council (FSC) recognizes high conservation values "*from endemic species to sacred sites, all-natural habitats – especially forests – inherit conservation values. Those biological, ecological, social or cultural values of outstanding significance are known as 'high conservation values,' or HCVs.*"

Recognition of High Conservation Value Forests (HCVF) is an important component of the FSC certification program.

The Wisconsin Department of Natural Resources established criteria for establish HCVFs on state lands. For the purpose of this Plan, Iron County adopts their criterion for identifying HCVF's on the Forest. This does not preclude the County from identifying other unique areas that do not meet the definition of an HCVF. Iron County will evaluate the long-term impacts of HCVF designation thoroughly as part of any initiative to designate additional areas. In particular, long term monitoring of HCFV sites can be very labor intensive, especially in the absence of outside funding or labor assistance.

Wisconsin DNR guidance for HCVF selection can be found at:

<https://dnr.wi.gov/topic/TimberSales/documents/DNRLandsHCVFSelectionCriteriaFinal.pdf>

Selection Criteria for HCVF 1.1

- An area that is protected and managed primarily for its biodiversity values at the Wisconsin ecological landscape scale. To qualify as a HCVF 1.1, the site must contain a natural community ranked as globally rare (G1, G2, G3) or ranked as rare in the state (S1, S2) by the Wisconsin DNR Bureau of Natural Heritage Conservation.
- There are no sites known to meet these criteria on the Iron County Forest.

Selection Criteria for HCVF 1.2

- An area with presence of rare, threatened or endangered species, endemic species and/or natural communities that is significant at the ecological landscape scale. The WNIH database is used to determine biological ranking from a global and statewide perspective. To qualify as a critical species habitat HCVF, the site must meet No. 1 or 2 plus No. 3 of the following:
 1. Sites with globally rare species (G1, G2, G3) or federally listed species habitat.
 2. Sites contain habitat with "A" or "B" quality ranks for state-listed species.

3. The site would possess the likelihood that designation, along with appropriate management, would adequately protect the species.

- There are no sites known to meet these criteria on the Iron County Forest.

Selection Criteria for HCVF 2

- An area specifically managed as Native Community Area.
- There are no sites managed on the Iron County Forest as a Native Community Area.

Selection Criteria for HCVF 3

- Areas that are Type 1 or Type 2 Old Growth as found in the Old-Growth and Old Forest Handbook.
- There are no sites on the Iron County Forest known to meet the definitions of Type 1 or Type 2 Old Growth.

Selection Criteria for HCVF 4 & 5

- Areas that provide basic services in critical situations and forests fundamental to meeting basic needs of local communities.
- Wisconsin does not have known locations meeting this criterion.

Selection Criteria for HCVF 6

- An area critical to local communities' traditional cultural identity.
- While there are likely sites of importance to local communities on the Iron County Forest, none are recognized by the Wisconsin State Historical Society as being a historical, cultural, archeological or paleontological site.

830.2 AREAS RECOGNIZED BY STATE OR FEDERAL GOVERNMENT

830.2.1 State Natural Areas

State natural areas (SNAs) protect outstanding examples of Wisconsin's native landscape of natural communities, significant geological formations and archeological sites. They also provide some of the last refuges for rare plants and animals. The areas listed below either border Iron County Forest lands or are encompassed by County Forest properties. Management near these designated

areas is intended to compliment the objectives of the natural area.

830.2.1(a) Caroline Lake State Natural Area

Caroline Lake is an undeveloped soft-water drainage lake and the headwaters of the Bad River, which eventually replenishes the water of the National Natural Landmark, Kakagon/Bad River Sloughs. While important primarily for its position at the headwaters of the Bad River, the lake is surrounded by numerous high quality plant communities including northern wet forest, northern dry-mesic forest, northern sedge meadow, shrub carr, and open bog. Lakeshore vegetation is predominantly upland hardwoods with a mixed conifer, hardwood and tag alder swamp near the Bad River outlet and along the northeast shore on an intermittent feeder stream. A narrow zone of macrophytes occupies a 1 to 15-meter-wide strip along much of the shoreline. Representative species are hard-stem bulrush, river horsetail, water-shield, bull-head pond-lily, white water-lily, ribbon-leaf pondweed, and coon's-tail. Fresh water sponges have been observed near the outlet on submerged woody debris. The nearby Twin Lakes-East is a soft-water seepage lake with a short, navigable stream channel connecting to Twin Lakes-West. Bog vegetation surrounds Twin Lakes-East on its west and eastern shores. Upland hardwoods and conifers are also present. Twin Lakes-West is an acid bog lake with an outlet flow to the northwest to Eureka Lake. Black spruce, tamarack, birch, red maple, and white pine surround the lake. Upland areas contain scattered red and white pine. The extensive forested wetlands of this site are an important nesting area for several warbler species. Common loons, osprey, and bald eagles have been observed at the site. Caroline Lake is owned by The Wisconsin Chapter of the Nature Conservancy and the DNR. It was designated a State Natural Area in 2002.

830.2.1(b) Island Lake Hemlocks State Natural Area

Island Lake Hemlocks features one of the oldest and most intact old-growth

hemlock-hardwood stands in northern Wisconsin. They are extremely rare on today's landscape. This site still contains many large trees including a 10-acre upland island of undisturbed, old-growth hemlock and yellow birch with some trees reaching 30 inches in diameter. The "island" is situated within an extensive conifer-shrub swamp. Hemlock dominates the canopy with yellow birch and white cedar as the major canopy associates. Scattered throughout the site are kettle depressions containing small stands of swamp hardwood and mixed conifer swamp. Hemlock regeneration is notable along the edges of some of these wetter areas. Balsam fir is common in canopy gaps as saplings and small trees, but mixed thickets of hemlock-fir saplings occur on the western and southern edges. An open bog/muskeg is present within the site's interior and small ephemeral ponds are found in areas with a perched water table. Resident bird species include blackburnian warbler, black-throated green warbler, chimney swift, pileated woodpecker, and golden-crowned kinglet. Island Lake Hemlocks and the surrounding area is also critical habitat for a state-endangered species that has a breeding population in the central part of Iron County. This animal prefers older aged mixed hardwoods and hemlock/pine. This site, with its 250-plus-year-old hemlock, provides some of the best habitat in the area. Protection of this site and other core habitat parcels throughout this area is critical for the continued existence of this population. Island Lake Hemlocks is owned by the DNR and was designated a State Natural Area in 2009.

830.2.1(c) Lake Evelyn State Natural Area

Lake Evelyn is an undeveloped 55-acre soft-water seepage lake surrounded by wetlands and gently rolling uplands. While many of northern Wisconsin lakes of this size are already developed or are planning development, Lake Evelyn is a rare and undeveloped wilderness lake. Of all lakes over 50 acres in Wisconsin only 70 remain that have the majority of their shoreline in public ownership. With a maximum depth of 9 feet, Lake Evelyn is a stained water lake with moderate clarity and contains a good quality fishery

composed mainly of large-mouthed bass and panfish. The lake forms the headwaters of Evelyn Creek, a tributary of the Turtle River. The topography is level to rolling and vegetation is a mix of large white and red pine with smaller pole-sized aspen on the uplands. The surrounding wetlands are composed of an open floating leather-leaf bog and a conifer swamp with scattered black spruce to the southwest. An active osprey nest highlights the wildlife community and wolf usage is known to be very active in the general area. Lake Evelyn is owned by the DNR and was designated a State Natural Area in 1997.

830.2.1(d) Moose Lake State Natural Area

Moose Lake is an exceptional example of a large, undeveloped lake in a wilderness setting. The 270-acre soft water drainage lake has a maximum depth of 12 feet and harbors a diversity of emergent and submergent aquatic plants. It drains into 13-acre Little Moose Lake. The fishery contains mostly northern lake fishes including a reproducing population of muskellunge. While a diversity of wetland communities surrounds the lake, most of the shoreline is covered by a dense thicket of alder and sweet gale; the remainder is predominantly lowland conifer and hardwoods dominated by black spruce, white cedar, and black ash. The upland forest surrounding the lake has pockets of higher rocky terrain dominated by sugar maple, basswood, paper birch, and balsam fir. Sedge hummocks and alder mark the two small inlet streams and the site also harbors pockets of old-growth hemlock, especially to the south. The high canopy, mature timber, and numerous decomposing logs on the forest floor give this site a magnificent virgin appearance. Dominant trees are hemlock and yellow birch, some more than 2 feet in diameter at breast height. White spruce, white cedar, balsam fir, sugar maple, and red maple are found occasionally, and the ground layer species composition is representative of northern boreal forest. Some dead standing hemlock and yellow birch accentuate the unmanaged appearance. Hemlock is reproducing as evidenced by seedlings and

saplings. Large numbers of wildlife including black bear, hooded merganser, and blue-winged teal use the area. Breeding birds include bald eagle and common loon. Moose Lake is owned by the DNR and was designated a State Natural Area in 1992.

830.3 AREAS RECOGNIZED BY COUNTY OR LOCALLY

Iron County may contain areas that are locally considered exceptional or unique. Some are recognized by other agencies, while others are designated only within this Plan. These resources may include wild rivers, lakes, natural areas, geological features or historical/archeological sites. A map of these areas can be found in Chapter 1000.7.

830.3.1 Penokee Range Biological Reserve Area

The Penokee Range Biological Reserve Area has been established beginning along Hoyt Road, north of Alder Creek, and continuing west towards Weber Lake. The boundary is primarily along the 1550' elevation line along both sides of the range. This 1845-acre area has been set aside as a 'no management zone' (see map, Chapter 1000.8). The adjacent stands are managed primarily for uneven-aged hardwoods; but also include wetlands along Alder Creek. Timber sales on these adjacent stands are constrained by steep terrain and regulated by Chapter 30 (Wis. Statutes) and Wisconsin Best Management Practices for Water Quality.

The Penokee Range Biological Reserve Area contains a northern mesic forest of sugar maple, basswood, yellow birch and hemlock. Patches have old-growth characteristics and other places, mature hardwoods persist. Diversity is increased by numerous forested seeps occurring throughout the area. With varying slopes, from bare, exposed rock to permanently shaded and wet cliffs, tectonic features abound. Thin soil bedrock areas have drier soils promoting establishment of pines, oak and white birch. Bare, dry and moist cliff faces have plants and animals specialized for living in the harsh environment. Rare plants, such as Braun's Holly fern, white mandarin, Mingan's moonwort, and long sedge are present. The site has huge populations of Black Throated Blue Warbler (highest

concentration known in the state), Golden winged warbler, Swainson's thrush, and is utilized by migrant raptors in the spring and fall.

The Penokee Range Biological Reserve Area was designated an Important Bird Area (IBA) in 2004 to recognize the exceptionally high concentrations of Black-Throated Blue and Golden Wing Warblers. A map of the IBA is found in Chapter 1000.9.

830.3.2 Carpenter Creek Hemlocks

The Carpenter Creek Hemlocks features an upland mesic cedar forest, hemlock/hardwoods and a boreal forest ground layer on the steep clay seep banks of Carpenter Creek. The site has hemlock, white cedar, white spruce, white pine, balsam fir, and hardwoods as its dominant trees. The ground layer is rich and diverse, including rare plant species. Especially noteworthy are pockets of ephemeral ponds in the flat terrace areas and seeps along the steep banks. Bird life is equally diverse with 17 species of warbler known from the site during the breeding season with many being most commonly found in boreal Canada. Management in the hemlock and white cedar areas as well as on the erosion prone steep clay bank of Carpenter Creek would be passive. The exceptional bird diversity at this site is promoted in the Great Northern Wisconsin Birding Trail. A map of the site is found in Chapter 1000.10.

830.3.3 Tyler Forks Muskeg

The Tyler Fork Muskeg contains a large acidic muskeg of mature black spruce forest progressing as the soil becomes wetter, to a scattered black spruce/wire grass sedge muskeg. Eventually a sphagnum lawn community emerges around a bog lake at the center. Species of conservation concern are the freija fritillary, bog copper, and round-leaved orchid. Management will be limited to the periphery and any management will employ BMP's for water quality.

830.3.4 Swamp Creek Cedars

The Swamp Creek Cedars contains a relatively undisturbed cedar swamp with some old-growth characteristic trees present. Open sphagnum understory was noted. A potential exists for calypso orchid. Future investigations should look for this plant. Management would be minimal until future inventory would provide better data for management recommendations.

830.3.5 Glacial Lake Duluth Sand Dunes

In the western part of the County forest lying north of Hwy 2 is a significant geological feature. A series of sand dunes formed when the waters of Glacial Lake Duluth were at an elevation of 1,100 feet. The former beach and sand dune landscape is still evident northwest of Cedar. Recognition of the sand dune does not change the timber management activities. Restrictions may be placed on new road construction and removal of dune sand.

830.4 OLD GROWTH CHARACTERISTICS

The term “Old Growth” is used with greater frequency when discussing resource management and especially forest management. This Plan does not recognize, incorporate or recognize a definition for old growth, primarily due to lack of universally accepted terminology. Some definitions tend to be arbitrary, most likely due to the large spatial and temporal variety of physical conditions on a landscape, as well as subjective and variable human values and perspectives.

While this Plan does not recognize a formal definition for “Old Growth” the County does recognize that many concepts of “Old Growth” generally includes the following characters:

- Advanced or older stand ages
- Diversity of tree sizes and ages (vertical canopy structure)
- Presence of very old and/or large trees
- Presence of standing dead trees
- Dead stumps and coarse woody debris

Iron County has not recognized or identified any sites as designated old growth either historically or as part of this Plan. Given the landscape scale forest replacement event(s) that occurred in the late 1800's and early 1900's, it is likely that any forest stands of advanced age are rare. It is not feasible to create/designate old stands in order to create old growth. It is, however, feasible to create forest conditions with old growth characteristics. Characteristics such as coarse woody debris, cavity and den trees, large trees, standing dead trees, etc. can be cultivated as part of, and through forest management prescriptions.

830.4.1 Passive Management Prescriptions Providing Old Growth Characteristics

830.4.1.1 Penokee Range Biological Reserve Area

The Penokee Range Biological Reserve Area (PRBRA), as identified in Section 830.3.1, is a non-managed unit set aside because of its unique geological characteristics and the variety of protected species and habitat(s) that occur there. Over time, it can be assumed that this second growth stand, left alone, will gradually develop many of the characters common to old growth definitions.

830.4.1.2 Non-Managed Stands and Areas

On the Forest, there is significant forested acreage that is not actively managed. These stands or areas may be unmanaged due to local decisions, regulatory issues, visual impact, riparian considerations and others. These areas may also contribute to the presence of old growth characters. The following areas are typically where un-managed stands may be located:

- Riparian management zones
- Certain aesthetic management zones
- Non-managed forest types (cedar)
- Swamp hardwoods and conifers that are not commercially viable
- Inaccessible stands (islands, steep slopes, landlocked, etc.)

830.4.1.3 Recommendations Relating to Old Growth

1. Document any stands that appear to be of advanced age and identify for special management considerations.
2. Look for opportunities to provide a percentage of stands as extended rotation forest within the major forest timber types (even aged)
3. Evaluate and document stands representing the presumed climax overstory for each of the major forest habitat classifications. If these samples are lacking, look for opportunities to create stand conditions.

830.5 GEOLOGICAL FEATURES OF SIGNIFICANCE

830.5.1 Potato River Water Gap/Upson Lake

This area has three units (Upson Lake, the gorge along Potato Creek and Corrigan's look-out) when combined recognizes a significant geological feature. The high conservation value site provides for the interpretation of the Penokee Range glacial geology (mountain formation, erosion, scouring of cirque lakes by ice sheets, and the erosion forces of a river in creating watergaps) through the range. The timber management would not change except that clearcuts to regenerate aspen would be small. Most of the timber management would be uneven aged and would be very complementary of the interpretive geological values. Access to Upson Lake and fishing opportunities will remain the same with future development limited to existing facilities. Development at Corrigan's look-out will be limited to foot travel on a primitive trail. The Potato River in its gorge with a 75-foot area on both sides could interpret the watergap close up. This site is primarily a geology interpretation site, although rare plants occur in the river gorge and on the bare rock outcrop. A map of this location is found in Chapter 1000.6.

830.5.2 Glacial Lake Duluth Sand Dunes

In the western part of the county forest lying north of Hwy 2 is a significant geological feature. A series of sand dunes formed when the waters of Glacial Lake

Duluth were at an elevation of 1,100 feet. The former beach and sand dune landscape is still evident northwest of Cedar. Recognition of the sand dune does not change any timber management activities. Restrictions may be placed on new road construction and removal of dune sand.

830.6 WATERFALLS, WILD RIVERS, WILD LAKES

830.6.1 Potato River Falls

This 10 to 20-acre site is an exceptional resource. The 90-foot waterfall is one of the premier scenic attractions in Wisconsin. Although separated into upper and lower sections with cascades in between, the falls multiple aspects give is characteristics not found in singular plunge waterfalls. The site is significant from geological interpretation standpoint with opportunities to view the red clay till and Glacial Lake Duluth sediments from the “Ice Age” to viewing Keweenaw conglomerate, shale and sandstone of the late Precambrian age. Also included in the features are plants that thrive on wet exposed rocks, such as lichens, liverworts, and especially ferns. Management considerations are to promote longer-lived tree species, minimize erosion from volunteer trails by providing informational signs and focusing activity on developed trails. A map of the site is found in Chapter 1000.6.

830.6.2 Remote Waterfalls

Iron County has numerous waterfalls. Most are promoted as tourist stops. The county has a unique blend of amenities that go along with the experience of waterfall viewing with some areas developed, some areas easily accessible, and some areas remote with a wild area experience associated with the waterfalls. Five waterfalls on Iron County Forest (Wren, Foster, Rouse, Little Balsam, and Spring Camp) promote the wild area experience. Access is via primitive roads or hiking overland. Timber management would focus on maintaining the aesthetic qualities of a wild area experience near the waterfalls. Primitive and rustic access will be

maintained. A map showing the locations of these waterfalls is located in Chapter 1000.6.

830.7 CULTURALLY SIGNIFICANT SITES

830.7.1 Logging Camps

Numerous abandoned logging camps exist on the Iron County Forest. None of these camps are officially recognized as protected sites but are typically identified as small forest openings with abandoned railroad grades leading from the site. Additional information about logging history in Iron County can be obtained from the Wisconsin Historical Society and the Iron County Historical Society.

830.7.2 Landmarks

No monumented landmarks exist on the Iron County Forest. Locations of locally known areas such as scenic vistas, Wisconsin/Michigan stateline intersection, Radar Hill, B-47 crash sites, may be obtained from the Iron County Historical Society or the Hurley and Mercer Chambers of Commerce.

830.7.3 Saxon Harbor

Saxon Harbor was a culturally significant site during early settlement. Tribal members used this location as a small settlement and had a birching station located along Oronto Creek. Saxon Harbor was also the beginning of the Flambeau Trail. Until railroads came in the late 1880s, the Flambeau Trail was the only transportation link between the Lake Superior watershed to the north and the Mississippi watershed to the south. It was an important commercial route for Native Americans, voyagers and explorers traveling between settlements on Madeline Island and Lac du Flambeau. The trail was necessary because no navigable rivers connected the two watersheds.

835 AESTHETICS

Public perception of forestry has changed over the last planning period and in general it appears that the public is much more accepting of the visual impact of sound forestry. In response to this, aesthetic management planning is intended to be much more simplified in this Plan.

835.1 AESTHETIC MANAGEMENT

Aesthetic management techniques may be applied in areas of high visibility or high public use. Altered management, visual screens, slash disposal, conversion to other species, no cut zones or other methods may be employed, depending on the circumstances of the specific site.

835.2 AESTHETIC MANAGEMENT ZONES

Aesthetic Management Zones include areas where there may be high levels of public presence because of scenic attraction, or some use of the area that would be enhanced by special timber management practices.

835.2.1 Aesthetic Management Zone Examples

- Park and recreation areas
- Lakes and rivers with significant recreational use
- Roads with heavy traffic or scenic drive.

835.2.2 Aesthetic Management Prescriptions/Options

- Adjustment timing of timber harvesting
- Slash restrictions/requirements
- Staggered Harvests / Visual Screens
- Forced conversion to longer lived species
- Irregular harvest lines, interrupted sight distances

840 LANDSCAPE MANAGEMENT

The County will make efforts to evaluate surrounding landscapes while managing the County Forest. The County will strive to provide management that compliments the landscapes, but also try to provide for resources or forest types that are lacking or declining within surrounding landscapes.

840.1 CONSERVATION OF BIOLOGICAL DIVERSITY

For the purposes of this plan, biological diversity will be interpreted to reference the variety and abundance of species, their genetic composition, and the communities, ecosystems, and landscapes in which they occur. Forest management activities on the Iron County Forest enhance biological diversity by managing for a wide variety of habitat types, age structures and by attempting to perpetuate and protect declining forest types.

840.2 HABITAT FRAGMENTATION

For the purposes of this plan, habitat fragmentation is interpreted as conversion of forests to land uses other than forestry. Lands enrolled in the County Forest Law help protect against habitat fragmentation. A continued program of encouraging land acquisition within the forest blocking boundary is intended to decrease the conversion of forest land to other uses.

IRON COUNTY FOREST COMPREHENSIVE LAND USE PLAN

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900 RECREATION

Recreation is an integral part of the management of the Iron County Forest and recreation uses are referenced in most of the previous chapters. Due to the tremendous growth in recreational demands over the duration of the last planning period, this Plan recognizes the importance of more intensive recreational planning and emphasizes its importance with a separate chapter.

905 PLANNING

In addition to this Plan, the Iron County Outdoor Recreation Plan also guides the recreation program. This plan is revised every five years and is made part of this Plan. The Iron County Outdoor Recreation Plan includes, but is not limited to, activities on the County Forest. It incorporates snowmobile and ATV plans, campgrounds, parks and boat landings, recreational maintenance and development plans, and other recreation surveys and reports. The Outdoor Recreation Plan, Wisconsin Statewide Comprehensive Outdoor Recreation Plan (SCORP), public input, and other local or regional planning documents will be used as resources in recreational planning and development efforts. The responsibility for recreational planning, development and maintenance on the County Forest will rest with the Forestry & Parks Committee.

910 AUTHORITY

The Iron County Code of Ordinances and s.28.11 Wis. Stats, authorize the Iron County Forestry & Parks Committee to provide recreational opportunities for the public. This authority is further recognized in the mission statement for the Iron County Forest Plan (Chapter 100), which specifically identifies outdoor recreational opportunities. This mission statement also charges the Committee to conduct activities in a manner that prevents or minimizes environmental damage.

Maps of the recreational facilities managed through the Iron County Forest program are appended or referenced in Chapter 1000.

915 ENTRANCE AND USER FEES

The Committee is empowered and shall have responsibility for establishing entrance, camping and other user fees on recreational facilities maintained by the County Forest. Camping, entrance or other fees shall be comparable to fees charged by similar private facilities, other adjacent counties, and the Wisconsin DNR and are subject to periodic change by the Committee. Fees, where appropriate, will be utilized to assist in the maintenance of recreational facilities.

920 RECREATIONAL SERVICE AGREEMENTS

It is permissible for the Committee to contract with clubs or individuals to provide for recreational maintenance or services to the public. As part of the Plan, the County contracts for the following services

1. Snowmobile trail grooming and maintenance
2. ATV trail grading and maintenance
3. Marine Travel Lift operation

925 RECREATIONAL USE PERMITS FOR ORGANIZED EVENTS

Any event on the Forest which is advertised to the public, for which a fee is charged, or is otherwise organized as an event, requires a permit or authorization by the Committee. Permits may be issued by the Committee provided the use is consistent with management activities and will not cause resource damage. Appropriate levels of event liability insurance are required.

930 UNDESIGNATED RECREATIONAL USE OF THE FOREST

Undesignated recreation includes those informal activities for which the County generally does not provide a facility or service. These uses include activities such as hunting, fishing, biking, hiking and others. These uses do not require a permit but must be conducted in compliance with ordinance. The Forest Administrator and the Committee shall

periodically review such uses and enact ordinances as necessary to protect from resource damage.

930.1 HUNTING

The entire County Forest is open for regulated hunting, with the exception of areas developed for high public use. These areas include Lake of the Falls Park, Schomberg Park, Weber Lake Park, and Saxon Harbor.

The Iron County Code of Ordinances regulates activities relating to hunting. Refer to Chapter 1000 for a full text of the Ordinance. In general, the following activities are regulated:

- Deer Stand Use
- ORV Use

930.2 FISHING

All lakes and streams within the forest are available for fishing unless otherwise listed in state regulations.

930.3 PICNICKING / DAY USE

Picnicking and other day uses, outside of established facilities is allowed. The Iron County Code of Ordinances also regulates day use. In general, the following activities are regulated:

1. All litter, trash or rubbish must be removed
2. Cutting or harvesting vegetation is not permitted
3. Fires may not be left unattended unless the ground is 100% snow covered

930.4 CAMPING

No permit is required to camp outside of developed campgrounds on the Iron County Forest.

1. No littering or site destruction will be tolerated.
2. The Forestry Committee will set all rules.
3. Maximum length of stay is 14 days.

4. Natural vegetation and terrain may not be damaged or altered in any way, except for the construction of an adequate fire ring. Fasteners such as nails, screws or bolts may not be attached to trees.
5. Manufactured materials (lumber, concrete, plastics, etc.) may not be left on the site when it is vacated. No trees or other vegetation, either native or exotic, may be planted on the site.
6. No camping is allowed on boat landings or commonly used areas such as public access points to waterfalls, or rock vistas where it may restrict or obstruct the use of the area by others, unless in designated camping sites.
7. Public gatherings must follow rules established in Chapter 1005.2.1.

930.5 MOTORIZED TRAVEL

The Iron County Code of Ordinances regulates motorized uses on the County Forest. The full text of these regulations is included in Chapter 1000. In general, the following regulations apply to motorized travel outside of a developed recreational trail system.

1. It is illegal to operate a motor vehicle on a trail designated closed with a gate, earthen berm, sign, or other closure
2. Two-wheeled motorized travel (motorcycles, mini bikes, dirt bikes) is not permitted unless the machine is street legal and operating on a County Forest Road (gas tax)

930.6 OTHER USES

Other uses of the County Forest are permitted provided they are not specifically addressed with the County Code of Ordinances. Mountain Biking, Horseback riding, and other non-motorized uses are currently not regulated. The County Board may, at any time, enact ordinances to protect the forest should damage begin to occur.

935 DESIGNATED RECREATION AREAS/USES

Designated recreation includes those uses for which the County provides a trail or facility. The Iron County Forest has developed sites and areas to accommodate a fairly high degree

of public use. The Committee may prohibit other recreation activities that are not compatible with the intent of the developed facilities.

The Committee and Forestry Department has noted a marked increase in demand for recreation facilities. Iron County may attempt to develop additional facilities and will maintain its currently developed facilities.

935.1 CAMPGROUNDS

935.1.1 Lake of the Falls County Park

Lake of the Falls Park is located off of Popko Circle West and County Highway FF in the Town of Mercer. The park lies on both sides of the Turtle River and the Lake of the Falls Dam. The park facilities include 32 campsites, 24 with electric hook ups and 8 without, a hand pump is located on Side 2 and running water is available in Sides 1 & 3, a bathroom / shower building located in Side 3, 3 pit toilets, pavilion, boat landing, and dump station. The facility is fee based for camping and day use.

935.1.2 Saxon Harbor County Park

The Saxon Harbor County Park is located off of County Highway A in the Town of Saxon. The facility was newly reconstructed in 2019 – 2020 after being destroyed by a flood in 2016. The park facilities include 26 RV campsites with water and electricity hook ups, 8 rustic tent sites, running water, bathroom / shower building, playground, Wi-Fi, and pavilion. 3 boat launches for access to Lake Superior and a dump station are located in the adjacent Saxon Harbor Marina.

935.1.3 Schomberg County Park

Schomberg Park is located off of Highway 51 in the Town of Oma. The facility was constructed in 2009 as a campground for primary access to the ATV / UTV trail system. The campground contains 10 paved RV sites with electrical hook ups, 4 tent sites, a bathroom / shower building, running water, dump station, ATV wash station, and pavilion. The campground is adjacent to a trailhead parking area for ATV / UTV trail access.

935.1.4 Weber Lake County Park

Weber Lake campground is located off of County Highway E in the Town of Anderson. The facility contains 8 RV sites with electrical hook ups, 3 tent sites, a new (2020) bathroom / shower building, playground, pavilion, boat launch, and new (2020) dump station.

935.1.5 Potato River Falls

Potato River Falls is a rustic campground located on Potato River Falls Road in the Town of Gurney. There are 5 rustic campsites, pit toilet, pavilion, and hiking trails to the upper and lower sections of Potato River Falls.

935.1.6 Shay's Dam Park

Shay's Dam Park is located on West Fisher Lake Road in the Town of Mercer. There are 4 rustic campsites, a pit toilet, boat landing, canoe / kayak access to the Turtle River, and access to Shay's Dam.

935.1.7 Foster Falls

Foster Falls is located off of Sullivan Fire Lane in the Town of Gurney along the Potato River. There is a rustic campsite near the falls parking area.

935.1.8 Wren Falls

Wren Falls is located at the end of Wren Falls Road in the Town of Gurney. There is a rustic campsite near the top of the falls. Access to the North Country Trail is also available.

935.1.9 Spider Lake

Access to the Spider Lake rustic campsite is from the boat landing located on Pitt Road in the Town of Mercer. This rustic site is only accessible by water across Spider Lake.

935.2 MARINAS

The Saxon Harbor Marina is a 92-slip marina, located on Lake Superior in the Town of Saxon. The marina has 79 seasonal boat slips and 13 transient boat slips. The marina can accommodate vessels up to 50 feet in length. There is also a fueling station, waste pump out, pavilion, gazebo, 3 boat launch lanes, a toilet building, 2 toilet building with showers, an office building, and a fish cleaning station on site.

935.3 PICNIC / DAY USE AREAS

There are fee-based day use and picnic areas located at Lake of the Falls, Schomberg, Weber Lake, and Saxon Harbor County Parks. Other day use areas include Shay's Dam, Potato River Falls, and the Saxon Wayside.

935.4 SWIMMING AREAS / BEACHES

There are no designated swimming areas located on the Iron County Forest. Popular swimming spots are Weber Lake and Lake Superior at Saxon Harbor. NOTE: Lifeguards are not provided at these areas.

935.5 BOAT LANDINGS

As a result of the wide distribution of lakes, streams, rivers, and other surface waters on the Forest, water access may be planned, developed, or restricted as a component of the overall Forest access management plan. Several boat landings, canoe landings, and adjacent roads currently provide water access on the Forest primarily for recreational activities. In addition, these water access points also provide water supply points for fire apparatus working to suppress forest fires or nearby structural fires.

The existing water access points will be maintained to provide a place to launch a small fishing boat or canoe. Not all watercraft will be able to use these access points. These landings are built for public use and not for private boat mooring sites. With the exception of the Saxon Harbor Marina, mooring or storing boats for longer than 24 hours is prohibited.

The following public boat access sites have been developed on the Iron County Forest and

are open to public use:

935.5.1 Public Boat Access Sites Maintained by Iron County Forest

1. Lake Superior – Saxon Harbor Marina (3 launch lanes)
2. Weber Lake
3. Turtle Flambeau - Lake of the Falls
4. Upson Lake
5. O’Brien Lake
6. Caroline Lake
7. Fisher Lake
8. Turtle River – Shay’s Dam
9. Oxbow Lake
10. Deer Lake
11. Bass Lake
12. One Man Lake
13. Beaver Lake
14. Spider Lake
15. Brandt Lake
16. Shay Lake
17. Wilson Lake
18. Obadash Lake

935.5.2 Public Boat Access Sites Maintained by Towns

1. Echo Lake
2. Gile Flowage
3. Grand Portage Lake
4. Island Lake
5. Lake of the Falls Lake
6. Long Lake
7. McDermott Lake
8. Mercer Lake

246 9. Owl Lake

247 10. Pine Lake

248
249 935.5.3 Public Boat Access Sites Maintained by the DNR

250 1. Bearskull Lake

251 2. Cedar Lake

252 3. Hay Creek Flowage

253 4. North Bass Lake

254 5. Gile Flowage

255 6. North Fork Flambeau River

256 7. Randall Lake

257 8. Sandy Beach Lake

258 9. Tamarack Lake

259 10. Trude Lake

260 11. Turtle Flambeau Flowage (4)

261
262 935.5.4 Undeveloped Water Access Points

263 Other undeveloped water access points for canoes and boats currently exist on the
264 Forest. These are used routinely to hand launch boats or canoes but have not been
265 developed for boat trailer launching. These sites are not routinely maintained and may
266 be closed if erosion damage becomes severe. All new sites for developed water access
267 must be reviewed and approved by the Committee.

268
269 935.6 SHOOTING RANGE

270 Ranges that allow for public use of rifle, bow, pistol, etc. are permitted on County Forest
271 lands. If the range is operated by an organization other than the county, a written land use
272 agreement, including proof of insurance, will be required. A provision for use by the public
273 will be included in the agreement.

940 DESIGNATED RECREATION TRAILS

Designated recreation trails are those for which the County provides a designated trail and/or facility. The County currently provides trail systems that accommodate a fairly high degree of public use. The Committee may prohibit other activities on these trails that are not compatible with the intent of the development. Whenever possible, multiple uses of various trail systems are encouraged and are subject to policy review of the Committee. Wherever possible, attempts will be made to avoid user conflicts. Recreational users, however, will frequently encounter forest management activities instrumental to the existence and future of the County Forest. Trail systems are identified in Chapter 1000.

940.1 NON-MOTORIZED RECREATION TRAILS

The Iron County Forest is a multiple-use forest. Non-motorized recreation trails are a legitimate use of the forest. Design and maintenance of these trails may highlight natural features present on the Forest, should minimize damage, and reduce user conflict. Trail use and development must be compatible and sustainable with the characteristics of the landscape. It is the policy of the Committee to manage non-motorized recreation trails on the County Forest.

940.1.1 Hiking Trails

In Iron County, the North Country National Scenic Trail corridor enters Wisconsin near Superior Falls, passes through Saxon Harbor, and continues through the northwestern part of the county forest generally in the vicinity of Carpenter and Oronto Creeks before reaching US-2. Beginning near US-2, the trail heads generally south to the Potato River, which it then closely follows to the hill west of Upson Lake. The trail then proceeds westerly to Wren Falls, where it crosses the Tyler Forks and reaches the Ashland County line in another few miles. One section of the trail has been completed in Iron County—a 9-mile segment from Sullivan Fire Road to Wren Falls. The forestry department constructed a major bridge for the trail in 2019. Just below Wren Falls, this bridge provides connectivity to the westernmost four miles of the trail in Iron County—planned for construction in 2020-21. Currently nine miles of the NCT is completed and is restricted to foot

travel only (from Foster Falls on the Potato River to Wren Falls on the Tyler Forks River). The remaining 21 miles runs along roads and multi-use forest roads. Additional trail sections are being planned and improved within the general corridor and construction will take place subject to the North Country Trail Associations availability of funding and labor. Maintenance is completed by North Country Trail volunteers.

The MECCA Ski trail system and the Uller Ski Trails are also both open to hikers. See descriptions below.

940.1.2 Ski Trails

940.1.2.1 MECCA Trail

MECCA Trails is the longest ski trail system in Iron County. The trails are moderately hilly winding through northern hardwoods, aspen, hemlock, balsam fir, spruce, and white and red pine forest. A portion of the trail runs along the Little Turtle Flowage.

The 21 Kilometer (13 miles) trails have two trail heads:

- The Fierick Road trailhead has a heated log chalet, change room, ADA compliant vault toilet and parking area. It is on Town of Mercer property 4686N Fierick Road.
- The Little Turtle Flowage trailhead has a parking lot and is on Wisconsin DNR property.

Trails are maintained by the volunteers of the MECCA Ski Club and supported primarily through memberships and donations. The trails are a loop system that crosses Iron County, Town of Mercer, Wisconsin DNR and private properties. Coordination between the ski club and governmental units optimize the recreational experience.

Trails are regularly groomed for classic striding skiing with tracks set and for skate skiing with a flat skate lane. Trail conditions are posted to www.MeccaTrails.com MECCA Ski Club is a 501 (c) 3 nonprofit organization.

940.1.2.2 Uller Trail

The Uller Trail is a true backcountry trail system maintained by the Iron County Forestry Department and the Penokee Rangers Ski Club. Traversing nearly 19 kilometers through the ancient Penokee Range. The Uller Trail traverses the Penokees between Hoyt Road and Weber Lake travelling through rugged terrain highlighting towering rock outcrops, large beaver meadows, and crossing multiple streams and intermittent drainages. The Krankkala Spur runs south from the main stem of the trail to Iron Belt, with a trailhead at the end of Lagoon Road. Three new loops were added in 2017 & 2018 to allow a more user-friendly experience. There is a large parking area at the Weber Lake Park which allows direct access to the Uller. The series of loops vary in length from 1.5 km to 2.9 km with terrain varying from novice to skilled. There are 3 warming cabins along the trail system. The newest, constructed in 2020, sits at the junction of the Blue and Yellow loops approximately 1 km east of the Weber Lake Trailhead. There is another popular cabin located at Scribner's Meadow at the base of a large rock face overlooking the meadow. The third cabin is located along Smith's Creek not far from the ATV / Snowmobile trail crossing.

940.1.3 Water Trails

There are water trails for canoe and kayak use on the Turtle Flambeau Flowage and at other locations throughout Iron County.

940.1.4 Future non-motorized trail systems

The development of additional non-motorized trail systems will include careful consideration of public demand, analysis of user conflicts and potential damage to the natural resource. Trail system development should comply with the Outdoor Recreation Plan goals and be referenced in SCORP or other regional planning documents.

Non-motorized trail systems generally are not supported by statewide grant programs. The County may require proof of an organized club, or user group, with the ability to assist with maintenance and support of the trail and associated facilities. Appropriate trail passes, or other user fees, may be implemented as indicated in Section 905.

940.2 MOTORIZED RECREATION TRAILS

940.2.1 Designated Snowmobile Trails

Designated snowmobile trails are those recognized by the Committee as the official trails within the County. The Forestry, Parks and Recreation Department manages the snowmobile trail system in Iron County. Annual agreements outline the operation, maintenance and insurance obligations between the County and local clubs. The County contracts with the following snowmobile/ATV clubs for trail maintenance:

- White Thunder Riders
- Mercer Sno-Goers

The Iron County All-Terrain Vehicle & Snowmobile Ordinance regulates snowmobile trails. A summary of rules and regulations relating to snowmobile trails is as follows:

- a. Snowmobile trails are closed to cars and trucks from December 1 through April 1
- b. The Forest Administrator will make determinations to officially open and close snowmobile trails based on snow and maintenance conditions
- c. Snowmobile trails used for logging access during snowmobile season will be posted with signs warning users of activity.

940.2.1.1 Trail Types

The County recognizes several different classifications of snowmobile trail:

1. State Funded Trails – these are state approved and funded trail miles on designated trails that are part of a statewide network of trail

systems. Snowmobile registration fees and gas tax allotments fund grants that support maintenance, rehabilitation and development of these trails. There are approximately 309 miles of funded trails in Iron County.

2. Local/Club Trails – these are trails that are not funded by State maintenance grants and may or may not be groomed by local clubs. These trails may not meet eligibility requirements of a funded trail and may dead end at local businesses. There are approximately 0 miles of club trails in Iron County.

940.2.1.2 Trail Maintenance

Iron County contracts with the White Thunder Riders Snowmobile Club and the Mercer Sno-Goers Snowmobile Club to groom the funded snowmobile trail system. The County also grooms 30 miles of trail and periodically assists clubs with mowing, grading or other trail maintenance projects as needed. The County shall inspect and monitor bridges and other infrastructure on the trail system and attempt to secure funding from grants, or other sources, to periodically replace or rehabilitate as needed.

940.2.1.3 Future Snowmobile Trails

The Committee shall have jurisdiction over any trail development proposals. It is recommended that future trails be considered only after careful consideration of costs, benefits and impacts and as part of a larger planning effort. Iron County deems that the existing number of snowmobile trail miles sufficiently satisfies public demand. However, there is a recognized need to establish a designated snowmobile trail connecting to the Mellen and Ashland areas in the northwestern part of the county.

Proposals to relocate trails or to adjust the existing trail system will be encouraged where there are concerns of public safety or environmental damage. Unfunded and club trails should be evaluated for maintenance funding application.

940.2.2 Designated ATV Trails

Designated ATV Trails are those recognized by the Committee as official trails within the County. These may lie on County, private, or other agency lands. Annual agreements outline the operation, maintenance and insurance obligations between the County and local clubs. The County contracts with the following snowmobile/ATV clubs for trail maintenance:

- Iron County ATV Association
- Mercer Dusty Loons ATV Club
- White Thunder Riders (Winter ATV)
- Mercer Sno-Goers (Winter ATV)

There are numerous types of designated ATV trails managed by Iron County. These trails are further identified in the appendix.

940.2.2.1 Trail Types

The County recognizes several different classifications of ATV trail.

Maps are appended for reference.

1. Funded Winter ATV Trails – A majority of state funded snowmobile trails on the County Forest are also designated and funded as winter use ATV trails. There are approximately 170 miles of winter funded ATV trail managed by Iron County.
2. Funded Summer ATV Trails – these are trail systems funded for only summer winter use. These trails are typically open from May 15th – November 30th. There are approximately 123 miles of summer use ATV trails managed by the County.
3. Funded UTV Trails – UTV's, or side by sides, can be allowed on ATV trail systems. Iron County allows for UTV's on all miles of the trail system within the County.
4. Funded Trout/Hybrid Trails – The ATV/UTV program does not allow for full maintenance funding on ATV/UTV trails that are open to highway traffic (cars, trucks, etc.) ATV trails with this dual use

that were maintained and funded prior to August 1, 2012 are still funded at 100% of the annual per mile maintenance rate. Trails funded after August 1, 2012 allow for partial funding under the following categories:

4a. County Forest Gas Tax Roads – these are gas tax roads used as a connector to trails or services and are funded at a rate determined by the full per mile funding rate, less gas tax funding rate, not to exceed 50% of the full maintenance funding rate. Iron County maintains 0 miles of County Forest Road Troutes.

4b. Hybrid Trails – these are trails designated as ATV trails, opened after August 1, 2012, that also permit highway vehicle traffic. These are funded at 50% of the annual maintenance funding rate. Iron County maintains 0 miles of Hybrid/Troute trails.

4c. Club Trails – These are trails not funded under the state ATV program. In some cases, these are trails that are maintained and may be added as a funded trail at a future date. Iron County recognizes 0 miles of club trails.

940.2.2.2 ATV Trail Maintenance

For the purpose of ATV trails, the term sustainability is intended to mean the development of a trail surface that is maintainable. It appears evident there are no circumstances where an ATV trail can be considered sustainable without intensive maintenance. Of primary importance, trail surfaces need to be conducive to periodic grading or restoration that promotes water runoff from the trail surface and eliminates the opportunity for water flow to gain velocity, causing erosion.

Iron County contracts with the Iron County ATV Association and the Mercer Dusty Loons ATV Club to maintain the funded ATV trail system. Along with maintaining 67 miles of trails, the County periodically assists clubs with mowing, grading or other trail maintenance projects as needed.

The County shall inspect and monitor trails, bridges and other infrastructure and attempt to secure funding from grants, or other sources, to periodically replace improvements or rehabilitate trail surfaces or bridges as needed.

940.2.2.3 Future ATV Trails

The use and popularity of ATV's and UTV's increased dramatically over the period of the 2006-2020 County Forest Plan. Increased usage of trail systems proved a tremendous need for much higher levels of trail maintenance in order to manage environmental damages.

Adding ATV trails should be done as part of larger planning effort that incorporates considerations for impact on other users and user groups; how future trail systems will be maintained; and impact on the natural resources. New ATV trail systems will only be considered with the following framework:

- Trails will only be considered on suitable soils and in appropriate locations
- New trails will only be allowed if relocation of an existing trail is necessary or with approval from the Forestry Committee
- Trails should be designed and planned to connect communities
- Dead end trails will not be sanctioned as part of the County ATV trail system
- Intensive use areas will not be permitted.
- Loop trails will be discouraged unless part of a larger trail system that connects communities

It is critical that trail layout and design is done in such a way as to prevent erosion and soil loss. Trails must be developed to sustainably. For the purpose of this plan, sustainability is defined as follows:

Sustainability – For the purpose of ATV trails, the term sustainability is intended to mean the development of a trail surface that is maintainable. It appears evident there are no circumstances where an ATV trail can be considered sustainable without intensive maintenance. Of primary importance, trail surfaces need to be conducive to periodic grading or restoration that promotes water runoff from the trail surface and eliminates the opportunity for water flow to gain velocity, causing erosion. Trails should be built with a slight crown and appropriate ditching to allow for adequate and proper water dispersal.

To this end, the construction and development of new ATV trails are to comply with the WCFA ATV/ORV Trail Standards, which is can be found in Chapter 1010.12.

940.2.3 Designated Motorcycle Trails

There are no designated motorcycle trails within Iron County. Off-highway motorcycles are not currently permitted on the ATV Trail system. Allowing for the use of off-highway motorcycles will be considered by the Committee when a dedicated funding source becomes available for the required maintenance of the trail system.

940.3 RECREATION TRAIL PERMITS

940.3.1 Storm Water Discharge

In general, any trail construction or rehabilitation activities that disturb one acre of more of land will require a Storm Water Discharge Permit. There have been instances of inconsistent application of permit requirements statewide. In order to further define the County's understanding and implementation of permit requirements, the following current acceptable process will be used for determining when a permit is needed.

- The 1-acre threshold will be determined by measuring/estimated new disturbance or disturbance of previously grassed surfaces.

- Periodic grading of impervious or non-grassed trail surfaces is not considered disturbance.
- Restoration of water filtration/diversion devices, such as sediment traps or catch basins is considered maintenance and not disturbance
- Reconstruction of previously grassed ditch lines as part of trail rehabilitation is considered disturbance.

940.3.2 Chapter 30

Permits are required for bridges or culvert crossings of navigable waterways. These permits will either be classified as general or individual depending on specific site conditions. These permits are not required for culvert or bridge crossings of non-navigable or intermittent streams, nor are they required to install a clear span bridge over wetlands.

940.3.3 Wetland Fill

Permits are required at any time that fill is placed in a wetland. Permits are available to fill small wetlands for recreation trail purposes. Wetland fill must be less than 10,000 square feet and the permit does not require wetland mitigation. Clear span bridge and boardwalks placed on pilings generally do not require a wetland fill permit. Puncheon style bridges do require a permit.

945 RECREATION PROGRAM FUNDING AND GRANTS

945.1 RECREATION AREA FUNDING

Funding for recreation areas is generally fee based or is included in the Forestry & Parks Department annual budget. Aid for Development of Local Parks (ADLP) funding is available for facility development or enhancement but there is normally a very high level of competition for these funds.

945.2 RECREATION TRAIL FUNDING

945.2.1 Non-motorized trail systems

At this time, there is very limited access to any grant funds that will assist with non-motorized recreational trail maintenance. The County relies on user donations, Recreational Trails Program (RTP) grant funding and budgeted department funding for maintenance of non-motorized trails.

945.2.2 Motorized trail systems

There are numerous grant programs available to offset motorized trail system costs. Iron County utilizes the following funding sources:

1. Snowmobile Maintenance - \$300/mile (up to \$900/mile incl. supplemental)
2. ATV / UTV Summer Maintenance - \$800/mile
3. ATV / UTV Winter Maintenance - \$200/mile
4. ATV Rehabilitation - 100% grants
5. ATV Development - 100% grants
7. Snowmobile Rehabilitation – 100% grants
8. Snowmobile Development – 100% grants
9. Motorized Stewardship – 80%

950 PLAN RECOMMENDATIONS FOR THE RECREATION PROGRAM

The following are recommended changes that this Plan recognizes as improvements or enhancements to the recreation program.

950.1 ENFORCEMENT NEEDS

Iron County currently has a part-time Recreation Officer. With the large recreation program within the County Forest, there is a need for this to be a full-time position. Other alternatives could be additional part-time officers or the addition of County “Rangers” to assist law enforcement on the County Forest.

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950.2 STAFFING NEEDS

As the recreation program continues to grow staff needs must be evaluated. Current staffing levels are adequate to maintain the existing program, but shortfalls in park maintenance staffing may be seen in the future.

950.3 CAMPGROUNDS

Future expansion of Lake of the Falls Campground and the addition of electricity and water to campsites on Side 2 should be considered. An additional modern bathroom / shower building should be considered with expansion of Side 1 to include additional electrical campsites. Other areas of possible expansion or development should be evaluated by the Committee based on public input and need.

950.4 TRAILS

The North Country National Scenic Trail is continuing construction of trail across northern Iron County. Future projects include construction of native trail, including bridges, boardwalks, and puncheons, from the Montreal River at the Michigan border southerly to the Sullivan Fire Lane along the Potato River. Opportunities to assist the North Country Trail Association with permits, structures, and routes is encouraged when possible.

IRON COUNTY FOREST COMPREHENSIVE LAND USE PLAN

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- 1010.13 IRON COUNTY FORESTRY PERMIT FEE SCHEDULE

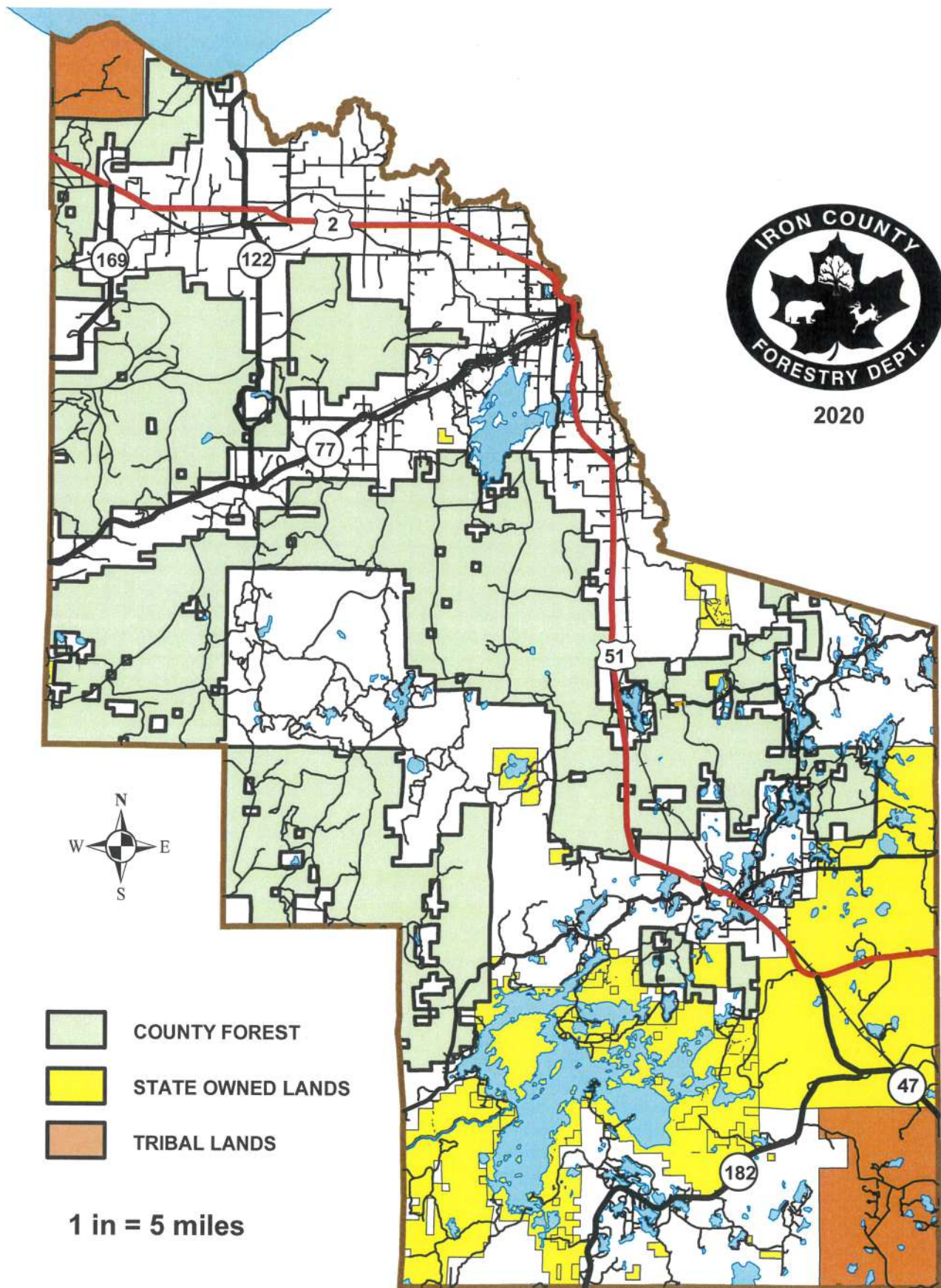
1015 FACILITIES AND REPORTS

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1020 MISCELLANEOUS MAPS AND BROCHURES

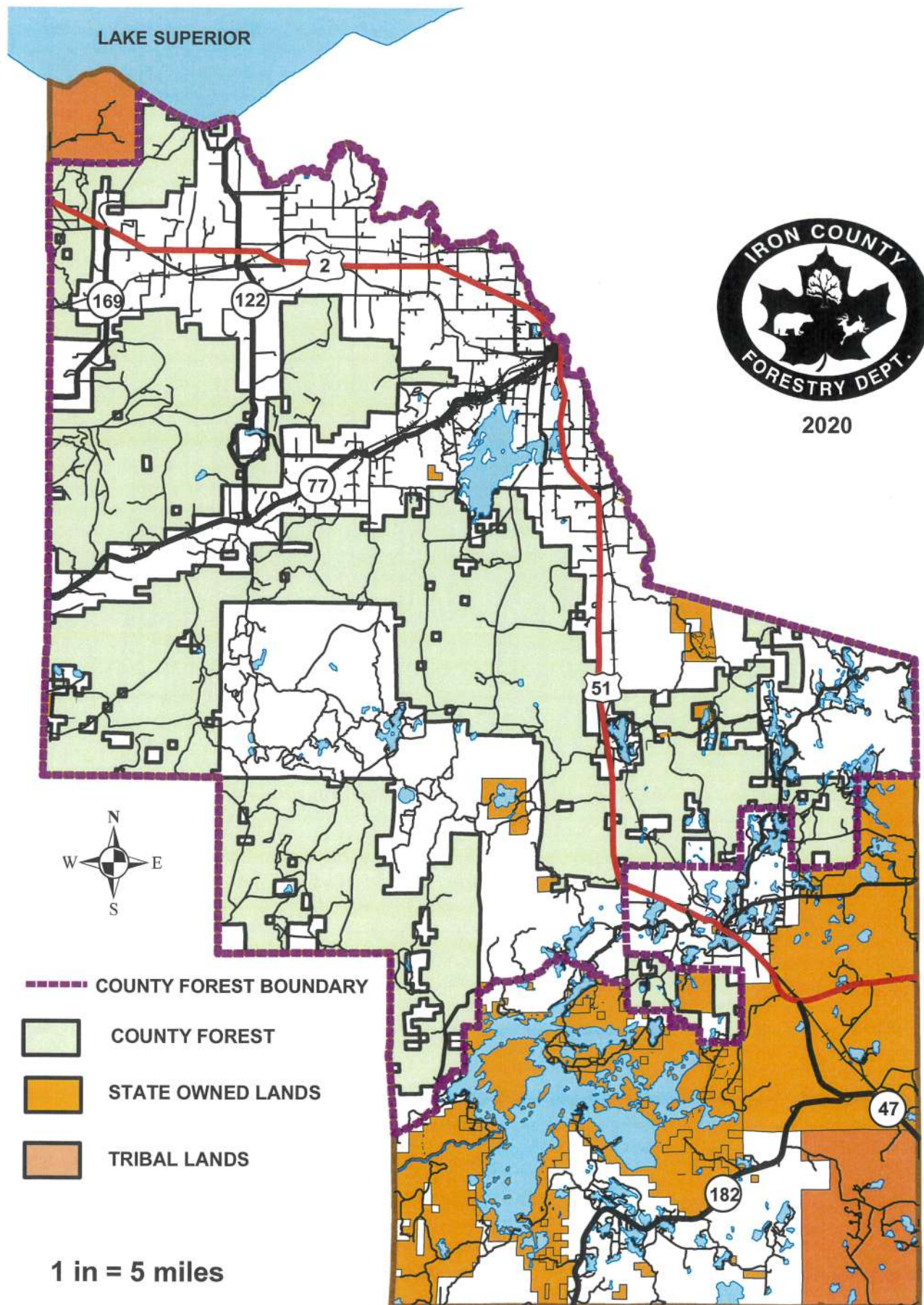
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IRON COUNTY FOREST
1000.1 -- COUNTY FOREST LOCATION

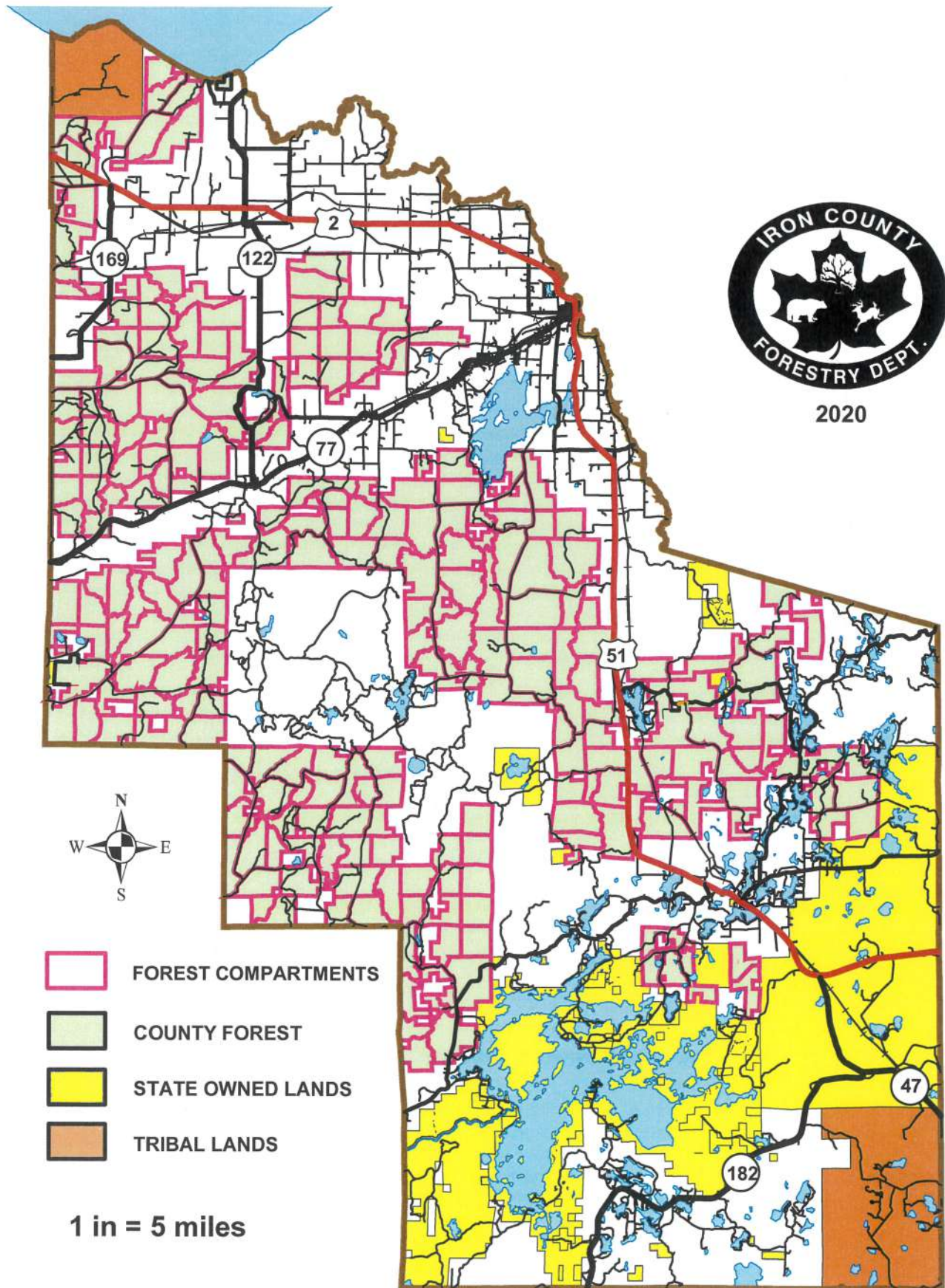


IRON COUNTY FOREST

1000.2 -- COUNTY FOREST BOUNDARY MAP

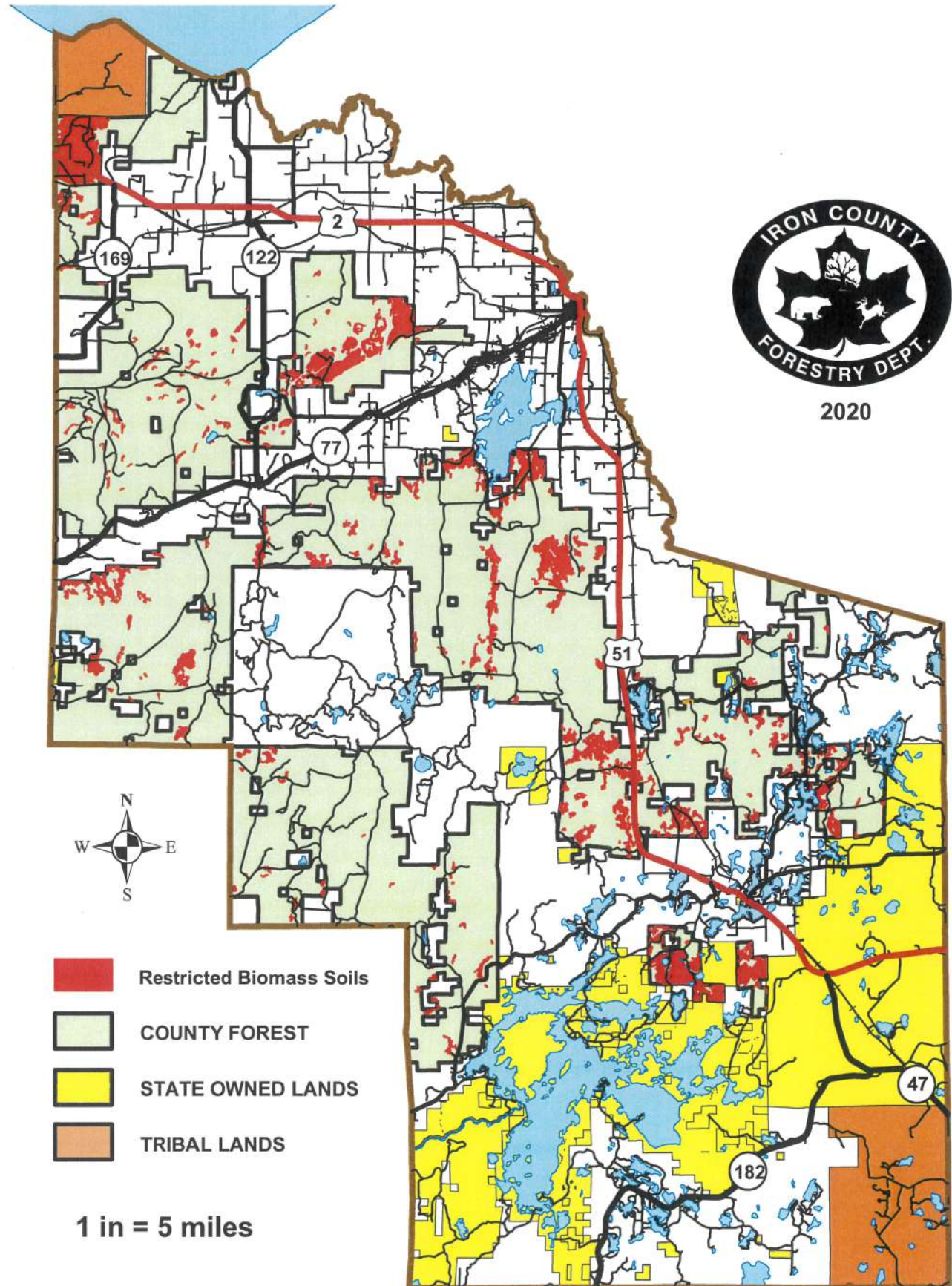


IRON COUNTY FOREST 1000.3 -- FOREST COMPARTMENTS

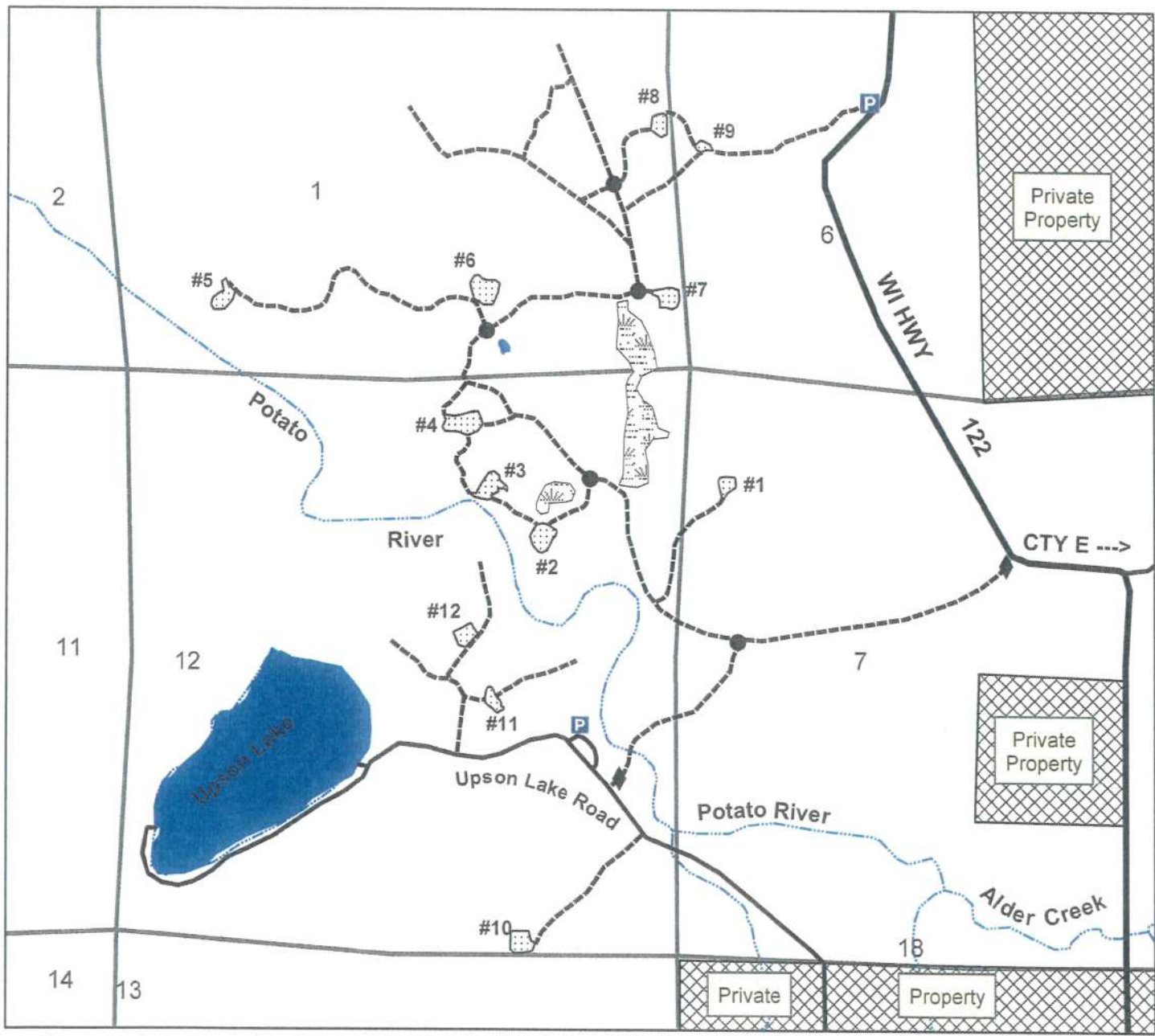


IRON COUNTY FOREST

1000.4 -- BIOMASS HARVESTING SOILS MAP



1000.5



Potato River Grouse Management Area



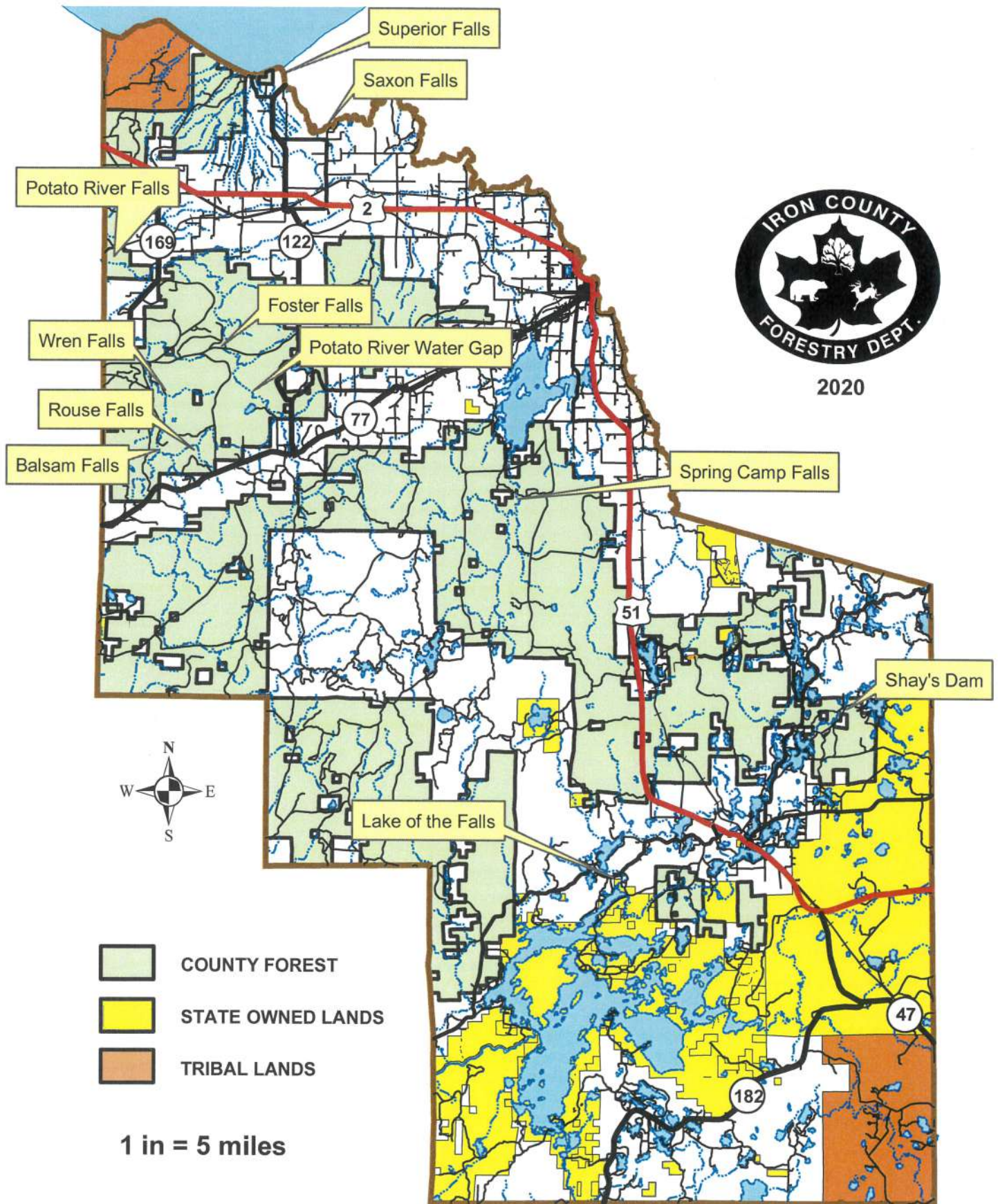
- Walking Trail / Woods Road
- Game Opening
- Wetlands
- Sign
- Gate



| Game Opening Positions | | |
|------------------------|-----------|-------------|
| #1 | 46.396633 | - 90.422950 |
| #2 | 46.395233 | - 90.429500 |
| #3 | 46.396416 | - 90.431400 |
| #4 | 46.398100 | - 90.432316 |
| #5 | 46.401133 | - 90.440950 |
| #6 | 46.401333 | - 90.431583 |
| #7 | 46.401167 | - 90.425067 |
| #8 | 46.405467 | - 90.425333 |
| #9 | 46.404883 | - 90.423733 |
| #10 | 46.385433 | - 90.430133 |
| #11 | 46.391367 | - 90.431250 |
| #12 | 46.392933 | - 90.432183 |

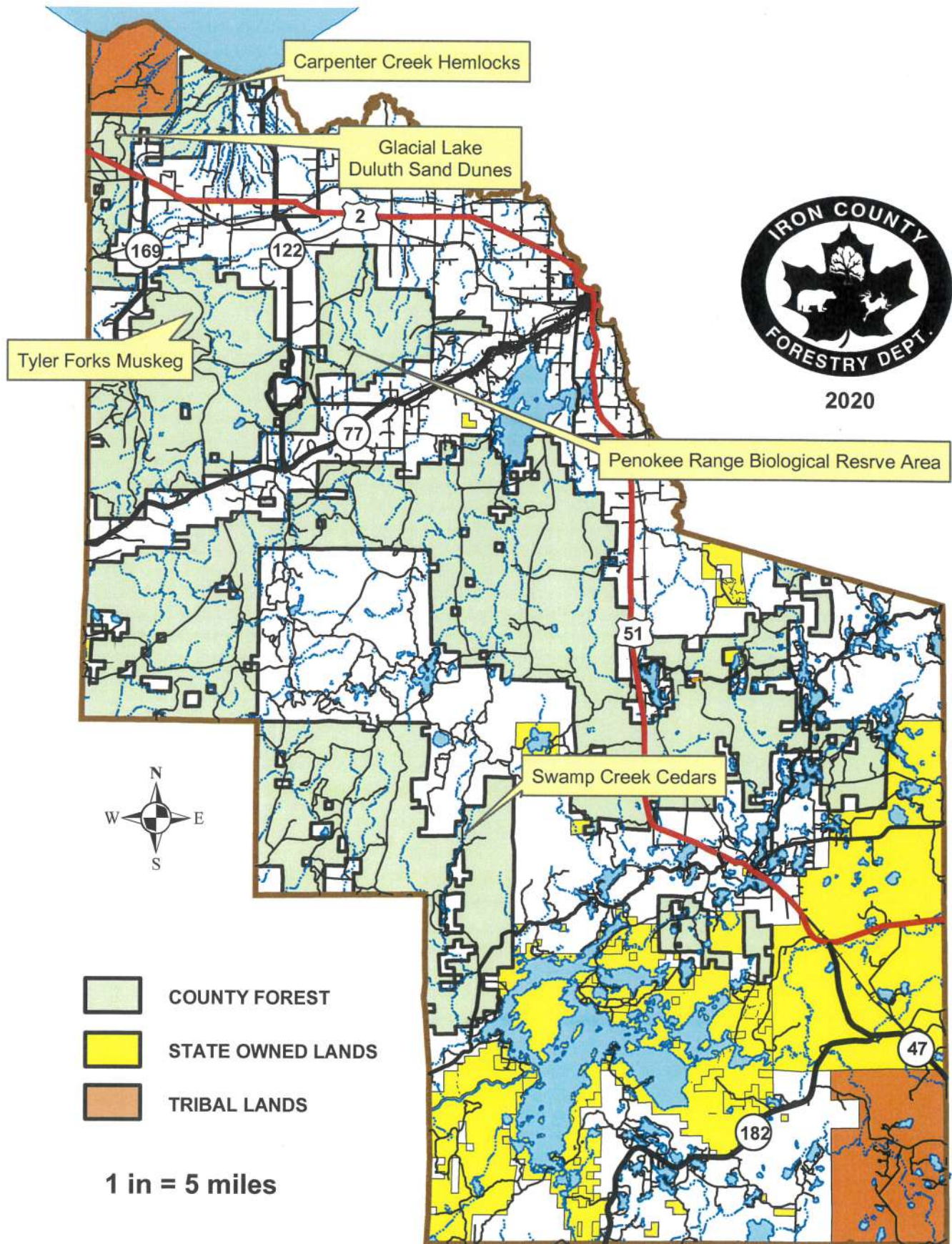
IRON COUNTY FOREST

1000.6 - IMPORTANT WATER RESOURCES



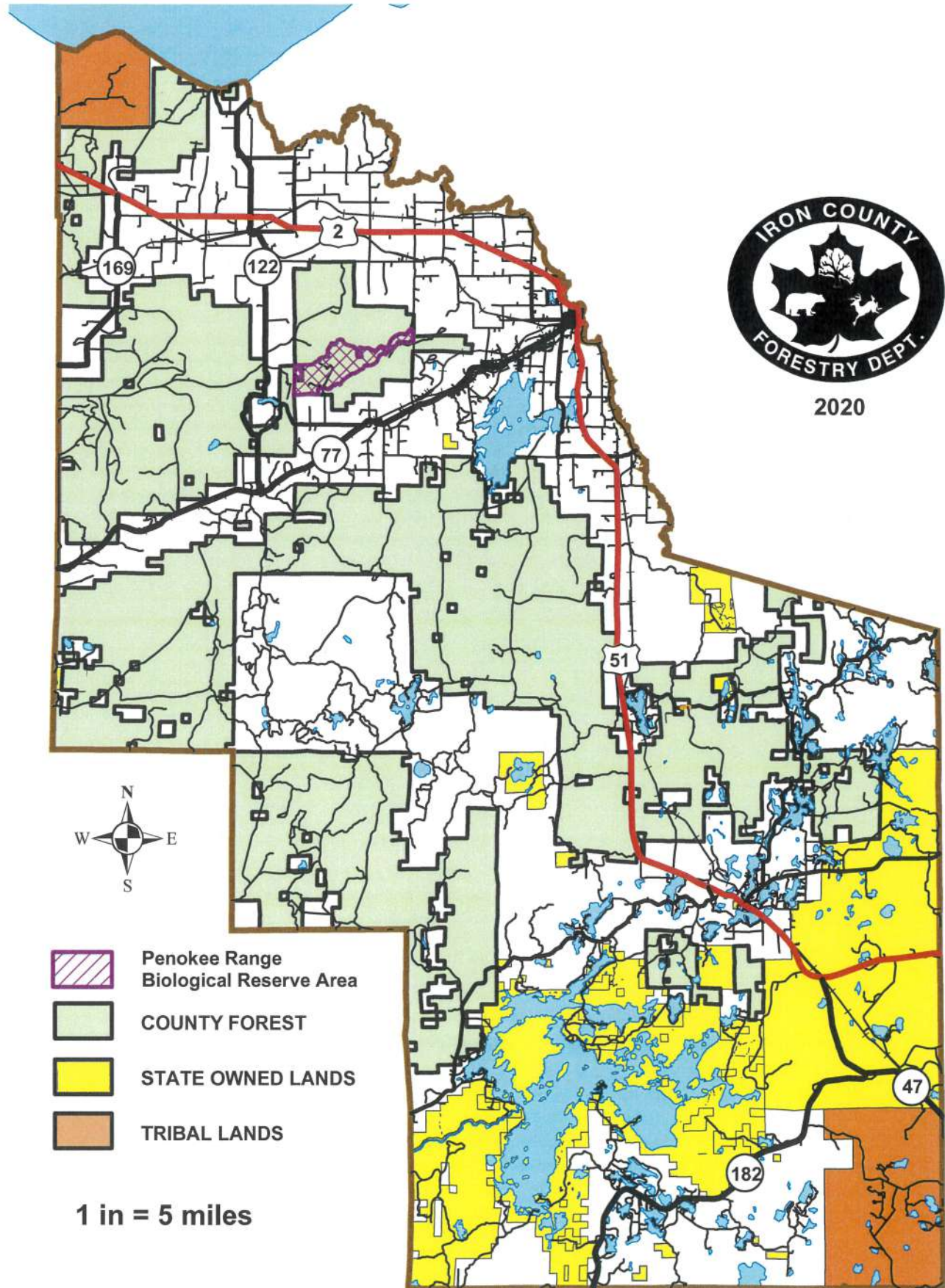
IRON COUNTY FOREST

1000.7 - EXCEPTIONAL & UNIQUE AREAS



IRON COUNTY FOREST

1000.8 - PENOKEE RANGE BIOLOGICAL RESERVE AREA

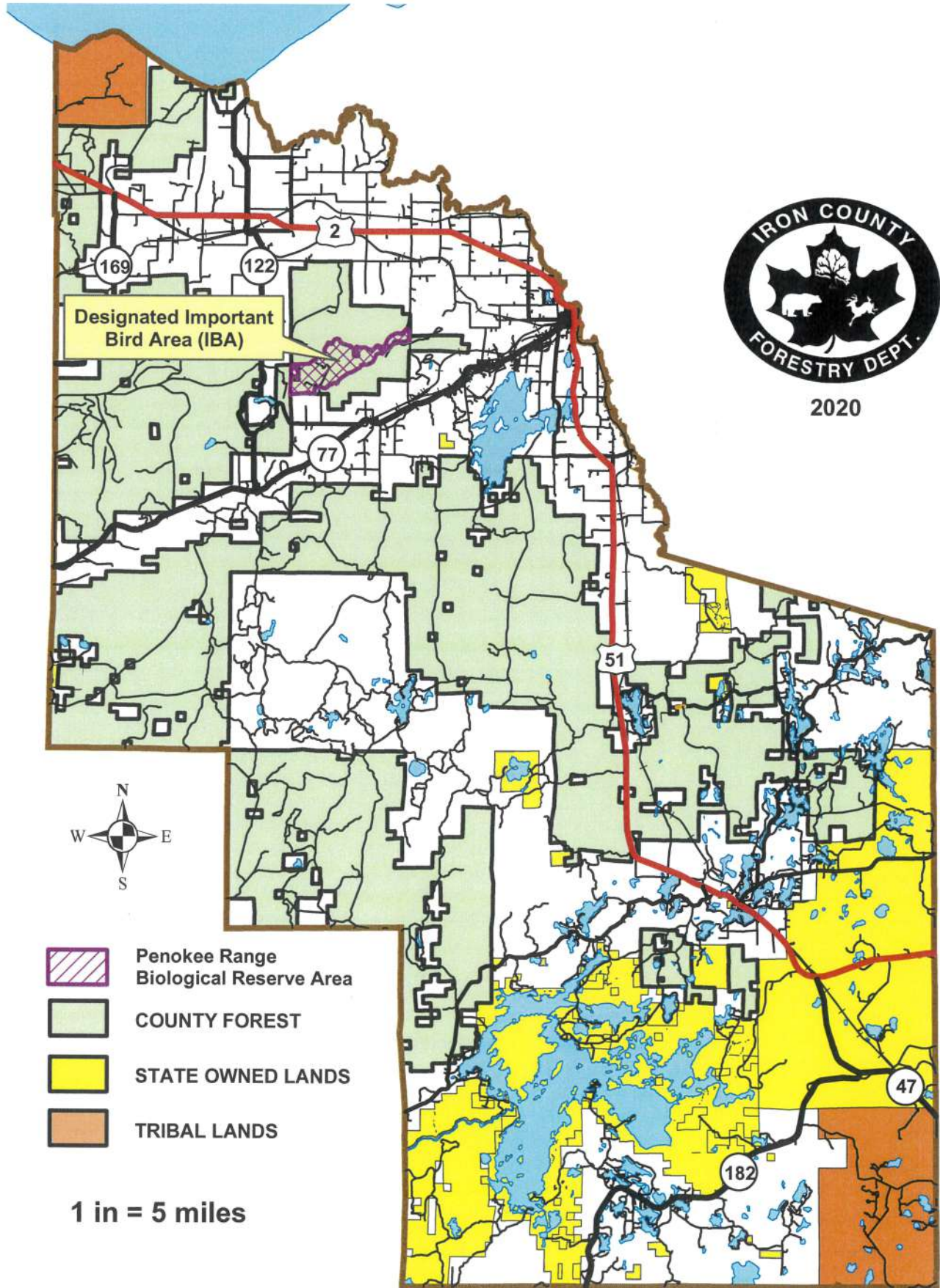


Iron County Forest

Penokee Range Biological Reseve Area

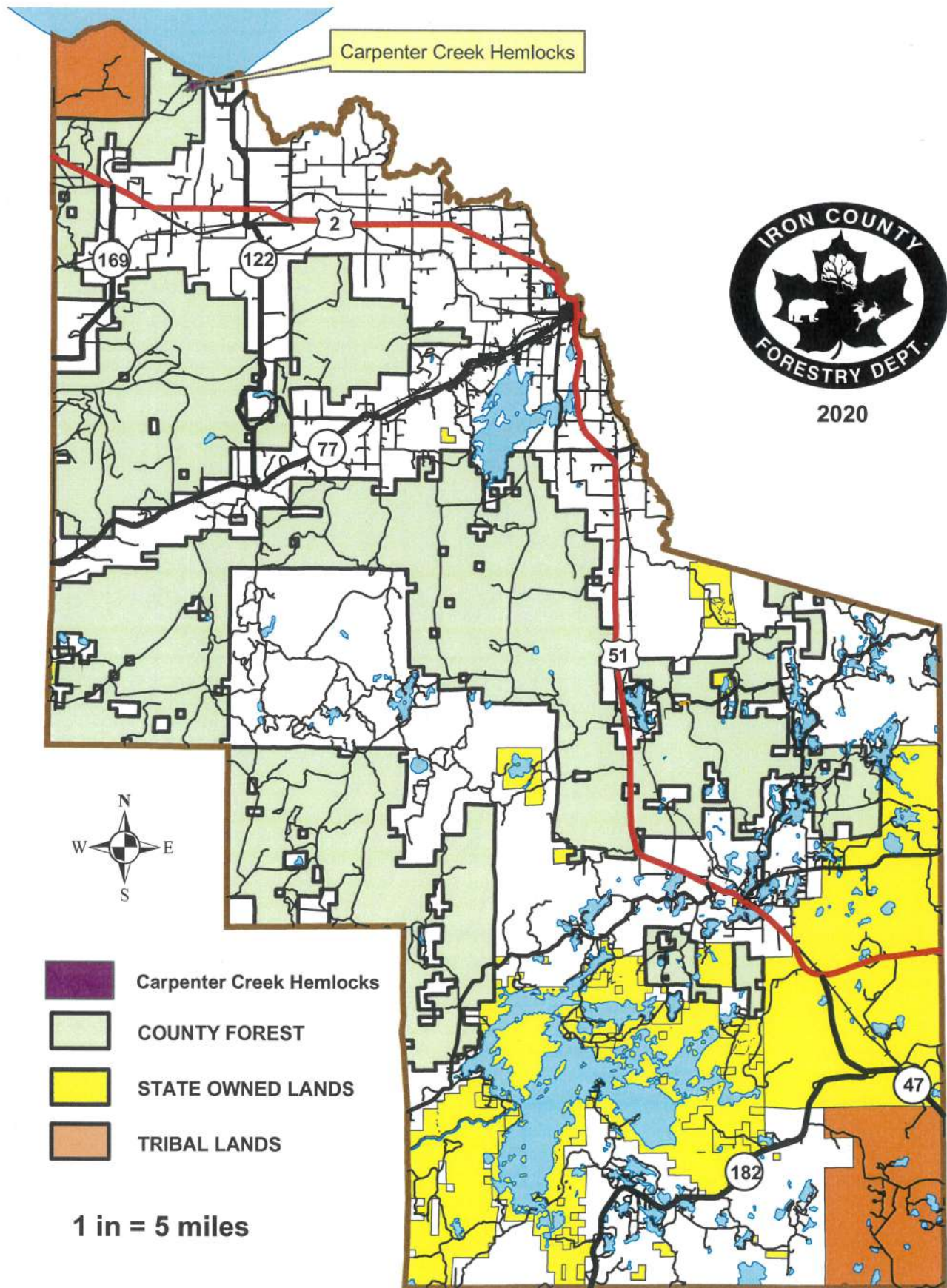
| <u>Compartment</u> | <u>Stand</u> | <u>Acres</u> |
|-----------------------|--------------|--------------|
| 227 | 6 | 19 |
| 227 | 17 | 21 |
| 232 | 8 | 90 |
| 233 | 2 | 15 |
| 233 | 3 | 154 |
| 233 | 4 | 21 |
| 233 | 5 | 4 |
| 233 | 13 | 112 |
| 234 | 1 | 96 |
| 234 | 2 | 125 |
| 234 | 3 | 18 |
| 234 | 4 | 34 |
| 234 | 5 | 10 |
| 234 | 6 | 24 |
| 235 | 3 | 56 |
| 235 | 10 | 52 |
| 235 | 16 | 35 |
| 237 | 3 | 10 |
| 237 | 5 | 3 |
| 237 | 6 | 28 |
| 238 | 1 | 134 |
| 238 | 2 | 14 |
| 238 | 3 | 140 |
| 238 | 5 | 12 |
| 238 | 7 | 4 |
| 238 | 10 | 31 |
| 238 | 12 | 26 |
| 239 | 2 | 16 |
| 239 | 3 | 234 |
| 239 | 5 | 129 |
| 239 | 6 | 18 |
| 239 | 8 | 25 |
| 239 | 10 | 51 |
| 239 | 14 | 44 |
| 239 | 15 | 11 |
| 239 | 16 | 29 |
| Total Acres -- | | 1845 |

IRON COUNTY FOREST
1000.9 - PENOKEE RANGE BIOLOGICAL RESERVE AREA
STATE-DESIGNATED IMPORTANT BIRD AREA



IRON COUNTY FOREST

1000.10 -- CARPENTER CREEK HEMLOCKS



1005 LAWS AND ORDINANCES

1005.1 COUNTY FOREST LAW (s. 28.11, Wis. Stats) *

28.11 ADMINISTRATION OF COUNTY FORESTS

28.11(1) PURPOSE. The purpose of this section is to provide the basis for a permanent program of county forests and to enable and encourage the planned development and management of the county forests for optimum production of forest products together with recreational opportunities, wildlife, watershed protection and stabilization of stream flow, giving full recognition to the concept of multiple-use to assure maximum public benefits; to protect the public rights, interests and investments in such lands; and to compensate the counties for the public uses, benefits and privileges these lands provide; all in a manner which will provide a reasonable revenue to the towns in which such lands lie.

28.11(2) DEFINED. "County forests" include all county lands entered under and participating under ch. 77 on October 2, 1963, and all county lands designated as county forests by the county board or the forestry committee and entered under the county forest law and designated as "county forest lands" or "county special-use lands" as hereinafter provided.

28.11(3) POWERS OF COUNTY BOARD. The county board of any such county may:

28.11(3)(a) Enact an ordinance designating a committee to have charge of the county forests and specifying the powers, duties, procedures and functions of such committee. The members of such committee shall be appointed pursuant to s. 59.13 and may include well-qualified residents of the county who are not members of the county board.

28.11(3)(b) Establish regulations for the use of the county forests by the public and to provide penalties for their enforcement.

28.11(3)(c) Appropriate funds for the purchase, development, protection and maintenance of such forests and to exchange other county-owned lands for the purpose of consolidating and blocking county forest holdings.

28.11(3)(d) Enter into cooperative agreements with the department for protection of county forests from fire.

28.11(3)(e) Establish aesthetic management zones along roads and waters and enter into long-term cooperative leases and agreements with the department and other state agencies or federal agencies for the use of the county forests for natural resources research.

28.11(3)(f) Establish transplant nurseries for growing seedlings, from the state forest nurseries, to larger size for planting in county forests, but no ornamental or landscape stock shall be produced in such nurseries.

28.11(3)(g) Establish forest plantations and engage in silviculture, forest management and timber sales.

28.11(3)(h) Engage in other projects designed to achieve optimum development of the forest.

28.11(3)(i) Enter into leases or agreements, for terms not exceeding 10 years, to explore and prospect for ore, minerals, gas or oil upon any county forest lands. These leases or agreements shall contain proper covenants to safeguard the public interests in the lands involved and to guard against trespass and waste. The county board shall require proper security to ensure that the person engaged in exploration or prospecting fully informs the county of every discovery of ore, minerals, gas or oil and restores the land surface to an acceptable condition and value if no discovery of valuable deposit is made or if county forest lands are not withdrawn from entry under this section. Before a lease or agreement under this paragraph is effective, approval of the lease or agreement by the department is required. If the department finds that the proposed lease or agreement fully complies with

the law and contains the proper safeguards, it shall approve the lease or agreement.

28.11(3)(j) Enter into leases for the extraction of valuable deposits of ore, minerals, gas or oil upon any county forest land. If the extraction can be accomplished without permanently affecting the surface of the land, extraction leases may be entered into and extraction may occur while the land remains county forest lands. If the extraction cannot be accomplished without permanently affecting the surface of the land, extraction may not commence until the land is withdrawn as county forest land. Before an extraction lease under this paragraph is effective, approval of the lease by the department is required.

28.11(3)(k) Establish energy conservation projects which permit individual members of the public to remove up to 10 standard cords of wood without charge from county forest lands for individual home heating purposes. The county board shall limit removal of wood for energy conservation projects to wood that is unsuitable for commercial sale. The county board may require a permit to remove wood for energy conservation projects and may charge a fee for the permit to administer projects established under this paragraph. A county board shall restrict participation in projects established under this paragraph to residents, as defined under s. 29.001 (69), but may not restrict participation to residents of the county. No timber sale contract is required for wood removed under this paragraph.

28.11(4) ENTRY OF COUNTY FOREST LANDS

28.11(4)(a) A county may file with the department an application for entry of county-owned land under this section. Such application shall include the description of the land and a statement of the purposes for which the lands are best suited. Upon the filing of such application the department shall investigate the same and it may conduct a public hearing thereon if it deems it advisable to do so at such time and place as it sees fit.

28.11(4)(b) If after such investigation the department finds that the lands constitute a well blocked county forest unit or that they block in with other established county forest lands and are otherwise suitable for the purposes of this section it shall make an order of entry designating such lands as county forest lands. All county lands entered under and participating under ch. 77 on October 2, 1963 shall be designated "county forest lands" without further order of entry.

28.11(4)(c) If the department finds that the lands are not suited primarily for timber production and do not otherwise qualify for entry under par. (b) but that they are suitable for scenic, outdoor recreation, public hunting and fishing, water conservation and other multiple-use purposes it shall make an order of entry designating such lands as "county special-use lands".

28.11(4)(d) A copy of the order of entry shall be filed with the county clerk and the county forestry committee, and the order shall also be recorded with the register of deeds.

28.11(4)(e) From and after the filing of such order of entry, the lands therein described shall be "county forest lands" or "county special-use lands", as the case may be, and shall so remain until withdrawn as hereinafter provided.

28.11(4)(f) The department may construct and use forest fire lookout towers, telephone lines and fire lanes or other forest protection structures on any lands entered under this section and the county clerk of such county shall execute any easement on or over such lands which the department may require for forest protection. The general public shall enjoy the privilege of entering such lands for the purpose of hunting, fishing, trapping and other recreation pursuits subject to such regulation and restrictions as may be established by lawful authority.

28.11(5) (5) MANAGEMENT.

28.11(5)(a) On or before December 31, 2005, a comprehensive county forest land use plan shall be prepared for a 15-year period by the county forestry committee with the assistance of technical personnel from the department and other interested agencies, and shall be approved by the county board and the department. The plan shall include land use designations, land acquisition, forest protection, annual allowable timber harvests, recreational developments, fish and wildlife management activities, roads, silvicultural operations and operating policies and procedures; it shall include a complete inventory of the county forest and shall be documented with maps, records and priorities showing in detail the various projects to be undertaken during the plan period. The plan may include an application for aids under s. 23.09 (17m). The application will be considered an annual application for these aids during the 15-year period of the plan. The initial plan may be revised as changing conditions require. Upon the expiration of the initial 15-year plan period, and upon expiration of each subsequent 15-year plan period, the plan shall be revised and shall be in effect for another 15-year period. If a plan under this paragraph is not revised upon expiration of the 15-year plan period, or if a plan under s. 28.11 (5) (a), 2003 stats., is not revised on or before December 31, 2005, that plan shall remain in effect until such time as that plan is revised and the revised plan takes effect.

28.11(5)(b) An annual work plan and budget based upon the comprehensive plan shall be prepared by the county forestry committee with the assistance of a forester of the department. The plan shall include a schedule of compartments to be harvested and a listing by location of management projects for the forthcoming year. In addition the plan shall include other multiple-use projects where appropriate. A budget, listing estimated expenditures for work projects, administration and protection of the forest, shall accompany the annual plan both to be submitted to the county board for approval at the November meeting.

28.11(5m) COUNTY FOREST ADMINISTRATION GRANTS.

28.11(5m)(a) The department may make grants, from the appropriation under s. 20.370 (5) (bw), to counties having lands entered under sub. (4) to fund all of the following for one professional forester in the position of county forest administrator or assistant county forest administrator:

28.11(5m)(a)1. Up to 50 percent of the forester's salary.

28.11(5m)(a)2. Up to 50 percent of the forester's fringe benefits, except that the fringe benefits may not exceed 40 percent of the forester's salary.

28.11(5m)(am) The department may make grants, from the appropriation under s. 20.370 (5) (bw), to counties having lands entered under sub. (4) to fund up to 50 percent of the costs of a county's annual dues to a nonprofit organization that provides leadership and counsel to that county's forest administrator and that functions as an organizational liaison to the department. The total amount that the department may award in grants under this paragraph in any fiscal year may not exceed \$50,000.

28.11(5m)(b) The department may not make a grant under this subsection for a year for which the department has not approved the annual work plan that was approved by the county board under sub. (5) (b). The department may not base the amount of a county's grant on the acreage of the county's forest land.

28.11(5m)(c) The department may choose not to make a grant to a county under this subsection if the county board for that county is more than one year delinquent in approving a comprehensive county forest land use plan or revised plan under sub. (5) (a).

28.11(5r) Sustainable forestry grants.

28.11(5r)(a) In this subsection, "sustainable forestry" has the meaning given in s. 28.04 (1) (e).

28.11(5r)(b) The department may make grants, from the appropriation under s. 20.370 (5) (bw), to counties having lands entered under sub. (4) to fund the cost of activities designed to improve sustainable forestry on the lands.

28.11(5r)(c) The department may choose not to make a grant to a county under this subsection if the county board for that county is more than one year delinquent in approving a comprehensive county forest land use plan or revised plan under sub. (5) (a).

28.11(6) TIMBER SALES AND CULTURAL CUTTINGS.

28.11(6)(a) Limitations. The county forestry committee is authorized to sell merchantable timber designated in timber sale contracts and products removed in cultural or salvage cuttings. All timber sales shall be based on tree scale or on the scale, measure or count of the cut products; the Scribner Decimal C log rule shall be used in log scaling. All cuttings shall be limited to trees marked or designated for cutting by qualified personnel recognized as such by the department.

28.11(6)(b) PROCEDURES.

28.11(6)(b)1. Any timber sale with an estimated value of \$3,000 or more shall be by sealed bid or public sale after publication of a classified advertisement announcing the sale in a newspaper having general circulation in the county in which the timber to be sold is located. Any timber sale with an estimated value below \$3,000 may be made without prior advertising. Any timber sale with an estimated value of \$3,000 or more requires approval of the secretary.

28.11(6)(b)2. Timber sales shall be subject to presale appraisals by qualified personnel recognized as such by the department to establish minimum sales value. Appraisal methods and procedures shall be approved by the department.

28.11(6)(b)3. No merchantable wood products may be cut on any lands entered under this section unless a cutting notice on forms furnished by the department is filed with and approved by the department. Any unauthorized cutting shall render the county liable to the state in an amount equal to double the stumpage value of the cut products which amount shall be paid by the county to the state. If the county does not pay the amount of such penalty to the state, the department may withhold such amount from future state contributions to the county.

28.11(6)(b)4. Within 90 days after completion of any cutting operation, including timber trespass, but not more than 2 years after filing the cutting notice, the county shall transmit to the department on forms furnished by the department, a report of merchantable wood products cut. The department may conduct any investigations on timber cutting operations that it considers to be advisable, including the holding of public hearings on the timber cutting operations, and may assess severance share payments accordingly.

28.11(6)(c) Exception. Paragraph (b) 1. does not apply to any sale of timber that has been damaged by fire, snow, hail, ice, insects, disease, or wind. Timber damaged in that manner that is located in a county forest may be sold by the county forestry committee for that county on such terms and in such manner as the committee determines is in the best interest of the county.

28.11(7) County forest credit. The department shall set up an account for each county showing the lands entered; the sums previously paid under s. 28.14, 1961 stats.; the sums hereafter paid under this section; the sums previously received in the form of four-fifths severance tax collected pursuant to s. 77.06 (5), 1961 stats.; the sums received as forestry fund severance share under this section; and the sums previously reimbursed to the state on withdrawn lands pursuant to s. 28.12 (4), 1961 stats. Whenever the forestry fund account of any county shows an overpayment of such

severance tax or severance share as of June 30 of any year, the department shall return such overpayment to the county. All severance taxes previously paid by any county and deposited in the general fund shall be credited to the forestry fund account of the county. If such credit exceeds the balance due to the forestry fund account from such county, the overpayment shall be credited to the county and applied in lieu of future severance shares due to the state until the county account is balanced.

28.11(8) STATE CONTRIBUTION.

28.11(8)(a) (a) Acreage payments. As soon after April 20 of each year as feasible, the department shall pay to each town treasurer 30 cents per acre, based on the acreage of such lands as of the preceding June 30, as a grant out of the appropriation made by s. 20.370 (5) (bv) on each acre of county lands entered under this section.

28.11(8)(b) FORESTRY FUND ACCOUNT.

28.11(8)(b)1. A county having established and maintaining a county forest under this section is eligible to receive from the state from the appropriations under s. 20.370 (5) (bq) and (bs) an annual payment as a noninterest bearing loan to be used for the purchase, development, preservation and maintenance of the county forest lands and the payment shall be credited to a county account to be known as the county forestry aid fund. A county board may, by a resolution adopted during the year and transmitted to the department by December 31, request to receive a payment of not more than 50 cents for each acre of land entered and designated as "county forest land". The department shall review the request and approve the request if the request is found to be consistent with the comprehensive county forest land use plan. If any lands purchased from the fund are sold, the county shall restore the purchase price to the county forestry aid fund. The department shall pay to the county the amount due to it on or before March 31 of each year, based on the acreage of the lands as of the preceding June 30. If the amounts in the appropriations under s. 20.370 (5) (bq) and

(bs) are not sufficient to pay all of the amounts approved by the department under this subdivision, the department shall pay eligible counties on a prorated basis.

28.11(8)(b)2. The department may allot additional interest free forestry aid loans on a project basis to individual counties to permit the counties to undertake meritorious and economically productive forestry operations, including land acquisitions. These additional aids may not be used for the construction of recreational facilities or for fish and game management projects. Application shall be made in the manner and on forms prescribed by the department and specify the purpose for which the additional aids will be used. The department shall make an investigation as it deems necessary to satisfy itself that the project is feasible, desirable and consistent with the comprehensive plan. If the department so finds, it may make allotments in such amounts as it determines to be reasonable and proper and charge the allotments to the forestry fund account of the county. These allotments shall be credited by the county to the county forestry aid fund. After determining the loans as required under subd. 1., the department shall make the remainder of the amounts appropriated under s. 20.370 (5) (bq) and (bs) for that fiscal year available for loans under this subdivision. The department shall also make loans under this subdivision from the appropriations under s. 20.370 (5) (bt) and (bu).

28.11(8)(b)3. All payments made under this paragraph shall be known as the "forestry fund account".

28.11(9) COUNTY FOREST SEVERANCE SHARE.

28.11(9)(a) Except as provided under pars. (b) and (c), on timber cut from lands entered as "county forest lands" the county shall pay a severance share of not less than 20 percent of the actual stumpage sales value of the timber. A higher rate of payment may be applied when agreed upon by the department and the county. When cutting is done by the county and timber

is not sold or is sold as cut forest products the severance share shall be 20 percent of the severance tax schedule in effect under s. 77.06 (2).

28.11(9)(ag) The severance share paid by a county to the state shall be credited to the forestry fund account of the county and shall be divided into 2 payments as follows:

28.11(9)(ag)1. An acreage loan severance share payment that is equal to the product of multiplying the amount of the severance share paid by the county by the percentage of the balance due in the forestry fund account of the county that is attributable to loans made under sub. (8) (b) 1.

28.11(9)(ag)2. A project loan severance share payment that is equal to the product of multiplying the amount of the severance share paid by the county by the percentage of the balance due that is attributable to loans made under sub. (8) (b) 2.

28.11(9)(am) The acreage loan severance share payments shall be deposited in the conservation fund and credited to the appropriation under s. 20.370 (5) (bq), and the project loan severance share payments shall be deposited in the conservation fund and credited to the appropriation under s. 20.370 (5) (bu).

28.11(9)(ar)1. Notwithstanding s. 20.001 (3) (c), if the sum of the unencumbered balances in the appropriations under s. 20.370 (5) (bq), (bt) and (bu) exceeds \$400,000 on June 30 of any fiscal year, the amount in excess of \$400,000 shall lapse from the appropriation under s. 20.370 (5) (bq) to the conservation fund, except as provided in subd. 2.

28.11(9)(ar)2. Notwithstanding s. 20.001 (3) (c), if the amount in the appropriation under s. 20.370 (5) (bq) is insufficient for the amount that must lapse under subd. 1., the remainder that is necessary for the lapse shall lapse from the appropriation under s. 20.370 (5) (bu).

28.11(9)(b) No severance share payment is required if there is no balance due in the forestry fund account of the county. A severance share payment shall not exceed the balance due in the forestry fund account of the county.

28.11(9)(c) No severance share payment is required for wood removed from county forest lands for energy conservation projects established under sub. (3) (k).

28.11(9)(d) Of the gross receipts from all timber sales on the county forests 10 percent shall be paid annually by the county to the towns having county forest lands on the basis of acreage of such lands in the towns.

28.11(11) WITHDRAWALS.

28.11(11)(a)1. The county board may by resolution adopted by not less than two-thirds of its membership make application to the department to withdraw lands entered under this section. 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. The county board shall not take final action on the application until 90 days after referral of the application to the forestry committee or until the report of the forestry committee regarding the application has been filed with the board. The application shall include the land description, a statement of the reasons for withdrawal, and any restrictions or other conditions of use attached to the land proposed for withdrawal.

28.11(11)(a)2. Upon the filing of an application to withdraw lands under subd. 1., the department shall investigate the application. During the course of its investigation the department shall make an examination of the character of the land, the volume of timber, improvements, and any other special values. In the case of withdrawal for the purpose of sale to any purchaser other than the state or a local unit of government, the department shall establish a minimum value on the lands to be withdrawn. In making its investigation the department shall give full weight and consideration to

the purposes and principles set forth in sub. (1), and it shall also weigh and consider the benefits to the people of the state as a whole, as well as to the county, from the proposed use against the benefits accruing to the people of the state as a whole and to the county under the continued entry of the lands to be withdrawn. The department may conduct a public hearing on the application, if it considers it advisable, at a time and place that it determines, except that if the county requests a public hearing in writing, the department shall hold a public hearing.

28.11(11)(a)3. If the department finds that the benefits after withdrawal of the lands described in the application under subd. 2. outweigh the benefits under continued entry of the lands and that the lands will be put to a better and higher use, it shall make an order withdrawing the lands from entry; otherwise it shall deny the application.

28.11(11)(a)4. If the application is denied, the county board may, by resolution adopted by not less than two-thirds of its membership, appeal to a review committee. The department shall submit the findings of its investigation and of any hearing on a proposed withdrawal to the committee, which shall be composed of the following members:

- a. One member appointed by the county board submitting the application for withdrawal.

- b. One member who is appointed by the governor, who is from another county that has land enrolled under the county forest law, and who shall be chairperson of the review committee.

- c. One member appointed by the department.

- d. One member appointed by the University of Wisconsin from the College of Agricultural and Life Sciences.

e. One member to be selected by unanimous vote of the appointed members or, if the appointed members fail to achieve unanimity, by the governor.

28.11(11)(a)5. 5. The review committee appointed under subd. 4. shall, by majority vote within 60 days after receiving the findings of the department, do one of the following:

a. Approve the application for withdrawal if it finds the proposed use to be of a greater benefit considering all losses and benefits to the people of the state as a whole, as well as to the people of the county.

b. Provisionally deny the application for withdrawal giving specific reasons why it finds the proposal deficient and making any suggestions for revising the application to reduce the conflict of the proposed use with the public interest.

28.11(11)(a)6. If the committee approves a withdrawal under subd. 5., it shall notify the county board of its approval stating, as necessary, specific procedures to be followed by the county relating to the withdrawal. The county board may then by a resolution approved by not less than two-thirds of its membership, withdraw the lands from the county forest law and shall send copies of this resolution to the department and to the county register of deeds who shall record the resolution.

28.11(11)(a)7. If the committee provisionally denies the proposed withdrawal under subd. 5., it may consider an amended application for withdrawal upon presentation of the application and supporting information, or it may require additional investigation of the amended application by the department before reconsidering the application. Any additional investigation shall include additional public hearings if requested by the county, the department, or the committee.

28.11(11)(b) If the application is approved the county shall reimburse the state the amounts previously paid to the county pursuant to sub. (8) (b)

which reimbursement shall be credited to the county forestry fund account; except that the department may waive all or part of such reimbursement if it finds that the lands are withdrawn for a higher public use or that the amount of such reimbursement is unreasonable when compared to the value of the land. If the department has waived any portion of such reimbursement and if at any subsequent time the land ceases to be used for the purpose designated in the application for withdrawal, the full amount of reimbursement due the forestry fund account on the lands withdrawn shall immediately become due and payable to the department and shall be credited to the forestry fund account, unless the department finds and determines that the lands will continue to be put to another higher public use in which case payments of such reimbursement may be deferred by the department so long as the lands are devoted to a higher public use. If payment is not made prior to the time of the next forestry aid payment to the county, forestry aid payments in an amount to be determined by the department shall be withheld until the amount due the forestry fund account is reimbursed.

28.11(12) ENFORCEMENT. If at any time it appears to the department that the lands are not being managed in accordance with this section it shall so advise the county forestry committee and the county clerk. If the condition persists the department may proceed against the persons responsible for such noncompliance under s. 30.03 (4).

28.11(13) REVIEW. All orders of the department made under this section may be reviewed under ss. 227.52 to 227.58.

28.11 History: 1971 c. 215; 1975 c. 39 s. 734; 1975 c. 342; 1977 c. 29; 1979 c. 34 ss. 723 to 725, 2102 (39) (a); 1983 a. 27; 1983 a. 192 s. 304; 1983 a. 424 ss. 2 to 5; 1985 a. 29 ss. 655ce to 655cg, 3202 (39); 1985 a. 182 s. 57; 1987 a. 27; 1989 a. 31, 79; 1993 a. 16, 184, 301; 1995 a. 27, 201; 1997 a. 237, 248; 1999 a. 9; 2001 a. 16, 103; 2003 a. 242; 2005 a. 48; 2007 a. 20.

28.11 Cross-reference: See also ch. NR 48 and ss. NR 1.24, 47.60 to 47.75, and 302.03, Wis. adm. code.

A county forest withdrawal appeal review committee under sub. (11) (a) is not a state agency whose decisions are reviewable under ch. 227. *Allen v. Juneau County*, 98 Wis. 2d 103, 295 N.W.2d 218 (Ct. App. 1980).

County boards cannot sell or exchange county forest lands without first withdrawing them from the county forest program under sub. (11). 66 Atty. Gen. 109.

Conservation easements and restrictive covenants are permissible in county forests as long as they are consistent with and do not interfere with the purposes of county forests and the management plans properly developed for them under the county forest law. OAG 08-10.

TITLE 12

Parks and Forests

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| Chapter 1 | Parks and Navigable Waters |
| Chapter 2 | Large Public Gatherings |

Chapter 1

Parks, Navigable Waters and Forests

| | |
|--------|---|
| 12-1-1 | Park Regulations |
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| 12-1-3 | Campground Regulations |
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Sec. 12-1-1 Park Regulations.

- (a) **Purpose.** In order to protect the parks, parkways, recreational facilities and conservancy areas within Iron County from injury, damage or desecration, these regulations are enacted. The term "park" as hereinafter used in this Chapter shall include all grounds, structures and watercourses which are or may be located within any area dedicated to the public use as a park, parkway, recreation facility, play ground, beach or conservancy area in the County.
- (b) **Definitions.** For the purposes of this Chapter:
- (1) **All-terrain Vehicle.** Shall be defined pursuant to Sec. 340.01(2g), Wis. Stats.
 - (2) **Campground.** Any tract of land designated by the County exclusively for camping purposes.
 - (3) **Camping.** The use of any shelter such as a tent, trailer, motor vehicle, tarpaulin, bed roll or sleeping bag for temporary residence or sleeping purposes.
 - (4) **Camping Party.** Any individual, family, unorganized group, or juvenile group occupying a campsite.
 - (5) **Camping Unit.** A singular shelter used for camping by a camping party, except those used exclusively for dining purposes.
 - (6) **Campsite.** A portion of a campground which is designated for use by a camping unit.
 - (7) **Canoe Campground.** A campground along a waterway for use by persons traveling by water.
 - (8) **Closed Shelter.** Any building or structure capable of being closed to public access and reserved for public or private group activities.
 - (9) **County Forest.** All lands owned or leased by the County that are managed under Chapter 28, Wis. Stats.
 - (10) **Emergency.** A state of exigency which requires that immediate action be taken to protect life or property.
 - (11) **Family.** A parent or parents with their unmarried children and not more than two (2) lineal relatives or two (2) guests.
 - (12) **Group Campground.** A campground which is designated for use by organizational groups.

- (13) **Juvenile Group.** A group composed of juvenile members of an established organization and under the leadership of at least one (1) competent, mature adult for each ten (10) juveniles in the group.
- (14) **Park.** Includes all lands and water heretofore and hereafter acquired by the County for park or recreational purposes and includes parks on County land managed under Chapter 28, Wis. Stats.
- (15) **Person.** Includes any individual, firm, partnership, corporation, and association of persons, both singular and plural.
- (16) **Primitive Campground.** A campground or area with minimal or no improvements, where camping may be permitted, accessible by hiking or by watercraft.
- (17) **Special Use Area and Wayside.** Includes all lands and waters, other than parks, heretofore and hereafter acquired by the County for special recreational or other purposes.
- (18) **Unorganized Group.** A camping party composed of a group of five (5) or less person who are seven (7) years of age or older.

(c) **Specific Regulations.**

- (1) **Littering Prohibited.** No person shall litter, dump or deposit any rubbish, refuse, earth or other material in any park.
- (2) **Sound Devices.** No person shall operate or play any amplifying system unless specific authority is first obtained from the Sheriff.
- (3) **Bill Posting.** No person shall post, paste, fasten, paint or attach any placard, bill, notice, sign or advertising matter upon any structure, tree or other natural object in any park, except park regulations and other signs authorized by the Forestry – Conservation – Parks – Harbors – Buildings Committee or its designee.
- (4) **Throwing Stones and Missiles Prohibited.** No person shall throw stones or other missiles in or into any park.
- (5) **Removal of Park Equipment Prohibited.** No person shall remove benches, bleachers, seats, tables or other park equipment from any park.
- (6) **Trapping.** “Trapping” when used in this Section includes the taking, or the attempting to take, of any wild animal by means of setting or operating any device, mechanism or contraption that is designated, built or made to close upon, hold fast or otherwise capture a wild animal or animals; live traps on a person’s property are excluded. The trapping of wild animals is hereby prohibited in County parks, unless authorized by the Forestry – Conservation – Parks – Harbors – Buildings Committee or its designee.
- (7) **Making of Fires.** No person shall start, tend or maintain a fire except in personal grills or designated fireplaces. Personal grills shall be used only in designated picnic areas. The use of personal grills is permitted provided lawns and vegetation are not endangered. Unburned fuel and ashes shall be disposed of in such a manner as to prevent fire or damage to any park property.
- (8) **Protection of Park Property.**
 - a. No person shall kill, injure or disturb or attempt to injure or disturb waterfowl, birds or animals, wild or domestic, within any park, except as permitted by this Chapter. No person shall climb any tree or remove flowers or fruit, wild or cultivated, or break, cut down, trample upon, remove or in any manner

injure, deface, write upon or ill use any tree, shrub, flower, flower bed, turf, soil, sand, fountain, ornament, building, structure, apparatus, bench, table, official notice, sign, fence, or other property within any park.

- b. No person shall deface, by throwing stones, pebbles or other debris in any of the toilets, bubblers or other sanitary facilities located in any County park; or deface by drawing with crayon, chalk, paint, or anything else on any of the buildings or equipment at any County park; or deface the equipment by means of a sharp instrument.
- (9) **Motorized Vehicles.** Except for authorized maintenance vehicles, no person shall operate an unlicensed or licensed motorized vehicle outside of areas specifically designated as parking areas or areas where the operation of such vehicles is specifically permitted. Motor vehicles are restricted to the roads and drives and parking areas. No motor vehicles of any nature may be used in the seeded areas except vehicles which have Sheriff's Department authorization for shows, rides or exhibits and then only for the purpose of loading or unloading.
- (10) **Speed Limit.** No person shall operate any vehicle in a County park in excess of twenty (20) miles per hour unless otherwise posted.
- (11) **Reckless Driving in Parks Prohibited.** No person shall operate a motor vehicle in a reckless manner in any of the public parks of the County.
- (12) **Parking in Parks.** No person shall park any motor vehicle in any park in the County except in a designated parking area.
- (13) **Removing Tree Protectors.** No person shall remove any device for the protection of trees or shrubs.
- (14) **Fees and Charges.** The County Board, shall have the authority to establish such fees as deemed necessary for use of any park facility, shelter or land area. It shall be unlawful to use such areas without payment of such fee or charge when required.
- (15) **Fish or Game Cleaning.** Except in designated areas, cleaning of fish or game in shelters, toilet facilities or picnic areas is prohibited in all County parks.
- (16) **Controlled Substances.** Possessing, using or dispensing of a controlled substance in violation of the Uniform Controlled Substances Act is prohibited in all County parks.
- (17) **Vendors Restricted.** No person shall sell, vend or give away in any County park any article of merchandise whatever, without a written permit from the Sheriff's Department.
- (18) **Smoking.** No person shall smoke or hold a lighted cigarette, cigar or pipe in any no smoking area within any park, or in any other area in any park where notices prohibiting smoking are posted.
- (19) **Hours.** All parks, special use areas and waysides shall be open to the public throughout the year during the hours between 6:00 a.m. and 11:00 p.m. each day. No person may enter or be on such lands outside of those hours except for campers in or those who are in route to designated campgrounds or persons transporting watercraft to and from designated boat landings. For purposes of this Subsection, the time shall be computed under Section 175.09 and 175.095, Wis. Stats., whichever is applicable.

- (20) ***Fireworks, Rockets, Explosive Devices.*** It is unlawful for any person to possess, fire, discharge, explode or set off any squib, cracker or other explosive or pyrotechnic device containing powder or other combustible or explosive material within the boundaries of any park, wayside or special use areas, except by permission of the Committee or its duly authorized agent.
- (21) ***Firearms.*** It is unlawful for any person to have in his or her possession or under his or her control in any park, wayside or special use area any firearm or airgun as defined in Sec. 939.22(2), Wis. Stats., or any bow, crossbow or slingshot, unless it is unstrung and enclosed in a carrying case. This prohibition shall not apply during established state hunting seasons.
- (22) ***Pets.*** It is unlawful for any person to allow pet animals to enter any public building, bathing beach, picnic ground or playground within any park, wayside or special use area, or to allow them to run at large at any time in parks, waysides or special use areas, or otherwise contrary to posting. Subject to the conditions expressed such animals shall be permitted upon lands under the control of the Committee, provided that they are kept on a leash no longer than eight (8) feet and under the owner's control at all times. Persons shall not allow their pet animals to deprive or disrupt the enjoyment or use of any area by other persons.
- (23) ***Horses.*** It is unlawful for any person to ride or possess a horse in any park, wayside or special use area except in designated places.
- (24) ***Boundary Buoy.*** It is unlawful to swim, beyond, disturb, vandalize or damage a bathing beach boundary buoy, dam marker buoy or other markers or buoys in any swimming area, adjacent to any dam, or in any other such marked area in any park, wayside or special use area.
- (d) **Public Meetings, Demonstrations, Sales Solicitations, Games and Amusements.**
 - (1) ***Permit Required for Public Meetings.*** All public meetings, assemblies, entertainments, tournaments or public discussion on any subject, religious, social, political, or otherwise are prohibited within the limits of any park or parkway except when a written permit of the Committee has first been granted, and then only in areas designated as assembly areas by the Committee.
 - (2) ***Permit Required for Services, Demonstrations.***
 - a. No service or demonstration by an organization, creed, or sect, excepting only non-demonstrational or inter-denominational Easter Sunday Services, shall be allowed within the limits of any park or parkway of Iron County, except in those areas designated by the Committee as an assembly area and then only with the written permission of the Committee.
 - b. No sermon, discussion, or speech shall be delivered by a person for political purpose or in connection with sale of any article or which shall constitute a public criticism or abuse of any religious organization or representation thereof.
 - (3) ***Permit Required for Advertising, Sales.***
 - a. No person shall sell, keep, or offer for sale any tangible or intangible article, merchandise or thing; nor solicit for any trade, occupation, business or profession, or for alms, within any park or parkway, without the written permit of the Committee.

- b. No person shall distribute, post, affix or display any card, handbill, sign, placard, target, banner, flag, (except that of the United States), or advertisement of any kind within any park or parkway, or upon any of the gates or enclosures thereof without the written permit of the Committee. The word "distribute" shall include the scattering of printed matter from aircraft.
 - c. It shall be unlawful to use in any manner the dock, pier, wharf, boat landing, mooring facilities in, or the waters in or immediately adjacent to any County park for the purpose of soliciting rides of any kind unless authorized by the Committee.
- (4) ***Games and Amusements in Designated Areas, Gambling Prohibited.***
 - a. No person shall engage in any sport, game, race or amusement in any park or parkway except upon such portions thereof as may be designated for that purpose, and then only under such rules and regulations as may be established by the Committee.
 - b. No person shall be allowed to tell fortunes or to play or bet at or against any game which is played, conducted, dealt or carried on with cards, dice, corn, or other device for money, chips, credit, or any other representative of value; nor shall any person be allowed to maintain or exhibit any gambling table or other instrument of gambling or gaming.
- (e) **Bathing and Swimming Regulations.**
 - (1) No person shall wade, bathe, or swim within a park or parkways except at such pools or beaches as are or may be designated for that purpose by the Committee.
 - (2) No person shall wade, bathe, swim in, or attend any such pool or beach without proper bathing attire.
 - (3) No person shall take any tin cans, bottles or glassware of any kind, except eye glasses into an area designated as a beach or pool for bathers by the Committee.
 - (4) It shall be unlawful for any person to change clothes except in beach houses or other enclosed places.
 - (5) Any other rules and regulations which may be posted at beaches, pools or in bathhouses or other buildings.

Sec. 12-1-2 Adoption of State Statutes on Regulation of Boating.

- (a) **Statutes Adopted.** Secs. 30.50 through 30.80, Wis. Stats., as amended from time to time, exclusive of any provisions therein relating to the penalties to be imposed or the punishment for violation of said statutes, are hereby adopted and by reference made a part of this Section as if fully set forth herein. Any acts required to be performed or prohibited of this Section as if fully set forth herein. Any acts required to be performed or prohibited by the said statute incorporated herein by reference is required or prohibited by this Section.
- (b) **Boat Launching and Docking Regulations.**
 - (1) No person shall launch or dock any boat or other watercraft except at locations or facilities provided and designated for that purpose by the Committee.
 - (2) No person shall launch or dock any boat or watercraft except at such times as are designated by the Committee.

- (3) No person shall store or leave unattended overnight any boat or other watercraft without the written permission of the Committee except in designated areas.
- (4) All persons using the boating facilities of the Iron County Park System shall comply with all posted regulation and fee schedules of the Committee.
- (5) The launching of any boat containing a toilet for the disposal of any waste material shall hereafter be prohibited at all County-owned boat launching facilities unless the toilet is plugged from the outside of the hull in such a manner that the plug cannot be removed from the inside of the boat.
- (6) All persons using the boating facilities of the Iron County Park System shall comply with all posted County regulations.
- (c) **Boating.** No person shall operate a motor boat of any kind in any manner on the following specified waters:
 - (1) Weber Lake in Section 5 and 6, T45N, R1E, Anderson.
 - (2) On the waters of a designated swimming area of within one hundred (100) feet of such a designated area.

Sec. 12-1-3 Campground Regulations.

- (a) **Permitted Camping.** During the camping season, camping shall be allowed only at designated campsites.
- (b) **Camping Limit.** No person shall camp and no camping unit shall remain in a campground for a period in excess of fourteen (14) nights in succession. Thereafter, the camping unit must be removed from the property for at least one (1) night before the camping party is eligible to return.
- (c) **Campsite Occupancy.** It is unlawful for more than one (1) camping party to occupy a single campsite, except that up to ten (10) members of a juvenile group may occupy a campsite, using any number of camping units, on properties which do not have a designated group campground area. Not more than one (1) recreational trailer, motor home, or pickup camper may occupy a campsite. Campsite occupancy is not required at any specific time during the registration period.
- (d) **Campsite Changes.** No registered camping party shall move from its assigned campsite to another campsite in a designated campground without prior approval of the caretaker.
- (e) **Campsite Registration.** Campers shall register with the park caretaker before setting up camp unless otherwise posted. Registration for a campsite must be made by a member of the camping party. One (1) person per campsite may register for a maximum of two (2) sites. Under no circumstances will refunds be granted.
- (f) **Camping Permit Expiration.** All camping permits expire at 3:00 p.m. on the last day of the permit period.
- (g) **Campsite Entry Hours.** No camping party shall set u or take down its camping unit between the hours of 11:00 p.m. and the following 6:00 a.m. except with authorization of the park caretaker or in case of an emergency.
- (h) **Campsite Parking.** It is unlawful to park any motor vehicle at any campsite except upon the gravel parking area therein provided, and no more than two (2) motor vehicles shall be permitted at any one (1) campsite including the camping unit if said is a motor vehicle.
- (i) **Campsite Use.** Except the campground reservations available for some designated campsites, campsite use shall be on a first-come first-serve basis.

- (j) **Camping Violations.** The violation of any law or County ordinance by any member of a camping party shall constitute cause for revocation of the camping permit for the campsite in question.
- (k) **Campground Hours.** With the exception of registered campers, no person shall be allowed in campground areas between the hours of 11:00 p.m. and the following 6:00 a.m. except in case of an emergency.

Sec. 12-1-4 County Forest Financing.

- (a) All allotments from the Wisconsin Department of Natural Resources to the County under Sec. 28.11(8)(b), Wis. Stats., for the purchase, development, preservation and maintenance of the County forest, shall be deposited in the segregated state forest aid fund by the County Treasurer.
- (b) All monies received from County Board appropriations, fees and use permits, sale of building materials, sale of surplus materials and equipment or other revenue received by the Forestry Committee except income specified in Subsections (a) and (c), shall be deposited in the County Forestry Fund. All unexpected funds shall be non-lapsing.
- (c) All monies received from the sale of timber on County Forest Lands shall be deposited in the County Forest Timber Revenue Fund and distributed to the towns and Forestry Fund at the end of the calendar year. Severance taxes incurred as a result of such sales shall be paid as required by statute.
- (d) The Forestry Committee shall prepare a budget of sums required for operations under this Section and when the sums are appropriated by the County Board may be expended by the Committee for the purposes covered by this Section.

State Law Reference: Sec. 28.11(8)(b), Wis. Stats.

Sec. 12-1-5 County Forest Use Regulations.

- (a) **Designation of County Forests.**
 - (1) Determination is hereby made that for the purpose of proper and complete identification all County-owned forest lands now held and entered under the Wisconsin County Forest Law by Iron County, or hereafter acquired for forestry purposes, are established and designated as county forest, and such lands shall be shown on the official County forest map displayed in the County Forest Office in the Courthouse of Hurley, and according to the records in the office of the Register of Deeds.
 - (2) It is the intent of the County Board of Supervisors to consolidate county forest holdings as lands are acquired by the County within the above defined areas and that application to enter such lands under Chapter 28.11, Wis. Stats., shall be filed.
- (b) **Committee Appointment.** The Iron County Board of Supervisors hereby assigns administration of the County Forestry Department to the Committee of the Board known as the Forestry Committee, composed of five (5) members, and hereinafter referred to as the Committee.
- (c) **Responsibilities and Duties of the Committee.**

- (1) Annually, at the budget meeting, the Committee shall present to the County Board for its consideration, a work plan for the ensuing calendar year together with a detailed recommended budget in a form prescribed by the Finance Committee of the County Board. The work plan and budget adopted by the County Board at this meeting shall serve as a directive to the Committee and shall establish the limits as well as purpose for which expenditures may be made.
- (2) Subject to budget limitations, the Committee is hereby assigned the following responsibilities:
 - a. The Committee shall direct and supervise the County Forestry Department. Subject to the approval of the County Board, it shall employ a County Forest Administrator as its agent and such other competent personnel as the Board may authorize to direct, perform and enforce the administrative and management functions of this Section. Employment of all personnel other than the County Forest Administrator must be cleared through the Forestry Committee of the County Board.
 - b. Upon approval of the County Board, the Committee shall establish and maintain forest headquarters for office space and the housing of machinery, tools, equipment and supplies needed in conducting forestry operations.
 - c. In conformity and procedures established by the Forestry Committee or County Board Rules, the Committee may purchase, acquire, sell trade or dispose of instruments, tools, equipment and supplies required for the operations of the Department. [Items costing more than One Thousand Dollars (\$1,00.00) cannot be purchased until the same have been referred to the County Board for action].
 - d. The Committee is empowered to negotiate for the acquisition of lands within County Forest areas by purchase, gift or bequest, or by exchange of County-owned lands outside such areas for the purpose of blocking the forest for better administration of for recreational purposes.
 - e. Make application for entry under the County Forest Law as lands are acquired within the County forest areas.
 - f. The Committee shall do all things necessary for the protection of the forest, whether from fire, insects, disease, trespass or from damage by animals or from other causes, in cooperation with the Wisconsin Department of Natural Resources in all such related matters.
 - g. Regulate the disposals of slash and dispose of all salvaged material.
 - h. Locate survey lines and appropriately monument corners of County Forest lands. Annual expenditures for this purpose cannot exceed the amount provided in the budget.
 - i. Construct, improve and maintain a system of forest roads, trails and fire breaks and purchase or secure easements for access-ways required to cross privately-owned lands.
 - j. Conduct forest improvement work including reforestation, release cuttings, thinnings, pruning and weeding by any method including spraying or dusting of chemicals by airplane and other methods not prohibited by law.

- k. Cooperate with Department of Natural Resources in the determination of the allowable annual cut by establishment of an intensive County forest management plan including an inventory of growing stock and increment, acreage control, establishment of cutting compartments and other necessary items for such plan.
- l. Sell timber stumpage in accordance with a County forest management plan in cooperation with the Department of Natural Resources.
- m. Subject to budget limitations, establish, construct and maintain wherever desirable within the forest, picnic grounds, waysides, camps and campsites, public access preserve places of natural or historic interest and significance.
- n. Cooperate with the Department of Natural Resources on all matters relating to game and fish management within the County Board and the Department is in existence.
- o. The Committee is authorized to enter into agreement with the Lakes States Forest Experiment Station and the University of Wisconsin system or other universities with the endorsement of or directly with the Department of Natural Resources for the use of tracts of County lands, labor, materials and equipment for conducting forest research.
- p. Do specific forest or recreation development work on other public lands not included in the County forests except State and Federal lands but including such lands as school forests, community forests, county parks, watersheds, reduction of hazards, public highways and similar projects.
- q. Refer granting of permits to prospect for ore or minerals, excepting sand and gravel, to the Ore Committee of the County Board. All ore or mineral permits are subject to the approval of the County Board and Department of Natural Resources.
- r. Prepare and present an annual report of its activities to the County Board. The report shall include statistics showing work accomplished and at what cost. Such reports shall be in sufficient detail so that performance of the Forestry Department may be measured.

(d) **County Forest Law Administration.** After the County Forest Law applications for entry have been prepared and approved by the Committee, the County Clerk shall take all necessary action to effect such application as provided by statute. Withdrawal of lands entered under the County Forest Law shall be in the manner prescribed in Sec. 28.11(11), Wis. Stats., or any amendment thereof. No deed to any description of County forest land shall be issued prior to recording of an order of withdrawal with the Register of Deeds.

(e) **Recreational Use.**

- (1) The Forestry Committee may designate suitable areas for forest parks, campsites, public access and picnic grounds and is authorized to provide needed conveniences, including wells and sanitary facilities. Such areas shall be for public use.
- (2) Except in designated County Forest Recreation Areas, overnight camping may be permitted in the County forest without charge for a period not to exceed two (2) weeks time, except during the camping season, or the period when fees are charged for use of a County campground. Any camper or campers who violate

the rules and regulations of this Chapter or of good conduct, including or defacing timber, carelessness with fire, violation of game, fish and litter regulations shall be subject to ejection from the County forest and subject to the penalties provided by ordinances and state law.

- (3) The dumping of rubbish, debris, dirt, stone, or any other materials shall be prohibited on all County forest lands. Visitors, including berrypickers, hunters, fishermen and tourists are forbidden to leave litter anywhere in the forests or in its lakes or streams.
- (4) Except in designated recreation areas, it is unlawful for any person to have in his or her possession or under his or her control in any County forest any firearm or airgun as defined in Sec. 939.22(2), Wis. Stats., or any bow, crossbow or slingshot in contravention of state law.
- (5) It is unlawful to construct, occupy or use any elevated scaffold or other elevated device on County forest lands other than portable tree stands or to cause damage to trees on County forest lands by the placement, erection or removal of tree stands or other means of gaining access to trees. Portable tree stands shall be removed at the end of each day's hunting hours.
- (6) It is unlawful to operate a vehicle for recreation use or other purposes in such a manner as to cause soil erosion, or other damage to County forests.
- (7) It is unlawful to operate any unauthorized motor vehicle on roads or trails which are gates, bermed, or posted to prohibit travel.
- (8) It is unlawful for any person to abandon or leave any fires unattended, to discard any matches, cigarettes, cigars, pipe ashes, or any embers without first extinguishing them.
- (9) It is unlawful to cross-country ski on any authorized snowmobile trail on County land.
- (10) It is unlawful to operate any motorcycle, all-terrain bicycle or any unlicensed motor vehicle on County forest land, except upon areas so designated by the County.
- (11) The use of County shelters for overnight use is prohibited in Iron County. No one is permitted to use these shelters between 10:00 p.m. and sunrise. Campers using tents, trailers or portable cabins of their own on supervised recreation areas must first obtain written permission from the person in charge of the area before placing their tent or trailer or other equipment.

(f) **Timber Cutting.**

- (1) Cultural cuttings shall include thinnings, release cuttings, sanitation cuttings and improvement cuttings to remove trees of inferior species, form, or condition for the purpose of stand improvement. All cultural cuttings in the County forest shall be approved of by the Committee, in accordance with the County forest management plan, and in cooperation with the staff of the DNR. Materials cut in such operations by County crews may be used by the County or given to other County agencies for their use, or sold, as the committee shall determine. When given, or sold, to other public agencies, the latter shall pay the County a sum not less than prevailing average stumpage rates.

- (2) Salvage cuttings shall include the cutting of timber damaged by fire, storm, insect or disease. Salvage cutting shall be done under the procedure specified for cultural cutting or for commercial cutting, as the Committee may decide.
- (3) Commercial cuttings shall include all cuttings where stumpage is sold under contract in which the primary objective of the cutting is the marketing of the timber products, including logs, ties, poles, pulpwood, piling, Christmas trees and boughs, or other forest products.
 - a. Timber sales shall be managed in accord with County sales/purchasing policies.
 - b. Contract specifications for each cutting operation pertaining to payment and financial responsibility of the bidder shall be determined by the Committee in consultation with the Forest Administrator and the DNR Forester.
 - c. After approval of any sales by the committee, a notice of intention to cut shall be prepared under Sec. 28.11(6)(3), Wis. Stats., and DNR rules. Cutting operations shall not be started until cutting notice approval is received by the department.
 - d. All timber sales shall conform with the provisions of Sec. 28.11, Wis. Stats., and shall follow the procedure as provided for in the "DNR Timber Sales Handbook 2461."
 - e. Payment for forest products shall be made promptly after billing. Prepayment and other payment arrangements may be arranged with the approval of the Committee.

Chapter 2

Large Public Gatherings

12-2-1 Permits for Large Public Gatherings

Sec. 12-2-1 Permits for Large Public Gatherings.

(a) **Intent.**

- (1) It is the intent of the County Board to regulate the assemblage of large numbers of people, in excess of those normally needing the health, sanitary, fire, police, transportation and utility services regularly provided in Iron County, in order that the health, safety and welfare of all persons in the County, residents and visitors alike, may be protected.
- (2) The purpose and intent of this Section is to establish site approval for locations in Iron County used temporarily for large gatherings, as defined in Subsection (b) below, it being recognized that the character and type of such gatherings vary widely and the facilities required to carry out the general purpose and intent of this Section should be the subject of a Public Gathering Permit issued only after public hearing and a determination by the County Board that there will be compliance with the standards set forth in this Section.

- (b) **Scope.** This Section shall apply to all public and private gatherings, rallies, assemblies or festivals at which attendance is greater than five hundred (500) persons for a one (1) day event and greater than two hundred fifty (250) persons for a two (2) day or more event. The requirement for a Public Gathering Permit shall not apply to events held in any regularly established permanent place of worship, stadium, school, athletic field, arena or other similar permanently established structure designated for assemblies which do not exceed the more than two hundred fifty (250) people the maximum seating capacity of the structure where the assembly is held.

- (c) **Definitions.** The following definitions shall be applicable in this Section:

- (1) **Person.** Any individual, partnership, corporation, firm, organization, company, association, society or group.
- (2) **Assembly.** A company of persons gathered together at any location at any single time for any purpose, and may be considered a large public gathering if it falls within the definition in Subsection (b) above.
- (3) **Public Gathering.** Shall be as defined in Subsection (b) above.

- (d) **Permit Required.** No person shall permit, maintain, promote, conduct, advertise, act as entrepreneur, undertake, organize, manage or sell or give away tickets to an actual or reasonably anticipated large gathering, whether on public or private property, unless a Public Gathering Permit to hold the assembly has first been issued by the County Board. A permit to hold an assembly issued to one person shall permit any person to engage in any lawful activity in connection with the holding of the licensed assembly.

- (e) **Application for Permit.**

- (1) **Applicant.** Applications for a Public Gathering Permit shall be made by the owner of a person having a contractually interest in lands proposed as the site for a public or private gathering, rally, assembly or festival as defined in this Section. The application shall contain a statement made upon oath or affirmation that the statements contained therein are true and correct to the best knowledge of the applicant and shall be signed and sworn to or affirmed by the individual making application in the case of an individual, natural human being, by all officers in the case of a corporation, by all partners in the case of a partnership or by all officers of an unincorporated association, organization, society or group or, if there be no officers, by all members of such association, organization, society or group.
 - (2) **Filing Period.** An application for a Public Gathering Permit shall be filed with the County Clerk not less than forty-five (45) days nor more than one hundred twenty (120) days before the date on which it is proposed to conduct the event.
- (f) **Required Application Information.** The application for a Public Gathering Permit shall contain and disclose all of the following information:
- (1) The name, residence and mailing address of all persons required to sign the application by Subsection (e)(1) above and, in the case of a corporation, a certified copy of the articles of incorporation together with the name, age, residence and mailing address of each person holding ten percent (10%) or more of the stock of such corporations.
 - (2) The name and mailing address of the promoter and/or sponsor of the gathering.
 - (3) The address and legal description of all property upon which the assembly is to be held, together with the name, residence and mailing address of the owner of record of all such property. This description shall be by plat of survey to a scale of one (1) inch equals one hundred (100) feet prepared by a registered land surveyor showing the location, boundaries, dimensions, type, elevations and size of the following: subject site, existing or proposed wells, buildings, fences, woods, streams, lakes or water courses, as well as the vertical contour interval two (2) feet above the ordinary highwater level.
 - (4) Proof of ownership of all property upon which the assembly is to be held or a statement made upon oath or affirmation by the record owner of all such property that the applicant has permission to use such property for an assembly of two hundred fifty (250) or more persons.
 - (5) The nature or purpose of the assembly.
 - (6) The total number of days and/or hours during which the assembly is to last.
 - (7) The maximum number of persons which the applicant shall permit to assemble at any time, not to exceed the maximum number which can reasonably assemble at the location of the assembly, in consideration of the nature of the assembly, or the maximum number of persons allowed to sleep within the boundaries of the location of the assembly by the zoning ordinances of the County if the assembly is to continue overnight.
 - (8) The maximum number of tickets to be sold, if any.
 - (9) The plans of the applicant to limit the maximum number of people permitted to assemble.
 - (10) The plans for fencing the location of the assembly and the gates contained in such fence.

- (11) The plans for supplying potable water including the source, amount available and location of outlets.
 - (12) The plans for providing toilet and lavatory facilities including the source, number and location, type and the means of disposing of waste deposited.
 - (13) The plans for holding, collection and disposing of solid waste material.
 - (14) The plans to provide for medical facilities including the location and construction of a medical structure, the names and addresses and hours of availability of physicians and nurses, and provisions for emergency ambulance service.
 - (15) The plans, if any, to illuminate the location of the assembly including the source and amount of power and the location of lamps.
 - (16) The plans for parking vehicles including size and location of lots, points of highway access and interior roads including routes between highway access and parking lots.
 - (17) The plans for camping facilities, if any, including facilities available and their location.
 - (18) The plans for security including the number of guards, their deployment, command arrangements, and their names, addresses, credentials and hours of availability.
 - (19) The plans for fire protection including the number, type and location of all protective devices including alarms and extinguishers, and the number of emergency fire personnel available to operate the equipment.
 - (20) The plans for sound control and sound amplification, if any, including number, location and power of amplifiers and speakers.
 - (21) The plans for food concessions and concessionaires who will be allowed to operate on the grounds including the names and addresses of all concessionaires and their license or permit numbers.
 - (22) The application shall include the bond required in Section (g) and the permit fee.
- (g) **Bond.** The County Board shall have authority to require the applicant and site owners to file a cash bond or establish an escrow account in an amount to be determined by the County Board, but not exceeding One Hundred Thousand Dollars (\$100,000.00), conditioned on complete compliance by the applicant and site owner with all provisions of this Section, the terms and conditions of the Public Gathering Permit, including cleaning up the site, and the payment of any damages, administrative and law enforcement costs, fines, forfeitures or penalties imposed by reason of violation thereof. Such bond or escrow account information shall be filed with the County Clerk prior to the issuance of a permit.
- (h) **Charge for Increase Costs.** Where the County Board determines that the cost of municipal services incident to the staging of the usage will be significantly increased because of the usage, the County Board may require the permittee to make an additional payment into the general fund of the County in an amount equal to the increased costs.
- (i) **Hearing; Determination.** Prior to considering an application for a Public Gathering Permit, the County Board shall conduct a public hearing on the matter. Written notice of such hearing shall be mailed to the applicant and all property owners adjacent to the site of the proposed assembly. The County Board shall, based on evidence presented at the hearing, make a finding of the number of persons expected to attend the event. Such finding shall be final and conclusive on the applicant for the purpose of determining the

amount of the permit fee and the applicability of those standards set forth herein which are dependent upon the number of persons attending the event.

- (j) **Standards.** A Public Gathering Permit shall not be issued unless it is determined, based on evidence produced at the hearing or submitted with application materials, that the following standards are or will be met; the applicant may be required to file with the County Clerk copies of properly executed contracts establishing the ability to fully provide the services required under this Section:

- (1) For events scheduled for two (2) successive days or more, at least one (1) acre of land, exclusive of roads, parking lots and required yards shall be provided for each one hundred (100) persons attending.
- (2) Every site proposed for a Public Gathering Permit shall be on generally well-drained ground and shall not be on ground on which storm or other waters accumulate or on ground which is wet or muddy due to subsoil moisture.
- (3) Due to the physical characteristics of the site, the County Board may require that the applicant shall provide proof that he will furnish, at his own expense, a minimum of two (2) days before the assembly commences, a snow-fence type fence completely enclosing the proposed location of sufficient height and strength to prevent people in excess of the maximum permissible number from gaining access to the assembly grounds, which shall have at least four (4) gates, at least one (1) at or near four (4) opposite points of the compass.
- (4) The applicant shall provide proof that he has contracted with local First Responder (EMS) services, at the applicant's expense, for events at which over one thousand (1,000) persons will be in attendance.
- (5) The applicant shall provide proof that he will furnish, at his own expense before the assembly commences if the assembly is to continue during hours of darkness, illumination sufficient to light the entire area of the assembly at the rate of at least five (5) foot candles, but not to shine unreasonably beyond the boundaries of the enclosed location of the assembly.
- (6) The applicant shall provide proof that he will furnish, at his own expense before the assembly commences, a free parking area inside of the assembly grounds sufficient to provide parking space for the maximum number of people to be assembled at the rate of at least one (1) parking space for every four (4) persons.
- (7) The applicant shall provide proof that he will furnish, at his own expense before the assembly commences, security guards, either regularly employed, duly sworn, off-duty Wisconsin peace officers or private guards, licensed in Wisconsin, sufficient to provide adequate security for the maximum number of people to be assembled at the rate of at least one (1) security guard for every five hundred (500) people.
- (8) The applicant shall provide proof that he will furnish, at his own expense before the assembly commences, fire protection, including alarms, extinguishing devices and fire lanes and escapes, sufficient to meet all state and local standards for the location of the assembly as set forth in the Wisconsin Administrative Code and ordinances of the County, and sufficient emergency personnel to efficiently operate the required equipment.
- (9) The applicant shall provide an adequate source of pure water with sufficient supply outlets for drinking and other purposes to comfortably accommodate the

number of persons expected to attend the event at the rate of one (1) gallon per person per day. Where a public water supply is not available, potable water, meeting all federal and state requirements for purity may be used. Any well or wells supplying any such site shall comply with the Wisconsin Administrative Code.

- (10) The applicant shall provide separate enclosed toilets for males and females, meeting all state and local specifications, conveniently located throughout the grounds, sufficient to provide facilities for the maximum number of people to be assembled at the rate of at least one (1) toilet for every one hundred (100) females and at least one (1) toilet for every two hundred (200) males together with an efficient, sanitary means of disposing of waste matter deposited, which is in compliance with all state and local laws and regulations; a lavatory with running water under pressure and a continuous supply of soap and paper towels shall be provided with each toilet.
 - (11) The applicant shall provide a sanitary method of disposing of solid waste, in compliance with state and local laws and regulations, sufficient to dispose of the solid waste production of the maximum number of people to be assembled at the rate of at least two and one-half (2.5) pounds of solid waste per person per day, together with a plan for holding and a plan for collection of all such waste at least once each day of the assembly and sufficient trash cans with tight fitting lids and personnel to perform the task.
 - (12) If the assembly is to continue overnight, camping facilities shall be provided in compliance with all state and local requirements as set forth in the Wisconsin Administrative Code and ordinances of the County, sufficient to provide camping accommodations for the maximum number of people to be assembled.
- (k) **Reasons for Denial.** Applicants may be denied for any of the following non-exclusive reasons:
- (1) It is for a use which would involve a violation of federal or state law or any County ordinance.
 - (2) The granting of the permit would conflict with another permit already granted or for which application is already pending.
 - (3) The application does not contain the information or does not properly satisfy the conditions required by this Section.
 - (4) The applicant is made less than the required days in advance of the proposed assembly.
 - (5) The policing of the assembly will require so large a number of persons and vehicles, including ambulances, as to prevent adequate service of the needs of the rest of the community.
 - (6) The assembly will substantially hinder the movement of police and fire and other emergency vehicles as to create a substantial risk to persons and property.
 - (7) The assembly will reasonably create a substantial risk of injury to persons or damage to property.
 - (8) The assembly use is so poorly organized that participants are likely to engage in aggressive or destructive activity.

- (l) **Recommendations of Governmental Agencies.** The County Clerk may submit a copy of the application to the County Sheriff's Department and other governmental agencies for their recommendations.
- (m) **Permit Revocation.** Any law enforcement officer or the County Board may revoke a permit already issued if it is deemed that such action is justified by an actual or potential emergency due to weather, fire, riot, other catastrophe or likelihood of a breach of the peace or by a change in the conditions forming the basis of the standards of issuance. In lieu of revoking a permit, an above-named official may require the permittee to file evidence of good and sufficient sureties, insurance in force or other evidence of adequate financial responsibility, running to the County and such third parties as may be injured or damaged, in an amount depending upon the likelihood of injury or damage as a direct and proximate result of the holding of the usage sufficient to indemnify the County and such third parties as may be injured or damaged thereby, caused by the permittee, its agents or participants.
- (n) **Fees.** The following fees shall be applicable under this Section:
 - (1) ***Gatherings of Two Hundred Fifty (250) [Two (2) day or More Event].*** Fifty Dollars (\$50.00).
 - (2) ***Gatherings of Five Hundred (500) to Two Thousand Five Hundred (2,500).*** Two Hundred Fifty Dollars (\$250.00).
 - (3) ***Gatherings of Two Thousand Five Hundred (2,500) to Five Thousand (5,000).*** Five Hundred Dollars (\$500.00).
 - (4) ***Gatherings of Over Five Thousand (5,000).*** Six Hundred Fifty Dollars (\$650.00).

1005.2.2 County Snowmobile & ATV Ordinance *

Adopted January 27, 2005

ALL-TERRAIN VEHICLE AND SNOWMOBILE ORDINANCE

PART 1: GENERAL

- 00-0-01 Title**
- 00-0-02 Purpose and Intent**
- 00-0-03 Authority**
- 00-0-04 Severability**
- 00-0-05 Gender Reference**
- 00-0-06 State Statutes Adopted**
- 00-0-07 Definitions**

PART 2: LOCAL REGULATIONS

- 00-0-08 Careless Operation of All-Terrain Vehicle or Snowmobile Prohibited**
- 00-0-09 Intoxicated Operation Prohibited**
- 00-0-10 Speed Restrictions**
- 00-0-11 Disorderly Conduct with an ATV or Snowmobile Prohibited**
- 00-0-12 Harassment of Animals Prohibited**
- 00-0-13 Reserved for Future Use**
- 00-0-14 Reserved for Future Use**
- 00-0-15 Operation on County Trail System**
- 00-0-16 Reserved for Future Use**
- 00-0-17 Reserved for Future Use**
- 00-0-18 Operation on Private Lands**
- 00-0-19 Reserved for Future Use**
- 00-0-20 Operation on Frozen Waters**
- 00-0-21 Operation by Juveniles**

- 00-0-22 Authorizing Operation by Incapable Person**
- 00-0-23 Reserved for Future Use**
- 00-0-24 Reserved for Future Use**
- 00-0-25 Additional Regulations**
- 00-0-26 Duty to Obey Law Enforcement Officer**
- 00-0-27 Reserved for Future Use**
- 00-0-28 Restricted Off-Trail Use of All-Terrain Vehicles and Snowmobiles During Big Game Hunting Seasons and Trapping Seasons**
- 00-0-29 Reserved for Future Use**
- 00-0-30 Equipment Requirements**
- 00-0-31 Reserved for Future Use**
- 00-0-32 Dealers and Rental Operations**
- 00-0-33 Reserved for Future Use**
- 00-0-34 Exemption of Authorized Emergency ATVs and Snowmobiles**
- 00-0-35 Reserved for Future Use**
- 00-0-36 Reserved for Future Use**
- 00-0-37 Reserved for Future Use**

PART THREE: PENALTIES AND ENFORCEMENT

- 00-0-38 Parties to a Violation**
- 00-0-39 Enforcement**
- 00-0-40 Uniform Citation Method Adopted**
- 00-0-41 Penalties and Deposits**

PART 1: GENERAL

- 00-0-01 Title.**

This chapter may be referred to and cited as the ATV and Snowmobile Ordinance.

00-0-02 Purpose and Intent.

The increasing use of all-terrain vehicles and snowmobiles within Iron County has generated safety, recreational and environmental issues which must be addressed. The purpose of this ordinance is to regulate the use of all-terrain vehicles and snowmobiles to ensure that their use is compatible with other recreational uses, to promote the health and safety of the operators of said vehicles and the general public by requiring adherence to certain rules and regulations designed to ensure the safe operation of such vehicles, to protect wildlife, vegetation and water quality, to prevent damage to private and public property, and to restrict the use of all-terrain vehicles and snowmobiles to areas where such use is appropriate and permitted.

00-0-03 Authority.

This ordinance is enacted under the authority of Sections 23.33(11) and 350.18(1) and (2) of the Wisconsin Statutes.

00-0-04 Severability.

The provisions of this ordinance shall be deemed severable and it is expressly declared that the Iron County Board of Supervisors would have passed the other provisions of this ordinance irrespective of whether or not one or more provisions may be declared invalid. If any provision of this ordinance or the application to any person or circumstances is held invalid by a court of competent jurisdiction, the remainder of the ordinance and the application of such provisions to other persons or circumstances shall not be affected thereby.

00-0-05 Gender Reference.

Any reference to gender in this ordinance is deemed to be gender neutral and shall not affect the applicability of any provision herein.

00-0-06 State Statutes Adopted.

A. Except as otherwise specifically provided in this ordinance, the provisions of Section 23.33 and Chapter 350, Wisconsin Statutes 2001-2002, and Wisconsin Administrative Code NR 64, and any and all future amendments to the same, describing and defining regulations with respect to

All-Terrain Vehicles and Snowmobiles exclusive of any regulations therein for which the statutory penalty is a term of imprisonment, are hereby adopted and by reference made a part of this ordinance as if fully set forth herein. Any action required to be performed or prohibited by any current or future statute or Administrative Code provision incorporated herein by reference is required or prohibited, as the case may be, by this ordinance.

B. The operator of an off-road vehicle, all-terrain vehicle or snowmobile upon a roadway shall, in addition to the provisions of Sec. 23.3 and Ch. 350, be subject to Sections 346.04, 346.06, 346.11, 346.14(1), 346.18, 346.19, 346.20, 346.21, 346.26, 346.27, 346.33, 346.35, 346.37, 346.39, 346.40, 346.44, 346.46, 346.47, 346.48, 346.50(1)(b), 346.51, 346.52, 346.53, 346.54, 346.55, 346.87, 346.88, 346.89, 346.90, 346.91, 346.92(1), and 346.94(1) and (9), Wis. Stats.

00-0-07 Definitions.

As used in this ordinance, unless the context clearly requires otherwise, the following terms shall have the meanings set forth below:

(1) ACCOMPANIED: Subject to continuous verbal direction or control.

(2) AGRICULTURAL PURPOSE: A purpose related to beekeeping; operating commercial feedlots; dairying; egg production; floriculture; fish or fur farming; forest and game management; grazing; livestock raising; orchards; plant greenhouses and nurseries; poultry raising; raising of grain, grass, mint and seed crops; raising of fruits, nuts and berries; sod farming; and vegetable raising.

(3) ALL-TERRAIN VEHICLE: An engine driven-device which has a net weight of 900 pounds or less, which has a width of 48 inches or less, which is equipped with a seat designed to be straddled by the operator and which is designed to travel on 3 or more low-pressure tires. A low-pressure tire is a tire which has a minimum width of 6 inches, which is designed to be mounted on a rim with a maximum diameter of 12 inches and which is designed to be inflated with an operating pressure not to exceed 6 pounds per square inch as recommended by the manufacturer.

(4) ALL-TERRAIN VEHICLE DEALER: A person engaged in the sale of all-terrain vehicles for a profit at wholesale or retail.

(5) ALL-TERRAIN VEHICLE MANUFACTURER: A person engaged in the manufacture of all-terrain vehicles for sale to the public.

(6) ALL-TERRAIN VEHICLE RENTER: A person engaged in the rental or leasing of all-terrain vehicles to the public.

(7) ALL-TERRAIN VEHICLE ROUTE: A highway or sidewalk designated for use by all-terrain vehicle operators by the governmental agency having jurisdiction as authorized by Section 23.33, Wisconsin Statutes.

(8) APPROVED ATV TRAILS: Includes all ATV trails or routes that have been designated by the County Snowmobile and ATV Coordinator and/or the Iron County Forestry and Parks Committee.

(9) APPROVED SNOWMOBILE TRAILS: Includes all snowmobile trails or routes that have been designated by the County Snowmobile and ATV Coordinator and/or the Iron County Forestry and Parks Committee.

(10) ATV: An all-terrain vehicle.

(11) ATV TRAIL SYSTEM: A marked corridor on public property or on private lands, subject to public easement or lease, designated for use by all-terrain vehicle operators by the governmental agency having jurisdiction, but excluding roadways of highways, except those roadways which have been designated as ATV routes.

(12) CARELESS: A person who fails to exercise ordinary care is careless. Ordinary care is the degree of care which the great mass of mankind exercises under the same or similar circumstances. A person fails to exercise ordinary care when, without intending to do any harm, the person does an act or omits a precaution under circumstances in which a person of ordinary intelligence and

prudence ought reasonably to foresee that such act or omission will subject another person to an unreasonable risk of harm. A person is also careless if he or she engages in conduct which creates a situation of unreasonable risk of harm to and demonstrates a conscious disregard for the safety of others.

(13) CATCH POINT: The outer limits of a trailway where the excavation and/or embankment intersect with the ground line.

(14) COUNTY FOREST ROAD: A public highway with a minimum roadway width of 20 feet and a surface width of 16 feet that receives transportation aids from the State Department of Transportation, in accordance with Section 86.315, Wis. Stats.

(15) COUNTY LANDS: All lands owned, leased or administered by the County, including lands contained in County Forests or County Parks. “County Lands” also includes land interests acquired by granting of easements to the County.

(16) DEALER: Any person, firm, corporation or entity engaged in the business of buying, selling or exchanging recreation vehicles, snow vehicles, or both at an established or permanent place of business in the County, with each such place maintaining a sign conspicuously displayed showing the name of the dealership and indicating that recreation vehicles or snow vehicles may be purchased at such place, so that it may be located and identified as a recreation vehicle or snow vehicle dealer by the public.

(17) HIGHWAY: All public ways and thoroughfares and bridges on the same. It includes the entire width between the boundary lines of every way open to the use of the public as a matter of right for the purpose of vehicular traffic. It includes those roads or driveways in the state, county or municipal parks and in state forests which have been opened to the use of the public for the purpose of vehicular travel and roads or driveways upon the grounds of public schools and institutions under the jurisdiction of the county board of supervisors, but does not include private roads or driveways.

(18) IMMEDIATE FAMILY: Persons who are related as spouses, as siblings, or as parent and child.

(19) LAND UNDER THE MANAGEMENT AND CONTROL OF A PERSON'S IMMEDIATE FAMILY: Means land owned or leased by the person or a member of the person's immediate family over which the owner or lessee has management and control. This term excludes land owned or leased by an organization of which the person or a member of the person's family is a member.

(20) LAW ENFORCEMENT OFFICER: Any person, including, but not limited to, a Sheriff, Deputy Sheriff, Police Officer, or DNR Conservation Warden, employed by the State of Wisconsin or any political subdivision thereof, for the purpose of detecting and preventing crime and enforcing laws or ordinances and who is authorized by law to execute criminal process, make arrests, or write citations for violations of the Wisconsin Statutes and/or the Iron County Code of Ordinances.

(21) OFF-ROAD VEHICLE (ORV): A motor driven off-road recreational vehicle capable of cross-country travel without benefit of a road or trail, on or immediately over land, snow, ice, marsh, swampland, or other natural terrain. It includes, but is not limited to trail bikes, dirt bikes, motorcycles, minibikes, 4x4 trucks, passenger vehicles, airboats and air cushioned vehicles or golf carts. An off-road vehicle does not include a registered snowmobile, a farm vehicle being used for farming, a vehicle used for military, fire, emergency, or law enforcement purposes, a construction or logging vehicle used in performance of its common function or a registered aircraft.

(22) OFFICIAL TRAIL OPENING: That date selected by the Iron County Forestry and Parks Committee or the Forest Administrator as the date on which the approved snowmobile trails shall be opened and made available for snowmobile and/or all-terrain vehicle use. Notice of said date shall be published in the official County Newspaper.

(23) OFFICIAL TRAIL CLOSING: That date selected by the Iron County Forestry and Parks Committee or the Forest Administrator as the date on which the approved snowmobile trails shall

be closed and made unavailable for snowmobile and/or all-terrain vehicle use. Notice of said date shall be published in the official County Newspaper.

(24) OPERATE or USE: The exercise of physical control over the speed or direction of an all-terrain vehicle or snowmobile or the physical manipulation or activation of any of the controls of any said vehicle necessary to put any said vehicle in motion. This includes the operation of an all-terrain vehicle or snowmobile.

(25) OPERATOR: A person who operates an all-terrain vehicle or snowmobile, who is responsible for the operation of an all-terrain vehicle or snowmobile, or who is supervising the operation of an all-terrain vehicle or snowmobile.

(26) OWNER: The person who has lawful possession of an all-terrain vehicle or snowmobile by virtue of legal title or equitable interest therein which entitles the person to lawful possession.

(27) PEDESTRIAN: Any person afoot or any person in a wheelchair, either manually or mechanically propelled, or other low-powered, mechanically propelled vehicle designed specifically for use by a physically disabled person.

(28) PERSON: Includes natural persons, associations, partnerships and corporations, whether acting by themselves or by a servant, agent or employee; the singular number, when necessary, means the plural.

(29) PROTECTIVE HEADGEAR: Helmets which conform with minimum standards of construction and performance as prescribed by the American National Standards Institute specification Z90.1 or by the Federal Motor Vehicle Safety Standards No. 218.

(30) PUBLIC LANDS: Public parks, playgrounds, trails, paths, and other public open spaces; scenic and historic sites; schools; and other public buildings and structures.

(31) RACEWAY FACILITY: An area, including a marked warmup and testing area, specifically designated by a sponsor for the purpose of conducting a sanctioned race or derby for which any

required local permits have been obtained.

(32) RESTRICTED AREA: An area that has been designated to be used for, or closed to, certain purposes such as operation of all-terrain vehicles or snowmobiles, and competitions or exhibitions involving said vehicles, including races and trials therefore as approved by the Iron County Forestry and Parks Committee.

(33) RIGHT-OF-WAY: The entire strip of land traversed by a highway or street in which the public owns the fee or an easement for roadway purposes.

(34) ROADWAY: That portion of a highway between the regularly established curb lines or that portion which is improved, designed or ordinarily used for vehicular travel, excluding the berm or shoulder.

(35) SAFETY OR DEADMAN THROTTLE: A device which, when pressure is removed from the engine accelerator or throttle, causes the motor to be disengaged from the driving track.

(36) SANCTIONED RACE OR DERBY: A competitive all-terrain vehicle or snowmobile event sponsored by a local unit of government, chamber of commerce, a snowmobile or all-terrain vehicle club, promoter, or similar organization.

(37) SHOULDER: That portion of the highway within 10 feet of the roadway on which vehicles may park in an emergency, consisting of gravel, pavement material, or grass not designated or ordinarily used for vehicular travel.

(38) SMALL ALL-TERRAIN VEHICLE: An all-terrain vehicle that has 4 wheels and that has either an engine certified by the manufacture at not more than 90 cubic centimeters or an equivalent power unit.

(39) SNOWMOBILE: Any engine driven vehicle of a type which utilizes sled type runners, skis or an endless belt tread or any combination of these or similar means of contact with the surface

upon which it is operated, but does not include such vehicles which are either manually propelled or driven by a motor of 4 horse power or less and operated only on private property.

(40) SNOWMOBILE AND ATV COORDINATOR: The County Forest Administrator, his assistant or assistants and such other individuals so designated by the Forestry and Parks Committee.

(41) SNOWMOBILE ROUTE: A highway designated for use by snowmobile vehicle operators by the governmental agency having jurisdiction as authorized by Section 350.18, Wisconsin Statutes.

(42) SNOWMOBILE TRAIL SYSTEM: A marked corridor on public property or on private lands, subject to public easement or lease, designated for use by snowmobile operators by the governmental agency having jurisdiction, but excluding roadways of highways, except those roadways which have been designated as snowmobile routes. The length of the snowmobile season is governed by the official opening and closing dates.

(43) SNOWMOBILE DEALER: A person engaged in the sale of snowmobiles for a profit at wholesale or retail.

(44) SNOWMOBILE MANUFACTURER: A person engaged in the manufacture of snowmobiles for sale to the public.

(45) SOLID WASTE: Any garbage, refuse, or discarded materials including, but not limited to, glass, plastic, paper, tin, metal, machinery, and equipment.

(46) TRAILBED: The finished surface on which base course or surfacing may be constructed. For trails without surfacing, the trailbed is the tread.

(47) TRAILWAY: The portion of the trail within the limits of the excavation and embankment.

(48) TREAD: The surface portion of the trail which is intended for traffic movement.

(49) USED EXCLUSIVELY ON PRIVATE PROPERTY: Use of an all-terrain vehicle, off-road vehicle or snowmobile by the owner of the said vehicle or a member of his or her immediate family only on land owned or leased by the owner or a member of his or her immediate family.

(50) WATERS: Any lake, pond, stream, river, or other body of fresh water within Iron County.

(51) WATERWAYS: Means lakes, ponds, streams, and rivers.

PART 2: LOCAL REGULATION OF OPERATION OF **ALL-TERRAIN VEHICLES AND SNOWMOBILES**

00-0-08 Careless Operation of All-Terrain Vehicle or Snowmobile Prohibited.

No person may operate or use any ATV or snowmobile, or manipulate any such vehicle in a careless manner so as to endanger that person's life, property or person or the life, property or person of another. Careless operation shall include, but not be limited to, the following:

- A. Becoming airborne or completely leaving the trail surface while in the proximity of other vehicles or persons;
- B. Weaving through congested traffic;
- C. Operating in a manner so as to require the operator or the operator of another vehicle to take evasive action to avoid a collision;
- D. Steering toward a vehicle, object or person and turning sharply at close range;
- E. Executing tight 360 degree turns commonly referred to as "spinning donuts";
- F. Operating a snowmobile or ATV with the skis or wheels of said vehicle off the ground or

snow surface, while within one hundred (100) feet of a pedestrian or another vehicle.

G. Facing backwards while driving;

H. Using an ATV or snowmobile with more than two people on a seat, unless the seat has been specifically designed by the manufacturer to hold more than two people. In no case shall there be more passengers on the vehicle than the vehicle is designed to carry; or

I. Entering any intersection of (i) two or more roadways, or (ii) a roadway and a private driveway, or (iii) two or more trails, without making a complete stop and/or failing to yield the right-of-way to any vehicles or pedestrians so as to constitute any immediate hazard.

00-0-09 Intoxicated Operation Prohibited.

A. No person may engage in the operation of an ATV or snowmobile while under the influence of an intoxicant to a degree which renders him or her incapable of safe operation of an ATV or snowmobile.

B. No person may engage in the operation of an ATV or snowmobile while the person has an alcohol concentration of 0.08 or more.

C. A person who has not attained the legal drinking age, as defined in s. 125.02(8m), Wis. Stats., may not engage in the operation of an ATV or snowmobile while he or she has a blood alcohol concentration of more than 0.0 but less than 0.08.

00-0-10 Speed Restrictions.

A. No person shall operate an ATV or snowmobile at a speed greater than is reasonable and prudent under the circumstances prevailing and having regard for the actual and potential hazards then existing.

B. No person shall operate an ATV at a speed greater than 40 miles per hour.

C. No person shall operate a snowmobile at a speed greater than 50 miles per hour during hours of darkness.

D. No person shall operate an ATV at a speed greater than the posted limit or 40 miles per hour, whichever is less. The Snowmobile and ATV Coordinator shall determine the speed limits to be posted on the Iron County trail system and the locations for posting and will arrange for the postings.

E. No person shall operate a snowmobile at a speed in excess of the posted limits. The Snowmobile and ATV Coordinator shall determine the speed limits to be posted on the Iron County trail system and the locations for posting and will arrange for the postings.

F. No person shall operate an ATV or snowmobile on a public street or roadway at a speed greater than the posted limit or 40 miles per hour, whichever is less.

G. No person shall operate an ATV, ORV or snowmobile on the frozen surface of a public water within 100 feet of an individual who is not in or upon a vehicle or within 100 feet of an ice fishing shanty or shelter at a speed exceeding 10 miles per hour.

H. No person shall operate an ATV within 150 feet of a dwelling at a speed exceeding 10 miles per hour.

I. No person shall operate a snowmobile within 150 feet of a dwelling at a speed exceeding 10 miles per hour.

J. No person shall operate an ATV or snowmobile at a speed in excess of 10 miles per hour on any portion of a designated trail that is posted with caution signs consisting of black symbols or letters on yellow backing.

K. The operator of an ATV or snowmobile shall slow his or her vehicle to a speed not to exceed 10 miles per hour and yield the right-of-way when traveling within 100 feet of an individual who is not in or upon a vehicle.

00-0-11 Disorderly Conduct with an ATV or Snowmobile Prohibited.

No operator of an ATV or snowmobile shall cause, by excessive and unnecessary acceleration, the tires or track of such motor vehicle to spin and emit loud noises or to unnecessarily throw stones or gravel; nor shall such operator cause to be made by excessive and unnecessary acceleration of an engine any loud, unnecessary or unusual noise which would disturb, annoy or interfere with the peace and quiet of another.

00-0-12 Harassment of Animals Prohibited.

It shall be unlawful for any person to intentionally chase, intimidate, worry, drive, run over, or kill any wild or domestic animal with a snowmobile or ATV, except that a person may drive or pursue livestock as part of normal farming operations.

00-0-13 Reserved for Future Use.

00-0-14 Reserved for Future Use.

00-0-15 Operation on County Trail System.

A. Except as provided in Sec. 00-0-20 of this ordinance and except for law enforcement officials, club trail maintenance activities or private landowners' use of their property, no person shall operate any snowmobile or ATV on any approved snowmobile or ATV trails until officially opened by the County Snowmobile and ATV Coordinator.

B. Except as provided in Sec. 00-0-20 of this ordinance and except for law enforcement officials, club trail maintenance activities or private landowners' use of their property, no person shall operate any snowmobile or ATV on County lands or the County Trail System unless said vehicle remains on the trailbed of an approved trail upon which said operation is authorized. No person shall operate a snowmobile or ATV beyond the catchpoint of the trailway.

C. No person shall operate a car, truck, ATV or snowmobile on any land, trail or road under the supervision, management or control of Iron County or the Iron County Forestry and Parks Department that has been posted as "Closed" or gated or bermed as closed to motorized vehicles.

D. No person shall deface, destroy or remove any snowmobile or ATV sign or other sign

approved by the Iron County Forestry and Parks Department posted on any approved snowmobile or ATV trail.

E. No person shall travel upon any County-designated snowmobile trail by any means other than a snowmobile or an ATV, if ATV operation is permitted, or a vehicle being used for trail grooming and maintenance during the time of the year that such trail is in use as a snowmobile trail. A landowner, or any person authorized in writing by the landowner, is exempted from this section with respect to those portions of the trail on the said landowner's property.

F. No person shall damage, mar, or deface the surface or any other part of any county-designated snowmobile trail during the time of the year that such trail is in use as a snowmobile trail.

G. No person shall damage, destroy or remove any gate or sign in any county forest, county park, county recreational area or on other lands under the management, supervision, and control of the County.

H. No person shall operate a car, truck, or ORV on any ATV trail, snowmobile trail, or similar trail system unless said ATV trail, snowmobile trail, or similar trail system is posted open to all motor vehicles. A landowner, or any person authorized by the landowner, is exempted from this section with respect to those portions of the trail on the said landowner's property.

I. No person shall operate any snowmobile or ATV on any approved snowmobile or ATV trail after such trail is officially closed by the County Snowmobile and ATV Coordinator, except for law enforcement officials, club trail maintenance activities or private landowners' use of their property.

J. No person shall leave any snowmobile or ATV in an unsafe location or place any obstruction on the groomed portion of any approved snowmobile or ATV trail.

K. No person shall travel upon any portion of an ATV or snowmobile trail extending upon or

across any parcel of private property, in a manner not specifically authorized by the owner of said parcel. Pedestrians shall not enter upon any portion of ATV or snowmobile trail traversing private property, without permission of the owner of said property. A pedestrian shall bear the burden of proving that his or her presence upon an ATV or snowmobile trail traversing private lands is with the consent of the owner of said parcel.

L. Any pedestrian traversing private property using approved ATV and/or snowmobile trails must yield to all snowmobiles and ATVs on such trails. Failure to yield shall be subject to penalty.

M. Holders of firewood and/or bough cutting permits issued by the County Forestry Department shall not be permitted to travel on approved snowmobile or ATV trails located on the County Forest after the Official Trail Opening and before the Official Trail Closing. Timber sale contractors are exempt from this requirement when snowmobile or ATV trails are utilized for access to their timber sale areas.

N. Operators of snowmobiles or ATVs on approved snowmobile or ATV trails must stop and yield the right of way to other vehicles at all locations marked with an official red octagon stop sign.

O. No person shall throw, discard or leave any solid waste upon any portion of the approved snowmobile or ATV trail system or any adjacent public or private property.

P. During the designated snowmobile season, the Forest Administrator shall have authority to close any trail or portion thereof on which snowmobiling is normally permitted, if the ambient temperature is above thirty-five degrees (35°) Fahrenheit.

Q. No person shall operate an ATV with tire chains on any approved snowmobile or ATV trail.

R. No person shall operate a motorcycle on County Forest lands, except that licensed motorcycles may be operated on County Forest Roads for which the County has received State aids.

S. The County Forest Administrator shall have the authority to issue special use permits for operation of ATVs or snowmobiles on County lands. Such permits may be issued to physically disabled persons (as defined in the Wisconsin Statutes and Wisconsin Administrative Code), for activities beneficial to the County Forestry and Parks Department, to include: trapping of nuisance animals, cleanup activities including firewood gathering by permit, trail maintenance activities, logging activities authorized under timber sales, contracts with the County and investigating established timber sales for timber procurement. Issuance of such special use permits shall be subject to the review of the Forestry and Parks Committee. The County Forest Administrator may revoke such special use permits in the event any of the provisions of the same are violated by the permittee.

T. The Iron County Board of Supervisors or Forestry and Parks Committee may rescind operation of ATVs or snowmobiles on any County property or portion thereof, with appropriate notice being given to the public.

U. The Iron County Forest Administrator shall notify local law enforcement agencies, including DNR and County and City law enforcement personnel, and all Chambers of Commerce within Iron County, of all trail openings and closures. Said notification shall be accomplished in a timely manner.

00-0-16 Reserved for Future Use.

00-0-17 Reserved for Future Use.

00-0-18 Operation on Private Lands.

A. No person shall operate a snowmobile or ATV on the private property of another without the consent of the owner or lessee. Failure to post private property does not imply consent for snowmobile or ATV use.

B. Any person who operates a snowmobile or ATV upon the land of another shall stop and identify himself/herself upon the request of the landowner or his/her duly authorized representative, and, if requested to do so by the owner or representative, shall promptly remove

said snowmobile from the premises.

C. Landowners who permit snowmobiling or operation of ATVs on their property under Section 895.52, Wisconsin Statutes, shall notify the Snowmobile Coordinator if they intend to travel or allow travel on that portion of the approved snowmobile and/or all-terrain vehicle trail that traverses their property with a vehicle other than a snowmobile or all-terrain vehicle.

D. Liability of Landowners. Section 895.52, Wis. Statutes, applies to ATV and snowmobile use on another's property. An owner or officer, employee, or agent of an owner owes no duty to keep the owner's

property safe for recreational activities, to inspect the property, or to give warning of an unsafe condition, use or activity on the property, unless any of the following conditions exist:

(1) The private property owner collects money, goods or services in payment for the use of the owner's property for the recreational activity during which the injury occurs, and the aggregate value of all payments received by the owner for the use of the owner's property for recreational activities during the year in which the injury occurs exceeds \$500. For purposes of this subsection, *private property owner* means any owner other than a governmental body or nonprofit organization.

(2) The injury is caused by the malicious failure of the private property owner or an employee or agent of the private property owner to warn against an unsafe condition on the property, of which the private property owner knew.

(3) The injury is caused by a malicious act of the private property owner or of an employee or agent of a private property owner.

(4) The injury occurs on property owned by a private property owner to a social guest who has been expressly and individually invited by the private property owner for the specific occasion during which the injury occurs, if the injury occurs on any of the following:

- i. Platted land.
- ii. Residential property.
- iii. Property within 300 feet of a building or structure on land that is classified as mercantile or manufacturing under s.70.32(2)(b)2 or 3, Wis. Statutes.

(5) The injury is caused by a malicious act of the private property owner or of an employee or agent of a private property owner.

(6) Except as expressly provided in this section D, nothing in this section D or s.101.11, Wis. Statutes, nor the common law attractive nuisance doctrine creates any duty of care or ground of liability toward any person who uses another's property for a recreational activity.

00-0-19 Reserved for Future Use.

00-0-20 Operation on Frozen Waters.

All traffic on icebound inland waters shall be at the risk of the traveler. The provisions of this chapter permitting operation of an ATV, ORV or snowmobile on icebound inland waters shall not render Iron County liable for any accident to those engaged in permitted operation.

00-0-21 Operation by Juveniles.

A. Operation of snowmobiles and ATVs by youthful operators is restricted and defined in Sections 350.05 and 23.33(5), Wisconsin Statutes.

B. No person under the age of 17 years shall operate an ATV or snowmobile between the hours of 10:00 p.m. and 6:00 a.m. unless accompanied by a parent, guardian, adult relative, or other adult person having actual care, custody, and control of such child.

C. No person may operate or be a passenger on an all-terrain vehicle without wearing protective headgear and with the chinstrap properly fastened, unless the person is at least 18 years of age.

00-0-22 Authorizing Operation by Incapable Person.

It shall be unlawful for any person owning, renting, or otherwise in charge of an ATV or

snowmobile to authorize or knowingly permit the said vehicle to be operated by a person who is under the influence of intoxicating liquor or any drug or who is, by reason of age, experience or physical or mental disability, incapable of sagely operating such vehicle under the prevailing circumstances.

00-0-23 Reserved for Future Use.

00-0-24 Reserved for Future Use.

00-0-25 Additional Regulations.

A. No person shall operate a snowmobile or ATV on any public sidewalk or boulevard.

B. No person shall operate a snowmobile or ATV on public school grounds, park property, playgrounds, recreational areas or golf courses without express permission to do so by the proper public authority.

C. No person shall operate a snowmobile or ATV on a public trail provided for pedestrian or bicycle travel.

D. No person shall leave a snowmobile or ATV on any publicly owned property other than in a designated parking area. Every person leaving a snowmobile or ATV in a designated parking area shall lock the ignition, remove the key from the vehicle and keep the key in his or her possession.

E. No person shall operate an ATV unless said vehicle is equipped with an operational spark arrestor, when County or State emergency fire regulations are in effect or when WDNR wild fire danger is posted at the Red Flag Alert.

F. No person shall operate an ATV in wetlands or within fifty feet (50') of the ordinary high water mark of any surface water, unless on a designated trail.

G. Operators of snowmobiles or ATVs shall operate their said vehicles in single file and to the far right on routes, trails and authorized streets and roadways, except that slower moving vehicles may be passed, provided such maneuver can be completed safely and is not contrary to any

provision of this ordinance.

H. Every person operating a snowmobile or ATV must obey all applicable regulatory signs, including, but not limited to, *Caution* and *Stop* signs. No person shall operate a snowmobile or ATV in violation of a regulatory sign.

I. No person shall carry a firearm on an ATV or snowmobile or in or on a trailer or sled attached thereto unless such firearm is unloaded and in an enclosed case, unless said person is a law enforcement officer or other person authorized to carry arms under the Wisconsin Statutes. The person carrying such a firearm shall bear the burden of proving his or her authority to carry said weapon.

J. No person shall carry a bow on an ATV or snowmobile or in or on a trailer or sled attached thereto unless such bow is unstrung or enclosed in a carrying case.

K. It shall be unlawful for the owner of any ATV or snowmobile to permit its operation in violation of this ordinance. The violation itself shall be prima facie evidence of intent. The party holding title to the ATV or snowmobile shall be conclusively presumed to be the owner unless the ATV or snowmobile shall have been stolen and reported as stolen to a law enforcement agency.

00-0-26 Duty to Obey Law Enforcement Officer.

A. Upon the approach of a duly authorized and marked patrol vehicle, including a squad car, patrol truck, ATV or snowmobile, giving an audio or visual signal, the operator of an ATV or snowmobile shall maneuver said vehicle to the far right portion of a trail, roadway or other property, reduce the speed of said vehicle, and yield the right-of-way to the patrol vehicle until it has passed, except that if the patrol vehicle does not pass and remains behind the ATV or snowmobile, with siren or emergency lights activated, the operator thereof shall stop.

B. No person operating an ATV or snowmobile may refuse to stop after being requested or signaled to do so by a law enforcement officer. The signal given by the officer may be by hand, voice, emergency light or siren.

C. No person operating an ATV or snowmobile may wilfully refuse to stop after being requested or signaled to do so by a law enforcement officer. The signal given by the officer may be by hand, voice, emergency light or siren.

D. Any person requested to identify himself/herself to a law enforcement officer pursuant to an investigation of a violation of this ordinance has a duty to identify himself/herself, and give his/her current address and date of birth.

00-0-27 Reserved for Future Use.

00-0-28 Restricted Off-Trail Use of All-Terrain Vehicles and Off-Road Vehicles During Big Game Hunting Seasons and Trapping Seasons.

A. Operation of snowmobiles and ATVs off of designated trails on land that is owned by Iron County shall be permitted during any big game hunting season or trapping season, for hunting or trapping purposes. Operation for hunting or trapping purposes means traveling to a blind or stand to hunt therefrom; traveling from a blind or stand after having hunted therefrom; traveling to summon assistance for, or to transport, a sick or wounded person; traveling to locate or transport a big game carcass; traveling to set, check, bait or remove traps, or traveling for any other purpose reasonably related to lawful big game hunting activities or trapping activities. An operator of a snowmobile or ATV shall have the burden of proving that his or her operation of said vehicle was for hunting or trapping purposes. This paragraph authorizes operation of a snowmobile on land that is owned by Iron County during big game hunting seasons and trapping seasons, weather permitting, prior to the official snowmobile trail opening date. This paragraph does not authorize operation of a snowmobile or ATV on privately-owned lands, lands over which the County has an easement for recreational use, or County lands that are not normally open to said operation, or that are specifically marked closed or bermed or gated closed.

B. No person shall operate a snowmobile or ATV off of a designated trail while engaged in hunting or trapping activities on County land during any big game hunting season, unless he or she is wearing a blaze orange jacket, coat or vest that is not covered or obstructed by any other garment.

C. No person shall operate a snowmobile or ATV in excess of 25 miles per hour on County lands during any big game hunting season or trapping season.

D. No person shall operate a snowmobile or ATV off of a designated trail while engaged in hunting or trapping activities on County land in or on wetlands, or in a manner that causes unnecessary erosion, environmental damage, or damage to water quality.

00-0-29 Reserved for Future Use.

00-0-30 Equipment Requirements.

A. It is unlawful for any person to operate an ATV in Iron County unless it is equipped with the following:

(1) At least one headlamp attached to the front, capable of displaying a white light of sufficient illuminating power to reveal any person, vehicle or substantial object at a distance of at least two hundred (200) feet ahead of the ATV. Said headlamp shall be lighted during daylight hours on any highway right-of-way during hours of darkness and during times of reduced visibility.

(2) At least one red tail lamp attached to the rear, capable of displaying a red light plainly visible during hours of darkness from a distance of five hundred (500) feet to the rear of the ATV. Said tail lamp shall be lighted during daylight hours on any highway right-of-way during hours of darkness and during times of reduced visibility.

(3) At least one brake operated either by hand or by foot. Said brake system must be maintained in good operating condition, and adequate to control the movement of and to stop and hold the ATV under any condition of operation.

(4) A functioning muffler which is properly attached and in constant operation, and which reduces the noise of operation of the motor to the minimum necessary for operation and prevents excessive or unusual noise. No person shall equip the exhaust system of an ATV

with a cutout, bypass or similar device, or operate an ATV with a cutout, bypass or similar device.

(5) A functioning spark arrester of a type approved by the United States Forest Service.

B. It is unlawful for any person to operate a snowmobile in Iron County unless it is equipped with the following:

(1) At least one headlamp attached to the front, capable of displaying a white light of sufficient illuminating power to reveal any person, vehicle or substantial object at a distance of at least two hundred (200) feet ahead of the snowmobile. The headlamp shall be lighted during any and all operation of the snowmobile.

(2) At least one red tail lamp attached to the rear, capable of displaying a red light plainly visible during hours of darkness from a distance of five hundred (500) feet to the rear of the snowmobile. Said tail lamp shall be lighted during any and all operation of the snowmobile.

(3) At least one brake operated either by hand or by foot, capable of bringing the snowmobile to a stop, under normal conditions, within 40 feet when traveling at a speed of 20 miles per hour with a 150 pound driver on a level, hard-packed snow surface. The brake system must be maintained in good operating condition, and its design shall permit simple and easy adjustment to compensate for wear. There shall be no other control linked to the brake which impairs braking operation.

(4) A muffler in good working order which is properly attached and which blends the exhaust noise into the overall snowmobile noise and which is in constant operation to prevent excessive or unusual noise.

(5) No person shall equip the exhaust system of a snowmobile with a cutout, bypass or similar device, or operate a snowmobile with a cutout, bypass or similar device, and no snowmobile shall be modified by any person in any manner that shall amplify or otherwise

increase total noise emission above that emitted by the snowmobile as originally constructed. The provisions of this subsection do not apply to snowmobiles competing in a sanctioned race or derby or to snowmobiles being tested by manufacturers, distributors or dealers on lands under their control.

(6) All snowmobiles competing in a sanctioned race or derby shall be equipped with a device (commonly referred to as a safety or “deadman” throttle) wired into the motor’s electrical system that will shut off the motor if the operator falls from the snowmobile or otherwise leaves the operator’s position. The device shall be capable of being attached to the body of the operator, and shall be so attached when the snowmobile is being operated.

00-0-31 Reserved for Future Use.

00-0-32 Dealers and Rental Operations.

A. Every person in Iron County who is engaged, in whole or part, in the business of renting or leasing ATVs or snowmobiles to the public, including employees and agents of dealers and renters, shall maintain in safe operating condition all vehicles rented, leased or furnished by the dealer or renter.

B. Every person in Iron County who is engaged, in whole or part, in the business of renting or leasing ATVs or snowmobiles to the public, including employees and agents of dealers and renters, shall explain the operation of every vehicle being rented, leased or furnished, to the person leasing, renting or receiving same.

C. No person shall lease, rent or furnish an ATV or snowmobile to an intoxicated person, or a person who a reasonable person would believe is under the influence of an intoxicant or controlled substance. Further, if a person who is engaged, in whole or part, in the business of renting or leasing ATVs or snowmobiles to the public, including an employee or agent of a dealer or renter, believes that the person desiring to receive said vehicle is not competent to operate the vehicle with safety to him/herself or others, the renter or renter’s agent or employee shall refuse to so rent, lease or furnish the vehicle.

D. No person shall lease, rent or furnish an ATV or snowmobile without first ascertaining that

any person under the age of 18 years who will be on said vehicle has proper headgear.

E. Every person in Iron County who is engaged, in whole or part, in the business of renting or leasing ATVs or snowmobiles to the public shall have clean, usable protective headgear available for rent in sufficient quantity to provide headgear to all persons renting, leasing or receiving an ATV or snowmobile.

F. The owner or proprietor of an ATV or snowmobile rental operation shall cause to be kept a record of the name and address of the person or persons renting, leasing or receiving any ATV or snowmobile, the identification number of said vehicle, the departure date and time and the expected and actual time and date of return. Such record shall be preserved for not less than twelve (12) months after the departure date of such vehicle and shall be kept available for inspection by any law enforcement officer.

G. The owner or proprietor of an ATV or snowmobile rental or sales operation shall cause every ATV or snowmobile sold, leased, hired or loaned by said operation to be equipped with all safety devices and equipment required by law.

H. The owner, proprietor or employee of an ATV or snowmobile sales or rental operation within Iron County shall distribute to every person purchasing or renting an ATV or snowmobile a summary of the laws and rules governing the operation of said vehicles within Iron County. Pamphlets summarizing the laws and rules governing the operation of ATVs and snowmobiles within Iron County shall be made available to all ATV or snowmobile dealerships and rental operations in Iron County by the County.

I. A person engaged in renting, leasing, or furnishing ATVs or snowmobiles to others shall carry a policy of liability insurance subject to minimum limits, exclusive of interest and costs, with respect to said vehicles, as follows:

- (1) Twenty-five thousand dollars (\$25,000.00) for bodily injury to or death of one (1) person in any one (1) accident.

(2) Subject to the limit for one (1) person, fifty thousand dollars (\$50,000.00) for bodily injury to or death of at least two (2) persons in any one (1) accident.

(3) Ten thousand dollars (\$10,000.00) for injury to or destruction of property of others in any one (1) accident.

(4) In the alternative, a person engaged in renting, leasing, or furnishing ATVs or snowmobiles to others may demand and must be shown proof that the person renting, leasing or being furnished a vehicle carries a liability policy of at least the type and coverage specified in (1)-(3), above, and that said policy applies to leased, rented or furnished vehicles of the type he or she seeks to lease, rent or receive.

00-0-33 Reserved for Future Use.

00-0-34 Exemption of Authorized Emergency ATVs and Snowmobiles.

The provisions of this ordinance shall be applicable to the operation of any and all ATVs and snowmobiles in Iron County except that they shall not apply to operation by law enforcement officers or rescue personnel actually responding to an emergency call or in immediate pursuit of an actual or suspected violator of the law, provided that the provisions of this section shall not relieve the operator of an authorized emergency ATV or snowmobile of the duty to operate with due regard for the safety of all persons.

00-0-35 Reserved for Future Use.

00-0-36 Reserved for Future Use.

00-0-37 Reserved for Future Use.

PART 3: PENALTIES AND ENFORCEMENT

00-0-38 Parties to a Violation.

A. Whoever is concerned in the commission of a violation of this chapter for which a forfeiture

is imposed is a principal and may be charged with and convicted of the violation although he or she did not directly commit it and although the person who directly committed it has not been convicted of the violation.

B. A person is concerned in the commission of the violation if the person:

- (1) Directly commits the violation;
- (2) Aids and abets the commission of it; or
- (3) Is a party to a conspiracy with another to commit it or advises, hires or counsels or otherwise procures another to commit it.

00-0-39 Enforcement.

This ordinance shall be enforced by employees of the Iron County Sheriff's Department and/or other persons authorized by the Iron County Sheriff's Department. Further, the County Snowmobile and ATV Coordinator and/or his/her designees shall enforce those provisions which specifically authorize him/her to do so.

00-0-40 Uniform Citation Method Adopted.

The Iron County Board of Supervisors adopts and authorizes the use of a citation under Section 66.0113 of the Wisconsin Statutes, which shall be issued for violations of this Ordinance, including provisions for which a statutory counterpart exists. The form of said citation shall comply with the provisions of s. 66.0113(1)(b), Stats.

00-0-41 Penalties and Deposits.

A. Any person violating any other provisions of this ordinance shall be punished by forfeiture. If any violation be continuing, each day's violation shall be deemed a separate violation.

B. VIOLATIONS OF STATE ATV AND SNOWMOBILE REGULATIONS ADOPTED

PURSUANT TO SECTION 00-0-06:

(1) Any person, firm or corporation violating any of the provisions of this Ordinance, which provisions are in conformity with the Statutes of the State of Wisconsin, shall upon conviction thereof, be subjected to the same fine and other penalties as provided by Section 23.33 or Chapter 350, as the case may be, of said Wisconsin Statutes, plus all requisite fees, assessments, and court costs, and the same imprisonment only in case the fine is not paid.

(2) UNIFORM DEPOSIT AND BAIL SCHEDULE ADOPTED BY REFERENCE: The schedule of cash deposits for violations of State ATV and snowmobile regulations adopted pursuant to sec.00-0-06 of this ordinance shall be as provided by the State of Wisconsin Revised Uniform Deposit and Bail Schedule that are adopted therein by reference.

C. OTHER VIOLATIONS:

(1) Except as otherwise provided, the penalty for violation of any provision of this chapter shall be a forfeiture not less than \$30 nor greater than \$1000, together with court costs and fees as prescribed by Sections 814.63(1) and (2) or 814.65(1), Wisconsin Statutes, the penalty assessment for moving traffic violations, the driver improvement surcharge imposed by Sections 165.87 and 346.655, the jail assessment imposed by Section 53.46(1), Wisconsin Statutes, where applicable, any and all other applicable fees and court costs prescribed in Chapter 814 of the Wisconsin Statutes, and any other fee or assessment imposed by State Statutes or as provided by the Iron County Code of Ordinances.

(2) The Forestry and Parks Committee and the Law Enforcement Committee shall jointly establish a schedule of cash deposits for violations of provisions of this chapter for which there have not been adopted herein statutory counterparts. Said bond schedule shall be amended from time to time as deemed appropriate by said committees.

D. Nothing herein shall preclude or affect the power of the sentencing court to exercise additional authorities granted by the Wisconsin Statutes, to suspend or revoke the operating privileges of the defendant, order the defendant to submit to assessment and rehabilitation

programs or to attend traffic, snowmobile, or ATV safety school in addition to payment of a monetary penalty, suspension, revocation, or in lieu of imprisonment.

E. Iron County shall have any and all other remedies afforded by the Wisconsin Statutes, in addition to the forfeitures and costs of prosecution specified above.

F. Cash deposits are to be made with the Clerk of the Circuit Court of Iron County, Wisconsin and said clerk shall give a receipt for any cash deposits that are made in person, unless the deposit amount is mailed and in that case, the canceled check will serve as the receipt.

1005.2.3 Shoreland Zoning Ordinance

TITLE 13: SHORELAND ZONING ORDINANCE

**STATUTORY AUTHORIZATION, FINDING OF FACT, PURPOSE, TITLE,
APPLICABILITY, AND RELATION TO OTHER COUNTY
ORDINANCES**

13.01 STATUTORY AUTHORIZATION

13.02 FINDING OF FACT

13.03 PURPOSE

13.04 TITLE

13.05 APPLICABILITY

13.06 LAND DIVISION REVIEW

GENERAL PROVISIONS

13.07 REQUIREMENTS FOR SHORELAND DEVELOPMENT

13.08 PRESERVATION AND REMOVAL OF SHORELAND VEGETATIVE COVER

13.09 SHORELAND BUFFER RESTORATION STANDARDS

13.10 SOIL DISTURBING ACTIVITIES

13.11 SHORELAND-WETLAND DISTRICT

13.12 NONCONFORMING USES AND STRUCTURES

13.13 IMPERVIOUS SURFACES STANDARDS

13.14 MITIGATION

ADMINISTRATION, CHANGES AND AMENDMENTS, ENFORCEMENT AND DEFINITIONS

13.15 ADMINISTRATIVE PROVISIONS

13.16 CHANGES AND AMENDMENTS

13.17 ENFORCEMENT AND PENALTIES

13.18 DEFINITIONS

TITLE 13 - SHORELAND ZONING

13.01 - STATUTORY AUTHORIZATION.

This chapter is adopted pursuant to the authorization in ss.59.692 Wis. Stats to implement 59.692, and 281.31

13.02 - FINDING OF FACT.

Uncontrolled use of the shorelands and pollution of the navigable waters of Iron County would adversely affect the public health, safety, convenience, and general welfare and impair the tax base. The legislature of Wisconsin has delegated responsibility to the counties to further the maintenance of safe and healthful conditions; prevent and control water pollution; protect spawning grounds, fish and aquatic life; control building sites, placement of structures and land uses; and to preserve shore cover and natural beauty. This responsibility is hereby recognized by Iron County, Wisconsin.

13.03 - PURPOSE.

For the purpose of promoting the public health, safety, convenience, and welfare, and protect the public trust in navigable waters this chapter has been established to:

- (1) FURTHER THE MAINTENANCE OF SAFE AND HEALTHFUL CONDITIONS AND PREVENT AND CONTROL WATER POLLUTION THROUGH:
 - (a) Limiting structures to those areas where soil and geological conditions will provide a safe foundation.
 - (b) Establishing minimum lot sizes to provide adequate area for private on-site waste

treatment systems.

- (c) Controlling filling and grading to prevent soil erosion problems.
- (d) Limiting impervious surfaces to control runoff which carries pollutants.
- (e) Preserving wetlands to minimize runoff and soil erosion.

(2) PROTECT SPAWNING GROUNDS, FISH AND AQUATIC LIFE THROUGH:

- (a) Preserving wetlands and other fish and aquatic habitat.
- (b) Regulating pollution sources.
- (c) Controlling shoreline alterations, dredging and lagooning.

(3) CONTROL BUILDING SITES, PLACEMENT OF STRUCTURES AND LAND USES THROUGH:

- (a) Separating conflicting land uses.
- (b) Prohibiting certain uses detrimental to the shoreland-wetlands area.
- (c) Setting minimum lot sizes and width.
- (d) Setting side yard and building setbacks from waterways.
- (e) Setting the maximum height of near shore structures.

(4) PRESERVE and RESTORE SHORELAND VEGETATION AND NATURAL SCENIC BEAUTY THROUGH:

- (a) Restricting the removal of natural shoreland cover.
- (b) Preventing shoreline encroachment by structures.
- (c) Controlling shoreland excavation and other earth moving activities.
- (d) Regulating the use and placement of boathouses and other structures.
- (e) Administering shoreland buffer standards to limit cumulative impacts to natural beauty and shore cover.

- (f) Preserving native wetland plant/tree communities and preventing the destruction and degradation of wetlands.

13.04 - TITLE.

This chapter shall be known as the "Shoreland Zoning Ordinance for Iron County, Wisconsin."

13.05 - APPLICABILITY.

(1) AREAS TO BE REGULATED. Areas regulated by this chapter shall include all the lands (referred to herein as shorelands) in the unincorporated areas of Iron County, which are:

- (a) Within one thousand (1,000) feet of the ordinary high-water mark of navigable lakes, ponds or flowages. Lakes, ponds or flowages in Iron County shall be presumed to be navigable if they are listed in the Wisconsin Department of Natural Resources publication FH-800 2009 "Wisconsin Lakes" book available electronically at the following web site: <http://dnr.wi.gov/org/water/fhp/lakes/lakemap/> or are shown on United States Geological Survey quadrangle maps (1:24,000 scale), or other zoning base maps.

- (b) Within three hundred (300) feet of the ordinary high-water mark of navigable rivers or streams, or to the landward side of the floodplain, whichever distance is greater. Rivers and streams in County shall be presumed to be navigable if they are designated as perennial waterways or intermittent waterways on United States Geological Survey quadrangle maps (1:24,000). Flood hazard boundary maps, flood insurance rate maps, flood boundary-floodway maps, county soil survey maps or other existing county floodplain zoning maps shall be used to delineate floodplain areas

- (c) The Zoning Department shall initially make determinations of navigability and ordinary high water mark location. When questions arise, the Zoning Department shall contact the appropriate local office of the Department of Natural Resources for a final determination of navigability or ordinary high water mark.

(2) AREAS NOT REGULATED UNDER THIS ORDINANCE. This ordinance shall not apply to the following:

- (a) Under §281.31(2m), Wis. Stats., notwithstanding any other provision of law or administrative rule promulgated there under, this shoreland zoning ordinance does not

apply to lands adjacent to farm drainage ditches if:

1. Such lands are not adjacent to the natural navigable stream or river;
2. Those parts of such drainage ditches adjacent to such lands were not navigable streams before ditching; and
3. Lands adjacent to artificially constructed drainage ditches, ponds, stormwater retention basins that are not hydrologically connected to a natural navigable water body.

(b) Structures located predominantly below the OHWM such as piers and docks are subject to the regulations of the State of Wisconsin administered by the Wisconsin Department of Natural Resources.

(c) Shoreline stabilization structures which are located at or below the OHWM including rock rip-rap and sea walls are subject to the regulations of the State of Wisconsin administered by the Wisconsin Department of Natural Resources.

(2) **SHORELAND ZONING MAPS AND REPORTS.** The maps designated below are hereby adopted and made part of this chapter by reference. They are on file in the Iron County Zoning Department

(a) United States Geological Survey 7.5 minute series Quadrangle Maps for Iron County (as revised).

(b) Wisconsin Department of Natural Resources Wetland Inventory Maps. The maps can be viewed at <http://dnrmaps.wi.gov/SL/Viewer.html?Viewer=SWDV&runWorkflow=Wetland>.

(c) Current Floodplain Zoning Maps

(d) Iron County Lake and River Classification Map. This information shall only be used for the purpose of educating the public about natural features and characteristics of a particular waterbody, not to establish regulations inconsistent with 59.692 Wis. Stats.

(3) **COMPLIANCE.** The use of any land, the size, shape and placement of lots, the use, size, type and location of structures on lots, the installation and maintenance of water supply and waste

disposal facilities, the filling, grading, lagooning, dredging of any lands, the cutting of shoreland vegetation, the subdivision of lots, shall be in full compliance with the terms of this ordinance and other applicable local, state or federal regulations. Buildings and other structures shall require a permit unless otherwise expressly excluded by a provision of this ordinance. Property owners, builders and contractors are responsible for compliance with the terms of this ordinance.

(4) MUNICIPALITIES AND STATE AGENCIES REGULATED. Unless specifically exempted by law, all cities, villages, towns, and counties are required to comply with this ordinance and obtain all necessary permits. State agencies are required to comply when s. 13.48(13), Wis. Stats., applies. The construction, reconstruction, maintenance and repair of state highways and bridges by the Wisconsin Department of Transportation are exempt when s. 30.2022(1) Wis. Stats., applies.

(5) ABROGATION AND GREATER RESTRICTIONS. The provisions of this chapter supersede any provisions in a county zoning ordinance that solely relate to shorelands.

- (a) This chapter shall not require approval or be subject to disapproval by any town or town board. (s. 59.692(2)(a), Wis. Stats.)
- (b) If an existing town ordinance relating to shoreland is more restrictive than this ordinance or any amendments thereto, the town ordinance continues in all respects of the greater restrictions but not otherwise.
- (c) Separate ordinances adopted under a statute other than 59.692 Wis. Stats., which do not solely relate to shorelands and contain standards more restrictive than this ordinance, shall continue in full force and effect to the extent of the greater restrictions
- (d) This chapter is not intended to repeal, abrogate or impair any existing deed restrictions, covenants or easements. However, where this chapter imposes greater restriction, the provisions of this chapter shall prevail.
- (e) The provisions of the Iron County code of ordinances are hereby referenced in this chapter. These provisions shall only apply to the shoreland areas where they impose greater restrictions than this chapter otherwise imposes.
- (f) This ordinance may establish standards to regulate matters that are not regulated in NR

115, but that further the purposes of shoreland zoning as described in section 21.03 of this ordinance.

(g) Iron County may not establish shoreland zoning standards in any ordinance which requires any of the following:

1. Approval to install or maintain outdoor lighting in shorelands, impose any fee or mitigation requirement to install or maintain outdoor lighting in shorelands, or otherwise prohibit or regulate outdoor lighting in shorelands if the lighting is designed or intended for residential use.
2. Require any inspection or upgrade of a structure before the sale or other transfer of the structure may be made.

(6) **INTERPRETATION.**-In their interpretation and application, the provisions of this Chapter shall be liberally construed in favor of the county and shall not be deemed a limitation or repeal of any other powers granted by Wisconsin Statutes. Where a provision of this ordinance is required by statute and a standard in Ch. NR 115, Wis. Adm. Code, and where the ordinance provision is unclear, the provision shall be interpreted in light of the statute and Ch. NR 115 standards in effect on the date of the adoption of this ordinance or in effect on the date of the most recent text amendment to this ordinance.

(7) **SEVERABILITY.** If any portion of this chapter is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this chapter shall not be affected.

13.06 - LAND DIVISION REVIEW

(1) The county shall review, pursuant to §236.45, Wis. Stats., and Titles 8 and 9 of the Iron County Code of Ordinances, all land divisions in shoreland areas which create parcels or building sites of less than 10 acres each. In such review, all of the following factors shall be considered:

- (a) Hazards to health, safety, or welfare of future residents.
- (b) Proper relationship to adjoining areas.
- (c) Public access to navigable waters, as required by law.
- (d) Adequate stormwater drainage facilities

- (e) Conformity to state law and administrative code provisions.

GENERAL PROVISIONS

13.07 REQUIREMENTS FOR SHORELAND DEVELOPMENT

1. **MINIMUM LOT SIZE.** Minimum lot sizes in the shoreland area shall be established to afford protection against danger to health, safety, and welfare, and protection against pollution of the adjacent body of water. In calculating the minimum area or width of a lot, the beds of navigable waters shall not be included.
 - **SEWERED LOTS.** For each Lot, the minimum lot area shall be 10,000 sq. ft. and the minimum average lot width shall be 65 feet.
 - **UNSEWERED LOTS.** For each Lot, the minimum lot area shall be 20,000 sq. ft. and the minimum average lot width shall be 100 feet.
 - All shoreland lots are required to have 150 ft. of shoreland frontage.
2. **SUBSTANDARD LOTS.** A legally created lot or parcel that met minimum area and minimum average width requirements when created, but does not meet current lot size requirements, may be used as a building site if all of the following apply:
 1. The substandard lot or parcel was never reconfigured or combined with another lot or parcel by plat, survey, or consolidation by the owner into one property tax parcel.
 2. The substandard lot or parcel has never been developed with one or more of its structures placed partly upon an adjacent lot or parcel.
 3. The substandard lot or parcel is developed to comply with all other ordinance requirements.
3. **OTHER SUBSTANDARD LOTS.** Except for lots which meet the requirements of section 13.07(2) a permit for the improvement of a lot having lesser dimensions than those stated in sections 13.07(1)(a) and 21.07(1)(b) shall be issued only if a variance is granted by the board of adjustment.
4. **BUILDING SETBACKS.** Permitted building setbacks shall be established to conform to health, safety, and welfare requirements, preserve natural beauty, reduce flood hazards, and avoid water pollution.
 - **Shoreland Setback.** Unless exempt under 13.07(6) or reduced under 13.07(5), a horizontal setback of 75 feet from the Ordinary high water mark of any navigable waters

to the nearest part of a building or structure shall be required for all structures.

- **Side Yard Setback.** A minimum of 10 feet to the nearest part of a structure/building foundation with a minimum of 40 feet of total side yard.
- **Road Setback.** Refer to Sec. 9.5.2 of the Iron County Land Use Ordinances.
- **Rear Yard Setback for Non-Riparian Lots.**
 - Accessory structures. A minimum of 10 feet to the nearest part of a structure/building foundation.
 - Principal structures. A minimum of 25 feet to the nearest part of a structure/building foundation.

5. **REDUCED PRINCIPAL STRUCTURE SETBACK.**

(s.59.692(1n)) A setback less than the 75' required setback from the ordinary high water mark shall be permitted for a proposed principal structure and shall be determined as follows:

505 Where there are existing principal structures in both directions, the setback shall equal the average of the distances the two existing principal structures are set back from the ordinary high water mark provided all of the following are met:

1. Both of the existing principal structures are located on adjacent lot to the proposed principal structure.
2. Both of the existing principal structures are located within 250' of the proposed principal structure.
3. Both of the existing principal structures are located less than 75' from the ordinary high water mark.
4. The average setback shall not be reduced to less than 35' from the ordinary high water mark of any navigable water.

506 Where this is an existing principal structure in only one direction, the setback shall equal the distance the existing principal structure is set back from the ordinary high water mark and the required setback of 75' from the ordinary high water mark provided all of the following are met:

- The existing principal structure is located on adjacent lot to the proposed principal structure.

- The existing principal structure is located within 250' of the proposed principal structure.
- The existing principal structure is located less than 75' from the ordinary high water mark.
- The average setback shall not be reduced to less than 35' from the ordinary high water mark of any navigable water.

507 Functional appurtenances such as decks or porches that are attached to the proposed principal structure must comply with the reduced principal structure setback but shall not be used in the calculation of the reduced principal structure setback.

6. **EXEMPT STRUCTURES.** All of the following structures are exempt from the shoreland setback standards in 13.07(4)(a)

- **Boathouses** which are located entirely above the ordinary high-water mark, entirely within the view and access corridor, do not contain plumbing, and are not used for human habitation.

1. **Legal Pre-Existing Boathouses** may not be expanded but may be structurally repaired, subject to the following standards:

- 1.* The mitigation schedule in Section 13.14 shall apply in respect to the impervious surface standards.
- 2.* The boathouse must be located entirely within the allowable view and access corridor calculation.
- 3.* The boathouse cannot contain plumbing or plumbing fixtures and cannot be used for human habitation.
- 4.* If the roof is to be replaced as part of the structural repair, it shall be constructed with a pitched roof that equals or exceeds a 4/12 rise to run but is not steeper than 12/12 rise to run.

2. **New Boathouses** may be constructed subject to the following standards:

- 1.* The floor or top of the footing must be setback at least 6 feet from the OHWM.
- 2.* They may not be more than one story and exceed a dimension of 300 square feet nor may the wall height exceed 10 feet.

3. They shall be constructed with a pitched roof that equals or exceeds a 4/12 rise to run but is not steeper than 12/12 rise to run.
4. Must be completely located within the allowable view and access corridor of the parcel.
5. The mitigation schedule in Section 13.14 shall apply in respect to the impervious surface standards.
6. The boathouse cannot contain plumbing or plumbing fixtures and cannot be used for human habitation.
7. Boathouses shall be constructed in conformity with local floodplain zoning standards.
8. The structure shall be designed and constructed solely for the storage of boats and related equipment. Other features inconsistent with the use of the structure exclusively as a boathouse are not permitted.
9. Siding and roofing color schemes should be muted and blend with natural landscapes and the surrounding environment. Bright colors or contrasting colors including white are prohibited.

3. Wet Boathouses

- B.** The maintenance and repair of boathouses that extend completely beyond the ordinary high water mark of any navigable waters shall be required to comply with s.30.121, Wisconsin Statutes and are regulated by the Wisconsin Department of Natural Resources.
- C.** If any portion of the boathouse is located above the Ordinary High Water Mark, the requirements of Section 13.07 (6) (a) are applicable to the entire boathouse.
 - **Open sided and screened structures** such as gazebos, decks, patios and screen houses in the shoreland setback area that satisfy the requirements in s. 59.692(1v), Stats.
 1. Exempt open sided and screened structures may be constructed with an approved permit at less than minimum setback required in 13.07 (4)(a), pursuant to s. 59.692(1v), subject to the following standards:
 1. The part of the structure that is nearest to the water is located at least 35 feet landward from the ordinary-high water mark.

2. The floor area of all the structures in the shoreland setback area will not exceed 200 square feet, excluding those exempt under 13.07(6) (a)(c)(d)(e) and(f)
 3. The structure that is the subject of the request for special zoning permission has no sides or has open or screened sides.
 4. The county must approve a plan, consistent with 13.09 of this chapter that will be implemented by the owner of the property to preserve or establish a vegetative buffer zone that covers at least 70% of the half of the shoreland setback area that is nearest to the water.
 5. The structure, if freestanding, may not have a wall height exceeding 10 feet and it may not be greater than 48 inches from the ground.
 6. The mitigation schedule in Section 13.14 only applies in respect to the impervious surface standards
 7. An affidavit shall be signed by the owner requesting the 59.692 permit which acknowledges the shoreland buffer requirements. Said affidavit will also be recorded in the Iron County Register of Deeds office and serve as official notice of this requirement to future property owners.
- Broadcast signal receivers, including satellite dishes or antennas that are one meter or less in diameter and satellite earth station antennas that are 2 meters or less in diameter.
 - Utility transmission and distribution lines, poles, towers, water towers, pumping stations, well pump house covers, private on-site wastewater treatment systems that comply with 383 and other utility structures that have no feasible alternative location outside of the minimum setback and that employ best management practices to infiltrate or otherwise control storm water runoff from the structure.
 - Open fences constructed of split rail or wire, may be allowed within the shoreland setback provided they are no taller than 6 feet in height and do not extend waterward beyond the OHWM except as required by other state law. Solid or (and) chain link fences shall not be located within the shoreland setback
 - Walkways, stairways or rail systems that are necessary to provide pedestrian access to the shoreline and are a maximum of 60-inches in width.

- i. **Pedestrian access to the shoreline.** A stairway, walkway or lift is allowed in the shoreland setback area only when it is necessary to provide pedestrian access to the shoreline because of steep slopes or unstable soils. The construction is subject to the following standards:
 1. Canopies, roofs, and sides are prohibited. Open railings may be provided.
 2. A maximum width of 5 feet (outside dimensions) is allowed for a stairway, walkway, and lift
 3. Landings are allowed where required for safety purposes and shall not exceed a cumulative total of 40 square feet. Attached benches, seats, tables, or similar structures are prohibited.
 4. A stairway, walkway, or lift shall be constructed and surfaced to effectively control erosion and minimize stormwater runoff directly into a waterway.
 5. The mitigation schedule in Section 13.14 applies in respect to the impervious surface standards.
 6. Shall be located within the allowable view and access corridor to the extent practicable.
 7. Any filling, grading or excavation that is proposed must meet the requirements of 13.10 of this chapter.
- ii. Accommodations for disabled persons. Where strict interpretation of this chapter would effectively deny disabled persons equal opportunity, and where the property does not meet the criteria for a variance under 13.15(2) of this chapter, the Zoning Department may grant a waiver to the dimensional standards of this chapter in order to provide reasonable accommodations as required by the Federal Americans with Disabilities Act, the Federal Housing Act and the Wisconsin Fair Housing Act. The permit shall be subject to the following standards:
 1. Only the minimum relaxation of dimensional standards needed to provide reasonable accommodation shall be approved.
 2. No use, structure or other relaxation of standards shall be approved

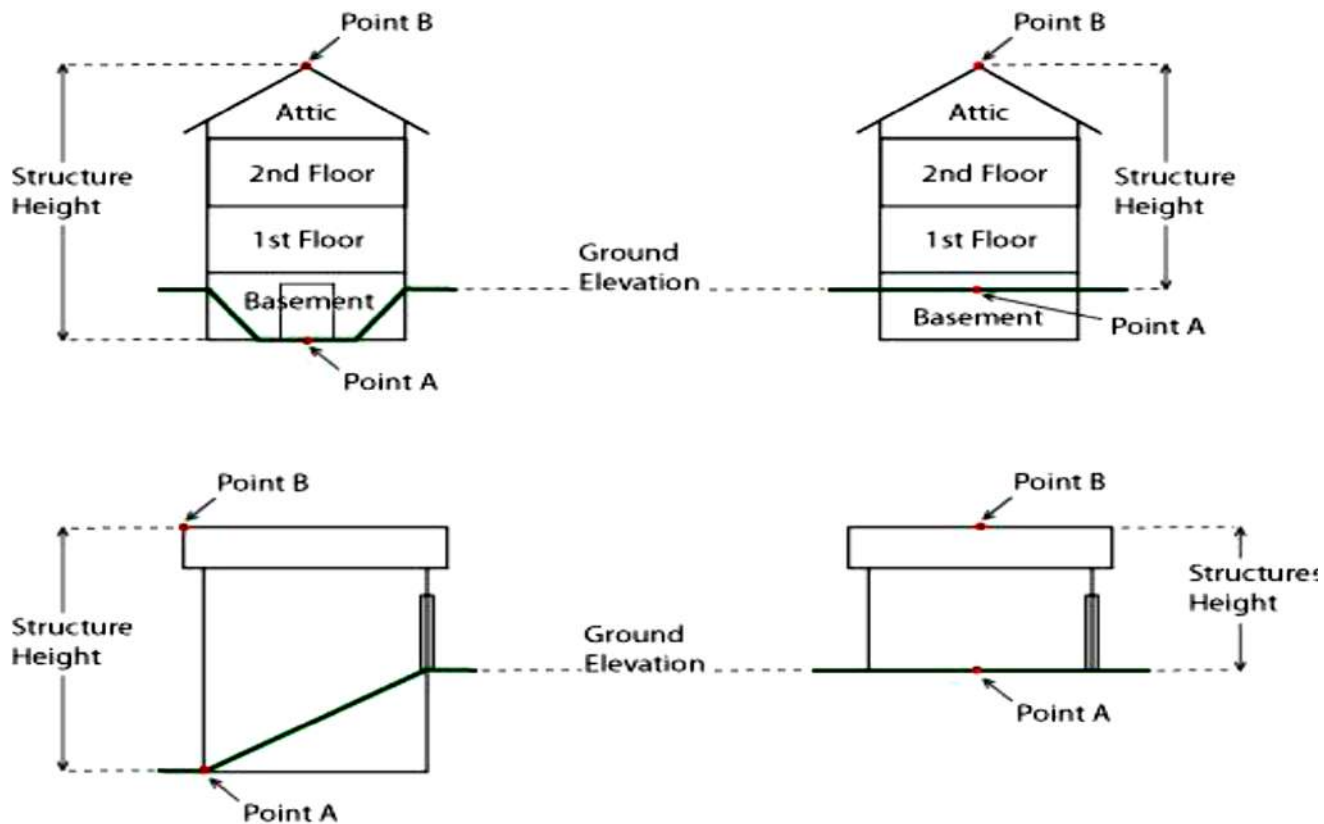
that would violate or undermine the stated purpose of this chapter.

3. The improvement authorized by this provision shall be removed when the premises are no longer occupied by a disabled person.

(7) FLOODPLAIN STRUCTURES. Buildings and structures to be constructed or placed in a floodplain shall be required to comply with any applicable floodplain zoning ordinance.

(8) STRUCTURE HEIGHT. To protect and preserve wildlife habitat and natural scenic beauty, the height of both **principal** and accessory structures are subject to the following standards:

- A structure located within 75 feet of the ordinary high water mark of any navigable body of water shall not exceed a height of 35 feet.
- A structure located between 75 feet and 300 feet of the ordinary high water mark of any navigable body of water shall not exceed a height of 45 feet.
- Structure height is the measurement of the vertical line segment starting at the lowest point of any exposed wall and it's intersect with the ground (Point A in the following diagram) to a line horizontal to the highest point of a structure (Point B in the following diagram), unless specified under other sections of this code.



(9) DEVELOPMENT OF ISLANDS. Standards for the development of these natural features shall be established to preserve and protect the characteristics of the island and the adjacent body of water.

1. Islands with sufficient area to meet setbacks in 13.07(4)(a) may be developed, subject to the following standards:
 1. A conditional use permit from the Zoning Committee shall be obtained prior to construction or soil disturbance activities.
 2. The approved use shall be a permitted or conditional use for the underlying zoning district.
 3. A developed island shall be provided with at least one mainland access lot, on that same waterbody, for ingress, egress, and parking areas and sanitary maintenance on the island. The construction or placement of any structure on an access lot is prohibited with the exception of piers, docks, wharfs, boat hoists and boat shelters in conformance with Wisconsin Administrative Code NR 115 and NR 326, and Ch. 30, Wis. Stats.
 4. The total number of principal structures on an island shall be based on the surface

area, minimum average lot width and setbacks as prescribed by the applicable zoning district and/or minimum requirements in 13.07 (1) and 13.07(4) for one **principal** structure.

~~5.~~A structure with plumbing shall only be allowed on an island with an approved Sanitary Permit including a viable Maintenance Agreement and Contingency Plan, including a suitable maintenance contract signed by a licensed service provider. A holding tank septic system shall not be allowed as an acceptable waste disposal system due to the frequent service interval requirements. If a road access to the island is authorized by permit and constructed, a holding tank may be considered for waste treatment at that time.

~~6.~~Cutting of vegetation within the required shoreland buffer shall be consistent with 13.08(2) of this ordinance. On previously undeveloped islands with an existing shoreland buffer, an affidavit shall be signed by the land owner and recorded in the Iron County Register of Deeds office prior to development to serve as official notice of this requirement to future property owners

~~2.~~ Islands shall not be developed if any of the following exist:

1. Insufficient upland area
2. Insufficient areas that meet setbacks
3. The Island is subject to flooding
4. There is no viable access lot
5. Other significant environmental limitations exist, including steep slopes or inadequate soil
6. There is documented cultural, historic or ecological value on the island

(10) DEVELOPMENT OF ACCESS LOTS. The development of shoreline property as an access lot for use by owners of back lots may take place after obtaining a conditional use permit from the Zoning Committee. The following minimum requirements shall be made conditions of the conditional use permit:

1. The minimum lot area and width of an access lot shall meet the requirements of 13.07(1) not including space devoted to any public roadway or right of way that may intersect the access lot.

2. The proposed access lot shall not provide water access for more than 3 back lots or dwelling units
3. The back lots having access to the water over the access lot must be situated so that they are contiguous to each other, excepting roadways, and their furthest boundary no more than 1,000 feet from the back of the access lot.
4. The construction or placement of any structure (including boathouses) on an access lot is prohibited except for piers, docks, wharfs and boat shelters and hoists consistent with provisions of Wisconsin Administrative Code NR 115 and NR 326, and Ch. 30, Wis. Stats.
5. Each back lot owner shall be granted an undivided interest in the access lot. The access lot shall not be subdivided in any way.
6. An affidavit shall be recorded in the Iron County Register of Deeds office to serve as official notice of shoreland buffer requirements on the proposed access lot, according to 13.08(2) of this chapter.
7. The following additional conditions may be considered for an access site/lot including and not limited to: waste containment, sanitary facility, noise limits, screening, parking, parking controls, time requirements, lighting and identification of sites, fish cleaning, gasoline and oil handling, and disposition of all waste materials.

(11) ACCESS EASEMENTS. Except as provided in 13.07(10), no owner of riparian land that abuts a navigable water may grant by an easement or by a similar conveyance any riparian right in the land to another person, except for the right to cross the land in order to provide public access to the navigable water.

(12) FRONTAGE AND LOT AREA FOR MULTIPLE PRINCIPAL STRUCTURES.

- b. Within the shoreland zone, when more than one residential unit/housing unit or nonresidential principal building is proposed on a lot, each additional residential unit/housing unit or nonresidential principal building is required to have the minimum lot width required under 13.07(1). (For example, if the minimum average lot width required is 100 feet, a two-family dwelling would be required to have a minimum lot width of 200 feet.)

- c. Within the shoreland zone, when more than one residential unit/housing unit or nonresidential principal building is proposed on a lot, each additional residential unit/housing unit or nonresidential principal building is required to have the minimum lot size required under 13.07(1). (For example, if the minimum lot area required is 20,000 square feet; a two-family dwelling would be required to have a minimum lot size of 40,000 square feet.)

13.08 - PRESERVATION AND REMOVAL OF SHORELAND VEGETATIVE COVER.

K. PURPOSE. To protect natural scenic beauty, fish and wildlife habitat, and water quality, Iron County shall regulate removal of vegetation in shoreland areas with standards that consider sound forestry and soil conservation practices, the effect of vegetation removal on water quality including soil erosion and the flow of effluents, sediments and nutrients.

L. SHORELAND BUFFER. To protect water quality, fish and wildlife habitat and natural scenic beauty, and to promote preservation and restoration of native vegetation, this chapter shall designate all land that extends from the ordinary high water mark to a minimum of 35 feet inland as a shoreland buffer and prohibit removal of vegetation in the shoreland buffer. A compliant shoreland buffer shall contain three distinct layers including a native tree canopy, shrub layer, and groundcover layer, except for closed canopy forest types such as pine and hemlock. The following activities are allowed within the shoreland buffer, subject to the following standards:

1. The removal of trees and shrubs in the shoreland buffer to create view and access corridors per 59.692(1f) (b) Stats, :
 1. The view and access corridor may be at least 35 feet wide for every 100 feet of shoreline frontage.
 2. The view and access corridor may run contiguously for the entire maximum allowed width per shoreline frontage owned.
 3. The allowable view and access shall be determined by the amount of shoreline frontage listed on a Certified Survey Map, Iron County GIS parcel map, or other reasonably accurate assessment tool in use in the

Zoning Department.

4. The view and access corridor must be maintained with some form of vegetation that prevents bank erosion and sedimentation of the waterway. Sand, gravel, rock or other similar materials shall be prohibited as an alternative to vegetation unless otherwise allowed by this chapter.
2. The removal of dead, diseased or dying trees and tree branches provided they present a safety hazard to structures or persons, and provided they are replaced with native vegetation or approved cultivars of native stock that is equally effective in fulfilling the purposes of the shoreland buffer.
3. The removal of trees and shrubs in the shoreland buffer on a parcel with 10 or more acres of forested land consistent with “generally accepted forestry management practices” as defined in s. NR 1.25 (2) (b), and described in The Wisconsin Department of Natural Resources \publication “Wisconsin Forest Management Guidelines”, provided that vegetation removal be consistent with these practices.
4. The removal of vegetation within the shoreland buffer to manage exotic or invasive species provided that any vegetation removed be replaced with native vegetation or approved cultivars of native stock that is equally effective in fulfilling the purposes of the shoreland buffer.
5. The routine maintenance of vegetation, consistent with the following:
 - i. Landscaping and lawns that extend into the required shoreland buffer ~~area~~ prior to the adoption of this chapter may be maintained but shall not be extended further into the required shoreland buffer.
 - ii. Pruning, trimming, or other generally accepted horticultural practices which do not result in the loss of plant densities within the required shoreland buffer.
6. Any path, road or passage within the required shoreland buffer, including the allowable view and access corridor, shall be constructed and surfaced so as to effectively control erosion and minimize stormwater runoff directly into a waterway.
 - ~~C.~~ Protection of shoreland buffer vegetation during times of construction. Except

where construction within the shoreland buffer is authorized, all vegetation within the required shoreland buffer shall be protected by fencing to exclude construction activities. Such vegetation shall be maintained so as to maximize the soil stabilization and filtering functions of the shoreland buffer.

- ~~D.~~ Cutting more than 35 feet inland. From the inland edge of the 35 foot shoreland buffer to the outer limits of the shoreland, the cutting of vegetation shall be allowed when accomplished using forest management and soil conservation practices which protect water quality, as outlined in the Department of Natural Resources Publication “Wisconsin’s forestry best management practices for water quality”.
- E. An affidavit shall be recorded in the register of deeds to serve as an official notice of shoreland buffer requirements in the following instances.
 - a. When new construction is proposed on a previously undeveloped lot with a shoreland buffer meeting standards in 13.08(2)
 - b. When shoreland buffer restoration requirements or cutting limitations are a component of proposed mitigation as required by 13.14
 - c. When cutting and clearing activities take place within the shoreland buffer in violation of 13.08(2) and shoreland buffer restoration is a component of resolving the violation.
 - d. When a riparian lot is proposed to be subdivided, each remaining lot with a shoreland buffer meeting standards in 13.08(2) shall have a recorded affidavit.

13.09 SHORELAND BUFFER RESTORATION STANDARDS. Where shoreland buffer restoration is required by 13.07(6) (b) or proposed under 13.14, the restoration shall meet the following criteria:

(1) PASSIVE RESTORATION (Natural Recovery). When all mowing, pruning, and vegetation cutting ceases within the shoreland buffer, with the exception of activities allowed by 13.08(2) of this chapter, and existing vegetation is then allowed to grow naturally, this shall be known as a passive shoreland buffer restoration

- (a) A passive shoreland buffer may only serve as the restoration if tree, shrub and ground cover layers are already present in acceptable densities, as outlined in 13.08(2)(b) & (c), and the site is suited for natural regeneration.

(2) **ACTIVE RESTORATION (Accelerated Recovery).** When all mowing, pruning, and vegetation cutting ceases, with exception of activities allowed by Section 13.08 (2) of this chapter, and native species or approved cultivars of native stock are planted at required densities within the shoreland buffer this shall be known as an active shoreland buffer restoration. All active shoreland buffer restorations shall meet the following standards:

- (a) Planting shall be species native to Wisconsin and approved by the Zoning Department. Cultivars of these native species may be used if approved by the Zoning Department.
- (b) Trees shall be planted to restore a density of at least one stem per 100 square feet of shoreland buffer area.
- (c) Shrubs shall be planted to restore a density of at least 2 stems per 100 square feet of shoreland buffer area, except for closed canopy forest types.
- (d) Ground cover shall be restored to the extent practicable.

(3) **SHORELAND BUFFER RESTORATION PLAN REQUIREMENTS.** A plan for the restoration of an active shoreland buffer shall include:

- (a) An inventory of plant species currently present and an indication of their density within the required shoreland buffer.
- (b) A list of desired native, site-adapted species (or approved cultivars of native species), size or age of species and a schedule for their planting. A minimum size or age of species may be required depending on site conditions.
- (c) A sketch showing no mow areas and/or the placement and densities of each species planned for the restored shoreland buffer.
- (d) A description of how the applicant intends to carry out the project including a watering plan and the erosion control measures that will be used during-restoration.
- (e) A description of the proposed method for removal of existing turf grass or other non-native species. Landscape cloth, plastic, mill felt or other barriers similar in nature may only be used on a temporary basis to facilitate the removal of non-native species. Deer proof fencing is required for 5 years after completion of restoration.

(d) A Replacement schedule for restoration plantings. Any vegetation required as mitigation but subsequently dies due to neglect, lack of watering, planting errors, deer browse, etc. shall be replaced and maintained.

13.10 - SOIL DISTURBING ACTIVITIES.

(1) GENERAL STANDARDS. Soil disturbing activities include filling, grading, lagooning, dredging, ditching or excavating. Soil disturbing activities may be permitted in the shoreland area subject to the following standards:

(a) It is done in a manner designed to minimize erosion, sedimentation and impairment of fish and wildlife habitat.

(b) Soil disturbing activities in a Shoreland-Wetland district meet the requirements of 13.11(3) of this chapter.

(c) All applicable federal, state and local authority is obtained.

(d) Any fill placed in the shoreland area is protected against erosion by the use of riprap, vegetative cover or bulkhead.

(e) Filling, grading or excavating within the required shoreland buffer depth is prohibited in this area with the following exceptions:

1. For the purpose of Shoreland Restoration.
2. For the removal of structures.
3. For the purpose of construction and removal of outfall structures.
4. For the purpose of maintaining existing roadways.
5. For work done under Wisconsin Dept. of Natural Resources permitting.

(2) PERMIT REQUIRED. Except as provided in 13.10(3), a Zoning Permit is required for:

(a) Soil disturbing activities in any area which is within 300 feet landward of the OHWM of navigable water and which has surface drainage toward the water and on which there is either:

1. Any filling or grading on slopes of more than 20% or
2. Filling or grading of more than 1,000 square feet on slopes of 12-20% or
3. An area of one acre or greater will be disturbed by excavation, grading, filling or other earthmoving activities, resulting in the loss or removal of protective ground cover or vegetation.
4. When constructing a new boathouse under 13.07(6)(a) of this chapter.
5. When constructing stairways, walkways, or lifts under 13.07(6)(f) within the shoreland setback area prescribed by 13.07(4)(a)
6. When constructing a new retaining wall meeting setbacks prescribed by 13.07(4)(a) or re-constructing an existing retaining wall

(b) Any construction or dredging commenced on any artificial waterway, canal, ditch, lagoon, pond, lake or similar waterway which is more than 300 feet landward of the ordinary high water mark of a navigable body of water or where the purpose is the ultimate connection with a navigable body of water.

(3) SOIL CONSERVATION PRACTICES AND AGRICULTURAL DRAINAGE MAINTENANCE. Soil conservation practices such as but not limited to diversions and grassed waterways used for erosion control shall not require a permit under 13.10(2) of this chapter when designed and constructed to Natural Resources Conservation Service technical standards.

(4) Agricultural practices such as plowing of fields and or installation of conservation practices are exempt from permitting and grading/filling standards of this chapter as long as they are prescribed practices and adhere to standards inherent in Wisconsin Administrative Codes as promulgated under Ch. 281 and 92, Wis. Stats.

(5) Forestry activities such as harvesting of trees and landings are also exempt from regulation under this chapter as long as best management practices, as prescribed by "Wisconsin's Forestry Best Management Practices for Water Quality Field Manual", are adhered to by the landowner and logger or the practice is prescribed and supervised by a practicing forester.

(6) PERMIT CONDITIONS. In granting a permit under 13.10(2), all elements of the site

disturbance plan required in 13.15(1) (b) as well as the following conditions shall apply:

- (a) The smallest amount of bare ground shall be exposed for as short a time as feasible.
- (b) Temporary ground cover (such as mulch or erosion control matting) shall be used as needed and permanent vegetative cover shall be established.
- (c) Diversion berms or bales, silting basins, terraces, filter fabric fencing, and other methods shall be used as needed to prevent erosion.
- (d) Lagoons shall be constructed to avoid fish trap conditions.
- (e) Fill shall be stabilized according to accepted engineering standards.
- (f) Filling shall comply with any local floodplain zoning ordinance and shall not restrict a floodway or destroy the flood storage capacity of a floodplain.
- (g) Channels or artificial watercourses shall be constructed with side slope of 2 units of horizontal distance to one unit of vertical distance, or flatter which shall be promptly vegetated, unless bulkheads or riprap are provided.
- (h) Runoff shall be contained onsite and containment structures shall be designed so as to not allow it to escape onto adjoining properties.
- (i) Any other conditions deemed necessary to prevent erosion and protect water quality.

13.11 - SHORELAND-WETLAND DISTRICT.

(1) DESIGNATION. This district shall include all shorelands within the jurisdiction of this chapter which meet the definition of wetlands in Section 13.18 of this Chapter. The most recent version of the Wisconsin Wetland Inventory as depicted on the Department of Natural Resources Surface Water Data Viewer shall be used for identifying the district but shall not be substituted for actual field conditions.

- (a) Locating Shoreland-Wetland Boundaries. Where an apparent discrepancy exists between the Shoreland-Wetland District boundaries shown on the Wisconsin Wetland Inventory Maps and actual field conditions the Zoning Department shall contact the appropriate office of the Department of Natural Resources to determine if the Shoreland-Wetland District boundary as mapped is in error. If Department of Natural Resources staff

determines that a particular area was incorrectly mapped as wetland or meets the wetland definition but was not shown as wetland on the map, the County shall have the authority to immediately grant or deny a shoreland land use permit in accordance with the applicable regulations based on the Departments determination as to whether the area is wetland and the current zoning district. In order to correct wetland mapping errors on an official zoning map, an official map amendment must be initiated within a reasonable period of time.

(2) **PURPOSE.** The district is created to maintain safe and healthful conditions, to prevent water pollution, to protect fish spawning grounds and wildlife habitat, to preserve shore cover and natural beauty and to control building and development in wetlands whenever possible. When development is permitted in a wetland, the development should occur in a manner that minimizes adverse impacts upon the wetlands.

(3) **PERMITTED USES.** The following uses shall be allowed, subject to general shoreland zoning regulations contained in this chapter, the provisions of Chs. 30, 31, 281.36 and 281.37, Wis. Stats. and the provisions of other applicable local, state and federal laws.

(a) Activities and uses which do not require the issuance of a zoning permit (allowed uses), but which must be carried out without any filling, flooding, draining, dredging, ditching, tiling or excavation except as allowed under 13.12 (3) (a) & (b)

1. Hiking, fishing, trapping, hunting, swimming, and boating;
2. The harvesting of wild crops, such as marsh hay, ferns, moss, wild rice, berries, tree fruits, and tree seeds, in a manner that is not injurious to the natural reproduction of such crops.
3. The pasturing of livestock;
4. The cultivation of agricultural crops;
5. The practice of silviculture, including the planting, thinning, and harvesting of timber; and
6. The construction or maintenance of duck blinds.

(b) Uses which do not require the issuance of a zoning permit (allowed uses) and which

may include limited filling, flooding, drainage, dredging, ditching, tiling, or excavating but only to the extent specifically provided below:

1. Temporary water level stabilization measures necessary to alleviate abnormally wet or dry conditions that would have an adverse impact on silvicultural activities if not corrected;
2. The cultivation of cranberries including flooding, dike and dam construction or ditching necessary for the growing and harvesting of cranberries;
3. The maintenance and repair of existing agricultural drainage systems including ditching, tiling, dredging, excavating and filling necessary to maintain the level of drainage required to continue the existing agricultural use. This includes the minimum filling necessary for disposal of dredged spoil adjacent to the drainage system provided that dredge spoil is placed on existing spoil banks where possible;
4. The construction or maintenance of fences for the pasturing of livestock, including limited excavating and filling necessary for such construction or maintenance;
5. The construction or maintenance of piers, docks or walkways built on pilings, including limited excavating and filling necessary for such construction and maintenance; and
6. The maintenance, repair, replacement or reconstruction of existing town and county highways and bridges, including limited excavating and filling necessary for such maintenance, repair, replacement or reconstruction.

(c) Uses which require the issuance of zoning permit under **13.15(1)** and which may include limited filling, flooding, draining, dredging, ditching, tiling or excavating, but only to the extent specifically provided below:

1. The construction and maintenance of roads which are necessary to conduct silvicultural activities or agricultural cultivation provided that:
 - a. The road cannot as a practical matter be located outside the wetland;
 - b. The road is designed and constructed to minimize adverse impact upon the

natural functions of the wetland enumerated in **13.11(2)**.

c. The road is designed and constructed with the minimum cross sectional area practical to the intended use;

d. Road construction activities are carried out in the immediate area of the roadbed only.

2. The construction or maintenance of nonresidential buildings provided that:

a. The building is essential for and used solely in conjunction with the raising of waterfowl, minnows or other wetland or aquatic animals; or some other use permitted in the Shoreland-Wetland District,

b. The building cannot, as a practical matter, be located outside the wetland;

c. Such building is not designed for human habitation and does not exceed 500 square feet in floor area; and

d. Only limited filling or excavating necessary to provide structural support for the building is authorized.

3. The establishment of public and private parks and recreation areas, natural and outdoor education areas, historic and scientific areas, wildlife refuges, game bird and animal farms, fur animal farms, fish hatcheries, and public boat launching ramps attendant access roads, provided that:

a. Any private development is used exclusively for the permitted use and the applicant has received a permit or license under Ch. 29, Wis. Stats., where applicable.

b. Filling or excavating necessary for the construction or maintenance of public boat launching ramps or attendant access roads is allowed only when such construction or maintenance meets the criteria in 13.11(3)(a)—(c) and;

c. Ditching, excavating, dredging, or dike and dam construction in public and private parks and recreation areas, natural and outdoor education areas, historic and scientific areas, wildlife refuges, game bird and animal farms, fur animal farms

and fish hatcheries is allowed for the purpose of improving wildlife habitat and to otherwise enhance wetland values.

4. The construction or maintenance of electric, gas, telephone, water and sewer transmission and distribution facilities, by public utilities and cooperative associations organized for the purpose of producing or furnishing heat, light, power or water to their members and the construction or maintenance of railroad lines provided that:

- a. The transmission and distribution facilities and railroad lines cannot, as a practical matter, be located outside the wetland;
- b. Such construction or maintenance is done in a manner designed to minimize adverse impact upon the natural functions of the wetland enumerated in 13.11(2).

(4) PROHIBITED USES. Any use not listed in 13.11(3)(a)—(c) is prohibited, unless the wetland or portion of the wetland has been rezoned by amendment of this chapter in accordance with 13.11(5) of this chapter and §59.69(5)(e), Wis. Stats.

(5) REZONING OF LANDS IN THE SHORELAND-WETLAND DISTRICT.

(a) For all proposed text and map amendments to the Shoreland-Wetland provision of this chapter, the appropriate local office of the Department shall be provided with the following:

1. A copy of every petition for a text or map amendment to the shoreland-wetland provision of this chapter, within 5 days of the filing of such petition with the county clerk. Such petition shall include a copy of the Wisconsin Wetland Inventory Map adopted as part of this chapter describing any proposed rezoning of a shoreland-wetland;
2. Written notice of the public hearing to be held on a proposed amendment at least 10 days prior to such hearing;
3. A copy of the county zoning agency's findings and recommendations on each proposed amendment within 10 days after the submission of those findings and recommendations to the County Board; and
4. Written notice of the County Board's decision on the proposed amendment within 10 days after it is issued.

(b) A wetland, or a portion thereof, in the Shoreland-Wetland district shall not be rezoned if the proposed rezoning may result in a significant adverse impact upon any of the following:

1. Storm and flood water storage capacity;
2. Maintenance of dry season stream flow, the discharge of groundwater to a wetland, the recharge of groundwater from a wetland to another area, or the flow of groundwater through a wetland.
3. Filtering or storage of sediments, nutrients, heavy metals or organic compounds that would otherwise drain into navigable water.
4. Shoreline protection against soil erosion;
5. Fish spawning, breeding, nursery or feeding grounds;
6. Wildlife habitat; or
7. Wetlands both within the boundary of designated areas of special natural resource interest and those wetlands which are in proximity to or have a direct hydrologic connection to such designated areas as defined in NR 103.04.

(c) If the Department of Natural Resources notifies the Zoning Department that a proposed text or map amendment to the shoreland-wetland provisions of this chapter may have a significant adverse impact upon any of the criteria listed in 13.11 (5) (b) that amendment, if approved by the County Board, shall contain the following provisions:

This amendment shall not take effect until more than 30 days have elapsed after written notice of the County Board's approval of this amendment is mailed to the Department of Natural Resources. During that 30 day period, the Department of Natural Resources may notify the County Board that it will adopt a superseding shoreland ordinance for the County under §59.692(6), Wis. Stats. If the Department does so notify the County Board, the effect of this amendment shall be stayed until the §59.692(6) adoption procedure is complete or otherwise terminated.

○ **NONCONFORMING USES AND STRUCTURES.**

- **DISCONTINUED NONCONFORMING USE.** If a nonconforming use is discontinued for a period of 12 months, any future use of the building, structure or property shall conform to the ordinance.
- **MAINTENANCE, REPAIR, REPLACEMENT OR VERTICAL EXPANSION OF NONCONFORMING STRUCTURES.** An existing structure that was lawfully placed when constructed but that does not comply with the required shoreland setback may be maintained, repaired, replaced, restored, rebuilt or remodeled, subject to the following standards:
 1. The activity does not expand the footprint of the nonconforming structure.
 2. An existing structure that was lawfully placed when constructed but that does not comply with the required shoreland setback may be vertically expanded as long as the vertical expansion does not extend more than 35 feet above grade level and does not go beyond the three dimensional building envelope of the existing structure.
 3. The expansion of a structure beyond the existing footprint within the required setback is allowed only if the expansion is necessary to comply with other applicable state or federal requirements.
- **LATERAL EXPANSION OF NONCONFORMING PRINCIPAL STRUCTURE WITHIN THE SETBACK.** An existing principal structure that was lawfully placed when constructed but that does not comply with the required building setback per sections 13.07(4)(a) or may be expanded laterally, provided that all of the following requirements are met:
 - i. The use of the structure has not been discontinued for a period of 12 months or more if a nonconforming use.
 - ii. The existing principal structure is at least 35 feet from the ordinary high-water mark.
 - iii. Lateral expansions are limited to a maximum of 200 square feet over the life of the structure. No portion of the expansion may be any closer to the ordinary high-water mark than the closest point of the existing principal structure.
 - iv. The county shall issue a permit that requires a mitigation plan that shall be approved by the county and implemented by the property owner by the date specified in the permit. The mitigation plan shall meet the standards found in section 13.14.

- v. All other provisions of the shoreland ordinance shall be met.
- **EXPANSION OF A NONCONFORMING PRINCIPAL STRUCTURE BEYOND SETBACK.** An existing principal structure that was lawfully placed when constructed but that does not comply with the required building setback under sections 13.07(4)(a) or may be expanded horizontally, landward or vertically provided that the expanded area meets the building setback requirements per section 13.07(4) or 13.07(5) and that all other provisions of the shoreland ordinance are met. A mitigation plan is not required solely for expansion under this paragraph, but may be required per section 13.14
 - **RELOCATION OF NONCONFORMING PRINCIPAL STRUCTURE.** An existing principal structure that was lawfully placed when constructed but that does not comply with the required building setback per sections 13.07(4)(a) or 13.07(5) may be relocated on the property provided all of the following requirements are met:
 1. The use of the structure has not been discontinued for a period of 12 months or more if a nonconforming use.
 2. The existing principal structure is at least 35 feet from the ordinary high-water mark.
 3. No portion of the relocated structure is located any closer to the ordinary high-water mark than the closest point of the existing principal structure.
 4. The county determines that no other location is available on the property to build a principal structure of the same area in square feet to the structure proposed for relocation that will result in compliance with the shoreland setback requirement per section 13.07(4)(a)
 5. The county shall issue a permit that requires a mitigation plan that shall be approved by the county and implemented by the property owner by the date specified in the permit. The mitigation plan shall meet the standards found in section 13.14 and include enforceable obligations of the property owner to establish or maintain measures that the county determines are adequate to offset the impacts of the permitted relocation on water quality, near-shore aquatic habitat, upland wildlife habitat and natural scenic beauty. The mitigation measures shall be proportional to the amount and impacts of the replaced or relocated structure being permitted. The obligations of the property owner under the mitigation plan shall be evidenced by an instrument recorded in the office of the County Register of Deeds.

6. All other provisions of the shoreland ordinance shall be met.

o **IMPERVIOUS SURFACE STANDARDS.**

C. PURPOSE. Establish impervious surface standards to protect water quality and fish and wildlife habitat and to protect against pollution of navigable waters. County impervious surface standards shall apply to the construction, reconstruction, expansion, replacement or relocation of any impervious surface on a riparian lot or parcel and any nonriparian lot or parcel that is located entirely within 300 feet of the ordinary high-water mark of any navigable waterway.

D. CALCULATION OF PERCENTAGE OF IMPERVIOUS SURFACE.

Percentage of impervious surface shall be calculated by dividing the surface area of the existing and proposed impervious surfaces on the portion of a lot or parcel that is within 300 feet of the ordinary high-water mark by the total surface area of that lot or parcel, and multiplied by 100. Impervious surfaces described in 13.13 (5) shall be excluded from the calculation of impervious surface on the lot or parcel. A survey by a licensed Wisconsin surveyor may be required to determine impervious surface percentage.

1. If an outlot lies between the ordinary high water mark and the developable lot or parcel and both are in common ownership, the lot or parcel and the outlot shall be considered one lot or parcel for the purposes of calculating the percentage of impervious surface.
2. For properties under alternative forms of ownership such as condominiums, cooperatives and associations, the limits to expansion on structures and caps on impervious surfaces shall be attributable to the total number of units within the development. For example: If owners within a 3 unit condominium development have 1500 square feet of expansion opportunity available to the units under the impervious surface limitations and they want to expand their structures, then the expansion opportunity for principal or accessory structures shall be split equally amongst the 3 units so that no more than 500 feet of expansion to impervious surfaces is afforded to each unit.

E. GENERAL IMPERVIOUS SURFACE STANDARD. Except as authorized

in section 13.13(4) and 13.13(5), up to 15% impervious surfaces are allowed on the portion of a lot or parcel that is within 300 feet of the ordinary high-water mark.

F. **MAXIMUM IMPERVIOUS SURFACE.** A property may exceed the impervious surface standard under 13.13(3) provided the following standards are met:

1. a property owner may have more than 15% impervious surface but not more than 30% impervious surface on the portion of a lot or parcel that is within 300 feet of the ordinary high-water mark.
2. For properties that exceed the standard under 13.13(3) but do not exceed the maximum standard under 13.13 (4)(a), a permit can be issued for development with a mitigation plan that meets the standards found in section 13.14

(5) **TREATED IMPERVIOUS SURFACES.** Impervious surfaces that can be documented to show they meet the standards in 13.13(5) (a) or (b) of this section shall be excluded from the impervious surface calculations under section 13.13(2)

1. The impervious surface is treated by devices such as stormwater ponds, constructed wetlands, infiltration basins, rain gardens, bio-swales or other engineered systems.
2. The runoff from the impervious surface discharges to an internally drained pervious area that retains the runoff on or off the parcel and allows infiltration into the soil.
3. To qualify for the statutory exemption, property owners shall submit a complete permit application that is reviewed and approved by the county. The application shall include the following:
 1. Calculations showing how much runoff is coming from the impervious surface area.
 2. Documentation that the runoff from the impervious surface is being treated by a proposed treatment system, treatment device or internally drained area.
 3. An implementation schedule and enforceable obligation on the property owner to establish and maintain the treatment system, treatment devices or

internally drained area. The enforceable obligations shall be evidenced by an instrument recorded in the office of the Register of Deeds prior to the issuance of the permit.

1. **EXISTING IMPERVIOUS SURFACES.** For existing impervious surfaces that were lawfully placed when constructed but that do not comply with the impervious surface standard in section 13.13(3) or the maximum impervious surface standard in section 13.13(4), the property owner may do any of the following:

- maintain and repair the existing impervious surfaces;
- replace existing impervious surfaces with similar surfaces within the existing building envelope;
- relocate or modify an existing impervious surface with similar or different impervious surface, provided that the relocation or modification does not result in an increase in the percentage of impervious surface that existed on the effective date of the county shoreland ordinance, and the impervious surface meets the applicable setback requirements in s. Wis. Admin. Code NR 115.05 (1) (b).

13.14 MITIGATION. When a permit is issued requiring mitigation under sections 13.12(3), 13.12(5), or 13.13(4), the property owner must submit a complete permit application that is reviewed and approved by the county. The application shall include a plan that outlines the proposed mitigation measures and meets the following criteria:

1. Mitigation Schedule:

| | |
|--|--|
| Mitigation points are required for developing property under the following conditions: | Opportunities to earn mitigation points include: |
| Impervious surface coverage is greater than 15% but less than 20% - 2 points | Removal of a structure within the shoreland setback.- up to 3 points |
| Impervious surface coverage is from 20% to 30% - 3 | Installation of a Rain Garden – up to 2 points |
| | Installation of a Stormwater Infiltration System- 3 |

| | |
|--|--|
| <p>points</p> <p>Lateral Expansion of Nonconforming principal structure within the shoreland set-back (13.12)(3)- 3 points</p> <p>Relocation of Nonconforming principal Structure within the shoreland setback.(13.12)(5)- 1 point</p> | <p>points</p> <p>Existing compliant shoreland buffer- 2 points</p> <p>Active Restoration (Accelerated Recovery) of a compliant shoreland buffer-3 points –13.09(2)</p> <p>Increasing depth of an existing compliant shoreland buffer along entire buffer area-2 points for every 15 feet of depth</p> <p>Reducing width of allowable view and access corridor(s) within the entire 35 ft. buffer- 1 point for every 15 foot reduction</p> <p>Sea Wall Removal and Bank Stabilization with buffer restoration – 3 points</p> <p>Increasing Shoreland Setback – 1 point for every 15 foot increase beyond required. (maximum of 3 points)</p> <p>Removal of an existing artificial sand beach at least 200 sq. ft. in size within 35 feet of the OHWM with active restoration (accelerated recovery) of area - 1 point</p> |
|--|--|

2. All mitigation shall be designed and installed as specified in the most current Iron County Shoreland Mitigation Guidebook as approved by the Zoning Committee which is intended to restore natural functions lost through development and human activities
3. The mitigation measures shall be proportional in scope to the impacts on water quality, near-shore aquatic habitat, upland wildlife habitat and natural scenic beauty.
4. An implementation schedule and enforceable obligation on the property owner to establish and maintain the mitigation measures.

1. The enforceable obligations shall be evidenced by an affidavit recorded in the office of the Register of Deeds.
2. All shoreland mitigation activities must begin within 6 months of the recording date of the mitigation affidavit or in accordance with a timeline that is written into the mitigation plan and must be completed in accordance with said timeline or within 1 year of the recording date if a timeline has not been established.

ADMINISTRATION, CHANGES AND AMENDMENTS, ENFORCEMENT AND DEFINITIONS

13.15 - ADMINISTRATIVE PROVISIONS.

(1) ZONING PERMITS.

(a) When Required. Unless prohibited by 59.692 (1k) Stats. and where another section of this chapter specifically exempts certain types of development from this requirement, a zoning permit shall be obtained from the Zoning Department before any new development, as defined in 13.18, any structural repair of nonconforming structures or any change in the use of an existing building or structure, is initiated.

(b) Application. An application for a zoning permit shall be made to the Zoning Department upon forms furnished by the county and shall include, for the purpose of proper enforcement of these regulations, the following data:

1. Name and address of applicant and property owner.
2. Legal description of the property and type of proposed use.
3. A sketch of the dimensions of the lot and location of buildings relative to the lot lines, centerline of abutting or proposed highways, and the ordinary high water mark of any abutting watercourses.
4. Location and description of any existing private water supply or onsite waste water treatment system or notification of plans for any such installation.
5. A proposed Site Disturbance Plan that includes:
 - a. The location of planned areas of excavation, clearing, grading or fill

b. Appropriate use of best management practices to protect the site from erosion, sedimentation, contamination, and vegetation protection. Such measures shall include, but may not be limited to:

1. Silt fencing, hay or straw bales and other barriers.
 2. Sedimentation basins.
 3. Protective fencing for trees and other vegetation.
 4. Designated soil stockpile and staging areas.
 5. Designated heavy equipment and vehicular access drives and staging areas.
 6. Designation of existing vegetation that will be preserved by the applicant.
 7. Other techniques as deemed appropriate by the Zoning Department
6. Demonstration of how the applicant proposes to contain all runoff generated from the property within the same property.

(c) Permit Issuance. All other applicable documents, including but not limited to sanitary permit applications, uniform county addressing application and land use affidavit must be completed prior to issuance of the zoning permit. All site protection measures required in the approved Site Disturbance Plan must be put in place prior to any site disturbance or construction.

(d) Expiration of Permit. Zoning permits shall expire 12 months from the date issued if work is not completed, unless a one year extension is applied for, with a renewal fee, from the Zoning Department prior to the expiration date.

(e) Permit Records and Notices.

- The county shall keep a complete record of all permits and proceedings before the board of adjustment and Zoning committee.
- Written notice shall be submitted to the appropriate office of the Department at least 10 days

prior to any hearing on a proposed variance, special exception or conditional use permit, appeal for a map or text interpretation, map or text amendment, and copies of all proposed land divisions submitted to the county for review under this ordinance

- Submission to the appropriate office of the Department, within 10 days after grant or denial, copies of any decision on a variance, special exception or conditional use permit, or appeal for a map or text interpretation, and any decision to amend a map or text of an ordinance.
- Mapped zoning districts and the recording, on an official copy of such map, of all district boundary amendments shall be on file with the Zoning department.

(2) VARIANCE. Any request for relaxation of a standard of the shoreland regulations shall be reviewed by the Board of Adjustment. Refer to Title 9 of the Iron County Code of Ordinances.

(3) FEES; GENERAL. The Zoning Committee may set fees (where applicable) for permits and inspections conducted by the Zoning Department to implement this chapter. Such fees shall be posted in a schedule by the Zoning Department and made available upon request.

13.16 - CHANGES AND AMENDMENTS.

The County Board may from time to time, alter, supplement or change the boundaries of use districts and the regulations contained in this chapter in accordance with the requirements of §59.69(5)(e). Wis. Stats., Ch. NR 115, Wis. Adm. Code, and 13.11(5) of this chapter where applicable.

(1) Amendments to this chapter may be made on petition of any interested party as provided in §59.69(5)(e), Wis. Stats.

(2) Every petition for a text or map amendment filed with the county clerk shall be referred to the Zoning Department. A copy of each petition shall be mailed to the appropriate district office of the Department of Natural Resources within 5 days of the filing of the petition with the county clerk. Written notice of the public hearing to be held on a proposed amendment shall be provided to the appropriate local office of the Department of Natural Resources at least 10 days prior to the hearing.

(3) A copy of the County Board's decision on each proposed amendment shall be forwarded to the appropriate local office of the Department of Natural Resources within 10 days after the decision is issued.

13.17 - ENFORCEMENT AND PENALTIES.

Any development, any building or structure constructed, moved or structurally altered, or any use established after the effective date of this chapter in violation of the provisions of this chapter, by any person, firm, association, corporation (including building contractors or their agents) shall be deemed a violation. The Zoning Department shall refer violations to the corporation counsel or district attorney who shall expeditiously prosecute violations. Any person, firm, association or corporation who violated or refuses to comply with any of the provisions of this chapter shall be subject to a forfeiture in accordance with the schedule established by Title 9 of the Iron County Code of Ordinances, together with the taxable cost of action. Each day which the violation exists shall constitute a separate offense. Every violation of this chapter is a public nuisance and the creation thereof may be enjoined and the maintenance thereof may be abated pursuant to §59.69(11), Wis. Stats.

(1) As required by §59.69(1), Wis. Stats., where a building or structure violates the dimensional or use standards of this chapter, and the violating building or structure has been in place for more than 10 years before an enforcement action is initiated, such building or structure shall not be pursued as a violation or require removal from the parcel but will not be considered a nonconforming structure according to the definition found in 13.18. The provisions of 13.12 of this chapter do not apply to illegally constructed buildings or structures.

(2) Any property owner asserting as a defense to a charge of violating this chapter that the alleged violation has been in place more than 10 years before enforcement action was initiated has the burden of proving that:

- (a) The building or structure that is in violation has been in place more than 10 years before enforcement action was initiated;
- (b) That the building or structure (and its use, if the use is nonconforming) has remained essentially unchanged for at least 10 years;
- (c) That the use of the building or structure has been active and continuous for 10 years or more. If use was discontinued for more than 12 months, the use shall not be considered active and continuous.

(3) VIOLATIONS OF PERMITS ISSUED UNDER THIS CHAPTER.

(a) Violation of a permit issued under this chapter, or any condition or approved plan associated with such permit, shall be deemed a violation of this chapter, and shall constitute grounds for revocation of the permit, as well as fines and forfeitures and any other available remedies. A permit may be revoked only by action of the body that initially granted the permit, following procedures required for its initial issuance to the extent practical. The decision of the appropriate body shall be furnished to the permit holder in writing, stating the reasons therefore.

(b) A permit issued in violation of this chapter, other chapters of the Iron County Code of Ordinances, the Wisconsin Administrative Code, or Wisconsin Statutes gives the permit holder no vested right to continue the activity authorized by the permit, and the permit is considered voidable.

(c) In the event the circuit court determines that a permit has been violated and orders compliance within a time certain, an abridged judgment or order to that effect shall be recorded by the Zoning Department with the Register of Deeds if the property owner does not comply. Upon compliance, the Zoning Department shall file an affidavit to that effect.

13.18 - DEFINITIONS.

(1) For the purpose of administering and enforcing this chapter, the terms or words used herein shall be interpreted as follows: Words used in the present tense include the future; words in the singular number include the plural; and words in the plural number include the singular number. The word "shall" is mandatory, not permissive. All distance unless otherwise specified shall be measured horizontally.

(2) The following terms in this chapter mean:

Accessory structure means a detached subordinate structure which is clearly incidental to or customarily found in connection with the principal structure, to which it is related and which is located on the same lot as the principal structure.

Accessory use means a use which is clearly incidental to, and customarily found in connection with, the principal use to which it is related, and which is located on the same lot as the

principal use.

Average lot width is a measurement calculated by averaging the measurements at the Ordinary High Water Mark, The Building Set-back Line, and the rear lot line unless the lot is considered a flag lot. The average lot width on flag lots shall be measured to the Ordinary High Water Mark, The Building Set-back Line, and landward building envelope.

Back lot means a parcel of any size, whether or not improved or subdivided or platted, which does not abut the shoreline or ordinary high water mark of a navigable body of water.

Back lot development, also known as "lot pyramiding", "keyhole development" or "development funneling" is the practice whereby a lot, lots, out lot or common open space or commonly owned lot is used for waterfront access by a number of parcels or lots located away from or not contiguous to the water body.

Boathouse means any permanent structure designed solely for the purpose of protecting or storing watercraft and associated materials as allowed by this chapter. This includes all structures which are totally enclosed, have roofs or walls or any combination of these structural parts.

Boat Shelter means any temporary or seasonal structure located entirely below the ordinary high water mark for purposes of storing watercraft. Also known as boat hoist, boat lift or shore station.

Building envelope means the three-dimensional space within a structure is built.

Building line means a line parallel to a lot line, road right-of-way line, or ordinary high water mark at a distance from it that complies with the various yard requirements established under this chapter.

Camping unit includes any portable device, not more than 400 square feet in area, used as a temporary dwelling, including but not limited to a camping trailer, motor home, recreational vehicle, or tent that remains on a property for over 14 days per calendar year. Does not include the storage of such camping unit on a lot as an accessory use during periods when it is not occupied. For example, an unoccupied recreational vehicle parked in the driveway of a house is allowable.

Conditional use means a use which is permitted by this chapter provided that certain conditions specified in the ordinance are met and that a permit is granted by the Zoning Committee.

Construction means building, erecting, or placing a structure on a parcel of land.

County zoning agency means that committee or commission created or designated by the County Board under §59.69(2)(a), Wis. Stats., to act in all matters pertaining to county planning and zoning.

County Board means the legislative body of Iron County.

Deck means an outdoor platform, usually above ground grade, intended to support persons and outdoor furniture such as chairs or a picnic table. It also includes flat roofs over other legal structures if the intention is the same.

Department means the Department of Natural Resources

Development means any manmade change to improved or unimproved real estate, including, but not limited to the construction of buildings, structures or accessory structures; the construction of additions or substantial alterations to buildings, structures or accessory structures; the placement of mobile homes or camping units; ditching, lagooning, dredging, filling, grading, paving, excavation or drilling operations, and the deposition or extraction of earthen materials.

Disabled person means any person with a physical or mental impairment that substantially limits one or more of his or her major life activities, as recognized by the State of Wisconsin.

Drainage system means one or more artificial ditches, tile drains or similar devices which collect surface runoff or groundwater and convey it to a point of discharge.

Fire pit means a structure used to contain an outdoor fire and constructed to have a permanent location on the landscape such as a depression surrounded by pavers, gravel, or other impervious surfaces. Metal fire rings or other movable vessels intended to contain an outdoor fire are not considered fire pits for regulatory purposes.

Floodplain means the land which has been or may be hereafter covered by flood water during

a regional flood. The floodplain includes the floodway and the flood fringe as those terms are defined in Ch. NR 116, Wis. Adm. Code.

Generally accepted forestry management practices (NR 1.25(2)(b)) means forestry management practices that promote sound management of a forest. Generally accepted forestry management practices include those practices contained in the most recent version of the department publication known as Wisconsin Forest Management Guidelines and identified as PUB FR-226.

Highway setback means the minimum required distance a structure must be located from the constructed centerline or platted right-of-way of a town, county, state or federal highway as prescribed by the County Zoning Ordinance, Section 9.5.2.

Housing unit means any structure that serves to provide overnight accommodations for not more than one family, most commonly a single-family residence or individual condominium unit. It may also include a hotel room, motel room, tourist lodging room, bed and breakfast room or boarding house room in the context of commercial land uses. Synonymous with a residential unit.

Impervious surfaces means an area that releases as runoff all or a majority of the precipitation that falls on it. "Impervious surface" excludes frozen soil but includes rooftops, sidewalks, driveways, parking lots, and streets unless specifically designed, constructed, and maintained to be pervious. Roadways as defined in s. 340.01(54) or sidewalks as defined in s. 340.01(58) are not considered impervious surfaces.

Island means a tract of land that is completely surrounded by water.

Zoning Committee means the County Board committee responsible for oversight and policy making of the Zoning Department. See 59.69, Wisconsin Statutes

Zoning Department means the department authorized and charged by Iron County with the administration and enforcement of this Chapter.

Livable area means that portion of a home or other dwelling unit contained under roof that is occupied either seasonally or year round. Such things as attached garages, open decks and floors with a wall height under 7 feet are not considered livable area. Only basements that

contain the appropriate exits under SPS 321.03 (Wisconsin Uniform Dwelling Code) are considered livable areas.

Lot means a continuous parcel of land not divided by a public right-of-way, and sufficient in size to meet the lot width and lot area provisions of this ordinance.

Mitigation means balancing measures that are designed, implemented and function to restore natural functions and values that are otherwise lost through development and human activities.

Native vegetation means any species of plant common to the pre-development shoreland areas of north-central Wisconsin and listed on a schedule of "Native Plants" maintained by the Zoning Department. Additions to the list may be made with the approval of the Zoning Department. Approved cultivars of native species also qualify as Native Vegetation.

Navigable waters means Lake Superior, Lake Michigan, all natural inland lakes within Wisconsin and all streams, ponds, sloughs, flowages and other waters within the territorial limits of this state, including the Wisconsin portion of boundary waters, which are navigable under the laws of this state. Under §281.31(2)

(d), Wis. Stats., notwithstanding any other provision of law or administrative rule promulgated there under, shoreland ordinances required under §59.692, Wis. Stats., and Ch. NR 115, Wis. Adm. Code, do not apply to lands adjacent to

(a) Farm drainage ditches where such lands are not adjacent to a natural navigable stream or river and were not navigable streams before ditching; and

(b) Artificially constructed drainage ditches, ponds, or stormwater retention basins that are not hydrologically connected to a natural navigable water body; and

Nonconforming structure means a structure or portion thereof, that was legally established prior to the effective date of this chapter, or subsequent amendments thereto, which does not conform with the required shoreland setback.

Nonconforming use means an active and actual use of land or structure or both that was legally established prior to the effective date of this chapter or subsequent amendments thereto, which has continued the same use to the present and which does not conform with

the provisions of this chapter.

Ordinary high water mark (OHWM) means the point on the bank or shore up to which the presence and action of surface water is so continuous as to leave a distinctive mark such as by erosion, destruction or prevention of terrestrial vegetation, predominance of aquatic vegetation, or other easily recognized characteristics.

Previously undeveloped means a parcel of land with no structures located on it.

Principal structure(s) and use(s) means any and all of the primary uses of a property, treated as a use permitted by right or as a conditional use, rather than as an accessory use or a temporary use and the structures associated with such use(s).

Rebuild means to tear down, dismantle, or remove a structure from its existing location such that a majority of the structural elements are removed or replaced. The burden to prove the location and condition of existing structures and foundations before alteration is upon the property owner. (Also known as Reconstruction).

Release means a silvicultural timber stand improvement practice whereby trees are removed that impede the growth of desired tree species.

Retaining Wall means a vertical structure or near vertical structure, located above the OHWM, constructed of rock, stone, wood, block, or other similar material that is built to resist lateral pressure.

Runoff means stormwater or precipitation including rain, snow or ice melt, or similar water that moves on the land surface via sheet or channelized flow.

Runoff control structure means a structure that collects, controls, infiltrates and/or transports runoff to ensure water quality protection, reduce soil erosion and to increase infiltration into the soil.

Shorelands means lands within the following distances from the ordinary high water mark of navigable waters: 1,000 feet from a lake, pond or flowage; and 300 feet from a river or stream or to the landward side of the floodplain, whichever distance is greater.

Shoreland buffer means the area of protected vegetation located between the ordinary high

water mark and a point that is located at least 35 feet inland. A shoreland buffer shall contain three distinct layers including a native tree canopy, shrub layer, and groundcover layer, except for closed canopy forest types such as pine and hemlock. Shoreland buffers may include a cleared view and access corridor. Shoreland buffers are required to prevent erosion, limit sedimentation and provide filtering so as to protect and enhance water quality, and to provide a diverse shoreland habitat area.

Shoreland setback also known as Shoreland setback area (s.59.692(1)(bn)) means an area in a shoreland that is within a certain distance of the ordinary high-water mark in which the construction or placement of structures has been limited or prohibited under an ordinance enacted under section 59.692, Wis. Stats.

Shoreline frontage means the shortest straight line measurement between 2 lot lines of a parcel, and drawn as a tangent to the OHWM. For peninsular or "bowl shaped" lots, it may be drawn as a tangent to the OHWM and parallel to the meander line.

Shoreland-wetland zoning district means a zoning district, created as part of a county shoreland zoning ordinance comprised of shoreland that are designated as wetlands on the Wisconsin Wetland Inventory maps prepared by the Department of Natural Resources.

Special Exception (Conditional use) means a use which is permitted by this ordinance provided that certain conditions specified in the ordinance are met and that a permit is granted by the Board of Adjustment or, where appropriate, the Zoning Committee or County Board.

Structure means a principal structure or any accessory structure including a garage, shed, boathouse, sidewalk, walkway, patio, deck, retaining wall, porch, or fire pit.

Soil disturbing activity means soil stripping, clearing, grubbing, grading, excavating, filling or the creation of new or replaced impervious surfaces.

Structural Repair means to remove or replace 50% or less of the original structural elements such as a foundation, support posts, floor joists, rafters, trusses, exterior walls or similar structural members. For purposes of calculation the foundation constitutes 20% of the structure, the roof constitutes 20% of the structure, otherwise a percentage of the perimeter of each floor/level may be used.

Unnecessary hardship means that circumstance where special conditions which were not self-created, affect a particular property and make strict conformity with restrictions governing area, setbacks, frontage, height, or density unnecessarily burdensome or unreasonable in light of the purposes of this ordinance.

Variance means an authorization granted by the Board of Adjustment to allow for the relaxation of a dimensional standard specified in this chapter.

View and Access Corridor means a strip of vegetated land that allows safe pedestrian access to the shore through the shoreland buffer.

Wetlands means those areas where water is at, near or above the land surface long enough to be capable of supporting aquatic or hydrophytic vegetation and which have soils indicative of wet conditions.

Zoning permit may include land use permit, 59.692 Permit and soil disturbance permit

RESOLUTION NO. _____

REPORT OF ZONING AGENCY TO COUNTY BOARD ON HEARING OF

PETITION TO AMEND THE ZONING ORDINANCE

RECOMMENDATION TO THE IRON COUNTY BOARD OF SUPERVISORS:

The Comprehensive Planning/Land & Zoning Committee of Iron County, having considered the petition to amend Title 9 Land Use Ordinance, and

Having held public hearings thereon pursuant to Sec. 59.69(5), Wisconsin Statutes, notice thereof having been given as provided by law and being duly informed of the facts pertinent to the change proposed and duly advised of the wishes of the people in the area affected, hereby recommends that the proposed amendments be approved as follows:

IRON COUNTY ORDINANCE FOR NONMETALLIC MINING RECLAMATION

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- (I) **Permit Transfer.**

- (J) **Previously Permitted Sites.**
- (K) **Review.**

SECTION 9.7.6 - ADMINISTRATION

- (A) **Permit Modification.**
 - (1) **By Iron County.**
 - (2) **At the Operator's Option.**
 - (3) **Required by the Operator.**
 - (4) **Review.**
- (B) **Permit Suspension or Revocation.**
 - (1) **Grounds.**
 - (2) **Procedures.**
 - (3) **Consequences.**
- (C) **Annual Operator Reporting.**
 - (1) **Contents and Deadline.**
 - (2) **Inspection in Lieu of Report.**
 - (3) **Retention of Annual Reports.**
- (D) **Plan Review Fees.**
 - (1) **Amount and Applicability.**
 - (2) **Expedited Plan Review Fee.**
 - (3) **Relation to Annual Fee.**
- (E) **Annual Fees.**
 - (1) **Areas Subject to Fees, Procedures, Deadline and Amount.**
 - (2) **Wisconsin Department of Natural Resources Share of Fee.**
 - (3) **Iron County's Share of Fee.**
- (F) **Regulatory Reporting and Documentation.**
 - (1) **Reporting.**
 - (2) **Documentation.**
- (G) **Completed Reclamation - Reporting, Certification and Effect.**
 - (1) **Reporting.**
 - (2) **Reporting of Interim Reclamation.**
 - (3) **Certification of Completed Reclamation.**
 - (4) **Effect of Completed Reclamation.**
 - (5) **Effect of Inaction Following Report of Completed Reclamation.**
- (H) **Permit Termination.**

SECTION 9.7.7 - ENFORCEMENT

- (A) **Right of Entry and Inspection.**
- (B) **Orders and Citations.**
 - (1) **Enforcement Orders.**
 - (2) **Special Orders.**
 - (3) **Review of Orders.**
 - (4) **Citations.**
 - (5) **Enforcement.**
- (C) **Penalties.**

IRON COUNTY ORDINANCE FOR NONMETALLIC MINING RECLAMATION

SECTION 9.7.2 NONMETALLIC MINING RECLAMATION

- (A) **Title.** Nonmetallic mining reclamation ordinance for the County of Iron.
- (B) **Purpose.** Abandoned nonmetallic mining sites are typically unstable and are often safety hazards, environmental threats, attractive nuisances and eyesores. They can result in groundwater and surface water pollution, personal injury or even loss of life. Abandoned sites result in a loss of productive land use and represent lost opportunities, loss or degradation of fish and wildlife habitat and loss of tax revenues, accordingly the purpose of this chapter is to establish a local program to ensure the effective reclamation of nonmetallic mining sites on which nonmetallic mining takes place in Iron County after the effective date of this chapter, in compliance with Chapter NR 135, Wisconsin Administrative Code and Subchapter I of Chapter 295, Wisconsin Statutes.
- (C) **Statutory Authority.** This chapter is adopted under authority of Section 295.13(1), Wisconsin Statutes, Section NR 135.32, Wisconsin Administrative Code, and Section 59.51, Wisconsin Statutes.
- (D) **Restrictions Adopted Under Other Authority.** The purpose of this chapter is to adopt and implement the uniform statewide standards for nonmetallic mining required by Section 295.12(1)(a), Stats. and contained in Chapter NR 135, Wisconsin Administrative Code. It is not intended that this chapter repeal, abrogate, annul, impair or interfere with any existing rules, regulations, ordinances or permits not concerning nonmetallic mining reclamation previously adopted pursuant to other Wisconsin law.
- (E) **Interpretation.** In their interpretation and application, the provisions of this chapter shall be held to be the applicable requirements for nonmetallic mining reclamation and shall not be deemed a limitation or repeal of any other power granted by the Wisconsin Statutes outside the reclamation requirements for nonmetallic mining sites required by subchapter I of Chapter 295, Wisconsin Statutes and Chapter NR 135, Wisconsin Administrative Code. Where any terms or requirements of this chapter may be inconsistent or conflicting, the more restrictive requirements or interpretation shall apply. Where a provision of this chapter is required by Wisconsin Statutes, or by a standard in Chapter NR 135, Wisconsin Administrative Code, and where the provision is unclear, the provision shall be interpreted to be consistent with the Wisconsin Statutes and the provisions of Chapter NR 135, Wisconsin Administrative Code.
- (F) **Severability.** Should any portion of this chapter be declared unconstitutional or invalid by a court of competent jurisdiction, the remainder of this chapter shall not be affected.
- (G) **Applicability.**
- (1) **Overall Applicability.** The requirements of this chapter apply to all operators of nonmetallic mining sites within Iron County, except (i) as exempted in sec. 9.7.2(G)(2) **or** (ii) for nonmetallic mining sites located in a city, village or town within Iron County that has adopted an ordinance pursuant to Section 295.14, Wisconsin Statutes, and Section NR 135.32(2), Wisconsin Administrative Code. This chapter does not apply to nonmetallic mining sites where nonmetallic mining permanently ceased before August 1, 2001. This chapter applies to nonmetallic mining conducted by or on behalf of a county, municipality or for the benefit or use of the state or any state agency, board, commission or department, except for the waiver of financial assurance in sec. 9.7.5(C)(3).
- (2) **Exemptions.** This chapter does not apply to the following activities:

(a) Nonmetallic mining at a site or that portion of a site that is subject to permit and reclamation requirements of the Wisconsin Department of Natural Resources under secs. 30.19, 30.195 or 30.20, Stats., and complies with Chapter NR 340, Wisconsin Administrative Code.

(b) Excavations subject to the permit and reclamation requirements of secs. 30.30 or 30.31, Stats.

(c) Excavations or grading by a person solely for domestic or farm use at that person's residence or farm.

(d) Excavations or grading conducted for the construction, reconstruction, maintenance or repair of a highway, railroad, airport facility, or any other transportation facility where the excavation or grading is entirely within the property boundaries of the transportation facility.

(e) Grading conducted for preparing a construction site or restoring land following a flood or natural disaster.

(f) Excavations for building construction purposes conducted on the building site.

(g) Nonmetallic mining at nonmetallic mining sites where less than one acre of total affected acreage occurs over the life of the mine.

(h) Any mining operation, the reclamation of which is required in a permit obtained under ch. 293, Stats.

(i) Any activities required to prepare, operate or close a solid waste disposal facility under ch. 289, Stats., or a hazardous waste disposal facility under ch. 291, Stats., that are conducted on the property where the facility is located, but an applicable nonmetallic mining reclamation ordinance and the standards established in this chapter apply to activities related to solid waste or hazardous waste disposal that are conducted at a nonmetallic mining site that is not on the property where the solid waste or hazardous waste disposal facility is located, such as activities to obtain nonmetallic minerals to be used for lining, capping, covering or constructing berms, dikes or roads.

(j) 1. Nonmetallic mining conducted to obtain stone, soil, sand or gravel for construction, reconstruction, maintenance or repair of a highway, railroad, airport, or any other transportation facility or part thereof, if the nonmetallic mining is subject to the requirements of the Wisconsin Department of Transportation concerning the restoration of the nonmetallic mining site.

2. This exemption only applies to a nonmetallic mining operation with limited purpose and duration where the Wisconsin Department of Transportation actively imposes reclamation requirements and the operator reclaims the nonmetallic mining site in accordance with these requirements. The duration of the exemption shall be specific to the length of the Wisconsin Department of Transportation contract for construction of a specific transportation project.

3. If a nonmetallic mining site covered under **pars. (a) and (b)** is used to concurrently supply materials for projects unrelated to the Wisconsin Department of Transportation project, the exemption in this paragraph still applies, provided that the site is fully reclaimed under Wisconsin Department of Transportation contract and supervision.

(k) Dredging for navigational purposes, to construct or maintain farm drainage ditches and for the remediation of environmental contamination and the disposal of spoils from these activities.

(l) Removal of material from the bed of Lake Superior by a public utility pursuant to a permit under s. 30.21, Stats.

(H) **Administration.** The provisions of this chapter shall be administered by Iron County.

(I) **Effective Date.** The provisions of this chapter shall take effect on March 29th 2016.

(J) **Definitions.** In this chapter:

- (1) "Alternative requirement" means an alternative to the reclamation standards of this chapter provided through a written authorization granted by Iron County pursuant to sec. 9.7.5(G).
- (2) "Applicable reclamation ordinance" means a nonmetallic mining reclamation ordinance, including this chapter, that applies to a particular nonmetallic mining site and complies with the requirements of this Chapter NR 135, Wisconsin Administrative Code and subchapter I of ch. 295, Stats., unless the Wisconsin Department of Natural Resources is the regulatory authority as defined in sub. (19) (c). If the Wisconsin Department of Natural Resources is the regulatory authority, "applicable reclamation ordinance" means the relevant and applicable provisions of Chapter NR 135, Wisconsin Administrative Code.
- (3) "Borrow site" means an area outside of a transportation project site from which stone, soil, sand or gravel is excavated for use at the project site, except the term does not include commercial sources.
- (4) "Contemporaneous reclamation" means the sequential or progressive reclamation of portions of the nonmetallic mining site affected by mining operations that is performed in advance of final site reclamation, but which may or may not be final reclamation, performed to minimize the area exposed to erosion, at any one time, by nonmetallic mining activities.
- (5) "Department" means the Wisconsin Department of Natural Resources.
- (6) "Environmental pollution" has the meaning in s. 295.11(2), Stats.
- (7) "Financial assurance" means a commitment of funds or resources by an operator to a regulatory authority that satisfies the requirements in sec. 9.7.5(C) and is sufficient to pay for reclamation activities required by this chapter.
- (8) "Highwall" means a vertical or nearly vertical face in solid rock or a slope of consolidated or unconsolidated material that exceeds a 3:1 horizontal to vertical incline.
- (9) "Landowner" means the person who has title to land in fee simple or who holds a land contract for the land. A landowner is not a person who owns nonmetallic mineral rights to land, if a different person possesses title to that land in fee simple or holds a land contract for that land.
- (10) "Licensed professional geologist" means a person who is licensed as a professional geologist pursuant to ch. 470, Stats.
- (10) "Municipality" means any city, town or village.
- (11) "Nonmetallic mineral" means a product, commodity or material consisting principally of naturally occurring, organic or inorganic, nonmetallic, nonrenewable material. Nonmetallic minerals include, but are not limited to, stone, sand, gravel, asbestos, beryl, diamond, clay, coal, feldspar, peat, talc and topsoil.
- (12) "Nonmetallic mining" or "mining" means all of following:
 - (a) Operations or activities at a nonmetallic mining site for the extraction from the earth of mineral aggregates or nonmetallic minerals for sale or use by the operator. Nonmetallic mining includes use of mining equipment or techniques to remove materials from the in-place nonmetallic mineral deposit, including drilling and blasting, as well as associated activities such as excavation, grading and dredging. Nonmetallic mining does not include removal from the earth of products or commodities that contain only minor or incidental amounts of nonmetallic minerals, such as commercial sod, agricultural crops, ornamental or garden plants, forest products, christmas trees or plant nursery stock.
 - (b) Processes carried out at a nonmetallic mining site that are related to the preparation or processing of the mineral aggregates or nonmetallic minerals obtained from the nonmetallic mining site. These processes include, but are not limited to stockpiling of materials, blending mineral aggregates or nonmetallic minerals with other mineral aggregates or nonmetallic minerals, blasting, grading, crushing, screening, scalping and dewatering.

(13) "Nonmetallic mining reclamation" or "reclamation" means the rehabilitation of a nonmetallic mining site to achieve a land use specified in a nonmetallic mining reclamation plan approved under this chapter, including removal or reuse of nonmetallic mining refuse, grading of the nonmetallic mining site, removal, storage and replacement of topsoil, stabilization of soil conditions, reestablishment of vegetative cover, control of surface water and groundwater, prevention of environmental pollution and if practicable the restoration of plant, fish and wildlife habitat.

(14) "Nonmetallic mining refuse" means waste soil, rock and mineral, as well as other natural site material resulting from nonmetallic mining. Nonmetallic mining refuse does not include marketable by-products resulting directly from or displaced by the nonmetallic mining that are scheduled to be removed from the nonmetallic mining site within a reasonable period of time after extraction.

(15) "Nonmetallic mining site" or "site" means all contiguous areas of present or proposed mining described in par. (a), subject to the qualifications in par. (b).

(a) Nonmetallic mining site means the following:

1. The location where nonmetallic mining is proposed or conducted.
2. Storage and processing areas that are in or contiguous to areas excavated for nonmetallic mining.
3. Areas where nonmetallic mining refuse is deposited.
4. Areas affected by activities such as the construction or improvement of private roads or haulage ways for nonmetallic mining.
5. Areas where grading or regrading is necessary.
6. Areas where nonmetallic mining reclamation activities are carried out or structures needed for nonmetallic mining reclamation, such as topsoil stockpile areas, revegetation test plots, or channels for surface water diversion, are located.
7. A "quarry" means a non-metallic mining site.

(b) "Nonmetallic mine site" does not include any of the following areas:

1. Those portions of sites listed in par. (a) not used for nonmetallic mining or purposes related to nonmetallic mining after August 1, 2001.
2. Separate, previously mined areas that are not used for nonmetallic mineral extraction after August 1, 2001 and are not contiguous to mine sites, including separate areas that are connected to active mine sites by public or private roads.
3. Areas previously mined but used after August 1, 2001 for a non-mining activity, such as stockpiles of materials used for an industrial process unrelated to nonmetallic mining.

(16) "Operator" means any person who is engaged in, or who has applied for a permit to engage in, nonmetallic mining, whether individually, jointly or through subsidiaries, agents, employees, contractors or subcontractors.

(17) "Person" means an individual, owner, operator, corporation, limited liability company, partnership, association, county, municipality, interstate agency, state agency or federal agency.

(18) "Registered professional engineer" means a person who is registered as a professional engineer pursuant to s. 443.04, Stats.

(19) "Regulatory authority" means one of the following:

- (a) The county in which the nonmetallic mining site is located, that has an applicable reclamation ordinance under s. 295.13, Stats., except where a municipality has adopted an applicable reclamation ordinance pursuant to par. (b).

(b) The municipality in which the nonmetallic mining site is located and which has adopted an applicable reclamation ordinance under s. 295.14, Stats.

(c) The department, in cases where a county mining reclamation program is no longer in effect under s. 295.13, Stats., but only if there is no applicable reclamation ordinance enacted by the municipality in which the nonmetallic mining site is located.

(20) "Replacement of topsoil" means the replacement or redistribution of topsoil or topsoil substitute material to all areas where topsoil was actually removed or affected by nonmetallic mining for the purposes of providing adequate vegetative cover and stabilization of soil conditions needed to achieve the approved post-mining land use and as required by the reclamation plan approved pursuant to this chapter.

(21) "Solid waste" means any garbage, refuse, sludge from a waste treatment plant, water supply treatment plant or air pollution control facility and other discarded or salvageable materials, including solid, liquid, semisolid or contained gaseous materials resulting from industrial, commercial, mining and agricultural operations, and from community activities, but does not include solids or dissolved material in domestic sewage, or solid or dissolved materials in irrigation return flows or industrial discharges which are point sources subject to permits under ch. 283, Stats., or source material, special nuclear material or by-product material, as defined in s. 254.31 (1), Stats.

(22) "Topsoil" means the surface layer of soil which is generally more fertile than the underlying soil layers, which is the natural medium for plant growth and which can provide the plant growth, soil stability and other attributes necessary to meet the success standards approved in the reclamation plan.

(23) "Topsoil substitute material" means soil or other unconsolidated material either used alone or mixed with other beneficial materials and which can provide the plant growth, site stability and other attributes necessary to meet the success standards approved in the reclamation plan.

(24) (a) "Unreclaimed acre" or "unreclaimed acres" means those unreclaimed areas in which nonmetallic mining has occurred after August 1, 2001 and areas where nonmetallic mining reclamation has been completed but is not yet certified as reclaimed under sec. 9.7.6 (G)(3). However the term does not include any areas described in par. (b).

(b) "Unreclaimed acre" or "unreclaimed acres" does not include:

1. Those areas where reclamation has been completed and certified as reclaimed under sec. 9.7.6 (G)(3).

2. Those areas previously affected by nonmetallic mining but which are not used for nonmetallic mining after August 1, 2001.

3. Those portions of nonmetallic mining sites which are included in a nonmetallic mining reclamation plan approved pursuant to this chapter but are not yet affected by nonmetallic mining.

4. Areas previously mined but used after August 1, 2001 for a non-mining activity, such as stockpiling of materials used for an industrial activity such as an asphalt plant, concrete batch plant, block and tile operation or other industry that uses products produced from nonmetallic mining.

5. For purposes of fees under sec. 9.7.6 (E), those areas within a nonmetallic mining site which Iron County has determined to have been successfully reclaimed on an interim basis in accordance with sec. 9.7.6 (G)(3).

9.7.3 - QUARRIES AND NONMETALLIC MINING PERMIT

- (A) **Application Required.** No quarry or nonmetallic mining operation may be commenced in Iron County unless said activity is first approved by the Iron County Zoning Committee. Application requesting Iron County Zoning Committee approval of a proposed quarry or nonmetallic mining activity shall be submitted to the Iron County Zoning Department, and shall be accompanied by:

- (1) A description of all phases of the contemplated operation including types of machinery and equipment which will or might be necessary to carry on the operation. Where the operation is to include sand and gravel washing, the estimated daily quantity of water required, its source and its disposition shall be identified.
- (2) A legal description of the property on which the nonmetallic mine is located or proposed, including the parcel identification number.
- (3) The names, addresses and telephone numbers of all persons or organizations who are owners or lessors of the property on which the nonmetallic mining site is located.
- (4) The name, address, and telephone number of the person or organization who is the operator.
- (5) A certification by the operator of the operator's intent to comply with the statewide nonmetallic mining reclamation standards established by Sec. 9.7.4.
- (6) A Reclamation Plan as hereinafter required.
- (7) If specifically required by the Iron County Zoning Committee, a topographic map, at a minimum contour interval of ten (10) feet, of the proposed site and the area extending beyond the site to a minimum distance of three hundred (300) feet on all sides.
- (8) Any other and further information that Iron County, by the Iron County Zoning Committee, may require.

(B) Consideration of Compatibility. In reviewing a proposal for a quarrying or non-metallic mining activity, the Iron County Zoning Committee shall take into consideration:

- (1) The effect of the proposed operation on drainage and water supply, particularly in connection with sand and gravel washing.
- (2) The possibility of soil erosion as a result of the proposed operation.
- (3) The most suitable land use for the area.
- (4) The impact upon, and the opinions and positions of, owners of lands within the vicinity of the proposed non-metallic mining site.
- (5) Whether the applicant has ever failed to comply with a reclamation plan.

(C) Quarries and NonMetallic Mines. No authority or permit to carry on a quarry or nonmetallic mining operation shall be given until a reclamation plan has been approved, as required herein, and the operator has agreed to restore the quarried or mined area to a condition of practical usefulness and reasonable physical attractiveness. Further, the operator shall provide sufficient financial assurance to secure the performance of the reclamation agreement, as required herein. The agreement and financial assurance shall be in forms approved by the Iron County Corporation Counsel, and shall meet the requirements of Section 135.40, Wisconsin Administrative Code.

(D) Conditions for Approval. The Iron County Zoning Committee may set forth conditions of approval regarding appropriate setback and other dimensional requirements particularly with reference to avoiding a nuisance effect on surrounding residential uses, or an attractive nuisance effect upon children or a passersby. Suitable fencing, capping and landscaping may be required.

9.7.4 – STANDARDS

(A) **Standards.** All nonmetallic mining sites subject to this chapter shall be reclaimed in conformance with the standards contained below.

(1) General Standards.

(a) **REFUSE AND OTHER SOLID WASTES.** Nonmetallic mining refuse shall be reused in accordance with a reclamation plan. Other solid wastes shall be disposed of in accordance with applicable rules of the Wisconsin Department of Natural Resources adopted pursuant to chs. 289 and 291, Stats.

(b) **AREA DISTURBED AND CONTEMPORANEOUS RECLAMATION.** Nonmetallic mining reclamation shall be conducted, to the extent practicable, to minimize the area disturbed by nonmetallic mining and to provide for nonmetallic mining reclamation of portions of the nonmetallic mining site while nonmetallic mining continues on other portions of the nonmetallic mining site.

(c) **PUBLIC HEALTH, SAFETY AND WELFARE.** All nonmetallic mining sites shall be reclaimed in a manner so as to comply with federal, state and local regulations governing public health, safety and welfare.

(d) **HABITAT RESTORATION.** When the land use required by the reclamation plan approved pursuant to this chapter requires plant, fish or wildlife habitat, it shall be restored, to the extent practicable, to a condition at least as suitable as that which existed before the lands were affected by nonmetallic mining operations.

(e) **COMPLIANCE WITH ENVIRONMENTAL REGULATIONS.** Reclamation of nonmetallic mining sites shall comply with any other applicable federal, state and local laws including those related to environmental protection, zoning and land use control.

(2) Surface Water and Wetlands Protection. Nonmetallic mining reclamation shall be conducted and completed in a manner that assures compliance with the Wisconsin Department of Natural Resources' water quality standards for surface waters and wetlands contained in Chapters NR 102 to NR 105, Wisconsin Administrative Code. Before disturbing the surface of a nonmetallic mining site and removing topsoil, all necessary measures for diversion and drainage of runoff from the site to prevent pollution of waters of the state shall be installed in accordance with the reclamation plans approved pursuant to this chapter. Diverted or channelized runoff resulting from reclamation may not adversely affect neighboring properties.

(3) Groundwater Protection.

(a) **GROUNDWATER QUANTITY.** A nonmetallic mining site shall be reclaimed in a manner that does not cause a permanent lowering of the water table that results in adverse effects on surface waters or a significant reduction in the quantity of groundwater reasonably available for future users of groundwater.

(b) **GROUNDWATER QUALITY.** Nonmetallic mining reclamation shall be conducted in a manner which does not cause groundwater quality standards in Chapter NR 140, Wisconsin Administrative Code to be exceeded at a point of standards application defined in that chapter.

(4) Topsoil Management

(a) **REMOVAL.** Topsoil and topsoil substitute material shall be provided as specified in the reclamation plan approved pursuant to this chapter in order to achieve reclamation to the approved post-mining land use. Removal of on-site topsoil and topsoil substitute material removal, when specified in the reclamation plan, shall be performed, prior to any mining activity associated with any specific phase of the mining operation.

(b) **VOLUME.** The operator shall obtain the volume of soil required to perform final reclamation by removal of on-site topsoil or topsoil substitute material or by obtaining topsoil or substitute material as needed to make up the volume of topsoil as specified in the reclamation plan approved pursuant to this chapter.

(c) **STORAGE.** Once removed, topsoil or topsoil substitute material shall, as required by the reclamation plan approved pursuant to this chapter, either be used in contemporaneous reclamation or stored in an environmentally acceptable manner. The location of stockpiled topsoil or topsoil substitute material

shall be chosen to protect the material from erosion or further disturbance or contamination. Runoff water shall be diverted around all locations in which topsoil or topsoil substitute material is stockpiled.

(5) Final grading and slopes.

(a) All areas affected by mining shall be addressed in the approved reclamation plan, pursuant to Sec. 9.7.5(B) to provide that a stable and safe condition consistent with the post-mining land use is achieved. The reclamation plan may designate highwalls or other unmined and undisturbed natural solid bedrock as stable and safe and not in need of reclamation or designate other areas affected by mining including slopes comprised of unconsolidated materials that exceed a 3:1 slope, whether or not graded, as stable and safe. For slopes designated as stable under this subsection, the regulatory authority may require that either: a site-specific engineering analysis be performed by a registered professional engineer to demonstrate that an acceptable slope stability factor is attainable at a steeper slope, or the operator perform a field test plot demonstration to demonstrate that a stable and safe condition will be achieved and that the post-mining land use specified in the reclamation plan will not be adversely affected.

(b) Final reclaimed slopes covered by topsoil or topsoil substitute material may not be steeper than a 3:1 horizontal to vertical incline, unless found acceptable through one or more of the following: alternative requirements are approved under Sec. 9.7.5 (G); steeper slopes are shown to be stable through a field plot demonstration approved as part of an approved reclamation plan; or stable slopes can be demonstrated based on site-specific engineering analysis performed by a registered professional engineer. All areas in the nonmetallic mine site where topsoil or topsoil substitute material is to be reapplied shall be graded or otherwise prepared prior to topsoil or topsoil substitute material redistribution to provide the optimum adherence between the topsoil or topsoil substitute material and the underlying material.

(c) When the approved post-mining land use includes a body of water, the approved final grade at the edge of a body of water shall extend vertically 6 feet below the lowest seasonal water level. A slope no steeper than 3:1 shall be created at a designated location or locations, depending on the size of the water body to allow for a safe exit.

(6) Topsoil Redistribution for Reclamation. Topsoil or topsoil substitute material shall be redistributed in accordance with the reclamation plan approved pursuant to this chapter in a manner which minimizes compaction and prevents erosion. Topsoil or topsoil substitute material shall be uniformly redistributed except where uniform redistribution is undesirable or impractical. Topsoil or topsoil substitute material redistribution may not be performed during or immediately after a precipitation event until the soils have sufficiently dried.

(7) Revegetation and Site Stabilization. Except for permanent roads or similar surfaces identified in the reclamation plan approved pursuant to this chapter, all surfaces affected by nonmetallic mining shall be reclaimed and stabilized by revegetation or other means. Revegetation and site stabilization shall be in accordance with the approved reclamation plan and shall be performed as soon as practicable after mining activity has permanently ceased in any part of the mine site.

(8) Assessing Completion of Successful Reclamation. .

(a) The criteria for assessing when reclamation is complete and, therefore, when the financial assurance may be released shall be specified in the reclamation plan approved pursuant to this chapter. Criteria to evaluate reclamation success shall be quantifiable.

(b) Compliance with the revegetation success standards in the approved reclamation plan shall be determined by:

1. On-site inspections by Iron County or its agent;
2. Reports presenting results obtained during reclamation evaluations including summarized data on revegetation, photo-documentation or other evidence that the criteria approved in the reclamation plan to ascertain success have been met; or
3. A combination of inspections and reports.

(c) In those cases where the post mining land use specified in the reclamation plan requires a return of the mining site to a pre-mining condition, the operator shall obtain baseline data on the existing plant community for use in the evaluation of reclamation success pursuant to this section.

(d) Revegetation success may be determined by:

1. Comparison to an appropriate reference area;
2. Comparison to baseline data acquired at the mining site prior to its being affected by mining; or
3. Comparison to an approved alternate technical standard.

(e) Revegetation using a variety of plants indigenous to the area is favored.

(9) Intermittent Mining. Intermittent mining may be conducted provided that the possibility of intermittent cessation of operations is addressed in an operator's reclamation permit, no environmental pollution or erosion of sediments is occurring, and financial assurance for reclamation pursuant to Sec. 9.7.5(C) is maintained covering all remaining portions of the site that have been affected by nonmetallic mining and that have not been reclaimed.

(10) Maintenance. During the period of the site reclamation, after the operator has stated that reclamation is complete but prior to release of financial assurance, the operator shall perform any maintenance necessary to prevent erosion, sedimentation or environmental pollution, comply with the standards of this subchapter, or to meet the goals specified in the reclamation plan approved pursuant to this chapter.

SECTION 9.7.5 - PERMITTING

(A)

Nonmetallic Mining Reclamation Permit Application Required. No person may engage in nonmetallic mining or in nonmetallic mining reclamation without possessing a nonmetallic mining reclamation permit issued pursuant to the applicable reclamation ordinance unless the activity is specifically exempted in Sec. 9.7.2(G)(1), 9.7.2(G)(2) or 9.7.2(J)(15)(b).

(1) Required Submittal. All operators of nonmetallic mining sites shall apply for a reclamation permit from Iron County. All applications for reclamation permits under this section shall be accompanied by the following information:

- (a) A brief description of the general location and nature of the nonmetallic mine.
- (b) A legal description of the property on which the nonmetallic mine is located or proposed, including the parcel identification number.
- (c) The names, addresses and telephone numbers of all persons or organizations who are owners or lessors of the property on which the nonmetallic mining site is located.
- (d) The name, address and telephone number of the person or organization who is the operator.
- (e) A certification by the operator of his or her intent to comply with the statewide nonmetallic mining reclamation standards established by Sec. 9.7.4.

(2) Reclamation Permit Application Contents. . The operator of any nonmetallic mine site shall submit an application that meets the requirements specified below to Iron County prior to beginning operations.

- (a) The information required by Sec. 9.7.5(A)(1).
- (b) The plan review and annual fees required by Sec. 9.7.6(D) and (E).
- (c) A reclamation plan conforming to Sec. 9.7.5(B).
- (d) A certification that the operator will provide, as a condition of the reclamation permit, provide financial assurance as required by Sec. 9.7.5(C) upon granting of the reclamation permit and before mining begins.
- (e) To avoid duplication, the permit application and submittals required under this subsection may, by reference, incorporate existing plans or materials that meet the requirements of this chapter.

(B)

Reclamation Plan.

(1) Reclamation Plan Required. All operators who conduct or plan to conduct nonmetallic mining shall submit to Iron County a reclamation plan that meets all of the following requirements and complies with the reclamation standards of Sec. 9.7.4.

(2) Site Information. The reclamation plan shall include information sufficient to describe the existing natural and physical conditions of the site, including, but not limited to:

- (a) Maps of the nonmetallic mining site including the general location, property boundaries, the aerial extent, geologic composition and depth of the nonmetallic mineral deposit, the distribution, thickness and type of topsoil, the location of surface waters and the existing drainage patterns, the approximate elevation of ground water, as determined by existing hydrogeologic information. In specific instances where the existing hydrogeologic information is insufficient for purposes of the reclamation plan, the applicant may supplement the information with the opinion of a licensed professional geologist or hydrologist.

- (b) Topsoil or topsoil substitute material, if required to support revegetation needed for reclaiming the site to approved post-mining land use, can be identified using county soil surveys or other available

information, including that obtained from a soil scientist or the University of Wisconsin soil science extension agent or other available information resources.

(c) Information available to the mine operator on biological resources, plant communities, and wildlife use at and adjacent to the proposed or operating mine sites.

(d) Existing topography as shown on contour maps of the site at 5 foot contour intervals.

(e) Location of manmade features on or near the site.

(f) For proposed nonmetallic mining sites that include previously mined areas, a plan view drawing showing the location and extent of land previously affected by nonmetallic mining, including the location of stockpiles, wash ponds and sediment basins.

(3) Post-Mining Land Use.

(a) The reclamation plan shall specify a proposed post-mining land use for the nonmetallic mine site. The proposed post-mining land use shall be consistent with local land use plans and local zoning at the time the plan is submitted, unless a change to the land use plan or zoning is proposed. The proposed post-mining land use shall also be consistent with all applicable local, state, or federal laws in effect at the time the plan is submitted.

(b) Land used for nonmetallic mineral extraction in areas zoned under an exclusive agricultural use ordinance pursuant to s. 91.75, Stats., shall be restored to agricultural use.

(4) Reclamation Measures. The reclamation plan shall include a description of the proposed reclamation, including methods and procedures to be used and a proposed schedule and sequence for the completion of reclamation activities for various stages of reclamation of the nonmetallic mining site. The following shall be included:

(a) A description of the proposed earthwork and reclamation, including final slope angles, high wall reduction, benching, terracing and other structural slope stabilization measures and if necessary a site-specific engineering analysis performed by a registered professional engineer as provided by Sec. 9.7.4(A)(5) (a) or (b).

(b) The methods of topsoil or topsoil substitute material removal, storage, stabilization and conservation that will be used during reclamation.

(c) A plan or map which shows anticipated topography of the reclaimed site and any water impoundments or artificial lakes needed to support the anticipated future land use of the site.

(d) A plan or map which shows surface structures, roads and related facilities after the cessation of mining.

(e) The estimated cost of reclamation for each stage of the project or the entire site if reclamation staging is not planned.

(f) A revegetation plan which shall include timing and methods of seed bed preparation, rates and kinds of soil amendments, seed application timing, methods and rates, mulching, netting and any other techniques needed to accomplish soil and slope stabilization.

(g) Quantifiable standards for revegetation adequate to show that a sustainable stand of vegetation has been established which will support the approved post-mining land use. Standards for revegetation may be based on the percent vegetative cover, productivity, plant density, diversity or other applicable measures.

(h) A plan and, if necessary, a narrative showing erosion control measures to be employed during reclamation activities. These shall address how reclamation activities will be conducted to minimize erosion and pollution of surface and groundwater.

(i) A description of any areas which will be reclaimed on an interim basis sufficient to qualify for the waiver of fees pursuant to sec. 9.7.6(G)(2) and 9.7.6(G)(4) and release of financial assurance pursuant to sec. 9.7.6(G)(3)(c), and which will be subsequently disturbed prior to final reclamation. Descriptions shall include an identification of the proposed areas involved, methods of reclamation to comply with the standards in sec. 9.7.4 and timing of interim and final reclamation.

(j) A description of how the reclamation plan addresses the long-term safety of the reclaimed mining site. The description shall include a discussion of site-specific safety measures to be implemented at the site and include measures that address public safety with regard to adjacent land uses.

(5) Criteria for Successful Reclamation. The reclamation plan shall contain criteria for assuring successful reclamation in accordance sec. 9.7.4 (A)(8).

(6) Certification of Reclamation Plan. The operator shall provide a signed certification that reclamation will be carried out in accordance with the reclamation plan. If the operator does not own the land, the landowner or lessor, if different from the operator, shall also provide signed certification that they concur with the reclamation plan and will allow its implementation. ,

(7) Existing Plans and Approvals. To avoid duplication of effort, the reclamation plan required by this section may, by reference, incorporate existing plans or materials that meet the requirements of this chapter.

(8) Approval of Reclamation Plan. Iron County shall approve, conditionally approve or deny the reclamation plan submitted under this section in writing in accordance with sec. 9.7.5(E)(2) for mines that apply for a reclamation permit in conformance with sec. 9.7.5(A). Conditional approvals of reclamation plans shall be made according to sec. 9.7.5(E)(5) and denials of reclamation plans shall be made pursuant to sec. 9.7.5(F). The operator shall keep a copy of the reclamation plan approved under this subsection at the mine site or, if not practicable, at the operator's nearest place of business.

(C) **Financial Assurance.**

(1) Financial Assurance Requirements. All operators of nonmetallic mining sites in Iron County shall prepare and submit a proof of financial assurance that meets the following requirements:

(a) **NOTIFICATION.** The regulatory authority shall provide written notification to the operator of the amount of financial assurance required under sub. (c).

(b) **FILING.** Following approval of the nonmetallic mining reclamation permit, and as a condition of the permit, the operator shall file a financial assurance with Iron County. The financial assurance shall provide that the operator shall faithfully perform all requirements in this chapter, an applicable reclamation ordinance and the reclamation plan. Financial assurance shall be payable exclusively to Iron County. In cases where one or more other regulatory authorities regulate a nonmetallic mining site, all financial assurance shall be made payable to Iron County only if it currently has primary regulatory responsibility.

(c) **AMOUNT AND DURATION OF FINANCIAL ASSURANCE.** The amount of financial assurance shall equal as closely as possible the cost to Iron County of hiring a contractor to complete either final reclamation or progressive reclamation according to the approved reclamation plan. The amount of financial assurance shall be reviewed periodically by Iron County to assure it equals outstanding reclamation costs. Any financial assurance filed with Iron County shall be in an amount equal to the estimated cost for reclaiming all sites the operator has under project permits. Iron County may accept a lesser initial amount of financial assurance provided that the permittee initiates a process to continuously increase the amount of financial assurance until it is adequate to effect reclamation. An escrow account may be established that is based on production gross sales and serves to provide regular payments to an account that is designed to grow to the amount necessary to guarantee performance of reclamation by the expected time of final reclamation. The period of the financial assurance is dictated by the period of time required to establish the post mining land use declared and approved of in the reclamation plan. This may extend beyond the permit if required to accomplish successful and complete implementation of the reclamation plan.

(d) **FORM AND MANAGEMENT.** Financial assurance shall be provided by the operator and shall be by a bond or an alternate financial assurance. Financial assurance shall be payable to Iron County and released upon successful completion of the reclamation measures specified in the reclamation plan. Alternate financial assurances may include, but are not limited to cash, certificates of deposits, irrevocable letters of

credit, irrevocable trusts, established escrow accounts, demonstration of financial responsibility by meeting net worth requirements, or government securities. Any interest from the financial assurance shall be paid to the operator. Certificates of deposit shall be automatically renewable or other assurances shall be provided before the maturity date. Financial assurance arrangements may include, at the discretion of Iron County, a blend of different options for financial assurance including a lien on the property on which the nonmetallic mining site occurs or a combination of financial assurance methods.

(e) **MULTIPLE PROJECTS.** Any operator who obtains a permit from Iron County for 2 or more nonmetallic mining sites may elect, at the time the second or subsequent site is approved, to post a single financial assurance in lieu of separate financial assurance instruments for each nonmetallic mining site. When an operator elects to post a single financial assurance in lieu of separate financial assurances for each mining site, no financial assurances previously posted on individual mining sites shall be released until the new financial assurance has been accepted by Iron County.

(f) **MULTIPLE JURISDICTIONS.** In cases where more than one regulatory authority has jurisdiction, a cooperative financial security arrangement may be developed and implemented by the regulatory authorities to avoid requiring the permittee to prove financial assurance with more than one regulatory authority for the same nonmetallic mining site. Financial assurance is required for each site and two or more sites of less than one acre by the same operator, except that governmental units are not required to obtain financial assurance.

(g) **CERTIFICATION OF COMPLETION AND RELEASE.**

1. The operator shall notify the regulatory authority, by filing a notice of completion, at the time that he or she determines that reclamation of any portion of the mining site or the entire site is complete. Iron County shall inspect the mine site or portion thereof that was the subject of the notice of completion to determine if reclamation has been carried out in accordance with the approved reclamation plan. Iron County may partially release the financial assurance if it determines that compliance with a portion of the reclamation plan has been achieved and requires no waiting period. After determining that reclamation is complete Iron County shall issue a certificate of completion and shall release the financial assurance or appropriately reduce the financial assurance in the case of reclamation of a portion of the mining site.

2. Iron County shall make a determination of whether or not the certification in par. 1 can be made within 60 days that the request is received.

3. Iron County may make a determination under this subsection that:

- A. Reclamation is not yet complete;
- B. It is not possible to assess whether reclamation is complete due to weather conditions, snow cover or other relevant factors;
- C. Reclamation is complete in a part of the mine; or
- D. Reclamation is fully complete.

(h) **FORFEITURE.** Financial assurance shall be forfeited if any of the following occur:

- 1. A permit is revoked under sec. 9.7.6(B) and the appeals process has been completed.
- 2. An operator ceases mining operations and fails to reclaim the site in accordance with the reclamation plan.

(i) **CANCELLATION.** Financial assurance shall provide that it may not be canceled by the surety or other holder or issuer except after not less than a 90 day notice to Iron County in writing by registered or certified mail. Not less than 30 days prior to the expiration of the 90-day notice of cancellation, the operator shall deliver to Iron County a replacement proof of financial assurance. In the absence of this replacement financial assurance, all mining shall cease until the time it is delivered and in effect.

(j) **CHANGING METHODS OF FINANCIAL ASSURANCE.** The operator of a nonmetallic mining site may change from one method of financial assurance to another. This may not be done more than once a year unless required by an adjustment imposed pursuant to sec. 9.7.5(A) The operator shall give Iron County

at least 60 days notice prior to changing methods of financial assurance and may not actually change methods without the written approval of Iron County.

(k) **BANKRUPTCY NOTIFICATION.** The operator of a nonmetallic mining site shall notify the regulatory authority by certified mail of the commencement of voluntary or involuntary proceedings under the bankruptcy code, 11 USC, et seq., naming the operator as debtor, within 10 days of commencement of the proceeding.

(l) **ADJUSTMENT OF FINANCIAL ASSURANCE.** Financial assurance may be adjusted when required by Iron County. Iron County may notify the operator in writing that adjustment is necessary and the reasons for it. Iron County may adjust financial assurance based upon prevailing or projected interest or inflation rates, or the latest cost estimates for reclamation.

(m) **NET WORTH TEST.**

1. Only an operator that meets the definition of “company” in s. 289.41 (1) (b), Stats., may use the net worth method of providing financial assurance.

2. The operator shall submit information to the regulatory authority in satisfaction of the net worth test requirements of s. 289.41 (4), Stats. The criteria in secs. 289.41 (6) (b), (d), (e), (f), (g), (h) and (i), Stats., shall apply.

3. An operator using the net worth test to provide financial assurance for more than one mine shall use the total cost of compliance for all mines in determining the net worth to reclamation cost ratio in accordance with s. 289.41 (6), Stats.

4. Determinations under the net worth test shall be done in accordance with s. 289.41 (5), Stats.

5. In addition, the operator shall submit a legally binding commitment to faithfully perform all compliance and reclamation work at the mine site that is required under this chapter.

(2) Private Nonmetallic Mines. The operator of any nonmetallic mining site that applies for a reclamation permit in conformance with sec. 9.7.5(A) shall submit the proof of financial assurance required by sec. 9.7.5(C)(1) as specified in the reclamation permit issued to it under this chapter.

(3) Public Nonmetallic Mining. The financial assurance requirements of this section do not apply to nonmetallic mining conducted by the State of Wisconsin, a state agency, board, commission or department, or a municipality.

(D) Public Notice and Right of Hearing.

(1) Reclamation Plan Hearing. Iron County shall provide public notice and the opportunity for a public informational hearing as set forth below:

(a) **PUBLIC NOTICE.**

1. When Iron County receives an application to issue a reclamation permit, it shall publish a public notice of the application no later than 30 days after receipt of a complete application that satisfies sec. 9.7.5(A)..

2. The notice shall briefly describe the mining and reclamation planned at the nonmetallic mining site. The notice shall be published as a class 1 notice pursuant to s. 985.07(1), Stats., in the official newspaper of Iron County. The notice shall mention the opportunity for public hearing pursuant to this section and shall give the locations at which the public may review the application and all supporting materials including the reclamation plan.

3. Copies of the notice shall be forwarded by Iron County to the county or applicable municipal zoning board, the county and applicable local planning organization, the county land conservation officer, and owners of land within 300 feet of the boundaries of the parcel or parcels of land on which the site is located.

(b) HEARING. Iron County shall provide for an opportunity for a public informational hearing on an application or request to issue a nonmetallic mining reclamation permit as follows:

1. If it conducts a zoning-related hearing on the nonmetallic mine site, Iron County shall provide the opportunity at this hearing to present testimony on reclamation-related matters. This opportunity shall fulfill the requirement for public hearing for a nonmetallic mining reclamation permit required by this section. Iron County shall consider the reclamation-related testimony in the zoning-related hearing in deciding on a permit application pursuant to this chapter.

2.

A. If there is no opportunity for a zoning-related hearing on the nonmetallic mine site as described in par. 1, opportunity for public hearing required by this section shall be provided as follows. Any person residing within, owning property within, or whose principal place of business is within 300 feet of the boundary of the parcel or parcels of land in which the nonmetallic mining site is located or proposed may request a public informational hearing. Iron County shall hold a public hearing if requested by any of these persons within 30 days of the actual date of public notice under sub. (a). This public informational hearing shall be held no sooner than 30 days nor later than 60 days after being requested. The hearing shall be conducted as an informational hearing for the purpose of explaining and receiving comment from affected persons on the nature, feasibility and effects of the proposed reclamation – Required under s. NR 135.20(2)(b)1., Wisconsin Administrative Code.

B. The subject matter and testimony at this informational hearing shall be limited to reclamation of the nonmetallic mine site.

Note: Informational hearings are limited to reclamation of the nonmetallic mining site. Regulatory authority staff conducting the hearings should make it clear that the hearings may not cover non-reclamation matters because they are beyond the scope of NR 135 reclamation. Non-reclamation matters are those related to zoning or subject to other local authority. These matters may include but are not limited to: traffic, setbacks, blasting, dewatering, hours of operation, noise or dust control or the question of whether to use the land for mining.

(2) **Local Transportation-Related Mines.** No public notice or informational hearing is required for a nonmetallic mining reclamation permit issued to a local transportation-related mine pursuant to sec. 9.7.5(E)(3).

(E) **Issuance of a Nonmetallic Mining Reclamation Permit.**

(1) **Permit Required.** No person may engage in nonmetallic mining or nonmetallic mining reclamation in Iron County without first obtaining a reclamation permit issued under this section, except for nonmetallic mining sites that are exempt from this chapter under sec. 9.7.2(G)(1), (2), or 9.7.2(J)(15)(b).

(2) **Permit Issuance.** Applications for reclamation permits for nonmetallic mining that satisfy sec. 9.7.5(A) shall be issued a reclamation permit or otherwise acted on as provided below.

(a) Unless denied pursuant to sec. 9.7.5(F), Iron County shall approve in writing a request that satisfies the requirements of sec. 9.7.5(A) to issue a nonmetallic mining reclamation permit for the proposed nonmetallic mine.

(b) Iron County may not issue an approval without prior or concurrent approval of the reclamation plan that meets the requirements of sec. 9.7.5(B). The regulatory authority may issue a reclamation permit subject to conditions in sec. 9.7.5(E)(5) if appropriate. The permit decision shall be made no sooner than 30 days nor later than 90 days following receipt of the complete reclamation permit application that meets the requirements in sec. 9.7.5(A) and reclamation plan that meets the requirements in sec. 9.7.5(B), unless a public hearing is held pursuant to sec. 9.7.5(D). If a public hearing is held, the regulatory authority shall issue the reclamation permit, subject to conditions pursuant to sec. 9.7.5(E)(5) if appropriate, or shall deny the permit as provided in sec. 9.7.5(F), no later than 60 days after completing the public hearing.

(c) Permits issued pursuant to this subsection shall require compliance with a reclamation plan that has been approved and satisfies the requirements of sec. 9.7.5(B) and provision by the applicant of financial assurance required under sec. 9.7.5(C) and payable to Iron County prior to beginning mining.

(3) Automatic Permit for Local Transportation-Related Mines

- (a) Iron County shall automatically issue an expedited permit under this subsection to any borrow site that:

1. Will be opened and reclaimed under contract with a municipality within a period not exceeding 36 months;

2. Is a nonmetallic mine which is intended to provide stone, soil, sand or gravel for the construction, reconstruction, maintenance or repair of a highway, railroad, airport facility or other transportation facility under contract with the municipality;

3. Is regulated and will be reclaimed under contract with the municipality in accordance with the requirements of the Wisconsin Department of Transportation concerning the restoration of nonmetallic mining sites;

4. Is not a commercial source;

5. Will be constructed, operated and reclaimed in accordance with applicable zoning requirements, if any and;

6. Is not otherwise exempt from the requirements of this chapter under sec. 9.7.2(G)(2)(j)

- (b) In this subsection, "municipality" has the meaning defined in s. 299.01(8), Stats.

- (c) Automatic permits shall be issued under this subsection in accordance with the following provisions:

1. The applicant shall notify Iron County of the terms and conditions of the contract with respect to reclamation of the proposed borrow site.

2. The applicant shall provide evidence to Iron County to show that the borrow site and its reclamation will comply with applicable zoning requirements, if any.

3. Iron County shall accept the contractual provisions incorporating requirements of the Wisconsin Department of Transportation in lieu of a reclamation plan under sec. 9.7.5(B).

4. Iron County shall accept the contractual provisions in lieu of the financial assurance requirements in sec. 9.7.5(C).

5. The public notice and hearing provisions of sec. 9.7.5(D) do not apply to nonmetallic mining sites that are issued automatic permits under this subsection.

6. Mines permitted under this subsection shall pay an annual fee to Iron County as provided in sec. 9.7.6(E), but shall not be subject to the plan review fee provided in sec. 9.7.6(F). The total annual fee, including the share of the Department of Natural Resources, shall not exceed the amount in Table 2 of sec. 9.7.6(E).

7. Iron County shall issue the automatic permit within 7 days of the receipt of a complete application.

8. If the borrow site is used to concurrently supply materials for other than the local transportation project, the automatic permitting in this subsection still applies provided the site will be reclaimed under a contractual obligation with the municipality in accordance with the Wisconsin Department of Transportation requirements.

9. Notwithstanding sec. 9.7.6(C), the operator of a borrow site under this subsection is required to submit only the information in an annual report necessary to identify the borrow site and to determine the applicable annual fee.

(4) Expedited Review. Any operator of a nonmetallic mining site may request expedited review of a reclamation permit application under sub. (a) or sub. (b) as follows:

(a) The operator may submit a request for expedited permit review with payment of the expedited review fee specified in sec. 9.7.6(D)(2). This request shall state the need for such expedited review and the date by which such expedited review is requested.

(b) The operator may submit a request for expedited review under this subsection if the applicant requires a reclamation permit to perform services under contract with a municipality. This request for expedited review shall state the need for expedited review and shall include a copy of the applicable sections of the contract and the date by which the expedited review is requested.

(c) Following receipt of a request under this subsection, Iron County shall inform the applicant of the estimated date for decision on issuance of the permit. If the applicant then elects not to proceed with the expedited review, the fee paid under sub. (a) shall be returned.

(d) Expedited review under this subsection shall not waive, shorten or otherwise affect the public notice and right of hearing pursuant to sec. 9.7.5(D). This subsection does not impose an obligation upon the regulatory authority to act upon a permit application under this subsection by a specific date

(5) Permit Conditions. Any decision under this section may include conditions as provided below:

(a) Iron County may issue a reclamation permit or approve a reclamation plan subject to general or site-specific conditions if needed to assure compliance with the nonmetallic mining reclamation requirements of this chapter. The approvals may not include conditions that are not related to reclamation.

(b) One required condition of the issued permit shall be that the new mine obtain financial assurance pursuant to sec. 9.7.5(C) prior to beginning mining.

(F) **Permit Denial.** An application for a nonmetallic mining reclamation permit shall be denied as set forth below:

(1) An application to issue a nonmetallic mining reclamation permit shall be denied, within the time frame for permit issuance specified in sec. 9.7.5(E), if Iron County finds any of the following:

(a) The applicant has, after being given an opportunity to make corrections, failed to provide to Iron County an adequate permit application, reclamation plan, financial assurance or any other submittal required by Chapter NR 135, Wisconsin Administrative Code or this chapter.

(b) The proposed nonmetallic mining site cannot be reclaimed in compliance with the reclamation standards contained in this chapter, Chapter NR 135, Wisconsin Administrative Code or subch. I. of ch. 295, Stats.

(c) 1. The applicant, or its agent, principal or predecessor has, during the course of nonmetallic mining in Wisconsin within 10 years of the permit application or modification request being considered shown a pattern of serious violations of this chapter or of federal, state or local environmental laws related to nonmetallic mining reclamation.

2. The following may be considered in making this determination of a pattern of serious violations:

a. Results of judicial or administrative proceedings involving the operator or its agent, principal or predecessor.

b. Suspensions or revocations of nonmetallic mining reclamation permits pursuant to this chapter, other reclamation ordinances or Chapter NR 135, Wisconsin Administrative Code.

c. Forfeitures of financial assurance.

(d) A denial under this subsection shall be in writing and shall contain documentation of reasons for denial.

(2) A decision to deny an application to issue a reclamation permit may be reviewed under sec. 9.7.5(K).

(G)

Alternative Requirements.

(1) Scope of Alternative Requirements Approvable. An operator of a nonmetallic mining site may request an alternative requirement to the reclamation standard established in sec. 9.7.4. Iron County may approve an alternative requirement to the reclamation standards established in this chapter if the operator demonstrates and Iron County finds that all of the following criteria are met:

(a) The nonmetallic mining site, the surrounding property or the mining plan or reclamation plan has a unique characteristic which requires an alternative requirement.

(b) Unnecessary hardship which is peculiar to the nonmetallic mining site or plan will result unless the alternative requirement is approved.

(c) Reclamation in accordance with the proposed alternative requirement will achieve the planned post-mining land use and long term site stability in a manner that will not cause environmental pollution or threaten public health, safety or welfare.

(2) Procedures.

(a) The operator of a nonmetallic mining site requesting an alternate requirement in sec. 9.7.5(G)(1) shall demonstrate all the criteria in sec. 9.7.5(G)(1). This shall be submitted in writing to **the** Iron County Planning and Zoning Committee, 300 Taconite Street, Suite 115, Hurley, WI 54534.

(b) The operator of a nonmetallic mining site requesting an alternative requirement will be required to submit requests through the Iron County Board of Adjustments. This procedure is outlined in Article X of Iron County's Land Use Ordinance.

(c) A request for an alternative requirement may be incorporated as part of an application to issue or modify a nonmetallic mining reclamation permit.

(3) Transmittal of Decision on Request for Alternative Requirements. The decision on a request for alternative reclamation requirements shall be in writing to the applicant and shall include documentation of why the alternative requirement was or was not approved.

(4) Notice to Wisconsin Department of Natural Resources. Iron County shall provide notice to the Wisconsin Department of Natural Resources as set forth in this subsection. Written notice shall be given to the Wisconsin Department of Natural Resources at least 10 days prior to any public hearing held under **sub. (2)** on a request for an alternate requirement under this section. A copy of any written decision on alternative requirements shall be submitted to the Wisconsin Department of Natural Resources within 10 days of issuance.

(H)

Permit Duration.

(1) A nonmetallic mining reclamation permit issued under this chapter shall last through operation and reclamation of the nonmetallic mining site, unless suspended or revoked pursuant to sec. 9.7.7.

(2) If the mine operator is not the landowner, the reclamation permit duration shall not exceed the duration of the mine lease unless the lease is renewed or the permit is transferred to a subsequent lessee pursuant to sec. 9.7.5(I).

(I)

Permit Transfer. A nonmetallic mining reclamation permit issued under this chapter shall be transferred to a new owner or operator upon satisfaction of the following conditions:

(1) A nonmetallic mining reclamation permit may be transferred to a new operator upon submittal to Iron County of proof of financial assurance and a certification in writing by the new permit holder that all conditions of the permit will be complied with.

(2) The transfer is not valid until financial assurance has been submitted by the new operator and accepted by Iron County and Iron County makes a written finding that all conditions of the permit will be complied with. The previous operator shall maintain financial assurance until the new operator has received approval and provided the financial assurance under this section.

- (J) **Previously Permitted Sites.** For any nonmetallic mining site which had a reclamation permit previously issued by another regulatory authority pursuant to Chapter NR 135, Wisconsin Administrative Code that becomes subject to reclamation permitting authority of Iron County the terms and conditions of the previously-issued municipal reclamation permit shall remain in force until modified by Iron County pursuant to sec. 9.7.6(A)(1).
- (K) **Review.** Any permitting decision or action made by Iron County under this chapter may be reviewed as set forth in this section. Notwithstanding ss. 68.001, 68.03 (8) and (9), 68.06 and 68.10 (1) (b), Stats., any person who meets the requirements of s. 227.42 (1), Stats., may obtain a contested case hearing under s. 68.11, Stats., on Iron County's decision to issue, deny or modify a nonmetallic mining reclamation permit.

SECTION 9.7.6 - ADMINISTRATION

(A) Permit Modification.

(1) By Iron County. A nonmetallic mining reclamation permit issued under this chapter may be modified by Iron County if it finds that, due to changing conditions, the nonmetallic mining site is no longer in compliance with Chapter NR 135, Wisconsin Administrative Code or this chapter. Such modification shall be by an order modifying the permit in accordance with sec. 9.7.7(B). This modifying order may require the operator to amend or submit new application information, reclamation plan, proof of financial assurance or other information needed to ensure compliance with Chapter NR 135, Wisconsin Administrative Code or this chapter.

(2) At the Operator's Option. If the operator of any nonmetallic mine that holds a reclamation permit issued under this chapter desires to modify such permit or reclamation plan approved under this chapter, it may request such modification by submitting a written application for such modification to Iron County. The application for permit or plan modification shall be acted on using the standards and procedures of this chapter.

(3) Required by the Operator. The operator of any nonmetallic mine that holds a reclamation permit issued under this chapter shall request a modification of such permit if changes occur to the area to be mined, the nature of the planned reclamation, or other aspects of mining required by the reclamation plan approved pursuant to this chapter. Such application for permit modification shall be acted on using the standards and procedures of this chapter.

(4) Review. All actions by Iron County on permit modifications requested or initiated under this section are subject to review under sec. 9.7.5(K).

(B) Permit Suspension or Revocation

(1) Grounds. Iron County may suspend or revoke a nonmetallic mining reclamation permit issued pursuant to this chapter if it finds the operator has done any of the following:

- (a) Failed to submit a satisfactory reclamation plan within the time frames specified in this chapter.
- (b) Failed to submit or maintain financial assurance as required by this chapter.
- (c) Failed on a repetitive and significant basis to follow the approved reclamation plan.

(2) Procedures. If Iron County finds grounds for suspending or revoking a nonmetallic mining reclamation permit set forth in sec. 9.7.6(A)(1), it may issue a special order suspending or revoking such permit as set forth in sec. 9.7.7(B)(2).

(3) Consequences.

(a) If Iron County makes any of the findings in sec. 9.7.6(B)(1), it may suspend a nonmetallic mining reclamation permit for up to 30 days. During the time of suspension, the operator may not conduct nonmetallic mining at the site, except for reclamation or measures to protect human health and the environment as ordered by the regulatory authority pursuant to sec. 9.7.7(B).

(b) If Iron County makes any of the findings in sec. 9.7.6(B)(1), it may revoke a nonmetallic mining reclamation permit. Upon permit revocation, the operator shall forfeit the financial assurance it has provided pursuant to this chapter to Iron County. Iron County may use the forfeited financial assurance to reclaim the site to the extent needed to comply with this chapter and the applicable reclamation ordinance.

(C)

Annual Operator Reporting.

(1) Contents and Deadline. Annual reports that satisfy the requirements of this section shall be submitted by the operators of nonmetallic mining sites.

(a) CONTENTS. The annual report required by this section shall include all of the following:

1. The name and mailing address of the operator.
2. The location of the nonmetallic mining site, including legal description, tax key number or parcel identification number if available.
3. The identification number of the applicable nonmetallic mining permit, if assigned by Iron County.
4. The acreage currently affected by nonmetallic mining extraction and not yet reclaimed.
5. The amount of acreage that has been reclaimed to date, on a permanent basis and the amount reclaimed on an interim basis.
6. A plan, map or diagram accurately showing the acreage described in pars. (4.) and (5.).
7. The following certification, signed by the operator:

"I certify that this information is true and accurate, and that the nonmetallic mining site described herein complies with all conditions of the applicable nonmetallic mining reclamation permit and Chapter NR 135, Wisconsin Administrative Code."

(b) DEADLINE. The annual report shall cover activities on unreclaimed acreage for the previous calendar year and be submitted by January 31.

(c) WHEN REPORTING MAY END. Annual reports shall be submitted by an operator for all active and intermittent mining sites to Iron County for each calendar year until nonmetallic mining reclamation at the site is certified as complete pursuant to sec. 9.7.6(G)(3) or at the time of release of financial assurance pursuant to sec. 9.7.5(C)(1).

(2) Inspection in Lieu of Report. Iron County may, at its discretion, obtain the information required in **sub. (1)** for a calendar year by written documentation of an inspection it completes during a calendar year, as set forth in this subsection. If Iron County obtains and documents the required information, the annual report need not be submitted by the operator. If Iron County determines that the operator need not submit an annual report pursuant to this subsection, it shall advise the operator in writing at least 30 days before the end of the applicable calendar year. In that case, Iron County shall require the operator to submit the certification required in sec. 9.7.6(C)(1)(a)7.

(3) Retention of Annual Reports. Annual reports submitted under sec. 9.7.6(C)(1) or inspection records that replace them under sec. 9.7.6(C)(2) shall be retained by Iron County at the Iron County Planning and Zoning Office for at least 10 years after the calendar year to which they apply. These records, or complete and accurate copies of them, shall be made available to the Wisconsin Department of Natural Resources upon written request or during its inspection or audit activities carried out pursuant to Chapter NR 135, Wisconsin Administrative Code.

(D)

Plan Review Fees.

(1) Amount and Applicability. A person who intends to operate a nonmetallic mining site for which a permit application has been submitted under sec. 9.7.5(A) shall submit a non-refundable plan review fee specified in the Iron County Planning and Zoning Fee Schedule. No plan review fee may be assessed under this section for any local transportation-related mine receiving an automatic permit under sec. 9.7.5(E)(3). A separate plan review fee shall be paid under this section for any modification to an existing reclamation plan submitted pursuant to sec. 9.7.6(A).

(2) **Expedited Plan Review Fee.** A person who intends to operate a nonmetallic mining site for which a permit application has been submitted under sec. 9.7.5(A) may obtain expedited reclamation plan review by paying a fee specified in the Iron County Planning and Zoning Fee Schedule. Such fee shall be in addition to that required in sec. 9.7.6(D).

(3) **Relation to Annual Fee.** Any reclamation plan review fee or expedited reclamation plan review fee collected under this section shall be added to and collected as part of the first annual fee collected under sec. 9.7.6(E).

(E)

Annual Fees.

(1) Areas Subject to Fees, Procedures, Deadline and Amount.

(a) Operators of all nonmetallic mining sites subject to reclamation permits issued under this chapter shall pay annual fees to the Iron County Planning and Zoning Department.

(b) Fees paid under this section shall be calculated based on the unreclaimed acres of a nonmetallic mining site, as defined below:

1. "Unreclaimed acre" or "unreclaimed acres" is defined in Sec. 9.7.2(J)(24)(a).
2. "Unreclaimed acre" or "unreclaimed acres" is defined in Section 9.7.2(J)(24)(b).

3. Fees shall be assessed on active unreclaimed acres only and shall not be assessed on acreage where nonmetallic mining is proposed and approved but where no nonmetallic mining has yet taken place.

(c) Fees assessed pursuant to this section shall be based on unreclaimed acres at the end of the year. Such fees apply to a calendar year or any part of a year in which nonmetallic mining takes place, until final reclamation is certified as complete under sec 9.7.6 (G). Fees shall be paid no later than January 31 for the previous year .

(d) If reclamation has already occurred on portions of a nonmetallic mining site, the fees for such portions may be submitted with a request that they be held by Iron County pending certification of completed reclamation pursuant to sec 9.7.6 (G)(3) and sec. 9.7.5(C)(1)(g). Upon such certification Iron County shall refund that portion of the annual fee that applies to the reclaimed areas. If Iron County fails to make a determination under sec 9.7.6 (G)(3) and sec. 9.7.5(C)(1)(g) within 60 days of the request, it shall refund that portion of the annual fee that applies to the reclaimed areas.

(e) The amount collected shall equal the Wisconsin Department of Natural Resource's share as described in sec. 9.7.6(E)(2), the share of Iron County described in 9.7.6(E)(3), and, if applicable, the reclamation plan review fee described in sec. 9.7.6(D).

(2) Wisconsin Department of Natural Resources Share of Fee.

(a) Fees paid under this section shall, except where provided in sub. (2), include a share for the Wisconsin Department of Natural Resources equal to the amount specified in Table 1

TABLE 1: Wisconsin Department of Natural Resources' Share of Annual Fees Collected by Iron County.

| Mine Size in Unreclaimed Acres, Rounded to the Nearest Whole Acre | Annual Fee |
|--|---------------|
| 1 to 5 acres, [does not include mines < 1 acre] | <u>\$35</u> |
| 6 to 10 acres | <u>\$70</u> |
| 11 to 15 acres | <u>\$105</u> |

| | |
|--------------------|--------------|
| 16 to 25 acres | <u>\$140</u> |
| 26 to 50 acres | <u>\$160</u> |
| 51 acres or larger | <u>\$175</u> |

(b) For nonmetallic mining sites at which no nonmetallic mining has taken place during a calendar year, the share for the Wisconsin Department of Natural Resources shall be **\$15**.

(c) Iron County shall forward fees collected under this subsection to the Wisconsin Department of Natural Resources by March 31st.

(3) Iron County's Share of Fee.

(a) Fees paid under this section shall also include an annual fee due to Iron County which shall be the amount set forth in Table 2. The amount listed below shall be the total fee assessed on such nonmetallic mines, and shall include both a share for the Wisconsin Department of Natural Resources and Iron County.

Table 2.

| Mine Size in Unreclaimed Acres, Rounded to the Nearest Whole Acre | Annual Fee |
|--|---------------|
| 1 to 5 acres, does not include mines < 1 acre | \$ 155 |
| 6 to 10 acres | \$ 310 |
| 11 to 15 acres | \$ 465 |
| 16 to 25 acres | \$ 620 |
| 26 to 50 acres | \$ 720 |
| 51 acres or larger | \$ 775 |

(b) The annual fee collected by Iron County under this subsection for local transportation-related mines issued permits under sec. 9.7.5(E)(3) may not exceed the amounts set forth in **Table 3**. The amount listed below shall be the total fee assessed on such nonmetallic mines, and shall include both a share for the Wisconsin Department of Natural Resources and Iron County.

**Note: This is required by NR 135.23(1)(g), Wis. Adm. Code. TABLE 3:
Limit on Total Annual Fees For Automatically Permitted Local Transportation Project-Related Mines.**

| Mine Size in Unreclaimed Acres, Rounded to the Nearest Whole Acre | Annual Fee |
|--|---------------|
| 1 to 5 acres, does not include mines < 1 acre | \$ 155 |
| 6 to 10 acres | \$ 310 |
| 11 to 15 acres | \$ 465 |
| 16 to 25 acres | \$ 620 |

| | |
|---------------------------|---------------|
| 26 to 50 acres | \$ 720 |
| 51 acres or larger | \$ 775 |

(F)

Regulatory Reporting and Documentation.

(1) Reporting. Iron County shall send an annual report to the Wisconsin Department of Natural Resources by March 31st for the previous calendar year. The reports shall include the following information for the previous year's nonmetallic mining reclamation program:

- (a) The total number of nonmetallic mining reclamation permits in effect.
- (b) The number of new permits issued within the jurisdiction of Iron County.
- (c) The number of acres approved for nonmetallic mining and the number of acres newly approved in the previous year.
- (d) The number of acres being mined or unreclaimed acres.
- (e) The number of acres that have been reclaimed and have had financial assurance released pursuant to sec. 9.7.5(C)(1)(g).
- (f) The number of acres that are reclaimed and awaiting release from the financial assurance requirements of this subchapter pursuant to sec. 9.7.6(G)(1) and 9.7.6(G)(2).
- (g) The number and nature of alternative requirements granted, permit modifications, violations, public hearings, enforcement actions, penalties that have been assessed and bond or financial assurance forfeitures.

(2) Documentation. Iron County shall, to the best of its ability, maintain the information set forth below, and make it available to the Wisconsin Department of Natural Resources for that agency's audit of Iron County's reclamation program pursuant to Chapter NR 135, Wisconsin Administrative Code:

- (a) Documentation of compliance with Chapter NR 135, Wisconsin Administrative Code and this chapter.
- (b) The procedures employed by Iron County regarding reclamation plan review, and the issuance and modification of permits.
- (c) The methods for review of annual reports received from operators.
- (d) The method and effectiveness of fee collection.
- (e) Procedures to accurately forward the Wisconsin Department of Natural Resources' portion of collected fees in a timely fashion.
- (f) Methods for conducting on-site compliance inspections and attendant reports, records and enforcement actions.
- (g) Responses to citizen complaints.
- (h) The method of and accuracy in determining the amount of the financial assurance obtained from the operator to guarantee reclamation performance.
- (i) The maintenance and availability of records.
- (j) The number and type of approvals for alternative requirements issued pursuant to sec 9.7.5(G).

(k) The method of determining the success of reclamation in meeting the criteria contained in the reclamation plan and subsequently releasing the financial assurance pursuant to sec. 9.7.5(C)(1)(g).

(l) Any changes in local regulations, ordinances, funding and staffing mechanisms or any other factor which might affect the ability of Iron County to implement its nonmetallic mining reclamation program under this chapter.

(m) The amount of fees collected in comparison to the amount of money actually expended for nonmetallic mining reclamation program administration.

(n) Any other performance criterion necessary to ascertain compliance with Chapter NR 135, Wisconsin Administrative Code.

(G) Completed Reclamation - Reporting, Certification and Effect

(1) Reporting. The operator of a nonmetallic mining site may certify completion of reclamation for a portion or all of the nonmetallic mining site pursuant to a reclamation plan prepared and approved pursuant to this chapter and Chapter NR 135, Wisconsin Administrative Code.

(2) Reporting of Interim Reclamation. The operator of a nonmetallic mining site may report completion of interim reclamation as specified in the reclamation plan for the site prepared and approved pursuant to this chapter and Chapter NR 135, Wisconsin Administrative Code. Reporting of interim reclamation shall be done according to the procedures in sec. 9.7.6(G)(1).

(3) Certification of Completed Reclamation. Iron County shall inspect a nonmetallic mining site for which reporting of reclamation or interim reclamation has been submitted pursuant to this subsection within 60 days of receipt, and make a determination in writing in accordance with sec. 9.7.5(C)(1)(g)3. If it is determined that interim or final reclamation is complete, including revegetation as specified in a reclamation plan that conforms with sec. 9.7.5(B), Iron County shall issue the mine operator a written certificate of completion.

(4) Effect of Completed Reclamation. If reclamation is certified by Iron County as complete under sec. 9.7.6(G)(3) for part or all of a nonmetallic mining site, then:

(a) No fee shall be assessed under sec. 9.7.6(E) for the area so certified.

(b) The financial assurance required by sec. 9.7.5(C) shall be released or appropriately reduced in the case of completion of reclamation for a portion of the mining site.

(5) Effect of Inaction Following Report of Completed Reclamation. If no written response as required by sec. 9.7.6(G)(3) for an area of the mine site reported as reclaimed or interim reclaimed is given within 60 days of receiving such request, any annual fee paid to Iron County for it under sec. 9.7.6(E) shall be refunded.

(H) Permit Termination. When all final reclamation required by a reclamation plan conforming to sec. 9.7.5(B) and required by this chapter is certified as complete pursuant to sec. 9.7.5(C)(1)(g) and 9.7.6(G)(3), Iron County shall issue a written statement to the operator of the nonmetallic mining site, thereby terminating the reclamation permit.

SECTION 9.7.7 - ENFORCEMENT

- (A) **Right of Entry and Inspection.** For the purpose of ascertaining compliance with the provisions of Subchapter I of Chapter 295, Wisconsin Statutes, Chapter NR 135, Wisconsin Administrative Code, or this chapter, any authorized officer, agent, employee or representative of Iron County may inspect any nonmetallic mining site subject to this chapter as provided below:
- (1) No person may refuse entry or access onto a nonmetallic mining site of a duly authorized officer, employee or agent of Iron County or the Wisconsin Department of Natural Resources who presents appropriate credentials to inspect the site for compliance with the nonmetallic mining reclamation permit, this chapter, Chapter NR 135, Wisconsin Administrative Code or subchapter I of ch. 295, Stats.
- (2) Any person who enters the site under this right of inspection shall obtain training and provide their own safety equipment needed to comply with any federal, state or local laws or regulations controlling persons on the nonmetallic mining site.
- (B) **Orders and Citations.**
- (1) **Enforcement Orders.** Iron County may issue orders as set forth in Section 295.19(1)(a), Stats., to enforce Subchapter I of Chapter 295, Wisconsin Statutes, Chapter NR 135, Wisconsin Administrative Code, this chapter, a permit issued pursuant to this chapter or a reclamation plan required by Sec. 9.7.5(B) and a permit issued under this chapter. A violation of this chapter, an order or permit issued pursuant to this chapter or a reclamation plan required by Sec. 9.7.5(B) and a permit issued under this chapter shall be considered a violation of Subchapter I of Chapter 295, Wisconsin Statutes and Chapter NR 135, Wisconsin Administrative Code.
- (2) **Special Orders.** Iron County may issue a special order as set forth in Sections 295.19(1)(b) and (c), Wisconsin Statutes suspending or revoking a nonmetallic mining reclamation permit pursuant to Sec. 9.7.6(B), or directing an operator to immediately cease an activity regulated under Subchapter I of Chapter 295, Wisconsin Statutes, Chapter NR 135, Wisconsin Administrative Code or this chapter until the necessary plan approval is obtained.
- (3) **Review of Orders.** A person holding a reclamation permit who is subject to an order pursuant this section shall have the right to review the order in a contested case hearing under s. 68.11, Stats., notwithstanding the provisions of ss. 68.001, 68.03 (8) and (9), 68.06 and 68.10 (1) (b), Stats.
- (4) **Citations.** Iron County may issue a citation under s. 66.119, Stats. to collect forfeitures to enforce Subchapter I of Chapter 295, Wisconsin Statutes, Chapter NR 135, Wisconsin Administrative Code, this chapter, a permit issued pursuant to this chapter or a reclamation plan required by Sec. 9.7.5(B) and a permit issued under this chapter. The issuance of a citation under this subsection shall not preclude proceeding under any other ordinance or law relating to the same or any other matter. Proceeding under any other ordinance or law relating to the same or any other matter shall not preclude the issuance of a citation under this subsection.
- (5) **Enforcement.** Iron County may submit any order issued under Sec. 9.7.7(B) to abate violations of this chapter to a district attorney, corporation counsel, municipal attorney or the attorney general for enforcement. The district attorney, corporation counsel, municipal attorney or the attorney general may enforce those orders.
- (C) **Penalties.** Any violation of Subchapter I of Chapter 295, Wisconsin Statutes, Chapter NR 135, Wisconsin Administrative Code, this chapter, a permit issued pursuant to this chapter or a reclamation plan required by Sec. 9.7.5(B) and a permit issued under this chapter may result in forfeitures as provided in Section 295.19(3), Wisconsin Statutes, as follows:
- (1) Any person who violates Chapter NR 135, Wisconsin Administrative Code or an order issued under Sec. 9.7.7(B) may be required to forfeit not less than \$25 nor more than \$1,000 for each violation. Each day of continued violation is a separate offense. While an order issued under Sec. 9.7.7(B) is suspended, stayed or enjoined, this penalty does not accrue.

(2) Except for the violations referred to in sub. (1), , any person who violates subchapter I of ch. 295, Stats., Chapter NR 135, Wisconsin Administrative Code, any reclamation plan approved pursuant to this chapter or an order issued pursuant to Sec. 9.7.7(B) shall forfeit not less than \$10 nor more than \$5,000 for each violation. Each day of violation is a separate offense. While an order issued under Sec. 9.7.7(B) is suspended, stayed or enjoined, this penalty does not accrue.

Respectfully submitted by the Iron County Comprehensive Planning/Land & Zoning Committee for consideration by the Iron County Board of Supervisors this 16th day of February, 2016.

Resolution declared adopted this 29th day of March, 2016.

BY:

ATTEST:

Joseph Pinardi, Chairman

Michael Saari, County Clerk

1010 PERMITS, USE AGREEMENTS, POLICIES AND CONTRACTS

1010.1 TIMBER SALE CONTRACT *



IRON COUNTY FORESTRY DEPARTMENT



TIMBER SALE CONTRACT

«Tract_No

«Contract»

Tract No. _____

Contract _____

THIS AGREEMENT, effective **MONTH DAY, 20XX**, is made by and between Iron County, Wisconsin, a Wisconsin governmental body, acting through the Iron County Forestry and Parks Committee, its duly authorized agent (hereinafter referred to as SELLER),

«Contractor»

and _____, (hereinafter referred to as PURCHASER). Contact information of and for the parties is recited in Paragraph 43 of this Agreement.

WITNESSETH:

WHEREAS: The SELLER is the owner of certain forest land described in the body of this contract, and all forest products, including merchantable timber, located thereon; and

WHEREAS: The SELLER desires to sell certain designated trees standing and lying on the tract

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of forest land described herein; and

WHEREAS: The PURCHASER desires to purchase the said designated trees standing and lying on the tract of forest land described herein, owned by SELLER; and

WHEREAS: The PURCHASER is authorized to conduct business and logging operations within the State of Wisconsin,

NOW, THEREFORE in consideration of the promises and the mutual covenants contained in this Agreement, the SELLER and PURCHASER mutually agree as follows:

1. **CONTRACTING PARTIES.**

- A. In this Contract, the Seller and Purchaser include their respective officers, employees, agents, directors, subcontractors, assignees, partners, representatives, heirs, members, and servants. The primary agent of the Seller is the Iron County Forest Administrator, hereinafter referred to as the Forest Administrator.
- B. If the Purchaser ceases to exist, in fact or by law, the Seller may immediately terminate this Contract and, without waiving any remedies available to it, perform the Contract.

2. **TIMBER SALE BID FORM.**

It is agreed by the parties that the “Timber Sale Bid Form” signed and submitted by Purchaser for the purpose of acquiring the Timber Sale that is the subject of this Contract, is made a part of this Contract, as though fully set forth herein (see “Attachment A”).

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3. **SALE AREA.**

- A. The Seller hereby authorizes the Purchaser to enter upon the following described lands, hereinafter referred to as "Sale Area," for the purpose of cutting and removing all timber marked or otherwise designated by the Seller's Forest Administrator, or his designee:

«Town_Name»

Town Name: _____

«Township»

«Range»

«Section»

Township _____; Range _____; Section _____

«Legal_Desc»

Legal Description: _____

«M_2nd_Town_Name»

Town Name: _____

«M_2nd_Towns

«M_2nd_Range

«M_2nd_Secti

Township _____; Range _____; Section _____

Legal Description: _____

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- B. The Sale Area is further designated and/or described on the map(s) and/or diagram(s) attached hereto and made a part of this Timber Sale Contract (see **“Attachment B”**).

4. **CONTRACT PERIOD.**

- A. TIME AND STRICT PERFORMANCE are of the essence as to this Contract. Purchaser agrees to fully perform this Contract by **MONTH DAY, 20XX**. At 12:01 a.m. of the following date, all of Purchaser's rights under this Contract (or to any remaining forest products or merchantable timber in the Sale Area, or the right to remove any marketable timber or logs from the Sale Area) shall immediately cease and terminate unless extended in writing by Seller. Seller shall have no obligation whatsoever to extend this time period, and Purchaser may not rely upon contract extensions for the purpose of completing performance under this Contract. No waiver by Seller of any prior breach by Purchaser shall be construed as a continuing waiver or as a waiver of any subsequent performance by Purchaser.
- B. Cutting of forest products on the sale area shall not be commenced until after the Purchaser and Seller have signed this Contract.

5. **CONTRACT EXTENSIONS.**

- A. If, during the course of performance of this Contract, Purchaser is prevented from cutting merchantable timber or removing merchantable logs solely as a result of strikes, fires (whose origin or spread is not contributed to by Purchaser or Purchaser's operations), government order, floods, severe weather, poor ground conditions, or other acts of God, or causes beyond the reasonable control of Purchaser, and if solely because of this event Purchaser is unable to complete its obligations by the date of expiration of this Contract, or if extremely poor market conditions render it impossible or impracticable for Purchaser to complete its

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obligations in a timely manner, Seller, at its sole discretion, may grant to Purchaser an extension of the time period in which Purchaser is obligated to complete the terms of this Contract. Seller shall have no obligation whatsoever to extend this time period, and Purchaser may not rely upon contract extensions for the purpose of completing performance under this Contract.

- B. If Purchaser desires an extension, Purchaser must file with the Forestry Department a written request for an extension not less than thirty (30) days prior to the expiration of the underlying Contract (or extension, if applicable), setting forth the basis for the extension request.
 - C. If extensions of this Contract are deemed reasonable by the Seller, the purchaser must pay to Seller fifty (50%) percent of the estimated sale value as a condition of the extension being granted. For the first one-year extension, the stumpage price agreed upon herein shall remain unchanged. For subsequent extensions, the stumpage price agreed upon herein shall be increased by up to ten (10%) percent, as determined by the Forestry Department.
 - D. The Purchaser may appeal the increase in stumpage, included with an extension, by making a written request to the Forestry Department. This request must be received not more than thirty (30) days prior to the expiration of the underlying Contract (or extension, if applicable), and include reasons why the increase should be waived. The individual making the request must be available to appear before the Forestry Committee, if the need should arise.
- 2. If, at the expiration of this Contract, Purchaser has not fulfilled its obligations and has not been granted an extension, all or a portion of Purchaser's performance bond and down payment may be forfeited to Seller. Any such forfeiture resulting from a failure of completion or compliance with the terms of this Contract shall not preclude legal action by the Seller for damages, specific performance, or other appropriate remedy.
 - 3. No contracts will be extended beyond four years from date of purchase.

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Contracts must be complete and all stumpage paid for within four years. After four years, the Forestry and Parks Committee may terminate the Contract and Purchaser will forfeit all bond monies and any wood or timber not already paid for, remaining at the sale location.

6. **PERFORMANCE BOND.**

3. At the time of bidding, the Purchaser must deposit with Seller cash, cashier's check, or money order, as an initial performance bond in the amount of \$1,000 or 10% \$«M_10_Bond» of the bid for this Contract, whichever is greater. The cash deposits may be replaced with a performance bond written by an insurance company licensed to do business in Wisconsin or an acceptable irrevocable letter of credit, as a performance bond. In such cases, the replacement security must be received within twenty (20) days of bid opening. A separate performance bond or irrevocable letter of credit is required for each contract awarded.
4. The Purchaser agrees that the performance bond may be retained by the Seller until all performance under this Contract has been completed to the Seller's satisfaction. Seller shall have 150 days from the time it receives notice of the completion date or termination date, whichever occurs first, to inspect the Sale Area to determine if the Contract has been satisfactorily performed. If the Seller determines that the performance has not been completed satisfactorily and in conformance with this Contract, the bond may be retained by the Seller until the Seller can determine damages caused by the lack of performance. Seller may apply the bond, or any portion thereof, to said damages.

7. **DOWN PAYMENT.**

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A. Prior to logging operations but within six (6) months of the bid opening, Purchaser shall deposit with Seller by cash, cashier's check, money order, or acceptable irrevocable letter of credit, a down payment in the applicable following amount:

- 15%, **\$«M_15_Downpayment»**, of bid value for sales greater than \$10,000 in bid value; or
- The entire bid value, _____, for sales with a bid value under \$10,000.

An irrevocable letter of credit, cashier's check or money order must be valid for six months beyond the expiration of this Contract. Failure to submit the down payment will be considered a breach of this Contract and subject the Purchaser to liability for damages.

B. No work or operations shall be commenced under this Contract until the entire down payment has been deposited with Seller.

5. The Purchaser will have the option, at the Seller's discretion, to prepay for scale tickets.

6. The Purchaser must maintain the balance due for stumpage during logging operations at a value less than or equal to the total down payment amount.

7. If cash, cashier's check, or money order was used for the down payment, the down payment will be credited to this Contract upon Purchaser's payment of no less than 75% of the estimated sale value. If an irrevocable letter of credit was used for the down payment, the irrevocable letter of credit will be returned to the Purchaser upon Purchaser's payment of no less than 90% of the estimated sale value.

8. The Purchaser agrees that the down payment may be retained by the Seller until the applicable condition specified in subsection E above has

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been met by the Purchaser. The Purchaser shall provide notice to the Seller when the applicable condition has been met. The Purchaser agrees that the Seller may withhold the down payment until it inspects the Sale Area to determine if the Contract is being satisfactorily performed. If the Seller determines that the performance is not completely satisfactory and in conformance with this Contract, the down payment may be retained by the Seller until the Seller can determine damages caused by the lack of performance. Seller may apply the down payment, or any portion thereof, to said damages.

8. **DEFAULT; LIQUIDATED OR ACTUAL DAMAGES; FUTURE CONTRACTS.**

9. Default: Time is of the essence regarding all payment and non-payment obligations contained in this Contract. A default exists upon the occurrence of any of the following circumstances:
 - i. If Purchaser fails to make any installment payment, or any other required payment when due. Time is of the essence as to all payments.
10. If Purchaser fails to perform any other obligation provided for in this Contract or under applicable Wisconsin law.
11. If Purchaser becomes insolvent, or if Purchaser commences a voluntary case under the federal bankruptcy laws or under any federal or state law relating to insolvency or debtor's relief.
12. If an order is entered against Purchaser under federal or state

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bankruptcy laws, or under any applicable federal or state law relating to insolvency or debtor's relief.

13. If a receiver is appointed to manage the affairs of Purchaser.

14. If Purchaser fails to maintain any required insurance, or if that insurance is canceled.

B. Damages: The Seller's damages upon the Purchaser's failure to perform this Contract include, but are not limited to:

1. The Purchaser's bid value of timber not cut and removed under this Contract.

2. Double the mill value, as determined by the Seller, for timber cut, removed or damaged without authorization under or in violation of this Contract.

3. All costs of Sale Area cleanup, restoration or completion of performance not completed by the Purchaser.

4. All costs of resale of timber not cut and removed as required under this Contract.

5. If the Seller seeks damages for breach of this Contract through court proceedings, and if the Seller prevails in such proceedings, in whole or in part, then the Purchaser agrees to pay all of the Seller's actual and reasonable

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expenses, including attorney and expert witness fees.

1. Remedies on Default: In the event of a default, Seller may take any one or more of the following steps:
 2. Declare the entire unpaid balance of the purchase price for forest products due and payable.
 3. Seller shall have the right to suspend all logging and removal of forest products from the Sale Area.
 4. Seller shall have the right to suspend all logging on any other sale areas operated on by the Purchaser.
 5. Seller shall have the right to require a performance bond and/or a down payment amount equal to 100% of the bid value on all future contracts with purchaser.
 6. Seller shall have the right to require prepayment of scale tickets for future contracts with the Purchaser.
 7. Seller shall have the right to seize and sell all forest products originating from the Sale Area, wherever their location at the time of seizure.
 8. Seller shall have the right to specifically enforce this Agreement by a suit

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in equity. Seller shall have the right to terminate this Agreement and declare the Agreement null and void and of no further force or effect.

9. The parties acknowledge that in the event of any default, Seller shall be entitled to injunctive relief, restraining Purchaser from continuing logging and removing forest products from the Sale Area.
10. Seller shall have the right to exercise any and all remedies provided sellers pursuant to the provisions of the Wisconsin Uniform Commercial Code, even though timber in some instances may not be cut. **The parties specifically stipulate that the Seller's remedies provided in the Uniform Commercial Code apply.**
11. Seller shall be entitled to the appointment of a receiver as a matter of right and without bond.
- xi In addition to those remedies provided herein, remedies shall be deemed unexclusive and Seller shall have any other remedies provided by law.

D. Liquidated Damages:

- i. The parties acknowledge that it will be difficult if not impossible to adequately ascertain damages to Seller in the event of default by Purchaser. It is expressly understood and agreed that in the event that Purchaser shall fail or refuse to comply with any of the terms and conditions contained in this Agreement imposed on Purchaser, the performance bond and down payment posted by Purchaser may be retained by the Seller as liquidated and agreed damages, and not as a penalty. In addition, Purchaser

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acknowledges that Seller may elect to enforce any other remedies which Seller may have at law or equity. In the alternative, if the Seller chooses and can reasonably determine the actual damages suffered as a result of the breach of the Contract, Seller may retain the performance bond and down payment until Seller determines the actual damages, and deduct said damages from the performance bond and down payment. It is specifically understood and agreed that damages under this Contract are the responsibility of the Purchaser and may be deducted from the performance bond and down payment and otherwise collected by the Seller, including by seizure and sale of cut forest products.

- ii. The Seller may, when it deems it reasonable and in the best interest of the Seller, allow the Purchaser to continue performance under the Contract and the Purchaser shall pay as liquidated damages double the mill value as determined by the Seller for the timber or other forest products cut, removed or damaged without authorization under or in violation of this Contract. The Seller's permission to continue cutting shall not be considered a waiver of breach nor prevent it from considering such breach for purposes of asserting any other remedies available to it. It is agreed that the double mill scale sum is a reasonable estimate of the probable damages suffered by the Seller and shall not be construed as or held to be in the nature of a penalty.

E. The Seller agrees to mitigate the damages for breach by offering the timber for resale if it determines the timber is saleable based upon its volume or quality.

- F. The Purchaser agrees that if the timber identified in this Contract for cutting is to be resold due to a breach of this Contract, as determined by the Seller, the Seller is not obligated to give oral or written notice to the Purchaser of the resale.

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G. A Purchaser deemed by the Seller to be in breach of this Contract may also be considered an irresponsible bidder and be refused the opportunity to bid upon or obtain future timber sales of the Seller for a period not to exceed two (2) years from the date of determination of the breach.

9. **TERMINATION.**

The Seller may terminate this Contract by written notice to the Purchaser upon Purchaser's breach as determined by the Seller or at other times when deemed necessary by Seller. Upon such notice, the Purchaser shall cease all operations on and immediately leave, and not return to, the Sale Area unless otherwise provided by the Seller.

10. **SUSPENSION OF LOGGING OPERATIONS.**

The Seller may temporarily suspend logging operations under this Contract whenever, in Seller's judgment, logging operations will cause excessive damage to land, residual timber, water quality, water quantity or roads because of weather conditions during extreme wet periods or during periods of extreme fire danger, or for any other reason, including Purchaser's failure to provide insurance required by this Contract, upon reasonable, actual or constructive notice to the Purchaser or the Purchaser's designee operating on the Sale Area under this Contract, with subsequent equitable adjustment of this contract period, if deemed reasonable and appropriate by the Seller.

11. **PERFORMANCE.**

A. Cutting and removal of timber in conformance with this Contract may commence and continue only after the signing of this Contract by both parties and only after submission and maintenance of all bonds, certificates or statements required under it.

6. Purchaser shall conduct logging operations, including cutting and removal of timber purchased under this Contract, in an efficient, workmanlike manner in accordance with the Best Management Practices (BMP's) described in the Wisconsin Department of Natural Resources Field Manual for Loggers,

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Landowners and Land Managers, the Iron County Rutting Policy found in the 15-Year Comprehensive Land Use Plan, all applicable government regulations, and all special provisions contained in this agreement.

- C. Purchaser shall perform the felling of all merchantable trees in accordance with the Best Management Practices (BMP's) described in the Wisconsin Department of Natural Resources Field Manual for Loggers, Landowners and Land Managers, and in accordance with all applicable safety laws and regulations. All felling shall be performed in such a way as to minimize breakage and waste.
- D. Purchaser shall conduct logging operations, including cutting and removal of timber, with reasonable diligence to assure completion of all performance within the contract period specified in Section 4 of this Contract.

12. **PAYMENTS.**

- A. All stumpage payments shall be cash, personal check, cashier's check or money order. Seller will invoice the scale, based upon Seller's calculations, and payment must be received from the Purchaser within fourteen (14) days of the date of invoice, unless other arrangements are made with Seller and memorialized on a Payment Schedule to be attached to and made a part of this Contract. Each payment should be identified by Contract Number and Invoice Number. Payments not received within 14 days after invoice date shall be assessed a finance charge of 1.5% per month for each month that payment is not made. Payments not received within 30 days after invoice may require purchaser to deposit 100% bond on future sales.
- B. Accurate mill scale slips and trucker copies of lockbox tickets must be provided to the Seller on a weekly basis.

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7. Payments will be made to the order of the Iron County Treasurer, but shall be sent to the Forest Administrator.

13. **BOUNDARIES.**

Seller agrees to establish, mark, or describe all Sale Area boundaries or property lines and to provide maps, as requested by Purchaser. Purchaser acknowledges that it has inspected the contract Sale Area and is satisfied as to its boundaries and Seller's marking of the boundaries.

14. **ACCESS.**

- A. Purchaser shall have the right, until expiration of the contract period, to enter and remain on the Sale Area for the purposes of inspecting, cutting, removing, and sorting timber.
- B. Seller guarantees Purchaser ingress and egress to and from the Sale Area for the purposes of log hauling, moving equipment, transporting personnel, and logging administration, via the designated haul route shown on the map(s) and/or diagram(s) attached hereto and made a part of this Timber Sale Contract.
 - Seller, through Seller's Representative, or other chosen representatives, shall be allowed access to all parts of the Sale Area to inspect logging operations and work locations of Purchaser. Purchaser shall furnish Seller's representative(s) such information and assistance as may be required to make complete and detailed inspections. Purchaser agrees to fully cooperate in all aspects of any such inspection.

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15. **TRESPASS.**

Special care shall be taken by Purchaser to protect and avoid felling or damaging any tree not marked for cutting or any tree outside the Sale Area boundaries. Purchaser shall indemnify and hold Seller harmless if Purchaser, its contractors, subcontractors or employees, cut, injure, damage, or remove timber owned by any other person or legal entity outside the boundaries of the Sale Area.

16. **TITLE TO TIMBER.**

Seller warrants that it has good and marketable title to all standing timber subject to this Contract and Timber Sale. Title to timber cut under this Contract shall remain with the Seller until payment as required in this Contract is received by the Seller or authorization to remove the timber or forest products has been given by the Seller.

17. **NO GUARANTEE OF VOLUME.**

Seller does not represent, warrant or guarantee any volumes. Volume estimates have been made by Purchaser and Purchaser relies on its own estimates of volume. Purchaser acknowledges that actual volume may be more or less than the parties' estimates.

18. **UTILIZATION.**

- Cordwood Products: All designated hardwood trees shall be utilized to one stick (100 inches long), to a minimum of four (4) inch top diameter inside bark (dib) and a maximum of ten (10) inch top dib, unless otherwise specified. All designated softwood trees shall be utilized to one stick (100 inches long), to a minimum of four (4) inch top dib and a maximum of eight (8) inch top dib, unless otherwise specified. If cordwood material is mixed with a higher valued product, the stumpage price applied will be that of the higher product.

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- Hardwood Bolt Products: All material which is a minimum diameter of eight (8) inches dib to 100 inch length, unless otherwise specified, and sound, green timber, free from decay, split, shake, holes, large or numerous knots or other imperfections which will impair strength or durability.
- Sawlog Products: Designated softwood species shall be utilized down to an eight (8) inch top dib and hardwood species shall be utilized down to a ten (10) inch top dib, unless otherwise specified. Product that does not meet sawlog specifications will be utilized as bolt wood or pulpwood.
 - All forest products not paid for at specified stumpage rate are the property of the Seller. This includes, but is not limited to, tops smaller than the utilization specifications for cordwood products.
 - All merchantable forest products bulldozed or removed during road, landing or skid-way construction must be utilized and paid for at the specified rate.
 - Maximum stump height shall not exceed stump diameter, except that stumps of less than ten (10) inches in diameter shall not exceed (10) inches in height.
 - All merchantable dead timber, standing or down, and all live timber marked or designated in the area covered by this Agreement shall be cut.
 - Except as provided in par. I, below, all and only the trees designated for cutting on the Sale Area shall be cut whether the volume of forest products is more or less than any estimated volume. Any undesignated trees cut or damaged negligently or intentionally shall be paid for in an amount

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calculated by Seller using USDA Technical Bulletin 1104, Jan. 1955, Composite Table for Cordwood.

- Timber that is not designated for harvest in this Contract, but is harvested in compliance with terms mutually agreed to by Purchaser and Seller shall be paid for by Purchaser at the rate specified by the Forest Administrator.
- If timber or other forest products not specifically described in this Contract or designated by the Seller for cutting are cut, damaged or removed by the Purchaser, the Seller may pursue any and all remedies for the unlawful use of the Seller's property and the cutting, damage or removal of property without consent, including the seeking of criminal or civil charges for theft, timber theft or criminal damage to property in addition to its Contract remedies for breach.
- Any forest product wasted in tops and/or stumps, and marked or designated trees left uncut shall be paid for at the contract rate.
- The Purchaser shall be particularly careful not to damage the residual timber stands. Young growth bent or held down by felled trees shall be promptly released. Trees damaged through normal cutting operations may be designated for cutting by the Seller and harvested if merchantable.
- No hemlock shall be cut or bulldozed. The Purchaser agrees to be particularly careful not to damage any and all hemlock that may be present on or near the Sale Area.
- The Purchaser agrees to remove cut wood product from the Sale Area in a

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timely manner which is agreeable to the Seller. If any failure of Purchaser to comply with this provision results in the need for entomological, disease, or fire prevention treatment, the cost of same will be paid by the Purchaser at Seller's sole discretion. The Seller shall give the Purchaser a five (5) day notice before any such treatment is to begin.

19. **OPERATIONAL SPECIFICATIONS.**

- The Purchaser shall notify the Forest Administrator or his designee at least three (3) business days prior to the commencement of any logging operations under this Contract, or if operations are to be suspended by Purchaser for more than thirty (30) days.
- The Seller retains for itself the right of ingress and egress to and on the Sale Area and may inspect the Sale Area and trucks hauling forest products from or traveling on the Sale Area at any time. If the inspection reveals any violations of this Contract, the Purchaser shall promptly take measures to remedy the violation. The Seller may terminate the Purchaser's operations upon oral notice to the Purchaser. Upon receipt of the notice, the Purchaser shall cease operations until the Seller approves resumption of them.
- The Purchaser has no access or privilege to go upon the Seller's property other than to comply with this Contract and may not authorize access or use to others except for the sole purpose of performing this Contract.
- Skidding method and equipment must meet the approval of the Seller.
- The Seller reserves the right to establish cutting compartments and designate the

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sequence in which they will be cut. The Purchaser agrees to complete all operations on each portion of the Sale Area or each compartment as designated in the cutting requirements and/or Contract map.

- All Best Management Practices will be adhered to. Contract maps will show restricted equipment zones if they apply.
- All logging operations may be suspended temporarily, at the discretion of the Seller, for various reasons such as disease prevention, soil protection, residual stand protection, or site use priority. When feasible, dates of prohibited operation will be shown on the Contract map.
- For silvicultural management purposes, various tree species may be designated for advanced protection. Special conditions will be noted on the Contract map. The Purchaser agrees to strictly adhere to this no cut provision.
- All harvested forest products, for which Seller has been paid, must be completely removed from lands owned by Iron County within six (6) months of the date notice of this Contract's closure is served upon, or mailed to, Purchaser. It is hereby agreed that any forest products paid for by Purchaser but left on lands owned by Iron County for a period of time exceeding six (6) months from the date that Purchaser was notified that this Contract is closed shall become the property of Seller, and Seller may dispose of said forest products as it sees fit, without notice to Purchaser.
- No residence, dwelling, permanent structure or improvement shall be established or constructed on the Sale Area. Buildings or equipment not removed from the

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Seller's property within sixty (60) days after completion or termination of this Contract shall become the property of Seller and/or may be removed at the Purchaser's expense.

- The Purchaser will comply with all specifications for operations under this Contract.

20. SCALING AND CONVERSION FACTORS.

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A. All wood will be mill scaled under lockbox system, as described in Section 22 of this Contract, unless other arrangements are made or required by Seller. The Purchaser must notify the Seller at least two (2) working days in advance if woods scale of forest products is required. Piles must be level and square with at least three (3) cords per pile.

225 Removal of forest products shall be under either the lockbox ticket method or woods scale method, not both, unless agreed upon. No forest products may be removed until scaled and marked by an employee or designee of the Iron County Forestry Department, unless the wood is being transported under the Iron County lockbox ticket scaling rules. Payments shall be made for same not more than fourteen (14) days after the billing date.

226 Purchaser agrees to pay double the market value of timber removed from the Sale Area without advance payment or authorization as required in par. B, above. Market value shall be the payment rate received by Purchaser from the buyer purchasing the timber; or, in the case of timber that has not yet been delivered to a buyer, the wood shall be seized and sold by Seller, and market value shall be the amount paid to Seller for that timber.

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- 227 When two or more species having different stumpage rates are mixed, the higher of the rates will apply.
- 228 The Scribner Decimal C Log Rule shall be used for scaling logs.
- 229 All sawlogs shall be separated from pulpwood when piled.
- 230 All logs will be yarded for scaling. If logs are decked, the length of each log shall be marked on the small end with lumber crayon. All pieces that have a small end diameter of ten (10) or more inches, and that are 50% or more sound will be considered logs for the purposes of this Contract.
- 231 All logs must be scaled on and prior to leaving the premises.
- 232 Conversion of MBF (thousand board feet) to cords, or cords to MBF, will be done at the rate of 2.44 cords per MBF for softwoods and 2.20 cords per MBF for hardwoods.
- 233 All cordwood volumes are based on unpeeled measure. Unless otherwise specified, a cord is 4 feet by 4 feet by 100 inches (4' x 4' x 100"). It is agreed that 12.5% will be added to hand-peeled volume and 25% will be added to machine-peeled volume, to calculate equivalent unpeeled volume.
- 234 All firewood must be woods scaled, unless other arrangements have been made. Firewood must be decked properly for scaling.

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235 The Forest Administrator, Forestry Department Personnel, local law enforcement officers, and Wisconsin Department of Natural Resources Foresters may inspect trucks hauling forest products from the Sale Area and check scale at any time.

21. **SLASH.**

All logging debris to include slash, tops, and bark will be managed in accordance with State laws and regulations regarding slash or as specified on maps and/or diagrams attached hereto and made a part of this Contract. Slash falling on the land of an adjacent landowner shall be immediately removed. No slash may be piled on public road rights-of-way or recreational trails. No slash is allowed in lakes or streams. Any slash falling within wetlands, lakes, or streams shall be immediately removed. Tops from felled trees may not be left hanging in standing trees.

22. **LOCKBOX TICKET SYSTEM.**

A. Ticket books shall be issued by Seller when the Contract is signed and periodically thereafter as needed. Tickets are issued for the contract specified on the lockbox ticket, and shall not be used for any other contract. No slips of paper or facsimiles will be allowed to take the place of a lockbox ticket unless prior arrangements have been made with the Seller.

B. The Seller shall place a lockbox in a convenient location on the Sale Area before any forest products may be removed.

830 The Purchaser shall provide the Seller with a list of all destinations of forest products to be removed from the Sale Area, prior to hauling to said destinations. Purchaser shall report changes in forest product destination to the Seller before hauling to the new destination.

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- 831 A list of all truckers that will be hauling forest products from the Sale Area shall be provided to the Seller by the Purchaser. It shall be the responsibility of the Purchaser to provide such truckers with lockbox tickets. Each lockbox ticket is in triplicate. Each time a load of forest products leaves the Sale Area, the top copy of the lockbox ticket must be completely and clearly filled out and deposited IN THE LOCKBOX. When transporting forest products from the Sale Area, and when in possession of said forest products outside the Sale Area, the truck driver shall have in his/her possession the “mill” and “trucker” copies of the lockbox ticket applicable to the load. Upon arrival at the scaling location and completion of scaling of the forest products, the trucker shall detach the “mill” copy of the lockbox ticket and attach it to a duplicate copy of the scale slip. The Purchaser agrees to request the mill to return the “mill” copy of the lockbox ticket to the Seller unless other arrangements are made with the Seller. The Purchaser shall notify the Seller if the mill refuses to provide this service, and it shall be the Purchaser’s obligation to return the “mill” copy of the lockbox ticket to the Seller with the “trucker” copy of the lockbox ticket. All “trucker” copies of lockbox tickets must be returned to the Seller with scale slips at the end of each week.
- 832 If the mill scale slip and attached lockbox ticket are not received at the Seller’s office within the following time frames, the appertaining administrative fees shall be paid by Purchaser, at Seller’s sole discretion:
- 833 Slips and tickets received 15-20 days after scale date: \$5.00.
- 834 Slips and tickets received 21-30 days after scale date: \$10.00.
- 835 Slips and tickets received more than 30 days after scale date: \$50.00 for every 30 days of delinquency.

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- 836 Failure to completely deposit tickets in the lockbox each time a load of cut forest products leaves the Sale Area shall be considered a breach of this Contract, and Timber Theft. Timber or other forest products may not be removed from the Sale Area until paid for as provided in this Contract or other guarantees for payment have been made with and to the satisfaction of the Seller so as to authorize its cutting and removal. Upon removal of timber or other forest products in violation of this paragraph, the Purchaser agrees to pay as liquidated damages in the amount of double the mill value of the timber removed, and in addition to pursuing its remedies for breach of Contract, the Seller may seek charges against the Purchaser and his employees and agents for Timber Theft, Theft, Criminal Damage to Property, or a violation of an administrative rule or ordinance. At its option, Seller may cancel this Contract, forfeit Purchaser's bond, or take other appropriate action.
- 837 Trucks may be stopped at any time to ascertain that a lockbox ticket has been properly deposited for a load.
- 838 All lockbox tickets shall be accounted for by the Purchaser. The Purchaser shall return all unused tickets to the Seller immediately upon completion or termination of the Contract. There may be a \$10.00 charge for each lost or unreturned lockbox ticket.

23. **ROADS AND LANDINGS.**

A. The Purchaser shall have the right to build such landings and temporary roads on Seller's land as may be necessary to log the Sale Area. The Seller reserves the right to specify locations of roads and landings. No landing or road shall be constructed or cleared and no existing road shall be used until the proposed construction and use has been disclosed to Seller and approved by Seller. In constructing any landing or road, Purchaser shall comply with Best Management Practices and all applicable state and federal laws and regulations.

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B. No landings may be built within 200 feet of a lake, stream, or public road, unless permission is granted by the Seller and any and all necessary approvals have been obtained.

C. Logging roads that are to intersect any town, county or state roads or highways must have these intersections approved by the proper authorities prior to construction. Said intersections shall be kept free of unsightly debris.

D. No skidding, landing, or piling of wood products will take place on County Forest roads, town roads, county roads, or on cleared portions of rights-of-way, unless permission has been obtained from the Seller and the appropriate town official.

E. Purchaser shall keep existing roads and trails free from all logging debris. The Purchaser shall repair any damage to existing roads and restore them to a condition equal to, or better than, before the damage occurred.

F. All private roads used to reach the Sale Area shall be maintained by Purchaser in a good, usable condition.

G. All roads constructed by Purchaser shall be subject to the terms and conditions of this Agreement. Iron County shall have the right to use any road constructed by the Purchaser under this Contract for any and all purposes in connection with the protection and administration of the County Forest, or for any other purpose.

H. All roads used or constructed by the Purchaser are public roads and thus open to the public unless designated otherwise by the Forest Administrator.

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839 Purchaser shall be responsible, at its cost, for all road maintenance on all roads used to perform this Contract. Road maintenance shall include keeping culverts free of debris, grading, and addition of rock during periods of log hauling. Within a reasonable period of time after termination of log hauling, if requested by Seller, Purchaser shall grade and ditch all roads used to perform this Contract, and leave them in a condition equal to or better than they existed prior to the logging and hauling operations. In the alternative, and upon Seller's request, Purchaser shall block any roads designated by Seller, with berms placed at locations specified by Seller. Said berms shall extend across the roadway and shall be approximately 3.5 feet high. Purchaser shall pay all costs for road maintenance work. Failure to comply with these provisions will cause the work to be done by Seller or its agents and the cost of the work will be charged to the Purchaser. Seller may deduct the said costs from any bond posted by Purchaser.

24. **SNOWMOBILE AND ATV TRAILS.**

Snowmobile/ATV trails shall be kept free of logging debris for a distance of at least eight feet on each side of the trail. No landings, decking of cut wood products, storage of equipment or equipment operation shall be permitted on trails. During snowmobiling season, sufficient snow shall be left on these trails to permit safe travel for snowmobiles. The Purchaser shall repair any damage to existing trails and restore them to a condition equal to, or better than, before the damage occurred.

25. **PRESERVATION OF SURVEY MONUMENTS.**

Purchaser is responsible for the preservation of all survey monuments. Purchaser agrees to comply with s. 59.74, Wis. Stats., regarding perpetuation of landmarks and pay for the cost of repair or replacement of property or land survey monuments or accessories which are removed, destroyed, or made inaccessible during Purchaser's operations. If any survey monuments are destroyed or damaged during Purchaser's operations, Purchaser shall

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immediately notify the Forest Administrator. After such notification, Purchaser shall cause the monument(s) to be replaced by a professional surveyor, who is licensed and acceptable to the Forest Administrator. Purchaser shall ensure that the professional land surveyor makes all appropriate filings of any resurvey with the Iron County Register of Deeds.

26. **WATER QUALITY PROTECTION.**

Purchaser shall take all necessary and practicable precautions to prevent damage to soil, stream banks, stream courses, or any lake located on or near the Sale Area. Skidders, trucks and other equipment shall not be operated in the ditches of public roads or within twenty (20) feet of lakes, streams or rivers, except at constructed access points or crossings. Seller and Purchaser agree to comply with all Best Management Practices (BMP's) to protect water quality as described in the Wisconsin Department of Natural Resources Field Manual for Loggers, Landowners and Land Managers.

27. **WASTE REMOVAL/HAZARDOUS WASTE.**

A. Any debris or trash not natural to the land accumulated during the logging operation shall be removed and properly disposed of by Purchaser on a daily basis. Purchaser shall remove, to the satisfaction of Seller, all equipment, tools, solid waste, oil filters, grease cartridges, trash, and debris remaining on the Sale Area and Seller's property upon completion of performance under this Contract, or the termination of this Contract due to breach by the Purchaser, or when requested by the Seller.

B. Anti-freeze, waste oil, hydraulic oil, and all other petroleum products and chemicals shall be disposed of properly and lawfully. No petroleum products shall be dumped on the site. In the event any fuel oil, petroleum products or other hazardous wastes are deposited on any part of the Sale Area or any other portion of Seller's property, or any adjacent property, as a direct or indirect result of any activities of Purchaser or Purchaser's agents, Purchaser shall promptly notify Seller of this fact and shall

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report the hazardous material spill to the Wisconsin DNR immediately, in accordance with Best Management Practices. **Wisconsin DNR 24-Hour Emergency Hotline can be reached at 1-800-943-0003.** Purchaser shall remove and clean up the spill in full compliance with all provisions of state and federal law, at Purchaser's sole cost. Purchaser agrees to have at least minimum spill containment equipment available within the Sale Area at all times, as outlined in the Best Practices Manual.

28. FIRE PREVENTION.

A The parties acknowledge that the activities of Purchaser under this Agreement may cause fire risk to the Sale Area and adjoining areas. Purchaser agrees to use the highest degree of care and caution to prevent forest fires from starting on or coming onto the Sale Area. Purchaser shall require employees, contractors, agents and invitees of Purchaser to guard against fire dangers. Should a fire occur on any part of the Sale Area, Purchaser shall immediately take action to control the fire by making every reasonable effort to summon assistance and fight, control, and extinguish the fire. Purchaser agrees to fully comply with all provisions of the Wisconsin Statutes and Administrative Code regarding fire. In no event shall requirements under this Section 27 be construed as relieving Purchaser of the duty and responsibility to fight, control, and suppress fire on forest land. All requirements provided in this paragraph are in addition to and not in lieu of duties and responsibilities required by Wisconsin law. Purchaser shall comply with all reasonable requests made by Seller regarding forest fire prevention and suppression, including, but not limited to, requests to modify or cease operations. Further, Purchaser shall place its equipment at the disposal of Seller for the purpose of fighting forest fires on, or near, the Sale Area, if requested by a representative of Seller.

- Purchaser agrees that if a fire starts due to Purchaser's operations and it becomes a wild fire, forest fire or grass fire, Purchaser shall be liable for all damages, public and private, resulting from the fire, and any and all costs

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and expenses incurred in suppression of that fire. Purchaser shall fully defend, indemnify and hold Seller harmless from all liability (including attorney fees), to other governmental authorities or to public or private parties arising, directly or indirectly, from Purchaser's violation of law, and/or any fire resulting, directly or indirectly, from Purchaser's operations under this Contract. Purchaser understands that Wisconsin Forest Fire Law specifies that any person who starts a forest fire is responsible for paying the suppression costs and for damages resulting from the fire.

C. Purchaser agrees to take reasonable precautions to prevent the starting and spreading of fires during snow-free periods. Those precautions include, but are not limited to:

840 Fire tools: In order to maximize the ability to put out a forest fire in its initial stages, hand tools such as shovels and rakes and one or more backpack cans of water or other water supply shall be readily available and accessible, and a minimum of one fully charged 5 pound or larger ABC fire extinguisher with a flexible spout shall be carried on each off-road logging vehicle.

841 Spark Arresters: All chainsaws and all non-turbocharged off-road logging equipment used in the operation shall be equipped with spark arrestors that have been approved by the U.S. Forest Service. Such arrestors may not be altered in any manner or removed and shall be properly maintained.

842 Machinery Maintenance: All machinery, including engine compartments of tree harvesting equipment and power saws, shall be kept free of accumulations of flammable materials (oil, residues, and forest litter).

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843 Refueling: Safe areas shall be established for refueling saws and equipment. Operators shall be advised of these areas and shall comply with safe refueling techniques:

- a) No smoking or open flames when refueling.
- b) Store fuel properly in approved containers.
- c) Store power saws away from the refueling areas.

v. Smoking, Burning and Warming Fires: Smoking materials shall be disposed of safely; Fires shall not be permitted during burning bans; Warming fires shall be maintained within an area cleared of burnable material within ten feet of said fires.

vi. Fire Surveillance: Purchaser shall post a lookout on the harvest area for one (1) hour after logging activity ends each day, during periods of very high or extreme fire danger.

vii. Restriction of Harvest Operations During Peak Fire Danger: During periods of very high or extreme fire danger, the foregoing precautions may not be sufficient to prevent a fire. During these periods, the Forest Administrator may restrict hours of operation or suspend logging operations. In either case, Purchaser will be alerted to these conditions as far in advance as possible.

29. **POSSESSION OF ORANGE PAINT PROHIBITED.**

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The Purchaser agrees that Purchaser and Purchaser's jobbers, contractors, subcontractors, employees or agents shall have no orange-colored paint in their possession or vehicles while they are within the boundaries of this sale. A violation of this provision shall constitute a breach of this Contract.

30. **SAFETY.**

Purchaser and its contractors, subcontractors and employees shall use commonly accepted and acknowledged industry practices in the performance of this Contract and shall abide by the provisions of the Occupational Health and Safety Administration Standard of Hazardous Communication, 29 CFR 1910.1200, and train and inform its contractors, subcontractors and employees concerning hazardous materials as provided in the OSHA standard.

OSHA Compliance, Danger trees. The Purchaser is responsible to comply with, and assure compliance by all employees or subcontractors with, all Occupational Safety and Health Act (OSHA) requirements for the health and safety of Purchaser's employees, including provisions relating to danger trees. In addition, the Purchaser agrees to notify, and obtain agreement from, the Seller if the Purchaser intends to modify performance required under this Contract for the purpose of compliance with OSHA requirements.

31. **INDEPENDENT CONTRACTOR.**

The Purchaser is an independent contractor for all purposes including Worker's Compensation and is not an employee or agent of the Seller. The Seller agrees that the undersigned Purchaser, except as otherwise specifically provided herein, shall have the sole control of the method, hours worked, time and manner of any timber cutting to be performed hereunder. The Seller reserves the right only to inspect the job site for the sole

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purpose of insuring that the cutting is progressing in compliance with the cutting practices established under this Contract. The Seller takes no responsibility for supervision or direction of the performance of any of the harvesting to be performed by the Purchaser or Purchaser's employees. The Seller further agrees to exercise no control over the selection and dismissal of the Purchaser's employees, except that jobbers and other employees who, on this sale or on previous county timber sales, have been unsatisfactory in the execution of their work, or in their integrity, shall, upon written request of the Forest Administrator, be barred from work on the Sale Area by the Purchaser.

32. **NONDISCRIMINATION.**

In connection with performance of work under this Contract, the Purchaser agrees not to discriminate against any employee or applicant for employment because of age, race, religion, color, sex, handicap, physical condition, developmental disability as defined in s. 51.01(5), Wis. Stats., sexual orientation or national origin. This provision shall include, but shall not be limited to, the following: employment upgrading, demotion or transfer; recruitment or recruitment advertising, layoff or termination; pay rates or other forms of compensation; and selection for training, including affirmative action to ensure equal employment opportunities. The Purchaser agrees to post in a conspicuous place available for employees and applications for employment, notices to be provided by the Seller setting forth the provisions of this nondiscrimination clause.

33. **WORKER'S COMPENSATION AND LIABILITY INSURANCE.**

A. Unless the Purchaser is exempted by the Seller from this coverage requirement as an independent contractor, as defined in s. 102.07(8)(b), Stats., and as determined by the Seller based on an affidavit submitted to it, the Purchaser agrees to elect to maintain worker's compensation insurance coverage for the cutting operation under this Contract and any and all employees engaged in cutting on the Seller's land

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during the period of this Contract and any extensions, regardless of any exemptions from coverage under chapter 102, Wis. Stats. Prior to commencing any work under this Contract, the Purchaser must provide to Seller an original certificate of insurance showing proof of compliance covering the contract period and all employees on the Sale Area, naming the Seller as a certificate holder, and providing that the Seller shall be given a thirty (30) day advance notice of cancellation, non-renewal, or material change in coverage during the Timber Sale contract period.

B. The Purchaser agrees to furnish the Seller with a certificate of public liability insurance covering the contract period of logging operations on the Seller's property for:

i. \$1,000,000 single limit liability for personal injury or \$1,000,000 bodily injury per person and \$1,000,000 per occurrence; and

○ \$100,000 property damage.

- In the event the Purchaser uses a contractor or subcontractor to perform any work under this Contract, the Purchaser shall ensure that the contractor or subcontractor meets the requirements of the foregoing subsections A and B. Prior to the commencement of any work by Purchaser's contractor or subcontractor, the Purchaser must provide to Seller certificates of insurance showing proof of the contractor's or subcontractor's compliance with the worker's compensation insurance coverage required under subsection A and the public liability insurance coverage required under subsection B.

34. INDEMNIFICATION.

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A. Purchaser agrees to indemnify and hold Seller and its agents, employees, officers and assigns harmless from any and all liability and damages which may arise from accident or incident which may occur, directly or indirectly, as a result of Purchaser's entry upon the Sale Area, logging operations, or any other activity of Purchaser or Purchaser's contractors, subcontractors, agents, employees, officers or assigns. Purchaser agrees to hold Seller and its agents, employees, officers and assigns harmless from any liens, claims, uninsured liabilities, contingent or otherwise, including, but not limited to, tax liabilities, trade creditors, tort claimants, Purchaser's negligence, Worker's Compensation claimants, contractor's liens, environmental damage, and any other claim of any kind whatsoever. Purchaser further agrees to indemnify and hold Seller and its agents, employees, officers and assigns harmless from any and all liability, loss, or damage that Seller or its agents, employees, officers or assigns, or Purchaser or its contractors, subcontractors, agents, employees, officers or assigns may suffer as a result of claims, demands, costs, including attorney's fees or judgments, or other action against it or them by reason of personal injury or death to any person or persons, or any property damage, resulting, directly or indirectly, from the Purchaser's said entry upon the Sale Area, logging operations, or any other activity of Purchaser or Purchaser's contractors, subcontractors, agents, employees, officers or assigns. Purchaser shall indemnify and reimburse Seller for any attorney fees, other professional fees, and expert witness fees incurred by Seller in defending any claim subject to the indemnity provisions of this paragraph and shall indemnify Seller against any and all out-of-pocket costs. It is the parties' intent that this indemnity provision be construed as broadly as possible in favor of Seller. Seller may utilize the services of any professionals of its choice in defending any claims.

- Purchaser agrees to promptly discharge and protect Seller and Seller's property and all timber and forest products taken therefrom from any and all liens, claims and liabilities whatsoever based upon, arising out of or resulting from the logging operations

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contemplated by this Contract. This provision applies to, but is not limited to, mechanic's liens, laborer's liens, materialmen's liens, tax liens, any claims for loss, damage or personal injury by employees of others, and any claims for trespass upon other property and any claims for violating any law relating to taxation, worker's compensation, unemployment compensation, and similar provisions.

- Purchaser shall be responsible for all activities of any contractor or subcontractor of Purchaser. Purchaser's duty to indemnify Seller applies to any damage of any kind whatsoever incurred by Seller as a result of actions of Purchaser's contractors or subcontractors.

35. **LOGGER TRAINING**

To promote maximum benefit to the environment, the health and welfare of our logging contractors, and to adhere to requirements of forest certification standards, effective 1/1/2006 Iron County will require training of its logging contractors. Successful purchasers of Iron County stumpage will need to ensure that the actual logging contractor complies with the Wisconsin Sustainable Forestry Initiative (SFI) Training Standard as adopted by the Wisconsin SFI Implementation Committee (SIC). Criteria for the standard can be found at the website www.fistausa.org/sfi_standards or by contacting the Forest Industry Safety & Training Alliance (FISTA). Documentation confirming completion of the training standard will be required prior to starting sale.

36. **AUTHORIZATION TO RELEASE INFORMATION.**

Purchaser authorizes any individual, business, or mill receiving forest products from this Contract to release information to the Seller regarding amount, date received, and other relevant information.

37. **ASSIGNMENT.**

- This Contract is not assignable without Seller's written consent, which may be withheld for any reason. Seller has relied on the reputation and creditworthiness of Purchaser in entering into this Contract and reserves the right to withhold its permission to assign this Contract based on Seller's sole and complete discretion.

- If Purchaser elects to utilize a contractor or subcontractor, Purchaser shall remain responsible for all operations as provided in this Contract. Seller's consent to Purchaser's employment of a contractor or subcontractor does not constitute a release of Purchaser as to any obligations under this Contract.

38. **GENDER.**

Any indication of gender of a party in this Agreement shall be modified as required to fit the gender of the party or parties in question.

39. **ENTIRE AGREEMENT.**

This Agreement, plus its exhibits and schedules, constitutes the entire agreement between the parties. There are no other agreements, either oral or written. No supplement, modification or amendment of this Agreement shall be binding on the parties unless the same shall be in writing and signed by the parties.

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40. **WAIVER.**

Failure by the Seller at any time to require strict performance by Purchaser of any provisions of this Contract shall in no way affect Seller's rights to enforce such provision(s) nor shall any waiver by Seller of any breach of any provision be held as any waiver of any succeeding breach of the same provision or as a waiver of the provision itself.

41. **HEADINGS AND CAPTIONS.**

Section headings in this Contract are for convenience only and shall not be considered a part of this Contract or used in its interpretation.

42. **GOVERNING LAW AND VENUE.**

This Agreement shall be construed and interpreted under the laws of the State of Wisconsin, and the forum for disputes under this Agreement shall be the Circuit Court of Iron County, Wisconsin.

43. **SEPARABILITY.**

If any provision of this Agreement, or its application to any person, entity or circumstance, is invalid or unenforceable, then the remainder of this Agreement or the application of that provision to other persons, entities, or circumstances shall not be affected.

44. **CHANGE OF LAW OR REGULATION.**

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During the term of this Contract, Purchaser shall conform to and comply with any new or amended statute(s) or administrative regulation(s) that affect any aspect or condition of this Timber Sale. It is Purchaser's responsibility to amend its logging operations to conform to any new laws or regulations. All costs associated with any said operational amendments or modifications shall be borne solely by Purchaser.

45. **FOREST CERTIFICATION**

The area encompassed by this timber sale is certified to the standards of the Forest Stewardship Council® SCS-FM/COC-00083G FSC 100% and the Sustainable Forestry Initiative® NSF-SFIS-1Y943 SFI 100%. Forest products from this sale may be delivered to the mills "FSC 100%" and/or "SFI 100%" so long as the contractor hauling the forest products is chain-of-custody (COC) certified or covered under a COC certificate from the destination mill. The purchaser is responsible for maintaining COC after leaving the sale area.

46. **NOTICES.**

Except as otherwise expressly provided by law, any and all notices or other communications required or permitted by this Agreement or by law to be served on or given to either party hereto by the other party hereto shall be in writing and shall be deemed duly served and given when personally delivered to the party, SELLER or PURCHASER, to whom it is directed or, in lieu of such personal service, when deposited in the United States mail, first-class postage pre-paid, certified or registered, addressed as follows:

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TO SELLER: Iron County Forest Administrator
Iron County Forestry & Parks Dept.
607 3rd Avenue North Suite #2
Hurley, WI 54534
715.561.2697 Fax: 715.561.4801

«Contractor»

TO PURCHASER: _____

«Contact_Name»

«Address»

«City»

«Stat

«Zip»

_____, _____

47. **EXAMINATION OF LOCATION AND TIMBER.**

The Purchaser acknowledges that prior to signing this Agreement, it has made a careful examination of the Sale Area and has analyzed all requirements and specifications set forth in this Agreement. Purchaser further acknowledges that it has obtained full information as to the quantity and quality of materials and character of work required through personal inspection and does not rely on any statements or representations made by Seller.

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IN WITNESS WHEREOF, the SELLER and the PURCHASER have caused this Agreement to be executed, in duplicate originals, on the day and year listed below.

IRON COUNTY FORESTRY COMMITTEE:

BY:_____

DATE:_____

THOMAS THOMPSON, JR, Chairman

BY:_____

DATE:_____

ERIC J. PETERSON, Forest Administrator

STATE OF WISCONSIN)

) ss.

COUNTY OF IRON)

Personally came before me this _____ day of _____, 20____, the above-named THOMAS THOMPSON, JR and ERIC J. PETERSON, to me known to be the persons who executed the foregoing instrument, and acknowledge the same on behalf of Iron County.

Notary Public, State of Wisconsin

My commission expires:_____

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PURCHASER:

«Contractor»

Name: _____

«Contact_Name»

Contact Person: _____

«Address»

«City»

«St «Zip»

Address: _____,

Phone number (home): _____

«Cell»

(cell): _____

Email: _____

BY: _____

DATE: _____

Signature

Print Name and Title

BY: _____

DATE: _____

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Signature

Print Name and Title

STATE OF _____)

) ss.

COUNTY OF _____)

Personally came before me this _____ day of _____, 20____, the above-named _____, to me known to be the person(s) who executed the foregoing instrument, and acknowledge the same.

Notary Public, State of Wisconsin

My commission expires:

1010.2 TIMBER SALE EXTENSION / RENEWAL POLICY *

CONTRACT EXTENSIONS.

- A. If, during the course of performance of this Contract, Purchaser is prevented from cutting merchantable timber or removing merchantable logs solely as a result of strikes, fires (whose origin or spread is not contributed to by Purchaser or Purchaser's operations), government order, floods, severe weather, poor ground conditions, or other acts of God, or causes beyond the reasonable control of Purchaser, and if solely because of this event Purchaser is unable to complete its obligations by the date of expiration of this Contract, or if extremely poor market conditions render it impossible or impracticable for Purchaser to complete its obligations in a timely manner, Seller, at its sole discretion, may grant to Purchaser an extension of the time period in which Purchaser is obligated to complete the terms of this Contract. Seller shall have no obligation whatsoever to extend this time period, and Purchaser may not rely upon contract extensions for the purpose of completing performance under this Contract.
- B. If Purchaser desires an extension, Purchaser must file with the Forestry Department a written request for an extension not less than thirty (30) days prior to the expiration of the underlying Contract (or extension, if applicable), setting forth the basis for the extension request.
- C. If extensions of this Contract are deemed reasonable by the Seller, the purchaser must pay to Seller fifty (50%) percent of the estimated sale value as a condition of the extension being granted. For the first one-year extension, the stumpage price agreed upon herein shall remain unchanged. For subsequent extensions, the stumpage price agreed upon herein shall be increased by up to ten (10%) percent, as determined by the Forestry Department.
- D. The Purchaser may appeal the increase in stumpage, included with an extension, by making a written request to the Forestry Department. This request must be received not more than thirty (30) days prior to the expiration of the underlying Contract (or extension, if applicable), and include reasons why the increase should be waived. The individual

making the request must be available to appear before the Forestry Committee, if the need should arise.

- E. If, at the expiration of this Contract, Purchaser has not fulfilled its obligations and has not been granted an extension, all or a portion of Purchaser's performance bond and down payment may be forfeited to Seller. Any such forfeiture resulting from a failure of completion or compliance with the terms of this Contract shall not preclude legal action by the Seller for damages, specific performance, or other appropriate remedy.
- F. No contracts will be extended beyond four years from date of purchase. Contracts must be complete and all stumpage paid for within four years. After four years, the Forestry and Parks Committee may terminate the Contract and Purchaser will forfeit all bond monies and any wood or timber not already paid for, remaining at the sale location.

IRON COUNTY FORESTRY DEPARTMENT

1010.3

2020 FIREWOOD PERMIT

PLEASE PRINT

| | | | |
|---------|---------|----------------------------|----------|
| Name | Phone # | Date Issued | Fee Paid |
| | | Expires on this date, 2021 | \$20.00 |
| Address | City | State | Zip |
| | | | |

THIS FIREWOOD PERMIT IS FOR THE REMOVAL OF SLASH, TOPS, AND DOWN TREES THAT ARE LYING ON IRON COUNTY FOREST LANDS. IT DOES ALLOW YOU TO REMOVE LOGGING SLASH AND DOWN TREES FROM IRON COUNTY FOREST LANDS THAT ARE NOT UNDER LOGGING CONTRACTS.

IT **DOES NOT** ALLOW YOU TO:

1. Cut on any lands other than Iron County Forest lands.
2. Remove decked pulpwood or logs - no matter how old they are.
3. Cut any standing trees - whether dead or alive.
4. Travel with motor vehicles on trails that are gated or posted against motor vehicle travel.

| Office Use Only | |
|-----------------|--|
| Cash/Check # | |
| Date | |
| Rec'd by | |

OTHER CONDITIONS:

1. You must use this firewood permit only for yourself or your immediate family and may not sell it. You may not cut more than 10 pulpwood cords per year.
2. The Iron County Forestry Dept. may immediately cancel or revoke this permit for any reason by giving oral or written notice to you. The permit fee will not be refunded.
3. Your permit expires one (1) year from the date issued.
4. You agree to indemnify and hold harmless Iron County from any claims, damages, resulting from your actions or those of your employees or agents.
5. You may remove slash and tops from county forest land that is under a timber sale contract only if you obtain permission from the person that has that contract.

Make checks payable to Iron County Forestry.

BE SURE TO READ ALL OF THE ABOVE. FAILURE TO COMPLY WITH THE CONDITIONS OF THIS PERMIT COULD RESULT IN A FINE OF \$250.00.

I have read the conditions of this Permit
and agree to comply with them.

(signature)

IRON COUNTY FORESTRY DEPARTMENT

1010.4 PRIVATE ACCESS – ROAD USE PERMIT

IRON COUNTY ROAD USE PERMIT

(Temporary License Agreement)

Between Iron County and _____.

ON THIS _____ day of _____, 20____, it is agreed that
_____, whose address is _____
_____ (hereinafter the “Permittee”), is hereby permitted and authorized
by THE COUNTY OF IRON, a Wisconsin body corporate, whose address is 300 Taconite
Street, Hurley, WI 54534 (hereinafter the “Owner”), via this Road Use Permit (hereinafter the
“Permit”), to enter upon and use the following described area (legal description and plat or map
if appropriate):

[LEGAL] (hereinafter the “Road”).

For the purpose of an access road for ingress and egress to [LEGAL] (hereinafter the “Benefited
Land”).

Unless terminated by the Owner, this Permit shall be in effect for the period commencing on
_____, 20____ and ending [specific date or upon termination of Permittee’s
ownership of the Benefited Land]. Payment for the above use will be made according to the
following schedule: [Payment Terms].

It is agreed by the Owner and the Permittee that this Permit is subject to the following conditions:

- H. Permittee acknowledges and understands that this is a permissive, non-exclusive and temporary license. At any time, for any or no reason, this Permit may be terminated upon written notice by the Owner to the Permittee by regular mail to the above address.
- I. This Permit may not be sold, transferred or assigned without the written consent of the Owner, and becomes void if the Owner sells, exchanges or leases the Road or any land surrounding it.
- J. The Permittee may “brush out” and possibly widen the Road to an average width not to exceed 20 feet. The Permittee shall provide the Owner written notice at least 7 days in advance of undertaking the foregoing. The Permittee shall observe and comply with all federal, state, and local laws, orders, ordinances, policies, regulations and rules that may apply.
- K. All restoration, cleanup or repair of roads or landings used by Permittee, or the cost of the cleanup, if not completed by the Permittee to the satisfaction of the Owner, is the responsibility of the Permittee. The Permittee shall maintain the Road in a condition as good as, or better than, its condition before this Permit’s issuance. If rutting occurs, the Permittee agrees to work cooperatively with the Owner to mitigate and repair any and all rutting. The Permittee shall reimburse the Owner for any damages to the Owner’s land.
- L. The Owner retains, reserves and shall continue to enjoy full use of the Road. The Permittee must not interfere with the Owner’s use. The Permittee shall not cause or permit any lien or encumbrance to

attach to the Owner's title or interest. The Owner has no maintenance obligations regarding the Road.

M. The Permittee agrees to provide payment to the Owner for any timber cut on the Owner's land that may arise from the use of the Road.

The Permittee agrees to pay the Owner based upon stumpage rates to be determined from winning timber sale bids of similar products, within the previous 12 month period, on the Iron County Forest.

N. The Permittee agrees the Road shall be **open to the public at all times. No gates or other means of restricting the public from access to the Road are allowed.**

O. The Permittee shall contact the Iron County Forest Administrator five (5) days prior to the start of preparation for logging operations, including soil disturbance associated with the use or maintenance of the Road.

P. The Permittee shall use the Road only under frozen or dry conditions when rutting will not occur. The Permittee shall follow all Wisconsin best management practices in regard to forest use, water quality and invasive species. The Permittee shall consult with the Iron County Forest Administrator concerning these practices, as necessary.

Q. This Permit is terminated if the Permittee fails to comply with any of the conditions of this Permit. The Owner will give written notice of termination to the Permittee by regular mail to the above address.

- R. The Permittee shall maintain the Road in a safe, clean and sanitary condition at all times. This Permit does not give the Permittee any hunting or trapping rights.
- S. The Permittee agrees to protect, indemnify, and hold harmless the Owner, its elected officials, appointed officials, agents and employees, from and against any and all claims, demands, suits, liability and expense, by reason of loss or damage to any property or bodily injury to any person whatsoever, that may arise out of or result from any activity of the Permittee or in any manner connected with this Permit.
- T. This Permit shall be effective and binding upon the parties upon signing by the undersigned, who hereby represent they have full authority to sign on behalf of the stated parties. Nothing contained in this Permit shall be deemed or construed to create the relationship of principal and agent, of a partnership, or of a joint venture between the parties. This Permit shall be interrupted according to the laws of the State of Wisconsin. This Permit may only be modified by written agreement of the parties. This Permit constitutes the entire agreement between the parties.
- U. The Permittee shall deposit with the Owner, a bond in the amount of \$_____ to assure complete performance of this Permit. The Permittee agrees that upon breach of any term of this Permit said bond shall be forfeited to the Owner. Forfeiture of the bond shall not limit the Owner's right to seek any additional damages or remedies.

This Permit entered into on the date indicated above.

Permittee

Owner

Iron County

BY: _____

BY: _____

Printed Name: _____

Printed Name: _____

Title: _____

Title: _____

1010.5 CAMPING POLICY / PERMIT

Iron County Park Rules

Adopted by the Iron County Forestry and Parks Committee April 12, 2019.

IN CASE OF EMERGENCY DIAL 911

- **Fees.** All users of park facilities including parking lots, boat launch, picnic area, pavilion or campground must pay the respective fee (see fee schedule). Annual park use stickers are available from caretaker.
- **Registration.** Registration envelopes must be filled out and deposited upon entering the facility. The detachable tab must be visible in vehicle window at all times.
- **Firewood.** All firewood brought in must come from within 25 miles of the campground, or purchased from a WI certified firewood seller.
- **Campsite Use.** Camping is allowed only at designated campsites. Only 1 camping trailer, motor home or pickup camper per campsite. Reservations are accepted at www.ironcountyforest.org. Walk-ins must check kiosk for campsite availability.
- **Extra Vehicle.** Only two vehicles are allowed per campsite. A second vehicle must also pay the daily use fee for each day occupied or purchase annual sticker. Please avoid parking on grassy areas.
- **Pavilion.** The pavilion may be reserved for use at www.ironcountyforest.org.
- **Departure.** Departure time is at 12:00 p.m. on the last day of the stay. Arrival time is 3:00 p.m.
- **Quiet Time & Guests.** Quiet hours are from 11:00 p.m. through 6:00 a.m. During this period, musical instruments, stereos, radios, or other sound devices will not be allowed. All unregistered visitors must depart by 11:00 p.m. Campers are responsible for their guests and shall be subject to expulsion if guests do not comply with Park rules.
- **Children.** Children must be under supervision of a parent or responsible adult at all times.
- **Speed Limit.** The speed at all times in any County Park is 15 mph unless otherwise posted. Vehicle use only on designated roads. Parking only in designated parking areas. No parking anywhere that may obstruct or limit the use of roads, trails or boat landings.
- **Pets.** Pets must remain on a leash at all times. Droppings must be cleaned up immediately and disposed of properly.

- **Water.** Hoses or water supply lines shall not be connected to water faucets except to fill holding tanks at Lake of the Falls, Schomberg Park and Weber Lake.
- **Trash.** Trash must be deposited in dumpsters or designated trash cans. Campsites must be kept clean.
- **Waste disposal.** All gray and black water containers must be disposed of at the dump station. No waste lines are permitted to drain into the ground surface.
- **Campfires.** Campfires may only be started in designated firepits. All fires must be supervised by a responsible adult and properly extinguished after use. Glass, cans and other objects shall not be placed in fire rings or stoves. Fire restrictions must be obeyed, if in place.
- **Fireworks.** Fireworks are strictly prohibited.
- **Firearms.** Firearms, air guns, or any other weapon are prohibited.
- **Alcohol.** Alcoholic beverages may be consumed in moderation by campers age 21 or older, in their respective campsites or with permission of the campsite renter. Any disorderly conduct, profanity, excessive drinking and illegal controlled substances will not be tolerated and will constitute expulsion from the park.
- **Trees & wildlife.** Cutting trees and/or brush is prohibited. Nails, screws, other fasteners or materials are not allowed to be inserted in trees. Do not feed wildlife. No person shall harass, catch, harm or kill any animal or bird.
- **Other structures.** Permanent or seasonal structures, outside of the camping unit, are prohibited (ie; decks, sheds).
- **Fuel (Saxon Harbor).** ONLY REGISTERED FUEL DOCK ATTENDANTS SHALL PUMP GAS. ALL FUELING of boats, including fuel brought in, must take place at the designated fuel dock. Engines must be shut off and all passengers disembarked. All six gallon and smaller tanks must be removed from boat before filling. Only registered fuel dock attendants shall pump gas. Smoking is prohibited in the fuel dock area. This policy will be strictly enforced. (*Wis Administrative Code SPS310*)
- **Docking.** Seasonal Saxon Harbor boat tenants shall abide by all rules and regulations as set forth in *Saxon Harbor Tenant Rules and Regulations*. Transient docking maximum length of stay 14 days. See caretaker or kiosk for availability.
- **Vendors.** No commercial or profit-making organization may sell, vend or rent any article in the County Park.

The violation of any law or County ordinance by any member of a camping party shall constitute cause for revocation for the camping permit for the campsite in question. Violators of any of the preceding regulations are subject to prosecution. The term "County Parks" includes Saxon Harbor Marina and Campground.

Thank you for visiting Iron County Parks and Campgrounds. We hope you enjoyed your stay. Your comments and suggestions are welcome and may be sent to:

Iron County Forestry Department
607 3rd Ave. N ~ Suite 2
Hurley, WI 54534
(715)561-2697 or visit www.ironcountyforest.org

DEER STAND RULES – IRON COUNTY FOREST

RESOLUTION: 2205 AMENDMENT OF CHAPTER 1 – IRON COUNTY ORDINANCES (PARKS AND COUNTY FOREST)

WHEREAS: The Iron County Forestry Committee has determined that increased hunting activity in the Iron County Forest has made it necessary to regulate the use of hunting blinds and tree stands in the Iron County Forest to prevent damage to trees, injury to forest products industry workers and deposition of waste on County owned lands, now therefore

SECTION 12-1-1 (b) – Definitions

- (19) **Ground Blind** – Any structure that is constructed or placed on the ground, including structures elevated on posts or legs, for the purpose of sheltering or concealing person(s) engaged in hunting, photographing, or observing wildlife.
- (20) **Tree Stand** – Any structure that is constructed or placed in a tree for the purpose of supporting and/or concealing person(s) engaged in hunting, photographing, or observing wildlife.

SECTION 12-1-5 (e) – Recreational Use

- (12) Any ground blind or tree stand placed on Iron County Forest lands must have the name and address of the person who owns it clearly displayed on it in letters that are legible from the ground, for tree stands; or at least from 10 feet away, for hunting blinds.
- (13) Driving, screwing, or otherwise placing nails, screws, lag bolts, spikes, or any other metal objects into trees located on Iron County Forest lands, for the purpose of constructing a ground blind or tree stand, is prohibited and unlawful.
- (14) Tree stands placed into trees located on Iron County Forest lands must be portable, removable, and not damaging to the tree that they are placed into. A tree stand that is placed into a tree located on Iron County Forest land must be completely removed from that tree at the end of the same day that it is placed there, except during the time period of September 1 through December 31 when tree stands may be left in place without daily removal.
- (15) A ground blind that is constructed of natural materials, untreated sawn lumber, untreated manufactured wood products similar to plywood or wood flakeboard, cloth made of natural fibers, and cord or rope made of natural fibers, and whose exterior dimensions do not exceed four feet by eight feet may be placed on Iron County Forest Lands, but must be completely removed from those lands when the owner of that blind no longer intends to use it. Use of any plastic, fiberglass, tar paper, roofing materials, carpeting, glass, wood that is painted and/or treated with preservatives, or other man-made materials, in the construction of ground blinds placed on Iron County Forest lands is prohibited, and unlawful, except when done in compliance with (16).
- (16) Ground blinds that contain material prohibited by (15), and that are designed to be portable may be placed on Iron County Forest lands if removed from those land on

- the same day they are placed on them, except during the time period of September 1 through December 31 when they may be left in place without daily removal.
- (17) Steel nails and fasteners may be used in the construction of ground blinds on Iron County Forest lands except that placing those nails or fasteners into trees is prohibited and unlawful. Use of stainless steel, aluminum, copper, or other non-ferrous metallic fasteners and wire in the construction of ground blinds placed in the Iron County Forest except for those used in compliance with (16), is prohibited and unlawful.
 - (18) All materials and objects deposited on Iron County Forest lands by persons utilizing tree stands, and ground blinds shall be completely removed from Iron County Forest lands in compliance with this section and Iron County Ordinance No. 2004 (Dumping of Refuse, Hazardous Waste, and Recyclables Ordinance).
 - (19) All ground blinds and tree stands placed and/or constructed on Iron County Forest lands previous to August 1, 1996 must be in compliance with (12), (13), (14), (15), (16), (17), and (18), or completely removed from the Iron County Forest lands before July 1, 1997.
 - (20) The penalty for violation of Section 12-1-5 (e), paragraphs 12 through 19 shall be \$100.00 for each incident, and the Iron County Sheriff, Iron County Sheriffs Deputies and Wisconsin Department of Natural Resources Conservation Wardens are authorized to enforce those regulations.

BE IT FURTHER RESOLVED: That the Iron County Forest Administrator is hereby authorized, and directed to remove, and/or destroy ground blinds and tree stands placed on Iron County Forest lands in violation of these regulations.

PERMIT # _____ -YR

ISSUED TO

PHONE

ADDRESS

VEHICLE MAKE, MODEL, COLOR, LICENSE PLATE

By signing this permit you agree to indemnify and hold harmless Iron County from any claims or damages resulting from your actions or those of your employees or agents.

THIS PERMIT MUST BE PLACED ON
THE DASHBOARD OF YOUR VEHICLE
SO THAT IT IS CLEARLY VISIBLE FROM
THE OUTSIDE WHILE YOU ARE CUTTING BOUGHS.
THIS PERMIT EXPIRES DECEMBER 31, 20XX.

I have read the regulations that accompany this permit and understand them.

PERMITTEE'S SIGNATURE

NAMES OF PERMITTEE'S SPOUSE, AND/OR CHILDREN LESS THAN 18 YEARS OF AGE WHO WILL ASSIST WITH BOUGH CUTTING:

FOR OFFICE USE ONLY

Date Received: ____ / ____ / ____

Amt Received: \$

Cash Check #

Received By: _____

IRON COUNTY FORESTRY DEPT.

See back for permit details

The bough permit that you have purchased authorizes you to cut balsam fir boughs on Iron County Forest land that is located south of U.S. Hwy 2 and that is located further than 25 feet away from the ditch line of any federal, state and lettered county trunk road. You cannot cut any boughs within the boundaries of Lake of the Falls, Weber, Schomberg, Shay's Dam, Potato River or Saxon Harbor County Parks. You must comply with all County Forest ordinances as well as the following restrictions:

1. Iron County Resident Fee: \$100.00 - Non-Iron County Resident Fee: \$150.00 (Drivers License or proof of residency required)
2. You may not interfere with bough cutting being done by anyone else on Iron County Forest lands.
3. This permit **DOES NOT** authorize you to cut boughs on any lands that are not owned by Iron County Forest. Be sure that you know your location and you have landowner permission before you cut on any lands not owned by Iron County Forest.
4. You may not cut boughs in areas of the County Forest where active logging is underway without first obtaining permission from the logger.
5. You do not have to report the amount of boughs cut. There is no limit on the amount of boughs that you may cut under the authorization of this permit.
6. You are responsible for making sure that you are cutting on the Iron County Forest lands open to bough cutting.
7. **ONLY** your spouse and any of your children under the age of 18 may assist you with bough cutting for no additional fee. Any other adult who assists you with cutting must purchase his or her own permit. If you intend to have your spouse or non-adult children assist you, their names must be recorded on the face of this permit when purchased.
8. You must place your permit on the dashboard of your vehicle so it is clearly visible from the outside while you are cutting boughs on the County Forest.
9. Iron County reserves that right to suspend or revoke this permit at any time that the Iron County Forest Administrator or agents has reason to believe that you have violated these regulations. This permit will expire on December 31, 20XX.
10. **Vehicle or ATV use is not permitted off of marked roads or trails. Vehicle use is prohibited on any ATV and/or snowmobile trail. Any rutting or damage to wetlands shall result in permit revocation and will be punished to the fullest extent of the law.**

**20XX IRON COUNTY FOREST
NON-COUNTY RESIDENT BOUGH PERMIT**

PERMIT # _____-YR

ISSUED TO _____

PHONE _____

ADDRESS _____

VEHICLE MAKE, MODEL, COLOR, LICENSE PLATE _____

This permit authorizes the person named above, that person's spouse and children who are less than 18 years of age, to cut **BALSAM FIR BOUGHS** on all Iron County Forest Lands that are located south of U.S. Hwy 2, and that are more than 25 feet from the ditch line of any Federal, State or County Trunk Road. This permit does not authorize the cutting of any boughs on lands that are not owned by Iron County, or on lands owned by Iron County that are not part of the County Forest. All bough cutters will follow County ordinances with regards to ATV use and littering in addition to the Iron County Forest Cutting Policy. Violators will be prosecuted.

By signing this permit, you agree to indemnify and hold harmless Iron County from any claims or damages resulting from your actions or those of your employees or agents.

**THIS PERMIT MUST BE PLACED ON
THE DASHBOARD OF YOUR VEHICLE
SO THAT IT IS CLEARLY VISIBLE FROM
THE OUTSIDE WHILE YOU ARE CUTTING BOUGHS.
THIS PERMIT EXPIRES DECEMBER 31, 20XX.**

I have read the regulations that accompany this permit and understand them.

PERMITTEE'S SIGNATURE _____

NAMES OF PERMITTEE'S SPOUSE, AND/OR CHILDREN LESS THAN 18 YEARS OF AGE
WHO WILL ASSIST WITH BOUGH CUTTING: _____

FOR OFFICE USE ONLY

Date Received: ____/____/____

Amt Received: \$ _____

Cash Check # _____

Received By: _____

IRON COUNTY FORESTRY DEPT.

See back for permit details

The bough permit that you have purchased authorizes you to cut balsam fir boughs on Iron County Forest land that is located south of U.S. Hwy 2 and that is located further than 25 feet away from the ditch line of any federal, state and lettered county trunk road. You cannot cut any boughs within the boundaries of Lake of the Falls, Weber, Schomberg, Shay's Dam, Potato River or Saxon Harbor County Parks. You must comply with all County Forest ordinances as well as the following restrictions:

1. Iron County Resident Fee: \$100.00. Non-Iron County Resident Fee: \$150.00 (Drivers License or proof of residency required).
2. You may not interfere with bough cutting being done by anyone else on Iron County Forest lands.
3. This permit DOES NOT authorize you to cut boughs on any lands that are not owned by Iron County Forest. Be sure that you know your location and you have landowner permission before you cut on any lands not owned by Iron County Forest.
4. You may not cut boughs in areas of the County Forest where active logging is underway without first obtaining permission from the logger.
5. You do not have to report the amount of boughs cut. There is no limit on the amount of boughs that you may cut under the authorization of this permit.
6. You are responsible for making sure that you are cutting on the Iron County Forest lands open to bough cutting.
7. ONLY your spouse and any of your children under the age of 18 may assist you with bough cutting for no additional fee. Any other adult who assists you with cutting must purchase his or her own permit. If you intend to have your spouse or non-adult children assist you, their names must be recorded on the face of this permit when purchased.
8. You must place your permit on the dashboard of your vehicle so it is clearly visible from the outside while you are cutting boughs on the County Forest.
9. Iron County reserves that right to suspend or revoke this permit at any time that the Iron County Forest Administrator or agents has reason to believe that you have violated these regulations. This permit will expire on December 31, 20XX.
10. **Vehicle or ATV use is not permitted off of marked roads or trails. Vehicle use is prohibited on any ATV and/or snowmobile trail. Any rutting or damage to wetlands shall result in permit revocation and will be punished to the fullest extent of the law.**

1010.8

**CHRISTMAS
TREE
PERMIT**



YEAR _____

Name _____

Address _____

Date _____

Paid _____

**IRON COUNTY FORESTRY
DEPARTMENT**

By _____

NATIVE AMERICAN GATHERING PERMIT APPLICATION

1010.9

Name _____ Phone _____

Mailing Address _____ Tribal ID # _____

City, State, Zip _____ email _____

Vehicle description, license plate # _____

Materials requested to be gathered:

| | Species | Amt Requested | Location (Sec, Town, Range) | Amt Approved | ICF approval |
|--|-----------------------|-----------------|--|-----------------|--------------|
| Tree Bark | | | | | |
| Birch Poles - must be less than 5" dbh | White or Yellow Birch | 5 poles/year | Iron Co Forest w/in 100' of the center of any named town or county forest road (no logging roads or trails). | 5 poles/year | |
| Lodge Poles — does not include birch, must be less than 5" dbh | | | | | |
| Marsh Hay | | | | | |
| Twigs | White or Yellow Birch | 50 bundles/year | Iron Co Forest w/in 100' of the center of any named town or county forest road (no logging roads or trails) | 50 bundles/year | |
| Other | | | | | |

Upon approval from the Iron County Forestry Department, I agree to the following terms of this application:

1. This permit allows gathering of materials on Iron County Forest lands only.
2. Only 1 permit per person per year will be issued. **Permit expires 5/31/20XX**. No time extension will be granted.
3. Travel with motor vehicles on trails/roads that are not designated for such use is prohibited.
4. I agree to clean up the work site of all litter, debris, etc.
5. There will be no residual damage to surrounding trees and/or terrain.
6. Any rutting or damage to wetlands shall result in permit revocation and/or prosecution.
7. **Firewood, Sap and Balsam Bough gathering require a separate permit.**
8. Iron County shall respond to this application within 14 days of receipt. Application is not valid without signature of Iron County Forest Administrator or assigned agent.
9. I agree to indemnify and hold Iron County, its employees or agents, harmless from any and all liability and attorney fees, costs and any claims and/or damages including but not limited to property damage and personal injury or death, resulting directly or indirectly from my actions or those of my employees, agents or assigns.
10. Only myself, my spouse (if tribal card holder) and children 18 or under are allowed to gather under this authorized application.

Names _____

I have read and agree to the regulations that accompany this application and understand them.

Applicant Signature _____ Date _____

Iron County Forestry Department _____ Date _____

This permit expires _____
Other permit requirements:

County of Iron
Forestry Department

Sap Gathering Application and Permit

APPLICATION

Name of Tribal Member

Telephone Number

| | |
|--|--|
| | |
|--|--|

Street or Route

| | |
|--|--|
| | |
|--|--|

City, State, Zip Code

Tribal Identification Number

| | |
|--|--|
| | |
|--|--|

PERMIT

The above Tribal Member Permittee is hereby authorized and permitted to gather the following miscellaneous forest product - SAP- from the Iron County Forest, subject to the conditions listed below:

A. Amount of product that may be gathered:

B. Location in which gathering is permitted (see also attached map):

C. Conservation and other Provisions:

1. Gathering may take place only in designated areas and only on designated trees.
2. Use of vehicles and equipment off existing roads must be approved by Forest Administrator.
3. Only one tap per 10 inches Diameter Breast Height, 2 taps per 14 inches DBH, 3 taps per 20 inches or larger DBH may be used.
4. Taps shall not exceed one-half inch (12.5mm) diameter.
5. All spials, taps and other gathering or collection equipment, including tubing, must be removed from Iron County trees and land no later than 15 May, of each year.
6. No tap may be placed within eight (8) inches of any previous tap hole.
7. Maximum boring depth for taps is three inches (76 mm).
8. The cooking/boiling of sap is not permitted on County Forest land.
9. All persons engaged in gathering miscellaneous forestry products must be tribal members and possess a valid tribal identification card. A permitted family includes parents and dependent children.

This permit is valid from _____ to _____.

Standard Provisions:

1. The permitted Tribal Member must possess this permit at all times while gathering or transporting the sap.
2. While gathering or transporting any sap, this permit, any accompanying map, and a tribal identification card must be presented by the permittee upon request by any County or State representative.
3. The permittee assumes all responsibility to gather in the designated area only and to assure that he or she is on County Forest property.
4. The County assumes no responsibility for injuries to or caused by the permittee by issuance of this permit.
5. All roads and trails shall be kept open at all times and may not be damaged.
6. No permittee may transfer this permit or allow the use thereof by any other person.
7. Existing regeneration and/or residual trees may not be damaged.
8. The permittee shall comply with all slash, fire, and litter laws. No gathering may be conducted during emergency forest fire bans.
9. Violations of this permit or any conditions of gathering stated herein shall be determined by the County and will result in the revocation of this permit.

I have read and understand and agree to the conditions of this permit.

Signature of Tribal Permittee

Date signed:

Signature of Iron County representative

Date signed:

IRON COUNTY HIGHWAY DEPARTMENT

APPLICATION/PERMIT TO CONSTRUCT DRIVEWAY TO COUNTY TRUNK HIGHWAYS

Please fill out the required information on this form and submit to Iron County Highway Department, 607 3rd Avenue North, Hurley, WI 54534, (715) 561-4965. Please print or type.

DRIVEWAY LOCATION INFORMATION

1. Applicant Name _____
2. Applicant Mailing Address _____
3. Property Owners Name, If Not Applicant _____
4. If Not Property Owner, Reason for Application? _____
5. Area Code-Telephone Number _____
6. Town of _____
7. What Type of Driveway (circle one)
 New Driveway Improve Existing Driveway Relocate Existing Driveway
8. Driveway Located Within The:
 _____ quarter of the _____ Quarter Section _____ Township _____ North, Range _____ East/West
9. County Trunk Highway (circle one) A B C D E FF G H J
10. What type of use will the driveway serve? (circle one)
 Rural-Commercial/Industrial Urban-Commercial/Industrial
 Rural-Residential Urban-Residential
 Rural-Farming
11. Approximately how many times will vehicles use this driveway daily? (circle one)
 0-100 101-500 Over 500
12. What side of the road is the proposed driveway located? (circle one) North South East West
13. Is the proposed driveway less than 500 feet from another driveway on the same road? Yes or No
14. What is the name of the nearest side road from the proposed driveway?
15. Approximately, how far is the proposed driveway from the side road listed in 14 _____ (distance can be measured in feet or miles) and in what direction from the proposed driveway? (Circle one) North South West East

The Construction and maintenance of the driveway shall be the responsibility of the applicant.

The applicant shall also comply with all permit provisions, superimposed notes, and detail drawings, which may be added by the Department. Any alteration of this form by the applicant is prohibited and may be cause to revoke this permit.

X _____
 (Property Owner/Authorized Representative Signature) (Date)

PERMIT
 Approved by Iron County Highway

X _____
 (Highway Commissioner) (Date)

APPLICATION PROCESSING FEE \$25.00

MAKE CHECK PAYABLE TO: IRON COUNTY HIGHWAY DEPARTMENT

16. Does this parcel of land abut or border alongside another public road? Yes or No If yes, please indicate road's name. _____
17. Please provide a copy of documentation from the jurisdictional zoning authority to prove how the property is zoned. If no zoning has been assigned to the property, include a statement from the jurisdictional zoning authority to the effect that the land is unzoned.
18. If this parcel is unzoned as indicated in 17, please explain how the land is currently being used. _____
19. Are you aware of any future plans to change the zoning or land use for this parcel? Yes No Don't Know
(Circle one) If yes, please explain _____
20. Are there any plans to divide the property into smaller lots? Yes or No
21. How many existing driveways does this property currently have? _____
22. Are there any access restrictions limiting the number of driveways to this property i.e: subdivision plat, certified survey map, deed, access covenant (recorded or unrecorded)? Yes or No (If yes, please submit a copy of the access restriction agreement with the permit application.)
23. Are there any access easements across the property (recorded or unrecorded)? Yes or No
(If yes, please submit a copy of the access easement agreement with the permit applications.)

APPLICANT SHALL PLACE A FLAG OR MARKER IN THE ROAD DITCH VISIBLE FROM THE ROAD AT THE LOCATION OF PROPOSED DRIVEWAY.

Additional permit provisions are listed below (to be added by Highway Department):

CONDITIONS OF ISSUANCE

1. The permittee, indicated on the reverse side, represents all parties in interest, and that any driveway or approach constructed by or for him/her is for the purpose of providing access to property, and not for the purpose of parking or servicing vehicles, or for advertising, storage, or merchandising of goods on the road right-of-way.
2. Except in cases where the indicated driveway access may be constructed by forces acting on behalf of the County in relation to a highway construction or reconstruction project, the permittee shall furnish all materials, do all work, and pay all costs in connection with the construction of the driveway and its appurtenances on the road right-of-way. In every instance, the subsequent maintenance of the driveway and of its appurtenances within the limits of the right-of-way shall be the responsibility of the permittee, who shall be obligated to pay all costs and accomplish all works necessary in relation to the said maintenance of the driveway facility. Materials used and the type and character of the work shall be suitable and appropriate for the intended purpose. The nature of construction shall be as designed and subject to approval of the Highway Commissioner. The driveway installation shall be made without jeopardy to or interference with traffic using the road. Road surfaces, shoulders, ditches, and vegetation which are disturbed by the driveway installation shall be restored to at least the pre-existing conditions by the driveway constructor. Any such facilities disturbed by operations relating to the subsequent maintenance of the driveway shall be restored by the permittee to the satisfaction of the Highway Commissioner.
3. No revisions or additions shall be made to the driveway or its appurtenances on the right-of-way without the written permission of the Highway commissioner.
4. The Department reserves the right to make such changes, additions, repairs and relocations within statutory limits to the driveway or its appurtenances on the right-of-way as may at any time be considered necessary to facilitate the relocation, reconstruction, widening, and maintaining of the road, or to provide proper protection to life and property on or adjacent to the road.
5. The permittee, successors or assigns agree to hold harmless Iron County and its duly appointed agents and employees against any action for personal injury or property damage sustained by reason of the exercise of this permit.
6. The department does not assume any responsibility for the removal or clearance of snow, ice or sleet, or the opening of windrows of such material, upon any portion of any driveway or entrance along any road, even though snow, ice or sleet is deposited or windrowed on said driveway or entrance by its authorized representative engaged in normal winter maintenance operations.
7. The permittee shall be responsible for providing erosion control and storm water management measures to protect all restored areas upon completion of the driveway until the replacement vegetation achieves sustained growth.
8. ROCK, BITUMINOUS, CONCRETE, TIMBER OR OTHER EMBANKMENT RETENTION OR DRIVEWAY MARKING TREATMENTS ARE PROHIBITED.

Documentation of Zoning

County Iron

Township _____

Highway _____

Legal Description of Property _____

Zoning Classification _____

Date so Zoned _____

Being the duly authorized zoning administrator or their agent, I do hereby verify the zoning information indicated.

Signature

Date

Zoning Administrator Iron County

1010.12 ATV/UTV TRAIL STANDARDS

WCFA ATV/UTV Sustainable Trail Guidance

This document is meant to be used as guidance in the development or rehabilitation of state funded, “summer” use, county sponsored ATV/UTV trails

In an attempt to simplify and standardize ATV/UTV grant applications from WCFA member counties, the following guidelines have been developed for new trail construction or trail rehabilitation projects. The guidance is not meant to apply to existing trails but should be followed when developing new trails and when trail managers determine rehabilitation is necessary due to environmental or safety issues.

It is understood these trail guidelines cover normal situations on many of the trails, but in some cases there is good reason for building trails above and beyond the guidelines. In those cases, make sure you clearly explain and justify your reasoning for requesting more than standard amounts. In a case where trail development or rehabilitation projects do not require the trail manager to achieve recommendations provided in this guidance and there are no environmental concerns, the application should explain and justify project circumstances. The goal of a trail manager should be to develop and rehabilitate trails so they are sustainable and manageable for years to come when routine maintenance is applied.

Some trail development or trail rehabilitation projects may only entail crowning and ditching of existing natural materials, most notably on trails that do not receive extensive use on a regular basis. When developing and rehabilitating heavily used trails, managers should consider adding a base layer of material to allow for routine trail grooming and maintenance.

“The trail design should minimize the ecological impact of the trail and should retain the trail’s basic stability and shape through time without abrupt changes, recognizing there are both the human and natural forces at work on the trail surface. The concept of sustainability also recognizes that appropriate maintenance and management are also necessary”¹

Trails will be developed and maintained in a sustainable manner to meet *Wisconsin Forestry BMPs for Water Quality* guidelines and all WDNR permit requirements, including new stormwater discharge permit requirements, in an effort to prevent water runoff, soil rutting and erosion that may result in environmental degradation.

¹ “So You Want to Build an ATV Trail” WDNR PUB-CF-018 2005

Sustainability – For the purpose of ATV/UTV trails, the term “sustainability” is intended to mean the development of a trail surface that is maintainable. It appears evident there are no circumstances where an ATV/UTV trail can be considered sustainable without intensive maintenance. Of primary importance, trail surfaces need to be conducive to periodic grading or restoration that promotes water runoff from the trail surface and eliminates the opportunity for water flow to gain velocity, causing erosion. Trails should be built with a slight crown and appropriate ditching to allow for adequate and proper water dispersal.

Width – Trail widths should be adequate for intended uses, one-way trails can be built to a 9 foot width. It is recommended two-way trails have a 12 foot wide maintained trail running surface with 2 feet cleared on each side. Trails should be wider where turns/corners are required. Adequate width may also be dependent on slope, aspect, and visibility on curves. Please note that in most cases, total trail width must accommodate periodic maintenance equipment such as graders and dump trucks.

General Design - All trails should be developed with a crowned or sloped surface (2 – 4% slope) to direct cross flow of water off the trail surface and into adjacent vegetation. Trail design, rehabilitation and maintenance should be done in a manner preventing water from traveling parallel to trail direction. All slopes should contain drainage structures at intervals as follows:

Table 4-2. Recommended Maximum Distances Between Drainage Structures on Forest Roads and Skid Trails

| Road Grade (%) | Maximum distance between water bars (feet) | | Maximum distance between all other drainage structures (feet) | |
|----------------|---|--|---|--|
| | High Erosion Risk (most sandy soils and silt soils) | Low Erosion Risk (most rocky soils and clay soils) | High Erosion Risk (most sandy soils and silt soils) | Low Erosion Risk (most rocky soils and clay soils) |
| 0–3 | 175 | 250 | 250 | 350 |
| 4–6 | 125 | 200 | 175 | 250 |
| 7–9 | 100 | 175 | 125 | 175 |
| 10–12 | 75 | 150 | 75 | 125 |
| 13–15 | 60 | 100 | 60 | 100 |
| 16–20 | 50 | 75 | 50 | 75 |
| 21–30 | 40 | 65 | 40 | 65 |
| 30+ | 30 | 50 | 30 | 50 |

Note: Broad-based dips generally become ineffective on slopes greater than 10%.

(Table 4-2 taken from “Wisconsin’s Forestry Best Management Practices for Water Quality” – WDNR PUB FR-093 2010)

Cross drainage structures should be primarily in the form of diversion ditches but may also utilize cross drain culverts, broad based dips, or water bars.

Slopes Greater than 10% - Steeper slopes should be avoided when possible. In areas where there is no other alternative, slopes should be armored with material other than gravel or native soils. 2" or larger fractured rock spread at a minimum of 4" deep is preferable. Maximum erosion control is obtained when this material is compacted and incorporated into native soil. Mat materials or concrete blocks stacked upright are also feasible alternatives on extreme slopes. Depending on soil type, other alternatives such as 1 ½" rock to a desired depth, incorporated with appropriate amounts of gravel or other suitable material, are acceptable.

Surface Material – Trail surfaces may be crushed gravel or native soils, depending on conditions, but should provide for the ability to grade/reshape/restore the trail surface and cross drainage patterns periodically. Consider grading trail surfaces a minimum of twice during a riding season depending on traffic load and surface materials. All trail surfaces should be adequately maintained to ensure longevity of base material and address environmental and safety concerns.

Culverts – Evaluate the entire trail project to identify areas with periodic cross-trail water flow and install appropriately sized culverts at these locations. Note that any stream crossing with a defined bed and bank will require a Chapter 30 permit for either a culvert or bridge.

Trail Rehabilitation – Trail Rehabilitation projects should be considered a major reconstruction of the trail surface and should occur at no less than 8 year intervals, with exceptions for unusual circumstances. The need for trail rehabilitation is somewhat dependent on terrain, soil type, and amount of use on a given trail. A project should be considered as rehabilitation only if a minimum of 50% of the trail segment requires significant reconstruction. Projects with less than 50% reconstruction should be considered part of annual maintenance.

Bridge Rehabilitation – Bridge rehabilitation on ATV/UTV trail systems will follow snowmobile bridge rehabilitation guidelines contained in Wisconsin's Snowmobile Trail Aids Program.

Construction/Rehabilitation Standards by Soil Type

It is highly recommended trail sponsors research and understand soil types in project areas. Consult county soil survey data or NRSC web soil data for reference in determining soil suitability for motorized use. When relying on information contained in soil survey data, keep in mind mapped soil types in an individual county or specific area may not always accurately depict actual on the ground conditions. Recreational trail projects require on-site visits and knowledgeable managers. Most ATV/UTV trail systems require soil surfaces that can accommodate vehicular traffic for adequate maintenance, this often means accommodating loaded dump trucks and graders.

When applying surface material consider the following options:

Sandy Soils – Establishment of ATV trails on native sand soils tends to result in “blown out” trails once the minimal organic layer on the surface of these soils is disturbed. Underlying soils are extremely loose and often deep, resulting in difficult and dangerous riding conditions. Gravel surfaces are necessary on most of these soil types in order to create safe riding conditions and to minimize erosion and water quality issues.

- 610 Trail surfaces require 6” loose / 4” compacted gravel on a majority of trail systems occurring in this soil type.
- 611 Deep sand pockets and corners may require an underlying road fabric or geo-textile. Any fabric materials must be covered with a minimum of 10” of rock, gravel or a combination of materials.

Loamy Sand/Sandy Loam Soils – These soil categories provide a better opportunity to utilize native soils for the trail surface. These soils do, however, present a greater risk of erosion. Trail design must incorporate cross drainage and drainage structures that shed water from the trail surface before it can gain enough velocity to erode trail surfaces.

- 612 Trail projects on these types normally allow for at least a portion of the trail to lie on native soils.
- 613 Pockets of heavier soils, especially on the wetter end of sandy loams, will require gravel, or other suitable material, surfaces.
- 614 Particular attention must be paid to slopes on these types
- 615 Soil types with larger rock components may require more gravel, or other suitable material, to permit trail maintenance and grading activities.

Silt Loam/Loam/Clay Soils – These heavier soil types present special challenges. While they may support periodic motorized traffic without causing damage, sustained use on native soils may cause rutting and soil compaction. These ruts typically become water logged and continual motorized use degrades the trail surface rapidly to the point where they become impassable. An additional concern on these soils is once water pockets begin to form, many riders bypass the rough areas and extremely wide areas of damage rapidly develop.

- 616 Projects on these soil types typically require a minimum of 6” loose/4” compacted finish material. Some projects may require a maximum 4” – 6” crushed stone over a 6” base course of graded rock. A maximum of 12” loose / 6” compacted is accepted for these types
- 617 It may be more feasible on certain sites , especially those with long distance slopes (it is common to find slopes of ¼ mile or more on terminal end moraines with these soil types), to add a larger diameter crushed rock as a base layer and a lighter gravel, or other suitable material, cap over the top. Rock armoring on these slopes is intended for spot applications only and not the entire trail surface.

Hydric Soils – Hydric soils are typically considered as wetland and trail development should be considered only as a last resort. Trails on these soil types normally require wetland fill permits, either in the form of puncheon bridges or solid fill. The permit process will likely dictate the majority of trail design on these soils.

- 618 Evaluate any alternatives to trails on hydric soils
- 619 If crossing hydric soils is the only alternative, consult with WDNR Water Regulations Staff to determine options
- 620 For existing trails with wetland impacts already occurring, and less than 1 acre in size, consider a wetland fill permit with geo-textile and larger crushed rock.
- 621 For short crossing distances (generally less than 40 feet) consider a clear span bridge.
- 622 For longer crossing distances, evaluate the use of puncheon/floating bridges.

Trail Types

Rail Road Corridors - Use existing ballast as base layer. If grading only 1-2 times per year no other material is needed. If grooming on a weekly/bi-weekly basis, consider adding 6" of gravel compacted to 4" and maintain with grooming equipment.

Multi-Use Trails - Apply a manageable base layer and follow suggested guidance contained in this document

Troute/Hybrid Trails - Apply a manageable base layer and follow suggested guidance contained in this document.

1010.13 IRON COUNTY FORESTRY PERMIT FEE SCHEDULE



IRON COUNTY FORESTRY DEPARTMENT

607-3RD AVENUE NORTH - SUITE 2 • HURLEY, WISCONSIN 54534
PHONE: (715) 561-2697 • FAX: (715) 561-4801

May 14, 2019

RE: Iron County Forestry & Parks Dept. – Administrative Fee Schedule

Iron County Forestry Committee,

With increased workloads and the increase in requests for Road Use Permits, Land Access Agreements, and County Forest Withdrawal requests, the Forestry Department requests approval and implementation of the following non-refundable Administrative Fees:

- **Road Use Permits** **\$250.00 each**
- **Land Access Agreements** **\$250.00 each**
- **County Land Withdrawal Application** **\$1,000.00 each**
 - For Lands withdrawn and ownership retained By Iron County there will be an additional charge of **\$1,000.00 / acre** withdrawn. This fee will be deposited in the Iron County Land Acquisition Fund.
 - For lands withdrawn and sold outright, the agreed purchase price will be deposited in the Iron County Land Acquisition Fund.
 - Final approval of any County Forest Withdrawal is determined by the Wisconsin DNR. If the application is denied, the \$1,000.00 application fee will not be refunded.

The fee structure listed above will help cover Iron County's costs associated with developing these applications and will also reduce unnecessary requests.

Submitted By:

Adopted: May 14, 2019
Iron County Forestry and Parks Committee

Eric J. Peterson, Forest Administrator

Tom Thompson, Chair

William Thomas

Scott Erickson

James Kichak

Patrick Hanson

1015 FACILITIES AND REPORTS

1015.1 RECREATIONAL INVENTORY

Included on the Iron County Forest are:

- 4 Developed Campgrounds with 91 camp sites
- Nature & Hiking trails (9 miles – North Country Trail)
- Cross-Country Ski trails (25 miles)
- Snowmobile trails (309 funded miles)
- ATV trails (122 funded miles)
- 5 Picnic areas / pavilions
- 18 Boat landings
- Saxon Harbor Marina
- Numerous waterfalls and access trails

1015.2 STATEMENT OF COUNTY FOREST LOAN *

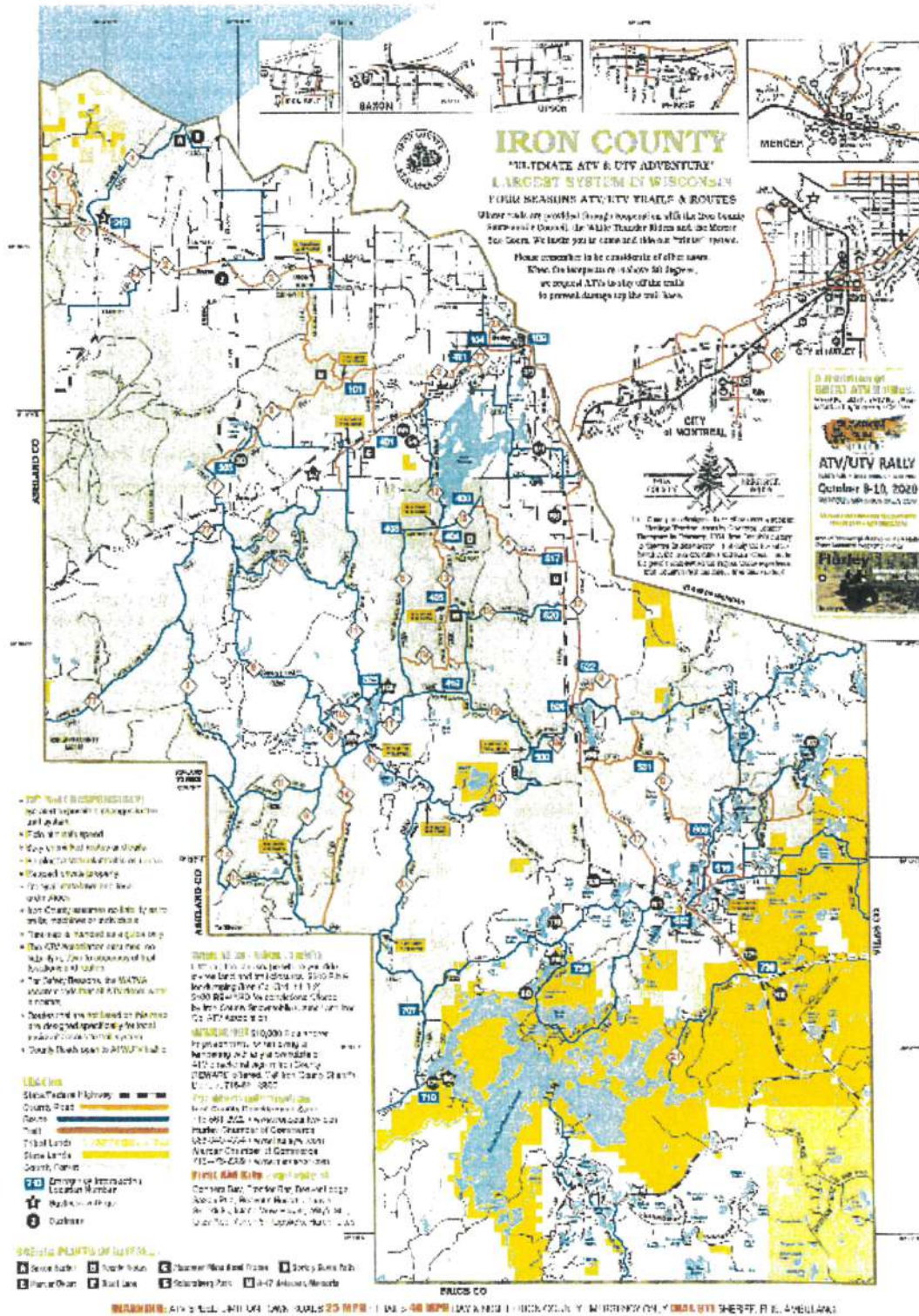
| Wisconsin Department Of Natural Resources | | | | | | | | | | Report: | 53A |
|--|------------------------------|--------------|---------|-------------------|-------------|---------|------------------|-------------|---------|-------------------|------------------|
| Report 15 | | | | | | | | | | Page: | 1 of 1 |
| Statement Of County Forest Loan Accounts as of July 15, 2020 | | | | | | | | | | 1015.2 | |
| County | Variable Acreage Share Loans | | | County Repayments | | | DNR Issued Loans | | | Project Loans | |
| | DNR Issued Loans | Tot To Date | CY 2020 | County Repayments | Tot To Date | CY 2020 | DNR Issued Loans | Tot To Date | CY 2020 | County Repayments | Balance Owed DNR |
| | CY 2020 | | | | | | | | | | |
| Ashland | 0.00 | 630,638.28 | 0.00 | 660,596.26 | 0.00 | 0.00 | 1,125,780.74 | 0.00 | 0.00 | 1,125,780.74 | 0.00 |
| Barron | 0.00 | 121,295.09 | 0.00 | 122,255.59 | 0.00 | 0.00 | 874,219.80 | 0.00 | 0.00 | 874,219.80 | 0.00 |
| Bayfield | 0.00 | 2,527,948.84 | 0.00 | 2,327,946.94 | 0.00 | 0.00 | 300,000.00 | 0.00 | 0.00 | 300,000.00 | 0.00 |
| Burnett | 0.00 | 2,517,234.66 | 0.00 | 2,511,234.66 | 0.00 | 0.00 | 2,026,672.27 | 0.00 | 0.00 | 1,786,281.46 | 239,413.76 |
| Chippewa | 0.00 | 562,049.26 | 0.00 | 552,819.26 | 0.00 | 0.00 | 181,000.51 | 0.00 | 0.00 | 181,000.51 | 0.00 |
| Clark | 0.00 | 1,161,477.30 | 0.00 | 1,161,477.30 | 0.00 | 0.00 | 53,000.00 | 0.00 | 0.00 | 53,000.00 | 0.00 |
| Douglas | 0.00 | 1,675,638.45 | 0.00 | 1,475,638.45 | 0.00 | 0.00 | 528,850.00 | 0.00 | 0.00 | 528,850.00 | 0.00 |
| Esau Claire | 0.00 | 528,533.23 | 0.00 | 526,533.23 | 0.00 | 0.00 | 126,683.06 | 0.00 | 0.00 | 126,683.06 | 0.00 |
| Florence | 0.00 | 444,008.79 | 0.00 | 444,068.76 | 0.00 | 0.00 | 1,577,376.82 | 0.00 | 0.00 | 1,577,376.82 | 0.00 |
| Forest | 0.00 | 239,507.91 | 0.00 | 239,907.91 | 0.00 | 0.00 | 4,700,417.59 | 0.00 | 0.00 | 4,700,417.59 | 0.00 |
| Iron | 0.00 | 2,701,711.89 | 0.00 | 2,751,751.95 | 0.00 | 0.00 | 787,880.74 | 0.00 | 0.00 | 787,880.74 | 0.00 |
| Jackson | 0.00 | 1,576,477.78 | 0.00 | 1,576,477.58 | 0.00 | 0.00 | 1,200,507.00 | 0.00 | 0.00 | 938,027.00 | 262,503.00 |
| Juneau | 0.00 | 115,824.82 | 0.00 | 116,824.82 | 0.00 | 0.00 | 1,213,470.83 | 0.00 | 0.00 | 937,125.83 | 276,363.75 |
| Lanoka | 0.00 | 553,074.24 | 0.00 | 555,874.24 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 |
| Lincoln | 0.00 | 590,731.41 | 0.00 | 590,731.41 | 0.00 | 0.00 | 1,220,960.00 | 0.00 | 0.00 | 1,220,960.00 | 0.00 |
| Manitowish | 0.00 | 565,466.56 | 0.00 | 565,466.56 | 0.00 | 0.00 | 2,545,511.00 | 0.00 | 0.00 | 2,545,511.00 | 0.00 |
| Marquette | 0.00 | 1,104,208.12 | 0.00 | 1,104,208.02 | 0.00 | 0.00 | 58,000.00 | 0.00 | 0.00 | 58,000.00 | 0.00 |
| Monroe | 0.00 | 21,340.37 | 0.00 | 21,340.37 | 0.00 | 0.00 | 228,770.00 | 0.00 | 0.00 | 143,785.48 | 184,984.52 |
| Oconto | 0.00 | 219,331.59 | 0.00 | 219,331.59 | 0.00 | 0.00 | 450,000.00 | 0.00 | 0.00 | 450,000.00 | 0.00 |
| Oneida | 0.00 | 1,186,720.14 | 0.00 | 1,186,720.14 | 0.00 | 0.00 | 439,010.00 | 0.00 | 0.00 | 439,010.00 | 0.00 |
| Park | 0.00 | 323,941.33 | 0.00 | 315,710.71 | 0.00 | 0.00 | 840,353.50 | 0.00 | 0.00 | 840,353.50 | 0.00 |
| Pike | 0.00 | 1,491,622.30 | 0.00 | 1,491,622.00 | 0.00 | 0.00 | 804,427.48 | 0.00 | 0.00 | 804,427.48 | 0.00 |
| Rusk | 0.00 | 2,147,849.87 | 0.00 | 2,136,157.28 | 0.00 | 0.00 | 136,950.00 | 0.00 | 0.00 | 136,950.00 | 0.00 |
| Sawyer | 0.00 | 1,172,316.95 | 0.00 | 1,172,316.95 | 0.00 | 0.00 | 1,000,000.00 | 0.00 | 0.00 | 1,000,000.00 | 0.00 |
| Taylor | 0.00 | 204,451.52 | 0.00 | 204,451.52 | 0.00 | 0.00 | 36,398.28 | 0.00 | 0.00 | 36,398.28 | 0.00 |
| Vernon | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 978,838.53 | 0.00 | 0.00 | 22,516.16 | 956,322.37 |
| Vilas | 0.00 | 775,307.74 | 0.00 | 775,307.74 | 0.00 | 0.00 | 670,016.42 | 0.00 | 0.00 | 670,016.42 | 0.00 |
| Waushara | 0.00 | 3,312,628.65 | 0.00 | 3,312,628.65 | 0.00 | 0.00 | 930,724.71 | 0.00 | 0.00 | 930,724.71 | 0.00 |
| Wood | 0.00 | 259,901.61 | 0.00 | 259,901.61 | 0.00 | 0.00 | 77,000.00 | 0.00 | 0.00 | 77,000.00 | 0.00 |
| State Total: | 0 | 291,0346.18 | 0 | 290,9021.57 | 0 | 0 | 25311072.84 | 0 | 0 | 17931021.03 | 7499874.82 |

NOTE: Severance Payments " In the mail " Or Otherwise still in Process are not in this Report. This Report is on a Calendar Year Basis.

Prepared by Division of Forestry, July 15, 2020

WI. Department Of Natural Resources

1020.2 COUNTY ATV MAP

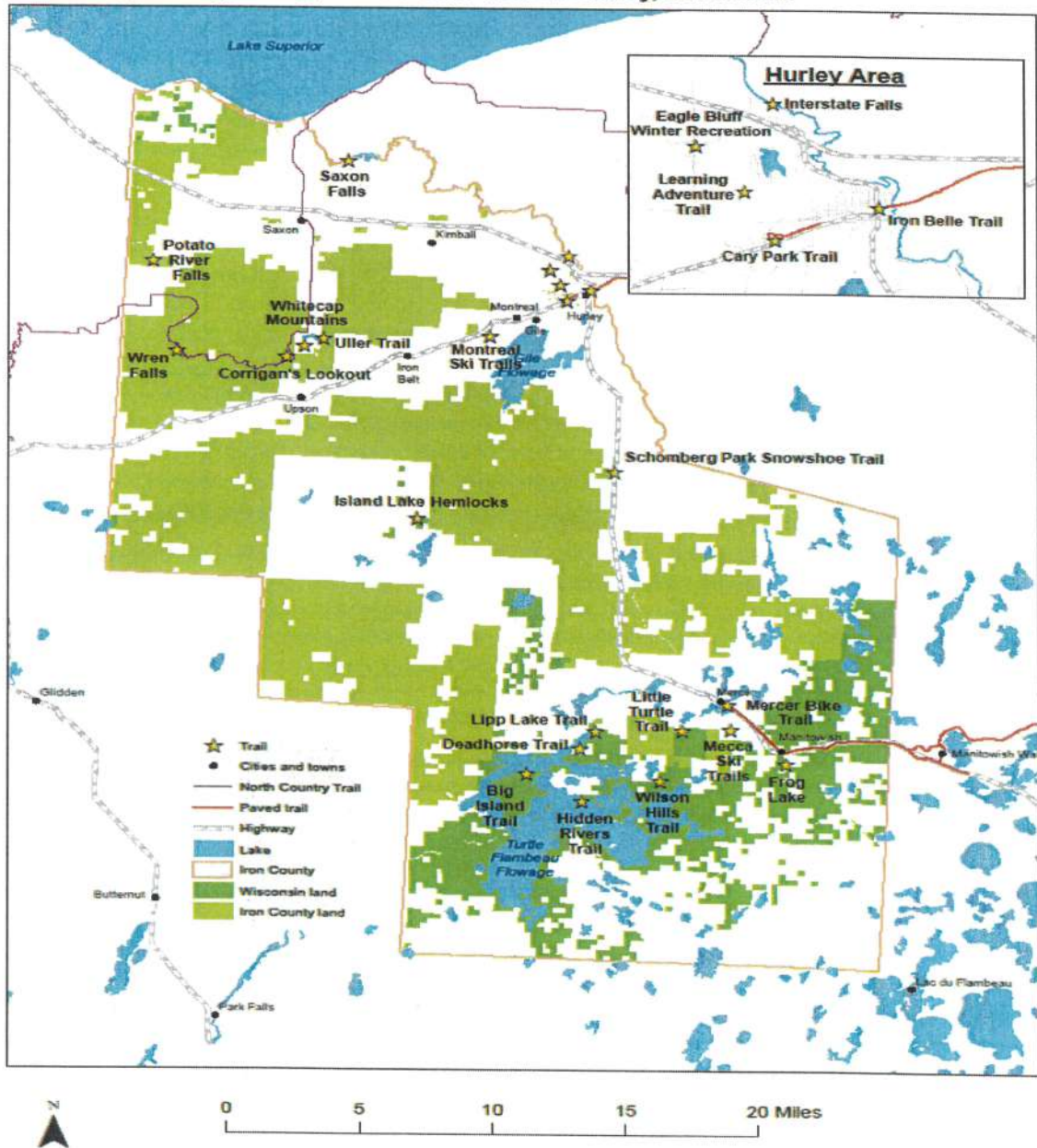


1020.3 COUNTY NON-MOTORIZED RECREATIONAL TRAILS

Iron County Trails



24 walking, hiking, biking, and ski trails in Iron County, Wisconsin.

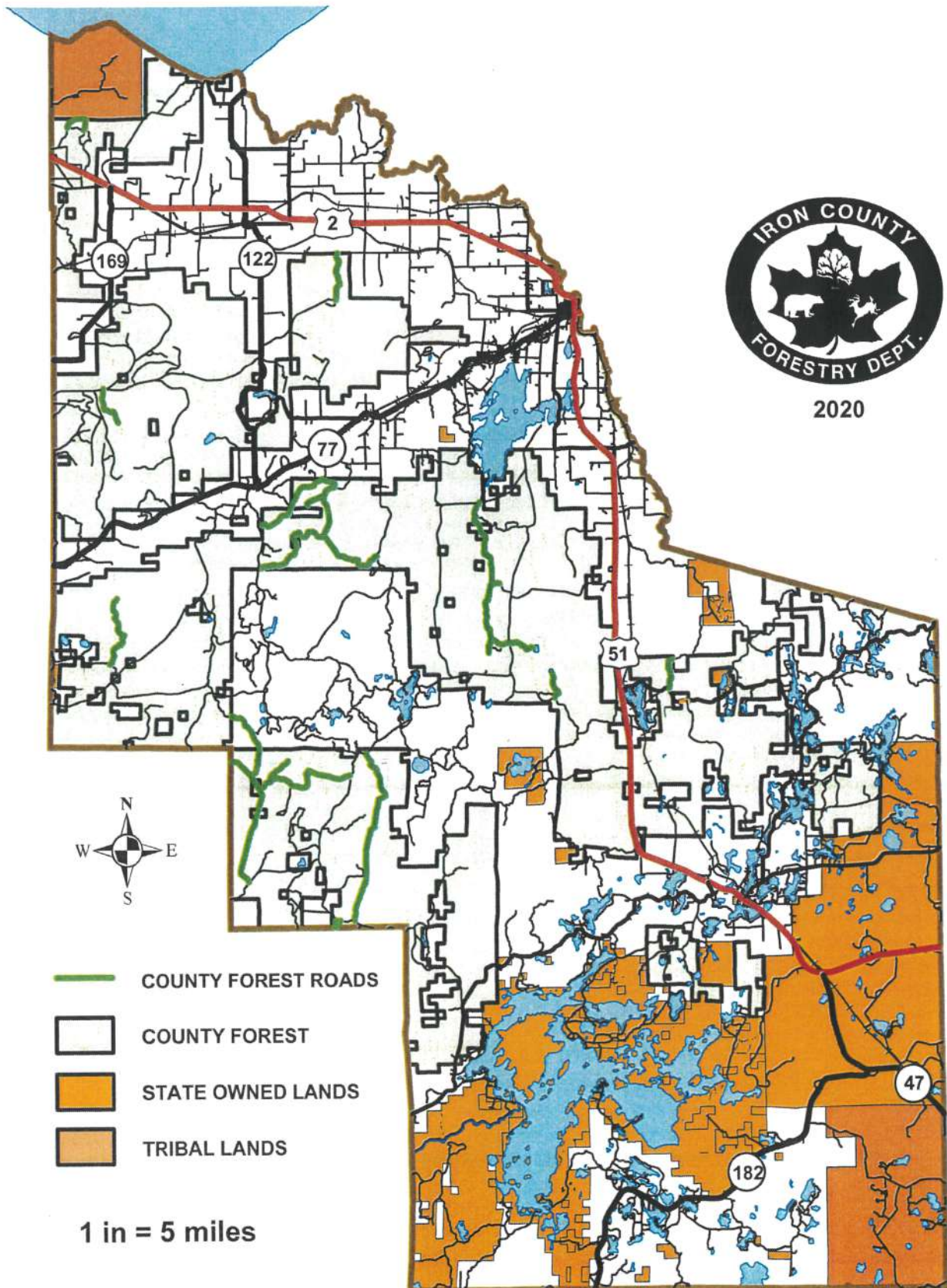


16 July 2019

For additional information visit the [ICORE website](https://www.icore.org/).

IRON COUNTY FOREST

1020.4 - CERTIFIED COUNTY FOREST ROADS



Forest Economy Iron County

1020.5

Economic contribution of forest products industry reported in 2017 dollars

| | Employment | | Labor Income | | Industry Output | | Value-added | |
|----------------------------------|--------------|--------------|--------------|--------------|-----------------|--------------|---------------|--------------|
| | Number | % of county | MM \$ | % of county | MM \$ | % of county | MM \$ | % of county |
| Direct effect | | | | | | | | |
| Forestry and logging | 77 | 3.00 | 1.67 | 1.77 | 4.17 | 1.47 | 2.50 | 1.72 |
| Sawmills and wood products | 202 | 7.84 | 7.10 | 7.54 | 40.15 | 14.10 | 10.91 | 7.51 |
| Pulp and paper | - | - | - | - | - | - | - | - |
| Sub Total | 279 | 10.83 | 8.77 | 9.31 | 44.32 | 15.57 | 13.41 | 9.23 |
| Indirect + Induced effect | | | | | | | | |
| Forestry and logging | 8 | 0.30 | 0.23 | 0.25 | 0.85 | 0.30 | 0.45 | 0.31 |
| Sawmills and wood products | 120 | 4.66 | 3.53 | 3.75 | 10.99 | 3.86 | 5.82 | 4.01 |
| Pulp and paper | - | - | - | - | - | - | - | - |
| Sub Total | 128 | 4.96 | 3.76 | 3.99 | 11.85 | 4.16 | 6.27 | 4.32 |
| Total effect | | | | | | | | |
| Forestry and logging | 85 | 3.30 | 1.90 | 2.02 | 5.03 | 1.77 | 2.94 | 2.03 |
| Sawmills and wood products | 322 | 12.50 | 10.63 | 11.29 | 51.14 | 17.96 | 16.73 | 11.52 |
| Pulp and paper | - | - | - | - | - | - | - | - |
| Total | 406 | 15.79 | 12.53 | 13.30 | 56.17 | 19.73 | 19.67 | 13.55 |
| Total in County | 2,574 | | 94.21 | | 284.69 | | 145.19 | |

Source: IMPLAN 2017 data

Tax Contribution (MM \$)

| | |
|-------------------------|------|
| Total state/local | 1.11 |
| Total federal | 2.62 |
| Total tax contributions | 3.73 |

Forest Land (Acres)

| | |
|-------------------------|---------|
| Total Forest Land | 441,135 |
| Public Forest Land | 242,910 |
| Private Forest Land | 198,226 |
| % Forest Area of County | 74.99% |

Source: FIA 2017

HIGHLIGHTS

- Forest products industry ranked 1st in terms of number of employee in the county
- Forest products industry average annual income was \$31,000, \$5,000 lower than the county average
- Every ten jobs in the forest products industry supported additional five jobs in the county
- Every million dollars of output in the forest products industry generated additional \$267,000 output in the county
- Forest products industry shared 10.83% of jobs, 15.57% of output, and 9.23% of value-added in the county

Some Definitions:

Employment: Full-and part-time employees and self-employed individuals.

Labor income: Sum of employee compensation and proprietor income.

Industry output: Total value of production by the industry in the given year.

Value-added: Sum of employee compensation, proprietor income, other property income, and taxes on production and imports less subsidies.

Direct effect: Industry's own production.

Indirect effect: Inter-industry purchase in response to direct effect.

Induced effect: Household spending from consumption of goods and services using incomes generated from direct and indirect effect.

Total effect: Sum of direct, indirect, and induced effect.



