

COUNTY FOREST COMPREHENSIVE LAND USE PLAN

TABLE OF CONTENTS

**CHAPTER 500**

**LAND MANAGEMENT AND USE**

<u>Section or</u>		
<u>Subsection</u>	<u>Subject</u>	<u>Page</u>
<b>500</b>	<b>LAND USE</b>	<b>5</b>
500.1	OBJECTIVES	5
<b>505</b>	<b>SILVICULTURAL PRACTICES</b>	<b>5</b>
505.1	EVEN-AGED MANAGEMENT	5
505.2	UNEVEN-AGED MANAGEMENT	5
505.3	TIMBER SALES	5
505.3.1	Field Preparation of Timber Sales	6
505.3.2	Advertising for Bids	6
505.3.3	Prospectus	6
505.3.4	Method of Bidding	7
505.3.5	Awarding Sales	7
505.3.6	Sales Contracts	8
505.3.7	Timber Sale Performance Bond	8
505.3.8	Contract Provisions	8
505.3.8(a)	Slash Disposal, Landings and Decking	8
505.3.8(b)	Duration and Extension of Contracts	9
505.3.8(c)	Contract Violations	10
505.3.9	Timber Sale Restrictions	11
505.3.10	Special Forest Product Contracts	11
505.3.11	Timber Sale Roads	11

505.3.12	Supervising Sales .....	12
505.3.13	Forest Products Accountability.....	12
505.3.13(a)	Scaling Merchantability .....	12
505.3.13(b)	Utilization Standards .....	13
505.3.13(c)	Methods Of Accountability .....	13
505.3.14	Special Forest Product Permits .....	13
505.4	NATURAL REGENERATION.....	14
505.4.1	Removal Of Non-Merchantable Residual Trees .....	14
505.4.2	Prescribe Burning For Natural Regeneration.....	14
505.4.3	Other .....	15
505.5	ARTIFICIAL REGENERATION .....	15
505.5.1	Mechanical Site Preparation .....	15
505.5.2	Chemical Site Preparation.....	15
505.5.3	Prescribed Burning.....	16
505.5.4	Tree Planting And Seeding.....	16
505.6	TIMBER STAND IMPROVEMENT .....	16
505.6.1	Release .....	17
505.6.2	Non-Commercial Thinning.....	17
505.6.3	Pruning.....	17
<b>510</b>	<b>RECREATION .....</b>	<b>17</b>
510.1	RECREATIONAL SERVICE AGREEMENTS.....	18
510.2	RECREATION USE PERMITS .....	18
510.3	ENTRANCE AND USER FEES .....	18
510.4	EXTENSIVE RECREATION USE OF THE FOREST .....	18
510.4.1	Hunting .....	19
510.4.2	Fishing .....	19
510.4.3	Picnicking .....	19
510.4.4	Camping.....	19
510.5	INTENSIVE RECREATION AREAS .....	20
510.5.1	Campgrounds .....	20
510.5.2	Picnic Areas .....	20

510.5.3	Swimming Area .....	21
510.5.4	Boat Landings .....	21
510.5.5	Waysides .....	21
510.5.6	Shooting Ranges .....	21
510.6	MANAGED TRAIL AREAS .....	21
510.6.1	Motorized Trail Opportunities.....	22
510.6.2	Nonmotorized Trail Opportunities.....	22
510.7	RECREATION OPPORTUNITIES FOR PEOPLE WITH DISABILITIES.....	23
<b>515</b>	<b>SPECIAL USES .....</b>	<b>23</b>
515.1	SAND AND GRAVEL.....	23
515.2	EXPLORATION, PROSPECTING AND MINING.....	24
515.3	SANITARY LANDFILLS .....	24
515.4	MILITARY MANEUVERS .....	24
515.5	PUBLIC UTILITIES .....	25
515.6	PRIVATE UTILITY SERVICE LINES .....	26
515.7	CELLULAR COMMUNICATION TOWERS.....	27
515.8	OTHER .....	27
<b>520</b>	<b>AESTHETIC MANAGEMENT ZONES .....</b>	<b>27</b>
520.1	AESTHETIC MANAGEMENT ZONE A.....	28
520.1.1	Examples .....	28
520.1.2	Boundaries .....	28
520.1.3	Management.....	28
520.1.4	Permitted Uses .....	29
520.2	AESTHETIC MANAGEMENT ZONE B.....	29
520.2.1	Examples .....	29
520.2.2	Boundaries .....	30
520.2.3	Management.....	30
520.2.4	Permitted Uses .....	30
520.3	AESTHETIC MANAGEMENT ZONE C.....	30
520.3.1	Examples .....	30
520.3.2	Boundaries .....	30

520.3.3	Management.....	30
520.3.4	Permitted Uses .....	31
520.4	AESTHETIC MANAGEMENT ZONE D.....	31
520.4.1	Examples .....	31
520.4.2	Management.....	31
<b>525</b>	<b>TREATY RIGHTS:GATHERING MISCELLANEOUS FOREST PRODUCTS ....</b>	<b>31</b>
<b>530</b>	<b>EXCEPTIONAL RESOURCES.....</b>	<b>32</b>

**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.

**505 SILVICULTURAL PRACTICES**

Silviculture is the practice 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 and Forest Aesthetics Handbook (2431.5) will be used as guidelines for management practices used on the County Forest.

**505.1 EVEN-AGED MANAGEMENT**

A forest stand composed of trees having relatively small differences in age. Typical cutting practices include: clear cutting, shelter wood cutting and seed-tree cutting.

**505.2 UNEVEN-AGED MANAGEMENT**

A forest stand composed of trees that differ markedly in age. The typical cutting practice is selection cutting, where individual trees are removed from the stand. Regeneration is continually occurring after the stand is cut.

**505.3 TIMBER SALES**

Regulated cutting of timber is essential to the goals and objectives of this plan. Timber harvesting will be conducted on an annual basis in an effort 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. The DNR forest reconnaissance printout will be used as the basis for planning and scheduling harvests. 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. 26.22, Wis.Stats). These sales may be sold direct without advertising.

#### 505.3.1 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 fieldwork on sales is accomplished.

#### 505.3.2 Advertising For Bids

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

#### 505.3.3 Prospectus

The following 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

(7) Timber sales bond and advance stumpage schedule

505.3.4 Method Of Bidding

Bids will be reviewed at a meeting of the committee. A sealed envelope showing tract number and marked "sealed bid" shall be submitted on Marinette County Forest bid forms by the bidder for each tract bid on, and shall contain:

- (1) The bid price per cord or per thousand board feet for each species offered and the total for each species bid. The total value of the timber sale bid shall be indicated on both scaled and lump sum bids. The total bid value must meet or exceed the advertised sale minimum.
- (2) A minimum of 10% of the bid value of each tract must accompany the bid as a bid bond, payable to Marinette County.

505.3.5 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 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. Marinette County requires appropriate training of logging contractors. 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 readvertised.

- (3) Sales remaining unsold after being advertised for two bid openings may be sold direct at not less than the appraised value even though their estimated value exceeds \$3,000. (See DNR Timber Sales Handbook No. 2461 - Chapter 52).

#### 505.3.6 Sales Contracts

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

#### 505.3.7 Timber Sale Performance Bond

- (1) Surety bonds or an irrevocable letter of credit issued by a bank which is a member of the Federal Reserve System or insured by the Federal Deposit Insurance Corporation may be used in lieu of cash as a performance bond on sales. The letter of credit or surety bond must be in effect for a period of time equal to the term of the contract, plus a sufficient time to allow for possible extension(s) and for closeout of the contract after cutting is completed.
- (2) The bid bond may be transferred to the performance bond.

#### 505.3.8 Contract Provisions

All timber sale contracts will be on the form approved by the committee and all provisions therein shall apply. A copy of the timber sale map will be attached and become a part of the contract.

##### 505.3.8(a) Slash Disposal, Landings and Decking

The objective is to control conditions that affect the following:

Fire, insects, disease, aesthetics, regeneration, wetlands, wildlife and public interest. Each timber sale contract will have specific slash disposal instructions and aesthetic safeguards and will include without limit the following:

- (a) All slash must be reduced to a maximum specified height: no trees, tops or limbs shall be leaning or hanging in standing timber.
- (b) No machinery may be operated in lakes or streams.
- (c) No slash may be deposited in lakes or streams pursuant to s. 26.12(6), Wis. Stats.
- (d) No slash, logging debris or machinery operation outside the sale boundary unless approved by the County.
- (e) Landings and decks are not allowed within 100 feet of any public road except by proper authorization from the County.
- (f) Any debris or material not natural to the land shall be properly disposed of as it is generated.
- (g) All slash disposal, road or landing areas, and other woods operations shall be conducted in compliance with state regulations and local shoreland and wetland zoning restrictions.

#### 505.3.8(b) Duration and Extension Of Contracts

- (a) All contracts will be issued for not less than six months nor more than 2 years, unless otherwise stated on advertisement and/or contracts. Contracts will be dated to expire on September 30<sup>th</sup> of the final year of contract. Exceptions may be made in cases of extenuating circumstances.
- (b) A one-year extension, if deemed necessary by the seller, may be granted at a 5% increase in stumpage rates of the original contract for the first extension. Each successive extension, after the first, will have a progressive 10% increase in stumpage rates.
- (c) The maximum time duration of a timber sale contract, including extensions, shall be 4 years. Extension beyond this period of time shall be considered by the committee only in the event of special justification. Special stumpage rate adjustments may be made.

- (d) If purchasers do not wish to have contracts renewed or extended appropriate penalties may be assessed. These penalties may include one or more of the following:
1. Forfeiture of all or a portion of the bond deposit.
  2. Assessment due to loss of timber value.
  3. Costs related to sale re-establishment, including field and administrative costs.
  4. Other penalties as deemed necessary by the Committee.
- (e) The contractor may request a contract release due to severe physical or financial disability. The committee shall determine whether or not a release shall be granted and may withhold all or a portion of the bond deposit for damages.

#### 505.3.8(c) Contract Violations

Field enforcement of timber sale contracts will be the responsibility of the administrator employing the following procedure:

- (a) The administrator, or designee, will attempt to resolve inadvertent or minor violations by verbal contact with the contractor.
- (b) The administrator, or designee, may immediately suspend logging operations when a serious or emergency situation arises.
- (c) The suspension will be followed by written notice to the contractor, stating the nature of the violation and informing them of committee action taken or pending.
- (d) The Committee, in consultation with legal counsel, may consider, but is not limited to the following remedies:
  - (1) Charge double stumpage
  - (2) Charge for actual damages
  - (3) Suspend contract
  - (4) Retain all deposits
  - (5) Foreclose on cut forest products on sale
  - (6) Refer to District Attorney for prosecution

- (7) Seek civil damages in addition to the performance bond.
- (e) Suspension of operation will remain in effect until receipt of written notice from the county.
- (f) Failure of the contractor to comply with the committee decision may result in the contractor becoming a non-qualifying and ineligible bidder in the future. At the committee's discretion, the contractor may be banned from future purchase of county timber sales for a period of 3 years. All deposits may be retained and forest products on sale areas may be seized and sold by the county.

#### 505.3.9 Timber Sale Restrictions

- (1) To minimize resource damage, the types of logging equipment, methods, and times of operation used on sale areas will be restricted by the county.
- (2) Special restrictions may be required in accordance with the aesthetic policy set forth in Section 520.
- (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.

#### 505.3.10 Special Forest Product Contracts

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

#### 505.3.11 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 layout of all roads and make other

necessary special provisions within the sale contract.

- (4) Skidding, decking, or other logging activity is not allowed on County Forest roads or ditches unless approved by the County Forest administrator. These areas will be kept free from logging debris. County forest access roads will be maintained by the logger and be left in good as original condition at the close of the sale. Roads will be inspected by county personnel to insure minimal resource damage.
- (5) A timber sale purchaser may request permission to gate a timber sale access road. The administrator may grant a gate permit to prohibit only motorized traffic.

#### 505.3.12 Supervising Sales

County and / or state personnel will perform Sale inspections periodically with corresponding notations in the sales record.

#### 505.3.13 Forest Products Accountability

##### 505.3.13(a) Scaling Merchantability

- (1) Saw logs will be scaled by the Scribner Decimal C. log rule. 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.) small end at 8' in length for hardwood.
- (2) The standard unit of measure for cordwood is measuring 4' x 4' x 8' of unpeeled wood. Peeled wood will be converted to the standard cord by adding 12.5% for sap-peeled and adding 25% for machine-peeled wood to the gross volume measured. A pulpwood tree contains at least one (1) 8' stick, to a minimum top diameter as defined in the contract.
- (3) DNR Timber Sale handbook #2461 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.

#### 505.3.13(b) 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 in 505.3.13(a).

#### 505.3.13(c) Methods of Accountability

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

- (1) The ticket system utilizes serialized three-part tickets. 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 saw logs. Payment for wood products scaled is normally due within 30 days billing.
- (3) Lump sum sales may be utilized and divided into payment blocks when practical. Payment for a block must be received in full before any cutting begins in that block. The blocks are in \$5000.00 increments. Sales with total values under \$5000.00 must be paid in full before starting.

#### 505.3.14 Special Forest Product Permits

- (1) A written permit for making fuel wood for personal use must be purchased for a specific area designated on the permit.
- (2) A written permit for cutting boughs for personal use will be issued for a specific area designated in the permit. The Forestry Committee will set bough payment rate.
- (3) Written permits may be issued for special forest products for community

or personal use, with fees established by the Forestry Committee.

- (4) Annual summary report of cut products sold by permit will be filed with the DNR using Timber Sale Notice and Cutting Report (Form 2460 – 1).

#### 505.4 NATURAL REGENERATION

Where feasible, natural regeneration will be encouraged through the use of silvicultural methods or cultural activities including, but not limited to, clear cuts, shelter wood cuts, strip cuts, scarification, prescribed burning, select cuts and seed tree cuts. These practices can be enhanced by additional treatments, including the cutting of non-merchantable trees following harvest, by scarification before or after cutting for natural seeding, by prescribed burning, and by chemical treatment. These treatments can be used alone or in combination, depending on the needs of the site. The Silvicultural and Aesthetics Handbook (DNR handbook 2431.5) shall be used as a reference in determining timing, techniques and adequacy of both natural and artificial regeneration.

##### 505.4.1 Removal Of Non-Merchantable Residual Trees

To meet certain silvicultural objectives, the cutting of non-merchantable residual trees may be required as part of a timber sale contract. This requirement will normally be included in the contract when stand evaluation indicates that the density of non-merchantable trees following harvest is likely to inhibit the growth of desirable shade intolerant tree species. Non-merchantable residual tree removal may be also done by post-sale by the contractor or by County crews if it cannot be done as part of the timber sale contract, and if funding and a labor source are available.

##### 505.4.2 Prescribed Burning For Natural Regeneration

Fire is one of the most natural means available to stimulate the regrowth of early successional species. It should be employed as a management tool when possible and practical. Prescribed burning for purposes such as site preparation, slash removal, or replacement of natural fire ecology will be conducted when conditions

allow. DNR Fire Control will be the major source of guidance and direction. See DNR Prescribed Burn Handbook (4360.5).

#### 505.4.3 Other

Site preparation by other means may be considered where natural regeneration will be aided by treatment methods.

### 505.5 ARTIFICIAL REGENERATION

When natural tree regeneration fails, or when tree species present do not coincide with management objectives for the site, then artificial means shall be employed to establish a more appropriate stand of trees. The establishment of a forest stand through artificial means usually requires some sort of preparation of the site, followed by seeding or planting.

#### 505.5.1 Mechanical Site Preparation

Mechanical site preparation includes the use of soil disturbance equipment such as a disc, roller chopper, patch scarifier, disk trencher and V-plow prior to tree planting or seeding. This type of equipment is used to reduce logging debris to a smaller size, to incorporate debris into the soil, to clear brush and debris from the site to facilitate planting or seeding, and to reduce competition from other vegetation.

#### 505.5.2 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, in situations where mechanical treatment is not expected to provide the level of vegetative control needed. Chemicals will be selected and applied in strict accordance with label recommendations and requirements. The objective of herbicide use is not to kill all competing vegetation, but rather to kill or set back competing vegetation only enough to establish a reasonable stocked stand of desirable trees. Proximity to private lands, residences, highways and other public

use areas must be considered in selecting both the herbicide and the means of application. Herbicides can be applied with hand- held equipment, by motorized ground based equipment or aircraft.

#### 505.5.3 Prescribed Burning

Prescribed burning for site preparation can be used to reduce logging debris, clear the site, kill set back unwanted vegetation, and to release nutrients into the soil. DNR Fire Control staff will be the major source of guidance and direction for the use of fire as a tool. See DNR Prescribed Burn Handbook (4360.5).

#### 505.5.4 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. It shall be the policy of the committee to maintain existing forest openings and manage them for wildlife habitat rather than to plant trees in them. The majority of planting/seeding will be in harvested areas where natural regeneration is inadequate. Planting/seeding may also be employed to maintain a desirable species distribution on the forest for purposes such as aesthetics, biodiversity, and wildlife.

### 505.6 TIMBER STAND IMPROVEMENT

Timber stand improvement will involve release, thinning, and pruning as the primary practices during this plan period. Timber stand improvement includes any practices that increase the health, growth and quality of existing stands of trees. It can include activities such as release of desirable trees from vegetative competition, non-commercial thinning of dense tree stands and pruning of lower tree branches. Some practices can be done either by hand, mechanically, or chemically. All practices and applications may be employed during this plan period.

#### 505.6.1 Release

Release work, if it cannot be done by commercial timber harvest, will be conducted by either mechanical or chemical means as site or environmental conditions warrant. Release is defined as the removal of competing vegetation from the desire tree species.

#### 505.6.2 Non-Commercial Thinning

Most thinning can be accomplished through commercial harvest operations. Non-commercial thinning will be considered if the individual site requirements, funding and/or available labor make it desirable.

#### 505.6.3 Pruning

Pruning will be considered mainly for conifer species and carried out when deemed economically feasible.

## 510

### **RECREATION**

The County Forest Ordinance and s. 28.11, Wis.Stats. authorize the Forestry and Parks Committee to provide recreational opportunities for the public. This authority is further recognized in the mission statement for the Marinette County Forest (Chapter100), which specifically identifies outdoor recreation opportunities. The mission statement also charges the Committee to conduct activities in a manner that prevents or minimizes the degradation of natural resources.

- (1) The Committee may establish and maintain recreation areas and facilities within the County Forest. The Committee has been empowered to establish and enforce rules and regulations for the use of such developments and to establish fees for their use.
- (2) The County Outdoor Recreation Plan, updated approximately every five years, will reflect the public use and interest in the county's recreation facilities and how the county plans to accommodate those uses and interests.

- (3) The Marinette County codes and ordinances shall govern the lands designated by the county for park or recreational purposes.
- (4) The county recreation map and the ordinances are appended in Chapter 900.

#### 510.1 RECREATIONAL SERVICE AGREEMENTS

It is permissible for the Committee to contract with clubs or individuals to provide recreational services for the public. An agreement with a local snowmobile club to assist in grooming and maintaining county snowmobile trail facilities is an example.

#### 510.2 RECREATIONAL USE PERMITS.

- (1) Permits or use agreements for use of the County Forest may be issued by the Committee for recreational purposes.
- (2) No permits for sale of malt or intoxicating beverages will be issued on the County Forest.
- (3) Other types of special use permits are found in Section 515.
- (4) Permits will not be issued for cabin sites on the forest.
- (5) Organized events or special uses, other than informal recreation (see Sec. 510.4) require specific permission from the Committee.

#### 510.3 ENTRANCE AND USER FEES

- (1) Fees for camping shall be in accord with fees charged by similar private facilities so as not to provide undue competition. Fees shall be subject to change periodically at the discretion of the Committee.
- (2) Detailed information on park or recreation area use regulations can be found in the Marinette County Outdoor Recreation Ordinance.

#### 510.4 EXTENSIVE RECREATIONAL USE OF THE FOREST

Extensive (informal) County Forest uses shall include, but not necessarily be limited to, hunting, fishing, picnicking, snowshoeing, biking, hiking, cross-

country skiing, photography and nature study. Such uses do not require a permit but must be conducted according to the provisions of County Ordinances.

#### 510.4.1 Hunting

The entire county forest is open for regulated hunting with the exception of designated areas that are developed for high public use, such as Goodman Park. Temporary hunting stands are permissible but must be removed from the forest after use. In addition, elevated stands must be removed at days end. The use of nails, lag screws, screw steps, or other damaging devices is not permitted. No permanent type structures shall be permitted. Refer to Chapter 905.2.1 for the ordinance pertaining to tree stands.

#### 510.4.2 Fishing

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

#### 510.4.3 Picnicking

Picnicking is allowed throughout the County Forest; however, the user must remove any garbage or debris generated. Violators will be subject to fines for littering.

#### 510.4.4 Camping

A permit is required to camp outside of developed campgrounds on the County Forest.

- (1) No littering or site destruction will be tolerated.
- (2) The Forestry Committee will set the permit fee.
- (3) The permit is issued on an annual basis. Camping is limited to no more than 14 days in a 21-day period.
- (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.

## 510.5 INTENSIVE RECREATION AREAS.

Marinette County Forest has sites developed to accommodate a high degree of public use. The Forest and Parks Committee may prohibit other recreation activities that are not compatible with the intent of the developed facilities.

### 510.5.1 Campgrounds

It should be noted that there is a proposed land trade with the Department of Natural Resources, which involves Old Vets Lake Park going to the DNR and Twin Bridges Park coming to the County. This trade will most likely be completed in late 2006 or early 2007. When this trade is completed it is also likely that Twin Bridges Park will be entered into the County Forest System as Special Use Lands.

Designated camping areas are provided on the County Forest. These facilities include:

1. Veteran's Memorial Park
2. McClintock Park
3. Goodman Park
4. 12-Foot Falls Park
5. Morgan Park

### 510.5.2 Picnic Areas

Picnic areas open to the public include:

1. Menominee River Park
2. Dave's Falls Park

### 510.5.3 Swimming Area

A designated swimming area is provided at Morgan Park.

### 510.5.4 Boat Landings

At several locations in the county, on and off the County Forest, areas have been developed for water access. These generally include a parking lot, surfaced approach to the water (boat landing), and appropriate signing. These are provided for public access to waters for recreational purposes and are shown on the recreation map in Chapter 925.1. Water access is also addressed in Chapter 700. These landings are not to be considered boat-mooring sites.

### 510.5.5 Waysides

Waysides are day use areas and are located at various points throughout the County. There are no designated waysides on county forest land at this time.

### 510.5.6 Shooting Ranges

Ranges that allow for public use of rifle, bow, pistol, etc. are permitted on County Forest lands. These ranges are operated by non-profit organizations and sportsman clubs. A written land use agreement or lease, including proof of insurance, is required. A provision for use by the public may be included in the agreement.

## 510.6 MANAGED TRAIL AREAS

Whenever possible, multiple uses of the various trail systems are encouraged and are subject to policy review of the Committee. Whenever possible, user conflicts are avoided. However, recreational users will frequently encounter forest management activities instrumental to the existence and future of the Marinette County Forest. The trail systems are identified in the Recreation map appended in Chapter 925.1 and referenced in Chapter 700.

#### 510.6.1 Motorized Trail Opportunities

The Marinette County Forest is a multiple use forest. Motorized travel on trails can be a legitimate use of this forest provided that these trails are designed and maintained in a manner that minimizes damage to the environment and reduces user conflict. Trail use and development must be compatible and sustainable with the characteristics of the landscape. It shall be the policy of the Forestry Committee to consider opportunities for the following motorized trail use:

- 1) Snowmobiles
- 2) All terrain vehicles (ATV's)
- 3) Motorcycles
- 4) Four wheel drive vehicles

Refer to Chapter 700 for further discussion on motorized recreation opportunities on the Marinette County Forest.

#### 510.6.2 Non-Motorized Trail Opportunities

The Marinette County Forest is a multiple-use forest. Non-motorized travel on trails is a legitimate use of this forest. Design and maintenance of these trails may highlight natural features present on the Forest, should minimize damage to the environment and reduce user conflict. Trail use and development must be compatible and sustainable with the characteristics of the landscape. It shall be the policy of the Committee to consider opportunities for the following non-motorized trail use:

- 1) Ski trails
- 2) Hiking trails
- 3) Horse trails
- 4) Biking trails
- 5) Hunter Walking Trails

Refer to Chapter 700 for further discussion on non-motorized recreation opportunities on the Marinette County Forest.

510.7 RECREATION OPPORTUNITIES FOR PEOPLE WITH DISABILITIES

Marinette County will comply with the Americans with Disabilities Act regulations. In addition, it is the policy of the Committee to provide recreational opportunities for people with disabilities.

515 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 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 is appended in Chapter 915.7.

515.1 SAND AND GRAVEL

Only units of government or contractors performing public works may use Sand and gravel pits located on the County Forest. 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 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, and
- 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 Marinette County Forestry Department shall work with the county 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.

#### 515.2 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 accord with Manual Code 2712.1. (Mineral exploration on County Forests per s.s. 28.11

(3)(i) Wis. Stats.) or other codes which may be subsequently adopted.

Public Forest Lands Handbook should be referenced for more detailed procedure.

#### 515.3 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.

#### 515.4 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 D.N.R. representatives will discuss the issue at a public Committee meeting. After the needs have been outlined, the site shall be field checked, D.N.R. 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 #2460.5, Chapter 270 will be used for further direction in this matter.

#### 515.5 PUBLIC UTILITIES.

The Committee will consider easements for public utilities. 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) WI.Stats) may need to be withdrawn from county forest law designation. The utility shall replace any lands requiring withdrawal from county forest with other lands suitable for county forest entry that are in the forest blocking of the County Forest.
4. Utility companies will be encouraged to use existing corridors and underground lines to minimize disturbance to the county forest and native plants and animals.
5. Merchantable timber will be removed in a manner approved by the Committee. Timber cut must be reported to the D.N.R 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.

It is noted that in 2006 196.491 Wis. Stats. was created. In accordance with sub (3e) if an electric utility receives a certificate of public convenience and necessity from the commission under sub. (3), for the construction of a high-voltage transmission line that will be constructed over, on or under land owned by a county, city, village, town, public board or commission, the owner of the land shall convey to the electric utility, at fair market value as determined under par. (b), the interest in the land necessary for the construction, operation, and maintenance of the high-voltage transmission line.

#### 515.6 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 in Section 515 for easements as well as:

1. The permit is non-transferable
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 Marinette County.
4. The fee for such a land use agreement is set at \$ .10 per lineal foot for each utility with a minimum fee of \$ 100.00.
5. We accept a utility easement from Wisconsin Public Service or local phone company with approval of corporation counsel.

515.7

**CELLULAR COMMUNICATION TOWERS**

The siting of cellular communication towers on the Marinette 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. In addition, 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 (s. 28.11(4), Wis.Stats) may also need to be withdrawn from county forest law. Withdrawal is subject to approval by both County Board and DNR. The cellular communication company shall replace any lands requiring withdrawal from county forest with other lands suitable for county forest entry that are in the forest blocking.
3. Marinette County shall be provided use of such tower for an amount to be negotiated.
4. Any agreement should also consider the inclusions listed under 515.5 (Items 1-7).

515.8

**OTHER**

Other types of special uses of the county forest may be considered by the committee. 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 this is the Beech Scientific Area.

**520**

**AESTHETIC MANAGEMENT ZONES**

Aesthetic forest management will be applied to the County Forest. The degree of application of special management will vary and will require the classification of the forest according to the degree and type of public use. The Wisconsin DNR

Silvicultural and Forest Aesthetics Handbook No. 2431.5, and the Natural Resources Board Policy on management of State and County Forests contained in Chapter NR 1.24 of the Wis. Administrative Code (as adopted in June of 1989) will be used for management prescription guidelines. Subsequent versions of NR1.24 are subject to the approval of the County. Scenic Management Zones are shown on the land use map appended to in Chapter 900.2.

## 520.1 AESTHETIC MANAGEMENT ZONE A

Zone A includes areas where there is intensive public presence because of scenic attraction, or some use of the area that would be enhanced by special timber management practices.

### 520.1.1 Examples – Zone A

- (1) Park and recreation areas, including access routes.
- (2) Lakes and rivers that support significant water based recreational activity.
- (3) Roads with medium to heavy use where the majority of the traffic is unrelated to the forest or is for the specific purpose of enjoying scenery.

### 520.1.2 Boundaries – Zone A

1. Park or recreation areas. Zone boundaries may include the area within the reasonable visible horizon as determined from any location within the recreation area. It may also include adjacent areas that receive a considerable amount of use as a result of the recreation area.
2. Travel corridors. The boundaries will be a reasonable distance from the traveled part of the zone.

### 520.1.3 Management – Zone A

Zone A management is primarily for scenic values. This will mainly involve adaptations of normal timber cutting practices and may require additional expenditures.

#### 520.1.4 Permitted Uses – Zone A

1. Timber harvesting and thinning operations may be prohibited during periods of peak public use. All slash may be lopped and/or removed from view.
2. Timber stands in this zone will be managed to afford the greatest scenic potential for public enjoyment.
3. Borrow pits may be permitted near a road during the time the road is under construction. When any borrow operation is completed the site will be restored pursuant to Chapter NR 135, Wis. Adm. Code and must aesthetically conform to general use of the area. Permanent pits should be screened from view. Gravel / borrow pits located on the county forest may only be used by units of government or contractors performing public works.
4. County directional, informational and recreational signs conforming to approved standards are permitted.
5. All tree and shrub planting will be spaced at random to prevent an artificial appearance.
6. New access roads will be permitted if they join the main road at right angles... All such access roads will be, when possible, curved so that no cleared line of sight will be created from the main road to the exterior boundary of the zone.

#### 520.2 AESTHETIC MANAGEMENT ZONE B

Zone B includes any area of the forest where the public use is such that no one value can at all times be considered as the most important, but where, because of the intensity and variety of use, scenic attractiveness is desirable.

##### 520.2.1 Examples – Zone B

1. Roads with light to medium use where the majority of the traffic is a result of some other use of the forest other than for scenic beauty.
2. Lakes or streams that do not have significant value for water-based

recreation.

#### 520.2.2 Boundaries – Zone B

The zone boundaries will have a reasonable visual horizon determined at periods of heavy use, from the part of the zone where the use occurs.

#### 520.2.3 Management – Zone B

Zone B Management is for normal multiple use, but applies strict slash disposal requirements for any management operations. With the use of informational signs, management practices may be interpreted to the public.

#### 520.2.4 Permitted Uses – Zone B

All land management activities are permissible but should be exercised with sensitivity to aesthetics. Examples: Timber sales may employ lopping and scattering of slash, rehabilitation of roads and landings, erosion control and prevention, and irregular harvest lines to mitigate aesthetic impact.

### 520.3 AESTHETIC MANAGEMENT ZONE C

Zone C includes all parts of the forest not contained in Zones A, B or D. Any significant public presence in this zone is likely to occur only as result of a specific use of the forest.

#### 520.3.1 Examples – Zone C

All areas not included in Zone A, B or D. The majority of the forest is normally classified as Zone C.

#### 520.3.2 Boundaries – Zone C

All areas not included in Zone A, B or D.

#### 520.3.3 Management – Zone C

Zone C management is to optimize timber production using sound resource

management concepts. Natural opportunities to maintain or enhance diversity or scenic quality should be considered.

#### 520.3.4 Permitted Uses – Zone C

All land management activities consistent with the goals of the forest.

### 520.4 AESTHETIC MANAGEMENT ZONE D

Areas designated as special resources.

#### 520.4.1 Examples – Zone D

- (1) Pike River Wild River

#### 520.4.2 Management – Zone D

Manage these areas as outlined in Chapter 800 or the individual management Plan.

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

Ordinance No. 16, adopted by the County Board of Supervisors of the County of Marinette on July 1, 1989 and amended on March 24, 1992, authorizes Marinette County to require permits for gathering miscellaneous forest products on County land by Native American treaty rights participants. The ordinance, Section 16.05(2) (d) of the General Code of Marinette 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. Subchapter IV, Ch.NR13, WI. Adm.Code detail the regulations.

## **530**

### **EXCEPTIONAL RESOURCES**

Exceptional Resources include such things as wild rivers and lakes, natural areas, ruffed grouse management areas, Karner blue butterfly recovery areas, areas of unique geological features, historical, and archeological sites. It is the policy of Marinette County to manage these type resources to enhance and protect their individual exceptional features.

A list of these resources and the corresponding management policies is located in Chapter 850.3. These areas are appended in 900.2.