

COUNTY FOREST COMPREHENSIVE LAND USE PLAN  
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**CHAPTER 500**  
**LAND MANAGEMENT AND USE**

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## CHAPTER 500 – LAND MANAGEMENT AND USE

### **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 establishment, composition, structure, health, quality, and growth of forests to meet the diverse needs of society on a sustainable basis. One goal is to encourage vigor within all developmental stages of forest stands. These practices are based on research and general silvicultural knowledge of the species being managed. Information on the management of different timber types and how specific silvicultural treatments are used can be found in Chapter 800. In addition, the DNR Public Forest Lands Handbook (2460.5) and DNR Silvicultural Handbook (2431.5) will be used as guidelines for timber management practices where appropriate to the Bayfield County Forest. When the County makes the determination on a course of action not consistent with the guidelines and procedures set forth in the DNR Handbooks, the rationale for the appropriateness of the decision will be documented.

#### **505.1 TIMBER SALES**

Regulated cutting of timber is essential to achieve the goals and objectives of this Plan. Timber harvesting will be conducted on an annual basis at a level that is sustainable. Harvest areas will be distributed in the forest to accommodate such needs as biodiversity, wildlife, aesthetics, watershed protection and other biological needs. The forest inventory records, that are maintained and continually updated by the Forestry Department, will be used as the basis for planning and scheduling harvests. All sales will be established, administered and reported using the DNR Timber Sale Handbook 2461 as guidance for timber management practices where appropriate to the Bayfield County Forest. When the County makes the determination on a course of action not consistent with the guidelines and procedures set forth in the DNR Handbooks, the rationale for the appropriateness of the decision will be documented.

##### **505.1.1 Field Preparation of Timber Sales**

The Forest Administrator will provide direction for the locating, designating and preparing harvest areas for sale. The Forest Administrator shall be responsible to see that the fieldwork on sales is accomplished.

### 505.1.2 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 Sales will be advertised for public bidding in accordance with s. 28.11(6)(b)(1) Wis. Stats. Currently that statute requires all sales be advertised except those with an estimated value of \$3000.00 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. Timber sale advertisements, when required, will at a minimum be by classified ad in a newspaper having general circulation in the County (s. 28.11(6)(b), Wis. Stats). Sealed bid sales will generally be offered twice a year, or as needed.

### 505.1.3 Prospectus

The following information will be made available to prospective bidders:

- (1) A sample Contract
- (2) Species to be harvested and estimated volume
- (3) Minimum acceptable bid
- (4) Maps of sale areas
- (5) Method of sale (lump sum or scaled).
- (6) Special contract provisions
- (7) Procedures for bidding
- (8) Bid forms
- (9) Timber sale bond and advance stumpage payment schedule
- (10) Date, time, and location of the bid opening

### 505.1.4 Method of Bidding

A sealed envelope showing the tract number and marked "sealed bid" shall be submitted on County Forest bid forms by the bidders at the designated location no later than the date and time of bid closing for each tract bid on, and shall contain:

- (1) The bid price per cord and/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 Bayfield County.

### 505.1.5 Awarding Sales

- (1) Timber sale bids will be opened and reviewed as scheduled in the prospectus. Bid openings will be open to the public.
- (2) The high bidder is normally awarded the sale contract; however, the Committee reserves the right to reject any or all bids, or accept the bid offer most advantageous to the county. Grounds for rejecting bids may

include though are not limited to:

- (a) Previous Non-compliance with County Forest contract requirements.
  - (b) Past or present Delinquent financial obligations.
  - (c) Past or current Unsatisfactory past performances.
  - (d) Inability to demonstrate financial or professional capability.
- (3) 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.
  - (4) Sales remaining unsold after being advertised for two bid openings may be sold directly to a purchaser at not less than the appraised value even though their estimated value exceeds \$3,000. (See DNR Timber Sales Handbook No. 2461 - Chapter 52).

#### 505.1.6 Timber Sale 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.

Contracts are to be signed by the successful bidder within 30 days of the bid opening or before sale operations begin, whichever occurs first. However, the contract may not be signed until the successful bidder provides the County with insurance documentation, required performance bonds and/or down payments. Failure to fulfill these obligations and sign the contract within 30 days of the bid opening may result in forfeiture of bid bond.

A copy of the signed timber sale contract will be provided to the Purchaser, the original will be held by the Forestry Department.

#### 505.1.7 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.

#### 505.1.8 Duration and Extension of Contracts

- (1) Generally contracts will be issued for 2 years, unless otherwise stated on the prospectus, advertisement and/or contracts. Exceptions may be made in cases of extenuating circumstances such as salvage needs or environmental concerns.
- (2) Timber sale contract extensions may be granted by the Forest Administrator when advantageous to meeting the management goals of

the County.

- (3) The maximum time duration of a timber sale contract, including extensions, shall be 4 years. Extension beyond this period of time shall be considered only in the event of special justification. Special stumpage rate adjustments may be made.
- (4) If a Purchaser does not complete a timber sale by the expiration date and the County does not grant an extension for that sale, it will be closed. The County may then pursue all remedies available to it within that timber sale contract.
- (5) The contractor may request a contract release due to severe physical or financial disability. The Forest Administrator shall determine whether or not a release shall be granted and may withhold all or a portion of the bond deposit for damages.

#### 505.1.9 Contract Administration

The Forest Administrator, or designee, will field examine all sales as they are being harvested to insure that all sale operations are proceeding in compliance with the timber sale contract. These sale inspections will be performed periodically and a corresponding notation will be made in the sale record. In the case that a violation of the contract occurred, or is occurring, enforcement of the contract will employ the following procedure:

- (1) The Administrator, or designee, will attempt to resolve inadvertent or minor violations by verbal contact with the contractor.
- (2) The Administrator, or designee, may immediately suspend logging operations when a serious or emergency situation arises.
- (3) The suspension will be followed by written notice to the contractor, stating the nature of the violation.
- (4) The Administrator, in consultation with legal counsel, may consider, but is not limited to the following remedies:
  - (a) Charge double the mill value for any timber involved in the contract violation
  - (b) Charge for actual damages
  - (c) Suspend all contracts with the contractor
  - (d) Retain all deposits and performance bonds
  - (e) Foreclose on cut forest products on sale
  - (f) Refer to District Attorney for prosecution
  - (g) Seek civil damages in addition to the performance bond.
- (5) Suspension of operation will remain in effect until receipt of written notice from the county.
- (6) Failure of the contractor to fulfill their obligations under the timber sale contract may result in the contractor becoming a non-qualifying and ineligible bidder in the future.

#### 505.1.10 Timber Sale Restrictions

- (1) To minimize resource damage, the Forest Administrator will specify appropriate contract clauses to restrict certain types of logging equipment, methods, and times of operation.
- (2) Special contract clauses may be included to meet aesthetic management policy, BMP's , slash disposal needs, and other management needs.
- (3) Seasonal restrictions may be applied to protect roads and soils, minimize recreation use conflicts, benefit wildlife management, avoid endangered resources concerns, minimize damage to residual trees, minimize insect and disease problems, or to assist in fire protection.

#### 505.1.11 Special Forest Product Contracts

Sales of fuel wood, Christmas trees, boughs, posts, poles, or other special forest products if offered with contract or permit terms or conditions that make them ineligible for a Special Forest Product Permit will be handled as a regular timber sale.

#### 505.1.12 Timber Sale Roads

- (1) Bayfield County will make arrangements for access to timber sales that require crossing private property.
- (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) The location of roads and landings will be approved by the Forest Administrator prior to construction. This includes roads and landings that cross private property and those that are within a town, county, or state road rights-of-way subject to the approvals noted above.
- (4) County Forest access roads will be maintained by the contractor and any damage to the road that occurs in course of the sale will be repaired by the contractor as per the timber sale contract. Roads will be inspected by the Forest Administrator.
- (5) A contractor may request permission to physically block a timber sale access road to prevent vandalism to equipment or damage to that road. The Forest Administrator may grant this permission to prohibit only motorized traffic; the area will remain open to the public.

#### 505.1.13 Forest Products Accountability

##### 505.1.13(a) Scaling Merchantability

- (1) When Sawlogs are sold with a price per MBF they will be scaled by the Scribner Decimal C. log rule. A log will be defined as any section of tree at least eight feet long that contains a minimum 30 board feet of volume and is greater than 50% sound. Sawlogs may also be sold on a price per

cord basis.

- (2) A pulpwood tree contains at least one (1) 100” stick, to a minimum top diameter as defined in the contract.
- (3) The timber sale contract will be used to determine the conversion rates for posts, poles, bolts, chips, weight-scaled wood or other types of forest products. If the contract does not address a specific conversion DNR Timber Sale handbook #2461 will be used as a guide.

#### 505.1.13(b) Utilization Standards

Utilization standards will be specified in each contract to provide maximum utilization of all merchantable timber.

#### 505.1.13(c) Methods of Sale and Accountability

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

- (1) Scaled Sales: the contractor pays for exactly the amount of wood that is harvested under the timber sale contract regardless of how much wood was estimated to be on the sale. One or both of the following methods may be used to track how much wood is harvested from a sale.
  - a. The ticket system that utilizes serialized two-part tickets. When a load of wood leaves the timber sale area the first part of the ticket is deposited in a lockbox, the second part of the ticket is supplied to the mill when the wood is delivered. The mill returns that ticket to the County along with a scale slip that lists how much volume was on the load.
  - b. County Personnel may scale wood on the landing.
- (2) Lump Sum Sales: The Purchaser pays for the amount of wood that the County estimated to be on the sale regardless of how much wood is actually harvested.

#### 505.1.13(d) Payment

Timber sale contracts will include a payment schedule that places requirements on the size and timing of payments to the County. That schedule will be structured so that at no time will more timber be harvested than has been paid for except for a narrow exemption that if a Purchaser is unable to haul forest products because of a Town, County, or State road weight limit posting, payment may be deferred until the day the weight limit is lifted. The County may allow a Purchaser to secure payment with an irrevocable letter of credit, surety bond, or other method acceptable to the County. The Forestry Committee has the authority to alter the specific requirements of the payment schedule when offering timber sales.



#### 505.1.14 Miscellaneous Forest Product Permits

Permits issued will be for a specific designated area and will be valid for a period of one year from the date of issuance. Appropriate restrictions will be made part of the permit. In some cases a fee will be charged for the permit, that fee is subject to change by the Forestry Committee. An annual summary report of cut products harvested by permit will be filed with the DNR using Timber Sale Notice and Cutting Report. The Forest Administrator may issue written permits to harvest the miscellaneous forest products that are listed below.

- (1) Dead and down firewood for personal use.
- (2) Christmas tree
- (3) Balsam Fir Boughs
- (4) Birch stems
- (5) Birch twigs
- (6) Birch bark from down trees on commercial logging job.
- (7) Princess pine
- (8) Sheet moss
- (9) Pine/spruce cones
- (10) Hardwood seed

#### 505.2 NATURAL REGENERATION

Where feasible, natural regeneration will be encouraged through the use of silvicultural methods or cultural activities including, but not limited to, clearcuts, shelterwood 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.

##### 505.2.1 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 also be done by post-sale contractor or by County crews if it cannot be done as part of the timber sale contract, and if funding and a labor source is available.

##### 505.2.2 Prescribed Burning For Natural Regeneration

Fire is one of the most natural means available to stimulate the re-growth of early successional species. It will 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, budget, and staffing allow. DNR Fire Control will provide guidance and assistance See DNR Fire Presuppression handbook (4320.5).

### 505.2.3 Other

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

## 505.3 ARTIFICIAL REGENERATION

When natural tree regeneration fails, or when environmental conditions dictate, 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.

### 505.3.1 Site Preparation

Mechanical site preparation includes the use of soil disturbing equipment prior to tree planting or seeding. The equipment is used to expose mineral soil, 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. Herbicide application can be an effective means of controlling unwanted vegetation in order to establish seedlings or plantations. It will 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. A written prescription for each herbicide application will be prepared, kept on file, and made available to the primary applicator.

Prescribed burning for site preparation can be used to reduce logging debris, clear the site, kill or set back unwanted vegetation, and to release nutrients into the soil. DNR Fire Control staff will provide guidance and assistance for the use of fire as a tool. See DNR Fire Presuppression Handbook (4320.5).

### 505.3.2 Tree Planting / Seeding

Planting may be accomplished with bare root or containerized stock, which may be hand or machine planted. Seeding may be accomplished through ground or aerial application. The selection of species will be determined according to the

specific management objectives and capabilities of each site. The majority of planting/seeding will be in previously harvested areas where natural regeneration is not possible or 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.

#### 505.4 TIMBER STAND IMPROVEMENT.

Timber stand improvement will involve release, thinning, and pruning as the primary practices to 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 thinnings of dense tree stands and pruning of lower tree branches. Timber stand improvement practices can be done either by hand, mechanically, or chemically. All practices and applications may be employed during this plan period.

##### 505.4.1 Release

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

##### 505.4.2 Non-Commercial Thinning

Most thinning will 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.

##### 505.4.3 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 Committee to provide recreational opportunities for the public as follows: This authority is further recognized in the mission statement for the Bayfield County Forest (Chapter 100) which specifically identifies outdoor recreation opportunities.

- (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 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 Bayfield County codes and ordinances shall govern the lands designated by the county for park or recreational purposes.
- (4) The Committee will approve activities in a manner that prevents or minimizes the degradation of natural resources and user conflicts.
- (5) Examples of County recreation maps and the ordinances are appended in Chapter 900.

#### 510.1 RECREATIONAL SERVICE AGREEMENTS

It is permissible for the Committee to contract with clubs, organizations, businesses, agencies, 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 (see Sec 900 for permit template).
- (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

There are no recreational entrance or user fees on the Bayfield County Forest at this time.

#### 510.4 DISPERSED RECREATIONAL USE OF THE FOREST

Dispersed (informal) County Forest uses shall include, but not necessarily be limited to, hunting, fishing, trapping, gathering, picnicking, snowshoeing, biking, hiking, cross-country skiing, photography and nature study. Such uses do not require a County permit, but must be conducted according to the provisions of State law and County Ordinances.

##### 510.4.1 Hunting & Trapping

The entire County Forest is open for regulated hunting and trapping. Temporary hunting stands and blinds are permissible but must be in accordance with the Bayfield County Ordinance of tree stands and ground structures (Sec. 12-1-3). 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 900

for the ordinance pertaining to tree stands and ground structures.

#### 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. Users must remove any garbage or debris generated. Pack it in / Pack it out! See applicable County Ordinances in Chapter 900.

#### 510.4.4 Camping

No permits are required to camp on Bayfield County Forest Land. The following are rules that apply to camping on County Forest Lands:

- (1) No littering or site destruction is allowed.
- (2) Maximum permit period is 16 days, unless specifically authorized by the Forest Administrator.
- (3) Natural vegetation and terrain may not be damaged or altered in any way, except for the construction of an adequate fire ring. The fire ring must be dismantled and returned to a “natural” state when finished. Fasteners such as nails, screws or bolts may not be attached to trees.
- (4) 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.

“Leave No Trace” camping ethics are encouraged. Refer to Chapter 900 for the complete ordinance pertaining to camping.

#### 510.4.5 Gathering Non-Timber Forest Products (NTFP)

For the purposes of this section, NTFP’s will be referred to as plants, parts of plants, fungi, or other biological material, excluding commercially sawn timber products or products that require a permit in compliance with the Bayfield County Forest Products Ordinance, that are harvested for personal, non-commercial, use. NTFP’s allowed for harvest under this section will be restricted to edible plants and seeds from plants only. Under State and Federal Laws (State Statute 29.604 & Administrative Rule NR 27), it is illegal to process any plant that is listed as threatened or endangered. Examples of NTFP’s may include, but are not limited to, berries, nuts, mushrooms, plant roots, tubers, and bulbs. No permit will be required for an individual to gather said products, however, all material must be harvested in a sustainable and ecologically conscious manner. In addition, the harvesting of NTFP’s must not inhibit the reproductive capabilities of the plant

population considered for harvest on or at a given area. The Forest Administrator has the authority to prohibit harvesting if it has been determined to be environmentally destructive. Refer to Chapter 900 for a complete description of the Bayfield County Forest Products Ordinance.

## 510.5 INTENSIVE RECREATION AREAS.

At this time, the Bayfield County Forest has only one planned intensive recreation area. This is the proposed rifle range to be located off the North Boundary Road in the Town of Bell. This project was jointly sponsored by the DNR and the Ashland-Bayfield County Sportsmen Club and sanctioned by the County Board of Supervisors in 2004. See Chap. 900 for a map of the area.

### 510.5.1 Rifle Ranges

Ranges that allow for public use of rifle, bow, pistol, etc. are permitted on County Forest lands provided the area meets range safety requirements. If the range is operated by an organization other than the County, a written land use agreement, including proof of insurance, will be required. A Provision for use by the public will be included in the land use agreement.

### 510.5.2 Other Intensive Recreation Uses

The Committee may designate other sites to be developed to accommodate a high level of public use. The Committee may prohibit other recreation activities that are not compatible with the intent of the developed facility. Other intensive recreation uses may include; campgrounds, picnic areas, swimming beaches, boat landings, wayside rest areas, etc.

## 510.6 MANAGED TRAIL SYSTEMS

Whenever possible, multiple uses of the various trail and road 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 Bayfield County Forest. Managed trail systems are identified and discussed in Chapter 700. Recreation maps are appended in Chapter 900

## 510.7 RECREATION OPPORTUNITIES FOR PEOPLE WITH DISABILITIES

Refer to chapter 700.

## 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. Appropriate management prescriptions and requirements will be established for these areas. Special Uses must be compatible with the intent of the County Forest Law.

(2) All requests for specialized uses of any County Forest lands will require a permit approved by the Committee.

#### 515.1 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. Permit requirements 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 stumps and brush,
- 4) stripping and stock piling topsoil,
- 5) erosion control measures,
- 6) Pit rehabilitation plan,
- 7) sloping to prevent steep banks, and
- 8) filing with the forestry office an annual written report of gravel and sand removed.

Other requirements may be specified by the Committee may set fees for materials removed. Other non-metallic 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 County Zoning Department in obtaining the necessary permits for nonmetallic mining operations.

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

Sand and gravel pits will be maintained and operated in accordance with the Bayfield County Zoning Ordinance.

#### 515.2 EXPLORATION, PROSPECTING AND MINING

(1) The Forest Administrator will review all mineral exploration, prospecting and mining requests as they are received.

(2) The DNR will 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 CEMETERIES

The use of County Forest lands for new cemeteries will not be allowed unless the land involved is withdrawn from the County Forest Law.

515.5 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, Forest Administrator, Military, and D.N.R. representatives will discuss the issue at a scheduled Committee meeting. After the request has been explained the proposed site shall be field checked by the Forest Administrator. If the request appears reasonable, D.N.R. input and consistency with the County Forest Law will be sought, and town officials advised. Depending on the scope of the project, a public hearing may be scheduled. If all aspects and concerns are addressed and agreed to, a permit will be drafted by the Forest Administrator and reviewed by Corporate Counsel. The proposed permit will then be brought back to a Committee meeting for a decision. The Public Forest Lands Handbook, 2460.5, Chapter 270 will be used as a guide.

515.6 PUBLIC UTILITIES.

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

1. 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.
2. Utility companies will be encouraged to use existing corridors and underground lines to minimize disturbance to the county forest and native plants and animals.
3. Utility must provide notice of proposed route, including a map of not less than 1 inch /mile scale with their initial proposal
4. Special maintenance, controlled access and signage concerns shall be



addressed in any proposal.

5. Utility will be billed for land removed from production due to right-of-way clearing for losses of future income and multiple use benefits.
6. Utility will be billed for merchantable forest products and existing timber reproduction.
7. 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.
8. An appropriate fee shall be charged for easements.

#### 515.7 PRIVATE UTILITY ACCESS PERMITS

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 Chapter 700, Section 755 for easements as well as:

1. The permit is a fixed term permit (10 year), renewable at the discretion of the Committee.
2. The permit is non-transferable
3. 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.
4. 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. These permits are effective upon signature and required fees being received by Bayfield County.
5. The fee for the Land Use Agreement – Utility permit is set by the Committee. If timber needs to be removed, the timber will be appraised and that value added to the permit with a \$10.00 minimum charged. If fieldwork is required by County personnel their time and mileage will be added to the permit cost.
6. An example of the current utility access permit is included as an exhibit in Chapter 900.

#### 515.8 TOWERS

Requests for siting of towers on Bayfield County Forest will be considered by the Committee. Towers may be for radio, cellular, microwave and other forms of communication technology, monitoring or government and military purposes. The County Forest covers vast areas of the County and therefore, placement of towers within the County Forest is highly probable. Requests for towers will be considered on a case-by-case basis subject to the following conditions:

1. The purpose of the tower is to serve a demonstrated public need.

2. The location of the tower(s) is intended to provide the maximum coverage with the least number of tower sites within the practical application of tower height.
3. Consideration will be given for tower requests that serve more than one entity or application.
4. Consideration will be given for tower sites that have close proximity to existing telephone and/or utility power lines.
5. The land for a tower site maybe leased to the party(s) that own and/or operate the tower if the impact to the productivity of the forest is minimal. The lease agreement shall provide appropriate compensation for loss of fiber production for the term of the lease. In cases where the impact would be substantial, the affected lands will be withdrawn from county forest law. Withdrawal is subject to the approval of the Committee, County Board and Wisconsin Department of Natural Resources.
6. Land withdrawals will require replacement with other land of equivalent value within the county forest blocking.
7. Any agreement should also consider the inclusions listed under 515.6 PUBLIC UTILITIES items 1-7.

#### 515.9 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.

#### 520 AESTHETIC MANAGEMENT ZONES

The County Forest is divided up into four aesthetic forest management zones. 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 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.

#### 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) Federal, State, and County Highways 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. Salvage operations are allowable in Zone A on a case by case basis.

#### 520.1.4 Permitted Uses – Zone A

1. Timber harvesting and thinning operations may be restricted 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.
4. County directional, informational and recreational signs conforming to approved standards are permitted.
5. New access roads will be permitted. 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. Town roads 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 slash disposal requirements for any management operations. With the use of informational signs, management practices may be interpreted to the public. Salvage operations are allowable in Zone B on a case by case basis.

#### 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 logging 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 management areas.

### 520.4.1 Examples – Zone D

- (1) Sultz Swamp Area
- (2) Lost Creek Falls Scenic Area
- (3) Glacial Kettles Geological Area
- (4) Onion River Watershed Area

### 520.4.2 Management – Zone D

Refer to Chapter 530.1-530.4 for management guidelines.

## 525 TREATY RIGHTS: GATHERING MISCELLANEOUS FOREST PRODUCTS

Ordinance No. 6, adopted by the Bayfield County Board of Supervisors on May 16, 1995, authorizes Bayfield County to permit the gathering of miscellaneous forest products on County land by Native American treaty rights participants. Ordinance No. 6 of 5/16/95 can be found in Chapter 900, sec. 905.2.X Bayfield County Policy adopts language of, and complies with, the Federal District Court decision and which 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.

**SPECIAL MANAGEMENT AREAS**

Special Management Areas (SMA's) contain unique resources such as rivers, lakes, bogs, areas of unique geological features, historical, and archeological sites. It is the policy of Bayfield County to manage these areas to enhance and protect their individual unique features.

Maps of these areas are appended in Chapter 900.6.

**530.1 Onion River Watershed Special Management Area**

Description: This special management area is located in the Towns of Bayview and Bayfield. The entire area is Bayfield County Forest with the exception of three private 40 acre parcels located in the northwest portion of the unit. The net County Forest acreage within the unit is 2,245 acres. Since the last plan was approved, two forty acre parcels located within this SMA were purchased and entered into County Forest Law Lands. A small 84 acre parcel located along the Smith Fire Lane has also been included as part of this SMA to facilitate boundary location. This area has a variety of unique natural resource attributes. The Onion River is a small stream with self-sustaining anadromous brown trout, rainbow trout, and coho salmon. The Onion River is unique in that it produces approximately 25% of Wisconsin's Lake Superior coho fishery. This area includes a DNR recognized winter deer yard that is important during severe winters, and a 30 acre stand of white cedar with trees in excess of 110 years old.

Management: Currently, there are three secondary county forest roads in this area. These roads provide access to the three 40 acre privately owned parcels. These roads are gated, and not open to general public vehicular access. No additional secondary county forest roads or private access roads will be designated or permitted. Temporary county forest roads will be allowed for management purposes. Temporary roads will be closed to vehicular access as projects are completed. County Forest Land within the Onion River Watershed Special Management Area is closed to public vehicular access. Access, by foot, for recreational pursuits is welcomed and encouraged. Management activities will give primary consideration to protecting stream quality and the excellent natural hatchery provided by this watershed. Timber management and wildlife habitat activities will be directed toward extended rotations for longer lived species, winter deer yard enhancement, and smaller harvest units than elsewhere on county forest lands. Enhanced filter strips along streams, modified slash disposal requirements, and revegetation of temporary roads may be necessary. As with the two recently purchased forty acre parcels, the County will be open to acquire the remaining privately owned parcels on a willing seller/willing buyer basis.

**530.2 Lost Creek Falls Scenic Special Management Area**

Description: This scenic area is located in the Town of Bell. All 334 acres within this unit are Bayfield County Forest Land. The area is characterized by large pines

and the steep V-shaped drainages of Lost Creek that are cut to depths of 25-75 feet. The unique attractions of this area are the four distinct waterfalls, all within a one-half mile stretch. Past logging practices have created two major timber types. One is dominated by large white and red pine, the other is dominated by 20-30 year old aspen.

Management: Future management of this area will stress old growth appearance for the long-lived species, stream water quality, and aesthetics. Timber management activities will be directed toward extended rotations for longer-lived species such as white pine, red pine, and northern hardwoods. Patch clearcuts will be used in the aspen type to enhance habitat for species such as hare, grouse, and others favoring early successional timber types. Access to this area is via a town road; Trail Drive. A trailhead parking area will be provided on County Forest Land by the bermed-off old logging road on the south side of the town road approximately one-half mile west of County Hwy C (see map in Chap. 900). Access from that point to the waterfalls is by a narrow footpath. Bayfield County Corridor Snowmobile Trail #1 traverses this area north-south. Sections of this snowmobile trail form the northeast boundary of this scenic area.

### 530.3 Sultz Swamp Special Management Area

Description: This special management area is located in the Town of Bayfield. All 348 acres within this unit are Bayfield County Forest Land. This area is unique because of plant and animal communities found here. This conifer swamp near the crest of the Bayfield peninsula has portions dominated by black spruce and other portions characterized by open bog. Other species found in the area include; jack pine, tamarack, northern white cedar, black ash, black birch, tag alder, and sphagnum moss. There are very old charred stumps scattered throughout. A breeding bird survey tallied 20 species including; yellow-billed flycatcher, white-winged crossbill, northern waterthrush, and swamp sparrow. A power transmission line, approximately 0.9 mile in length running northwest-southeast, bisects Sultz Swamp. Sultz fire lane and Bayfield County Corridor Snowmobile Trail #1 form part of the southern boundary.

Management: The Sultz Swamp will be managed to protect the unique biological character of this wetland community. Management will consist of inventory and monitoring activities. Any vegetation treatment required in the power line R-O-W will be done by mechanical means. Management activities on County Land adjacent to this area may require special mitigation measures to protect the character of this wetland community.

### 530.4 Glacial Kettles Geological Area

Description: This geological area is located in the Towns of Bell, Bayview, and Bayfield and contains a total of 421 acres. An additional 120 acre parcel, currently under the ownership of Plum Creek Timberlands, also exhibits these kettle formations. The kettles area is located in a transition zone between the

Northwest Sands and Superior Coastal Plain ecological landscapes. The area is defined by a unique concentration of glacial knobs and kettles, many of which exhibit 150 to 200 feet of topographical relief. Most of the area is dominated by poorer quality oak (scrub oak) with a mixture of jack pine, aspen, red pine, and white pine. Trees in this area are approximately 70 to 80 years. Much of the area is exhibiting a natural succession to white pine, red pine, and red maple. Ground flora is relatively diverse throughout, especially in relation to the positioning on individual kettles. Northern slopes are dominated by more “traditional” dry pine species, southern slopes are dominated by pine “barrens” species, and kettle bottoms are dominated by various shrub communities. The occurrence of old charred stumps indicates that there has been a history of fire.

Management: Management of this area will focus on the encouragement of longer-lived tree species, the protection of individual kettles, and aesthetics. The rugged terrain of this area will have a direct influence on the potential for timber management. Steep slopes and the concentrated nature of the glacial kettles make accessibility very difficult. This, in addition to the sensitive features of the kettles, will limit the potential for timber management activities. As a result, much of the area will be excluded from large scale timber harvesting. However, the potential for small scale timber management (i.e. small harvest areas, hand felling, horse logging) does exist in areas that can support such activities. Bayfield County Forest Land within the Glacial Kettles Geological Area will be closed to public vehicular and ATV access. Access by foot, for recreational pursuits, is welcomed and encouraged. A large grass opening (old sand pit) located in the northeast corner of the area, may be used for parking. See Chapter 900 for a map of the area.