

ONEIDA COUNTY FOREST COMPREHENSIVE LAND USE PLAN

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**CHAPTER 500**

**LAND MANAGEMENT AND USE**

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## **500 LAND USE**

### **500.1 OBJECTIVES**

- a. To identify policies and procedures employed to effectively manage, utilize and sustain the resources of the County Forest.
- b. 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. Silvicultural practices are based on research and general silvical 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**

An even-aged stand is a forest stand composed of trees having a relatively small difference in age. Typical cutting practices in even-aged management include: clear cutting, shelterwood cutting and seed-tree cutting. Regeneration will occur by either natural or artificial means following the harvest of the stand.

### **505.2 UNEVEN-AGED MANAGEMENT**

An uneven-aged stand is a forest stand composed of trees that differ markedly in age. The typical cutting practice in uneven-aged management is selection cutting, where individual trees are removed from the stand. Regeneration is continually occurring after the stand is thinned.

### 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, recreation 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 County Forest are to be advertised for public bidding, with the exception of small sales with an estimated value of \$3000 or less, or sales that would qualify under a salvage provision (s. 28.11(6)(c), Wis.Stats). These sales may be sold direct without advertising.

#### 505.3.1 Field Preparation of Timber Sales

The County and the DNR will cooperate to locate, designate and prepare harvest areas for sale. The Forest Director or designee and Liaison Forester shall jointly be responsible to see that the field work on sales is accomplished. A Pre-Sale Assessment of all proposed timber sales will be prepared and approved by the Forest Director, DNR Liaison, DNR Wildlife Biologist and DNR Team Leader. A check of the Natural Heritage Inventory (NHI) and Archeological Database will be made on each proposed timber sale. In the event NHI or Archeological features occur near the timber sale area, measures will be taken to minimize or eliminate possible disturbances to these features.

#### 505.3.2 Advertising For Bids

After field work is completed and necessary reports are prepared for DNR approval, the Forestry Department shall prepare a sale prospectus and make it available to interested loggers. Timber sale advertisements, at a minimum, will be by classified ad in the official newspaper of the County (s. 28.11(6)(b), Wis. Stats). Ads shall be run once each week for two consecutive weeks, the last being at least one week prior to the bid opening. A longer advance time will be given when feasible.

Sealed bid sales will generally be offered once annually, or as needed.

### 505.3.3 Prospectus

The following information will be made available to prospective bidders:

- a. Species to be harvested and estimated volume
- b. Minimum acceptable bid per species
- c. Maps of sale areas
- d. Special contract provisions
- e. Procedures for bidding
- f. Bid forms
- g. Timber sale bond and stumpage payment 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 County Forest bid forms by the bidder for each tract bid on, and shall contain:

- a. 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 for each species.
- b. A bid bond in the amount of 5% of the total bid value must accompany each bid.

### 505.3.5 Awarding Sales

- a. 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:
  1. Non-compliance with County Forest contract requirements.
  2. Delinquent financial obligations.
  3. Unsatisfactory past performances.

4. Inability to demonstrate financial or professional capability.
- b. Tie bids may be settled by toss of a coin if both parties are agreeable; otherwise the bids on that tract will be rejected and the sale re-advertised.
- c. 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).
- d. 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. Oneida County will require appropriate training of logging contractors as specified in the SFI Certification requirements. The award of contract to the successful bidder shall be based upon the bid determined most advantageous to the County.

#### 505.3.6 Sales Contracts

- a. Contracts will be prepared with copies provided to the logger and the DNR with the original filed in the Forestry Director's office.
- b. Contracts are to be signed by the successful bidder within 14 days of the contractor being notified that the contract is ready for signing or before cutting begins, whichever occurs first, with payment being made according to the County Timber Sale Bond and Stumpage Payment Schedule. Failure to sign the contract within 14 days may result in forfeiture of bid bond unless prior arrangements for contract signing are made.

#### 505.3.7 Timber Sale Performance Bond

- a. 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 must be in effect for five years from the date of contract signing to allow for possible extension(s) and for closeout of the contract after cutting is completed.

- b. The performance bond is to be in the amount of 25% of the total bid value.
- c. 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.

##### 505.3.8.1 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 may 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.
- a. No machinery may be operated in lakes or streams without proper authorization.
- b. 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 shall be allowed 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 including unserviceable machinery 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. See Ch. 9 Sec. 9.95 of the Oneida County Zoning and Shoreland Protection Ordinance for more information.

#### 505.3.8.2 Duration and Extension of Contracts

- a. All contracts will be issued for not less than six months nor more than 4 years, unless otherwise stated on advertisement and/or contracts. Contracts will be dated to expire on the anniversary of the signing of the contract. Exceptions may be made in cases of extenuating circumstances.
- b. 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. Contract extension schedule is as follows: (contract extensions are for one year at a time)
  - 1 year contract: 1<sup>st</sup> extension 5% increase in stumpage rate, 2<sup>nd</sup> extension 10% increase, 3<sup>rd</sup> extension 15% increase.
  - 2 year contract: 1<sup>st</sup> extension 10% increase, 2<sup>nd</sup> extension 15% increase
  - 3 year contract: 1<sup>st</sup> extension 15% increase
  - 4 year contract: No extensions.
- c. If purchasers do not wish to have contracts renewed or extended appropriate penalties may be assessed. At the discretion of the Committee, all or part of the performance bond may be retained as damages and to cover costs of re-establishing and selling uncut timber.
- d. 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 and to cover costs of re-establishing and selling uncut timber.

### 505.3.8.3 Contract Violations

Field enforcement of timber sale contracts will be the responsibility of the Forest Director or designee employing the following procedure:

- a. The Forest Director, or designee, will attempt to resolve inadvertent or minor violations by verbal contact with the contractor.
- b. The Forest Director, or designee, may immediately suspend logging operations when a serious or emergency situation arises.
  1. The suspension will be followed by written notice to the contractor via certified mail, stating the nature of the violation and informing them of Committee action taken or pending.
  2. The Committee, in consultation with legal counsel, may consider, but is not limited to the following remedies:
    - a. Charge double stumpage
    - b. Charge for actual damages
    - c. Suspend contract
    - d. Retain all deposits
    - 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.
  3. Suspension of operation will remain in effect until receipt of written notice from the County.
  4. 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. All deposits may be retained and forest products on sale areas may be seized and sold by the County.

### 505.3.9 Timber Timber Sale Restrictions

- a. To minimize resource damage, the types of logging equipment, methods,

and times of operation used on sale areas will be restricted by the County.

- b. Special restrictions may be required in accordance with the aesthetic policy set forth in Section 520.
- c. 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 for Christmas trees, posts and poles and other special forest products for resale will be handled as a regular timber sale.

#### 505.3.11 Timber Sale Roads

- a. The contractor will be responsible for securing legal access to sale areas across private or other non-County ownership.
- b. 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). Permission must be in writing and a copy provided to the County.
- c. Forestry personnel will approve the layout of all roads and make other necessary special provisions within the sale contract.
- d. Skidding, decking, or other logging activity is not allowed on County Forest roads or ditches unless approved by the County. 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. Special provisions for road building and/or closure may be required and will be indicated in the sale prospectus.
- e. Any new access roads or previously closed access roads shall be closed to vehicular traffic during extended periods of timber sale inactivity.
- f. A timber sale purchaser may request permission to gate a timber sale

access road. The County Forest Director may grant permission to prohibit motorized traffic.

#### 505.3.12 Supervising Sales

Sale inspections will be performed periodically by County and / or State personnel with corresponding notations in the sales record.

#### 505.3.13 Forest Products Accountability

##### 505.3.13.1 Scaling Merchantability

- a. Sawlogs will be scaled by the Scribner Decimal C. log rule. A sawlog is defined as:
  - 9” diameter or larger inside bark (d.i.b.) of small end at 8' in length (plus trim) for softwood
  - 10” diameter or larger inside bark (d.i.b.) of small end at 8' in length (plus trim) for hardwood
  - Minimum net scale of 50% of the gross scale of the log.
- b. 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 16% for machine-peeled wood to the gross volume measured. A pulpwood tree contains at least one 100” stick, to a minimum top diameter as defined in the contract (generally 4”).
- c. 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.

##### 505.3.13.2 Utilization Standards

Utilization standards will be specified on individual contracts to provide maximum utilization of all merchantable timber and will be based on the scaling standards in 505.3.13.1.

### 505.3.13.3 Methods of Accountability

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

- a. 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 and payment for each load must be made by the 10<sup>th</sup> day of the month following the month the load was hauled.
- b. Wood may also be scaled on the landing. This method is generally used for sawlogs. Payment for wood products scaled in the woods is normally due within 21 days of billing.
- c. Lump sum sales may be utilized and divided into cutting units when practical. Payment for a cutting unit must be received in full before any cutting begins in that unit.

### 505.3.14 Special Forest Product Permits

- a. A written permit for making fuelwood for personal use must be obtained for a specific area designated on the permit.
- b. A written permit for cutting boughs must be purchased through the Forestry Office. Bough payment rate will be set by the Committee.
- c. Written permits may be issued for special forest products for community or personal use, with fees established by the Committee.
- d. An 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, 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. . The Silvicultural & Aesthetics Hbk. (DNR Hbk. #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 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.

#### 505.4.2 Prescribed Burning For Natural Regeneration

Fire is one of the most natural means available to stimulate the re-growth of early successional species. It 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 reasonably 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. Chemicals will only be applied under supervision of a Certified Pesticide Applicator. A written prescription for each herbicide application will be prepared, kept on file, and be made available to the primary applicator.

### 505.5.3 Prescribed Burning

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 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

Machine or hand planting of seedlings or seed 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 designate and maintain certain 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 improve the health, growth and quality of existing stands of trees. It can include activities such as release of desirable trees from vegetative competition, commercial or 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 desired 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.

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### **RECREATION**

The County Forest Ordinance and s. 28.11, Wis.Stats. authorize the Committee to provide recreational opportunities for the public. This authority is further recognized in the mission statement for the Oneida County Forest (Chapter 100) 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.

- a. 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.
- b. 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.
- c. The Oneida County codes and ordinances shall govern the lands designated by the County for park or recreational purposes.
- d. 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.

- a. Permits or use agreements for use of the County Forest may be issued by the Committee for recreational purposes.
- b. No permits for sale of malt or intoxicating beverages will be issued on the County Forest.
- c. Other types of special use permits are found in Section 515.
- d. Permits will not be issued for cabin sites on the County Forest.
- e. 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

- a. Fees for camping in developed camp sites (as applicable) 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.
- b. Detailed information on park or recreation area use regulations can be found in the Oneida 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 parks, picnic areas and the County Forest building complex. Temporary hunting stands are permissible but must be removed from the forest at the end of the hunting season.

Nails, lag screws, screw steps, or other damaging devices shall not be attached to trees. No permanent type structures shall be permitted. Refer to Chapter 900 (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.

- a. No littering or site destruction will be tolerated.
- b. The Committee will set the permit fee.
- c. Maximum permit period is 10 days.
- d. 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.
- e. 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.

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

### 510.5.1 Designated Campgrounds

There are no designated camping areas on the County Forest at this time.

### 510.5.2 Designated Picnic Areas

Picnic areas open to the public include:

- a. Almon Park
- b. Bass Lake Picnic Area
- c. Perch Lake Picnic Area
- d. Townline Lake Park
- e. Willow Rapids Picnic Area

### 510.5.3 Designated Swimming Areas

Designated swimming areas include:

- a. Almon Park Beach
- b. Townline Park Beach

Lifeguards are not provided at these areas.

### 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 900. Water access is also addressed in Chapter 700. These landings are not to be considered boat-mooring sites.

#### 510.5.5 Waysides

No waysides are provided by the County at this time.

#### 510.5.6 Shooting Ranges

Ranges may be established, with Committee approval, that allow for public use of rifles, bows, pistols and shotguns on County Forest lands. 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 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 Oneida County Forest. The trail systems are identified in the Recreation maps appended in Chapter 900 and referenced in Chapter 700.

#### 510.6.1 Motorized Trail Opportunities

The Oneida 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 Committee to consider opportunities for motorized trail use.

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

#### 510.6.2 Non-Motorized Trail Opportunities

The Oneida 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 non-motorized trail use.

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

#### 510.7 RECREATION OPPORTUNITIES FOR PEOPLE WITH DISABILITIES

Oneida 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 wherever possible.

#### 515 SPECIAL USES

- a. 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.
- b. All requests for specialized uses of any County Forest lands will require a permit authorized by the Committee.
- c. A list of existing special use areas is included on map 900.9.

#### 515.1 SAND AND GRAVEL

Sand and gravel located on the County Forest may be used only by units of government or contractors performing public works. Use of sand and gravel from 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:

- a. requiring the pit and its access road to be screened from view from any public highway,
- b. severing trees from the stump,
- c. disposition of brush and excess soil by leveling or hauling away,
- d. sloping to prevent steep banks
- e. seeding/mulching of exposed areas, and
- f. 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 Director. Quantities of pit run sand and gravel in excess of 100 cu. yds. will require prior Committee approval. 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 local permit coordinator (Landfill Director) 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

- a. The Committee may investigate all mineral exploration, prospecting and mining requests as they are received.
- b. 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 c.(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.

Easements for public utilities will be considered by the Committee. Underground installations will be encouraged. The following main provisions shall be included in any County Board resolution granting permission for construction of any utility transmission line: (See Wis. State Statute 196.491(3e) for information regarding the requirement of the County to convey land to a utility for the purpose of constructing a high-voltage transmission line.)

- a. Utility may be billed for merchantable forest products and existing timber reproduction.
- b. Utility may be billed for land removed from production due to right-of-way clearing for losses of future income and multiple use benefits.
- c. 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 within the forest blocking of the County Forest.

- d. Utility companies will be encouraged to use existing corridors and underground lines to minimize disturbance to the County Forest and native plants and animals.
- e. Merchantable timber will be removed in a manner approved by the Committee. Timber cut must be reported to the DNR on form 2460-1.
- f. 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.
- g. Special maintenance, controlled access and signage concerns shall be addressed in any proposal.
- h. An appropriate fee shall be charged for easements.

#### 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 515.5 for easements as well as:

- a. The permit is non-transferable
- b. 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.
- c. 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 of the permit and any fees being received by Oneida County.
- d. The fee for such a land use agreement is set at \$3000.00 per acre for each utility with a \$500.00 administration fee and any applicable deed recording

fees.

- e. The standard land use agreement for utility access is included as an exhibit in Chapter 900.

#### 515.7 CELLULAR COMMUNICATION TOWERS

The siting of cellular communication towers on the Oneida 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:

- a. It must be demonstrated that the site is the most practical location for such a tower.
- b. Land selected for such a tower is no longer eligible 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 within the forest blocking.
- c. Oneida County shall be provided use of such tower for a fee.
- d. Any agreement should also consider the inclusions listed under 515.5 (Items a-h).

#### 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. Examples of such areas are: Spruce Lake Waterfowl Area, Veterans Memorial Forest Entrance, and Gobbler Lake 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 maps appended to in Chapter 900.9.

#### 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

- a. Park and recreation areas, including access routes.
- b. Lakes and rivers that support significant water based recreational activity.
- c. 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

- a. 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.
- c. 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

- a. Timber harvesting and thinning operations may be prohibited during periods of peak public use. All slash must be lopped and/or removed from view.
- b. Timber stands in this zone will be managed to afford the greatest scenic potential for public enjoyment.
- c. 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.
- d. County directional, informational and recreational signs conforming to approved standards are permitted.
- e. All tree and shrub planting will be spaced at random to prevent an artificial appearance.
- f. 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 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

- a. 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.
- b. 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

- a. Almon Recreation Area
- b. Gobler Lake Scientific/Natural Area
- c. Memorial Forest Entrance

#### 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. 16-92A , adopted by the County Board of Supervisors of the County of Oneida on February 22, 1992 , authorizes Oneida County to require permits for gathering miscellaneous forest products on County land by Native American treaty rights participants. The ordinance, Chapter 14.07a.(a)c. of the General Code of Oneida 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 contain such natural values as high conservation value forests, wild rivers and lakes, significant geological features, natural areas, ruffed grouse management areas, historical and archeological sites. High Conservation Value Forests contain such natural communities as relict old-growth forest; habitat for endangered, threatened, and species of greatest conservation need; eastern hemlock stands; natural origin pine stands; rare natural communities, such as boreal rich fen, forested seeps, alkaline bogs and swamps, large muskegs, and animal concentration spots. It is the policy of Oneida County to manage these types of resources and protect their individual exceptional features. See Ch 900.6.1 for a listing of endangered resource occurrences.

## 530.1 Wisconsin State Natural Areas

Oneida County manages a variety of property designations including Wisconsin State Natural Areas (SNA). The SNA system represents the wealth and variety of Wisconsin's native landscape. They contain outstanding examples of native biotic communities and are often the last refuges in the state for rare and endangered plant and animal species. The Wisconsin SNA program works with counties to further recognize outstanding native biotic communities that Oneida County is presently managing as exceptional areas. SNA's are unique in that they can exist as stand alone properties or be designated within the boundaries of another property type. Oneida County maintains its land ownership, management and decision-making authority, but with cooperative recognition of these sites the county can enhance its ability to provide a broader range of opportunities for the citizens.

DNR State Natural Areas staff will work cooperatively with the County Forest by coordinating educational, monitoring, and research activities. Assistance on management projects can provide the county with more resources to accomplish necessary management. Management will protect the unique character of the area. The importance of the Wisconsin State Natural Areas has been recognized on the County Forest through cooperation with the Department staff in designating and managing 470 acres of the County Forest for one SNA.

**Gobler Lake:** This 470-acre site is found in sections 5 & 6 T35N R5E. This designated State Natural Area was set up in 1974 to recognize the significant biological features and promote research activities. Gobler Lake contains a large open muskeg and a soft water bog lake. With road access along the esker on the south boundary, this is an outstanding location for interpretation of glacial impacts and muskeg formation. The site is ideal for research on large bog (muskeg) functions and for understanding boreal birds such as Canada and Connecticut Warblers and Lincoln's Sparrow here near their southern range limit

## 530.2 High Conservation Value Forests

**Noisy Creek Cedars.** This approximately 500 acre high conservation value forest lies in sections 21 and 22 of T35N R9E. The site consists primarily of white cedar, tamarack and alder. The waters of Noisy Creek and the several spring sources are mineral rich with an alkaline quality. These types of forested wetlands have more diverse species composition especially sedges and orchids and such is the case with Noisy Creek. With only one preliminary survey in 2005, over 120 wet forest plant species were identified including 11 orchid species. The site also had an abundance of nesting bird species with excellent populations of Canada Warbler, Golden-winged Warbler and Northern Waterthrush found at the site. Additional inventory is needed to more fully assess the site's biological values. Due to the site's diverse plant and bird communities, exceptionally wet soils and concerns regarding regeneration of white cedar, Oneida County will continue to manage the area in such a way as to not adversely affect the unique values of this area. The county recognizes the site's biological values and may collaborate with the Wisconsin State Natural Areas Program in the future.

**Enterprise Wetland Forest.** This approximately 720 acre site (of which approximately 500 acres is County owned and 220 acres is State owned) lies in sections 11, 14, and 15 in T35N R9E and contains a large forested wetland that abuts several Board of Commissioners of Public Lands (BCPL) parcels. This intact mosaic of wetland forest types affords a rare opportunity for Oneida County to work collaboratively with BCPL to maintain relative extensive example of representative northern Wisconsin wetland forest communities. The site contains white cedar swamp, black ash swamp, tamarack, black spruce and open bog communities. Several rare plants (sparse-flowered sedge, showy lady's slipper, small yellow lady's slipper and common bog arrow grass) are found at this site. Oneida County will continue to manage the area in such a way as to not adversely affect the unique values of this area

### 530.3 Other Exceptional Resources

**Scott Creek:** This stream has an excellent population of Red-sided Dace. BMPs for water quality should address the management needs for this species.

**Willow Rapids Bog:** This small acid bog lake in section 15, Lynne Township has a rare plant, *Scirpus cespitosus*, growing on the open surrounded the small lake. The inaccessibility of the bog mat should provide needed protection.

**Little Rice River:** The one-mile reach in Section 22 has a population of Wood Turtle. BMPs for water quality should address the management needs for this species.

### 530.4 Culturally Significant Sites

Sites of significant cultural value are found on the Oneida County Forest. Management practices have been modified to minimize any disturbance to the sites. Remnants of old logging camps are found throughout the forest. These sites are catalogued and noted when timber management occurs in the area. Logging restrictions are placed on the timber sales to protect these sites.

**McCord Village:** The McCord Village (47On221) is a historic Native American settlement located on the Oneida County Forest. This area was settle sometime around 1890-1900 by Potawatomi, Ojibwe and related Indians and was abandoned around 1950. This site was been placed on the National Register of Historic Places in 2002.

This area consists of the remnants of dwellings, gardens, dance rings, maple sap boiling arches and other associated items. This site is believed to contain the highest concentration of sap boiling arches in the state. The Wisconsin Historical Society (WHS) archaeologists have surveyed and mapped the site. “No management” buffers have been established adjacent to the features of this area to

prevent disturbance. As new features of this site are located, the WHS will be notified. The Lac du Flambeau and Forest County Potawatomi tribes have also been notified of this site and are informed of any management practices occurring in the area.