

WASHBURN COUNTY FOREST COMPREHENSIVE LAND USE PLAN

CHAPTER 400 – FOREST OWNERSHIP

TABLE OF CONTENTS

400 COUNTY FOREST OWNERSHIP..... 400-3

405 LAND OWNERSHIP GOALS..... 400-3

410 COUNTY FOREST BLOCKING..... 400-3

415 LAND ACQUISITION..... 400-3

 415.1 ACQUISITION OF LANDS WITHIN FOREST BLOCKING BOUNDARY..... 400-4

 415.2 ACQUISITION OF LANDS OUTSIDE FOREST BLOCKING BOUNDARY..... 400-4

 415.3 METHODS OF ACQUISITION..... 400-5

 415.3.1 Purchase of Lands..... 400-5

 415.3.2 Land Trades..... 400-6

 415.3.3 Tax Deed Parcels..... 400-6

 415.3.4 Land Donations..... 400-6

 415.4 FINANCING..... 400-7

420 ENTRY OF COUNTY FOREST LANDS..... 400-8

 420.1 TIME OF ENTRY..... 400-8

425 WITHDRAWAL OF LANDS FROM COUNTY FOREST LAW..... 400-8

 425.1 WITHDRAWAL PROCEDURE..... 400-9

 425.2 CRITERIA FOR CONSIDERING WITHDRAWALS..... 400-10

430 LAND SURVEYING..... 400-10

 430.1 LEGAL SURVEYING..... 400-10

 430.2 LOCATION OF BOUNDARIES BY OTHER THAN LEGAL SURVEY..... 400-11

 430.3 PRESERVATION OF LANDMARKS, MONUMENTS AND CORNER POSTS.... 400-11

Approved by Washburn County Board of Supervisors October 19, 2021

No revisions

400 COUNTY FOREST OWNERSHIP

A majority of County Forest lands in Wisconsin were abandoned by private owners and allowed to go tax delinquent. These lands were taken back by the Counties under tax delinquency and tax deed. In many cases the forests on the properties were substantially degraded. In response to a lack of real estate market, counties worked with state and federal agencies to restore these lands into productive forests and recreational assets. The creation of the Forest Crop Law, Forest Reserve Law, and ultimately the County Forest Law allowed Wisconsin counties to create viable public land management programs to benefit the citizens of the State.

Over time, certain Wisconsin Counties acquired lands not only through tax deed, but also by trade, gift and purchase in order to create a more efficient blocking of County Forest lands.

405 LAND OWNERSHIP GOALS

It is the goal of Washburn County to acquire land from willing sellers in order to establish more consolidated blocking of the County Forest. Lands within certain boundaries will be explored for purchase as they come available or are offered to the County for sale. It is not the intent of the Washburn County program to acquire lands solely to increase acreage but rather to “fill in” scattered in-holdings within the existing forest boundary.

410 COUNTY FOREST BLOCKING

The objective of County Forest blocking is to provide for the most efficient administration of the forest by consolidating and blocking lands within established County Forest boundaries through purchase or trade as provided in s. 28.11 (3) (c), Wis. States., and to enter lands so acquired as County Forest pursuant to s. 28.11 (4) (b), Wis. Stats.

The County Forest blocking is a general boundary around County Forest lands that include private and other agency ownerships. County Forests Blocking Boundaries are established by the Committee and approved by the Washburn County Board. A map of the official blocking boundary is found in the appendix to this Plan.

415 LAND ACQUISITION

The acquisition of lands shall be conducted by presenting the initial proposal to the Forestry, Parks and Recreation Committee. If the Committee elects to proceed, an appraisal will be contracted and negotiations will be based on attempting to acquire the property in a manner that is

fair to the seller and as close to the appraised value as practical. The Committee will, in closed session, discuss and approve any final offers. Proposals will be forwarded to the Washburn County Board of Supervisors, which has the authority to make final decisions. All land acquisition proposals will include a thorough investigation of grant program opportunities.

Land trades, donations, and other methods of acquisition may be considered during any land purchase proposal.

415.1 ACQUISITION OF LANDS WITHIN THE COUNTY FOREST BLOCKING BOUNDARY

The County Forest Blocking boundary gives focus to the land acquisition program and it is the responsibility of the Forest Administrator to present to the all land acquisition opportunities that are within the Blocking Boundary, to the Committee they come available. It is understood that not all land proposals will be approved but they should all be analyzed for merit as willing sellers are found or as the County is approached by private sellers expressing a desire to have their lands acquired for the County Forest program.

Priority will be placed on parcels where the acquisition will accomplish any of the following goals (*this list is not in order of importance*):

- Eliminating road use agreements into private parcels
- Eliminating continued request for easements in cases where an inholding is in demand for subdividing or development
- Acquisition will permanently protect a recreation trail corridor
- Acquisition provides or improves public and forestry access
- Parcel will protect high quality habitat, unique features or exceptional resources
- Protect undeveloped private waterfront on waterbodies that are otherwise in County ownership and undeveloped.
- Parcel will provide for unique opportunities for recreational development.
- Parcel increases management efficiency by reducing private line boundaries
- Parcel contains high value forest products

415.2 ACQUISITION OF LANDS OUTSIDE THE COUNTY FOREST BLOCKING BOUNDARY

Parcels outside of the Blocking Boundary may also be considered for acquisition provided they possess unique or special values that warrant the addition of a new County Forest block or area. Acquisition outside of the Blocking Boundary will require a detailed justification for amendment of the County Forest Blocking Boundary and subsequent approval of the boundary change by County Board.

Lands may also be purchased or otherwise acquired that are outside the Blocking Boundary without amendment, provided they are not entered into the County Forest Law. This may be advantageous in cases where the County wishes to have lands available to be used for trading purposes, as a means to acquire parcels within the Blocking Boundary.

415.3 METHODS OF ACQUISITION

Parcels may be purchased or traded, based on competent appraisal of the values involved. Acquisitions may also be by gift, bequest or by action to foreclose tax liens (tax deed). Actions to add tax deed parcels to the County Forest will require not only approval by the Forestry Committee, but also the County Treasurer's Office and the Public Property Committee. Approval to utilize tax deed parcels may require compensation to other County programs.

The Forest Administrator will be the agent of the Committee in making contact with potential sellers and to carry out negotiations and acquisition activities. The Committee will have jurisdiction over the offers, counter-offers and any accepted offers. Offers to purchase will always carry a condition of final approval by the Washburn County Board of Supervisors. Upon approval of the Committee, an authorizing resolution shall be forwarded for consideration by the County Board.

415.3.1 Purchase of Lands

Lands may be purchased within, or outside the county forest blocking boundary as described in Sections 415.1 and 415.2. Priority for acquisition should be those parcels specifically identified in the Site Specific Management Goals described in the Integrated Resource Management Units in Chapter 3000. The Forest Administrator shall present, to the Committee, acquisition opportunities for lands within the blocking boundary as they come available. At discretion of the Forest Administrator, proposals to purchase lands

outside the blocking boundary may be presented to the Committee based on the criteria contained in Section 415.2.

415.3.2 Land Trades

Lands within the blocking boundary may only be used for trading purposes if all of the following criteria are met:

- Land to be traded to Washburn County is located within the blocking boundary.
- Blocking is substantially improved by the trade
- Public access and general management of the forest is enhanced or improved
- There is a net gain of both acreage and property value
- Lands of lower value are not traded for lands of higher value
- A certified appraisal has been conducted to determine values of subject parcels.
- Mineral rights are retained if available
- Lands may be withdrawn as identified in Section 430 and withdrawal is approved by the State of Wisconsin.

Land trades may also be used to resolve encroachment issues in case where adverse possession has occurred, or is highly likely to be ruled adverse by the court.

Lands owned by Washburn County, enrolled in County Forest Law and located outside the blocking boundary may be withdrawn and used for trading purposes for lands within the blocking boundary on a one to one basis of value. (lands that are outside the official blocking boundary must be enrolled as “Special Use” County Forest.

415.3.3 Tax Deed Parcels

The Forest Administrator shall request that the County Treasurer allow the opportunity to review the list of proposed tax deed properties prior to advertising sale to the public. The Forest Administrator shall make efforts to annually review lands to be sold to determine if there are parcels within the blocking boundary and submit a request to acquire those parcels for acquisition to committees of jurisdiction. Any proposal to acquire tax deed properties are likely to include fair compensation to the Treasurer’s department.

415.3.4 Land Donations

Lands are periodically offered as a donation to Washburn County for inclusion into the county forest program. As lands are offered, they shall be evaluated by the County Forest Administrator for merit. All lands offered as donation shall be presented to the Committee for consideration. The Committee may also allow payment of appraisal services and other costs associated with the acquisition. Lands shall be entered into the County Forest Law, and also should be evaluated and considered for use as matching values towards grant programs.

415.4 FINANCING

The Forest Administrator shall include the financing proposal for any land purchase proposals presented to Committee. Funds may be available from the County's Land Acquisition Account, although these funds are intended to be used as match funds or in cases where other monies are not available. In addition to funds in the Land Acquisition account (250.56110), the following may be considered as funding sources:

Loans

1. County Forest Project Loans – (s. 28.11(8)(b)(2), Wis. Stats.)
2. Variable Acreage Share Loans – (s. 28.11(8)(b)(1), Wis. Stats.)
3. Board of Commissioners Public Lands State Trust Fund Loan Program – (s. 24.61(3)(a)(2), Wis. Stats.)

Grants

1. Knowles-Nelson Stewardship Program, County Forest Acquisition sub-program – (s. 23.0953, Wis. Stats)
2. Knowles-Nelson Stewardship Program, Acquisition and Development of Local Parks sub-program – (s.23.09(20), Wis. Stats.)
3. Lake Protection – (s. 281.68, Wis. Stats.)
4. River Protection – (s. 281.70 ,Wis. Stats.)
5. County Forest Wildlife Habitat – (s. 20.370(5)(as), Wis. Stats.)
6. ATV/UTV Aids – (s. 23.33(9), Wis. Stats.)
7. Snowmobile Trail Aids (s. 23.09(26), Wis. Stats.)

Other

The Forest Administrator should also research opportunities for not only state and federal funds, but also donations and funding sources from non-profit agencies.

420 ENTRY OF COUNTY FOREST LANDS

Lands to be entered under the regular classification of the County forest Law must be suitable for forestry purposes and be within the County Forest blocking boundary. Lands designated for classification as County Forest Special Use need not be contained within the County Forest Blocking Boundary nor be suitable primarily for timber, but they must be suitable for scenic, outdoor recreation, public hunting and fishing, water conservation or other multiple-use purposes.

420.1 TIME OF ENTRY

Application for entry of newly acquired lands under the County Forest Law will be made as soon as possible. Applications for entry will be prepared with the assistance of the DNR County Forest Liaison Forester. The County Forest Administrator will secure the signatures of the proper county officials and transmit the application to DNR's County Forest & Public Lands Specialist.

425 WITHDRAWAL OF LANDS FROM COUNTY FOREST LAW

Lands enrolled in the County Forest Law are considered a permanent program as defined by s. 28.11, Wis. Stats. The statute is designed to protect the public's rights, interests, and investments in such lands. This Plan also accepts and approves the permanence of lands in the County Forest Law program by recognizing the management, conservation and protection of this resource for present and future generations.

Lands within the County Forest Blocking Boundary will not normally be considered for withdrawal from the County Forest Law. Applications for the purchase of these lands by the private sector will be discouraged by the Committee, unless a greater public benefit can be demonstrated. If, in the opinion of the Committee and the County Board, the land will be put to better and higher use and will benefit people of the County and State to a greater extent by being withdrawn from the County Forest Law program, the County must follow the withdrawal procedure as outlined by the [Public Forest Lands Handbook](#).

<https://dnr.wi.gov/topic/ForestManagement/documents/24605.pdf>

The legal means by which counties may apply for withdrawal of lands from County Forest status is provided by s. 28.11, Wis. Stats. Initially, the County Forest Administrator notifies the DNR

Liaison Forester of the Washburn County Forestry, Parks and Recreation Committee meeting where and when the proposed withdrawal will be considered. At that meeting, DNR personnel and the County will discuss the proposed withdrawal and, if approved by the Forestry, Parks and Recreation Committee, the withdrawal will be recommended by resolution to the County Board. If approved by the Board by the necessary 2/3 majority, the application is prepared by the County and submitted to the appropriate DNR designee. The DNR may ask for additional information from the County. Pending the results of any investigatory hearings deemed advisable, the DNR will act on the withdrawal application. If the application is denied, the County may appeal as provided in s. 28.11(11)(a)(4), Wis. Stats.

425.1 WITHDRAWAL PROCEDURE

The purpose of this procedure is to provide general information in formulating and processing applications for withdrawal of County forest lands under s. 28.11, Wis. Stats. And Ch. NR48, Wis. Adm. Code. The legal means by which counties may apply for withdrawal of lands from county forests is provided by s. 28.11(11)(a), Wis. Stats. This section states in part: “The County Board shall first refer the resolution to the county forestry committee which shall consult with an authorized representative of the Department in formulating its withdrawal procedure.” Section 28.11(11)(a), Wis. Stats. Also states: “The county board shall not take final action thereon until 90 days after such referral or until the report thereon of the forestry committee has file with the board.” Consequently, if the county board takes final action on a withdrawal application without referring it to the County Forestry Committee, the application is not valid. On the other hand, if the County Forestry Committee does not report to the County Board within 90 days after receipt of the referral, the board may act upon the application without a Committee recommendation.

The Regional Forestry Leader is designated as the authorized representative of the DNR who shall consult with the Forestry Committee in formulating withdrawal proposals. The Regional Forestry Leader may appoint designees to represent them if circumstances warrant. All DNR communications concerning withdrawal of County Forest Lands shall be coordinated through the Regional Forestry Leader. The final decision proposals. The Regional Forestry Leader may appoint designees to represent them if circumstances warrant. All DNR communications concerning withdrawal of County Forest Lands shall be coordinated through the Regional Forestry Leader. The final decision for requests for withdrawal presently rests with the DNR’s Division of Forestry.

425.2 CRITERIA FOR CONSIDERING WITHDRAWALS

1. Withdrawal proposals must meet the intent of procedures in 28.11 Wis. Stats. and the Public Lands Handbook before being considered by the Committee for approval. The Division of Forestry shall be consulted on any withdrawal proposals before consideration by the Committee.
2. Lands proposed for withdrawal for public highway purposes shall be valued at no less than a value established by a certified land appraiser.
3. For any projects subject to potential condemnation process, land values shall be established at a value no less than that established by a certified land appraiser
4. For projects deemed by the Committee to be a better and higher public use that are not public works or subject to condemnation, and are proposed by private entities, the value shall be established at two times the appraisal. Projects such as communication towers, gravel pits, etc. are examples.
5. For projects benefitting the county that require a withdrawal, no minimum value will be assigned to the withdrawn parcels. These projects must be for county operations only. Examples are gravel pits for use only on county projects, highway satellite shop facilities, and county highway rights-of-way.
6. Certain withdrawals may be proposed to satisfy adverse possession claims. These values will be established on a case by case basis in conjunction with the Division of Forestry.
7. Proposals that benefit only private parties will not be considered by the Committee regardless of the values involved. The County has been offered up to 3 times value in the past for parcels but projects have been rejected due to concern about establishing precedence that would allow for development of lakeshore properties

430 LAND SURVEYING

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

430.1 LEGAL SURVEYING

Of prime importance are the property lines in common with other owners. All such surveying shall be done under the supervision of a registered surveyor. When the office of the county surveyor is not staffed, the Committee will comply with the provisions of Chapter

59, Wis. Stats., by hiring registered surveyors to perform the necessary running of property lines. Section corners, one-quarter corners, forty corners (1/16 corners) will be re-established where needed and Certified Land Corner Restoration filled out, under the direction of a registered land surveyor.

430.2 LOCATION OF BOUNDARIES BY OTHER THAN LEGAL SURVEY

Forestry personnel who are not registered surveyors may, with all possible prudence, establish boundaries for forest management purposes, including those necessary for ordinary forest management activities, such as timber sales. These boundaries will be established using information including, but not limited to air photos, quadrangles, county surveyor's records and known corners. In the absence of known corners, management boundaries abutting other ownership may be established by mutual agreement to avoid trespass claims. At a minimum, the adjoining landowner(s) will be notified in writing and this documentation will be retained by the County. Any management boundaries established by forestry staff are not to be portrayed as property lines and any correspondence should clearly indicate that any future survey will take precedent over the management boundary.

430.3 PRESERVATION OF LANDMARKS, MONUMENTS AND CORNER POSTS

Section 59.74, Wis. Stats., provides:

1. Penalties for destruction of landmarks, monuments and corner posts established by government survey, the county surveyor or a surveyor of public record.
2. A procedure for notification of intent to destroy such surveying evidence and reference prior to destruction.
3. The assignment of enforcement responsibility to the Department of Natural Resources, District Attorneys, and professional land surveyors.

Before conducting land management activities, including timber sales, road building or trail construction, a reasonable search for survey monument evidence should be made. If evidence of survey monuments are found, the project should be designed to avoid any impacts. If the impact to the monument or other survey evidence are unavoidable, the county surveyor should be contacted to determine the proper course of action.