

STATE OF WISCONSIN
BOARD OF COMMISSIONERS OF PUBLIC LANDS
101 E. Wilson Street, 2nd Floor, PO Box 8943
Madison, WI 53708-8943

Application for a Permit to Remove Sunken Logs from Submerged State Lands

This application is for a single log recovery area not to exceed 160 acres in size as defined below. If multiple log recovery areas are desired - an individual application for each location is required.

CONTACT INFORMATION:

Application Type (check one): Business Individual

Business Name: _____

Contact Name: _____

Address: _____

_____ (City)

_____ (State)

_____ (Zip)

Work Phone: (____) _____ Mobile Phone: (____) _____ Email: _____

Business Applicant Only

Individual Applicant Only

FEIN: _____
(Federal Employer Identification Number)

SSN: _____
(Social Security Number)

Log Recovery Location: Enter the Latitude and Longitude for the center of the log recovery area that this application will cover – required Lat-Lon coordinate format will be “Decimal Degrees”. The Board will calculate a ¼ mile square around this central location to create an application area of approximately 160 acres. In situations where this calculated area covers land, another active permit, or a restricted area, this overlap area will be clipped off resulting in an off-center area of less than 160 acres. A map and the four bounding Lat-Lon coordinates will be created by the Board and accompany this application and the ensuing permit.

Center of Log Recovery Site: Latitude _____ Longitude _____

ADDITIONAL INFORMATION:

The Log Recovery area is located:

adjacent to or within _____ County.
beneath the waters of _____.
offshore of the _____ Indian Reservation.
offshore of _____ Island, or City.
on submerged lands _____ feet below the water's surface.

Note: Pursuant to 170.12 (3) (d), Wis. Stats., applications for submerged logging permits will only be accepted for Lake Michigan, Lake Superior, Star Lake in Vilas County, Boom Lake in Oneida County, Rib Lake in Taylor County or the Fox River.

Estimate the Species, Number, and Volume (board feet, Scribner Decimal C log Scale) of logs to be raised:

<u>Species</u>	<u>Number of Logs</u>	<u>Volume Estimate (board feet, Scribner)</u>

Specify the time period during which the sunken logs will be raised:

Provide a detailed description of the methods which will be used to raise sunken logs, including any techniques with the potential to disturb lake or river bed material:

Describe, in detail, plans for the use and disposition of any logs raised:

I have read, understand and will comply with the requirements outlined in the Board's information package, which includes a copy of Section 170.12, Wis. Stats., the submerged logging statute, and a copy of Section 6.10 (1) which pertains to residency. I understand that the Department of Natural Resources and/or the State Historical Society might require additional information to assist with their reviews. I also understand that in addition to securing a state permit, I might be required to secure a federal permit from the U.S. Army Corps of Engineers before commencing any submerged logging activities. The information which I have provided in this application and supporting materials is accurate and truthful. In addition, I certify that pursuant to Section 170.12 (1)(c) that the residency requirement is met.

Applicant Signature

Title

Please Print Name

Date

Agency Review & Recommendations:

PLEASE REVIEW THIS APPLICATION, SIGN AND DATE BELOW

Return to the Board of Commissioners of Public Lands

Agency	Recommendation* (Circle One)	Signature	Name (Printed)	Title	Date
WDNR	A AC D	_____	_____	_____	_____
WSHS	A AC D	_____	_____	_____	_____
ACOE	A AC D	_____	_____	_____	_____

* **A** = Approval recommended, **AC** = Approval with additional conditions recommended, **D** = Denial recommended

Agency notes, conditions, or reasons for recommending denial:

CHECKLIST FOR APPLICATION COMPLETION

- ◆ Have all questions on pages 1-3 been answered completely?
- ◆ Is the permit application signed and dated on page 3?
- ◆ Are the Latitude & Longitude coordinates for the center of your log recovery area entered accurately and in the correct format on page 1?

A completed application packet will include pages 1-3, in addition to the following attachments:

- ◆ Is the \$500.00 non-refundable application fee enclosed?
 - ◆ Make Checks payable to: “Board of Commissioners of Public Lands”
- ◆ Is a Performance and Payment Bond in the amount of \$10,000.00 enclosed?
 - ◆ Performance Bond may be in the form of a check, Surety Bond, or Irrevocable Letter of Credit issued by a bank.

After completing the application, it should be mailed to:

**Board of Commissioners of Public Lands
P.O. Box 8943
Madison, Wisconsin 53708-8943**

The Board of Commissioners of Public Lands will review each application for completeness and accuracy and create the map and four bounding coordinates for the log recovery area. This completed map will be returned to the Applicant for their review and approval prior to the next step. Copies of the complete application and approved map will then be forwarded to the other reviewing agencies (Wisconsin Department of Natural Resources – Waterways Program, Wisconsin State Historical Society). The WDNR will determine if a permit from the U.S. Army Corps of Engineers will also be required – if so the WDNR will submit a copy of the application to ACOE.

After the application has been reviewed and returned to the Board by all of the reviewing agencies, you will be notified of its approval, its approval with recommended conditions, or its denial with justifications.

If you have any questions regarding these instructions, completing the application, or the Submerged Logging Program in general, please contact our Madison Office at (608) 266-1370 or our District Office at (715) 277-3366.

**SUBMERGED LOGGING APPLICATION PACKET
INCLUDE THE FOLLOWING:**

Application for a Permit to Raise Sunken Logs
from Submerged State Lands

Checklist for Application Completion

Application Processing Procedures

Approved Applications and Issuance of Permit

Submerged Logging Permit Conditions

Submerged Logging Definitions

Copy of Submerged Logging Statute, 170.12 Wis. Stats.

Copy of Residency Statute, 6.10 (1) Wis. Stats.

Application Processing Procedures

1. All applications must include a \$500.00 non-refundable application fee, and a \$10,000.00 Performance and Payment Guarantee.
2. The Board shall accept applications on a first-come first-served basis. After a permit has been granted, the area covered by the permit is off limits to all other Applicants.
3. The Board shall date-stamp the application upon receipt.
4. The Board shall review the entire application for completeness, accuracy, the required Applicant signature, and all required attachments.
5. The Board shall conduct a background check of the Applicant with the Wisconsin Department of Revenue to ensure there are no delinquent taxes owed by the Applicant (S 73.0301). The Board shall also check with the Wisconsin Department of Workforce Development to ensure that the Applicant is not delinquent on Unemployment Insurance contributions (S 108.227).
6. If the Applicant is filing the permit as an individual, The Board shall conduct a background check with the Wisconsin Department of Children and Families to ensure that the Applicant is not delinquent on any spousal or child support payments (S 59.53) (S 49.857).
7. If the Board determines that the application has a mistake or is missing required information it shall be returned to the Applicant for their correction and re-submission, or the Applicant may choose to withdraw their application and be refunded their \$500.00 application fee.

If corrections are necessary, the Applicant must return the corrected application to the Board's office within ten business days. Ten days are counted from the date of the Board's cover letter that accompanies the returned application. Upon receipt of the corrected applications, they are date stamped by the Board.

8. Each application shall contain a single Latitude-Longitude coordinate in Decimal Degrees for the center of the desired log recovery area. BCPL will calculate a ¼ mile, square area around this location (approximately 160 acres in total area) and plot the four bounding corners of this area. The Board then compares the calculated area to other actively permitted areas, upland areas, or identified restricted areas, and confirms that we have jurisdiction over the area. If there are overlaps on any of these areas, the overlap area will be clipped off the application area, which may result in an off-center buffer area of less than 160 acres.
9. The Board will create a map, depicting the four bounding coordinates, the original Latitude – Longitude, and the calculated log recovery area acreage. This map will be returned to the Applicant for their review and approval along with a letter explaining their options.

If the Applicant disapproves of the mapped area, the Applicant may withdraw their application and be refunded their \$500.00 application fee, or they may revise and resubmit their Latitude - Longitude log recovery area coordinate to start the mapping process over.

If a new application area is already subject to a pending application from another party, the new Applicant shall be advised of such and can choose to withdraw their application and be refunded their \$500.00 application fee, or they may pursue the application process for the same area, or they may pursue the application process for a different area.

If the Applicant approves the map of the log recovery area, their \$500.00 application fee shall be processed and will become non-refundable at this point.

10. When the approved log recovery area is mapped for the application, preliminary permit numbers will be created and placed on the application form and the adjoining map. This application/permit number is in a format that indicates the BCPL fiscal year and a sequential numbering of the applications as they are received and filed in that year.
11. Copies of the application, log recovery area map, and a cover letter are sent to the reviewing agencies (WDNR, Waterways Program, and the Wisconsin Historical Society). The WDNR shall determine if the US Army Corps of Engineers must also review the application and grant a permit, if so the WDNR will forward the complete application packet to the ACOE for their review.
12. A permit may be issued by the Board after all agencies have returned page 4 of the application with their approval, or approval with conditions for the log recovery area identified by the application.
13. A completed and submitted application does not give the Applicant any rights to begin log recovery operations. Only upon approval of all review agencies and final approval of the Board will a permit be issued to the Applicant that grants the right to recover sunken logs.
14. A pending application is transferable. Transfer of an application shall be considered when the Board receives written notification from the original Applicant. The Board may then issue written permission for the transfer of the application. An issued permit however is non-transferable.
15. An Applicant may withdraw an application before the review process has been completed. However, the application fee will not be refunded once the mapped log recovery area has been approved by the Applicant (step 9 above).

Approved Applications and Issuance of Permit

Upon approval of application by the reviewing agencies, the Board shall issue a permit to recover sunken logs to the Applicant. The permit is valid for five (5) years from the date of issuance. The permit shall include the permit number (same as the application number), the Applicant's name, the four bounding Lat-Lon coordinates (expressed in latitude/longitude decimal degrees), the dates during which the permit is valid, and the Secretary's signature. The Permittee is subject to the Submerged Logging Permit Conditions which shall be attached to the

permit. The permit is also contingent upon the Permittee maintaining all necessary state and federal permits.

Denial of Permit

An application for a permit may be denied, and a current permit may be restricted, suspended, or revoked for any of the reasons stated in § 171.12(8) Wisconsin Statutes.

Sub-contracting

A permit holder may contract with another company or individual to recover logs within the permit area. The permit holder remains wholly responsible for the requirements of the permit, including abiding by all conditions provided by the Department of Natural Resources, the State Historical Society, and the Corps of Engineers. The Board will communicate only with the permit holder on all matters pertaining to log recovery activities in the permit area.

Field Operations

BCPL will conduct random on-site inspections of the log recovery operation to ensure that all permit requirements are being met – to include operating within the permitted area. Any discrepancies noted by the BCPL inspector shall be documented and shared with the permit holder to develop a plan to remedy the discrepancy. A second offense for the same discrepancy will result in a formal letter describing the required activities by the permit holder to remedy the discrepancy. A third offense will give BCPL the right to rescind the permit and force the permit holder to cease and desist all log recovery operations.

Expiration of Permit

The permit expires five years after the date of issuance. For example, a permit is valid from October 5, 2025 to October 4, 2030. Upon expiration of the permit, the permit area is open for application by all interested parties.

Renewal of Permit

A permit that is due to expire may be renewed by the Permittee. Renewal must be requested in writing and must be accompanied by a renewal fee of \$500 at least 30 days before the expiration of the permit. The renewed permit will be issued after the reviewing agencies have issued their approval. Renewal may be denied if the Applicant has violated any terms of the original permit, or if reviewing agencies do not grant their approval.

SUBMERGED LOGGING PERMIT CONDITIONS

1. The permit does not provide any rights pertaining to fishing, trapping, hunting or the right to disturb, move, remove or raise archeological artifacts.
2. A Permittee must notify the Board at least ten (10) business days prior to raising submerged logs. Failure to provide adequate notice may cause the permit to be cancelled.
3. Current Statutes reserve title and 30% of the stumpage value of submerged logs to the State of Wisconsin, S170.12(2), S170.12(5).

Payment to the State for submerged logs retrieved under this approved permit shall be via a lump sum fee which will be collected annually, 10 days prior to the start of log recovery operations. This annual fee will recoup the value of all log removals, regardless of actual log volume or value salvaged over the course of the annual recovery operation. This lump sum fee will be assessed each year (during the 5-year permit period), 10 days prior to the start of log recovery operations. If no log recovery operations are planned in the Calendar year, this payment shall be waived for that year.

For Calendar Years 2026 through 2030, the lump sum fee for log recovery operations will be \$526.47 per year. This payment will be due after the permit is granted, and within 10 days of log recovery operations commencing.

4. Board personnel shall have access to subject premises and vehicles for the purpose of inspection at any and all reasonable times.
5. When work is being done in a permit area, that area is to be marked according to maritime regulations.
6. The area covered under this permit shall remain open to the public. The Permittee shall maintain the area in safe and clean conditions for the duration of a permit. All waste and debris resulting from log reclamation shall be disposed of completely by the Permittee in accordance with federal and state laws, regulations and local ordinances.
7. If the Board determines that use of the permit area will interfere with the present or future management objectives of the Board, a permit may be canceled upon ten (10) business days written notice from the Board to the Permittee. A settlement of accounts will take place at that time.
8. Permittee shall indemnify and save harmless the State of Wisconsin and all of its officers, agents and employees from all suits, actions, or claims of any character brought for or on account of any injuries or damages received by any persons or property resulting from the operations of the Permittee, or of any of its employees or contractors under this Permit.
9. Worker's Compensation: Unless Permittee is exempted by the Board from this coverage requirement as an independent contractor, as defined in s. 102.07(8)(b), Stats., and as determined

by the Board based on an affidavit submitted to it, the Permittee agrees to elect to maintain Worker's Compensation Insurance coverage for the log recovery operation under this Permit and any and all employees engaged in operations under this Permit regardless of any exemptions from coverage under Chapter 102, Wis. Stats.

10. Other Insurance: Prior to the commencement of log recovery operations, the Permittee shall procure and maintain the following insurance coverage, naming the State of Wisconsin as an additional insured:

- (1) General Commercial Liability Insurance covering the period of operations under this Permit. The amount of such insurance shall not be less than \$1,000,000 for injury to any one person; not less than \$1,000,000 for injuries arising out of any one accident; not less than \$2,000,000 for all injuries to all persons in all occurrences; and not less than \$100,000 for property damage.
- (2) Motor Vehicle Insurance for all owned, non-owned and hired vehicles including watercraft that are used in carrying out operations under this Permit. Minimum coverage shall be one million dollars (\$1,000,000) per occurrence combined single limit for liability and property damage.

Certificate of Insurance. Prior to commencement of any work under this Permit and during the period of the Permit, the Permittee shall provide proof of this required Worker's Compensation and Liability Insurance coverage on an original Certificate of Insurance, counter-signed by an insurer licensed to do business in Wisconsin, naming the Board of Commissioners of Public Lands as a Certificate Holder.

11. Payment of all taxes resulting from the sale or disposal of logs is the sole responsibility of the Permittee.

12. Permittee agrees not to discriminate against any employee or applicant for employment because of age, race, religion, color, sex, handicap, physical condition, developmental disability as defined in s. 51.01(5), Wis. Stats., sexual orientation or national origin. This provision shall include but not be limited to the following: employment upgrading, demotion, or transfer; recruitment or recruitment advertising, layoff or termination; pay rates or other forms of compensation; and selection for training, including affirmative action to ensure equal employment opportunities. Contracts estimated to be over twenty-five thousand dollars (\$25,000) require the submission of a written affirmative action plan. Within fifteen working days after the contract is awarded, the Permittee must submit the plan to the Board for approval. However, Permittees with an annual work force of less than twenty-five (25) employees are exempted from this requirement.

13. Subcontractors, Jobbers or other employees who have not performed in a satisfactory manner after the issuance of this permit on this reclamation, or who have not performed in a satisfactory manner on previous state timber or submerged log reclamation projects, shall, upon written request by the Board, be barred by the Permittee from work on this reclamation or other reclamation projects.

14. The proposed reclamation is subject to any requirements arising under federal and state laws and administrative rules as well as local ordinance. Breach of any said laws, rules or ordinances, or conditions of a permit, may result in the prosecution of the Permittee.

15. No deviation from the conditions of a permit will be allowed without the prior written approval of the Board. A variance of one condition granted by the Board applies only to that specific condition, all other conditions remain in full force. Upon failure of the Permittee to comply with any conditions of a permit, monies paid to date shall be forfeited to the Board.

16. Upon written notice by the Board that compliance with conditions of the permit is questioned, all operations must be suspended. Operations may not be resumed without written authorization from the Board.

17. False statements or false information about boundary lines, land measurements, log identification, or other permit conditions, will cause this permit to be null and void.

18. The Permittee shall submit a Performance and Payment Guarantee to the Board in the amount of \$10,000.00 by surety bond, cash payment, or Irrevocable Letter of Credit. This Performance and Payment Guarantee shall be submitted to the Board along with their completed application. Such Performance Guarantee shall be retained by the Board to assure compliance under the Permit. If the performance guarantee is an Irrevocable Letter of Credit, it must be written for a minimum of 2.5 years (30 months), with an understanding that it will need to be extended if operations under the permit continue past this time. The Permittee agrees that the bond shall be forfeited to the Board as liquidated damages upon the Board's determination that a condition or term of this Permit has been breached. Damages assessed under this permit are the responsibility of the Permittee and may be deducted from this bond and otherwise collected by the Board.

19. The Permittee shall implement procedures to determine whether a raised log bears an American Indian tribal mark or brand, to identify the tribal mark or brand, and to track the value realized from the sale of logs separately for logs that bear a particular tribal mark or brand (S170.12 (4)(c)(dm)). For each type of tribal mark or brand, the Board shall identify the American Indian tribe or band which made the tribal mark or brand and shall distribute the moneys received for the State's net share of the value of those logs to that American Indian tribe or band.

Permittee shall notify all potentially impacted tribes, and BCPL, via certified mail. Permittee shall provide reasonable access to the recovered logs, and a reasonable time frame for a recovered log inspection by a tribal representative/s.

Permittee shall maintain a volume scale (board feet, Scribner) for all logs bearing a tribal mark or brand. This volume scale shall be delivered to the Board along with tribal verification, and pictures of each marked or branded log.

The Board shall reimburse the Tribe/s for verified logs containing a tribal mark or brand at the rate of \$0.07 per Board foot, not to exceed the total lump sum log recovery value received by the Board from the Permittee for that year's log recovery effort.

SUBMERGED LOGGING

Definitions

Application: Original application made for a permit to raise submerged logs; all clauses and conditions are part of an issued permit.

Board: The Board of Commissioners of Public Lands (BCPL), its Secretary, agents, authorized representatives, or employees.

Permit: When an application has been completed by the Applicant, reviewed by the Board and other reviewing agencies, recommended for approval by those agencies and approved by the Board, the document issued to an Applicant which allows submerged logs to be raised in a specific area.

Permittee: The contractor, company owners, company officers, agents, attorneys, representatives, employees, stockholders or subcontractors.

Premises: Submerged lands described by an Applicant for a permit, sites where logs are stored, or sites where logs are processed.

Reclamation: The process of moving, raising, transporting, storing, trimming, peeling, cutting, drying, or otherwise processing sunken logs.

Resident: An individual who maintains a residence in Wisconsin, or a corporation, partnership, association or other legal entity that maintains an office in Wisconsin and in which at least 50% of the ownership interest is held by one or more individuals who maintain a residence in Wisconsin. The residence of a person is the place where the person's habitation is fixed, without any present intent to move, and to which, when absent, the person intends to return.

Submerged Lands: Lands covered by water (e.g., lakes, ponds, rivers, ditches, streams and marshes, etc.).

Sunken Logs: A portion of the trunk of a felled tree which has not been processed for any end use, including any portion of a trunk of a tree previously used in substantially its natural state as part of a dock or crib, but that is no longer part of a dock, a crib, or any discernible structure, or is part of the debris field of a dock or crib.

Vehicle: Any barge, boat, truck or other conveyance used to temporarily hold, store, or convey logs.

170.12 Sunken logs on submerged state lands.

(1) DEFINITIONS. In this section:

- (a)** “Board” means the board of commissioners of public lands.
- (b)** “Log” means a portion of the trunk of a felled tree which has not been further processed for any end use, including any portion of a trunk of a tree previously used in substantially its natural state as part of a dock or crib but that is no longer part of a dock, a crib or any discernible structure, or is part of the debris field of a dock or crib.
- (c)** “Resident of this state” means an individual who maintains a residence, as described in s. [6.10 \(1\)](#), in this state, or a corporation, partnership, association or other legal entity that maintains an office in this state and in which at least 50 percent of the ownership interest is held by one or more individuals who maintain a residence, as described in s. [6.10 \(1\)](#), in this state.

(2) TITLE TO SUNKEN LOGS. The state reserves to itself title and ownership of all logs resting on submerged lands owned by the state.

(3) APPLICATION TO REMOVE SUNKEN LOGS ON CERTAIN SUBMERGED LANDS. A person wishing to raise and remove logs that are resting on submerged lands owned by the state and that are located in Lake Michigan, Lake Superior, Star Lake in Vilas County, Boom Lake in Oneida County, Rib Lake in Taylor County or the Fox River shall make application to the board for a permit to do so. Unless the applicant has received a permit under this section prior to October 14, 1997, the applicant shall include with the application a performance bond in the amount of at least \$10,000. The application shall do all of the following:

- (a)** Identify the boundaries of the location where the sunken logs will be raised.
- (b)** Specify the time period during which the sunken logs will be raised.
- (c)** Specify the methods to be used in raising the sunken logs, including any techniques with the potential to disturb lake bed material.
- (d)** Describe, in detail, the applicant’s plans for the use and disposition of any logs raised.
- (e)** Certify that the applicant is a resident of this state.
- (em)** Include the information required under sub. [\(3m\)](#).
- (f)** Include any additional information required by the board.
- (g)** Be accompanied by a \$500 application fee, except that no fee is required under this paragraph for an individual who is eligible for the veterans fee waiver program under s. [45.44](#).

(3m) SOCIAL SECURITY AND FEDERAL EMPLOYER IDENTIFICATION NUMBERS.

(a) In addition to the information required under sub. [\(3\)](#), the application under sub. [\(3\)](#) shall include all of the following:

1. If the applicant is an individual and has a social security number, the applicant’s social security number.
- 1m.** If the applicant is an individual and does not have a social security number, a statement made or subscribed under oath or affirmation that the applicant does not have a social security number. The form of the statement shall be prescribed by the department of children and families. A permit issued in reliance upon a false statement submitted under this subdivision is invalid.
2. If the applicant is not an individual, the applicant’s federal employer identification number.
- (b)** The board may not disclose any information received under par. [\(a\) 1.](#) or [2.](#) to any person except as follows:
 1. The board may disclose information under par. [\(a\) 1.](#) or [2.](#) to the department of revenue for the sole purpose of requesting certifications under s. [73.0301](#) and to the department of workforce development for the sole purpose of requesting certifications under s. [108.227](#).
 2. The board may disclose information under par. [\(a\) 1.](#) or [2.](#) to the department of children and families in accordance with a memorandum of understanding under s. [49.857](#).

(4) REVIEW BY OTHER AGENCIES. Upon receipt of an application under sub. [\(3\)](#), the board shall immediately transmit copies of the application to the department of natural resources and to the historical society for review. The department of natural resources and the historical society shall, as appropriate, within 30 days after their receipt of the application, notify the board whether any of the following applies:

- (a) The proposed project appears to require a permit under s. [30.20](#).
- (b) The proposed project appears to require a permit under s. [44.47](#).
- (c) The proposed project may affect public rights in navigable waters. The department of natural resources shall recommend to the board requirements and conditions to be attached to the permit which shall protect those rights.
- (d) The proposed project is subject to any requirements arising under federal law.
- (5) RESERVATION OF VALUE. The state reserves to itself 30 percent of the stumpage value, as established under s. [77.91 \(1\)](#), of any log raised pursuant to a permit issued under this section.
- (6) PERMIT. Within 60 days after receipt of an application under sub. [\(3\)](#), the board shall either approve, modify and approve or deny the application for a permit. A permit issued under this subsection shall be effective for 5 years. A permit issued under this subsection is not transferable and shall specify all of the following:
 - (a) The boundaries of the location where sunken logs may be raised pursuant to the permit. The area covered by the permit shall be contiguous and may not exceed 160 acres. A permit may not cover submerged lands that are not contained within Lake Michigan, Lake Superior, Star Lake in Vilas County, Boom Lake in Oneida County, Rib Lake in Taylor County or the Fox River. No location may be covered by more than one permit under this section.
 - (b) That the applicant shall obtain all other permits that are required by law, and shall comply with all other requirements that are imposed by law, for raising and removing logs resting on submerged lands owned by the state.
 - (c) The frequency, means and procedure for accounting for and determining the appraised market value of any logs raised.
 - (dm) That the applicant shall implement procedures to determine whether a raised log bears an American Indian tribal mark or brand, to identify the tribal mark or brand, and to track the value realized from the sale of logs separately for logs that bear a particular tribal mark or brand.
 - (e) The procedure and times when the permit holder shall tender to the board, on behalf of the state, amounts due the state for its net share of the value of any logs raised. The amounts due the state for its net share of the value of logs described under par. [\(dm\)](#) shall be separately identified by tribal mark or brand.
 - (f) Any requirements and conditions necessary to protect public rights in navigable waters.
 - (g) Any requirements recommended under s. [44.47 \(5r\) \(b\)](#) that the board determines should be a condition of the permit.
- (7) PERMIT RENEWAL. If a permit holder wishes to renew a permit issued under this section, the permit holder shall submit a request for renewal, together with a \$500 renewal fee, to the board at least 30 days before the expiration date of the permit. The board shall renew the permit for a 5-year period unless the board determines, after notice to the permit holder and an opportunity for the permit holder to be heard, that the permit holder has knowingly or willfully violated the terms, conditions or requirements of the permit; this section; s. [44.47](#); or rules promulgated under this section or s. [44.47](#). If the board determines that there are environmental or archaeological facts affecting the location specified in the permit that were unknown at the time that the original permit was granted, the board may attach additional conditions or restrictions to the permit. If the board determines that the permit holder has knowingly or willfully violated the terms, conditions or requirements of the permit or a provision under this section or s. [44.47](#), the board may deny the renewal or may attach conditions or restrictions to the renewal necessary to ensure compliance with the requirements of the original permit.
- (8) DENIAL OF APPLICATION; RESTRICTION, SUSPENSION AND REVOCATION OF PERMITS.
 - (a) The board may deny an application for an original or renewal permit if the applicant does any of the following:
 1. Fails to comply with sub. [\(3\)](#).
 2. Violates any of the terms, conditions or requirements of a permit for the previous year.
 - (b)
 1. The board shall deny an application for a permit renewal if any of the following applies:
 - a. The applicant has failed to provide the information required under sub. [\(3m\) \(a\)](#).

- b. The department of revenue has certified under s. [73.0301](#) that the applicant is liable for delinquent taxes under s. [73.0301](#). An applicant whose renewal application is denied under this subd. [1. b.](#) is entitled to a hearing under s. [73.0301 \(5\) \(a\)](#) but is not entitled to any other hearing under this section.
 - bm. The department of workforce development has certified under s. [108.227](#) that the applicant is liable for delinquent unemployment insurance contributions under s. [108.227](#). An applicant whose renewal application is denied under this subd. [1. bm.](#) is entitled to a hearing under s. [108.227 \(5\) \(a\)](#) but is not entitled to any other hearing under this section.
 - c. In the case of a permit holder who is an individual, the applicant fails to provide his or her social security number, fails to comply, after appropriate notice, with a subpoena or warrant that is issued by the department of children and families or a county child support agency under s. [59.53 \(5\)](#) and that is related to paternity or child support proceedings or the applicant is delinquent in making court-ordered payments of child or family support, maintenance, birth expenses, medical expenses or other expenses related to the support of a child or former spouse, as provided in a memorandum of understanding entered into under s. [49.857](#). An applicant whose renewal application is denied under this subd. [1. c.](#) is entitled to a notice and hearing under s. [49.857](#) but is not entitled to any other hearing under this section.
2. The board shall restrict or suspend a permit issued under this section if the board finds that, in the case of a permit holder who is an individual, the permit holder fails to comply, after appropriate notice, with a subpoena or warrant that is issued by the department of children and families or a county child support agency under s. [59.53 \(5\)](#) and that is related to paternity or child support proceedings or the permit holder is delinquent in making court-ordered payments of child or family support, maintenance, birth expenses, medical expenses or other expenses related to the support of a child or former spouse, as provided in a memorandum of understanding entered into under s. [49.857](#). A permit holder whose permit is restricted or suspended under this subdivision is entitled to a notice and hearing under s. [49.857](#) but is not entitled to any other hearing under this section.
 3. The board shall revoke a permit issued under this section if the department of revenue has certified under s. [73.0301](#) that the permit holder is liable for delinquent taxes under s. [73.0301](#). A permit holder whose permit is revoked under this subdivision for delinquent taxes is entitled to a hearing under s. [73.0301 \(5\) \(a\)](#) but is not entitled to any other hearing under this section.
 4. The board shall revoke a permit issued under this section if the department of workforce development has certified under s. [108.227](#) that the permit holder is liable for delinquent unemployment insurance contributions under s. [108.227](#). A permit holder whose permit is revoked under this subdivision for delinquent unemployment insurance contributions is entitled to a hearing under s. [108.227 \(5\) \(a\)](#) but is not entitled to any other hearing under this section.

(8m) DUTIES OF PERMIT HOLDERS.

(a) A holder of a permit issued under this section shall do all of the following:

1. At the written request of the historical society, provide directly to the historical society a representative sample of company logging marks by sawing off the ends of the logs bearing the marks and by delivering them to the historical society.
2. Allow a historical society designee to observe log recovery activities under the permit.

(b) A person may not do any of the following while engaging in log recovery activities pursuant to a permit issued under this section:

1. Remove any object, as defined in s. [44.47 \(1\) \(f\)](#).
2. Disturb any discernible archaeological site, as defined in s. [44.47 \(1\) \(b\)](#).
3. Disturb any crib or dock.

(9) TRANSFER OF TITLE. At such times as a permit holder tenders to the board the amounts due under the state's reservation of value, pursuant to the terms and conditions of the permit, title to any logs covered by such tender shall pass to the permit holder.

(9m) USE OF REVENUE FROM PROGRAM. The board shall credit the amounts due the state for its net share of the value of logs described under sub. (6) (dm) to the appropriation account under s. [20.507 \(1\) \(j\)](#). For each type of tribal mark or brand, the board shall identify the American Indian tribe or band which made the

tribal mark or brand and shall distribute the moneys received for the state's net share of the value of those logs to that American Indian tribe or band.

(10) FORFEITURES AND REMEDIES.

- (a) Any logs subject to this section which are removed in violation of this section, or in violation of a permit issued under this section, shall be returned to the lakebed as directed by the board or shall be confiscated by the board and forfeited to the state.
- (b) Any person who removes for commercial gain sunken logs on submerged state lands without a permit issued under this section may be required to forfeit \$500 or an amount equal to 2 times the gross value of the removed logs, whichever is greater, plus the reasonably incurred costs of investigation and prosecution.
- (c) Any person who intentionally interferes with a log recovery operation for which a permit has been issued under this section is liable to the permit holder for any actual losses resulting from the interference and may be required to forfeit not less than \$100 nor more than \$500.

History: [1991 a. 206, 315](#); [1997 a. 27, 191, 237](#); [1999 a. 9](#); [2005 a. 253](#); [2007 a. 20](#); [2009 a. 365](#); [2011 a. 32, 209](#); [2013 a. 36](#).

6.10 Elector residence. Residence as a qualification for voting shall be governed by the following standards:

- (1) The residence of a person is the place where the person's habitation is fixed, without any present intent to move, and to which, when absent, the person intends to return.