

**The following is a summary of the application and permit process for Submerged Logging  
It is based primarily on Wis. Stat. 170.12 but other statutes may also apply.**

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The State reserves to itself, title and ownership of all logs resting on submerged lands owned by the State. The State also reserves to itself 30 percent of the stumpage value of any log raised pursuant to an approved permit. Stumpage value is established as the three year stumpage average for like species and products.

When a permit holder tenders to the Board of Commissioners of Public Lands (BCPL) amounts due under the state's reservation of value, title to any logs covered by such tender shall pass to the permit holder.

"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 former dock or crib.

A person may apply to the BCPL to remove logs resting on submerged lands that are located in:

- 1. Lake Michigan**
- 2. Lake Superior**
- 3. Star Lake in Vilas County**
- 4. Boom Lake in Oneida County**
- 5. Rib Lake in Taylor County, or**
- 6. the Fox River**

The applicant shall do the following:

Include a performance bond in the amount of at least **\$10,000.00**.

Include a non-refundable \$500.00 application fee, unless he or she is an eligible veteran.

1. Identify the location where the sunken logs will be raised.
2. Specify the time period during which the sunken logs will be raised.
3. Specify the methods to be used in raising the sunken logs, including any techniques with the potential to disturb lakebed material.
4. Describe, in detail, the applicant's plans for the use and disposition of any logs raised.
5. Certify that the applicant is a resident of this State.
6. Include social security number or employer identification number.
7. Include any additional information required by the BCPL.

Upon receipt of an application, BCPL shall immediately transmit copies of the application to the DNR and to the State Historical Society for review. The DNR and the Historical Society shall, within 30 days after their receipt of the application, notify BCPL whether any of the following applies:

1. The proposed project appears to require a permit under s. 30.20 (pertaining to removal of material from beds of navigable waters).
2. The proposed project appears to require a permit under s. 44.47 (pertaining to field archeology conducted by the historical society; the historical society will require a permit if it is necessary to preserve or protect an identified archaeological site).
3. The proposed project may affect public rights in navigable waters. The DNR shall recommend to

BCPL requirements and conditions to be attached to the permit which shall protect those rights.  
4. The proposed project is subject to any requirements arising under federal law.

Within 60 days after receipt of an application, BCPL shall either approve, modify and approve, or deny the application for a permit.

An approved permit is effective for 5 years and is not transferable.

An approved permit shall specify all of the following:

1. The boundaries of the location where sunken logs may be raised. The area covered by the permit shall be contiguous and may not exceed 160 acres. No location may be covered by more than one permit.
2. 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.
3. The frequency, means and procedure for accounting for and determining the appraised market value of any logs raised.
4. 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.
5. The procedure and times when the permit holder shall tender to the BCPL, 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 in (4) above shall be separately identified by tribal mark or brand.
6. Any requirements and conditions necessary to protect public rights in navigable waters.
7. Any requirements recommended by the historical society if the historical society does not issue a permit that BCPL determines should be a condition of the permit.

If a permit holder wishes to renew a permit, the permit holder shall submit a request for renewal, together with a \$500 renewal fee, to the BCPL at least 30 days before the expiration date of the permit. The BCPL shall renew the permit for a 5-year period unless [see statute].

BCPL shall restrict or suspend a permit if it finds that a permit holder has child support obligations, is liable for delinquent taxes, or is liable for delinquent unemployment insurance contributions.

Any logs removed in violation s. 170.12 or in violation of a permit, shall be returned to the lakebed as directed by BCPL or shall be confiscated by BCPL and forfeited to the State.

Any person who removes for commercial gain sunken logs on submerged state lands without a permit issued 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.

Any person who intentionally interferes with a log recovery operation for which a permit has been issued 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.

**It is strongly recommended that you receive a preliminary approval from the DNR as well as from the State Historical Society – prior to applying for and paying the non-refundable application fee of \$500.00**

**Wisconsin DNR Waterways Program:**

Web Site: <https://dnr.wisconsin.gov/topic/Waterways/Permits/PermitProcess.html>

**Wisconsin Historical Society:**

Email: [statearcheologist@wisconsinhistory.org](mailto:statearcheologist@wisconsinhistory.org)

**US Army Corps of Engineers – St. Paul District:**

Email: [USACE\\_Requests\\_WI@usace.army.mil](mailto:USACE_Requests_WI@usace.army.mil)

**A little history!**

- It is true that if there are any hardwood logs that have been submerged for a long time, the logs may have considerable value for musical instruments and furniture makers.
- Over 30 years ago, many people applied for permits to recover logs from virtually every water body where submerged logs might be found.
- Very few submerged logs of any value were ever recovered pursuant to this program.
- Every entity that applied for a submerged logging permit has gone out of business with most of them being administratively dissolved or filing bankruptcy. The permitting and operating expenses of those entities were very significant, but their revenue was nonexistent.
- The permitting path is lengthy and requires approvals not just from BCPL but also from the DNR and the State Historical Society...and depending on what body of water is involved, the US Army Corps of Engineers.