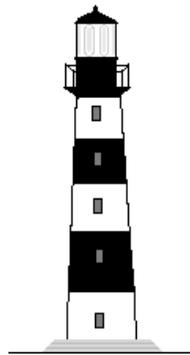


Submerged Logging Permit Program Handbook



State of Wisconsin
Board of Commissioners of Public Lands
1999

Purpose of this Handbook

The Board of Commissioners of Public Lands is authorized by Chapter 170.12 of Wisconsin Statutes to issue permits to remove sunken logs from certain submerged lands. The Statute provides specific rules for the issuance of permits and the collection of revenue from the recovered logs. This handbook is supplementary to the Statute; it is the Board's procedural guide and it will ensure consistency in the Board's administration of the submerged logging permit program.

Application to remove sunken logs

An individual or company may apply to remove sunken logs from certain submerged lands, as described in § 170.12(3).

Provision of maps to Applicants: Upon request by the applicant, the Board shall provide a parcel map indicating the status of parcels in the area of interest. This map will be helpful in reducing the workload of staff by reducing duplicate applications and by providing the applicant with the modified survey of submerged lands. Since the modified survey deflects section lines around islands, an applicant will not be able to correctly identify parcels using standard USGS topographical maps.

New Applicants: Section 170.12 provides additional requirements for applicants who had not been involved in log recovery in Wisconsin prior to October 14, 1997.

A performance bond of \$10,000 is required from applicants who had not received a permit prior to October 14, 1997. The only companies or individuals who had received permits prior to that date are: *Superior Water-Logged Lumber, Superior Resources, Wassarosen, Jake, Jack Cooper, and Centennial Water Logs*. If an individual involved in any of the above companies forms a new, separate company, he or she shall be subject to the requirements of a new company.

A business plan approved by the Wisconsin Department of Commerce is required for applicants that were not involved in commercial log raising prior to the date of application. If an applicant claims exclusion from this requirement, the applicant must provide proof of its previous experience. Acceptable documentation may be a copy of a license or permit allowing the applicant to undertake log recovery in another state or province, or an annual report of the corporation describing its activities.

Residency: An applicant must be a legal resident of Wisconsin, or if a corporation, the corporate office must be in Wisconsin and at least 50% of the owner(s) must be residents of Wisconsin. § 6.10(1) Wis. Stats. defines residency.

Areas of Wisconsin subject to Board permit program

- Lake Superior
- Lake Michigan
- Star Lake in Vilas County
- Boom Lake in Oneida County
- Rib Lake in Taylor County
- Fox River – only portions which are natural lakes

Policy Regarding Types of Submerged Lands

1. Policy on sunken logs on submerged lands owned by the State of Wisconsin, but not explicitly mentioned in Section 170.12:

- a. Title to the logs is retained by the State of Wisconsin.

§170.12(2) TITLE TO SUNKEN LOGS. The state reserves to itself title and ownership of all logs on submerged lands owned by the state. *The State's title to logs on state-owned submerged lands is not dependent upon the existence of a permit program for administering their recovery. This clause provides the legal foundation for the transfer of title from the state to private log recovery companies and individuals, but does not require that the transfer be allowed.*

- b. Applications for permits issued per §170.12 will not be accepted.

§170.12(6) PERMIT. (a) 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. *Submerged lands not within the above bodies of water are not subject to the Board's permit program. Logs may not be raised from other bodies of water in which the State of Wisconsin has title to submerged lands.*

- c. Expansion of the permit program governed by §170.12 is a Legislative prerogative. The restrictions in the permit program are explicit in §170.12, which is subject only to legislative modification.

2. Policy on sunken logs on submerged lands not owned by the State of Wisconsin, including lands explicitly mentioned in §170.12:

- a. Title to the logs is **not** asserted *en masse* by the state, nor has title been relinquished. Rather, the ownership of logs is dependent on the riparian ownership and the situation under which the log ended up at the bottom of the water body. The Legislature maintains the option to assign title to the logs.

- b. Applications for permits issued per §170.12 will not be accepted.

§170.12(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. *Only submerged lands owned by the State of Wisconsin are subject to the permit program.*

Application Procedures

1. All applications must include a \$500 application fee.
2. The Board shall accept applications on a first-come first-served basis.
3. The Board shall date-stamp the application upon receipt.
4. An application may be made for parcels as large as 160 acres, and shall only be accepted if each parcel is located within a legal quarter section (e.g. NW, SW, NE, SE).
5. All applications shall contain a summary of the parcels applied for. The summary shall include the legal description of the parcels based on the modified survey of submerged lands by the Board. Each legal description shall include the following information: quarter/quarter, section, township, range, and county. The summary shall be compared with a list of current applications and permits to ensure that the requested parcels are available.
6. If an area is subject to a pending application or to an approved permit, the application shall be returned to the applicant with a letter explaining this fact. A copy of the letter and legal description of the parcel(s) shall be kept in the Board's files for a period of five years.
7. If the application has a mistake in the legal description, it shall be returned to the applicant for their correction. A copy of the cover letter with the original (incorrect) legal description shall be kept in the Board's files until resolution of the mistake. Examples of mistakes include descriptions of parcels that are on land, or do not exist in the modified survey of submerged lands. The parcels that the applicant intended to apply for are not reserved until the corrections are received by the Board.
8. If corrections are necessary, the applicant must return the corrected applications 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.
9. The applications are then plotted on the Board's GIS to confirm that no other application is located at this site, and that the description is consistent with the map.
10. When the applications are plotted on the GIS, preliminary application numbers are placed on the application and the map produced from the GIS. The application number is in a format that indicates the fiscal year and a sequential numbering of the applications as they are received and filed.
11. When the mapping is complete, the applications are then entered into the database.
12. Once the applications are entered into the database, labels for the applications may be created to indicate the application number, legal description, file date, and agency approval check-offs.

13. Copies of the applications, summaries of application numbers, and a cover letter are sent to the three reviewing agencies. Two other copies of this information are retained at the Madison and District offices of the Board.
14. A permit may be issued after all three agencies have returned an application with their approval of log recovery in that parcel.

Transfer of Application

A pending application for permit 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.

Withdrawal of Application

An applicant may withdraw an application before the review process has been completed. The application fee is not refunded.

Approval 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 legal description of the permit area, the coordinates (expressed in latitude/longitude) of the corners of the permit area, the dates during which the permit is valid, and the Secretary's signature. The permit is contingent upon the applicant/permittee maintaining all necessary state and federal permits.

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 notification of the Board for scaling and invoicing of recovered logs, and 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

(need scaling and billing procedures from District Office)

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.

Expiration of Permit

The permit expires five years after the date of issuance. For example, a permit is valid from October 5, 1998 to October 4, 2003. Upon expiration of the permit, the permit area is open for application by all interested parties.

Reservation of Value of Recovered Logs

Current Statutes reserves 30% of the stumpage value of the logs to the state.

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.

