

CHAPTER 28.

STATE FORESTS.

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Cross Reference: See definitions in 24.01.

28.01 State forests defined. The state forest in Vilas and Iron counties is designated as "Northern Highland State Forest" and the state forest in Oneida county is designated as "American Legion State Forest."

(1) The state forest lands embrace all lands granted to the state by an act of congress entitled "An act granting lands to the state of Wisconsin for forestry purposes," approved June 27, 1906; all lands granted to the state by an act of congress entitled "An act granting unsurveyed and unattached islands to the state of Wisconsin for forestry purposes," approved August 22, 1912; and all lands heretofore granted or conveyed to the state by the Nebagamon Lumber Company for forestry purposes and all lands classified in section 24.01 as lands purchased for forest reserve. With the consent and approval of the state conservation commission of Wisconsin additions to the state forest lands may be made by grant, devise or conveyance constituting a voluntary donation to the state for the express purpose of enabling it to use such added lands as parts of its forests. No such proffered donation shall be accepted until the title of the donor has been examined and approved by the attorney-general.

(2) State forests shall consist of all well blocked areas of state forest lands which have been established as such by the conservation commission. The commission may designate by appropriate name any state forest not expressly named by the legislature. [1931 c. 254 s. 2, 3; 1937 c. 257]

28.015 County tax lands. Lands owned by any county by virtue of any tax deed issued to such county and which the county is willing to sell to the state may be purchased by the state conservation commission, with the approval of the governor, secretary of state and state treasurer, when such lands are adapted for forestry purposes, but the purchase price thereof shall not exceed the amount due the county for taxes, interest and charges.

28.02 Conservation commission. (1) **FORESTRY SUPERVISION.** The state conservation commission of Wisconsin shall execute all matters pertaining to forestry within the jurisdiction of the state, direct the management of the state forests, collect data relative to forest destruction and conditions, and advance the cause of forestry within the state, as may be deemed wise, by the issuing of publications and by lectures.

(2) **SILVICULTURE.** The commission may make and maintain forest nurseries, plantations, and fire lines, and execute other silvicultural and protective measures necessary to the highest permanent usefulness of the public lands.

(3) **CO-OPERATION.** The commission may co-operate with the college of agriculture of the University of Wisconsin in giving courses of study in farm forestry; and may also co-operate with any of the several departments of the federal or state governments, or with the governments of other states, or with counties, towns, corporations or individuals, whenever it deems it necessary to the best interest of the people and the state, in forest survey, forest studies, forest protection, and in the preparation of plans for the protection, management or replacement of trees, wood lots and timber tracts.

(4) **SALE OF TIMBER.** The conservation commission is authorized to sell standing timber and other forest products from state lands on the basis of the scale, measure or count of the cut products, but any sale in excess of two hundred fifty dollars shall be by sealed bid after publication of notice of sale in a newspaper having a general circulation in the county wherein the material to be sold is located. All income from such sales shall be paid into the state treasury to the credit of the reforestation fund. [1935 c. 448]

28.03 Fish and game season, executive control. The governor, upon advice from the conservation commission, shall have authority to close or postpone open seasons for fish or game within state forests when, on account of extreme fire hazard, it shall appear necessary to close or postpone such season as a fire prevention measure. [1931 c. 380]

28.04 to 28.13 [Repealed by 1929 c. 293]

28.15 Exchange of forest lands by state and counties. For the purpose of blocking out state-owned and county-owned forest lands, the state or any county is authorized to exchange any of such lands for other lands adapted to forestry purposes whether publicly or privately owned. The word "exchange" as used herein includes the purchasing of lands without conveying other lands in exchange therefor. The exchange of such lands, when owned by the state, shall be made by the conservation commission subject to the approval of the governor; when owned by a county, such exchange, if authorized by the county board, shall be made by the chairman of the county board and the county clerk. All such exchanges shall be determined on the basis of equal values and shall be negotiated as herein provided.

28.20 Governor authorized to enter into agreements with president of United States; scope of agreements. (1) The governor in the name and on behalf of the state of Wisconsin is authorized to enter into such contracts or agreements with the president of the United States as the president may deem necessary or advisable in carrying out the provisions of an act of congress entitled "An act for the relief of unemployment through the performance of useful public work, and for other purposes," approved March 31, 1933, and any other act of congress amendatory thereof or supplementary thereto.

(2) Such contracts or agreements may include the following conditions and provisions which the state of Wisconsin hereby accepts, agrees to and promises to perform:

(a) If, as a result of any conservation work projects on state, county or municipally owned land, the state derives a direct profit from the sale of any such land or the products thereof, the proceeds shall be divided equally between this state and the federal government until the federal government has been repaid the amount of its investment in such work, computed at the rate of one dollar per man per day, with a maximum limitation of three dollars per acre of land purchased.

(b) No work is to be done on privately owned land except as may be necessary in the public interest for regional or state-wide forest protection against fire, insects and disease or simple flood control measures to arrest gully erosion and flash run-offs at the headwaters of streams.

(c) When the public interest requires work to be done on privately owned land as provided in paragraph (b) hereof, the state of Wisconsin assumes responsibility for the reasonable protection of work done either by the landowners or otherwise and agrees that if a contract with the landowner is obtained, such contract shall provide that this state reserves the right to remove at its option and without recompense to the landowner, any structure or other thing of removable value resulting from the work done, including products of trees planted to arrest erosion.

(d) The landowner may be required under the contract provided for in paragraph (c) to protect the soil saving dams and other works and to practice specified cultural methods for the prevention of soil erosion, and if he fails to meet these requirements, the conservation commission may cause to be constructed such terraces and other works as will repair the damage done through the landowner's noncompliance with the contract. The cost of such construction shall be collected, paid and accounted for as a special state charge against the land specified as the basis of the original contract and shall be paid into the conservation fund and used as a revolving appropriation to carry out the provisions of this paragraph.

(3) In addition to the conditions and provisions assented to in subsection (2), such contracts or agreements may contain such other conditions or provisions, which this state solemnly pledges itself to carry out, as the governor may deem necessary or advisable to enable this state to secure the benefits to which it may be entitled under any of said acts of congress.

(4) Whenever any contract is entered into by the state of Wisconsin with a private landowner as provided for in subsection (2), the recording of such instrument under the provisions of chapter 235, and the publication of notice of such agreement in a newspaper published in the county where the land is located, once each week for two successive weeks, shall be deemed constructive notice of such agreement to any mortgagee of the lands covered by said agreement. Upon the failure of such mortgagee to object thereto by written notice served upon the director of conservation within two weeks after the completion of said publication, the mortgagee shall be conclusively deemed to have assented thereto. [1933 c. 341]

Note: Under (2) (a) there is no duty on the part of either the state or the county to reimburse the federal government for profits made by a county on the sale of county-owned lands improved by CCC labor. 33 Atty. Gen. 11.