



PRIVATE LANDS ACCESS POLICY REVISED 2022

ACCESS TO PRIVATE LAND

The Department of Natural Resources has determined that granting a private easement across county forest lands is not consistent with the County Forest Law program. This determination is based on an Attorney General opinion (*OAG-08-10*). Easement grants to individuals are generally determined to be an exclusive right on a publicly owned asset. Counties are generally restricted from granting easements unless the overall management of the forest could be improved by granting the easement or if the easement grant will serve a greater public good.

The purpose of this policy is to ensure Langlade County remains in conformance with 28.11 of Wisconsin Statutes in regards to private accesses across County Forest lands.

In consideration of the County tax base, is in the best interest of Langlade County to provide access to private properties that may be landlocked. **In all cases**, Langlade County **shall provide and maintain a private access permit** when the following conditions exist:

1. A registered easement is proven to exist and such easement was provided prior to land enrollment in the lands under 28.11 of Wisconsin Statutes .
2. Crossing County lands is the option of last resort and no other options exist as provided by evidence. Evidence may require but is not limited to the following:
 - a. Evidence of investigation (correspondence and letters) for use of other lands including refusal of offers of just compensation to other landowners that may provide an official easement or license to access the property.
 - b. Evidence of increased substantial environmental damage that may result from development of an alternative access. (i.e. wetland fills, stream crossings,

impact to known rare and endangered species populations). Evidence that Crossing County lands will mitigate this damage.

- c. Evidence including certified cost estimates showing excessive cost of construction for alternative accesses as compared to cost of crossing County lands.
3. Landowner agrees to assume all responsibility and costs for construction, environmental mitigation and permitting regarding the permitted access.
4. Landowner agrees to pay standard fees as may be required and agrees to conform to requirements within an access permit that will be provided.

TYPES OF PRIVATE ACCESS

1. Temporary Access

Requests for temporary access across County Forest Lands will be reviewed for any potential conflicts with management activities or public access. If impacts are minimal, access for short term needs will be permitted through the use of access agreements or letters of authorization. Temporary access is generally for activities such as access to maintain utilities (rail, powerline, etc.) or for logging access on private lands. The recipient of temporary access is required to restore the roadway to at least its prior condition and to expand coverage of any performance deposits or liability insurance to cover the use of the County road or trail. A fee of \$500 plus the value of timber removed from the county property will be required for temporary access points that require construction across County property, if the temporary access is approved by the Forest Administrator.

2. Access Road (driveway) Agreements

Requests for access to private lands may be made by private parties to build or improve access roads through the County Forest. Access agreements will be considered on a case-by-case basis and with the understanding that the County is not legally obligated to provide access to private lands. Access across County Forest lands must be demonstrated by the applicant as the route of last resort, including evidence of an offer of fair compensation for access across other private lands and refusal by other landowners to provide such access.

If approved by the Forest Administrator the following stipulations will be included in all access agreements:

1. The Permittee shall pay Langlade County a fee of \$250 (\$50 per year for a 5-year permit). If landowners can provide evidence of pre-existing registered easement to utilize County lands, no fee shall be required, a permit will be issued and such easement shall be documented in Department records. If property owner can demonstrate provision of a County benefit for utilization of **any of their private property**, including but not limited to access to County forest lands (public access or limited department access) or utilization of private lands for public recreational trails, a permit will be issued with provisions of access exchange terms and no permit fee will be required. Regardless of fee requirements all permits shall require compliance with standard permit stipulations.
2. Permits are made by and between the County and the property owner. The permits are not transferrable and subsequent property owners must secure their own agreement.
3. Permits are not to exceed 5 years in length but may have clauses for renewal upon notice provided by the permittee.
4. Gates, signs, or other articles of the permittee are not permitted on County lands.
5. Prior to this Permit taking effect the Permittee shall submit for approval to the Langlade County Forest Administrator a plan describing the access way construction and maintenance. No deviations from this plan will be allowed without the prior written approval of the Langlade County.
6. Permittee understands that this access permit **does not** create a legal easement on the Langlade County property and that the area under this agreement, on County owned land, will remain open, at all times, to use of the Owner, contactors completing work on County property and the public for access to the County forest land. Permits shall not supercede registered easement that may exist.
7. If the Langlade County determines that further use of the above described property by the Permittee will interfere with present or future management objectives of the Langlade County, including timber harvesting, this permit may

be cancelled by 30 days written notice by the Owner to the Permittee. Permits shall not super-cede registered easement that may exist.

8. Access permits as approved are not non-transferable and new permits must be obtained upon change of ownership of the land requiring the permit.
9. No merchantable wood products will be cut on County property without prior written approval of the Forest Administrator. Any wood products approved for cutting will be cut and piled by species and all wood in 100" lengths cut to a 4" top diameter. Langlade County shall retain ownership of any wood product cut and retains the right to charge Permittee for the value of trees removed based upon current market rates for such product. Once the value of trees is paid by the Permittee to the Langlade County, Langlade County shall provide a bill of sale, changing ownership of product to the Permittee and authorizing Permittee to remove products from the site. Failure to follow this procedure may subject the Permittee to trespass and timber theft charges against the Permittee.
10. All stumps, slash, waste materials, and other debris resulting from the permitted land use shall be disposed of by the Permittee as directed by the Forest Administrator. This may include removal of materials from the County property.
11. No cutting or trimming of trees shall be done without the prior written approval of the Forest Administrator.
12. The Permittee agrees to reimburse Langlade County for any damage to the subject property that arises from the permitted construction, maintenance, or use of the described lands.
13. The Permittee shall maintain the area under this permit in a safe condition at all times, causing no obstruction to free and uninhibited use by the public.
14. This Permit does not give the Permittee, its members or agents any rights pertaining to hunting or trapping; said rights remaining under the control of the Langlade County.
15. The Permittee agrees to protect, indemnify, and save harmless the Langlade County, its agents, and employees from and against all claims, demands, suits, liability, and expense by reason of loss or damage to any person whatsoever

that may arise from the construction and placement of objects on the described lands and from the maintenance or use of the described lands, and the Permittee shall defend the Langlade County in any such action or claim. Permittee shall provide insurance coverage for the Access Area, for use pertaining to the Permittee and that coverage documentation shall be provided to Langlade County.

16. The Permittee shall notify the Forest Administrator within 30 days of any change of address for the Permittee. The Permittee shall notify the Forest Administrator 30 days prior to sale of Permittee property. If property is sold, Permittee shall inform new owner of requirements to obtain a new access permit, this permit is non-transferable.

3. Other Types of Access

Complex issues of private access needs may arise in the future. Any proposals to grant an easement across County Forest must help achieve the purposes of the County Forest Law and meet a standard of better and higher public use. Easements to private parties will require withdrawal from County Forest Law and are to be discussed with the Department of Natural Resources prior to initiating any proposals. If withdrawal from the County Forest Law is required, the party requiring the access, that party will be responsible for all cost incurred by the withdrawal, including purchase of replacement lands and cost of enrollment of those lands into the County Forest Law program. Other types of access will be considered on a case by case basis with detailed permits provided by Committee action.

4. Policy Approval and Enforcement

- a. Upon committee approval of this policy, any and all existing private permits to cross County Forest Lands shall become null and void. Langlade County lands shall require enactment of new permits under and following this new policy. The Langlade County Forestry and Recreation Department shall make effort to contact all current permit holders to advise them of this requirement, however permit holders retain the responsibility to enact new permits as required. If landowners can provide evidence of pre-existing registered easement to utilize County lands, no permit shall be required and

such easement shall be documented in Department records. If property owners provide a County benefit for utilization of their private property such as provision of access to County lands or utilization of public recreational trails, permits shall provide for access exchange with no permit fee required, however req All permits as approved as replacements to existing permits shall begin on January 1, 2023 and expire on December 31, 2027 and shall require the entire \$250.00 fee regardless of when the replacement permit as issued.

- b. Failure of any private property owner to obtain a permit to utilize County lands for permanent or temporary access to their property is a violation of Chapter 16 of the Langlade County Code of Ordinance and may result in a citation, forfeitures and costs as outlined in the Code.**
- c. The Langlade County Forestry and Recreation Committee officially approved this Private Lands Access policy by Committee action and this policy shall become effective August 1, 2022.

**LANGLADE COUNTY
FORESTRY & RECREATION COMMITTEE**

John Medo, Chairman

Ben Pierce

Reinhardt Balcerzak

Roger Buck

Todd Mayr