

State of Wisconsin
DEPARTMENT OF NATURAL RESOURCES
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Scott Walker, Governor
Cathy Stepp, Secretary
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August 13, 2013

Joe Vairus
Forest Administrator, Iron County
607 3rd Ave North
Suite 2
Hurley WI 54534

~~1st~~ Day of 1st
negotiating session
everybody but the
Indians got copied

Subject: Lac Courte Oreille "Harvest Camp"

Dear Administrator Vairus:

Thank you for your letter of July 25, 2013 regarding the "harvest camp" (the Camp) established by a group from the Lac Courte Oreille Band of Chippewa (LCO), and the events subsequent to their occupancy of a portion of the Iron County Forest. Secretary Stepp has asked me to respond on her behalf. It is my understanding that after your letter was sent, the full Iron County Board met on July 30th, 2013, and, pursuant to a letter sent to the Iron County Board of Supervisors by LCO Chairman Mic Isham on July 16, 2013, referred the matter back to the Iron County Forestry Committee to see if there was a way for the Camp to come into compliance with existing relevant Iron County ordinances. The Department of Natural Resources (the Department) has broad oversight authority and responsibilities under Wis. Stat. s. 28.11 to provide specific assistance and mechanisms to ensure compliance with the County Forest Law. Pursuant to that responsibility and your request for guidance and support, the Department can provide you with the following guidance related to the Camp, which is consistent with the advice you have received to date. Please be advised that the Department cannot provide direct legal representation or advice to Iron County, and can only provide such advice and assistance as is prescribed by law or implied through its statutory oversight authority to assist Iron County in ensuring it remains compliant with the County Forest Law.

In order to remain in compliance with the County Forest Law, Iron County must both abide by the express authorities laid out in its 15 year comprehensive county forest land use plan (15 year plan) as approved by the Iron County Board and the Department, pursuant to Wis. Stat. s. 28.11(5)(a), and with the general purpose found in Wis. Stat. s. 28.11(1). Regarding camping, it is our understanding that Iron County has two specific ordinances on point: Iron County Ordinance 12-1-5 (e)(2) (limiting overnight camping on the Iron County Forest to a 2 week maximum) and Iron County Ordinance 12-2-1 (entitled "Permits for Large Public Gatherings"). Both of these ordinances are specifically included in Iron County's 15 year plan, and so reasonable compliance with and enforcement of those ordinances is evidence of Iron County's compliance with the County Forest Law. Based on both the stated written intent of LCO to remain at the Camp location for at least a year, and the Camp's existence on the Iron County Forest for more than two weeks, the Department agrees with Iron County Corporation Counsel Michael Pope's recommendation in his letter, dated May 29, 2013. In Attorney Pope's letter, he noted that the Camp was in violation of the 2 week overnight camping limitation under Iron County Ordinance 12-1-5(e)(2), and asked the LCO Tribal Governing Board to supplement the original request for a permit for the Camp with the information necessary to comply with the "Permit for Large Public Gatherings" under Iron County Ordinance 12-2-1. It is our understanding that neither the Camp nor LCO or the LCO Tribal Governing Board has provided that information to Iron County to date. If the LCO Tribal Governing Board or their designated permittee receive a permit pursuant to Iron County Ordinance 12-2-1, and if it is clear pursuant to the terms of such a permit that the general public is not excluded from the Camp and that sufficient safeguards are in place to ensure that the public

rights, interests and investments in the area subject to the Camp are protected, then Iron County will likely be in compliance with its responsibilities under the County Forest Law.

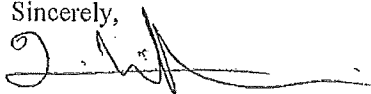
Additionally, if Iron County determines that existing ordinances included with the 15 year plan are not sufficient to address the unique circumstances surrounding the Camp, Iron County could consider promulgating a new ordinance and amending their 15 year plan. However, please keep in mind that any new ordinance and subsequent 15 year plan amendment will require Department approval, and the Department will view any such amendment as it always has – through the lens of ensuring the ongoing protection of the broad public benefits and purposes contained in Wis. Stat. s. 28.11(1), entitled “[p]urpose,” which states:

The purpose of this section is to provide the basis for a permanent program of county forests and to enable and encourage the planned development and management of the county forests for optimum production of forest products together with recreational opportunities, wildlife, watershed protection and stabilization of stream flow, giving full recognition to the concept of multiple-use to assure maximum public benefits; to protect the public rights, interests and investments in such lands; and to compensate the counties for the public uses, benefits and privileges these lands provide; all in a manner which will provide a reasonable revenue to the towns in which such lands lie.

As with prior issues that have arisen on many county forests enrolled in the County Forest Law program, including Iron County, the Department takes a measured approach to achieving compliance with the County Forest Law program, letting the counties themselves attempt to achieve compliance with the letter and spirit of the County Forest law prior to utilizing the enforcement mechanisms available to the Department under Wis. Stat. s. 28.11.

Thank you for your letter and, please let me know if you have any questions regarding the Department’s response.

Sincerely,



Quinn Williams
Natural Resources Section Chief
Bureau of Legal Services
Department of Natural Resources

Cc Honorable Governor Scott Walker
 J. B Van Hollen, Wisconsin Attorney General
 Cathy Stepp, DNR Secretary
 Tom Thompson, Iron County Forestry Committee Chair
 Joe Pinardi, Iron County Board Chairman
 Jane Severt, WCFA Executive Director
 Michael K. Pope, Iron County Corporation Counsel
 John Gozdziwski, DNR Northern Regional Director
 Paul DeLong, Chief State Forester
 Tom Duke, DNR Northwest District Forester
 Joe Schwantes, DNR County and Public Forest Specialist
 Senator Tom Tiffany, Chair, Senate Committee on Workforce Development, Forestry, Mining, and Revenue
 Senator Bob Jauch, 25th Senate District
 Representative Jeff Mursau, Chair, Assembly Committee on Environment and Forestry
 Representative Janet Bewley, 74th Assembly District