

ORDINANCE No. 91-3

REGULATING GATHERING RIGHTS ON BURNETT COUNTY FOREST LANDS

WHEREAS, as a result of recent Federal Court rulings, members of the Wisconsin bands of the Lake Superior Chippewa Indians have the right to gather miscellaneous forest products on County forest lands, and

WHEREAS, Counties that are affected have been authorized to regulate the exercise of these gathering rights; and

WHEREAS, the Forestry Committee of the Burnett County Board of Supervisors hereby recommends that this Ordinance which is set forth herein be adopted so that a permitting process for the exercise of those gathering rights may be established.

NOW, THEREFORE, BE IT ORDAINED BY THE BURNETT COUNTY BOARD OF SUPERVISORS:

SECTION ONE: PERMIT REQUIRED:

Any treaty rights participant interested in gathering firewood, tree bark, maple sap, lodge poles, bows, marsh hay, or other miscellaneous forest products (except fruits, seeds, or berries not enumerated in County Ordinances), from Burnett County owned land shall obtain a County Gathering Permit from the County Forestry Office prior to the exercise of said gathering rights.

SECTION TWO: APPLICATION AND PROCESSING:

The County Forest Administrator shall prepare an appropriate application requesting pertinent information from all treaty rights participants who seek to gather miscellaneous forest products on County Forest Lands. Said application shall be available upon request. Those treaty rights participants who seek to gather miscellaneous forest products shall provide proper identification and present a valid tribal membership card upon submitting an application with the County. Upon receipt of an application, the County shall respond to the gathering permit request no later than fourteen (14) days after receipt of said application. Said response shall either grant or deny the request. Should the request be denied, the reasons for said denial shall be set forth in the response of the County, including the basis for said denial with specific reference to the limitations set forth in Section Four. Any application which is incompletely or incorrectly prepared shall be returned within said fourteen (14) days to the applicant with specific directions as to which portion or portions of said applications are defective.

SECTION THREE: CONDITIONS IN PERMIT:

The gathering permit shall indicate the location of the material to be gathered, the volume of the material to be gathered, and any additional conditions on the gathering of the material necessary for conservation of timber or miscellaneous forest products on County land, or for public health and safety. Treaty rights participants gathering miscellaneous forest products on County land may not be assisted in the gathering by any person other than another treaty rights participant. Treaty rights participants may not permit any person other than another treaty rights participant to tend or operate equipment involved in the gathering. Resale of miscellaneous forest products is not permitted.

SECTION FOUR: DENIAL OF GATHERING PERMIT

The County may not deny a request to gather miscellaneous forest products on Burnett County property under the terms of this Ordinance unless:

- A. The gathering is inconsistent with the forest management plan for said property;
- B. The gathering will conflict with pre-existing rights of a permittee or other person possessing an approval to conduct an activity on the property, including a contractor of the County; or
- C. Is otherwise inconsistent with conservation or public health or safety.

SECTION FIVE: PENALTY:

Any person gathering miscellaneous forest products without first obtaining a gathering permit shall be subject to all existing penalties provided for in County Ordinances, including trespass and timber theft charges. Any person who possesses a gathering permit, and gathers beyond the authority granted in the permit, or who causes damage to the timber or miscellaneous forest products on County land, shall be assessed a forfeiture as set forth in the Burnett County Uniform Citation Ordinance.

SECTION SIX: CONFLICTS:

Any and all Ordinances or Resolutions of Burnett County, or any portion of said Ordinances or Resolutions to the contrary or in derogation of the above sections, are hereby repealed only insofar as any conflict exists.

SECTION SEVEN: PUBLICATION:

This Ordinance shall be in full force and effect until publication as provided by law.

ORDINANCE OFFERED BY:

Burnett County Forestry Committee

*Charles Bruss*

s/Charles Bruss

*Gary Bohn*

s/Gary Bohn

*Mel Daniels*

s/Mel Daniels

Adopted this 19 day of December, 1991

Ayes \_\_\_\_\_ Nays \_\_\_\_\_

Absent \_\_\_\_\_

I, Helen Steffen, County Clerk, do hereby certify that the foregoing is a true and correct copy of a Ordinance adopted by the Burnett County Board of Supervisors at its meeting held on December 19, 1991.

*Helen Steffen*  
Burnett County Clerk

Adopted December 19, 1991  
Published January 1, 1992  
BURNETT COUNTY SENTINEL