

ICE AGE NATIONAL SCENIC TRAIL

CHIPPEWA COUNTY FOREST

LAND USE AGREEMENT

Article I — Parties to the Agreement

This agreement is made and entered into by and between Chippewa County, hereinafter referred to as the "County," and the Ice Age Trail Alliance, Inc., hereinafter referred to as the "IATA".

Article II — Purpose and Objectives

The purpose of this agreement is to foster cooperation in developing and managing the Ice Age National Scenic Trail, hereinafter referred to as the "Trail," in the Chippewa County Forest. It is also intended to define the responsibilities of each party for the Trail, including granting permission to the IATA to use certain Chippewa County Forest lands for constructing and maintaining the Trail.

The Trail is a partnership project under Federal and State legislative authorization. The Trail is a state and nationally significant hiking trail and advances the multiple management objectives of county forests. County forests may participate in hosting, developing, and/or maintaining segments of the Trail. As managing authorities, County Forest administrators retain full management control over their County lands but may authorize others to carry out trail development and maintenance activities through land use agreements.

The long-term goal for the Trail is to be a continuous footpath that meets Federal and State legislative intent — that it be a "premier" hiking trail, nationally significant in its scenic and recreational qualities; follows the authorized route (as determined in the 1983 *Comprehensive Plan for Management and Use of the Ice Age National Scenic Trail*) highlighting moraines and other glacial features; and is closed to motorized use by the general public. Motorized use for resource management activities such as for timber harvesting may be permitted. Trail maintenance with push mowers and chainsaws by volunteers with appropriate training certifications may also be permitted. With the approval of the County Forest Administrator, Trail segments meeting this intent may be "certified" by the National Park Service (NPS) as part of the National Trails System.

The County and the IATA agree to coordinate their activities and programs related to the Trail to assure that the efforts of each party complement those of the other. The parties will communicate and meet as needed to review their activities and programs and discuss ways of improving the effectiveness of their mutual efforts.

Article III — Background and Authorities

On October 3, 1980, Congress amended the National Trails System Act [16 U.S.C. 1241 *et seq.*] to authorize and establish the Trail as a component of the National Trails System [94 Stat. 1360; 16 U.S.C. 1244(a) (10)]. The State of Wisconsin designated the Trail as a State Scenic Trail in 1987

under Section 23.17. The Trail meanders through Wisconsin for approximately 1,000 miles from Potawatomi State Park in Door County to Interstate State Park in Polk County, generally following the terminal moraine and other glacial landscape features.

The IATA is a private, non-stock, nonprofit corporation composed of individual members and volunteers. The IATA was incorporated in 1958. Its mission is to create, support, and protect a thousand-mile footpath tracing Ice Age formations across Wisconsin, the Ice Age National Scenic Trail. The IATA does this by organizing and coordinating private- and public-sector involvement in efforts such as fundraising; planning and executing Trail development and improvement projects; recruiting, training, and coordinating volunteer Trail builders and stewards; and engaging in land conservation and protection. The IATA has more than 20 volunteer chapters, including the Chippewa Moraine Chapter in Chippewa County.

The Chippewa County Forest contains approximately 34,433 acres that are enrolled in the State of Wisconsin County Forest Program under Section 28.11 of Wisconsin Statutes. The purpose of the State's County Forest Program is to provide (i) the basis for a permanent program of county forests that enables and encourages planned development and management of the county forests for optimum production of forest products and (ii) public recreational opportunities and wildlife and watershed protection for maximum public benefit. Additionally, the State's County Forest Program protects public rights, interests and investments in such lands and provides compensation to the Counties for the public uses, benefits, and privileges these lands provide in a manner that provides a reasonable revenue to the towns within which such lands lie.

The *2006 – 2020 County Forest Comprehensive Land Use Plan* provides policy guidance for managing the Chippewa County Forest. This plan states the County's intent to accommodate the Trail within the County Forest. Chapter 16 of the Chippewa County Code of Ordinances assigns administrative and management responsibility to the Department of Land Conservation and Forest Management.

Article IV — Lands Covered by the Agreement

This agreement pertains to Ice Age Trail segments on lands owned by Chippewa County.

Article V — Management Team

A Management Team shall be responsible for on-the-ground tasks such as determining the location of the new and rerouted Trail segments, maintaining the Trail, promoting the Trail, and stewarding the lands over which the Trail passes. The Management Team shall give due consideration to existing policies and guidance such as those found in the *Vision and Attribute Statement for the Ice Age National Scenic Trail*, *County Forest Comprehensive Land Use Plan*, the *Ice Age National Scenic Trail Handbook for Trail Design Construction and Maintenance*, and the IATA's "Trail Notebook Series". The Management Team shall consist of the following:

- County Forest Administrator & Public Liaison
- Wisconsin Department of Natural Resources (DNR) Liaison Forester for Chippewa County
- IATA Staff Representative
- Manager of the Chippewa Moraine Ice Age Center

- IATA Chippewa Moraine Chapter Representative (volunteer position)
- DNR Northwest Parks District Trails Coordinator

Article VI — Planning, Development, and Management Policies and Practices

1. Trail Management

a. **Mapping**

The route of the Trail will be placed on maps. The maps may be prepared by the IATA or the County. The IATA has primary responsibility for creating, maintaining, and distributing maps. IATA will make reasonable efforts to make current maps available to the public on their website. Chippewa County may assist IATA with map distribution through the County website and other county publications.

b. **Trail Route Identification**

As Trail needs and opportunities are identified, the Management Team will investigate improvements including new Trail segments or reroutes through County Forest lands. The County Forest Administrator is the authority for approval. The considerations specified below will be used in evaluating existing routes and identifying locations for new segments.

c. **Considerations for Trail Route Location/Relocation**

A sustainable and quality Trail will see increased use and be seen as an important economic and recreational resource by the County and the general public. The following considerations for determining route location should help ensure a quality Trail.

- 1) **Scenic values** — The Trail should provide vistas and varied terrain and habitat types.
- 2) **Glacial features** — The Trail should capitalize on rare or unusual glacial features and be located within close proximity to where excellent examples of a particular feature can visually be seen and interpreted by Trail users.
- 3) **Sensitive resources** — Cultural resources, endangered resources, and fragile ecosystems may enhance the Trail experience or may need to be avoided to protect their values. Program experts, specifically DNR Natural Heritage Conservation staff and DNR and NPS staff or contactors shall be consulted concerning the Trail location in relation to these resources.
- 4) **Stream and/or Wetland crossing sites** — Trail structures, such as bridges or elevated boardwalks over waters and/or in wetland areas, must conform to State and Federal standards and permitting processes. The expense and practicality of establishing safe crossings, in light of the potential level

of use, should be considered. Depending on water depth and stream bed conditions, fords or native rock crossings may be used if so approved by the appropriate agencies.

- 5) **Safe road crossing sites** — State and local transportation officials shall be consulted to ensure safe sight distance, signing, etc., and Connection to State Highway permits (currently form DT1.504) should be submitted for WisDOT approval.
- 6) **Proximity to existing uses** — Consideration should be given to the Trail's proximity to camping/recreational areas, roads (for user access and reasonable access for Trail maintainers), parking areas (as trailheads), drinking water, etc.
- 7) **Planned silvicultural systems for timber stands along Trail route and within primary viewsheds** — When planning new silvicultural treatments or amending existing plans, the County should consider Trail location, aesthetics, and visitor use. Consideration should also be given to the following:
 - a) Frequency of planned treatments for individual stands (e.g., periodic thinning of hardwoods or pine plantations regeneration of oak through shelterwood harvests, etc.).
 - b) Stand rotations (e.g., even-aged management, such as clear-cuts to regenerate aspen or overstory removal as part of shelterwood silvicultural systems).
- 8) **Forest Infrastructure** — If practicable and sustainable, the Trail route should be located off existing skid trails and haul roads. The Trail should not be used as skid trails or haul roads (see Section 8e for exception).

2. Trail Design/Construction Specifications — The Trail should be designed as a low-impact footpath. The standards and specifications in *The Ice Ace National Scenic Trail: A Handbook for Trail Design, Construction, and Maintenance*, developed by the NPS, DNR, and IATA, will be used when designing and constructing the Trail. The IATA's "Trail Notebook Series" is an additional reference.

3. Disabled Accessibility — As new Trail segments are designed and improvements are made to existing segments, all construction work should incorporate accessible design techniques to the maximum extent practicable. Requirements related to Power-Driven Mobility Devices (PDMD) may require assessments on the Trail. The DNR Northwest Parks District Trails Coordinator will be responsible for processing PDMD permit applications and conducting required assessments in cooperation with the County Forest Administrator and the IATA.

4. Trail Maintenance and Stewardship — The IATA shall be responsible for all Trail maintenance and stewardship covered by this agreement (see Article IV). The County Forest Administrator will provide resources to assist IATA efforts in these regards to the extent practicable. Unless there is

an immediate safety hazard within close proximity to the Trail, the IATA shall refrain from doing any cutting of live, standing, merchantable timber without approval of the County Forest Administrator.

ATV or similar motorized vehicles may be used by the IATA to access the Trail on adjacent or nearby Forest Roads to facilitate Trail maintenance and stewardship needs; IATA representatives shall notify the County Forest Administrator prior to use. The use of riding mowers/tractors/ATVs for routine Trail maintenance is not an acceptable practice. The County Forest Administrator may prohibit use in specific locations based on site conditions.

5. Trail Marking — All Trail marking and signing must comply with the guidelines found in Chapter 7 of *The Ice Age National Scenic Trail: A Handbook for Trail Design, Construction, and Maintenance*. Specifically, all metal, wooden, and other signs should be placed on wooden, Carsonite, or metal sign posts unless other arrangements have been made and agreed upon with the County Forest Administrator. Trail reassurance markers (blazes) should be painted. Only signs identifying the Trail route, permitted and prohibited uses of the Trail, Trail direction, Trail destination and distances, and natural and notable cultural features should be employed for use on, along, or leading to the Trail. Signs promoting commercial or other private activities are not permitted with the exception of signs promoting the IATA and IATA special events. Yellow 2" x 6" painted blazes are the standard reassurance marker of the Trail.

The county shall not use yellow markings to denote timber management or harvest activities within 50' of the Trail.

6. Financial Responsibility — Acquisition, development, and management of the Trail on county forest lands is a cooperative effort between the County, the IATA and Trail partners. The primary financial responsibility for Trail development, maintenance, and stewardship under this agreement shall lie with the IATA. The obligation of the County and the IATA to perform the responsibilities specified in this agreement is contingent upon the necessary funds being available. No legal liability on the part of the County or the IATA to carry out such responsibilities shall arise unless and until funds are available to cover the expenses associated with performing the responsibilities specified herein.

7. Visitor Management

a. **Trail uses/activities**

The Trail is designed for **hiking**. Other non-motorized uses, such as jogging and cross-country skiing, may be allowed, but the Trail itself will not normally be designed and constructed to accommodate such use. Where the Trail coincides with County authorized snowmobile trails, snowmobiling on the Trail may be allowed. Where this coincident use occurs, options to relocate the Trail shall be identified by the Management Team for consideration. No snowmobile trail signs are to be removed or altered.

Snowmobile trail signs should not be placed on Ice Age Trail sign posts, or Ice Age Trail signage on sign posts installed as components of the snowmobile trail system in the County Forest.

Equestrian, ATV and bike use shall not be permitted on the Trail. Other recreational trails may be permitted to cross perpendicular to the Trail on a limited basis.

Use of the Trail should be monitored annually to identify user impacts on the Trail and surrounding resources. As necessary, user policies relating to the Trail may be revised.

b. **Other Trail-Related Uses**

1. **Camping** shall be allowed in accordance with the Chippewa County Forest ordinance and/or only in designated areas agreed to by the Management Team.
2. **Hunting** shall be allowed along the Trail in accordance with Federal, State, and local hunting regulations.
3. **Fires** shall be permitted only in accordance with Federal, State, and local laws and regulations governing open fires.

c. **Special Events** — The IATA will notify the County at least one calendar month prior to any planned events beyond normal day-to-day use by the public, local IATA chapter outings, or IATA statewide events planned to occur. Organized events shall abide by all related county forest ordinances and procedures.

d. **Enforcement** — The County, at its option, may adopt ordinances relating to the Trail, such as controlling permitted and prohibited uses. Visitor safety and law enforcement under general or specific County ordinances will be handled by the county sheriff department or wardens. Members of the IATA will report suspected violations or visitor safety issues to the County Forest Administrator, or in the case of a serious issue, to the County Sheriff.

8. Timber Management

a. **Aesthetic management principles as described in the DNR's *Silviculture and Forest Aesthetics Handbook* should be utilized to provide protection of the Trail's scenic values.**

The Trail should be located, developed, and managed as an integral part of the environments through which it passes. The Trail should introduce users to a range of land management practices. However, when determining the location of the Trail (or significant reroute), it is important to route the Trail in areas that will have limited management conflicts and the highest aesthetic management classification. The Trail route should generally be designated as a Class A or Class B aesthetic zone per the DNR's *Silviculture and Forest Aesthetics Handbook*. Segments of the Trail should be considered for Class A aesthetic zone designation if they receive or may receive a high level of public use or are located in areas of

outstanding natural beauty. Furthermore, the Management Team should identify important viewsheds, key landforms, and focal points along the Trail corridor. These areas may receive special attention when developing silvicultural prescriptions. These may also present excellent opportunities to educate Trail users about forest management practices.

b. **Establishment of timber sales.**

Prior to timber sale establishment within stands that contain the Trail or stands that are directly adjacent to the Trail, the Management Team should meet to review maps showing specific areas proposed for timber sale establishment, the silvicultural objectives, tentative operation considerations, appropriate Trail crossings, landing locations, and required best management practices for water quality. The Management Team should discuss potential impacts to Trail users and identify reasonable opportunities to mitigate negative impacts to Trail users.

When marking trees that will be not be cut within 25 feet of the Trail (i.e. treatment boundaries, leave/legacy trees, Riparian Management Zones), efforts should be made to reduce the visibility of the paint marks from the Trail.

c. **Operational considerations: Skid trail location and design, tract size and design, time of harvest, species management objectives, etc.**

These factors are integrated within the *Silviculture and Forest Aesthetics Handbook* referenced in Section 8a above.

d. **Timber sale contract restriction/requirements.**

Contracts for timber sales that affect the Trail should include requirements to keep the Trail open and clear during, and to restore as needed after, harvest operations. Provisions that should be included in contracts are:

1. Slash shall be removed daily to maintain the Trail in a usable condition.
2. The Trail tread shall be levelled and graded to the original design standard if damaged.
3. Trail signs that are knocked down, removed, or damaged must be replaced by the contractor prior to release of the financial assurance required by the timber sale contract.
4. Skidding and/or hauling on the Trail should be minimized to the extent practicable and must be approved in advance by the County Forest Administrator.
5. Trail crossings by skidding and/or hauling equipment should be minimized to the extent practicable and when crossings occur, they should be perpendicular to Trail.
6. In general, new openings (i.e. landings or truck turn-arounds) should not be located adjacent the Trail unless no other practical options exist.

e. **Periodic use of Trail for logging activities.**

The Trail may be used for harvesting, processing, forwarding, and hauling in instances where the Trail is located on pre-existing logging roads or when no other upland access is available. Tree-length skidding should be avoided on the Trail.

9. Invasive Species — Recreational trails are known to be one of several factors that contribute to the presence and abundance of non-native invasive species. The IATA and the County will cooperate to:

1. Monitor and map the size, location, and composition of existing infestations to cooperatively prioritize control efforts.
2. Routinely identify, monitor, and act to limit the establishment and dispersal of invasive species at Ice Age Trail trailheads and the within the "Trail Stewardship Zone", defined as approximately 20 feet either side of the Trail.
3. Raise public awareness and support to address the issue.
4. Evaluate the effectiveness of control efforts after a project is completed.

10. Management practices on significant glacial/natural features — Gravel/common fill extraction should be avoided within sight of the Trail where possible. Where unavoidable, the potential relocation of the Trail should be referred to the Management Team.

11. Fees — No fees may be required for use of the Trail segments covered by this agreement.

12. Marketing and Public Awareness — Any promotion and marketing of the Trail, such as provision of user maps, should be coordinated through the Management Team.

Article VII — Term of Agreement

This agreement shall continue in perpetuity from the date of the last signatory party unless terminated or modified in accordance with Article VIII. Periodic (every 5 years) reviews of this document should be completed to determine effectiveness of this Agreement.

Article VIII — Termination/Modification

This agreement may be terminated upon 60 days advance written notice given by one party to the other, or it may be terminated or modified earlier by mutual written consent of all parties. Termination of this agreement does not affect any other agreements which the signatory parties may have concerning the Trail. Any modification of the provisions of this agreement, including amendments, deletions, and waivers, shall be valid only when expressed in writing and signed by both parties. No party may assign its responsibilities under this agreement to another agency, organization, individual, corporation, or other body.

Article IX — Supremacy of Written Agreements; Related Agreements

All parties agree that this agreement supersedes any and all oral agreements and negotiations

between the signatory parties concerning the Trails segments and lands specified herein.

Article X. Additional County Provisions

Except as may be otherwise provided herein, use of the Chippewa County forest lands covered by and pursuant to this agreement shall at all times be in accord with all statutes, rules, regulations, and ordinances including, but not limited to, the Chippewa County Forests and Parks Ordinance, and including those now in effect and hereafter adopted which govern the use of Chippewa County forest lands.

The IATA and its employees, members, and associates are independent from and do not constitute employees or agents of the County for any purpose and are not entitled to any rights, privileges, or benefits of County employees except as may be otherwise stated herein.

This agreement does not grant exclusive use of the lands specified herein to the IATA or any other party. The County forest lands covered by this agreement shall be open to the public at the same times and dates as any other portions of Chippewa County Forest lands.

In accordance with the County's affirmative action policy and applicable Federal and State laws, no person shall be excluded from participation in, or be denied the benefits of, the program which is the subject of this agreement on the basis of race, creed, color, sex, age, disability, or national origin.

Should the IATA at any time have paid employees working on the Trail on County lands, they shall upon request furnish proof to the County of worker's compensation coverage in the form of a Certificate of Insurance indicating such for these individuals. The insurance policy shall contain a provision by which the insurer agrees to notify the County upon any lapse or change in coverage. Failure to satisfy the provisions of this paragraph will result in the voiding of this agreement.

Acknowledgement

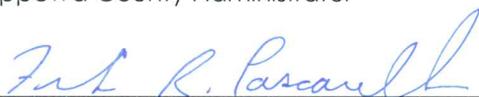
It is acknowledged by both parties hereto that the County shall not be liable for damages sustained as a result of any claims arising from the IATA's operations or any of its employees while they are performing work under this Agreement or the County shall not be liable for damage to property, whether private or public, done by IATA while maintaining the Trail under this Agreement.

The IATA agrees to hold the County harmless from any and all claims that may arise due to the negligence of any agents, employees, or volunteers of the Contractor while engaged in this Agreement.

IN WITNESS WHEREOF, the parties hereto have executed this Land Use Agreement as of the last date written below.

Chippewa County Administrator

Date



8-19-14

Frank R. Pascarella

Executive Director, Ice Age Trail Alliance, Inc.

Date



8/5/2014

Michael G. Wollmer

Addendum A - List of current Management Team participants:

County Forest Administrator & Public Liaison
Michael E. Dahlby
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Chippewa Falls, WI 54729
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DNR Liaison Forester for Chippewa County
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IATA Staff
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Chippewa Moraine Ice Age Center, Manager
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IATA Chippewa Moraine Chapter Representative (volunteer position)
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DNR Parks and Recreation Specialist, West Central Region
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