



MARATHON COUNTY PARK COMMISSION AGENDA

Date and Time of Meeting: Tuesday, November 5, 2024 at 10:30 am

Meeting Location: 212 River Dr, Room 5, Wausau WI 54403

The meeting site identified above will be open to the public. Persons wishing to attend the meeting by phone may call into the telephone conference beginning ten minutes prior to the start time indicated above using the following number: 1-408-418-9388 Access code: 2491 342 4568. When you enter the telephone conference, PLEASE PUT YOUR PHONE ON MUTE!

Park Commission Members -

Commissioners: Jeff Frese, Lou Larson, Jean Maszk, Tom Neal, Allen Opall, Rick Seefeldt, Sarah Watson

***Marathon County Mission Statement:** Marathon County Government serves people by leading, coordinating, and providing county, regional, and statewide initiatives. It directly or in cooperation with other public and private partners provides services and creates opportunities that make Marathon County and the surrounding area a preferred place to live, work, visit, and do business. (Last updated: 12-20-05)*

***Parks, Recreation and Forestry Department Mission Statement:** Adaptively manage our park and forest lands for natural resource sustainability while providing healthy recreational opportunities and unique experiences making Marathon County the preferred place to live, work, and play.*

Agenda Items

- 1. Call to Order**
- 2. Public Comment Period – Not to Exceed 15 Minutes – Any Person Who Wishes to Address the Commission Must Provide, Name, Address and the Topic to the President of the Commission No Later than Five Minutes Before the Start of the Meeting. Topics must be relevant to the Commission’s area of jurisdiction.**
- 3. Approval of the Minutes of the October 1, 2024 Park Commission Meeting**
- 4. Policy Issues for Discussion and Commission Determination**
 - A. Discussion and Possible Action by Commission
 1. Award Contract for Tract 10-24 Big Eau Pleine Timber Sale
 2. Exception Request to Big Eau Pleine Hunting Ordinance
 3. 2025 Meeting Calendar
- 5. Operational Functions Required by Statute, Ordinance or Resolution:**
 - A. Discussion and Possible Action by Commission
 1. None
 - B. Discussion and Possible Action by Commission to Forward to the Environmental Resource Committee for its Consideration
 1. None
- 6. Policy Issues for Discussion and Commission Determination for Consideration by Environmental Resources Committee**
 - A. None

7. Educational Presentations/Commission Discussion

- A. Ice Arena Feasibility Study, Ice Arena Condition and Future Needs
- B. Project Update (Big Eau Pleine, Nine Mile Septic, Peoples Sports Complex, SaveStations, Winterization, Campgrounds, Asset Management, Events)

8. Announcements

- A. Next Meeting Date & Time, Location – December 3, 2024 at 10:30 am at 212 River Dr, Room 5, Wausau WI 54403
- B. Future Agenda Items – Ordinance Updates

9. Adjourn

Signed /s/ Jamie Polley
Presiding Officer or Her
Designee

Any person planning to attend this meeting who needs some type of special accommodation in order to participate should call the County Clerk's Office at 715-261-1500 or e-mail countyclerk@co.marathon.wi.us one business day before the meeting.

FAXED TO DAILY HERALD
COURTHOUSE

THIS NOTICE POSTED AT THE

(Email/Fax City Pages, Marshfield News, Midwest Radio Group)

Date October 31, 2024 Time 4:00 p.m.
By Winnie Parker

Date _____ Time _____
By _____

MARATHON COUNTY PARK COMMISSION

Date and Time of Meeting: October 1, 2024, at 10:30 a.m. Location: 22 River Dr, Room 5, Wausau WI 54403

Park Commissioners present: Jeff Frese, Lou Larson, Allen Opall, Rick Seefeldt, Sarah Watson-(via Webex), Jean Maszk, Tom Neal

Staff present: Jamie Polley - Parks, Recreation and Forestry Director, Andy Sims - Assistant Director of Operations, Jaime Alberti, Risk Manager

1. Call to Order – Seefeldt called the Park Commission meeting to order at 10:35 a.m. Official notice and the agenda for the meeting was posted publicly in accordance with the State statutes.

2. Public Comment – none brought forward.

3. Approval of the Minutes of the September 3, 2024, Park Commission Meeting – Motion by Maszk, second by Opal to approve the September 3, 2024, meeting minutes. Motion **carried** by voice vote; vote reflected as 7-0.

4. Policy Issues for Discussion and Committee Determination

A. Discussion and Possible Action by Committee

1. 2025 Parks, Recreation, and Forestry Department Budget Overview – Our County Administrator and our City Mayor asked us to present our budget as a cost to continue budget, which means adding nothing new to the budget. Both the county and the city are giving their employees a 3% wage increases. City and county budgets are two separate documents. For the county we presented a -1% operating budget, thus an overall increase of 2%. For the city budget we are just under the 3% total increase for cost of doing business. The city budget is already tight, and the biggest expense is in personnel. At present there are two vacancies, one of which is currently being filled and the other is being considered. These positions are budgeted 50% by county and 50% by city. As requested by the City Mayor, Polley has made four (4) different proposals to reduce the budget 2.5%. The first proposal is to eliminate the self-watering flower baskets, saving the city \$15,200. The second proposal is to close a swimming pool saving the city \$47,717.30 overall. One issue with not filling a pool for one year is that when we go to fill it again, we may incur more expense in repairs when the pool becomes operational. In addition, these pools are starting to age and have issues even now. Another thing we could do is close each pool two times per week on a staggered schedule which would be a cost savings. The third proposal is to close Sylvan Hill. On a good snow year, we break even. In a year where we do not have significant natural snowfall, we would not open Sylvan Hill and would save \$42,537. The last proposal is to request Wausau Water Works Commission to provide the city with free or reduced water rates for city public spaces. This could save the city at least \$20,051.17. We have already helped to save the city money by putting water systems, like the 400 Block, for instance, on a timer, but now we are taking things a step further by adding an activator where patrons must touch a button to activate the system for the water to turn on. In addition, rain sensors are being added to irrigation. Finally, the county gives us \$100,000 for small projects and the city gives us \$110,000 for small projects to help offset the cost of deferred maintenance. Andy Sims puts together a proposal for small projects which is prioritized based on workload, necessity, and deterioration for the county and the city. Questions were answered.

2. Department Financial Sustainability Work Plan – Jamie Polley presented the Department Financial Sustainability Work Plan. This past July, Polley completed a Financial Sustainability Certification program through Wisconsin Parks & Recreation Association (WPRA). Once the budgets have been approved, we will begin the process of assessing revenues to tax levy dollars from both the county perspective and the city perspective. Then we will look at the priority-based infrastructure which has already been broken down into categories. These categories will be further broken down to show whether they should be tax levy supported or supported through 100% cost recovery. The programs and services the county provides will then be placed on a continuum. At one end of the continuum is things that benefit the whole community, for instance, will go on the tax levy side. While at the other end of the spectrum things that benefit the individual might be better suited to go on the 100% cost recovery side of the continuum. It will be part of our elected officials' job to set priorities and expectations of where our programs and services should be in the cost recovery model. One of the main goals of this exercise is to reduce our tax levy, but it also provides so much more information. What are we doing and what are we doing well? What programs and services should we be providing to the community? What services and amenities do the county and city want to support for the greater good of all citizens versus services that are provided that help offset that tax levy because they are the fee-based programs for which the consumer pays.

5. Operational Functions Required by Statute, Ordinance or Resolution:

A. Discussion and Possible Action by Committee - None

B. Discussion and Possible Action by Committee to Forward to the Environmental Resource Committee for Consideration - None

6. Policy Issues for Discussion and Committee Determination for Consideration by Environmental Resources Committee

A. Discussion and Possible Action by Committee - None

7. Educational Presentation/Outcome Monitoring Reports for Discussion

A. Project Update – Multipurpose Building 2 – The leaks that we have found so far are in the southwest corner of rink two. Once we think we have fixed all the leaks we will pressurize the system and verify to see if there are any other leaks. We are still working on the plans for the new ice rink asking them to reduce the square footage by 8,000 while adding the safe room. They are making this year-round rink as efficient as possible, and we hope to present the Ice Arena Study and the structural plan to you next time we meet. Nine Mile Septic – The contractor is bringing in sand for the septic mount tomorrow. Dells of Eau Claire Dump Station – The trees are being removed for that project today. Save Stations – Two of the three save stations have been installed. The Community Foundation gave us a grant of \$16,000 for three of these stations. These simple to use stations are heated, lit, camera monitored, and when opened will alert the fire department. The goal is to install a total of 5 stations by 2025. Rib Fall Reclamation – According to CPZ it takes several years to fully reclaim a site, but County Materials has been working on grading and reseeding the site. We have had some washout due to heavy rains and will need to put in riprap for some of those deep slopes. Intergovernmental Agreement for Park Services did go through both committees and City Council last Tuesday, passing 11-0. It will be on the Environmental Resources Committee agenda this afternoon and then on to the County Board for final approval. Once that is complete, both entities will have to sign the agreement. Winterization is underway. Vandalism/Garbage is on the rise particularly in Marathon Park at the shelter #4 near the campground, Big Bull Falls Gazebo, and Hammond Park with trash and human excrement. We have been working closely with our downtown officers regarding this issue, but it is not sustainable. It requires us to send two of our full-time staff out daily with water trucks because of the amount of cleanup required. This is starting to impact our ability to do our regularly scheduled jobs. Events - Art in the Park September 5-8, Festival of Arts September 6-8, Oak Island Beer and Bacon Festival September 13-16, Fall Cup (90 teams) at the Sports Complex mid-September (90+ teams competing), Ragnar at Nine Mile (1649 runners).

8. Announcements

A. Next Meeting Date & Time, Location – Tuesday, November 5, 2024, at 10:30 a.m. at 212 River Dr, Room 5, Wausau WI 54403- Seefeldt may not be able to attend the next meeting.

B. Future Agenda Items –

9. Adjourn - Motion by Opall, second by Neal to adjourn the meeting at 12:01 p.m. Motion **carried** by voice vote, vote reflected as 7-0.

AGENDA SUMMARY

4A1. Discussion and Possible Action Awarding Contract for Tract 10-24 Big Eau Pleine Timber Sale

In 2021 the Park Commission approved a timber harvest plan for Big Eau Pleine Park that would be completed over a number of years. The County has had two successful timber sales to date, each within the campgrounds. The third timber harvest has been established and bid out with the 2024 fall/winter county forest timber sales. Attached are the results of the bid opening for the third timber sale, Tract #10-24 "Peninsula Sale". The sale prospectus and maps are within the packet.

The Park Commission is asked to award the timber sale for Tract #10-24 to the high bidder, Flannel Fleet Logging.

4A2. Discussion and Possible Action on the Exception Request to Big Eau Pleine Hunting Ordinance

A hunter, Mr. Mark Fisher, who would like to hunt Big Eau Pleine during the archery hunt this year, has made a request for an exception to the current County Code 19.07(6)2.c. Hunting must take place from an elevated platform of no less than six feet off of the ground. Mr. Fisher would like permission to hunt from the ground. He previously had a neck injury and has tremors that prevent him from using an elevated stand. Mr. Fisher informed me that he utilizes a compound bow and would hunt in the marsh area to the east of the firewood station on the south end of the park.

Big Eau Pleine Park remains open during archery season for recreational users such as bikers, hikers and equestrian riders. The Park Commission had lengthy discussions in 2023 regarding the rules for hunting in Big Eau Pleine Park with safety at the forefront of each rule because of all the users of the park. The elevated platform was a rule established to reduce the risk of an arrow from going beyond the target. From an elevated platform the arrow is shot down towards the ground. If a target is missed the arrow will most likely go into the ground and not beyond the target. Hunting from the ground does pose the risk of an arrow going beyond the target. For reference, the county does offer hunting in the county forests where ground blinds are allowed. Other rules including required distances from roads and trails are also in place to increase safety of all users.

The Park Commission is asked to decide if an exception will be granted to Mr. Fisher allowing him to hunt from the ground in Big Eau Pleine Park for the 2024 archery season.

4A3. 2025 Meeting Calendar

January 7

February 4

March 4

April 1

April 29

June 3

July 1

August 5

September 2

September 30

November 4

December 2

7A. Discussion and Possible Action Ice Arena Feasibility Study, Ice Arena Condition and Future Needs

Staff will provide the Park Commission with an overview the current ice arena and the ice arena feasibility study that will include the following;

- Update on current condition of ice facilities

- Review of Scope of Study and timelines
- Highlight 4 options that will be a future policy questions for the Commission and County Board
 - Option 1 – No longer operate an ice arena when the current arena is no longer functional
 - Options where we continue to operate an ice arena
 - Option 2 – Construct a new 2 rink facility with year-round capabilities
 - Option 3 – Rebuild Rink 1 with year-round capability and new refrigeration for rink 2 (not-year round capability for rink 2)
 - Option 4 – Refrigeration upgrade on both rinks
 - No year-round capability
- Next steps
 - Once we get information relative to the cost estimates and operational revenue projections for the various options, we would present to the board and seek guidance on how to engage the community relative to potential fundraising for the option or options under consideration.

The Park Commission will have the opportunity to ask questions and provide feedback on what has been presented.

7B. Project Update

Big Eau Pleine: Planned restoration of the south boat launch occurred the week of 10/28

Nine Mile Septic: The mound system is complete. The contractor will be back to install the lines to connect to the mound.

Peoples Sports Complex: The last day of play for the year will be 11/3.

SaveStations: The third SaveStation has been installed at Athletic Park.

Winterization Staff continues water shutdowns of various locations for winter. Most shelters, fountains and other park water features have been winterized.

Campgrounds: Campgrounds close for the season 10/31.

Asset Management: The County has purchased a new asset management system called Cartegraph. The departments that will utilize this first will be Parks and Facilities. The city departments are still deciding what direction to go. Data gathering has begun by the operations staff. They are currently documenting all items in every park. This data will then be put into cartegraph and GIS points will be added. This is a very time consuming and tedious job, but the software will allow us to manage our assets more efficiently and develop work orders to address issues.

Events:

Halloween Movie and Trick or Treat was held downtown on Wednesday, October 23rd in conjunction with the River District – The event was a huge success, and the downtown businesses were very supportive and were excited to participate.

| 10-24 | | 3 | Name --> | Flannel Fleet Logging | Country Forest Products | Flannel Fleet Logging | Country Forest Products | Flannel Fleet Logging | Yoder Lumber | | | |
|------------|----------|-----|----------|-----------------------|-------------------------|-----------------------|-------------------------|-----------------------|------------------------|------|------|------|
| Product | Pulp/Tns | MBF | Minimum | | | | | | no bid bond - rejected | | | |
| Basswood | | 48 | | \$ 140.00 | \$ 150.00 | \$ 140.00 | \$ 150.00 | \$ 140.00 | \$ 100.00 | | | |
| Ash | | 38 | | \$ 200.00 | \$ 250.00 | \$ 200.00 | \$ 250.00 | \$ 200.00 | \$ 100.00 | | | |
| Hard Maple | | 18 | | \$ 350.00 | \$ 350.00 | \$ 350.00 | \$ 350.00 | \$ 350.00 | \$ 450.00 | | | |
| Red Maple | | 11 | | \$ 280.00 | \$ 350.00 | \$ 280.00 | \$ 350.00 | \$ 280.00 | \$ 450.00 | | | |
| Hickory | | 2 | | \$ 160.00 | \$ 150.00 | \$ 160.00 | \$ 150.00 | \$ 160.00 | \$ 400.00 | | | |
| Mx Hdw | 1550 | | | \$ 13.00 | \$ 10.00 | \$ 13.00 | \$ 10.00 | \$ 13.00 | \$ 2.00 | | | |
| Basswood | 700 | | | \$ 6.00 | \$ 2.00 | \$ 6.00 | \$ 2.00 | \$ 6.00 | \$ 1.00 | | | |
| Aspen | 260 | | | \$ 14.00 | \$ 10.00 | \$ 14.00 | \$ 10.00 | \$ 14.00 | - | | | |
| Hickory | 90 | | | \$ 13.00 | \$ 10.00 | \$ 13.00 | \$ 10.00 | \$ 13.00 | \$ 2.00 | | | |
| Totals | 2600 | 117 | | \$ 53,180.00 | \$ 47,550.00 | \$ 53,180.00 | \$ 47,550.00 | \$ 53,180.00 | \$ 26,430.00 | \$ - | \$ - | \$ - |

no bid on aspen

MARATHON COUNTY TIMBER SALE
Big Eau Pleine County Park – September 2024

TRACT # 10-24 “PENINSULA SALE”

| ESTIMATED VOLUMES | | |
|--------------------------|----------------------------|-------------------|
| SPECIES | PULPWOOD (TONS) | LOGS (MBF) |
| Mixed Hardwood | 1550 | - |
| Basswood | 700 | *48.0 |
| Ash | - | 38.0 |
| Hard Maple | - | 18.0 |
| Red Maple | - | 11.0 |
| Hickory | 90 | 2.0 |
| Aspen | 260 | |
| Tops/Biomass | Not Offered | - |

Location: Section 12, T.26N.-R.5E. (Town of Green Valley) & Section 7, T.26N.-R.6E. (Town of Bergen)

Size: 79 Acres

TICKET/MILL SCALE SALE

Seasonal Time Frame: November 1 to March 15

Contract Length: Contract must be completed by December 31, 2026.

*Includes all other hardwood logs

**Approximately 54% Hard Maple, 31% Ash, 13% Red Maple, & 2% all other hardwood

Cutting Regulations:

Hardwood Thinning – Cut all orange marked trees, except those marked with an orange “W.”

Roads/Trails/Decking Areas: Forestry Division must approve skid routes and decking areas. All trails and landings shall be returned to their original condition by April 15 of each year. Potential for new landing construction along park road in north block (see map) at contractor’s expense following County’s specifications.

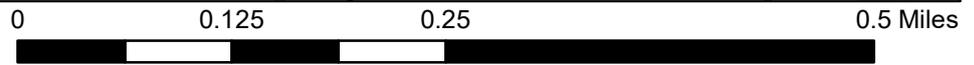
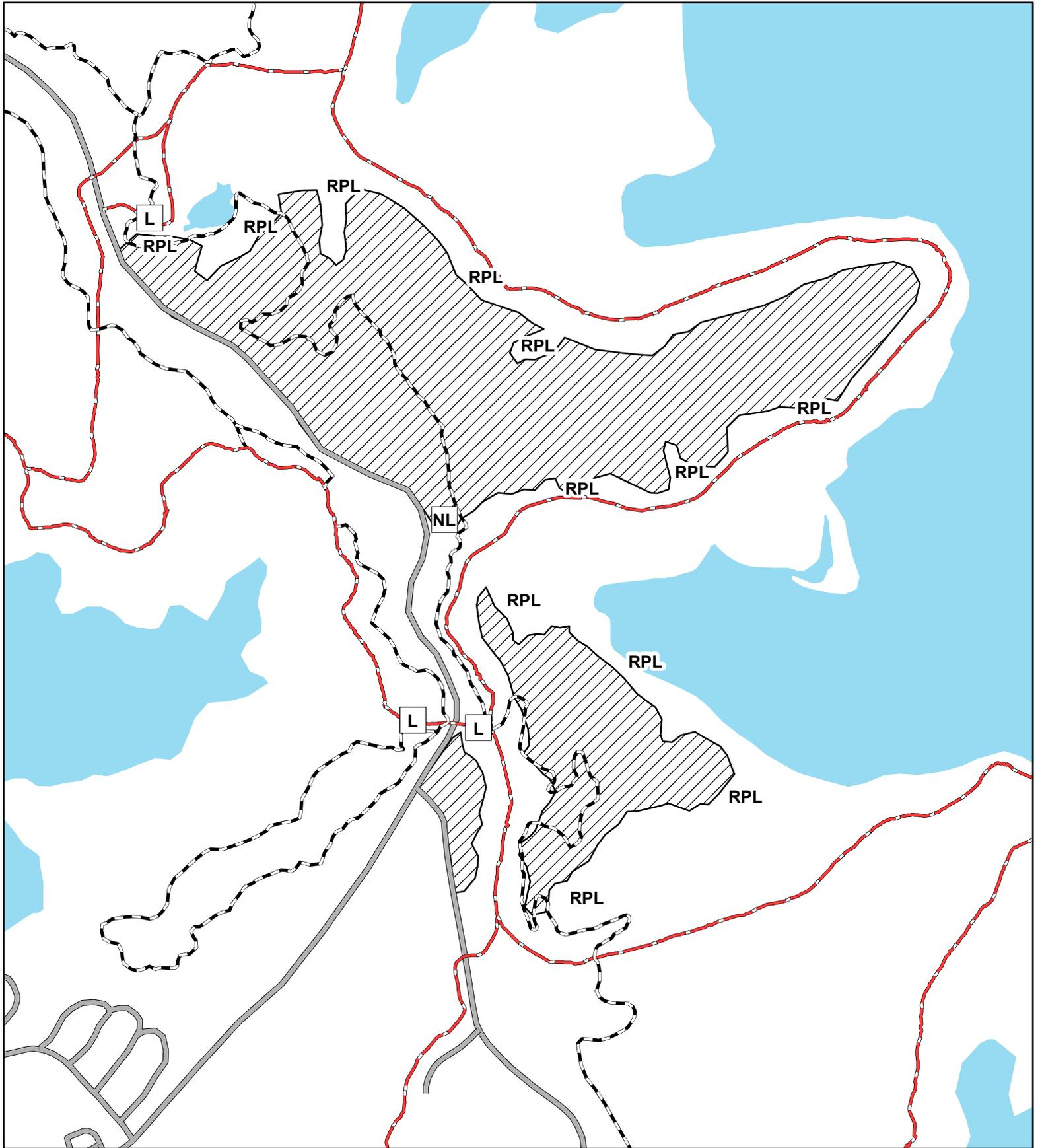
Slash/Wildlife/Other:

- 16’8” maximum forest product length.
- All merchantable wood shall be removed from the park by March 15 of each year.
- All tops shall be lopped and scattered to lie within 24 inches of the ground. Tops shall not be placed within 10 feet of either side of mountain bike trails (County Forester will flag trails). No tops in park road ditches.
- Maximum stump height shall be 12 inches, except for stumps less than 10 inches, which shall not exceed 10 inches.”
- Do not cut snags unless they pose a safety risk to harvesting operations or are within 100’ of trail.
- Decking wood along park roads is prohibited.
- Driving on or across park roads with rubber tire equipment only. Access onto park roads shall be at gravel trail entrance points only, no driving through ditches onto road.
- **Park is not certified lands.**

Utilization: Sawlogs - 10 inch or larger diameter inside bark (DIB) on the small end, at least 50% sound
Pulpwood - One or more sticks to a 4-inch diameter inside bark (DIB) on the small end

The bidder must sign and return our contract and a performance bond of at least 25% of the contract value within 15 days of being awarded the bid or the bidder will forfeit the bid bond in its entirety.

Big Eau Pleine County Park Tract 10-24 (79 Acres)

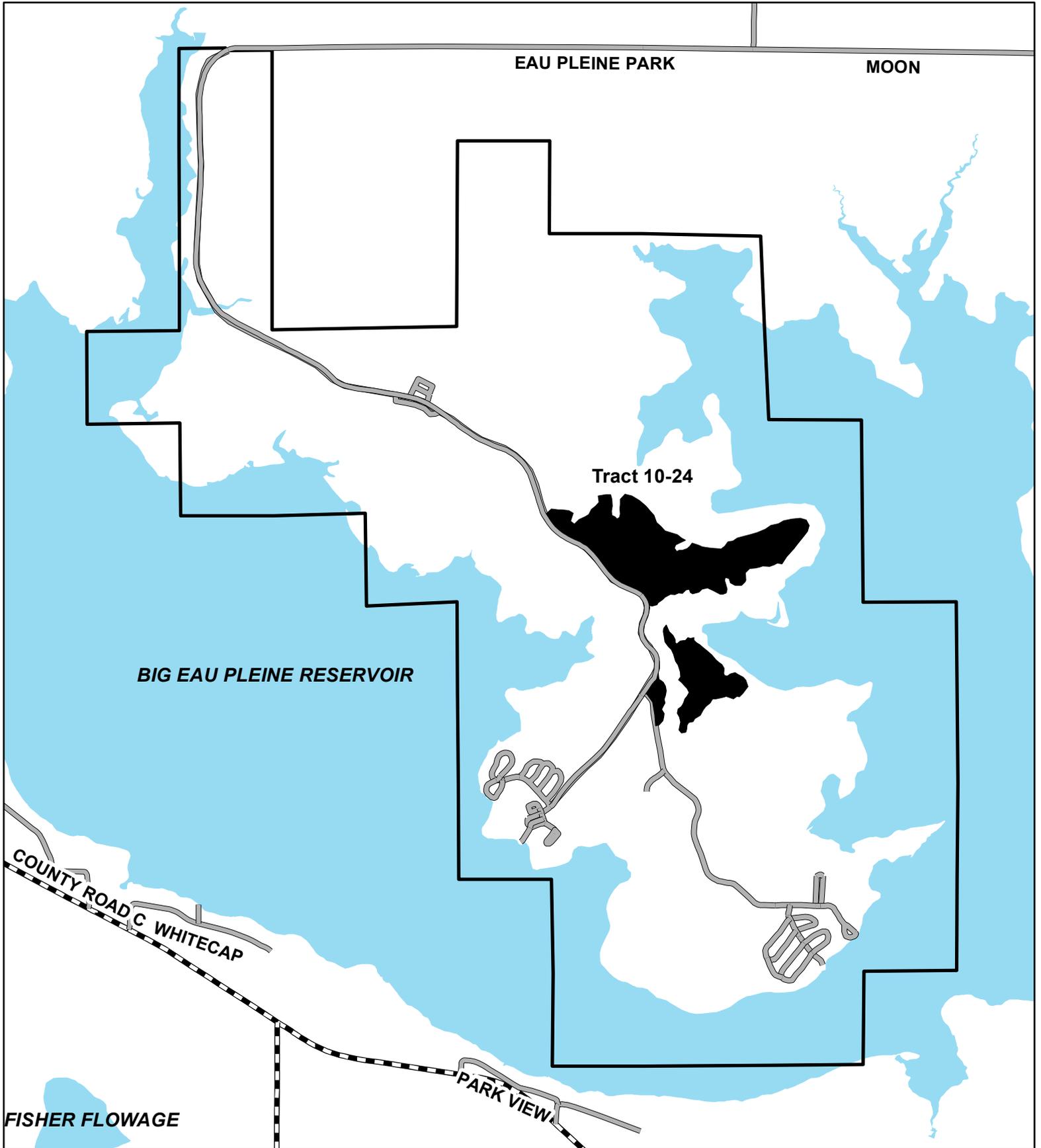


Legend

| | |
|---|---------------------------------|
|  Hardwood Thinning | RPL Red Paint Line |
|  Horse/Gravel Trails | L Landings |
|  Single Track Trails | NL Potential New Landing |
|  Park Roads | |



Big Eau Pleine County Park



0 0.5 1 2 Miles



Sec. 19.07. Animals.

(1) *Animals in public facilities.*

(a) *Restricted.* No person having immediate custody, care or control of a dog or other animal, shall permit said animal to enter and/or remain in any public park building, bathing beach, the Marathon County Sports Complex, the Marathon Park Amphitheater or playground safety surface area in any County park, except assistance dogs or as authorized by the Commission or their designee.

(b) *Definitions.* The following terms shall have the meanings indicated:

Assistance dog. Any dog that has been or is being trained as a guide dog, hearing dog, or service dog. Such terms are further defined as follows:

Guide dog. Any dog that has been or is being specially trained to aid a particular blind or visually impaired person.

Hearing dog. Any dog that has been or is being specially trained to aid a particular deaf or hard of hearing person.

Service dog. Any dog that has been or is being specially trained to aid a person with a disability other than sight or hearing.

(2) *Animals running at large.* No person shall allow a dog or other animal to run at large in any County park. The animal shall be considered as running at large unless it is on a leash no more than 16 feet in length, is in or upon a vehicle, is in or on the property of its owner or another who does not object to the presence of such animal, or is part of a 4-H project, is on a display for judging purposes, is in an itinerant or transient carnival, circus or other like show, is in a dog or cat show or trial, or is part of the program of a public or private educational institution as authorized by the Commission or in designated areas as set by the Commission.

(3) *Howling animals.* No person shall own, keep, possess or harbor a dog or other animal in any County park which by frequent or habitual howling, yelping, barking or wailing disturbs other persons.

(4) *Animal feces.*

(a) The owner or person having immediate care, custody or control of a dog or other animal shall promptly remove and dispose of, in a sanitary manner, any feces left or deposited by the animal upon any County park.

(b) No person shall permit a dog or other animal to be in any County park unless such person has, in his immediate possession, an appropriate means of removing animal feces.

(5) *Horses.*

(a) No person shall ride or use a horse or other beast of burden in any manner in any County park, except on designated bridle trails or for events authorized by the Commission.

(b) No person shall ride or use a horse or other beast of burden in a careless, negligent or reckless manner so as to create a nuisance or to endanger the life, property or person of others.

(c) No person shall use, operate, or park a buggy pulled by a horse or other beast of burden upon any bridle path, hiking trail, beach area, playground, picnic area; contrary to any posted notice; or within any park seasonally closed to vehicular traffic; or upon any area other than established roads, parking areas, boat ramps and service areas.

(6) *Hunting and trapping.*

(a) *Restricted.* No person shall take, catch, kill, hunt, trap, pursue or otherwise disturb any wild animals or birds in any County park, except:

-
1. Waterfowl, as that term is defined herein, may be hunted from a blind, as that term is defined herein, in accordance with applicable State statutes and applicable provisions of the Wisconsin Administrative Code setting forth regulations of the Department of Natural Resources, placed below the ordinary high watermark, as that term is defined herein, at Big Eau Pleine and Ashley Parks. A blind may be established not more than seven days prior to the opening of the waterfowl hunting season and must be removed by the owner within seven days after the close of the season. Any blind on park property used in hunting waterfowl must bear the name, address, and phone number of the owner affixed permanently to the blind in lettering one inch square or larger.
 2. Archery hunting is permitted in Big Eau Pleine Park only during the open season from November 15 through the Sunday nearest January 6. No special hunting access permit is needed to hunt with a bow or crossbow in Big Eau Pleine Park. All hunting license requirements apply. Archery hunters must:
 - a. Be 100 feet from a designated trail or the center of any established road.
 - b. Be 100 yards from designated use areas such as picnic areas, campgrounds, beaches, and buildings.
 - c. Hunting must take place from an elevated platform of no less than six feet off of the ground.
 - d. Access to the park for the purpose of hunting is allowed starting at 6:00 a.m. or one hour prior to shooting hours until one hour after shooting hours.
 - e. Tree stands. No person shall construct, cause to be constructed, use or occupy any elevated scaffold or other elevated device commonly referred to as a tree stand on any lands owned or under the control of the County, except that portable tree stands may be used, provided that they are completely removed from the tree each day at the close of hunting hours and provided that such portable tree stands are not in any manner bolted, nailed, screwed or fastened to the tree and provided that such portable tree stands cause no permanent or temporary damage to the trees in which they are placed. Portable tree stands may be left in the woods provided that they have the name, address, and phone number of the owner permanently affixed to the stand in the English language and shall be clearly visible and kept legible at all times. Portable tree stands without such identifying information shall be subject to immediate removal by County officials. Portable tree stands may not be brought in prior to the season starting and must be removed by the owner the last day of the archery deer hunting season established by the Wisconsin Department of Natural Resources.
 - f. Trail cameras. No person shall place or use any camera or other device commonly referred to as a trail camera on lands owned or under the control of the County that causes permanent or temporary damage to natural vegetation or other County property. The placement and use of trail cameras are permitted for hunting and wildlife scouting purposes and are prohibited in designated areas of the Big Eau Pleine Park where activity would interfere with other recreational activities and shall include picnic areas, campgrounds, beaches, parking areas and buildings. Trail cameras may be left in the woods provided they bear the name, address, and phone number in the English language of the owner permanently affixed in a manner that is clearly visible and kept legible at all times without moving the camera. Trail cameras without such identifying information shall be subject to immediate removal by County officials. Trail cameras may be chained or locked to natural vegetation and must be removed from Big Eau Pleine Park as stipulated for tree stands in paragraph (e).

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- g. **High Visibility Clothing.** High Visibility Clothing or Blaze Orange is required for archery only areas during any gun deer season established by the Wisconsin Department of Natural Resources.

- (b) **Definitions.** The following terms shall have the meanings indicated:

Archery hunting. The act of pursuing or taking wild game using a bow and arrow. Bows include crossbows.

Blind. Any permanent structure used in hunting waterfowl, which is not removed at the end of hunting hours each day.

Designated trail. All trails signed for hiking, biking, disc golf and equestrian use.

Ordinary high watermark. The point on the bank or shore up to which the presence and action of surface water is so continuous as to leave a distinctive mark, such as by erosion, destruction or prevention of terrestrial vegetation, predominance of aquatic vegetation or other easily recognized characteristic. Where the bank or shore at any particular place is of such character that it is difficult or impossible to ascertain where the point of ordinary high-water is, recourse may be had to the opposite bank of a stream or to other places on the shore of a lake or flowage to determine whether a given stage of water is above or below the ordinary high watermark.

Waterfowl. Includes wild geese, brant, wild ducks, rails, coots, gallinules, jacksnipe, woodcock, plovers, sandpipers and wild swan.

- (c) **Penalty.** Violations of this subsection shall be punishable as provided in § 19.14 of this chapter relating to hunting and trapping violations.

(O-15-90; O-7-01; O-8-03; O-16-13; O-13-15; O-05-21; O-40-21; O-29-23; O-4-24)