



Lower Wisconsin State Riverway Board

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TO: Ann Freiwald, DNR Riverway Planner
Matt Seguin, DNR Riverway Property Manager

FROM: Mark E. Cupp, Executive Director

RE: LWSRB recommendations on DNR Master Plan revisions

DATE: June 12, 2014

LWSR BOUNDARY

- A comprehensive review of the project boundary should be undertaken
- New technologies should be employed to refine the boundary
- Lands visible from the river should be added to the boundary (excluding incorporated municipalities and exempted unincorporated areas due to existing plats or intensity of existing development)
- There should not be a requirement that changes to the boundary result in a net zero change to LWSR acreage
- The boundary should be adjusted to include lands currently considered “surplus” where there are identified recreational or habitat management objectives

Under current law, the Riverway boundary is determined by the Natural Resources Board and is to be published as an appendix to Chapter NR 45, Wisconsin Administrative Code. The LWSRB uses the official boundary for the purpose of administering the aesthetic protection regulations under the board’s purview. With 25 years of experience in administering the Riverway law, the LWSRB has determined there are lands visible from the river during leaf-on conditions that presently are not included within the official boundary. A comprehensive boundary review utilizing the latest technologies should be undertaken to assure the State of Wisconsin’s investment in the project is protected by rendering certain all lands visible from the river are subject to the same regulations (with the exceptions of incorporated municipalities and certain other developed unincorporated areas). Efforts should be made to use clearly defined boundary lines wherever possible. There should be no requirement that acreage added to the revised boundary be met with an equal number of deleted acres.

An accurate and precise boundary is important to the future integrity of the project. The LWSR boundary should encompass all lands that are visible from the river to assure that Landowner A is treated the same as Landowner B under the assumption that both landowners have property that is visible from the river. Under the current boundary, there are instances where landowners are not treated the same due to boundary inconsistencies.

LAND ACQUISITION

- Stewardship Fund allotment should include a targeted amount for LWSR acquisitions
- Scenic easements should be purchased without a requirement that public access be included as part of the easement.

The original Stewardship Fund allotment was \$25 million/year with \$2 million/year specifically earmarked for Riverway acquisitions/easements. The targeted allotment allowed real estate specialists to aggressively pursue desired fee title and scenic easement purchases. The mechanism for distribution of Stewardship Fund dollars has changed so that potential Riverway purchases must percolate to the top of a project priority list and then further percolate to the top of the statewide priority list. The Riverway project is based on the concept of providing protection of the resource for current and future generations so the use of a bonding program (Stewardship Fund) is appropriate for Riverway land acquisition. Restoration of targeted dollars on a fiscal year basis from the Stewardship Fund should occur at a level sufficient to meet demand. At minimum, there should be \$3 million/year allocated for Riverway land acquisition.

In addition, a pact was made with Riverway landowners when the project was created that assured the sale of scenic easements would be a method of compensation for having lands within the LWSR boundary. The decision to change this policy to require public access and, in essence, to eliminate the scenic easement as a viable option to landowners, represents a breach of the original pact between state government and private landowners in the Riverway. Scenic easements are a valuable tool for protecting the aesthetic integrity of the Riverway. The statewide paintbrush for scenic easement purchases should not apply to the Riverway. There is a queue of landowners willing to enter scenic easement agreements with DNR if the public access requirement is eliminated. Regardless of the merits of requiring public access as part of an easement purchase elsewhere in the state, the Riverway is built upon the concept of scenic values and, therefore, a legitimate public benefit from expenditure of Stewardship Fund dollars is protection of the aesthetic integrity of lands within the project boundary. The former option available to landowners of sale of a scenic easement to the State of Wisconsin without the public access condition should be restored immediately.

RECREATION

- Develop additional river access points
- Work with municipalities to reduce user conflicts at boat landings
- Develop primitive campsites along the river for use during times when sandbars are not present
- Develop a hiking trail with primitive campsites from Wyalusing State Park to Devil's Lake State Park
- Develop interior pedestrian trails at select properties
- Improve existing "unofficial" trails at select properties to become "official" trails
- Develop biking trails using existing roads and/or snowmobile trails
- Continue development of parking areas
- Develop scenic overlooks at key locations
- Develop ADA compliant river access and hunting/fishing/wildlife observation facilities
- Provide additional portable toilet facilities at access sites

The ever changing aspects of the Wisconsin River channel and shifting sandbars require additional access points to be considered in the event sand renders an access unusable. Wherever possible, new access points should be created where development or disturbance of the natural character of the river already has occurred. Creation of “canoes only” or “boats only” access points should be considered as one method to address user conflicts at access points. Establishment of primitive campsites (fire ring only, no tables or other improvements) should be considered to allow recreational users a place to safely camp during high water events when sandbars are not available. A planning process for development of a LWSR Trail (John Muir Trail?) from Wyalusing to Devil’s Lake should be initiated and should include designated primitive campsites. In addition, interior hiking trails should be developed for appropriate properties and undesignated trails currently used as such should be improved in order to meet trail guidelines. Also, bicycle trails should be considered using existing interior roads, snowmobile trails and, where appropriate, hiking/biking trails. ADA compliant access points and trails should be developed including observation or hunting blinds. To reduce issues with human waste on sandbars, additional portable toilets should be placed at access sites.

EDUCATION & OUTREACH

- Establish two naturalist/outdoor educator positions for the Riverway (Tower Hill and Boscobel) to focus on outdoor education specifically within the Riverway
- Create curriculum for use in K-12 schools and regional colleges and universities
- Develop access and educational programming for persons with disabilities/special needs
- Create a speakers bureau for DNR staff working in the Riverway
- Meet annually with local government partners
- Use technology to provide information/education (cell phone apps, smart phones, social media, QR code technology, audio messaging, YouTube, etc.)

The LWSR is a natural outdoor classroom and laboratory. As centers of learning at all levels seek to pare transportation costs as part of a larger austerity plan, the Riverway offers a myriad of opportunities for education and research. DNR should devote staff to fulfilling educational objectives by establishing outdoor educator positions to interface with schools, universities and the general public. The outdoor education staff should create curricula for various disciplines at various education levels, including programming for persons with special needs. At appropriate locations; such as archeological sites, state natural areas, bridges and boat landings; DNR should employ new technologies to enhance the user experience. Another important facet of outreach is with local governments and communities. DNR staff routinely should meet with local opinion leaders to discuss ongoing and new projects, should speak to local service organizations and other community groups, should write periodic columns for local newspapers and should appear on local radio talk shows and television programs to further inform the public regarding Riverway related activities, opportunities and events.

ARCHEOLOGICAL & HISTORICAL SITES

- Create seasonal Riverway work crew to maintain and/or restore known archeological and historic sites on public lands
- Minimally, implement Phase I of Mounds Maintenance Protocols on known American Indian mound sites
- Restore vegetation at Wisconsin Heights Battlesite to 1830’s era

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- Establish tour schedule for battlesite and select effigy mound sites utilizing expertise from the DNR archeologist, Wisconsin Historical Society, academia, local history societies/organizations, NGOs involved in historical/archeological efforts
- Remove barriers to volunteers working on mound sites on state owned lands

Public lands in the Riverway contain many important and unique archeological and historic sites. It is incumbent upon the State of Wisconsin, via DNR, to protect, preserve and properly maintain these sites. The mounds maintenance protocols developed by the LWSRB and Cultural Landscape Legacies, Inc., and later modified and adopted by DNR, should be implemented to protected American Indian mound sites throughout the Riverway. National Register designations should be obtained for all eligible archeological and historic sites. The nationally significant Wisconsin Heights Battlesite should be restored and properly interpreted. Tours of sites and public outreach on the importance of these sites should be scheduled. Volunteers should be encouraged, rather than the current policy of discouragement, to assist with vegetative maintenance and stewardship of these sites. A seasonal work crew (fall to spring?) should be devoted to maintaining sites and coordinating volunteer activities associated with mounds maintenance.

HABITAT

- Expand seasonal work crews for wildlife biologists and the SNA ecologist to restore and enhance native plant communities and wildlife habitat
- Evaluate backwater habitats for adverse effects from nutrient loading
- Consider dredging of silted in backwaters to enhance fishery
- Increase efforts to combat aquatic and terrestrial non-native invasive species
- Create water biologist position for LWSR
- Obtain RAMSAR designation for wetlands

The concept which states "the State shouldn't buy more land because it can't take care of what it already has" becomes a self-fulfilling prophecy if adequate personnel resources are not devoted to proper stewardship. Additional technicians and LTE staff should be hired to assist biologists with habitat work. Also, an aquatic biologist position should be created with adequate support staff to conduct research and properly manage the vitally important but often overlooked backwater areas. Efforts should be undertaken to further highlight the importance of wetlands and to protect these valuable areas. The effects of dredging backwater areas to improve the fishery should be studied to determine if there would be any adverse outcomes from such action. If no adverse effects are found, test sloughs should be identified and dredging should occur.

FORESTRY

- Complete recon for all state owned Riverway lands
- Identify areas to receive minimal to zero management due to inaccessibility or unique features
- Work with LWSRB to identify aesthetically sensitive areas to guide management decisions
- Work with LWSRB to review NR 37 for appropriate changes and potentially migrate NR 37 from DNR administrative code to become RB 3 under the LWSRB's purview
- Provide seasonal employees to assist DNR Riverway Forester with workload
- Provide tours of pre/post-harvest sites on DNR lands for timber industry professionals and private landowners

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The DNR Riverway Forester works closely with the LWSRB regarding forestry management activities on state owned lands and provides valuable technical assistance regarding timber harvesting and native plant community management activities on private lands. The DNR Riverway Forester and LWSRB staff should coordinate identification of aesthetically significant areas using GIS and other new technologies. The DNR Riverway Forester and LWSRB staff should develop a working group to review NR 37 & RB 2 to determine if changes to the timber harvesting and vegetative management regulations are warranted. DNR and LWSRB staff should evaluate the merit of transferring the regulations described in NR 37 to a new section of the board's administrative rule authority (RB 3). Seasonal staff should be hired to assist with implementation of forestry management objectives on state owned lands. DNR staff should consider tours of sites on state owned lands for landowners, loggers, timber buyers, consultants, etc., to educate timber industry professionals and local residents on the DNR's management objectives and techniques.

RESEARCH

- Encourage research by DNR staff on Riverway issues
- Reach out to schools and NGOs to assist with citizen monitoring for water quality
- Assist with and encourage research projects by university students from undergraduate to post-grad on topics ranging from climate change impacts to river hydrology to bird studies to backwater fishery, etc., etc.
- Conduct or contract recreational user study(ies)

The exciting research conducted by DNR staff of various disciplines should continue and should be expanded. Partnerships with other researchers should address the broad range of issues and research needs. In addition to amazing breadth of scientific research to be conducted, the DNR should monitor recreational use, both aquatic and terrestrial uses, and should work with the Department of Tourism, the University of Wisconsin System and economists to determine the economic impact of the Riverway on local communities and the region. Citizen groups and schools should be used to assist with water quality monitoring and other reasonable endeavors.

PARTNERSHIPS

- Strengthen working relationship with LWSRB
- Strengthen partnership with FLOW
- Create a volunteer coordinator position to work with NGOs, schools, etc., on habitat improvement projects, mounds maintenance projects, water quality monitoring, etc.
- Share information with other river protection entities nationally and globally and communicate findings to LWSRB and public

Accomplishments have been many in the first 25 years but the challenges facing the department and the board appear endless. While the DNR, as the "big sister" agency shoulders most of the burden in assuring success of the project, the LWSRB, as the "little sister" agency, is prepared to assist in whatever manner possible to assure the full potential of the Riverway project is achieved. As we embark on the next 25 years of the Riverway journey, the partnership and cooperation between the DNR and LWSRB should be strengthened with that partnership based on mutual respect, open dialogue and in recognition of common goals and objectives.

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The Friends of the Lower Wisconsin Riverway (FLOW) organization has grown and matured over the years. FLOW has become a strong advocate for the Riverway and provides tremendous programming related to outdoor education, recreational pursuits and river clean-ups. DNR should strengthen the partnership with FLOW and seek new ways to enhance the organization's meaningful contributions to the success of the Riverway project. DNR also should establish a volunteer coordinator position to work FLOW, school groups, service organizations, etc. The department also should consider working with the LWSRB, FLOW, River Alliance of Wisconsin and other appropriate organizations to host a Riverway "summit" involving national and, perhaps, international river protection governmental and non-governmental entities with the purpose being to showcase the Riverway and to share information regarding respective river protection efforts..

CONCLUSIONS

The Lower Wisconsin State Riverway celebrates the 25th anniversary of enactment of the Riverway law in 2014. As LWSRB members and staff routinely are told by visitors and local residents, the valley is one of the most beautiful and biologically diverse places in Wisconsin and, one could reasonably posit, in the Upper Midwest. After a quarter century of existence, the Riverway's potential barely has been tapped as a driver of the local economic engine, as a destination for a wide spectrum of recreational users, as an outdoor classroom/laboratory for learning and research, and, as a place recognized for tremendous scenic qualities. Public ownership of lands within the project boundary has doubled since inception of the project offering rare opportunities for landscape scale management. The unique and innovative aesthetic regulations continue to be studied as a successful land use regulation model involving a public/private partnership between state government and private landowners. Despite known and unforeseen challenges, the future of the Riverway is bright. Implementation of the LWSRB's recommendations for revisions to the DNR's master plan will assure the Riverway remains a gleaming jewel in Wisconsin's natural resources crown.

The LWSRB appreciates the opportunity to offer the board's unique insights to the department as revisions to the master plan for the Riverway developed. Thank you to all current and former DNR staff for their contributions to the success of the project and, in particular, gratitude is extended to those who have worked effectively with the board.

If you have any questions or comments, please feel free to contact Mark Cupp, LWSRB Executive Director, at (608) 739-3188 or 1-800-221-3792 or by e-mail at mark.cupp@wisconsin.gov. As always, I will be happy to assist in whatever manner possible.

Thank you for your time and consideration.

Cc: LWSRB members
Brian Hefty, DNR Riverway Liaison