

LOWER WISCONSIN STATE RIVERWAY BOARD

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MINUTES OF THE JUNE 14, 2007, RIVERWAY BOARD MEETING

The Lower Wisconsin State Riverway Board (LWSRB) met on Thursday, June 14, 2007, at the Rhinelander Cabin in the Town of Mazomanie, Dane County, to conduct a regular monthly business meeting. The meeting was called to order at 5:00 p.m. by Chairman Bill Lundberg. All members were present with the exception of Fred Madison. Acknowledgment that the meeting was properly noticed was provided by Mark E. Cupp, Executive Director. A motion to approve the agenda was made by Don Greenwood, seconded by Nick Nice. **MOTION CARRIED.** The minutes of the May 10, 2007, meeting then were considered. A motion to approve was made by Ron Leys, seconded by Melody Moore. **MOTION CARRIED.**

The Executive Committee report was presented by Chairman Lundberg. Correspondence was reviewed. Lundberg noted the 175th anniversary of the Battle of Wisconsin Heights will be commemorated on July 21st. A representative from the LWSRB has been asked to attend. Greenwood said he would attend on behalf of the board.

Lundberg noted a letter had been received from State Representative Marlin Schneider regarding protection of private information on government laptop computers. Cupp said he had responded to Rep. Schneider and indicated that the issue did not pertain to the LWSRB because private information is not housed on the LWSRB laptop. A copy of Cupp's response was reviewed.

Lundberg said State Representative Sheryl Albers had sent a letter to the Department of Natural Resources (DNR) regarding camping at the Black Hawk Unit. The LWSRB was copied on the letter. Steve Colden, DNR Riverway Manager, said the department sent a response to Rep. Albers earlier in the day. The DNR response addressed the questions raised in the letter and confirmed that overnight camping is not permitted at that Black Hawk Unit.

Lundberg said Cupp had reserved the DNR voyageur replica canoes for the July board meeting. Cupp said local officials will be invited to paddle as well. Moore said some Town of Mazomanie officials had expressed interest in participating. Brad Hutnik, DNR Riverway Forester, said he thought the trip by DNR officials last year was well received by participants and suggested another such trip this year.

The Operations Committee report was presented by Chairman Dorscheid. Two permit requests for Kevin Evanich for construction of a garage and gazebo in the Town of Watterstown, Grant County, were discussed. Dorscheid said a field inspection was conducted by Mark E. Cupp, Executive Director, on June 7, 2007. Previously, field inspections by Cupp and the Operations Committee were conducted on the property when it was owned by Dr. Steve Liss. A log home was built at the site under the Liss ownership. Mr. Evanich added a stairway to a backwater slough under a Riverway permit in 2006. The property is partially visible from the Wisconsin River during leaf-on conditions. Adequate screening vegetation exists at the site.

Plans now call for construction of a new garage with attached workshop/storage area and a gazebo. Dimensions are proposed to be 35 ft. x. 28 ft. x 16 ft. (height) for the garage. The proposed exterior colorization will be brown log-siding with green roof to match the existing house. There will be a limited amount of glass. The height of the structure will be less than that of the surrounding screening vegetation. Slope is not a factor. The garage will be located southeast of the existing house.

Evanich cont.

In addition, plans call for construction of a gazebo to the east of the house. The gazebo will be 12 feet in diameter and 10 feet maximum height. The exterior colorization will be brown log with a brown roof. There will be no glass. Slope is not a factor. Adequate screening vegetation exists at the site.

Dorscheid made a motion, seconded by Ritchie Brown, to approve issuance of a permit for the garage with the following conditions:

- The existing screening vegetation shall be maintained and replaced if damaged or destroyed;
- The height of the structure shall be limited so that the structure does not become visible from the Wisconsin River during leaf-on conditions and shall not exceed 20 feet;
- The exterior colorization of the structure (including roof color) shall harmonize with the natural surroundings during leaf-on conditions and shall be approved by the LWSRB prior to initiation of construction;
- There shall be a limited amount of glass or other reflective material;
- The LWSRB shall review any modifications to the plans, as submitted, for compliance with the applicable performance standards;
- The landowner or his/her agent shall notify the LWSRB upon initiation and completion of the project; and,
- The activity shall comply with all other federal, state and local regulations.

MOTION CARRIED.

Dorscheid made a motion, seconded by Greenwood, to approve issuance of a permit for the gazebo with the following conditions:

- The existing screening vegetation shall be maintained and replaced if damaged or destroyed;
- The height of the structure shall be limited so that the structure does not become visible from the Wisconsin River during leaf-on conditions and shall not exceed 12 feet;
- The exterior colorization of the structure (including roof color) shall harmonize with the natural surroundings during leaf-on conditions and shall be approved by the LWSRB prior to initiation of construction;
- There shall be a limited amount of glass or other reflective material;
- The LWSRB shall review any modifications to the plans, as submitted, for compliance with the applicable performance standards;
- The landowner or his/her agent shall notify the LWSRB upon initiation and completion of the project; and,
- The activity shall comply with all other federal, state and local regulations.

MOTION CARRIED.

A permit request from Fletcher Flansburgh, DNR Wildlife Technician, for a management permit was considered. Dorscheid said a field inspection was conducted by Mark E. Cupp, LWSRB Executive Director, on June 7, 2007. Mr. Flansburgh was present for the field inspection. Plans call for mechanical removal of woody vegetation and small trees using a large brush cutter. The material will be mulched and left on site. The prairie restoration is occurring on former agricultural lands on top of the bluff. The bluff is highly visible from the Wisconsin River. Due to the existing trees in the woodlot between the former pasture and the river, it is unlikely that the activity will be visible from the Wisconsin River during leaf-on conditions. The area is inundated by multiflora rose, locusts and other trees. Upon removal of the brush and trees, the site will be considered for a prescribed burn. Activities at the site will depend upon availability of equipment.

Flansburgh cont.

A motion to approve issuance of a two-year permit with conditions was made by Dorscheid, seconded by Brown. Condition of the permit would include the following:

- The activity shall not result in an existing structure becoming visible from the Wisconsin River during leaf-on conditions;
- The LWSRB shall review modifications to the plans, as submitted, for compliance with the applicable performance standards; and,
- The applicant or his/her agent shall notify the LWSRB upon initiation and completion of the project.

MOTION CARRIED.

The proposed pumping project of the Crystal/Fish/Mud Lake District was discussed. Cupp said he had attended a meeting with DNR officials in May to review the proposal for a pilot project to determine if the Lake District's new proposal would work. The pilot project calls for creation of an infiltration area, or seepage pond, with removal of vegetation and topsoil required. Cupp said the site is not visible from the Wisconsin River during leaf-on conditions.

Colden said the DNR had reviewed the request and scaled back the proposed pilot project to a ¼ acre cell. A number of conditions will be attached to the agreement. Colden said the DNR has suggested that the Lake District acquire similar property in the vicinity and work out a land trade with DNR. DNR would trade the seepage pond site but would include certain deed restrictions.

Tim Astfalk of Mead & Hunt, the consulting firm working with the Lake District, explained the proposal. He noted the infiltration trench under the original plan did not work properly. The seepage pond system would require removal of vegetation, including trees, and removal of approximate 4 feet of topsoil. He said the ¼ acre pilot project would be a pond about 120 feet by 90 feet. Astfalk presented a permit application to the board and said he hoped to have the DNR and county permits in hand to begin work in July.

Leys noted the algae bloom at Crystal Lake can be quite heavy and asked if the pumps would be shut down during major algae bloom periods. Astfalk said there are no plans to shut down during algae bloom times but said the preference is to pump earlier in the season to avoid the algae bloom and corresponding problems with infiltration. Greenwood asked why the lake levels have gone down. Astfalk said there are many opinions on that question but noted the Lake District did pump 5,000,000 gallons of water in 2006 before being shut down. Greenwood noted the lakes are recharged by groundwater. Lundberg asked about the timing for installing the test cell. Astfalk said the work would be done shortly after July 4th. Greenwood noted the window for pumping any water this year seems quite small. Astfalk said the Lake District would hope to pump for several weeks before the end of October.

Leys asked if the board would have any role in determining the adequacy or location of lands proposed in a trade. Cupp said the LWSRB's role would be advisory. Colden any trade would have to be approved by the Natural Resources Board. Greenwood asked if the lands would have to be in the Riverway to which Colden replied in the affirmative. Greenwood asked if the Lake District already owned land in the Riverway. Astfalk said the Lake District does not own land in the Riverway. Greenwood asked where the water table is located at the pilot project site. Astfalk said it varies by season but can be as close as 3 feet below grade. Greenwood noted infiltration won't occur when the water table is high. Astfalk said the pump wouldn't operate during those times. Cupp suggested the Lake District hold a public meeting to bring local residents the new information on the project. Leys encouraged the Lake District to contact adjacent landowners and others with a vested interest in the project.

Crystal/Fish/Mud Lake District cont.

Greenwood made a motion, seconded by Leys, authorizing Cupp to proceed with issuance of a general permit for the activity after the permit application and attached materials had been reviewed. **MOTION CARRIED.**

The planting plan on property owned by Mel and Alice Levy in the Town of Spring Green, Sauk County, was discussed. Hutnik noted a letter had been sent to Mr. & Mrs. Levy detailing the requirements for the planting plan. He also had direct conversations with the landowners. Hutnik reported the trees have been planted and the landowners have been given instructions on proper watering to avoid mortality.

Permits issued by the Executive Director were reviewed. Cupp said he had issued a general permit to Terry Shifflet for construction of a new bathhouse at Bob's Riverside in the Town of Spring Green, Sauk County. He said a general permit was issued to Bryan Woodbury on behalf of the DNR for construction of a water control structure in the Town of Mazomanie, Dane County. A management permit was issued to Brad Hutnik on behalf of DNR for removal of scrub willows in the Town of Mazomanie, Dane County. A management permit was issued to Al Cornell on behalf of DNR for removal of vegetation at the Smith/Cruson Slough area in the Town of Buena Vista, Richland County.

The Budget & Office Committee report was presented by Chairman Nice who reviewed the status of the FY 07 budget. Nice said the committee had approved purchase of a color printer and desk for Office Associate Marsha Nachtigal. A motion to approve the purchases was made by Greenwood, seconded by Moore. **MOTION CARRIED.** Nice said there is an opportunity for the LWSRB to acquire additional space in the current building. The flower shop will be moving to a new location. An additional 300 sq. ft. would be gained, which is needed, as well as additional storage space in the back of the building. A motion directing Cupp to pursue a lease amendment to obtain the additional space was made by Leys, seconded by Brown. **MOTION CARRIED.**

The Personnel Committee report was presented by Chairwoman Moore who said the Nominating Committee had met to develop a slate of officers for consideration by the board. Moore said the committee recommended retaining the current suite of officers including Bill Lundberg as Chair, Melody Moore as Vice-Chair and Nick Nice as Secretary. She said no other board members had expressed interest in an officer position.

The office of Chair was considered. Moore nominated Bill Lundberg, seconded by Greenwood, for the office of Chair and then thrice called for nominations from the floor. A motion was made by Leys, seconded by Brown, to close nominations and cast a unanimous ballot for Lundberg. **MOTION CARRIED.** The office of Vice-Chair was considered. Moore turned the committee chair over to Greenwood. Greenwood said the committee had nominated Melody Moore for the office of Vice-Chair, seconded by Brown. Greenwood then thrice called for nominations from the floor. A motion was made by Leys, seconded by Brown, to close nominations and cast a unanimous ballot for Moore. **MOTION CARRIED.** The office of Secretary was considered. Moore resumed the committee chair. Moore nominated Nick Nice for the office of Secretary, seconded by Brown. Moore thrice called for nominations from the floor. A motion was made by Leys, seconded by Brown, to close nominations and cast a unanimous ballot for. **MOTION CARRIED.** Lundberg noted committee appointments would be considered at the July meeting.

The Executive Director's report was given by Cupp who reviewed the materials in the board members' packets.

Under board business, Dorscheid noted the board had acquired some rescue equipment since the May meeting. Dorscheid said he made the request for the equipment after the May canoe trip in which Leys and Brown capsized and needed assistance. Greenwood said the new gazetteer shows all lands within the Riverway as public lands and said the matter should be investigated to prevent trespassing on private property. He said he would show the map to Cupp and suggested a letter be sent to the company if his interpretation of the map is correct. Leys said the Burlington Northern Sante Fe Railroad recently sprayed herbicide along the railroad corridor north of Prairie du Chien adjacent to Hwy. 35. He said the beautiful drive is now marred by miles of dead trees along the railroad corridor. Leys asked how the LWSRB interacted with the Wisconsin & Southern Railroad on maintenance of that railroad corridor in the Riverway. Cupp said railroad rights of way are treated the same as highway rights of way in that maintenance is allowed without LWSRB approval. Cupp said the LWSRB had asked the company to consider different techniques for brush removal in highly sensitive aesthetic areas but noted the company had indicated it would not be cost effective and declined to change their maintenance techniques.

The DNR report was presented by Steve Colden and Brad Hutnik. Colden said water quality monitoring on the river is underway. He said improvements on the access road to Kendall Lake are forthcoming. Colden said enforcement actions at the Mazomanie Beach are ongoing. Hutnik said he will present permit applications for proposed timber harvest on state owned lands in the upcoming harvest season at the July meeting. Hutnik then introduced John Nielsen, DNR Forestry Team Leader, to discuss Act 166, which sets requirements for harvests on state owned lands. Nielsen said the law requires the annual allowable cut (AAC) to be set for a property and that each year the DNR must harvest with 10% plus/minus of the AAC or explain why it didn't do so. Leys asked about a recent letter to the editor that criticized the DNR policy on soliciting bids for harvests on state owned lands. Hutnik explained the process and said the requirements are designed to assure the State of Wisconsin receives as much revenue as possible from the sale.

During the public comment session, Kevin Isenring of the Town of Mazomanie, Dane County, said boat operators should be invited to the Operations Committee canoe outings. Lundberg noted field inspections, both on and off river, are open to the public. Isenring said he has noticed brown scum on the river but hasn't seen it on Lake Wisconsin or near the Dells. Lundberg said he has seen it at Wisconsin Rapids. He said the signage for the "exclusionary" area near the Mazomanie Beach is good. He said some signs have been removed or vandalized. He asked if the board would support the use of cameras to catch the people doing the damage. Isenring said he has picked up the parking lot at the bottom of Wachter Road for years. He said he built the Rhinelander Cabin when his family owned the property. He noted he owns property within the boundary and requested an appointment with Cupp to review the ownership in relation to the boundary. Cupp said he would meet with Isenring.

A motion to adjourn until July 12th when the meeting will be held in Gotham was made by Nice, seconded by Brown. **MOTION CARRIED.**

END

For further information, corrections, additions or deletions to the minutes, contact Mark Cupp, Executive Director, at (608) 739-3188 or 1-800-221-3792.

Minutes submitted by:

Mark E. Cupp, Executive Director
Lower Wisconsin State Riverway Board