

LOWER WISCONSIN STATE RIVERWAY BOARD

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MINUTES OF THE JULY 12, 2007, RIVERWAY BOARD MEETING

The Lower Wisconsin State Riverway Board (LWSRB) met on Thursday, July 12, 2007, at the Buena Vista Town Hall in Gotham, 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 exceptions of Gerald Dorscheid and Don Greenwood. Acknowledgment that the meeting was properly noticed was provided by Mark E. Cupp, Executive Director. A motion to approve the agenda was made by Fred Madison, seconded by Nick Nice. **MOTION CARRIED.** The minutes of the June 14, 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. Cupp said there had been a request from the Ho-Chunk Nation for a letter of support from the LWSRB in regard to the proposed bank stabilization project at the bison ranch in the Town of Eagle, Richland County. The unstable slope has placed the existing mound group in danger. Ritchie Brown noted the Army Corps of Engineers had reviewed the site but hadn't provided any further technical assistance. Cupp said a letter from the board to the Army Corps of Engineers requesting action would be appropriate. He noted the board has been involved with other projects at the property including issuance of a management permit for mounds maintenance activities. Leys asked if riprap would be involved. Cupp said that riprap is an option but it is too early in the process to know exactly what solution may be deemed appropriate. Greg Greenheck asked if the county would be involved in the permitting process. Cupp said, it would depend on the potential solution. A motion to send a letter to the Army Corps of Engineers requesting action to move the project forward was made by Leys, seconded by Nice. **MOTION CARRIED.**

Another local issue from the Town of Eagle, Richland County, was discussed. Cupp explained that the Village of Muscodia recently had voted to abandon the Balmoral Dam. The dam is owned by the village, which is responsible for maintenance or removal. The dam once was the hydroelectric generation facility for the village. Cupp said a group of citizens who wish to see the dam remain had contacted him to determine if the LWSRB was in favor of the dam removal. Cupp explained to the group that the dam is outside of the Riverway boundary and that it was unlikely that the board would take a position on the issue. However, he said the issue was presented to the board as an agenda item to affirm his view on the board's involvement. Cupp noted the LWSRB had sent a letter of support for Muscodia's river planning grant application but had included concerns about wildlife impacts and other issues in the letter. Lundberg concurred with Cupp's assessment that the site is outside of the boundary and said he would be reluctant to have the board become involved since the matter is outside the board's purview.

Citizen comments were taken. Jane Furchgott of Bear Valley noted the Mill Pond area is important to a variety of bird species. She said birders from around the region have visited the site and noted the abundance of shorebirds, which are rare for this area. Furchgott said whooping cranes were spotted at the site not long ago. Carol Sommers of Muscodia said that removal of the dam would have an impact on the Lower Wisconsin State Riverway. She noted the mouth of Mill Creek is a short distance downstream of the dam. Lundberg said he generally favors free flowing rivers but said he had not reviewed any studies or information related to this project. Leys asked if the dam removal would enhance the fishery. Cupp noted that one benefit of the removal would be to enhance fish passage up Mill Creek. He said a fish ladder was an alternative to allow for fish passage without removing the dam. Nice said alternatives to dam removal should be pursued and noted the Mill Pond is a wonderful waterfowl hunting spot and a place of great beauty. Madison said the options for removal vs. repair usually result in removal because it is much less expensive. Madison said it comes down to a financial decision. Lundberg asked Cupp to keep the board apprised of developments with the dam and proposed removal.

Lundberg noted a letter had been received from the Wisconsin Valley Improvement Company (WVIC) requesting permission to place mileage markers along the river in conjunction with the WVIC centennial. Cupp reviewed the statutes regarding signage in the Riverway and said the WVIC signs would not be eligible for placement on lands within the Riverway. Cupp said he had requested technical assistance from Department of Natural Resources (DNR) legal counsel to confirm his interpretation. A response to the request for assistance from legal counsel had not yet been received.

Cupp reviewed a letter from a concerned citizen regarding transfer of trees from state owned lands to persons who may be able to use the trees. Cupp said he had referred the matter to Brad Hutnik, DNR Riverway Forester, for a response.

Committee appointments for the 2007 – 2008 fiscal year were considered. Lundberg said the Executive Committee had not heard from anyone wishing to change committees so the appointments would remain the same. A motion to accept the proposed committee structure (see below) was made by Madison, seconded by Greenheck.
MOTION CARRIED.

EXECUTIVE COMMITTEE:	Bill Lundberg (Chair) Melody Moore (Vice-Chair) Nick Nice (Secretary)
OPERATIONS COMMITTEE:	Gerald Dorscheid (Chair) Ritchie Brown Ron Leys
PERSONNEL COMMITTEE:	Melody Moore (Chair) Don Greenwood Ritchie Brown
BUDGET & OFFICE COMMITTEE:	Nick Nice (Chair) Greg Greenheck Fred Madison
FOREST HEALTH AD HOC CMTE:	Bill Lundberg (Chair) Ritchie Brown Gerald Dorscheid Ron Leys

Cupp reported he had led several voyageur replica canoe trips in the past week and had two more scheduled before the canoes would be returned to Navarino. He said the trips have been enjoyed by all participants. Lundberg thanked Cupp for his efforts in expanding the number of tours and the outreach provided.

The Operations Committee report was presented by Acting Chair Brown. The request of Lyle & Dorothy Kuhnau for a timber harvest in the Town of Troy and Prairie du Sac, Sauk County, was discussed. Brown noted a field inspection was conducted by Cupp in conjunction with previous permit activity at the parcel. Portions of the parcel are visible from the Wisconsin River during leaf-on conditions. The harvest likely will include the Bluff, Riverview, River Edge and Resource Management Zones. Cupp said, on Monday, July 9, 2007, he and Brad Hutnik, DNR Riverway Forester, met with Mr. & Mrs. Kuhnau and their son to discuss the proposed harvest. The harvest plans have not been defined. Hutnik agreed to provide the landowners with information on conducting a timber harvest and encouraged solicitation of multiple bids. In general terms, the harvest likely will involve a

Kuhnau cont.

selective harvest of merchantable hardwoods, a pulpwood harvest and treatment of oak wilt areas. Cupp agreed to present the permit to the board with the understanding that additional field inspections will be necessary after the trees slated for harvest have been marked.

Brown made a motion, seconded by Leys, to approve issuance of a permit with the following conditions:

- The harvest shall comply with the basal area limits for the residual stand in the Bluff Zone, Riverview Zone and River Edge Zone as detailed in Chapter NR 37, Wisconsin Administrative Code;
- In the Bluff Zone, Riverview Zone and River Edge Zone, all trees selected for harvest shall be appropriately marked and reviewed by the LWSRB for compliance with the applicable performance standards prior to initiation of the harvest;
- In the Bluff Zone, Riverview Zone and River Edge Zone, the harvest shall be limited to the times when the ground is frozen or dry and the leaves are off the deciduous trees;
- The LWSRB shall review the location and design of all new logging roads, if any, in the Bluff Zone, Riverview Zone and River Edge Zone;
- The new logging roads, if any, shall comply with the applicable performance standards regarding grade and erosion control and shall be re-seeded upon completion of the harvest;
- The LWSRB shall review the location and design of all small regeneration cuts, if any, in the Riverview Zone to assure compliance with the applicable performance standards;
- If necessary, the various zones shall be delineated prior to initiation of the harvest;
- The landowner or his/her agent shall notify the LWSRB within 10 working days upon completion of the harvest and, if necessary, the LWSRB shall conduct a post-harvest field inspection; and,
- The LWSRB shall review modification of the plans, as submitted, for compliance with the applicable performance standards.

MOTION CARRIED.

The permit request of Bryan Woodbury, DNR Wildlife Biologist, for vegetative removal in the Town of Mazomanie, Dane County, was discussed. Brown noted a field inspection was conducted by Cupp in conjunction with previous permit activity at the site. Plans call for removal of brush and small trees to enhance and restore the oak savannah and prairie. The site is not visible from the Wisconsin River during leaf-on conditions. Brown made a motion, seconded by Madison, to approve issuance of a permit with the following permit conditions:

- 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.

Three permit requests from students at Taliesin Architects, the Frank Lloyd Wright school, in the Town of Wyoming, Iowa County, were considered. Brown said a field inspection was conducted by Cupp on June 25, 2007. Christian Butler and Ryan Hewson were present for the field inspection. The field inspection revealed the sites are not visible from the Wisconsin River during leaf-on conditions. Plans call for construction of small experimental architectural structures for use as living quarters. The structures will be a maximum of 100 square feet and the

Taliesin Architects cont.

height will not result in the structure being visible from the Wisconsin River during leaf-on conditions. Butler, Hewson and Michael Desbarres then described their respective projects, each utilizing a different design and different building products. Leys made a motion, seconded by Moore, to approve issuance a permit for each individual with each permit containing the following conditions:

- The height of the structure shall be limited so that the structure is not 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.

Brad Hutnik, DNR Riverway Forester, then discussed permit applications for proposed timber harvests on state owned lands in the Riverway and extension requests for permits previously issued. Cupp noted the extension requests would be processed by him and would not be acted upon by the board because the requests had not reached him in time to be included on the public meeting notice. Cupp noted that nothing had changed in regard to the harvest plans for those parcels since initial board approval. Hutnik then described the harvest plans for the following parcels:

- Town of Mazomanie, Dane County – Mazomanie Bottoms;
- Town of Arena, Iowa County – Hwy. 14 Bottoms;
- Town of Watterstown, Grant County – Fish Trap Flowage;
- Town of Pulaski, Iowa County – Lemanski Bottoms;
- Town of Pulaski, Iowa County – Lemanski Pines;
- Town of Marietta, Crawford County – Merwin tract (extension);
- Town of Troy, Sauk County – Hwy. 60 Bottoms (extension);
- Town of Arena, Iowa County – Helena Bottoms (extension);
- Town of Boscobel, Grant County – Prairie du Bay Bottoms (extension);
- Town of Muscoda, Grant County – Highbank Pines (extension); and,
- Town of Buena Vista, Richland County – Gotham Sands Pines.

Following the power point presentation, the following comments were heard. Maggie Jones of Blue River asked about protection of red shouldered hawk nests. Hutnik said mechanisms are in place to assure there are no threats to listed species. Barb Duerkson of Richland Center said she had done a number of bird surveys for the Bureau of Endangered Resources and was concerned about habitat protection. Leys asked if any big trees will remain after these harvests. Hutnik said there will be trees of all sizes and age classes remaining depending on the specific harvest area. He said wildlife habitat and impacts on wildlife are part of the considerations that go into the pre-harvest development of a management plan. Jane Furchgott of Bear Valley asked if any areas would remain uncut. Hutnik said there will be very little, if any, cutting in state natural areas or other areas considered “reserves” for a special purpose.

A motion was made by Brown, seconded by Madison, to approve issuance of permits with the standard conditions for the proposed harvests for which permits had not been previously issued. **MOTION CARRIED.**

Cupp said he had issued a general permit to the Crystal/Fish/Mud Lake District for the removal of vegetation on lands not visible from the river to accommodate the pilot project to study seepage of water in the outfall area in the Town of Roxbury, Dane County. Cupp said the DNR was still working on issuance of the other permit(s). He said the pilot project had been scaled down to about ¼ acre for a seepage pond.

The Budget & Office Committee report was presented by Chairman Nice who reviewed the status of the FY 07 budget. Cupp noted that, while the report shows a deficit for the recently completed fiscal year, the supplements for the salaries and fringe benefits lines had not been received. He said the supplements will erase the deficits as depicted in the report. Nice noted the new color printer for the office had been received. Cupp said the office expansion project was moving forward with an anticipated move in date of September 1st.

There was no report from the Personnel Committee report.

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

Under board business, Leys suggested signs be placed at the river entrance to Tower Hill State Park. Cupp reported that Steve Colden, DNR Riverway Manager, indicated the project had been on his "to do" list for some time and that he would try to address the situation soon. Leys said a farmer from the Town of Marietta, Crawford County, had indicated his intention to expand his hog operation to 2900 sows, approximately doubling the size of the operation. He said the farm is located west of Boydtown and is close to the Wisconsin River. Leys expressed concern about water quality and odor issues. He noted administration of regulations for livestock siting is conducted jointly by the county, DNR and the Department of Agriculture, Trade and Consumer Protection. Lundberg asked Leys to keep the board apprised of developments with the application to expand the operation.

The DNR report was presented by Hutnik who reported on behalf of Steve Colden, DNR Riverway Manager. Hutnik said there were no acquisitions in the last month. He said DNR Real Estate specialists are working to amend the land use agreement for the lake district pilot project. He said Colden and law enforcement personnel met with users of the Mazomanie Beach to discuss the problem of nudists expanding their use area.

During the public comment session, Timm Zumm of Spring Green, Co-Chair of the Friends of the Lower Wisconsin (FLOW), said a special ceremony commemorating the 175th anniversary of the Battle of Wisconsin Heights from the Black Hawk War of 1832 will be held on Saturday, July 21st. Zumm said a paddling event will be held on Sunday, August 5th. The trip will start at the USH 14 landing near Spring Green and end at Bob's Riverside. There will stops along the way for presentation on local history. The event is being held in conjunction with the Spring Green sesquicentennial.

Maggie Jones of Blue River presented the board with a map of the Driftless Area and noted a special initiative is underway to protect bird habitat in the region.

Kevin Isenring of Sauk City said the Prairie du Sac fireworks display was set off from state owned lands and said there was a large amount of garbage left on the sandbars. Isenring expressed concern about the pollution and potential adverse effects on eagles. Isenring said the minutes should more accurately reflect his statements during the public comment period.

A motion to adjourn until August 9th when the meeting will be held at the Wyalusing State Park was made by Madison, seconded by Nice. **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