

LOWER WISCONSIN STATE RIVERWAY BOARD

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MINUTES OF THE DECEMBER 13, 2007, RIVERWAY BOARD MEETING

The Lower Wisconsin State Riverway Board (LWSRB) met on Thursday, December 13, 2007, at the Kratochwill Memorial Building in Muscodia 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. Acknowledgment that the meeting was properly noticed was provided by Mark E. Cupp, Executive Director. A motion to approve the agenda was made by Jerry Dorscheid, seconded by Fred Madison. **MOTION CARRIED.** A motion to approve the minutes of the November 8, 2007, meeting was made by Madison, seconded by Melody Moore. **MOTION CARRIED.**

The Executive Committee report was presented by Chairman Lundberg who reviewed correspondence. Lundberg said Cupp had sent a letter to the Natural Resources Board expressing support for purchase of scenic easements in the Riverway utilizing the Stewardship Fund. Cupp said he had discussed the letter with individual Executive Committee members before the document was sent. A copy of the letter previously was distributed to LWSRB members.

The proposed designation of STH 60 from Lodi to Prairie du Chien as a Wisconsin Scenic Byway was discussed. Cupp said the Department of Transportation (DOT) Scenic Byways Advisory Committee approved the preliminary application on December 12th, which represented a major step toward the eventual designation. He said the next step is development of a corridor management plan (CMP) with the participation of local units of government, chambers of commerce, private businesses and others with an interest in economic development issues. The CMP will pull together existing regulations that will assure long term protection of the scenic corridor. The CMP also will discuss potential marketing opportunities. Cupp said the CMP is then forwarded to the DOT Secretary for final approval. Cupp said the target date to obtain the formal designation is the spring of 2008.

The status of the Balmoral Dam abandonment in the Town of Eagle, Richland County, was discussed. Don Greenwood provided the board with an update on the process. Greenwood said the emergency drawdown process had been completed and the Village of Muscodia is now proceeding with the abandonment process, which will include a public meeting on December 18th. He said an environmental assessment will be done with a timeline set for mid/late spring. Greenwood said questions remain regarding land ownership in the Mill Pond area. He said a title search to resolve ownership questions had been initiated. Cupp asked about habitat restoration above the dam. Greenwood said grants are being researched to assist with wetland restoration that will create quality wildlife habitat. Lundberg asked if there would be wetland scrapes. Greenwood said it would more likely be restoration of flora by seeding or planting. Madison asked if the River Alliance of Wisconsin has been involved. Greenwood confirmed there had been contact from the River Alliance.

Cupp said establishment of a Cultural History and Natural Resources Center at Muscodia would be delayed because the Ho-Chunk Nation had told U.S. Senator Russ Feingold that they could not support the use of federal funds to establish a cultural center at Muscodia because currently there are inadequate funds available for protection of burial sites. Cupp said he learned of the Ho-Chunk Nation's position on December 12th. Cupp said the project can't move forward without the Ho-Chunk Nation's support.

The proposed 2008 LWSRB meeting schedule was discussed. Cupp noted the July meeting would be held in Gotham instead of Lone Rock and said the October meeting would be held in Prairie du Chien instead of Wauzeka. All meetings will be held on the second Thursday of the month beginning at 5:00. A motion to approve the meeting schedule (see next page was made by Greenwood, seconded by Madison. **MOTION CARRIED.**

January 10, 2008	Muscoda	Kratochwill Memorial Building
February 14, 2008	Muscoda	Kratochwill Memorial Building
March 13, 2008	Muscoda	Kratochwill Memorial Building
April 10, 2008	Sauk City	Public Library
May 8, 2008	Boscobel	City Hall
June 12, 2008	Mazomanie	Black Hawk Unit (Rhinelander Cabin)
July 10, 2008	Gotham	Buena Vista Town Hall
August 14, 2008	Prairie du Chien	Wyalusing State Park
September 11, 2008	Spring Green	Public Library
October 9, 2008	Prairie du Chien	Crawford County Administration Building
November 13, 2008	Avoca	Village Hall
December 11, 2008	Muscoda	Kratochwill Memorial Building

The Operations Committee report was presented by Chairman Dorscheid. The permit application of Brian Hefty, on behalf of the Department of Natural Resources (DNR), for a timber harvest in the Town of Wyalusing, Grant County, was considered. Dorscheid said field inspections have been conducted by Cupp in conjunction with previous permit activity at the site. LWSRB members also have visited the site in regard to previous permit activity or for board meetings at the Peterson Shelter. Plans call for removal of trees that represent a safety hazard or that are diseased, insect infested or poorly formed. Most of the trees will be used for firewood but some may be harvested as saw logs. The residual basal area will be a minimum of 70 sq. ft. basal area/acre. The trees will be harvested in the Wisconsin Ridge Campground area near the Peterson Shelter. The site is visible from the Wisconsin River during leaf-on conditions. No new roads will be constructed. Cupp said he and Hutnik were scheduled to visit the site but had to reschedule due to inclement weather. A field inspection will be conducted in the near future.

Dorscheid made a motion, seconded by Madison, 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, as detailed in Chapter NR 37, Wisconsin Administrative Code;
- In the Bluff Zone, the harvest shall be limited to the times when the ground is frozen or dry and the leaves are off the deciduous trees;
- If necessary, the Bluff Zone, Riverview Zone and Resource Management Zone shall be delineated prior to initiation of the harvest;
- All trees selected for harvest in the Bluff Zone shall be appropriately marked and approved by the LWSRB prior to initiation of the harvest;
- The landowner or his/her agent shall notify the LWSRB upon completion of the activity; and,
- The LWSRB shall review modifications to the plans, as submitted, for compliance with the applicable regulations.

MOTION CARRIED.

A permit request submitted by Greg Hilden for a prairie restoration project in the Town of Buena Vista, Richland County was discussed. Dorscheid said an initial field inspection was conducted by Cupp on November 6, 2007. Cupp said Harriet Pedley, Richland County Zoning Administrator, and Mr. Hilden also were present for the field inspection. Dorscheid said the Operations Committee met with the landowner prior to the LWSRB meeting. Cupp said Frank Fetter, Laura Madsen and Hutnik represented the DNR. Ms. Pedley from the Richland County Zoning Department also was in attendance.

Cupp noted the field inspections revealed trees and woody vegetation had been removed from lands within the Riverway. Areas within the shoreland/floodplain zoned area had been filled. The site is visible from the Wisconsin River. Plans call for restoration of the native plant community (prairie/grassland). Cupp said the removal of trees and woody vegetation without a permit constituted a violation of the Riverway law. There also are violations of other state and local regulations related to riparian lands.

Cupp said, from a Riverway perspective, the proposed prairie restoration effort and associated removal of trees and woody vegetation likely would have been approved under a routine permit issuance. The prairie restoration is proposed for a former agricultural field that had seen a proliferation of prickly ash, locust and other woody vegetation since the agricultural use ceased several years ago. He said there are concerns regarding compliance with the performance standard that requires no existing structure may become visible from the river as a result of the activity. The concern arose due to the placement of fill in the area adjacent to the river at depths sufficient (8 inches to 3 feet) to cause mortality of the existing trees on the riverbank.

Dorscheid said the Operations Committee had determined a written warning was warranted with the remedy ordered by the LWSRB to require that the proper LWSRB permit be obtained. A motion to proceed with issuance of a formal written warning for violation of the Riverway law was made by Dorscheid, seconded by Leys. **MOTION CARRIED.**

Cupp said one condition of a permit issued by the board should include a requirement that a planting plan be developed in consultation with the DNR Riverway Forester with the plan to be implemented by June 1, 2008. In addition, no other trees shall be removed without prior consultation with the DNR Riverway Forester to certify the trees are diseased or insect infested. Cupp said a condition requiring compliance with all federal, state and local regulations also should be included. Madison said stern language should be used to convey the seriousness of the board's concerns to the landowner.

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

- The activity shall be appropriate for the site;
- The activity shall not result in an existing structure becoming visible from the Wisconsin River during leaf-on conditions;
- The LWSRB shall review any modifications to the plans as submitted for compliance with the applicable performance standards;
- A planting plan shall be developed by the landowner, in consultation with the DNR Riverway Forester, and the plan shall be implemented by June 1, 2008, and no additional tree removal shall occur without consultation and approval by the DNR Riverway Forester;
- The activity shall comply with all other applicable federal, state and local regulations; and,
- The applicant or his/her agent shall notify the LWSRB upon initiation and completion of the project.

MOTION CARRIED.

The request from Mark Culverhouse and Linda Roos for construction of a garage and shed in the Town of Troy, Sauk County was considered. An initial field inspection was conducted by Cupp, on November 14, 2007. Mr. Culverhouse and Brad Hutnik, DNR Riverway Forester, also were present for the field inspection. Previous field inspections were conducted by Cupp and the Operations Committee in conjunction with other permit activities at the site. Dorscheid said the Operations Committee, Cupp and Hutnik visited the site prior to the board meeting.

Cupp said field inspections revealed the site is visible from the Wisconsin River during leaf-on conditions. A Riverway Board permit was issued for the existing house in 1999. A condition of the permit required retention of the existing screening vegetation and replacement if damaged or destroyed. Plans now call for removal of trees and construction of a garage and attached workshop/shed. The garage will be 24 ft. x 24 ft. x 14 ft. The shed will be 30 ft. x 36 ft. x 16.5 ft. The exterior will match the house: green vinyl clad steel roof with limestone colored stucco matching the current stucco above the gables on the house. The height of the structures will be in compliance with the applicable performance standard. Adequate screening vegetation exists at the site.

Under the current permit application, the trees to be removed are largely aspen. However, the applicant also wishes to remove trees that he considers a hazard to the existing house or that may be a hazard to the new structure(s). Cupp and Hutnik reviewed the trees proposed for removal and found some to be dead or compromised by disease or insect infestation. Others appeared to be healthy. The Operations Committee determined that some trees could be removed, other could be pruned and some trees would be required to remain intact. Cupp said he would meet with the landowner to discuss tree removal. Greg Greenheck asked about the height of the new structures in relation to the existing house. Cupp said the highest point of the shed would be 16 feet, which would be less than the existing house that is located on higher ground.

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

- The existing screening vegetation shall be maintained and replaced if damaged or destroyed;
- The exterior colorization of the structure shall harmonize with the natural surroundings during leaf-on conditions;
- There shall be a limited use of glass or other reflective material;
- 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 18 feet;
- The slope of the site shall not exceed 20%;
- The LWSRB shall review any modification to the plans for compliance with the applicable performance standards;
- The activity shall comply with all other applicable federal, state and local regulations; and,
- The landowner or his/her agent shall notify the LWSRB upon initiation and completion of the project.

MOTION CARRIED.

Dorscheid said a permit request had been received from Richard Limmex for modification of an existing structure in the Town of Wyoming, Iowa County. An initial field inspection was conducted by Cupp on November 6, 2007. Mr. Limmex was present for the field inspection. A second field inspection was conducted by Cupp on December 6, 2007. Mr. Limmex and Mike Bindl, Iowa County Zoning Department, also were present for the field inspection. Field inspections revealed the site is visible from the Wisconsin River during leaf-on conditions. Plans call for moving a deck from an old mobile home (removed from the site a few months ago) to the existing small cottage about 50 ft. landward. The deck is approximately 16 ft. x 24 ft. and is made of wood. One tree will be removed to accommodate placement of the deck. Adequate screening vegetation exists at the site. The color will harmonize with the natural surroundings. Some deck boards may have to be replaced. Cupp said movement of the deck from the current location to the cottage will improve the natural aesthetics of the site.

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

- The screening vegetation shall be maintained and replaced if damaged or destroyed;
- The exterior colorization of the structure shall harmonize with the natural surroundings during leaf-on conditions;
- The height of the structure shall be limited so that the structure does not become visible from the Wisconsin River during leaf-on conditions;
- The LWSRB shall review any modification to the plans for compliance with the applicable performances;
- The activity shall comply with all other applicable federal, state and local regulations; and,
- The landowner or his/her agent shall notify the LWSRB upon initiation and completion of the project.

MOTION CARRIED.

The request of Jack Kussmaul for an amendment to a previously issued management permit was considered. Dorscheid said an initial field inspection was conducted by Cupp on November 27, 2002. Mr. Kussmaul was present for the field inspection. The LWSRB issued a management permit for the prairie restoration project, which involved removal of trees and woody vegetation. Subsequently, two extensions to the permit were issued. The terms of the permit will expire in November of 2008. Work at the site continues.

Plans now call for removal of a small pine plantation, approximately one acre in size. The pines are located in the Riverview Zone. The activity is consistent with the prairie/oak savanna restoration project. No new structures become visible from the river as a result of the activity. Cupp said a field inspection slated for the site was cancelled due to inclement weather. He said a field inspection will occur in the near future.

Dorscheid made a motion, seconded by Leys, to amend the existing permit to reflect removal of the pine plantation with retention of the original permit conditions:

- The activity shall be appropriate for the site and shall be consistent with the objectives for the Lower Wisconsin State Riverway;
- The activity shall not result in an existing structure becoming visible from the Wisconsin River during leaf-on conditions;
- The LWSRB shall approve any modifications to the plans as submitted; and,
- The applicant or his/her agent shall notify the LWSRB upon initiation and completion of the project.

MOTION CARRIED.

Cupp said he had issued four permits since the November meeting. A permit was issued to Brad Hutnik, DNR Riverway Forester, for removal of woody vegetation at a site near Tower Hill State Park in the Town of Wyoming, Iowa County. Hutnik explained that FECON equipment was available to assist with removal of invasive species. Minimal work was done to remove the undesirable understory. Hutnik said less than one acre was involved. An amendment to an existing permit was approved by Cupp for Al Cornell, DNR Wildlife Technician, to accomplish additional management activities on state owned lands in the Town of Mazomanie, Dane County. Brush and woody vegetation will be removed to restore and enhance wildlife habitat on sites not visible from the Wisconsin River during leaf-on conditions. Cupp said an extension was approved for a general permit for a timber harvest previously issued to Larry Dahman for a site not visible from the river in the Town of Bridgeport, Crawford County. Cupp said he issued a general permit for a timber harvest to David and Lori Woodward for a site in the Town of Wauzeka, Crawford County. Cupp said the site is not visible from the Wisconsin River during leaf-on conditions. Cupp said the site formerly was owned by Jerry Stram. Ms. Woodward is his daughter. He said plans call for the selective harvest of 24 walnut trees.

The Crystal/Fish/Mud lake district pumping project was discussed. Steve Colden, DNR Riverway Manager, explained that a provision of the land use agreement between the DNR and lake district required a letter be sent to all landowners indicated that the lake district would be responsible for any well problems. He said that letter had not been sent so the pumping could not begin.

Dorscheid said a request had been received from the Town of Arena, Iowa County, for formal comments from the LWSRB regarding the reconstruction of the bridge on River Road; the road to the Arena boat landing. Dorscheid said the Operations Committee visited the site prior to the board meeting. The bridge currently is not visible from the Wisconsin River during leaf-on conditions. Cupp said he would send a letter to the Town of Arena that would be similar to a letter previously sent to the consultant. The letter would request a meeting at the site prior to initiation of construction to assure vegetative removal will be minimized to the greatest extent possible. A motion directing Cupp to send a letter to the town was made by Dorscheid, seconded by Moore. **MOTION CARRIED.**

The Budget & Office Committee report was presented by Chairman Nick Nice who reviewed the status of the FY 08 budget. Cupp said mileage reimbursement for board members and staff increased to 0.465/mile effective December 1, 2007. Cupp said furnishing of the new office space is proceeding slowly. He said prices for new tables and chairs have proven to be expensive. The board's budget may not be able to accommodate the purchases. Alternatives are being considered. In the interim, the board will continue to conduct the monthly winter meetings at the Muscoda village hall. Smaller meetings may take place at the LWSRB office.

The Personnel Committee report was given by Chairman Moore who said the annual performance evaluation of Marsha Nachtigal, LWSRB Office Associate, had been completed by Cupp. Moore said Nachtigal had received ratings from "satisfactory" to "exceeds expectations." Moore said the annual performance evaluation of Executive Director Cupp would occur at the January meeting. The evaluation procedure would be the same as in previous years. Evaluation forms were distributed. Moore asked that the forms be returned by January 4, 2008.

The Executive Director's report was presented by Cupp who reviewed the materials in the board members' packets. Cupp reported the annual Ho-Chunk Bison round-up was held on December 10th. He said a successful work day was held at the Dingman mound group on December 1st despite the inclement weather. Cupp noted the Land & Water Conservation Board, which he chairs, initiated a strategic planning process recently. Madison said Cupp should be recognized for the leadership he is providing to that body. Cupp said he attended a public hearing on the proposed expansion of the Roth hog farm in the Town of Wauzeka, Crawford County. He said he would defer to Leys for further comments.

Under board members' business, Leys commented on the Roth hog farm. He said there was standing room only at the public hearing with over 200 people in attendance. Both sides were given equal opportunity to present information. Leys expressed concern that the new state livestock siting law has removed a great deal of authority from local governments. He said the county has decided to hire its own "expert" to review the situation. A decision is possible at the committee meeting on January 3rd. Cupp added the public hearing was conducted in a very orderly fashion and commended Leys for the manner in which he handled the hearing. Cupp said it was a true exercise in democracy as persons both for and against were able to state their case in an orderly respectful manner. Leys also noted that the county had received word that the Welcome Center at Prairie du Chien would be closed by the Department of Tourism as part of a cost savings measure.

The DNR report was given by Steve Colden, DNR Riverway Manager, and Brad Hutnik, DNR Riverway Forester. Colden said there had been no new acquisitions since the last meeting. He said FEMA would provide \$14,500 for work to address erosion problems at the Dingman mound group in the Town of Eagle, Richland County. He said a new position has been added to the Riverway staff. Hutnik said the implementation plan review continues with management needs being identified. He said the marking camp held earlier in the month was successful again this

year. Hutnik said the timber harvests at Prairie du Bay near Boscobel and at the Blue River Bottoms north of Blue River had been completed. The other harvest slated for this season in the Town of Troy, Sauk County, had not been started and may be delayed until next winter.

During the public comment session, Kevin Bartels asked about the scenic byways program and impacts on landowners along the route. Cupp said the only new regulation involved a prohibition on new outdoor advertising (billboards). He said the program is designed to be an economic development initiative.

A motion to adjourn until January 10th when the meeting will be held in Muscoda 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