

LOWER WISCONSIN STATE RIVERWAY BOARD

202 N. Wisconsin Avenue
P.O. Box 187
Muscodia, WI 53573
(608) 739-3188 or 1-800-221-3792

MINUTES OF THE JANUARY 10, 2008, RIVERWAY BOARD MEETING

The Lower Wisconsin State Riverway Board (LWSRB) met on Thursday, January 10, 2008, at the village hall 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 with the exceptions of Fred Madison and Donald 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 Jerry Dorscheid, seconded by Greg Greenheck. **MOTION CARRIED.** A motion to approve the minutes of the December 13, 2007, meeting was made by Ron Leys, seconded by Dorscheid. **MOTION CARRIED.**

The Executive Committee report was presented by Chairman Lundberg who asked Cupp to provide an update on the proposed expansion of the AV Roth hog farm in the Town of Wauzeka, Crawford County. Cupp said there were a number of newspaper articles and letters to the editor included in the board members' packets. He deferred to Leys for the update. Leys said there are many people opposed to the expansion but said the county had to follow the law and felt forced to proceed with issuance of a permit for the expansion. He said the hog farm will double in size and said he felt it wasn't the best place for this type of livestock operation. Leys said, if the county didn't approve the permit, it likely would have resulted in expensive litigation that would cost the taxpayers a lot of money with little chance of prevailing in court. He said it was a difficult decision but he reluctantly voted to approve the permit. Cupp asked Leys to describe the next steps in the process. Leys said the county permit is the first step and then a Department of Natural Resources (DNR) permit must be obtained related to the nutrient management plan. Cupp asked if it would be appropriate for the LWSRB to offer a comment to the DNR similar to the statement offered at the Crawford County public hearing. Leys said it would be appropriate. He noted the chance for a major manure spill will be less under the new system than the current manure management system at the farm. Cupp said he would find out the timeline for the DNR permit process and report back to the board.

An update on the Balmoral Dam removal in the Town of Eagle, Richland County, was provided by Cupp. He noted that Greenwood is more knowledgeable about the status of the project. Cupp said discussions continue regarding the future of the dam and the former Mill Pond. He said the Village of Muscodia is proceeding with the abandonment process. Cupp noted there is interest in restoration of the wildlife habitat above the former dam.

The Operations Committee report was presented by Chairman Dorscheid. The permit request of Dairyland Power for the reconstruction of a power line in the Town of Millville, Grant County, was considered. He noted field inspections were conducted by Cupp and the Operations Committee in conjunction with previous permit activity in the vicinity. Plans call for reconstruction of the transmission line. The proposal calls for taller poles, steel rather than wood, in the bottomlands and replacement of wooden poles in the upland. The line is visible from the Wisconsin River. Cupp reviewed the applicable portions of state law and the associated performance standards for utility facilities/high voltage transmission lines.

Representatives of Dairyland Power were present to discuss the project. A power point presentation was shown. Chuck Thompson noted the power line is 3 miles upstream of the Bridgeport bridge. One structure is located on the riverbank and has been destabilized due to erosion. He said the existing three structures in the bottomlands will be replaced by two steel poles. He noted the initial design in 2002 was flawed and wasn't designed to meet code clearances across the bottomlands when flooded. Curt Childs said the code is from the U.S. Army of Corps of Engineers and is written to accommodate sailboats with tall masts. Cupp asked if there was an opportunity for a variance since there are no sailboats with tall masts navigating the Wisconsin River or associated flooded bottomlands. Childs said there are no variance procedures. As a result, the poles in the river bottoms need to be taller than originally proposed (132 feet above ground level versus 100 feet). Thompson said wood poles at that height are difficult to obtain, therefore, they have been designed with brown steel. The poles on the hillsides will remain

the same as initially presented and will remain wood poles. At the present time there are three structures comprising a total of 8 wood poles in the river bottoms. They will be replaced with two single- pole brown steel structures. On the Crawford County side of the river, the structure on the Pulda property will be replaced and will be reduced in height.

Leys asked if burial of the line was a viable option. Thompson said Dairyland Power doesn't bury lines. He said burial often can create greater environmental problems than an overhead line. He said burial also is cost prohibitive and said the current project is estimated to cost \$800-900,000 while burial likely would be closer to \$10,000,000. He noted the new design also will have a lower impact on birds with reduced numbers of structures and steel poles. Leys asked if it would be possible to create osprey nesting platforms with the new poles. Thompson said one of the old wooden poles could be located in a place to create an osprey nesting platform if someone would direct them on where to place it. Cupp said consultation with DNR wildlife officials would be required. Cupp asked if any of the upland poles on the Grant County side of the river would be changed in height. Thompson said the poles would be the same height but would be replaced. Lundberg asked about the lifespan of the poles. Childs said wood poles are projected to last 50-60 years while steel poles are expected to last 50-75 years. Cupp noted a condition of the permit likely would require a planting plan for the areas adjacent to the river to avoid the corridor look on the riverbank. Childs said creation of a planting plan was acceptable. Cupp said Brad Hutnik, DNR Riverway Forester, would assist with development of the planting plan. Cupp asked about the Dairyland Power crossings over the Mississippi River. Thompson described the three overhead crossings that Dairyland Power has over the Mississippi River.

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

- All reasonable efforts shall be taken to minimize the visual impact of the high voltage transmission line;
- The height of the poles in the bottomlands and uplands shall be limited to the greatest extent possible;
- The exterior colorization of the poles shall harmonize with the natural surroundings to the greatest extent possible and shall be approved by the LWSRB prior to initiation of construction;
- A planting plan shall be developed by the DNR Riverway Forester and approved by the LWSRB prior to implementation of the planting plan by Dairyland Power;
- The planting plan shall be implemented by Dairyland Power by June 1, 2009;
- The LWSRB shall review any modifications to the reconstruction plans, as submitted, for compliance with the applicable performance standards and the board shall approve said modification(s) prior to initiation of reconstruction;
- Dairyland Power shall notify the board upon initiation and completion of the project; and,
- The activity shall comply with all other applicable federal, state and local regulations.

Leys then offered an amendment to add a condition to the permit that would encourage Dairyland Power to accommodate placement of osprey nest(s) as part of the project. The motion was seconded by Brown. **MOTION CARRIED.**

A vote on the motion as amended was taken. **MOTION CARRIED.**

The permit request of Greg Pomerening for a timber harvest permit was discussed. Dorscheid noted the parcel is located in the Town of Wauzeka, Crawford County. Dorscheid said a field inspection was conducted by Cupp on January 9, 2008. Field inspection revealed the current harvest area is not visible from the Wisconsin River during leaf-on conditions. If the harvest area is expanded, a small portion may be visible from the river during leaf-on conditions. No new roads will be constructed. Plans call for removal of aspen, oak and miscellaneous other species. A light selective harvest is planned. A general permit was issued for a timber harvest at the site in 1998.

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

- The harvest shall comply with the basal area limits for the residual stand in the Bluff Zone and Riverview Zone, as detailed in Chapter NR 37, Wisconsin Administrative Code;
- In the Bluff Zone and Riverview 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 approve of the location and design of all small regeneration cuts or shelterwood cuts, if any, in the Riverview Zone;
- The LWSRB shall approve the location and design of all new logging roads, if any, in the Bluff Zone and Riverview 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;
- 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 and Riverview 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 within 10 working days upon completion of the harvest and the LWSRB shall conduct a post-harvest field inspection; and,
- The LWSRB shall review modifications to the plans, as submitted, for compliance with the applicable regulations.

MOTION CARRIED.

Cupp said he had issued one permit since the December meeting. A general permit was issued to Dave Erickson for modification of an existing structure in the Town of Spring Green, Sauk County. Plans call for the addition of a living room and deck to a house not visible from the river during leaf-on conditions near Bakken's Pond.

The Crystal/Fish/Mud Lake District pumping project was discussed. Cupp said a condition of the land use agreement required notification of landowners that the lake district would be responsible for any damage done to wells. Steve Colden, DNR Riverway Manager, said the department had not received notification that the condition had been met so the land use agreement was not in place. Leys asked about a newspaper article that said the lake district had complied with all requirements. Cupp said the report was erroneous. He noted the landowner contact condition would have to be fulfilled before the land use agreement would be executed by DNR.

The Budget & Office Committee report was presented by Chairman Nick Nice who reviewed the status of the FY 08 budget. Cupp reported that window treatments and a wall hanging system had been ordered for the space that houses the conference room.

The Personnel Committee report was given by Chairperson Moore who said the annual performance evaluation of Executive Director Cupp had been completed. She said the committee had reviewed the evaluation forms completed by board members. Moore said the committee had met with Peter Olson from the Department of Administration (DOA) regarding the evaluation. She said Cupp had again received an excellent rating for his performance as Executive Director. Moore noted Cupp had completed 18 years of service to the board. Moore then made a motion, seconded by Nice, to grant Cupp an excellent rating for his performance. **MOTION CARRIED.** Moore said Olson (DOA Human Resources Director) had said that Cupp would be eligible for a two step increase for merit. An additional two step increase could be requested based on exceptional performance if adequate justification was provided. Moore said Cupp was unsure if the budget could accommodate a second two-step increase. A motion to provide Cupp with a two step increase for merit with an additional review for another two step increase for exceptional performance to be made later in the fiscal year, was made by Moore, seconded by Nice. Lundberg asked when the review for the exceptional performance increase would occur. Moore said it would occur

at or before the June meeting. Leys asked if the Executive Director was recommending against the additional two step increase at this time because of budgetary concerns. Cupp replied in the affirmative. A vote on the motion was taken. **MOTION CARRIED.** Cupp thanked the board for their continued confidence and thanked Marsha Nachtigal, Office Associate for her capable assistance. Cupp said Riverway landowners also should be acknowledged for their cooperation and important contributions to the success of the project. Cupp then thanked his family for the sacrifices made so that he can attend to Riverway business, especially evening meetings and weekend events.

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

Under board members' business, Moore noted that 52 eagles were counted by Town of Mazomanie resident, Larry Neumeier, on Christmas. She said the town had been approached by a person wishing to operate a food stand at the town boat landing. Moore said some of the town board members had expressed concern about liability and aesthetic impacts. She said the matter remains under review.

Dorscheid asked about an upcoming forestry meeting. Hutnik said a statewide forestry meeting is held every two years. He said the old growth handbook is a topic of discussion. The handbook has implications for Riverway bottomland forestry management.

The DNR report was presented by Colden who said a scenic easement had been acquired on 74 acres in the Town of Mazomanie, Dane County. He noted Becky Roth had transferred from Boscobel to the vacant wildlife biologist position at Spring Green. As a result, there is a vacancy at Boscobel. He said funding had been obtained to assist with mounds maintenance activities. Colden said he would be discussing possible use of those funds with Cupp. Colden said GPSing of trails at the Black Hawk Unit had been completed.

During the public comment session, Timm Zumm of Spring Green, Friends of the Lower Wisconsin (FLOW) Co-Chair, said the group was considering incorporation as a nonprofit organization. He noted eagle watching days would be held in Sauk Prairie in January.

A motion to adjourn until February 14th when the meeting will be held in Muscoda was made by Brown, seconded by Dorscheid. **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