

# LOWER WISCONSIN STATE RIVERWAY BOARD

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## MINUTES OF THE FEBRUARY 14, 2008, RIVERWAY BOARD MEETING

The Lower Wisconsin State Riverway Board (LWSRB) met on Thursday, February 14, 2008, at the LWSRB office 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 Melody Moore, Ron Leys, Fred Madison and Ritchie Brown. Lundberg and Nick Nice participated by telephone. Don Greenwood, Gerald Dorscheid and Greg Greenheck were present at the LWSRB office. A quorum was 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 Greenwood, seconded by Dorscheid. **MOTION CARRIED.** A motion to approve the minutes of the January 10, 2008, meeting was made by Dorscheid, seconded by Nice. **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 he has spoke to Department of Natural Resources (DNR) official responsible for permitting this type of livestock operation near a waterway. The individual said a permit application has not yet been received so the comment period is not open. Cupp said he will provide comments at a later date.

The request for a letter of support for a grant application to study backwaters of the Wisconsin River in the Spring Green area was considered. The request was made by Joe Van Berkel, Sauk County Conservationist. Lundberg said he supported the idea and said the data collected would be useful. Greenwood concurred. Cupp noted the scientific information collected would fill a void in Riverway data. He noted Madison had called to express his support for the grant application. A motion to send a letter of support was made by Greenheck, seconded by Greenwood. **MOTION CARRIED.**

A draft of the proposed letter to Riverway landowners was discussed. Cupp noted the letter is sent periodically to all Riverway landowners and said the list is not perfect but is the best he has without spending a great deal of time and money on making additions, corrections and deletions. He noted the funds are not available from the LWSRB budget to further refine the list. A motion to proceed with sending the letter was made by Lundberg, seconded by Nice. **MOTION CARRIED.**

Cupp then reviewed the abstract of an article written by Brack Hale, et al, regarding the Riverway's aesthetic protection benefits resulting in other conversation benefits being accrued. Cupp said the full article is interesting and is available to board members upon request. Brad Hutnik, DNR Riverway Forester, said the interaction between aesthetic protection and ecological benefits is of great interest. He noted Hale has done a number of studies on the Riverway and the bottomland forest.

The Operations Committee report was presented by Chairman Dorscheid. The permit request of Sam and Lucy Troia for a timber harvest in the Town of Orion, Richland County, was considered. Dorscheid said a field inspection was conducted by Cupp and Hutnik on January 16, 2008. Cupp said the field inspection revealed portions of the harvest area are visible from the Wisconsin River during leaf-on conditions. The harvest area includes the Bluff Zone, Riverview Zone and Resource Management Zone. The trees slated for harvest have been marked and the marking is in compliance with the applicable performance standards. No new roads will be constructed. Plans call for removal of merchantable hardwoods. Most of the marked trees are located in the Bluff Zone. The property is enrolled in the Managed Forest Law (MFL) program and a portion of the property is covered by a DNR scenic easement.

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

- 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.**

The request of Peter Pomerening for an extension to a previously issued timber harvest permit was discussed. Dorscheid noted the parcel is located in the Town of Wauzeka, Crawford County. Dorscheid said an initial field inspection was conducted by Cupp on July 30, 1999. Bill Carlson, former DNR Riverway Forester, also was present for the field inspection. Due to the dense foliage, a determination of visibility to/from the river was not possible. However, the field inspection revealed portions of the harvest area are within the Riverway boundary and may include the Bluff Zone, Riverview Zone and Resource Management Zone. Plans call for the selective harvest of merchantable hardwoods, mainly, red oak. The need for new logging roads was not determined. A subsequent field inspection during leaf-off conditions enabled Cupp to determine the locations of the various zones. A portion of the harvest was completed. In December of 2002, Mr. Pomerening indicated his desire to complete the harvest in the uplands area and, potentially, conduct a harvest in the bottomlands not visible from the river.

Cupp noted Mr. Pomerening wishes to conduct additional harvesting on the parcel. The trees slated for harvest have not yet been marked. The majority of the additional harvesting will occur in the Resource Management Zone. An onsite meeting between Cupp and the landowner will occur prior to the next harvest. Greenwood asked if there was a time frame for issuance of a new permit as opposed to extending a permit. Cupp said, unless there is a considerable length of time between harvests or if the harvest plans change significantly, a permit is extended instead of a new permit issued.

Dorscheid made a motion, seconded by Greenheck, to approve issuance of a one-year extension to the permit with retention of original conditions:

- The harvest shall comply with the basal area limits for the residual stand for the Riverview Zone and Bluff Zone as detailed in NR 37, Wisconsin Administrative Code;

**Pomerening permit conditions (cont.):**

- In the Riverview Zone and 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;
- The LWSRB shall approve of the location and design of any small regeneration cuts in the Riverview Zone;
- The LWSRB shall approve the location and design of any new logging roads in the Riverview Zone and Bluff Zone;
- If necessary, the Resource Management Zone, Riverview Zone and Bluff Zone shall be delineated prior to initiation of the harvest;
- All trees selected for harvest 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 initiation of the harvest and within 10 working days upon completion of the harvest and the LWSRB shall conduct a post-harvest field inspection; and,
- The LWSRB shall approve of any modification of the plans as submitted.

**MOTION CARRIED.**

Permit extensions for DNR State Natural Areas (SNA) in the Riverway were discussed. Cupp noted that half of the DNR SNA permits are considered each year. He said Matt Zine, DNR Riverway SNA Manager, had been slated to attend the meeting and give a presentation on the SNA properties. Cupp said he had suggested Zine postpone his appearance until March due to the inclemency of the weather. Cupp suggested the board proceed with issuance of the requested two-year extensions to the permits because the activities for each site have not changed. He said Zine would provide an update at the March 13<sup>th</sup> meeting.

Cupp reviewed the properties for which permit extensions would be considered.

Arena Pines SNA (Town of Arena, Iowa County): not visible from Wisconsin River during leaf-on conditions

Smith Slough SNA (Town of Buena Vista, Richland County): not visible from river during leaf-on conditions

Mazo Barrens SNA (Town of Mazomanie, Dane County): not visible from river during leaf-on conditions

Gotham Sands SNA (Town of Buena Vista, Richland County): portions are visible from river

Blue River Bluffs SNA/Chezik (Town of Watterstown, Grant County): portions are visible from river

Blue River SNA/Ellenbolt (Town of Watterstown, Grant County): portions are visible from river

Bakken's Pond SNA (Town of Spring Green, Sauk County): not visible from river during leaf-on conditions

A motion to approve extensions to each permit for a two-year period was made by Greenwood, seconded by Dorscheid. **MOTION CARRIED.**

A planting plan for the Greg Hilden property in the Town of Buena Vista, Richland County, was discussed. Cupp noted a warning was issued to Mr. Hilden for removal of woody vegetation and trees without a Riverway Board issued permit. He said the remedy issued by the board required Mr. Hilden to obtain a permit and a condition of the permit that was approved by the LWSRB required development of a planting plan, in consultation with Hutnik, and approval by the board. Hutnik then reviewed the plan. The planting plan calls for establishment of trees and shrubs along the riverbank in the area disturbed by fill. He said 9-10 trees are recommended and 5-6 shrubs. Hutnik noted suitable tree species for this site include swamp white oak, silver maple, hackberry, basswood, and eastern red cedar. Suitable shrub species for this site include American plum, gray dogwood, and American hazelnut. To meet aesthetic concerns, Hutnik suggested planting a mix of large and small stature trees and shrubs to create a fuller screening effect.

Greenwood inquired about the standard condition of a planting plan that requires survivability of the trees and shrubs. Hutnik agreed that replacement of trees/shrubs that don't survive should be included. Cupp noted the Hilden situation was different from the norm in that the permit issued following the warning was for a management plan instead of a structure. Cupp concurred that language to address the potential mortality of the planted vegetation should be included. The provision should require replacement of trees and shrubs that are damaged, destroyed or otherwise don't survive. A motion to approve the planting plan with the survival clause was made by Greenwood, seconded by Greenheck. **MOTION CARRIED.**

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 received notification that the condition had been met. The land use agreement is being reviewed at the regional level and is expected to be executed soon. Cupp noted pumping likely would begin in the spring. Colden said river levels will affect the pumping schedule.

Cupp said he had issued one permit since the January meeting. An extension to a general permit was issued to Brad Wachter for a timber harvest on lands not visible from the river. The parcel is located in the Town of Millville, Grant County. The harvest area is on the side of the bluff facing CTH C. Tom Wachter is the consultant.

The Budget & Office Committee report was presented by Chairman Nice who reviewed the status of the FY 08 budget. Cupp reviewed a memorandum from Department of Administration Secretary Michael Morgan calling for austerity measures to be implemented for many agencies, including a freeze on out of state travel, filling of vacant positions and leasing of new office space.

There was no report from the Personnel Committee.

The Executive Director's report was presented by Cupp who reviewed the materials in the board members' packets. Cupp said a meeting on development of the corridor management plan for STH 60, as required by the scenic byway process, would be held on March 5<sup>th</sup> in Muscodia. Cupp said he would give presentations at Canoecopia in Madison on March 7<sup>th</sup> & 8<sup>th</sup>. Cupp noted he had been re-elected Chair of the Land & Water Conservation Board (LWCB) and thanked for the board for the opportunity to serve as a gubernatorial appointee to the LWCB. He said the soil and water resources conservation efforts of the LWCB are directly related to the Riverway goal and objectives.

There was nothing reported under board members' business.

The DNR report was presented by Colden who said a scenic easement had been acquired on 199 acres in the Town of Watterstown, Grant County. He said another implementation plan meeting was held on February 11<sup>th</sup>. Colden said it is unclear exactly how the state hiring freeze will affect DNR staff in the Riverway. He noted that the vacant wildlife biologist position in Boscobel was filled prior to announcement of the freeze. He said his LTE staff from last year are returning. Colden then introduced John DiFulvio, who has joined his staff and will assume many of the responsibilities currently shouldered by Colden. Hutnik said a meeting of the Lower Wisconsin State Riverway Management Advisory Committee (formerly, the Bottomlands Ecology Work Group) would meet on March 4<sup>th</sup>.

There were no comments offered during the public comment session.

A motion to adjourn until March 13<sup>th</sup> when the meeting will be held in Muscoda was made by Dorscheid, seconded by Greenwood. **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:

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