

# LOWER WISCONSIN STATE RIVERWAY BOARD

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## MINUTES OF THE MAY 8, 2008, RIVERWAY BOARD MEETING

The Lower Wisconsin State Riverway Board (LWSRB) met on Thursday, May 8, 2008, at the Council Chambers of the Boscobel City Hall to conduct a regular monthly business meeting. The meeting was called to order at 5:00 p.m. by Vice-Chair Melody Moore. All members were present with the exceptions of Bill Lundberg and Ritchie Brown. 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.** A motion to approve the minutes of the April 10, 2008, meeting was made by Don Greenwood, seconded by Greg Greenheck. **MOTION CARRIED.**

The Executive Committee report was presented by Moore who reviewed correspondence. Moore said Cupp had corresponded with Kevin Isenring, a landowner in the Town of Mazomanie, Dane County, regarding a recent field inspection at the property. Moore said an event would be held on May 20<sup>th</sup> to recognize the late Paul Brandt's gift to the Lower Wisconsin State Riverway Fund, an endowment fund created by Brandt to support wildlife habitat work in the Riverway. Cupp noted Lundberg had been re-appointed to the board by Governor Doyle. Moore said the Personnel Committee will serve as the Nominating Committee for new officers. She asked persons interested in serving as an officer to contact her or Cupp. The committee report will be presented at the June 12<sup>th</sup> meeting.

Resolution 013-05-08 was considered. The resolution expressed the board's support for conversion of the rail corridor from Mazomanie to Prairie du Sac to a recreational trail and encouraged consideration of the portion of the corridor from Prairie du Sac to Devil's Lake State Park as part of the trail. Greenwood asked about the use of the word "recreational" instead of "bicycle" trail. Cupp said he used the language from the joint resolution adopted in support of the Rails to Trails project by the Village of Prairie du Sac, Village of Sauk City and Town of Prairie du Sac. Greenheck asked if ATVs would be allowed on the trail. Madison noted ATVs can cause erosion problems and may not be compatible with other user groups on a multiple use trail. Ron Leys noted equestrian use also can create erosion problems. Jerry Dorscheid suggested the trail is more appropriate for bicycles and hikers. Cupp said it was uncertain if the trail would be used by ATVs, equestrians or snowmobiles but agreed with Dorscheid that the highest and best use would be as a biking/hiking trail.

Dorscheid made a motion, seconded by Madison to adopt the resolution. Leys then made a motion to amend, seconded by Madison, to include distribution to the county board chairs of Iowa, Richland, Grant and Crawford counties, in addition to the county board chairs of Sauk and Dane counties. The **MOTION** to amend **CARRIED.** A vote on the motion to adopt the resolution, as amended, was taken. **MOTION CARRIED.**

A draft ordinance from Trempeleau County regarding the regulation of wind turbines was discussed. Leys said the setback requirement from a residence in the draft ordinance would greatly limit the location of wind turbines. He said concerns have been expressed by birders and wildlife biologists regarding the mortality of birds caused by wind turbines. Leys noted there is a two mile setback from designated wildlife refuges in the draft ordinance. He suggested the LWSRB may wish to request that Riverway counties consider a setback requirement from the Wisconsin River to protect the viewshed if a county would consider adoption of an ordinance regulating wind turbines. Cupp said the board may wish to request a setback of two miles from the Riverway boundary rather than the river to assure the viewshed is protected. Greenwood said he thought there was a state law that restricted local units of governments from imposing certain restrictions on wind turbines. A motion directing Cupp to send a letter to county board chairpersons from Riverway counties requesting consideration of a two mile setback from the Riverway boundary for any county ordinances developed to regulate wind turbines was made by Dorscheid, seconded by Nice. **MOTION CARRIED.** (NOTE: Greenwood abstained.)

An update on the proposed expansion of the A.V. Roth hog farm in the Town of Wauzeka, Crawford County, was given by Leys. He noted the Livestock Siting Review Board had overturned Crawford County's decision to grant the permit for the expansion. Leys said the review board determined there was not adequate acreage for spreading of manure but added that Roth said the figures used in the determination were incorrect. Leys said the matter will be revisited by review board in the near future.

The Operations Committee report was presented by Chairman Dorscheid who noted consideration of a structure permit for Greg Hilden, Town of Buena Vista, Richland County, would be delayed. Cupp said the landowner had encountered a problem with a lot line setback and will have to request a variance from the Richland County Board of Adjustment before proceeding with the building project. Cupp said Hilden had requested approval of a color for the shed. A color chart was shown. Cupp said the gray/beige color requested by Hilden required board approval. Board members indicated other colors were preferred but said the requested color would comply with the performance standard requiring harmonizing exterior colorization. A motion to accept the color requested by the landowner was made by Greenheck, seconded by Leys. **MOTION CARRIED.**

Cupp said he intended to send a letter to Harriet Pedley, Richland County Zoning Administrator, indicating that the Riverway Board would not oppose issuance of a variance to the lot line setback for Mr. Hilden. Greenwood said that the letter should not say the board is not opposed to issuance of a variance because the statement implies support for the variance request. He said the letter should simply state that the Riverway law does not regulate lot line setbacks. Cupp said he would write the letter to note the Riverway Board's role in issuance of a permit for structures, which would also indicate the LWSRB was not involved in lot line setbacks.

Cupp then said the fill that had been placed along the riverbank by Hilden remained a matter of dispute with the Richland County Zoning Administrator. He said Hilden had hired an engineer to survey the floodplain in order to demonstrate the fill would not affect other properties. Cupp said the process may require involvement by the Federal Emergency Management Administration (FEMA), which regulates floodplains at the federal level.

The Crystal/Fish/Mud Lake District pumping project was discussed. Dorscheid said he and Cupp visited the site prior to the board meeting. He said there was 2.8 feet of water in the seepage cell. John DiFulvio, Department of Natural Resources (DNR) Parks and Recreation Specialist, said he had received information from Tim Astfalk, an engineer with Mead & Hunt, regarding the project. The pumping occurs twice/week at this time. The seepage cell is filled with 250,000 gallons of water after six hours of pumping. It then takes 72 hours to infiltrate, after which time, the pumps are started again. DiFulvio cautioned that the data is very preliminary and said infiltration rates after the algae season arrives must be studied. Madison said he did not feel the plan would appreciably affect water levels in Crystal Lake and, as a resident of the Town of West Point, Columbia, County, had told the town board of his opinion. Madison said the modeling for the project should be re-run to more accurately reflect the proposal.

Dorscheid said he and Cupp had met with Al Anding, landowner, and Dina Bertolini, consulting engineer, regarding a riprap project in the Town of Arena, Iowa County. Cupp said the property owner previously had ripped a portion of the riverbank and had determined additional upstream riprap should be placed. Cupp said the proposed vegetative removal was reviewed. He said a planting plan will be developed to replace removed vegetation. Dorscheid said the tree removal will not increase the visibility of the existing mobile homes at the site.

Dorscheid said he and Cupp had met with Kevin Isenring, a landowner in the Town of Mazomanie, Dane County, and State Representative Sheryl Albers to discuss issues related to access to the Diana Isenring property. Dorscheid said Isenring had suggested some type of land swap to trade upland acres for acres adjacent to his property near the bottom of the bluff. Dorscheid said the concept would enhance protection of Riverway aesthetics and would preclude the need for creation of additional trails to access the bluff top. Leys said the board should convey its support for the land swap to appropriate DNR officials. A motion to do so was made by Leys, seconded by Moore. **MOTION CARRIED.**

Dorscheid reported he and Cupp had visited Ferry Bluff in the Town of Prairie du Sac, Sauk County, to review the recent prescribed burn at the site. Dorscheid said the burn appeared to have been successful and noted the area was beginning to green up.

Cupp reported he and Brad Hutnik, DNR Riverway Forester, had met with Susan Easterly, a landowner in the Town of Millville, Grant County, and her contractor regarding establishment of a recreational trail. The property is adjacent to Riverway lands near Wisconsin Badger Camp. Cupp said the trail will be constructed with sufficient safeguards to prevent erosion and will be visually inconspicuous when viewed from the river during leaf-on conditions. Greenwood asked if there would be review of the final trail location and design. Cupp replied in the affirmative. Cupp noted a permit is not required for a recreational trail if the erosion control and visually inconspicuous standards are met.

Cupp said he and Hutnik also had met with Brent Bauer, Director of Wisconsin Badger Camp, to discuss development of a recreational trail and relocation of a structure at the property in the Town of Millville, Grant County. He said the trail will be constructed by the Wisconsin National Guard as a training exercise. The trail will meet the required performance standards for erosion control and visibility. Cupp an existing structure also is proposed to be moved about 25 feet from the existing location. The structure will not be visible from the river.

Cupp said he had issued one permit since the April meeting. A general permit was issued to Sharon and Clarence Johnson for construction of a shed on their property in the Town of Clyde, Iowa County. The structure will not be visible from the Wisconsin River during leaf-on conditions.

The Budget & Office Committee report was presented by Chairman Nick Nice who reviewed the status of the FY 08 budget.

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.

Under board members' business, Madison said he would attend the 40<sup>th</sup> anniversary of the National Wild & Scenic Rivers Act in Washington, D.C., in June.

The DNR report was presented by John DiFulvio, Jr., DNR Parks & Recreation Specialist, who said repairs to a ravine near the Dingman mound group in the Town of Eagle, Richland County, would be initiated soon. He invited board members to the Paul Brandt recognition event on May 20<sup>th</sup>. DiFulvio said he is working to consolidate signage at boat landings. He said additional information on toilet facilities also will be posted.

Dan Goltz, DNR Wildlife Biologist, was introduced. Goltz said he will be based at Boscobel and will work on lands in the Riverway west of Muscoda.

During the public comment session, Timm Zumm of Spring Green, Co-Chair of the Friends of the Lower Wisconsin (FLOW), said he attended the River Alliance of Wisconsin event at which Paul Brandt was honored as a River Champion. Zumm said the week of June 1<sup>st</sup> is National River Clean-up Week.

Scott Teuber, owner of Wisconsin River Outfitters, a canoe livery based in Boscobel, thanked the board for its role in protecting the lower Wisconsin River. He said his clients are impressed with the beauty of the area and said it is easy to understand the value of the Riverway when one actually gets out and uses the river. Leys asked Teuber if he would support a canoe registration fee. Teuber said he would prefer to see revenue to support canoeing and kayaking generated from a tax at the point of purchase rather than a registration fee.

A motion to adjourn until June 12<sup>th</sup> when the meeting will be held at the Black Hawk Unit in the Town of Mazomanie, Dane County, was made by Madison, 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