

LOWER WISCONSIN STATE RIVERWAY BOARD

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MINUTES OF THE DECEMBER 11, 2008, RIVERWAY BOARD MEETING

The Lower Wisconsin State Riverway Board (LWSRB) met on Thursday, December 11, 2008, 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 Fred Madison, seconded by Nick Nice. **MOTION CARRIED.** A motion to approve the minutes of the November 13, 2008, meeting was made by Don Greenwood, seconded by Madison. **MOTION CARRIED.**

The Executive Committee report was presented by Chairman Lundberg who reviewed correspondence. Lundberg noted the passing of Glen Beneker, an original appointee to the Riverway Board in 1989. Beneker represented Crawford County on the board until 2005. Lundberg said Beneker believed in the project and rarely missed a meeting. He was a respected member of the board and served in several capacities including Vice-Chairman and Personnel Committee Chair. Cupp said Beneker's history with the project went back to the Citizens Advisory Committee appointed by the Department of Natural Resources (DNR) during the planning process. From 1983 to 1988, Beneker served on that committee and then, in 1988-89, he served as Chairman of the Local Official Advisory Committee, a group formed by area legislators to review the Final Environmental Impact Statement for the project. Cupp said Beneker had attended hundreds of meetings regarding the Riverway and had traveled thousands of miles on board business. He said Beneker brought credibility to the board because of his stature as a lifelong area resident, farmer, landowner, town board chairman and county board supervisor. Cupp said Beneker was in the unenviable position of serving as Crawford County representative during the early years of the project when anti-Riverway sentiment was at its zenith and when opponents of the project were often very outspoken. Cupp said he held Beneker in high esteem and always appreciated the personal support Beneker gave to him as Executive Director. Cupp noted, when the history of the Riverway is written, there will have to be a chapter devoted to Glen Beneker's contributions to the success of the endeavor.

The Crystal/Fish/Mud Lake District pumping project was discussed. Lundberg noted a public meeting on the project was held on November 17th. Cupp represented the LWSRB on the panel. Also on the panel were DNR officials, a Dane County official and Senator Mark Miller. LWSRB members Greenwood and Madison also were in attendance. Lundberg said the Executive Committee had approved a memorandum written by Cupp to express the board's concerns with the pumping project and, in particular, water quality issues. He thanked Greenwood for assisting in preparation of the document. Lundberg said the correspondence had to be submitted by December 6th, which was the reason for Executive Committee action prior to the board meeting. Cupp said he was surprised to learn the permit had been drafted and the public comment period was in effect until December 6th. After that, the DNR was prepared to issue the permit unless there were objections from the public.

Madison said the meeting was not quite the same as advertised. There was not an opportunity for questions and answers or interaction with the panel. Questions had to be submitted on a form and then the panel responded. Greenwood said he did learn a few things from the meeting but that he didn't like what he learned. He said the meeting resembled a bait and switch because it was supposed to a public information meeting and instead became a more formal meeting akin to a public hearing. He said the water quality standards for an Exceptional Resource Waterway are not being used because of an exemption in the case of "public health" concerns. Greenwood disagreed with the use of that loophole in this case. He said the water from the lakes will pollute the Wisconsin River and will set a dangerous precedent. Timm Zumm of Spring Green, Co-Chair of the Friends of the Lower Wisconsin (FLOW), said he had received verbal notice that a public hearing will be held on the application. Madison said a formal public hearing should be held. Greenwood noted there is internal

opposition to the project from knowledgeable DNR employees. Madison said questions should have been allowed because the people in the best position to answer inquiries about buy outs, water quality, precedents, etc. were in attendance. Ron Leys asked who would pay for buy outs. Madison said Dane County through the parks system. Leys noted most use on Crystal Lake is seasonal. Greenwood said he wouldn't necessarily be opposed to pumping to lower lake levels if there was evidence the pumping would achieve the desired objective and if the water quality standards could be met. Dana White-Quam, DNR Riverway Manager, said any permit would not be issued until the 30 day comment period was over. She did not have information on a public hearing.

A proposal to create a drainage ditch in the Spring Green area was discussed. Cupp said he had received correspondence from a Town of Spring Green landowner regarding the project. The landowner had been contacted by a proponent of the ditching concept and was told it was going through no matter what. Cupp said one plan calls for the water to be drained into the area near Bakken's Pond and Long Lake, which would eventually end up in the Wisconsin River near Lone Rock.

Greenwood provided background on the legal requirements for establishment of a drainage district under state law and said there are questions regarding the legality of the board recently formed by the Sauk County judiciary. He said there would be numerous permits required and noted a comprehensive study was being undertaken. Greenwood said a meeting would be held on December 16th to review progress.

Greg Greenheck noted there are many frustrated landowners who want to see action. Greenheck said most farmers have a hard time withstanding one year of total crop loss let alone facing the specter of a second year of crop failure due to flooding or wet fields due to a high aquifer. Greenwood agreed the water table remains very high. Madison said there is a large area affected by the drainage and groundwater and suggested it will be very expensive to fully address the problem. Greenwood noted the drainage ditch proposal is different than the pumping project in that there would be open ditches that would only be used on a temporary and emergency basis. Madison said it is strange to have multiple 100+ year storms within a 15 year period. Greenheck said he has seen enough 100 year storm events to last a lifetime.

A proposed housing development in the Town of Marietta, Crawford County, was discussed. Cupp said he learned of the proposed development on Badger Road from an area resident. He said some of the lots are visible from the Wisconsin River but are not located within the boundary. Cupp said it is another example of the need for a comprehensive boundary review. It appears there are lots in the 10 acre size class throughout the ridge, although not all are visible from the river. Leys noted those type of lots are not selling well under current economic conditions. He said there is no comprehensive zoning in the Town of Marietta.

Cupp reported the proposed designation of STH 60 as a Wisconsin Scenic Byway is closer to fruition. The final paperwork is being reviewed by Department of Transportation (DOT) personnel. Cupp said he spoke to a conference hosted by Citizens for a Scenic Wisconsin in LaCrosse on December 4th. The conference was well attended, an indicator of interest in the new program.

Cupp said planning continues for Year of the Riverway events. The opening ceremony would be held on December 21st in conjunction with winter solstice at Frank's Hill in the Town of Eagle, Richland County. The setting sun has an interesting alignment with the effigy mounds at the site. Dave Martin, former Richland County representative to the board and a former state legislator who gained recognition as the author of the Wisconsin Wild and Scenic Rivers legislation, will be the keynote speaker at the program.

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The proposed 2009 LWSRB meeting schedule was discussed. All meetings will be held on the second Thursday of the month beginning at 5:00. A motion to approve the meeting schedule was made by Madison, seconded by Melody Moore. **MOTION CARRIED.**

January 8, 2009	Muscoda	Kratochwill Memorial Building
February 12, 2009	Muscoda	Kratochwill Memorial Building
March 12, 2009	Muscoda	Kratochwill Memorial Building
April 10, 2009	Sauk City	Public Library
May 14, 2009	Boscobel	City Hall
June 11, 2009	Mazomanie	Black Hawk Unit (Rhineland Cabin)
July 9, 2009	Gotham	Buena Vista Town Hall
August 13, 2009	Prairie du Chien	Wyalusing State Park
September 10, 2009	Spring Green	Public Library
October 8, 2009	Wauzeka	Crawford County Administration Building
November 12, 2009	Avoca	Village Hall
December 10, 2009	Muscoda	Kratochwill Memorial Building

The Operations Committee report was presented by Chairman Dorscheid. The permit application of Richard Mergen, on behalf of Prairie du Chien Country Club, for a timber harvest in the Town of Bridgeport, Crawford County, was considered. The consultant is Jeff Christie. Dorscheid said a field inspection was conducted by Cupp in conjunction with previous permit activity in the vicinity. Plans call for the selective harvest of merchantable hardwoods in the Resources Management Zone and Riverview Zone pursuant to a Managed Forest Law (MFL) plan for the property. Some small regeneration cuts of aspen are planned. A field inspection was slated for December 15th to review the proposed harvest area and marking of trees slated for harvest.

Dorscheid 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 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.

A permit request/amendment submitted by Dave Jones for a timber harvest in the Town of Wauzeka, Crawford County was discussed. The consultant is Jerry Howell. Dorscheid said a field inspection was conducted by Cupp on May 19, 2008. Mr. Howell and Brad Hutnik, DNR Riverway Forester, also were present for the field inspection. 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. Plans call for the selective harvest of merchantable hardwoods; including oak, walnut, maple, hickory and miscellaneous other species. No new roads will be constructed. The timber harvest will occur when the ground is frozen or dry and after the crops on the ridge have been harvested. The property is adjacent to state owned lands and the Wauzeka quarry. Cupp said the trees slated for harvest have been marked and a field inspection to review the marking was slated for December 15, 2008. He noted plans also call for the selective harvest of trees in the bottomlands south of STH 60. The additional harvest area is located within the Resource Management Zone and is not visible from the Wisconsin River during leaf-on conditions.

Dorscheid made a motion, seconded by Ritchie Brown, to approve issuance of an amended permit for the activity with the following standard 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 November meeting. A permit was issued to Brad Hutnik, DNR Riverway Forester, for removal pine rows along an agricultural field in the Town of Arena, Iowa County. Hutnik said the conifer strip along the agricultural field was no longer performing a wind erosion control function. He said the wildlife biologist wanted the pine removed to encourage establishment of deciduous trees. The site is not visible from the Wisconsin River during leaf-on conditions.

The Budget & Office Committee report was presented by Chairman Nice who reviewed the status of the FY 09 budget.

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. She said the evaluation was very positive. Cupp said he appreciated Nachtigal's dedication to the board. 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. Moore asked that the forms be returned by December 19, 2008.

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

Under board members' business, Leys expressed his concern for diminishing outdoor recreational use and cited decreasing numbers of golfers at a golf course he is familiar with as an example. Leys said he is concerned that young people aren't engaged in outdoor activities and don't have an appreciation for nature. Greenheck asked about the damage to CTH C near the Frank Lloyd Wright Visitor Center in the Town of Wyoming, Iowa County. Cupp said the damage was from the June floods and is similar to that along STH 133 between Lone Rock and Avoca. The bank sloughed off and nearly took the road. Emergency repairs were implemented. The sloughed bank did not affect the trees planted under the board's order to remedy the warning issued a few years ago. Dorscheid noted the Iowa County Planning and Zoning Committee had reversed its previous decision that a campground in the floodplain in the Town of Arena, Iowa County, was grandfathered under the county zoning ordinance.

The DNR report was given by Dana White-Quam Acting DNR Riverway Manager, and Brad Hutnik, DNR Riverway Forester. White-Quam said DNR had acquired 16 acres in the Town of Millville, Grant County and was looking to acquire property in the Town of Arena, Iowa County, along Blue Mounds Creek. She said the USH 14 boat landing will be closed for a year while bridge construction continues. She said DNR had conducted extensive clearing along Morrey Creek at the request of the Village of Avoca. She said some local officials would like to see dredging done but said that is unlikely. Leys noted Milwaukee County turned many of the streams there into channelized ditches, which was a tremendous loss. Hutnik said timber harvests are in progress at the Helena Bottoms and Black Hawk Unit.

During the public comment session, Zumm congratulated the board on 20 years of operations and said he looked forward to another 20 years. He said FLOW is available to provide volunteers for events as needed.

A motion to adjourn until January 8th when the meeting will be held in Muscoda was made by Brown, seconded by Madison. **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