

LOWER WISCONSIN STATE RIVERWAY BOARD

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MINUTES OF THE JANUARY 8, 2009, RIVERWAY BOARD MEETING

The Lower Wisconsin State Riverway Board (LWSRB) met on Thursday, January 8, 2009, 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 with the exception of 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 Melody Moore, seconded by Nick Nice. **MOTION CARRIED.** A motion to approve the minutes of the December 11, 2008, meeting was made by Ron Leys, seconded by Fred Madison. **MOTION CARRIED.**

The Executive Committee report was presented by Chairman Lundberg who reviewed correspondence. He noted a public hearing will be held by the Department of Natural Resources (DNR) regarding the Crystal/Fish/Mud Lake District pumping project and proposed direct discharge to the Wisconsin River. The public hearing will be held on January 22nd. Lundberg said the Executive Committee recommended the board maintain the official position detailed in the December 1, 2008, memorandum to Lloyd Eagan, DNR South Central Region Director. The board's concern with water quality was one of the points mentioned in the document. Cupp said the proposal by DNR to issue a permit for the direct discharge to the river is based on their finding of a "public health" issue related to flooded septic systems and homes. Don Greenwood noted Dane County had ordered septic systems to be transitioned to holding tanks in 2002 but only 3 homeowners complied. He said holding tanks may not be the solution for some homes. Greenwood said alternatives should be explored rather than pumping to the river. He said, if pumping is necessary, the water quality of the effluent from the Lake District should meet the Exceptional Resource Waters (ERW) standards for the Wisconsin River. He agreed the board should stand by the position taken in the December memo. Madison concurred and said the direct discharge to an ERW designated river should be carefully considered. If the pumping is approved, there should not be any compromise of water quality standards. Madison expressed concern over the precedent set by loosening the standards of water quality for the discharge to an ERW; in essence, changing the designation of the lower Wisconsin River from an ERW to a lesser standard. Cupp was directed to represent the board at the hearing and to reiterate the board's position from the December memorandum.

A proposal for creation of a large drainage ditch in the Spring Green and Lone Rock area was discussed. Greg Greenheck and Don Greenwood led the discussion. The proposal came forth as a result of flooding that rendered thousands of acres of agricultural land unusable. Many farmers were saddled with catastrophic crop losses. To avoid similar situations in the future, a proposal to create a drainage district has been put forth. There are legal questions surrounding the initial drainage board created by the Sauk County judiciary. One proposal would bring the ditch through the Sauk County Community Forest to the Bakken's Pond area. Cupp noted articles from local newspapers are included in the board members' packets. The matter will be discussed at future board meetings as new information becomes available.

A proposed housing development in the Town of Marietta, Crawford County, off of Badger Road, was discussed. Cupp said he and Brad Hutnik, DNR Riverway Forester, had met onsite with Greg Delwiche, DNR South Central Region Real Estate Supervisor. A developer has created small acreage lots, some with extensive views of the river, on the bluff top. The Riverway boundary does not include the area visible from river. A boundary adjustment is required to correct the omission. Cupp said Delwiche felt a method to protect the scenic quality of the Riverway from adverse impacts would be purchase of scenic easements of the most visible areas. Cupp said the incident is another example that demonstrates the need for a comprehensive boundary review.

Cupp reported on activities associated with the Year of the Riverway celebration. He said presenters will be scheduled for each Riverway Board meeting with the topics related to natural resources. In addition, the board will

partner with local groups to sponsor other special presentations at community events such as the Muscoda Mushroom Festival, the Spring Green Art Fair, Boscobel's Musket and Memories and the Prairie du Chien Rendezvous. A list of presenters for various events is under development.

Lundberg said the Executive Committee had discussed teleconferencing options for board meetings, either in anticipation of bad weather or to reduce costs. The consensus was that teleconference is not the preferred option but may be used in rare instances. Madison said it can provide cost savings and is part of the way business is done in these days. Greenwood said the board should consider the legalities of conducting a meeting by teleconference and also of moving the meeting from one location to another without proper notice; such as, moving from the Muscoda village hall to the Riverway Board office next door to utilize phones. Leys said he hoped the teleconference option would only be exercised in extreme circumstances and said nothing can replace face to face meetings. Lundberg said it may be useful in situations where a quorum can't be achieved by having members physically in a single location and where a decision on an important matter is needed by a time sensitive date. Cupp said teleconferencing use would be infrequent, if ever used, but that he wanted to keep the option available. He said he would avoid teleconferencing unless fiscal conditions or unique circumstances would require use of the option.

The Operations Committee report was presented by Chairman Dorscheid. The permit applications from Fletcher Flansburgh, on behalf of DNR, for management activities in Crawford, Grant and Richland counties were discussed. A power point presentation was shown that included maps and aerial photographs of each site. Cupp and Flansburgh provided narrative of the respective activities. A summary of the locations, activities and conditions of each permit follow.

SITE LOCATION: section 3, Town of Richwood, Richland County; former Wanek property

FIELD INSPECTION RESULTS/FINDINGS: Field inspections have been conducted by Mark E. Cupp, Executive Director, in conjunction with previous permit activity in the vicinity. Plans call for the removal of brush and woody vegetation to enhance and restore the native prairie.

EXECUTIVE DIRECTOR RECOMMENDATION: Executive Director recommendation is for issuance of a permit for the activity with the following standard conditions:

- No existing structures shall become visible from the river as a result of the activity;
- The LWSRB shall approve of any modification to the plans, as submitted; and,
- The applicant shall notify the LWSRB upon initiation and completion of the activity.

SITE LOCATION: sections 29 & 30, Town of Woodman, Grant County; former Baxter property

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SITE LOCATION: section 22, Town of Wyalusing, Grant County; former Tubbs property

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SITE LOCATION: section 3, Town of Muscoda, Grant County; Pine Road/Highbanks Road area

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SITE LOCATION: section 12, Town of Marietta, Crawford County; Sleepy Hollow Lane

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SITE LOCATION: sections 13 & 22, Town of Boscobel, Grant County; near Boscobel Airport

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SITE LOCATION: section 7, Town of Marion, Grant County; Semrad Slough

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SITE LOCATION: sections 25 & 26, Town of Millville, Grant County; Bergum Bottoms

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- The applicant shall notify the LWSRB upon initiation and completion of the activity.

Following the presentation, Dorscheid made a motion, seconded by Greenwood, to approve issuance of permits for two-year periods for each site with the recommended conditions. **MOTION CARRIED.**

The permit request of James Quackenbush and Silvan Maly for a timber harvest on a parcel in the Town of Troy, Sauk County, was discussed. Cupp said the consultants are Mark Berg and Brian Nelson of Nelson Hardwoods. He said the board previously had issued a timber harvest permit for the parcel, which includes over a mile of river frontage. Cupp said a field inspection was conducted on January 8, 2009. Hutnik and Mr. Nelson also were present for the field inspection. The bulk of the harvest area falls within the Resource Management Zone. Harvesting in the River Edge Zone may occur in the future but the trees have not been marked. The predominant species is soft maple followed by green ash, swamp white oak, elm and river birch. The existing logging road and recreational trail network will be utilized. Cupp said he had recommended issuance of a timber harvest permit and requested authority to proceed with issuance of a permit with the following standard conditions:

- The harvest shall comply with the basal area limits for the residual stand in the River Edge Zone, as detailed in Chapter NR 37, Wisconsin Administrative Code;
- In the River Edge Zone, all trees selected for harvest shall be appropriately marked and reviewed by the LWSRB for compliance with the applicable performance standards prior to initiation of the harvest;
- In the River Edge 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 review the location and design of all new logging roads, if any, in the River Edge 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 various zones shall be delineated 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, if necessary, the LWSRB shall conduct a post-harvest field inspection; and,
- The LWSRB shall review modification of the plans, as submitted, for compliance with the applicable performance standards.

A motion authorizing Cupp to issue the permit was made by Dorscheid, seconded by Leys. **MOTION CARRIED.**

Cupp said he had issued three general permits for timber harvests on lands not visible from the river since the December meeting. An extension to a permit previously issued to Gary Nelson for a parcel in the Town of Watterstown, Grant County, was granted. A general permit was issued to Larry Dahman for a bottomland parcel in the Town of Bridgeport, Crawford County. A general permit was issued to Mark Moeller for thinning of a small pine plantation in the Town of Mazomanie, Dane County.

The Budget & Office Committee report was presented by Chairman Nice who reviewed the status of the FY 09 budget. Cupp said the Executive Budget proposal for the next biennium is still being developed by Governor Jim Doyle and the budget shop at the Department of Administration (DOA). All indications are that it will be a tight budget. No new information regarding the board's budget request has been received.

The Personnel Committee report was given by Chairman Moore who said the annual performance evaluation of Mark Cupp, Executive Director, had been completed. Moore said the committee had met to review the 8 forms that had been returned by board members. Lee Isaacson from DOA had joined the committee for a portion of the meeting. Moore said Isaacson reported that no discretionary compensation payments or awards could be issued due to a moratorium on such actions ordered by Governor Doyle. There are no other options for additional compensation for the Executive Director. Moore said the evaluations all rated Cupp's performance as "excellent." Moore made a motion, seconded by Greenwood, to send a letter to DOA with the evaluations attached and indicating Cupp again received an excellent rating from the board. **MOTION CARRIED.** Cupp thanked the board for their continued confidence. Cupp also acknowledged the contributions of Marsha Nachtigal, Office Associate, and said the success of the board and staff is due to good teamwork.

The Executive Director's report was presented by Cupp who reviewed the materials in the board members' packets. Cupp noted Cultural Landscape Legacies and the board will have a booth at Canoecopia in March.

There were no items to report under board members' business.

The DNR report was given by Brian Hefty, Acting DNR Riverway Manager, who had assumed his new duties that day succeeding Dana White-Quam. Hefty said he was familiar with the project having served as Superintendent of Wyalusing State Park for six years. Hefty said he was excited about the new opportunity and looked forward to working with the board. Hutnik reported that timber harvests on state owned land in the Riverway are winding down for the season. He said work on the DNR's Implementation Plan for the Riverway is gearing up again. Dan Goltz, DNR Wildlife Biologist, said a lot of effort is now being targeted toward invasive species control on state lands.

There were no comments during the public comment session.

A motion to adjourn until February 12th when the meeting will be held in Muscoda was made by Greenwood, 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