

LOWER WISCONSIN STATE RIVERWAY BOARD

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MINUTES OF THE APRIL 9, 2009, RIVERWAY BOARD MEETING

The Lower Wisconsin State Riverway Board (LWSRB) met on Thursday, April 9, 2009, at the Sauk City Public Library to conduct a regular monthly business meeting. The meeting was called to order at 5:00 p.m. by Chair William Lundberg. All members were present with the exception of Nick Nice. 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 Don Greenwood. **MOTION CARRIED.** A motion to approve the minutes of the March 12, 2009, meeting was made by Greenwood, seconded by Ron Leys. **MOTION CARRIED.**

The Executive Committee report was presented by Lundberg who noted Assembly Joint Resolution 28 (AJR 28) had been passed by the Assembly. Cupp said the Senate was expected to take action on the resolution in the near future. AJR 28 recognizes the 20-year milestone of the Riverway project. Cupp reviewed the draft of letters to public service commissions of neighboring states as recommended by the Wisconsin Public Service Commission (PSC) in regard to the proposed new high voltage transmission line slated to bring wind power from the west to points east. Leys noted that with more green energy requirements in place and on the horizon, wind generated electricity will become more predominant. He said higher capacity lines are more efficient but require taller poles and wider rights of way. The board directed Cupp to proceed with sending the correspondence to the parties identified by the PSC. Cupp said the next presentation under the auspices of the Year of the Riverway would be given by David Gjestson on May 2nd. Gjestson will give a presentation on the Black Hawk War and will provide a guided tour of the Wisconsin Heights Battle Site. The event will be held in conjunction with the annual Sauk Prairie River PAL river clean-up and garlic mustard pulling day.

In conjunction with the Year of the Riverway, Jean Unmuth, DNR Water Resources Specialist, was a guest speaker. Unmuth gave a presentation on flood impacts in south central and southwestern Wisconsin in 2008. Unmuth showed digital images of the devastation in various communities in the region. She discussed the record precipitation events and the incredible river flows that ensued. As an example, Unmuth noted the normal flow on the Baraboo River in summer is 300 cfs but during the flood event, the flow peaked at 18,000 cfs. She noted dumping of raw sewage was rampant as wastewater treatment plants couldn't handle the demand and/or were underwater. Unmuth said 95% of all roads in Sauk County received damage.

Andy Morton, DNR Lower Wisconsin River Basin Supervisor, then gave a presentation on the process for development of an environmental analysis (EA) for the proposed direct discharge to the Wisconsin River from the pumping project proposed by the Crystal/Fish/Mud Lake District. Morton said the DNR acquires as much information as possible and assesses adverse impacts, including cumulative impacts. He said the report will be released by the end of the month. Morton noted the Lake District is seeking a temporary permit to allow pumping to begin.

The Operations Committee report was presented by Chairman Dorscheid. The permit application of the Lake District for burial of pipes to accommodate permanent discharge to the river was discussed. Dorscheid said the Operations Committee and LWSRB members Lundberg and Greenwood, as well as Cupp and Brad Hutnik, DNR Riverway Forester, had met with Jeff Melville from the Lake District to discuss the application. The group toured the discharge site and viewed the flooding problems at Fish Lake and Crystal Lake. A power point presentation was given by Cupp who reviewed the permit requirements for the project. Cupp also discussed

proposed conditions of the permit, if approved by the board. A motion to approve issuance of a permit for the activity with conditions was made by Greg Greenheck, seconded by Dorscheid. Conditions of the permit would include the following:

- Disruption of shoreline vegetation shall be minimized to reduce or eliminate the aesthetic impact of the activity;
- The applicant shall implement a re-vegetation plan developed by the DNR Riverway Forester to restore the natural character of the area to the greatest extent possible, if determined to be necessary by the LWSRB;
- Removal of vegetation shall be approved by the LWSRB before initiating the activity;
- The shoreline shall be monitored on a routine basis to assure prevention of erosion;
- The LWSRB shall approve any modifications to the plans, as submitted, including additional riverbank protection, if needed; and,
- The activity shall comply with all other applicable federal, state and local regulations.

Leys said he understood the board's responsibility to properly administer the regulations and noted the board action would not reflect any judgment on whether the project was a good or bad. Leys expressed concern regarding potential erosion on the riverbank at the discharge point. He said he preferred a daylighted pipe to the river rather than the level spreader discharge currently proposed.

Greenwood asked that the LWSRB permit include language assuring concurrence with any DNR-issued permits. He said the board's permit should not exceed that of the temporary/emergency order provided by DNR. If the DNR approves a permit for the permanent discharge, which would be on a five year review schedule, the board's permit should follow a similar cycle. Morton noted the temporary permit has been approved by DNR but a requirement is that the Lake District obtains the appropriate LWSRB permit. Greenwood then offered a friendly amendment to the motion that would state the permit would expire in one year or concurrent with any DNR-issued temporary or permanent permits. The amendment was accepted by the motion's mover and second. A vote on the motion as amended was taken. The **MOTION CARRIED** on a vote of 7 "ayes" and 1 "nay."

Fred Madison asked about the pumping from Crystal Lake into Roxbury Creek, a tributary of the Wisconsin River. Cupp said the pipes from the lake to the creek are not within the Riverway boundary so the board has no jurisdiction. However, the board would have an advisory role to express concerns regarding water quality because the creek flows into the Wisconsin River. The board could offer comment to DNR if the board would choose to do so.

Cupp reported color samples provided by Kevin Fry had been approved. A permit was approved for modification of an existing structure in the Town of Woodman, Grant County. A condition of the permit required board approval of the exterior colorization. Cupp said the roof and siding will be brown and will comply with the applicable performance standards.

Cupp reported no permits had been issued by him since the last meeting.

The Budget Committee report was presented by Acting Chairman Greenheck who reviewed the status of the FY 09 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. Cupp said the dedication of STH 60 would occur on April 27th with a tour from Lodi to Prairie du Chien. He noted River Alliance of Wisconsin would honor former LWSRB member David Martin with a River Champion award on April 25th.

Under board members business, Lundberg welcomed former longtime board member from Dane County, Jim Amundson, to the meeting. Leys said Asian carp have been found in large numbers in the Upper Mississippi and expressed concern about the spread to the lower Wisconsin.

The DNR report was presented by Brian Hefty, Acting DNR Riverway Manager, who noted a 700 acre prescribed burn at the Millville Unit had been completed. He said the Riverway LTE crew had started work. Hutnik reported the EAB discovery in Vernon County had resulted in quarantines for Vernon and Crawford counties.

There were no comments during the public comment period.

A motion to adjourn until May 14th when the meeting will be held in Boscobel 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