

# LOWER WISCONSIN STATE RIVERWAY BOARD

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## MINUTES OF THE MAY 14, 2009, RIVERWAY BOARD MEETING

The Lower Wisconsin State Riverway Board (LWSRB) met on Thursday, May 14, 2009, at the Boscobel City Hall 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 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 Don Greenwood, seconded by Fred Madison. **MOTION CARRIED.** A motion to approve the minutes of the April 9, 2009, meeting was made by Gerald Dorscheid, seconded by Ron Leys. **MOTION CARRIED.**

The Executive Committee report was presented by Bill Lundberg. Year of the Riverway events were discussed. Cupp said archeological and historical lectures would be given at the LWSRB office on May 16<sup>th</sup> as part of the Muscodia Morel Mushroom Festival. Cupp will assist with dedication of the new voyageur statue at Prairie du Chien's Statue Park on St. Feriole Island on May 30<sup>th</sup>. On June 7<sup>th</sup>, Matt Zine, DNR SNA Manager, will give a tour of the Blue River Sand Barrens. Cupp then presented the board members with a framed poster of the Shadewald mound group as pictured on the Wisconsin Historical Society Archeology Month poster for 2009.

The dedication of STH 60 as a Wisconsin Scenic Byway was discussed. Lundberg said he was able to attend the Prairie du Chien ceremony with Lt. Governor Lawton serving as keynote speaker. Greenwood attended the entire tour and said everything went smoothly and noted it was a very good day. Dorscheid and Leys also attended portions of the tour and concurred with the positive assessment of the day's events. Lundberg commended Cupp for the years of effort taken to achieve the designation. Cupp thanked the board members who attended for their support and acknowledged the contributions of Marsha Nachtigal, LWSRB Office Associate, in the success of the dedication day as well as the success of the designation overall.

Under correspondence, Lundberg noted an article was provided by the Sierra Club magazine that was written by Darren Bush regarding paddling on the Lower Wisconsin State Riverway. Also, a letter from Cupp to Frank Sheckel regarding the proposed CAFO at the Roth property in the Town of Wauzeka, Crawford County, was reviewed. Leys said the response by Cupp was appropriate and added the Legislature had achieved the goal of minimizing local input into the CAFO process by eliminating meaningful county or town oversight via the livestock siting law.

In conjunction with the Year of the Riverway, Dan Goltz, DNR Wildlife Biologist, was a guest speaker. Goltz gave a power point presentation that highlighted the decade he spend working in Hawaii on endangered species research. He described his work in the Riverway and noted the recent completion of a 760 acre prescribed burn at the Millville Uplands and another burn at the Morrison tract. He noted the importance of public lands for recreational pursuits. Goltz said the Lower Wisconsin State Riverway offers a multitude of opportunities for wildlife management and research.

A second presentation was given by Eric Sturm of Con-Tech Solutions. Dorscheid had requested that Cupp arrange to have Sturm at a board meeting after seeing his presentation at an engineering conference. Sturm gave a power presentation on products offered by his company as alternatives to traditional riprap and retaining walls for bank stabilization purposes.

The Operations Committee report was given by Chairman Dorschied. The permit request of Andrew and Kim Bangert for placement of solar panels in the Town of Buena Vista, Richland County, was considered. Dorscheid noted the committee had conducted a field inspection at the site prior to the board meeting. A PowerPoint presentation was given. Cupp noted it was important for the board to carefully evaluate the application because the highly reflective properties of solar panels coupled with the need for direct sunlight to be effective would seem to be antithetical to the Riverway's aesthetic protection mission and may make approval of solar related permits difficult. Cupp noted the specific performance standard that requires a limited use of glass or other reflective material. In the Bangert application, Cupp said he recommended approval because of the amount of screening vegetation and the location of the panels. Plans call for two rows

of panels to be mounted atop a utility shed a considerable distance from the river. He noted conditions of the permit would require implementation of a planting plan and consideration of long term survival of existing screening vegetation and replacement if damaged or destroyed. Cupp said an on-site meeting with the applicant would occur with Brad Hutnik, DNR Riverway Forester, providing technical assistance.

Greenwood said the angle of the panels is important and noted the solar panels typically will be angled skyward so the panels don't present a direct aspect to the river. Leys said the board should proceed cautiously because solar projects are likely to become more prevalent in the Riverway and the action in this case will set a precedent. He said the board should hold fast on the number of trees to be removed in conjunction with the installation of the project and not allow more trees to be removed in the future. Hutnik noted the slope of the roof works to the advantage of the project because it slopes away from the river. Greg Greenheck noted an advantage to an increase in solar usage is a decrease in the number of power lines.

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

- The existing screening vegetation shall be maintained and replaced if damaged or destroyed;
- Removal of vegetation shall be approved by the LWSRB before initiating the activity;
- The applicant shall implement a re-vegetation plan developed by the DNR Riverway Forester, which will include the following requirements;
  - The new trees shall reach a minimum height of six feet within three years and shall be a minimum of 48 inches at the time of planting and shall be replaced if mortality occurs;
  - The trees shall be planted at locations specified by the DNR Riverway Forester;
  - The planting plan shall be implemented by May 14, 2010;
- The LWSRB shall approve any modifications to the plans, as submitted; and,
- The activity shall comply with all other applicable federal, state and local regulations.

**MOTION CARRIED.**

The permit request of Jean Mescher for placement of a cabin at her property in the Town of Eagle, Richland County, was considered. Dorscheid noted the committee had conducted a field inspection at the site prior to the board meeting. A PowerPoint presentation was given. Cupp noted the site was another example of the need for a comprehensive boundary review because the highly developed subdivision along Effigy Mounds Lane is excluded from the Riverway boundary but the first developed lot and a portion of the next lot (from STH 60) are within the boundary. In the Mescher application, the footprint for the cabin will be within the boundary, hence, the need for an LWSRB permit. Plans call for the movement of a cabin from a property in the Town of Buena Vista, Richland County, to the Town of Eagle site. The cabin will comply with the applicable performance standards. A motion to approve issuance of a permit with conditions was made by Dorscheid, seconded by Leys. Conditions of the permit include:

- The existing screening vegetation shall be maintained and replaced if damaged or destroyed;
- The height of the structure shall be limited so that the structure does not become visible from the Wisconsin River during leaf-on conditions and shall not exceed 22 feet;
- The exterior colorization of the structure (including roof color) shall harmonize with the natural surroundings during leaf-on conditions and shall be approved by the LWSRB prior to initiation of construction;
- There shall be a limited amount of glass or other reflective material;
- The LWSRB shall review any modifications to the plans, as submitted, for compliance with the applicable performance standards;
- The landowner or his/her agent shall notify the LWSRB upon completion of the project; and,
- The activity shall comply with all other federal, state and local regulations.

**MOTION CARRIED.**

The permit request of Jim Mathews for a timber harvest on Coumbe Island in the Town of Watterstown, Grant County, was considered. A PowerPoint presentation was shown. Cupp explained that the permit issued by the board in April was a short term permit that expired on April 30<sup>th</sup>. The permit was issued to allow egress of the logs stockpiled at the site in conjunction with the non-permitted harvest for which the board had approved issuance of a written warning. The cover letter sent with the previous permit noted the need to obtain a "regular" timber harvest permit if the logs were to be removed after April 30<sup>th</sup> or if additional harvesting would be conducted. Cupp said the landowner had applied for the "regular" permit in order to remove the logs and may conduct more harvesting in the fall or winter. Cupp expressed frustration with the lack of cooperation from the DNR Conservation Warden in issuing the written warning. Madison asked if Mr. Mathews has a clear understanding that future violations will result in enforcement action. Cupp responded in the affirmative. Greenheck expressed concern that the warning had not yet been issued by the DNR Conservation Warden. Cupp said he may need assistance from Chairman Lundberg in resolving the matter.

A motion to approve issuance of the permit with conditions was made by Dorscheid, seconded by Madison. Conditions of the permit include the following:

- The harvest shall comply with the basal area limits for the residual stand in the River Edge Zone and Riverview Zone, as detailed in Chapter NR 37, Wisconsin Administrative Code;
- In the River Edge Zone and Riverview 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 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 review the location and design of all new logging roads, if any, in the 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;
- The LWSRB shall review the location and design of all small regeneration cuts, if any, in the Riverview Zone to assure compliance with the applicable performance standards;
- The River Edge Zone and Riverview Zone 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.

**MOTION CARRIED.**

A PowerPoint presentation on the discharge area and pipe corridor for the Lake District pumping project in the Town of Roxbury, Dane County, was given. Cupp said he conducted a field inspection at the site on May 12<sup>th</sup> to monitor bank stabilization at the discharge point where the level spreader was in use. He said potential bank damage from herds of carp had not been anticipated and showed images demonstrating the congregation of carp at the site. Cupp reviewed the corridor where the pipe was buried and noted the test cell constructed as part of the pilot project for seepage had been restored. Cupp said he would continue to monitor the site.

Cupp reported Dairyland Power had completed work required in conjunction with modification of a power line crossing between Crawford and Grant counties. A condition of the permit required implementation of a planting plan under the direction and supervision of the DNR Riverway Forester. Cupp said Dairyland Power had hired Jeff Christie to do the work and the planting plan had been completed.

Cupp reported he had not issued any new permits since the last meeting.

The Budget Committee report was presented by Chairman Nice who reviewed the status of the FY 09 budget. Cupp noted there will be a shortfall in the salaries line and the fringe benefits line. A pay plan supplement will be requested but a line transfer from supplies and service will be required. Cupp said the Joint Committee on Finance had approved the Governor's budget request for the board. However, recently, the Governor has mandated furloughs for all state employees.

Cupp said he and Nachtigal will be required to take 8 days of unpaid leave in each of the next two fiscal years. Cupp said additional cuts may be forthcoming. Meetings with the Budget Committee and Personnel Committee may be required prior to the June LWSRB meeting.

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. He noted River Alliance of Wisconsin honored former LWSRB member David Martin with a River Champion award on April 25<sup>th</sup>.

Under board members business, Dorscheid said the grand opening of the Hyde blacksmith shop has been well attended. Leys expressed concern that local media was not present to report on the board meeting.

The DNR report was presented by Hutnik who said Riverway timber harvests on state owned land had concluded for the season. The pine thinnings at the Lemanski tract in the Town of Pulaski, Iowa County, the String of Pearls site in the Town of Muscoda, Grant County, were the last two harvests to be completed. Hutnik said tree plantings had taken place at the Merwin tract in the Town of Marietta, Crawford County, and the Tubbs tract in the Town of Wyalusing, Grant County. He noted the Tubbs tract planting was a bottomland site and included sycamore and Kentucky coffee tree seedlings grown at the Wilson State Nursery at Boscobel. Hutnik said firewood harvesting at the Lemanski have been shut down due to problems with illegal firewood cutting at the site. Alternative sites will be presented to the public.

During the public comment period, Timm Zumm of Spring Green, Co-Chair of the Friends of the Lower Wisconsin (FLOW) said he enjoyed the scenic byway dedication. He said FLOW continues to oppose the pumping project from the Crystal/Fish/Mud Lake District.

A motion to adjourn until June 11<sup>th</sup> when the meeting will be held at the Rhinelander Cabin the Riverway's Black Hawk Unit in the Town of Mazomanie, Dane County, was made by Madison, seconded by Melody Moore. **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