

# LOWER WISCONSIN STATE RIVERWAY BOARD

202 N. Wisconsin Avenue  
P.O. Box 187  
Muscodia, WI 53573  
(608) 739-3188 or 1-800-221-3792

## MINUTES OF THE JUNE 11, 2009, RIVERWAY BOARD MEETING

The Lower Wisconsin State Riverway Board (LWSRB) met on Thursday, June 11, 2009, at the Rhinelander Cabin in the Town of Mazomanie, Dane County, 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 Fred Madison. Acknowledgment that the meeting was properly noticed was provided by Mark E. Cupp, Executive Director. A motion to approve the agenda was made by Jerry Dorscheid, seconded by Nick Nice. **MOTION CARRIED.** The minutes of the May 14, 2009, meeting were considered. Cupp noted the term "herd" of carp would be changed to "school" of carp, as proposed by Don Greenwood. A motion to approve the minutes was made by Dorscheid, seconded by Melody Moore. **MOTION CARRIED.**

The Executive Committee report was presented by Chairman Lundberg. Correspondence was reviewed. Lundberg noted an article on the Riverway appeared in the Natural Resources Magazine. He said Cupp had sent a letter in support of the Fox-Wisconsin Heritage Parkway proposal. A draft of a revised Memorandum of Understanding (MOU) with the Department of Natural Resources (DNR) regarding conservation warden duties and enforcement actions in the Riverway was distributed. Cupp said he was working with Barb Wolf, DNR Regional Conservation Warden, and Chuck Horn, DNR Area Warden Supervisor, to update the document that will provide procedures for issuance of warnings or citations related to violations of the Riverway law.

In conjunction with the Year of the Riverway, Becky Roth, DNR Wildlife Biologist, and Brad Hutnik, DNR Riverway Forester, gave a presentation on wildlife management in the Riverway and invasive species challenges. Roth described her role working on the east segment of the Riverway, from Prairie du Sac to Muscodia. Among the concerns cited by Roth were continued problems with trash/litter, off-road vehicle use and associated damage to habitat, deer densities, climate change, and battling succession and non-native invasive species to protect native plant communities and wildlife habitat. Roth encouraged citizens to contact her with any bear sightings and said she expected bears to establish permanent residence in the Riverway in the near future. Ron Leys noted a bear had been spotted in the Town of Scott, Crawford County.

Hutnik then discussed non-native invasive plants and the problems created for property managers. He said the invasive species will alter the ecosystem in dramatic fashion and often out-compete native plants thereby changing everything from hydrology to erosion to soil chemistry. He said the absence of fire on the landscape has allowed many invasive species to proliferate. Hutnik then showed photographs of invasive species currently causing problems in the Riverway.

A presentation on the recreational use at the Mazomanie Beach within the Mazomanie Wildlife Area (Mazomanie Unit) of the Riverway was given by DNR Regional Warden Barb Wolf and DNR Area Warden Supervisor Jeremy Plotz. Wolf said the Mazo Beach is the most intensively used place on the river with hundreds of nudists on the beach on summer weekends. Plotz reported on enforcement activities at the beach noting that enforcement has been limited due to budget and staffing constraints. In 2007, there were 6 days of enforcement presence resulting in 11 arrests for lewd and lascivious disorder (sexual contact) as well as other arrests for drugs and some citations for glass. In 2008, there was less enforcement presence but 7 arrests were made for lewd and lascivious behavior. In 2009, there were only two days of enforcement presence. Three arrests for lewd and lascivious behavior were made. Wolf noted complaints about the open sex had been received from other beach users and river users.

A member of the public, Virginia Folk of the Town of Mazomanie, said she lives in the area and won't use the property any longer. She said her daughter and boyfriend went for walk on Conservation Drive and were accosted by a group of men making sexual comments. She said there are problems with drugs and sexual activity at the Mazomanie Dog Trial Grounds and other state owned lands in the vicinity. She said she can't enjoy the public land in the area any more because of the illicit activities.

Plotz said the increasing problem of lewd and lascivious behavior at the beach is partially attributed to Internet sites that tout the Mazo Beach as a place to "hook-up". Arrests have been made of men from other states that came to the site specifically to engage in anonymous sexual encounters. Lundberg asked about the level of enforcement presence planned for 2009. Plotz said it difficult to predict the amount of time to be devoted to enforcement this year. Wolf said budget cuts have resulted in limited dollars available for mileage and staff time. A member of the public, Jim Sweeney of Sauk City, asked if public nudity is illegal. Wolf said the decision is made in the context of place. A member of the public, Ken Frank of Mazomanie, asked where/who to call with complaints. Wolf said the DNR tip line or the Dane County Sheriff's Department would be the place to lodge a complaint.

A Year of the Riverway update was given by Cupp who said a formal ceremony recognizing the 20-year anniversary of the signing of the Riverway legislation would be held in Muscoda at 2:00 p.m. on Sunday, August 2<sup>nd</sup>. The event will be held at Victora Riverside Park. Cupp then reviewed other special events planned for Prairie du Chien rendezvous, Spring Green Art Fair, and guided trips on the river with voyageur replica canoes.

The Operations Committee report was presented by Chairman Dorscheid. A permit request from Terry Shifflet for construction of a pumphouse and swimming pool at Wisconsin Riverside Resort in the Town of Spring Green, Sauk County, was considered. Dorscheid said the Operations Committee had visited the site and met with Mr. Shifflet prior to the board meeting. A PowerPoint presentation was shown. The site is partially visible from the Wisconsin River during leaf-on conditions. Adequate screening vegetation exists at the site. The pool will be a below ground structure. The pumphouse will be 26 ft. x 10 ft. x 12 ft. (height). The exterior will be brown brick with a green metal roof to match the existing bathhouse, which was permitted under previous board action. There will be limited use of glass or other reflective material. The slope of the site will comply with the applicable performance standard. Cupp noted Mr. Shifflet also is proposing a major project to raze the existing bar, restaurant and office and replace it with a new facility. Plans are being drawn for presentation to the board in the coming months.

Leys said good communication throughout the process for the major building project will be important. Lundberg said Mr. Shifflet has been cooperative in the past and is committed to working with the board to achieve compliance with the applicable performance standards. Greenwood said he has experience with the landowner on other projects and said he is a good person with which to work.

A motion to approve issuance of a permit for the pumphouse and swimming pool with the following conditions was made by Dorscheid, seconded by Greenwood:

- 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 14 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.**

A permit request from Rodney and Susan Beadle for a timber harvest in the Town of Buena Vista, Richland County, was considered. Oakwood Forestry Consulting of Sauk City is the consultant. Dorscheid said that a field inspection was conducted by Cupp and the Operations Committee in conjunction with previous permit activities at the site (stairway, wharf and house). Plans call for a timber stand improvement (TSI) cutting in conjunction with the MFL plan for the property. A PowerPoint presentation was shown. Stand 1 encompasses 18 of the 20 wooded acres and will involve harvest of river birch, bitternut hickory, aspen, elm and poorly formed silver maple to enhance the oak/maple stand. The minimal basal area will be 70-75 sq. ft. basal area/acre for the residual stand. Also, a 75 feet "no-cut" zone has been established along the river. Stand 2 is a small pine stand. Removal of hardwoods and suppressed pine will occur with the basal area for the residual stand averaging 110 sq. ft. basal area/acre. No new roads will be constructed. The TSI harvest will be conducted under frozen ground conditions, possibly in the winter of 2009-2010 but more likely in the winter of 2010-2011. The trees slated for harvest have been marked.

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

- 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 River Edge 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;
- 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, if necessary;
- 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.**

The Crystal/Fish/Mud Lake District pumping project was discussed. Dorscheid noted the Operations Committee had visited the discharge site by canoe prior to the board meeting. Cupp said the erosion potential at the site will continue to be monitored. The board may require placement of additional rock at the site to prevent erosion since the original sheet flow model is not being followed and, instead, the discharge is becoming channelized.

Dorscheid noted a written warning had been issued to Jim Mathews for violation of the Riverway timber harvest regulations on Coumbe Island in the Town of Watestown, Grant County. The warning was issued by DNR Conservation Warden Martin Stone. Cupp reported he had issued a permit to Thomas Murn for management activities in the Town of Mazomanie, Dane County, and to Randy Kulas for a new garage in the Town of Eagle, Richland County.

The Budget & Office Committee report was presented by Chairman Nice who reviewed the status of the FY 09 budget. Cupp said the state budget process continues in the Legislature. The Joint Committee on Finance has approved the LWSRB budget. The Senate and Assembly will consider the budget bill in the coming weeks.

The Personnel Committee report was presented by Chairwoman Moore who said the committee had met to consider furlough options for LWSRB staff pursuant to Governor Doyle's directive. She said the committee recommended an option that would require staff to use 2-3 furlough hours per pay period to attain a goal of 64 furlough hours per fiscal year. Moore said this is the option preferred by staff. Cupp noted additional guidance on furlough implementation is expected in the near future. Greenheck asked if other agencies, such as DNR, also would be required to implement a furlough plan. Cupp said all state employees, other than protective services, are required to comply with the furlough directive.

Moore said the Nominating Committee had met to develop a slate of officers for consideration by the board and said the committee recommended retaining the current suite of officers including Bill Lundberg as Chair, Melody Moore as Vice-Chair and Nick Nice as Secretary. She said no other board members had expressed interest in an officer position.

The office of Chair was considered. Moore nominated Bill Lundberg, seconded by Greenwood, for the office of Chair and then thrice called for nominations from the floor. There were no nominations from the floor so a vote on the motion was taken. **MOTION CARRIED.** The office of Vice-Chair was considered. Moore turned the committee chair over to Brown who nominated Melody Moore for the office of Vice-Chair, seconded by Greenwood. Brown then thrice called for nominations from the floor. There were no nominations from the floor so a vote on the motion was taken. **MOTION CARRIED.** The office of Secretary was considered. Moore resumed the committee chair. Moore nominated Nick Nice for the office of Secretary, seconded by Dorscheid. Moore thrice called for nominations from the floor. There were no nominations from the floor so a vote on the motion was taken. **MOTION CARRIED.** Lundberg noted committee appointments would be considered at the July meeting. Cupp thanked the re-elected officers for their leadership to the board.

The Executive Director's report was given by Cupp who reviewed the materials in the board members' packets. He noted it was a busy month and looks to be equally as busy for the next month.

Under board business, Brown noted funds appear to be available to assist the Ho-Chunk Nation with a shoreline protection project near the effigy mounds on the tribal lands where the bison ranch is located in the Town of Eagle, Richland County. Greenheck asked about the effect of changes to shoreland regulations on the Riverway project. Cupp said he would have to request information on the topic and report back to the board.

The DNR report was presented by Brian Hefty, Acting DNR Riverway Manager, who said there had been no new land acquisitions in the last month. Hefty said DNR crews are working on invasive species control and habitat improvement. Other work is being done to maintain roads and parking areas and picking up trash. He said DNR officials had meet with Department of Transportation representatives regarding an

improvement project on STH 60 between Gotham and Muscoda. The project tentatively is slated for 2014-15. Hefty said DNR South Central Region Director Lloyd Eagan has sent a letter to the Spring Green Drainage District asking that all DNR lands be excluded from any proposal to create a big ditch in the area. Hefty noted this will be his last meeting as Acting Riverway Manager. A new person will be named in the coming weeks. Cupp thanked Hefty for his work as Acting Riverway Manager and said he appreciated the good communication and responsiveness provided by Hefty.

Brad Hutnik, DNR Riverway Forester, said the pine plantation on state owned lands near Paffenrath Lake in the Town of Muscoda, Grant County, is being used as a training site for treatment of anosum root rot. A chemical treatment is applied using the processor that also fells the pine, removes the branches and bucks it up into log lengths.

During the public comment session, Jim Sweeney of Sauk City asked about planting for wildlife habitat. Hutnik said high bush cranberry, hazelnut and dogwood are good species. Virginia Folk of Mazomanie asked about damage from the eastern tent caterpillar. Hutnik said the caterpillars cyclical in terms of populations and will defoliate trees but the trees normally will survive and will leaf-out again. However, some mortality does occur. Folk then asked about prickly ash removal on her property and on state owned lands adjacent to her property. Hutnik said the DNR would not do much to control prickly ash other than waiting for the canopy to close and shade out the prickly ash. He said it can be pulled when it is small and comes out of the ground relatively easily.

A motion to adjourn until July 9<sup>th</sup> when the meeting will be held in Gotham was made by Leys, seconded by Greenheck. **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