

LOWER WISCONSIN STATE RIVERWAY BOARD

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MINUTES OF THE JULY 9, 2009, RIVERWAY BOARD MEETING

The Lower Wisconsin State Riverway Board (LWSRB) met on Thursday, July 9, 2009, at the Buena Vista Town Hall in Gotham, 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 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 Don Greenwood, seconded by Melody Moore. **MOTION CARRIED.** The minutes of the June 11, 2009, meeting then were considered. A motion to approve was made by Jerry Dorscheid, seconded by Greenwood. **MOTION CARRIED.**

The Executive Committee report was presented by Chairman Lundberg. Don Bates was introduced as Acting DNR Riverway Manager. Bates noted he has 28 years in the wildlife program and has been working on the DNR's CWD effort. He said the Riverway is a tremendous resource and he looks forward to working on the project.

Correspondence was reviewed. Lundberg congratulated Cupp on being named Citizen of the Year by the Muscodia Chamber of Commerce. Cupp expressed his appreciation for the recognition.

Cupp said a letter had been sent to Jim Mathews regarding the warning for the timber harvest violation on Coumbe Island in the Town of Watterstown, Grant County.

Committee appointments for the 2009 – 2010 fiscal year were considered. Lundberg said the Executive Committee had not heard from anyone wishing to change committees so the appointments would remain the same. A motion to accept the proposed committee structure (see below) was made by, seconded by. **MOTION CARRIED.**

EXECUTIVE COMMITTEE:

Bill Lundberg (Chair)
Melody Moore (Vice-Chair)
Nick Nice (Secretary)

OPERATIONS COMMITTEE:

Gerald Dorscheid (Chair)
Ritchie Brown
Ron Leys

PERSONNEL COMMITTEE:

Melody Moore (Chair)
Don Greenwood
Ritchie Brown

BUDGET & OFFICE COMMITTEE:

Nick Nice (Chair)
Greg Greenheck
Fred Madison

FOREST HEALTH AD HOC CMTE:

Bill Lundberg (Chair)
Ritchie Brown
Gerald Dorscheid
Ron Leys

For the Year of the Riverway update, Cupp reported the voyageur canoe trips were going well. Lundberg noted the board had paddled from Lone Rock to Muscoda prior to the board meeting. Cupp reviewed both completed and upcoming events and 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 2nd. The event will be held at Victoria Riverside Park. He noted the Rhythm of the River music festival will be held on Sunday, August 30th, at Wisconsin Riverside Resort near Spring Green.

In conjunction with the Year of the Riverway, Brad Hutnik, DNR Riverway Forester, gave a presentation on "Forestry Management Options for State Owned Lands in the Riverway." Hutnik discussed management options and challenges for both bottomland and upland forests. He said the hydrology of the bottomlands has changed since construction of the dams and impoundments upstream on the river, which has resulted in the suite of species composing the bottomland forest also changing. Management strategies should be developed to assure species are not lost by replicating former natural processes. In the uplands, fire may become a more important management tool for regeneration of oak. He said the ultimate goal is to provide the public with a model of excellent forestry being practiced on the landscape. Ron Leys said the presentation was important and should be brought to the public's attention.

The Operations Committee report was presented by Chairman Dorscheid. The request of Terry Shifflet for a structure permit in the Town of Spring Green, Sauk County, was discussed. Dorscheid said a field inspection was conducted by Mark E. Cupp, Executive Director, on May 19, 2009. Mr. Shifflet was present for the field inspection. An Operations Committee field inspection was conducted on June 11, 2009. Mr. Shifflet again was present. An additional field inspection was conducted by the Operations Committee on July 9, 2009. A PowerPoint presentation was shown.

Plans call for construction of a new commercial facility to include a bar, restaurant, office and banquet hall at the Wisconsin Riverside Resort (formerly, Bob's Riverside) near Spring Green. The site is visible from the Wisconsin River during leaf-on conditions. Mr. Shifflet then presented plans for the new structure to the board. He said the existing facility will be razed and the new facility will be built farther back from the river to attain compliance with the required 75-foot setback. The existing screening vegetation will be maintained except for two oak trees that must be removed. A planting plan will be developed to provide additional screening vegetation. The exterior colorization will harmonize with the natural surroundings during leaf-on conditions. The maximum height of the structure will be 28 feet. The slope of the site will comply with the applicable performance standard. Sketches and diagrams of the structure and a site plan were included with the application presented by Shifflet.

Leys noted Shifflet is selling the beauty of the Wisconsin River to visitors and providing good jobs while doing so. He said the fact that the number of people who will be able to enjoy the resource is enhanced is a positive aspect of the proposal. Leys said he was concerned about the amount of glass facing the river and said the retention of the existing screening vegetation and implementation of the planting plan to be developed by Hutnik and approved by the board will be important. Shifflet said he would gladly plant more trees at the site. Shifflet the schedule for the project, if all goes well, would be to tear down the existing building in September with the new structure open for business by May 1, 2010.

A motion to approve issuance of a permit for the resort 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 LWSRB shall approve the removal of any existing trees at the site prior to initiation of construction;
- A planting plan shall be developed by the DNR Riverway Forester and implemented by June 1, 2011, following approval by the LWSRB; the planting plan shall include a variety of species to reach specified heights within 3 years of planting and with replacement of trees if mortality occurs;
- 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 30 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 shall notify the LWSRB upon initiation and completion of the project; and,
- The activity shall comply with all other federal, state and local regulations.

MOTION CARRIED.

A permit request from Mark and Peggy Timmerman for in the Town of Buena Vista, Richland County, was considered. A field inspection was conducted by Mark E. Cupp, Executive Director, on June 16, 2009. Ms. Timmerman was present for the field inspection. Previously, a field inspection was conducted by Brad Hutnik, DNR Riverway Forester. Several mounds were confirmed at the site, which overlooks the Pine River, the Avoca Prairie and the Wisconsin River valley. A large conical mound has been badly damaged by excavation. Other mounds appear relatively intact. Due to the amount of vegetation, a clear determination on types of mounds was difficult. Conical and linear mounds are the likely candidates. The site is on a protruding ridge.

Plans call for removal of trees and woody vegetation following the mounds maintenance protocols established by the board, et al. Restoration of the native plant community will occur, which appears to have been prairie and oak savanna. No new structures become visible from the river as a result of the activity.

A motion to approve issuance of a two-year permit with the following conditions was made by Dorscheid, seconded by Ritchie Brown:

- The activity shall be determined to be appropriate for the site by the DNR Riverway Forester;
- The mounds maintenance protocols developed by the board shall be followed;
- The activity shall not result in an existing structure becoming visible from the Wisconsin River during leaf-on conditions;
- The LWSRB shall approve any modifications to the plans as submitted; and,
- The applicant or his/her agent shall notify the LWSRB upon initiation and completion of the project.

MOTION CARRIED.

A permit request from Darlene Williams for a timber harvest in the Town of Buena Vista, Richland County, was considered. Aaron Wright of SW Badger RC&D is the consultant. A field inspection was conducted by Mark E. Cupp, Executive Director, on June 29, 2009. Brad Hutnik, DNR Riverway Forester, and

Mr. Wright were present for the field inspection. Plans call for a timber stand improvement (TSI) cutting in conjunction with the MFL plan for the property and additional harvesting outside of the MFL area. The MFL plan pre-dates the Riverway law. Some small regeneration cuts of aspen will occur. The trees slated for harvest have been marked and partially reviewed for compliance with the applicable performance standards. The harvest area encompasses the Bluff Zone, Riverview Zone and Resource Management Zone. No new roads will be constructed. Potential conical mounds were found. GPS coordinates were taken and the sites were flagged for no disturbance. Upland boneset, a listed plant, also was found at the site. A PowerPoint presentation was shown.

A motion to approve issuance of a timber permit with the following conditions was made by Dorscheid, seconded by Brown:

- 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, 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 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 review 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;
- 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 Bluff 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 in the Town of Roxbury, Dane County, was discussed. A PowerPoint presentation was shown. Dorscheid said the committee had visited the site prior to the board meeting. The sheet flow to the river that was supposed to occur through use of the level spreader at the discharge site never occurred. Rather, channelized flow to the river from the outfall area has occurred. Cupp said additional armoring of the shoreline and channelized flow area likely will be necessary. A member of the public, Dave Marshall of the Friends of the Lower Wisconsin (FLOW) said a comprehensive mussel survey is needed and noted an informal survey has found numerous mussels in the vicinity. He said the flow of sand onto the mussel beds is a problem. A member of the public, Doug Risch of FLOW, asked if the failure of the level spreader to achieve the sheet flow distribution of water to the river would be considered a violation of the LWSRB permit. Cupp said the permit contained language for the board to review the project and require additional measures to be implemented, such as additional armoring of the shoreline. Risch asked about land ownership. Cupp said the land is owned by DNR as part of the Riverway project. Risch asked if invasive species were present at the site. Hutnik said no new invasive species were at the site based on his last visit. Greenwood noted the DNR had issued a 5-year permit for the activity and that the LWSRB's regulatory purview was limited to the aesthetic impacts. Cupp said he hoped to visit the site with DNR officials during

one of the voyageur canoe trips in the near future. A member of the public, Timm Zumm of FLOW, expressed concern regarding water quality. Marshall said the monthly reporting is inadequate and is based on wastewater treatment facility guidelines, which is inappropriate for this activity. Moore said the matter also could be considered a public safety issue at the discharge site. Risch said he has deep concerns about the permit issued by DNR. The board agreed to continue to monitor the situation with another report expected at the August meeting.

Cupp said the remodeling of a cabin visible from the river on the Kevin Fry property in the Town of Woodman, Grant County, had been completed. A PowerPoint presentation was shown. Cupp said the new exterior colorization scheme complied with the Riverway performance standards and helped the structure harmonize with the natural surroundings during leaf-on conditions. Cupp said he and Hutnik had conducted a field inspection at the Greg Nedland property in the Town of Richwood, Richland County, to review mitigation to logging roads required by the board. Cupp said the work had been completed although Hutnik had suggested continued monitoring of the site to assure the erosion control objective had been achieved.

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

The Personnel Committee report was presented by Chairwoman Moore who reviewed the furlough options for LWSRB staff that were approved by the committee. Marsha Nachtigal, Office Associate, will take 64 hours in furlough leave through increments of 2-3 hours per pay period. Cupp will take 8 hours of furlough time on the day after Thanksgiving and then will use 4 hours of furlough time on alternating Fridays from October until May. A motion to accept the furlough plan was made by Moore, seconded by Greenwood. **MOTION CARRIED.**

The Executive Director's report was not given due to time constraints.

Under board business, Brown noted a meeting on bank stabilization options for the Ho-Chunk Nation Bison Ranch would be held shortly. The U.S. Army Corps of Engineers and others would be on hand to discuss methods for protecting the effigy mound group at the site.

The DNR report was presented by Bates who said an experimental project with marsh hay cutting would be implemented and said an alternative boat launch site in the Spring Green area was being explored.

During the public comment session, Ann Greenheck, Richland County Board Chair, welcomed the board to Gotham.

A motion to adjourn until August 13th when the meeting will be held at the Wyalusing State Park was made by Greenwood, 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:

Mark E. Cupp, Executive Director
Lower Wisconsin State Riverway Board