

LOWER WISCONSIN STATE RIVERWAY BOARD

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MINUTES OF THE OCTOBER 8, 2009, RIVERWAY BOARD MEETING

The Lower Wisconsin State Riverway Board (LWSRB) met on Thursday, October 8, 2009, at the Wauzeka Village Hall 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 exceptions of Gerald Dorscheid, Fred Madison and 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 Melody Moore. **MOTION CARRIED.** The minutes of the September 10, 2009, meeting then were considered. A motion to approve the minutes was made by Greenwood, seconded by Ron Leys. **MOTION CARRIED.**

The Executive Committee report was presented by Chairman Lundberg. In conjunction with the Year of the Riverway, Lundberg introduced David Marshall for a presentation on the water quality and fishery survey of Riverway backwater lakes. The presentation was entitled "The Forgotten Lakes." He said the study of Riverway floodplain lakes is in the third year of a four year project. Thus far, 183 sites in the Riverway have been studied. Marshall noted the backwater lakes are an important nursery for a variety of fish and also serve as a refuge for fish during high water events. The lakes support a high diversity of fish species including a number of rare and unusual fish. One of the big surprises of the research has been the number of sites with starhead topminnow, an endangered species. Invasive species, such as the western mosquito fish, remain a concern. Marshall recommended a proactive management strategy and increase of Stewardship Fund dollars for Riverway acquisitions to protect these sites. He said oxbow lake shorelines should be designated as "sensitive areas" to offer additional protection and suggested the Riverway boundary be expanded to assure the sites are protected through sound management practices.

Correspondence was reviewed. Lundberg said two letters had been received regarding recreational use on the river. A complaint was received from a recreational user regarding the human waste disposal issue. Cupp noted a meeting with canoe livery operators is forthcoming where the issue will be discussed. Additional efforts to educate users on the locations of toilet facilities will be undertaken as well as alternatives to burial of waste on sandbars. Leys suggested a requirement that all canoes have a shovel to dig a latrine. The second letter was from a Prairie du Sac resident who expressed concern regarding long term camping on the sandbar adjacent to Eagle Island visible from the eagle viewing station in Prairie du Sac. Cupp noted the letter will be forwarded to Department of Natural Resources (DNR) officials for a response since the matter involves recreational use and habitat protection. Cupp said sandbar camping is limited to a specific site for no more than three days before the camper must move to another location. There is a closed area near the Mazomanie Beach where camping is not allowed.

Cupp then provided an update on the Year of the Riverway. He noted Brad Hutnik, DNR Riverway Forester, would lead a forestry field trip at the Prairie du Bay timber harvest site near Boscobel on October 11th. The closing ceremony for the Riverway likely will be held at Frank's Hill in Richland County, in conjunction with the winter solstice in December. Cupp said the voyageur canoe trips sponsored by the board were more popular than ever this year with 18 trips conducted in 21 days. He said the ability of the board to provide those excursions with the limited funding available in the supplies and services line was being evaluated.

The Operations Committee report was presented by Acting Chairman Leys, who noted a quorum was not present for the committee meeting so the matters are being offered without a formal committee recommendation for approval/denial. The request for extensions to previously issued permits for timber harvests in Sauk County were considered. Leys said the landowners and sites included: James Ringlestetter,

LWSRB MINUTES/OCTOBER 8, 2009

Page -2-

Town of Troy, Sauk County; B&W Partnership, Town of Troy, Sauk County; and, Larry Davis, Town of Spring Green, Sauk County. In each case, the harvest has not been completed but the harvest plans remain the same as detailed in the original application.

A motion to extend the permit for Ringlestetter for two years with retention of the following conditions was made by Greenwood, seconded by Greg Greenheck:

- 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, 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 approve of the location and design of all small regeneration cuts or shelterwood cuts, if any, in the Riverview Zone;
- The LWSRB shall approve 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;
- If necessary, the Bluff Zone, Riverview Zone and Resource Management Zone shall be delineated prior to initiation of the harvest;
- All trees selected for harvest in the Bluff Zone and Riverview Zone shall be appropriately marked and approved by the LWSRB 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 the LWSRB shall conduct a post-harvest field inspection; and,
- The LWSRB shall review modifications to the plans, as submitted, for compliance with the applicable regulations.

MOTION CARRIED.

A motion to extend the permit for B & W Partnership for two years with retention of the following conditions was made by Greenwood, seconded by Nick Nice:

- 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;
- 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.

MOTION CARRIED.

A motion to extend the permit for Davis for two years with retention of the following conditions was made by Greenwood, seconded by Moore:

- 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, 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 approve of the location and design of all small regeneration cuts or shelterwood cuts, if any, in the Riverview Zone;
- The LWSRB shall approve 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;
- If necessary, the Bluff Zone, Riverview Zone and Resource Management Zone shall be delineated prior to initiation of the harvest;
- All trees selected for harvest shall be appropriately marked and approved by the LWSRB 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 the LWSRB shall conduct a post-harvest field inspection; and,
- The LWSRB shall approve of any modification of the plans as submitted.

MOTION CARRIED.

Cupp reported a tentative item on the agenda regarding the proposed burial of fiber optic cable near the STH 23 bridge at Spring Green was not ready for consideration. He said a representative from the company working on the line had contacted him about crossing the river with an overhead line. Cupp said he explained to the company representative the permit requirements for a utility facility and said the use of conduit on the bridge is preferred. An application was not received prior to the board meeting.

The Crystal/Fish/Mud Lake District pumping project in the Town of Roxbury, Dane County, was discussed. Jeff Melville and Dave Padley, representatives of the Lake District, were present to respond to the LWSRB directive that an erosion control plan would be presented at the October meeting. Melville acknowledged the erosion problem at the discharge site. He said the level spreader discharge system did not work. Melville suggested placing a geotextile and riprap to control erosion. He said a “daylighted” pipe to the river is another option but would have a greater adverse aesthetic impact. Padley suggested a buried perforated pipe 25 feet or more into the river may be an option. He noted the lake water is not mixing with the river at the discharge site, which creates the green plume and results in concentrations of algae along the shoreline downstream of the discharge site.

Leys and Greenwood expressed concern about water quality and algae blooms in the lakes. Melville acknowledged there were algae blooms in late summer and said the Lake District is working on new protocols for testing. He said August may just not be a good month to pump. Padley said the Lake District is working with the City of Lodi to make the turn around time between sampling and receiving test results a much shorter period.

Greenwood asked if additional DNR action would be required if the LWSRB accepted the proposal for laying of geotextile and placement of riprap to minimize additional erosion at the discharge site. Melville said the DNR would have to approve the plan under the land use agreement between the agency and the Lake District.

LWSRB MINUTES/OCTOBER 8, 2009

Page -4-

Cupp reviewed the LWSRB permit conditions and noted the requirement that erosion would be monitored and additional measures should be implemented, if necessary. He said it was clear that the level spreader had not performed adequately and that significant erosion had occurred. The concept to control erosion appears appropriate but plans must be submitted for board approval. Melville said if the plan is approved conceptually, additional engineering work would be done. Greenwood emphasized that the LWSRB would need to see a plan.

A motion to approve the concept for erosion control utilizing geotextile and riprap was made by Greenwood, seconded by Leys. **MOTION CARRIED on a vote of 5 “ayes” and 1 “nay” with 3 members absent.** Greenwood noted the LWSRB is attempting to be cooperative with the Lake District but also must properly administer the law and assure the regulations under the board’s purview are met. Padley said he is optimistic the goal of lower lake levels can be achieved by pumping.

The Budget Committee report was presented by Chairman Nice who reviewed the status of the FY 10 budget.

There was no report from the Personnel Committee report.

The Executive Director’s report was given by Cupp who reviewed the materials in the board members’ packets. He said meetings regarding the Fox-Wisconsin Heritage Parkway proposal are planned. The Cultural Landscape Legacies annual tour would be held in the Muscoda area to visit historic and archeological sites. He said progress continues on the STH 60 Scenic Byway project. The Lower Wisconsin River Road has received favorable media attention and has been highlighted by the Department of Tourism in the fall color tours publicized by the department.

There were no items reported under board members’ business.

Under DNR report, Don Bates, former Acting Riverway Manager, thanked the board for their cooperation during his tenure in the position. Beth Kienbaum, the new Acting Riverway Manager, was introduced. Kienbaum noted she had been with the DNR since 1989 and is working with the Bureau of Endangered Resources on the whooping crane program. Kienbaum will serve in the Acting Riverway Manager position through December of 2009. Brad Hutnik, DNR Riverway Forester, said harvesting in the region has been slow.

No comments were provided during the public comment session.

Cupp noted the October meeting marks the end of the LWSRB’s twentieth year with the November meeting starting on year twenty-one. A motion to adjourn until November 12th when the meeting will be held at the Avoca Village Hall was made by Nice, seconded by Leys. **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