

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 NOVEMBER 12, 2009, RIVERWAY BOARD MEETING

The Lower Wisconsin State Riverway Board (LWSRB) met on Thursday, November 12, 2009, at the Avoca 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 Melody Moore, Greg Greenheck, 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 Jerry Dorscheid, seconded by Nick Nice. **MOTION CARRIED.** The minutes of the October 8, 2009, meeting then were considered. A motion to approve the minutes was made by Ron Leys, seconded by Don Greenwood. **MOTION CARRIED.**

The Executive Committee report was presented by Chairman Lundberg. Lundberg noted Richland County representative Greg Greenheck's mother was seriously ill and asked members to keep a good thought for the Greenheck family. Lundberg said the annual performance evaluation of Office Associate Marsha Nachtigal had been completed by Cupp. Cupp recognized Nachtigal for her contributions to the success of the project and thanked her for the extra efforts made during the Year of the Riverway. Nachtigal thanked the board for the opportunity to work on the aesthetic protection project.

Lundberg introduced Colin Paiva, a Boy Scout seeking his Eagle Scout rank, who had completed a project to construct a handicapped accessible hunting blind at the Black Hawk Unit in the Town of Mazomanie, Dane County. Paiva gave a PowerPoint presentation that described the project. Several members of his troop and adult volunteers assisted with the project. Paiva said he hoped the project would be replicated at other public properties in the Riverway. Cupp asked about the exterior colorization. Paiva said the first option will be to see the natural weathering process and the resulting color. It may be painted a camouflage scheme or there may be vegetation planted. Nice commended Paiva for his hard work with those sentiments echoed by other board members. Bob Paiva, Colin's father, then noted the experience was very positive for his son and expressed appreciation for the assistance and enthusiasm from Department of Natural Resources (DNR) and Riverway Board officials. Colin then said he hoped to work toward a Hornaday award in the near future.

DNR Warden Supervisor Chuck Horn was present to provide a report on behalf of DNR Warden Dave Youngquist regarding recreational use and violations on the upper segment (Sauk City to Spring Green). Horn said there was an increase in the number of canoeists on the river this year. He said a couple of quick counts conducted in June tallied 240 canoes on June 20th and 218 canoes on June 27th from Sauk City to Spring Green. Horn said the number of motorboats, personal watercraft, hovercraft and airboats remained constant. DNR did not receive any noise complaints on airboats this season. Horn said glass violations continue to be discovered and citations issued. He noted canine units did accompany conservation wardens on a couple of sweeps during the summer. Horn said there were no drownings on the river this year. Greenwood noted LWSRB members have expressed concern regarding use of drug dogs on the river and asked if there was any data on alcohol problems and the type of enforcement pursued for alcohol related issues. Horn said there is alcohol use on the river but it is not as large of a problem as on the Mississippi River. He said there occasionally will be enforcement actions taken at boat landings to keep an intoxicated person from operating a motor vehicle. Leys said a recreational user survey is needed to get a better handle on numbers of users. Leys noted that the number of pheasant hunters in Iowa is down but the number of river users is up. Horn said the Riverway offers an inexpensive trip for people. Greenwood said he was pleased that noise complaints from airboats were down. Horn said conservation wardens are better trained and have good equipment so now they are in a better position to enforce noise regulations.

Correspondence was reviewed. A letter from Jim Sime that expressed concern with herbicide spraying on the Lone Rock bluff in the Town of Clyde, Iowa County, was discussed. Sime was concerned that the chemicals would harm rare plants that grow on the bluff face. Dorscheid said he is a member of the Iowa County Highway Committee and said the Highway Commissioner had provided a response that indicated the only spraying is adjacent to the beam guard and not on the bluff face.

Lundberg said Cupp had drafted a letter to legislators with an interest in the Riverway project regarding scenic easement purchases in the Riverway. Cupp said he recently learned that DNR is no longer pursuing scenic easements in the Riverway if public access is not provided, according to a DNR Real Estate Specialist working in the Riverway. Cupp said this represents a break with a commitment to Riverway landowners twenty years ago that compensation would be available via scenic easement purchases by DNR. He suggested legislators with an interest in the Riverway be informed of the change and encouraged the board to support a return to prior law that required a portion of the Stewardship Fund allocation to be devoted specifically to Riverway land acquisition.

Greenwood asked if there has been a change in state law to require public access in conjunction with scenic easement purchases. Cupp said he was told that the order to avoid scenic easement purchases and appraisals thereof came from the DNR central office. Brad Hutnik, DNR Riverway Forester, suggested that there may be overtures to allow greater public access in conjunction with Stewardship Fund purchases elsewhere and that the Riverway may have been inadvertently included under a blanket policy change. Cupp said the Riverway should be treated differently because of the specific aesthetic protection component of the project and because of the commitment made to Riverway landowners when the project began.

Leys said that there should be a public benefit for an investment of public dollars to acquire property and one benefit is public access. Leys added that, in the Riverway, a public benefit is scenic protection, a stated goal of the project. Beth Kienbaum, Acting DNR Riverway Manager, suggested the board contact DNR officials before sending the letter to the Legislature. Kienbaum said she was unaware of any prohibition on purchase of scenic easements in the Riverway and said there should be room for discussion. Hutink also said he hadn't heard that scenic easements no longer were being pursued. Cupp said discussions with DNR officials could occur but said the letter to the legislators should be sent regardless. Greenwood suggested Cupp arrange a meeting with DNR officials Steve Miller and Dick Steffes and volunteered to host the meeting in Spring Green and attend. Cupp said he would do so. A member of the public, Timm Zumm of Spring Green, said he had a personal experience in this arena. He contacted DNR about sale of an easement on his property in the Town of Wyoming, Iowa County, and received no response. He noted the Friends of the Lower Wisconsin (FLOW) had drafted a resolution to present to State Representative Steve Hilgenberg supporting targeted use of Stewardship Funds for Riverway land acquisition.

A motion approving the letter to be sent to Riverway legislators was made by Leys, seconded by Greenwood. Dorscheid asked that the motion include a directive to Cupp to set up a meeting with DNR officials, which was agreed to by Leys and Greenwood. **MOTION CARRIED.**

An update on the Year of the Riverway was provided. Lundberg noted he and Cupp had been interviewed by Dave Erickson for his new documentary on the Riverway. Cupp said Hutnik had provided a forestry tour of the Prairie du Bay site near Boscobel to highlight management techniques in bottomland forests. A stargazing event would be held at Frank's Hill near Muscoda on November 15th. The closing ceremony for the Year of the Riverway tentatively is slated for December 20th at Frank's Hill in conjunction with the winter solstice sunset. Lundberg thanked Cupp for the extra effort and time he has devoted to events during the Year of the Riverway and said the awareness raising and development of public support for the project is important.

The Operations Committee report was presented by Chairman Dorscheid. The permit request of Gary Oswald for a timber harvest in the Town of Bridgeport, Crawford County, was considered. Dorscheid said field inspections have been conducted by Cupp at other properties in the vicinity. An additional field inspection will be conducted by Cupp on November 16, 2009. Mr. Oswald and Brad Hutnik, DNR Riverway Forester, will be present for the field inspection. Portions of the harvest area are visible from the Wisconsin River during leaf-on conditions. The harvest area likely includes the Bluff Zone, Riverview Zone and, possibly, the Resource Management Zone. Plans call for the selective harvest of merchantable hardwoods. The trees slated for harvest have not been marked. No new roads will be required. Plans call for a light selective harvest of oak, walnut and miscellaneous hardwoods. The harvest will be conducted when the ground is frozen or dry and the leaves are off the deciduous trees. Dorscheid made a motion, seconded by Greenwood, to approve issuance of a permit with the following standard permit conditions:

- 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.

The permit request of Becky Roth, DNR Wildlife Biologist, for management activities in the Town of Mazomanie, Dane County, was considered. Dorscheid said field inspections have been conducted by Cupp in conjunction with other permit activities at the site. Plans call for management of native plant communities at the Mazomanie Unit of the Lower Wisconsin State Riverway. Activities will occur seasonally at sites not visible from the Wisconsin River during leaf-on conditions. Use of Fecon equipment would occur in winter months to cut woody vegetation while spraying, cutting and burning will be done in other seasons. The intent is to control invasive species and native plant communities for the benefit of wildlife and natural aesthetics. Dorscheid made a motion, seconded by Leys, to approve issuance of a permit with the following standard conditions:

- No existing structures shall become visible from the river as a result of the activity;
- The LWSRB shall approve of any modification to the plans, as submitted; and,
- The applicant shall notify the LWSRB upon initiation and completion of the activity.

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.

Cupp said another tentative item on the agenda related to new toilet facilities at Wyalusing State Park. Cupp said he had conducted a field inspection at Wyalusing with Brian Hefty, Wyalusing State Park Superintendent. An application was not ready for consideration but would be presented at the December meeting. The activities will comply with the applicable performance standards.

The Crystal/Fish/Mud Lake District pumping project in the Town of Roxbury, Dane County, was discussed. It was reported that the pumps had been turned off. Leys noted there had been a television report that the pumps were off. Cupp said he had not heard from the Lake District regarding plans for the outfall area. Lundberg asked about the timeline for receiving a response from the Lake District. Cupp said the action taken was that the pumps were not supposed to be turned back on until the board had approved the engineering plans for the erosion control measures to be implemented at the discharge site. Greenwood noted DNR approvals also are required and the LWSRB timeline is intended to be on a parallel track with the DNR approval process. He suggested the board give the Lake District another month to provide design specifications. Timm Zumm, FLOW Co-Chair, said FLOW had been granted a contested case hearing regarding DNR permit issuance and has a meeting scheduled with the Lake District with the possibility of avoiding court action. Alternatives to the pumping and direct discharge to the Wisconsin River will be discussed. The board consensus was to wait until the December meeting to allow the Lake District adequate time to obtain engineering schematics for the discharge site.

Cupp said a meeting was scheduled with representatives of American Transmission Company (ATC) to discuss reconstruction of a power line crossing the Wisconsin River between the Boydtown and Woodman areas. Greenwood asked if the meeting was related to the major project to bring electricity from wind generation in the west to Madison and points east. Cupp said the upcoming meeting was not related to the big project but that he had very preliminary discussions about that project with the DNR Office of Energy. Leys requested that Cupp ask the company about burial of the line. Cupp said he would inquire about the burial option as well as possibly relocation of the line to an area adjacent to the exiting Dairyland Power line that crosses the river a short distance upstream of the ATC line.

Cupp reported there were no permits issued by the Executive Director since the October meeting.

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

There Personnel Committee report was presented by Acting Chair Greenwood who noted Cupp had completed the annual performance evaluation of Office Associate Marsha Nachtigal. Nachtigal received ratings from "satisfactory" to "exceeds expectations" for the duties noted on the position description.

The Executive Director's report was given by Cupp who reviewed the materials in the board members' packets. He said he had attended meeting regarding the Fox-Wisconsin Heritage Parkway proposal and maintained his belief that the project would complement existing efforts in the corridor such as the Riverway and the Lower Wisconsin River Road Scenic Byway project. He reported interest in establishing a Black Hawk visitor or interpretative center in the Sauk Prairie area to recognize the Battle of Wisconsin Heights from the Black Hawk War and the importance of that conflict to American history. Cupp said discussions are in the preliminary stages.

The Cultural Landscape Legacies annual tour was centered in the Muscoda area in conjunction with the Year of the Riverway. Tours of area mound groups and the Tippesaukee historic site were well attended.

Cupp said a meeting with canoe livery operators and DNR officials regarding recreational use on the river had been held in Spring Green. He felt the meeting was very worthwhile with candid discussions regarding user numbers, user conflicts and human waste disposal concerns. Cupp said efforts will be taken to better educate users on the location of toilet facilities and proper methods for disposing of human waste, particularly, when camping overnight on sandbars. The educational outreach will be undertaken by canoe livery operators and by DNR and LWSRB on websites and through written materials. Leys affirmed his previous position that all overnight campers on sandbars should be required to carry a shovel for burial of waste. Kienbaum said she thought it was an excellent meeting and said a number of important topics were broached. Kienbaum said she has submitted a request for a ½ time public educator to work on the Riverway. Horn said “No Glass” stickers again will be provided to livery operators. He said getting the message out to users is difficult, whether related to the glass prohibition, human waste disposal or even the need for licenses and PFDs.

Under board members’ business, Leys expressed concern about the potential lack of a quorum at board meetings. Cupp said he and Nachtigal try to get a head count prior to the meetings to assure a quorum is present. He noted there were a number of excused absences for the November meeting due to conflicts and medical issues.

Under DNR report, Kienbaum and Hutnik both deferred to the comments they offered earlier in the meeting.

During the public comment session, Zumm said there will be a presentation on Dave Marshall’s research on the backwater fishery at a meeting on December 2nd to be co-hosted by FLOW and the Spring Green Film Club. Marilyn Novy of Avoca asked about the Riverway boundary and public lands near Avoca Lake. Hutnik offered to review maps and determine the boundary for the constituent.

A motion to adjourn until December 10th when the meeting will be held at the Muscoda Village Hall was made by Greenwood, seconded by Nice. **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