

LOWER WISCONSIN STATE RIVERWAY BOARD

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MINUTES OF THE DECEMBER 10, 2009, RIVERWAY BOARD MEETING

The Lower Wisconsin State Riverway Board (LWSRB) met on Thursday, December 10, 2009, at the Kratochwill Memorial Building in Muscodia 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 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.** A motion to approve the minutes of the November 12, 2009, meeting was made by Don Greenwood, seconded by Melody Moore. **MOTION CARRIED.**

The Executive Committee report was presented by Chairman Lundberg who reviewed correspondence. Lundberg noted that Steve Miller, Director of the Department of Natural Resources Bureau of Facilities and Lands, wrote in response to an inquiry regarding the purchase of scenic easements in the Riverway made by Cupp. Cupp had been told by DNR real estate field staff that scenic easements that did not provide public access were no longer being purchased. Miller responded that scenic easements had not been purchased recently because there were no monies available from the Stewardship Fund. Miller affirmed the DNR's commitment to continue purchase of scenic easements in the Riverway. Lundberg asked Cupp if legislators had responded to the correspondence sent on the issue. Cupp said he had received contact from the offices of Senator Mark Miller and Representatives Spencer Black and Phil Garthwaite. Cupp said he would follow up with another letter to the legislators with the DNR response attached. Cupp said he would continue to advocate for the board's position that a portion of the annual Stewardship Fund allotment should be targeted for Riverway land acquisition.

Lundberg also noted Cupp had been recognized by the Richland County Board of Supervisors for twenty years of service to the Riverway Board. A copy of the resolution was distributed. Greg Greenheck said he was on hand to present the resolution at the request of the county board. Cupp thanked Greenheck and said the recognition was greatly appreciated.

Lundberg noted the closing ceremony for the Year of the Riverway will be held on December 20th at Frank's Hill in the Town of Eagle, Richland County. Cupp said a short program would take place at 3:30 and then participants would view the sunset amidst the effigy mounds atop the hill. Amateur astronomers also will be on hand for star gazing activities after sunset. A warming fire will be available. Dorscheid volunteered to represent the board at the closing ceremony. Cupp said it would be difficult to be colder than the opening ceremony held at the same site on the winter solstice in 2008. The temperature was -30F, without wind chill. Cupp noted there was light turnout for that event.

The Operations Committee report was presented by Chairman Dorscheid. The permit application of Gary Owsald, for management of an archeological site in the Town of Bridgeport, Crawford County, was considered. A field inspection was conducted by Cupp on November 16, 2009. Mr. Oswald and Brad Hutnik, DNR Riverway Forester, were present for the field inspection. During the November 16, 2009, field inspection for a timber harvest at the property, a conical mound was discovered. Cupp spoke to Mr. Oswald about proper techniques for maintenance of the Indian mound, such as removal of dead and downed trees and small woody vegetation. Mr. Oswald wishes to remove the 8-10 small diameter trees to preserve the mound. No structures become visible from the river as a result of the activity. Greenwood asked if the mound had been recorded with the Wisconsin Historical Society (WHS). Cupp said Hutnik has the GPS coordinates which will be forwarded to WHS.

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

- 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 submitted by Dave Jones for placement of solar panels in the Town of Spring Green, Sauk County was discussed. A field inspection was conducted by Cupp on December 3, 2009. Mr. & Mrs. Jones were present for the field inspection. Plans call for construction of a solar panel for residential power generation. The site is located off of STH 60 on a backwater area of the Wisconsin River and is not visible from the main channel or channels of the river. The solar panels will be 17 ft. x 17 ft. with a maximum height of 21 ft. The solar panels will not be visible from the Wisconsin River. Leys reiterated his position that each of these projects should be carefully scrutinized to assure the aesthetic protection mission of the LWSRB is not compromised.

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;
- The height of the utility facility shall not result in the facility being visible from the Wisconsin River;
- 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 submitted by Brian Hefty, on behalf of the Department of Natural Resources, for construction of toilet facilities at Wyalusing State Park in the Town of Wyalusing, Grant County was discussed. A field inspection was conducted by Cupp on November 5, 2009. Mr. Hefty was present for the field inspection. Plans call for construction of new toilet facilities at locations within the Riverway at Wyalusing State Park. The existing toilet facilities will be removed. The maximum height of the structures will be 11 feet with an additional 4 feet of vent stack. Exterior colorization will harmonize with the natural surroundings during leaf-on conditions. Adequate screening vegetation exists and the slope of each site is less than 20%. There will be a limited amount of glass or other reflective. Hefty provided the LWSRB members with a description of the project and photographs of two prototypes that may be used. He noted the new toilet facilities will be ADA compliant and will replace units that are over 50 years old. The new toilets will match the character of the park better than the old ones.

Dorscheid made a motion, seconded by Greenheck, 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;
- The exterior colorization shall harmonize with the natural surroundings;
- The height of the structure shall not result in the structure becoming visible from the river;
- There shall be a limited amount of glass or other reflective material;
- The slope of the site shall be 20% or less;
- The LWSRB shall review any changes to the plans for compliance with the applicable performance standards;
- The landowner or his/her agent shall notify the LWSRB upon initiation and completion of the project; and,
- The activity shall comply with all other applicable federal, state and local regulations.

MOTION CARRIED.

The Crystal/Fish/Mud Lake District pumping project in the Town of Roxbury, Dane County, was discussed. Cupp said he spoke with Dave Marshall and Timm Zumm of the Friends of the Lower Wisconsin (FLOW) a few minutes before the meeting began. Marshall and Zumm met with DNR officials in Madison in relations to the contested case hearing that had been granted regarding the DNR's issuance of a permit for the project. Cupp said he was told that the pumps are on. He noted the engineering plans for the discharge site had not been received. Ron Leys noted Crystal Lake was little more than a farm pond 50 years ago but keeps growing. Leys suggested the lake front properties were be good targets for a government buyout. He said he would like to have a hydrogeologist attend a board meeting to discuss groundwater issues, particularly as related to the lake district project. Dorscheid said he would like to see a series of historical photographs of the area. Hutnik said he should be able to pull together a series dating back to 1937. Lundberg suggested Cupp investigate the pumping issue to confirm the pumps are on. Cupp said he would contact DNR officials as well. Cupp said if the engineering plans are not presented, the board may consider enforcement action. Moore said it may be appropriate to pursue a violation of the permit conditions. Cupp suggested the board delegate the authority to make a decision on the issue to the Executive Committee in the event that timely action was required before the next board meeting. A motion delegating the responsibility to the Executive Committee was made by Leys, seconded by Moore. **MOTION CARRIED.** Dorscheid reiterated his request that Hutnik present the series of historical photographs.

The reconstruction of a transmission line owned by American Transmission Company (ATC) in Crawford and Grant counties was discussed. Cupp explained that the line crosses the Wisconsin River west of Boydtown on the Crawford County side (Town of Wauzeka) and near Woodman on the Grant County side (Town of Woodman). Cupp said he met with ATC and DNR officials on December 2nd to review the project and Riverway implications. Pursuant to the board's previous directive, he asked the ATC representatives if burial of the line or relocation parallel to the nearby Dairyland Power corridor would be possible. The ATC officials said that both options would be technically feasible but would not be cost effective. In addition, since ATC has a permanent easement or right of way where there line is currently located, the State of Wisconsin would have to pay any costs associated with burial or relocation, which likely would be in the millions of dollars. Cupp said ATC had considered the board's request to eliminate a structure but the result would be much higher poles and a larger right of way. The reconstruction project will require the poles to be 5-20 feet taller due to federal regulations requiring minimum clearance between the line and the river. Cupp said ATC would provide cost estimates for burial and relocation. Greenwood asked if there was an existing line where the Dairyland Power corridor is located. Cupp replied in the affirmative and said the Dairyland Power crossing is located approximately ½ mile upstream of the ATC line. Leys said he would prefer to have the visual disturbance in a single location rather than two places. Cupp said he would continue to work with ATC and DNR officials on the proposal.

Cupp said he had issued one permit since the November meeting. A permit extension was issued to Quentin Hartz, for a timber harvest in the Town of Marion, Grant County.

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

The Personnel Committee report was given by Chairman Moore who said the annual performance evaluation of Executive Director Cupp would occur at the January meeting. The evaluation procedure would be the same as in previous years. The committee will meet at 4:30 on January 14, 2010.

The Executive Director's report was presented by Cupp who reviewed the materials in the board members' packets. Cupp said the meeting schedule for 2010 was drafted and asked for board action to approve. A motion to approve the 2010 meeting schedule was made by Greenwood, seconded by Dorscheid. **MOTION CARRIED.**

January 14, 2010	Muscoda	Kratochwill Memorial Building
February 11, 2010	Muscoda	Kratochwill Memorial Building
March 11, 2010	Muscoda	Kratochwill Memorial Building
April 8, 2010	Sauk City	Public Library
May 13, 2010	Boscobel	City Hall
June 10, 2010	Mazomanie	Black Hawk Unit (Rhinelander Cabin)
July 8, 2010	Gotham	Buena Vista Town Hall
August 12, 2010	Prairie du Chien	Wyalusing State Park
September 9, 2010	Spring Green	Public Library
October 14, 2010	Wauzeka	Village Hall
November 11, 2010	Avoca	Village Hall
December 9, 2010	Muscoda	Kratochwill Memorial Building

The DNR report was given by Hutnik who noted work on revisions to the DNR's Riverway Implementation Plan is wrapping up. He said a new Master Plan is likely in the future. He said there hasn't been much activity on timber harvesting in the Riverway. He said a pine plantation on DNR lands by Woodman may require additional thinning to accommodate the ATC project.

There were no comments during the public comment session.

A motion to adjourn until January 14th when the meeting will be held in Muscoda was made by Greenwood, seconded by 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:

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