

# LOWER WISCONSIN STATE RIVERWAY BOARD

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## MINUTES OF THE JANUARY 14, 2010, RIVERWAY BOARD MEETING

The Lower Wisconsin State Riverway Board (LWSRB) met on Thursday, January 14, 2010, 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. 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 December 10, 2009, meeting was made by Ron Leys, seconded by Dorscheid. **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 (DNR) 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. Correspondence from Cupp to legislators with an interest in the Riverway, as a follow up to previous correspondence on the subject, was reviewed. Cupp said the memorandum asked for support of legislation to target a portion of Stewardship Fund dollars for Riverway land acquisition, as was done under the original Stewardship Fund enabling legislation from twenty years ago. Cupp said it was important to assure that adequate funds are available for fee title acquisition as well as scenic easement acquisition to assure the project goals are met.

A letter to Dave Marshall in support of a grant application for continued study of oxbow lakes in the Riverway was reviewed. Cupp said Richland County was considering a project similar to those conducted in Dane, Sauk and Crawford counties to study the fishery of the backwater lakes. Cupp said the information gathered by Marshall has filled a gap in the data set for the Riverway and noted there have been many interesting findings from Marshall's work to the point.

Cupp also said he had sent a letter in support of an award nomination for the Fox-Wisconsin Heritage Parkway project by the East Central Regional Planning Commission (ECRPC). The award is national recognition for the planning efforts spearheaded by the ECRPC. The letter expressed support for the project, noted the shared goals of the Riverway and the Parkway concept and detailed the LWSRB involvement in the planning process.

Lundberg noted the closing ceremony for the Year of the Riverway was held on December 20<sup>th</sup> at Frank's Hill in the Town of Eagle, Richland County. Dorscheid represented the board at the event and said it was good evening despite the cloudy skies. Cupp thanked Dorscheid for attending and for his remarks during the short program that took place around the campfire on the hill. He said nearly 30 people turned out for the event and noted a number of DNR employees took time to participate. Cupp said he appreciated the comments by former LWSRB member Dave Martin, Friends of the Lower Wisconsin Riverway (FLOW) Co-Chair Timm Zumm and current and past DNR employees. While cloudy skies prevented observance of the winter solstice sunset and star gazing, the participants were able to view the mounds and discuss the significance of the site. Cupp also thanked landowner Frank Shadewald for allowing the board to stage the closing ceremony on his property.

The Operations Committee report was presented by Chairman Dorscheid. The permit application of Walter Koehnlein for construction of a storage shed in the Town of Orion, Richland County, was considered. A PowerPoint presentation was shown. Dorscheid noted a field inspection was conducted by Cupp on January 5, 2010. The Operations Committee conducted a field inspection at the site prior to the board meeting.

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Mr. Koehnlein and Brad Hutnik, DNR Riverway Forester, also were present for the site visit. Field inspection revealed the site is not visible from the Wisconsin River during leaf-on conditions. Plans call for construction of a storage shed similar to the existing storage shed constructed at the site a few years ago. The shed will be 40 ft. x 64 ft. x 18 ft. (height) and will have ivory colored side walls and a green roof. The height of the structure will not result in the structure becoming visible from the river during leaf-on conditions. Retention of the existing screening vegetation will be required. A member of the public, the applicant, Mr. Koehnlein, said the site made the most sense in relation to the other buildings and the rest of his property.

A motion to approve issuance of a structure permit for the activity 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 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.**

The Crystal/Fish/Mud Lake District pumping project in the Town of Roxbury, Dane County, was discussed. A PowerPoint presentation was shown. Images of the site from earlier in the 2009 and under current conditions were viewed. Cupp noted the erosion of the discharge site resulting from the level spreader not performing as advertised has not deepened the new channel because the bottom of the channel is even with the water level. The pumps are on. A diagram provided by Jeff Melville of the Lake District detailed the erosion control plans for the site. The diagram described use of geotextile after sloping of the steep channel to stabilize the area. Riprap had been discussed when Lake District officials met with the board in October but was not represented on the drawing. Willow stakes also will be planted upon completion of the project to further stabilize the soils. The Lake District wishes to begin the project before water levels rise in the spring but are waiting for approval from DNR. The work should take about one day according to Melville. Cupp also noted water quality monitoring reports had been received from DNR. The results indicated that there were times when the water quality tests showed more total suspended solids than permitted. According to Bob Liska, a DNR official overseeing the water quality monitoring, the overall water quality improved between 2008 and 2009.

FLOW Co-Chair Timm Zumm was asked to report on his recent meeting with DNR as a petitioner against the permit issued by DNR for the pumping project. Zumm said negotiations continue with another meeting slated for February. Previous discussions included topics such as moving the pump intake from Mud Lake to Fish Lake, use of high capacity shallow wells for pumping instead of discharge to the river, and, cessation of pumping during high algae bloom times. Zumm said FLOW favored the high capacity shallow wells option but the Lake District feels the additional costs would be prohibitive.

Fred Madison said it was his understanding from earlier meetings that the intake couldn't be moved to Fish Lake because of concerns with the water quality in Mud Lake. Don Greenwood said he didn't accept the assertion made by Liska that water quality had improved by 14% between 2008 and 2009 and said the methodology of the testing, the process and the "who did the testing?" questions all required a response. Madison suggested hydrogeologist Madeline Gotkowitz be asked to attend a meeting. Cupp said he had received her name from Greenwood and she has agreed to attend the April 8<sup>th</sup> meeting, which will be held in Sauk City, to discuss groundwater issues. He said Andy Morton, DNR Basin Supervisor, also would attend the April 8<sup>th</sup> meeting. Cupp

said he expected a good turnout from the public as occurred last year when the Lake District project was on the agenda. Cupp said he recommended the board take action on the proposed plan. Greenwood said the plan could be approved now and the effectiveness evaluated. Additional erosion control measures could be required if the plan doesn't work. Lundberg questioned the lack of riprap in the diagram. Cupp said he would have to follow up with Melville. Madison said he also would like to have Lake District officials at the April 8<sup>th</sup> meeting. Lundberg noted Sauk City is a good place for the discussion. Leys said to be sure the media is informed.

Greenwood made a motion, seconded by Dorscheid, to approve the plan, as submitted, with continued evaluation of the effectiveness of the erosion control measures. Discussion ensued. Dorscheid said information is needed on the anchoring mechanism or technique for the geotextile. Leys said he felt compelled to vote against the motion because of the lack of detailed information. Lundberg said the motion should be approved to get the erosion control plan in place as soon as possible. Melody Moore raised the question about the lack of detail on the anchoring of the geotextile and said the question should be answered before the concept is approved. A request for a roll call vote was made.

Lundberg – aye  
Moore – nay  
Nice – aye  
Dorscheid – aye  
Greenwood – aye  
Madison – nay  
Leys – nay  
Brown – nay  
Greenheck – aye

The **MOTION** to approve the plan with continued evaluation **CARRIED** on a vote of 5 “ayes” to 4 “nays”.

Leys encouraged Cupp to inform the Lake District that the vote to approve the plan was very close and the support for the project is tenuous. He said a daylighted pipe to the river was his preferred option. Leys said clarification on the anchoring of the erosion mat is needed. Madison noted the DNR chart on water quality has the wrong spelling of phosphorus (should be spelled without the “ous” ending).

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 had received a response to his request for cost estimates on burial of the line or relocation of the line to parallel the Dairyland Power corridor a short distance upstream. Cupp noted the costs for either option would have to borne by the State of Wisconsin, not ATC, because the company has an existing legal right of way for an overhead line. He said state law precludes the board from requiring burial of the lines. The cost of relocation to the corridor with Dairyland Power would be between 3.5 and 4.5 million dollars. The cost of burial would be 2.9 million dollars. The proposed maintenance project will cost between \$100,000 and \$200,000. Dorscheid expressed surprise that the relocation expenses were higher than burial cost estimates. Leys said he appreciated Cupp obtaining the information.

Two information items were presented. Cupp said Jim Carlson of Oakwood Forestry Consulting reported the timber harvest on the B&W Partnership property in the Town of Troy, Sauk County, had been completed. A small amount of aspen girdling remains to be accomplished. Cupp and Hutnik will conduct a post-harvest field inspection at the site. Cupp and Hutnik also met with landowner Quentin Hurtz to review the marking for a timber harvest in the Towns of Boscobel and Marion, Grant County. The marking was found to be consistent with the applicable performance standards.

Dorscheid said the Operation Committee met with Kevin and Jackie Bartels earlier in the day to discuss the proposed construction of a new house on lands visible from the river in the Town of Orion, Richland County. The site is near the intersection of STH 60 and Riverview Ridge Road. There is a smaller older house and several outbuildings at the site. Mr. & Mrs. Bartels are considering construction of a new ranch style house at the site. Dorscheid said additional screening vegetation likely will be required but noted the site is not pristine due the other farm buildings and additional development downstream. The highway also is next to the river at that location. Leys said there will be a building or buildings removed that currently are not aesthetically pleasing so there should be an overall improvement to site aesthetics. He said the meeting went well with a thorough discussion of the performance standards and permit process to assure there are no surprises for either the Bartels family or the board. Cupp said a preliminary meeting of this fashion is invaluable to open the lines of communication and engage in active dialogue on a project while in its infancy.

Cupp said he had issued one permit since the December meeting. A management permit extension was issued to Dan Goltz on behalf of the DNR for mounds maintenance activities at the Dingman mound group in the Town of Eagle, Richland 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 had been considered by the committee. Eight evaluations were received. The committee recommended Cupp receive an "excellent" rating for the performance of his duties as Executive Director. Moore noted the extra effort made during the Year of the Riverway and the successful completion of the Wisconsin Scenic Byway project for STH 60. A motion to provide Cupp with an "excellent" rating was made by Moore, seconded by Greenwood. **MOTION CARRIED.** Cupp thanked the board for their continued support.

The Executive Director's report was presented by Cupp who reviewed the materials in the board members' packets. Cupp noted he had conducted a field inspection with Greenwood regarding the Spring Green ditch proposal. Greenwood was acting in his capacity with Jewell & Associates, not as an LWSRB member. Cupp said he wished to mention it to the board so that all action regarding the proposal, should it move forward, would be transparent. He said the site of the terminus of the ditch is not visible from the Wisconsin River during leaf-on conditions. As planning for the project continues, the Operations Committee will visit the site and offer a recommendation to the full board.

There were no items presented under board members' business.

The DNR report was given by Ryder Will, DNR Acting Riverway Manager, who introduced himself to the board. He noted his assignment will last approximately three months as the DNR seeks to fill the permanent position. At that time, he will assume his new duties as the Riverway Recreation Specialist. Will said he has been with the department since 2002, most recently at Wyalusing State Park. He will be based in Dodgeville for the Riverway job(s). He said the Riverway summer crew will be the same as last year. There will be a new DNR web presence for the Riverway. He said most people go to the LWSRB website for information. DNR will augment content provided by the board on the new DNR web site. He said a major task during his acting role will be to revise the Riverway Visitor by utilizing a new format and new content. The new product will be more functional for recreational users.

Beth Kienbaum, former Acting DNR Riverway Manager, said the recruitment period for filling the Riverway Manager position concluded on January 8, 2010. She encouraged the board to use the Riverway Manager as the liaison to the department. Kienbaum said the DNR Riverway staff will meet quarterly and Cupp will be invited to join those sessions. She hoped that enhanced communications internally among DNR staff and externally

with the LWSRB will result. Kienbaum said the meeting with canoe livery operators in November of 2009 was an important meeting and should take place annually. She said it was a privilege to work with the board and said the time spent in the Acting Riverway Manager position was an amazing experience. Cupp thanked Kienbaum for her work over the past three months and said he appreciated her professionalism, communication skills, willingness to ask questions and her commitment to the project.

Brad Hutnik, DNR Riverway Forester, said there have been no new timber sales on public lands within the Riverway. Overall, harvesting has been slow this winter.

During the public comment session, Richland County landowner Walter Koehnlein said this was the first board meeting he had attended despite having owned his property in the Town of Orion for over thirty years and despite having received several Riverway permits. He said the board is doing a good job and said he supports the concept of protecting the Riverway for future generations.

Timm Zumm, FLOW Co-Chair, expressed thanks to Kienbaum for her work in the Acting Riverway Manager position. He noted the first annual FLOW membership meeting will be held on his Town of Wyoming property on Sunday, January 31<sup>st</sup>. Family activities will occur all afternoon and evening with a business meeting at 4:00 p.m. in the heated shed.

A motion to adjourn until February 11<sup>th</sup> 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:

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