

# LOWER WISCONSIN STATE RIVERWAY BOARD

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## MINUTES OF THE FEBRUARY 11, 2010, RIVERWAY BOARD MEETING

The Lower Wisconsin State Riverway Board (LWSRB) met on Thursday, February 11, 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 with the exceptions of Greg Greenheck and Fred Madison. 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 Ritchie Brown. **MOTION CARRIED.** A motion to approve the minutes of the January 14, 2010, meeting was made by Don Greenwood, seconded by Melody Moore. **MOTION CARRIED.**

The Executive Committee report was presented by Chairman Lundberg who reviewed correspondence. A letter from Dale Page of Prairie du Sac expressing concerns with camping on sand bars and long term management of Eagle Island was reviewed. Cupp noted his written response was included in the packets. He said a member of the Prairie du Sac village board had contacted him as well. Cupp said the matter fell under the purview of the Department of Natural Resources (DNR) in regard to recreational user management, resource management and enforcement. Cupp said he had forwarded the concerns to Ryder Will, Acting DNR Riverway Manager; John Buss, DNR Conservation Warden; and, Brad Hutnik, DNR Riverway Forester. Will said he also had been in contact with Buss, Hutnik and the village board. He said Warden Buss did not perceive the long term camping at the sand bar as a major problem and noted sand bars are available for overnight camping. Ron Leys asked if disturbance to the eagles was happening. Cupp said there wouldn't be disturbance to the eagles in the summer camping season. He said that the a "no camping" policy on the sand bars in the area would require action to amend NR 45 in a manner similar to actions taken to control access and camping by the Mazomanie Wildlife Unit (Mazo Beach). Cupp noted that camping on a specific sand bar is limited under NR 45 and that a camper may not set up a permanent campsite. He noted enforcement is a challenge. Lundberg noted the small island is a poor growing site for trees. Hutnik concurred and said he had visited the site with concerned citizens in an attempt to develop a long term strategy for retention of perching trees on the small island, the site of a former river crossing abutment. Hutnik said the trees on the island are not in the best of health. A member of the public, Roger Reynolds of Lone Rock, asked if there was a nesting site on the island. Timm Zumm of Spring Green said the nearest nesting site is downstream of the railroad bridge. Zumm noted he has removed a lot of debris and trash from the sand bar and island and, on one occasion, hauled away a dining room set. Currently, there is a large cable spool on the island. Zumm said the issue requires a response from law enforcement. Will said DNR officials will continue to monitor the situation.

Lundberg noted the proceedings of the recent DNR Riverway staff quarterly meeting had been provided. Will said the next meeting will be on March 9<sup>th</sup> and is intended to be a team meeting with DNR staff and LWSRB staff. Hutnik said the Riverway is on the radar of DNR Master Planning folks, although the planning process may not transpire until 2014. Hutnik said work on the revised Implementation Plan is coming to a close.

The Operations Committee report was presented by Chairman Dorscheid. The permit application of American Transmission Company for modification of existing transmission lines in the Town of Woodman, Grant County and Town of Wauzeka, Crawford County, was considered. A PowerPoint presentation was shown. Dorscheid noted a field inspection was conducted by Cupp in conjunction with previous permit activity in the area. The Operations Committee also conducted a field inspection at the site prior to the board meeting.

Dorscheid said a meeting with representatives of ATC, Bonestroo (consultant) and DNR was held at the LWSRB office on December 2, 2009. A permit application was received February 4, 2010. Plans call for reconstruction of the line from Gran Grae Rd. to Boscobel, which includes a Wisconsin River crossing from the Howard Roth property west of Boydtown in Crawford County to state owned property near Woodman Lake in Grant County. The line is 50 years in age and in need of upgrades. Along the entire line, routine maintenance and repair of woodpecker damage on 34 poles, along with 126 pole replacements, will occur. At the river crossing, the poles will be replaced and will be higher to accommodate federal regulations requiring minimum height distances between the line and the Wisconsin River. The new poles will be 10-20 feet taller than the existing structures. Dorscheid said Cupp recommended establishment of low growing vegetation be required on the island and the Grant County side. Opportunities for establishment of vegetation on the Crawford County side are limited. Access to the island is planned via use of a barge (similar to the access used further downstream on a recent project). Wetland impacts will be minimized through use of low ground pressure equipment and wetland mats, where necessary.

Previously, the LWSRB had requested information on alternatives to the proposal, including burial of the line and relocation. ATC and the consultant provided the required information that demonstrated the additional costs associated with each alternative. Additionally, ATC noted that those costs would have to be shouldered by the LWSRB or State of Wisconsin because ATC has an existing right of way that allows an overhead line to be located within the right of way. Additional easement width may be required through the pine plantation at the Woodman Lake property. DNR is working with ATC on the details but some clearing through the pine plantation would be required. The site is not visible from the Wisconsin River during leaf-on conditions and will be addressed under a separate permit.

Greenwood asked about other development in the vicinity. Cupp said the unincorporated hamlet of Boydtown was located ½ mile upstream of the power line where another major line owned by Dairyland Power crosses the river. Leys iterated his skepticism about the figures provided by ATC for the alternatives; namely, burial and relocation; but said he would support the motion to issue the permit. Dorscheid noted implementation of the required planting plan will improve aesthetics. Lundberg asked Hutnik about the planting plan. Hutnik replied that he would develop a suite of species that would be relatively low growing (<20 ft.) including dogwood, elderberry and other native species. Hutnik said the reed canary grass in the area may prevent problems. Cupp noted the Crawford County side is a pasture and there is a rocky high bank so there is no viable opportunity for establishment of additional screening vegetation at that location.

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

- All reasonable efforts shall be taken to minimize the visual impact of the utility facility;
- The new structures shall not be more than 20 feet taller than the existing structures without LWSRB review and approval;
- A planting plan developed by the DNR Riverway Forester shall be implemented by June 1, 2011;
- The LWSRB shall approve of any modification to the plans, as submitted; and,
- ATC or the consultant shall notify the board upon initiation and completion of the project.

**MOTION CARRIED.**

The permit application of Kentucky Data Link for placement of fiber optic cable in the Town of Wyoming, Iowa County and Town of Spring Green, Sauk County, was considered. A PowerPoint presentation was shown. Dorscheid noted a field inspection was conducted by Cupp in conjunction with

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previous permit activity in the vicinity. Plans call for placement of buried fiber optic cable on either side of the bridge with conduit placed on the bridge to traverse the Wisconsin River. Initially, KDL had contacted the LWSRB office regarding use of an overhead line to cross the river. The use of conduit on the bridge was encouraged by the LWSRB Executive Director. KDL worked with DOT to secure permission for placement of the conduit. A permit application was received on January 25, 2010.

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

- All reasonable efforts shall be taken to minimize the visual impact of the utility facility;
- The LWSRB shall approve of any modification to the plans, as submitted; and,
- ATC or the consultant shall notify the board upon initiation and completion of the project.

### **MOTION CARRIED.**

The annual review of half of the management permits for activities on State Natural Areas (SNA) managed by the Department of Natural Resources (DNR) was conducted. Cupp explained that the board reviews the permits for a portion of SNA properties each year and receives an update on activities on SNA lands throughout the Riverway. He noted extensions are needed for the seven properties up for renewal. Cupp said the Operations Committee has conducted field inspections at most of the SNA properties in the Riverway.

Cupp reviewed the properties for which permit extensions would be considered.

Arena Pines SNA (Town of Arena, Iowa County): not visible from Wisconsin River during leaf-on conditions  
Smith Slough SNA (Town of Buena Vista, Richland County): not visible from river during leaf-on conditions  
Mazo Barrens SNA (Town of Mazomanie, Dane County): not visible from river during leaf-on conditions  
Gotham Sands SNA (Town of Buena Vista, Richland County): portions are visible from river  
Blue River Bluffs SNA/Chezik (Town of Watterstown, Grant County): portions are visible from river  
Blue River SNA/Ellenbolt (Town of Watterstown, Grant County): portions are visible from river  
Bakken's Pond SNA (Town of Spring Green, Sauk County): not visible from river during leaf-on conditions

Matt Zine, DNR Riverway SNA Manager, then provided an overview of activities at all SNAs in the Riverway, including those not being considered for renewal this year. Zine said invasive species control is the major focus of the SNA crew's work and said use of prescribed burns is a vital management tool. He said burn units are becoming larger, which increases efficiencies in a time of dwindling budgets.

Dorscheid then made a motion, seconded by Brown, to approve extensions to the permits for periods of two-years with retention of the original permit conditions.

### **MOTION CARRIED.**

The Crystal/Fish/Mud Lake District pumping project in the Town of Roxbury, Dane County, was discussed. Will said DNR has a land use agreement with the Lake District that runs until 2014. The erosion control work at the discharge site proposed by the Lake District would have to be approved by him under the land use agreement. One factor of the land use agreement is that eagle disturbance is prohibited. Will said a

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request to conduct the work at the discharge site has not been forwarded to him as of yet. Zumm noted the petitioners who challenged the permit issued by DNR to allow the direct discharge of the lake water to the Wisconsin River will meet with DNR again in March in an attempt to resolve differences.

The proposed construction of a new cell tower in the Town of Marietta, Crawford County, was discussed. Cupp said the site is outside the Riverway boundary so the LWSRB has no jurisdiction. He expressed concern that the tower may be visible from the river despite the location off the river several miles. Cupp said the viewshed up the Marietta Valley (USH 61) may result in the tower being visible, which would represent another visual intrusion. He said he brought the matter to the board's attention to affirm the weakness in the Riverway law that allows adverse impacts to the aesthetic integrity of the corridor by construction of towers that are outside of the boundary but that are visible from the river.

Cupp said a junk complaint from an anonymous person regarding storage of vehicles in the Town of Orion, Richland County, had resulted in a response from the landowner. He said the unlicensed vehicle would be removed by spring. Cupp noted the need to educate DNR Conservation Wardens on the Riverway law, especially some of the little used sections, including the prohibition of junk and solid waste on lands visible from the river.

Dorscheid noted there were no permits issued by the Executive Director since the January meeting. He then asked Cupp for an update on the Terry Shifflet project at Wisconsin Riverside Resort in the Town of Spring Green, Sauk County. Cupp said the project had been delayed for a year while Shifflet lines up financing.

The Budget & Office Committee report was presented by Chairman Nice who reviewed the status of the FY 10 budget. Cupp said he had obtained a copy of a report issued by the Legislative Fiscal Bureau regarding economic projections for the next biennium. Cupp said the outlook is bleak and that a quick economic turn around is unlikely. Cupp offered to share the report with interested board members.

There was no report from the Personnel Committee.

The Executive Director's report was presented by Cupp who reviewed the materials in the board members' packets. He said the STH 60 Scenic Byways Committee is working toward nonprofit status and said efforts are underway to establish a formal partnership agreement with the Great River Road committee. Cupp said he continues to work with Hutnik and his colleagues on mounds maintenance at the Bloyer, Dingman and Jonas sites where large or hazardous tree removal has occurred over the winter.

Under board members' business, Leys asked if Asian carp had been found in the Wisconsin River. Cupp said he had not heard that Asian carp had been identified in the river but deferred to Will who said there has not been any documentation of the Asian carp in the river as of yet. Leys noted his belief that it is only a matter of time until the Asian carp are here because they always like to move upstream and the fish are definitely in the Mississippi River near the confluence with the Wisconsin River.

The DNR report was given by Will who said a 230-acre parcel had been acquired in the Town of Prairie du Sac, Sauk County. Will said he was working with a local group to establish a hiking trail around Muscoda that would include some DNR lands. Work on the DNR Riverway website continues. He noted access to the buildings and gate key for the Black Hawk Unit would continue to be provided by Devil's Lake State Park. Will said, while the Riverway is in the hopper for the Master Planning process, there is no guarantee it will happen within a five year window due to budget constraints and reduced staffing. Will said a land swap

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had been completed that would trade land outside of the Riverway boundary in the Town of Wyoming, Iowa County, for land within the Riverway boundary in the Town of Watterstown, Grant County. He noted work on mounds maintenance continues and the wildlife crew continues with habitat work.

During the public comment session, Timm Zumm of Spring Green reported on Friends of the Lower Wisconsin activities and asked if a plan had been developed for the redesign of the USH 14 bridge boat landing. Will said no decisions for the redesign had been made but discussions are underway. Roger Reynolds of Lone Rock asked if the Riverway Board regulated lawns. Lundberg said the board regulates screening vegetation.

A motion to adjourn until March 11<sup>th</sup> when the meeting will be held in Muscoda 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:

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