

LOWER WISCONSIN STATE RIVERWAY BOARD

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MINUTES OF THE AUGUST 12, 2010, RIVERWAY BOARD MEETING

The Lower Wisconsin State Riverway Board (LWSRB) met on Thursday, August 12, 2010, at Wyalusing State Park 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 exception of Don Greenwood. Acknowledgment that the meeting was properly noticed was provided by Mark E. Cupp, Executive Director. A motion to approve the agenda with removal of the permit applications submitted by Brad Hutnik, Department of Natural Resources (DNR) Riverway Forester, was made by Ron Leys, seconded by Jerry Dorscheid. Hutnik had requested action on the items be delayed until September. **MOTION CARRIED.** The minutes of the July 8, 2010, meeting then were considered. A motion to approve the minutes was made by Melody Moore, seconded by Fred Madison. **MOTION CARRIED.**

The Executive Committee report was presented by Chairman Lundberg. Correspondence was reviewed. A proposed letter to the Public Service Commission regarding a new transmission line proposal was reviewed. The Badger Coulee line would extend from La Crosse to Madison, the route yet to be determined. The proposed LWSRB letter expressed concern with an alternative route that would cross the Wisconsin River within the Riverway. Lundberg said the letter was well written. Leys said the forceful sentences indicating the LWSRB's likely opposition to a new line crossing the river within the Riverway boundary set an appropriate tone.

Cupp reported he had met with Crawford County landowner Howard Roth and representatives of American Transmission Company (ATC) regarding the reconstruction of the power line over the river west of Boydtown. Brad Hutnik, Department of Natural Resources (DNR) Riverway Forester, also was in attendance. Roth had contacted Cupp with concerns related to vegetative removal and the potential impact of loss of screening vegetation on development of platted lots on his property. A plan for removal of existing vegetation and implementation of a planting plan, as required by the LWSRB permit, was formulated. Removal of vegetation will be conducted in a phased approach. Hutnik will develop a planting plan to be implemented by the ATC. A copy of a letter from Cupp to Mr. Roth detailing the agreed upon plan was reviewed and endorsed by LWSRB members.

The Operations Committee report was presented by Chairman Dorscheid. The permit request of David Cohen for a timber harvest in the Town of Troy, Sauk County, was discussed. Dorscheid noted the consultant is Jim Carlson of Oakwood Forestry. He noted a field inspection was conducted by Cupp on August 5, 2010. Mr. Carlson was present as were Brad Hutnik, DNR Riverway Forester, and Rick Livingston, DNR Sauk County Forester. Portions of the harvest area are visible from the Wisconsin River during leaf-on conditions. An MFL plan is in place for the parcel. The trees slated for harvest on lands visible from the river have been marked and checked for compliance with the applicable basal standards. Small regeneration cuts for aspen will be conducted. The harvest area encompasses the Riverview Zone and the Resource Management Zone. No new roads will be constructed but the existing road will be opened up for the harvest. A PowerPoint presentation was shown.

A motion to approve issuance of a permit with the following permit conditions was made by Dorscheid, seconded by. Conditions of the permit include:

- 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;
- The Bluff Zone and Riverview Zone shall be delineated prior to initiation of the harvest, if necessary;
- 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.

The request of Terry Shifflet for an extension to a previously issued structure permit was considered. Plans call for construction of a new facility at the Wisconsin Riverside Resort in the Town of Spring Green, Sauk County. The LWSRB approved issuance of a permit for the activity in 2009. Due to financing delays, the project has been delayed until 2010 so an extension has been requested. Plans call for razing of the existing structure in late September with construction of the new facility to begin thereafter. The banquet hall portion of the new plan may be phased in and likely will not be part of the initial new construction (restaurant/bar/office). The Operations Committee and Cupp met with Mr. Shifflet on August 12, 2010, to review the plans. The design remains the same with minor changes to the exterior. A PowerPoint presentation was shown. A motion to approve an extension for a period of one-year with retention of the original permit conditions was made by Dorscheid, seconded by Leys. Conditions of the permit include:

- The existing screening vegetation shall be maintained and replaced if damaged or destroyed;
- The LWSRB shall approve the removal of any existing trees at the site prior to initiation of construction;
- A planting plan shall be developed by the DNR Riverway Forester and implemented by June 1, 2011, following approval by the LWSRB; the planting plan shall include a variety of species to reach specified heights within 3 years of planting and with replacement of trees if mortality occurs;
- 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 30 feet;
- The exterior colorization of the structure (including roof color) shall harmonize with the natural surroundings during leaf-on conditions and shall be approved by the LWSRB prior to initiation of construction;
- There shall be a limited amount of glass or other reflective material;
- The LWSRB shall review any modifications to the plans, as submitted, for compliance with the applicable performance standards;
- The landowner shall notify the LWSRB upon initiation and completion of the project; and,
- The activity shall comply with all other federal, state and local regulations.

MOTION CARRIED.

The permit request of Ron Winterhack for construction of a new structure in the Town of Millville, Grant County, was considered. Dorscheid said plans call for construction of a new shed at the property on Campbell Ridge Road. Cupp visited the site on August 4, 2010. Mr. Winterhack was present for the field inspection. The Operations Committee conducted a field inspection at the site on August 12, 2010. Cupp reviewed the history of permit activity at the site noting a new house, garage and small utility shed had been

built under LWSRB permits. Mr. & Mrs. Winterhack are in the process of selling the property. The prospective owners, Todd Hutchins and Karen Brewer, wish to build a new shed to house horses and equipment. The shed will be 40 ft. x 60 ft. x 16 ½ ft. (height). Some vegetative removal will be required to accommodate construction of the shed. Adequate screening vegetation exists at the site. The exterior colorization will be brown with a brown roof to match the existing house and garage, which also were approved and permitted by the LWSRB in 1994 and 2000 respectively. There will be a limited amount of glass and the slope of the site is not an issue. The site is on a bluff top but the structure will not be visible from the Wisconsin River during leaf-on conditions. The permit will be written to Mr. Winterhack, the current owner, and to Mr. Hutchins/Ms. Brewer, the prospective buyers. A PowerPoint presentation was shown.

A motion to approve issuance of a permit with conditions was made by Dorscheid, seconded by Madison. Conditions of the permit include:

- 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 18 feet;
- The exterior colorization of the structure (including roof color) shall harmonize with the natural surroundings during leaf-on conditions and shall be approved by the LWSRB prior to initiation of construction;
- There shall be a limited amount of glass or other reflective material;
- 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 permit request of Doyle and Nancy Lewis for construction of a new house in the Town of Woodman, Grant County, was considered. A field inspection was conducted by Cupp on April 28, 2010. Mr. and Mrs. Lewis and Brad Hutnik, DNR Riverway Forester, also were present for the field inspection. The Operations Committee and Cupp have conducted field inspections at the site in conjunction with previous permit activity. The Operations Committee and Cupp also visited the site on August 12, 2010. Ms. Lewis was present for the field inspection. Preliminary plans call for construction of a new house based on the attached plans. The new house will replace an older, yellow house at the site. The existing house is infested with milk snakes and other uninvited guests. The existing screening vegetation is adequate and compliance with performance standards for maximum height, exterior colorization, amount of glass or other reflective material, and slope should be achievable when final plans area presented. Digital images of the site were shown and the preliminary sketches and diagrams of the house were reviewed. Leys noted he would abstain from any vote on the application due to his personal relationship with the applicants.

A motion to approve issuance of the permit with conditions, pending receipt of final plans, was made by Dorscheid, seconded by Brown. Conditions of the permit will include:

- 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 24 feet;
- The exterior colorization of the structure (including roof color) shall harmonize with the natural surroundings during leaf-on conditions and shall be approved by the LWSRB prior to initiation of

construction;

- There shall be a limited amount of glass or other reflective material;
- 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. (Note: One abstention – Leys.)

The Crystal/Fish/Mud Lake District pumping project in the Town of Roxbury, Dane County, was discussed. Cupp water quality testing has resulted in the Total Suspended Solids (TSS) reading exceeding the threshold for pumping to the river so the pump was shut down and would remain offline until water quality test results are adequate. He said the Lake District hopes to proceed with plans to move the intake from Mud Lake to Fish Lake with addition of a filter on the intake. The Lake District also hopes to pump from Crystal Lake to the river via the existing pipeline. Pumping from the lakes would be coordinated so that pumping would only occur from one lake at a time. A temporary permit for pumping of Crystal Lake to the Wisconsin River via Roxbury Creek was approved by DNR.

Cupp reported on new permits issued since the July meeting. A management permit was issued to Brian Hefty, on behalf of DNR, for invasive species control in the Town of Muscoda, Grant County. Black locust trees will be removed. Cupp said a general permit for a timber harvest in the Town of Richwood, Richland County, was issued to Tom Fisher. The consultant is Andrew Nelson of Nelson Hardwoods. Cupp said he had met with Mr. Nelson and Brad Hutnik, DNR Riverway Forester, at the site on August 10, 2010, to review the proposed harvest. Poor visibility limited identification of the viewshed. An area was determined to be not visible from the river during leaf-on conditions and was flagged to allow a selective harvest of merchantable hardwoods to proceed. In addition, a general permit for a timber harvest on adjacent lands not visible from the river owned by James Morrey was extended. Mr. Nelson also is the consultant for that harvest.

The Budget Committee report was presented by Chairman Nice who reviewed the final report for FY 10. Leys noted the surplus in the Supplies & Services line. Cupp explained the LWSRB conservative approach to expenditures in light of possible lapse requirements and, in the past, due to shortfalls in the Salaries and Fringe Benefits lines. The FY 10 budget is the first year that the shortfalls were addressed by the allotment for the fiscal year. He said the additional cushion will be used to expand information and education (I&E) programming, staff development and equipment purchases, particularly related to computer upgrades.

Nice then reviewed the status of the FY 11 budget. Cupp noted the presentation on the proposed I&E program expansion, listed as a tentative item, would be delayed until a future meeting. A letter from Governor Doyle regarding the difficult budgeting circumstances anticipated for the 2011-2013 biennium was presented to the board.

The Executive Director's report was given by Cupp who reviewed the materials in the board members' packets. Cupp noted record river flows had been recorded for most of the second half of July and part of August. He noted rescues had been contacted at the Sauk City Railroad Bridge and in the Lone Rock-Gotham area. Greenheck said he had heard about the Gotham incident and said, apparently, DNR Conservation Warden Mike Nice had ordered the people off the river following the rescue due to extremely high flow conditions. Leys said the Boscobel boat landing has a lot of use on weekends. Nice said there have been complaints about canoe livery clients parking there and not leaving space for local motor boaters. Leys said the canoeists should use the upper boat landing (DNR). Nice said canoes should be registered just as boats must be registered. Leys noted the LWSRB is on record in support of canoe registration.

Under board members' business, Brown asked about the health of fellow member Don Greenwood. Cupp said Greenwood is recovery from knee surgery and continues with rehabilitation. The recovery will take time but the prognosis is good.

The DNR report was presented by DNR Riverway Manager Brian Hefty. Hefty said DNR is working with the Department of Transportation (DOT) on alternatives for the design of the USH 14 boat landing at Spring Green. Cupp asked about the erosion problems associated with storm water discharge from the bridge. Hefty said Russ Anderson, DNR Environmental Liaison to DOT, is working on the issue. Hefty reported purchases had been made in the Town of Arena, Iowa County, and the Town of Buena Vista, Richland County. The wildlife crew continues projects related to wood duck and mourning dove banding, prairie restoration and service road maintenance. He said problems continue with off road vehicle damage to state property. Hefty said the Riverway crew continues with mowing and trash pick-up. Canoe activity has been low due to high water levels. He said DNR is working with the federal Bureau of Land Management (BLM) on a cooperative agreement for management of islands in the Riverway, which may include transfer of ownership to DNR. Madison noted BLM is more western focused and it makes sense for DNR to manage or own the Riverway islands.

During the public comment session, Timm Zumm, Co-Chair of the Friends of the Lower Wisconsin Riverway (FLOW), noted a music festival will be held at the Wisconsin Riverside Resort on August 29th. The Rhythm on the River festival is being held for the second year. Zumm said the FLOW appears to be at an impasse with the Crystal/Fish/Mud Lake District regarding resolution of issues associated with the pumping project. FLOW likely will proceed with a contested case hearing to challenge issuance of the permit to allow pumping of lake water to the Wisconsin River.

A motion to adjourn until September 9th when the meeting will be held at the Spring Green Public Library was made by Brown, seconded by Greenheck. **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