

# LOWER WISCONSIN STATE RIVERWAY BOARD

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

The Lower Wisconsin State Riverway Board (LWSRB) met on Thursday, October 14, 2010, at the Wauzeka 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 exception of Fred Madison. Acknowledgment that the meeting was properly noticed was provided by Mark E. Cupp, Executive Director. Lundberg asked that the agenda be modified under Operations Committee report to include items related to a timber harvest on property owned by Peter Bremmer in the Town of Orion, Richland County; a possible lighting project at the Frank Lloyd Wright Visitor Center in the Town of Wyoming, Iowa County; and, a logging road issue related to a timber permit issued to Jerry Jones for a parcel in the Town of Marietta, Crawford County. A motion to approve the amended agenda was made by Jerry Dorscheid, seconded by Nick Nice. **MOTION CARRIED.** The minutes of the September 9, 2010, meeting then were considered. A motion to approve the minutes was made by Don Greenwood, seconded by Melody Moore. **MOTION CARRIED.**

The Executive Committee report was presented by Chairman Lundberg. Lundberg noted the Executive Committee had authorized Cupp to proceed with issuance of a timber harvest permit to Hal Sydnor for a parcel in the Town of Wauzeka, Crawford County. The consultant was Jerry Howell. Cupp explained the harvest would occur on a small parcel and the trees slated for harvest had been marked and approved. No new roads would be constructed.

Lundberg said articles related to a plume of contaminated groundwater beneath the Badger Army Ammunition Plant (BAAP) grounds were included in the packets. Concerns have been expressed that the contaminated groundwater could reach the Wisconsin River near Prairie du Sac. Cupp said the articles were included for informational purposes and said the board should continue to monitor the situation.

The Operations Committee report was presented by Chairman Dorscheid. The request of Mel and Alice Levy for construction of a storage shed in the Town of Spring Green, Sauk County, was considered. Dorscheid noted a separate issue at the property involves compliance of a previously issued structure permit for implementation of a planting plan. Dorscheid said Cupp and Brad Hutnik, DNR Riverway Forester, conducted a field inspection at the site on September 23, 2010. Mr. Levy was present for the field inspection. A field inspection was conducted by the Operations Committee on October 14, 2010. Mr. Levy and his son, Mark, also were present for the field inspection. Plans call for construction of a storage shed near the upstream lot line on the riverside of the house. The structure will be 20 ft. x 30 ft. x 16 ft. (ht.) and would have exterior colorization to match the house (earth tones). Some screening vegetation exists at the site. Concerns were expressed with blister rust on a white pine and potential for long term health issues as well the longevity of other trees that provide screening. An assessment the adequacy of the existing screening vegetation will be conducted upon completion of the structure, if a permit is issued.

Greenwood noted the property falls within the extraterritorial zoning (ETZ) jurisdiction of the Village of Spring Green/Town of Spring Green. Compliance with the local ordinance may become an issue because of the definition of "front yard" and "rear yard" and the requirement that accessory buildings be located in the rear yard. Greenwood said there have been other issues with the property and noted the zoning designation for the parcel prohibits permanent residency. He said LWSRB approval of a permit may be in conflict with the local ordinance.

Ron Leys noted the village ordinance would remain applicable and said the LWSRB administers the regulations under Chapter 30, Wisconsin Statutes. Cupp asked Greenwood if the county shoreland/floodplain zoning ordinance remains in effect in an ETZ area to which Greenwood replied in the affirmative. Cupp noted that the county also would be involved in the permit process. Dorscheid noted a proposed condition of the permit, which is a standard condition of all structure permits, requires compliance with "all other federal, state and local regulations." Greenwood said he would prefer to table the permit until the other issues are addressed. Leys said he would prefer to act on the permit request and leave the local zoning decisions to the county, town and village. Greenwood said the

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structure won't be constructed until next spring. Lundberg suggested a cover letter be included that explains the board action does not supersede any local regulations and that compliance with county, town, village, ETZ ordinances is required. Dorscheid said it is important that the local officials also receive a copy of the letter.

Dorscheid made a motion to approve issuance of a permit with conditions and transmittal of a detailed cover letter to the landowner with copies to local officials. The motion was seconded by Leys. Greenwood made a motion to table action on the permit until the local approvals are obtained but the motion failed due to the lack of a second. Conditions of the permit would include the following:

- The screening vegetation shall be maintained and replaced if damaged or destroyed;
- The two ornamental plum planted by the house shall be moved to locations identified by the DNR Riverway Forester to enhance screening vegetation;
- The adequacy of the existing screening vegetation shall be assessed upon completion of the project and implementation of a planting plan developed by the DNR Riverway Forester may be required;
- The exterior colorization of the structure shall harmonize with the natural surroundings during leaf-on conditions;
- 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 16 ft.;
- The LWSRB shall approve any modifications to the plans, as submitted;
- 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 federal, state and local regulations.

A vote on the motion was taken. The **MOTION CARRIED** on a vote of 5 "ayes" to 3 "nays" with one member absent.

Discussion continued regarding the Levy property and the implementation of a planting plan developed by Hutnik when the permit for the new house was issued in 2006. Cupp explained the planting plan required a white pine and wild plum trees to be established at specified locations. The recent field inspection indicated the lack of a white pine. Ornamental plum shrubs (2) were planted instead of the wild plum trees indicated in the planting plan. The ornamental plums are not providing screening vegetation. Dorscheid said the Operations Committee recommended the ornamental plum be moved to the provide screening for the new shed and 6 wild plum trees should be planted at sites specified by Hutnik with a white pine to be established as well. Hutnik will provide technical assistance regarding vendors for obtaining nursery stock wild plum trees and will select white pine options on the property from which the landowner may choose for replanting. Leys noted the landowner wants to retain his view of the river, which is contrary to the objectives of the Riverway law. Cupp noted a condition of the original permit required implementation of the planting plan and replacement of the new plantings if damaged or destroyed. The landowner had not complied with the condition of the permit. The new planting plan approved by the Operations Committee would establish the 6 wild plum trees, a clonal species, and the white pine. Once established, the new screening vegetation will diminish the visibility of the structure when viewed from the river during leaf-on conditions. Greenwood asked if there will be monitoring of the site to assure the trees are planted and survive. Cupp replied in the affirmative. Moore suggested the precise locations where the white pine and wild plum trees are to be planted should be staked by Hutnik. A motion to require implementation of the revised planting plan was made by Dorscheid, seconded by Greenwood. **MOTION CARRIED.**

The permit request of Mike & Shirley MacEachern for an addition to an existing structure in the Town of Bridgeport, Crawford County, was discussed. Dorscheid said a field inspection was conducted by Cupp on October 11, 2010. Mr. MacEachern also was present for the field inspection. Plans call for the construction of a 20 ft. x. 24 addition to an existing shed. The height and exterior colorization will be the same as the existing structure. The addition will occur on the north side of the building (away from the river). The DNR holds a scenic easement on the parcel but the addition to the shed is allowed under the easement. Previously, the LWSRB issued permits to Mr. & Mrs. MacEachern for a new house (1995), addition of a deck (2000) and the shed/garage (2001).

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

- The screening vegetation shall be maintained and replaced if damaged or destroyed;
- The exterior colorization of the structure shall harmonize with the natural surroundings during leaf-on conditions;
- The height of the structure shall be limited so that the structure does not become visible from the Wisconsin River during leaf-on conditions;
- 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 federal, state and local regulations.

### **MOTION CARRIED.**

The request of Jeff Mullikin for an extension to a previously issued timber harvest permit for a parcel in the Town of Wauzeka, Crawford County, was considered. Dorscheid noted a field inspection was conducted by Cupp on December 15, 2000. Jeff Mullikin and Richard Lessard also were present for the initial field inspection. Plans called for the selective harvest of merchantable hardwoods. No new roads will be constructed in the Riverview Zone. A small portion of the harvest area in the bottomlands was visible from the Wisconsin River. The remainder of the harvest area falls within the Resource Management Zone. Cupp said the harvest has not been completed. Mr. Mullikin wishes to extend the permit. A field inspection will be conducted when the ground is frozen or dry. Brad Hutnik, DNR Riverway Forester, will conduct a field inspection at the site to review a proposed stream crossing. Hutnik confirmed the harvest area is not visible from the Wisconsin River during leaf-on conditions.

Dorscheid made a motion, seconded by Moore, to approve issuance of an extension for a period of one year with retention of the following standard permit conditions:

- The harvest shall comply with the basal area limits for the residual stand in the Riverview Zone, as detailed in Chapter NR 37, Wisconsin Administrative Code;
- In the 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 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 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;
- If necessary, the various zones shall be delineated 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, 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 permit request of Jeff Mullikin for black locust control on a parcel in the Town of Wauzeka, Crawford County, was discussed. Dorscheid reported a field inspection was conducted by Cupp in conjunction with previous permit activity in the vicinity. Field inspection revealed that the site is not visible from the Wisconsin River during leaf-on conditions. Plans call for removal of woody vegetation to restore and maintain the native plant community. Black locust and other woody species will be removed for timber stand improvement purposed. Brad Hutnik, DNR Riverway Forester, conducted a field inspection at the site and determined the activity is appropriate.

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

- No existing structure(s) 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 landowner or his/her agent shall notify the LWSRB upon initiation and completion of the activity.

### **MOTION CARRIED.**

The request of Peter Pomerening for an extension to a permit for a timber harvest in the Town of Wauzeka, Crawford County, was considered. Dorscheid noted the original field inspection was conducted on July 30, 1999, by Cupp. Bill Carlson, DNR Riverway Forester, also was present for the field inspection. Due to the dense foliage, a determination of visibility to/from the river was not possible. However, the field inspection revealed portions of the harvest area are within the Riverway boundary and may include the Bluff Zone, Riverview Zone and Resource Management Zone. Plans call for the selective harvest of merchantable hardwoods, mainly, red oak. The need for new logging roads has not been determined. A subsequent field inspection during leaf-off conditions enabled Cupp to determine the locations of the various zones. A portion of the harvest was completed. Mr. Pomerening wishes to complete the harvest in the uplands area and, potentially, conduct a harvest in the bottomlands not visible from the river.

Cupp explained the harvest has not been completed and Mr. Pomerening wishes to conduct additional harvesting on the parcel. The trees slated for harvest have not yet been marked. The majority of the additional harvesting will occur in the Resource Management Zone. An onsite meeting between Cupp, Brad Hutnik, DNR Riverway Forester, and Mr. Pomerening will occur prior to the harvest. Mr. Pomerening was in attendance and said he wanted to do a harvest before putting in new fences.

Dorscheid made a motion, seconded by Leys, to approve issuance of an extension for a period of one year with retention of 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.**

Cupp explained the four action items involved the same logger/consultant, Budd Bunders. He noted Mr. Bunders had been involved in harvesting walnut trees on three of the four parcels earlier this year. The first action item concerned property owned by Eric Sime in the Town of Marietta, Crawford County. Dorscheid explained the original field inspection was conducted by Cupp on April 28, 2010. Brad Hutnik, DNR Riverway Forester, Mr. Sime and Mr. Bunders also were present for the field inspection. Field inspection revealed the harvest area is not visible from the Wisconsin River during leaf-on conditions. Plans call for the selective harvest of 15-20 walnut trees. No new roads will be constructed. Dorscheid said a second field inspection was conducted by Cupp on October 1, 2010. Hutnik, Mr. Sime and Mr. Bunders also were present for the field inspection. Plans call for expansion of the harvest to include upland areas. A selective harvest of merchantable hardwoods is planned. A small regeneration cut of an aspen clone will occur. No new roads will be constructed. The harvest will be conducted when the ground is frozen or dry and the leaves are off the deciduous trees. Field inspection confirmed the new harvest area is not visible from the Wisconsin River during leaf-on conditions.

Dorscheid made a motion, seconded by Greenwood, to amend the existing permit to reflect the harvest activity in the upland site with retention of the following conditions:

- The trees slated for harvest shall not be visible from the Wisconsin River during leaf-on conditions;
- The LWSRB shall approve any modifications to the plans, as submitted; and,
- The landowner or his/her agent shall notify the LWSRB upon initiation and completion of the project.

**MOTION CARRIED.**

The permit application of Lloyd and Darlene Snodgrass for a timber harvest in the Town of Marietta, Crawford County, was discussed. The consultant is Budd Bunders. Dorscheid said a field inspection was conducted by Cupp on October 1, 2010. Mr. Bunders and Brad Hutnik, DNR Riverway Forester, also were present for the field inspection. Plans call for the removal of a small number of trees (approx. 12) on lands partially visible from the Wisconsin River during leaf-on conditions. Some trees will be removed for agricultural purposes. Some trees are creating a hazard to the property, while the others are mature and will be harvested since the logger is there. Compliance with the applicable basal area will be achieved. No new roads will be constructed. The trees will be harvested when the ground is frozen or dry and the trees are off the deciduous trees.

Dorscheid made a motion, seconded by Moore, 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 Riverview Zone, as detailed in Chapter NR 37, Wisconsin Administrative Code;
- In the 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 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 Riverview Zone and Resource Management Zone shall be delineated prior to initiation of the harvest;
- All trees selected for harvest in the 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 Leonard Ward for a timber harvest in the Town of Marietta, Crawford County, was considered. The consultant is Budd Bunders. Dorscheid noted a field inspection was conducted by Cupp on October 1, 2010. Mr. Bunders and Brad Hutnik, DNR Riverway Forester, also were present for the field inspection. Mr. Ward was at the site prior to the field inspection to discuss his interest in the harvest. Field inspection revealed the site is visible from the Wisconsin River during leaf-on conditions. The bluff is located at the north end of the Boscobel USH 61 Bridge at the site known as Easter Rock and is visible from the river. Plans call for the selective harvest of merchantable hardwoods, mainly oak, during leaf-off and frozen/dry conditions. No new roads will be constructed. Cupp noted, previously, the LWSRB issued permits for timber harvests on the lands visible from the river (1992, 1997 and 2007) and for harvests in the Resource Management Zone (1992, 2007 and 2010). Mr. Ward indicated his desire to liquidate merchantable trees because he is 84 years old and wants to spend the money. In conducting the field inspection, Hutnik noted the presence of a good, young stand of oak with few trees of a size to be deemed merchantable. Hutnik was requested to contact Mr. Ward to counsel against a harvest at this time. If a harvest does proceed, compliance with the basal area standards would be achievable. However, NR 37 also states that a harvest should be conducted with sound forestry practices in mind. Hutnik has expressed concern that a harvest on the site at the present time may not be consistent with sound forestry management practices. At this time, the trees slated for harvest have not been marked. Greenwood suggested adding a condition that requires the harvest to comply with sound forestry management practices.

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 harvest shall comply with sound forestry management and silvicultural practices;
- 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 Joe Dremsa for a timber harvest in the Town of Marietta, Crawford County, was discussed. The consultant is Budd Bunders. Dorscheid said the original field inspection was conducted by Cupp on April 28, 2010. A second field inspection was conducted by Cupp on May 3, 2010. A third field inspection was conducted on October 1, 2010. Brad Hutnik, DNR Riverway Forester, and Mr. Bunders also were present for the field inspections. Field inspection revealed the parcel is highly visible from the Wisconsin River. Other field inspections have been conducted in conjunction with previous permit activity and timber harvest/road building violations. Cupp said plans call for the selective harvest of all merchantable hardwoods. Mr. Bunders plans a diameter limit harvest. No new roads will be constructed. The harvest will be conducted when the ground is frozen or dry and the leaves are off the deciduous trees. The trees slated for harvest have not been marked. The lands visible from the river have been identified by Cupp and Hutnik. During the October 1<sup>st</sup> field inspection, Hutnik demonstrated proper marking of the harvest area to assure

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compliance with the applicable performance standards. Mr. Bunders' employees will mark the harvest and then Hutnik and Cupp will review. Consistency with sound forestry management practices also will be considered. Previously, the board approved issuance of general permits for timber harvests in 2002 and 2010. A permit for a harvest on lands visible from the river and a subsequent extension were approved in 2002 and 2003. A warning for road building and permit violations was issued in 2002. A remedy required installation of water bars and seeding of the logging road.

Lundberg asked if Hutnik and Cupp would meet with the logger to assist with marking of trees slated for harvest. Cupp said the logger is responsible for marking the timber but he and Hutnik would then review the marking and either approve the marking or unmark trees, if necessary. Greg Greenheck asked if the logger involved in this harvest was then same as the logger involved when the warning was issued. Cupp replied in the negative.

Dorscheid made a motion, seconded by Nice, 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 or 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 harvest shall comply with sound forestry management and silvicultural practices;
- 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 proposed construction of a logging road in conjunction with a timber harvest permit previously issued to Jerry Jones for a parcel in the Town of Marietta, Crawford County, was discussed. The consultant is Brian Nelson of Nelson Hardwoods. Cupp asked Hutnik to explain his review of the location and design of the proposed road. Hutnik said there is a steep section where the road drops from the top of the bluff down to a lower contour line. A topographic map with the road indicated was reviewed. Hutnik said foliage prevented him from making an assessment of visibility. Cupp explained the variance procedure detailed in Chapter NR 37, Wisconsin Administrative Code, which applies to logging roads or other activities not in strict compliance with the performance standards. He said a variance would not be required if the road location is determined to be not visible from the Wisconsin River during leaf-on conditions. Erosion control measures will be important. Greenwood asked if erosion likely would be an issue. Hutnik said the Best Management Practices (BMP) Handbook provides guidance on the number of water bars to be installed depending on the steepness of the slope. He said the slope averaged 23-28% and water bars should be installed 40-50 feet apart. Cupp noted the law requires the board to allow access to the timber and this may be the best place for the road. Hutnik said there is a rock shelf that precludes a gentler slope to the bottom of the hill. Cupp said he would conduct another field inspection at the site to assess visibility and determine if a variance may be necessary.

The Crystal/Fish/Mud Lake District pumping project was discussed. Cupp noted the pump had to be shut off due to poor water quality readings. He said the Friends of the Lower Wisconsin Riverway (FLOW) likely will pursue a contested case hearing regarding the DNR issuance of the original permit. The Lake District is now reviewing options for pumping from Crystal Lake.

Cupp said a Sauk City engineering firm contacted him regarding the proposed construction of a cell tower within the village limits. Cupp said he responded that the permit requirements and performance standards of the Riverway law do not apply within the incorporated limits of a municipality. However, the board does have an advisory role. Cupp said the 180 foot tower likely will be visible from the Wisconsin River. He will suggest that lighting be avoided unless required by federal regulations. He noted another tower will be erected in the Town of Richwood, Richland County. Because the base of the tower will be outside of the Riverway boundary, the board has no jurisdiction. In addition, because the Town of Richwood has not adopted county zoning, no local permits are required. Cupp said he has encouraged the company to locate the tower as far as possible from the Wisconsin River to minimize the adverse aesthetic impact. A member of the public, Bill Howe of Prairie du Chien, noted Crawford County has adopted a tower ordinance.

Cupp said he would like authority to proceed with issuance of a permit to Peter Bremmer, et al, for a timber harvest in the Town of Orion, Richland County. Cupp said plans call for a light selective harvest of walnut trees. The permit request was not received until after the meeting notice had been sent. Cupp said Mr. Bremmer is a logger/timber buyer by profession. The board previously has issued permits for timber harvests on the property. Cupp said a field inspection is slated for the following week. A motion to authorize Cupp to issue a timber harvest permit if compliance with the applicable performance standards is achieved was made by Greenwood, seconded by Greenheck. **MOTION CARRIED.**

Cupp said a meeting with representatives of Taliesin Preservation, Inc., would be held to discuss new lighting of the parking lot at the Frank Lloyd Wright Visitor Center in the Town of Wyoming, Iowa County. Cupp said the modifications would fall under the utility permit section of the Riverway law.

Cupp reported on two permits that had been issued by the Executive Director since the last meeting. Cupp said a general permit was issued to Susan Fralick for placement of a double wide prefabricated home to replace a mobile home that was destroyed by fire in the Town of Woodman, Grant County. The site is not visible from the river. He said a permit was issued to Hal Sydnor for a timber harvest in the Town of Wauzeka, Crawford County, after receiving authority from the Executive Committee to proceed. The trees slated for harvest were marked and reviewed by Cupp. The consultant is Jerry Howell.

The Budget Committee report was presented by Chairman Nice who reviewed the status of the FY 11 budget. Cupp said the LWSRB biennial budget request and supporting documents was submitted to the Department of Administration prior to the September 15, 2010, deadline.

There was no report from the Personnel Committee report.

The Executive Director's report was given by Cupp who reviewed the materials in the board members' packets. Cupp noted he was making the rounds at the State Capitol visiting legislators and staff to raise awareness of Riverway issues and to secure support for the board's budget request for the 2011-2013 biennium. He noted record high flows again were recorded in September. Leys asked if there was any danger of the levy breaking near Portage and re-routing the Wisconsin River into the Fox River. Brian Hefty, DNR Riverway Manager, said he had not heard anything about that. He said the levy managed by DNR is 120 years old and was made of sand. The DNR maintains 14 miles of the levy, which he said is technically a dyke. He noted there was no real engineering or technical design when it was originally constructed and it wouldn't meet modern standards. Cupp said the Cultural Landscape Legacies (CLL) annual tour was conducted in the Wisconsin Dells – Necedah area on Saturday, October 9<sup>th</sup>. Effigy mound sites and rock art were viewed. Greenwood noted it was a good tour.



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Under board members' business, Greenheck asked Greenwood to elaborate on ETZ jurisdiction around Spring Green. Greenwood explained an ETZ district includes a commission comprised of three village officials and three town officials who jointly administered the ordinance. ETZ jurisdiction extends 1 ½ miles around the incorporated limits of municipality. Cupp noted the Riverway law allows an incorporated municipality to annex within ½ miles of the incorporated limits as of 1989 without being subject to the permit requirements and performance standards of the Riverway law.

Dorscheid noted there are concerns with safety of bicyclists travelling on CTH C between Hwys. 14 & 23 in the Town of Wyoming, Iowa County. The road is narrow without shoulders and is heavily trafficked. Cupp said he met with the Iowa County Highway Commissioner and DOT and DNR officials earlier this year to discuss repairs or reconstruction of CTH C, which is adjacent to the river near the Frank Lloyd Wright Visitor Center and the Hwy. 23 bridge. Bicycle safety was part of that conversation. Plans for modification of the roadway have not been presented.

Leys said he noticed a lot of dead snakes on the highway between Blue River and Boscobel and wondered about the cause. Cupp said he noted a number of dead snakes on the road between Muscoda and Gotham as well and attributed it to the floodwaters chasing the snakes out of their bottomland habitat and onto the road as the snakes sought higher ground.

Moore said the kiosks at Cactus Bluff in the Town of Prairie du Sac, Sauk County, are in bad shape. Hefty said he has looked at the signage but doesn't have funding to implement repairs at this time. Cupp said the signs were placed there over the objections of the Riverway Board due to liability concerns expressed by DNR legal counsel. He said the original paint was reflective so a darker color was used.

Under DNR report, Hefty said he spent a lot of time at the Portage levy during the high water, as did numerous other DNR personnel. Debris clean-up and parking lot/road repairs are being conducted in the Riverway. The dyke at Bakken's Pond also is need of repair. Hutnik reported the String of Pearls harvest in the Town of Muscoda, Grant County was underway.

During the public comment session, Bill Howe of Prairie Du Chien thanked the board for doing a good job and support increased public access to the river.

A motion to adjourn until November 11<sup>th</sup> when the meeting will be held at the Avoca Village Hall was made by Brown, seconded by Greenwood. **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