

LOWER WISCONSIN STATE RIVERWAY BOARD

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MINUTES OF THE APRIL 14, 2011, RIVERWAY BOARD MEETING

The Lower Wisconsin State Riverway Board (LWSRB) met on Thursday, April 14, 2011, at the Sauk City Public Library 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 Nick Nice. Acknowledgment that the meeting was properly noticed was provided by Mark E. Cupp, Executive Director. A motion to approve the agenda was made by Don Greenwood, seconded by Fred Madison. **MOTION CARRIED.** A motion to approve the minutes of the March 10, 2011, meeting was made by Greg Greenheck, seconded by Melody Moore. **MOTION CARRIED.**

The Executive Committee report was presented by Chairman Lundberg. The guest speaker was introduced. John Lyons, Department of Natural Resources (DNR) Fisheries Biologist, gave a presentation on the proposed fish passage at the Prairie du Sac hydroelectric facility. He noted the Prairie du Sac dam is the first dam on the Wisconsin River upstream of the confluence with the Mississippi River. The dam prevents invasive species from migrating upstream but also blocks native fishes from following their normal migration routes. After reviewing several options, Lyons said the concept of a "fish elevator" was chosen. The elevator will minimize the chance of invasive species inadvertently making their way to Lake Wisconsin. All fish will be examined by trained professionals before being released on the upstream side of the dam. Species of special concern include paddlefish, shovelnose sturgeon and blue sucker.

Ron Leys expressed concern about the spread of aquatic invasive species and recalled numerous incidents on the Great Lakes. Lyons said the fish elevator provides for rigorous inspections and detailed screening of all fish with the mandate to err on the side of caution in order to do as much as possible to avoid the transfer of non-native invasive species. Greenwood asked about the spread of invasive species to streams where dam removals have occurred. Lyons said the "first barriers" are always important and said the experience with dam removal has been positive in regard to water quality and reproduction rates for native species. Members of the public asked questions. Donna Stehling asked about transfer of invasive species above the dam by eagles. Lyons said there are numerous ways that invasive species could make their way to Lake Wisconsin but the proposed fish passage concept is designed to minimize the transfer of invasive species while restoring native species to their historic environs. Ken Frank asked if there are paddlefish above the dam and inquired about the cost of the project and the number of fish to be transported. Lyons said paddlefish are no longer found above the dam. He said costs have not been determined for construction but operations are expected to run about \$100,000/year. Hard costs associated with construction will be passed on to consumers but operational costs will be shouldered by the utility. Lyons said the number of fish that will be transported in a year is unknown. He said construction of the fish passage should be completed by 2013 with operations beginning in 2013 or 2014.

Under correspondence, Lundberg noted a letter had been received from the Joint Committee on Finance (JFC) indicating the LWSRB was not required to testify before the committee on the Executive budget proposal unless the board would specifically request an appearance. Cupp said he replied to the JFC co-chairs and members indicating the board appreciated the opportunity but would not request a slot before JFC. The letter further indicated Cupp's willingness to answer questions about the LWSRB budget if JFC members would wish to contact him.

Cupp also reported he had been in communication with the Governor's office and county board chairs from Crawford and Sauk counties regarding appointments to the board. The current representatives are Ron Leys from Crawford County and Don Greenwood from Sauk County. Both individuals are eligible for re-appointment to another three year term.

The Operations Committee report was presented by Chairman Dorscheid. The permit request of United Cooperative for a grain storage and transfer facility in the Town of Mazomanie, Dane County, was discussed. A PowerPoint presentation was shown. Dorscheid noted the Operations Committee had conducted a field inspection at the site and on a bluff at the Black Hawk Unit prior to the board meeting. Previously, the committee conducted a field inspection at the mouth of Honey Creek near Ferry Bluff in the Town of Prairie du Sac, Sauk County, to gain a perspective on the potential visibility of the elevator appendage associated with the grain storage facility.

Cupp said he and Brad Hutnik, DNR Riverway Forester, had calculated the potential visibility of the structure when viewed from the river in relation to the Black Hawk Unit bluffs. The purpose was to provide additional digital images of the viewshed for additional analysis. The amount of trees on the bluff prevented useful digital images from being obtained but did affirm previous assessments that the visual impact of the proposed facility, particularly the elevator appendage, would be minimal, if it would be visible at all. He noted United Cooperative had modified plans for the facility and reduced the height of the elevator appendage from 136 feet to 115 feet to address LWSRB concerns.

Al Jentz of United Cooperative then provided information on the color of the galvanized steel to be used. He showed examples of galvanized steel color after different numbers of years of weathering. He said the cooperative prefers to utilize galvanized steel. Dorscheid asked about painting over galvanized steel. Jentz said it is difficult and creates long term maintenance problems. Greenwood noted the board's jurisdiction is limited to aesthetic impacts and asked about the role of other jurisdictions and where United Cooperative was in the process of obtaining other permits. Jentz said he is working with DNR on environmental issues and said Dane County and the Town of Mazomanie would be involved in regard to zoning matters. Jentz said the strategy was to obtain LWSRB consent initially and then proceed with DNR, Dane County and Town of Mazomanie. The LWSRB permit was the first step in the process outlined by United Cooperative.

Cupp noted nearby landowners had raised concerns. He asked if dryers would be added to the site. Jentz said there are no plans to add dryers. Cupp asked about the number of trucks that would use CTH Y and the number of trains that would be involved. Jentz said plans call for 2-3 million bushels annually to pass through the facility which would involve about 3000 truckloads and 30-35 trains/year. Cupp asked about noise and dust. Jentz there will be some noise from truck traffic but dust from the site will be limited. Access will be provided on an old road from CTH Y that will lead to the southeast corner of the property.

Gayle Lambrini of the Town of Roxbury asked about the process of transporting corn to the site. Jentz said corn from the facility on STH 60 in Sauk County will be trucked to the Mazomanie site and trucks from individuals also will be used. She asked about the amount of land affected. Jentz said about 3 acres would be used.

Greenwood asked about future expansion of operations at the site. Jentz said no further expansion was anticipated at this time. He said the bins are sized to accommodate corn needed to fill 25 train cars.

Donna Stehling, Sauk County Board Supervisor, asked about the cost advantages of building the new site. Jentz said, as the cost of fuel increases, rail transport becomes a more viable option and will reduce transportation and freight costs.

Ken Frank of the Town of Mazomanie asked if the railroad bridge at Sauk City would be rebuilt. Jentz said he did not anticipate the bridge being rebuilt or repaired. Frank asked about the number of trucks passing through Sauk City to get from the Sauk County facility to the Mazomanie facility. Jentz said about 2000 trucks annually would be his best guess. Frank asked if United Cooperative has experience with similar facilities in similar locations. Jentz said he did not but said the trucks will be on CTH Y for only a short distance.

Juliana Clausen of the Town of Mazomanie asked where the trucks would come from other than those coming from the Sauk County facility. Jentz said directly from farms. Clausen asked if dryers would ever be added to the site. Jentz said he didn't anticipate dryers being added. Clausen asked about the reasons behind choosing that site and asked about wetland impacts. Jentz said he looked at sites along the corridor but this site was the only one that would work. Jentz said he is working with DNR to assess environmental impacts, including wetland impacts.

Gayle Lambini asked about the condition of the railroad tracks and asked how this project would affect the Sauk City bypass plans scheduled for 2020. Jentz said the rail is in very good condition and said he was unaware of the bypass plans and didn't know about potential impacts.

Patrick Taggart of the Sauk Prairie Chamber of Commerce said construction of the facility and subsequent use of the rail corridor would toll the death knell for the proposed rails to trails concept. He said there will be an adverse economic impact on the community if the trail is not built.

John Polian of Sauk city said he frequently kayaks that section of the Wisconsin River and appreciates the peace and solitude offered. He said he would be disappointed if the recreational user experience was diminished because of noise from the facility and from truck traffic.

Leys noted the board's jurisdiction, as defined in state law, is aesthetic protection. He noted the Operations Committee had viewed the site from a number of perspectives and determined the facility would have minimal, if any, impact when viewed from the river during leaf-on conditions. Leys said, based on the applicable performance standards, he felt the permit should be issued. Leys then made a motion, seconded by Fred Madison, to approve issuance of a permit with the following conditions:

- The height of the structure shall not exceed 115 feet,
- The existing screening vegetation shall be retained and replaced if damaged or destroyed,
- The LWSRB shall review and approve any modifications to the plans, as presented, prior to implementation of the changes;
- The applicant will inform the board upon initiation and completion of the project, and;
- The activity shall comply with all other federal, state and local regulations.

Dorscheid said he would abstain from any vote on the permit application because he is a member of the Wisconsin River Rail Transit Commission. Greenheck said he also would abstain from voting on the matter to avoid any conflict of interest because he is a United Cooperative member.

Moore then noted she is the Dane County representative to the LWSRB and also serves on the Town of Mazomanie Board. She said she holds strong personal opinions on the propriety of constructing a grain storage and transfer facility at the site but would withhold those statements until the matter is presented to the town board. She noted the application appears to comply with the applicable performance standards due to the minimal visual impacts. Therefore, as an LWSRB member, she said the permit should be approved.

Greenwood said he also will support issuance of a permit for the activity because it complies with the law pertaining to protection of Riverway natural aesthetics. Greenwood said he appreciated hearing the public comments and encouraged concerned citizens to continue to provide input throughout the remainder of the process.

Lundberg asked if anything should be done about the colorization. Leys said he felt satisfied that the galvanized steel would weather to a non-reflective gray patina over time.

Ritchie Brown expressed concern about possible adverse impacts on historical or archeological values. He said the Operations Committee learned that there may have been artifacts discovered in the vicinity and the proximity to the Battle of Wisconsin Heights site raises concerns. Brown said it is important to take steps to assure the past is protected and said action on the application should be tabled. Jentz said DNR will require an archeological/historical survey to be conducted. He noted DNR also has concerns about impacts on ornate box turtles. Greenwood asked if the board could see the results of the cultural resources survey. Jentz said DNR will review the survey results. Cupp suggested a condition of the permit be included to require LWSRB review of the findings. Lundberg then asked if Leys and Madison would accept such a condition as a friendly amendment to the motion. Leys and Madison said they would accept the additional condition. The conditions of the permit would include:

- The height of the structure shall not exceed 115 feet,
- The existing screening vegetation shall be retained and replaced if damaged or destroyed,
- The applicant will provide information regarding the findings of an appropriate archeological/historical survey prior to construction; and;
- The LWSRB shall review and approve any modifications to the plans, as presented, prior to implementation of the changes;
- The applicant will inform the board 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 then was taken. Greenheck and Dorscheid affirmed their abstentions. **MOTION CARRIED.**

The permit request of Scenic Rivers Energy Cooperative was considered. Dorscheid said a field inspection was conducted by Cupp on March 22, 2011. Andy Kilcoyne of Scenic Rivers also was present for the field inspection. A second field inspection was conducted by Cupp on April 5, 2011. The project entails relocation of an existing power line near Boydtown. The existing line is inaccessible for repairs and results in outages to area consumers. Plans call for moving the line to the right of way for Boydtown Hollow Road and then along STH 60 to the west and then across the Howard and A.V. Roth farm to the north. Portions of the new line will be visible from the Wisconsin River. There are several other visual intrusions in the area including two transmission lines crossing the river; structures associated with the hamlet of Boydtown; other houses and agricultural buildings; and, STH 60. The new poles will be a maximum of 40 feet in height. A PowerPoint presentation was shown.

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

- All reasonable efforts shall be taken to minimize the visual impact of the utility facility;
- The poles shall not exceed 40 feet in height;
- The LWSRB shall approve of any modification to the plans, as submitted;
- The applicant shall notify the board 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 Mary Ann Michel for modification of an existing structure in the Town of Arena, Iowa County, was considered. Dorscheid said a field inspection was conducted by Cupp on March 31, 2011. The field inspection revealed the site is partially visible from the Wisconsin River. Plans call for construction of a screened porch adjacent to the existing mobile home. The porch will be 10 ft. x 20 ft. Adequate screening vegetation exists at the site. The screened porch will reduce the visibility of the structure. A PowerPoint presentation was shown.

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

- 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;
- The exterior colorization of the structure 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 Doug Jones for modification of an existing structure in the Town of Marietta, Crawford County, was considered. Dorscheid said a field inspection was conducted by Cupp on April 12, 2011. Mr. & Mrs. Jones were present for the field inspection. The field inspection revealed the site is visible from the Wisconsin River during leaf-on conditions. Plans call for replacement of a deteriorated deck with a new deck, the addition of a second deck and a walkway connecting the decks and wrapping around the house. The walkway will be used for snow removal from the roof. The deck and walkway will be constructed of cedar. The new decks will be 12 ft. x 16 ft. and the walkway will be 4 ft. in width. A 36 inch railing will be attached. The decks and walkways will be approximately 4 feet above ground level. The LWSRB previously has granted permits to applicant for modifications to the existing structure. A PowerPoint presentation was shown.

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

- 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;
- The exterior colorization of the structure 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 Jeff Meier for management of a native plant community in the Town of Clyde, Iowa County, was considered. Dorscheid said a field inspection was conducted by Cupp on April 11, 2011. Mr. Maier was present for the field inspection. Brad Hutnik, DNR Riverway Forester, participated in discussions following the field inspection. The field inspection revealed the site is not visible from the Wisconsin River during leaf-on conditions. Plans call for removal of existing trees to restore native grasslands for wildlife habitat. The area will be clear cut with retention of scattered large swamp white oak. Trees along STH 130 will be retained as will trees near a wetland scrape. No existing structures become visible from the river as a result of the activity. The activity has been deemed appropriate for the site by Hutnik. Cupp said he would issue a separate general permit for the commercial logging activity on lands not visible from the river.

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

- The activity shall not result in an existing structure becoming visible from the river;
- 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.

MOTION CARRIED.

Cupp reported he had met with American Transmission Company representatives and DNR officials to review the proposed construction of the line from Boscobel to Lone Rock. Cupp said a portion of the line between Muscoda and Gotham is visible from the Wisconsin River. He noted the board had approved a permit for the activity with the condition that any modifications to the plans would be approved by the LWSRB prior to initiation of construction. The field inspection revealed one or two of the new poles may be 5 feet taller than the original proposal in order to comply with federal regulations requiring a minimum distance between wires and the ground. Cupp said the additional height will not increase the visibility of the utility facility very much.

Madison made a motion, seconded by Greenwood, to amend the previously issued permit to reflect the new information related to pole height. **MOTION CARRIED.**

The Crystal/Fish/Mud Lake District pumping project was discussed. Cupp said the item was placed on the agenda to receive information from the Friends of the Lower Wisconsin Riverway (FLOW) regarding the contested case hearing filed by FLOW in the regard to DNR issued permits for the project. FLOW representatives were unable to attend the LWSRB meeting so no new information was available.

Cupp said the Operations Committee will meet with Department of Transportation officials on May 12th to discuss the proposed reconstruction of STH 60 between Muscoda and Gotham in Richland County. All board members are invited to attend.

Under permits issued by the Executive Director, Cupp said he had issued extensions to two timber harvest permits. An extension was issued to Jeff Mullikin for property in the Town of Wauzeka, Crawford County, and to Larry Dahlman for a parcel in the Town of Bridgeport, Crawford County.

The Budget & Office Committee report was presented by Acting Chairman Greenheck who reviewed the status of the FY 11 budget.

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 noted high water on the river continues. Cupp said the screening of Green Fire and readings from A Sand County Almanac at Muscoda on March 12th was well attended. He thanked Dorscheid and Hutnik for their participation. He noted additional screenings of the Aldo Leopold documentary will take place on April 22nd in Prairie du Sac, May 1st in Spring Green and May 14th at the LWSRB office in Muscoda in conjunction with the Morel Mushroom Festival. Cupp said the board also will host lectures on effigy mounds and rock art and an historical re-enactor who will impersonate Increase Lapham. Tours of Frank's Hill effigy mounds also will be offered.

Under board members' business, Leys noted the high water and flooding risks on both the Mississippi and Wisconsin Rivers.

No DNR report was given.

During the public comment session, Ken Frank of the Town of Mazomanie asked about establishment of a "no wake" zone. Cupp suggested he speak with DNR Conservation Warden Dave Youngquist.

A motion to adjourn until May 12th when the meeting will be held in Boscobel was made by Greenwood, seconded by Madison. **MOTION CARRIED.**

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