

# LOWER WISCONSIN STATE RIVERWAY BOARD

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## MINUTES OF THE JUNE 9, 2011, RIVERWAY BOARD MEETING

The Lower Wisconsin State Riverway Board (LWSRB) met on Thursday, June 09, 2011, at the Rhinelander Cabin in the Town of Mazomanie, Dane County, 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 Ron Leys, Don Greenwood 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 Melody Moore. **MOTION CARRIED.** The minutes of the May 12, 2011, meeting were considered. A motion to approve the minutes was made by Dorscheid, seconded by Ritchie Brown. **MOTION CARRIED.**

The Executive Committee report was presented by Chairman Lundberg who introduced the guest speaker for the evening. Jeff Ackerman, Department of Natural Resources (DNR) Hydrogeologist, gave a presentation entitled, "Groundwater Contamination at the Former Badger Army Ammunition Plant." Ackerman reviewed the legal responsibility held by the Army regarding clean-up at the site. He reviewed the proposed methods for clean-up that are being reviewed by DNR and associated costs of each proposed method.

Correspondence was reviewed. Cupp reported on a meeting with DNR officials and canoe livery operators that he attended in Spring Green. He said continuing the dialogue with the canoe businesses was important but expressed disappointment in the small number of liveries represented at the meeting. Cupp said the board member packets contain copies of a series of articles from the Milwaukee Journal written by Ron Leys regarding his trip down the Wisconsin River when he was the outdoor editor for the paper. Cupp also noted an article in the River Alliance of Wisconsin newsletter in which he was quoted. The article discussed the economic benefits of Riverway regulations. Cupp said the new documentary on the Riverway produced by Dave Erickson will be shown in late July. "Rhythm of the River" will be shown on July 24<sup>th</sup> in Boscobel, July 29<sup>th</sup> in Prairie du Sac and July 31<sup>st</sup> in Spring Green. Cupp also reported on the schedule for the voyageur canoe trips starting on July 1<sup>st</sup>.

Lundberg said comments were being accepted by the US Army Corps of Engineers regarding the proposed bank stabilization project at the Ho-Chunk Nation Bison Farm in the Town of Eagle, Richland County. Cupp said he just received the packet and would have to review it more carefully before offering comment. Cupp suggested a letter be sent to the Corps indicated that issuance of a permit from the LWSRB likely would be required. Cupp further suggested a field inspection be conducted at the site after the plans have been reviewed. A motion directing Cupp to offer comments on behalf of the LWSRB was made by Brown, seconded by Greg Greenheck. **MOTION CARRIED.**

The Operations Committee report was presented by Chairman Dorscheid. The permit request of Eric Rapp for a timber harvest in the Town of Clyde, Iowa County, was considered. The consultant is Mark Berg of Nelson Hardwoods. Dorscheid noted a field inspection was conducted by Cupp, on June 6, 2011. Mr. Rapp, Mr. Berg, Brian and Steve Nelson, and Brad Hutnik, DNR Riverway Forester, also were present for the field inspection. Field inspection revealed several pockets of oak wilt throughout the large parcel. Timber harvesting activity to address the oak wilt problem and selective harvesting of miscellaneous hardwoods was observed on lands not visible from the Wisconsin River during leaf-on conditions. The consultant alleged he didn't think that area was within the boundary because it was one ridge over from the river and not visible from the river. The landowner said he was relying on the consultant for technical assistance but said he understood he was ultimately responsible for compliance with the Riverway law. To address the violation, Cupp made the

decision to proceed with issuance of a general permit for the activity since the harvest activity was not visible from the Wisconsin River during leaf-on conditions. The LWSRB previously has issued permits to Mr. Rapp for a new house, renovation of a cabin, construction of a berm along the highway, and conversion of a large box culvert to a walkway providing access to the river.

In addition to the areas currently being harvested, Mr. Rapp wishes to address the oak wilt issue throughout the parcel, including on the bluffs that are visible from the river and which would fall within the Bluff Zone and/or Riverview Zone. Clearcutting of oak wilt diseased areas will result in significant aesthetic impacts in some areas; however, clearcutting is an option to address oak wilt (disease) under the Riverway law, even on lands visible from the river. The landowner also wishes to maximize the harvest for the purposes of introducing light through the canopy to encourage brushy growth in order to enhance wildlife habitat, mainly for white-tailed deer. In an extensive conversation with the consultant, Cupp deduced that the landowner objectives were not clearly defined and that compliance with the Riverway law on lands visible from the river would have to be scrutinized. Hutnik also questioned the clarity of thought and lack of specifics regarding the wildlife habitat objectives desired by the landowner.

Cupp informed the logger that he would recommend action on the permit request be delayed until a concise and fully developed management plan and timber harvest strategy were identified in an application(s). Cupp explained that there may have to be a separate application for the proposed timber harvest and an additional application for the management activity. Cupp also has spoke with Hutnik and Bill Ishmael, DNR Wildlife Supervisor, about meeting with the landowner to discuss both timber management options and wildlife habitat objectives. A field inspection at the site by the Operations Committee also is warranted. A motion to delay action on the permit was made by Brown, seconded by Greenheck. **MOTION CARRIED.**

Dan Goltz, DNR Wildlife Biologist, then spoke to the board regarding permit requests for management activities on state owned lands in the Riverway in Grant, Richland and Crawford counties. Cupp noted a new method for addressing management activities on state owned lands would be implemented under which the LWSRB permit would be issued by Riverway Unit with activities on individual tracts or properties within the unit identified. The proposed new method would simply the permit process for DNR Wildlife Biologists (one on the east half of the project and one on the west half) and would assist LWSRB staff in tracking management activities on state owned lands. Problems with compliance of Riverway regulations would be reduced. The process will be similar to that used for State Natural Areas in the Riverway. The concept would be to issue permits for a two-year period with more frequent review as conditions warrant. The Boscobel Wildlife Biologist would appear before the LWSRB in odd-numbered years to request extensions and to update the board on activities and the Spring Green Wildlife Biologist would appear before the LWSRB in even-numbered years to the do the same.

Goltz then described the management activities including removal of woody vegetation and invasive species for prairie restoration, wildlife habitat and native plant community restoration at the following locations:

- Richwood Unit – Town of Richwood, Richland County;
- Marietta Unit – Town of Marietta, Crawford County;
- Wauzeka Unit – Town of Wauzeka, Crawford County;
- Muscoda Unit – Town of Muscoda, Grant County;
- Boscobel Unit – Town of Boscobel, Grant County;
- Woodman Unit – Town of Woodman, Grant County;
- Millville Unit – Town of Millville, Grant County; and,
- Wyalusing Unit – Town of Wyalusing, Grant County.

Dorscheid made a motion, seconded by Brown, to approve management permits for those activities for a two year period with the following standard conditions:

- No existing structures 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 applicant shall notify the LWSRB upon initiation and completion of the activity.

**MOTION CARRIED.**

Cupp reported that there hadn't been any new developments with the proposed United Cooperative grain storage and transfer facility in the Town of Mazomanie, Dane County. Ryder Will, DNR Recreation Specialist, said DNR Bureau of Endangered Species personnel may be reviewing the proposal.

Cupp reported the American Transmission Company work on the line between Gotham and Muscoda continues and the necessary permits have been obtained.

A report on the Crystal/Fish/Mud Lake District pumping project was heard. Dave Marshall, Friends of the Lower Wisconsin Riverway (FLOW), said FLOW attempted to negotiate with the Lake District but couldn't reach an agreement so the contested case hearing will proceed in Madison on October 4<sup>th</sup>. Cupp asked if the pumps are on and Marshall replied in the affirmative. Cupp asked if data on water quality from the discharge site and lake had been received. Marshall said he hasn't seen data recently.

Cupp said the planting of screening vegetation at the Boscobel Airport should be completed soon. He and Hutnik had met with the consultant at the site and flagged areas for the planting of the species recommended by Hutnik. Cupp also approved removal of additional trees on the east end of the project but did not approve removal of additional pine trees to the west since the trees technically were not of a height to require removal.

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

The Personnel Committee report was presented by Chairwoman Moore who said the Nominating Committee had met to develop a slate of officers for consideration by the board and said the committee recommended retaining the current suite of officers including Bill Lundberg as Chair, Melody Moore as Vice-Chair and Nick Nice as Secretary. Cupp said new elections may be necessary if appointments are made by Governor Scott Walker.

The office of Chair was considered. Moore nominated Bill Lundberg for the office of Chair and then thrice called for nominations from the floor. There were no nominations from the floor so a motion to close the ballot and cast a unanimous ballot for Lundberg was made by Moore, seconded by Brown. **MOTION CARRIED.** The office of Vice-Chair was considered. Moore turned the committee chair over to Brown who nominated Melody Moore for the office of Vice-Chair and then thrice called for nominations from the floor. There were no nominations from the floor so a motion to close the ballot and cast a unanimous ballot for Moore was made by Lundberg, seconded by Greenheck. **MOTION CARRIED.** The office of Secretary was considered. Moore resumed the committee chair. Moore nominated Nick Nice for the office of Secretary and then thrice called for nominations from the floor. There were no nominations from the floor so a motion to close the ballot and cast a unanimous ballot for Nice was made by Moore, seconded by Dorscheid. **MOTION CARRIED.** Cupp thanked the re-elected officers for their leadership to the board.

The Executive Director's report was given by Cupp who reviewed the materials in the board members' packets. Cupp noted the lectures and presentations conducted at the LWSRB office were well attended.

The DNR report was presented by Ryder Will, DNR Recreation Specialist, who said the hot weather has resulted in a lot of river use by recreationalists. He said the River Alliance of Wisconsin is cooperating with DNR in posting aquatic invasive species (AIS) informational signage at boat landings. He said the crew continues to work on boundary postings and road maintenance.

During the public comment session, Laura Olah, Executive Director of Citizens for Safe Water around Badger (CSWAB), encouraged the board and individuals to send comments on the Army's proposals for addressing groundwater contamination at the former Badger Army Ammunition Plant. She said the concentrations of hazardous chemicals are dangerous and toxic to fish and aquatic organisms.

Timm Zumm, FLOW Co-Chair, said the Sauk Prairie River PALS canoe trip in June 11<sup>th</sup>. A summer solstice observance will be held at Frank's Hill on June 18<sup>th</sup>. FLOW will partner with the River Alliance of Wisconsin on an aquatic invasive species awareness raising event on the river on June 25<sup>th</sup>.

A motion to adjourn until July 14<sup>th</sup> when the meeting will be held in Muscoda 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:

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