

LOWER WISCONSIN STATE RIVERWAY BOARD

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MINUTES OF THE JULY 14, 2011, RIVERWAY BOARD MEETING

The Lower Wisconsin State Riverway Board (LWSRB) met on Thursday, July 14, 2011, at the Kratochwill Memorial Building in Muscodia to conduct a regular monthly business meeting. The meeting was called to order at 5:00 p.m. by Chair William 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 noted the meeting notice was not published in the print version of the Wisconsin State Journal but was published in the online version. Lundberg said the agenda should be modified to include committee appointments under the Executive Committee report. A motion to approve the agenda with the addition to the Executive Committee report was made by Melody Moore, seconded by Greg Greenheck. **MOTION CARRIED.** A motion to approve the minutes of the June 9, 2011, meeting was made by Greenheck, seconded by Nick Nice. **MOTION CARRIED.**

The Executive Committee report was presented by Chairman Lundberg. Committee appointments were discussed. Cupp said no board members had expressed a desire to change committees. A motion to maintain the status quo for committee appointments was made by Jerry Dorscheid, seconded by Ritchie Brown. **MOTION CARRIED.**

EXECUTIVE COMMITTEE:	Bill Lundberg (Chair) Melody Moore (Vice-Chair) Nick Nice (Secretary)
OPERATIONS COMMITTEE:	Gerald Dorscheid (Chair) Ritchie Brown Ron Leys
PERSONNEL COMMITTEE:	Melody Moore (Chair) Don Greenwood Ritchie Brown
BUDGET & OFFICE COMMITTEE:	Nick Nice (Chair) Greg Greenheck Fred Madison
FOREST HEALTH AD HOC CMTE:	Bill Lundberg (Chair) Ritchie Brown Gerald Dorscheid Ron Leys

Under correspondence, Cupp said he had been contacted by a Michigan developer regarding mining in the Riverway. Cupp said he explained the non-metallic mining regulations and noted that the law allows quarrying and non-metallic mining activities on lands not visible from the river. No stockpiled material or equipment may be visible from the river. Cupp said the individual was interested in mining for the type of material used in "fracking" for natural gas extraction. The individual indicated some sites in Iowa County were being reviewed. Cupp said he conversed with Scott Godfrey, Iowa County Planning and Development Director, regarding local mining regulations. A meeting with local zoning officials and governmental leaders may be warranted if the demand for silica sand remains strong and if southwestern Wisconsin and the Riverway is a possible location for those materials. Ron Leys concurred that a meeting with local officials and DNR would be a good idea. Dorscheid noted there can be adverse environmental impacts from the fracking process, such as impacts on groundwater.

Cupp noted the voyageur canoe trips have been popular again this year. The trips began on July 1st and will conclude on July 18th. Cupp said the new Riverway documentary produced by Dave Erickson entitled “Rhythm of the River” will be shown in Boscobel on July 24th, Prairie du Sac on July 29th and Spring Green on July 31st.

The Operations Committee report was presented by Chairman Dorscheid. The permit application of Andrew and Kim Bangert for placement of a solar panel in the Town of Buena Vista, Richland County, was considered. Dorscheid noted a field inspection was conducted by Cupp on July 13, 2011. Additional field inspections have been conducted by Cupp and the Operations Committee in conjunction with other permit activity at the site, including issuance of a permit for solar panels on top of the garage roof. Field inspections revealed the site is visible from the Wisconsin River during leaf-on conditions. Adequate screening vegetation exists at the site. A PowerPoint presentation was shown. Plans call for placement of solar panels on a pedestal. Under the primary option, the panels would be 17 feet by 15 feet and the maximum height would be 21 feet. The secondary option would be for a smaller unit that would less in height and reflective area. Cost considerations will determine the final project. The landowner will inform the board of the selected option. Leys said the board should scrutinize these applications because of the large amount of reflective surface. Greenwood noted the type of glass is less reflective than one would think. Lundberg noted the aspect of the panels also is important in reducing reflectivity.

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

- The existing screening vegetation shall be maintained and replaced if damaged or destroyed;
- Removal of vegetation shall be approved by the LWSRB before initiating the activity;
- The LWSRB shall approve any modifications to the plans, as submitted, ; and,
- The activity shall comply with all other applicable federal, state and local regulations.

MOTION CARRIED.

The permit request of Eric Rapp for a timber harvest in the Town of Clyde, Iowa County, was discussed. Dorscheid noted the consultant is Mark Berg of Nelson Hardwoods. He said 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 PowerPoint presentation was shown.

Cupp said he had met with Hutnik and Bill Ishmael, DNR Wildlife Biologist, Mr. Rapp, Mr. Berg and representatives of Nelson Hardwoods on June 22, 2011, to discuss the proposed timber harvest, oak wilt treatment and wildlife management objectives. The purpose of the meeting was to clarify landowner objectives. While some additional clarity was achieved, the final outcome for the activity has not been identified. The process identified at the meeting was that Hutnik will meet with Mr. Berg to review the oak wilt area and develop a prescription for each site, several of which are highly visible from the Wisconsin River. Cupp will demarcate the Bluff Zone for portions of the harvest area. Hutnik will GPS the coordinates of the oak wilt treatment areas and any small regenerations cuts, such as for the purpose of aspen regeneration, in the Riverview Zone. An additional management permit application may be forthcoming for additional activities related to wildlife habitat projects.

Leys made a motion, seconded by Brown, to approve issuance of a permit with the following 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, 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 LWSRB shall review the location and design of oak wilt treatment areas and the associated prescription designated by the DNR Riverway Forester in the Bluff Zone and Riverview Zone;
- 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 for a timber harvest permit extension by Rodney & Susan Beadle for a parcel in the Town of Buena Vista, Richland County, was considered. Dorscheid said the consultant is Jim Carlson of Oakwood Forestry Consulting. Dorscheid noted a field inspection was conducted by Cupp and the Operations Committee in conjunction with previous permit activities at the site (stairway, wharf and house). Plans call for a timber stand improvement (TSI) cutting in conjunction with the MFL plan for the property. Stand 1 encompasses 18 of the 20 wooded acres and will involve harvest of river birch, bitternut hickory, aspen, elm and poorly formed silver maple to enhance the oak/maple stand. The minimal basal area will be 70-75 sq. ft. basal area/acre for the residual stand. Also, a 75 feet "no-cut" zone has been established along the river. Stand 2 is a small pine stand. Removal of hardwoods and suppressed pine will occur with the basal area for the residual stand averaging 110 sq. ft. basal area/acre. No new roads will be constructed.

The TSI harvest will be conducted under frozen ground conditions, possibly in the winter of 2009-2010 but more likely in the winter of 2010-2011. The trees slated for harvest have been marked. Cupp said the harvest has not been completed. The consultant has requested an extension to the permit. The harvest plans remain the same.

Dorscheid made a motion, seconded by Greenwood to approve issuance of a two-year extension with retention of the following permit conditions:

- The harvest shall comply with the basal area limits for the residual stand in the River Edge Zone and Riverview Zone, as detailed in Chapter NR 37, Wisconsin Administrative Code;
- In the River Edge 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 River Edge 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 River Edge 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 River Edge 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.

A written warning and utility permit issued to Terry Askevold for a site in the Town of Arena, Iowa County, was discussed. Cupp said the Iowa County Planning and Development Department had contacted him regarding a complaint received about tree cutting at the informal campground owned by Mr. Askevold on Witwer Road. Cupp said he asked DNR Conservation Warden David Youngquist to investigate. Warden Youngquist confirmed tree removal had occurred. A meeting with Mr. Askevold and his partner was held to discuss the activity. Also in attendance were Youngquist, Hutnik and a representative of Alliant Energy. The on-site discussion revealed the trees were cut to accommodate installation of new power service for the campground. Some trees were removed because there were dead or diseased and representative a hazard. A PowerPoint presentation was shown.

Cupp said he consulted with Youngquist and Hutnik who both recommended a written warning be issued since Mr. Askevold previously has received permits from the board and should have followed procedures. Cupp then asked Youngquist to proceed with issuance of a written warning with the remedy to be ordered by the board. Cupp then consulted with the Executive Committee to approve the remedy which entailed implementation of a planting plan developed by Hutnik. Cupp also said he had issued a utility permit which contained the same provision. The planting plan will require a minimum of twelve trees to be planted at selected sites. Hutnik will provide the landowner with a list of appropriate species. Hutnik said he has been in contact with the landowner about the planting plan. He noted additional hazard trees were identified during the field inspection and will be removed at a future date. The landowner has agreed not to remove additional trees until Cupp or Hutnik have reviewed the trees slated for removal.

The proposed construction of a grain storage and transfer facility in the Town of Mazomanie, Dane County, was discussed. Moore was asked to provide any update from the town government perspective since she serves on the town board. Moore said the Town of Mazomanie Plan Commission opposed the project on a 3-1 vote after hearing

public comment and conducting an on-site meeting. The Mazomanie Town Board then met and also heard public comment (some members also had visited the site). An advisory vote on whether United Cooperative should proceed with the next steps in the information gathering process was taken with the resulting being a 3-2 vote in favor of proceeding with the process. Moore cautioned that this was not the final vote on the matter. More environmental information is needed and alternative sites need to be explored. She said that it remains uncertain if United Cooperative will continue with the process. The Plan Commission and town board will have to review the final proposal and vote again if a formal application is presented.

The Crystal/Fish/Mud Lake District pumping project was discussed. Cupp said the last he knew the pump had been shut off due to water quality samples revealing that the Total Suspended Solids (TSS) numbers were above the acceptable threshold. He said there has been very little communication with the Lake District or DNR recently. A member of the public, Timm Zumm of Spring Green and Chair of the Friends of the Lower Wisconsin Riverway (FLOW), said the DNR had given the Lake District a notice of violation. FLOW is continuing with plans for a contested case hearing but is still open to compromise to avoid further legal action. Greenwood asked about the current flooding conditions. Zumm was uncertain of current conditions. Leys requested an update from DNR or the Lake District at the next meeting. Brian Hefty, DNR Riverway Manager, noted the Lake District does have a valid land use agreement for the discharge site on the Wisconsin River in the Town of Roxbury, Dane County.

A housing development in the Town of Marietta, Crawford County, was discussed. Cupp said he noted a new house was under construction on a bluff visible from the river. The board does not have jurisdiction over the site because it is not within the boundary due to a mapping error when the original boundary was delineated in 1989. Cupp said the matter further emphasizes the need for a comprehensive boundary review and subsequent adjustment of the Riverway boundary to protect the State of Wisconsin's investment in the project and to assure the aesthetic protection objectives are met.

The Budget & Office Committee report was presented by Chairman Nice 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.

Under board members' business, Leys asked if for an update on board member appointments. Cupp said he had not been contacted by Governor Walker's staff so board members continue to serve until re-appointed or a replacement is named.

Dorscheid asked for an update on the Big Hollow project in the Town of Spring Green, Sauk County. Greenwood said Phase I of the project has been started at the south end. Phase II will involve construction of the structure under the roads and railroad. A meeting with town officials and DNR representatives is planned to discuss the outfall area. Leys asked about the future of the abandoned motel on USH 14. Greenwood said a meeting will be held with interested parties in the near future.

Dorscheid asked about the Friends of the Lower Wisconsin Riverway (FLOW) canoe outing held on Sunday, July 10th, as a fundraiser for the River Valley charter school. Timm Zumm, Spring Green, noted DNR Conservation Warden Dave Youngquist spoke to the group. He said there was a good turnout and everyone enjoyed the trip.

Moore said she notice the new highway sign welcoming visitors to the village and the Riverway. She said it was encouraging that small towns along the river corridor are embracing the Riverway.

The DNR report was given by Brian Hefty, DNR Riverway Manager, who noted the dike at Bakken's Pond in the Town of Spring Green, Sauk County, had been compromised but repairs were implemented to shore up the dike. He said illegal dumping of asbestos was discovered, which will cost a significant amount to clean up. An increase in the number of television sets being dumped on state lands also was noted. Hefty said the amount of glass violations on the river is up. Brad Hutnik, DNR Riverway Forester, another meeting with timber producers and DNR Forestry personnel is coming up.

During the public comment session, Timm Zumm of Spring Green, Chair of the Friends of the Lower Wisconsin State Riverway (FLOW), encouraged attendance at the screenings for the new Riverway documentary. He said the new water trail maps for the Riverway are popular. Zumm recreational user education continues to be important to assure the resources is treated with respect and protected.

A motion to adjourn until August 11th when the meeting will be held in Spring Green was made by Dorscheid, seconded by Brown. **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