

LOWER WISCONSIN STATE RIVERWAY BOARD

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MINUTES OF THE OCTOBER 13, 2011, RIVERWAY BOARD MEETING

The Lower Wisconsin State Riverway Board (LWSRB) met on Thursday, October 13, 2011, 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 exceptions of Ritchie Brown and Greg Greenheck. Acknowledgment that the meeting was properly noticed was provided by Mark E. Cupp, Executive Director. A motion to approve the agenda was made by Fred Madison, seconded by Jerry Dorscheid. **MOTION CARRIED.** The minutes of the September 8, 2011, meeting then were considered. A motion to approve the minutes was made by Dorscheid, seconded by Melody Moore. **MOTION CARRIED.**

The Executive Committee report was presented by Chairman Lundberg. Lundberg said the LWSRB would sponsor a conference on frack sands mining and fracking for fossil fuels on December 2nd. Cupp said the conference would be held at the House on the Rock Resort near Spring Green.

Lundberg then introduced Dale Klemme for a report on a project to clear the Kickapoo River of log jams and other obstructions. Klemme said debris is being cleaned from the river using funds from a flood protection grant. He said almost all private property owners have been cooperative. Log jams are cleared from the river and leaners are taken out along the river bank. Some material is shipped for use as biofuel. The grant amount was \$418,000. Ron Leys said he thought the expense was too great simply to improve recreational opportunities but felt if removal of the obstructions works for flood abatement, it may be worth the investment. He asked Klemme about long term dividends from the project. Klemme said it will be an ongoing process and noted removal of leaners is an important aspect of keeping the river clear for the long term.

Lundberg then introduced Department of Transportation (DOT) officials Tom Oldenberg and Russ Frank who spoke regarding the STH 60 project proposed for the segment between Muscodia and Gotham in Richland County. A PowerPoint presentation was shown. Frank described the seismic testing that will be conducted on the rocky areas to determine the options for potentially widening the roadway. He noted some minor vegetative removal may be necessary to accommodate seismic equipment. Oldenberg said the design standards being considered would include 6 ft. shoulders and 12 ft. lane widths. He said the Bremmer house and probably barn would be taken so relocation is likely. Oldenberg said there is discussion of establishing a town road along the power line corridor to provide access to cottages and residences. Oldenberg said a number of options are being considered and a suite of options will be presented to the board next year. Leys objected to development of bike lanes along that stretch due to safety and cost. Oldenberg said the plan calls for 6 ft. paved shoulders and not bike lanes per se. Oldenberg said he understands the aesthetic considerations of this stretch and will look at options to minimize adverse impacts on scenic beauty. The project is tentatively slated for 2016.

The Operations Committee report was presented by Chairman Dorscheid. The request of Joanne Shea for a timber harvest in the Town of Millville, Grant County, was considered. Dorscheid said a field inspection was conducted by Cupp on September 23, 2011. Portions of the harvest area are not visible from the Wisconsin River. A general permit was issued by Cupp for thinning of a pine plantation for the "not visible" areas. A future harvest is planned for the hardwoods on the rest of the property, some of which is visible from the Wisconsin River during leaf-on conditions. The parcel is nearly surrounded by DNR lands. An additional field inspection will be required to establish visibility of the future harvest area. Portions of the harvest area likely will be highly visible.

Dorscheid made a motion, seconded by Madison, to approve issuance of a permit for the activity 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 permit request of Alice Godfrey for a parcel in the Town of Pulaski, Iowa County, was considered. Dorscheid noted the consultant is Mark Mittelstadt of Blue Ox Forestry. A field inspection was conducted by Cupp and Brad Hutnik, DNR Riverway Forester, on September 30, 2011. Field inspection revealed portions of the parcel are visible from the Wisconsin River during leaf-on conditions. The landowner is actively involved in stewardship of native plant communities throughout the 750 acre parcel. A portion of the property is located within the Riverway boundary. The harvest plans or management activities are not clearly defined at this time. Hutnik said the consultant had requested assistance from DNR on management options. The area is covered by a scenic easement so a DNR approved management plan is required before engaging in a timber harvest or other management activity. He noted that a management plan has not been submitted for DNR review. Greenwood suggested the board defer action on the permit request until the plan has been completed. A motion to delay action on the permit request was made by Leys, seconded by Madison. **MOTION CARRIED.**

The request of Terry Shifflet of Wisconsin Riverside Resort for an extension to a previously issued permit was considered. Dorscheid reviewed the board involvement with construction of the new structure and noted the extension was requested to accommodate the addition of the banquet facility. He noted the initial field inspection was conducted by Cupp on May 19, 2009. Mr. Shifflet was present for the field inspection. An Operations Committee field inspection was conducted on June 11, 2009. Mr. Shifflet again was present. An additional field inspection was conducted on July 9, 2009. The Operations Committee visited the site on August 12, 2010. Mr. Shifflet has requested an extension to the previously issued permit. Information provided to the board last year is presented below. Plans call for construction of a new commercial facility to include a bar, restaurant, office and banquet hall at the Wisconsin Riverside Resort (formerly, Bob's Riverside) near Spring Green. The site is partially visible from the Wisconsin River during leaf-on conditions. The slope of the site will comply with the applicable performance standard.

In 2009, the LWSRB approved issuance of a permit with the following conditions:

- The existing screening vegetation shall be maintained and replaced if damaged or destroyed;
- The LWSRB shall approve the removal of any existing trees at the site prior to initiation of construction;
- A planting plan shall be developed by the DNR Riverway Forester and implemented by June 1, 2011, following approval by the LWSRB; the planting plan shall include a variety of species to reach specified heights within 3 years of planting and with replacement of trees if mortality occurs;
- The height of the structure shall be limited so that the structure does not become visible from the Wisconsin River during leaf-on conditions and shall not exceed 30 feet;
- The exterior colorization of the structure (including roof color) shall harmonize with the natural surroundings during leaf-on conditions and shall be approved by the LWSRB prior to initiation of construction;
- There shall be a limited amount of glass or other reflective material;
- The LWSRB shall review any modifications to the plans, as submitted, for compliance with the applicable performance standards;
- The landowner shall notify the LWSRB upon initiation and completion of the project; and,
- The activity shall comply with all other federal, state and local regulations.

A motion to approve issuance of a one-year extension with retention of the original permit conditions was made by Greenwood, seconded by Moore. **MOTION CARRIED.**

The permit request of Kevin and Jacquelynn Bartels for construction of a new home in the Town of Orion, Richland County, was considered. Dorscheid said a field inspection was conducted by Cupp and the LWSRB Operations Committee in conjunction with the preliminary consultation with Mr. & Mrs. Bartels, who also were present for the onsite meeting. The site is visible from the Wisconsin River during leaf-on conditions and is located on the north side of STH 60 and east of Riverview Ridge Road. Adequate screening vegetation exists at the site. Plans call for construction of a new home with attached garage. Exterior colorization will be cedar siding with natural wood stain. Roof color will be brown. A large garage door also will be a brown shade but exact color is undetermined. Also, the orientation of the building is not finalized pending completion of a perc test and location of septic. Cupp said the landowner expects the sanitation location to be determined shortly with the footprint of the house then to be identified. Greenwood suggested delaying action on the permit until the structure location has been finalized. Madison suggested Cupp inform the landowner that the preliminary plans look acceptable but issuance of a permit will wait until the septic and house locations are determined. A motion to delay action on the permit request was made by Greenwood, seconded by Madison.

MOTION CARRIED.

The Crystal/Fish/Mud Lake District pumping project in the Town of Roxbury, Dane County, was discussed. Cupp reported that changes had been made to the discharge site. He reviewed an e-mail thread that stated the board's position to avoid disturbance of the discharge site in the short term in order to monitor bank stabilization. Greenwood concurred that the last discussion onsite was to minimize disturbance but he noted that Dan Hunt, DNR Water Regulations Specialist, was concerned about erosion potential. No resolution regarding action/no action was made during onsite discussions. Lundberg said the "do nothing" option was the best course of action as stated during the Operations Committee site visit. He suggested the committee visit the site to determine if the board wishes to require additional mitigation or to determine if a violation of the permit condition has occurred.

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 Joanne Shea for a timber harvest in the Town of Millville, Grant County, as discussed earlier in the meeting. A general permit was issued to Kevin Jacque for a timber harvest in the Town of Clyde, Iowa County, for harvest of a small number of walnut trees on lands not visible from the river. The permit will resolve the outstanding issues with the violation involving Jeff Foley.

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Dorscheid noted the committee had conducted a field inspection at the former Bozich property in the Town of Millville, Grant County. The property was the site of timber harvest violation over a decade ago that resulted in the only court case in LWSRB history. Lundberg reviewed the board's involvement with the violation and remedy ordered by the board to address the road building and over harvesting problems. Lundberg said he was impressed with the resiliency of the land and said the erosion control measures implemented by DNR had worked well.

The Budget Committee report was presented by Chairman Nice who reviewed the status of the FY 12 budget.

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. He said the Cultural Landscape Legacies annual tour was held at Aztalan on October 8th. Cupp noted the Rhythm of the River documentary was successfully shown in Richland Center and Platteville in conjunction with the Driftless Area Film Festival. Cupp said progress continues on the Lower Wisconsin River Road scenic byway project.

Under board members' business, Leys noted informational signage regarding a Native American mound site while bicycling near Trempeleau. He observed the mound was being cropped and wondered about protection of these sites. He advocated public ownership of Wisconsin's rare and unique archeological treasures. Cupp said he would inquire about the Burial Sites Preservation Act and drew a parallel to the continued plowing of the Ghost Eagle Mound near Muscoda.

Under DNR report, Brian Hefty, DNR Riverway Manager, said seasonal closures of facilities has begun. Improvements to roads on DNR property continues. A public meeting on the Riverway was held recently but there was no public participation due to a public relations snafu.

Brad Hutnik, DNR Riverway Forester, thanked Cupp for giving a presentation at the September 23rd Forest Guild meeting at Badger Camp. He said the harvest at the Lemanski tract in the Town of Pulaski, Iowa County, will commence soon. Hutnik reported the topographic anomalies seen on new aerial photographs of a site near Blue River are the result of a technical glitch called a Ramsden star and are not reflective of unusual topographic features.

During the public comment session, Bill Howe of Prairie du Chien noted a new visitor center will open near Bad Axe and will include information on the Black Hawk War of 1832. He advocated clearing of trees along the highways to allow better views of the river.

A motion to adjourn until November 10th when the meeting will be held at the Avoca Village Hall was made by Madison, seconded by Dorsched. **MOTION CARRIED.**

END

For further information, corrections, additions or deletions to the minutes, contact Mark Cupp, Executive Director, at (608) 739-3188 or 1-800-221-3792.

Minutes submitted by:

Mark E. Cupp, Executive Director

