

# LOWER WISCONSIN STATE RIVERWAY BOARD

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## MINUTES OF THE NOVEMBER 10, 2011, RIVERWAY BOARD MEETING

The Lower Wisconsin State Riverway Board (LWSRB) met on Thursday, November 10, 2011, at the Avoca 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 Nick Nice. **MOTION CARRIED.** The minutes of the October 13, 2011, meeting then were considered. A motion to approve the minutes was made by Jerry Dorscheid, seconded by Melody Moore. **MOTION CARRIED.**

The Executive Committee report was presented by Chairman Lundberg who noted it was Veterans Day and thanked those members of the board and staff who were veterans. Marsha Nachtigal, LWSRB Office Associate, was recognized for ten years of service. Cupp gave Nachtigal accolades for her dedication to the LWSRB and presented her with a plaque of appreciation.

Lundberg noted the LWSRB sponsored fracking and frac sand mining conference would be held on December 2<sup>nd</sup>. Cupp said invitations had been sent to local officials and a press release would be distributed to local media outlets. Pre-registration will be capped at the first 100 individuals to sign up. Presentations will include a primer on fracking and frac sand mining, state regulations related to non-metallic mining and reclamation of mining sites, and local ordinances on non-metallic mining. Ron Leys said local governments may want to explore levying a tax. Don Greenwood noted there are infrastructure costs associated with non-metallic mining, such as roads. Lundberg said the operation near Tomah is quite large and seems to activity going at all hours. Madison said a concern with groundwater is the use of chemicals in the fracking process. Leys noted local regulations only may consider public health and safety. Lundberg asked if these sites could be reforested. Brad Hutnik, Department of Natural Resources (DNR) Riverway Forester, said he was uncertain and he would have to do some research on the topic. Madison noted there are reclamation requirements. Leys said the economic development benefits are temporary. Greenwood suggested Cupp contact the Wisconsin Towns Association's Rick Stadelman as a possible speaker.

Lundberg then drew the board's attention to the State of Wisconsin Employee Concealed Carry Policy that had been received by Cupp. The policy allows for concealed carry in most state offices. Cupp said the LWSRB would adhere to the policy unless the board directed otherwise.

Cupp noted he was waiting for guidance from the Department of Administration regarding the need for the LWSRB to submit a biennial report. He said the board has been required by some previous Governors to submit a report while Governor Doyle did not require the board to do so. If the current administration wishes the board to submit a report, Cupp said he would complete the document and present it to the board at the next meeting.

Lundberg said Cupp had sent a letter of support for a bedrock mapping grant pertaining to the lower Wisconsin and Kickapoo watersheds. Madison noted the effort will fill a surprising geological data gap for counties such as Crawford, Richland, Vernon and Monroe.

The Department of Transportation (DOT) proposed project for STH 60 between Gotham and Muscodia was discussed. Cupp said the presentation at the October LWSRB meeting by Tom Oldenberg, DOT design engineer had included a reference to a new town road possibly being developed to provide access to some recreational properties. Cupp said he expressed concern to Oldenberg about aesthetic impacts and said the LWSRB would like to discuss the town road option with DOT before it proceeds further.

A Spring Green area meeting on water quality degradation in Wisconsin River backwaters and well contamination was discussed. Greenwood noted concerns have been expressed about the nitrification of sloughs leading

to a degradation of water quality and an adverse impact on habitat. Nitrates in groundwater and private wells also are a concern. Madison noted the light soils of the valley allow things to pass through quickly and enter the groundwater quickly.

The Operations Committee report was presented by Chairman Dorscheid. The permit request of Kevin and Jacquelyn Bartels for a new house with attached garage in the Town of Orion, Richland County, was considered. Dorscheid noted action on the application was deferred at the October LWSRB meeting due to the need for a site plan. Dorscheid said the committee and Cupp met with Mr. & Mrs. Bartels to conduct a field inspection at the property prior to the board meeting. He noted the site is visible from the Wisconsin River during leaf-on conditions but screening vegetation is present. The site is located on the north side of STH 60 east of Riverview Ridge Road. 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 brown or green shade but exact color is undetermined. The footprint of the proposed new structure had been staked and was reviewed by the committee. The board discussed the amount of screening vegetation and determined that replacement of some of the existing trees will be necessary in the future due to anticipated health problems of certain individual trees. However, the board determined the proposed permit condition related to maintenance of screening vegetation would be adequate instead of a separate requirement for additional establishment of screening vegetation at this time. Cupp noted the landowners have been cooperative throughout the process and said the early involvement of the board in planning for the new structure was important in assuring compliance with the Riverway regulations.

A motion to approve issuance of a permit with the following conditions was made by

- 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 and shall not exceed 24 feet;
- The exterior colorization of the structure, including roof color and garage door, shall harmonize with the natural surroundings during leaf-on conditions and shall be reviewed for compliance with the Riverway regulations and approved prior to initiation on construction;
- 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.**

A proposal by United Cooperative to develop a grain storage and transfer facility in the Town of Roxbury, Dane County, was discussed. Moore reported United Cooperative had identified an alternative the CTH Y site with the new site being outside the Riverway boundary. The new site is near the intersection of Racek Road and STH 78. Moore said the Town of Mazomanie Plan Commission and the Mazomanie Town Board had indicated United Cooperative could proceed to the next step in the process but final approval was not given. Environmental issues regarding the suitability of the site for the proposed activity must be further evaluated. Leys noted the board would have no jurisdiction in the matter since the footprint of the facility would be located outside the Riverway boundary. Cupp said the LWSRB could offer comment on the proposal such as requesting that the height of the elevator appendage be limited to avoid a visual intrusion if a determination was made the height of the elevator arm would indeed be visible from the river. Moore noted the town board likely would include conditions on the permit and one of those conditions may be related to height. She said the permit process would probably take a year. United Cooperative must do additional research and come back to the town board for further review.

The Crystal/Fish/Mud Lake District pumping project in the Town of Roxbury, Dane County, was discussed. In October, Cupp reported that changes had been made to the discharge site and the board determined the Operations Committee should visit the site. Dorscheid said the committee conducted a field inspection before the board meeting and found additional rock had been added to the discharge site. Lundberg said the visibility of the site had not changed

substantially. Leys noted beavers had set up shop next to the discharge site and had impacted the shoreline vegetation. Dorscheid said the committee recommended that additional willow stakes be planted at the site. A motion was by Dorscheid, seconded by Leys, to require planting of additional 2-3 dozen willow stakes with continued monitoring of the site. The motion also directed Cupp to send a letter to the Lake District and DNR asking for better communication regarding actions at the discharge site. **MOTION CARRIED.**

Additional timber harvesting at the Eric Rapp property in the Town of Clyde, Iowa County, was discussed. Brad Hutnik, DNR Riverway Forester, reported he had met with Mark Berg of Nelson Hardwoods to discuss small regeneration cuts at the site. Hutnik then reviewed a map showing a 1.32 acre oak clearcut and a 2.60 acre aspen clear cut. The location and design of the small regeneration cut areas will minimize visual impacts when viewed from the Wisconsin River during leaf-on conditions.

Cupp reported on three permit actions that had been issued by the Executive Director since the last meeting. Cupp said a timber permit extension was issued to Gary Oswald for a timber harvest in the Town of Bridgeport, Crawford County. Cupp met with the logger, Don Stram, and reviewed the light selective harvest planned for the parcel. Two conical mounds were flagged to protect the areas from disturbance. A timber permit was issued to Kenneth Tetzlaff for a parcel in the Town of Buena Vista, Richland County. Cupp said a permit was on the books for Mr. Tetzlaff's father but, since the property had passed to the son, a new permit was written. The majority of the harvest is not visible from the Wisconsin River during leaf-on conditions. An extension was issued to Joe VandeHey of the DNR's Wilson State Nursery for removal of peat at a site in the Town of Mazomanie, Dane County. The board previously had approved a permit for the activity. The site is not visible from the river.

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

The Personnel Committee report was presented by Chairperson Moore who noted the annual performance evaluation for Office Associate Marsha Nachtigal had been completed by Cupp.

The Executive Director's report was given by Cupp who reviewed the materials in the board members' packets.

Under board members' business, Leys noted bighead carp continue to be found in area rivers and said it would be a good idea to find a viable economic product made from the carp. He also expressed concern that actions by the Legislature to take over deer management could have bad consequences for the environment.

Under DNR report, Brian Hefty, DNR Riverway Manager, provided an update on invasive species, prairie plantings and bobcat sightings. He said access to some properties will be closed for the winter due to policies affecting roads that cross railroad tracks. Brad Hutnik, DNR Riverway Forester, said harvest activities were winding down at the Lemanski Tract within the Avoca Unit.

There were no comments during the public comment session

A motion to adjourn until December 8<sup>th</sup> when the meeting will be held at the Muscoda Village Hall was made by Madison, 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