

# LOWER WISCONSIN STATE RIVERWAY BOARD

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## MINUTES OF THE MAY 10, 2012, RIVERWAY BOARD MEETING

The Lower Wisconsin State Riverway Board (LWSRB) met on Thursday, May 10, 2012, at the Boscobel City Hall 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 Greg Greenheck, Melody Moore and Ritchie Brown. Acknowledgment that the meeting was properly noticed was provided by Mark E. Cupp, Executive Director. Lundberg noted the location and date were incorrect on the agenda. The location of Boscobel and the date of May 10<sup>th</sup> were added. A motion to approve the corrected agenda was made by Fred Madison, seconded by Don Greenwood. **MOTION CARRIED.** A motion to approve the minutes of the April 12, 2012, meeting was made by Ron Leys, seconded by Fred Madison. **MOTION CARRIED.**

The Executive Committee report was presented by Chairman Lundberg. He asked Cupp to report on appointments. Cupp said he continues to work with the Governor's office on updating appointments and said Don Greenwood, Ron Leys and Jerry Dorscheid have been re-appointed. Lundberg then said the Personnel Committee will function as the Nominating Committee in preparation for election of officers for the 2012-2013 fiscal year. Elections will be held at the June meeting.

The guest speaker was Dan Goltz, Department of Natural Resources (DNR) Wildlife Biologist who gave an update on activities on the Riverway from Muscodia to Wyalusing.

The Operations Committee report was presented by Chairman Dorscheid. The permit application of Lawrence Mayhew was considered. The consultant is Andrew Nelson of Nelson Hardwoods. The property is located in the Town of Wyoming, Iowa County. Dorscheid a field inspection was conducted by Cupp on April 10, 2012. Mr. Mayhew and Mr. Nelson also were present for the field inspection. The site is highly visible from the Wisconsin River during leaf-on conditions. The harvest area encompasses the Bluff Zone and Riverview Zone and a small portion of Resource Management Zone. The harvest area is about 15 acres. An MFL plan was prepared by Mr. Nelson and includes aggressive treatment of oak wilt and overstory removal for the purpose of regenerating oak. To address the oak wilt problem, all mature oak and some smaller diameter oak will be removed in and around the oak wilt pocket. The overstory removal will result in removal of all mature oak and poorly formed smaller diameter oak. In the Bluff Zone, selective harvesting will be conducted with a 60-80 BA for the residual stand. The Bluff Zone was delineated by Cupp. One new road will be constructed in the Riverview Zone. The new road will comply with the applicable performance standards. An existing road system will be used to access the Bluff Zone and other portions of the Riverview Zone. The harvest will be conducted in the fall or winter of 2012(13) during the times when the leaves are off the deciduous trees and the ground is frozen or dry. DNR Foresters Tom Hill, Sam Blake and Nick Morehouse conducted a field inspection on April 27, 2012. Some trees in the Bluff Zone will be "unmarked" to assure compliance with the basal area standards for the residual stand.

Dorscheid made a motion, seconded by Madison, to issue the permit with the following standard 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 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 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 Joel Fait for a timber harvest in the Town of Wyoming, Iowa County, was considered. The consultant is TD Hawkereid. Dorscheid said a field inspection was conducted by Cupp on April 24, 2012. Mr. Hawkereid and Brad Hutnik, DNR Riverway Forester Emeritus, also were present for the field inspection. The site is highly visible from the Wisconsin River during leaf-on conditions. The harvest area encompasses the Bluff Zone, Riverview Zone and Resource Management Zone. Portions of the harvest area are enrolled in the Managed Forest Law program. Oak wilt is present at the site. To address the oak wilt problem, all mature oak and some smaller diameter oak will be removed in and around the oak wilt pocket. Plans also call for patch clear cuts for the purpose of aspen regeneration. A selective harvest to improve the vigor of the woodlot will occur. The property is utilized for recreational purposes (hunting) and has been in the family for many years. There are active prairie restoration activities on the property as well. There is a possibility of one new road being constructed. The harvest will occur when the leaves are off the deciduous trees. The oak wilt pockets have been identified but have not been flagged or GPS'd. There may be some work done in the Resource Management Zone before leaf-off conditions but the majority of the harvesting will occur during leaf-off conditions and when the ground is frozen or dry. The target for harvesting on most of the property will be winter of 2012-13.

Dorscheid made a motion, seconded by Madison, to approve issuance of a permit with the following standard 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 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 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 application of Andrew Bangert for construction of a private boat landing in the Town of Buena Vista, Richland County, was discussed. Dorscheid said a field inspection was conducted by Cupp on May 1, 2012. Mr. Bangert and Mike Bindl, Richland County Zoning Administrator, also were present for the field inspection. The Operations Committee has visited the site in conjunction with previous permit activity, including the installation of solar panels, and visited the site prior to the May 10, 2012, LWSRB meeting. There are two projects for LWSRB consideration. Dorscheid said the first project involves creation of a private access site to allow boat and trailer access. There will be some grading of the riverbank but Mr. Bangert feels he can do it by hand. Some gravel or stone may be used. Minimal, if any, vegetation will be removed. The activity will require a shoreland permit to be issued by the county. There will be no work below the ordinary high water mark. The activity will involve less than 2000 sq. ft. of disturbance so a special variance is not required. The Riverway law is unclear on the manner in which to treat this activity. A public access site within the Riverway boundary requires a permit to be issued by the LWSRB before construction or modification but a private access site is not discussed. Access to the river on private property is discussed in regard to walkways or stairways but not for a boat launch. "Structures" are regulated but "structure" is defined as "a building, facility or other unit that is constructed or otherwise erected." Because the regulatory aspects of this activity were unclear, Cupp suggested the board defer to the county as the permitting authority and offer a written comment to both the landowner and the county encouraging the use of techniques to minimize the visual impact of the activity. Cupp noted Mr. Bindl has suggested the use of strategically placed paving stones on the tire track areas to provide grip without requiring an extensive graveled surface. Cupp said the other option is to consider the activity to fall under the LWSRB authority for structures and then issue a permit with conditions related to the usual performance standards.

Dorscheid made a motion, seconded by Madison, to direct Cupp to send a letter to the county and the landowner indicating that the board would defer to the county's permitting authority but recommending use of techniques to minimize aesthetic impacts such as paving stones in the tire tracks instead of all gravel. Greenwood said he was uncomfortable with deferring to the county and said the definition of "structure" is open to interpretation. Greenwood said the board can assure scenic beauty is protected by issuing a structure permit and including conditions on the permit. Lundberg asked what local zoning issues may come into play. Greenwood said the amount of disturbed surface area (soil area) is one factor.

A roll call vote on the motion was taken.

Lundberg – aye  
Dorscheid – aye  
Greenwood – nay  
Leys – aye  
Madison – nay  
Nice – aye

The **MOTION CARRIED** on a vote of 4 "ayes" to 2 "nays" with 3 members absent.

Dorscheid said the second project proposed construction of a windmill for electrical generation. The activity would fall under the utility facility section of the Riverway law. As such, the performance standard is to minimize the visual impact. In this case, a limitation on the height of the windmill to minimize visual impact would be impractical because the structure must be a minimum of 30 feet higher than the nearest tree or building. Mr. Bangert wishes to put the windmill atop the small rise behind the cottage which would further accentuate the visibility. Dorscheid said Cupp's recommendation would be to advise Mr. Bangert that the board would find it difficult to approve issuance of a permit for a functional windmill. He noted Mr. Bangert has not submitted a permit application for the activity at this time but is seeking an advisory opinion. Leys noted the similarity of this project to cell towers. Leys made a motion, seconded by Greenwood, to advise Mr. Bangert that the proposed location and height for the windmill likely would not be approved. **MOTION CARRIED.**

The request of the Nature Conservancy for an extension to a previously issued management permit in the Town of Spring Green, Sauk County, was discussed. The area involves the Spring Green Preserve State Natural Area. Dorscheid reviewed the history of the board's involvement with the parcel. He noted a field inspection was conducted by Cupp on March 5, 1993. Field inspection revealed the bluff was slightly visible from the river from a distance of 3-4 miles. Field inspection revealed the management plan was consistent with the scenic beauty and natural value protection and preservation objectives for the Riverway and did not create a new visual intrusion of an existing structure. Department of Natural Resources approval of the plan was received. In addition, a field inspection was conducted by Cupp on February 13, 2002, in regard to the proposed addition of another tract adjacent to lands covered under a pre-existing permit. Bill Carlson, DNR Riverway Forester, and Mr. Richter also were present for the field inspection. Field inspection revealed the new site is visible from the Wisconsin River but the viewshed is distant and minor. Plans call for the removal of red cedar to enhance and restore the remnant prairie. There may be other species removed as well. Some cedars will be retained on rocky outcrops. The activity is expected to occur over the next two years depending on availability of funds and volunteers. No new structures will become visible from the river as a result of the cedar removal. The work in section 35 has not been completed. TNC wishes to conduct the cedar removal in the upcoming fall and winter and wishes to include similar work in section 36. The field inspection conducted in 2002 included a visit to the TNC property in section 36. An additional field inspection will be conducted by Cupp prior to initiation of the activity. The activity is consistent with protection of the scenic beauty and natural character of the Riverway. Work continues at The Spring Green Preserve, now a designated State Natural Area. Removal of cedar and black locust trees as well as periodic prescribed burns remain part of the management regimen. The activity is consistent with protection of the scenic beauty and natural character of the Riverway. The board has approved several extensions to the permit, the most recent for a two year period in June of 2010. Dorscheid noted the Operations Committee visited the site prior to the board meeting and met with a TNC representative to discuss ongoing restoration efforts at the site.

Dorscheid made a motion, seconded by Madison, to approve a two year extension to the existing permit with retention to 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.**

Dorscheid reported the Operations Committee had conducted a field inspection at the Boscobel Airport to review the plantings done in conjunction with the airport expansion project. He said the plantings looked to be in good shape. Lundberg said there a few issues with the hazelnut shrubs. Hutnik said the dead shrubs should be replaced. Lundberg suggested continued monitoring throughout the summer to assure there isn't a great deal of mortality.

Cupp report ground has been broken for the new house at the Kevin Bartels property in the Town of Orion, Richland County. He said the color of the structure, including roof and garage door, had been submitted and approved. Cupp said Nick Morehouse, Interim DNR Riverway Forester, had met with village officials at Prairie du Sac regarding a shoreline vegetation project and offered comments regarding removal of non-native invasive species and planting of species appropriate for the site. Cupp shared e-mail correspondence from Becky Roth, DNR Wildlife Biologist, regarding the trapping of beaver at the Crystal/Fish/Mud Lake District discharge site in the Town of Roxbury, Dane County. Beavers are damaging efforts to establish screening vegetation at the discharge site. Roth suggested contacting a private trapper during the season to address the problem.

Cupp said Taliesin Preservation, Inc. soon will begin non-native invasive species and woody vegetation management on the property in the Town of Wyoming, Iowa County, pursuant to the LWSRB approved management plan. Cupp will meet with Mike Degen on May 14<sup>th</sup> to review a proposed firebreak on top of the bluff.

Cupp reported he had issued one permit since the last meeting. A general permit for construction of a small cabin on lands not visible from the river in the Town of Orion, Richland County, was approved. Cupp said the bluff will be built on top of a bluff but will be small and height will not be an issue. The site is located on Riverview Ridge Road. The landowner is Scott MacWilliams.

The Budget & Office Committee report was presented by Chairman Nice who reviewed the status of the FY 12 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. Cupp said the board will partner with Cultural Landscape Legacies and the Muscoda Chamber of Commerce for a series of lectures and mound tours in conjunction with the Muscoda Morel Mushroom Festival. He said work continues on the Lower Wisconsin River Road Scenic Byway project. Cupp noted the schedule for the voyageur replica canoe trips will be released in the coming weeks.

The DNR report was given by Ryder Will, DNR Recreation Specialist, who said the wildlife crew has completed their burn season. He said there are a couple of new members of the Riverway work crew. Work has been done at the Black Hawk Unit Shelter. Cupp asked if a canoe livery operators meeting would be scheduled. Will was uncertain. Hutnik then introduced Mike Finlay, who will serve as Interim Riverway Forester, for the months of June and July.

During the public comment session, Randy Rutherford asked about frac sand mining in the Riverway. Cupp said it is likely that frac sand mines will be established in the river valley. He said there are regulations in place if the activity occurs within the Riverway boundary.

A motion to adjourn until June 14<sup>th</sup> when the meeting will be held at the Rhinelander Cabin in the Riverway's Black Hawk Unit in the Town of Mazomanie, Dane County, 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:

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