

LOWER WISCONSIN STATE RIVERWAY BOARD

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MINUTES OF THE MAY 9, 2013, RIVERWAY BOARD MEETING

The Lower Wisconsin State Riverway Board (LWSRB) met on Thursday, May 9, 2013, at the Boscobel City Hall to conduct a regular monthly business meeting. The meeting was called to order at 5:00 p.m. by Chairman Donald Greenwood. All members were present with the exception of Ritchie Brown. Acknowledgment that the meeting was properly noticed was provided by Mark E. Cupp, Executive Director. A motion to approve the agenda was made by Melody Moore, seconded by Jerry Dorscheid. **MOTION CARRIED.** The minutes of the April 11, 2013, meeting were considered. A motion to approve the minutes with a minor amendment was made by Ron Leys, seconded by Bob Cary. **MOTION CARRIED.**

The Executive Committee report was given by Chairman Greenwood. Former LWSRB member from Grant County, Nick Nice of Boscobel, was recognized for his years of service to the board. Cupp noted Nice's longtime connection with the river and his great appreciation for the beauty and natural resources of the Riverway. Nice thanked Cupp for his leadership with the board and said the Wisconsin River is a tremendous resource and worthy of protection and preservation for the future.

Greenwood welcomed Prairie du Chien artist Florence Bird to the meeting. Cupp said Bird had approached him about her idea for interpretative signage at select sites along the Fox-Wisconsin Heritage Parkway, particularly, on the lower Wisconsin River. Cupp suggested she present her idea to the full board. He noted Bird is a skilled artist and is renowned for her work at the Mississippi River Sculpture Park in Prairie du Chien. Bird then described her concept for a stone marker with historical figures and Riverway resources highlighted. She displayed a model of her concept and noted the idea is in the early stages of development. LWSRB members encouraged her to obtain more details regarding cost and potential funding sources. Brian Hefty, Department of Natural Resources (DNR), suggested the Master Planning process for the Riverway would be an appropriate time for ideas related to interpretative signage at DNR managed access sites to be presented. Leys noted Bird is truly a person of a great vision and an asset to the community.

Dan Goltz, DNR Wildlife Biologist, presented the board with an update on wildlife management activities from Muscodia to Wyalusing. He reviewed vegetative management projects at eighteen sites on public lands within the Riverway. Goltz said he had identified eagle nests near the site of the proposed industrial sand mine in the Town of Bridgeport, Crawford County. He said there is a minimum 200 meter "no disturbance" zone around the nest. Goltz then showed an aerial photograph identifying the nest sites with the 200 meter zone identified. He concluded that the proposed mine site is outside the nesting no disturbance zone.

Cupp reported the appointments of George Arimond and Ritchie Brown had been confirmed by the Wisconsin Senate. He is working with the Governor's office and county administrators for the appointments of Iowa County and Richland County representatives to the board. Dorscheid is seeking re-appointment from Iowa County. Greg Greenheck has chosen not to seek re-appointment from Richland County.

Greenwood asked Personnel Committee Chair Moore to head the Nominating Committee and present a slate of candidates for officer positions at the June meeting. Greenwood said persons interested in the offices of Chair, Vice-Chair or Secretary should contact Moore.

Correspondence was discussed. Cupp said the consultant to the Department of Transportation (DOT) had requested the LWSRB review their recommendation for aesthetic treatments to the Hwy. 60 bridge at Prairie du Sac. The Village of Prairie du Sac has asked DOT to use railing design and colorization identical to the Hwy. 12 bridge at Sauk City. The LWSRB had recommended a different railing design and brown colorization. Greenwood

suggested the board maintain their original recommendation but not to “dig its heels in” on bridge aesthetic treatments in this case. He noted there are other major projects coming up that will have greater aesthetic impacts. Leys agreed that the LWSRB’s recommendation should stand and DOT should decide whether to acquiesce to the local government’s desires or to implement the board’s concept.

Greenwood asked Hefty to explain a DNR request for a meeting with the board. Hefty said he would like to meet with Cupp and some of his colleagues in DNR to identify the board’s role in the upcoming Master Planning process for the Riverway. He said it is important to establish agency responsibilities and to assure effective communications during the Master Planning process. Arimond said public participation is critical and said the public must be informed about how to become engaged in the process. Hefty said he would work with Cupp to set a meeting date.

Cupp said he had sent letters of support for grant applications submitted by area non-profit organizations. He also sent a letter of support for a Riverway landowner in Sauk County to receive an award for efforts to restore the native plant community on the Town of Troy farm. Cupp noted correspondence received on the frac sand mining issue had been distributed to the board and would be posted on the LWSRB website. Greenwood said discussion on the draft report to the Legislature on non-metallic mining regulations in the Riverway would be delayed until strategic planning discussions occur at some point in the future.

Greenwood asked board members to consider the type of strategic planning session they would like. Arimond said the document should guide the board in decision making and give general direction. Fred Madison said a strategic plan should be reviewed periodically to keep it fresh and cited the frac sand mining issue as an example of something that was unanticipated just a few years ago but that is now a topic of concern for the board. Arimond concurred and said the process is useful in identifying potential threats and developing a strategy for addressing those threats. Greenwood said the board will discuss strategic planning again at the June meeting.

Greenwood said the LWSRB boat tour of the proposed Pattison Sand Company (PSC) industrial sand mine would take place on June 1st. The board will depart from the Bridgeport boat landing and travel upstream to view the site from the river and assess visibility. Cupp said PSC had requested an onsite meeting and a timeline for decision making on the permit application. Greenwood said there is no need for the board to conduct an onsite meeting at this time and said the board will not offer a definitive timeline for decision making. He said information is being evaluated and a decision will be rendered when appropriate. Greenwood asked for the board to authorize him and Cupp to meet with PSC representatives to discuss the viewshed analysis conducted by the State Cartographer’s Office. A motion to that effect was made by Leys, seconded by Arimond. **MOTION CARRIED.**

The Operations Committee report was presented by Chairman Dorscheid. No action regarding the frac sand mining permit applications submitted by Pattison Sand Company and four landowners from the Town of Bridgeport, Crawford County, was taken.

The permit request of Flora Barker for a timber harvest in the Town of Millville, Grant County, was considered. Steve Nelson of Nelson Hardwoods is the consultant. Dorscheid said a field inspection was conducted by Cupp on April 30, 2013. Steve Nelson of Nelson Hardwoods and Nick Morehouse, DNR Riverway Forester, also were present for the field inspection. Portions of the harvest area are visible from the Wisconsin River during leaf-on conditions. Plans call for the selective harvest of merchantable hardwoods. The harvest will be conducted when the ground is frozen or dry and the leaves are off the deciduous trees. There may be one new road in the Resource Management Zone.

Dorscheid made a motion, seconded by Moore, 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 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 LeRoy and Joyce Macke for a timber harvest in the Town of Wauzeka, Crawford County, was considered. Nate Wall is the consultant. Dorscheid said a field inspection was conducted by Cupp on April 30, 2013. Mr. Wall and Morehouse also were present for the field inspection. Plans call for a light, selective harvest of walnut trees. Portions of the harvest area are visible from the Wisconsin River during leaf-on conditions. The harvest will be conducted when the ground is frozen or dry and the leaves are off the deciduous trees. No new roads are planned. The existing house on the bluff top property was built under a Riverway Board permit. A condition of the permit required retention of the existing screening vegetation. As a result, Cupp required a small number of trees to be “unmarked” and remain in place in order to fulfill the screening vegetation requirements of the structure permit. Skid trails on the steep slope will be avoided by use of cable to retrieve the logs.

Dorscheid made a motion, seconded by Madison, 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 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 Steve Peterzak for a timber harvest in the Town of Spring Green, Sauk County, was considered. Dorscheid said a field inspection was conducted by Cupp on April 30, 2013. Mr. Peterzak and Morehouse were present for the field inspection. Portions of the harvest area are visible from the Wisconsin River during leaf-on conditions. Plans call for the thinning of a white pine plantation. No new roads are planned. Some vegetative removal also will occur for establishment of a new driveway. A new home may be built at the site at some point in the future. Greenwood asked Morehouse if the pine thinning will be conducted at the same time as the thinning on the DNR lands across the road. Morehouse replied in the affirmative and said the same contractor will do both jobs.

Dorscheid made a motion, seconded by Arimond, 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 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 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.

The permit request of Larry Davis for a timber harvest in the Town of Spring Green, Sauk County, was considered. The consultant is Jim Carlson of Oakwood Forestry. Dorscheid said a field inspection was conducted by Cupp on April 22, 2013. Mr. Davis, Mr. Carlson and Rick Livingston, Sauk County DNR Forester, also were present for the field inspection. A minor portion of the harvest area is visible from the Wisconsin River during leaf-on conditions but most of the visible area is not within the Riverway boundary. The harvest will be conducted when the ground is frozen or dry and the leaves are off the deciduous trees. No new roads are planned but there was some discussion of a new road in the Resource Management Zone. The harvest is being conducted under a Managed Forest Law (MFL) plan. Some small regeneration cuts of aspen may occur in the Resource Management Zone.

Dorscheid made a motion, seconded by Leys, 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 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 Richard & Jeanette Limmex for a timber harvest in the Town of Wyoming, Iowa County, was considered. The consultant is Jeremie Cooper. Dorscheid said a field inspection was conducted by Cupp in conjunction with previous permit in the vicinity. Also, Morehouse and Mr. Cooper conducted a field inspection at the site. Portions of the harvest area are visible from the Wisconsin River during leaf-on conditions. Plans call for the selective harvest of merchantable hardwoods. The harvest will be conducted when the ground is frozen or dry and the leaves are off the deciduous trees. No new roads are planned. Morehouse unmarked some trees in the Bluff Zone to assure compliance with the applicable performance standard. The harvest is being conducted pursuant to an MFL plan for the property.

Dorscheid made a motion, seconded by Greenheck, 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 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.

Cupp reported on permits he had issued since the last meeting. Permits for timber harvests on lands not visible from the river during leaf-on conditions were issued to:

- Josh Wagner for a site in the Town of Wauzeka, Crawford County, Nate Wall is the consultant; and,
- Harold Gies for a site in the Town of Clyde, Iowa County, Joe Bagnowski is the consultant.

Cupp said he and Morehouse had met with Mark Berg and Brian Nelson to review proposed timber harvests at the Wintergreen property and House on the Rock property owned by Art Donaldson in the Town of Wyoming, Iowa County. He thanked Morehouse for his assistance in marking the Riverview Zone at the Wintergreen site. Cupp said permit applications for these harvests will be presented at the June meeting.

The Budget Committee report was given by Chairman Greenheck who reviewed the status of the FY 13 budget. Cupp said the Legislature's Joint Committee on Finance had taken executive action to approve the LWSRB budget request for the next biennium.

The Personnel Committee report was given by Chairman Moore who said efforts to reclassify the Office Associate position continue. A position audit will be conducted by the Department of Administration.

The Executive Director's report was given by Cupp who reviewed the materials in the board members' packets. He said the schedule for the voyageur canoe trips sponsored by the board will be released in early June. Cupp said he had been contacted about illegal dumping in the Riverway and had referred the matter to DNR. Hefty said the Riverway is one of the worst properties for illegal dumping saying concrete, asbestos, electronics, etc., are found. He said the costs associated with cleaning up these sites comes out of the Riverway budget, which means there are fewer dollars for other Riverway projects such as road maintenance.

Under board members' business, Moore asked about the process for modifying the Riverway boundary. Cupp said state law dictates the boundary be set by the Natural Resources Board. Greenwood reminded board members that the boat tour to review the proposed mine site will depart from the Bridgeport landing the morning of June 1st.

The DNR report was given by Hefty who said the DNR had acquired 37 acres in the Town of Troy, Sauk County.

During the public comment session, Timm Zumm of Spring Green, Friends of the Lower Wisconsin State Riverway (FLOW) President, said FLOW is working on a schedule of events for the summer, including the Rhythm on the River slated for the Saturday before Labor Day.

Ethel Drengenberg of Wauzeka thanked the board for careful review of the frac sand mining permit applications and noted the mine will be visible from CTH C in Grant County.

A motion to adjourn until June 13th was made by Madison, seconded by Arimond. **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
Lower Wisconsin State Riverway Board