

# LOWER WISCONSIN STATE RIVERWAY BOARD

202 N. Wisconsin Avenue  
P.O. Box 187  
Muscodia, WI 53573  
(608) 739-3188 or 1-800-221-3792

## MINUTES OF THE JULY 11, 2013, RIVERWAY BOARD MEETING

The Lower Wisconsin State Riverway Board (LWSRB) met on Thursday, July 11, 2013, 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 Chairman Donald Greenwood. All members were present with the exceptions of Fred Madison, George Arimond and 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 Ron Leys, seconded by Bob Cary. **MOTION CARRIED.** The minutes of the June 13, 2013, meeting were considered. A motion to approve the minutes was made by Jerry Dorscheid, seconded by Dave Martin. **MOTION CARRIED.**

The Executive Committee report was given by Chairman Greenwood who reviewed correspondence. Cupp said volunteers are being sought to serve on a subcommittee of the Fox-Wisconsin Heritage focusing on the lower Wisconsin River portion of the corridor. Leys volunteered to serve in that capacity. Greenwood noted the corridor was recently designated as a National Water Trail.

Greenwood discussed his concerns with timber harvest permit procedures. He said permits should not be issued before the trees slated for harvest have been marked and reviewed for compliance with the applicable regulations. Cary said the system in place has worked well. Cary expressed confidence in Cupp's ability to assess the application. Dorscheid concurred that the system is working. Cary suggested the board monitor the process and make changes in the future if needed. Melody Moore said it would be preferable if the trees were marked prior to issuance of a permit but said monitoring the process for now would be okay. Greenwood said he finds the practice of issuing a permit before the trees are marked and reviewed to be highly unusual from a zoning administration standpoint. Cupp said he was operating under the guidance provided by the board in the past and his actions were consistent with the strategic plan. Cary said one reason the Riverway project has been successful is the board's willingness to work with landowners and to be moderate in the approach to administering the scenic protection regulations. By consensus, the board determined that the process would be monitored with no changes implemented at the present time.

Committee assignments were discussed. Greenwood said he would like to have alternates appointed to committee to assure that a quorum is achieved. Cupp said he would check on appointment of alternates. A motion to adopt the following committee assignments for FY 14, was made by Cary, seconded by Moore. **MOTION CARRIED.**

### **EXECUTIVE COMMITTEE:**

Donald Greenwood (Chair)  
Fred Madison (Vice-Chair)  
Melody Moore (Secretary)

### **OPERATIONS COMMITTEE:**

Gerald Dorscheid (Chair)  
Ritchie Brown  
Ron Leys

### **PERSONNEL COMMITTEE:**

Melody Moore (Chair)  
Ritchie Brown  
George Arimond

**BUDGET & OFFICE COMMITTEE:** Robert Cary (Chair)  
Fred Madison  
Dave Martin

Cupp reported flood damage occurred in the Riverway and was significant on the western portion of the project. Roads were closed and damage to railroad tracks took place. Boscobel saw flooding from Sanders Creek. Many landslides were seen on area bluffs. Greenwood noted the drainage swale near Spring Green performed well. Leys said Prairie du Chien considered evacuation of a portion of the city but did not have to implement it.

Greenwood said the board will discuss strategic planning at the August 8<sup>th</sup> meeting. Members should be prepared to commit to a date. Cupp said UWEX may assist with facilitating the meeting if the board chooses to make a request.

Greenwood said a special meeting to consider the industrial sand mining applications of Pattison Sand Company (PSC) and four landowners from the Town of Bridgeport, Crawford County, should be held. Greenwood said the meeting should be held in Crawford County.

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. However, Cupp gave a presentation on his work to further identify areas of concern from an aesthetic protection perspective. He reviewed the methodology utilized to create a new map/aerial photograph that identified the areas of concern. Cupp said he used the products delivered by the Wisconsin Cartographer's Office, Mohn Surveying/PSC, digital images taken from the river and from the land, and his experiences from being on the land and on the water, to develop the aerial photograph with targeted visible areas. Cupp noted some areas of visual concern are outside the Riverway boundary.

Cupp said Lee Pulda and Earl Pulda had submitted timber harvest permit applications that would include clearcutting of some areas. He said he wasn't prepared to offer comment on the applications until a field inspection had been conducted. He noted PSC attorney, Dorothy Stroschein, had indicated the landowners also may wish to clearcut some areas under the personal use exemption for firewood. Greenwood asked Lee Pulda how he would utilize firewood cut for personal use. Pulda said he was considering conversion of his barn to a commercial endeavor requiring a workshop and that the floor heating system in the dairy barn would be converted to a wood heat system with the excess used to heat his home. Martin asked Pulda if he would use the same system if nonmetallic mining permit applications were not before the board to which Pulda replied in the affirmative.

Stroschein said the intent of filing the timber harvest permit applications was to get the discussion moving on tree removal associated with the nonmetallic mining activity. She noted the board's definition of land includes the trees on the land but said the only thing visible from the river are the tops of the trees and not the potential excavation. Greenwood said efforts to pursue a clearcut on the bluffs to eliminate trees on the visual horizon, whether through a timber harvest permit application or through the personal use exemption representing an attempt to do an end-run around the law and affect the credibility of the applicants. Greenwood said the personal use exemption is not applicable to clearcutting of a significant amount of trees on the bluffs. Cupp explained that the personal use exemption language in the statutes and administrative code was designed to allow a landowner to cut firewood for personal use, not bartered or sold, such as for home heating. The personal use exemption also allowed a farmer to cut trees or woody vegetation for fence posts and allowed a landowner to cut a Christmas tree on his/her property for personal use without a permit. Cary concurred and said the exemption was designed to be reasonable and minimize the impact of the permit requirements on landowners. Dorscheid said an up/down vote on the nonmetallic mining should be scheduled adding that the review process has gone on long enough and a conclusion

should be reached. Cary and Leys concurred. Greenwood said Cupp should convert his viewshed analysis to a digital format for presentation to the board at a future date.

Discussion on setting a date for a special meeting to consider the nonmetallic mining permit applications ensued. A motion to set the first choice as August 22<sup>nd</sup> at 5:00 at the Crawford County Administration Building in Prairie du Chien with the second choice as August 29<sup>th</sup>, same time and location, was made by Leys, seconded by Dorscheid. **MOTION CARRIED.** Cupp was instructed to contact all members about their availability and to confirm the venue would be available.

Six permits for timber harvests on lands not visible from the river during leaf-on conditions were submitted by Nick Morehouse, DNR Riverway Forester. The sites were located in the Towns of Arena and Pulaski, Iowa County; Towns of Richwood and Buena Vista, Richland County; and, Town of Spring Green, Sauk County. A PowerPoint presentation was shown identifying the area of each harvest and with a description of each harvest provided. A motion to approve general permits with the standard conditions for each of the harvests was made by Cary, seconded by Dorscheid. **MOTION CARRIED.**

The cutting of trees and woody vegetation at the Wintergreen property in the Town of Wyoming, Iowa County, was discussed. Cupp explained that the board had approved a management permit for expansion of a prairie at the site and had approved removal of a small number of trees for building maintenance/insurance purposes. A condition of the management permit required that the activity not result in an existing structure becoming more visible from the river. A chemical was applied to curtail regrowth of woody vegetation and resulted in tree mortality. Some of the trees killed by the chemical provided screening vegetation for the bluff top structure. A PowerPoint presentation was shown that provided digital images taken at the site. Matt Gibson, Maintenance Supervisor for House on the Rock Resort and Vivid, Inc., and Mark Berg of Nelson Hardwoods were present and addressed the board. They noted a chemical named Tordon was used and said Morehouse had told them to use the chemical to control black locust at the site. (NOTE: Morehouse was not present at the meeting.) Gibson and Berg said the killing of the larger trees was an accident. Berg said there is natural regeneration of ash, oak and maple at the site. There is a strip about 50 feet wide and 200 feet long are where the trees were killed. Cupp suggested he meet with Morehouse, Gibson and Berg onsite to assess the regeneration and to formulate a plan to present to the board for consideration. A motion directing Cupp to do so was made by Dorscheid, seconded by Leys. **MOTION CARRIED.**

There were no permits issued by the Executive Director since the previous meeting.

The Budget Committee report was given by Chairman Cary who reviewed the status of the FY 13 budget.

There was no report from the Personnel Committee.

The Executive Director's report was given by Cupp who reviewed the materials in the board members' packets. He noted the changes in river flow from unusually high levels in June to a drop to more normal conditions in the last week. Greenwood asked if there was an optimum flow for recreational users. Cupp said flows around 8000 cfs at Muscoda allow for motorboats to navigate as well as for sandbar camping. Cupp said the voyageur canoe trips have been popular again this year.

Under board members' business, there were no items to discuss.

The DNR report was given by Matt Seguin, DNR Riverway Manager, who noted storm clean-up has been a recent priority. The DNR crew also has been working on fencing, roads and signage. The wildlife team has been working on banding geese. Greenwood asked about the bilingual signage for warning of river dangers. Seguin said the new signs have been installed at all boat landings.

During the public comment session, Edie Ehlert of the Crawford Stewardship Project thanked the board for scheduling the special meeting in Prairie du Chien to address the frac sand mining applications. She said the board should consider lighting of the sight as a visual intrusion. Ehlert reminded the board that the intent of the nonmetallic mining regulations was not for industrial sand mining. She said any permit issued, if one is issued, should contain strong conditions and opportunity for enforcement if violations are encountered.

Peggy Swan of Blue River asked if there had been political pressure to approve the permits. Leys said the only pressure he has received is to deny the permit applications. Swan should the board should take a courageous stand and make a strong statement by denying the applications. Greenwood said the board is working within statutory constraints and noted that he and the other board members have spent much time on internal reflection regarding the issue.

Timm Zumm of Spring Green (FLOW President) said the Rhythm on the River event would be held on August 24<sup>th</sup> with a paddling trip, weather permitting. He said FLOW hopes to recognize the DNR maintenance and clean-up crew for their work on the Riverway.

Sharon Swiggum of Richland Center asked about the type of conditions the board could place on a nonmetallic mining permit. Greenwood said the conditions would have to relate to the board's purview on scenic protection.

Ron Salis of Blue River said the crux of the matter is oil and energy consumption and there should be greater debate about conservation. He asked if the board could seek changes in the regulations. Greenwood said it will be discussed during the strategic planning process. Martin said the Legislature could consider a bill to alter the statutes.

A motion to adjourn until August 8<sup>th</sup> was made by Dorscheid, seconded by Martin. **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