

LOWER WISCONSIN STATE RIVERWAY BOARD

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MINUTES OF THE MARCH 13, 2014, RIVERWAY BOARD MEETING

The Lower Wisconsin State Riverway Board (LWSRB) met on Thursday, March 13, 2014, at the Muscodia village hall to conduct a regular monthly business meeting. The meeting was called to order at 5:00 p.m. by Chair Don Greenwood. All members were present with the exceptions of Ritchie Brown and Melody Moore. Acknowledgment that the meeting was properly noticed was provided by Mark E. Cupp, Executive Director. A motion to approve the agenda was made by Jerry Dorscheid, seconded by George Arimond. **MOTION CARRIED.** A motion to approve the minutes of the February 13, 2014, meeting was made by Dave Martin, seconded by Bob Cary. **MOTION CARRIED.**

The Executive Committee report was presented by Chairman Greenwood. Mark Guthmiller, Department of Natural Resources (DNR) Forest Health Specialist, gave a presentation on Gypsy Moth (GM) and Emerald Ash Borer (EAB) infestations in Wisconsin. He noted Iowa County will be added to the GM quarantine system. EAB quarantines in the Riverway area include the counties of Dane, Sauk and Crawford. Guthmiller said researchers are studying the effects of cold temperatures on the pest but it appears that sustained temperatures of twenty to thirty degrees below zero Fahrenheit are required to have any impact on populations.

Greenwood asked Cupp for a report on appointments. Cupp said he had discussed the Sauk County appointment, currently held by Greenwood, with Marty Krueger, Sauk County Board Chair. Krueger said the names of Greenwood and Dennis Polivka of rural Spring Green were transmitted to the Governor's office for consideration. Cupp said he had not received a response from Crawford County regarding the position currently held by Ron Leys, who is interested in re-appointment. Also, Cupp said Pat Wilson of LaCrosse has expressed interest in an at-large slot and has submitted an application to the Governor's office.

Under correspondence, Cupp said the report to the Legislature on nonmetallic mining and the Riverway law had been distributed to Riverway legislators and the Governor's office.

Cupp said he had been informed of the proposed sale of "surplus" lands by DNR across the state, including in the Riverway. He said there are two parcels for sale in the Riverway; one near Muscodia and one near Mazomanie. Brian Hefty, DNR Riverway Liaison to the LWSRB, said sale of lands was required by legislative action with the department following designated criteria. Martin asked if the lands will be available for the public to purchase. Hefty said the process has not been fully established but that the intent is to have an open bidding process with all interested parties included. Arimond expressed concern that the lands adjacent to the river or that have desirable qualities would be sold. Hefty said the intent is not to divest of lands that are important to the project. Greenwood said discussion of selling off Riverway lands justifiably makes board members a bit nervous. A member of the public, Carol Sommers of Muscodia, asked for the reason behind selling the lands. Greenwood said the Legislature dictated certain lands be sold to pay for some of the debt related to the Stewardship Fund. Cupp suggested a letter be sent to DNR recommending any decision on sale of lands in the Riverway be delayed until the DNR's master planning process, which likely will include boundary revisions, is complete. He further suggested that the letter request LWSRB involvement in review of proposed sales before the list is made public. A motion directing Cupp to send a letter to DNR per his suggestions was made by Leys, seconded by Fred Madison. **MOTION CARRIED.**

The Year of the Riverway was discussed. Cupp said an event will be held in September or early October to recognize the 25th anniversary of the project. Former Governor Tommy G. Thompson will be invited as guest

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speaker. The proposed dates are all on Sunday; September 14, September 28 or October 5; with the event occurring in the afternoon. More information will be forthcoming.

Cupp said legislation to alter local units of government regulation of frac sand mining sites may be stalled due to opposition by the Wisconsin Towns Association and others. Madison noted his town board and numerous other towns had major issues with the bill. Martin said there is no reason for the legislation and that the effort is symptomatic of what is wrong with the Legislature today in that everything is rushed through the process in the name of job creation without have a thoughtful and deliberative approach. He said the process seen in the Legislature today is disconcerting.

Cupp provided an update on the petition for judicial review of the board's decision to deny nonmetallic mining permits to the Pattison Sand Company (PSC) and four Town of Bridgeport landowners, as filed in Crawford County Circuit Court by the company. Cupp said the original date for oral arguments was March 20th but the PSC attorney had requested a delay, which had been agreed to by Assistant Attorney General Mark Bromley as the LWSRB's representative. Oral arguments now will be heard on June 20th. The venue has changed from Prairie du Chien to Lancaster. The case will be heard by Judge Craig Day. LWSRB is not required to be present but anyone interested in welcome to attend.

Updates to the board's strategic plan were discussed. Greenwood noted actions identified at the board's planning session last fall are being implemented. He asked Arimond to work with Cupp and Moore as an Ad Hoc Committee to further revise the document with the understanding that any substantive issues would come back to the board for discussion. Arimond consented to serve on the committee. Moore will be contacted regarding her participation.

The Operations Committee report was presented by Chairman Dorscheid. Extension requests submitted by DNR Ecologist Nate Fayram for selected state natural areas (SNA) in the Riverway were considered. Fayram said his small crew of five expends a great deal of effort fighting invasive species and conducting prescribed burns. He provided an update on activities at the Mazomanie Oak Barrens, Arena Pines, Bakken's Pond, Smith Slough, Blue River Bluffs and Gotham Sands state natural areas. He noted interesting research is being conducted at the Gotham Sands SNA and will be expanded when additional habitat restoration work is done. Arimond asked about funding sources to which Fayram replied that grant funding is critical to his program and that a part of his job is "chasing dollars". Arimond asked if volunteers are utilized. Fayram said volunteers are becoming more important and that he has a person that spends time coordinating volunteer efforts. Arimond asked if federal grants are sought. Fayram said the grants come from a variety of sources including the federal government. Martin suggested that efforts to maintain native plant communities should be focused on areas where the general public has access rather than more remote or inaccessible locations. Cupp suggested action on the Gotham Sands SNA permit(s) be delayed until a field inspection can be conducted by he and Nick Morehouse, DNR Riverway Forester.

A motion to approve two-year extensions to the SNA permits, excluding Gotham Sands, was made by Leys, seconded by Cary. **MOTION CARRIED.**

The permit request of Jamey Wardell for a timber harvest and timber stand improvement (TSI) project on property in the Town of Pulaski, Iowa County, was discussed. Dorscheid noted the consultant is Thomas Wyse. Cupp said he had conducted field inspections at the parcel several times in the past. Most recently, Mr. Wardell, Morehouse and Cupp conducted a field inspection in November which was followed up by another site visit by Morehouse. The Bluff Zone and Riverview Zone have been delineated. There will be no harvesting in the Bluff Zone. In the Riverview Zone, there will be some regeneration cuts and selective harvesting. Additional harvesting will be conducted in the Resource Management Zone. The TSI work will be done by the landowner

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and will involve removal of smaller woody vegetation. No new roads are expected. A motion to approve issuance of a timber harvest permit with the following conditions was made by Dorscheid, seconded by Cary:

- 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.

A motion to approve issuance of a management permit for the timber stand improvement project with the following conditions was made by Dorscheid, seconded by Cary:

- No existing structure(s) shall become visible from the river as a result of the activity;
- The LWSRB shall approve of any modification to the plans, as submitted; and,
- The landowner or his/her agent shall notify the LWSRB upon initiation and completion of the activity.

MOTION CARRIED.

Morehouse then provided a presentation on proposed logging road location and design at the former Burns tract, now state owned, in the Town of Orion, Richland County. The parcel is located between Gotham and Muscoda with portions of the harvest area being highly visible from the Wisconsin River during leaf-on conditions. Morehouse said he had requested technical assistance from the private sector regarding ideas for laying out the roads on the difficult terrain. A PowerPoint presentation was shown indicating the location of existing and proposed roads to provide access to the timber that will be taken to improve the health and vigor of the woods and to encourage oak regeneration. Cupp suggested the Operations Committee visit the site after the snow pack diminishes before the board approves the location and design of the roads.

Cupp reported on permit related action he had taken since the last meeting. A timber harvest permit and a management permit were issued to Phil Limmex for a parcel in the Town of Wyoming, Iowa County. Cupp said portions of the property are visible from the Wisconsin River during leaf-on conditions. The Bluff Zone and Riverview Zone were delineated by Cupp with the help of DNR employees Steve Williamson and Joel Green. Morehouse also conducted multiple inspections at the site and reviewed the marking of the sale for compliance with the applicable performance standards. The commercial harvest will reduce the basal area in the Bluff Zone to the

required 60 sq. ft./acre. In the Riverview Zone will be a large regeneration cut with a few scattered trees left. Harvesting in the Resource Management Zone also will be heavy. The TSI work will remove all non-oak species 2 inches DBH and smaller. The purpose of the harvest and TSI work is to regenerate oak. Cupp also approved extensions to two management permits issued to Taliesin Preservation, Inc. One permit will address invasive species control and the other will be TSI related and will allow for some firewood removal.

The Budget & Office Committee report was presented by Chair Cary who reviewed the FY 14 budget.

The Personnel Committee report was given by Acting Chair Arimond who said the committee is working to revise the board's policy for issuance of merit and equity raises for staff due to changes made in the state policies. Arimond recommended the board seek a Discretionary Merit Compensation (DMC) Award for Mark Cupp. He noted the annual performance evaluation for Cupp had been completed with an "excellent" rating achieved so the committee recommended a two-step increase for merit. A motion to pursue the DMC award for Cupp was made by Arimond, seconded by Cary. **MOTION CARRIED.** Arimond said the revised board policy for awards will allow issuance of either a lump sum payment or base adjustment for Office Associate Marsha Nachtigal. The committee will pursue either a lump sum or 4-step adjustment based on the board's action in February once the policy is approved by OSER.

The Executive Director's report was presented by Cupp who reviewed the materials in the board members' packets. He said he attended the 4th Annual Wisconsin River Water Quality Symposium held in Stevens Point on February 14th. Cupp said a conference on techniques for maintenance of effigy mound sites would be held in Muscoda on April 12th. He reviewed flood forecast information that indicated the rapidity of snow melt coupled with precipitation will dictate the degree of high water events. Cupp said a volunteer work day will be held at the Bloyer mound group on March 29th, weather and ground conditions permitting.

Under board members' business, Dorscheid thanked Cupp and Timm Zumm, President of the Friends of the Lower Wisconsin State Riverway (FLOW), for assisting with a Riverway presentation before the Arena historians.

The DNR report was presented by Matt Seguin, DNR Riverway Manager, who said there will be no management changes at the Mazo Beach. The area will be closed during the week and will have limited hours open to the public on weekends. He said aquatic invasive species (AIS) signage will be placed at key locations with the help of the River Alliance of Wisconsin.

During the public comment session, Zumm noted the presentation at Arena with the local history group was well received. He reported on Canoecopia and the distribution of materials from the FLOW booth. Greenwood thanked FLOW for their efforts to educate the public about the Riverway. Arimond noted Canoecopia is the largest paddlesports expo in the Midwest, if not the country, and the Riverway message reaches the right type of people at the event.

A motion to adjourn was made by Dorscheid, seconded by Leys. **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:

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