

LOWER WISCONSIN STATE RIVERWAY BOARD

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MINUTES OF THE APRIL 10, 2014, RIVERWAY BOARD MEETING

The Lower Wisconsin State Riverway Board (LWSRB) met on Thursday, April 10, 2014, at the Sauk City Public Library 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. 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 Fred Madison. **MOTION CARRIED.** A motion to approve the minutes of the March 13, 2014, meeting was made by Bob Cary, seconded by Melody Moore. **MOTION CARRIED.**

The Executive Committee report was presented by Chairman Greenwood. Jean Unmuth, Department of Natural Resources (DNR) Water Biologist, gave a presentation on the proposed designation of Riverway wetlands as wetlands of international significance under the RAMSAR program. She reviewed the RAMSAR program and the purpose of conservation of wetlands worldwide. She emphasized the RAMSAR designation would not include any restrictions on private lands but would encourage conservation, wise use and education regarding the importance of wetlands. She said three sites in Wisconsin currently have the designation including the Upper Mississippi, Horicon and the Bad River Sloughs. Unmuth said the application for RAMSAR designation is being developed by DNR and other partners and that the criteria should be met for designation of Riverway wetlands.

Under correspondence, Cupp reported the administrative rule revisions to bring RB 2 in line with statutes would be completed by the end of the month. He said a letter to local units of government offering to attend a meeting and provide an update on the Riverway had resulted in several contacts for speaking engagements. Cupp said he recommended the board discuss recommendations for revisions to the DNR Riverway Master Plan at the May and June meetings with the board's position to be finalized at the June meeting. Cupp noted the board will host an event to recognize the 25th anniversary of the Riverway project on September 14th at Wisconsin Riverside Resort near Spring Green. At this time, the three main speakers will be former Governor Tommy G. Thompson, State Senator Dale Schultz and former State Representative Spencer Black.

An update regarding proposed revisions to the board's strategic plan was provided by George Arimond who noted the subcommittee (Arimond, Moore and Cupp) had met by teleconference. The subcommittee determined that strategic items would be discussed at monthly board meetings to reach consensus with a draft of plan revisions to be presented later in the summer.

The Operations Committee report was presented by Chairman Dorscheid. Two projects related to the Gotham Sands State Natural Area (SNA) were considered. Cupp noted Nate Fayram, DNR Ecologist, had presented preliminary information to the board at the March 13, 2014, meeting. On April 1, 2014, Cupp said he and Nick Morehouse, DNR Riverway Forester, had conducted a site visit and determined that portions of the parcel are visible from the Wisconsin River during leaf-on conditions. Cupp said the board should consider issuance of two permits; one for a commercial timber harvest and one for vegetative management activities. Morehouse reviewed the project noted the intent is to restore and maintain the oak/jack pine barrens. Morehouse noted, in the timber harvest area visible from the river, a portion was designated as selective harvesting only and/or no-cut along the highbank. Most of the activity will not be visible from the river during leaf-on conditions. No structures become visible from the river as a result of the activity.

A motion to approve issuance of a timber harvest permit with the following conditions was made by Dorscheid, seconded by Ritchie Brown:

- 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 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 River Edge 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 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.

A motion to approve issuance of a two-year management permit with the following conditions was made by Dorscheid, seconded by Madison:

- 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.

A proposed timber harvest and logging road construction for a state owned parcel in the Town of Orion, Richland County, was discussed. The LWSRB previously approved permits for a timber harvest and timber stand improvement (TSI) project for the parcel, which is located on STH 60 between Muscoda and Gotham. Portions of the site are highly visible from the Wisconsin River. At the March board meeting, Nick Morehouse explained the proposed location and design of logging roads to provide access to the timber resources based on consultation with DNR colleagues and private sector logging road experts. Cupp and Morehouse conducted a field inspection on April 1, 2014. Morehouse demonstrated that small sections of the roads will exceed 20% in slope in order to reach the contour on which the roads will be mainly flat. Because the roads exceed 20% in slope, the board must consider issuance of a variance. Dorscheid noted the Operations Committee had visited the site earlier in the day to view the roads firsthand.

Cupp explained Chapter NR 37.04(2)(b), Wisconsin Administrative Code, regulates road building in the Bluff Zone and Riverview Zone and states that roads may not exceed 10% slope except for short stretches of up to 15%. The section also indicates the board may consider issuance of a variance to provide access to the timber subject to the visually inconspicuous and erosion control requirements of the chapter. He noted NR 37.05 details the variance procedure. The first section provides the board with authority to grant a variance when the activity will be visually inconspicuous and will be compatible with protecting the scenic beauty and natural values of the Riverway. The second section details the variance procedure including the requirement that the LWSRB notify the DNR at least 15 days prior to granting the variance and allow DNR an opportunity for DNR to address the board. In addition, the variance consideration must be published in the official state newspaper. Cupp requested authority to proceed with the variance procedure, including notification of DNR and publication in the official state newspaper, with board consideration to occur at the May 8th meeting in Boscobel.

A motion authorizing Cupp to proceed was made by Dorscheid, seconded by Madison. Arimond asked about the maximum slope of the roads. Morehouse said small stretches will reach 25-26%. Ron Leys asked if trucks would use the roads or only skidders. Morehouse said the roads would be used by skidders.

MOTION CARRIED.

Dorscheid said Morehouse had requested an extension to a timber harvest permit for state owned lands in the Town of Richwood, Richland County. Cupp explained the previous permit was issued to Brad Hutnik, former DNR Riverway Forester, for a parcel not visible from the river near Garner Lake. Morehouse explained plans call for an intermediate improvement thinning with some small regenerations gaps to maintain an oak forest with a dominant component of black oak, red oak and swamp white oak. The harvest area encompasses 25 acres. Dorscheid made a motion, seconded by Cary, to approve issuance of a two-year extension with retention of the following original permit conditions:

- The harvest shall be limited to areas not visible from the Wisconsin River during leaf-on conditions;
- 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 Jim Ring for invasive species control in the Town of Wyoming, Iowa County, was discussed. Cupp said he has visited the site several times in the past. He noted Morehouse has worked with the landowner on the proposal to control honeysuckle and other invasive species on the bottomland parcel. Morehouse said the property is enrolled in the Managed Forest Law program and the proposed vegetative management activity is appropriate for the site. No structures become visible from the river as a result of the activity. Dorscheid made a motion, seconded by Madison, to approve issuance of a management permit with the following conditions:

- No existing structure 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.

Dorscheid said the field inspection scheduled for the Crystal/Fish/Mud Lake District discharge site in the Town of Roxbury, Dane County, was scuttled due to high water. He noted two tentative items on the agenda for a timber harvest and a structure would not be discussed because permit applications had not been received.

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

The Personnel Committee report was given by Chair Moore who said the Discretionary Merit Compensation (DMC) awards for Cupp and LWSRB Office Associate Marsha Nachtigal had been approved by OSER as had been the associated revised DMC policy.

The Executive Director's report was presented by Cupp who reviewed the materials in the board members' packets. He noted several speaking engagements to local governments had been undertaken or were scheduled in conjunction with the 25th anniversary of the Riverway project. Cupp said Cultural Landscape Legacies (CLL) and Friends of the Lower Wisconsin Riverway (FLOW) had worked on mounds maintenance sites on public and private lands in Richland County. He said a mounds maintenance conference would be held in Muscoda on April 12th.

Under board members' business, Greenwood noted the Operations Committee had heard a presentation on the potential human health effects of frac sand mining at UW-Baraboo/Sauk County earlier in the day. A link to the video will be posted on the LWSRB website.

The DNR report was presented by Matt Seguin, DNR Riverway Manager, who said open houses related to the DNR's Riverway Master Planning process will be held in Sauk City on April 22nd and Boscobel on April 23rd. Greenwood asked about the timetable for completion of the planning process. Seguin said the tentative timetable is to present proposed revisions to the Natural Resources Board in the spring of 2015.

During the public comment session, Dave Marshall of FLOW said a river planning grant had been received and would include training for citizen monitoring of water quality. Marshall said he and a colleague also have received grants to study and monitor groundwater contamination in the Town of Spring Green, Sauk County. The study will be conducted over a two year period.

Timm Zumm of FLOW noted the River Valley Studio School will visit Peck's Landing on April 17th and encouraged any adult volunteers to attend and share their knowledge with the students.

Mark Setzke, FLOW/interested citizen, provided the board with update on what he considers to be illegal pumping from Crystal Lake to a tributary of the Wisconsin River. Setzke expressed concern that the conditions of the permit were not met and that the pumping has resulted in wetland disturbance, erosion and violation of the public trust doctrine. He also said VHS testing was not completed which could have severe ramifications for the Riverway. Cupp noted the board's regulatory authority would not apply to this situation. Cary expressed frustration that villages and cities have to spend millions of dollars on municipal wastewater treatment facilities and procedures but yet this type of pumping can occur without treatment of the water before it enters the Wisconsin River. Dave Martin encouraged Setzke to contact his local legislators and force a meeting on the topic.

A motion to adjourn was made by Madison, seconded by Brown. **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