

LOWER WISCONSIN STATE RIVERWAY BOARD

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MINUTES OF THE MAY 8, 2014, RIVERWAY BOARD MEETING

The Lower Wisconsin State Riverway Board (LWSRB) met on Thursday, May 8, 2014, 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 Don Greenwood. All members were present with the exceptions of Ritchie Brown and Fred Madison. 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.** A motion to approve the minutes of the April 10, 2014, meeting was made by Ron Leys, seconded by Bob Cary. **MOTION CARRIED.**

The Executive Committee report was presented by Chairman Greenwood. The guest speaker was Roelli Dregne speaking on behalf of Roddy Dull regarding a proposal to establish a non-motorized trail from Woodman to Wauzeka and possibly connecting to a looped trail including Boscobel. She described the 4-mile trail, dubbed "The Dinky Trail", which would traverse mostly DNR lands and generally follow the railroad corridor. River crossings are to be located adjacent to railroad bridges. She noted local units of government have adopted resolutions in support of the trail and requested the LWSRB also pass a resolution in support. Greenwood said the board could support the concept but noted there were many hoops to jump through for the trail committee. George Arimond asked about trail location in relation to the rail, width and treadway. Dregne said she didn't know the precise answers. Leys asked if the Wisconsin & Southern Railroad was aware of the proposal to which Dregne replied in the affirmative and acknowledged challenges associated with locating the trail near the rail line and on the rail bridges. Greenwood asked about funding. Dregne noted there are local fundraising efforts ongoing. LWSRB members agreed that preliminary support for the concept could be expressed but added additional information was needed before a full endorsement could be made. Greenwood likened it to the board sending a letter of support for a grant proposal. He noted the timing is right with the DNR Riverway master planning process taking place. Matt Seguin, DNR Riverway Property Manager, said the trail proposal will be evaluated by DNR. Cupp said the board's role as a permitting entity will remain unclear until a final proposal is put forward. Arimond suggested DNR consider development of primitive campsites to service both canoeists and trail users.

An update regarding proposed revisions to the board's strategic plan was provided by Arimond who noted the strategic items for discussion included issues that dovetailed well with the board's comments on the DNR master plan process. Strategy 2.2 called for the board to advocate for greater access and public facilities along the Riverway. Action steps identified were for board discussion as part of the master planning process and conveying that message to DNR in June – 2014. Strategy 3.1 stated the board should develop key messages for the DNR master planning process and share with key stakeholders. Action steps identified were for board discussion as part of the master planning process and conveying that message to DNR in June – 2014. Strategy 3.3 indicated the board should communicate the critical importance of protecting/preserving the scenic beauty of the Riverway to legislators. Cupp explained the background of the DNR's Riverway land acquisition program noting the level of funding for LWSR acquisitions via the Stewardship Fund has dwindled to almost nothing. He lamented the Natural Resources Board policy to forego acquisition of scenic easements in the Riverway unless public access is included. Cupp said the change in policy represents a breach of faith with Riverway landowners who were promised that sale of scenic easements without public access as a form of compensation. He suggested the board's final comments on the DNR Riverway master planning process could be used as one method to convey the importance of the Riverway's scenic protection objectives and land acquisition program to legislators and other key stakeholders. Action steps identified were for board discussion as part of the master planning process and conveying that message to DNR in June – 2014.

Cupp then introduced a draft document sketching items for consideration by the LWSRB in conjunction with the DNR's master planning effort. Cupp suggested board members review the draft and offer comments prior to June 1st. He will provide additional narrative before the next board meeting. Martin said, in addition to concerns about invasive species, the board should express concern about "invasive industries" such as frac sand mining and that the board should

message those concerns to the Legislature. Arimond expressed support for trails and primitive campsites. Cary concurred with establishment of primitive campsites and said signage at boat landings and other key access sites should be expanded. Arimond said use of new technology for providing information should be utilized.

Cupp said an event recognizing the 25th anniversary of the Riverway project will be hosted by the LWSRB on Sunday, September 14th, at Wisconsin Riverside Resort near Spring Green. He said that tours and other Riverway oriented events will be planned for the summer and fall. The voyageur replica canoe tour schedule for 2014 will be released in the coming weeks. LWSRB hosted trips will take place over the first two weeks in July.

Personnel Committee Chair Moore said the committee will function as the Nominating Committee to present a slate of officer candidates at the June meeting. Anyone interested in running for an officer position (Chair, Vice-Chair, Secretary) should contact Moore or Cupp by June 1st. Moore expressed her desire to step down from the Secretary position. Greenwood encouraged all board members who have an interest in an officer position to let Moore or Cupp know.

Cupp said board appointments for "at-large" positions would be delayed until 2015. The appointments for Sauk and Crawford counties (Greenwood and Leys) could occur sooner.

Cupp said oral arguments in the frac sand mining case will be heard by Judge Craig Day at 2:30 p.m. on Tuesday, June 10th, at the Grant County Courthouse in Lancaster. All LWSRB members are welcome to attend but attendance is not required.

The Operations Committee report was presented by Chairman Dorscheid. A variance requested by Nick Morehouse, DNR Riverway Forester, for construction of logging roads not in strict conformance with the Riverway regulations was considered. The parcel is located in the Town of Orion, Richland County (former Burns tract). Cupp, Morehouse and the Operations Committee conducted multiple field inspections at the site. Dorscheid noted 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, 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. The Operations Committee visited the site with Morehouse and Cupp on April 10, 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.

Cupp then reviewed the board's authority and criteria related to issuance of a variance for logging roads. He said 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. 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 to address the board. In addition, the variance consideration must be published in the official state newspaper. Cupp said the DNR was notified of the LWSRB's intent to consider a variance and a special meeting notice for the variance consideration was published in the Wisconsin State Journal.

Morehouse then reviewed maps and provided additional background on road location, design and necessity. He said best management practices (BMPs) will be employed to assure erosion control. He said water bars will be installed at intervals called for by BMPs. Martin asked about the erosion control measures. Morehouse said water bars will be placed every 40-65 feet depending on the severity of the slope.

Dorscheid made a motion, seconded by Martin, to approve issuance of a variance with the following conditions:

- The logging roads shall be visually inconspicuous when viewed from the Wisconsin River during leaf-on conditions;
- The DNR Riverway Forester shall provide an erosion control plan for the roads based on best management practices (BMP) utilized by the department;
- The LWSRB or staff shall conduct a post-harvest field inspection; and,
- The activity shall be compatible with the Riverway objectives for aesthetic protection.

MOTION CARRIED.

The permit request of Karl Hausner Farms, LLC, was discussed. The consultants are Gary and Andrew Nelson of Nelson Forestry Industries. Dorscheid noted there are two parcels involved; one in the Town of Prairie du Sac, Sauk County, and one in the Town of Troy, Sauk County. Dorscheid said a field inspection was conducted by Cupp on April 14, 2014. Morehouse, Andrew Nelson and Gary Nelson also were present. Field inspection revealed portions of the proposed harvest area are visible from the river during leaf-on conditions. A scenic easement applies to a portion of the proposed harvest area. Plans call for the selective harvest of merchantable hardwoods and some small regeneration cuts for the purpose of regenerating oak. The Bluff Zone and Riverview Zone have been delineated where appropriate. Portions of the proposed harvest areas are located in the Resource Management Zone. Morehouse explained that the scenic easement required a management plan to be developed by the landowner or consultant. He said Andrew Nelson provided a management plan, which Morehouse approved. Plans call for a combination of even age harvest and selective harvest.

Dorscheid made a motion, seconded by Leys, to approve issuance of a timber harvest 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 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 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 request of The Nature Conservancy (TNC) for an extension to a previously issued management permit was considered. Cupp explained that the activity involves removal of red cedar and black locust trees in conjunction with restoration of the native plant community (prairie) at the Spring Green Preserve. Cupp said the LWSRB has worked with TNC on the project for about 20 years. Dorscheid said multiple field inspections have been conducted by Cupp and the Operations Committee since 1993. Most recently, the committee visited the site in 2012. Field inspections have revealed the blufftop was slightly visible from the river from a distance of 3-4 miles. Field inspections have further revealed the

management plan is 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 at the time of issuance of the original permit. Over the course of the past twenty-plus years, the project has been expanded and reviewed by LWSRB and DNR. The plans remain consistent and involve red cedar removal, black locust control and invasive species management. The purpose is to restore and enhance the native prairie.

Dorscheid made a motion, seconded by Cary, to approve issuance of an extension for a two-year period with retention of the original permit conditions. Conditions of the permit include:

- 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.

Cupp said he had issued a permit to Wisconsin Badger Camp for construction of a small building to be used as a store and construction of a basketball court. Neither activity will be visible from the Wisconsin River during leaf-on conditions. Cupp said Mike Leibfried had called to request an amendment to his existing permit for a construction of a garage in the Town of Woodman, Grant County. Cupp said the permit called for a maximum height of 24 feet but the new height will be approximately 24.5 feet. The additional height was approved by Cupp after consultation with the Operations Committee.

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 committee will function as the Nominating Committee and asked anyone interested in an officer position to contact her before June 1, 2014.

The Executive Director's report was presented by Cupp who reviewed the materials in the board members' packets. Cupp said the mounds maintenance conference held in Muscoda on April 12th was well attended and successful. He noted the voyageur canoe schedule would be released in the coming weeks. Cupp said tours of Frank's Hill would be offered in conjunction with the Muscoda Morel Mushroom Festival on May 17-18. He noted that a service provided by the LWSRB office relates to citizen contacts. He frequently will assist citizens with finding the right person in DNR or elsewhere in state or local government to address questions or problems.

Under board members' business, Leys noted swans are nesting in Riverway backwaters. Dorscheid thanked Cupp for speaking to the DNR retirees at their meeting in New Glarus. Moore said she had seen flocks of pelicans on the river. She asked about the deadline for comments to DNR on master plan revisions. Matt Seguin, DNR Riverway Property Manager, said the deadline is June 16th. Arimond complimented Cupp on the thorough draft report regarding board comments to the DNR on proposed Riverway master plan revisions.

The DNR report was presented by Seguin who reported on open houses related to the DNR's Riverway master planning process held in Sauk City on April 22nd and Boscobel on April 23rd. The comments received are hoped to be posted by July.

During the public comment session, comments were heard about river clean-ups, DNR's master planning process and user conflicts at the Boscobel boat landing. Roelli Dregne asked to provide additional information on the trail. She said it would be about 12 feet in width and made of compacted gravel.

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