

# LOWER WISCONSIN STATE RIVERWAY BOARD

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## MINUTES OF THE JUNE 12, 2014, RIVERWAY BOARD MEETING

The Lower Wisconsin State Riverway Board (LWSRB) met on Thursday, June 12, 2014, at the Rhinelander Cabin on the Riverway's Black Hawk Unit in the Town of Mazomanie, Dane County, to conduct a regular monthly business meeting. The meeting was called to order at 5:00 p.m. by Vice-Chair Fred Madison. All members were present with the exceptions of Don Greenwood and David Martin. 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 Bob Cary. **MOTION CARRIED.** A motion to approve the minutes of the May 8, 2014, meeting was made by Ron Leys, seconded by Melody Moore. **MOTION CARRIED.**

The Executive Committee report was presented by Madison who asked Cupp for an update on the frac sand mining court case. Cupp reported Judge Craig Day ruled the board acted erroneously in denying issuance of permits to Pattison Sand Company and the four landowners in the Town of Bridgeport, Crawford County. Cupp said the board's legal counsel, Assistant Attorney General F. Mark Bromley, had requested LWSRB members and staff refrain from further comment until a written order is received and the board and counsel have had a chance to discuss.

The proposed creation of a non-motorized trail between Wauzeka and Woodman was discussed. Cupp noted a media source incorrectly reported the board's endorsement of the trail. Leys said he had noticed the same story. At the May LWSRB meeting, a presentation on the proposed trail was heard but no action was taken. Trail supporters were to have provided Cupp with a sample resolution used by local governments to indicate support but no resolution was received. Cupp was directed to draft a statement of support for the concept of a trail but without an absolute endorsement since final details of the proposal have yet to be released. The LWSRB will consider the matter at the July meeting.

The Strategic Planning Subcommittee presented two items for considerations. Strategic Item 1.1 related to revision of statutes and administrative rules on nonmetallic mining. The specific action step considered involved establishment of a timeline for the process of changing the regulations. The LWSRB determined draft language will be developed in late summer/early fall, key legislators would be contacted following the November elections, anticipated introduction of legislation would occur in January of 2015. Strategic Item 1.2 related to garnering support for proposed law and rule changes. Under the Action Item for "create opportunities for state and local decision makers to experience the Riverway", the board determined that the voyageur replica canoe trips, the September 14<sup>th</sup> anniversary event and other special tours and events associated with the 25<sup>th</sup> anniversary of the Riverway would be methods to complete the action step. George Arimond noted there would be additional actions taken to engage local decision makers. The items mentioned in the discussion previously didn't close the book on future actions.

Madison then asked Cupp to review his recommendations for revisions to the Department of Natural Resources (DNR) Riverway Master Plan. Cupp read his memorandum to the board that detailed recommendations for changes on a wide array of topics. (The memorandum is posted on the LWSRB website and also is available upon request.) Arimond suggested that primitive campsites be developed at key

locations. Cary concurred and suggested better signage at access points. Moore said she was okay with establishment of primitive campsites but added sandbar camping is an important aspect of the Riverway recreational user experience. A motion was made by Arimond, seconded by Ritchie Brown, to amend the recommendations to DNR to include establishment of a limited number of primitive campsites along the river to be used during high water episodes. The **MOTION CARRIED** on a vote of 6 “ayes” to 1 “nay”. Discussion on Dave Martin’s concept of “invasive industries” took place. LWSRB members felt the matter should be addressed outside of the master plan revision process. Madison then said he was impressed with the recommendations detailed in the memorandum. Leys said a recreational user study should be conducted. Cupp said he had met with DNR officials on the topic with the outcome being that the DNR didn’t feel conducting a user study would be a useful expenditure of personnel and financial resources. Madison said data on the Riverway’s economic impact would be useful. Arimond noted user studies can be conducted more readily in situations where fees are assessed, which is not the case in the Riverway. Leys noted the LWSRB has supported the concept of canoe registration fees. Arimond said the Department of Tourism may be able to assist with research or may have some data available to share with the LWSRB. A motion to approve the amended memorandum for distribution to DNR officials and others was made by Leys, seconded by Arimond. **MOTION CARRIED.**

Cupp said planning for Year of the Riverway events continues. The formal event to recognize the 25<sup>th</sup> anniversary of enactment of the Riverway law will be held on September 14<sup>th</sup> at Wisconsin Riverside Resort near Spring Green. Cupp said the voyageur replica canoe trips will begin on June 27<sup>th</sup> and conclude on July 15<sup>th</sup>. He noted the re-appointments of Don Greenwood as Sauk County representative and Ron Leys as Crawford County representative had been formalized by Governor Scott Walker.

The Operations Committee report was presented by Chair Dorscheid. The permit request of Laurie Derse and Susan Phillips was discussed. The consultant is Mark Mittelstadt of Blue Ox Forestry. Dorscheid said a field inspection was conducted by Cupp on May 13, 2014. Nick Morehouse, DNR Riverway Forester, and Mark Mittelstadt also were present. Field inspection revealed portions of the proposed harvest area are highly visible from the river during leaf-on conditions. Plans call for the selective harvest of merchantable hardwoods and some small regeneration cuts for the purpose of regenerating oak and walnut. Morehouse said oak mortality has occurred in some places. The strategy is to conduct a thinning and cleaning up of the oak mortality areas with the hope of regenerating some oak but particularly walnut which is doing very well on the site. Dorscheid noted Cupp and/or Morehouse will evaluate the NW corner to assure it is not within the Bluff Zone. No new logging roads will be constructed. The harvest will occur during the times when the ground is frozen or dry and the leaves are off the deciduous trees.

Dorscheid made a motion, seconded by Brown, 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.**

Dorscheid noted the committee had discussed variance requests by two landowners. Kay Neman and consultant Andrew Nelson have requested a variance for timber harvesting in the Bluff Zone below the required basal area limits for the residual stand for a parcel in the Town of Orion, Richland County. Dorscheid said the committee viewed the site from the river earlier in the day. Cupp said he had met with Morehouse and the consultant onsite. The parcel is visible from the Wisconsin River during leaf-on conditions. Morehouse said an area of oak wilt, approximately 3.7 acres, was located on top of the bluff. The treatment for oak wilt is to cut all oak trees within the affected area as well as a buffer zone around the area. In this case, the variance is requested to cut the remaining few non-oak species to enhance opportunities for oak regeneration. A motion to initiate the variance consideration process was made by Dorscheid, seconded by Brown. **MOTION CARRIED.**

Dorscheid said the committee had conducted a field inspection at the Doug Caves property to review a variance request for logging road construction not in strict conformance with the Riverway regulations. Cupp said the law requires the board to allow for access to timber. If compliance with the slope limitations in the Riverway law can't be met, a variance may be considered. Morehouse said there is a road lower on the slope that will be used for most of the harvest but there is no way to access the upper part of the harvest area. Leys expressed concern with the steepness of the proposed road. He said the site should be monitored to assure erosion control measures are effective. Cary suggested the road be evaluated periodically for a three year period following completion of the harvest. A motion to initiate the variance consideration process was made by Dorscheid, seconded by Cary. **MOTION CARRIED.** Cupp noted the spate of variance requests in recent months represented an aberration.

Cupp said he had issued an amendment to the structure permit for Wisconsin Riverside Resort near Spring Green. Terry Shifflet submitted a permit request for a small performance stage. Cupp said he proceeded with approval after consultation with Chair Greenwood. He noted the small size of the stage and the location in an area where the board had previously approved permit issuance guided his decision.

The Budget & Office Committee report was presented by Chair Cary who reviewed the FY 14 budget. Cary noted Cupp was authorized to purchase a new canoe rack and to explore purchase of a new video camera and possible office phone replacement.

The Personnel Committee report was given by Chair Moore who noted the committee had met as the Nominating Committee to present a slate of officers for consideration by the board. There were two nominees for the Chair position: Don Greenwood and Jerry Dorscheid. There were no nominations from the floor. Paper ballots were distributed and absentee ballots were submitted by Greenwood and Martin. The tally was five votes for Greenwood

and four votes for Dorscheid. Greenwood was re-elected Chair. Fred Madison was placed in nomination for Vice-Chair and there were no nomination from the floor. A motion to close nomination was made by Leys, seconded by Brown. **MOTION CARRIED.** A motion to elect Madison as Vice-Chair was made by Moore, seconded by Arimond. **MOTION CARRIED.** Moore then offered the name of Jerry Dorscheid for the Secretary position. There were no nominations from the floor. Moore made a motion to close nominations and cast a unanimous ballot for Dorscheid, seconded by Arimond. **MOTION CARRIED.** Cupp thanked Moore for her many years of service on the Executive Committee as Vice-Chair and as Secretary. Madison made a motion, seconded by Leys, to formally extend the board's appreciation to Moore for her service on the Executive Committee. **MOTION CARRIED.** Cupp noted Moore will continue to serve as the Dane County representative.

The Executive Director's report was presented by Cupp who reviewed the materials in the board members' packets.

There were no comments under board members' business and there was no report from DNR.

During the public comment session, Forest Jahnke of the Crawford Stewardship Project (CSP) said he supported the board's recommendations for revisions to the DNR Riverway master plan. He said CSP was saddened by the Judge Day's decision to overturn the board's denial of frac sand mining permits in the Town of Bridgeport, Crawford County. Jahnke said CSP is concerned about the proliferation of frac sand mines and said the group will support the board's efforts to seek a legislation remedy to tighten nonmetallic mining regulations in the Riverway.

Timm Zumm of the Friends of the Lower Wisconsin Riverway (FLOW) expressed support for the board's comments on DNR Riverway Master Plan revisions. Zumm said FLOW will host the annual Rhythm on the River event on August 23<sup>rd</sup>.

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

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