

LOWER WISCONSIN STATE RIVERWAY BOARD

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MINUTES OF THE JULY 10, 2014, RIVERWAY BOARD MEETING

The Lower Wisconsin State Riverway Board (LWSRB) met on Thursday, July 10, 2014, at the Muscodá 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 Fred Madison and Bob Cary. 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 Melody Moore. **MOTION CARRIED.** A motion to approve the minutes of the June 12, 2014, meeting was made by Dorscheid, seconded by George Arimond. **MOTION CARRIED.**

The Executive Committee report was presented by Greenwood. The proposed creation of a non-motorized trail between Wauzeka and Woodman was discussed. Cupp reviewed a draft statement expressing the LWSRB's support for development of hiking and biking trails, where appropriate, in the Riverway. He noted the statement doesn't express specific support for the Woodman to Wauzeka trail or the Boscobel/Woodman/Wauzeka/Boscobel looped trail because details on trail location and design, including river crossing(s), have not been provided. Ron Leys asked if the statement would include support for snowmobile trails. Cupp said the statement is targeted at silent sports trails but doesn't mean that the board doesn't support snowmobile trails. A motion to adopt the draft statement as the board's position on hiking and biking trail development in the Riverway was made by Dave Martin, seconded by Ritchie Brown. **MOTION CARRIED.**

The statement approved by the board states:

The Lower Wisconsin State Riverway Board (LWSRB) supports the development of recreational use trails for silent sports (hiking, biking, cross country skiing, snowshoeing, etc.) on private and public lands within or adjacent to the Riverway boundary providing the trails are consistent with Riverway objectives to protect the scenic beauty and natural character of the lower Wisconsin River valley. The LWSRB also supports the concept of trails in the Boscobel, Woodman and Wauzeka area but withholds endorsement of a new trail or trails pending receipt of detailed formal plans regarding location, proposed uses, construction methods, river and wetland crossings, vegetative disturbance, etc.

Committee assignments were discussed. Greenwood said no board members had contacted Cupp or him to request changes in committee assignments. He recommended committee assignments for FY 14 carry over to FY 15. Greenwood then made a motion to that effect, seconded by Moore. **MOTION CARRIED.** Committee assignments for FY 15 are detailed below.

EXECUTIVE COMMITTEE:	Don Greenwood (Chair) Fred Madison (Vice-Chair) Jerry Dorscheid (Secretary)
OPERATIONS COMMITTEE:	Gerald Dorscheid (Chair) Ritchie Brown Ron Leys Bob Cary (Alternate)
PERSONNEL COMMITTEE:	Melody Moore (Chair) Ritchie Brown George Arimond

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

STRATEGIC PLANNING AD HOC COMMITTEE: George Arimond (Chair)
Melody Moore
Mark Cupp (Staff)

NOTE: The LWSRB Chair also serves as an *ex officio* member of all standing committees.

The Strategic Planning Subcommittee presented one item for consideration. Strategic Item 1.2 related to garnering support for statute and administrative rule changes. An action step for the item included two parts related to measuring the economic impact of tourism on the Riverway and looking at existing and needed research on recreational use. Arimond said the subcommittee will seek out existing data on economic impact. He said a team approach to obtaining information on recreational use should be used with partnership established between state agencies, UW system and UW-Extension. Greenwood noted the UW-Madison School of Landscape Architecture may be of help. Arimond said the “team” should include a professional with an economics background as well as someone familiar with recreation/parks management, such as programming offered at UW-LaCrosse. The subcommittee will continue to work on this action step. Cupp said the timeframe identified was 2014-17. Cupp said the information related to the local economic impact from the Riverway will be important as board members/staff discuss the project with legislators and other elected officials.

The Operations Committee report was presented by Chair Dorscheid. The permit request of Christy Helms for construction of a new garage in the Town of Spring Green, Sauk County, was considered. The consultant is Ken Meigs of Meigs, Inc. Dorscheid said a field inspection was conducted by Cupp on June 30, 2014. Mr. Meigs also was present for the field inspection. Plans call for construction of a 30 ft. x 40 ft. x 20 ft. (height) garage. Roof will be dark brown and walls will be light brown. Three trees will be removed but are not vital in providing screening. There is a limited amount of glass. Adequate screening vegetation exists at the site. The height of the structure will not result in the structure being visible from the river during leaf-on conditions. The site is located downstream of Wisconsin Riverside Resort in the “subdivision” on Riverside Drive. Ritchie Brown made a motion, seconded by Martin, to approve issuance of a permit with the following conditions:

- The existing screening vegetation shall be maintained and replaced if damaged or destroyed;
- The height of the structure shall be limited so that the structure does not become visible from the Wisconsin River during leaf-on conditions and shall not exceed 20 feet;
- The exterior colorization of the structure shall harmonize with the natural surroundings during leaf-on conditions and shall be approved by the LWSRB prior to initiation of construction;
- There shall be a limited amount of glass or other reflective material;
- The LWSRB shall review any modifications to the plans, as submitted, for compliance with the applicable performance standards;
- The landowner or his/her agent shall notify the LWSRB upon completion of the project; and,
- The activity shall comply with all other federal, state and local regulations.

MOTION CARRIED.

The timber harvest request and variance request of Kay Neman for a parcel in the Town of Orion, Richland County, was considered. The consultant is Andrew Nelson of Nelson Forest Products, Inc. Dorscheid said a field inspection was conducted by Cupp on May 21, 2014. Andrew Nelson, Gary Nelson and Nick Morehouse, DNR Riverway Forester, also were present for the field inspection. An on-river field inspection was conducted by the Operations Committee, Cupp and Morehouse on June 12, 2014. Plans call for a selective harvest of merchantable

hardwoods on a portion of the Neman property. No new logging roads will be built. Small aspen regeneration cuts will occur in the Riverview Zone. An area of oak wilt atop the bluff will be addressed. Dorscheid noted a variance was requested to remove the remaining miscellaneous species from the oak wilt treatment area for the purpose of regenerating oak. Following the removal of all oak from the infected area, the residual basal area will be approximately 20ba/acre or less. The remaining species largely will be maple and aspen, which are proposed for removal under a variance request. In essence, the variance request is for a small regeneration cut in the Bluff Zone for the purpose of regenerating oak. The size of the clearcut will be less than 4 acres. Dorscheid said a good perspective would be to think of the clearcut area as being about 400 feet by 400 feet in size.

Cupp explained the variance will enhance the ability of oak to be regenerated at the site. The small regeneration cut area would be located in the Bluff Zone but is small in size and is only visible from the river from a downstream viewpoint. Screening vegetation in the foreground also will reduce the visibility from the river. The oak wilt treatment will result in most of the trees being removed initially. Approval of the variance would result in some additional tree removal but the long term benefit aesthetically would be to enhance the opportunity for oak to become re-established at the site. He then reviewed the board's variance authority. Chapter NR 37.04(4), Wisconsin Administrative Code, regulates timber harvesting in the Bluff Zone and requires selective harvesting only with a residual basal area of 60 sq. ft./acre. 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 is 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 a variance. In addition, the variance consideration must be published in the official state newspaper. Procedurally, the DNR notification and publication of the variance request in the official state newspaper have transpired.

Greenwood asked about oak wilt spreading. Cupp said the typical treatment he is familiar with is to eliminate all oak within the infected pocket as well as a buffer around the pocket of about one tree length or 60-80 feet. Oak wilt is spread through root grafts but also can be spread by insects transmitting the fungus to an open wound on an oak tree, which is the reason for seasonal restrictions on oak harvesting. Greenwood asked if the fungus would persist in the soil. Cupp said he could not answer that question but would ask Morehouse.

Cupp said two actions are required. One motion for the regular timber harvest permit and a separate motion for issuance of the variance, if that is the board's desire. A motion to approve issuance of a timber harvest with the following conditions was made by Dorscheid, seconded by Leys:

- 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 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 new logging roads, if any, in the Bluff Zone and Riverview Zone;
- 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 variance with conditions to allow for timber harvesting in the Bluff Zone not in accordance with the performance standards of the Riverway law was made by Dorscheid, seconded by Leys. Conditions of the variance include the following:

- The landowner or his/her agent shall notify the LWSRB upon completion of the harvest activity and oak wilt treatment in the Bluff Zone; and,
- The LWSRB, staff or DNR Riverway Forester shall conduct a field inspection at the site within two-years of completion of the harvest activity to assess oak regeneration conditions.

MOTION CARRIED.

The requests of Doug Caves for an amendment to an existing timber harvest permit and a variance for logging road construction for a parcel in the Town of Wyoming, Iowa County, was discussed. The consultant is Mark Mittlestadt of Blue Ox Forestry Services. Dorscheid said a field inspection was conducted by Cupp on June 12, 2014. The Operations Committee and Nick Morehouse, DNR Riverway Forester, also were present for the field inspection. Previous field inspections were conducted by Cupp, Morehouse and Mittlestadt in conjunction with the permit issued by the board in November of 2013 for timber harvesting on another portion of the property. In addition, Morehouse met with Mittlestadt at the site to discuss and review the additional proposed harvest and logging road construction. Dorscheid said plans call for a selective harvest of merchantable hardwoods on an upland portion of the Caves property. Mostly oak will be harvested and the trees have been marked. Compliance with the applicable performance standards for the residual stand will be achieved. The purpose of the harvest is to improve the vigor of the woodlot. To access some of the timber, a new logging road will be required. The logging road will exceed the Riverway's maximum slope limitations in two short sections. Morehouse has reviewed the proposed location and determined it is the least intrusive method to access the timber. Some visibility to the river does exist but, during leaf-on conditions, there will be minimal visible impact from construction of the new logging road. Implementation of appropriate erosion control measures and periodic monitoring to assure the measures are adequate will be necessary.

Cupp noted the variance to the logging road construction standards will provide access to the timber resource, which is required under the Riverway regulations. Small stretches of the road will have a slope of 25-30%. Best management practices will be employed, which will entail construction of water bars at designated intervals and seeding of the road upon completion of the harvest. He then reviewed the applicable section of statutes and administrative code. Chapter NR 37.04(2)(b), Wisconsin Administrative Code, regulates road **LWSRB** building and in the Bluff Zone and Riverview Zone and states that roads may not exceed 10% in 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 is 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 a variance. In addition, the variance consideration must be published in the official state newspaper. Procedurally, the DNR notification and publication of the variance request in the official state newspaper have transpired.

Cupp said two actions are required. One motion is needed to approve the amendment to the existing permit for the additional harvest area and the second motion would address the variance request. Dorscheid made a motion, seconded by Brown, to amend the existing permit to include the additional area with retention of 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.

A motion to approve issuance of a variance with conditions to allow for timber harvesting not in strict conformance with Riverway performance standards for the basal area requirements of the residual stand in the Bluff Zone was made by Dorscheid, seconded by Leys. Conditions of the variance include:

- 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 utilized by DNR;
- The road shall be maintained and repaired if erosion control measures fail or are inadequate;
- The LWSRB or staff or DNR Riverway Forester shall conduct annual inspections of the roads for a three year period following completion of the harvest activity; and,
- The activity shall be compatible with the Riverway objectives for aesthetic protection.

MOTION CARRIED.

In other business, Cupp reported he attended a meeting of the Iowa County Zoning Committee regarding an issue in the Town of Clyde. The landowner, Les Oroc, wishes to change the land use designation to accommodate a campground, rental cabins, equestrian uses and possible live music. Area residents have expressed opposition. A meeting at the Clyde Community Center is expected soon. No LWSRB action required. Cupp said he would attempt to contact the landowner to provide information on the Riverway law.

The Budget & Office Committee report was presented by Chair Cary who reviewed the FY 14 budget. A motion to accept the report was made by Martin, seconded by Leys. **MOTION CARRIED.**

There was no report from the Personnel Committee.

The Executive Director's report was presented by Cupp who reviewed the materials in the board members' packets. Cupp said the voyageur replica canoe tours offered by the board were popular again this year. He said he met with Department of Transportation (DOT) officials to discuss the Hwy. 23 project from the bridge near the Taliesin Visitors Center to the south. Issues with beam guard colorization and vegetation were resolved.

Under board members' business, Leys said he would like information regarding Judge Day's decision in the Pattison case and the board's response to be made public as soon as possible.

The DNR report was given by given by Matt Seguin, DNR Riverway Manager, who reviewed bird counts being done for eagles, swans and geese. He said there have been reported bear sightings near Avoca. Seguin said the Woodman – Wauzeka trail concept is supported by DNR staff but more detailed plans must be provided. He said the Riverway crew has assisted with clean-up from tornado damage in the region.

During the public comment session, Timm Zumm of the Friends of the Lower Wisconsin Riverway (FLOW) gave an update on FLOW actives. He noted FLOW will host the annual Rhythm on the River event on August 23rd.

Forest Jahnke of the Crawford Stewardship Project (CSP) provided information on Pattison Sand Company's proposed expansion of the rail loading facility in Prairie du Chien. He said CSP will continue to monitor the proposal.

A motion to enter closed session for the purpose of conferring with Assistant Attorney General F. Mark Bromley regarding the Pattison court case and decision by Judge Craig Day was made by Brown, seconded by Dorscheid. **MOTION CARRIED.**

Following consultation with legal counsel, the board reconvened in open session. Then, a motion to adjourn was made by Arimond, 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