

LOWER WISCONSIN STATE RIVERWAY BOARD

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MINUTES OF THE MARCH 12, 2015, RIVERWAY BOARD MEETING

The Lower Wisconsin State Riverway Board (LWSRB) met on Thursday, March 12, 2015, at the Kratochwill Memorial Building in Muscodia 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. Acknowledgment that the meeting was properly noticed was provided by Mark E. Cupp, Executive Director. A motion to approve the agenda was made by Fred Madison, seconded by Jerry Dorscheid. **MOTION CARRIED.** A motion to approve the minutes of the February 12, 2015, meeting was made by Dorscheid, seconded by Melody Moore. **MOTION CARRIED.**

The Executive Committee report was presented by Chairman Greenwood. The court case involving the Pattison Sand Company was discussed. Cupp reported that attorneys from both sides have been unable to reach agreement on the wording of Judge Craig Day's order. Therefore, LWSRB legal counsel, Assistant Attorney General F. Mark Bromley, asked Judge Day to review the respective interpretations and offer his final verbiage. Greenwood noted that mining may not occur on lands within the Riverway in the interim.

Cupp said he had discussed the draft legislation for changes in the Riverway nonmetallic mining law with Marty Lehman of the Badger Mining Company. Cupp said Badger Mining is a member of the Wisconsin Industrial Sand Association. Lehman indicated that, at first blush, the legislation seemed reasonable but he wanted to withhold final judgment until a bill was introduced.

Cupp then reported on Senate Bill 21 (SB 21), the state budget bill. Cupp said he had been contacted by the State Budget Office and the Legislative Fiscal Bureau to clarify aspects of board operations in consideration of the proposed migration of the LWSRB from Tourism to DNR. He also had a conference with DNR officials including Secretary Cathy Stepp. Stepp assured Cupp the DNR would not interfere with board decision making or autonomy but would provide administrative support. Cupp said additional clarity in "delivery of administrative support" is being sought.

Revisions to the LWSRB Strategic Plan were discussed. George Arimond said the exercise involving "Identify Solutions to Threats" should be expanded to include partners beyond local entities. Arimond suggested looking to other states (California) and national governmental and nongovernmental organizations for advice on solutions to problems/threats. He noted California has vast experience with wild and scenic rivers and said the National Park Service could offer advice on issues related to boat landings and other topics. Arimond noted outfitters have led efforts establishing minimum impact standards and have worked cooperatively to resolve problems such as congestion at boat landings/access points. Arimond noted that management decisions directly impact the board's aesthetic protection mission.

The Operations Committee report was presented by Chairman Dorscheid. Cupp said the presentation on management activities at State Natural Areas in the Riverway would not occur because the presenter was unavailable. He said the board could act to extend the permits or delay action until a presentation is received. Dave Martin suggested the board delay action and questioned the value of burning as a management tool if adequate funding is not available to assure completion of timely prescribed burns. Leys said the idea of a permit means that the board should approve "permission" and the information is needed to assure an educated decision is made. Martin made a motion to delay action pending receipt of additional information, seconded by Madison. Greenwood said the DNR is understaffed and very busy at this time of year as they try to take advantage of favorable conditions for prescribed burns. Greenwood said the board knows what the activities are because the extensions are offered

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every other year and a delay in issuance of permit extensions could result in a delay in work on invasive species or moving crews to work on areas outside the Riverway. Arimond asked if the issue was funding or staff related and Greenwood said it was both.

Matt Seguin, DNR Riverway Manager, said there is confusion among DNR staff regarding when they need to show up at a board meeting for permits. Bob Cary said communication needs to be improved and training of new employees should occur. He said, in the early days of the project, the DNR Riverway Coordinator used to accompany the Operations Committee on field inspections. A vote on the motion was taken with a tally of 5 “ayes” and 3 “nays” and one member absent. **MOTION CARRIED.**

The permit request of Martin Braasch for a timber harvest in the Town of Watterstown, Grant County, was discussed. Dorscheid noted the consultant is Thomas Wyse of Kickapoo Woods Cooperative. Dorscheid said a field inspection was conducted by Cupp on February 25, 2015. Also present were Mr. Braasch, Mr. Wyse, and Allen King, DNR Grant County Forester. Snowy conditions made viewshed identification impossible. The landowner indicated a portion of the area is visible from the Wisconsin River. The projected Bluff Zone was identified by Cupp. A follow-up field inspection will be conducted by Cupp to confirm visibility and determine if the zones are accurate. A relatively small portion of the harvest area is within the boundary. Plans call for harvest of miscellaneous hardwoods and overstory removal for release of oak pursuant to an MFL plan. No new roads will be constructed. The harvest will occur during leaf-off conditions and when the ground is frozen or dry. Greenwood noted his position that additional information should be secured before action on timber permits is finalized, including the Braasch permit. A motion to approve issuance of a permit with the following standard 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 shelterwood or 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 permit request of Huerth Brothers, LLC for a timber harvest in the Town of Troy and Town of Prairie du Sac, Sauk County, was discussed. Dorscheid noted the consultant is Rick Livingston. Dorscheid said a field inspection was conducted by Cupp on March 11, 2015. Ron Huerth and Rick Livingston were present as well. Field inspection revealed portions of the harvest area are visible from the Wisconsin River during leaf-on conditions.

Plans call for harvest of miscellaneous hardwoods and overstory removal for release of oak pursuant to an MFL plan. Oak wilt pockets will be treated by removal of diseased trees with select trees to remain. One oak wilt pocket is located within the Bluff Zone. A pine plantation will be row thinned. Compliance with the basal area limitations will be achieved except for areas within the oak wilt pockets. No new roads will be constructed. The harvest will occur during leaf-off conditions and when the ground is frozen or dry. Additional timber standard improvement activities will occur in the Resource Management Zone. Cupp recommended issuance of a timber harvest permit and a management permit to address the timber stand improvement project beyond the commercial harvest.

A motion to approve issuance of a timber harvest permit with standard conditions and management permit with standard conditions was made by Dorscheid, seconded by Madison. The standard conditions for a timber harvest include:

- 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 shelterwood or 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.

The standard conditions of a management permit include:

- 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.

The permit application of Christy Helms for modification of an existing structure in the Town of Spring Green, Sauk County, was considered. Dorscheid noted a field inspection was conducted by Cupp on February 18, 2015. Todd Muchler of TM Designs also was present for the field inspection. The Operations Committee viewed the site prior to the board meeting. The house is located on the Wisconsin River near the Wisconsin Riverside Resort. Recently, the LWSRB approved a permit for construction of a new garage on the lot. Plans call for interior remodeling (not subject to board approval) and re-siding and re-roofing of the structure, which would be considered "routine maintenance activities" as long as the structure does not become larger in size or more visible from the river. The proposed siding and roof colors will match the garage with those colors previously approved pursuant to

the aforementioned permit. However, Mr. Helms wishes to expand a deck on the second story. Adequate screening vegetation exists at the site. The deck will be a natural wood color. Dorscheid made a motion, seconded by Arimond 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;
- 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 shall notify the LWSRB upon initiation and completion of the project; and,
- The activity shall comply with all other federal, state and local regulations.

MOTION CARRIED.

The application of Clarence Johnson for construction of a new house with attached garage was discussed. Dorscheid said a field inspection was conducted by Cupp on March 6, 2015. Mr. Johnson was present. Plans call for construction of a new house with attached garage on lands not visible from the Wisconsin River during leaf-on conditions. Previously, a general permit for a storage shed was approved by the LWSRB. The new structure will be adjacent to the storage shed. The maximum height of the structure will not exceed 24 feet. Dorscheid made a motion, seconded by Cary, 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 24 feet;
- The LWSRB shall review any modifications to the plans, as submitted, for compliance with the applicable performance standards;
- The landowner shall notify the LWSRB upon initiation and completion of the project; and,
- The activity shall comply with all other federal, state and local regulations.

MOTION CARRIED.

Under other business, Cupp reported he had met with a representative of Scenic Rivers Energy Cooperative regarding maintenance of a power line right of way in the Town of Millville, Grant County. The right of way is 40 feet wide but only 20 feet will be cleared to provide access. No permit required. Cupp said he was still waiting for landowner Quentin Hirtz to provide information on a proposed harvest in the Town of Marion, Grant County. Cupp said he met with Dwight Frame regarding the prospective purchase of a cabin in the Town of Mazomanie, Dane County.

Cupp said he had issued permit extensions to Matt Millen for a prairie restoration in the Town of Troy, Sauk County, and to Steve Williamson for a timber stand improvement project in the Town of Eagle, Richland County. A management permit was issued to Steven Peterzak for invasive species control on a parcel in the Town of Spring Green, Sauk County. A general permit for construction of a cabin was issued to Huerth Bros., LLC for a parcel in the Town of Prairie du Sac, Sauk County.

The Budget & Office Committee report was presented by Chair Cary who reviewed the FY 15 budget.

The Personnel Committee report was given by Chair Moore who said she wished to send a letter to Office of State Employment Relations regarding the freeze on issuance of Discretionary Merit Compensation awards for staff. The letter was reviewed. A motion to approve sending the letter was made by Leys, seconded by Madison.

MOTION CARRIED.

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

Under board members' business, Arimond asked if there had been any word from the Governor's office on appointments. Cupp said he would follow-up and report back at the April meeting.

The DNR report was presented by Seguin who reviewed activities of DNR staff. He said wood duck boxes have been cleaned out. The process of hiring summer LTEs is ongoing. Seasonal employees will return next week. The burning season started early due to weather conditions. Fire control has responded to numerous fires. Mary Ann Buenzow, DNR Southern District Forestry Leader, introduced herself. She said the Riverway Forester position recently vacated by the transfer of Nick Morehouse will remain open until the hiring freeze is lifted, probably after the biennial budget is approved. In the interim, county forestry staff will fill in. Requests for technical assistance by the board should go through her.

There were no comments offered during the public comment session.

A motion to adjourn was made by Madison, 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