

LOWER WISCONSIN STATE RIVERWAY BOARD

202 N. Wisconsin Avenue
P.O. Box 187
Muscodia, WI 53573
(608) 739-3188 or 1-800-221-3792

MINUTES OF THE OCTOBER 13, 2016, RIVERWAY BOARD MEETING

The Lower Wisconsin State Riverway Board (LWSRB) met on Thursday, October 8, 2016, at the Wauzeka village hall to conduct a regular monthly business meeting. The meeting was called to order at 5:00 p.m. by Chairman Fred Madison. All members were present with the exceptions of Ritchie Brown and Dave Martin. (NOTE: One vacancy exists.) Acknowledgment that the meeting was properly noticed was provided by Mark E. Cupp, Executive Director. A motion to approve the agenda was made by Ron Leys, seconded by Dick MacFarlane. **MOTION CARRIED.** A motion to approve the minutes of the September 8, 2016, meeting was made by Bob Cary, seconded by Gigi LaBudde. **MOTION CARRIED.**

The Executive Committee report was presented by Chairman Madison. Cupp said he was contacted by Eileen Brownlee, attorney for the Wisconsin River Rail Transit Commission, regarding the deteriorating conditions of the railroad bridge at Sauk City. The bridge has shifted significantly due to undermining of the pilings. Several years ago, the north span was removed via explosive devices which required extensive clean-up by Friends of the Lower Wisconsin Riverway (FLOW) and other volunteers. Brownlee asked Cupp if the LWSRB would require issuance of a permit for either demolition or repair with demolition the most likely option. Cupp reviewed the statutory language regarding activities taken under the supervision or direction of the Department of Transportation (DOT). The law requires DOT to notify and consult with the board but does not require permit issuance. Cupp asked for board concurrence on his interpretation which was granted. Matt Seguin, Department of Natural Resources (DNR) Riverway Property Manager, noted additional information will be gathered when river levels decrease so that divers can do a better assessment of the condition of the pilings. Leys said repair should not be an option and that clean-up following demolition must be assured. MacFarlane agreed that removal is the best option.

Cupp reported that the semi-annual report from Pattison Sand Company regarding the Bridgeport mine had been received. There have been no mining activities in the Riverway. He said Laurie Elwell is working with him on her Master Naturalist certification. She hopes to develop a guide for riparian landowners to assist in management of shoreline vegetation. MacFarlane distributed a booklet from the Aldo Leopold Foundation entitled "My Healthy Woods" which assists landowners with stewardship. LaBudde said she assisted with development of the booklet and applauded MacFarlane's business for helping with distribution. Cupp said has been asked to assist with two documentaries involving the Riverway. Tim Jacobson and partners are developing a film called "Decoding the Driftless" and Jesse Heib is doing a documentary on the Wisconsin River based on his stand up paddleboard experience. The documentary "Gone Paddling" is slated for production in the coming months.

Cupp noted Jerry Dorscheid's reappointment as Iowa County representative to the LWSRB has been formalized by Governor Scott Walker. Dorscheid has served on the board since 2004. Cupp said Dave Martin will continue to serve as Richland County representative until a replacement is named. Governor Walker's appointments staff is working on the matter.

The Operations Committee report was presented by Chair Dorscheid. The request of Jack Kussmaul for an extension to a previously issued management permit in the Town of Millville, Grant County, was considered. Dorscheid noted an initial field inspection was conducted by Cupp on November 27, 2002. Mr. Kussmaul was present for the field inspection. The field inspection revealed the majority of the site is visible from the Wisconsin River during leaf-on conditions. Subsequently, the Operations Committee and Cupp have visited the site periodically to monitor progress. Plans call for the restoration of prairie and oak savanna. Prescribed burning and removal of undesirable species will occur. Aspen will be girdled and other non-oak savanna species will be removed. No structures will become visible from the river as a result of the activity. The activity is consistent with protection of the scenic beauty and natural character of the site. The activity has been deemed appropriate for the site by Bill Carlson, former DNR Riverway Forester. Since

issuance of the original permit, the board has issued a series of extensions and modifications to the permit. Cupp and the Operations Committee will conduct another field inspection in 2017. Work continues at the property with no new modifications to the management activity.

Dorscheid made a motion, seconded by Leys, to approve issuance of a two-year extension with retention of the following permit conditions:

- 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 request of Marty Braasch for an extension to a previously issued timber harvest permit in the Town of Watterstown, Grant County, was considered. Dorscheid noted 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 was 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. The harvest has not been initiated but Mr. Braasch has requested an extension in case he doesn't complete the activity prior to permit expiration.

Dorscheid made a motion, seconded by Cary, to approve issuance of a one-year extension (until March of 2018) with retention of the following permit 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 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 Frank Lloyd Wright Foundation/Taliesin for an extension to a previously issued management permit in the Town of Wyoming, Iowa County, was considered. A field inspection was conducted by Cupp in conjunction with previous permit activity at the site. Plans call for removal of non-native invasive species throughout

the Taliesin property with the exception of the area between CTH C and the river in the vicinity of the visitor center. The activity has been deemed appropriate for the site by former DNR Riverway Forester Brad Hutnik and DNR Forester Jason Sable. No new structures become visible from the Wisconsin River as a result of the activity. Pursuant to the recent agreement between Taliesin Preservation, Inc. (TPI), and the LWSRB, TPI will provide specific information on the areas for which an activity(ies) will be targeted. Aerial photographs, topographic maps, sketches or diagrams with the work areas indicated are acceptable.

Mr. Degen has provided an aerial photograph of the site which will be visible from the Wisconsin River during leaf-on conditions. The site is downstream of the STH 23 bridge. There will be treatment of invasive species through herbicide in a larger general area and cutting of red cedar, ironwood and other fire intolerant species in a smaller area. No new structures become visible from the river as a result of the activity. LaBudde noted she is familiar with the site and said the invasive species require removal to protect and enhance the high quality habitat that remains.

Dorscheid made a motion, seconded by Cary, to approve issuance of a two-year extension and approval of modification of the existing permit to reflect the new activity. Conditions of the permit will be retained and will include the following:

- The activity shall not result in an existing structure becoming visible from the Wisconsin River during leaf-on conditions;
- The LWSRB shall approve any modifications to the plans as submitted; and,
- The applicant or his/her agent shall notify the LWSRB upon initiation and completion of the project.

MOTION CARRIED.

The request of Brad Bay for construction of a storage shed in the Town of Richwood, Richland County was considered. Dorscheid said a field inspection was conducted by Cupp on September 22, 2016. Mr. Bay also was present for the field inspection. The Operations Committee and Cupp also visited the site prior to the board meeting. Plans call for construction of a large storage shed (64 ft. x 24 ft. x 24 ft. in height) south of Hwy. 60 and north of the Wisconsin River. Adequate screening vegetation exists at the site. The walls and roof color will be brown. There will be a limited amount of glass or reflective material. The height of the structure will not result in the structure being visible from the river during leaf-on conditions. The slope of the site is not a factor.

A motion to approve a permit with the following conditions was made by Dorscheid, seconded by LaBudde:

- 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 exterior colorization of the structure shall harmonize with the natural surroundings during leaf-on conditions;
- The LWSRB shall review any modifications to the plans, as submitted, including exterior colorization, 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 request of Kathleen Santos and Kehli Mason for construction of a house in the Town of Clyde, Iowa County was considered. Dorscheid said a field inspection was conducted by Cupp in the summer of 2016. Ms. Santos and Ms. Mason also were present for the field inspection. Plans call for razing of an existing cabin and reconstruction of a new house on the old foundation. The structure will be 22 ft. x 32 ft. x 24 ft. in height. The exterior will be olive

green with a brown roof. A porch will be constructed on two sides of the lower story. Adequate screening vegetation exists at the site. There will be a limited amount of glass or reflective material. The height of the structure will not result in the structure being visible from the river during leaf-on conditions. The slope of the site is not a factor.

Subsequently, Cupp learned that construction on the new house had begun without the LWSRB permit in place. He and the Operations Committee visited the site on October 13, 2016. Committee members expressed concern with the height and suggested additional screening vegetation be established. Cupp noted the height of the rebuilt structure is similar to the previous house. He suggested the board proceed with issuance of a permit with conditions and forego a written warning or cease and desist order. Cupp said he believed the landowners made a mistake and didn't fully comprehend the requirements of the Riverway law. Madison said that Cupp's approach to resolution of the violation was both kind and generous. Leys expressed concern with the violation and said the landowners should be made aware of the board's displeasure. Madison said the cover letter accompanying the permit should be sternly worded so the landowners are cognizant of the board's concerns. Cupp said he would hand deliver the permit to the landowners and discuss the need to follow the Riverway law, including the permit conditions. LaBudde said she would like to be present when Cupp meets with the landowners.

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;
- Three trees with species and locations to be determined by the LWSRB Executive Director and DNR Forester, in consultation with the landowners, shall be planted to provide additional screening vegetation, with the trees to be a minimum of 8 feet in height at the time of planting. The trees shall be planted by May 31, 2017, and shall be 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 exterior colorization of the structure shall harmonize with the natural surroundings during leaf-on conditions;
- The LWSRB shall review any modifications to the plans, as submitted, including exterior colorization, 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.

Cupp said the timber harvest on the Joyce Hagen property in the Town of Wauzeka, Crawford County, had been completed. He noted a management permit issued to Jason Sable, DNR Forester, will be amended to reflect removal of box elder trees and grape vines at a tree planting on the former Munz property in the Town of Millville, Grant County. Cupp said DOT officials will make a presentation regarding the STH 60 Muscoda to Gotham project at the December meeting. Cupp will attend an agency meeting with DOT to discuss options for the STH 130 bridges replacement project. He noted a new cell tower is planned near Avoca but the base of the tower will not be located within the Riverway boundary so the board has no jurisdiction. Unfortunately, the tower will be visible from the Wisconsin River. He said a landowner in the Town of Troy, Sauk County, has expressed interest in a prairie restoration project but an application has not been filed as of yet. Cupp said he issued a general permit to Dale Paul for the addition of a deck on a house in the Town of Troy, Sauk County. The site is not visible from the Wisconsin River during leaf-on conditions.

The Budget Committee report was presented by Chairman Cary who reviewed the status of the FY 17 budget. Cupp then reviewed the board's 2017/2019 biennial budget request as submitted to the State Budget Office. The request is for \$224,300 which represents a decrease of 1.4% from the current fiscal year. The decrease is a result of increased contributions by employees to fringe benefits.

The Personnel Committee report was given by Cupp who said the committee is expected to meet with DNR Human Resources officials to discuss possible reclassification of the Office Associate position.

The Executive Director's report was presented by Cupp who reviewed the materials in the board members' packets. Cupp said two new Kids Don't Float kiosks will be placed in the Riverway at the Orion boat landing the Port Andrew boat landing, both in Richland County. He said a contingent of UW-Platteville students volunteered at Frank's Hill as part of a community service project. They did brush removal and general clean-up around the mounds on Hill East. Cupp said the Cultural Landscape Legacies annual tour will take place on October 15th and will include stops at mound groups in the Wisconsin Dells area as well as a visit to Louis' Bluff. Also on October 15th, artist Jen Salt will debut the paintings from her Sixty West project in Plain. The works will be displayed in Boscobel in November. Salt has painted images from along the Hwy. 60 corridor to capture scenes before a future highway project changes the landscape.

Under LWSRB members business, MacFarlane noted Sauk City and Prairie du Sac are conducting long range planning, including the interface between the communities and the river. Cupp said he had quickly reviewed the draft and noticed the LWSRB wasn't mentioned as one of the partners to be included in river planning efforts.

The DNR report was provided by Seguin who reviewed DNR activities in the Riverway including pheasant stocking, mowing and fall burning. He said DNR had received reports of bear sightings in the Spring Green/Arena area. Cupp conveyed his thanks to Jason Sable for assisting with the timber harvest review at the Jamey Wardell property in the Town of Pulaski, Iowa County.

There were no comments made from the public during the allotted time.

A motion to adjourn was made by MacFarlane, seconded by Dorscheid. **MOTION CARRIED.**

END

For further information, corrections, additions or deletions to the minutes, contact Mark Cupp, Executive Director, at (608) 739-3188 or 1-800-221-3792.