

LOWER WISCONSIN STATE RIVERWAY BOARD
202 N. Wisconsin Avenue
P.O. Box 187
Muscoda, WI 53573
(608) 739-3188 or 1-800-221-3792

MINUTES OF THE JANUARY 12, 2006, RIVERWAY BOARD MEETING

The Lower Wisconsin State Riverway Board (LWSRB) met on Thursday, January 12, 2006, at the Kratochwill Memorial Building in Muscoda to conduct a regular monthly business meeting. The meeting was called to order at 5:00 p.m. by Chairman Bill Lundberg. All members were present with the exception of 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 Jerry Dorscheid, seconded by Nick Nice. **MOTION CARRIED.** A motion to approve the minutes of the December 8, 2005, meeting was made by Don Greenwood, seconded by Dorscheid. **MOTION CARRIED.**

The Executive Committee report was presented by Chairman Lundberg who noted there was no new correspondence to report. Lundberg said the board had conducted a special meeting to review the LWSRB strategic plan and asked Cupp to review the remainder of the process. Cupp said the revisions proposed by LWSRB members would be incorporated into the plan. The revised plan would be distributed to members prior to the next meeting for review. Final action on the revisions would be expected at the February 9th board meeting. Lundberg then asked for an update on the noise regulation issue. Cupp said he and Greenwood would attend the January 25th Natural Resources Board meeting to present LWSRB concerns on noise regulation in the Riverway. He said comments would focus on the correspondence previously sent to DNR officials requesting uniform and unilateral enforcement of noise regulations.

The Operations Committee report was presented by Chairman Dorscheid. The permit request from Jeff Maier and Mark Johnson of Cedar Valley Preserve and a warning issued to Cedar Valley Preserve for violation of the Riverway timber regulations on lands in section 19, Town of Clyde, Iowa County, were considered. Dorscheid noted a field inspection was conducted by Cupp on December 19, 2005. Brad Hutnik, DNR Riverway Forester, and Mr. Maier also were present for the field inspection. Dorscheid said the field inspection revealed portions of the site are visible from the Wisconsin River during leaf-on conditions. An active harvest was discovered at the site and a new logging road had been installed in the Bluff Zone and Resource Management Zone. The harvest had occurred in the Resource Management Zone only.

Cupp informed Mr. Maier that the harvesting of timber without a Riverway permit and the building of a logging road without a Riverway permit and with slopes steeper than allowed under NR 37 constituted violations of the Riverway law. Cupp noted the logging road, while partially located in the Bluff Zone, was minimally visible from the Wisconsin River. Cupp agreed to issue a general permit to allow the harvest to continue on the lands not visible from the river. The lands visible from the river (Riverview Zone and Bluff Zone) were delineated by Cupp. Cupp and Hutnik explained that no harvesting could occur in this area until a permit had been obtained and the trees slated for harvest had been marked and approved.

Mr. Maier said plans call for the selective harvest of merchantable hardwoods. He said the intent is to harvest only trees 16" DBH or greater. No additional roads are planned. Mr. Maier explained that he was unaware of the need for a Riverway permit. He and his partner recently purchased the property at auction (formerly owned by Dusan Markovich of Great Lakes Machinery and Grinding). He said the plans for the property are for a hunt club (pheasant and deer/archery only), family outdoor recreation and corporate retreats. He said the Riverway objectives are consistent with their long term plans.

Since the initial field inspection, the trees slated for harvest in the Riverview Zone and Bluff Zone were marked. A field inspection was conducted by Hutnik on Tuesday, January 10th, and the marking was found to comply with the applicable performance standards. A mitigation plan to address erosion control issues associated with the logging road also was prepared by Hutnik based on his visit to the site on January 10th. The Operations Committee field inspection was conducted earlier in the day on January 12th. A power point presentation was shown including digital images, the warning issued to Cedar Valley Preserve, topographic maps, aerial photographs and the logging road mitigation plan prepared by Hutnik.

Cupp noted the parcel includes land in section 30, Town of Clyde, Iowa County, which should be included in the boundary due to visibility from the river during leaf-on conditions. He said, for some reason, when the maps were created, these lands were excluded. Cupp said he assumed this was an error of omission because there seems to be no other reasonable explanation. He said, when the next boundary revisions occur, this area should be targeted for inclusion in the project boundary.

Hutnik then described the mitigation plan prepared for the logging road. He said the plan would require implementation of best management practices (BMP) for the road. Hutnik said a slope of 25% or greater would require installation of water bars at a minimum of every 40 feet. As the slope lessens, the distance between required water bars is greater. Hutnik said the mitigation plan also would require re-seeding of the road. The work should be completed by June 1, 2006, although sooner likely would be better. Lundberg asked if the road would have been built in that location whether it was in the Riverway or not. Hutnik said he would have preferred the road be lengthened and slope decreased to tie two harvest areas together and also to be consistent with BMPs.

Cupp explained that two separate actions were required by the board. One motion should address the violation and the remedy ordered by the board. The second motion should address issuance of a permit for the harvest of timber on lands visible from the river.

Ron Leys made a motion, seconded by Greenwood, to require implementation of the mitigation plan prepared by Hutnik for the logging road. The mitigation plan would include installation of water bars and re-seeding of the road by June 1, 2006. **MOTION CARRIED.**

Dorscheid then made a motion, seconded by Melody Moore, to approve issuance of a permit for the timber harvest 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, 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 approve of the location and design of all small regeneration cuts, if any, in the Riverview Zone;
- The LWSRB shall approve 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;
- If necessary, the Bluff Zone, Riverview Zone and Resource Management Zone shall be delineated prior to initiation of the harvest;
- All trees selected for harvest shall be appropriately marked and approved by the LWSRB prior to initiation of the harvest;
- The landowner or his/her agent shall notify the LWSRB within 10 working days upon completion of the harvest and the LWSRB shall conduct a post-harvest field inspection; and,
- The LWSRB shall approve of any modification of the plans as submitted.

MOTION CARRIED.

The permit request of Lyle Bender for a timber harvest in the Town of Boscobel, Grant County, was considered. Dorscheid said a field inspection was conducted by Cupp on January 3, 2006. Mr. Bender and Brad Hutnik, DNR Riverway Forester, also were present for the field inspection. Field inspection revealed portions of the harvest area are visible from the river. The site is located in the bottomlands west of Boscobel. The harvest area encompasses the River Edge Zone, Riverview Zone and Resource Management Zone. The majority of the harvest area is located in the Resource Management Zone. The trees slated for harvest have not yet been marked. Plans call for the selective harvest of merchantable hardwoods. No new roads will be built if access is acquired from the neighboring landowner. A power point presentation was shown depicting the harvest area and Riverway boundary. Hutnik said the area is quite wet in many places with the timber subject to a number of adverse conditions including ice floes and beavers. Hutnik suggested an intermediate harvest or thinning utilizing pulp may be in order. He noted that there is a limited opportunity to conduct a harvest in bottomland sites due to the wet conditions. Cupp described a bottomland harvest on state owned lands that was not able to be conducted for several years until the conditions were just right. A member of the public, Jerry Stram – Prairie du Chien, said it takes a good freeze to avoid damage by heavy equipment. Hutnik noted the he has been reviewing seasonal restrictions for harvesting in the bottoms and said late summer/early fall may be more appropriate for a bottomland harvest if conditions are dry enough.

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

- The harvest shall comply with the basal area limits for the residual stand in the River Edge Zone and Riverview Zone as detailed in Chapter NR 37, Wisconsin Administrative Code;
- In the River Edge 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 approve of the location and design of all small regeneration cuts, if any, in the Riverview Zone;
- The LWSRB shall approve the location and design of all new logging roads, if any, in the River Edge 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;
- If necessary, the River Edge Zone, Riverview Zone and Resource Management Zone shall be delineated prior to initiation of the harvest;
- All trees selected for harvest in the River Edge Zone and Riverview Zone shall be appropriately marked and approved by the LWSRB prior to initiation of the harvest;
- The landowner or his/her agent shall notify the LWSRB within 10 working days upon completion of the harvest and the LWSRB shall conduct a post-harvest field inspection; and,
- The LWSRB shall approve of any modification of the plans as submitted.

MOTION CARRIED.

An update on the proposed construction of a communications tower on Thuli Road in the Town of Spring Green, Sauk County, was discussed. Cupp said the Sauk County Board of Supervisors had approved a resolution to proceed with acquisition of the site at a cost of \$95,000. Cupp provided copies of information distributed to the Sauk County Board as well as the text of his statement to the Sauk County Board on December 20, 2005. Cupp said he had contacted the members of the Communications Infrastructure Committee (CIC) after a harsh e-mail message was sent to a CIC member by a local citizen opposed to the tower. Cupp said he wanted to assure that the CIC members understood that the private citizen was speaking for himself and certainly did not represent the LWSRB. Cupp said the

CIC members indicated they respected the LWSRB's position in the controversy but felt they had to take the action necessary to construct a tower at the site. Lundberg thanked Cupp for his perseverance and steadfast opposition to the tower at Thuli Road.

Cupp then provided the board with an update on the Fish Lake pumping project. He said the outfall or discharge area had been a concern of some board members. He provided a document showing the planting plan for the discharge area. Hutnik noted the species to be used are appropriate for the site.

Hutnik then told the board about the next meeting of the Forest Health Committee slated for February 9th. He said the committee will discuss the status of the gypsy moth in Wisconsin and also will hear an update on the emerald ash borer, a new threat looming in Michigan and other eastern states and moving toward Wisconsin.

Cupp reviewed permits he had issued since the December meeting. A general permit was issued to Cedar Valley Preserve for the harvest of timber on lands not visible from the river during leaf-on conditions in the Town of Clyde, Iowa County. A general permit was issued to Mark Johnson for construction of a house on lands not visible from the river during leaf-on conditions in the Town of Clyde, Iowa County.

Cupp then reported he was working with Hutnik and Bob Swartz of the Wisconsin Department of Transportation – District 5 on alternative plantings for the walls along STH 60 between Boscobel and Wauzeka. Cupp said the Virginia creeper recommended by the consultant wasn't providing the desired coverage. He said additional plantings of shrubs, trees, woody vegetation and vines would be recommended. A review of the proposal would be presented at the February LWSRB meeting.

The Budget & Office Committee report was presented by Chairman Nice who reviewed the status of the FY 06 budget. Cupp noted the report represents the mid-year figures and said expenditures are on track. Cupp noted the repeal of automatic gas tax indexing may impact LWSRB funding. He explained that the board is funded by SEG dollars from the conservation fund. Cupp said 75% of board funding is derived from the motor boat gas tax account and 25% is derived from the forestry mill tax account. He said discussions with the Department of Administration –State Budget Office have been initiated to determine what, if any, effects may be seen from repeal of the automatic gas tax index. Cupp said there do not appear to be immediate effects, at least not for the current biennium, but there may be influences in funding sources for the board in the next biennium.

The Personnel Committee report was presented by Chairperson Moore who discussed the annual evaluation of the Executive Director. Moore said the Personnel Committee met on January 12th to discuss the evaluation. She said Judy Marti, Human Resources Director for the Department of Tourism, joined the committee by telephone. Moore said evaluations were received from 8 of 9 board members. She said Cupp received a score of 47.5 out of a possible 48. Moore read some of the comments made by board members on the evaluation forms. She said the committee recommended an excellent rating be given to Cupp. A motion to give Cupp an "excellent" rating on his evaluation was made by Dorscheid, seconded by Nice. **MOTION CARRIED.**

Moore said the committee also discussed issuance of a Discretionary Compensation Award (DCA) to Cupp. She said the maximum award would be \$2.41/hour. The committee recommended an award of \$2.10/hour to be effective on January 22, 2006. She said the award was for prolonged excellent performance and work on special projects. Moore made a motion to provide Cupp with a DCA at the aforementioned level with the January 22nd effective date, seconded by Nice. **MOTION CARRIED.** Board members complimented Cupp on his efforts on behalf of the board. Cupp thanked the board for the recognition and also recognized Marsha Nachtigal, Office Associate, for her contributions to the success of the program. He said the LWSRB does a tremendous amount of work for only two people and a limited budget. He said it was hard to believe 16 years had passed since he was hired by the LWSRB.

LWSRB MINUTES/JANUARY 12, 2006

PAGE -5-

The Executive Director's report was given by Cupp who reviewed the materials in the board members' packets. Cupp said the Wisconsin Scenic Byways program finally had become operational. He said the handbook accompanying the application packet was now available but said he hadn't had time to thoroughly review it. A power point presentation on the proposed STH 60 route was viewed. Cupp recognized Nachtigal for her diligence and problem solving efforts in preparation of the power point presentation. He said the presentation would be further refined and then presented to local units of government and other interest groups. Cupp gave an update on Cultural Landscape Legacies (CLL) activities. He said the CLL quarterly board meeting would be held on Friday, January 13th. Activity related to maintenance of effigy mound groups on state owned lands in the Riverway continues.

The DNR report was given by Brad Hutnik, DNR Riverway Forester, who reported harvesting on state owned lands in the Town of Mazomanie, Dane County, had been completed. He said it is unlikely that any bottomland harvests will be initiated this winter. He said harvesting does continue at the former Mathews tract near Avoca and on a parcel near Tower Hill State Park. Hutnik said a Bottomlands Ecology meeting be held on February 21st in Spring Green. Leys asked about fire danger now that the snow is gone. Hutnik said burning permits are not yet required but that could change soon if precipitation is not soon received.

No comments were made during the public comment session.

A motion to adjourn until February 9th when the meeting again will be held in Muscoda was made by Greg Greenheck, seconded by Ritchie Brown. **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.

Minutes submitted by:

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