

LOWER WISCONSIN STATE RIVERWAY BOARD

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MINUTES OF THE JUNE 8, 2006, RIVERWAY BOARD MEETING

The Lower Wisconsin State Riverway Board (LWSRB) met on Thursday, June 8, 2006, at the Rhinelander Cabin 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 Chairman Bill Lundberg. All members were present with the exceptions of Fred Madison, Greg Greenheck and 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 Don Greenwood, seconded by Nick Nice. **MOTION CARRIED.** The minutes of the May 11, 2006, meeting then were considered. A motion to approve was made by Ron Leys, seconded by Melody Moore. **MOTION CARRIED.**

The Executive Committee report was presented by Chairman Lundberg. Lundberg noted that Melody Moore and Nick Nice had been re-appointed to the board by Governor James Doyle. Moore represents Dane County and Nice represents Grant County. Lundberg said the Wisconsin State Senate also had confirmed his appointment and that of Ritchie Brown. Lundberg and Brown serve as "at-large" representatives representing recreational user groups. Cupp noted an updated membership list had been provided in the packets.

The issue of noise regulation of watercraft on state waters, including the Riverway, was discussed. Greenwood said he and Cupp had attended a public hearing conducted by the Department of Natural Resources (DNR) in Prairie du Chien on May 24, 2006. Greenwood said testimony was provided regarding the proposed revision to Chapter NR 5, Wisconsin Administrative Code. The proposed rule revision would require testing of airboats and hovercraft to take place at a minimum of 300 feet away. Greenwood said the LWSRB testimony clearly indicated that the board did not wish to create a ban for any specific type of watercraft but, rather, encourage equitable treatment of all watercraft in regard to enforcement of the 86 db limit. Greenwood said the testimony also encouraged all watercraft to be tested at 50 feet to avoid creation of a double standard or separate class of watercraft. Cupp noted there was a great deal of animosity toward canoeists expressed by airboat and hovercraft operators at the hearing. Leys said his experience has been that user conflicts may be heated for a while but usually fade away.

A member of the public, Ruth Bender-Sauk City, said she supported changes in the law and said the airboats are disruptive and noisy, particularly, when they travel back and forth over the same stretch of river. A member of the public, Dean Faber, said the noise created by airboats, hovercraft and other loud boats compromises the quality of the Riverway experience. He said you often can hear the airboats coming from a long distance away and then can hear the craft for another long period after they have gone by. A member of the public, Timm Zumm-Spring Green, said the Friends of the Lower Wisconsin (FLOW) also support changes in the law that would treat all watercraft the same without a ban on any specific type of craft. Greenwood noted comments would be accepted by DNR officials until June 9th.

Lundberg noted a letter had been received from River Arts, Inc., regarding the Smithsonian exhibit "Between Fences." The exhibit will be in several places in Wisconsin in 2007 and 2008. The exhibit will be in the Sauk-Prairie area from February 23rd through April 5, 2008.

The Operations Committee report was presented by Chairman Dorscheid. The permit request of Donald and Irene Golembiewski for construction of a stairway/walkway in the Town of Spring Green, Sauk County, was discussed. Dorscheid said a field inspection was conducted by Cupp in conjunction with previous permit activity at the site. Plans call for construction of a stairway over a 9-foot high bank into the bottomlands followed by construction of a partial wooden walkway to provide access to the river. The walkway will be 30 feet in length and 42 inches in width and will not have a railing. It will traverse a muddy spot in the path. At the river's edge, a wharf, not to exceed 3-ft. x 20-ft., will be constructed of wood and will not have a railing. A small temporary stairway, less than 24 inches in width and 4 feet in length, will be used to access the wharf and minimize erosion on the riverbank. The stairs will be made of treated wood and will be removed when not in use. The wharf will be constructed of wood and will be less than 3 feet in width and 20 feet in length and will not have a railing. The wharf will comply with the size limitations of the Riverway law. Cupp reviewed the statutory definitions for walkway, stairway and wharf as well as the associated performance standards.

Golembiewski cont.

Dorscheid made a motion, seconded by Leys, to approve issuance of a permit for the stairway/walkway combination with the following conditions:

- The walkway shall be visually inconspicuous;
- The walkway shall have sufficient safeguards to prevent erosion;
- The walkway shall be for pedestrian use only;
- The activity shall comply with all other applicable federal, state and local regulations;
- The LWSRB shall approve of any modifications to the plans, as submitted; and,
- The landowner shall notify the LWSRB upon initiation and completion of the project.

MOTION CARRIED.

Cupp then reviewed a permit he issued to Steve Colden, DNR Riverway Manager. Cupp said a general permit was issued to Colden for placement of a Riverway unit sign in the Town of Arena, Iowa County, at the intersection of Helena Road and River Road. Cupp said some clearing of the site was necessary before placement of the sign. The site is not visible from the Wisconsin River.

Cupp said he had met with John Adams to review the planting plan required by a previously issued permit. He said the permit conditions required planting of two trees at the site in the Town of Eagle, Richland County. Cupp said his recent field inspection revealed the addition of one tree would be adequate. The tree has been planted. Cupp requested the board amend the permit to reflect the change in the permit conditions from requiring two trees to one tree. A motion to amend the permit was made by Dorscheid, seconded by Leys. **MOTION CARRIED.**

Cupp reported the tree planting required by the LWSRB to remedy the warning issued to Taliesin Preservation Commission had been implemented. Four trees were required to be planted at designated locations near the Frank Lloyd Wright Visitor Center in the Town of Wyoming, Iowa County. Cupp said the locations had to be altered slightly due to underground lines. Cupp said he had met with Department of Transportation officials regarding the proposed reconstruction of the USH 14 bridge. He said artist renderings of bridge options may be available by the September board meeting, which will be in Spring Green. Cupp said he had spoke to Dan Hartung about a proposed ethanol plant in the Town of Arena, Iowa County, near the existing Hartung chemical storage facility. He said plans for the ethanol plant are in the preliminary stages and little information currently is available. Cupp noted the site of the proposed plant is not within the Riverway boundary. An update on the proposed Boscobel Airport project was provided. Brad Hutnik, DNR Riverway Forester, said he had provided the consultant with some species to consider for planting along the riverbank and had requested additional information from the consultant. A final proposal has not been completed.

The Budget & Office Committee report was presented by Chairman Nice who reviewed the status of the FY 06 budget. Nice noted the new canoe had been ordered and should be in hand by the end of June. Leys suggested the LWSRB register both the old canoe and new canoe, even though it isn't required. Nice said that he hears complaints frequently that canoes use the boat landings but don't have to pay a fee. Cupp noted that the LWSRB has a longstanding policy proposing registration fees for canoes just as there is for motorized watercraft. A motion was made by Greenwood, seconded by Leys, to register both canoes. **MOTION CARRIED.**

The Personnel Committee report was presented by Chairwoman Moore who said the Nominating Committee had met to develop a slate of officers for consideration by the board. Moore said the committee recommended retaining the current suite of officers including Bill Lundberg as Chair, Melody Moore as Vice-Chair and Nick Nice as Secretary. She said no other board members had expressed interest in an officer position.

The office of Chair was considered. Moore nominated Bill Lundberg for the office of Chair and then thrice called for nominations from the floor. A motion was made by Leys, seconded by Greenwood, to close nominations and cast a unanimous ballot for Lundberg. **MOTION CARRIED.** The office of Vice-Chair was considered. Moore turned the

committee chair over to Greenwood. Greenwood said the committee had nominated Melody Moore for the office of Vice-Chair. Greenwood then thrice called for nominations from the floor. A motion was made by Dorscheid, seconded by Leys, to close nominations and cast a unanimous ballot for Moore. **MOTION CARRIED.** The office of Secretary was considered. Moore resumed the committee chair. Moore nominated Nick Nice for the office of Secretary. Moore thrice called for nominations from the floor. A motion was made by Leys, seconded by Lundberg, to close nominations and cast a unanimous ballot for Nice. **MOTION CARRIED.**

The Executive Director's report was given by Cupp who reviewed the materials in the board members' packets. Cupp said the Bloyer (Twin Lizard) mound group in the Town of Orion, Richland County, had been nominated for designation on the National Register of Historic Places. Cupp said Cultural Landscape Legacies had given a mounds tour to a group from the National Resources Foundation on May 13th and had participated in the Muscoda Mushroom Festival again this year (May 20-21) and had a good turnout for lectures and effigy mound site tours. Cupp noted he had reserved the large DNR voyageur canoes for the May meeting and would be arranging for a board canoe trip on July 13th as well as another trip for local officials, probably on Wednesday, July 12th.

The DNR report was presented by Steve Colden and Brad Hutnik. Colden said the department had purchased a 3.69 acre parcel in the Town of Wauzeka, Crawford County. He said there haven't been any protests at the Mazomanie Beach yet this year. Colden said he and Cupp would provide a tour of the Riverway to the new Department of Administration budget analyst handling Riverway issues on June 28th. He said Mark Dudznik had been hired as the new DNR archeologist. Colden said vandalism on state properties had increased in the Mazomanie area as had illegal dumping. Colden noted he and the Operations Committee had met with Tim Astfalk of Mead & Hunt regarding the Crystal Lake pumping project and problems with the outfall area in the Town of Roxbury, Dane County. Colden said the consultant is expected to propose alterations to the outfall area in the coming weeks.

Hutnik said the harvest at the Mazomanie Dog Trial area was complete and represented the last harvest of the season. Sales for the fall and winter of 2006-2007 will come before the board at the July meeting. Cupp asked if road remediation at the former Mathews tract had been completed. Hutnik said the road repair was successfully implemented. He said some works remain at the CTH C harvest near Tower Hill State Park.

During the public comment session, Kevin Isenring of the Town of Mazomanie, Dane County, said the LWSRB website was not current and asked that references to Black Hawk Ridge be changed to Black Hawk Unit. He asked to be added to the mailing list for minutes and meeting notices. Isenring said he sees people camping in the closed area all the time and said there doesn't appear to be any enforcement. He expressed concern about human waste on sandbars. Isenring suggested there should be better signage directing river users to designated restroom facilities or portable toilets. Timm Zumm of Spring Green suggested information is available to the "Leave No Trace" website. Leys suggested providing the canoe livery operators with maps of the toilet locations. Isenring said the amount of human waste on islands and sand bars is a major issue, especially after a full use season.

Ruth Bender of Sauk City said the use of the Mazomanie Beach by nudists should be stopped. She said many people won't canoe the river because of the nudists. She said she shouldn't have to look at nude bodies and said something should be done about it.

Timm Zumm introduced Don Golembiewski of Spring Green. Golembiewski said he recently moved to the area and enjoys the Wisconsin River and its beauty. He is active in the FLOW group.

Bob & Joan Weiss of Sauk County said there is a terrible erosion problem on the sandy high bank along their property in the Town of Prairie du Sac. Mr. Weiss said he has lost 60-80 feet of shoreline in recent years. He asked who he should speak to regarding the problem. Cupp said the DNR and Sauk County Planning and Zoning Department are the contacts. Cupp noted it is a difficult problem for riparian owners.

Donna Schmitz of Sauk City said she is concerned about human disturbance of the eagle nest on the island near Ferry Bluff. She said people have been camping on or near the island and people have been using boats to anchor near the

nest and take pictures. She said there is too much camping and disturbance. Schmitz said “you can’t hug an eagle” and need to leave it alone. She said people should not bother the nest area.

Ruth Bender of Sauk City asked about the boundary of the closed area near the Mazomanie Beach. Colden said there are maps and signs but it is hard to keep the signs up. Zumm offered to take Bender out in a boat to show her the designated closed area. Bender asked how people are to know about the closed area. Cupp said information on the closed area is available in many forms and said it the responsibility of each recreational user to know the rules and regulations for the area in which he/she is engaged in recreational activities. He said it is up to the individual to know the rules whether in the Boundary Waters, Governor Dodge State Park or the Riverway. Cupp suggested Bender speak to Colden about the closed area demarcations.

A motion to adjourn until July 13th when the meeting will be held in Lone Rock was made by Leys, seconded by Greenwood. **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