

LOWER WISCONSIN STATE RIVERWAY BOARD

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MINUTES OF THE JULY 13, 2006, RIVERWAY BOARD MEETING

The Lower Wisconsin State Riverway Board (LWSRB) met on Thursday, July 13, 2006, at the Lone Rock Community Building 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. 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 Ron Leys. **MOTION CARRIED.** The minutes of the June 8, 2006, meeting then were considered. A motion to approve was made by Jerry Dorscheid, seconded by Fred Madison. **MOTION CARRIED.**

The Executive Committee report was presented by Chairman Lundberg who reviewed correspondence. Cupp noted he had received a request from a Riverway landowner to include addenda to the minutes to reflect websites, articles and other items mentioned in the minutes. Lundberg said the Executive Committee had discussed the matter and felt that the open records law will allow anyone to request a document from the board and that creation of formal addenda to the minutes was unnecessary. Cupp noted his strong personal commitment to the concepts of open government and the open records law and said it is a priority in the office to respond to requests for information, whether a general request or a formal open records law request. Greenwood suggested it would be sufficient to have the information available for interested parties. Leys said as long as the information was available for the public, it would be satisfactory to maintain the current system. Lundberg noted the consensus was to retain the minutes in the current format with retention of the board's strong commitment to providing requested information to the public.

Committee appointments for 2007 fiscal year (FY 07) were considered. Lundberg said the Executive Committee had reviewed committee structure and had not heard from any board members regarding a desire to change committee assignments. Therefore, on behalf of the Executive Committee, Lundberg offered the following committee assignments:

EXECUTIVE COMMITTEE:	Bill Lundberg (Chair) Melody Moore (Vice-Chair) Nick Nice (Secretary)
OPERATIONS COMMITTEE:	Gerald Dorscheid (Chair) Ritchie Brown Ron Leys
PERSONNEL COMMITTEE:	Melody Moore (Chair) Don Greenwood Ritchie Brown
BUDGET & OFFICE COMMITTEE:	Nick Nice (Chair) Greg Greenheck Fred Madison
FOREST HEALTH AD HOC CMTE:	Bill Lundberg (Chair) Ritchie Brown Gerald Dorscheid Ron Leys

A motion to approve the committee appointments proposed by the Executive Committee was made by Nick Nice, seconded by Greenwood. **MOTION CARRIED.**

An update on proposed revision to a Department of Natural Resources (DNR) administrative rule regulating noise from watercraft was discussed. Greenwood said a DNR official had informed him that the revised rule would be submitted to the Natural Resources Board in the next 2-3 months. Members of the public were in attendance who asked to comment on the noise issue.

Harriet Forman, a landowner in the Town of Orion, Richland County, said airboat noise has increased and said the noise is disturbing. She said her house is on the Wisconsin River downstream of the Orion boat landing. She said over the July 4th weekend, a number of airboats were going back and forth and said a large airboat bus holding 12-20 people was operating in the area. She said the large airboat sounded like a train.

Linda Weimer and Jean Lang, also landowners in the Town of Orion, Richland County, related similar concerns about airboat noise and noted their property is near the Forman property. She said that speed and safety are concerns in addition to noise. Lang said she saw four airplanes fly low over the river and they were not nearly as loud as the airboats.

Cupp noted the Natural Resources Board will determine if the rule revision is approved. He said the Legislature also will review the proposed rule revision. Leys suggested the concerned citizens appear at a Natural Resources Board meeting and/or send a letter expressing their views. Greenwood said the matter is progressing through the rule process but that comments would be appropriate. Greenwood noted the LWSRB is not advocating a ban on any type of watercraft but, rather, is encouraging the equitable enforcement of noise regulations for all watercraft so that a double standard is not created. Madison asked if the LWSRB would have a chance to see the revised rule before it goes to the Natural Resources Board. Greenwood said the LWSRB would see the proposal at the same time the general public does and said it is important to monitor the DNR website to learn when the issue may be scheduled for action. Timm Zumm, Co-Chair of the Friends of the Lower Wisconsin (FLOW), said FLOW supports the LWSRB position of equitable enforcement of noise regulations at the 86 db level.

The Operations Committee report was presented by Chairman Dorscheid. The request of Bill Ishmael on behalf of the Department of Natural Resources for a permit to do work in the Arena Marsh in the Town of Arena, Iowa County was considered. Dorscheid said a field inspection was conducted by Cupp in conjunction with previous permit activity in the vicinity. The site of the activity is not visible from the Wisconsin River during leaf-on conditions. Plans call for the removal of trees and brush on and adjacent to the old access road. The road will be graded to smooth ruts and planted with a fast growing logging road mix. Improvements to the marsh access will assist in long term management of the parcel including hay harvests, brush control and prescribed burning. These activities will offer benefits to wildlife and the local plant community. The improved access also will assist with fire control efforts and will reduce fuel loads. Accessibility by a variety of public recreational users will be enhanced as well. A power point presentation with aerial photograph of the area was shown.

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

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

MOTION CARRIED.

The permit request of Fletcher Flansburgh and Brad Hutnik, on behalf of the Department of Natural Resources, for a site in the Town of Boscobel, Grant County, was considered. Dorscheid said a field inspection was conducted by Cupp, the Operations Committee and Brad Hutnik, DNR Riverway Forester, on May 11, 2006. The site of the activity is not visible from the Wisconsin River during leaf-on conditions. Plans call for the removal of trees and brush to restore the native plant community at the site. Brush will be mowed in the late summer of 2006 and early winter of 2006-2007. The area is adjacent to a timber harvest marked by Hutnik in the bottomlands adjacent to the Boscobel Airport. A power point presentation with aerial photograph of the area was shown.

Flansburgh/DNR permit (cont.)

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

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

MOTION CARRIED.

Multiple permit requests for small parcels in the Pinelands area east of Lone Rock in the Town of Spring Green, Sauk County, were considered. Cupp noted the permit applications were completed with the assistance of Scott Lancaster, DNR Forester/Ranger. Plans call for pine thinnings in conjunction with a fire hazard mitigation project. A power point presentation with aerial photograph of the area was shown. Hutnik explained that a private contractor will do the work. He noted 40-50 landowners with small parcels (1-5 acres) are involved in the project. He said only a handful of the properties fall within the Riverway boundary. Hutnik said, financially, it would be impossible for an individual landowner to do a commercial pine thinning on such small acreage, however, with a consortium of landowners, the endeavor became economically viable. Leys asked if the pines had been planted or were naturally growing. Hutnik said the pines were planted in rows decades ago. Lundberg asked if yard trees would be harvested as well. Hutnik said some yard trees could be harvested but that would be the exception rather than the rule. Lundberg noted it is important to have a clear zone around one's house. Hutnik said a fire-wise inspection would or will be done to determine high hazard areas. Cupp noted the parcels are not visible from the Wisconsin River during leaf-on conditions.

The following conditions were attached to each permit:

- 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.

A motion to approve issuance of a permit with conditions for Eric and Nicole Anderson was made by Dorscheid, seconded by Nice. **MOTION CARRIED.** A motion to approve issuance of a permit with conditions for Paul Davenport was made by Dorscheid, seconded by Leys. **MOTION CARRIED.** A motion to approve issuance of a permit with conditions for Dave Erickson was made by Dorscheid, seconded by Ritchie Brown. **MOTION CARRIED.** A motion to approve issuance of a permit with conditions for Kevin Hoffman was made by Nice, seconded by Leys. **MOTION CARRIED.** A motion to approve issuance of a permit with conditions for Deborah Hurst was made by Brown, seconded by Madison. **MOTION CARRIED.** A motion to approve issuance of a permit with conditions for Bill Mertens was made by Greenwood, seconded by Nice. **MOTION CARRIED.**

Several permit requests submitted by Hutnik were considered. A power point presentation was shown describing the area involved in each harvest, goals, special features, management strategy and direction per Wisconsin Act 166. Leys asked about emerald ash borer (EAB) and recent reports of its discovery in Illinois not far from the Wisconsin border. Leys asked if the firewood ban was in place and if signage had been installed in the Riverway. Hutnik said signs have not been installed but said a number of public service announcements will be airing. He said the best control is in state parks where absolutely no firewood is allowed to be brought in from an outside area. Leys suggested signage is necessary at all Riverway boat landings and asked if Hutnik's management strategy had been altered due to the EAB threat. Hutnik said EAB is a consideration in development of management plans for the bottomland areas and noted about 25% - 35% of the bottomland trees are ash. If EAB were not on the horizon, management would be geared toward making ash a larger component of the bottomlands because ash is not a species favored by gypsy moth caterpillars. However, because of the EAB threat, ash will

be managed to achieve levels of less than 20% of bottomland trees. Hutnik reviewed the current response strategy when EAB is identified at a site noting that all ash trees within ½ mile are removed. Hutnik reviewed sales completed in the most recent harvest season that concluded in late spring of 2006 and said \$83,000 in revenue was received. He then discussed specific proposed harvest areas for the 2006-2007 harvest season. Power point presentations for each harvest were viewed. [NOTE: Information on management goals for each site and regarding Wisconsin Act 166 is available from Brad Hutnik, DNR Riverway Forester, by calling (608) 588-2591 or by e-mail at bradley.hutnik@dnr.state.wi.us]

A proposed harvest at the Helena Bottoms in the Town of Arena, Iowa County, was discussed. Portions of the harvest area are visible from the Wisconsin River during leaf-on conditions. A motion to approve issuance of a permit with the following conditions was made by Dorscheid, seconded by Greenwood:

- The harvest shall comply with the basal area limits for the residual stand for the Bluff Zone and Riverview Zone as detailed in 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 any small regeneration cuts in the Riverview Zone;
- The LWSRB shall approve the location and design of any new logging roads;
- 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.

A proposed harvest in the bottoms near Prairie du Bay in the Town of Boscobel, Grant County, was discussed. Hutnik noted the site contains an impressive stand of swamp white oak. Portions of the harvest area are visible from the Wisconsin River during leaf-on conditions. A motion to approve issuance of a permit with the following conditions was made by Dorscheid, seconded by Madison:

- The harvest shall comply with the basal area limits for the residual stand for the Bluff Zone and Riverview Zone as detailed in 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 any small regeneration cuts in the Riverview Zone;
- The LWSRB shall approve the location and design of any new logging roads;
- 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.

A proposed harvest near Conservation Drive in the Town of Mazomanie, Dane County, was discussed. The harvest was referred to as Mazo II and is near the Mazo I harvest completed in the most recent harvest season. Hutnik said a condition of the contract will require harvesting to begin after October 15th to minimize user conflicts. Portions of the harvest area are visible from the Wisconsin River during leaf-on conditions. A motion to approve issuance of a permit with the following conditions was made by Dorscheid, seconded by Madison:

- The harvest shall comply with the basal area limits for the residual stand for the Bluff Zone and Riverview Zone as detailed in 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 any small regeneration cuts in the Riverview Zone;
- The LWSRB shall approve the location and design of any new logging roads;

Hutnik/DNR permit conditions (cont.):

- 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.

A proposed harvest in the Blue River Bottoms in the Town of Watterstown, Grant County, was discussed. Hutnik said an old logging road coming off CTH T will have to be opened. He noted the harvest area is delineated by water on three sides and a road on the other. Portions of the harvest area are visible from the Wisconsin River during leaf-on conditions. A motion to approve issuance of a permit with the following conditions was made by Dorscheid, seconded by Greenwood:

- The harvest shall comply with the basal area limits for the residual stand for the Bluff Zone and Riverview Zone as detailed in 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 any small regeneration cuts in the Riverview Zone;
- The LWSRB shall approve the location and design of any new logging roads;
- 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.

A proposed harvest on the former Merwin tract in the Town of Marietta, Crawford County, was discussed. Hutnik noted the harvest area is on an upland site and portions of the harvest area are visible from the Wisconsin River during leaf-on conditions. A motion to approve issuance of a permit with the following conditions was made by Dorscheid, seconded by Leys:

- The harvest shall comply with the basal area limits for the residual stand for the Bluff Zone and Riverview Zone as detailed in 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 any small regeneration cuts in the Riverview Zone;
- The LWSRB shall approve the location and design of any new logging roads;
- 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.

A proposed harvest at the Highbank Road pines in the Town of Muscoda, Grant County, was discussed. Hutnik said the site is not visible from the Wisconsin River during leaf-on conditions. A row thinning would be conducted. A motion to approve issuance of a permit with the following conditions was made by Dorscheid, seconded by Leys:

- The harvest shall be limited to areas not visible from the Wisconsin River during leaf-on conditions;
- 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 proposed harvest of pine windbreaks near the Mazomanie Dog Trial Area in the Town of Mazomanie, Dane County, was discussed. The harvest area is not visible from the Wisconsin River during leaf-on conditions. Leys said he doesn't like to see windbreaks removed because of erosion concerns. Hutnik said sufficient ground cover has been established and the site will be managed for grassland prairie/oak savanna habitat and won't be cropped so wind erosion from open soil should not be an issue. A motion to approve issuance of a permit with the following conditions was made by Dorscheid, seconded by Nice:

- The harvest shall be limited to areas not visible from the Wisconsin River during leaf-on conditions;
- 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 proposed harvest at the Black Hawk Unit in the Town of Mazomanie, Dane County, was discussed. The harvest of a small number of trees will occur in conjunction with another "Light on the Land" exhibition. Cupp recommended a 2-year extension to the existing permit. A motion to approve issuance of a two-year extension to the existing permit with retention of the following conditions was made by Dorscheid, seconded by Brown:

- The harvest shall comply with the basal area limits for the residual stand for the Bluff Zone and Riverview Zone as detailed in 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 any small regeneration cuts in the Riverview Zone;
- The LWSRB shall approve the location and design of any new logging roads;
- 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 Boscobel Airport project was presented by Nice and Cupp. Nice said a meeting would be held at the airport on July 28th. Cupp said DNR officials and the consultant will be present to discuss removal of trees and replanting. He noted Hutnik had provided a preliminary re-vegetation plan for the site.

A presentation on a proposal by Hartung Brothers, Inc., to construct an ethanol production facility in the Town of Arena, Iowa County, was given by Dorscheid. A power point presentation showing the existing Hartung fertilizer facility as well as images of the Monroe ethanol plant was narrated by Dorscheid who stated that the highest structure at the existing Hartung site is 185 feet (radio tower) while the highest structure associated with the plant will be 135 feet. Dorscheid discussed his tour of the Monroe plant. Greenwood noted the steam plume may be visible from the river at certain times of the year or under certain weather conditions. Leys said there is an important distinction between water vapor and smoke or other emissions. Leys asked about the odor from the Monroe plant. Dorscheid said it smelled a lot like Gardner's Bakery in Madison. Greenwood noted there would be an increase in rail traffic and heavy truck traffic. Leys said, whether or not one likes the proposal, it probably is a good thing for the railroad. Cupp noted that the site is not within the Riverway boundary so the LWSRB has no formal regulatory role in the matter.

An update on the Crystal/Mud/Fish lakes pumping project was given by Cupp and Steve Colden, DNR Riverway Manager. Cupp noted the Operations Committee had visited the site in June and learned of problems with the outfall or discharge area. Colden said the engineers with the consulting firm tried to move the flow north but were unsuccessful. He said the DNR has ordered that pumping cease until the problems are resolved and said he is waiting for word on the latest proposal.

The Budget & Office Committee report was presented by Chairman Nice who reviewed the status of the FY 06 budget. Cupp said a line transfer from supplies and services would occur to cover any shortfalls in the salaries or fringes line after supplements are received. He noted the final figures for FY 06 should be available at the August meeting. Cupp said the new canoe had been procured and expressed his great satisfaction with the purchase.

There was no report from the Personnel Committee.

The Executive Director's report was given by Cupp who reviewed the materials in the board members' packets. He noted the usual packet of newspaper clippings was not available for the meeting. Cupp said river levels remain well below normal and have approached record low flows. He said, per the board's direction, both canoes would be registered but that it hadn't been accomplished yet. Cupp noted the Executive Committee had approved his request to serve as the point of contact for the Ho-Chunk Nation regarding discussions on the Gottschall Project. The discussions between Cultural Landscape Legacies (CLL) and the Ho-Chunk Nation are ongoing. The Wisconsin Historical Society also is involved. Cupp said the request that he serve as the point of contact was made by the Ho-Chunk Nation. The CLL Board of Directors also approved the arrangement.

Lundberg noted a new agenda item had been created at Cupp's suggestion entitled "Board members' business" and was intended to give members an opportunity to discuss items for future agendas or to discuss constituent contacts. Brown said he is concerned about EAB coming into Wisconsin and said it probably already is here, we just haven't found it. Leys said the suite of invasive species grows and continues to be a concern and mentioned purple loosestrife as one where at least a biological control appears to be working in the form of a beetle.

The DNR report was presented by Steve Colden, DNR Riverway Manager, who thanked Cupp for his assistance with two tours recently. Colden said a new budget analyst from the Department of Administration, a new researcher with the Legislative Fiscal Bureau and a DNR budget official had met with Cupp and DNR Riverway staff to discuss Riverway issues. The group paddled the Sauk City to Ferry Bluff segment, hiked to Cactus Bluff and then visited sites in the Town of Mazomanie, including the Black Hawk Unit. Colden said Cupp and other DNR officials also met to discuss possible land acquisitions in Grant and Crawford counties. He said Carl Batha, a long time DNR employee familiar to many, has retired. He then asked the two new wildlife biologists working in the Riverway to introduce themselves. Becky Rudolph is the new biologist at Boscobel. Brian Woodbury is the new biologist stationed at Tower Hill near Spring Green.

Hutnik noted he and Cupp were planning to meet to discuss timber stand improvement work on aesthetically sensitive lands in the Riverway. He said a grant was received to assist with costs. Hutnik said the intent is to enhance health and vigor of specific highly visible wooded areas to ameliorate potential gypsy moth impacts.

During the public comment session, Kevin Isenring – Town of Mazomanie, Dane County, said a new canoe livery had opened in the Sauk City area. He expressed concern regarding camping within the "closed" area near the Mazo Beach and said more monitoring of the area should be conducted. He said the nudists using the Mazo Beach have expanded the use area and asked if there were any restrictions on where they could go such as a designated "clothing optional" area. Mr. Isenring said human waste on the river is a major issue and questioned whether adequate water quality monitoring was being done to determine if fecal material was in the water and if it was safe to swim. He said Riverway sandbars are becoming giant urinals and bathrooms and said health concerns for recreational users should be evaluated. He said the only place on the Wisconsin River the brown foam is found is on the lower Wisconsin River beginning below the dam and questioned what the constituents of the brown foam were. Mr. Isenring said the Sauk-Prairie to Lone Rock area is over-used with more and more people moving further downstream. He said he is very concerned with the overuse and human waste disposal issues and suggested that the LWSRB members ought to share his concerns.

Paul Brandt of Boscobel noted the human waste issue was discussed during the Riverway planning process and suggested those records should be around somewhere, possibly in the Final Environment Impact Statement. He noted the Department of Agriculture, Trade and Consumer Protection had done some water quality monitoring in the past.

Kevin Isenring – Town of Mazomanie, Dane County, said there should be better indications of where portable toilets are located. He said a user study is needed to determine levels of use on the river. Cupp noted he had recommended the DNR do a new user study for quite some time.

Timm Zumm – Spring Green and FLOW Co-Chair said there are more portable toilets on the river than in the past and suggested FLOW could try to help get the word out on bathroom facility locations.

A motion to adjourn until August 10th when the meeting will be held at the Wyalusing State Park was made by Madison, seconded by Nice. **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