

LOWER WISCONSIN STATE RIVERWAY BOARD

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MINUTES OF THE AUGUST 10, 2006, RIVERWAY BOARD MEETING

The Lower Wisconsin State Riverway Board (LWSRB) met on Thursday, August 10, 2006, at Wyalusing State Park 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 Ritchie Brown, Greg Greenheck and 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 Ron Leys, seconded by Jerry Dorscheid. **MOTION CARRIED.** The minutes of the July 13, 2006, meeting then were considered. A motion to approve was made by Dorscheid, seconded by Melody Moore. **MOTION CARRIED.**

The Executive Committee report was presented by Chairman Lundberg. Lundberg reviewed electronic correspondence from Charity Armstrong regarding denial of a request to remove cedar trees in order to improve the view of the river from a house in the Town of Troy, Sauk County. Cupp said removal of the cedars did not comply with the Riverway regulations and said he appreciated Ms. Armstrong's cooperation in the matter. Lundberg said the "Between Fences" committee would conduct a meeting on September 9th in the Prairie du Sac area. Cupp then reviewed electronic correspondence from Ron Edwards expressing support for the Riverway and complimenting the LWSRB and Cupp on their hard work in protecting the river.

Cupp then presented a draft letter to be sent to the Public Service Commission (PSC) regarding a possible new transmission line that may affect the Riverway. The line was included in the Strategic Energy Assessment for which the PSC is soliciting comment. Cupp said he had spoken to two PSC officials regarding the proposal which may create a new river crossing or power line corridor in the Spring Green area. According to the PSC officials, there are no plans by the American Transmission Company to construct the line in the near future but it is part of the company's long term planning process. Cupp suggested the letter expressing the board's concern about the proposed corridor be sent in order to become part of the permanent record and to assure the LWSRB remained a "person of interest" regarding future plans for the corridor. Leys said burial of the line if it crosses the river should be considered. A motion directing Cupp to send the letter expressing the board's concerns was made by Don Greenwood, seconded by Moore. **MOTION CARRIED.**

An update on the proposed Arena ethanol plant was given by Dorscheid. Dorscheid said a public hearing and informational meeting was held that was well attended. Cupp distributed hand-outs from the informational meeting. Dorscheid said both proponents and opponents were represented at the meeting. He said it is likely to be approved. Cupp noted the facility would not be located within the Riverway boundary. Steve Colden, DNR Riverway Manager, said a number of permits would be required by DNR before the project could move forward.

The Operations Committee report was presented by Chairman Dorscheid. The request of Joe Doherty and Jean-Marie Thompson for construction of a house in the Town of Spring Green, Sauk County, was considered. Dorscheid said a field inspection was conducted by Cupp on July 10, 2006. An additional field inspection was conducted by Cupp and the Operations Committee on August 10th. Mr. Doherty was present for both field inspections. Plans call for replacement of the existing cottage with a new structure. Cupp reviewed the applicable performance standards and noted that color, screening vegetation and a limitation on height would be the salient regulations. Some screening vegetation exists at the site. The establishment of additional screening vegetation is necessary. The site is visible from the Wisconsin River during leaf-on conditions. Cupp explained that Mr. & Mrs. Doherty recently have sold their property to their children who now wish to rebuild due to the physical disabilities of one of the grandchildren. Plans for the new structure were given to the LWSRB when the Operations Committee conducted a field inspection at the site on earlier in the day. The activity will comply with applicable performance standards if additional screening vegetation is established.

Doherty cont.

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

- The screening vegetation shall be maintained and replaced if damaged or destroyed;
- The exterior colorization of the structure shall harmonize with the natural surroundings during leaf-on conditions (brown and green similar to the existing structure, including roof color);
- The amount of glass or other reflective material shall not exceed the amount shown on the plans submitted to the board on August 10, 2006;
- 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 22 feet;
- A planting plan shall be implemented by June 1, 2007, and shall include the planting of two hackberry trees between 4-6 feet in height with the trees to reach a minimum height of 8 feet by June 1, 2010, with the trees to be planted at locations designated by the LWSRB;
- The LWSRB shall review any modifications to the plans, as submitted, for compliance with the applicable performance standards; and,
- The landowner or his/her agent shall notify the LWSRB upon initiation and completion of the project.

MOTION CARRIED.

The request of Steve Richter for an extension to the management permit for the Nature Conservancy in the Town of Spring Green, Sauk County, was discussed. Dorscheid said the initial field inspection was conducted by Mark Cupp, LWSRB Executive Director, on March 5, 1993. Field inspection revealed the bluff was slightly visible from the river from a distance of 3-4 miles. Field inspection revealed the management plan was consistent with the scenic beauty and natural value protection and preservation objectives for the Riverway and did not create a new visual intrusion of an existing structure. Department of Natural Resources approval of the plan was received. In addition, a field inspection was conducted by Cupp on February 13, 2002, in regard to the proposed addition of another tract adjacent to lands covered under a pre-existing permit. Bill Carlson, DNR Riverway Forester, and Mr. Richter also were present for the field inspection. Field inspection revealed the new site is visible from the Wisconsin River but the viewshed is distant and minor. Plans call for the removal of red cedar to enhance and restore the remnant prairie. There may be other species removed as well. Some cedars will be retained on rocky outcrops. The activity is expected to occur over the next two years depending on availability of funds and volunteers. No new structures will become visible from the river as a result of the cedar removal. The activity is consistent with protection of the scenic beauty and natural character of the Riverway.

Dorscheid noted work continues at The Spring Green Preserve, now a designated State Natural Area. Removal of cedar and black locust trees as well as periodic prescribed burns remain part of the management regimen. Another extension is requested. Cupp noted the project is long term and likely will continue to require extensions in the future.

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

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

MOTION CARRIED

Cupp reported construction of the Sauk County communications tower is to be completed by the end of the month according to the minutes of the recent Sauk County Communications Infrastructure Committee meeting. The proposed Boscobel Airport project was discussed. Dorscheid noted the Operations Committee had viewed the site from the river during the canoe tour of the Port Andrew to Boscobel segment earlier in the day. He said portions of the pines and other vegetation slated for removal will be visible from the river. He emphasized the importance of the planting plan for the site. Brad Hutnik, DNR Riverway Forester, noted an on-site meeting held with principals on July 28th was productive and said a waiver to height restrictions will be sought to avoid disturbance of bottomland trees. Nick Nice said a dragonfly survey is being conducted pursuant to a DNR directive. He said the Airport Commission is supportive of a waiver for the bottomlands. Cupp said any efforts to minimize disturbance of vegetation would be welcomed. He reviewed the board's regulatory role and noted that, because the activity is being conducted "under the direction and supervision of the Department of Transportation," a permit is not required. Instead, the board must be notified and consulted with and the visual impact of the activity is to be minimized to the greatest extent possible. He said the planting plan is a critical component of the aesthetic mitigation plan. Cupp noted it does not appear that any existing buildings will become visible from the river as a result of the activity. Leys said he felt the board was bending over backwards too far in the matter and is allowing the project to move forward for the benefit of a small number of people. Leys said he is not happy about it. Nice said the project is important for economic development in Boscobel and said the focus is to minimize the disturbance by cooperating with all agencies involved. He expressed strong disagreement with Ley's position that the project wasn't important.

The Crystal/Fish/Mud lakes pumping project in the Town of Roxbury, Dane County, was discussed. Cupp noted the Operations Committee visited the site in June due to problems with the outfall or discharge area near the river. Colden said discussions continue regarding alternatives to remedy the problems with the outfall area. He said there may be a problem regarding installation of a culvert without adequate DNR review but said the lead DNR person was on leave and further details weren't available at the present time.

Cupp then reviewed permits he had issued since the July LWSRB meeting. A general permit was issued to Kevin Oleson for construction of a shed on lands not visible from the river in the Town of Prairie du Sac, Sauk County. A structure permit for modification of a garage was issued to Jill Metcoff-Jahns and Jeff Jahns visible from the river in the Town of Troy, Sauk County. Cupp said the permit was issued after consultation with the Operations Committee and Executive Committee. A general permit for a timber harvest not visible from the river during leaf-on conditions was issued to Brad Hutnik, DNR Riverway Forester, for a site in the Town of Spring Green, Sauk County.

The Budget & Office Committee report was presented by Chairman Nice who reviewed the final figures for FY 06. Nice then reviewed the status of the FY 07 budget. A motion to accept the Budget & Office Committee report was made by Leys, seconded by Moore. **MOTION CARRIED**

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.

There were no items for discussions under Board members' business. Bill Lundberg noted that long-time Crawford County representative to the LWSRB, Glen Beneker, was in attendance.

The DNR report was presented by Steve Colden, DNR Riverway Manager, who said discussions regarding water quality testing and a new user survey are underway. Brad Hutnik, DNR Riverway Forester, introduced DNR Area Forester John Nielson. He said new timber sales would be going out for bids in September. Hutnik said the fire hazard mitigation project east of Lone Rock has been started. He reported the possible sale of the Sauk County Community Forest in the Town of Spring Green has been tabled.

During the public comment session, Timm Zumm of Spring Green and Friends of the Lower Wisconsin (FLOW) Co-Chair said the majority of river users are responsible. He said the number of portable toilets on the river

has increased and said FLOW would assist in getting the word out regarding locations of toilet facilities. Zumm commended the DNR crew for their work in cleaning up other people's messes. Zumm suggested that the new signage in the "closed area" near Mazomanie was overdone in some places. Zumm said the FLOW family camping trip was set for August 19-20.

Ingmar Nelson of Arena expressed concern regarding the proposed ethanol plant near Arena. He said water use would be one million gallons/day under the first phase and two million gallons/day under the second phase. He also expressed concern regarding carbon dioxide emissions and increased truck and rail traffic. Nelson said he understood the location of the facility is outside of the Riverway boundary but asked if the board shouldn't be concerned about the aesthetic impact of the large steam plume that will be visible for many miles at certain times of the year. He said the process should be slowed down and an environmental impact study by an independent consultant should be conducted before the project is approved.

Kevin Isenring of Sauk City said the five minute time frame for speakers during the public comment session is too short. He asked about the boundaries of the nude beach and said the area appears to be expanding. He invited board members to come out with him on a weekend and observe the many campers in the closed area and to see the heavy use and problems created. Isenring said the 8:00 p.m. "closed" time is not being enforced and noted the closing time at the Black Hawk Unit is 11:00 and should be 8:00 as well. He said there should be greater enforcement presence on the river, particularly on weekends. Lundberg noted the matters raised by Isenring fall under the DNR's jurisdiction.

A motion to adjourn until September 14th when the meeting will be held in Spring Green was made by Nice, 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.

Minutes submitted by:

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