

# LOWER WISCONSIN STATE RIVERWAY BOARD

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## MINUTES OF THE SEPTEMBER 14, 2006, RIVERWAY BOARD MEETING

The Lower Wisconsin State Riverway Board (LWSRB) met on Thursday, September 14, 2006, at the Spring Green Public Library 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 Nick Nice, seconded by Jerry Dorscheid. **MOTION CARRIED.** The minutes of the August 10, 2006, meeting 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 a guest speaker would make a presentation. Cupp introduced Yoyi Steele, Wisconsin Bird Conservation Initiative – Important Bird Areas (IBA) Coordinator. Steele described the IBA program (<http://www.wisconsinbirds.org/iba>) and stated Wisconsin is leader in the United States in the program. She pointed to several designated IBA sites in the Lower Wisconsin State Riverway and suggested a designation of the entire Riverway would be appropriate if the technical data could be collected. A motion to support designation of the Riverway as an IBA site was made by Don Greenwood, seconded by Leys. Lundberg asked how the IBA designation would affect decision making on public or private lands in the Riverway. Steele said recommendations would be made regarding management activities but there would be no additional regulatory overhead or requirement to follow the recommendations. Lundberg requested that the LWSRB be kept in the loop regarding the potential designation and Steele agreed to provide the board with information as the potential designation goes through the review process. Brad Hutnik, Department of Natural Resources (DNR) Forester, said the IBA program is consistent with the goals and objectives for the Riverway and a sustainable approach to land management. A vote on the motion was taken. **MOTION CARRIED.**

Lundberg then reviewed correspondence. Cupp said a proposal to develop a new mineral extraction site (sand pit) in the Town of Spring Green, Sauk County, near the intersection of Jones Road and STH 60, had arisen since the August 14<sup>th</sup> LWSRB meeting. Cupp said he consulted with the Executive Committee before providing the Town of Spring Green Planning Commission with information regarding the location of the site in relation to the Riverway boundary. The document indicated the site is outside (although very near) the Riverway boundary so the LWSRB had no formal jurisdiction and no formal regulatory role in the permitting process. The document noted the Riverway regulations allow non-metallic mining on lands not visible from the river if a permit is obtained from the LWSRB. The performance standards for non-metallic mining activities require equipment and stockpiled material to be not visible from the river. The document also stated that the LWSRB was pursuing designation of STH 60 from Lodi to Prairie du Chien as a “Wisconsin Scenic Byway” and that a sand pit at the intersection of Jones Road and STH 60 would have a deleterious effect on the application. Articles from local newspapers on the topic were distributed.

An update on the proposed Arena ethanol plant was given. Cupp said the proposal had been approved by the Town of Arena. Dorscheid said the county board likely would approve it as well. He described his tour of the Monroe ethanol plant. Dorscheid said the concern regarding the height of the plant and “smokestack” had been addressed noting that the tallest structure will be shorter than the existing communications tower at the site and, therefore, will not be visible from the river during leaf-on conditions. Articles from local newspapers on the topic were distributed.

A proposed condominium and commercial development in Prairie du Sac, known as the Nonn Project, was discussed. Cupp said plans call for construction of a three story building on Water Street that would be visible from the Wisconsin River. Cupp said incorporated municipalities are exempt from the Riverway regulations. Cupp said some area citizens had contacted him to express concern regarding adverse impacts on eagles and aesthetics if the project were to go forward. Cupp noted the Village of Prairie du Sac had not requested assistance from the LWSRB regarding methods for reducing aesthetic impacts. Articles from local newspapers on the topic were distributed.

The Operations Committee report was presented by Chairman Dorscheid. The request of Ruth Bender for an extension to a previously issued management permit was considered. Cupp reviewed the management permit originally issued for the benefit of newer board members and described the regulations regarding management activities in the Riverway. Dorscheid noted work continues at the site, which is the reason for the extension request. Cupp said the project is long term and likely will 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**

The proposed construction of a new USH 14 bridge at Spring Green was discussed. Cupp reviewed the history of the project and the board's involvement. He noted the request for artist renderings of two options for aesthetic treatments of the bridge had been met by the Department of Transportation (DOT). Cupp then introduced DOT personnel for a formal presentation. Rosie Meer, DOT Environmental Coordinator, and Leif Hubbard, DOT Landscape Architect, then discussed the project and the artist renderings that were displayed. Meer said the project has been in the planning stages for over a year with close coordination between DOT, DNR and the LWSRB. She said one public hearing was held in Spring Green and said another would be scheduled tentatively for late October or early November. She said the new bridge will be made of pre-stressed concrete with concrete parapets and piers. The concrete will be stained and other aesthetic treatments are possible as depicted in the artist renderings. The bridge is slated for construction in 2009.

Leys asked if the parapet height will limit the view of the river from automobilists crossing the bridge. Meer said the visibility will be less than offered by the current steel truss bridge. Leys asked about lighting on the bridge. Meer said there would be no lighting. Greenwood asked about the number of spans. Meer said the number of piers will increase from 8 to 10. Greenwood asked about the width of the new bridge. Meer said the existing bridge is 24 feet and the new bridge will be 44 feet wide. Leys asked if there would be enough room for bicyclists and pedestrians. Meer said she wouldn't recommend the bridge be used by pedestrians but said there would be adequate space for bicyclists, at least, much better than currently is available. Meer said she didn't know if there would be enough room to make a separate bike lane. Meer said the old bridge will remain in use during construction of the new bridge and then the old bridge will be completely removed. The existing right of way will be retained in the event USH 14 is expanded to four lanes in the future.

A member of the public, Kevin Isenring-Town of Mazomanie, asked where the new bridge would be built. Meer said adjacent to and downstream of the existing bridge is the present plan for location. A member of the public, Kolby Hirth – Town of Spring Green, asked if an environmental assessment or some other

environmental document would be done. Meer said an environmental report would be completed. Meer noted construction of the bridge on the downstream side of the current bridge was preferred for many reasons including minimizing environmental impacts and minimizing disruption of the boat landing. A member of the public, Timm Zumm – Town of Spring Green, asked if the boat landing could be improved. Meer said enhancement funds may be available. Leys suggested placement of a portable toilet. A member of the public, Tom Ringlestetter – Spring Green, asked if stone was considered for the piers. Cupp said stone was considered early in the process but was ruled out because it was cost prohibitive. Meer noted the use of form liners was discussed but it was determined that the size of the bridge would not lend itself to use of form liners and that the aesthetics wouldn't be good. She said various designs of form liners were considered.

Moore suggested that the staining of the new piers take place during low water conditions if at all possible. Lundberg asked if it would be a problem to meet the colorization objective. Cupp said matching the desired color with the right stain should be readily accomplished. Greenwood suggested presentation of an artist rendering of the bridge using the limestone or form liners would have been useful. He noted the new bridge with a lower profile than the existing bridge with the steel superstructure will fall below the tree line and will blend into the natural surroundings better.

A member of the public, Sally Konnack – Spring Green, said she loves the current bridge and expressed regret that she may not be able to see the river from the new bridge. Meer said the new bridge will be similar to the STH 23 bridge so the river will still be visible, just not as visible as from the current bridge. Nice and Leys both expressed desire to maximize the view from the bridge to the river. Meer said the project is constrained by federal specifications but indicated she didn't know exactly what those specifications were for parapet height.

Cupp then described the process for formulation of a recommendation to provide to DOT regarding a preferred alternative for aesthetic treatments of the new bridge. He said the artist renderings will be on display at the Spring Green Village Hall until the October 10<sup>th</sup>. Public comment will be accepted by the board until the next meeting. At the October 12<sup>th</sup> meeting, the LWSRB will consider adoption of a motion for a preferred alternative.

A member of the public, Mike Birr – Town of Spring Green, suggested some type of railing be used on top of the parapet to enhance visibility. Hubbard said there were limitations due to the federal specifications regarding safety. Hubbard said the engineers typically do not design the parapet height to be greater than the minimum required by the federal specifications. He noted that a separate bike/pedestrian lane may require higher parapets for safety reasons. He said a railing also would digress from the concept of clean flowing lines and the context of the Riverway. Leys suggested the DOT personnel look at the bridges on STH 171 over the Kickapoo River. A member of the public, Kevin Isenring – Town of Mazomanie, expressed concern regarding proper demolition and complete removal of the old bridge. Meer said the contractor for removal of the old bridge would have strict levels of debris control and that the removal would be conducted in an environmentally sensitive manner.

An update on the Sauk County communications tower near Spring Green was provided. Dorscheid noted the Operations Committee paddled the Arena to Spring Green segment prior to the board meeting. He said the tower is up and is highly visible from several miles of the river, especially because of the strobe light. Cupp noted the board fought the good fight on the issue but, since the board had no regulatory authority, there wasn't much of a chance for victory. He expressed disappointment that a new visual intrusion was created. Leys thanked Cupp for his hard work and diligence on the tower issue.

Steve Colden, DNR Riverway Manager, gave an update on the Crystal/Fish/Mud Lakes pumping project. He said a culvert was installed without DNR review, which could be a problem. Greenwood asked which trail the culvert traversed. Colden said the lower trail on the floodplain. Greenwood asked about water levels in the lakes. Colden said water levels are down 9 inches. Greenwood asked if the water levels were down as a result of the pumping or because of the dry summer. Colden said he wasn't sure if it was all related to the pumping activity or not. He noted that Tim Astfalk, the consulting engineer for the lake district, had indicated the pumps were discharging 600 gallons/minute. Colden said more information would be available when Jeff Schure, DNR Water Regulations & Zoning Specialist, returned from annual leave.

Cupp then reviewed permits he had issued since the August LWSRB meeting. A general permit was issued to John Litviak for construction of a garage on lands not visible from the river in the Town of Spring Green, Sauk County. An extension to a general permit for a timber harvest not visible from the river during leaf-on conditions was issued to George Ramsden, for a site in the Town of Clyde, Iowa County. A general permit was issued to Dan Seyman for the construction of a house on lands not visible from the river in the Town of Troy, Sauk County. A general permit for a pine thinning in the Town of Spring Green, Sauk County was issued to Brad Hutnik, DNR Riverway Forester, for a state owned parcel in the pinelands mitigation project area near Lone Rock.

The Budget & Office Committee report was presented by Chairman Nice who reviewed the status of the FY 07 budget. Cupp then presented the LWSRB biennial budget request for the 2007-2009 biennium. He noted the budget request represents a 0% increase in the supplies and services line. Increases in the salaries and fringe benefits amounts were outside the board's control and were made based on a full funding formula generated from the State Budget Office. The request for each year of the next biennium will be \$186,900. Cupp reviewed the performance measures included in the proposal, which related to turn around time for issuance of permits and numbers of contacts with local governmental units. Cupp noted a 10% budget reduction scenario will be presented at a later date but added the draft has been reviewed by the Budget Committee. A motion to accept the Budget & Office Committee report was made by Fred Madison, seconded by Greg Greenheck. **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. Cupp noted he is booked for several speaking engagements in the coming weeks. He reviewed Cultural Landscape Legacies (CLL) activities noting that the CLL annual meeting will be held in Prairie du Chien on October 13<sup>th</sup>.

Under board members' business, Greenwood said the revised administrative rule regarding noise regulations of watercraft is slated to go to the Natural Resources Board at the October meeting. He said the Legislature likely would not receive the rule for the legislative review process until 2007. He said the draft administrative rule is not available for public review as of yet but should be available in October.

The DNR report was presented by Steve Colden, DNR Riverway Manager, who said 94 acres had been purchased in the Town of Orion, Richland County, and a trade was transacted involving acquisition of 34 acres in the Town of Watterstown and deposition of 54 acres of surplus land (outside of Riverway boundary) in the Town of Wyoming, Iowa County. Youngquist said Mark Aquino recently was appointed the new Land Leader for the South Central Region.

David Youngquist, DNR Conservation Warden, gave his annual report to the board. Youngquist said it was a busy summer on the river. He said low water levels required him to use a personal watercraft and kayak for enforcement activities. Youngquist said he issued 40 citations for violations of the glass ban and issued 12 citations for camping in the closed area near the Mazomanie Beach. Enforcement of illegal ATV use also was a priority. Youngquist said he thought the amount of litter was down and thanked volunteers from the Friends of the Lower Wisconsin (FLOW) for their efforts to clean-up the river.

During the public comment session, Timm Zumm – Spring Green, FLOW Co-Chair, said the fall river clean-up is scheduled for September 30<sup>th</sup>. He requested the board make a stronger statement in opposition of the proposed sand pit in the Town of Spring Green.

Kevin Isenring – Town of Mazomanie said the amount of litter in the Riverway and the amount of human feces on sand bars has increased. He urged the board to express greater concern regarding the human waste issue. He observed that the wardens have not written enough tickets. Isenring suggested that the State of Wisconsin is running an illegal campground on the Riverway.

Kolby Hirth – Town of Spring Green said pollution from human waste and from farm run off is bad. She urged greater enforcement of regulations. Hirth suggested camper education would be one way to minimize negative effects from river users.

A motion to adjourn until October 12<sup>th</sup> when the meeting will be held in Wauzeka was made by Madison, seconded by Greenheck. **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:

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