

LOWER WISCONSIN STATE RIVERWAY BOARD

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MINUTES OF THE OCTOBER 12, 2006, RIVERWAY BOARD MEETING

The Lower Wisconsin State Riverway Board (LWSRB) met on Thursday, October 12, 2006, at the Wauzeka village hall 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 Melody Moore and Gerald Dorscheid. 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 Ritchie Brown. **MOTION CARRIED.** The minutes of the September 14, 2006, meeting were considered. Cupp noted there was a minor correction from the previously distributed draft. The correction was made in the section on Department of Natural Resources (DNR) report where a statement was incorrectly attributed to DNR Conservation Warden David Youngquist. The statement should have been attributed to DNR Riverway Manager Steve Colden. A motion to approve the minutes with the change was made by Ron Leys, seconded by Brown. **MOTION CARRIED.**

The Executive Committee report was presented by Chairman Lundberg. Lundberg said that Paul Brandt, longtime DNR Wildlife Biologist stationed at Boscobel, had passed away unexpectedly in September. Cupp noted he and Leys had attended the funeral. Cupp said Paul Brandt was a very dedicated public servant who cared deeply about the natural resources of the area. He said Brandt was a tremendous warehouse of information on the flora, fauna and history of southwestern Wisconsin; particularly, Grant and Richland counties. Cupp said he worked with Brandt for 12 years, since inception of the Riverway project until Brandt's retirement in 2002, and then worked with Brandt as a volunteer on a number of projects, including mound maintenance activities in the Riverway. He said Brandt would often be seen picking up litter on state owned properties in the Riverway. Cupp said Brandt touched many lives in a positive way through his work with DNR, the many hunter education classes he taught and through his other important volunteer efforts. Cupp said Paul Brandt will be missed. Steve Colden, DNR Riverway Manager, agreed that Brandt will be missed greatly and said many of Brandt's colleagues were present at the funeral and discussed his qualities and accomplishments. Leys noted that he asked Brandt to be a member of the Town of Scott Planning Commission because of his respect for Brandt's intellect and various areas of expertise. Nice said many people in the Boscobel area are still shocked by Brandt's death and said he was an important part of the local community and highlighted his work with the Boscobel Conservation Club. A member of the public, Timm Zumm of Spring Green, Co-Chair of the Friends of the Lower Wisconsin (FLOW), said he met Brandt when FLOW was re-organizing. He said Brandt was helpful on river clean-ups and often volunteered to help out at FLOW events.

An update on the proposed Spring Green sand pit was presented. Cupp said some people in the Spring Green area have expressed disappointment that the LWSRB hasn't taken a forceful stance in opposition to the sand pit proposal. He provided the board with e-mail correspondence from a person who mistakenly represented the board's authority in the sand pit issue. Cupp said the board's position was expressed in correspondence to the Spring Green Planning Commission, specifically; the site is outside the Riverway boundary. A member of the public, Timm Zumm of Spring Green, said opponents of the sand pit hope to save the scenic and historic Riverway/STH 60 corridor. He noted the sand pit site is surrounded by Riverway lands. He said the sand pit operation would result in decreased safety on the highway, would detract from the scenic quality of STH 60 and would be detrimental to tourism.

Correspondence related to the proposed reconstruction of the USH 14 bridge at Spring Green was discussed. Cupp reviewed correspondence received from Spring Green area residents Kolby Hirth and Sally Konnack. Leys said his concerns about the view from the bridge to river had been addressed by Cupp's memorandum to the board.

Cupp then reviewed his recommendation regarding aesthetic treatments of the proposed bridge. He recommended aspects of the "enhanced" version with use of brown colorization and rustications on the piers and parapets. A re-vegetation plan also would be required. Greenwood expressed some concerns about the project but said the LWSRB focus is on protection of scenic beauty and natural character of the Riverway when viewed from river. He said he finds the options presented by the Department of Transportation (DOT) to be more aesthetically pleasing than the existing bridge. Greenwood said the new bridge will enhance safety. Fred Madison asked about removal of the old bridge. Cupp said the old bridge will be completely removed. Greenwood suggested it is important for DOT to assure the contractor does the job properly when removing the old piers and does not leave material behind in the river. Madison then made a motion, seconded by Greenwood, to accept Cupp's recommendation that the LWSRB endorse aspects of the "enhanced" version of the USH 14 bridge aesthetic treatment and design options. **MOTION CARRIED.** A member of the public, Bill Howe-Prairie du Chien, said he was pleased to see safety improved and suggested boat landing improvements also be made while the new bridge is being replaced. Howe further suggested that toilet facilities be provided at the boat landing. Howe said he supported enhanced opportunities for public use of the Riverway by folks who are not just on-river users. Cupp noted Howe and Glen Beneker, also in attendance, were members of the original DNR-appointed Citizens Advisory Committee for the Riverway project.

The Operations Committee report was presented by Acting Chairman Brown. The request of Muscoda Utilities for construction of a new power line in the Town of Muscoda, Grant County, was considered. Brown said a field inspection was conducted by Cupp on October 10, 2006. Troy Wardell, Muscoda Utilities Lead Line Technician, also was present for the field inspection. A second field inspection by Cupp and Steve Colden, DNR Riverway Manager, was conducted on October 12, 2006. Plans call for construction of a new, above ground power line to Scot Industries. A portion of the line will be constructed on DNR property along the access road to Goodweiler Lake, east of Muscoda. The site is not visible from the Wisconsin River during leaf-on conditions. Cupp noted the LWSRB may request, but may not require, burial of power line pursuant to s. 30.44(3m)(d), Stats. Madison suggested that the cover letter accompanying strongly encourage burial of the line. A motion to approve issuance of a permit with conditions and with the recommendation that the line be buried was made by Brown, seconded by Leys. Condition of the permit would include:

- The height of the poles shall be limited so that the power line does not become visible from the Wisconsin River during leaf-on conditions;
- The LWSRB shall review modifications of the plans, as submitted, for compliance with the applicable regulations; and,
- The landowner or his/her agent shall notify the LWSRB upon initiation and completion of the project.

MOTION CARRIED.

The permit request of Gerald Grankey for a timber harvest in the Town of Orion, Richland County, was considered. Brown said Gary Nelson of Nelson Hardwoods is the consultant. Cupp noted a field inspection has not been conducted on the site in conjunction with the proposed harvest. He said a field inspections were done elsewhere on the property and on adjacent properties. Plans call for the harvest of merchantable hardwoods; mainly, red oak and walnut with some mature aspen included. Mr. Nelson has indicated the harvest area falls within the Resource Management Zone. No new roads will be constructed. Cupp said he had recommended issuance of a timber permit, rather than a general permit, in the event a portion of the harvest is determined to be visible from the river.

Grankey continued:

Madison made a motion, seconded by Brown, 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 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 or shelterwood 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 review modifications to the plans, as submitted, for compliance with the applicable regulations.

MOTION CARRIED

Cupp said the American Transmission Company (ATC) contacted him to request an extension to a permit previously issued for replacement of poles across the river near Spring Green. He said the existing wooden poles would be replaced by metal poles. The plans submitted in the original application had not changed. Cupp said ATC had a narrow window in which to complete the project. Cupp said he would proceed with issuance of the extension unless there were objections from board members. Greenwood asked where the structures are located. Cupp said the structures to be replaced are on island near the Brummer Cut, downstream of Bob's Riverside, as well as across a slough on the Sauk County side. Greenwood asked if the old wooden poles would be removed. Cupp said ATC had indicated the structures would be removed or cut off. Greenwood said the poles should not be cut off because the remnants could become a hazard to navigation. He said complete removal should be emphasized. Brown made a motion, seconded by Greenwood, authorizing Cupp to issue a one-year extension. **MOTION CARRIED.**

An update on the Boscobel Airport project was provided. Cupp said Hutnik had completed the inventory of the bottomlands. Correspondence from Hutnik describing the species composition, size class and age was reviewed. Nice said options for minimizing tree removal in the bottomlands are being studied.

The Crystal/Fish/Mud lakes pumping project in the Town of Roxbury, Dane County, was discussed. Cupp said additional trenching and placement of a culvert across a recreational trail had occurred without DNR or LWSRB approval. He said the conditions of the LWSRB permit appear to have been violated in regarding to the failure to obtain LWSRB approval for modifications to the plans as originally submitted. Cupp said he would like to consult with legal counsel before enforcement action is taken. Cupp said there appear to be problems with compliance of the DNR issued permit as well. Steve Colden, DNR Riverway Manager, said there had been direct discharge to the river, which was not allowed under the DNR permit. Colden said the matter is being reviewed by the department. He said the pump was shut off earlier this summer but someone turned it back on. It has been shut off again. Brown said the Operations Committee recommended issuance of a

written warning pending consultation with legal counsel. Greenwood said the project has been a boondoggle from the start and the pump should remain off until the engineering problems are addressed. Madison made a motion, seconded by Nice, to approve issuance of a written warning for violations of permit conditions pending consultation with legal counsel. The warning would include a cease and desist order to prohibit pumping until the issues had been remedied. **MOTION CARRIED.**

Cupp then reviewed permits he had issued since the September LWSRB meeting. A general permit was issued to Mildred Garrelts for a pine thinning on lands not visible from the river in the Town of Spring Green, Sauk County. The harvest is part of the ongoing pinelands fire hazard mitigation project east of Lone Rock. A general permit for a timber harvest in the Town of Wauzeka, Crawford County, was issued to David Ruff. A timber permit was issued to Richard Gould for a harvest on a parcel adjacent to Ruff in the Town of Wauzeka, Crawford County. Jerry Howell is the consultant for both harvests. A general permit for a new pole shed in the Town of Troy, Sauk County, was issued to Deb Midthun. The structure will not be visible from the Wisconsin River during leaf-on conditions.

The Budget & Office Committee report was presented by Chairman Nice who reviewed the status of the FY 07 budget. Cupp then presented the plan for reducing LWSRB biennial budget request for the 2007-2009 biennium by 10%. Cupp said staff hours would be cut, the number of board meetings would be reduced and Executive Director travel (number of miles) would be reduced. A savings of \$17,100 would be accrued if the cuts were implemented. Greg Greenheck noted a reduction in the frequency of board meetings and reduction in staff time and travel would adversely impact the board's ability to provide service to landowners. Leys agreed and noted delays in issuance of permits likely would occur. Lundberg said Cupp always has been an excellent budget manager and said the board had exercised fiscal restraint throughout its history. Lundberg said the board also has been committed to a quick turnaround in issuance of permits and said the proposed reductions would make that more difficult. Madison noted the Budget Committee had reviewed the document and supported Cupp's recommendations but said the committee wasn't happy about it. Cupp noted it was an exercise required by the State Budget Office and said it would be difficult for either the Executive or Legislative branches to balance the state budget or address the state's fiscal woes on the backs of the LWSRB. He noted the board's funding is derived from a segregated account – not be general purpose revenue. Cupp said he would argue strongly and vociferously against a reduction in the office associate position hours if forced to do so.

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 said the CLL annual meeting will be held in Prairie du Chien on October 13th with tours of Effigy Mounds National Monument on Saturday, October 14th.

The DNR report was presented by Steve Colden, DNR Riverway Manager, who said 27.55 acres had been purchased in the Town of Troy, Sauk County, and several islands had been purchased from the Office of the Commissioner of Public Lands totaling 132.68 acres. He said summer LTE enforcement personnel had issued 22 citations; mostly for littering, a violation of the glass ban or being on state lands after posted hours.

During the public comment session, Jerry Stram of Prairie du Chien said the natural rock walls along the road in the Marquette and MacGregor, Iowa, areas are beautiful. He asked if DOT would be spending an additional \$75,000 on plantings along the STH 60 walls west of Boscobel. Cupp said the figured sounded correct but that he didn't have the file with him. Cupp noted the Operations Committee is slated to meet with a DOT representative to discuss additional work on the walls on December 14th. Stram said the public should be informed regarding the costs related to DOT projects.

Kevin Isenring – Town of Mazomanie said the time allotted per speaker during the public comment period should be greater than five minutes. He said some issues require more time to flush out than five minutes will allow. Isenring said he had reviewed the minutes for the past two years and felt he was being singled out for enforcement of the five minute rule. He said the policy should be changed and said board members should not leave the meeting early. A member of the public, Jerry Stram-Prairie du Chien, noted the five minute rule has always been in effect. Lundberg suggested that written documents may be provided if five minutes isn't adequate time for an oral presentation. Cupp said the LWSRB has been committed to openness and public participation in board meetings since inception of the project nearly 17 years ago. Isenring said more time should be given to public comment speakers. Lundberg said, if there is a specific issue that someone wishes to discuss, the person may request a special place on the agenda. Leys said it is a good policy for the board to listen to public comment but noted the board isn't required to do it. Isenring said, as Americans, we should listen to all sides. Leys said the LWSRB does listen to a variety of opinions. A member of the public, Glen Beneker-Prairie du Chien noted he served as a member of the LWSRB for many years and said the five minute rule was instituted at one of the board's early meetings.

A member of the public, Bill Howe-Prairie du Chien, noted the five minute rule was started way back in the Citizens Advisory Committee days and carried through to the LWSRB. He said the lack of water in the Wisconsin and Mississippi rivers is of great concern. He noted regulation of fishing contests by DNR is a major issue in the area and said a hearing soon would be held in LaCrosse. Howe recounted highway walls he has seen in his travels and said there are many options for the STH 60 walls.

Timm Zumm – Spring Green, FLOW Co-Chair, strongly recommended removal of the poles and guy wires from the ATC crossing at Spring Green and pointed to the FLOW clean-up of debris near the Mazomanie Beach as an example of safety issues presented when material is not removed. He noted the proposed sand pit is surrounded on three sides by the Riverway and said the area is beautiful with fall foliage. He showed photographs and maps of the area.

A motion to adjourn until November 9th when the meeting will be held in Avoca was made by Leys, 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