

LOWER WISCONSIN STATE RIVERWAY BOARD

202 N. Wisconsin Avenue
P.O. Box 187
Muscodia, WI 53573
(608) 739-3188 or 1-800-221-3792

MINUTES OF THE NOVEMBER 9, 2006, RIVERWAY BOARD MEETING

The Lower Wisconsin State Riverway Board (LWSRB) met on Thursday, November 9, 2006, at the village hall in Avoca 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 Nick Nice 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 Jerry Dorscheid, seconded by Melody Moore. **MOTION CARRIED.** A motion to approve the minutes of the October 12, 2006, meeting was made by Don Greenwood, seconded by Ron Leys. **MOTION CARRIED.**

The Executive Committee report was presented by Chairman Lundberg who reviewed correspondence. Lundberg said comments had been received from a Spring Green area landowner, Kolby Hirth, regarding the USH 14 bridge project. A copy of electronic correspondence from Ms. Hirth was reviewed. The letter requested the board's support for an increase in parapet height and use of noise reduction techniques for the proposed new bridge. Cupp reported on his conversation with Robert Lex, Department of Transportation (DOT) Project Manager, regarding parapet height and noise reduction opportunities. According to Lex, the standard parapet height is 32 inches, which is the federal standard and the standard to which the USH 14 bridge is designed. Lex indicated that designing the bridge with a higher parapet height would increase the cost and would require a lengthy review process by engineers and the federal government that would likely result in delays to the project. He said the use of "tining" lines to reduce noise from traffic on the bridge may be an option. Lex said the tining lines have been used elsewhere in Wisconsin and may have application for the new bridge. Further study is required. Based on his conversation with Lex, Cupp recommended the board retain their existing position on the bridge design but also request that opportunities for noise reduction be explored. Cupp noted a public information meeting for the project had been scheduled for November 14th. A motion to request that the DOT consider implementation of noise reduction techniques, such as tining lines and other technologies, for the USH 14 bridge project was made by Leys, seconded by Fred Madison. **MOTION CARRIED.**

Cupp reported that correspondence had been received from the Public Service Commission (PSC) regarding the LWSRB's letter on the American Transmission Company (ATC) long term plans, which included possible construction of a new high voltage transmission line that could impact the Riverway in the Spring Green area. Cupp said the letter noted there has been no formal application for the new line and that there would be an extensive review process before PSC approval. The docket number is 137-CE-147. The PSC website is <http://psc.wi.gov>. The docket may be tracked by accessing the PSC's Electric Regulatory Filing system at the PSC website.

The Operations Committee report was presented by Chairman Dorscheid. The request of Jack Kussmaul for an extension to a previously issued management permit was considered. Dorscheid noted the site is located in the Town of Millville, Grant County, and is visible from the Wisconsin River during leaf-on conditions. He said plans call for the restoration of prairie and oak savanna. Prescribed burning and removal of undesirable species will occur. Aspen will be girdled and other non-oak savanna species will be removed. No structures will become visible from the river as a result of the activity. The activity is consistent with protection of the scenic beauty and natural character of the site and was deemed appropriate for the site by Bill Carlson, former DNR Riverway Forester. Dorscheid noted the project is ongoing. Mr. Kussmaul wished to renew the permit for another two-year cycle. Most of the aspen girdling has been completed. The prairie and oak savanna has responded well. The activities proposed under the original permit have not changed. Madison asked about the size of the project. Cupp said he believed it be a 60-80 acre project.

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

- No existing structure(s) shall become visible from the river as a result of the activity;
- The LWSRB shall approve of any modification to the plans, as submitted; and,
- The landowner or his/her agent shall notify the LWSRB upon initiation and completion of the activity.

MOTION CARRIED

The request of Mel and Alice Levy for construction of new house with attached garage was considered. Dorscheid noted the site is located in the Town of Spring Green, Sauk County. He said a field inspection was conducted by Cupp on October 26, 2006. Previously, field inspections by Cupp and the Operations Committee were conducted on adjacent lots in the area including a nearby site visit on November 9, 2006. Dorscheid said the Operations Committee also visited the site prior to the LWSRB meeting. Plans call for construction of a new home with attached garage. Dimensions are proposed to be 30 ft. x. 40 ft. x 21 ft. (height) for the house. The pre-fabricated house will be moved to the site by semi and a crane will set the house on a partially exposed foundation. The proposed exterior colorization has not been provided but two color choices were submitted for the vinyl siding that would comply with the colorization standards and a shingle sample for the roof was in compliance with the LWSRB standardized color chart. A limited number of windows will face the river and a screened porch will face the river. Some screening vegetation exists. A group of white pines provides important screening. Additional screening vegetation was recommended by the Operations Committee. Leys noted much of the glass would be covered by the screened porch. Greg Greenheck said detailed instructions regarding the permit conditions should be included in the cover letter accompanying the permit. Dorscheid made a motion, seconded by Madison, to approve issuance of a permit with the following conditions:

- The existing screening vegetation shall be maintained and replaced if damaged or destroyed;
- 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;
- The exterior colorization of the structure (including roof color) shall harmonize with the natural surroundings during leaf-on conditions and shall be approved by the LWSRB prior to initiation of construction;
- Upon completion of construction, the LWSRB shall assess the visibility of the structure and may require establishment of additional screening vegetation to assure compliance with the applicable performance standard;
- There shall be a limited amount of glass or other reflective material;
- The LWSRB shall approve the location and design of the driveway;
- The landowner or his/her agent shall notify the LWSRB upon initiation and completion of the project;
- The LWSRB shall review any modifications to the plans, as submitted, for compliance with the applicable performance standards;
- The landowner or his/her agent shall notify the LWSRB upon initiation and completion of the project; and,
- The activity shall comply with all other federal, state and local regulations.

MOTION CARRIED

The permit request of Jack Kinney for a timber harvest in the Town of Watterstown, Grant County was considered. Dorscheid said a field inspection was conducted by Cupp on November 3, 1998, in conjunction with previous permit activity on the parcel. Gary Nelson, the consultant from Nelson Hardwoods, and Bill Carlson, former DNR Riverway Forester, were present for the field inspection. An additional field inspection was conducted by Cupp and Brad Hutnik, DNR Riverway Forester, on October 31, 2006. Field inspection revealed portions of the harvest area are visible from the river. The harvest area encompasses the Bluff Zone and Resource Management Zone. A pocket of oak wilt was confirmed by Hutnik and an area was delineated for a proposed clear cut to address the oak wilt issue. A portion of the diseased area falls within the Bluff Zone but the aesthetic impacts will be minimal. In addition to the oak wilt pocket, plans call for the selective harvest of merchantable hardwoods; mainly, red oak. The trees slated for harvest have been marked. A power point presentation was shown. Hutnik expressed a desire to speak to the consultant regarding the harvest plan, although compliance with the applicable basal area for the residual stand in the Bluff Zone was achieved. No new logging roads will be constructed. Access will be provided through a neighboring parcel via the existing road network. A possible archeological site was discovered (conical mound). The viewshed from the river to the site is distant and involves two narrow windows from the river to the bluff. One viewshed exists downstream near the Narrows and the other upstream near the mouth of Byrd's Creek.

Kinney continued:

Dorscheid made a motion, seconded by, 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, as detailed in Chapter NR 37, Wisconsin Administrative Code;
- In the Bluff 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;
- 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 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;
- An on-site meeting between the consultant and the DNR Riverway Forester shall occur prior to initiation of the harvest;
- The archeological site (conical mound) shall be protected and no felling of trees shall adversely impact the mound and no equipment shall operate on or within 5 feet of the mound;
- 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

Permit requests from Fletcher Flansburgh, DNR Wildlife Technician, for three management permits were then considered. Dorscheid said field inspections have been conducted at each site by Cupp in conjunction with previous permit activities on each parcel or on adjacent parcels. All of the sites are not visible from the Wisconsin River during leaf-on conditions. Plans call for mechanical removal of woody vegetation and small trees using a large brush cutter. The material will be mulched and left on site. The firebreaks are necessary to assist with prescribed burns proposed at each site for winter or spring of 2007. Aerial photographs and maps were reviewed. Dorscheid and Cupp described the sites.

Site #1: Sections 3, 4, 5, 6 in the Town of Richwood, Richland County; former Stone farm and Dermas farm; These sites are located within or adjacent to the Knapp Creek Unit of the Riverway. There would be multiple sites addressed by this management permit.

Site #2: Sections 32 and 33, Town of Eagle, Richland County; former Russo tract, near the Dingman and Hamilton mound groups; There are two prairie restorations projects on this parcel. The management permit would address the activities at the two sites.

Site #3: Section 26, Town of Millville, Grant County; Bergh am Bottoms near Winkers Lane; There is one site addressed under this management permit.

Dorscheid made a motion, seconded by Moore, to approve issuance of a permit with the following conditions for Site #1:

- 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.

Dorscheid made a motion, seconded by Greenheck, to approve issuance of a permit with the following conditions for Site #2:

- 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.

Dorscheid made a motion, seconded by Madison, to approve issuance of a permit with the following conditions for Site #3:

- 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.

An update on the Boscobel Airport project was given by Cupp. He said that the proposed clearing and trimming of trees near the airport was under review to determine the extent to which vegetative disturbance could be minimized. Cupp said preliminary indications are that the amount of tree removal or trimming in the bottomlands will be less than originally projected.

The pumping project for the reduction of water levels in Fish, Crystal and Mud lakes was discussed. A power point presentation was shown. Cupp said he had consulted with legal counsel regarding the proposed issuance of a written warning for violation of the LWSRB permit issued for the project. He noted there also are problems with the DNR issued permit(s). Cupp said legal counsel advised that issuance of a written warning would be appropriate if the board chose to pursue that option. He said a warning has not yet been issued. Cupp said he attended a meeting at the DNR South Central Region office in Fitchburg on the topic. DNR officials, lake district members and legal counsel for the lake district were present. At that meeting, lake district officials admitted culpability for the mistakes made in regarding to permit compliance and said the errors were committed due to a misunderstanding. Cupp said an additional meeting at the site is slated for November 14th.

Cupp then introduced Bud Styer, a lake district member. Styer described the process by which the pumping project came about and noted that the absorption technique never worked as planned. He said they ran into problems immediately after the pump was started, which resulted in efforts to address the inadequacies of the plan by berming and creating alternate flow routes for the water. Eventually, some trenching was done and a culvert was placed under a recreational trail. One of the trenches was constructed from the trail toward the river. Styer said he didn't realize he was doing anything wrong and apologized for his mistake in violating the conditions of the LWSRB permit. He said the trench to the river would be mitigated by refilling the trench, re-seeding the site and placing straw cover over the top. Styer said the lake area landowners have invested a lot of money in the project and wish to take the necessary actions to correct problems with the plan and get the pump working again. He said lake levels did decrease over the summer when the pump was in operation.

Greenwood asked if the drop in lake levels could be tracked specifically to the pumping or if it could be attributed to groundwater fluctuation. He said groundwater influences and surface water run-off both impact lake levels. Styer said hydrological studies were done and said the concept was to have the ability to reduce and stabilize the water levels by

pumping. He said the landowners wanted to protect their property. Leys asked if the reduction in lake levels could be attributed to evaporation and low rainfall instead of the effectiveness of the pumping. Styer said the record keeping is done carefully to measure rainfall events and to get a better handle on the reason for lake level decreases. Greenwood asked who did the trenching that is considered a violation of the LWSRB permit. Styer said a number of people had a hand in the decision making but that Tim Astfalk of Mead & Hunt staked out the trench and that Styer had a backhoe operator do the work. Greenwood said he couldn't understand why proper soil surveying and assessment wasn't done. Styer said the consultant was paid a lot of money to make the project work. Madison said a better survey should have and could have been done.

Cupp noted that a direct discharge to the river is not allowed and said the infiltration option is the only viable option because the lower Wisconsin River has a special waterway designation for water quality and also has endangered species concerns related to Higgin's eye mussels. He asked the LWSRB to rescind the previous motion to issue a warning to allow time for the lake district, DNR and LWSRB to work through the issues.

Greenwood said the new engineering plans should be scrutinized because something that works for the lake district may not be in the best interest of the Riverway and may not meet the needs of the LWSRB and DNR. Moore asked if the ditch to be re-filled could blow out when the pump is re-started. Styer said it would be unlikely because of the berm. Moore said a better engineering plan clearly is required. Madison noted infiltration basins are not overwhelmingly successful. Styer said additional work definitely is needed. Leys asked about the algae bloom in Crystal Lake. Styer said it varies from year to year depending on weather conditions. Greenwood reiterated his concerns with the project and said he doesn't want the pump to be turned on until all issues have been satisfactorily resolved. Cupp said the DNR has assured him that the pump will not be turned back on until resolution of all issues has transpired. Greenwood said there are many problems with this project and he will not support issuance of a new permit or revision of the current permit until he is comfortable with the plan. Cupp concurred and said he is confident that there will be no additional pumping until the new plan has been scrutinized by DNR and others.

Greenwood then made a motion, seconded by Leys, to delay action on issuance of a written warning for violation of the LWSRB permit conditions until the board meeting on January 11, 2007. **MOTION CARRIED.**

A report on the American Transmission Company project to replace poles between on the high voltage transmission line between Sauk and Iowa counties near Spring Green was given. Dorscheid said the Operations Committee viewed the site prior to the LWSRB meeting. He said the project is nearly complete. A power point presentation was shown. Cupp said that the re-vegetation plan recommended by Hutnik would be implemented in the spring. He said the galvanized sleeves on the poles would be painted a brown color.

Cupp reported a response was received to the request made by the LWSRB for burial of power lines in conjunction with a permit issued to Muscoda Utilities. The new line would follow the access road to Goodweiler Lake. The site is not visible from the river. Cupp said the consultant to Muscoda Utilities had met with him and Hutnik and indicated that burial of the lines would be cost prohibitive. He noted that the LWSRB couldn't require burial. Leys noted that it doesn't hurt to make the request.

The Budget & Office Committee report was presented by Acting Chairman Greenheck who reviewed the status of the FY 07 budget.

The Personnel Committee was given by Chairman Moore who noted that Cupp had assumed responsibilities as AA/EEO officer for the board due to the change in delivery of human resources (HR) services. Because the Department of Tourism no longer provides those services to the board, a new person had to be named so Cupp filled the position. In addition, a revised AA/EEO statement was filed by Cupp on behalf of the board.

The Executive Director's report was presented by Cupp who reviewed the materials in the board members' packets. Cupp noted the Cultural Landscape Legacies annual meeting at Prairie du Chien and tours of Effigy Mounds National Monument held in October were well attended. He said Crawford County is considering a revision to the county's tower siting ordinance and said he would be working with the county zoning administrator and a planner from the Mississippi River Regional Planning Commission on the topic. Leys, who also serves as the Chair of the Crawford County Board of Supervisors, said proposed revisions to the ordinance by a representative of U.S. Cellular were not necessarily in the best interests of the county. Any revisions to the ordinance will be made by the county and reviewed by the appropriate committee. Cupp said action on any revisions will not be made for a few months.

Under board members' business, Cupp said Ritchie Brown had requested that he extend an invitation to the board to attend the annual bison round-up at the Ho-Chunk Farms in the Town of Eagle, Richland County. The event will be held on December 11th. Greenwood noted a letter from DNR had been received regarding revision to the noise regulations for watercraft. He said the Natural Resources Board would consider the matter at their December 6, 2006, meeting. Greenwood said the revised rule was not yet available for public review.

The DNR report was given by Steve Colden, DNR Riverway Manager, and Brad Hutnik, DNR Riverway Forester. Colden said there were no new acquisitions since the last meeting. He said the DNR budget request had been submitted. Hutnik reviewed timber sales on state owned lands in the Riverway including an active harvest on Long Island near Lone Rock and a pending harvest in Iowa County near the USH 14 boat landing. He said an additional six sales will be going out for bids. Hutnik also reported another marking camp would take place on state lands December 5-7.

During the public comment session, Timm Zumm of Spring Green encouraged people to attend the Spring Green Planning Commission meeting regarding the proposed sand pit.

Kevin Isenring of Sauk City (Town of Mazomanie, Dane County) said a comprehensive user study should be conducted to gain greater understanding of user numbers and where the river users are coming from to get a grip on future use issues.

A motion to adjourn until December 14th when the meeting will be held in Muscoda was made by Madison, seconded by Moore. **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