

LOWER WISCONSIN STATE RIVERWAY BOARD

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MINUTES OF THE DECEMBER 14, 2006, RIVERWAY BOARD MEETING

The Lower Wisconsin State Riverway Board (LWSRB) met on Thursday, December 14, 2006, at the village hall in Muscodia 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 exception of Nick Nice. 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 Fred Madison. **MOTION CARRIED.** A motion to approve the minutes of the November 9, 2006, meeting was made by Ron Leys, seconded by Madison. **MOTION CARRIED.**

The Executive Committee report was presented by Chairman Lundberg who reviewed correspondence. Lundberg said a memorandum was sent by Cupp to the Natural Resources Board regarding the revised administrative rule on noise regulation of watercraft. Cupp noted the content was approved by the Executive Committee prior to distribution. Don Greenwood noted the Natural Resources Board approved the rule revision on a 4-3 vote. He said concerns were expressed regarding testing procedures and the decibel drop-off from 50 feet to 100 feet. Greenwood said the revised rule is a step in the right direction. He said new tools for testing may be available soon. Greenwood noted the rule was sent to the Legislature for review sometime after the new session begins in 2007.

Leys commended Greenwood and Cupp for their leadership and time spent on the issue. Greenwood noted that a Department of Natural Resources official had told him that the LWSRB involvement in the issue was significant in motivating the department to review the rule and the need for modifications thereof. Lundberg also thanked Greenwood and Cupp for their involvement in the matter. Madison asked where the rule currently was in the process. Cupp said the rule initially is sent from DNR to the Legislature's Joint Committee on the Review of Administrative Rules (JCRAR). Madison said he was concerned about the new technology on the horizon that could require changes in the rule and suggested the rule needs to be flexible to incorporate new testing methods and testing protocols. Cupp noted the LWSRB memorandum to the Natural Resources Board requested that a report be provided on the effectiveness of the new rule after two years and further requested that the DNR monitor developments with new technology and the possible application to noise regulation of watercraft in Wisconsin. Cupp noted it is probable that a legislative hearing will be held on the matter. Greenwood noted he had shared information with DNR regarding the new devices that soon will be on the market. Greg Greenheck said the development of new noise regulations for snowmobiles took ten years.

The Operations Committee report was presented by Chairman Dorscheid. The permit application of Dan Buffington for construction of a new house with detached garage in the Town of Wauzeka, Crawford County, was considered. Dorscheid said an initial field inspection was conducted by Cupp on October 25, 2006. A second field inspection was conducted by Cupp and the Operations Committee on November 9, 2006. A third field inspection was conducted by Cupp on November 27, 2006. A fourth field inspection by Cupp and the Operations Committee was conducted on December 14, 2006. Mr. Buffington was present for all field inspections. Brad Hutnik, DNR Riverway Forester, also was present for some field inspections at the site.

Dorscheid said plans call for construction of a new log home with detached garage. Dimensions are proposed to be 32 ft. x 44 ft. x 32 ft. (height) for the house, which is a change from the original plans that called for a 36 ft. x 40 ft. x 32 ft. structure. The new design also reduces the amount of glass on the side of the house facing the river from 47% of the surface area to 34%. Some of the glass area would not be visible from the river. There will be an open deck on the side facing the river and a screened deck on the other three sides. 5-foot overhangs are included. The garage dimensions are 32 ft. x 36 ft. x 16 ft. (height). The log home and garage both will be brown with a dark roof. Some screening vegetation exists at the site but additional screening vegetation will be required. The slope of the site is less than 20%.

Cupp added that the committee had worked closely with the landowner to achieve compliance with the applicable regulations. Cupp noted the height of the house and the location on the bluff were challenges but changes made to the home design and location, including a reduction in the amount of glass and establishment of additional screening vegetation, would enable the structure to achieve compliance with the visually inconspicuous standard (during leaf-on

conditions). The use of low reflective glass was discussed. Cupp was directed to do research on types of low reflective glass that may be on the market. Dorscheid noted the five-foot overhangs also would reduce reflection.

Lundberg commended the Operations Committee for working with the landowner and carefully reviewing the plans. He said approval of the application would be consistent with previous board actions. Lundberg noted the structure will be tucked into the existing woodlot and the visual impact will be further minimized with establishment of additional screening vegetation. Greenwood asked Hutnik if the planting plan would include fast growing species. Hutnik said the suite of species to be used was discussed with the committee and the use of a faster growing species, such as a hybrid poplar, would be considered.

Leys made a motion, seconded by Brown, to approve issuance of a permit for the house and garage 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 32 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;
- By June 1, 2007, additional screening vegetation shall be established to include 3-5 trees with the trees to be 6-8 feet in height at the time of planting and with the species composition and planting locations to be determined by the LWSRB in consultation with the DNR Riverway Forester;
- The trees planted under the planting plan shall be replaced with trees of similar size if damaged or destroyed and long term survival must be assured;
- The white oak tree near the walk-out basement shall be retained but if mortality occurs during or after construction, a white oak tree of at least 12 feet shall be established at the same location;
- The surface area of the patio near the white oak shall be constructed of materials that provide permeability to enhance the opportunity for survival of the white oak;
- There shall be no more than 34% of the surface area on the south face comprised of glass and *use of low reflection glass is recommended*;
- 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 Brian Frank for a timber harvest in the Town of Spring Green, Sauk County was considered. Dorscheid stated the initial field inspection was conducted Cupp on December 6, 1995. Mr. Frank, Jim Birkemeier – the original consultant and Bill Carlson, former DNR Riverway Forester, also were present for the field inspection. Field inspection revealed the harvest area includes a bluff visible from the Wisconsin River during leaf-on conditions. The visible portion of the Wisconsin River is located downstream from the USH 14 bridge at Spring Green. Plans called for a selective harvest for the purpose of crop tree release.

Dorscheid said Mr. Frank wishes to conduct another timber harvest at the site. The new consultant is Dave Barnes. Mr. Barnes has stated that plans call for a light selective harvest. The trees slated for harvest have been marked. No new roads will be constructed in the Bluff Zone. A field inspection scheduled for December 12th was cancelled due to inclement weather and poor visibility. Dorscheid noted the field inspection has been re-scheduled for December 18th. Cupp said his recollection from the previous field inspection is that there is a distant viewshed to the river. He said he expects the harvest

area to include the Bluff Zone and Resource Management Zone. Cupp noted a separate permit, not an extension, would be issued because the timber harvest activity and the consultant are different from the previously issued permit.

Dorscheid made a motion, seconded by Greenwood, to approve issuance of a permit for the activity 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 in the Bluff Zone and Riverview Zone 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 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

The request of Walter Mirk for an extension to a previously issued management permit was considered. The site is located in the Town of Millville, Grant County. Dorscheid said a field inspection was conducted by Cupp on an adjacent state owned parcel where Paul Brandt, former DNR Wildlife Biologist, was engaged in a prairie/oak savanna restoration effort. The project on the Mirk property will complement and adjoin the work on the DNR parcel. The previous field inspection revealed the site is not visible from the Wisconsin River during leaf-on conditions. The area is located on the side of the bluff facing CTH C. Plans call for removal of brush and walnut, basswood, cherry, elm and miscellaneous other species. Populations of wild quinine, prairie petunia, yellow gentian, purple milkweed are among the plants on the endangered/threatened species list which will benefit. Overall, the project will benefit the existing oak savanna/prairie ecosystem. Cupp noted Mr. Mirk has requested another extension. The plans for the project remain the same and work is ongoing. Extensions were approved in January of 2003 and 2005. Hutnik noted the site is adjacent to a proposed new state natural area. A motion to approve a two-year extension with retention of the previous permit conditions was made by Dorscheid, seconded by Brown. Conditions of the permit included the following:

- 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

An update on the Boscobel Airport project was given by Cupp. He said that the proposed clearing and trimming of trees near the airport had been curtailed to minimize vegetative disturbance pursuant to the board's request. Cupp said an on-site meeting would be useful to determine the extent of the vegetative removal and the need to modify the plan for re-establishing vegetation at the site. Cupp said preliminary indications are that the amount of pine tree removal along the

highbank and the removal or trimming in the bottomlands will be less than originally projected. A motion to endorse the revised vegetative removal plan and to request an on-site meeting was made by Greenwood, seconded by Brown. **MOTION CARRIED.**

The pumping project for the reduction of water levels in Fish, Crystal and Mud lakes was discussed. Cupp said a meeting was held at the site with representatives from the lake district, DNR and LWSRB present. He noted LWSRB member Fred Madison was among those in attendance. Cupp said the trench to the river had been filled in, re-seeded and covered with straw. A number of test pits were dug while the group was at the site to determine if proper infiltration would be possible. He said there was a great deal of post-settlement deposition on top of the sand (between 3-6 feet). Cupp said an idea floated by the lake district and their engineer was to clear a 2 ½ acre patch to create an infiltration area. He noted any plans for the site will be scrutinized by DNR and said the pump will not be turned back on until an acceptable plan has been approved and permits have been acquired from DNR and LWSRB. Cupp noted the board's action at the November meeting had been to delay issuance of a written warning until January.

Madison said the original plan for pumping appears to have been under-designed. He said it will be a daunting task to reconfigure the engineering plan to accomplish the intended objective while also complying with regulatory standards. Madison noted the amount of algae in the lake system creates difficulties as well. He said questions regarding impacts on roosting eagles also should be answered. Madison noted the Town of West Point, of which he is a resident, has made considerable investment in the project.

Greenwood asked where the water table was in that area. Madison said it fluctuates with river levels. Greenwood asked about potential odor problems if the infiltration basin idea were used and algae would build up. Madison said it is an issue that would have to be addressed because there are neighbors. He noted the algae will "plug up" the system and will have to be scraped or removed periodically to allow for proper infiltration. Moore noted the time of pumping also will be important. Greenwood said the existing permit should be considered null and void. Cupp said action on the warning or formal revocation of the existing permit should occur in January. He said, in essence, there is no longer a permit for the activity because the plans have changed since the original permit was issued.

Cupp reported he had met with a representative of the American Transmission Company project regarding a maintenance project on right-of-way in the Town of Orion, Richland County. He said the line near Bogus Bluff was seeing maintenance activity including removal of trees and brush. Cupp said he had given the contractor permission to remove some small trees outside of the right-of-way to accommodate movement of equipment to an area that was difficult to reach due to steep terrain. Cupp said there should be minimal, if any, impact on the viewshed as seen from the river.

Dorscheid said the committee met prior to the board meeting with Bob Swartz, Department of Transportation (DOT) Environmental Coordinator for the LaCrosse District, to discuss the STH 60 walls west of Boscobel. Dorscheid said DOT will plant additional vines and shrubs along the wall and will add riprap and soil to some walls on the river side of the road. The cost of the project will be approximately \$68,000. Cupp said he hoped to establish a partnership with the Friends of the Lower Wisconsin (FLOW) and other local groups to do additional plantings of willow and other native species. A motion to accept the DOT plan for establishing additional vegetation along the walls was made by Madison, seconded by Moore. **MOTION CARRIED.**

The proposed creation of a mineral extraction site (sand pit) near Jones Road and Thuli Road in the Town of Spring Green, Sauk County, was discussed. Dorscheid said the town planning commission had rejected a rezoning request and the applicant, Kraemer's, had withdrawn the application.

Cupp said he continues to work with Crawford County on a revision of the tower siting ordinance. He said the latest draft looked good and addressed the board's major areas of concern. Cupp said the revised ordinance is expected to be acted on by the committee in January and then sent to the full county board for action.

Cupp said he had issued one permit since the November meeting. A general permit was issued to Brad Wachter and the logger, Tom Wachter, for a timber harvest on lands not visible from the river in the Town of Millville, Grant County.

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

The Personnel Committee report was given by Chairman Moore who said the annual performance evaluation of Marsha Nachtigal, LWSRB Office Associate, had been completed. Moore said Nachtigal had received ratings of “Satisfactory” to “Exceeds Expectations” for her duties. She noted that Nachtigal particularly excels in the areas of customer service and technology applications. Moore said the annual performance evaluation of Executive Director Cupp would occur at the January meeting. The evaluation procedure would be the same as in previous years.

The Executive Director’s report was presented by Cupp who reviewed the materials in the board members’ packets. Cupp said he continues to make progress on the application for designation of STH 60 as a Wisconsin Scenic Byway. He said the December meeting of the Land & Water Conservation Board in Appleton was interesting and reviewed documents currently available regarding the Wisconsin Buffer Initiative, Working Lands Committee and annual reports.

Cupp reviewed the 2007 meeting schedule.

January 11, 2007	Muscoda	Kratochwill Memorial Building
February 8, 2007	Muscoda	Kratochwill Memorial Building
March 8, 2007	Muscoda	Kratochwill Memorial Building
April 12, 2007	Sauk City	Public Library
May 10, 2007	Boscobel	City Hall
June 14, 2007	Mazomanie	Black Hawk Unit (Rhinelander Cabin)
July 12, 2007	Lone Rock	Community Building
August 9, 2007	Prairie du Chien	Wyalusing State Park
September 13, 2007	Spring Green	Public Library
October 11, 2007	Wauzeka	Village Hall
November 8, 2007	Avoca	Village Hall
December 13, 2007	Muscoda	Kratochwill Memorial Building

Cupp said two volunteer work days for mounds maintenance had been scheduled. The December 9th work day at the Dingman mound group was well attended. Another work day at the Jonas mound group was slated for December 16th. He said the eagle release at the Shadewald mound group, which was held on December 10th, also was well attended with 125+ folks witnessing the release of the rehabilitated eagle. Cupp said annual bison round-up at the Ho-Chunk Farm was held on December 11th. He said 157 bison were run through the chutes that day. Cupp noted he is working with Merle Frommelt of Effigy Mounds National Monument on a workshop for educators to be held in August. The workshop will focus on the effigy mounds of Richland County and the Gottschall Rock Shelter in Iowa County.

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. Colden said a meeting with Tony Glymph, DNR Bacteriologist, had been held to select sampling sites on the river where water quality would be monitored. He said the department is working on improvements to maps available for public use as well as internal use. Hutnik said a bid opening was held for six proposed timber sales on state owned lands in the Riverway. He said three proposed harvests were sold including the areas marked at the Helena Bottoms, Blue River Bottoms and Prairie du Bay Bottoms. Hutnik said the sale at the former Merwin tract and two pine thinnings (Gotham and Muscoda) didn’t attract the required minimum bids. He said those sales will be re-offered. Hutnik said another marking camp was held in December with 450 acres marked for further harvesting. Hutnik then gave an update on the harvests proposed for this harvest season. He said the harvest at Long Island

near Lone Rock was complete except for road remediation. The harvest in the bottomlands adjacent to the USH 14 bridge was ongoing with hauling of logs and remediation of roads still to occur. Hutnik said he was waiting to hear if the loggers would be venturing into the STH 60 sale area in the Town of Troy, Sauk County.

Dorscheid asked if there would be a clear cut in association with the new USH 14 bridge project. Hutnik said all trees within the new right of way would be removed. Dorscheid asked why bids were not received on the three sales mentioned. Hutnik said the price of pine has dropped so the minimum bid level may have been too high. For the former Merwin tract, Hutnik said he was surprised it didn't sell but thought it may be that buyers hadn't perused the entire sale area. He noted the higher quality timber was not immediately adjacent to the road.

There were no comments under board members' business.

During the public comment session, Timm Zumm of Spring Green, FLOW Co-Chair, reported on a river-oriented meeting he attended in Wisconsin Dells. He said groups and individuals from throughout the length of the Wisconsin River were in attendance. He said he left the meeting feeling very good about the Riverway. Zumm said one of his dreams is to involve groups up and down the entire length of the river in National River Clean-up Week, which is June 2-9, 2007.

Jerry Stram, rural Prairie du Chien, asked about the status of the gypsy moth infestation. Hutnik said a combination of spraying and weather had reduced the advance of the gypsy moth. Lundberg noted numbers were down for 1 year in central Wisconsin but said he has seen a lot of egg masses this fall. Hutnik said the infestation in the Riverway is probably still a few years away. Leys asked if there was a natural or biological control. Hutnik said there is a naturally occurring fungus. He noted the first local defoliation event will probably get people's attention locally.

A motion to adjourn until January 11th when the meeting will be held in Muscoda was made by Madison, seconded by Brown. **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