

LOWER WISCONSIN STATE RIVERWAY BOARD

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MINUTES OF THE MAY 11, 2006, RIVERWAY BOARD MEETING

The Lower Wisconsin State Riverway Board (LWSRB) met on Thursday, May 11, 2006, at the Boscobel City 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. 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 Nick Nice. **MOTION CARRIED.** A motion to approve the minutes of the April 13, 2006, meeting was made by Fred Madison, seconded by Dorscheid. **MOTION CARRIED.**

The Executive Committee report was presented by Chairman Lundberg. Lundberg noted election of officers for the 2006-2007 fiscal year will be held at the June 8th LWSRB meeting. He asked Melody Moore, Personnel Committee Chair, if the committee again would serve as the Nominating Committee. Moore responded in the affirmative.

Lundberg noted the Friends of the Lower Wisconsin (FLOW) had received a "River Champion" award from the River Alliance of Wisconsin. He asked Moore to report on the event. Moore said Timm Zumm and David Gjestson were in attendance and received the award. Moore noted David Martin, former Richland County representative to the LWSRB, also was in attendance and was honored for being author of legislation to create the Wisconsin Wild & Scenic Rivers program 40 years ago. Lundberg offered congratulations to FLOW on behalf of the board and thanked Moore for representing the LWSRB at the event. Timm Zumm, FLOW Co-Chair, thanked Moore for her remarks at the event and thanked those who nominated FLOW for the award.

A Department of Natural Resources (DNR) proposal to revise an existing administrative rule regarding regulation of noise from watercraft was discussed. Don Greenwood noted changes are proposed to Chapter NR 5, Wisconsin Administrative Code, with a hearing to be held in Prairie du Chien on May 24th. Greenwood said the proposal would utilize the J1970 testing method to measure decibels for airboats and hovercraft at a minimum distance of 300 feet. He said all other craft are measured at 50 feet. Greenwood said it appears that the 300 foot rule was developed due to safety concerns for conservation wardens enforcing the regulation, although he has not been successful in discussing the rationale for 300 feet with DNR officials. Greenwood said the 300 foot rule creates an exemption, or special class of watercraft, for airboats and hovercraft. He noted there is a significant decibel level drop-off from 50 feet to 300 feet. Greenwood said the 300 foot rule will limit a warden's ability to enforce the regulation on most rivers, including much of the Wisconsin River. He said the J1970 test is a shoreline or land based test. Greenwood suggested exemptions could be created for law enforcement or rescue boats but felt the 300 foot rule would be a bad idea and is excessive.

Ron Leys noted large boats can't use the Wisconsin River but airboats and hovercraft can and said there is a need to protect the Wisconsin River. He asked if the concept of excluding certain "traditional" areas remained in the rule proposal. Greenwood said it had been dropped. Madison asked about the J1970 testing procedure. Greenwood described the various testing procedures, including the J34 test, J2005 test and J1970 test. He said the information was from the Society of Automotive Engineers. Madison said the board may wish to advocate a change from 300 feet to 50 feet. Greenwood suggested a 50 foot starting point with some discretion for wardens. A member of the public, Timm Zumm of Spring Green, noted the personal watercraft are required to maintain a 100 feet berth from other watercraft but other motor boat operators are simply required to avoid creation of a dangerous wake. Zumm described head gear used for hearing protection that use 85 db as a threshold. Leys noted that the airboats are loud as evidenced by the fact the operators and passengers wear hearing protection.

Cupp reviewed the DNR's statutory authority to regulate noise of watercraft and reviewed the existing administrative rule as well as the language of the proposed rule revision. He noted the board consistently has stated that the intent is not to prohibit airboats or hovercrafts from using the river. He said the board simply has endorsed regulation of the 86 db limit for all watercraft. Cupp then said he felt the cover memorandum presented to the Natural Resources

LWSRB MINUTES/MAY 11, 2006

Page -2-

Board in March was in error when it suggested that the user conflict between airboats/hovercraft and canoeists were because canoeists were venturing into areas that formerly were only the domain of airboat or hovercraft enthusiasts. Cupp said his experience on the river is different from that portrayed by the internal DNR memo.

Madison asked if it was possible to muffle the sound of the propeller. Dorscheid asked if it was possible to reduce the RPMs to reduce noise. Greenwood said there are retrofit kits available that reduce noise through a variety of means. Madison noted the "cigar boats" that operate on Lake Wisconsin are extremely loud as well.

Cupp said he was contacted by Kevin Isenring of Mazomanie. Mr. Isenring is an airboat operator. Isenring was unable to attend the LWSRB meeting but asked Cupp to forward his comments to the board. Isenring felt the board was discriminating against airboats and hovercraft and was ignoring other sources of noise such as helicopters, float planes that land on the river, lawn mowers, fireworks, gun clubs, etc. Cupp said he attempted to explain to Mr. Isenring that the board was not trying "outlaw" airboats on the river. Cupp said he told Mr. Isenring that the DNR regulates airboats but that the board had recommended enforcement of the 86 decibel limit currently on the books. Cupp said the board has a role to play by offering an opinion to DNR, just as a private citizen does.

Madison then made a motion, seconded by Moore, directing Cupp and Greenwood to attend the May 24th public hearing in Prairie du Chien and to raise the board's concerns with the proposed rule revision, as written with the 300 foot rule in place, and also raising questions about the language of the internal DNR cover memorandum to Natural Resources Board members. **MOTION CARRIED.**

The Operations Committee report was presented by Chairman Dorscheid. The request of Jeff Brownlee for a timber harvest in the Town of Watterstown, Grant County, was considered. A power point presentation with aerial photographs and maps was shown. Dorscheid said a field inspection was conducted by Cupp and Brad Hutnik, DNR Riverway Forester, on May 1, 2006. Mr. Brownlee also was present for the field inspection. He said the field inspection revealed portions of the harvest area are visible from the Wisconsin River during leaf-on conditions (River Edge Zone). The majority of the harvest area encompasses the Resource Management Zone. The existing network of roads will be utilized, if Mr. Brownlee is able to obtain an easement or access agreement from DNR. Plans call for the selective harvest of merchantable hardwoods including silver maple, swamp white oak, ash and river birch. The trees slated for harvest have not yet been marked.

Dorscheid made a motion, seconded by Greenwood, 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 River Edge Zone, as detailed in Chapter NR 37, Wisconsin Administrative Code;
- In the River Edge 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 review the location and design of all new logging roads, if any, in the River Edge 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 River Edge Zone and Resource Management Zone shall be delineated prior to initiation of the harvest;
- In the River Edge Zone, all trees selected for harvest shall be appropriately marked and reviewed by the LWSRB for compliance with the applicable performance standards 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, if necessary, the LWSRB shall conduct a post-harvest field inspection; and,
- The LWSRB shall review modification of the plans, as submitted, for compliance with the applicable performance standards.

MOTION CARRIED.

The request of Eugene Neuheisel for a timber harvest in the Town of Spring Green, Sauk County, was discussed. A power point presentation with aerial photographs and maps was shown. Dorscheid said a field inspection was conducted by Cupp, Hutnik and Rick Livingston, DNR Sauk County Forester, on May 10, 2006. The field inspection revealed portions of the harvest area are visible from the Wisconsin River during leaf-on conditions. The Bluff Zone and Resource Management Zone were delineated by Cupp and Hutnik. The location and design of logging roads or heavily used skidder trails has not been determined. It may be possible to utilize the existing network of roads and trails. Hutnik noted the property is enrolled in the Managed Forest Law program. Cupp noted, initially, plans called for a ten-acre regeneration cut. However, after the viewshed was determined, which was difficult due to leaf-on conditions, the Bluff Zone was delineated. It was determined that the remainder of the harvest area would fall within the Resource Management Zone. In the Bluff Zone, Riverway regulations require the selective harvest of merchantable hardwoods. The trees slated for harvest have not been marked. A variety of species will be harvested. Lundberg asked if new roads would be built. Hutnik said it is unlikely that new roads will be built and noted an existing network of skid trails may be utilized.

Dorscheid made a motion, seconded by Ritchie 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, 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 review 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;
- In the Bluff Zone, all trees selected for harvest shall be appropriately marked and reviewed by the LWSRB for compliance with the applicable performance standards 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, if necessary, the LWSRB shall conduct a post-harvest field inspection; and,
- The LWSRB shall review modification of the plans, as submitted, for compliance with the applicable performance standards.

MOTION CARRIED.

The request of Hutnik for extensions to three timber harvest permits was considered. Hutnik described the activities for the harvests in the Town of Troy, Sauk County; Town of Arena, Iowa County; and, Town of Buena Vista, Richland County. He said activities for all three sites involve the selective harvest of merchantable trees with some small gaps included in the Resource Management Zone. Hutnik said the harvest in the Town of Troy, Sauk County, is adjacent to STH 60 near Williams Road. The harvest in the Town of Arena, Iowa County, is next to the USH 14 boat landing. The harvest in the Town of Buena Vista, Richland County, is located on Long Island, which is the large island between Lone Rock and Iowa County on STH 130. Cupp said the conditions of the original permit for each harvest would remain intact.

A motion to approve issuance of a one-year extension to the Town of Troy permit was made by Dorscheid, seconded by Nice. **MOTION CARRIED.**

A motion to approve issuance of a one-year extension to the Town of Arena permit was made by Dorscheid, seconded by Nice. **MOTION CARRIED.**

A motion to approve issuance of a one-year extension to the Town of Buena Vista permit was made by Dorscheid, seconded by Nice. **MOTION CARRIED.**

Cupp then gave a power presentation on the Mike and Skippy Leibfried property in the Town of Woodman, Grant County. Cupp said a permit was issued to the Leibfrieds for construction of a new house overlooking the Wisconsin River on a bluff near the Big Green boat landing west of Woodman. A condition of the permit required retention of the existing screening vegetation and replacement if damaged or destroyed. Some of the trees that provide screening have succumbed to a disease, insect infestation or other environmental factors. Therefore, a planting plan to replace the trees will be required. Cupp said he and Hutnik had met with the landowner to discuss the situation. A second meeting with Cupp, Mr. Leibfried and Kyoko Scanlan, DNR Forest Pathologist, was held on May 9th in an attempt to determine the cause of the tree mortality. Ms. Scanlan's report was distributed to the board. The report indicated it appeared the tree mortality was derived from two causes – Dutch elm disease and oak wilt. Scanlan suggested the situation be monitored over the summer of 2006 before additional planting occurs at the site. Leys noted the Operations Committee visited the site before the board meeting and said the landowner was very cooperative. Madison asked if the planting plan should be implemented yet this spring. Cupp said the recommendation was to delay implementation of the planting plan until 2007 to allow for more observation of disease manifestation and to allow for removal of dead/dying trees.

Lundberg asked Hutnik if chemical treatment of the oak stumps may be worthwhile. Hutnik said there have been studies on the use of chemicals on stumps in oak wilt areas but the tests are so far inconclusive. Hutnik said he thought there may be additional factors beyond Dutch elm disease and oak wilt. He said secondary environmental factors related to the home construction could be involved and said there may be more waves of mortality coming. Cupp said that Scanlan had referred to the studies on chemical treatment of oak wilt stumps. According to Scanlan, an additional two years of study is required before any conclusions can be drawn but said the concept may offer some hope for minimizing the spread of oak wilt. Dorscheid noted trenching was not an option at the steep, rocky site. Leys said the landowner was willing to spend money on preserving as many trees as possible. Cupp said he would continue to work with the landowner and monitor the situation with a report to come back to the board in the fall or winter.

The proposed expansion of the Boscobel Airport was discussed. Cupp explained that plans call for tree removal near the river. The tree removal is necessary to accommodate installation of GPS landing equipment. The rows of red pine on the high bank near the river would be removed and some trees in the bottoms would be topped or removed. Cupp said the project is being recommended by the Wisconsin Department of Transportation (DOT) – Bureau of Aeronautics because the Boscobel approach is considered the second worst in the state. Cupp said he had received correspondence from DOT indicating the project would be considered under the “direction and supervision” of the department. As a result, the section of law regarding DOT activities is applicable. Cupp said the Operations Committee had reviewed the site and felt development of a re-vegetation plan for the site would be important. He noted Hutnik had accompanied the committee and the field inspection and had several ideas for low growing vegetation to replace the pine trees.

Leys noted the board's statutory authority is limited because of the DOT involvement. He asked if there was a better way to serve the taxpayers of the state while also meeting the transportation needs of the area by more regionalization of airports rather than having high tech capabilities and extensive runways at each small town airport. He suggested it would make more sense to have a regional airport at Platteville, Prairie du Chien or Boscobel rather than to have duplication of effort at the several airports in southwestern Wisconsin. Lundberg noted, in this case, it is a safety issue as determined by DOT. Madison asked if the area could be returned to prairie. Hutnik noted there has been an extensive prairie restoration effort on the airport grounds as well as on DNR lands adjacent to the airport. Madison suggested there must be wonderful prairie soils at the site. Hutnik noted the tree removal would occur in both an upland (sandy terrace) and lowland area so the suite of species he would choose would vary according to the site. Low growing woody vegetation or shrubs would be planted in the area of pine removal to minimize the visual impact. The amount of disturbance in the bottomlands area will be determined following the pine removal when an additional assessment would be made. Cupp said no action was required by the board at the present time. The next action to be taken by the LWSRB would be to review the proposed planting developed by Hutnik, which will be submitted by the airport commission.

The Budget & Office Committee report was presented by Chairman nice who reviewed the status of the FY 06 budget. Cupp said budget projections for the remainder of the fiscal year indicate a surplus in the supplies and service line will exist. He requested authorization to purchase a We-no-nah canoe for a cost of approximately \$1400. Cupp

explained the existing canoe would be retained and used for solo trips while the new canoe would be better suited for tandem voyages. Madison noted the proposed expenditure had been endorsed by the committee. A motion to proceed with purchase of the canoe was made by Nice, seconded by Greenwood. **MOTION CARRIED.**

There was no report from the Personnel Committee.

The Executive Director's report was presented by Cupp who reviewed the materials in the board members' packets. Cupp noted the Bloyer/Twin Lizard mound group was approved for inclusion on the National Register of Historic Places. Cupp said Cultural Landscape Legacies also will give a tour of mound sites to the Natural Resources Foundation on May 13th and will participate in the Muscoda Morel Mushroom Festival on May 20-21 with lectures and tours. He noted the large voyageur canoes have been reserved for the July board meeting. Cupp said he hopes to use the vessels for other tours to include local officials before or after the board meeting. He said the Great River Rumble was coming back to the river in July. The outing includes up to 100 canoes. This year, the group will paddle from Prairie du Sac to Dubuque with stops at Spring Green, Muscoda and Wauzeka within the Riverway.

The DNR report was presented by Hutnik who said funding for additional plantings in the Riverway had been secured. He noted the burn at the Ferry Bluff State Natural Area had been conducted by Matt Zine and his crew. Hutnik described the ignition pattern and success of the burn. Cupp noted Zine had reported on other burns in the area as well as provided the board members with information on those burns.

During the public comment period, Timm Zumm, FLOW Co-Chair, said National River Clean-up week will held in May with local events slated for May 13th and May 20th.

A motion to adjourn was made by Greenwood, seconded by Madison. **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