

LOWER WISCONSIN STATE RIVERWAY BOARD

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MINUTES OF THE SEPTEMBER 13, 2007, RIVERWAY BOARD MEETING

The Lower Wisconsin State Riverway Board (LWSRB) met on Thursday, September 13, 2007, 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 with the exceptions of Greg Greenheck, Ron Leys 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 Don Greenwood, seconded by Nick Nice. **MOTION CARRIED.** The minutes of the August 9, 2007, meeting then were considered. A motion to approve the minutes was made by Fred Madison, seconded by Greenwood. **MOTION CARRIED.**

The Executive Committee report was presented by Chairman Lundberg who reviewed correspondence. He noted Cupp had sent a letter to the U.S. Army Corps of Engineers encouraging development of a plan to address bank stabilization at the Ho-Chunk Bison Ranch in the Town of Eagle, Richland County. The bank stabilization project is needed to protect a mound group that is endangered by the sloughing of the sandy highbank. Cupp said he had conversed with an Army Corps of Engineers official who indicated that the project is on the priority list but that funding will be the key factor. Passage of the federal budget will determine when and what action may be taken.

Lundberg said Cupp had sent a memorandum to Department of Natural Resources (DNR) officials regarding the purchase of scenic easements in the Riverway. Cupp said the document was sent to re-enforce the institutional memory of DNR regarding the commitment made to Riverway landowners when the project was created in 1989. He said that landowners were assured that scenic easements would be purchased by the State of Wisconsin to provide compensation for real or perceived lost property rights resulting from enactment of the Riverway law. Public access was not to be required under those easements. Cupp said he felt it was important to emphasize the unique aspects of the Riverway as an aesthetic protection project where purchases of scenic easements are an important tool in attaining project goals as well as to affirm the previous commitments made to Riverway landowners. Greenwood said he was aware that the public access issue in regard to purchase of easements was a concern by some legislators. The issue came to light during discussions regarding reauthorization of the Stewardship Fund.

An update on the Balmoral Dam issue was presented. Cupp said the August flooding in southwestern Wisconsin, including Richland County, had resulted in DNR issuance of an emergency order to the Village of Muscodia because the dam was considered to have failed. Greenwood said the DNR emergency order required an immediate draw down of the impoundment. A secondary spillway will be constructed with six feet taken off the existing structure. The work should commence within a matter of days, as soon as conditions will allow equipment to reach the site.

The Operations Committee report was presented by Chairman Dorscheid. The permit request of Mike Walsh for a timber harvest in the Town of Troy, Sauk County, was considered. Dorscheid noted the consultant is Jim Carlson of Oakwood Forestry Consulting. He said a field inspection was conducted by Cupp on July 5, 2007. Mr. Walsh, Mr. Carlson and Brad Hutnik, DNR Riverway Forester, also were present for the field inspection. Other field inspections have been conducted by Cupp and the landowner in conjunction with previous permit activity at the site. Portions of the parcel are visible from the Wisconsin River during leaf-on conditions. The harvest area will include the Bluff, Riverview and

Walsh continued:

Resource Management Zones. Plans call for the selective harvest of merchantable hardwoods to improve the quality of the woodlot. The harvest will be conducted pursuant to the Managed Forest Law (MFL) plan developed for the site. Several oak wilt pockets were delineated by Hutnik and will be cut. Existing logging roads will be utilized. Hutnik has determined that the basal area requirements for the Bluff Zone and Riverview Zone will be met. The trees slated for harvest have been marked. The harvest will occur during the times when the leaves are off the deciduous trees and the ground is frozen or dry. Hutnik noted oak wilt has been present for some time and some regeneration has started. Dorscheid asked what species would regenerate at the site. Hutnik said it likely would include maple, ash and hackberry.

A motion to approve issuance of a permit with standard permit conditions was made by Dorscheid, seconded by Moore. Conditions of the permit include:

- 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, 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;
- 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 review 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;
- The LWSRB shall review the location and design of all small regeneration cuts, if any, in the Riverview Zone to assure compliance with the applicable performance standards;
- If necessary, the various zones shall be delineated 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 application of Jean Stewart for a timber harvest in the Town of Orion, Richland County, was considered. Dorscheid noted the consultant is Jim Wilkinson. He said a field inspection was conducted by Cupp on September 5, 2007. Hans Rudolf, DNR Forester, also was present for the field inspection. Other field inspections have been conducted by Cupp in conjunction with previous permit activity at the site. Portions of the parcel are visible from the Wisconsin River during leaf-on conditions, although the amount of foliage present made viewshed identification difficult. The harvest area likely will include the Bluff, Riverview and Resource Management Zones. Plans call for the selective harvest of merchantable hardwoods to improve the quality of the woodlot. The harvest will be conducted pursuant to the Managed Forest Law (MFL) plan developed for the site. An existing logging road will be utilized.

Stewart continued:

Rudolf has determined that the basal area requirements for the Bluff Zone will be met. The trees slated for harvest have been marked. The harvest will occur during the times when the leaves are off the deciduous trees and the ground is frozen or dry.

A motion to approve issuance of a permit with the following conditions was made by Dorscheid, seconded by Nice:

- 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, 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;
- 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 review 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;
- The LWSRB shall review the location and design of all small regeneration cuts, if any, in the Riverview Zone to assure compliance with the applicable performance standards;
- If necessary, the various zones shall be delineated 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 Terry Shifflet for construction of rental cabins at Bob's Riverside in the Town of Spring Green, Sauk County, was considered. Dorscheid noted a field inspection was conducted by Cupp on September 6, 2007. Mr. Shifflet was present for the field inspection. Other field inspections have been conducted by Cupp and the landowner in conjunction with previous permit activity at the site. In addition, LWSRB members Dorscheid and Lundberg met with Mr. Shifflet and Cupp at the site prior to the board meeting. The field inspections revealed portions of the parcel are visible from the Wisconsin River during leaf-on conditions. Plans call for the construction of three small log cabins to be used as rental properties at the Bob's Riverside Campground. The structures will be approximately 15 ft. x. 25 ft. x 12 ft. (height) and will have a brown exterior with green roof. A limited amount of glass will be present. The adequacy of the existing screening vegetation will be assessed upon completion of the activity. The area is highly developed. Compliance with local zoning ordinances will be required.

Dorscheid made a motion, seconded by Greenwood, to approve issuance of a permit with conditions. Conditions of the permit include:

- The existing screening vegetation shall be maintained and replaced if damaged or destroyed;

Shifflet permit conditions (cont.):

- The adequacy of the screening vegetation shall be assessed upon completion of the project and development of a planting plan and establishment of additional screening vegetation may be required;
- 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 14 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;
- There shall be a limited amount of glass or other reflective material;
- 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 completion of the project; and,
- The activity shall comply with all other federal, state and local regulations.

MOTION CARRIED.

Cupp noted Mr. Shifflet was very cooperative throughout the permit process. He noted that there have been several permits issued to the Shifflets for activities at Bob's Riverside over the years. He said he appreciated working with landowners who recognize the value of the Riverway project and are willing to adjust their activities to assure compliance with the regulations.

The Crystal/Fish/Mud Lake District pumping project in the Town of Roxbury, Dane County, was discussed. Cupp said he understood that the permits had been obtained and that work would start at the site soon, if it hadn't already. Madison asked if the scope of the work would be limited to the pilot project. Cupp answered in the affirmative.

Cupp said he had received correspondence from a consulting engineer regarding reconstruction of a bridge on River Road leading to the Arena boat landing in the Town of Arena, Iowa County. He said a field inspection would be conducted at the site in the coming weeks. Cupp said he was quite sure the bridge would not be visible from the Wisconsin River during leaf-on conditions.

Flood damage at the Town of Buena Vista public access site near Gotham in Richland County was discussed. Cupp showed digital images of the boat landing that was wiped out by the recent flood events. He said a town resident had contacted him to request assistance in rebuilding the landing. Cupp said he had contacted DNR and had provided the person with names and telephone numbers of state and federal officials that may be able to offer assistance.

The Budget Committee report was presented by Chairman Nice who reviewed the status of the FY 08 budget. Cupp said the LWSRB is using the same allotments as last year due to the state budget impasse in the Legislature. Cupp reported that the additional office space was being used by the LWSRB as of September 1st. The conference room has been moved into the new space.

There was no report from the Personnel Committee report.

The Executive Director's report was given by Cupp who reviewed the materials in the board members' packets. Cupp noted the Cultural Landscape Legacies annual meeting will be held in Baraboo on October 12th & 13th.

There were no items to report under board members' business.

The DNR report was presented by Hutnik who noted two parcels were purchased on Allen Island near Boscobel totaling 11 acres. A donation was received from The Nature Conservancy for an easement in Sauk County. The land use agreement between the Crystal/Fish/Mud Lake District and DNR is being finalized. DNR staff is working on a plan to address erosion problems near the Dingman mound group in Richland County. Water quality sampling continues at locations on the upper segment. The Riverway staff is being reduced to fall levels. A \$2000 grant from the Lower Wisconsin State Riverway Fund was received for swamp white oak regeneration in the Riverway. Madison asked if the saplings will be grown at the Wilson State Nursery at Boscobel. Hutnik said the Boscobel nursery would grow the young stock from locally collected seed sources and said there may be additional opportunities for growing and then stocking other species, such as Kentucky coffee tree. Cathy Bleser reported to the board that she has taken a new position as Regional Ecologist for the DNR Bureau of Endangered Resources. She noted that her previous position required her involvement in the USH 14 bridge project. She said construction on the bridge will begin in late 2008 or early 2009. Becky Roth, DNR Wildlife Biologist at Boscobel, said she is working with interested parties on the Balmoral Dam project and is looking at options for retention of wetlands and wildlife habitat. Bria Radtke was introduced as a new DNR forester who is spending some time working in southwestern Wisconsin.

During the public comment session, Timm Zumm of Spring Green, Co-Chair of the Friends of the Lower Wisconsin State Riverway (FLOW), said a river clean-up day tentatively will be scheduled for the weekend of September 29-30 in conjunction with National Public Lands Day. He noted FLOW volunteers had helped with clean-up at Gays Mills following the recent flood.

A motion to adjourn until October 11th when the meeting will be held at the Wauzeka village hall 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