

LOWER WISCONSIN STATE RIVERWAY BOARD

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MINUTES OF THE NOVEMBER 14, 2013, RIVERWAY BOARD MEETING

The Lower Wisconsin State Riverway Board (LWSRB) met on Thursday, November 14, 2013, at the Avoca Village Hall to conduct a regular monthly business meeting. The meeting was called to order at 5:00 p.m. by Chair Don Greenwood. All members were present with the exceptions of Melody Moore, Ritchie Brown, Jerry Dorscheid and Dave Martin. (NOTE: Fred Madison participated by telephone.) Acknowledgment that the meeting was properly noticed was provided by Mark E. Cupp, Executive Director. A motion to approve the agenda was made by Bob Cary, seconded by Ron Leys. **MOTION CARRIED.** A motion to approve the minutes of the October 10, 2013, meeting was made by George Arimond, seconded by Cary. **MOTION CARRIED.**

The Executive Committee report was presented by Chairman Greenwood who said the summary of the board's strategic planning session had not been completed. He asked if the board would prefer to have the Executive Committee bring strategic items to the board or if the board would prefer to have strategic planning as an agenda item. Madison said he felt that it would be important for the full board to be involved in strategic planning discussion and suggested it be considered as an agenda item for board meetings as appropriate. Greenwood noted the draft report to the Legislature on frac sand mining that he had penned earlier would be on the December meeting agenda for discussion.

The pending legal matter regarding the board's decision to deny permits for nonmetallic mining in the Town of Bridgeport was discussed. Cupp noted the official record had been compiled and sent to Assistant Attorney General Mark Bromley. The materials are to be filed in Crawford County Circuit Court by November 20th. Greenwood asked Cupp to check with Bromley regarding the status of the petition for judicial review prior to the December meeting.

The Operations Committee report was presented by Acting Chairman Leys. The permit request of Harold Gies for a timber harvest in the Town of Clyde, Iowa County, was considered. Leys noted that Joe Bagnowski is the consultant. Leys said a field inspection initially was conducted by Cupp, Executive Director, in conjunction with previous permit activity at the site in May of 2013. In addition, Cupp met with the consultant/logger on October 24, 2013. Nick Morehouse, DNR Riverway Forester, also was present for the field inspection. The property is at the intersection of STH 133 and Bigelow Hill Road. Plans call for the selective harvest of walnut and miscellaneous species. No new roads will be constructed. Morehouse said a cable will be used to retrieve logs so a new road on the side of the bluff won't be required. He said the trees slated for harvest have been marked and compliance with the applicable performance standards should be achieved.

Leys made a motion, seconded by Cary, to approve issuance of a timber harvest permit with standard conditions. The standard conditions for a timber harvest 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 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;

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- 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 shelterwood or small regeneration cuts, if any, in the Riverview Zone to assure compliance with the applicable performance standards;
- The Bluff Zone and Riverview Zone shall be delineated prior to initiation of the harvest, if necessary;
- 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 permit request of Doug Caves for a timber harvest and timber stand improvement (TSI) project in the Town of Wyoming, Iowa County, was considered. Leys noted the consultant is Mark Mittlestadt. Leys said a field inspection was conducted by Cupp and Morehouse on October 8, 2013. Mr. Mittlestadt also was present for the field inspection. The property is located off CTH C west of Taliesin. Plans call for a commercial harvest and timber stand improvement (TSI) project in a bottomlands area north of CTH C (across from Wisconsin Riverside Resort). The River Edge Zone and Riverview Zone were delineated by Cupp and Morehouse. The harvest will be conducted pursuant to the MFL plan for the site. No new roads will be constructed. The harvest will occur during frozen/dry ground conditions and leaf-off conditions. Issuance of two permits was considered.

Leys made a motion, seconded by Cary to approve issuance of a timber harvest permit with the following conditions:

- The harvest shall comply with the basal area limits for the residual stand in the River Edge Zone and Riverview Zone, as detailed in Chapter NR 37, Wisconsin Administrative Code;
- In the River Edge 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 River Edge 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 River Edge 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 shelterwood or small regeneration cuts, if any, in the Riverview Zone to assure compliance with the applicable performance standards;
- The River Edge Zone and Riverview Zone shall be delineated prior to initiation of the harvest, if necessary;
- 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.

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MOTION CARRIED.

Leys made a motion, seconded by Cary, to approve issuance of a management permit with the following 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 permit request of Jeffrey Jahns for a timber harvest in the Town of Troy, Sauk County, was considered. Leys noted the consultant is Scott Taylor. Leys said a field inspection was conducted by Cupp, Morehouse and the Operations Committee in conjunction with previous permit activity in the vicinity. The property is located near STH 60 and Troy Village Road. A commercial harvest is planned pursuant to the MFL plan for the site. Small regenerations cuts of aspen will occur. The harvest will take place during leaf-off and frozen/dry conditions. No new roads are planned. The trees slated for harvest have been marked.

Leys made a motion, seconded by Cary, 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, 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 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 shelterwood or small regeneration cuts, if any, in the Riverview Zone to assure compliance with the applicable performance standards;
- The Bluff Zone and Riverview Zone shall be delineated prior to initiation of the harvest, if necessary;
- 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.

A proposed timber harvest and TSI project under an MFL plan for the Jamey Wardell property in the Town of Pulaski, Iowa County, was discussed. Cupp noted he and Morehouse had met with Wardell on November 5, 2013, to discuss the proposed activities. He said Wardell has received other permits from the board in the past and is an active steward of the property. Wardell is reviewing consultants to assist with the project. An application has not been received. Portions of the parcel are highly visible from the river. A good network of roads exists within the harvest area. Some expansion of agricultural fields will require tree and

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woody vegetation removal under the agricultural use exemption. Morehouse noted Wardell intends to convert portions of the property to sugar maple stands for the purpose of maple syrup production. No action required by the board until a formal application(s) is received. Black locust trees and other non-native invasive species or undesirable species will be removed.

The permit request of Morehouse for a timber harvest on state owned lands in the Town of Spring Green, Sauk County, was discussed. Leys noted the Operations Committee, Cupp and Morehouse had visited the site earlier in the day. The property is located near Peck's Landing. Plans call for patch regeneration harvesting on 25 acres in the bottomlands for the purpose of swamp white oak and silver maple regeneration. The harvest areas are not visible from the river during leaf-on conditions. No new roads will be constructed at this time. Leys made a motion, seconded by Cary, to approve issuance of a general permit with the following conditions:

- The harvest shall be limited to areas not visible from the Wisconsin River during leaf-on conditions;
- 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 permit request of Andrew and Kim Bangert for construction of a new house in the Town of Buena Vista, Richland County, was considered. Leys noted the consultants are Joe and Debra Hackl of Homestyle Construction. Leys said a field inspection was conducted by Cupp on October 29, 2013. The Operations Committee, Cupp and Morehouse conducted a field inspection prior to the board meeting. The property is located lightly downstream of Long Lake and the Lone Rock highway bridge. Plans call for razing the existing old structure and replacement with a new house. The new house will be 2-4 feet higher than the existing structure. Exterior colorization will harmonize with the natural surroundings. A limited amount of glass will be used. Adequate screening vegetation exists at the site. Arimond asked about determination of an acceptable amount of glass or other reflective material. Cupp said it is a subjective determination made by the board on a case by case basis and depends on the style of house, amount of screening vegetation and location. Cary said the proposed white trim is unacceptable and a condition of the permit should be to require a change in trim color. Cupp noted there was a slight disagreement between staff and committee members on the projected visibility but that all concurred the house will be visually inconspicuous during leaf-on conditions and will meet the applicable performance standards with the trim color change.

Leys made a motion, seconded by Cary, 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 trim and 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;

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- A planting plan may be required following an assessment of the visibility of structure when viewed from the river following completion and, if necessary, the planting plan shall be developed in consultation with the DNR Riverway Forester and shall be approved by the LWSRB;
- 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.

Two permit applications submitted by the Frank Lloyd Wright Foundation/Taliesin were considered. Both permit requests are for management activities and both are located in the Town of Wyoming, Iowa County. Leys said a field inspection was conducted by Cupp, Morehouse and the Operations Committee on October 10, 2013. Taliesin representatives Jim Erickson, Dan Vernon and Mike Degen also were present. One plan calls for vegetative management around the Taliesin structure and the other call for vegetative management to improve health, vigor and longevity of historic oaks throughout the property.

The initial activity for the slope around the structure would entail removal of small trees and woody vegetation less than five inches DBH to enhance ability of ground cover to become well established. Periodic mowing would be used to control future growth. A later phase may involve removal of larger trees but that would be considered as an amendment to the management permit. The existing structure would not become more visible from the river as a result of the activity.

The second activity would involve removal of trees and woody vegetation that are encroaching on the lower branches of historic oak trees throughout the estate. A management permit could be approved that would allow for the activity to occur as long as no existing structure becomes visible from the river as a result of the activity.

A motion to approve a management permit with conditions for the slope by the main house was made by Leys, seconded by Cary. Conditions of the permit include:

- 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.

Cupp said additional dialogue with Taliesin officials is needed regarding the second activity to cut small trees and woody vegetation to enhance vigor of large oak trees throughout the estate. The oaks are important to the historic viewshed and aesthetics as seen from the main house. Morehouse disagreed with the premise that removal of small trees growing into the understory of the oak trees will enhance the vitality of the oak trees. Leys suggested the matter be tabled until the committee could meet at Taliesin to further discuss the management objectives and methods to achieve the desired goals. A motion to table the permit request was made by Leys, seconded by Cary. **MOTION CARRIED.**

Cupp said he had received a late request for a timber harvest permit on the Joe Dremsa property in the Town of Marietta, Crawford County. The consultant is Clay Bunders. Bunders had indicated a desire to cut about 100 mature aspen trees on the Dremsa property for a client who wishes to build a log cabin. The board previously had

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issued permits for timber harvesting and management activities at the site. Cupp said Morehouse is meeting with the consultant on November 15, 2013, to review the proposed activity. Cupp requested authority to proceed with issuance of a permit(s) if Morehouse finds the activity will be consistent with the Riverway performance standards. Leys and Cary both expressed reservations about proceeding without more information. Cupp said he understood but said he trusted Morehouse's judgment in determining if there would be any adverse aesthetic impacts. The board agreed to defer to Cupp on the permit issuance if all applicable performance standards are met.

Cupp said Morehouse will meet with Mark Berg to review the timber marking on the Wintergreen harvest in the Town of Wyoming, Iowa County. Cupp completed marking of the Riverview Zone at the Fait harvest also in the Town of Wyoming, Iowa County. Cupp said he attended a meeting regarding the Hwy. 23 project from the Spring Green bridge south to Hwy. ZZ in Iowa County. He said the only impact on the Riverway will be at the bridge where beamguard replacement and vegetative removal will be reviewed by the board. Cupp then reviewed permits issued by the Executive Director since the last meeting. A permit was issued to ATC for replacement of a pole in the Town of Woodman, Grant County. A structure permit was issued to Eric Sime for construction of a carport in the Town of Marietta, Crawford County. A timber harvest permit for Flora Barker approved by the board in May was amended to reflect a change in consultant from Steve Nelson to Budd Bunders.

The Budget & Office Committee report was presented by Chairman Cary who reviewed the FY 14 budget.

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 two aquatic invasive species (AIS) incidents. He said a citizen had stopped at the office to drop off zebra mussel specimens he had collected at Avoca Lake. The information was turned over to the AIS response team. Also, he was informed that the New Zealand mud snail had been found in Black Earth Creek in Dane County. The stream is a tributary of the Wisconsin River.

There were no comments under board members' business.

Under DNR report, new Iowa County Conservation Warden Al Erickson introduced himself and recruit Chris Wells. Erickson provided background on his experience and said he looks forward to working with the board. Morehouse noted the timber harvest on the Burnt Squirrel tract near Lone Rock was underway and would result in a dramatic change in the landscape visually (site is not visible from river).

During the public comment session, Timm Zumm, Friends of the Lower Wisconsin State Riverway (FLOW) President, gave an update on FLOW activities.

A motion to adjourn was made by Leys, seconded by Cary. **MOTION CARRIED.**

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

