



Wisconsin River Power Company
(owners of the Petenwell & Castle Rock Hydroelectric Plants)
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June 14, 2007

FERC Project No. 1984

Ms. Magalie R. Salas, Secretary
Federal Energy Regulatory Commission
888 First Street, N.E.
Mail Code: DHAC PJ-12.1
Washington, DC 20426

Submittal of the Wisconsin River Power Company (WRPCO) Shoreline Commons Area (SCA) Vegetation Management Plan (VMP) - Supplement to Article 410 Land Management Plan Federal Energy Regulatory Commission (FERC) Project No. 1984

Dear Secretary Salas:

Wisconsin River Power Company (WRPCO) is pleased to submit the WRPCO Shoreline Commons Area (SCA) Vegetation Management Plan (VMP) – Supplement to the Federal Energy Regulatory Commission (FERC) approved Article 410 Land Management Plan for the Petenwell-Castle Rock Hydroelectric Project, FERC No. 1984.

WRPCO is submitting the SCA VMP to further define authorized and unauthorized use of the SCA by adjacent property owners and the general public and to further define WRPCO's responsibilities for managing the SCA. Included in the SCA VMP is documentation of the agency and public stakeholder consultation activities WRPCO completed during development of the plan.

If you have any questions, please contact James Nuthals at (920) 433-1460 at your earliest convenience.

Sincerely,

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Enc.

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WISCONSIN RIVER POWER COMPANY (WRPCO) SCA: VEGETATION MANAGEMENT PLAN

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1. EXECUTIVE SUMMARY

OVERVIEW

The Federal Energy Regulatory Commission (FERC) has requested that Wisconsin River Power Company (WRPCO) develop a consistent Vegetation Management Plan (VMP) for project lands on the Petenwell and Castle Rock Reservoirs. These particular project lands are known as Shoreline Commons Areas (SCAs), which WRPCO is required to monitor, maintain and manage under its the FERC Hydro-Power Project License #1984.

WRPCO has the responsibility to ensure that any shoreline activities that occur within project boundaries are consistent with project license requirements, purposes and operations.

WRPCO's goal in managing its lands, and planning for the long-term use of its lands within the project boundary, is to balance the competing interests in resources offered by the reservoirs and their shorelines.

WRPCO manages these lands to serve the greater public interest by providing for production of power needs, and allowing public recreation access, while managing and controlling private/commercial access across project lands and preserving important vegetation and wildlife habitat.

Developments have been occurring on the Petenwell and Castle Rock Reservoirs for more than 20 years under two FERC licenses, resulting in varying interpretations of SCA uses. These varying interpretations impact lands open to the public in such areas as underbrush and tree removal as well as view sheds and construction improvements. A single, comprehensive plan will assure all areas are maintained in a consistent and appropriate manner.

After obtaining input from property owners associations (Associations), user groups, agency personnel and developers, as well as reviewing other shoreline management plans, WRPCO developed a VMP for the Petenwell and Castle Rock Reservoirs. An executive summary of the plan follows. Documentation of Consultation is provided in Appendix B.

VEGETATION MANAGEMENT

The SCA around the reservoirs is approximately a 100 feet horizontal in distance, measured landward from the reservoir. Within that buffer area, WRPCO will undertake the following vegetation management practices:

- Aesthetic and wildlife vegetation management.
- SCA public trail maintenance.
- Dead or diseased and dangerous tree removal.

- Regular inspections for efficient SCA public trail maintenance and vegetation management planning.

PROPOSED ALLOWABLE ADJACENT PROPERTY OWNER VEGETATION MANAGEMENT ACTIVITIES

The following is a summary of proposed vegetation management activities by adjacent property owners that would be allowed upon receipt of WRPCO's written approval.

- Individual residence view shed.
- Individual residence access path.
- Aesthetic and wildlife vegetation planting.

PROPOSED WRPCO MONITORING AND COMMUNICATIONS ACTIVITIES

The following is a summary of proposed SCA monitoring and communications activities.

- Assignment of a full-time WRPCO Shoreline Management Specialist.
- Regular communications with adjacent property owners, Associations and user groups.
- Implementation of a SCA development application and approval process.
- Defined enforcement procedures for unauthorized SCA uses.
- Information provided to Association leaders as needed.

2. SHORELINE COMMONS AREA (SCA) HISTORY

Wisconsin Public Service Corporation (WPSC) acquired ownership interest and management of WRPCO on December 31, 2000.

The land management plan was approved by the FERC on April 7, 2004. A supplement submitted by WPSC pertaining to the SCA on January 12, 2004 was also approved by the FERC on April 7, 2004.

WRPCO finalized a License Agreement with the first development on April 27, 1989. It allowed for access and use of the SCA. Since then, a total of 29 Associations have been created, and more are proposed for 2007.

WRPCO initiated development of the VMP in the fall of 2006 to satisfy the FERC license requirements. This plan will provide consistent management of the SCA for the purposes outlined below:

- Continued public use of the SCA.
- Adjacent property owner use of the SCA.
- Aesthetic forest management.
- Wildlife values of the SCA.

3. INTRODUCTION

3a. REASONS FOR PLAN DEVELOPMENT

This VMP is being developed for WRPCO's hydroelectric project (FERC Project #1984). The plan is needed for a number of reasons:

- Increasing development of, and pressure from, non project lands adjacent to the SCA.
- Increasing use of the SCA by the general public.
- The need to update previous WRPCO guidelines.
- To provide consistent uses of the SCA.
- Changes in WRPCO ownership and management.
- The evolution of more restrictive FERC requirements relating to allowable uses of the SCA.

3b. DESCRIPTION OF PROJECT

The WRPCO project is located in Wood, Juneau and Adams Counties in South Central Wisconsin. It is comprised of the Petenwell and Castle Rock Reservoirs. Dams at the reservoirs were completed in the late 1940s and early 1950s.

The project boundary covers 59,000 acres with 40,080 acres of water surface. There are approximately 219 miles of shoreline and approximately 29 miles of SCA.

- In the Petenwell Reservoir, there are a total of 25,180 acres of water surface and approximately 12.7 miles of SCA.
- In the Castle Rock Reservoir, there are a total of 14,900 acres of water surface and approximately 16.3 miles of SCA.

These reservoirs are the second (Petenwell) and fifth (Castle Rock) largest inland bodies of water in Wisconsin.

4. PURPOSE OF THE PLAN

Development of the VMP has the following goals and objectives:

GOAL 1 – DEVELOP AND IMPLEMENT A PROGRAM WHICH WILL APPLY TO ALL WRPCO SCA PROJECT LANDS.

Objectives

- Ensure consistency among all Associations and developers.
- Educate Associations and developers about the VMP requirements.

GOAL 2 – AVOID OR MINIMIZE ADVERSE IMPACTS TO AESTHETICS AND WILDLIFE VEGETATION.

Objectives

- Maintain land within the SCA boundary in a manner that protects environmentally sensitive habitat.
- Promote healthy forest conditions in the SCA.
- Provide for aesthetic management of the SCA.
- Ensure that land use is compatible with recreational needs and wildlife management.

GOAL 3 - PROVIDE APPROPRIATE SCA PUBLIC TRAIL MAINTENANCE.

Objectives:

- Safely maintain the SCA public trail for use and enjoyment by adjacent property owners and the general public.
- Maintain the SCA public trail in a manner that protects environmentally sensitive habitat.
- Provide aesthetic management of the SCA public trail.
- Ensure the SCA public trail is compatible with recreational needs and wildlife maintenance.

GOAL 4 – AVOID OR MINIMIZE NEGATIVE IMPACTS TO RECREATIONAL VALUES AND PUBLIC ACCESS.

Objectives

- Avoid or minimize conflicts among adjacent property owners.
- Avoid or minimize conflicts between adjacent property owners and the public.

5. PLAN DEVELOPMENT PROCESS

WRPCO has been in contact with the FERC over the past several years concerning the consistent implementation of SCA policies. These contacts resulted in the establishment of a process to develop the VMP.

Research was undertaken to compile and assess what policies, procedures and guidelines were currently in use by the Associations and developers, as well as to collect feedback on possible elements in a VMP. This included:

- Meeting with the Petenwell and Castle Rock Property Owners Association (PCPOA).
- Meeting with developers including Naterra Land Co. and Pavloski, LLC.
- Sending letters to each Association and developer requesting copies of their current rules and interpretation of regulations for SCA lands.
- An analysis of the existing rules, regulations and guidelines to establish areas in need of revisions.

WRPCO also met with the Wisconsin Department of Natural Resources (WDNR) and had correspondence with the FERC to obtain agency perspectives and concurrence.

As part of the process, WRPCO also conducted research to review similar plans.

In talking with the Associations, developers, agencies, and user groups it was clear that the majority welcomed the establishment of a consistent VMP.

After incorporating the stakeholder and agency comments, WRPCO held open house forums with stakeholders and met with agencies to review the VMP before submitting it to the FERC.

6. DEFINITION OF SCA

There are approximately 219 miles of shoreline along the two reservoirs. The shoreline is owned by WRPCO, resources agencies, municipalities, and private entities. The SCA encompasses approximately 29 miles of shoreline, and is owned and managed by WRPCO. The SCA is managed to allow public recreation access, Association easement uses, aesthetic forest management, and wildlife habitat.

SCA associated with development has been occurring on the reservoirs for more than 20 years, under two FERC licenses. The VMP is being constructed to further define the authorized and unauthorized activities that may be conducted by Associations and the general public, and to further define WRPCO's responsibility to manage the SCA for these purposes, while providing aesthetic forest management and wildlife habitat.

Although the exact number of SCA yet to be created is unknown, it is anticipated that less than 5 miles of SCA are to be established within the reservoirs.

The SCA is commonly defined as the project land adjacent to the ordinary high water mark of the reservoirs along the landward side of the shorelines where there is private residential development established beyond the SCA.

Depending on shoreline conditions, the width is approximately 100 feet horizontal distance measured landward from the ordinary high water mark. This approximate 100 foot horizontal distance is established during a site walkthrough with the natural resource agencies prior to development.

Improvements in such areas are limited to trail facilities and SCA facilities, with WRPCO exercising control over the design and placement of any such SCA facilities. SCA facilities include docks, trails, security lights and stairs.

Aesthetic timber management principles are applied to these areas. Timber management may be needed to control disease or insect infestations, remove dangerous or over-mature trees or to protect endangered resources. Under the non-exclusive license agreements with developers and Associations, no vegetation removal or re-grading is allowed without WRPCO's prior written approval.

The general public is allowed to conduct the following pedestrian activities within the designated SCA:

- Hiking, jogging or walking.
- Beach combing with metal detectors and small tools.
- Bird watching or nature photography.

- Bank fishing except within 100 feet of any dock, pier or designated swimming area.
- Picnicking in groups of 6 or less, except within 100 feet of any dock, pier or designated swimming area.

When designing future development areas, WRPCO consults with natural resource agencies to ensure that the SCA is wide enough to provide the following items required by the FERC license:

- public safety,
- recreation,
- endangered resources protection,
- and wetland protection.

Each development area is viewed on a case-by-case basis.

- A determination on the width of the SCA is based upon natural environmental factors, and is made before individual lots are platted, as part of an internal evaluation conducted in consultation with WDNR.
- At the time of development, if 100 feet horizontal distance as measured landward of the ordinary high water mark is deemed inadequate by WRPCO, in consulting with the WDNR, to provide the above-mentioned items, then the SCA boundary is moved accordingly.

After the SCA boundary is identified, but before developers start to prepare the area for development, WRPCO meets on-site with the developers to ensure that any clearing on the SCA is completed using Shoreline Best Management Practices. This includes, but is not limited to:

- Where appropriate, the selective trimming of limbs instead of removing entire trees.
- When appropriate, the selected removal of nuisance plants, such as poison ivy (with WRPCO approval and the use of appropriate herbicides).
- Select removal of dead trees and trees that need to be removed for SCA public trail installation.
- Any other management activity that does not compromise the intent of the SCA.

7. WRPCO VEGETATION MANAGEMENT PLAN

7a. AESTHETIC AND WILDLIFE VEGETATION MANAGEMENT

Under its FERC license, WRPCO accepts certain responsibilities and obligations to maintain land within the project boundaries in a manner that protects environmentally sensitive habitat, provides aesthetic management of shoreline areas and ensures that land use is compatible with recreational needs and wildlife management.

As part of the plan, WRPCO will conduct and complete a comprehensive inventory of the vegetation and site characteristics in the SCA. This will include:

- *Mapping.* The actual SCA has already been electronically mapped as part of the existing Geographic Information System. However, water and ownership features will be upgraded for applications at map scales suitable for analysis of the approximate 100-foot SCA.
- *Field Data.* The field data collected will be sufficient to describe the site characteristics, forest and understory composition, and the forest size and vigor.
- *Plot Data.* In order to collect additional, objective vegetative data, plot data will be completed at each SCA. This information will be processed to provide an estimate of trees in each SCA.

There will be a focus on maintaining a vigorous forest cover and minimizing risk from high-hazard trees. The goal is to promote overall forest health in the SCA. Management will emphasize activities that will maintain or enhance the area's aesthetic, riparian, and wildlife values, along with protection of environmentally sensitive habitat. This will include, but is not limited to:

- Annual determination of priority areas for oak wilt management and eradication.
- Timber management activities and the removal of dead and diseased trees for overall forest health, i.e. oak wilt infestation.
- Forest management activities throughout the SCA, which will be determined by the funds allocated and the severity of infestation. (This could include under planting or other tree replacement activities.)
- Re-vegetation needs will be determined by WRPCO after timber management activities are complete.

7b. SCA PUBLIC TRAIL MANAGEMENT

WRPCO's priority for the SCA public trail is to ensure it is appropriately located and safely maintained to protect environmentally sensitive habitat and is compatible with recreational needs and wildlife management.

The SCA public trail is a minimally improved trail that allows for safe pedestrian use. WRPCO is responsible for maintaining the SCA public trail, which runs in and through the SCA, for the use and enjoyment of the general public and adjacent Associations. The SCA public trail is for pedestrian use only; no motorized vehicles are permitted on the paths (with the exception of WRPCO vehicles necessary for maintenance or other official business). Associations may apply for a permit to use motorized vehicle for the maintenance of, and access to, WRPCO approved Association improvements within the SCA.

SCA public trail management and maintenance overview:

- The placement of wood chips on the SCA public trail is not necessary; although wood chips may be placed on the trail by WRPCO at its discretion.
- WRPCO may remove dead or diseased and dangerous trees that could inhibit pedestrian use of the SCA public trail.
- Maintenance of personal access paths (approved adjacent property owner paths that lead to the SCA public trail), or stairs that lead to docks or paths that go directly to docks, are the responsibility of the Association.
- Maintenance of improvements granted in the easement agreement (i.e. stairways, docks, and security lights) are the responsibility of the Association. Beaches approved in the easement agreement will be maintained by WRPCO in a manner that provides safe public use. If the Association would like to maintain a WRPCO approved beach, WRPCO will work with the Association to construct agreements to allow such activities.

7c. SCHEDULE FOR SCA PUBLIC TRAIL AND VEGETATION MANAGEMENT

Under the current procedures, WRPCO conducts at a minimum, a bi-annual review of the SCA, which includes the SCA public trails and overall forest health of the SCA.

Following these reviews, and in consultation with WRPCO maintenance crews, schedules are established to meet the needs of SCA public trail maintenance requirements.

Forest type, vegetation condition and the infestation of oak wilt on the SCA differ throughout the 29 miles of SCA. These varying conditions result in differing maintenance needs.

For example, some trails have more downed trees because of over-mature jack pine and weakened oak wilt infested trees, which results in an increased rate of blow over. Some areas are more open, with sandy soil and drought conditions resulting in slow growth.

- WRPCO will continue to establish flexible schedules for routine maintenance of the SCA public trail based on these varying conditions, as well as seasonal conditions that may require adjustments to the schedule (i.e. extreme weather).
- In order to best address needs and changing conditions, WRPCO will determine which SCA public trail maintenance work is immediate and which can be handled over time.
- If applicable, WRPCO will respond to public notifications regarding SCA public trail maintenance requirements.
- The majority of SCA public trails have been surveyed for archeological features, as required prior to stump removal. Additional surveys will be conducted as needed.
- In 2006, WRPCO began stump removal from SCA public trails. This effort will continue on an as-needed basis.

7d. HAZARDOUS TREE REMOVAL GUIDELINES

Hazardous trees are those trees which are dead or diseased and are creating a danger to the safe use and enjoyment of project lands. Individual property owners and/or Associations may request, in writing, to have hazardous trees removed from within the SCA. All requests will be reviewed by WRPCO, in accordance with the following procedures:

- The individual property owner must mark the tree(s) to be removed with blue ribbon. A WRPCO representative will visit the site and review the request to determine if the tree is considered dead or diseased and creating a danger. If the tree meets the criteria, the WRPCO representative will mark the base of the tree with spray paint. The tree will be removed within an appropriate timeframe. The WDNR oak wilt restrictions (April 15th – July 1st) are generally observed, but can be waived for emergency tree removal process.
- On site visits to review tree removal requests will be conducted on an ad hoc basis and do not require the attendance of the property owner.
- WRPCO will make a reasonable effort to contact the property owner prior to, and upon completion, of tree removal activities.

- The standard procedure for removing a hazardous tree will be for WRPCO to cut the tree down at the base and then cut the tree trunk into manageable lengths. The trunk, limbs and resulting brush should be placed in piles not more than one (1) foot in height from ground level per aesthetic forest management procedures. Tree limbs may be removed from the SCA by the adjacent property owners.
- Timber cut by WRPCO may be salvaged by the adjacent property owner(s) for their personal use. Prior to salvaging any downed timber, a permit must be acquired from WRPCO for the Association.
- If the tree is not deemed hazardous by WRPCO, the property owner will be informed that the tree did not meet the criteria. Future forest management activities could result in that tree being removed.
- Property owner marking instructions for review of possible hazardous trees are included in the SCA Development Application Guidelines and Instructions, provided as Appendix A.

8. ASSOCIATIONS ADJACENT TO THE SCA: VEGETATION MANAGEMENT GUIDELINES

8a. AUTHORIZED ACTIVITIES WITHIN THE SCA BY THE ADJACENT ASSOCIATIONS

Associations, on behalf of the people listed on property deeds as owners of residential property that is immediately adjacent to the SCA, are afforded the opportunity to enjoy certain additional private residential uses of the SCA upon obtaining a written agreement from WRPCO. *(A SCA Development Application and Application Guidelines is included in Appendix A)*

A WRPCO-approved SCA Development Application, issued to the Association for each property owner adjacent to the SCA, authorizes the following activities on WRPCO property, *unless* expressly prohibited and/or additionally limited by WRPCO in the approved agreement or by any other WRPCO written notice:

- Creation of a view shed. *(See Appendix A for an example of the view shed and View Shed Development Application.)*
- The creation of an access path connecting to the SCA public trail; constructed in accordance with the requirements set forth by WRPCO. *(See Appendix A for an example of the access path and Access Path Development Application.)*
- Salvaging dead and downed tree trunks and controlling nuisance vegetation with a WRPCO approved Association SCA Development Application.

An on-site visit by WRPCO may be required prior to any permitted activities.

Non-compliance with the design guidelines will be considered a violation of this policy and may lead to the cancellation of the approved SCA development application for the entire Association, which could include removal of docks, as well as required removal of all encroachments and/or remediation of damages incurred.

8b. VIEW SHEDS

Property owners with land immediately adjacent to WRPCO-owned shore land meeting the criteria of a SCA are afforded the opportunity to request that WRPCO grant a SCA Development Application to allow for *one, thirty (30) foot view shed per adjacent lot*. Proposed view sheds must follow the requirements/restrictions outlined below:

- View shed areas will be allowed, with prior WRPCO written approval, on WRPCO SCA project lands.
- A SCA Development Application to include view sheds should be submitted by the Association for each Association property lot adjacent to the SCA.

- An on-site visit by WRPCO may be required prior to and/or during the installation and clearing activities.
- From the water's edge inland to the SCA/property owner lot line, the enhanced view shed areas shall be no wider than 30 feet.
- Only one view shed per lot adjacent to the SCA is allowed
- A ten (10) foot setback from adjacent property owners' property line is required. This means that two property owners next door to each other can not create a 60 foot continuous view shed area. There must be at a minimum of 20 feet separating each 30 foot view shed area.
- The view shed area may be created by removing vegetation that is less than two (2) inches in diameter, at a height of five (5) feet above ground level to a height of one (1) foot above ground level and/or the trimming of tree limbs as approved in writing by WRPCO. No trees with a diameter greater than (2) inches, at a height of five (5) feet above ground level may be removed.
- No ground disturbing and burning activities are allowed in the development or maintenance of the view shed; stump removal is not permitted.
- A four (4) foot wide path, with three (3) feet mowed on either side, for a total cleared area of ten (10) feet wide, may be located within the 30 foot view shed. *The 10 foot section is the only part that may be mowed within the view shed.*
- Unless within a designated access path, no vegetation lower than one (1) foot in height shall be removed from the view shed. Vegetation higher than (1) foot may only be trimmed beginning at a height of one (1) foot above ground level.
- Downed tree trunks can be salvaged within the SCA, but Associations must obtain a written permit from WRPCO prior to the activity.
- Pesticides and herbicides may only be used within the approved view shed. Pesticides and herbicides may only be used for control of nuisance plants and insects. WRPCO written approval is required prior to the activity.

Non-compliance with the design guidelines will be considered a violation of this policy and may lead to the cancellation of the approved SCA development application for the entire Association, which could include removal of docks, as well as required removal of all encroachments and/or remediation of damages incurred.

8c. ADJACENT PROPERTY OWNER ACCESS PATHS

- At WRPCO's sole discretion, and only with written approval, access paths may be permitted to provide walking access to the SCA public trail. The access path must remain within the designated and approved 30 foot view shed area.
- An on-site visit by WRPCO may be required prior to the installation and clearing activities.
- A SCA Development Application including the access path location shall be submitted by the Association for each Association property lot adjacent to the SCA.
- To the extent possible, new access path development will follow existing access paths.
- The natural wood chip and/or bark area can be spread no more than four (4) feet wide.
- The access path and three (3) feet on either side of the access path can be mowed to ground level. The purpose of the removal is to avoid negative impacts from nuisance plants and insects.
- The total clearing area for the path may not exceed ten (10) feet.
- When feasible, new access paths should not be laid out in a straight line; rather they should meander through the SCA to a reasonable extent taking into consideration topography, visual impact and natural features in an effort to reduce adverse aesthetic impacts and shoreline erosion.
- To the extent possible, any new access path development shall be located near the center of the view shed.
- Access paths are for pedestrian use only; no motorized vehicles are permitted on the paths (with the exception of WRPCO vehicles necessary for maintenance or other official business).
- No ground disturbing and burning activities are allowed in the development or maintenance of the access path; stump removal is not permitted.
- Associations may apply for a permit to allow motorized vehicle use for the purposes of maintaining WRPCO approved Association improvements within the SCA.
- Access paths will be developed and maintained in a manner that avoids, where possible, and otherwise minimizes the removal of trees.

- Wetland areas cannot be filled during the construction of an access path; however a boardwalk may be placed over the wetland area if WRPCO has conducted a site visit prior to construction and provides written approval to the Association.
- Only natural wood chips and/or bark may be placed within the four (4) foot section of the ten (10) foot cleared area. No other materials including, but not limited to, stone, brick, gravel, sand, stepping stones, flagstone, and colored stones, or any other materials, may be used on the paths. (To avoid the introduction of invasive species, wood chips should originate from the localized area).
- Grass sod and/or grass seed cannot be placed on the access path
- In limited instances where extreme topography or sensitive ecological areas warrant, steps or wooden walkways may be incorporated into an access path.
- Steps and elevated walkways (not more than two (2) feet above the contour of the ground) may be permitted. They shall be constructed of wood. An on-site review is required for steps and elevated walkways.

8d. PROHIBITED ACTIVITIES WITHIN THE SCA BY THE ADJACENT ASSOCIATIONS

WRPCO prohibits any use or activity conducted without prior WRPCO written permission for that use or activity.

9. PERMITTING AND COMPLIANCE

9a. SCA Development Application

Application Procedures

Under the non-exclusive license agreement, or Easement Agreement, Association property owners immediately adjacent to the SCA are afforded and receive rights in the SCA that are not allowed to the general public. The initial submittal of the SCA Development Application must be provided by an Association official. The SCA Development Application should attempt to be a submittal for all individual lots that are part of the Association and fit the criteria.

WRPCO is aware that not all lots within the Association are occupied and currently pursuing SCA Development. In such cases the individual lot owners can submit a SCA Development Application as an addendum to the original Association Development Application. An elected official of the Association must approve the individuals SCA Development Application prior to submittal.

All Associations and developers will be provided with copies of the SCA Development Applications as well as information regarding the approval process upon request.

Prior to undertaking any improvements or modifications on the SCA within the project boundary, a completed SCA Development Application must be submitted to, and approved by, WRPCO.

(An example of a SCA Development Application and SCA Development Application Guidelines are included in Appendix A)

Approved SCA Development Application Requirements

Activities requiring an approved SCA Development Application shall not begin until all plans and specifications have been approved in writing by WRPCO. SCA uses are subject to the following additional requirements and specifications:

- In no case shall any work create conditions that would cause erosion on WRPCO lands, or sediment to enter waterways or the lake.
- Placement of fill or structures on or in intermittent or perennial streams or wetlands on WRPCO property under an SCA Development Application is strictly prohibited.

Non-compliance with the design guidelines will be considered a violation of this policy and may lead to the cancellation of the approved SCA development application for the entire Association, which could include removal of docks, as well as required removal of all encroachments and/or remediation of damages incurred.

9d. VIEW SHED

Under the terms of this VMP, Association property owners immediately adjacent to the SCA may apply for view shed areas in accordance with the guidelines in the SCA Development Application and Section 8(b).

To apply for the establishment of view shed areas:

- A WRPCO approved SCA Development Application must be approved and issued to the eligible property owner before undertaking any work relating to the creation of the view shed.
- An on-site visit by WRPCO may be required prior to the installation and clearing activities.
- The first step in planning the 30 foot view sheds on Association lots located immediately adjacent to the SCA is to establish where the property owner would like the view sheds to be located. On the SCA Development Application, it must be indicated where the view sheds are proposed. (Only one, 30 foot view shed is allowed per adjacent lot.)
- Each view shed must be separated by a minimum of ten (10) feet from the property lines of the immediately adjacent lot. (If the property line was extend to the shoreline).
- No vegetation lower than one (1) foot shall be removed from the view shed. This requirement does not apply to the 10 foot access path (4 feet) and buffer area (6 feet). Vegetation may only be trimmed beginning at a height of one (1) foot.
- Because saplings are vital to forest regeneration, it may be advisable to keep saplings. Before removal of saplings, WRPCO will discuss and advise on the best methods to provide for forest regeneration.
- Vegetation, greater than two (2) inches in diameter at five (5) feet tall, cannot be cut without the expressed written consent of WRPCO. However, lower branches may be trimmed through written approval.
- No ground disturbing and burning activities are allowed in the development or maintenance of the view shed; stump removal is not permitted.

Non-compliance with the design guidelines will be considered a violation of this policy and may lead to the cancellation of the approved SCA development application for the entire Association, which could include removal of docks, as well as required removal of all encroachments and/or remediation of damages incurred.

9c. ACCESS PATH APPLICATIONS

Under the terms of this VMP, Association property owners immediately adjacent to the SCA may apply to establish access paths in accordance with the guidelines in the SCA Development Application and 8(c).

Access paths for adjacent non-project property owners to SCA will be allowed, in accordance with the following rules and regulations:

- If a view shed is proposed, the path must be laid out in a view shed.
- The SCA Development Application must be approved and issued to the eligible property owner through the Association, before undertaking any work relating to the creation of the access path.
- An on-site visit by WRPCO may be required prior to the installation and clearing activities.
- To the extent possible, new access path development will follow existing access paths.
- The natural wood chip and/or bark area can be spread no more than four (4) feet wide.
- Three (3) feet on either side of the path can be mowed to ground level. The purpose of the mowing is to avoid negative impacts from nuisance plants and insects.
- The total clearing area may not exceed ten (10) feet.
- To the extent possible, any new access path development shall be located near the center of the view shed.
- Access paths will be developed and maintained in a manner that avoids, where possible, and otherwise minimizes the removal of trees.
- When feasible, access paths should not be laid out in a straight line; rather they should meander through the SCA to a reasonable extent taking into consideration topography, visual impact and natural features in an effort to reduce adverse aesthetic impacts and shoreline erosion.
- Access paths are for pedestrian use only; no motorized vehicles are permitted on the paths (with the exception of WRPCO vehicles necessary for maintenance or other official business).

- No ground disturbing and burning activities are allowed in the development or maintenance of the access path; stump removal is not permitted.
- Associations may apply for a permit to allow motorized vehicle use for the purposes of maintaining WRPCO approved Association improvements within the SCA.
- Wetland areas cannot be filled during the construction of an access path; however a boardwalk may be placed over the wetland area if WRPCO has conducted a site visit prior to construction and provides written approval to the Association..
- Only natural wood chips and/or bark may be placed within the four (4) foot section of the ten (10) foot cleared area to create an access path. No other materials including, but not limited to, stone, brick, gravel, sand, stepping stones, flagstone, and colored stones, or any other materials, may be used on the paths. (To avoid the introduction of invasive species, wood chips should originate from the localized area).
- Grass sod and/or grass seed cannot be placed on the access path.
- In limited instances where extreme topography or sensitive ecological areas warrant, steps or wooden walkways may be incorporated into an access path.
- Steps and elevated walkways (not more than two (2) feet above the contour of the ground) may be permitted. They shall be constructed of wood. An on-site review is required for steps and elevated walkways.

Non-compliance with the design guidelines will be considered a violation of this policy and may lead to the cancellation of the approved SCA development application for the entire Association, which could include removal of docks, as well as required removal of all encroachments and/or remediation of damages incurred.

9d. APPLICATION SUBMITTAL

A written application and supporting documentation must be submitted by the Associations for any proposed activity or enhancement within the SCA in advance of the start of the activity.

- Applications must be requested from WRPCO.
- Any work related to the application cannot begin until the Association receives express written approval from WRPCO.
- *No work can begin until an application, and its related information, is submitted and receives written approval by WRPCO.*

- If assistance is needed, WRPCO will work with the Associations to complete the application.

9e. ENCROACHMENTS

Enforcement and Oversight

WRPCO manages the Petenwell and Castle Rock Reservoirs in accordance with the terms of its license and the applicable FERC rules and regulations. WRPCO is responsible to ensure that the uses and occupancies for which it grants permission are safe, maintained in good repair and comply with applicable safety and health requirements.

This responsibility includes public recreation access and protecting important natural, environmental and scenic resources.

Through the SCA Development Application approval process, WRPCO will ensure the following:

- Activities of permittees (Associations) will not endanger health, create a nuisance or otherwise be incompatible with the project's overall purposes.
- All reasonable precautions will be taken by permittees to ensure that their use of project lands and waters will occur in a manner that will protect the scenic, recreational and other environmental values of the project.

To this end, WRPCO's SCA Development Application will reserve the right of WRPCO to supervise and control the permittees shoreline use activities. In exercising this right, WRPCO will ensure that the permittees fully comply with all the requirements of the approved SCA Development Application.

- Any use of, or change in, the features or vegetation on project lands and waters without specific authorization from WRPCO is prohibited and considered a violation.
- If a licensed use violates any conditions imposed by the FERC or WRPCO under its permitting program or violates any measures required for the protection and enhancement of the project's scenic, recreation or environmental values, then WRPCO may take any lawful action necessary to correct the violation of the individual and Association.
- For a permitted use or occupancy, that action may include, if necessary, cancelling the approved SCA Development Application to use and occupy the project lands and waters, and requiring the removal of any non-complying structures and facilities.

WRPCO believes that prevention of encroachments is preferred to enforcement and restoration. Accordingly, WRPCO will work with individual property owners and Associations to educate all concerned about allowable practices and uses of the SCA.

It is WRPCO's desire to establish a partnership with the Associations for the prevention and enforcement of encroachments on the SCA. WRPCO believes that Associations can play a vital role in the education and enforcement processes. WRPCO will provide necessary information and resources to engage the Associations in the prevention and enforcement process. This could include, but is not limited to:

- Attending annual Association meetings to review SCA uses.
- Requesting the Association to designate a member as a liaison to WRPCO (if this is not already established) to direct questions and concerns about SCA uses.
- Assist the Association in establishing self policing practices.
- Providing the Association with information about best management practices and enforcement issues.
- Maintaining contact through SCA visits.

Even with Association participation in encroachment prevention, WRPCO is aware that encroachments may continue to occur and that WRPCO is ultimately responsible for identifying and curing any encroachment.

In order to identify any encroachments, and curing any encroachment identified on the SCA by adjoining property owners, WRPCO will continue to conduct SCA reviews at least twice annually; and more often if deemed necessary. During the reviews:

- WRPCO will document any encroachments, including the unauthorized removal of vegetation from the SCA by adjoining property owners.
- The encroachment will be documented and a letter which will be sent to the adjacent property owner, with copies of the letter provided to the corresponding Association.
- Copies of all encroachment letters will also be sent to the FERC Regional Office in Chicago.

Encroachment letters will vary depending on the degree of severity of the encroachment.

General encroachments, (i.e. personal items on property, unauthorized mowing, etc.) require varying degrees of enforcement based on the Association's level of cooperation and previous notification. Enforcement procedures may include the following:

- If the encroachment is not cured, the non-exclusive license agreement or easement agreements may be revoked for the individual and the entire Association.

- The non-exclusive license agreement or easement agreement will not be re-issued until the encroachment is cured and all WRPCO requirements have been satisfied.
- The decision concerning constitutes completion of restoration shall be at the sole discretion of WRPCO.

A severe encroachment, consisting of vegetation removal (primarily trees with a diameter of greater than two (2) inches, at a five (5) foot level or above) not authorized in the SCA Development Application, will require immediate curing.

- WRPCO requires any unauthorized removal of vegetation to be restored to its original or a suitable alternative condition.
- The SCA Development Application requires a review and approval of any required restoration. If the restoration work has not been conducted to WRPCO's complete satisfaction, WRPCO will consider the Association in default and revoke the Association's non-exclusive license agreement or easement agreement. This may include requiring removal of access paths to the SCA public trail and the loss of docking privileges.
- If the Association's non-exclusive license agreement or easement agreement is revoked, WRPCO will consider reinstating the non-exclusive License Agreement or easement agreement only after restoration has been completed.
- The decision as to what constitutes completion of restoration shall be at the sole discretion of WRPCO.

WRPCO will periodically adjust this enforcement process as necessary to ensure compliance with the requirements of the VMP.

APPENDIX A

SCA DEVELOPMENT APPLICATION

**WISCONSIN RIVER POWER COMPANY (WRPCO)
PETENWELL/CASTLE ROCK HYDROELECTRIC PROJECT**

SCA DEVELOPMENT APPLICATION GUIDELINES AND INSTRUCTIONS

1. GENERAL PROVISIONS

a. **Application and Fee:** Property Owners immediately adjacent to the Petenwell/Castle Rock Hydroelectric Project Shoreline Commons Area (SCA) and within an Association may be allowed to perform certain development activities in the SCA after completing and gaining WRPCO approval of a SCA Development Application (Application) and obtaining authorization from WRPCO, as described in more detail below. *The Association must submit an application prior to commencing any work.*

WRPCO is aware that not all lots within the Association are occupied and currently pursuing SCA Development. In such cases, the individual lot owners can submit an Application as an addendum to the original Application. An elected official of the Association must approve the individual's Application prior to submittal.

b. **Association Responsibility:** An Application pertaining to each Association will be provided by WRPCO upon request. It is the responsibility of each Association to complete and submit an Application for individual view sheds for each lot adjacent to the WRPCO-owned SCA in their Association.

WRPCO is aware that not all lots within the Association are occupied and currently pursuing SCA Development. In such cases, the individual lot owners can submit an Application as an addendum to the original Application. An elected official of the Association must approve the individual's Application prior to submittal.

c. **SCA Property Markers:** SCA property survey markers with permanent lot numbers were, or will be, placed on the property to delineate the SCA. Property owners are responsible for ensuring that these SCA property survey markers are kept in place. If the SCA property survey markers are removed, property owners will be responsible for properly replacing the markers at their own cost. Failure to maintain the SCA property markers will result in an encroachment for the property owner and corresponding Association.

d. **Threatened and Endangered Species:** WRPCO reserves the right to alter or deny any approved Application activity in these guidelines in order to protect threatened or endangered species.

e. **Rescission/Modification:** WRPCO reserves the right to unilaterally rescind or modify any approved Application activity at any time if directed by the Federal Energy Regulatory Commission (FERC) or any other governmental authority having proper jurisdiction. All approved Application activities are subject to the authority of the FERC and to all FERC rules and regulations. It is the applicant's responsibility to comply with all applicable laws, ordinances, rules, regulations and requirements of all applicable federal, state and municipal governments.

f. **Pesticides and Herbicides:** may only be used within the approved view shed. Pesticides and herbicides may only be used for control of nuisance plants and insects. WRPCO written approval is required, prior to the activity.

g. **Public Access:** The public shall have full and free access to the SCA as provided in the Land Management Plan and Vegetation Management Plan (VMP), with the exception that the public may be excluded from private docks.

Associations may apply for a permit to allow motorized vehicle use for the purposes of maintaining WRPCO approved Association improvements within the SCA. WRPCO written approval must be obtained prior to any motorized vehicle use.

2. PERMISSIBLE ACTIVITIES WITH AN APPROVED SCA

DEVELOPMENT APPLICATION

a. **View Shed:**

i. **Establish Location.** In compliance with applicable laws and regulations, WRPCO may approve view sheds within the SCA. The first step in planning a view shed is to establish individual view sheds for each lot (if applicable) in the Association adjacent to the SCA. One view shed of up to 30 feet in width is permissible per lot.

ii. **Create Diagram.** On the Application, indicate where the 30-foot view sheds will be placed for each lot immediately adjacent to the SCA for the Development. **Example A** provides a figure of the Association with the appropriate lots indicated. **Example B** is a diagram of a typical lot indicating where and how the information on the view shed should be displayed for each individual lot.

(1). Establish and indicate the distance of the view shed from the adjacent property lot lines on each side of your property, which must be at least ten (10) feet. This distance must be established at the point where the lot line meets the SCA and at the point where the SCA meets the water's edge.

(2). A ten (10) foot setback from the arbitrary extension of the adjacent property owners' lot line is required. This means that two property owners next to each other can not create a 60- foot continuous view shed area. There must be at a minimum of 20 feet separating each view shed area.

(3). The view shed may be created by removing vegetation of less than two (2) inches in diameter, at a height of five (5) feet above ground level and/or the trimming of tree limbs as approved by WRPCO. Vegetation cannot be cut if greater than two (2) inches in diameter (measured at the height of five (5) feet from the ground). Lower branches of trees may be trimmed.

(4). No ground disturbing or burning activities are allowed in the development or maintenance of the view shed; stump removal is not permitted.

(5). Unless within the designated ten (10) foot cleared area, no vegetation lower than one (1) foot shall be removed from the view shed. Vegetation may only be trimmed beginning at a height of one (1) foot above ground level.

iii. **Describe Work to be Performed.** In the "Comments" section of the Application provide a narrative description of the work to be performed. See "Comments in Example B".

b. **Access Paths:**

i. **Establish Location and Create Diagram.** In compliance with applicable laws and regulations, an access path can be constructed within the view shed to the SCA public trail. The access path must be placed within the view shed and should meander through the view shed whenever possible (i.e., it should not be constructed as a straight line). The access path should also not exceed four (4) feet in width. Three (3) feet can be mowed extending from both sides of the access path, totaling ten (10) feet. Please indicate the placement and width of the access path as shown in Example B.

(1). Access paths are for pedestrian use only; no motorized vehicles are permitted on the paths (with the exception of WRPCO vehicles necessary for maintenance or other official business).

(2). Associations may apply for a permit to allow motorized vehicle use for the purposes of maintaining WRPCO approved Association improvements within the SCA.

(3). Access paths will be developed and maintained in a manner that avoids, where possible, and otherwise minimizes the removal of trees; with the exception of demonstrated hazard trees.

(4). To the extent possible, new path development will follow existing paths in the SCA.

(5). Access paths will be no more than four (4) feet in width.

(6). Three (3) feet on either side of the path can be mowed to ground level. The purpose of the removal is to avoid negative impacts from nuisance plants and insects.

(7). The total clearing area may not exceed ten (10) feet.

(8). Grass sod and/or grass seed cannot be placed on the access path.

(9). Wood chips and/or bark may only be placed within the four (4) foot section of the ten (10) foot cleared area.

(10). In limited instances where extreme topography or sensitive ecological areas warrant, (i.e. wetlands) steps or wooden walkways may be incorporated into an access path. Wetlands areas cannot be filled to accommodate construction of an access path.

(11). Steps and elevated walkways (not more than two (2) feet above the contour of the ground) may be proposed. They shall be constructed of wood. An on-site review is required for steps and elevated walkways.

ii. **Describe Work to be Performed.** In the "Comments" section on the Application provide a narrative description of the work to be performed. See "Example B".

Note: Make sure that the lot number obtained from Example A corresponds with the view shed and access path development figures (Example B). WRPCO will issue the appropriate number of view shed and access path development figures (Example B) as needed to correspond with the number of lots adjacent to the SCA in your Association.

A view shed and access path figure (Example B) for each lot must be completed for the entire Association before the Application can be submitted.

c. **Removal of Trees:**

i. **Identify Trees to be Removed.** Trees that are dead or diseased and creating a danger can only be removed by WRPCO or a contractor under WRPCO direction. WRPCO acknowledges that dead trees may be desirable for den and cavity nesting birds and, as a result, WRPCO will not remove dead trees that do not pose a safety hazard. The Association must obtain a permit prior to salvaging trunks of any trees that are cut. No piling or burning of downed tree material is allowed.

ii. **Prepare Trees for On Site Visit.** WRPCO will require an on site visit to review a tree removal request prior to tree removal activities. On site visits will be conducted on an ad hoc basis and do not require the attendance of the property owner. Simply mark the tree(s) to be removed with blue ribbon prior to submitting the Application and provide the location and number of trees you would like reviewed. A WRPCO representative will visit the site and place a paint mark if the tree is determined to be a diseased or dead and creating a danger. WRPCO will remove the tree in a timely matter, but does adhere to the Wisconsin Department of Natural Resources (WDNR) oak wilt restriction timing from April 15th through July 1st. Oak wilt restrictions may be waived in order to remove a tree posing an immediate danger.

Dead trees that do not pose an immediate danger could be removed during future forest management activities. All forest management activities will be conducted using Wisconsin's Forestry Best Management Practices. Please see section 7(d) of the Vegetation Management Plan for further details.

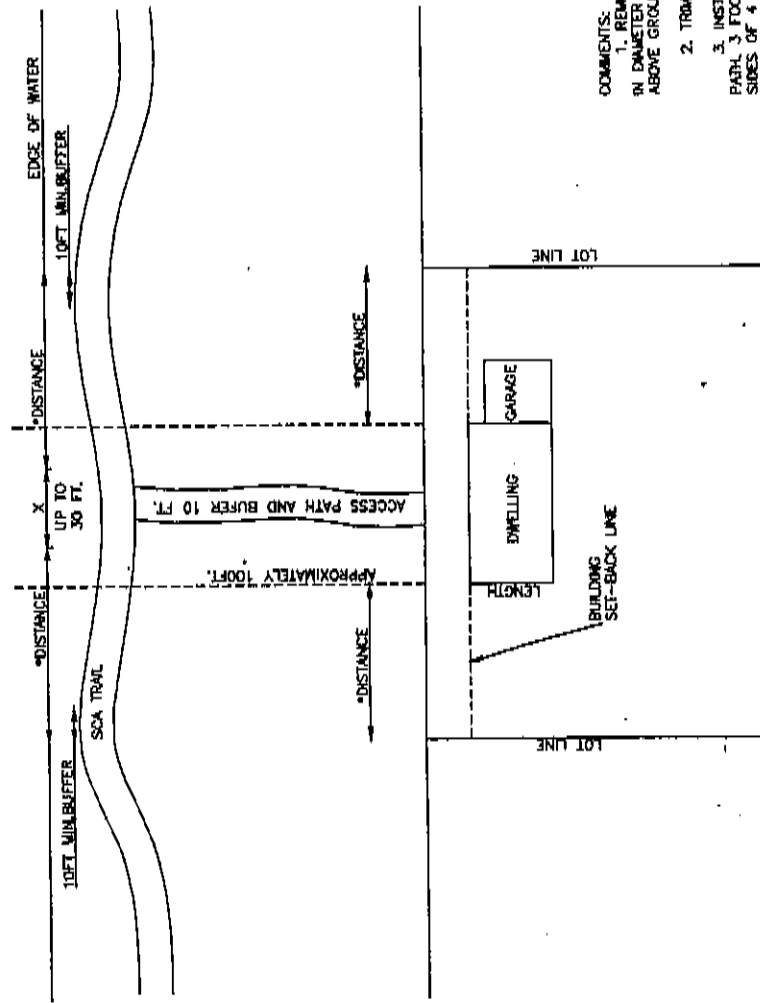
iii. **Describe Work to be Performed.** In the "Comments" section of the Application (Example B) provide a narrative description of the work to be performed and note that the trees have been marked with blue ribbon. Any future tree removal will require an additional WRPCO review.

3. **SUBMISSION OF THE APPLICATION**

The Association must send Part A (Example A) and Part B (Example B) for each and every individual lot adjacent to the SCA in the Association, and any related information prior to commencing any work, to the person indicated on Part A of the Application.

WRPCO is aware that not all lots within the Association are occupied and currently pursuing SCA Development. In such cases the individual lot owners can submit an Application as an addendum to the original Application. An elected official of the Association must approve the individuals Application prior to submittal.

EXAMPLE B VIEW SHED AND ACCESS PATH



COMMENTS:

1. REMOVE VEGETATION LESS THAN 2 INCHES IN DIAMETER AT LEAST 5 FEET HIGH TO 1 FOOT ABOVE GROUND LEVEL.
2. TRIM TREE LIMBS.
3. INSTALL 4 FOOT WIDE MULCH WALKING PATH. 3 FOOT CUTTING TO GROUND LEVEL OR BOTH SIDES OF 4 FOOT PATH. TOTAL OF 10 FEET. MULCH ONLY IN 4 FOOT SECTION.
4. DISTANCE MUST BE ADDED FROM ADJACENT PROPERTY OWNERS' PROPERTY LINES TO VIEW SHED AT THE EDGE OF WATER AND SCA PROPERTY OWNER LOT LINE.
5. NO GROUND DISTURBING ACTIVITY IS ALLOWED IN THE DEVELOPMENT OR MAINTENANCE OF THE VIEW SHED AREA.
6. STUMP REMOVAL IS NOT ALLOWED.

SCA Development Application

Return to: Darrin Johnson
Wisconsin River Power Company
N11397 18th Avenue
Necedah, WI 54646

Phone: (608) 565-2500

Fax: (608) 565-2355

From: _____

Address: _____

Phone: _____

Fax: _____

Subdivision: _____

Lot(s): _____

Date Submitted: _____

Date Received: _____

WRPDC Approved _____

WRPDC Modified _____

Reasons for modification: _____

WRPDC Rejected _____

Reasons for rejection: _____

Date returned: _____