

APPENDIX A

SCA DEVELOPMENT APPLICATION

**WISCONSIN RIVER POWER COMPANY
SHORELINE COMMONS AREA DEVELOPMENT APPLICATION**

Return to: Steigerwaldt Land Services, Inc.
Austin Schoen
WRPCO Environmental Consultant
856 North 4th Street
Tomahawk, WI 54487
office : 715-453-3274 fax : 715-453-8325
email: austin.schoen@steigerwaldt.com

From: _____

Address: _____

Email: _____

Phone: _____ Fax: _____

Development: _____

Lot(s): _____

Association President Signature: _____

Date Submitted to WRPCO: _____

For WRPCO Use Only Below This Line

Date Received: _____

WRPCO Approved: _____
Sign Date

WRPCO Approved & Modified: _____
Sign Date

Reasons for Modification: _____

WRPCO Rejection: _____
Sign Date

Reasons for Rejection: _____

Date Returned: _____

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 cannot 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 1st 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.

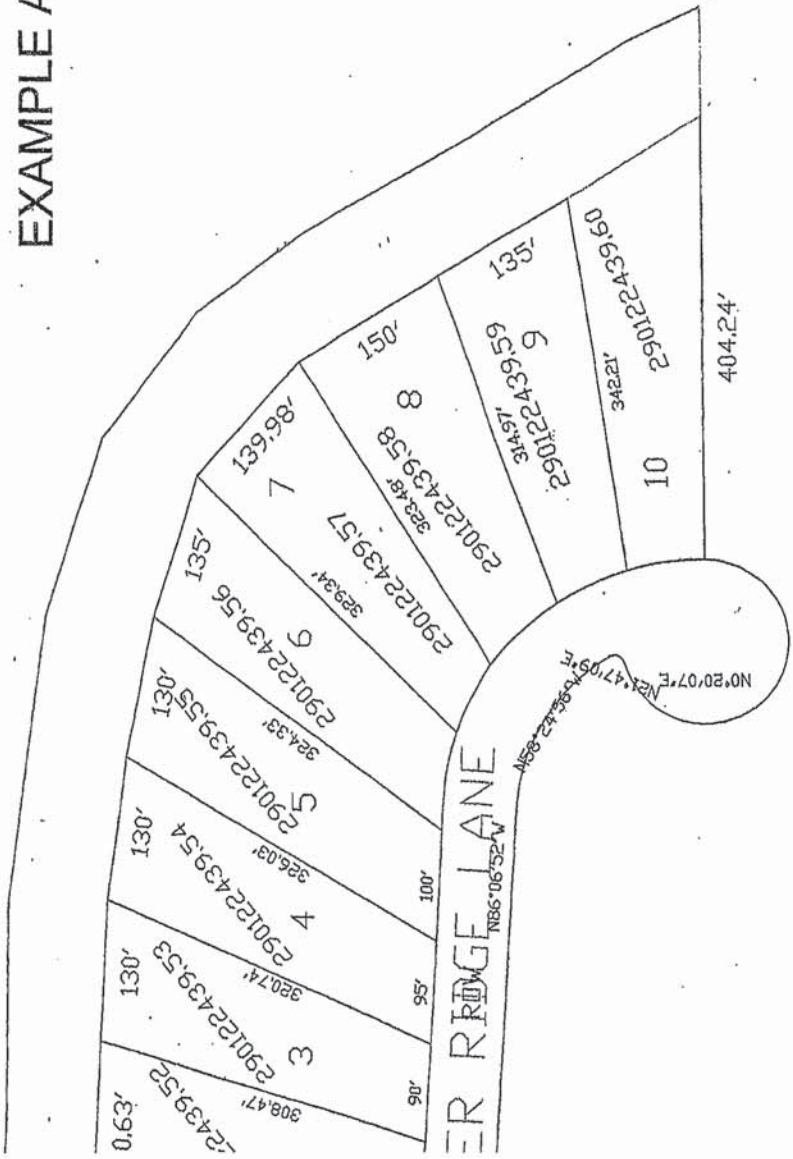
3. SUBMISSION OF THE APPLICATION

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.

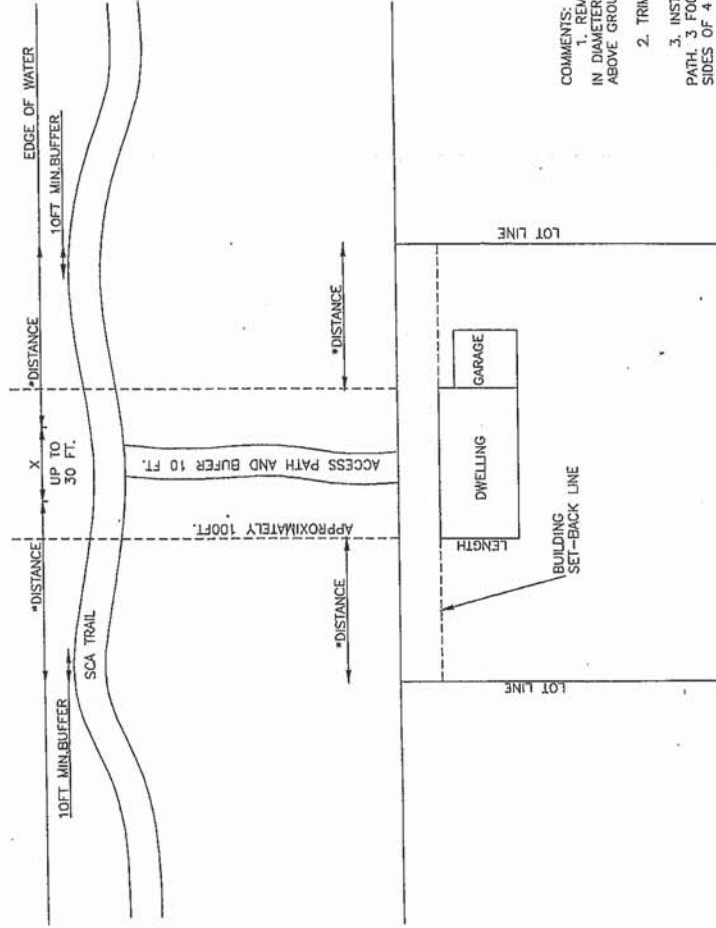
WRPCO is aware that not all lots within the Association are occupied and currently pursuing SCA Development. In such cases the individual lot owners can submit an Application as an addendum to the original Application. An elected official of the Association must approve the individuals Application prior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

EXAMPLE A

EXAMPLE ASSOCIATION

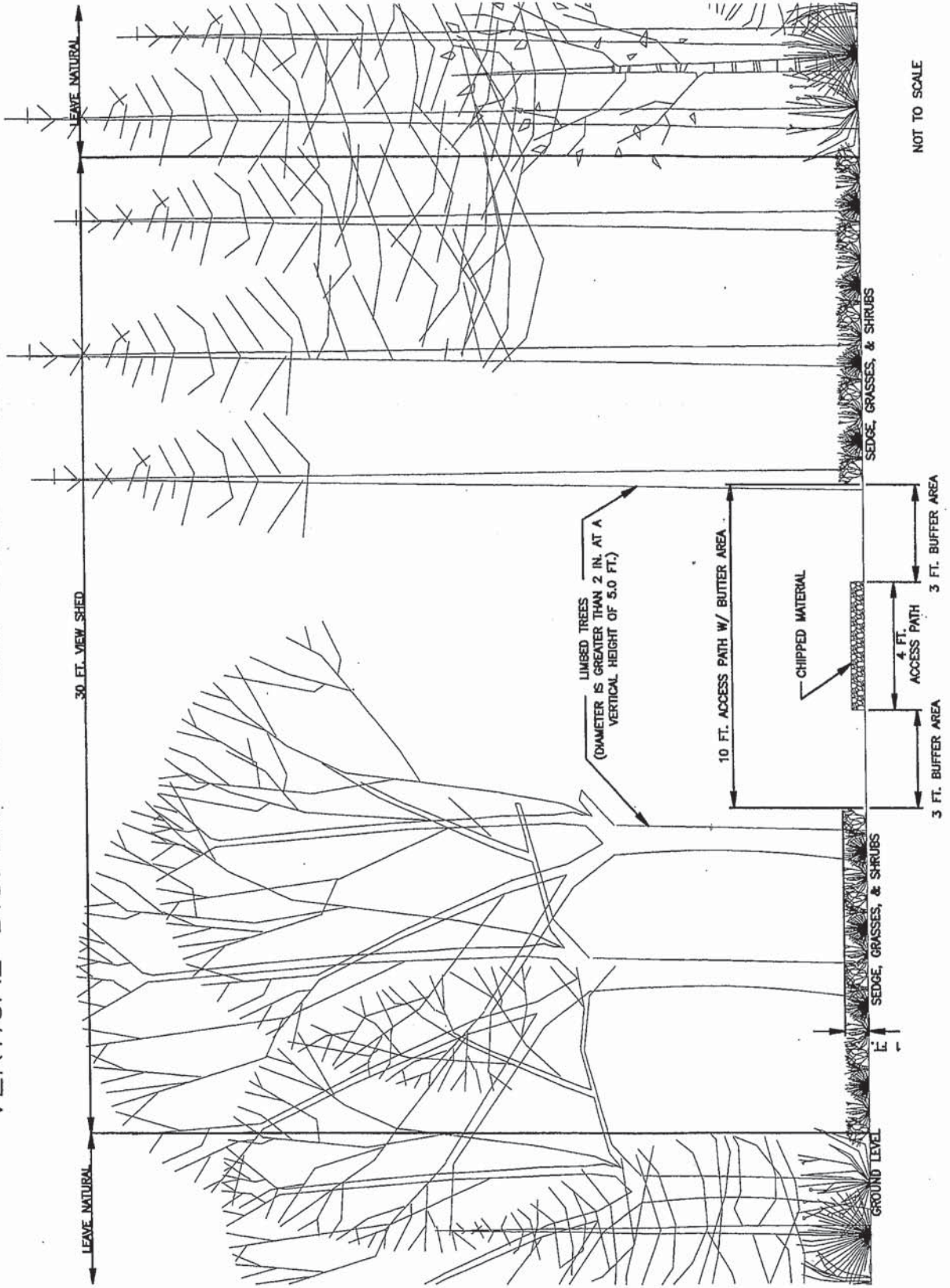


EXAMPLE B VIEW SHED AND ACCESS PATH



- 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.

VERTICAL DISPLAY OF VIEW SHED & ACCESS PATH



LOT _____ DEVELOPMENT _____

EDGE OF WATER

APPROXIMATELY 100'

SHORELINE COMMONS AREA

LOT LINE

LOT LINE

LOT _____

COMMENTS:

LOT DESCRIPTION

Scale:	XXX	Date:	7/19/07
Integrity Business Support		integrity	
<small>an Equal Opportunity Employer Equal Opportunity M/F/V/H/O 10000 Parkway, Suite 1000, Dallas, TX 75244-4000</small>			