

**Assessment/Guiding Criteria for Village of Prairie du Sac
of Proposed Nonn Development & Other Downtown Projects
-Prepared By Ferry Bluff Eagle Council-
(As of August 4, 2006)**

Role of Ferry Bluff Eagle Council:

As a 501(c)(3) organization, Ferry Bluff Eagle Council has a focused responsibility embodied in its mission to preserve the wintering eagle habitat in the Sauk Prairie area. That responsibility includes:

1. Collecting information and data about the wintering bald eagles;
2. Sharing that information and data with interested parties, and
3. Educating eagle watchers, landowners, and governmental decision-makers about issues impacting eagle habitat.

**Summary Assessment of Proposed Development
(Based on existing, available information; not considered all-inclusive)**

Essential Guiding Principles:

1. Underlying Reality: The proposed development is within the Downtown Eagle Sensitive Zone (ESZ) for Prairie du Sac.
2. Objective of Assessment: From the perspective of preserving eagle habitat, the objective is to assess the extent to which **human activities resulting from the construction, development, and ongoing use will be shielded from or visible to the view of eagles which are a) perching in trees on Eagle Island and along the River within the ESZ, and b) foraging (feeding) in the River within the ESZ.**
3. Time Frame: A long-term perspective is assumed as essential, including not just the immediate impacts of the development, but also the long-term as well as the cumulative effects of this development and others that might follow.

Explanation of Material that Follows

- ✓ **Issues associated with a development which could adversely impact the eagles during the winter season, with a guiding criteria, are listed in Column I below.**
- ✓ **Proposed design issues of the Nonn Development, and possible mitigating factors, are listed in Column II below.**
- ✓ **Comments on the Design and/or Mitigating Factor are listed in Column III below.**

*NOTE: The following issues, guiding criteria, and comments focus on the Nonn Development. If **the scope of mitigation is expanded by the Village to an area greater than just the Nonn Development**, additional issues and mitigation strategies are likely to become relevant, additional strategies could be developed, and greater overall flexibility may be possible, impacting both the Nonn Development and other Downtown developments, as well as existing sites and buildings. Ferry Bluff Eagle Council (FBEC) has requested guidance from the Village on this question.*

Issue and Guiding Criteria	Proposed Nonn Project Design Issue or Mitigating Factor	Comments on Design and/or Mitigating Factor of Nonn Project
<p><u>Issue: Proximity to ESZ</u></p> <p>Greater the distance, better for eagles; closer the distance, adverse impact more likely</p>	<p>Location Is Within ESZ</p>	<p>Creates need for fully shielding from all human activities</p>
<p><u>Issue: Access to Downtown ESZ/rail tracks/ river bank</u></p> <p>Closed access during Eagle season (Nov. 15-March 15)</p>	<ol style="list-style-type: none"> 1. Steps to tracks 2. Retaining wall/ fence in back 3. Gate in middle of Building 1 & 2, closed during Eagle Season 	<ol style="list-style-type: none"> 1. Removed from design: positive step 2. To prevent access, positive step; to prevent shielding, little or no value 3. To prevent access, positive step—to extent it is closed, view from river is fully shielded, and enforced
<p><u>Issue: Shielding initiatives</u></p> <p>To extent human activity <u>inside and outside buildings</u> and/or development is <u>fully</u> shielded, better for eagles</p> <p>To extent it is not fully shielded, greater likelihood of adverse impact</p>	<ol style="list-style-type: none"> 1. Retaining wall/fence on river side of lower parking area 2. Trees along riverbank & tracks 	<ol style="list-style-type: none"> 1. Positive step as long as it fully shields human activity 2. Limited value: hardwood trees w/o leaves in winter minimizes value; young & short trees that do not shield entire building limits effectiveness of shielding human activity from eagles' view
<p><u>Issue: Windows</u></p> <p>No windows eliminate potential of adverse effect;</p> <p>Smaller & fewer windows minimize but do not eliminate potential for eagles to see human activity within condos;</p> <p>Large and numerous windows increase likelihood of adverse impact</p>	<ol style="list-style-type: none"> 1. Size and number of windows not yet clearly defined 2. Tinted windows being discussed 3. Reduced reflectivity of windows being discussed 4. Angle of windows not yet discussed 	<ol style="list-style-type: none"> 1. Potential for greater likelihood of adverse impact to the extent windows are large and numerous 2. Tinted windows potentially could reduce adverse impact, but no data exist to document assumption; testing should be arranged 3. Reduced reflectivity: same as tinted windows above 4. Downward angle of window may reduce potential of strikes: research is not eagle-specific

<p><u>Issue: Balconies/Screened 3-Season Porches</u></p> <p>To extent balconies/porches do not exist, adverse impact minimized;</p> <p>To extent balconies/porches exist but use is restricted or prohibited, potential for adverse impact is improved but contingent upon aggressive enforcement;</p> <p>To extent balconies/ porches exist and used during daylight hours in Eagle Season, adverse impact increased;</p>	<ol style="list-style-type: none"> 1. Balconies or screened porches under consideration 2. Restrictions on balcony through covenants in condo association contracts 3. Option Deserving Consideration: Restrictions in both condo covenants & in approved Village ordinance, w/ provisions for fines, w/ support of Police Department 	<ol style="list-style-type: none"> 1. No balconies/porches eliminate potential of adverse effect from this factor; screened porches, depending on design, could mitigate adverse impacts 2. To extent condo covenants respected by owners, option minimizes intrusive human activities from eagle sight; to extent not respected and not enforced, objective of shielding human activities is negated 3. Maximizes potential of shielding human activity, but does not eliminate potential for violations; consistent enforcement w/ fines essential, or objective of shielding human activities adversely impacted
<p><u>Issue: Residential Density</u></p> <p>Fewer the number of residential units, the lower the potential for adverse impact on eagles;</p> <p>The greater the number of units, the greater the likelihood of adverse impact</p>	<p>29 condos currently proposed, although potential has been raised to reduce number & develop some larger units</p>	<p>29 units on small 3.5-story parcel creates relatively high density, with increased probability of greater human activity that may not be shielded from eagle view; fewer units decrease potential of human activity and adverse impacts</p>
<p><u>Issue: Residential/Retail-Office Mix</u></p> <p>The more retail units facing Water St. on 1 or 2 floors, without residential development, the greater the likelihood of a decreased adverse effect;</p> <p>The more residential units facing or open to river, the greater the likelihood of adverse effect</p>	<p>Condos on 3.5 levels proposed, with retail on 1st level</p>	<p>Greater retail/office mix, depending on precise nature of retail/office businesses and orientation to Water St., has potential of minimizing adverse impacts on eagles</p> <p>Greater residential mix increases potential for unshielded human activities that have potential of adversely impacting eagles</p>

<p><u>Issue: Development Orientation</u></p> <p>To extent development is oriented to Water St., adverse impacts on eagles are minimized</p> <p>To extent development is oriented to & accessible to view of eagles from the River, adverse eagle impacts are increased</p>	<p>Development has mixed design re: orientation</p> <ol style="list-style-type: none"> 1. 1st floor retail opens to Water St. 2. Condos oriented to River 	<ol style="list-style-type: none"> 1. Minimizes impact on eagle view of human activity 2. Increases potential for viewing of human activities by eagles in perching trees and flying up and down River
<p><u>Issue: Parking</u></p> <p>Vehicles themselves not adverse issue with eagles: issue is extent to which humans going to and from vehicles can be seen by eagles, creating disturbances of their use of habitat</p> <p>To extent humans cannot be seen, eagles less likely to be disturbed</p> <p>To extent humans are seen, more likely eagles will be disturbed</p>	<ol style="list-style-type: none"> 1. Underground parking 2. Parking at lower level shielded by retaining wall 3. Parking off declining ramp from street going down to lower level 4. Parking on Water St. 5. Variance to parking ordinance requirements (i.e., parking does not meet current Village standards) 	<ol style="list-style-type: none"> 1. Shields human activities going to and from vehicles 2. Partially shields human activities going to/from vehicles, depending on route taken by occupants 3. Increases potential of human activities being seen by eagles 4. Minimizes potential of human activities being seen 5. To extent inadequate parking creates congestion and more human activity going to and from vehicles, increases potential for adverse impact on eagles
<p><u>Issue: Restaurant</u></p> <p>The same general issues cited above potentially impact any restaurant, including proximity, access, and orientation to river, construction of and use of deck during eagle season, unshielded windows, et. al.</p>	<p>Design plans are not known at this time.</p> <p>Hours of operation, use of windows, curtains and shades, deck, among other issues, need to be developed consistent with ESZ issues.</p>	<p>The basic guiding criteria, as stated, are to shield human activities in the restaurant, and people entering and leaving the restaurant, from the sight of the eagles using the Riverway habitat.</p>

<p><u>Issue: Restaurant (continued)</u></p> <p>The same guiding criteria are applicable for the restaurant: to the extent human activities in the restaurant, & going to/from the restaurant, are visible to eagles using the Riverway habitat, adverse impacts are likely increased.</p>		<p>Unloading of food and supplies, as well as garbage removal, need to be fully shielded from view of eagles.</p> <p>Size and number of windows need to be carefully considered to insure that human activities inside restaurant are not visible from perching areas and potential for window strikes are minimized</p>
<p><u>Issue: Ventilation (Exhaust Fans and Related Equipment)</u></p> <p>Noise and any discharged substances in exiting air should be minimized during daytime hours</p>	<p>Design options unknown.</p>	<p>Applicable data on impact of noise and emitted substances not readily available; documenting tolerable levels difficult at this time, without additional research</p>
Issues During Construction and Related to Construction		
<p><u>Issue: Timing and Visibility of Construction</u></p> <p>Outside construction and inside construction work that can be seen by eagles pose strong potential of adversely impacting (i.e., disturbing) the eagles</p>	<p>Issue not formally addressed yet;</p>	<p>Outside construction and inside construction that can be seen by eagles <u>must be prohibited during wintering eagle season from Nov. 15-March 15</u>; prohibition should be part conditions of permit</p>
Other Related Issues		
<p><u>Issue: Restricted Access to Graff Park</u></p> <p>With development, increased use of Graff Park likely to occur.</p> <p>To extent Graff Park is used more, the potential for added eagle disturbances is increased</p>	<p>Impact has not been addressed.</p>	<p>Depending on use of Graff Park, Village ordinances may be needed to restrict access or move viewing area</p>

<p><u>Issue: Incorporation of Condo Covenants in Village Ordinances</u></p> <p>To extent any condo covenants (e.g., use of balcony/screen porch) are enforced, potential of adverse eagle impacts are minimized.</p> <p>To the extent any condo covenants are not enforced, potential of adverse eagle impacts are increased.</p>	<p>FBEC has proposed, and continues to propose, incorporation of condo covenants as part of Village ordinances, with fines provided for and enforced by Police Dept.</p>	<p>FBEC believes language, encompassing condo covenants, can be drafted which is broad enough to be generally applicable but clearly include the proposed development. Police Dept. cooperation will be necessary.</p>
<p>NOTE: The above assessment is based on information available as of August 4, 2006; subsequent discussions may identify more issues and more mitigating steps that can be taken, especially if the scope of mitigation is expanded. The document should not be considered all-inclusive. Although this assessment focuses on the Nonn development, many (but not necessarily all) of the issues and guiding criteria are likely to be applicable to other developments in the Downtown ESZ.</p>		