

June 25, 2006

To: Mr. Shawn Murphy  
Village of Prairie du Sac Planning Commission

Dear Mr. Murphy and Members of the Planning Commission:

Ferry Bluff Eagle Council (FBEC) is writing to clarify several mis-understandings that we believe exist regarding how disturbance from the proposed Nonn development, or any other development along the Wisconsin River in the village of Prairie du Sac, may affect eagles. FBEC tried to clarify these issues at the planning commission meeting on June 5 but we do not think that this was accomplished. We are prepared to continue that effort.

First, during the Village Planning Commission meeting on June 5, and during other meetings with FBEC, Mr. Murphy and Mr. Nonn have expressed surprise that FBEC is concerned about disturbance to eagles that may result from the proposed Nonn development. It has been argued that FBEC should have raised these concerns in 1995 when the village plan was under development. Second, it has also been argued that, since Mr. Nonn has stated that he will work with FBEC to provide whatever habitat is necessary for the eagles it is not necessary to worry about the impact of the proposed development along this section of shore. In other words, it is assumed that any impact from the proposed development can be mitigated successfully. Third, Mr. Nonn and his associates stated at the June 5 meeting that, in comparison to any other type of development, they feel as though their plans will create the least amount of disturbance to eagles. Finally, to what geographic scale do all the parties constrain their assessment and proposal? Since disturbance of wintering eagles in the Sauk Prairie area is already high enough to alter habitat use (see the FBEC biological assessment), mitigation of the impacts from the proposed Nonn development may be addressed through alterations of the proposed site/structure or of areas adjacent to the site (such as Graff Park) where disturbance to eagles already impacts the same eagle habitat. If there is no net increase of disturbance to eagles for this stretch of river (i.e. to the same habitat), then the impacts of the proposed development may be mitigated successfully. We will address each of these points below.

**1995 Development Plan for the Village of Prairie du Sac**

FBEC has consistently discussed with the village and other local governmental bodies the potential impacts of development on the feeding, perching, and roosting habitat of the

wintering bald eagles in the Sauk Prairie area. As recently as during the deliberations on the joint comprehensive plan approved by the Village, FBEC offered comments and testimony on these issues. Our position now does not differ from the position that we have consistently presented except that we currently have a specific development plan in a specific area to which we are responding. The biological assessment dated June 1, 2006 estimates the impact likely resulting from this specific proposal for development as it currently stands.

### **Can impacts be mitigated successfully?**

During the June 5 meeting, Mr. Nonn expressed surprise that his development proposal could be construed by FBEC to have an impact on eagles and felt that he had already discussed areas of FBEC concern previously. FBEC did meet with Mr. Nonn on April 10 and we did say that we were willing to work with Mr. Nonn to examine if or how his proposal could move forward without negatively impacting eagles in winter. FBEC is still willing to do this. We did not, however, guarantee that a solution could be found and we did not assess the impact of his proposal on eagles at that time. To make that commitment, before submitting our full biological assessment to the Village Planning Commission as requested, would be irresponsible. It is of concern to us that Mr. Nonn would construe FBEC actions otherwise.

From the first time that we became aware of this project (The Sauk Prairie Eagle, dated March 15) until now, FBEC has worked very hard to gather relevant information, analyze these data as they relate to this specific proposal, and distribute them to the Prairie du Sac Village Planning Commission as well as to Mr. Nonn. While this effort may be slow, it is necessary to obtain the best results for eagles and the community. It should be noted, however, that the assessment rendered is of high quality and it has been done by an organization run entirely by volunteers. To proceed more quickly, if possible at all, would require hiring experts at the cost of several thousand dollars to render the same assessment. It is also important to consider that we have not been brought into this process until the project was extensively developed. The decision to delay inclusion of FBEC until late in the process is not our responsibility.

As important, we wish to make clear to all parties involved that our commitment is to protect the wintering eagle resource in the Sauk Prairie area and we will do that with as much sound data as possible. In doing so, we will work with Mr. Nonn, the Prairie du Sac Village Planning Commission, and any other interested party to minimize impacts to wintering eagles. Our role in this process is to provide relevant data and to assess the impact of any proposal on eagles, using these data, but it is not our role to decide which projects move forward or what shape these projects will ultimately take. We are committed to fulfilling our role to the best of our ability.

In the past, FBEC has worked closely with several developers to avoid negative impacts to eagles. We have used our data to predict what human actions could be taken or not. These interactions have been most successful in situations where the developers have contacted us in the early stages of a project and it was possible to provide alternative actions at a point in the process when adoption of alternatives could be reasonably

accommodated. Our collaboration with the Highway 12 bridge construction is a recent example of this successful interaction between FBEC and a developer. With the advanced stage of the process for the proposed Nonn Development, we cannot guarantee that - given the scale, type, and location of the proposed project - that a solution is possible without substantial alterations to the proposal. These alterations may be ones that Mr. Nonn is unwilling to take. If this occurs, our assessment will remain as presented on June 1, 2006: Namely that the proposed Nonn Development, received at the Village of Prairie du Sac on May 10, 2006, may greatly impact wintering eagles in the Prairie du Sac area as well as substantially alter eagle eco-tourism (currently valued at \$1.2 million annually) associated with it.

**In relation to eagles, what type of land use provides the least disturbance?**

In the June 5 meeting, Mr. Nonn's associates stated that the construction of their proposed development would result in the least amount of impact to eagles. This statement is of concern to FBEC because it fails to compare the proposed development to any specific alternative. As a result, a proper evaluation of this assertion is impossible. Though we understand that Mr. Nonn and his associates believe this to be true, their assertion threatens to undermine the basis of what FBEC has been asked to do. We are happy to assess the impact to eagles of any modification or alternative plan as long as it is specific enough to apply sound science. We cannot assess alternatives that are undefined. Ultimately, if undefined alternatives are to be assessed, that assessment becomes political and that is not something that scientific data can address.

**What is the specific area where mitigation can be considered? Is it just the proposed development area or is it some larger region?**

The FBEC biological assessment clearly documents that disturbance to eagles is already occurring in the area of Prairie du Sac. The distribution of eagle habitat use near the villages of Prairie du Sac and Sauk City differs strikingly from areas of the river that are less developed with eagles avoiding developed portions of the river. In addition, eagles congregate near Prairie du Sac only when ice conditions force them to do so. Though eagles use the Prairie du Sac stretch of river throughout the winter in low numbers, the concentration of eagles near Prairie du Sac occurs only during the coldest parts of the winter. If the proposed Nonn development will unavoidably increase disturbance to eagles then two actions can be taken to protect them: deny the proposal or decrease the disturbance to eagles in the same area that arise from other sources so the total amount of disturbance to eagles is unlikely to change.

Graff Park and land associated with Derleth Park is located immediately downstream of the proposed development. Upstream of the proposed development are located Eagleview Dental, the FBEC eagle overlook, a municipal parking lot, and Culver Franchising with access to the river. The amount of disturbance to wintering eagles from these land uses vary from little (e.g. Eagleview Dental) to high (e.g. Graff Park). The Village Planning Commission of Prairie du Sac could mitigate the overall impact of human disturbance on eagles along the shore west of Eagle Island by requiring components of the proposed Nonn development to be altered but also through decreasing disturbance of the same eagle habitat at these other locations. Is this a possibility? A full

assessment of disturbance by FBEC will depend upon what scale the Prairie du Sac Village Planning Commission considers possible.

In conclusion, FBEC appreciates the opportunity to participate in these important decisions and we remain committed to providing the Prairie du Sac Village Planning Commission with the best information and analysis possible from which the planning commission will make its decision. That commitment by FBEC includes working with any interested party to the fullest extent possible to maintain a productive co-existence between people and eagles. We believe that all of the parties involved agree that keeping that co-existence productive is important to the community. Our attempt to clarify these issues reflects that commitment and we look forward to working on this issue in the near future.

As we move forward, John Keefe, Habitat Committee Chair, will serve as our primary contact. He can be reached at 643-3376 or [jmkeefe@wildblue.net](mailto:jmkeefe@wildblue.net).

Sincerely yours,

Kay Roherty  
President, Ferry Bluff Eagle Council

Cc: Mr. Ken Nonn  
Village of Prairie du Sac Board of Trustees  
Ferry Bluff Eagle Council Board of Directors