



Stantec Consulting Services Inc.

209 Commerce Parkway, PO Box 128, Cottage Grove WI 53527-8955

April 1, 2015
File: 193703573

Attention: Kyle Adams

Ruedebsch Development & Construction
4695 Dovetail Drive
Madison, WI 53704

Dear Mr. Adams,

**Reference: North Mendota Energy and Technology Park Environmental Resources Review
Town of Westport, Dane County, Wisconsin**

On behalf of Ruedebsch Development & Construction, Stantec Consulting Services Inc. (Stantec) completed an environmental resource review of an approximately 60 acre, primarily agricultural, parcel located in Section 22, Township 8 North, range 9 East in the Town of Westport, Dane County, Wisconsin (the "Project Area") (Attachment A). The site is proposed to be developed into the North Mendota Energy and Technology Park. The environmental resource review included the completion of a Certified Endangered Resources Review, a cultural resources review, and a preliminary wetland determination, the results of which are detailed below.

Endangered Resources

Stantec completed a Certified Endangered Resources (ER) Review (ER Log #15-222) for the Project Area. A total of eight Element Occurrences were identified within the vicinity of the Project Area – one bird, three fish, two mammals, one turtle, and one community. Based on the review of the identified resources, there are required actions that need to be taken to comply with state and/or federal endangered species laws for the noted bird species and recommended actions for the three fish species, one mammal, and the turtle (Attachment B).

Required Actions

For the purpose of this Project, suitable habitat for the noted bird species includes the fallow/grassland area located in the northeast corner of the property, and extending down the eastern boundary to the wetland area portrayed in Attachment E. In order to avoid take of the noted bird species the following actions are proposed: 1) assume the bird is present on site and avoid all disturbances to areas of suitable habitat from May 20 – August 15; 2) limit all disturbances between May 20 – August 15 to agricultural fields greater than 300 feet from the suitable habitat; or 3) not assume the bird is present and conduct surveys to determine presence. If the birds are not found on site, there will be no project related restrictions, but if the birds are found on-site, the time of year and/or distance restrictions noted above must be followed.



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Recommended Actions

There are three rare fish species associated with nearby waterbodies. While suitable habitat for these fish species is not present within the Project Area, there is potential for the Project to impact waterbodies within the Project vicinity. Therefore, it is recommended that erosion and runoff prevention measures be implemented during the course of the Project to avoid take of protected and rare aquatic species.

For one of the rare mammal species within the Project vicinity, it is recommended that special consideration be given to protecting snags or dying trees from June 1 – August 15. If snags or dying trees within the Project Area must be cut, it is recommended to do so outside of the June 1 – August 15 timeframe.

Suitable habitat for one rare turtle may be present within the Project Area and we recommend avoiding directly impacting individuals and areas of suitable habitat, which includes wet meadow wetlands and ditches.

Cultural Resources

Stantec conducted a review of the Wisconsin Historic Preservation Database (WHPD) at the State Historical Preservation Office (SHPO) for known cultural resources within the Project Area. The review examined the Architectural History Inventory for historic properties, the Archaeological Site Inventory for archaeological and burial sites, and the Archaeological Reports Inventory for previous cultural resources surveys recorded as of March 27, 2015.

Results of WHPD review indicate no known historic records. The review did identify three known archaeological records and one Phase I Archaeological Field Reconnaissance survey (1997) located within the Project Area (Attachment C, Figure 1). Further review of the Archaeological Report Index identified a previous Phase I survey (1996) conducted within the boundary of the Project Area. Based on the review, it appears that the Project Area was previously surveyed and the opinion of the archaeological firm states that the sites within the Project Area will not contribute to further understanding of the prehistory of the area and no further evaluation is recommended.

The three archaeological records, DA-1072, DA-1073, and DA-1104, were identified during two Phase I surveys conducted in 1996 and 1997 by Phillip Salkin of Archaeological Consulting Services. The two Phase I surveys are of interest to this project as they provide a record of previous cultural resource investigations conducted within the Project Area.



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The 1996 Phase I survey, *An Archaeological Survey of a Proposed Commercial Development Site in Westport Township, Dane County, Wisconsin ACS ROI #1017*¹ identified two archaeological sites within the Project Area (Attachment C, Figure 2). DA-1072 and DA-1073 are characterized as small lithic scatter sites of unknown prehistoric culture. The survey did not recommend additional evaluation for historical significance for either site due to the low number of recovered artifacts and the relatively poor site integrity due to years of agricultural practices and soil erosion.

The 1997 Phase I survey, *An Archaeological Survey of a Proposed Water Main Extension in Westport Township, Dane County, Wisconsin ACS ROI #1046* identified one archaeological site within the Project Area. DA-1104 is characterized as a lithic scatter of unknown prehistoric culture. The 1997 survey recommended additional site evaluation and in November of 1997, Archaeological Consulting Services conducted a Phase II site evaluation of DA-1104. The results of the Phase II testing revealed no evidence of archaeological features or undisturbed archaeological deposits across the site and concluded that the site is not eligible for inclusion on the National Register of Historic Places, per the Phase II survey report, *A Program of Archaeological Testing at the Hovde #3 Site in Westport Township, Dane County, Wisconsin ROI #1061*.

Based on the WHPD records and conversations with the archaeologist Phillip Salkin, who conducted both cultural resource surveys and the additional testing, the Project Area of the proposed Rudebusch development project was previously surveyed in 1996 and 1997. It is important to note that while a professional archaeologist completed the surveys and additional testing of one of the sites, the Phase I and Phase II reports were not reviewed by the Compliance Officer at the SHPO. Therefore the current SHPO status of the three sites are not known and additional coordination with the SHPO may be necessary if this project will involve any future State or Federal agency coordination.

Other historical properties and archaeological sites may be present in or near the Study Area, but have not been discovered or reported to the SHPO or the Office of State Archaeologist of Wisconsin. This review is intended to assist the client with fulfilling any local, state or federal laws and regulations, such as Section 106 of the National Historic Preservation Act related to historic properties and archaeological sites, and the Wis. Stat 157.70 Disposition of Human Remains associated with cemetery/burial sites located in the Project Area.

Preliminary Wetland Determination

The preliminary wetland determination was based on the criteria and methods outlined in the *U.S. Army Corps of Engineers Wetlands Delineation Manual*, Technical Report Y-87-1 (1987), applicable Regional Supplement to the *Corps of Engineers Wetland Delineation Manual*, and the *Guidance*

¹ As of the date of this report, Phillip Salkin was contacted by phone to discuss the previous surveys but the Phase I Report (ROI #1017) was not examined; the report is currently in storage and a copy is not available at SHPO.



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for Submittal of Delineation Report to the St. Paul District Army Corps of Engineers and the Wisconsin Department of Natural Resources published March 4, 2015 by the U.S Army Corps of Engineers (USACE) and Wisconsin Department of Natural Resources (WDNR). As the Project Area is primarily in agricultural use, an off-site wetland determination was conducted to assess the potential for wetland conditions to exist within the Project Area.

As part of the off-site determination, a review of U.S. Geological Survey (USGS) topographic maps, U.S. Department of Agriculture Natural Resources Conservation Service (NRCS) soil survey, and Wisconsin Wetland Inventory (WWI) mapping, as well as a review of U.S. Department of Agriculture Farm Service Agency (FSA) annual aerial slides and other available aerial imagery was conducted for the Project Area to assist in the wetland determination because farmed areas with mapped poorly drained or somewhat poorly drained soils are present. The aerial imagery was reviewed for the appearance of wetland signatures. A wetland signature is field evidence, recorded by aerial imagery, of ponding, flooding, or impacts of saturation for sufficient duration, which meets wetland hydrology and possibly wetland vegetation criteria. Wetland signatures may vary based on the type and seasonal date of the aerial imagery. Signatures visible on FSA annual aerial slides in cropland for Wisconsin have been categorized as follows (USDA, NRCS 1998):

1. Hydrophytic vegetation (seen as a different color of green)
2. Surface water (usually black or white)
3. Drowned-out crops (bare soil or mud flats)
4. Differences in color due to different planting dates or isolated areas not farmed with the rest of the field
5. Inclusions of wet areas in set-aside program
6. Patches of greener color in "dry" years
7. Crop stress (yellow) or sparse canopy (light green)
8. Saturated soil visible on infrared (IR) slides or photos

The antecedent precipitation in the months leading up to each aerial image was reviewed and compared to long-term (30-year) precipitation averages and standard deviation to determine if each year was normal, wet, or dry using a WETS analysis (Attachment D).

Mapped poorly and somewhat poorly drained soils were identified on the Property and available aerial imagery was analyzed for signatures of wetness consistency in these areas (Off-Site Aerial Imagery Analysis, Attachment D). Areas within agricultural fields are typically identified as wetland if they contain hydric soils and 50% or more of the aerial images taken in the five (or more) most recent normal precipitation years show any of the wetland signatures listed above. However, while the focus of the analysis is on wetland signatures visible in normal precipitation years, years considered wet or dry for received precipitation were also analyzed. Wetland determinations and wetland boundaries are identified based on the aerial image having the largest wetland



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boundary during a "normal" rainfall year if signatures were apparent in at least 50% of the years (USDA, NRCS 1998).

A road-side survey of potential wetland conditions was also conducted on March 26, 2015. Based on review of available aerial imagery, the various map resources noted above, and the road-side survey, approximate potential wetland boundaries have been identified and are depicted on the attached Potential Wetland Area figure (Attachment E). Additionally, two intermittent streams are identified within the Project Area and are associated with the potential wetland areas. Please note that these boundaries are only approximate and a more accurate determination of wetland boundaries will be made with the formal wetland delineation.

If you have any questions or require any additional information please feel free to contact me.

Regards,

STANTEC CONSULTING SERVICES INC.

Kate Remus
Environmental Scientist
Phone: (608) 839-2036
Fax: (608) 839-1995
Kate.Remus@stantec.com

Attachment: Attachment A – Project Location and Topography
Attachment B – Endangered Resources Review (*Confidential*)
Attachment C – Cultural Resource Review Figures 1 and 2 (*Confidential*)
Attachment D – Off-Site Aerial Imagery Analysis
Attachment E – Potential Wetland Area



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References:

Environmental Laboratory. (1987). "Corps of Engineers Wetlands Delineation Manual," Technical Report Y-87-1, U.S. Army Engineer Waterways Experiment Station, Vicksburg, MS.

U.S. Army Corps of Engineers (USACE) and Wisconsin Department of Natural Resources (WDNR). "Guidance for Submittal of Delineation Reports to the St. Paul District Army Corps of Engineers and the Wisconsin Department of Natural Resources", Issued March 4, 2015. Available online at <http://dnr.wi.gov/topic/wetlands/documents/FinalWisconsinDelineationGuidance.pdf>.

USACE. 2011. *Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Northcentral and Northeast Region (Version 2.0)*, ed. J.S. Wakely, R.W. Lichvar, C.V. Nobel, and J. F. Berkowitz. ERDC/EL TR-12-1. Vicksburg, MS: U.S. Army Engineer Research and Development Center.

U.S. Department of Agriculture, Natural Resource Conservation Service (USDA, NRCS). 1998. *Wisconsin Wetland Mapping Conventions – WI513.30(c) Off-site wetland identification tools*. (WI-180-V-NFSAM). (3rd ed.) (Amendment WI21).



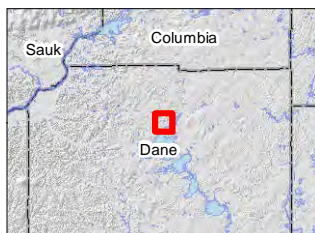
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Attachment A



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Legend

Approximate Project Boundary

Notes

1. Coordinate System: NAD 1983 StatePlane Wisconsin South FIPS 4803 Feet
2. Data Sources Include: Stantec, WisDOT, WDNR
3. Background: USGS 7.5' Topographic Quadrangles

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Figure No.

1

Title

Project Location and Topography

Client/Project

North Mendota Energy and Technology Park
Ruedebsch Development & Construction, Inc.

Project Location

108N, R09E, S22
T. of Westport
Dane Co., WI

193703573

Prepared by KAS on 2015-03-09

Technical Review by MCP on 2015-03-09

Independent Review by KR on 2015-03-31

0 1,000 2,000
Feet
1:24,000 (at original document size of 8.5x11)





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Attachment B

Endangered Resource Review for the Proposed North Mendota Energy and Technology Park, Dane County
(ER Log # 15-222)

Section A. Location and brief description of the proposed project

Based on information provided by in the ER Certified Reviewer and attached materials, the proposed project consists of the following:

Location	Dane County - 08N 09E 15, 08N 09E 22
Project Description	Ruedebusch Development and Construction is proposing to develop an approximately 60 acre parcel into the proposed North Mendota Energy and Technology Park. The plan, as proposed, is to develop the areas currently within agricultural production located outside of the Dane County environmental corridors and wetland set-back set-back areas. Plans include developing the area with one larger, single-user building or several smaller buildings for multiple users.
Project Timing	June 2015 - June 2016
Current Habitat	The majority of the approximately 60 acre property is used for agricultural production, specifically row crops. The eastern edge of the Property is comprised of old field and wetland vegetation with scattered trees. There are also tree lines along the southwestern Property boundary bordering a railroad and in the western 1/3 of the Property separating agricultural fields. Additionally, a drainage swale (mapped as a perennial waterway) is present in the western half of the property.
Impacts to Wetlands or Waterbodies	A wetland area is present within the east and southeast corner of the property and mapped perennial unnamed waterway is present in the west half of the property. No impacts to these features are anticipated as proposed construction will be located outside of these areas and at the appropriate set-backs.
Property Type	Private

It is best to request ER Reviews early in the project planning process. However, some important project details may not be known at that time. Details related to project location, design, and timing of disturbance are important for determining both the endangered resources that may be impacted by the project and any necessary follow-up actions. Please contact the Certified Coordinators whenever project plans change or new details become available to confirm if results of this ER Review are still valid.

Section B. Endangered resources recorded from within the project area and surrounding area

	Group	State Status	Federal Status
Henslow's Sparrow (<i>Ammodramus henslowii</i>)	Bird	THR	
Calcareous Fen (<i>Calcareous fen</i>)	Community~	NA	
Lake Sturgeon (<i>Acipenser fulvescens</i>)	Fish~	SC/H	
American Eel (<i>Anguilla rostrata</i>)	Fish~	SC/N	
Pugnose Shiner (<i>Notropis anogenus</i>)	Fish~	THR	
Woodland Vole (<i>Microtus pinetorum</i>)	Mammal	SC/N	
Big Brown Bat (<i>Eptesicus fuscus</i>)	Mammal~	THR	
Blanding's Turtle (<i>Emydoidea blandingii</i>)	Turtle~	SC/H	

For additional information on the rare species, high-quality natural communities, and other endangered resources listed above, please visit our Biodiversity (<http://dnr.wi.gov/topic/EndangeredResources/biodiversity.html>) page.

Section C. Follow-up actions

Actions that need to be taken to comply with state and/or federal endangered species laws:

• Henslow's Sparrow (*Ammodramus henslowii*) - Bird

State Status: THR

Impact Type	Impact possible
Required Measures	Time of year restriction, Surveys
Description of Required Measures	<p>The Henslow's Sparrow could be present in suitable habitat areas of the site, and the birds and their nests and eggs are also protected under the federal Migratory Bird Treaty Act (MBTA). To avoid impacts to this listed species, the project should follow one of the two options below:</p> <p>(i) Assume the birds are present on the site, and avoid all disturbances to the project site from May 20 - August 15. If the project can avoid disturbing areas of suitable habitat for these species during this time period, there will not be any further project restrictions related to these species. If the project cannot completely avoid all areas of suitable habitat or take of the species, please contact me regarding the possibility of applying for an Incidental Take Permit/Authorization.</p> <p>(ii) Not assume the birds are present on the site and have a qualified biologist conduct surveys to determine if they are present (the biologist and survey protocols must be sent to the Review Program for approval prior to the initiation of surveys). If the Henslow's Sparrow are not found on the site as a result of the surveys, you will not have any project restrictions related to these species. If surveys are conducted and the Henslow's Sparrow is recorded, option (i) must be followed above. Survey results should be submitted to the Endangered Resources Review Program.</p>

Actions recommended to help conserve Wisconsin's Endangered Resources:

• Lake Sturgeon (*Acipenser fulvescens*) - Fish~

State Status: SC/H

Impact Type	Impact possible
Recommended Measures	Erosion Control
Description of Recommended Measures	Because this project has the potential to impact the Yahara River and Lake Mendota which are located downstream from the project area, erosion and runoff prevention measures must be implemented during the course of the project to avoid take of the protected aquatic species.

• American Eel (*Anguilla rostrata*) - Fish~

State Status: SC/N

Impact Type	Impact possible
Recommended Measures	Erosion Control
Description of Recommended Measures	Because this project has the potential to impact the Yahara River and Lake Mendota which are located downstream from the project area, erosion and runoff prevention measures must be implemented during the course of the project to avoid take of the protected aquatic species.

• Pugnose Shiner (*Notropis anogenus*) - Fish~

State Status: THR

Impact Type	Impact possible
Recommended Measures	Erosion Control

Description of Recommended Measures	Because this project has the potential to impact the Yahara River and Lake Mendota which are located downstream from the project area, erosion and runoff prevention measures must be implemented during the course of the project to avoid take of the protected aquatic species.
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• **Big Brown Bat (*Eptesicus fuscus*) - Mammal~**

State Status: THR

Impact Type	Impact possible
Recommended Measures	Time of year restriction, Other
Description of Recommended Measures	The Project, as proposed, is to occur within existing agricultural fields of the property. No suitable habitat is present for Big Brown Bat in the agricultural fields, but tree lines and trees that may serve as summer roosts do exist on the property and may be cleared as a result of development activities. Tree clearing is a covered activity under the Broad Incidental Take Permit/Authorization for Wisconsin Cave Bats. As a result, there are no restrictions for tree cutting; however, special consideration should be given to protecting snags or dying trees, particularly from June 1 - August 15.

• **Blanding's Turtle (*Emydoidea blandingii*) - Turtle~**

State Status: SC/H

Impact Type	Impact possible
Recommended Measures	Other
Description of Recommended Measures	<p>As a species of Special Concern and a Protected Wild Animal, the Blanding's Turtle is legally protected from intentional take. Take that would result from normal project activities is not considered "intentional take". However, suitable habitat may be present within the Project area and we recommend avoiding directly impacting individuals, known locations, and areas of suitable habitat, which includes ditches and wet meadow wetlands, among others.</p> <p>If a Blanding's Turtle is encountered during the course of the project, stop work immediately and contact the Endangered Resources Review Program (DNRERReview@wi.gov, 608-264-6057) for further guidance and options for proceeding.</p>

Remember that although these actions are not required by state or federal endangered species laws, they may be required by other laws, permits, granting programs, or policies of this or another agency. Examples include the federal Migratory Bird Treaty Act, Bald and Golden Eagle Protection Act, State Natural Areas law, DNR Chapter 30 Wetland and Waterway permits, DNR Stormwater permits, and Forest Certification.

Additional Recommendations

• Because this project has the potential to impact the Lake Mendota and the Yahara River, erosion and runoff prevention measures must be implemented during the course of the project to avoid take of the many listed species present within Lake Mendota and the Yahara River. Please note that plastic or polypropylene netting associated with erosion matting (also known as an erosion control blankets or erosion mesh netting) without independent movement of strands can easily entrap snakes and other wildlife moving through the area, and cause dehydration, desiccation, and eventually mortality. Biodegradable jute/twine netting with the "leno" or "gauze" weave (contains strands that are able to move independently) has the least impact on snakes. If erosion matting will be used for this project, use the following matting (or something similar): American Excelsior "FibreNet" or "NetFree" products; East Coast Erosion biodegradable jute products; Erosion Tech biodegradable jute products; ErosionControlBlanket.com biodegradable leno weave products; North American Green S75BN, S150BN, SC150BN or C125BN; or Western Excelsior "All Natural" products.

No actions are required or recommended for the following endangered resources:

• **Calcareous Fen - Community~**

Impact Type	No impact
Reason	Lack of Suitable Habitat within Project Boundary
Additional Comments	While wetlands are present within the Project area, the calcareous fen community type does not occur within the Project area and will not be impacted by the proposed project.

• **Woodland Vole (*Microtus pinetorum*) - Mammal**

Impact Type	No impact
Reason	Lack of Suitable Habitat within Project Boundary
Additional Comments	Due to the lack of suitable habitat (deciduous woods with dense leaf litter) present within the Project area, we do not anticipate there will be any impacts to the Woodland Vole. However, if a Woodland Vole is encountered during the course of the project, stop work immediately and contact the Endangered Resources Review Program (DNRERReview@wi.gov, 608-264-6057) for further guidance and options for proceeding.

Section D. Next Steps

1. Evaluate whether the **'Brief description of the proposed project'** is still accurate. All recommendations in this ER Review are based on the information supplied in this ER Review letter and additional attachments. If the proposed project has changed, please contact the ER Review Program to determine if the information in this ER Review is still valid.
2. Determine whether the project can incorporate and implement the **'Follow-up actions'** identified above:
 - 'Actions that need to be taken to comply with state and/or federal endangered species laws' represent the Department's best available guidance for complying with state and federal endangered species laws based on the project information that you provided and the endangered resources information and data available to us. If the proposed project has not changed from the description that you provided us and you are able to implement all of the 'Actions that need to be taken to comply with state and/or federal endangered species laws', your project should comply with state and federal endangered species laws. Please remember that if a violation occurs, the person responsible for the taking is the liable party. Generally this is the landowner or project proponent. For questions or concerns about individual responsibilities related to Wisconsin's Endangered Species Law, please contact the ER Review Program.
 - If the project is unable to incorporate and implement one or more of the 'Actions that need to be taken to comply with state and/or federal endangered species laws' identified above, the project may potentially violate one or more of these laws. Please contact the ER Review Program immediately to assist in identifying potential options that may allow the project to proceed in compliance with state and federal endangered species laws.
 - 'Actions recommended to help conserve Wisconsin's rare species and high-quality natural communities' may be required by another law, a policy of this or another Department, agency or program; or as part of another permitting, approval or granting process. Please make sure to carefully read all permits and approvals for the project to determine whether these or other measures may be required. Even if these actions are not required by another program or entity for the proposed project to proceed, the Department strongly encourages the implementation of these conservation measures on a voluntary basis to help prevent future listings and protect Wisconsin's biodiversity for future generations.
3. No federally-protected species or habitats are involved.

Section E. Contact Information

The Proposed ER Review for this project was requested and conducted by the following:

Requester: Kyle Adams, 4605 Dovetail Drive, Madison, WI 53704

Invoice will be sent to: Kate Remus, 209 Commerce Parkway, Cottage Grove, WI 53527

Proposed ER REVIEW conducted by: Kate Remus, kate.remus@stantec.com, Stantec Consulting Services, Inc., 608-839-2036

The Proposed ER Review was subsequently reviewed, modified (if needed), and approved by Wisconsin Department of Natural Resources (DNR):

Proposed ER REVIEW approved by: Angela White, angelal.white@wi.gov, ER Review Program, WDNR, 101 S. Webster St., PO Box 7921, Madison, Wisconsin 53707

DNR Signature:

Angela White

03/16/15

Section F. Standard Information to help you better understand this ER Review

Endangered Resources (ER) Reviews are conducted according to the protocols in the guidance document Conducting Proposed Endangered Resources Reviews: A Step-by-Step Guide for Certified ER Reviewers. A copy of this document is available upon request by contacting the ER Certification Coordinator at 608-266-5241

How endangered resources searches are conducted for the proposed project area: An endangered resources search is performed as part of all ER Reviews. A search consists of querying the Wisconsin Natural Heritage Inventory (NHI) database for endangered resources records for the proposed project area. The project area evaluated consists of both the specific project site and a buffer area surrounding the site. The size of the buffer considered varies depending on the ecological and land use characteristics of the site and surrounding area. Generally a 1-mile buffer is considered for terrestrial species, and a 2 mile buffer for aquatic species. Endangered resources records from the buffer area are considered because most lands and waters in the state, especially private lands, have not been surveyed. Considering records from the entire project area (also sometimes referred to as the search area) provides the best picture of species and communities that may be present on your specific site if suitable habitat for those species or communities is present.

Categories of endangered resources considered in ER Reviews and protections for each: Endangered resources records from the NHI database fall into one of the following categories:

- Federally-protected species include those federally-listed as Endangered or Threatened, those Proposed for federal listing, and their Proposed or Designated Critical Habitats. Federally-protected animals are protected on all lands; federally-protected plants are protected only on federal lands and in the course of projects that include federal funding (see Federal Endangered Species Act of 1973 as amended).
- Animals (vertebrate and invertebrate) listed as Endangered or Threatened in Wisconsin are protected by Wisconsin's Endangered Species Law on all lands and waters of the state (s. 29.604, Wis. Stats.).
- Plants listed as Endangered or Threatened in Wisconsin are protected by Wisconsin's Endangered Species Law on public lands and on land that the person does not own or lease, except in the course of forestry, agriculture, utility, or bulk sampling actions (s. 29.604, Wis. Stats.).
- Special Concern species, high-quality examples of natural communities (sometimes called High Conservation Value areas), and natural features (e.g., caves and animal aggregation sites) are also included in the NHI data-base. These endangered resources are not legally protected by state or federal endangered species laws. However, other laws, policies (e.g., related to Forest Certification), or granting/permitting processes may require or strongly encourage protection of these resources. The main purpose of the Special Concern classification is to focus attention on species about which some problem of abundance or distribution is suspected before they become endangered or threatened.
- State Natural Areas (SNAs) are also included in the NHI database. SNAs protect outstanding examples of Wisconsin's native landscape of natural communities, significant geological formations, and archeological sites. Endangered species are often found within SNAs. SNAs are protected by law from any use that is inconsistent with or injurious to their natural values (s. 23.28, Wis. Stats.).

Please remember the following:

1. This ER Review is provided as information to comply with state and federal endangered species laws. By following the protocols and methodologies described above, the best information currently available about endangered resources that may be present in the proposed project area has been provided. However, the NHI database is not all inclusive; systematic surveys of most public lands have not been conducted, and the majority of private lands have not been surveyed. As a result, NHI data for the project area may be incomplete. Occurrences of endangered resources are only in the NHI database if the site has been previously surveyed for that species or group during the appropriate season, and an observation was reported to and entered into the NHI database. As such, absence of a record in the NHI database for a specific area should not be used to infer that no endangered resources are present in that area. Similarly, the presence of one species does not imply that surveys have been conducted for other species. Evaluations of the possible presence of rare species on the project site should always be based on whether suitable habitat exists on site for that species.
2. This ER Review provides an assessment of endangered resources that may be impacted by the project and measures that can be taken to avoid negatively impacting those resources based on the information that has been provided to ER Review Program at this time. Incomplete information, changes in the project, or subsequent survey results may affect our assessment and indicate the need for additional or different measures to avoid impacts to endangered resources.
3. This ER Review does not exempt the project from actions that may be required by Department permits or approvals for the project.



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Attachment C

Figure 1. WHPD Image Confidential

(Blue Outline – Project Area)

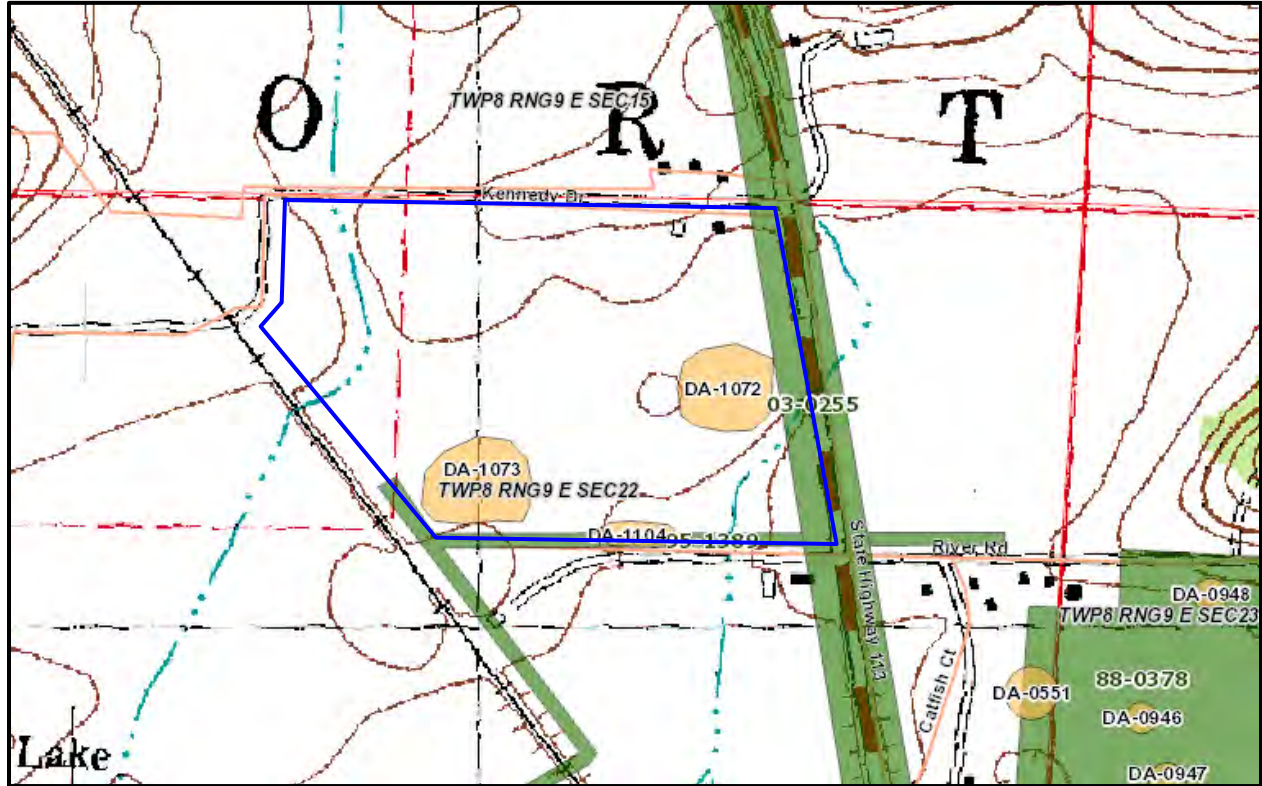
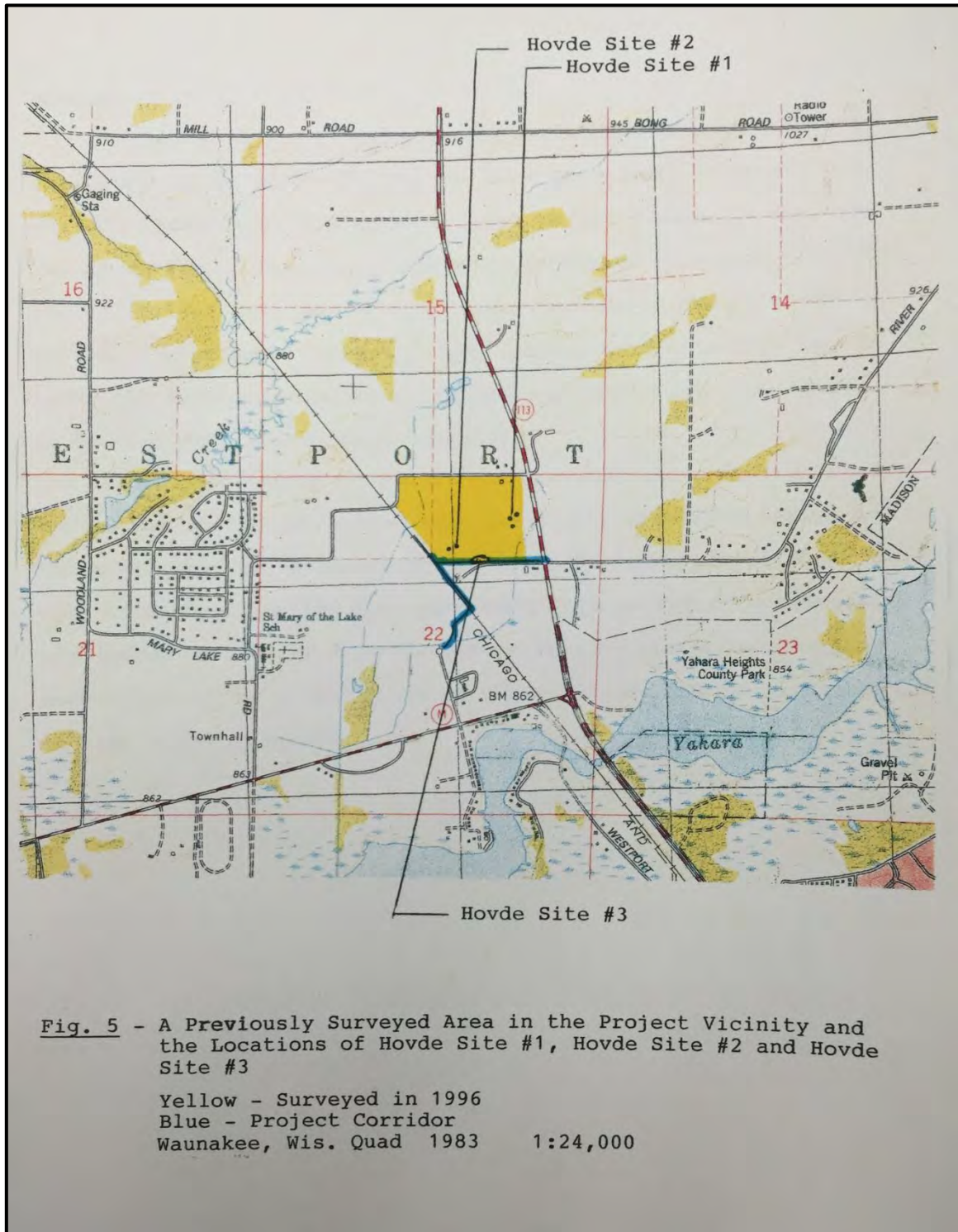


Figure 2. An Archaeological Survey of a Proposed Water Main Extension in Westport Township, Dane County, Wisconsin ACS ROI #1046, Figure 5 showing the 1996 Phase I Survey area in yellow.





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Town of Westport, Dane County, Wisconsin**

Attachment D

Off-Site Aerial Photography Review ¹							
North Mendota Energy and Technology Park - Town of Westport							
Project Location: Section 22, Township 08N, Range 09E, Dane County County							
Year	Monthly Rainfall in Inches ²			Relative Wetness	Cropped ³ ?	Wetness Signature ^{4,5} ?	Interpretation
	April	May	June				
1985	1.52	3.35	3.06	Normal	CR	Y-; 6a	Dark green along drainage swale in westernmost field, darker green well-growing crop in center of main ag field
1987	2.46	3.90	1.17	Dry	CR	Y-; 6a	Different color veg along drainage swale in westernmost field; no obvious signatures in remaining ag field
1988	2.65	0.92	2.06	Dry	CR	Y+; 6a	Poor quality slide, but area of dark green vegetation near center of main ag field with darker soils/green veg in westernmost ag field
1989	1.69	1.72	1.67	Dry	CR	N	No wetness signatures apparent
1990	1.90	5.35	4.88	Normal	CR	Y+; 6a	Area of dark green vegetation near center of main ag field; different color veg along drainage swale in western ag field
1991	4.89	2.20	3.75	Normal	CR	Y-; 6a	Area of dark green vegetation near center of main ag field; darker green veg along drainage swale in western ag field
1992	3.17	1.12	1.53	Dry	CR	Y-; 6a	Poor quality slide; different color veg along drainage swale in westernmost field; no readily apparent wetness signature in main ag field
1993	5.33	3.81	6.67	Wet	CR	Y+; 4, 6a, 6d	Bright white areas along drainage swale in westernmost ag field with dark green and brown areas indicating soil saturation, some veg growth; no readily apparent wetness signature in main ag field
1994	2.57	1.33	5.66	Normal	CR	Y+; 6a, 6d	Different color veg/bare soil along drainage swale in westernmost ag field; area of saturated soils and/or darker green veg near center of main ag field
1995	4.14	3.92	1.22	Normal	CR	Y-; 6a, 6d	Area of saturated soils/dark veg along drainage swale in western most ag field; no readily discernable wetness signature in main ag field
1997	2.50	1.94	5.23	Normal	CR	Y-; 6b	Different color veg along drainage swale in westernmost ag field; no readily apparent wetness signature in main ag field
1998	4.10	4.58	7.46	Wet	CR	Y+; 6a, 6d, 8	Area of saturated soils/dark veg along drainage swale in western most ag field; area of darker brown soils indicating saturation near center of main ag field
1999	6.91	3.72	5.57	Wet	CR	Y+; 6a, 6d, 8	Saturated soils in drainage swale in westernmost ag field with and area of dark veg/saturated soils west of drainage swale; area of darker green veg near center of main ag field.
2000	3.18	9.63	8.63	Wet	CR	Y-; 6a	Different color veg along drainage swale in westernmost ag field; no readily apparent wetness signature in main ag field
2001	3.07	4.16	5.40	Wet	CR	Y-; 5, 6d	Fields not yet planted compared to surrounding fields; darker/saturated soils in drainage swale in westernmost field; area of darker/saturated soils near center of main ag field
2002	3.45	2.92	3.70	Normal	CR	Y-; 6d	Darker/saturated soils in drainage swale in westernmost ag field; area of darker/saturated soils in main ag field
2004	1.76	10.84	3.93	Normal			Slide Unavailable
2005	1.68	3.96	1.65	Normal	CR	Y-; 6d	Different color veg along drainage swale in westernmost ag field with areas of darker/saturated soil bordering; no readily apparent wetness signature in main ag field
2006	5.04	4.61	2.29	Normal	CR	Y-; 6a	Different color veg along drainage swale in westernmost ag field; no readily apparent wetness signature in main ag field
2008	6.43	2.55	10.93	Wet	CR	Y-; 6a, 6d	Different color veg along drainage swale in westernmost ag field; area of darker/saturated soils near center of main ag field
2010	3.65	3.79	8.38	Wet	CR	Y-; 6a	Different color veg along drainage swale in westernmost ag field; no readily apparent wetness signature in main ag field
2013	5.83	6.57	10.86	Wet	CR	Y-; 3, 6a, 6b	Different color veg in drainage swale in westernmost ag field with areas of bare soil, saturated soil, and crop stress bordering drainage swale; areas of crop stress randomly in main ag field with slight area of darker green veg near center of main ag field
30% chance less than	2.54	2.05	2.36				
30 Year Average	3.35	3.25	4.05				
30% chance more than	3.91	3.92	4.92				

Does slide/aerial photo analysis indicate the site is a wetland? **Yes**
5 out of 5 most the recent "normal" precipitation years had wetland signatures present.

DRY
NORMAL
WET

¹ Farm Service Agency (FSA) slides are used for this review unless otherwise noted. Assumption is made that FSA slides are taken in July; as a result, precipitation analysis focuses on three months.

² Precipitation data from NWS weather station #W1837 - Dane County Regional Airport, Madison, WI

³ CR = cropped (row crop or tilled), NC = not cropped (hay, pasture, fallow, etc.)

⁴ Y = wetness signature present (+ = strong, - = weak); N = No wetness signature

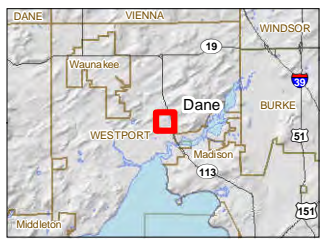
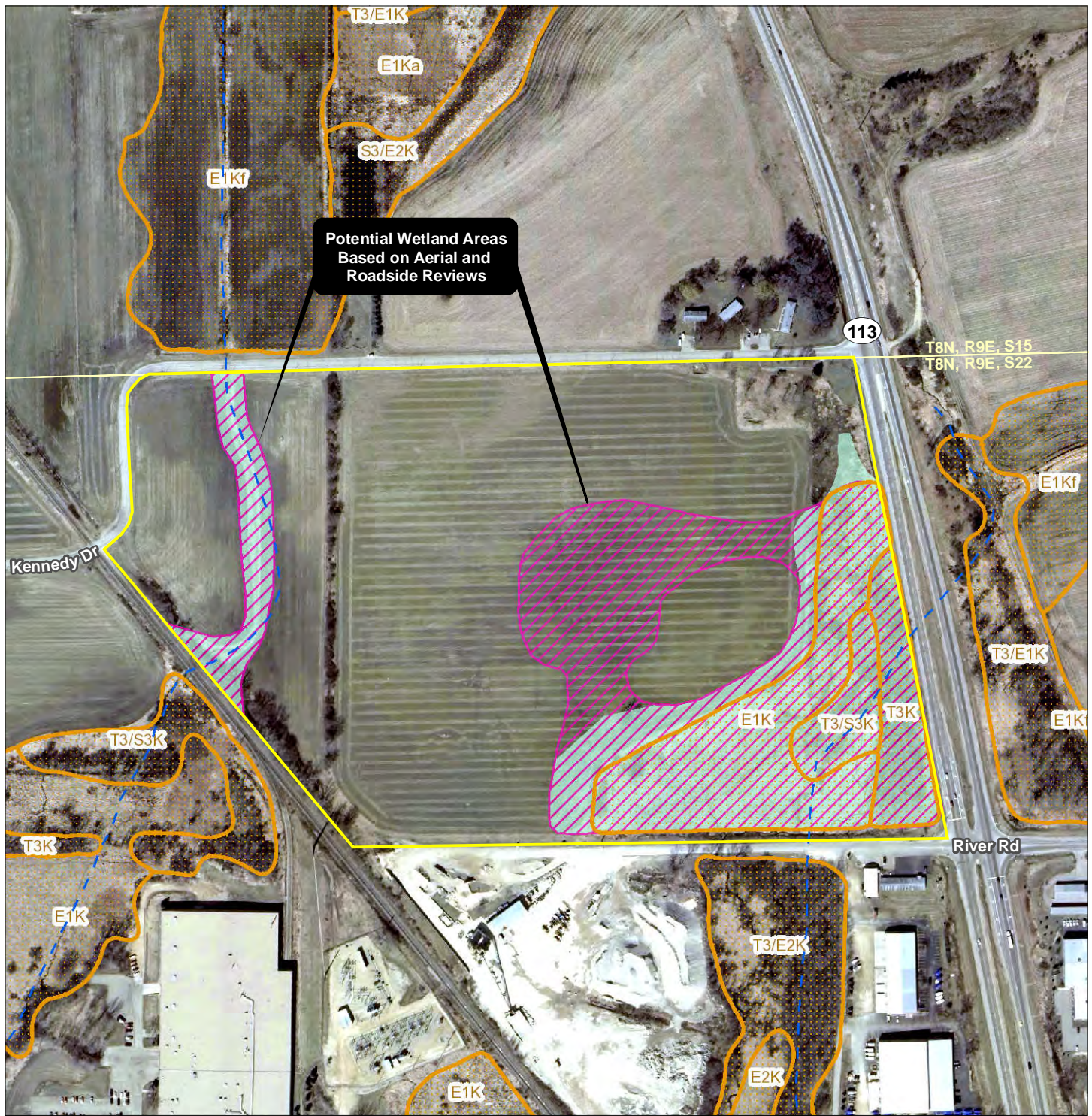
⁵ Interpretation Codes - Feature: 1=water, 2=mud flat, 3=bare spot, 4=drowned crop, 5=planted late; Color: 6a=dark green, 6b=light green, 6c=yellow, 6d=brown, 6e=black; Manipulation: 7a=ditched, 7b=tiled, 7c=filled, 7d=tree/brush removal, 8=plowed/tilled; Other: write explanation as needed



April 1, 2015
Kyle Adams
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**Reference: North Mendota Energy and Technology Park Environmental Resources Review
Town of Westport, Dane County, Wisconsin**

Attachment E



Legend

- Approximate Project Boundary
- Potential Wetland Area
 - Based on Aerial Review Only
 - Based on Aerial & Roadside Reviews
- WWI Wetland Class Areas
 - Wetland

DNR 24k Hydrography

- Perennial Stream
- Intermittent Stream
- Waterbody

Figure No. 5

Title: Potential Wetland Area

Client/Project: North Mendota Energy and Technology Park, Ruedebusch Development & Construction, Inc.

Project Location: 108N, R09E, S22, T. of Westport, Dane Co., WI

Prepared by KAS on 2015-03-09
 Technical Review by MCP on 2015-03-09
 Independent Review by KR on 2015-03-09

Scale: 1:4,800 (at original document size of 8.5x11)

North Arrow

Notes

- Coordinate System: NAD 1983 StatePlane Wisconsin South FIPS 4803 Feet
- Data Sources Include: Stantec, WWI, WDNR, and WisDOT
- Orthophotography: 2010 WROC

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Stantec Consulting Services Inc.

209 Commerce Parkway, PO Box 128, Cottage Grove WI 53527-8955

July 1, 2015

Attention: Kyle Adams

Ruedebusch Commercial Investments
Ruedebusch Development and Construction
4605 Dovetail Drive
Madison, WI 53704

Reference: Henslow's Sparrow Survey – North Mendota Energy and Technology Park, Town of Westport, Dane County, Wisconsin

Dear Mr. Adams:

We have completed and herein summarize the field surveys for Henslow's Sparrow (*Ammodramus henslowii*) at the North Mendota Energy and Technology Park (hereafter the "Project") to facilitate Ruedebusch Commercial Investments' compliance with the Wisconsin Department of Natural Resources (WDNR) Endangered Resources Review (ER Log #15-222). This letter report summarizes the methods and results of the Henslow's sparrow surveys performed by Stantec Wildlife Biologist, Matt Giovanni.

METHODS

A geographic information system was used to select and map two survey points spaced 250m apart and providing coverage of potential Henslow's Sparrow habitat in the Project's eastern area containing grassland and wetland vegetation (**Figure 1**). To maximize detection, surveys were conducted during favorable weather conditions (i.e., not in rain, heavy fog, or wind conditions exceeding Category 3 on the Beaufort Wind Scale [>12 mph]). A single biologist identified bird species via visual and aural (song and call) characteristics for ten minutes at each of the two survey points, between the hours of 0500 and 0700 during two separate site visits. Survey data was entered into a Microsoft Excel spreadsheet for summarizing and reporting species abundance (maximum number of individuals detected between the two surveys).

RESULTS

Surveys were conducted on June 16 and June 24, 2015. Weather conditions were clear to partly cloudy skies, no detectable wind, and temperatures between 54° F and 61° F. Thirteen bird species were detected, but Henslow's Sparrow was not one of the detected species (**Table 1**). None of the species detected are listed as threatened or endangered by the WDNR. The results of this survey should be submitted to the WDNR Bureau of Natural Heritage Conservation, referencing ER Log #15-222.



July 1, 2015
Kyle Adams
Page 2 of 3

Reference: Bird Survey – North Mendota Energy and Technology Park, Town of Westport, Dane County, Wisconsin

If you have any questions or require additional information regarding the results of these surveys, please let us know.

Regards,

STANTEC CONSULTING SERVICES INC.

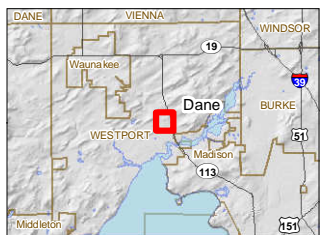
Matthew Giovanni, Ph.D.
Wildlife Biologist
Phone: 608-839-2051
Fax: 608-839-1995
matthew.giovanni@stantec.com

cc: Kate Remus, Stantec

Attachments:

Figure 1. Henslow's Sparrow Survey locations

Table 1. Abundance of bird species detected



Legend

- Approximate Project Boundary
- Bird Survey Points
- Field Delineated Wetland
- Bird Survey Points - 50m Buffer
- Potential T&E Bird Species Habitat

Notes

1. Coordinate System: NAD 1983 StatePlane Wisconsin South FIPS 4803 Feet
2. Data Sources Include: Stantec, WisDOT
3. Orthophotography: 2010 WROC

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Figure No.

1

Title

Henslow's Sparrow Survey Locations

Client/Project

North Mendota Energy and Technology Park
Ruedebsch Development & Construction, Inc.

Project Location

108N, R09E, S22
T. of Westport
Dane Co., WI

193703573

Prepared by MP on 2015-06-15

Technical Review by JD on 2015-07-01

Independent Review by MA on 2015-07-01

0 200 400 Feet
1:4,800 (at original document size of 8.5x11)





July 1, 2015
Kyle Adams
Page 3 of 3

Reference: Bird Survey – North Mendota Energy and Technology Park, Town of Westport, Dane County, Wisconsin

Table 1. Bird species abundance (maximum individuals detected among the two survey dates) at survey points located in the Project's east/southeast area containing grassland and wetland vegetation.

Common name (Scientific name)	Abundance	
	Point 1	Point 2
Red-tailed Hawk (<i>Buteo jamaicensis</i>)	0	1
Mourning Dove (<i>Zenaida macroura</i>)	0	1
Downy Woodpecker (<i>Picoides pubescens</i>)	0	1
Blue Jay (<i>Cyanocitta cristata</i>)	1	0
Black-capped Chickadee (<i>Poecile atricapillus</i>)	1	0
House Wren (<i>Troglodytes aedon</i>)	1	1
American Robin (<i>Turdus migratorius</i>)	1	1
Common Yellowthroat (<i>Geothlypis trichas</i>)	4	1
Song Sparrow (<i>Melospiza melodia</i>)	1	1
Northern Cardinal (<i>Cardinalis cardinalis</i>)	1	1
Red-winged Blackbird (<i>Agelaius phoeniceus</i>)	5	4
Common Grackle (<i>Quiscalus quiscula</i>)	0	5
Orchard Oriole (<i>Icterus spurius</i>)	1	0