



State of Wisconsin / DEPARTMENT OF NATURAL RESOURCES

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May 30, 2019

J Michael Nied
SEH
329 Jay Street, Ste 301
La Crosse, WI 54601

SUBJECT: Endangered Resources Review (ERR Log # 19-389)
Proposed Riverside North Development, La Crosse County, WI (T16N R07W S32, T16N R07W S31)

Dear J Michael Nied,

The Bureau of Natural Heritage Conservation has reviewed the proposed project described in the Endangered Resources (ER) Review Request received May 14, 2019. The complete ER Review for this proposed project is attached and follow-up actions are summarized below:

Required Actions: 15 species
Recommended Actions: 10 species
No Follow-Up Actions: 3 species
Additional Recommendations Specified: No

This ER Review may contain Natural Heritage Inventory data (<http://dnr.wi.gov/topic/NHI>), including specific locations of endangered resources, which are considered sensitive and are not subject to Wisconsin's Open Records Law. Information contained in this ER Review may be shared with individuals who need this information in order to carry out specific roles in the planning, permitting, and implementation of the proposed project. **Specific locations of endangered resources may not be released or reproduced in any publicly disseminated documents.**

The attached ER Review is for informational purposes and only addresses endangered resources issues. **This ER Review does not constitute DNR authorization of the proposed project and does not exempt the project from securing necessary permits and approvals from the DNR and/or other permitting authorities.**

Please contact me at 608-264-8968 or via email at anna.rossler@wi.gov if you have any questions about this ER Review.

Sincerely,

Anna Rossler
Endangered Resources Review Program

cc:

Endangered Resources Review for the Proposed Riverside North Development, La Crosse County
(ER Log # 19-389)

Section A. Location and brief description of the proposed project

Based on information provided by the ER Review Request form and attached materials, the proposed project consists of the following:

Location	La Crosse County - T16N R07W S32, T16N R07W S31
Project Description	La Crosse Redevelopment Authority has proposed to redevelop formerly industrial parcels within the project boundary. The initial improvements will consist of bringing in fill to raise the site to one foot above the 1% chance (100 year) floodplain and the building pads above the 0.2% chance (500 year) floodplain, installing sanitary sewers, water mains and storm sewers, constructing roadways, constructing public water amenities, constructing public multipurpose trails and restoring disturbed areas. Follow-on improvements will consist of development of individual parcels with commercial ,mixed use and residential buildings, and adjacent sidewalks and parking lots. Approximately 60 acres of ground disturbance is anticipated for the development of this 90 acre property. The property boundaries are Copeland/USH 53 to the east, Causeway Boulevard to north, Mississippi River to west and La Crosse River to south
Project Timing	04/01/2020- 10/01/2024
Current Habitat	35% former industrial/open barren land, 20% active industrial, 25% shallow marsh, 10% floodplain forest, 5% upland forest, 5% riverine shoreline
Impacts to Wetlands or Waterbodies	The proposed construction project is bordered to the south by the La Crosse River and to the west by the Mississippi River. Shallow Marsh and Floodplain Forest are located within the project area but to the south of the proposed development. Extent of wetland impacts are currently unknown.
Property Type	Public, Private
Federal Nexus	No

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 ER Review Program whenever the project plans change, new details become available, or more than a year has passed 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
Bell's Vireo (<i>Vireo bellii</i>)	Bird	THR	
Henslow's Sparrow (<i>Centronyx henslowii</i>)	Bird	THR	SOC
Peregrine Falcon (<i>Falco peregrinus</i>)	Bird	END	
Black Tern (<i>Chlidonias niger</i>)	Bird~	END	SOC
Bald Eagle (<i>Haliaeetus leucocephalus</i>)	Bird~		EAG
Shrub-carr	Community~	NA	
Floodplain Forest (<i>Floodplain forest</i>)	Community~	NA	
Emergent Marsh (<i>Emergent marsh</i>)	Community~	NA	
Black Buffalo (<i>Ictiobus niger</i>)	Fish~	THR	
American Eel (<i>Anguilla rostrata</i>)	Fish~	SC/N	
Paddlefish (<i>Polyodon spathula</i>)	Fish~	THR	
Pallid Shiner (<i>Hybopsis amnis</i>)	Fish~	END	

Goldeye (<i>Hiodon alosoides</i>)	Fish~	END	
Blue Sucker (<i>Cycleptus elongatus</i>)	Fish~	THR	
River Redhorse (<i>Moxostoma carinatum</i>)	Fish~	THR	
Shoal Chub (<i>Macrhybopsis hyostoma</i>)	Fish~	THR	
Skipjack Herring (<i>Alosa chrysochloris</i>)	Fish~	END	
Mud Darter (<i>Etheostoma asprigene</i>)	Fish~	SC/N	
Blanchard's Cricket Frog (<i>Acris blanchardi</i>)	Frog~	END	
Little Brown Bat (<i>Myotis lucifugus</i>)	Mammal~	THR	
Fawnsfoot (<i>Truncilla donaciformis</i>)	Mussel~	THR	
Washboard (<i>Megaloniaias nervosa</i>)	Mussel~	SC/P	
Sheepnose (<i>Plethobasus cyphus</i>)	Mussel~	END	LE
Monkeyface (<i>Theliderma metanevra</i>)	Mussel~	THR	
Buckhorn (<i>Tritogonia verrucosa</i>)	Mussel~	THR	
Higgins Eye (<i>Lampsilis higginsii</i>)	Mussel~	END	LE
Snowy Campion (<i>Silene nivea</i>)	Plant~	SC	
Blanding's Turtle (<i>Emydoidea blandingii</i>)	Turtle~	SC/P	SOC

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. For further definitions of state and federal statuses (END=Endangered, THR=Threatened, SC=Special Concern), please refer to the Natural Heritage Inventory (NHI) Working List (<http://dnr.wi.gov/topic/nhi/wlist.html>).

Section C. Follow-up actions

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

• Black Tern (*Chlidonias niger*) - Bird~

State Status: END Federal Status: SOC

Impact Type	Impact possible
Required Measures	Time of year restriction
Description of Required Measures	Suitable habitat for the Black Tern may be present in portions of the project site in and around the marsh area. 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 shall follow one of the two options below: (i) Assume the birds are present on the site, and avoid all disturbances areas within or adjacent to suitable habitat from May 15 to July 31. If the project can avoid disturbing areas within or adjacent to suitable habitat during this time period, there will not be any further project restrictions related to this 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. (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 Black Terns 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 Black Tern is recorded, option (i) must be followed above. Survey results should be submitted to the Endangered Resources Review Program. Black Tern (<i>Chlidonias niger</i>), a bird listed as Endangered, prefers large shallow marshes with abundant vegetation adjacent to open water. The required avoidance period is from May 15 to July 31.

• Black Buffalo (*Ictiobus niger*) - Fish~

State Status: THR

Impact Type	Impact possible
Required Measures	Erosion Control
Description of Required Measures	Because this project has the potential to impact the Mississippi River and the La Crosse River, erosion and runoff prevention measures must be implemented during the course of the project to avoid take of the Black Buffalo. 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.

• **Paddlefish (*Polyodon spathula*) - Fish~**

State Status: THR

Impact Type	Impact possible
Required Measures	Erosion Control
Description of Required Measures	Because this project has the potential to impact the Mississippi River and the La Crosse River, erosion and runoff prevention measures must be implemented during the course of the project to avoid take of the Paddlefish. 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.

• **Pallid Shiner (*Hybopsis amnis*) - Fish~**

State Status: END

Impact Type	Impact possible
Required Measures	Erosion Control
Description of Required Measures	Because this project has the potential to impact the Mississippi River and the La Crosse River, erosion and runoff prevention measures must be implemented during the course of the project to avoid take of the Pallid Shiner. 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.

• **Goldeye (*Hiodon alosoides*) - Fish~**

State Status: END

Impact Type	Impact possible
Required Measures	Erosion Control

Description of Required Measures	Because this project has the potential to impact the Mississippi River and the La Crosse River, erosion and runoff prevention measures must be implemented during the course of the project to avoid take of the Goldeye. 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.
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• **Blue Sucker (*Cycleptus elongatus*) - Fish~**

State Status: THR

Impact Type	Impact possible
Required Measures	Erosion Control
Description of Required Measures	Because this project has the potential to impact the Mississippi River and the La Crosse River, erosion and runoff prevention measures must be implemented during the course of the project to avoid take of the Blue Sucker. 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.

• **River Redhorse (*Moxostoma carinatum*) - Fish~**

State Status: THR

Impact Type	Impact possible
Required Measures	Erosion Control
Description of Required Measures	Because this project has the potential to impact the Mississippi River and the La Crosse River, erosion and runoff prevention measures must be implemented during the course of the project to avoid take of the River Redhorse. 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.

• **Shoal Chub (*Macrhybopsis hyostoma*) - Fish~**

State Status: THR

Impact Type	Impact possible
Required Measures	Erosion Control
Description of Required Measures	Because this project has the potential to impact the Mississippi River and the La Crosse River, erosion and runoff prevention measures must be implemented during the course of the project to avoid take of the Shoal Chub. 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.

• Skipjack Herring (*Alosa chrysochloris*) - Fish~

State Status: END

Impact Type	Impact possible
Required Measures	Erosion Control
Description of Required Measures	Because this project has the potential to impact the Mississippi River and the La Crosse River, erosion and runoff prevention measures must be implemented during the course of the project to avoid take of the Skipjack Herring. 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.

• Blanchard's Cricket Frog (*Acris blanchardi*) - Frog~

State Status: END

Impact Type	Impact possible
Required Measures	Time of year restriction, Surveys
Description of Required Measures	Since suitable habitat for the Blanchard's Cricket Frog is present within the project site, one of the following options shall be implemented to avoid take of the species: 1. Avoid work within 75ft of standing water from March 5 – November 30 and within 50ft of standing water from December 1 – March 4. 2. Conduct cricket frog breeding call surveys at the site to determine cricket frog presence/absence (surveys must be conducted according to the Blanchard's Cricket Frog Species Guidance document: see above). If cricket frogs are not found on site, there will be no project restrictions related to the cricket frog. However, if surveys are conducted and cricket frogs are recorded on site, all impacts to the species must be avoided. If impacts cannot be avoided, then an incidental take permit/authorization shall be applied for. Survey results should be submitted to the Endangered Resources Review Program. Please note, active dates are updated frequently in the spring, starting in early March, and can be checked here: http://dnr.wi.gov/topic/WildlifeHabitat/Herps.asp#regs

• Fawnsfoot (*Truncilla donaciformis*) - Mussel~

State Status: THR

Impact Type	Impact possible
Required Measures	Erosion Control
Description of Required Measures	Because this project has the potential to impact the Mississippi River and the La Crosse River, erosion and runoff prevention measures must be implemented during the course of the project to avoid take of the Fawnsfoot. 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.

• Sheepnose (*Plethobasus cyphus*) - Mussel~

State Status: END Federal Status: LE

Impact Type	Impact possible
Required Measures	Erosion Control

Description of Required Measures	Because this project has the potential to impact the Mississippi River and the La Crosse River, erosion and runoff prevention measures must be implemented during the course of the project to avoid take of the Sheepsnose. 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.
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• **Monkeyface (*Theliderma metanevra*) - Mussel~**

State Status: THR

Impact Type	Impact possible
Required Measures	Erosion Control
Description of Required Measures	Because this project has the potential to impact the Mississippi River and the La Crosse River, erosion and runoff prevention measures must be implemented during the course of the project to avoid take of the Monkeyface. 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.

• **Buckhorn (*Tritogonia verrucosa*) - Mussel~**

State Status: THR

Impact Type	Impact possible
Required Measures	Erosion Control
Description of Required Measures	Because this project has the potential to impact the Mississippi River and the La Crosse River, erosion and runoff prevention measures must be implemented during the course of the project to avoid take of the Buckhorn. 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.

• **Higgins Eye (*Lampsilis higginsii*) - Mussel~**

State Status: END **Federal Status:** LE

Impact Type	Impact possible
Required Measures	Erosion Control
Description of Required Measures	Because this project has the potential to impact the Mississippi River and the La Crosse River, erosion and runoff prevention measures must be implemented during the course of the project to avoid take of the Higgins Eye. 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.

Actions recommended to help conserve Wisconsin's Endangered Resources:

• Bald Eagle (*Haliaeetus leucocephalus*) - Bird~

State Status: Federal Status: EAG

Impact Type	Impact possible
Recommended Measures	Time of year restriction
Description of Recommended Measures	This project is within 1 mile of a bald eagle nest and suitable habitat for the eagle is present in the project area. If an eagle nest is present and active, then human activity should be avoided from January 15 – July 30 within 660ft of the nest. Please note, that the bald eagle is federally protected by the Bald and Golden Eagle Protection Act and the Migratory Bird Treaty Act. Visit the USFWS Bald Eagle Management website (https://www.fws.gov/midwest/eagle/permits/baeatake/step1.html) for detailed guidelines and conservation measures for your specific project activity.

• Shrub-carr - Community~

State Status: NA

Impact Type	Impact possible
Recommended Measures	Other
Description of Recommended Measures	Shrub-carr may occur within the project site. Natural communities may contain rare or declining species and their protection should be incorporated into the project design as much as possible. We recommend minimizing impacts to and/or incorporating buffers along the edges of the .

• Floodplain Forest - Community~

State Status: NA

Impact Type	Impact possible
Recommended Measures	Other
Description of Recommended Measures	Floodplain Forest may occur within the project site. Natural communities may contain rare or declining species and their protection should be incorporated into the project design as much as possible. We recommend minimizing impacts to and/or incorporating buffers along the edges of the .

• Emergent Marsh - Community~

State Status: NA

Impact Type	Impact possible
Recommended Measures	Other
Description of Recommended Measures	Emergent Marsh may occur within the project site. Natural communities may contain rare or declining species and their protection should be incorporated into the project design as much as possible. We recommend minimizing impacts to and/or incorporating buffers along the edges of the .

• 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 Mississippi River and the La Crosse River, it is recommended that erosion and runoff prevention measures be implemented during the course of the project to avoid take of the American Eel.

• Mud Darter (*Etheostoma asprigene*) - 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 Mississippi River and the La Crosse River, it is recommended that erosion and runoff prevention measures be implemented during the course of the project to avoid take of the Mud Darter.
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• **Little Brown Bat (*Myotis lucifugus*) - Mammal~**

State Status: THR

Impact Type	Impact possible
Recommended Measures	Time of year restriction, Other
Description of Recommended Measures	While the known roost is not within the project site and will not be disturbed, bats can use trees for roosting. It is recommended to minimize disturbance to any treed areas. Special consideration should be given to protecting snags or dying trees, particularly from June 1 through August 15 while bats may have pups at the roost. The little brown bat (<i>Myotis lucifugus</i>) is a Threatened species in Wisconsin. Its dorsal fur is a glossy dark-brown to olive-brown color with a lighter ventral side. The little brown bat is insectivorous and feeds on aquatic soft-bodied insects. The species is found roosting in warm microclimates provided by tree snags, bat houses and buildings during the summer. It forages primarily over open water and along edge habitat. This bat hibernates in caves and mines from October through April. Mating occurs in the fall, and females store sperm until emergence in the spring. Usually one pup is born in early June and matures after six weeks.

• **Washboard (*Megalania nervosa*) - Mussel~**

State Status: SC/P

Impact Type	Impact possible
Recommended Measures	Erosion Control
Description of Recommended Measures	Because this project has the potential to impact the Mississippi River and the La Crosse River, it is recommended that erosion and runoff prevention measures be implemented during the course of the project to avoid take of the Washboard.

• **Snowy Campion (*Silene nivea*) - Plant~**

State Status: SC

Impact Type	Impact possible
Recommended Measures	Surveys, Other
Description of Recommended Measures	Suitable habitat for the Snowy Campion may be present in portions of the project site. Although not required because this is a Special Concern plants, we recommend that you avoid or minimize take of the Snowy Campion. Avoidance and minimization efforts may include site surveys to confirm presence/absence of species and fencing off areas of occupied habitat. Survey results should be submitted to the Endangered Resources Review Program. Snowy Campion (<i>Silene nivea</i>), a Wisconsin Special Concern plant, is found on streambanks and stream-side meadows, often in reed canary grass. It also occurs along deciduous forest margins, near streams and rivers. Blooming occurs late June through late July; fruiting occurs early July through late August. The optimal identification period for this species is late June through late July.

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

State Status: SC/P Federal Status: SOC

Impact Type	Impact possible
Recommended Measures	Time of year restriction, Exclusion Fencing, Other

Description of Recommended Measures	Since suitable nesting habitat, particularly in the disturbed area, and wetland habitat for the Blanding's Turtle is present within the project site, the following measures can voluntarily be implemented to avoid impacts: Overwintering areas – Blanding's turtles typically overwinter in wetlands or water bodies with standing water at least three feet deep. Because this species can be found in these wetlands and water bodies throughout the year, impacts to these wetlands and water bodies should be minimized at all times. Wetland disturbance should particularly be avoided during the overwintering period (Nov 16-Mar 4). Non-overwintering areas – For wetlands / water bodies shallower than three feet at the deepest point, conduct work outside of the Blanding's turtle's active season (March 5 – November 15). The installation and maintenance of exclusion fencing using the WDNR Amphibian and Reptile Exclusion Fencing Protocol is an avoidance option that can be used during this period as long as the exclusion fencing is installed between November 16 and March 4. Work can then be conducted within the fenced area at any time of year as long as the fencing is maintained. Upland nesting habitat – Avoid work in suitable upland nesting habitat (sandy and/or well-drained soils) within 275 m (900 ft) of a wetland or water body during the Blanding's turtle's nesting period (May 20 – October 15). The installation and maintenance of exclusion fencing using the WDNR Amphibian and Reptile Exclusion Fencing Protocol is an avoidance option that can be used during this period as long as the exclusion fencing is installed between October 16 and May 19. Work can then be conducted within the fenced area at any time of year as long as the fencing is maintained. Otherwise if a turtle is found, please carefully move it to suitable habitat outside the project area. Please note, active dates are updated frequently in the spring, starting in early March, and can be checked here: http://dnr.wi.gov/topic/WildlifeHabitat/Herps.asp#regs Blanding's turtles (<i>Emydoidea blandingii</i>) are listed as a Species of Special Concern in Wisconsin. They utilize a wide variety of aquatic habitats including deep and shallow marshes, shallow bays of lakes and impoundments where areas of dense emergent and submergent vegetation exists, sluggish streams, oxbows and other backwaters of rivers, drainage ditches (usually where wetlands have been drained), and sedge meadows and wet meadows adjacent to these habitats. This species is semi-terrestrial and individuals may spend quite a bit of time on land. Nesting occurs from about mid-May through early July depending on spring temperatures. They strongly prefer to nest in sandy soils and may travel up to 300 m (984 ft) from a wetland or waterbody to find suitable nesting sites.
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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.

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

• **Bell's Vireo (*Vireo bellii*) - Bird**

State Status: THR

Impact Type	No impact or no/low broad ITP/A
Reason	Lack of Suitable Habitat within Project Boundary
Justification	Because of the disturbed nature of the project site, it is unlikely that suitable habitat is present. No impacts are anticipated. Bell's Vireo (<i>Vireo bellii</i>), a bird listed as Threatened in Wisconsin, prefers dense shrubby areas within an open prairie landscape. The required avoidance period is from May 25 - August 5.

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

State Status: THR Federal Status: SOC

Impact Type	No impact or no/low broad ITP/A
Reason	Lack of Suitable Habitat within Project Boundary
Justification	Because of the disturbed nature of the project site, it is unlikely that suitable habitat is present. No impacts are anticipated. Henslow's Sparrow (<i>Ammodramus henslowii</i>) a bird listed as Threatened in Wisconsin, prefers old fields, open grasslands, wet meadows, unmowed highway right-of-ways, undisturbed pastures, timothy hay fields, and fallow land grown up to tall weeds. The required avoidance period is from May 5 - August 10.

• **Peregrine Falcon (*Falco peregrinus*) - Bird**

State Status: END

Impact Type	No impact or no/low broad ITP/A
Reason	Lack of Suitable Habitat within Project Boundary
Justification	No suitable habitat is present at the project site. No impacts are anticipated. Peregrine Falcon (<i>Falco peregrinus</i>), a bird listed as Endangered in Wisconsin, prefers relatively inaccessible rock ledges on the sides of steep bluffs and ledges on highrise buildings in urban areas. The required avoidance period is from March 15 through July 10.

Section D. Next Steps

1. Evaluate whether the **'Location and brief description of the proposed project'** is still accurate. All recommendations in this ER Review are based on the information supplied in the ER Review Request. If the proposed project has changed or more than a year has passed and you would like your letter renewed, 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 Endangered Resources' 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. If federally-protected species or habitats are involved and the project involves federal funds, technical assistance or authorization (e.g., permit) and there are likely to be any impacts (positive or negative) to them, consultation with USFWS will need to occur prior to the project being able to proceed. If no federal funding, assistance or authorization is involved with the project and there are likely to be adverse impacts to the species, contact the USFWS Twin Cities Ecological Services Field Office at 612-725-3548 (x2201) for further information and guidance.

Section E. 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 Wisconsin DNR Staff.

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. A 1 mile buffer is considered for terrestrial and wetland 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 and 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 database. 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. Information contained in this ER Review may be shared with individuals who need this information in order to carry out specific roles in the planning, permitting, and implementation of the proposed project.