

TOWN OF NEW GLARUS/VILLAGE OF NEW GLARUS

JOINT ETZ MEETING

MARCH 21, 2023

AGENDA

NOTICE IS HEREBY GIVEN that Town of New Glarus board, County of Green, will conduct a meeting for the transaction of business as is by law required permitted at such meeting as follows:

LOCATION: Village of New Glarus Meeting Hall
319 2nd Street
New Glarus, WI 53574

DATE: Wednesday, March 21, 2023
TIME: 6:00 PM

AGENDA

1. Call to Order
2. Approval of Agenda
3. Approval of 11/22/2021 Minutes
4. Public Comments
5. Public Hearing on the Holmes Preliminary and Final Plats, Parcel 23024 0183.1000, Town of New Glarus/Village of New Glarus Extraterritorial Plat Review Jurisdiction
6. Discussion and Potential Recommendation on the Holmes Preliminary and Final Plats, Airport Road, Parcel 23024 0183.1000
7. Adjourn

POSTED: Town Hall
Maintenance Garage
New Glarus Post Office
<https://townofnewglarus.com/>

Chris Narveson
Town Chair

John Wright
Clerk-Treasurer

PERSONS REQUIRING ADDITIONAL INFORMATIONAL SERVICES TO PARTICIPATE IN A PUBLIC MEETING MAY CONTACT THE VILLAGE CLERK FOR ASSISTANCE AT 608-527-2510.

New Glarus Joint Extraterritorial Zoning Committee
Town of New Glarus/Village of New Glarus
Remote Meeting
11/22/21

The meeting was called to order at 5:30 p.m. by Chris Narveson (Town). Members Present: Jim Hoesly(Town), Chris Narveson (Town), Roger Truttman (Village), Suzi Janowiak (Village), Bekah Stauffacher (Village). Also present: Village Administrator Drake Daily, Village Planner Mark Roffers, Town Planner Tim S.

Approval of Agenda: Suzi Janowiak moved approval of agenda. Bekah Stauffacher seconded. Motion passed 5-0

Approval of Minutes from 6/23/21: Jim Hoesly moved approval. Bekah Stauffacher seconds. Motion passes 5-0.

Public Comments: None

Discussion and recommendation regarding two adjacent certified survey maps to divide four residential lots and one public outlot from the Arn farm on the north side of Durst Road: A memo from Village Planner Mark Roffers was included in the packet. Jim Hosley moved to recommend approval of the application contingent upon any conditions detailed in Mark Roffer's memo dated November 18, 2021. Suzi Janowiak seconds. Motion passes 5-0

Adjournment: Motion by Jim Hoesly, Second by Suzi Janowiak. Motion carried 6-0 at 6:00 p.m.

Minutes taken by Drake Daily, Village Administrator.



To: New Glarus Extraterritorial Zoning (ETZ) Committee, Village Board

From: Mark Roffers, Village Planning Consultant

Date: March 17, 2023

Re: Holmes Preliminary and Final Plats, Airport Road

Recommendation: I recommend that the ETZ Committee approve a motion recommending Village Board approval of the Homes Final Plat, dated January 30, 2023, and then the Village Board approve a motion approving that same plat, subject to the following conditions:

1. Per their finding that the conditions for granting exceptions specified in Section 265-52 B are met, the ETZ Committee supports and the Village Board approves the following exceptions to sections of the Village's Subdivision of Land ordinance:
 - a. To Section 265-12, to the extent it normally requires newspaper publishing and nearby property owner notice of the public hearing, on the basis that the Town has already noticed a separate public hearing.
 - b. To the part of Section 265-13 A.(1) normally requiring submittal of title abstract or property report.
 - c. To certain normal inclusions for preliminary and final plats under Sections 265-18 and 265-19, to the extent that these are not included on the submitted January 30, 2023 plat.
 - d. To Section 265-42 C, which normally requires that every lot front or abut a public street, provided that a private road easement be recorded to serve Lots 1 and 2 in conjunction with the recording of the final plat.
2. Prior to the addition of Village signature, the applicant shall amend the final plat and resubmit it for Village Administrator approval with the following adjustments:
 - a. Amend Sheet 1 to indicate that the surveyor has complied with the Village of New Glarus subdivision regulations to the extent required by law and the Village's approval.
 - b. Add the following note: "Through Section 823.08 of Wisconsin Statutes, the Wisconsin Legislature has adopted a right-to-farm law. This statute limits the remedies of owners of later established residential property to seek changes to preexisting agricultural practices in the vicinity of the residential property. Active agricultural operations are now taking place and may continue in the vicinity of

this plat. These active agricultural operations may produce noises, odors, dust, machinery traffic, or other conditions during all hours of the day and night.”

- c. Either reduce the cluster envelopes of lots as necessary so that they include no 20+% slopes, or include a note on the plat that prevents the disturbance of 20%+ slopes regardless of whether they are outside or inside of cluster envelopes.
3. Any other changes to the January 30, 2023 version of the final plat shall be reviewed by the Village Administrator for general compliance with that version and technical correctness before Village Clerk signature is added to the final plat.
4. The applicant shall satisfy the requirements of the Town Engineer (Vierbicher Associates) in its letter dated March 13, 2023 (misabeled 2022), including the recording of a private road easement and an open space deed restriction over 69.23 acres (all parts of the plat outside of the “cluster envelopes”) indicated on Sheet 2.
5. The development shall include stormwater management and erosion control systems that focus on Best Management Practices (BMPs). Such techniques shall be integrated in stormwater management and erosion control plans submitted with development of the private road and each lot.
6. Within one month of their recording, the applicant shall provide to the Village Administrator copies of the recorded plat, easement, and restriction described above.

Requested Approval: Preliminary and final subdivision plats. Within the extraterritorial plat approval jurisdiction, subdivision plats require an ETZ Committee recommendation and Village Board approval. Town and County approvals are also required. In 2022, the Town Board approved the preliminary plat. In February 2023, the Town Plan Commission recommended the final plat, but may have reviewed it again on March 16th prior to Town Board action.

Site Area and Location: See attached maps. The proposed plat includes approximately 80 acres at the east edge the Town of New Glarus. The plat is on the north side of Airport Road and just southwest of Ward Creek. The plat area is about 2,000 feet southeast of the Village limits at the closest point, and over one mile east from the nearest developed parts of the Village along Airport Road. The plat area is within the Village’s statutory 1 ½ mile extraterritorial plat and CSM review jurisdiction, but just outside of the 2006 mutually-agreed extraterritorial zoning area.

Current Land Use: Agricultural and wooded, with an existing farmstead along Airport Road. There are several areas of 20% or greater slope within the plat area. There is a small wetland area near the southwest corner of Lot 7 at the culvert that delivers water under Airport Road. The DNR reports that this project occurs within the Rusty Patched Bumble Bee Federal High Potential Zone, and includes some recommended actions in its endangered resources report.

The plat area is bisected by a natural gas pipeline running generally east-west within a 75' wide easement that crosses proposed Lots 1 and 2 (but includes none of their proposed building envelopes).

Proposed Use: The proposed plat would create 6 clustered lots. Two new lots and the existing farmhouse (on Lot 4) would create one cluster taking access off Airport Road, including the next lot (Lot 5) likely to be built upon. A second cluster of three new lots would take access using a shared private road intersecting with Airport Road. It is unclear when this second cluster will actually be developed. Using cluster density provisions in Town of New Glarus ordinances, the land area can support this number of lots, provided that 69.23 acres be permanently restricted as open space.

The Lot 7 area is a ridge top that will be kept open. The proposed building sites are at the toe of the ridge and generally nestled into the edge of the woods. The 20%+ slopes are in Lot 7, which will remain in open space, or *generally* in the portions of the other lots that are outside of "cluster envelopes" where new building will be allowed.

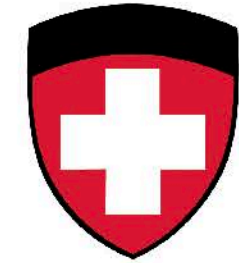
Village Comprehensive Plan Recommendations: See attached map. Plat area has been designated for future "Agriculture, Open, and Undeveloped" land use in the Village's plan, with the predominate intended uses as suggested by the title of this future land use designation. The Village's plan also suggests a north-south drainageway (environmental corridor) near the west edge of the plat, within the area of the to-remain-undeveloped Lot 7. Under statute, outside of the extraterritorial zoning area, the Village may not use its extraterritorial plat review jurisdiction to regulate land use.

Applicable Extraterritorial Plat Rules: Village Board and ETZ Committee review over this plat is prescribed under Chapter 265 (Subdivision of Land) of the Village of New Glarus Municipal Code, to the extent limited by Wisconsin Statutes and court decisions. These are likely limited to the following provisions as they would apply to this plat:

1. Land suitability requirements in its Section 265-8. With the proposed layout, current and required easements and restrictions, and the Town Engineer's proposed requirements in his March 13th letter, it is my opinion that the land is suitable for the proposed plat. The DNR endangered resources recommendations seem outside of the Village's land suitability requirements as listed in Section 265-8.
2. Procedural requirements for plat review in its Article IV. Village staff have accommodated the simultaneous review of the preliminary and final plat and truncated the Village public hearing process, subject to Board consent, on the premise that this proposed plat has already undergone extensive public review at the Town level.

3. Extraterritorial land division review provisions in Section 265-17. The proposed plat complies with general extraterritorial land division policies in this section. Section 265-17 A.(6) also specifies that “extraterritorial land divisions that are beyond the extraterritorial zoning jurisdiction but within the extraterritorial land division approval jurisdiction shall be designed in accordance with the standards printed within Sections 305-110, 305-121, and 305-122 of the Extraterritorial Zoning Ordinance. Section 305-110 includes land use regulations that cannot be legally enforced, plus a minimum 2 acre lot size regulation and dimensional requirements that can be enforced (and are met with the plat). Section 305-121 includes maximum density regulations that likely cannot be enforced outside of the extraterritorial zoning area, by court decision. Section 305-122 contains “rural character design standards” that I believe are enforceable. I have attached these standards to this memo, and they form the basis for some of the recommended conditions in the first section of this memo. I will note that most of these “rural character” provisions appear to be met with this plat. It is thoughtfully designed, and appears to have been carefully reviewed by the Town including the Town Engineer.
4. Technical requirements in its Article V. These are met, subject to the recommended exceptions in the first section of this memo.
5. Block and lot design standards in its Sections 265-41 and 265-42. These are met, subject to a recommended exception in the first section of this memo.

Future Land Use ETJ Perspective



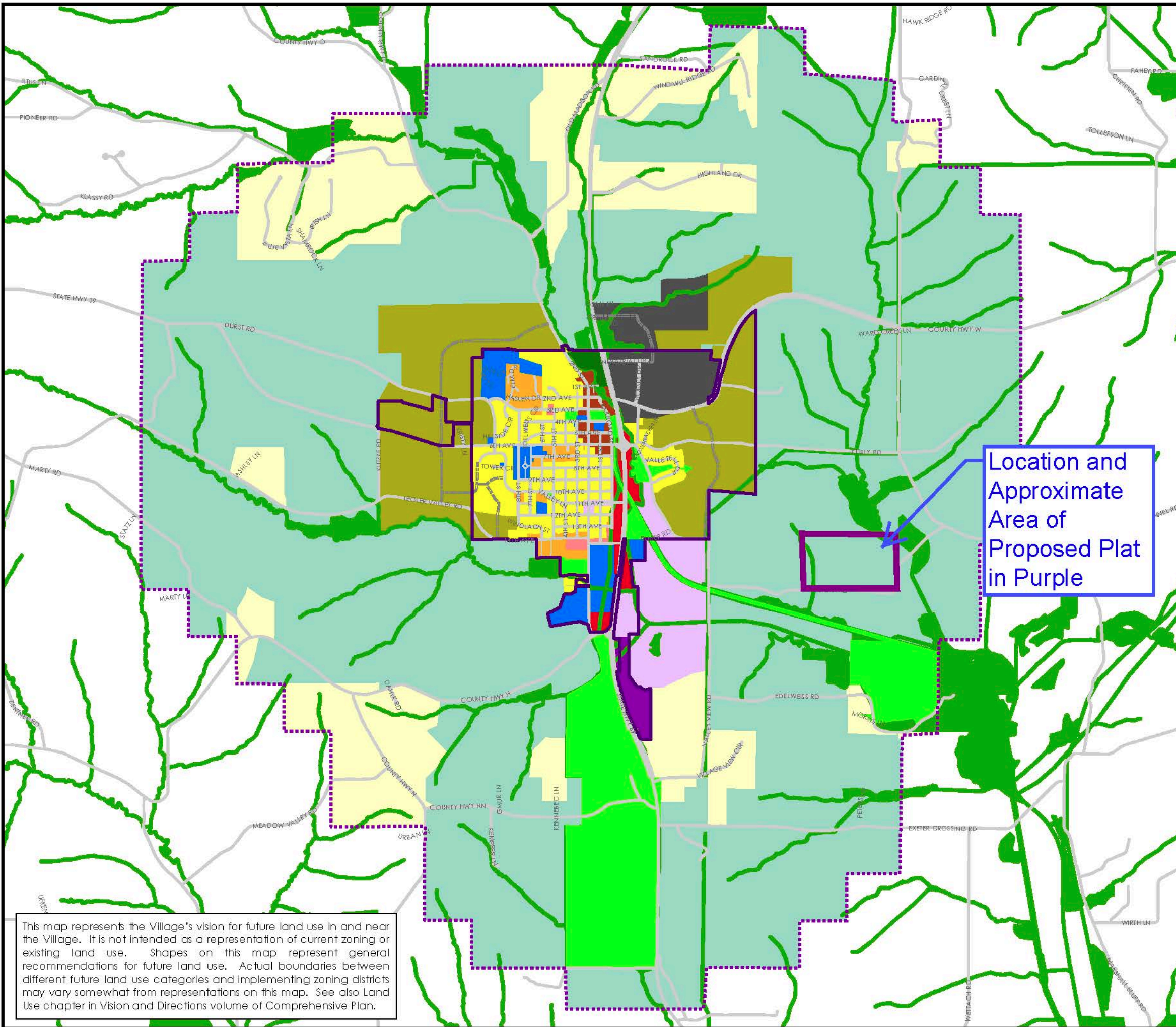
New Glarus, Wisconsin

- Potential Future Major Road Extensions
- Rural Single Family Residential
- Village Single Family Residential
- Two and Multiple Family Residential
- Neighborhood
- Downtown
- Neighborhood Commercial
- Highway Commercial
- Business Park
- Industrial
- Mixed Use / Flex
- Institutional and Governmental
- Parks and Public Conservancy
- Environmental Corridor
- Agriculture, Open, and Undeveloped

- ⋮ 1.5 Mile Extraterritorial Land Division Review Jurisdiction
- ⋮ January 2016 Village Limits



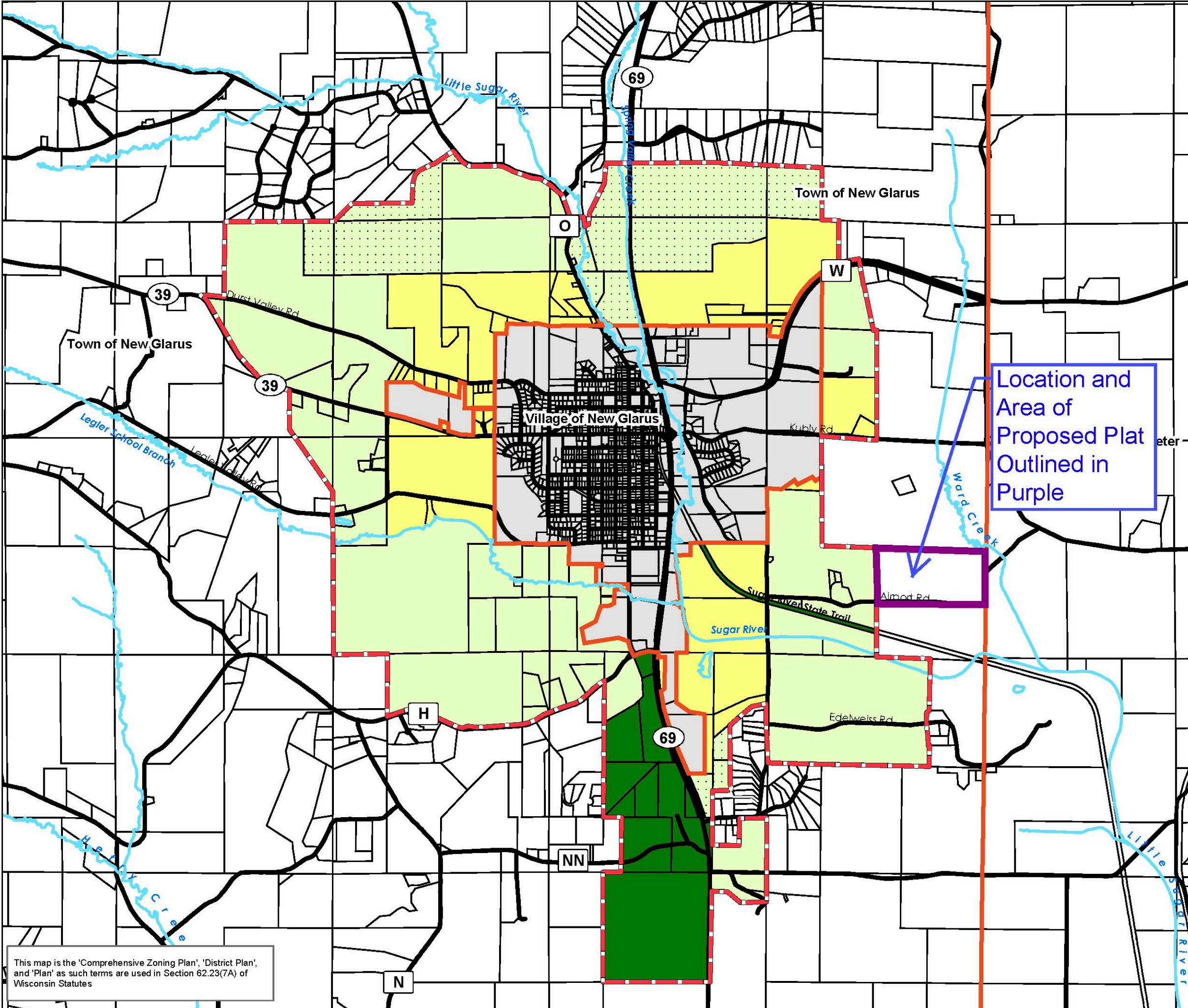
October 2016
Data Sources:
Green County, WIDNR, FEMA



Location and
Approximate
Area of
Proposed Plat
in Purple

This map represents the Village's vision for future land use in and near the Village. It is not intended as a representation of current zoning or existing land use. Shapes on this map represent general recommendations for future land use. Actual boundaries between different future land use categories and implementing zoning districts may vary somewhat from representations on this map. See also Land Use chapter in Vision and Directions volume of Comprehensive Plan.

Village of New Glarus - Town of New Glarus Extraterritorial Zoning Map

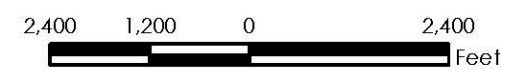


- Mapped Extraterritorial Zoning Districts
- Agricultural and Woodland Preservation (A-P)
 - Limited Agricultural & Woodland Preservation (AP-L)
 - Agricultural Transition (A-T)
 - Conservancy

- Surface Water
- Roads and Highways
- Parcel Lines
- Municipal Boundaries
- New Glarus Extraterritorial Zoning Boundary
- Village of New Glarus (November 2006)
- Lands Not Subject to Extraterritorial Zoning

Location and Area of Proposed Plat Outlined in Purple

Adopted:	Nov 15, 2006
Revised:	
Revised:	
Revised:	
Revised:	
Revised:	



Data Sources:
Water: WIDNR
Parcels, Municipal Boundaries: Green County



This map is the 'Comprehensive Zoning Plan', 'District Plan', and 'Plan' as such terms are used in Section 62.23(7A) of Wisconsin Statutes

§305-122. Rural Character Design Standards.

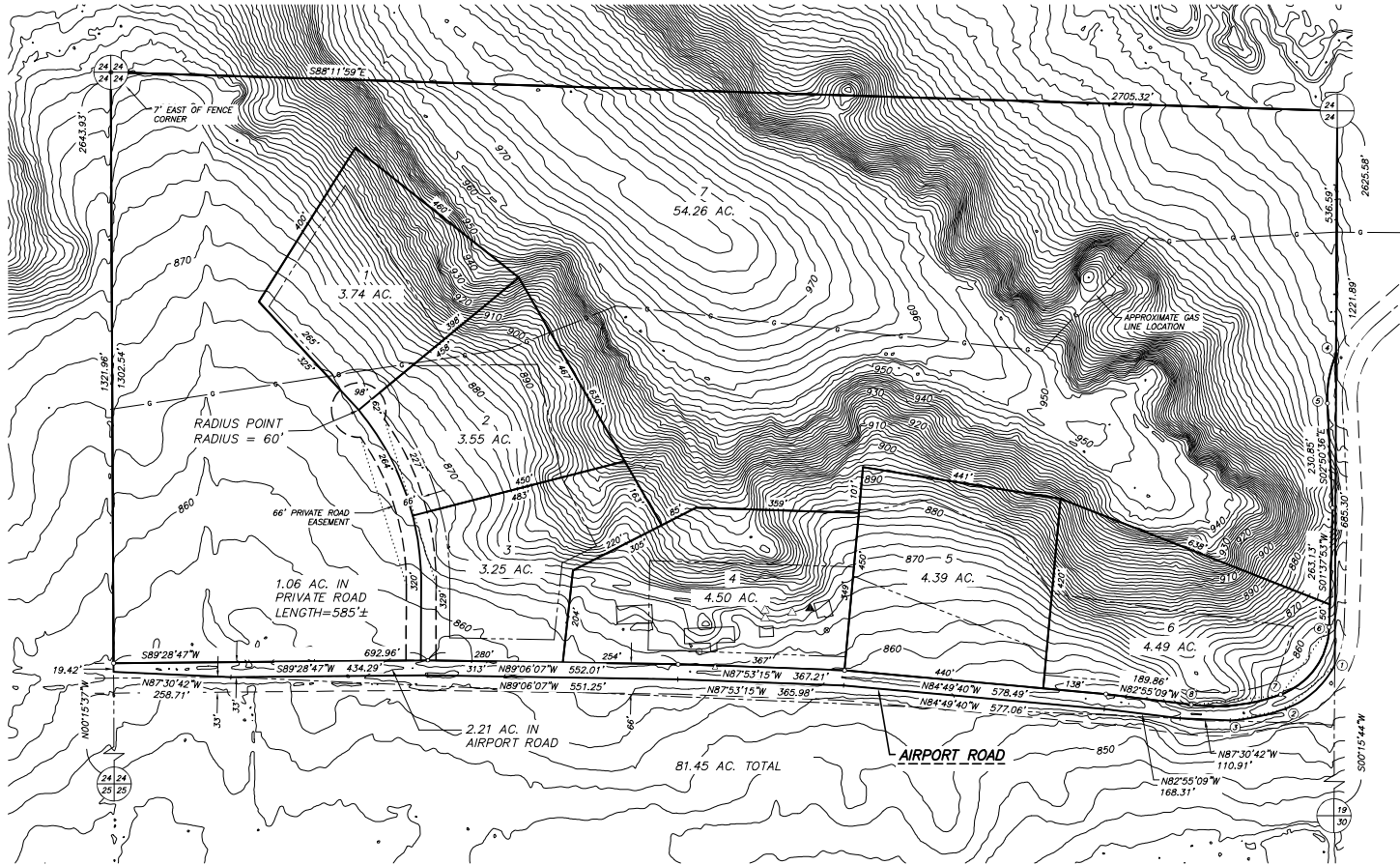
- A. Purpose. The purpose of this section is to establish standards to ensure that new development that is approved is sensitive to preserving the rural character of the New Glarus area. The standards for approval include standards for cluster development, open space preservation, view protection, signs, and lighting.
- B. Cluster Development Design Standards. In order to be considered a cluster development under §305-121 subsection E., the following design criteria must be met:
 - (1) Natural resources shall be integrated into the development design as aesthetic and conservation landscape elements. The development shall identify and provide for the permanent preservation of environmentally sensitive areas such as wetlands, hydric soils, floodplains, slopes of 20% or greater, areas of rare or endangered plant or animal species, historic and archeological sites, and views in accordance with subsections B.6 and C below. Permanent preservation shall be achieved through the implementation of techniques such as conservation easements, restrictive covenants, deed restrictions, dedication to the public or an appropriate non-profit organization, and/or establishment of buildable or “no build” areas on the plat or certified survey map.

- (2) Homesites shall be promoted near the edges of wooded areas and near the edges of open fields.
- (3) Where the development includes a mature woodland, the developer shall identify the edges of said woodland, establish forest management guidelines in accordance with forestry Best Management Practices, and practice active forest management and selective harvesting in accordance with said guidelines to improve the health and diversity of tree species on the property.
- (4) No building site shall be located on a slope of 20% or greater.
- (5) All cluster developments of ten (10) or more lots shall provide for the recreational needs of its future residents through trails, parks, dog runs, or other recreational space or facilities geared and accessible to residents. Where an adopted Town, County, or Village comprehensive plan, land use plan, or outdoor recreation plan recommends a park, trail, or other recreational facility for the proposed plat area, the developer will make reasonable accommodation for the recommended facility.
- (6) Lots, dwellings, and internal roads shall be placed to minimize their visibility from existing public roads and to conform to the landscape. This shall be accomplished by:
 - (a) Designing lots that will abut a federal, state, or county highway to minimize the visibility of the dwellings from the highway, with strategies including maintenance of existing vegetation and grades, deep lots, dwellings abutting new roads that are not the highway, a landscaped bufferyard along the highway meeting the standards of §305-117 C. of this Article, or some combination based on the specific conditions of the land.
 - (b) Designing roads and lot layouts to blend with the natural land contours.
 - (c) Using topography and vegetation to screen dwellings.
 - (d) Preserving tree lines, fence lines, stone rows, existing farm roads, barns, cabins, and other features of the rural landscape.
 - (e) Meeting other view preservation standards in subsection C below.
- (7) The development shall include stormwater management and erosion control systems that focus on Best Management Practices (BMPs). BMPs may include overland water transfer, natural landscape planting and restoration to increase infiltration and reduce runoff, bio-infiltration systems, natural basin design, residential roof runoff directed to yard areas, and rain gardens. Such techniques shall be integrated in stormwater management and erosion control plans submitted with the cluster development subdivision plat or certified survey map submittal.
- (8) The placement of building sites shall be made in accordance with any village or town adopted future roadway or utility plan map.

- (9) The developer shall be required to work with the Joint Committee and Town of New Glarus on other design considerations that are particular to the unique characteristics of the parcel.
- C. View Preservation. The conditions of any development approval shall require the identification of building sites on the plat, certified survey map, or existing lot of record, and may restrict the location of houses and other structures so as to provide appropriate sight lines and view protection as follows:
- (1) The lots shall be positioned and building sites and heights limited so that the rooflines and tops of structures shall not visibly extend above the line of ridges and hilltops (or the vegetation that will remain on top of them) when viewed from outside the development parcel.
 - (2) Houses and structures shall be buffered from existing roads using existing and planted trees and vegetation, hills, berms or other natural-appearing features.
- D. Rural Lighting Standards. Lighting shall be installed and maintained to minimize any negative impacts on the rural character and dark night skies. The specifications for lighting set in §305-118 shall be followed.
- E. Signs and Billboards. Signs and billboards shall be restricted to promote high aesthetic quality and safety throughout the extraterritorial zoning jurisdiction. The specifications for signage and billboards in §305-119 shall be followed.
- F. Agricultural Preservation. Effort shall be taken to protect agriculture. For all new lots created for residential purposes, the following note shall be added to the final plat or certified survey map before such document is recorded: “Through Section 823.08 of Wisconsin Statutes, the Wisconsin Legislature has adopted a right-to-farm law. This statute limits the remedies of owners of later established residential property to seek changes to pre-existing agricultural practices in the vicinity of the residential property. Active agricultural operations are now taking place and may continue in the vicinity of this plat or certified survey map. These active agricultural operations may produce noises, odors, dust, machinery traffic, or other conditions during all hours of the day and night.”

HOLMES DEVELOPMENT PRELIMINARY PLAT

That part of the Northwest and Northeast 1/4s of the Southeast 1/4 of Section 24, Town 4 North, Range 7 East, Town of New Glarus, Green County, Wisconsin, bounded and described as follows: Beginning at the East 1/4 corner of said Section 24; thence S00°15'44"W along the East line of Section 24, 1221.89' to the centerline of Airport Road; thence Southwesterly, 147.71' along said centerline and the arc of a curve to the right whose radius is 196.00' and whose chord bears S48°23'25"W, 144.24'; thence Southwesterly, 125.55' along said centerline and the arc of curve to the right whose radius is 456.00' and whose chord bears S77°52'04"W, 125.15' to the South line of the North 1/2 of the Southeast 1/4 of Section 24; thence N87°30'42"W along the South line of the North 1/2 of the Southeast 1/4 of Section 24, 110.91' to the centerline of Airport Road; thence N82°55'09"W along said centerline, 168.31'; thence N84°49'40"W along said centerline, 365.98'; thence N87°53'15"W along said centerline, 577.06'; thence N87°30'42"W, 258.71' to the Southwest corner of the North 1/2 of the Southeast 1/4 of Section 24; thence N00°15'37"W, 1321.96' to the center of Section 24; thence S88°11'59"E, 2705.32' to the point of beginning; subject to a public road right of way as shown and to any and all easements of record.



LEGEND:

- Cast aluminum monument found
- Cast aluminum monument with brass cap found
- 3/4" solid round iron rod found
- 1-1/4" x 24" solid round iron rod set, weighing 4.30 lbs per lineal foot
- Well
- Septic cover
- Septic vent

150 0 150
SCALE: 1" = 150'

2.00
ACRE
BUILDING
ENVELOPE

NOTES:
1.) Bearings are referenced to the Wisconsin County Coordinate System, Green County Zone, NAD83 (2011), in which the East line of the Southeast 1/4 of Section 24 bears S00°15'44"W.
2.) Elevations are NAVD 88 (GEOID12A) and are shown in feet. Contour interval is 2 feet.

CURVE TABLE

CURVE	RADIUS	ARC	DELTA ANGLE	CHORD	CH. BEARING	TAN.BEARING-IN	TAN.BEARING-OUT
(1)-(2)	196.00'	147.71'	43°10'48"	144.24'	S48°23'25"W	S26°48'01"W	S69°58'49"W
(2)-(3)	456.00'	125.55'	15°46'10"	125.15'	S77°52'04"W	S69°58'49"W	S89°43'19"W
(4)-(5)	246.00'	110.53'	25°44'56"	109.60'	S10°01'42"W	S22°53'59"W	
(6)-(7)	163.00'	194.44'	68°20'56"	183.12'	S35°48'21"W		
(7)-(8)	423.00'	200.08'	27°06'02"	198.22'	S83°31'50"W	S69°58'49"W	

I hereby certify that this survey complies with Chapter A-E 7 of the Wisconsin Administrative Code, that I have surveyed, monumented, and mapped the lands described hereon, and that this map is a correct representation thereof in accordance with the information provided.

August 5, 2022

PREPARED FOR:
Carol Holmes
W458B Airport Road
New Glarus, WI 53574
(608) 527-2466

JOB NO. 22031
POINTS 22031
DRWG. 22031-1
DRAWN BY FLS



Robert A. Talarczyk
Robert A. Talarczyk, P.L.S.

HOLMES FINAL PLAT

I, Robert A. Talarczyk, Professional Land Surveyor, hereby certify:

That in full compliance with the provisions of Chapter 236 of the Wisconsin Statutes and the subdivision regulations of the Town of New Glarus and Green County, and at the direction of Carol Holmes, I have surveyed, divided, and mapped Holmes Development; that such Plat correctly represents all exterior boundaries and the subdivision of land surveyed; and that this land is located in that part of the Northwest and Northeast 1/4s of the Southeast 1/4 of Section 24, Town 4 North, Range 7 East, Town of New Glarus, Green County, Wisconsin, bounded and described as follows:

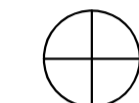


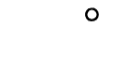



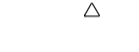
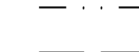


Beginning at the East 1/4 corner of said Section 24; thence S00°15'44"W along the East line of Section 24, 1221.89' to the centerline of Airport Road; thence Southwesterly, 147.71' along said centerline and the arc of a curve to the right whose radius is 196.00' and whose chord bears S48°23'25"W, 144.24'; thence Southwesterly, 125.55' along said centerline and the arc of curve to the right whose radius is 456.00' and whose chord bears S77°52'04"W, 125.15' to the South line of the North 1/2 of the Southeast 1/4 of Section 24; thence N87°30'42"W along the South line of the North 1/2 of the Southeast 1/4 of Section 24, 110.91' to the centerline of Airport Road; thence N82°55'09"W along said centerline, 168.31'; thence N84°49'40"W along said centerline, 577.06'; thence N87°53'15"W along said centerline, 365.98'; thence N89°06'07"W along said centerline, 551.25'; thence S89°28'47"W along said centerline, 434.29' to the South line of the North 1/2 of the Southeast 1/4 of Section 24; thence N87°30'42"W, 258.71' to the Southwest corner of the North 1/2 of the Southeast 1/4 of Section 24; thence N00°15'37"W, 1321.96' to the center of Section 24; thence S88°11'59"E, 2705.32' to the point of beginning; subject to a public road right of way as shown and to any and all easements of record.

Dated this 30th day of January, 2023.

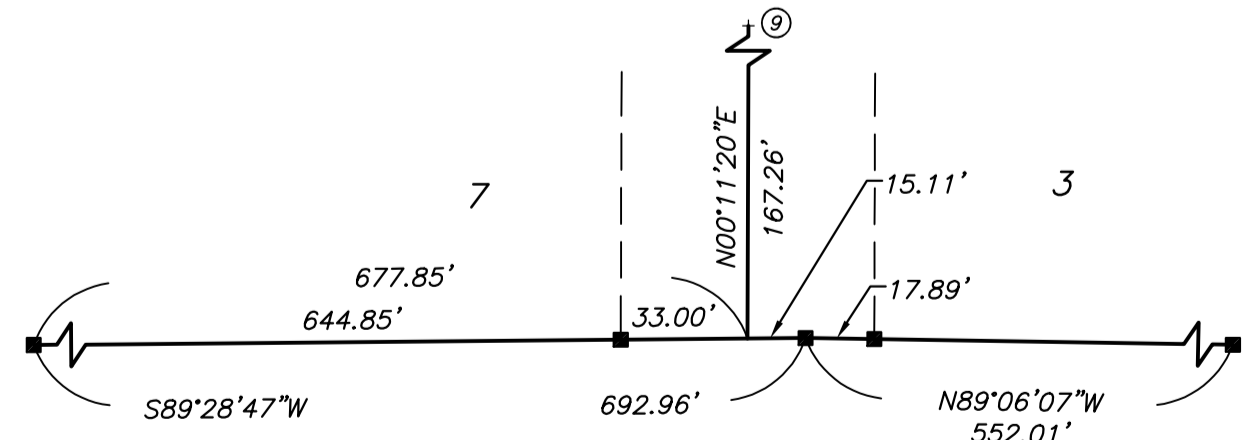
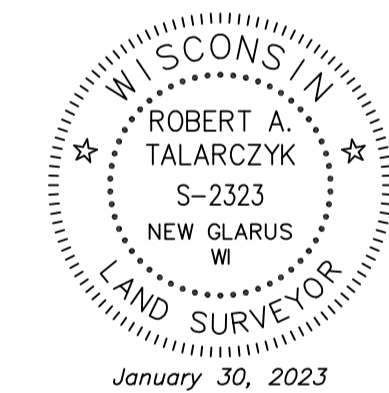
Robert A. Talarczyk
Robert A. Talarczyk, P.L.S.

LANDS

LEGEND:

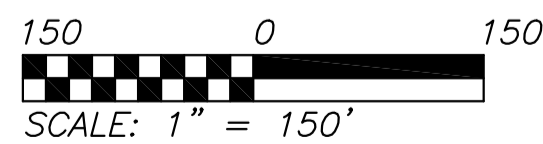
-  Cast aluminum monument found
-  Cast aluminum monument with brass cap found
-  3/4" solid round iron rod found
-  3/4" x 24" solid round iron rod set, weighing 1.50 lbs per lineal foot
-  1-1/4" x 24" solid round iron rod set, weighing 4.30 lbs per lineal foot
-  Well
-  Septic cover
-  Septic vent
-  New 12" wide utility easement
-  New 12" wide utility easement
-  New 12" wide utility easement, 6" on either side of lot line

NOTES:
1.) Bearings are referenced to the Wisconsin County Coordinate System, Green County Zone, NAD83 (2011), in which the East line of the Southeast 1/4 of Section 24 bears S00°15'44"W.



LINE TABLE

LINE	BEARING	DISTANCE
11-15	N47°52'58"E	60.00'
16-11	S42°29'50"E	60.00'
10-13	N75°34'04"E	33.00'



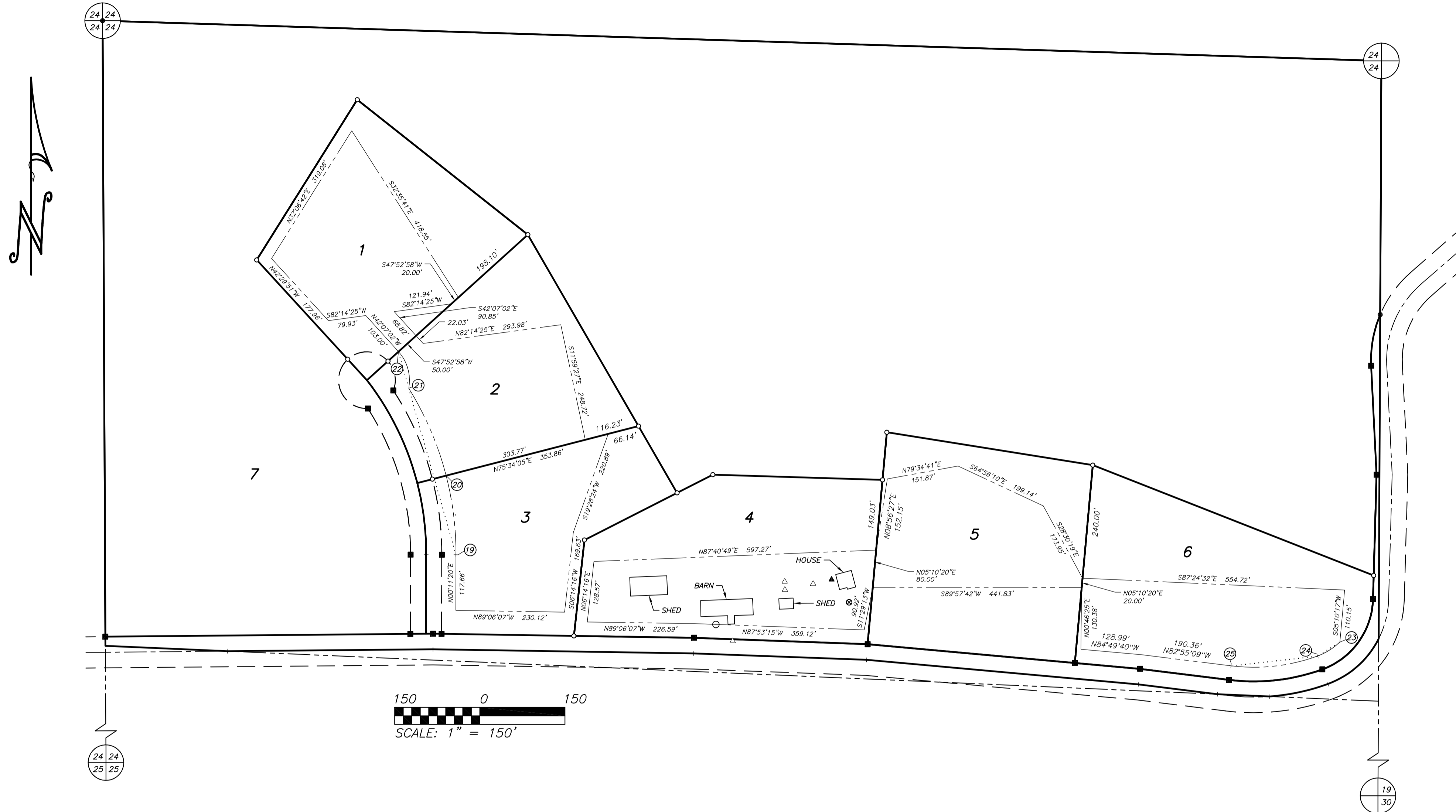
PREPARED FOR:
Carol Holmes
W4988 Airport Road
New Glarus, WI 53574
(608) 527-2466

JOB NO. 22031
POINTS 22031
DRWG. 22031_2
DRAWN BY FLS

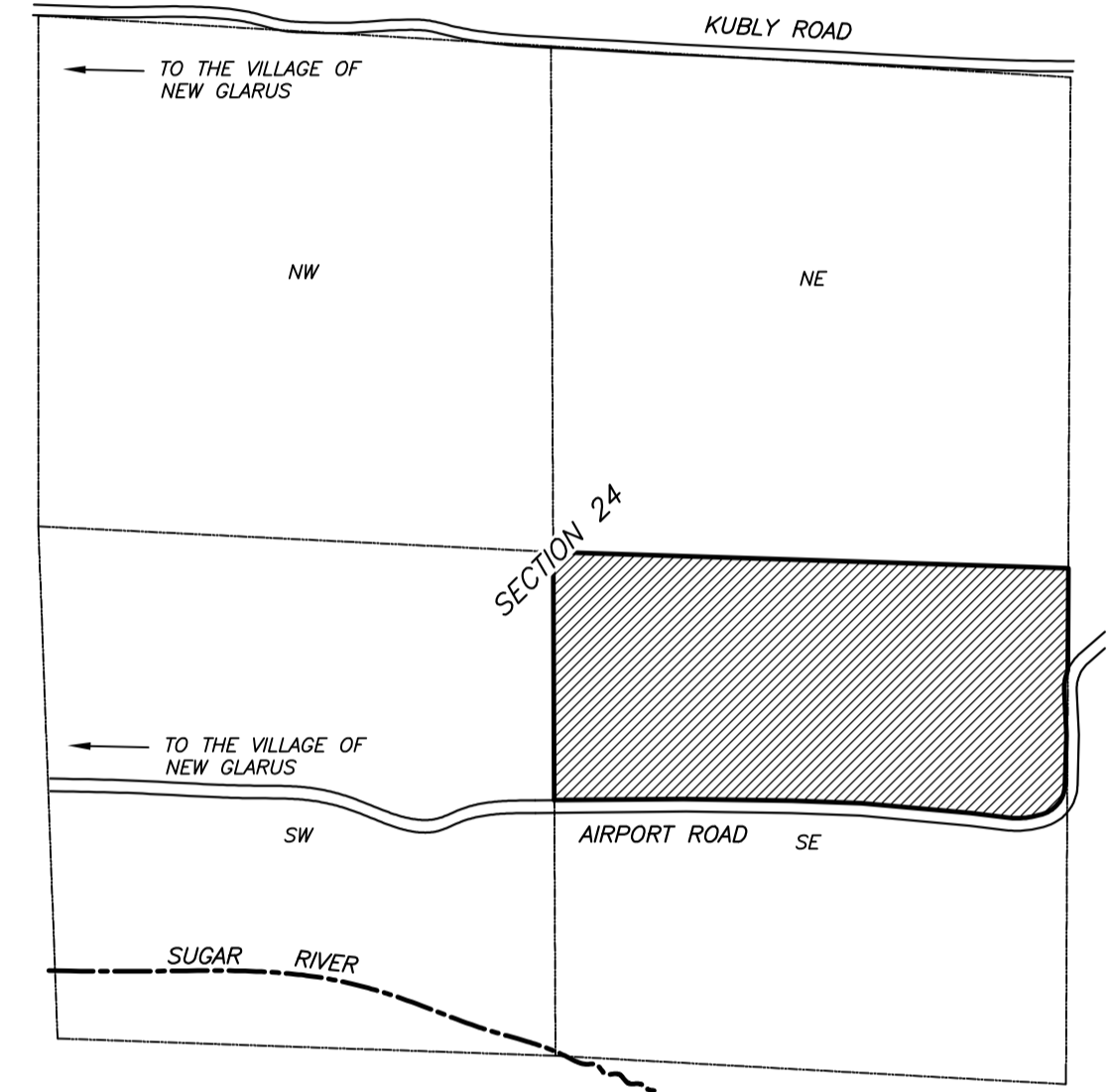
HOLMES FINAL PLAT

Part of the Northwest and Northeast 1/4s of the Southeast 1/4 of Section 24, Town 4 North, Range 7 East, Town of New Glarus, Green County, Wisconsin.

CLUSTER ENVELOPES



LOCATION MAP



WISCONSIN
 ROBERT A. TALARCYK
 S-2323
 NEW GLARUS
 WI
 LAND SURVEYOR
Robert A. Talarczyk
 January 30, 2023

CURVE TABLE

CURVE	LOT	RADIUS	ARC	DELTA	CHORD	CHORD BEARING	TAN.BEARING-IN	TAN.BEARING-OUT
1-2	6	196.00'	147.71'	43°10'48"	144.24'	S48°23'25"W	S26°48'01"W	S69°58'49"W
2-3	6	456.00'	125.55'	15°46'30"	125.15'	S77°52'04"W	S69°58'49"W	S85°45'19"W
4-5	7	246.00'	110.53'	25°44'36"	109.60'	S10°01'42"W	S22°53'59"W	
6-7	6	163.00'	194.44'	68°20'56"	183.12'	S35°48'21"W		S69°58'49"W
7-8	6	423.00'	200.08'	27°06'02"	198.22'	S83°31'50"W	S69°58'49"W	
9-11		600.00'	396.87'	37°53'56"	389.68'	N18°45'38"W		N37°42'36"W
9-10	3	600.00'	153.11'	14°37'16"	152.70'	N07°07'18"W		
10-11	2	600.00'	243.76'	23°16'40"	242.09'	N26°04'16"W		
12-14		633.00'	367.22'	33°14'20"	362.09'	N16°25'50"W		N33°03'00"W
12-13	3	633.00'	161.53'	14°37'16"	161.10'	N07°07'18"W		
13-14	2	633.00'	205.69'	18°37'04"	204.78'	N23°44'28"W		
14-17		60.00'	307.04'	293°12'00"	66.06'	S54°41'04"W	N21°17'04"E	N88°05'04"E
14-15	1	60.00'	94.65'	90°22'48"	85.13'	N87°18'26"W		
15-16	7	60.00'	146.00'	139°25'06"	112.55'	S22°12'23"E		
16-17	2	60.00'	66.39'	63°24'06"	63.06'	N10°24'59"W		
17-18	7	567.00'	326.32'	32°58'30"	321.84'	S16°17'55"E	S32°47'10"E	
19-21		663.00'	370.95'	32°03'28"	366.13'	N15°50'24"W		N31°52'08"W
19-20	3	663.00'	169.18'	14°37'16"	168.73'	N07°07'18"W		
20-21	2	663.00'	201.77'	17°26'12"	200.99'	N23°09'02"W		
21-22	2	90.00'	83.21'	52°58'26"	80.28'	N15°37'49"W	N10°51'24"E	N42°07'02"W
23-24	6	133.00'	56.47'	24°19'38"	56.05'	S57°49'00"W	S45°39'11"W	S69°58'49"W
24-25	6	393.00'	185.89'	27°06'02"	184.16'	S83°31'50"W	S69°58'49"W	N82°55'09"W

PREPARED FOR:
 Carol Holmes
 W4988 Airport Road
 New Glarus, WI 53574
 (608) 527-2466

JOB NO. 22031
 POINTS 22031
 DRWG. 22031_2
 DRAWN BY FLS

This instrument drafted by Talarczyk Land Surveys LLC.

SHEET 2 OF 3

TALARCYK
 LAND SURVEYS LLC
 517 2nd Avenue
 New Glarus, WI 53574
 608-527-5216
 www.talarczyklandsurveys.com

HOLMES FINAL PLAT

Part of the Northwest and Northeast 1/4s of the Southeast 1/4 of Section 24, Town 4 North, Range 7 East, Town of New Glarus, Green County, Wisconsin.

HILLSIDE PROTECTION

OWNER'S CERTIFICATE OF DEDICATION:
As owner, I hereby certify that I have caused the land described on this Plat to be surveyed, divided, mapped and dedicated as represented hereon. I also certify that this map is required by s.236.10 or s.236.12 to be submitted to the following for approval or objection: The Town of New Glarus, The Village of New Glarus, The County of Green, and the Wisconsin Department of Administration.

WITNESS the hand and seal of said owner this _____ day of _____, 20_____.
In the presence of:

Carol L. Holmes

STATE OF WISCONSIN)
_____) COUNTY) SS
Personally came before me this _____ day of _____, 20_____, the above named Carol L. Holmes to me known to be the same person who executed the foregoing instrument and acknowledged the same.

My commission expires _____.

TOWN TREASURER'S CERTIFICATE:
STATE OF WISCONSIN)
_____) COUNTY) SS
I, John Wright, being the duly elected qualified and acting town clerk-treasurer of the Town of New Glarus, do hereby certify in accordance with the records of my office, there are no unpaid taxes or unpaid special assessments as of this _____ day of _____, 20_____, on any of the land included in the plat of Holmes Development.

Town Treasurer

TOWN BOARD APPROVAL CERTIFICATE:
Resolved, that the plat of Holmes Development in the Town of New Glarus is hereby approved by the town board.

_____, 20_____
Town Chair

I hereby certify that the foregoing is a copy of a resolution adopted by the town board of the Town of New Glarus.

_____, 20_____
Town Clerk

VILLAGE APPROVAL: Approved for recording this _____ day of _____, 20_____ by the Village of New Glarus.

Village Clerk

COUNTY TREASURER'S CERTIFICATE:
STATE OF WISCONSIN)
_____) COUNTY) SS
I, Sherri A. Hawkins, being the duly elected qualified and acting treasurer of the County of Green, do hereby certify in accordance with the records of my office, there are no unpaid taxes or unpaid special assessments as of this _____ day of _____, 20_____, on any of the land included in the plat of Holmes Development.

_____, 20_____
County Treasurer

GREEN COUNTY LAND USE & ZONING APPROVAL CERTIFICATE:
Resolved, that the plat of Holmes Development in the Town of New Glarus is hereby approved by the Green County Land Use and Zoning Department.

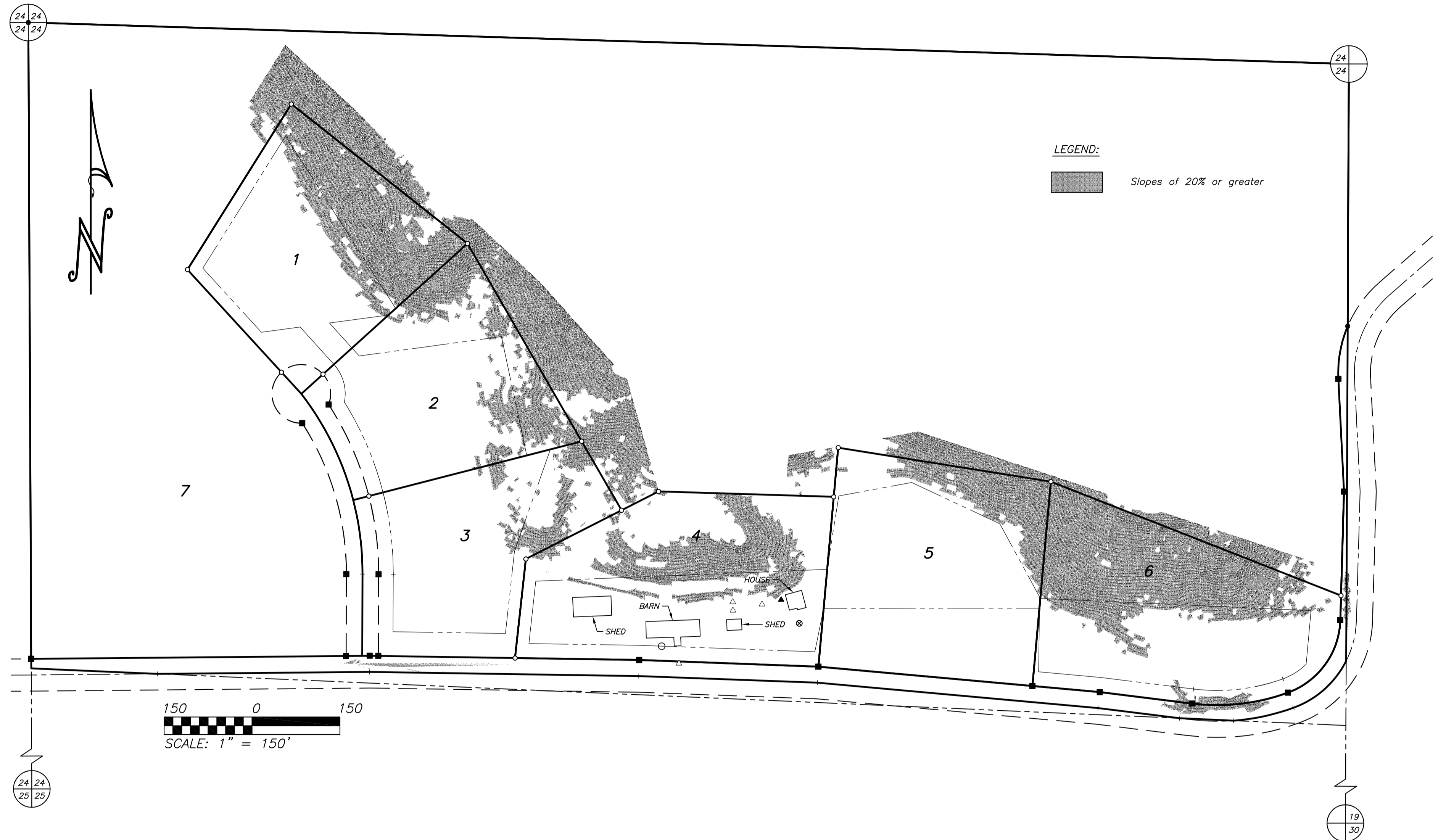
_____, 20_____
Zoning Administrator

REGISTER OF DEEDS CERTIFICATE:
Received for record this _____ day of _____, 20_____ at _____ o'clock _____ M. and recorded in Volume _____ of Plats on Pages _____.

Register of Deeds

PREPARED FOR:
Carol Holmes
W4988 Airport Road
New Glarus, WI 53574
(608) 527-2466

JOB NO. 22031
POINTS 22031
DRWG. 22031_2
DRAWN BY FLS



WISCONSIN
ROBERT A. TALARCZYK
S-2323
NEW GLARUS
WI
LAND SURVEYOR
Robert A. Talarczyk
January 30, 2023

TALARCZYK
LAND SURVEYS LLC
517 2nd Avenue
New Glarus, WI 53574
608-527-5216
www.talarczyksurveys.com

**VILLAGE OF NEW GLARUS ENVIRONMENTAL ASSESSMENT CHECKLIST
FOR SUBDIVISIONS AND LAND DIVISIONS BY CERTIFIED SURVEY**

Project Name: Carol Holmes Final Plat (Name TBD)
 Applicant's Name: Carol Holmes

All "Yes" answers must be explained in detail by attaching maps and supportive documentation describing the impacts of the proposed development/land division.

LAND RESOURCES

Does the project site involve any of the following:
 (If "yes", how does the developer propose to address the matter?)

	Yes	No
Changes in relief and drainage patterns? If yes, attach two (2) copies of: <input type="checkbox"/> A topographic map showing, at a minimum, two (2) foot contour intervals.		X
A floodplain? If yes, attach two (2) copies of: <input type="checkbox"/> A typical stream valley cross-section showing 1) the channel of the stream; 2) the 100-year floodplains limits and 3) floodway limits [if officially adopted] of each side of the channel; AND <input type="checkbox"/> A cross-section of the area to be developed		X
An area of soil instability - greater than 20% slope and/or organic soils, peats, or mucks at or near the surface?		X
Prime agricultural land (Class I, II, or III soils)?	X	
Wetlands and mapped environmental corridors? <i>Small wetland in SW cor. of Lot 7, which is green space.</i>	X	
Unique physical features or wildlife habitat?		X

WATER RESOURCES

Does the proposed project involve any of the following:

	Yes	No
Location within the area traversed by a navigable stream or dry run?		X

HUMAN AND SCIENTIFIC INTEREST

Does the project site involve any of the following:

	Yes	No
An area of archeological or geological interest?		X
An area of historical interest?		X
An area of buildings or monuments with unique architecture?		X
Unique, uncommon, or rare plant or animal habitats?		X
Mature native tree species?	X	

ENERGY, TRANSPORTATION AND COMMUNICATIONS

Does the development encompass any future street appearing on the Village of New Glarus Official Map?

X

Is the development traversed by an existing or planned utility corridor (gas, electricity, water, sewer interceptor, communications, storm sewer)?

Gas

X

VILLAGE PLANNING

Is the development consistent with the Village Master Plan and other adopted planning documents?

X

Please provide any other relevant information below:

2/17/23

Date

Robert A. Galanzyk, Agent
Applicant Signature



March 13, 2022

Should be 2023

Members Town Board
Town of New Glarus
26 Fifth Avenue
New Glarus, WI 53574

Re: Final Plat Review Status – Carol Holmes Property
Town of New Glarus

Dear Chair Narveson and Town Board Members:

I am writing regarding the status of the final plat and supplemental plans and documents prepared on behalf of Carol Holmes by Talarczyk Land Surveys. The Final Plat is in substantial conformance with the Preliminary Plat provided and creates 6 clustered lots including the existing farmhouse. Two new lots and the existing farmhouse would create one cluster taking access off Airport Road. A second cluster of three new lots will take access using a shared private road intersecting with Airport Road. The overall plat area is listed at 81.45 acres. Using cluster density provisions, the development can support the creation of 6 buildable clustered lots (5 new lots and the existing homestead). The development requires deed restriction for 69.23 acres of open space.

The above referenced Final Plat was received in our office on February 1, 2023. We received a Private Road Maintenance Agreement on February 9, 2023, and construction plans for the Private Road on February 22, 2023. After reviewing the documents, we have the following comments regarding the current Plat status and items for the Application to complete with the Final Plat document prior to presenting for Town Board signature:

Resolution of Preliminary Plat Comments

The conditional approval of the Preliminary Plat included the following items: **(current status in bold):**

1. Lands that are to be deed restricted to meet the requirements for Open Space should be identified. **This has not been shown on the Final Plat. The Applicant should add "Open Space" designations to the areas outside of the Cluster Envelopes shown on Page 2 and add the following notes on Page 2:**
 - a. **"All areas designated as "Open Space" shall be left undeveloped and free from residential, commercial, or Industrial structures. Permitted uses of Open Space are agriculture, recreation, passive recreation use, and preservation of environmentally sensitive features."**
 - b. **"All buildings shall be limited to placement within the Building Envelopes shown. Additional building setbacks per the Green County Zoning Code shall also be met."**
2. A vision corner along the eastern edge of Lot 6 should be included on the Plat. **We provided directions to the surveyor regarding the desired location of this and anticipate that it will be added with the next iteration of the Plat.**

Private Road Construction Plans

Conditional approval of the Preliminary Plat required the following items be amended and submitted with the Final Plat (**current status in bold**):

1. Provide stationing along the driveway centerline in the plan view so the profile can be correlated to the plan. **Completed.**
2. The lot lines and private drive easement lines should be correlated between the engineering plans and the Plat. **Completed.**
3. Calculations demonstrating that the proposed 18" pipe for the private drive access to Airport Road should be provided. **Incomplete.** The Town should clarify if they would allow a HDPE (plastic) pipe to be used for driveway access or if the calculations should be based on CMP or concrete. **HDPE Pipe is acceptable, please confirm pipe size for 10-year storm event.**
4. The drainage within the Town right-of-way needs to be clarified to evaluate if the drainage ditch along Airport Road will need to be deepened to allow proper drainage. **Completed**
5. The proposed low point along the private drive outside of the right-of-way does not appear to drain to Airport Road. This should be clarified. **Completed.**

Other Considerations:

1. Open Space Deed Restrictions. The development team will need to prepare deed restrictions for the open space required. These documents should be prepared and reviewed with the Final Plat documents and in effect be ready for recording with the Plat. **Incomplete. A sample of the desired deed restriction document is attached for use by the Applicant.**
2. Private Road Easement. The terms and conditions of the private road easement should be included for review with the Final Plat submittal. It would be wise to coordinate the requirements for long driveways as this road is constructed. **Draft submitted needs adjustments. A draft of the proposed Private Road Maintenance Agreement was provided and as written meets the needs of the site. It needs to be presented in a form that can be recorded at the Register of Deeds immediately following the Final Plat.**

Should you have any questions please feel free to contact me.

Sincerely,



Timothy L. Schleeper, PE

Enclosures

Cc: John Wright, Clerk, Town of New Glarus
Robert Talarczyk, Talarczyk Land Surveys, LLC



State of Wisconsin / DEPARTMENT OF NATURAL RESOURCES

Tony Evers, Governor
Adam N. Payne, Secretary
Telephone 608-266-2621
Toll Free 1-888-936-7463
TTY Access via relay - 711

101 S. Webster St.
Box 7921
Madison, WI 53707-7921

February 27, 2023

Robert A Talarczyk
Talarczyk Land Surveys LLC
517 2nd Ave
New Glarus, WI 53574

SUBJECT: Endangered Resources Review (ERR Log # 23-115)
Proposed Holmes Development, Green County, WI (T04N R07E S24, T04N R08E S19)

Dear Robert A Talarczyk,

The Bureau of Natural Heritage Conservation has reviewed the proposed project described in the Endangered Resources (ER) Review Request received February 22, 2023. The complete ER Review for this proposed project is attached and follow-up actions are summarized below:

Required Actions: 0 species

Recommended Actions: 3 species

No Follow-Up Actions: 2 species

Additional Recommendations Specified: Yes

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 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.

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 Holmes Development, Green County
(ER Log # 23-115)**

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	Green County - T04N R07E S24, T04N R08E S19
Project Description	This plat is being prepared for estate planning purposes. Carol Holmes is in her 80s, lives in the farmhouse on Lot 4 and wishes to plan out her development rights for her estate. There is no plan to develop any part of this plat at this time other than Lot 5 on which Carol wishes to build a new home and live with one of her two daughters. Lots 1-6 can be built on and Lot 7 has to remain in cultivation and greenspace.
Project Timing	3/1/23-10/1/23
Current Habitat	Approximately 65% in active agriculture- currently corn and alfalfa and 35% in woodland.
Impacts to Wetlands or Waterbodies	There is a small wetland area near the SW corner of Lot 7 at the culvert that delivers water under Airport Road. This area will remain undisturbed. Ward Creek is not on the property but is near the NE corner of Lot 7.
Property Type	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
Rusty Patched Bumble Bee Federal High Potential Zone	Bee	NA	HPZ
Pickereel Frog (<i>Lithobates palustris</i>)	Frog~	SC/H	
Prairie Parsley (<i>Polytaenia nuttallii</i>)	Plant	THR	
Glade Mallow (<i>Napaea dioica</i>)	Plant~	SC	
Whip Nutrush (<i>Scleria triglomerata</i>)	Plant~	SC	

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: None

Actions recommended to help conserve Wisconsin's Endangered Resources:

• Rusty Patched Bumble Bee Federal High Potential Zone - Bee

State Status: NAFederal Status: HPZ

Impact Type	Impact possible
Recommended Measures	Other
Description of Recommended Measures	<p>This project occurs within the Rusty Patched Bumble Bee Federal High Potential Zone. While active agriculture is not considered suitable habitat, habitat may be present in the wooded and unmaintained areas. Take of the bee is prohibited per the federal Endangered Species Act. However, because this project has no federal nexus, follow-up actions are recommended and not required.</p> <p>Recommended follow-up actions for the Rusty patched bumble bee include following the conservation measures outlined in the USFWS Conservation Management Guidelines for the Rusty Patched Bumble Bee (<i>Bombus affinis</i>) document. (https://www.fws.gov/midwest/endangered/insects/rpbb/pdf/ConservationGuidanceRPBBv1_27Feb2018.pdf).):</p> <p>For tree clearing/thinning conservation measures include but are not limited to:</p> <ul style="list-style-type: none"> • Implement best management practices (BMPs), especially those that serve to minimize the spread of invasive species and to avoid or minimize soil compaction. Visit (https://www.stateforesters.org/newsroom/state-forestry-bmps/) for up to date information about BMP recommendations by state. • Avoid or minimize soil disturbance and heavy equipment operation during overwintering (mid October- mid March) • Avoid or minimize forest management that may destroy spring blooming flowers during their bloom periods. • Consider thinning or single tree selection and dense invasive shrub removal that may improve overwintering and spring foraging habitat. <p>For all other activities conservation measures include but are not limited to:</p> <ul style="list-style-type: none"> • use native trees, shrubs and flowering plants in landscaping, • provide plants that bloom from spring through fall (refer to the USFWS RPBB Midwest Plant Guide), • remove and control invasive plants in any habitat used for foraging, nesting, or overwintering • Avoid impacts to existing suitable habitat

• Glade Mallow (*Napaea dioica*) - Plant~

State Status: SC

Impact Type	Impact possible
Recommended Measures	Surveys
Description of Recommended Measures	<p>Suitable habitat for the Glade Mallow may be present in portions of the project site. Although not required because Special Concern species are not legally protected, we recommend that you avoid or minimize take of the Glade Mallow. 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.</p> <p>Glade Mallow (<i>Napaea dioica</i>), a Wisconsin Special Concern plant, is found in alluvial meadows, ditches, and forest margins near large rivers. Blooming occurs early June through early August; fruiting occurs early August through late September. The optimal identification period for this species is early July through late August.</p>

• Whip Nutrush (*Scleria triglomerata*) - Plant~

State Status: SC

Impact Type	Impact possible
Recommended Measures	Surveys
Description of Recommended Measures	<p>Suitable habitat for the Whip Nutrush may be present in portions of the project site. Although not required because Special Concern species are not legally protected, we recommend that you avoid or minimize take of the Whip Nutrush. 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.</p> <p>Whip Nutrush (<i>Scleria triglomerata</i>), a Wisconsin Special Concern plant, is found on the sunny margins between jack pine/Hill's oak barrens and wet, acid ditches. Blooming occurs late June through late July; fruiting occurs early July through late August. The optimal identification period for this species is early July through late August.</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

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:

• **Pickerel Frog (*Lithobates palustris*) - Frog~**

State Status: SC/H

Impact Type	No impact or no/low broad ITP/A
Reason	Lack of Suitable Habitat within Project Boundary
Justification	It is unlikely that suitable habitat is present at the project site. No impacts are anticipated. Pickerel Frog (<i>Lithobates palustris</i>), a species of Special Concern in Wisconsin, has a rather complex habitat range as it prefers to overwinter in cold water streams, seepage pools or spring holes, often taking advantage of water cress for cover. It moves to warmer water ponds to breed and lay eggs from April through mid-June. Adults spend most of the active season foraging on land in riparian habitats along streams and rivers.

• **Prairie Parsley (*Polytaenia nuttallii*) - Plant**

State Status: THR

Impact Type	No impact or no/low broad ITP/A
Reason	Lack of Suitable Habitat within Project Boundary
Justification	The project site is wooded and agricultural land. It is unlikely that suitable habitat is present at the project site. No impacts are anticipated. Prairie Parsley (<i>Polytaenia nuttallii</i>), a Wisconsin Threatened plant, is found in prairies and persisting in open areas that were once savannas.

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:
 - o '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.
 - o 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.
 - o '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.