



## State of Wisconsin / DEPARTMENT OF NATURAL RESOURCES

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July 16, 2014

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SUBJECT: Endangered Resources Review (ERR Log # 14-474)

Proposed Northern Sands Nonmetallic Mine Site, Chippewa County, WI (29N 10W 17, 29N 10W 18, 29N 11W 24, 29N 10W 20, 29N 11W 13, 29N 10W 19, 29N 10W 21, 29N 10W 30, 29N 10W 29)

Dear Paul van Eijl,

The Bureau of Natural Heritage Conservation has reviewed the proposed project described in the Endangered Resources (ER) Review Request received July 2, 2014. The complete ER Review for this proposed project is attached and follow-up actions are summarized below:

Required Actions: 0 species

Recommended Actions: 0 species

No Follow-Up Actions: 0 species

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. As a result, information contained in this ER Review may be shared only with individuals who need this information in order to carry out specific roles in the planning 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 608-264-6057 or via email at [lori.steckervetz@wisconsin.gov](mailto:lori.steckervetz@wisconsin.gov) if you have any questions about this ER Review.

Sincerely,

*Lori Steckervetz*

Endangered Resources Review Program

CC: Chris Willger, Environmental Analysis and Review Specialist  
James Devlin, Wastewater Specialist

**Endangered Resource Review for the Proposed Northern Sands Nonmetallic Mine Site, Chippewa County  
(ERR Log # 14-474)**

**Section A. Location and brief description of the proposed project**

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

Chippewa County (29N 10W 17, 29N 10W 18, 29N 11W 24, 29N 10W 20, 29N 11W 13, 29N 10W 19, 29N 10W 21, 29N 10W 30, 29N 10W 29)

The project consists of 1500-acre expansion of an existing nonmetallic mine for sandstone extraction, as well as construction of a rail transload facility along with a wash and dry plant. |

*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 project plans change or new details become available to confirm if results of this ER Review are still valid.*

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

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Group

State Status

Federal Status

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

**Section C. Follow-up actions**

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**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:** None

*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:** None

**Section D. Next Steps**

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1) Evaluate whether the **'Brief description of the proposed project'** is still accurate. All recommendations in this ER Review are based on the information supplied in the ER Review Request. If the proposed project has changed, please contact the ER Review Program to determine if the information in this ER Review is still valid.

2) Determine whether the project can incorporate and implement the **'Follow-up actions'** identified above:

'Actions that need to be taken to comply with state and/or federal endangered species laws' represent the Department's best available guidance for complying with state and federal endangered species laws based on the project information that you provided and the endangered resources information and data available to us. If the proposed project has not changed from the description that you provided us and you are able to implement all of the 'Actions that need to be taken to comply with state and/or federal endangered species laws', your project should comply with state and federal endangered species laws. Please remember that if a violation occurs, the person responsible for the taking is the liable party. Generally this is the landowner or project proponent. For questions or concerns about individual responsibilities related to Wisconsin's Endangered Species Law, please contact the ER Review Program.

If the project is unable to incorporate and implement one or more of the 'Actions that need to be taken to comply with state and/or federal endangered species laws' identified above, the project may potentially violate one or more of these laws. Please contact the ER Review Program immediately to assist in identifying potential options that may allow the project to proceed in compliance with state and federal endangered species laws.

'Actions recommended to help conserve Wisconsin's rare species and high-quality natural communities' may be required by another law, a policy of this or another Department, agency or program; or as part of another permitting, approval or granting process. Please make sure to carefully read all permits and approvals for the project to determine whether these or other measures may be required. Even if these actions are not required by another program or entity for the proposed project to proceed, the Department strongly encourages the implementation of these conservation measures on a voluntary basis to help prevent future listings and protect Wisconsin's biodiversity for future generations.

3) No federally-protected species or habitats are involved.

## Section E. Endangered resource protections:

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Species listed as Threatened or Endangered under Wisconsin's Endangered Species Law ([s. 29.604, Wis. Stats.](#)):

- State-listed animals (vertebrate and invertebrate) are protected on all lands and waters of the state
- State-listed plants are protected on public lands and on lands that the person does not own or lease, except in the course of forestry, agriculture, utility, bulk sampling actions ([s. 29.604, Wis. Stats.](#)).

Species protected by the [Federal Endangered Species Act of 1973 as amended](#), including those federally-listed as Endangered or Threatened, those Proposed for federal listing, and their Proposed or Designated Critical habitats:

- Federally-protected animals are protected on all lands.
- Federally-protected plants are protected on federal lands and in the course of projects that include federal funding. They are also protected on other lands if they are removed, cut, dug up or damaged in knowing violation of any law or regulation of any state or in violation of a criminal trespass law.

Special Concern species, high-quality examples of natural communities (sometimes called High Conservation Value areas), and unique natural features (e.g., caves and animal aggregation sites) are not legally protected by state or federal endangered species laws. However, other laws, policies (e.g., related to Forest Certification or master planning), 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) protect outstanding examples of Wisconsin's native landscape of natural communities, and significant geological formations. 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.](#)).

**Thank you for helping to protect Wisconsin's endangered resources!** Please contact the ER Review Program if you have any questions about this ER Review.