

Incidental Take Permit – **Sample** Conservation Plan
County Road XXX Project
Drafted August 10, 2009

Project Location

County: Waukesha

Municipality: City of Waukesha

Address: not applicable - project is a new road west of County Road XX and south of County Road X

Legal description: T_N R_E Section __

Map delineating the project boundary:



Site photographs:



View of treeline in central portion of the property.



View of western project boundary.



View of wetland that will be impacted.

Project Information

This project involves the creation of the two-lane County Road XXX. This road will be approximately 0.75 miles long, run east-west, and be located south of County Road X and west of County Road XX. Approximately 1.5 acres of suitable Butler's gartersnake habitat will be permanently lost due to the project and another 1.8 acres will be temporarily impacted.

Current land use within the project boundary consists of agriculture, forest and open areas. The agricultural areas are currently in a corn/soy bean rotation and were recently harvested. The forested areas contain primarily deciduous species, including sugar maple, red maple and white oak. The open areas are all fallow fields. They were last in active agriculture from 12 to 17 years ago.

Species Information

This project has the potential to impact the Butler's gartersnake (*Thamnophis butleri*). The Butler's gartersnake is a threatened species in Wisconsin and is found primarily in the metropolitan Milwaukee area. A small, disjunct population exists in and around portions of the Northern Kettle Moraine State Forest in Fond du Lac and Sheboygan counties.

This species inhabits open-canopy wetland adjacent open to semi-open canopy upland. Suitable Butler's gartersnake habitat consists of wetland and upland habitat, including wet-mesic prairies, sedge meadows, shrub carr habitat, fresh (wet) meadows, low prairies, marshes, grasslands, savannas, old fields and vacant weedy lots.

Butler's gartersnakes become active shortly after frost-out in March or early April, often triggered by a spring rain. They remain active near their overwintering site until temperatures become warm enough and trigger dispersal to adjacent uplands (sometime in April), although some may remain in the wetlands throughout the season. This species typically remains active into October or November, dependent upon annual temperature variation. Butler's gartersnakes emerge later in spring and return to overwintering habitats earlier in fall than most gartersnake species.

In Wisconsin, the Butler's gartersnake is primarily threatened by the loss and fragmentation of suitable wetland and upland habitat.

Likely Impact to Species

Although minimization measures to protect the Butler's gartersnake will be followed during the course of this project, it is not possible to fully avoid the possibility that incidental take of the species may occur during onsite construction/disturbance. It is difficult to hard to determine the number of individuals that could be taken as a result of the project, but we estimate the number to be between 5 and 10. Approximately 1.5 acres of suitable Butler's gartersnake habitat will be permanently lost due to the project and another 1.8 acres will be temporarily impacted.

Alternative Actions

Three alternatives were considered for this project:

Alternative 1: Widen County Road X

This alternative was examined in great detail. However, upon completion of a habitat assessment in the area and following discussions with DNR species experts, it became clear that this alternative would

impact a larger number of species than the current project. The current project is only impacting one listed species, however Alternative 1 would impact 4 rare species. It was determined that the current project would have the least impact to the local natural resources.

Alternative 2: Widen County Road XX

Widening County Road XX was determined to not be a feasible option due to public safety concerns. A railroad crossing and two bridge crossings are located on County Road XX and the expansion of this road would result in major alignment problems with the railroad crossing (visibility issues) and bridge crossings (sharp turns and blind driveways).

Alternative 3: No new road and no expansion.

Not building a new road or expanding an existing road is not an option because of the large volume of traffic on the surrounding roads. And due to an increase in suburban developments in the area, local governments are expecting the traffic to increase on the roads. The high volume of traffic on these roads will soon become a significant threat to public safety if measures are not taken to reroute and redirect some of the traffic.

Minimization and Mitigation Measures

1. All wetlands that will be impacted by the project have been identified as potential Butler's gartersnake habitat. Snake exclusion fencing will be installed according to the Amphibian and Reptile Exclusion Fencing Protocols by March 15th along all wetland boundaries and/or along project boundaries. The fence will be maintained throughout the length of the project or until November 5th, whichever comes first.
2. Snake removals will be conducted by a qualified biologist prior to any project-related disturbance on site. Removals will follow DNR Snake Removal Protocols and will include cover board and drift fence trap surveys. We anticipate that removals will take 2-3 weeks. During each survey, all snakes removed will be recorded and reported to Rori Paloski (rori.paloski@wi.gov) on a weekly basis. The project applicant will work with the Bureau of Endangered Resources to determine when removal efforts can be terminated.
3. Any snakes observed in the disturbance footprint will immediately be removed from the area. All snakes removed will be recorded (total number and date removed) and reported to Rori Paloski (rori.paloski@wi.gov) at the conclusion of the project.
4. All dead amphibians and reptiles found on site will be recorded (species, approximate age, possible cause of death), photographed, and reported to Rori Paloski (rori.paloski@wi.gov) at the conclusion of the project.
5. Erosion control will be implemented according to DNR stormwater protocols. Erosion control mats that are used must contain biodegradable thread and netting with the "leno" or "gauze" weave (contains strands that are able to move independently).
6. Upon completion of the project, all areas of temporary disturbance will be restored to pre-existing (or better) conditions.
7. All suitable Butler's gartersnake habitat that is permanently lost as a result of this project will be mitigated for. Because this species is dependent on wetland and upland habitat, both habitat types will be created as part of the mitigation requirement. Tile lines will be broken in a lowland agricultural field directly north of the project area (and contiguous to existing Butler's gartersnake habitat) to create 0.4 acres of wetland habitat. Portions of an adjacent upland agricultural field (1.1 acres) will be returned to prairie conditions using a locally harvested short grass prairie seed mix.

Responsible Parties (ITP only)

Engineering Firm A	Preparing all technical plans for the project.
Environmental Consulting Firm B	Coordinating all natural resources permits, approvals, surveys.
City of Waukesha	Financially responsible (20%) for the project.
County of Waukesha	Financially responsible (80%) for the project.
Landowner C	Allowing an easement on their property.
Landowner D	Allowing an easement on their property.

Funding (ITP only)

The conservation measures included in this Conservation Plan are estimated to cost \$___.

The City of Waukesha will be funding 20% of the entire project, including 20% of the conservation measures; therefore it is estimated that the city will contribute \$___ toward the conservation measures. The City has recently officially obligated this money and is currently holding the money at _____ in a _____ account.

The County of Waukesha will be funding 80% of the project, including 80% of the conservation measures; therefore it is estimated that the County will contribute \$___ toward the conservation measures. The County is acquiring their money through a _____ grant. This grant has already been awarded and all associated work will be direct billed to _____. The grant award letter is attached to this Conservation Plan.

Public Benefit (ITA only)

This project will result in a net gain to the native grassland habitat in the area and will provide additional habitat for the Butler’s gartersnake.

Additional Information

A wetland delineation of the project area and Butler’s gartersnake habitat assessment are attached to this Conservation Plan.