

February 21, 2011

Federal Communications Commission  
Attention Rodolfo F. Bonacci, Assistant Division Chief  
Audio Division, Media Bureau  
445 12<sup>th</sup> St, SW  
Washington, DC 20554

**SUBJECT: FM BROADCAST STATION CONSTRUCTION PERMIT  
[TOWER & TRANSMITTER] ASR #1276118  
FCC REGISTRATION NUMBER 0003776754;  
95.9MGZ; CALL SIGN WBKY; FACILITY ID 39625  
PERMIT: BMPH-20100810ABT [GRANT 11-16-2010]  
WHICH MODIFIED BHP-20080207 APE**

Dear Mr. Bonacci:

This letter is being submitted to your office to provide pertinent information relating to a letter dated February 16, 2011 by Mr. Kevin G. Shea, N9JKP.

### **SECTION 1: Project Description**

Entity Submitting Request: Magnum Communications, Inc.  
Property Address: 3768 Old Stage Road Oregon, WI 53575  
T-R-S: S ½ of the NE ¼ of Section 34, T05N, R10E

#### Further Description:

The proposed project will consist of the construction of a 488-foot guyed tower on the Stoughton Farms property near 3768 Old Stage Road in the Town of Rutland, Dane County, Wisconsin. The proposed tower site shall be located in an untilled, fallow field. A fenced, 20-foot by 20-foot gravel compound will be constructed at the base of the tower. A proposed maintained grass drive will provide access to the site, connecting the compound with Old Stage Road.

### **SECTION 2: Compliance Items**

The letter dated February 16, 2011 points out that the proposed antenna site may be in an environmentally sensitive area as protected by NEPA.

Edge Consulting Engineers, Inc. was contracted by Magnum Communications, Inc. in August of 2010 to complete the necessary NEPA compliance work associated with the proposed undertaking, including fulfilling the obligations to address 1) Facilities located in an officially designated wilderness area; 2) Facilities located in a designated wilderness preserve; and 3) Facilities which may affect threatened or endangered species or designated critical habitats. The three criteria and addressed below.

- 1) Facilities located in an officially designated wilderness area  
Two wildlife preserve areas are located approximately 0.8 miles from the project site: Badfish Creek State Wildlife Area to the northeast and Lund Waterfowl Protection Area to the southwest. The project site is NOT located within an officially designated wilderness area.
- 2) Facilities located in a designated wilderness preserve  
Two wildlife preserve areas are located approximately 0.8 miles from the project site: Badfish Creek State Wildlife Area to the northeast and Lund Waterfowl Protection Area to the southwest. The project site is NOT located within an designated wilderness preserve.
- 3) Facilities which may affect threatened or endangered species or designated critical habitats
  - a. Edge Consulting carefully reviewed the U.S. Fish & Wildlife technical assistance website on January 25, 2011 for federally-listed threatened and endangered species. According to the website, six (6) species are listed and may be present in Dane County and include Whooping Crane, Higgins' eye pearly mussel, sheepnose, eastern prairie fringed orchid, Mead's milkweed, and prairie bush-clover. However, because of the location of the proposed project site within a fallow agricultural field, it was determined that the Magnum project will have "No Effect" on the listed species, their habitats, or proposed or designated critical habitat. A copy of the memo regarding the determination has been included for reference. Edge Consulting determined the proposed project would have No Effect on federally-listed threatened or endangered species or critical habitat. Correspondence with the United States Department of Interior, Fish & Wildlife Service (FWS) is not required by FWS policy for No Effect determinations. Therefore, this criteria has been satisfied (NO EFFECT).
  - b. Edge Consulting submitted project information to the State of Wisconsin Department of Natural Resources (WDNR). The WDNR response concluded that no action will need to be taken to comply with state and/or federal endangered species laws. Therefore, this criteria has been satisfied (NO EFFECT).

A copy of the No Effect determination for the US FWS has been included in addition to the correspondence with the WDNR. It has been determined that the project will have NO EFFECT on officially designated wilderness areas, on designated wilderness preserves, and upon threatened or endangered species or designated critical habitats as highlighted in the letter dated February 16, 2011, and therefore will not impact these NEPA items.

In an effort to minimize any potential effects, Edge Consulting has reviewed the USFWS *Service Interim Guidelines For Recommendations On Communications Tower Siting, Construction, Operation, and Decommissioning* to determine which guidelines can be reasonably accommodated, such as daytime visual markers on the wires, alternative lighting operatives, and securing collocations.

Respectfully,



Tracy L. Drunasky  
Environmental Scientist  
Edge Consulting Engineers, Inc.

## MEMORANDUM

TO: FCC

FROM: Edge Consulting Engineers, Inc.

DATE: January 25, 2011

**SUBJECT: SECTION 7 ENDANGERED SPECIES ACT CONSULTATION  
PROPOSED TOWER  
MAGNUM  
DANE COUNTY, WI**

Entity Submitting Request: Magnum Communications, Inc.  
Property Address: 3768 Old Stage Road Oregon, WI 53575  
T-R-S: S ½ of the NE ¼ of Section 34, T05N, R10E

Further Description:

The proposed project will consist of the construction of a 500-foot guyed tower on the Stoughton Farms property near 3768 Old Stage Road in the Town of Rutland, Dane County, Wisconsin. The proposed tower site shall be located in an untilled, fallow field. A fenced, 20-foot by 20-foot gravel compound will be constructed at the base of the tower. A proposed maintained grass drive will provide access to the site, connecting the compound with Old Stage Road.

Edge Consulting carefully reviewed the U.S. Fish & Wildlife technical assistance website on January 25, 2011, for federally-listed threatened and endangered species. According to the website, six (6) species are listed and may be present in Dane County: whooping crane, Higgins' eye pearly mussel, sheepsnose, eastern prairie fringed orchid, mead's milkweed, and prairie bush-clover.

The action area for the proposed project is located within an untilled, fallow field (former agricultural field).

- o The habitat for the whooping crane, listed as a non-essential experimental population, is listed as open wetlands and lakeshores. This habitat is not present within or within the immediate vicinity of the proposed project area.
- o Higgins' eye pearly mussel (endangered) and sheepsnose (proposed as endangered) are listed for generic rivers, the lower Wisconsin River, and the Mississippi River – no impacts to any water bodies will occur as part of the proposed undertaking and therefore no impacts to either species will occur.
- o The habitat for the eastern prairie fringed orchid is listed as wet grasslands. No signs of wet grasslands were observed within the proposed project area or surrounding area, and no wet grasslands will be excavated or impacted for this project. Additionally, no evidence of this species was observed.
- o Mead's milkweed (threatened) natural habitat is listed as upland tallgrass prairie or glade/barren habitat. A note in the file indicates that all the Mead's milkweed sites in

Wisconsin are reintroduction attempts and occur on protected conservation lands. Neither the described habitat nor conservation lands are located within the project site or immediate surrounding vicinity. No impacts to this species are anticipated.

- o Prairie bush clover: habitat listed as dry to mesic prairies with gravelly soil. The described habitat is not present within the project area.

For these reasons we conclude that the proposed Magnum tower will have **"No Effect"** on listed species, their habitats, or proposed or designated critical habitat.



# Endangered Species

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[Section 7: Technical Assistance](#)

[Biological Assessment Guidance](#)

[Section 7 Consultation Handbook](#)



## S7 Consultation Technical Assistance Decision Process for "No Effect" Determinations

Certain projects nearly always warrant a "No Effect" determination. This website is intended to assist project proponents in determining whether their project qualifies as one of these types of projects, and if so, to provide a streamlined mechanism for documenting their "No Effect" finding. If your project does not meet the criteria below (and associated pages), your action requires further review. To assist with this more detailed review, you will be linked back to [Step 1 of our S7 Technical Assistance website](#).

**Step 2\***. Click on the type of project to continue with the "no effect" decision process:

- [HUD Project](#)
- [Pipeline or Buried Utilities](#)
- [Telecommunication Project](#)
- [Project within a Developed Area](#) (an area that is already paved or supports structures and the only vegetation is limited to frequently mowed grass or conventional landscaping)

\* In [Step 1](#) you determined that listed species or critical habitat may be present in the county(ies) of the proposed project.

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Last updated: August 4, 2009

### USFWS Ecological Services Field Offices in the Upper Midwest

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# Endangered Species

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## S7 Consultation Technical Assistance Decision Process for "No Effect" Determinations

*The following steps will help you fulfill your Endangered Species Act responsibilities, but your project may still affect migratory birds, which are protected under the [Migratory Bird Treat Act](#). To reduce the potential for your project to harm migratory birds, please read and follow the [Service's Telecommunications Tower Guidelines](#).*

### Telecommunication Projects - Step 3

**Step 3:** Does your project involve removal of native vegetation (i.e., vegetation other than cultivated plants and lawns)?

Yes - Your project requires further review. [Click here to return to Step 1 of the S7 Technical Assistance web pages.](#)

No - [Click here to continue with the "no effect" determination process.](#)

[Back to "No Effect" Determination Process](#)

Last updated: March 9, 2010

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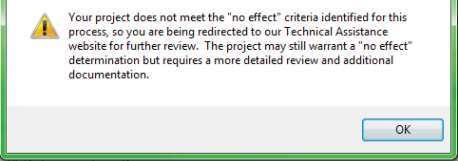
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A dialog box titled "Message from webpage" with a green header bar and a close button (X) in the top right corner. The main area contains a yellow warning triangle icon followed by the text: "Your project does not meet the 'no effect' criteria identified for this process, so you are being redirected to our Technical Assistance website for further review. The project may still warrant a 'no effect' determination but requires a more detailed review and additional documentation." At the bottom right of the dialog box is an "OK" button.

OK

State	County	Species	Status	Habitat
Wisconsin	Columbia	Mead's milkweed ( <i>Asclepias meadii</i> )	Threatened	Upland tallgrass prairie or glade/barren habitat <b>Note:</b> all the Mead's milkweed sites in Wisconsin are reintroduction attempts and occur on protected conservation lands.
Wisconsin	Columbia	Prairie bush clover ( <i>Lespedeza leptostachya</i> )	Threatened	Dry to mesic prairies with gravelly soil
Wisconsin	Crawford	Whooping crane ( <i>Grus americanus</i> )	Non-essential Experimental Population	Open wetlands and lakeshores
Wisconsin	Crawford	Eastern massasauga ( <i>Sistrurus catenatus catenatus</i> )	Candidate	Open to forested wetlands and adjacent uplands
Wisconsin	Crawford	Higgins' eye pearly mussel ( <i>Lampsilis Higginsi</i> )	Endangered	Mississippi River
Wisconsin	Crawford	Sheepnose ( <i>Plethobasus cyphus</i> )	Proposed as Endangered	Mississippi River
Wisconsin	Dane	Whooping crane ( <i>Grus americanus</i> )	Non-essential Experimental Population	Open wetlands and lakeshores
Wisconsin	Dane	Higgins' eye pearly mussel ( <i>Lampsilis Higginsi</i> )	Endangered	Lower Wisconsin River
Wisconsin	Dane	Sheepnose ( <i>Plethobasus cyphus</i> )	Proposed as Endangered	
Wisconsin	Dane	Eastern prairie fringed orchid ( <i>Platanthera leucophaea</i> )	Threatened	Wet grasslands
Wisconsin	Dane	Mead's milkweed ( <i>Asclepias meadii</i> )	Threatened	Upland tallgrass prairie or glade/barren habitat <b>Note:</b> all the Mead's milkweed sites in Wisconsin are reintroduction attempts and occur on protected conservation lands.
Wisconsin	Dane	Prairie bush-clover ( <i>Lespedeza leptostachya</i> )	Threatened	Dry to mesic prairies with gravelly soil
Wisconsin	Dodge	Whooping crane ( <i>Grus americanus</i> )	Non-essential Experimental Population	Open wetlands and lakeshores
Wisconsin	Door	Hine's emerald dragonfly ( <i>Somatochlora hineana</i> )	Endangered	Calcareous streams & associated wetlands overlying dolomite bedrock
Wisconsin	Door	Pitcher's thistle ( <i>Cirsium pitcheri</i> )	Threatened	Stabilized dunes, and blowout areas





## State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

Jim Doyle, Governor  
Matthew J. Frank, Secretary

101 S. Webster St.  
Box 7921  
Madison, Wisconsin 53707-7921  
Telephone 608-266-2621  
FAX 608-267-3579  
TTY 608-267-6897

September 30, 2010

Tracy Drunasky  
Edge Consulting Engineers, Inc.  
624 Water Street  
Prairie du Sac, WI 53578

SUBJECT: Endangered Resources Review (ERR Log # 10-341)  
Magnum FM Telecommunications Tower Project, Town of Rutland, Dane  
County, WI

Dear Ms. Drunasky,

The Bureau of Endangered Resources has reviewed the proposed project described in your Endangered Resources (ER) Review Request received September 24, 2010. The ER Review for the project is attached. Please keep in mind that the ER Review for the project does not exempt you from the requirements of state and federal endangered species laws. Rather, it is a tool to help you comply with state and federal endangered species laws. Additional consultation with the Department of Natural Resources (DNR) and/or US Fish and Wildlife Service may be necessary if follow-up actions are indicated.

The following page contains important information to help you better understand this ER Review. The ER Review itself is divided into four sections: A) Brief description of the proposed project, B) Endangered resources known or likely to occur in the proposed project area, C) Follow-up actions, including those that need to be taken to comply with state and federal endangered species laws, and D) Next steps.

This ER Review may contain Natural Heritage Inventory data (including specific locations of endangered resources) which are considered sensitive and are not subject to Wisconsin's Open Records Law. As a result, please remember that you may share information contained in the ER Review only with individuals who need this information to carry out specific roles in planning and implementation of the proposed project. Specific locations of endangered resources should not be released or reproduced in any publicly disseminated documents. To improve coordination regarding endangered resources issues for the proposed project, we are copying the ER Review to individuals and DNR staff who may be involved in permitting, licensing, or approval of the proposed project.

**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.**

Please contact me at (608) 266-5241 or via email at [angelal.white@wi.gov](mailto:angelal.white@wi.gov) if you have any questions about this ER Review.

Sincerely,

Angela White  
Endangered Resources Program

cc: Cathy Bleser – SCR/Fitchburg

uttc\_10-341

## **Standard Information to help you better understand this ER Review**

**Endangered Resources (ER) Reviews** are conducted using a standard six-step process in which we gather initial information about the project and site, determine if endangered resources are present or likely to be present on the site, determine if the proposed project *is likely to affect* endangered resources present on site, determine if potential impacts to endangered resources present on the site *can be avoided*, identify options for proceeding if impacts to endangered resources cannot be avoided, and confirm and document findings.

To determine what endangered resources are present or likely to be present on the site, we first query the Wisconsin Natural Heritage Inventory (NHI) database for endangered resources records for the proposed project area. The project area evaluated consists of both the specific project site and a buffer area surrounding the site. The size of the buffer considered varies depending on the size and nature of the project and the ecological and land use characteristics of the site and surrounding area. In all cases, at least a 1-mile buffer is considered. At least a 2 mile buffer is considered for large linear projects, projects in areas that are unlikely to have been surveyed (e.g., within large blocks of private land), and projects near wetlands and waterbodies. Other circumstances may warrant use of a larger buffer. For example, for projects in a large patch of contiguous habitat, we look throughout the patch. Endangered resources records from the buffer area are considered because most lands and waters in the state, especially private lands, have not been surveyed.

In addition, if the area has moderate to high-quality or extensive habitat or if we are aware that recent surveys have been conducted on or near the site, we consult additional online databases, species experts, or other sources of endangered resources information to complement information contained in the NHI database. Considering records from the entire project area (also sometimes referred to as the search area) as well as other endangered resources information and data whenever warranted 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.

This ER Review is being provided to you as a tool to help you comply with state and federal endangered species laws. By following the process described above, we have provided you with the best information currently available about endangered resources that may be present in the proposed project area. However, endangered resources information is never perfect. 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. 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.

### ***Endangered resources considered in ER Reviews and protections for each:***

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 or utility 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 or Candidates 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.](#)).

Please click on [hyperlinks](#) for more information

can successfully overwinter in the nest, emerging the following late April or May. This species takes 17 to 20 years or more to reach maturity.

For additional information on the rare species, high-quality natural communities, and other endangered resources listed above, please see <http://dnr.wi.gov/org/land/er/biodiversity/>.

## Section C. Follow-up actions

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

None required.

*Note that protection for plants varies with land ownership, project activity, and project funding. In general, plants are protected by endangered species laws only on public lands or if public funding is involved. See page 2 for details.*

*If your project changes (e.g., a change in location, size, design, disturbance footprint and timing, or construction sequence), please call me to confirm that these results are still valid.*

### Actions we recommend to help conserve Wisconsin's rare species and high-quality natural communities:

*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.*

- **General information** on the impacts of telecommunication towers on migratory birds: The construction of large, guyed telecommunication and broadcasting towers creates a significant impact on migratory birds. It is clear from existing tower mortality data from Wisconsin and elsewhere that such towers have caused substantial and chronic mortality and may be limiting populations. Migratory birds are protected by the federal Migratory Bird Treaty Act, and some species are also protected by the Bald and Golden Eagle Act. Recent research undertaken in Michigan and elsewhere indicates that the following factors influence bird and bat mortality:
  - Tower height: Avian mortality has been shown to increase with tower height, mainly because of the increased lighting and guy wires generally required by taller towers. Towers that fall within the normal zone of nocturnal bird migration (200m to 750m) due to their structural height and/or placement on elevated topography are believed to cause the greatest mortality. This tower will be 500' tall and as a result poses a high risk to migrating birds.
  - Guy wires: Most bird mortality at guyed towers occurs when the birds collide with the guy wires and not the tower itself. The studies that have compared guyed to freestanding towers have shown dramatically higher rates of mortality at guyed towers.
    - Tower designs using guy wires for support which are proposed to be located in known raptor or waterbird concentration areas or daily movement routes, or in major diurnal migratory bird movement routes or stopover sites, should have **daytime visual markers on the wires to prevent collisions by these diurnally moving species.** (For

guidance on markers, see *Avian Power Line Interaction Committee (APLIC). 1994. Mitigating Bird Collisions with Power Lines: The State of the Art in 1994. Edison Electric Institute, Washington, D.C., 78 pp*, and *Avian Power Line Interaction Committee (APLIC). 1996. Suggested Practices for Raptor Protection on Power Lines. Edison Electric Institute/Raptor Research Foundation, Washington, D.C., 128 pp*. Copies can be obtained via the Internet at <http://www.eei.org/resources/pubcat/enviro/>, or by calling 1-800/334-5453).

- **Lighting:** Nocturnal migrants aggregate at lights when they have become disoriented or “trapped” by the lights after entering their zone of influence. This zone increases when fog is present in the air to reflect the light, and when inclement weather or topographic factors force migrating birds to fly at lower altitudes. The lighting scheme at towers is probably the single most important factor contributing to bird kills at towers that we can control. When lighting is required, duration of lighting is critical as solid state lighting attracts and eventually leads to deaths of many more birds. It is our understanding that towers under 200’ are not required to have lighting, and this is the best scenario for avoiding impacts to nocturnal migrants. **For towers where lighting is required, it’s important to install flashing or strobe lighting with complete breaks between flashes in order to reduce the mortality risk.**

To reduce the risk of towers to migratory birds, all newly constructed towers should conform to the USFWS Guidelines on Communications Tower Siting, Construction, Operation and Decommissioning (this guidance can be found at <http://www.fws.gov/migratorybirds/CurrentBirdIssues/Hazards/towers/comtow.html>). If the site or tower design will present any of the high risk factors identified above, please contact Mr. Steve Ugoretz at 608-266-6673 or Ms. Shari Koslowsky at 608-261-4382.

## 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 call me to determine if the information in this ER Review is still valid.

**2) Determine whether you are able to implement the ‘Follow-up actions’ identified above:**

‘Actions that will 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 will 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. If you have questions or concerns about your responsibilities related to Wisconsin’s Endangered Species Law, please contact me.

If you are not able to implement one or more of the ‘Actions that will need to be taken to comply with state and/or federal endangered species laws’ identified above, your project may potentially violate state and/or federal endangered species laws. There may still options available to you. Please call me and I will work with you to identify options that may allow the project to proceed in compliance with state and federal endangered species laws.

‘Actions we recommend 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, we strongly encourage you to implement these conservation measures on a voluntary basis to help prevent future listings and protect Wisconsin's biodiversity for future generations.

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



624 Water Street  
Prairie du Sac, WI 53578

608.644.1449 phone  
608.644.1549 fax

September 22, 2010

State of Wisconsin Department of Natural Resources  
Endangered Resources Impact Review  
Bureau of Endangered Resources  
PO Box 7921  
Madison, WI 53707-7921

**SUBJECT:                    ENDANGERED RESOURCES REVIEW  
                                  MAGNUM COMMUNICATIONS TOWER  
                                  MAGNUM FM TOWER  
                                  DANE COUNTY, WI**

To Whom It May Concern:

This letter and enclosed project documentation are supplied to provide your office with an opportunity to comment on the proposed project with respect to threatened or endangered resources and wildlife areas. The scope of the project, location, etc. is further described in the sections below.

### **SECTION 1: Project Description**

Entity Submitting Request: Magnum Communications, Inc.  
Property Address: 3768 Old Stage Road Oregon, WI 53575  
T-R-S: S ½ of the NE ¼ of Section 34, T05N, R10E

#### Further Description:

The proposed project will consist of the construction of a 500-foot guyed tower on the Stoughton Farms property near 3768 Old Stage Road in the Town of Rutland, Dane County, Wisconsin. The proposed tower site shall be located in an unfilled, fallow field. A fenced, 20-foot by 20-foot gravel compound will be constructed at the base of the tower. A proposed maintained grass drive will provide access to the site, connecting the compound with Old Stage Road.

### **SECTION 2: Applicable Maps**

A copy of the appropriate USGS 7.5-Minute Quadrangle map has been enclosed for review. Street maps have also been included as supplemental information. Site photographs depicting the proposed location have been included.

### SECTION 3: Site Ecology

The subject site is an agricultural property. The specific location of the proposed tower site is within a fallow field on the southern portion of the lot. Areas immediately to the north are used as active agricultural fields. The nearest water body is an unnamed tributary to Badfish Creek, located approximately three-quarters of a mile southeast of the proposed site. Woodland and agricultural properties are located between the proposed site and the unnamed tributary.

Additionally, two wildlife preserve areas were identified nearby the project area – the Lund Waterfowl Production Area just south of the Dane County border, and the Bad Fish Creek Wildlife area to the northeast.

Edge Consulting reviewed Natural Heritage Information maps published by the WDNR Bureau of Endangered Resources. A review of these maps revealed no occurrences of terrestrial or aquatic threatened or endangered species within the same section as the proposed lease site.

Photographs depicting the current site conditions have been included. Additional copies of these pictures can be provided upon request.

If you need any additional information to provide comments, please feel free to contact our office. If we do not receive correspondence from the WDNR within 30 days of receipt of this letter, Edge Consulting will assume there are no concerns regarding any state-listed threatened or endangered species.

Respectfully,

Tracy L. Drunasky  
Environmental Scientist  
Edge Consulting Engineers, Inc.

Wisconsin's Natural Heritage Inventory (NHI) database contains both historic records and ongoing survey information on rare plants, rare animals, and high quality natural communities. In response to this Review Request, the Bureau of Endangered Resources provides NHI information, along with specific recommendations to enable projects to comply with the Wisconsin Endangered Species Law (29.604 state stats.) and other laws/regulations protecting rare species.

**Instructions:** The following materials are required to process this request. Send all materials to the address listed above. Please note that an invoice will be sent following completion of the Endangered Resources Impact Review; do not include payment with this form.

- Completed, signed form
- Map(s) delineating the project area - preferably a digital orthophoto (aerial photo), USGS quadrangle map or topographic map
- Project site photos (if available)
- Relevant attachments (e.g., detailed project and habitat descriptions, wetland delineation, additional related reports)

**Notice:** Personal information collected will be used for administrative purposes and may also be made available to requesters under Wisconsin's Open Records Law (19.31-19.39 state stats.).

**Section 1: Applicant Information** (all correspondence and invoices will be sent to this person)

Name <b>Tracy L. Drunasky</b>		Organization <b>Edge Consulting Engineers, Inc.</b>	
Mailing Address <b>624 Water Street</b>		City <b>Prairie du Sac</b>	State <b>WI</b>
		Zip Code <b>53578</b>	
Telephone Number <b>608-644-1449</b>	Fax Number <b>608.644.1549</b>	Email Address <b>tdrunasky@edgeconsult.com</b>	

**Section 2: Landowner Information** (if different than Section 1)

Name <b>Dave Magnum</b>		Organization <b>Magnum Communications, Inc.</b>	
Mailing Address <b>1021 N. Superior Ave</b>		City <b>Tomah</b>	State <b>WI</b>
		Zip Code <b>54660</b>	
Telephone Number <b>608-372-9600</b>	Fax Number	Email Address <b>N/A</b>	

**Section 3: Project Information**

Project Name: <b>MAGNUM FM TOWER</b>	Project Address (if applicable): <b>3768 Old Stage Road Oregon, WI 53575</b>
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Project Type(s):  Residential  Commercial  Industrial  Utility  Transportation (roads, highways, trails)  Other: **Telecom. Tower**

Start Date (on-site disturbance): <b>Estimated Winter 2010</b>	End Date (on-site disturbance): <b>Estimated Winter 2010</b>	Acreeage: <b>&lt;0.25</b>
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County: **Dane County**  City  Town  Village of: **Rutland**

Township	Range	Direction	Section	Quarter Section	Quarter-Quarter Section	Additional Comments on TRS Location <i>(attach additional information if necessary)</i>
5	N	10	34	<input type="checkbox"/> NW <input checked="" type="checkbox"/> NE <input type="checkbox"/> SW <input type="checkbox"/> SE	<input type="checkbox"/> NW <input type="checkbox"/> NE <input checked="" type="checkbox"/> SW <input checked="" type="checkbox"/> SE	
	N			<input type="checkbox"/> NW <input type="checkbox"/> NE <input type="checkbox"/> SW <input type="checkbox"/> SE	<input type="checkbox"/> NW <input type="checkbox"/> NE <input type="checkbox"/> SW <input type="checkbox"/> SE	

Provide a detailed description of the proposed project and the type of disturbance associated with the project. *(attach additional information if necessary)*

The proposed project will consist of the construction of a 500-foot guyed tower on the Stoughton Farms property near 3768 Old Stage Road in the Town of Rutland, Dane County, Wisconsin. The proposed tower site shall be located in an untilled, fallow field. A fenced, 20-foot by 20-foot gravel compound will be constructed at the base of the tower. A proposed maintained grass drive will provide access to the site, connecting the compound with Old Stage Road. Impacts will be entirely to grassy areas (fallow field) and grass drives on the subject property.



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**Section 3: Project Information** (continued)

Provide a detailed description of the habitat types and current land use within the proposed project area (e.g., 50% in active agriculture- currently corn, 20% floodplain forest, 15% industrial area, 10% hardwood swamp dominated by black ash, 5% fallow field - in active agriculture until one year ago). *(attach additional information if necessary)*

98% Fallow Field  
 2% grassy lawn/manicured areas

List any waterbodies such as rivers, intermittent streams, lakes, or wetlands that are within or near the proposed project area. List any known or suspected impacts to these waterbodies as a result of the project. For point source discharges into waterbodies please indicate the discharge location.

None near the project area - closest water body is an unnamed tributary to Badfish Creek, located approximately three-quarters of a mile to the southeast; no impacts to any water bodies is anticipated as part of this project.

List any reports that have been prepared to describe the habitat that will be affected by the proposed project (e.g., wetland delineation, habitat reconnaissance surveys, rare species surveys, etc.).

Edge Consulting obtained the wetland map from the Wisconsin DNR Surface Water Data Viewer - no wetlands were depicted within the vicinity of the proposed project; the subject site appears to have no suitable habitat for the six (6) listed species for Dane County - US Fish and Wildlife Service does not require correspondence for "NO EFFECT" determinations

List all other endangered resources or NHI impact reviews that have been submitted or conducted for a different phase, portion, or other alternatives(s) relating to the proposed project. List ER log # and date (e.g., 00-132 and 2/10/2002) or any other correspondence.

**Section 4: Related Permits, Licenses or Regulatory Approvals**

Permit, License or Approval	Issuing Agency, Program or Municipality	Contact Person	Application Status
			<input type="checkbox"/> will be applying for <input type="checkbox"/> have applied for <input type="checkbox"/> have received
			<input type="checkbox"/> will be applying for <input type="checkbox"/> have applied for <input type="checkbox"/> have received
			<input type="checkbox"/> will be applying for <input type="checkbox"/> have applied for <input type="checkbox"/> have received

**Section 5: Applicant Certification**

I am the owner, authorized representative of the owner or utility representative of the property which is the subject of this review request. To the best of my knowledge the information above is complete and accurate. I understand that the specific location of endangered resources is sensitive information and will use the material provided solely for analysis and review of the above project. I agree to not include exact locations of endangered resources in any publicly disseminated documents. I agree to contact the Bureau of Endangered Resources prior to publishing any information provided by the Wisconsin Natural Heritage Inventory and to credit the Bureau of Endangered Resources as the source of the material.

I also agree to pay, within 30 days of receipt of an invoice for NHI information, the fees charged by the Department. There is a charge of \$20/hour (with a minimum fee of \$60) for non-DNR requesters. (For more information on the fee structure and billing exemptions, refer to NR 29, Wis. Adm. Code.)

Applicant Signature	Date Signed	Applicant Name (please print) <b>Tracy L. Drunasky</b>
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