



February 7, 2025

DNR Project No. DC-0240

Mr. Nicholas Bower, Senior Environmental Engineer  
Capital Area Regional Planning Commission  
100 State Street, Suite 400

Madison, WI 53703

[Subject: CARPC Sewer Service Area Plan Amendment Request #2406 "Ziegler Farm" – City of Middleton](#)

Dear Mr. Bower:

On January 10, 2025, The Wisconsin Department of Natural Resources (department) received Water Quality Management Letter #2406 from the Capital Area Regional Planning Commission (CARPC), on behalf of the City of Middleton. Letter #2406 requested the department's administrative review of a proposed increase in developable land to the Dane County Water Quality Plan. The purpose of the amendment is to provide urban services to the proposed Ziegler Farm Development

#### Amendment Area

The SSA Plan Amendment includes the addition of approximately sixty-eight (67.6) acres of land, including approximately thirty-three (33) acres of proposed environmental corridors, and four (4) acres of existing development and right-of-way, for a net of approximately 31 developable acres to the Central Urban Service Area. The proposed amendment covers six total parcels, three of which are included in the amendment area. One additional parcel is included in the amendment area at the request of CARPC to avoid creating a "hole" or void and to close the Urban Service Area Boundary. This additional parcel is an existing 1.5-acre, single-family residence adjacent to the primary amendment area and is not a part of the proposed Ziegler Farm Development. All areas to be added to the SSA are within the Central USA SSA Planning Boundary.

#### Environmentally Sensitive Areas

CARPC, using department wetland data, determined there were 33 acres of wetland in the proposed area, including Unnamed Tributary 5035089. A wetlands delineation performed by Heartland Ecological Group, Inc. reported the presence of two distinct wetlands totaling 28.3 acres in the proposed sewer service area. A 100- foot vegetated buffer is required around the wetlands associated with Graber Pond per the Graber Pond Master Plan and 75- foot vegetated buffers will be required around all other wetland locations to be designated as Environmental Corridor. The existing wetlands are planned to be preserved with minimal disturbances. The proposed corridor follows the policies and criteria for Environmental Corridors in the Water Quality Plan for Dane County. Stormwater, sediment control, and other best management



practices, as described in the amendment documentation shall be implemented, and the recommendations should be implemented to further protect water quality.

Administrative Decision

The proposed amendment is hereby approved in accordance with water quality standards requirements under ss. 281.15 and 283.83(1m), Wis. Stats., along with CARPC's recommended actions described in Water Quality Management Letter #2406. This amendment is a formal amendment to the state's Areawide Water Quality Management Plan, per ch. NR 121, Wis. Adm. Code. The Middleton "Ziegler Farm" Amendment will be forwarded to the U.S. Environmental Protection Agency to meet the requirements of the Clean Water Act of 1987 (Public Law 92-500 as amended by Public Law 95-217) and outlined in the code of federal regulations, 40 CFR Part 35. This review is an integrated analysis action under s. NR 150.20(2)(a)3., Wis. Adm. Code. By means of this review, the department has complied with ch. NR 150, Wis. Adm. Code, and with s. 1.11, Wis. Stats. The approval of this USA amendment does not constitute approval of any other required local, state, or federal permit for sewer construction or associated land development activities.

Appeal Rights:

Wisconsin statutes and administrative rules establish time periods within which requests to review department decisions must be filed. For judicial review of a decision pursuant to ss. 227.52 and 227.53, Wis. Stats., a party has 30 days after the decision is mailed, or otherwise served by the department, to file a petition with the appropriate circuit court and serve the petition on the department. Such a petition for judicial review must name the Department of Natural Resources as the respondent. To request a contested case hearing pursuant to s. 227.42, Wis. Stats., a party has 30 days after the decision is mailed, or otherwise served by the department, to serve a petition for hearing on the Secretary of the Department of Natural Resources. All requests for contested case hearings must be made in accordance with s. NR 2.05(5), Wis. Adm. Code, and served on the Secretary in accordance with s. NR 2.03, Wis. Adm. Code. The filing of a request for a contested case hearing does not extend the 30-day period for filing a petition for judicial review.

Sincerely,

Timothy R. Asplund  
Monitoring Section Manager  
Bureau of Water Quality

Emma K. Lorenzen  
Acting Wastewater Section Manager  
Bureau of Water Quality

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