



Laws & Regulations pertaining to Endangered Species in Wisconsin

Endangered Resource Issues

Managing for Conservation and Biodiversity

- ◆ Protected Species and Natural communities

Managing against...

- ◆ Habitat Loss
- ◆ Habitat Fragmentation
- ◆ Environmental Pollution



Wisconsin's Endangered Species Law

- ◆ State Statute 29.604
 - ◆ Definitions
 - ◆ Prohibitions
 - ◆ Permits and Incidental Take
- ◆ DNR Administrative Code Chapter NR 27
 - ◆ Listed Species
 - ◆ Revisions



State of Wisconsin Endangered and Threatened Species

- Endangered & Threatened animals are protected on all public and private lands
- Endangered & threatened plants are protected only on public lands,
- Exceptions for plants:
 - Agriculture
 - Forestry activity
 - Utility activity



Special Concern Species

- ◆ Species for which there is a suspected problem with distribution or abundance
- ◆ Not legally listed, but protected to avoid future endangerment



Virginia meadow-beauty
(SC)



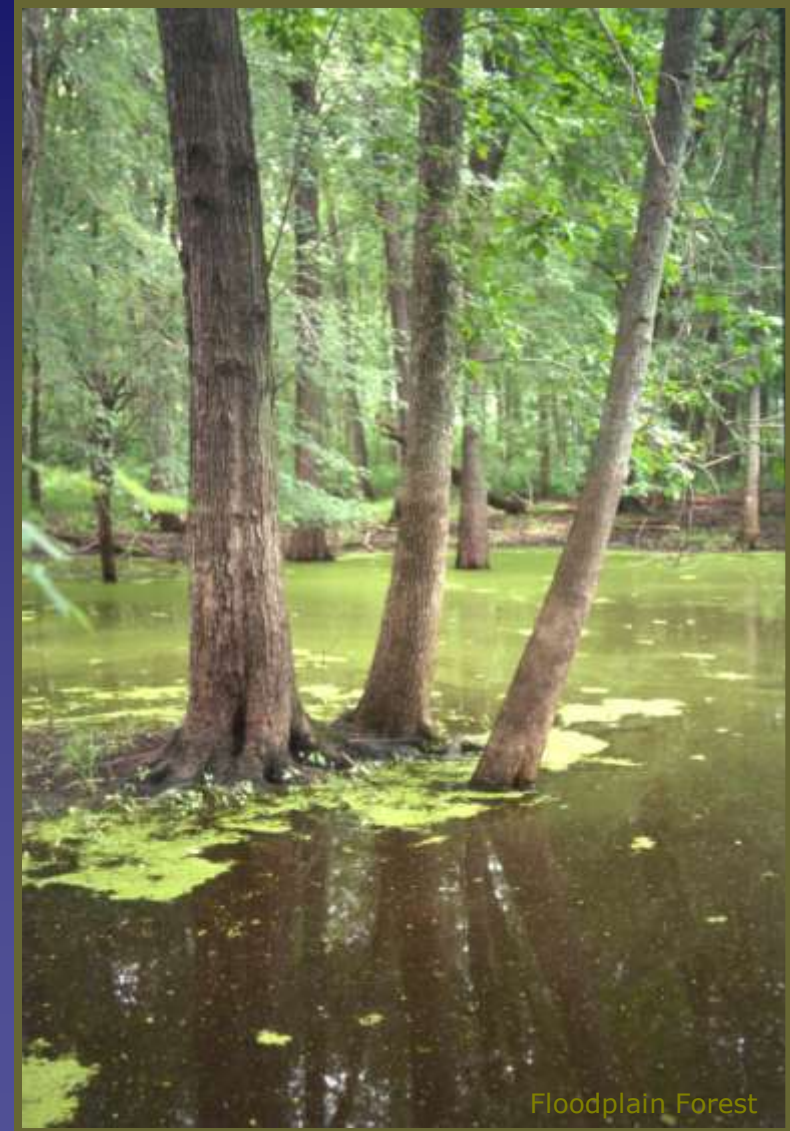
State Special Concern Species

- Special Concern species may also be protected by other laws;
 - Federally protected/listed
 - Protected by Migratory Bird Treaty Act
 - Protected by other regulations; herp regs



Natural Communities

- Best examples of Wisconsin's intact native communities
- Represent native biodiversity and support many listed species
- Not legally protected, but try to protect whenever possible



Floodplain Forest

Other Elements

- Bat or Snake Hibernaculum
- Bird Rookery
- Migratory Bird
Concentration Sites

Protected if they contain
listed species



Federally Endangered and Threatened Species

- All endangered, threatened, and proposed animals and critical habitats on all public and private lands
- All endangered, threatened, and proposed plants, but only on federal lands or projects with federal funding



Exemptions from the Federal Endangered Species Law

- Non-essential experimental populations (e.g. whooping cranes)
- Candidate species
 - Species that appear to warrant consideration for addition to federal E/T list
 - May be state listed, otherwise similar to state special concern species



©Rori Paloski

Other State or Federal laws that protect endangered resources

- Migratory Bird Treaty Act
- Bald and Golden Eagle Protection Act
- DNR Permit requirements/Public Rights protection
Chapter 30 Wetland and Waterway permits,
Stormwater and Air permits

Any project the DNR funds or approves must consider impacts to Endangered Resources

ER Screening Process

DNR reviews NHI database and other sources of info for project area

Check adjacent wetlands and waterbodies

Consider landscape and continuous habitat

Determine potential for species occurrence

ER Decision-Making Process

Determine whether there are any potential impacts to protected species

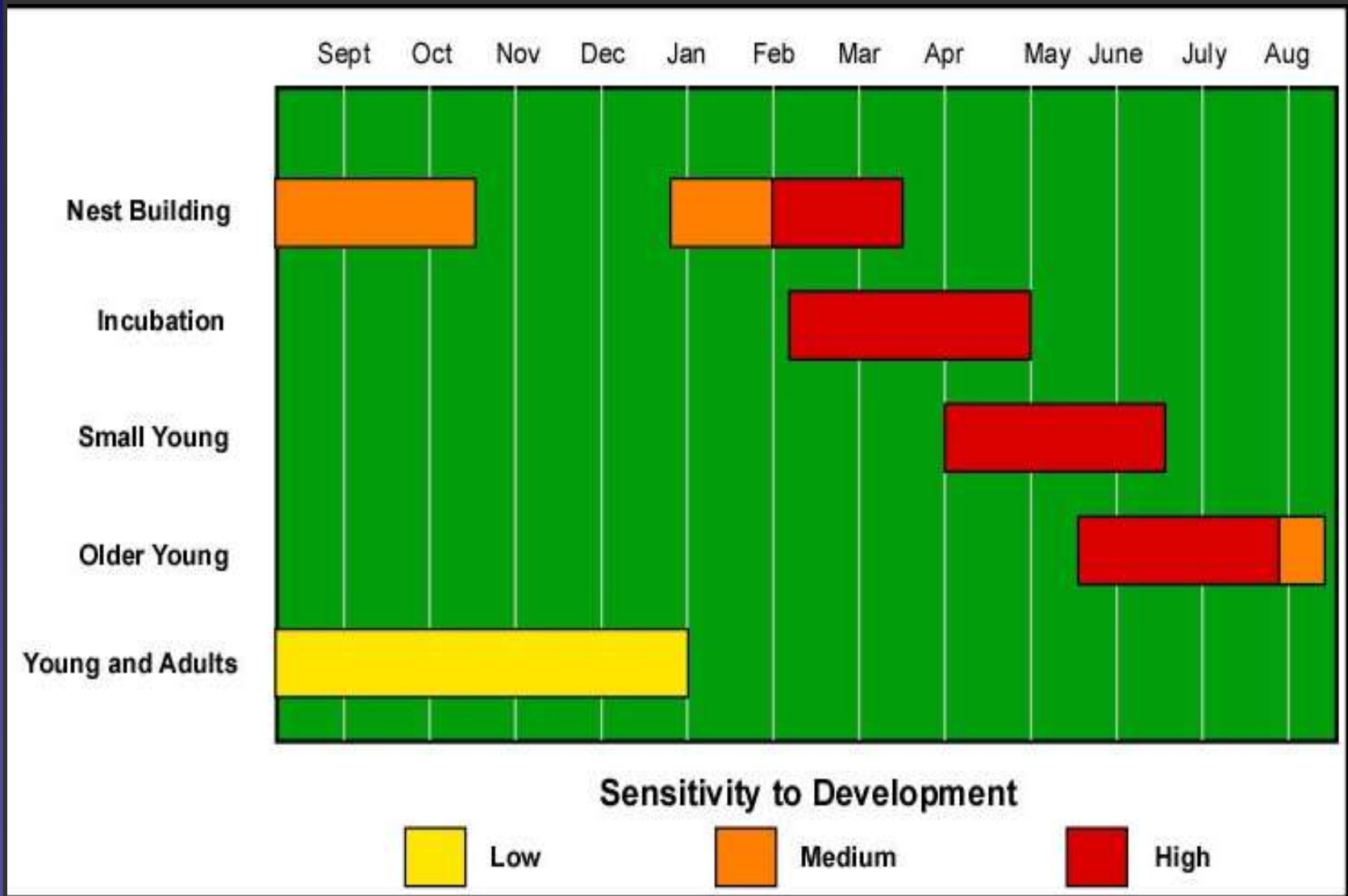
Can impacts be Avoided?

Can project be Modified?

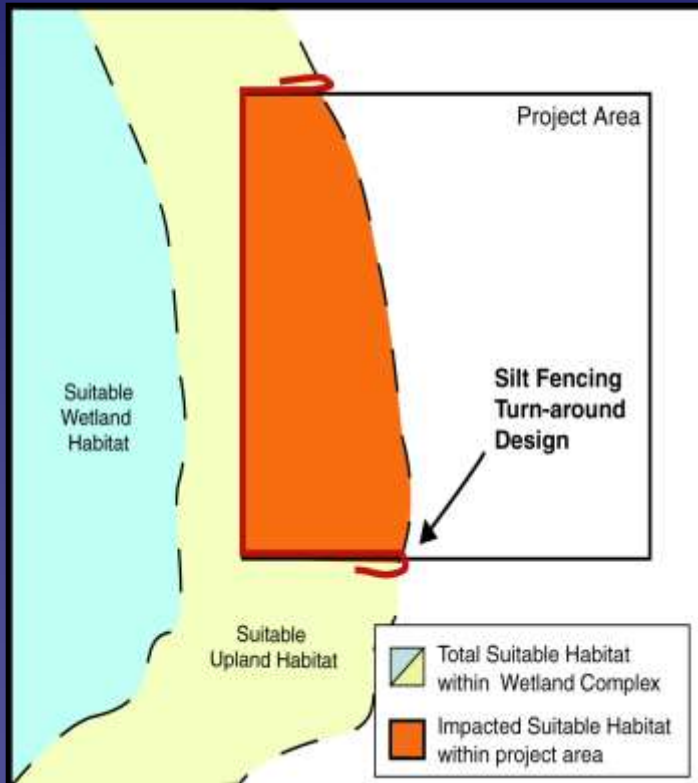
Can impacts be Mitigated?



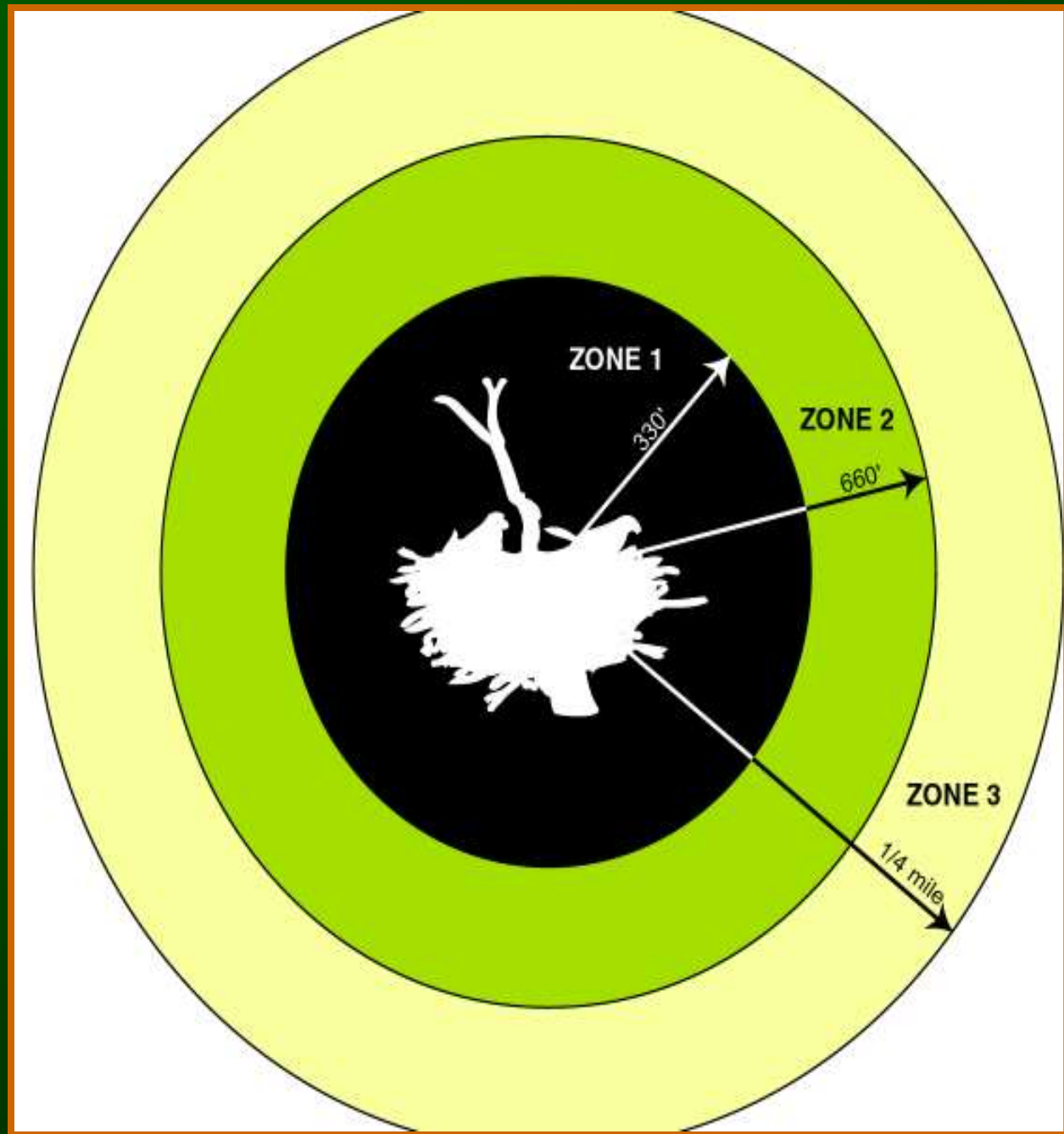
Avoiding: Time of Year



Avoiding: Exclusionary devices



Avoiding: Buffers



Check for available Avoidance Guidance

- ER website information & Fact Sheets on species
- Turtle Avoidance/Minimization Guidance
- Grassland Savanna Protocol
- Karner Blue Butterfly Guidance

Avoidance is the easiest!



If impacts are unavoidable

- ◆ Can the project be modified ?
- ◆ Can impacts be minimized?
- ◆ If avoidance is not possible, DNR determines if incidental take permit is allowable
- ◆ Will impacts jeopardize recovery of species in the state?



Cerulean warbler (THR)

How to get Endangered Resource information for your project area

- ◆ Submit an Endangered Resources Review Request form – pick up the ER flyer:

dnr.wi.gov/topic/endangeredresources/laws.html

- ◆ Go to the Endangered Resources website:

dnr.wi.gov/topic/ERReview/

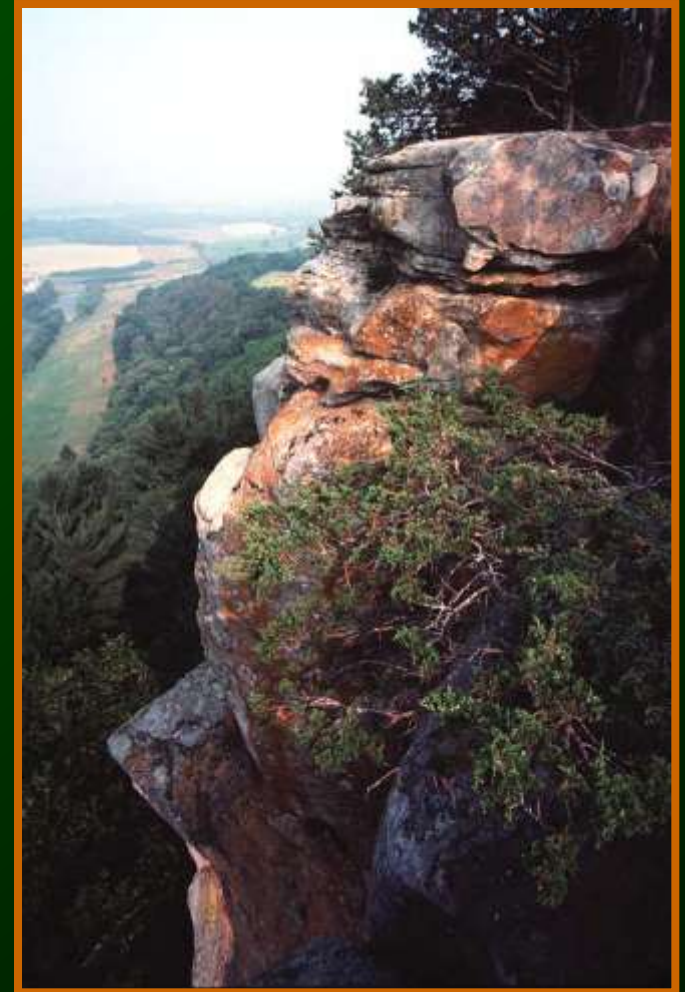


Remember, the earlier you request a review the better you can plan for endangered resources;

Plan to avoid

Plan for surveys (if needed)

Get federal or state authorization or permits





Questions?

