



Endangered Resources (ER) Review Program

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Wisconsin Department of Natural Resources
Natural Heritage Conservation Bureau





Agenda

- Background of Natural Heritage Inventory (NHI) Program
- State and Federal Rare Species Laws
- NHI Public Portal
- Requesting an Endangered Resources (ER) Review
- Species examples



NHI Program Background

- Established by The Nature Conservancy in 1974, in Wisconsin in 1985
- Currently coordinated through NatureServe
- NHI programs all use a *standard methodology* for managing rare species data



www.natureserve.org



International Network of 84 NHI Programs





Why Collect NHI Data?

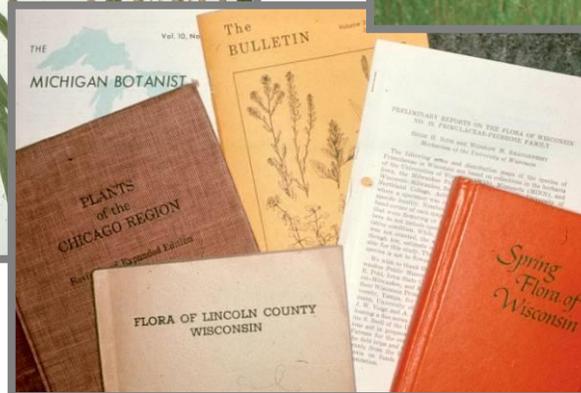
Addresses three questions:

1. Which rare species exist in the State?
2. Where precisely are they found?
3. How rare are they?

Kitten Tails, WI Threatened, S3, G3



Where does the data come from?



Share Your Observations

with the
Wisconsin Natural Heritage Inventory

Use this site to report an observation of any native plant or non-game¹ animal. If the species is considered rare, your information will be reviewed for inclusion in the Natural Heritage Inventory database of rare species locations.

[Frequently asked questions about reporting observations](#)

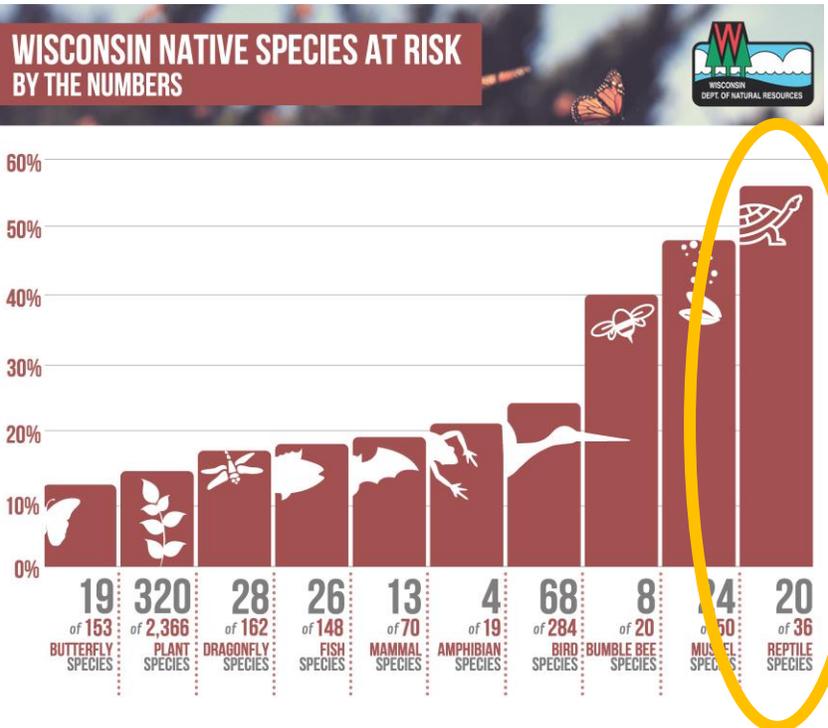
****Select the type of report you are submitting:**

Trivia Question

What percentage of Wisconsin's reptile species are at risk (special concern, threatened or endangered)?

- A. <50%
- B. >50%**

55.5%





Wisconsin's Endangered Species Law (1972)

Wis. State Statute 29.604

Wis. Administrative Rule NR 27

Endangered: any species whose continued existence as a viable component of this state's wild animals or wild plants is determined to be in jeopardy on the basis of scientific evidence

Threatened: any species which appears likely, within the foreseeable future, to become endangered

“Endangered” and “Threatened” species receive the same protections through these laws



Legal Protection for State End/Thr Species

E/T Animals

Protected on all public and private lands and waters.

E/T Plants

Only protected on public lands and waters,
EXCEPT during:

- Agriculture
- Forestry
- Utility
- Bulk sampling (associated with mining)

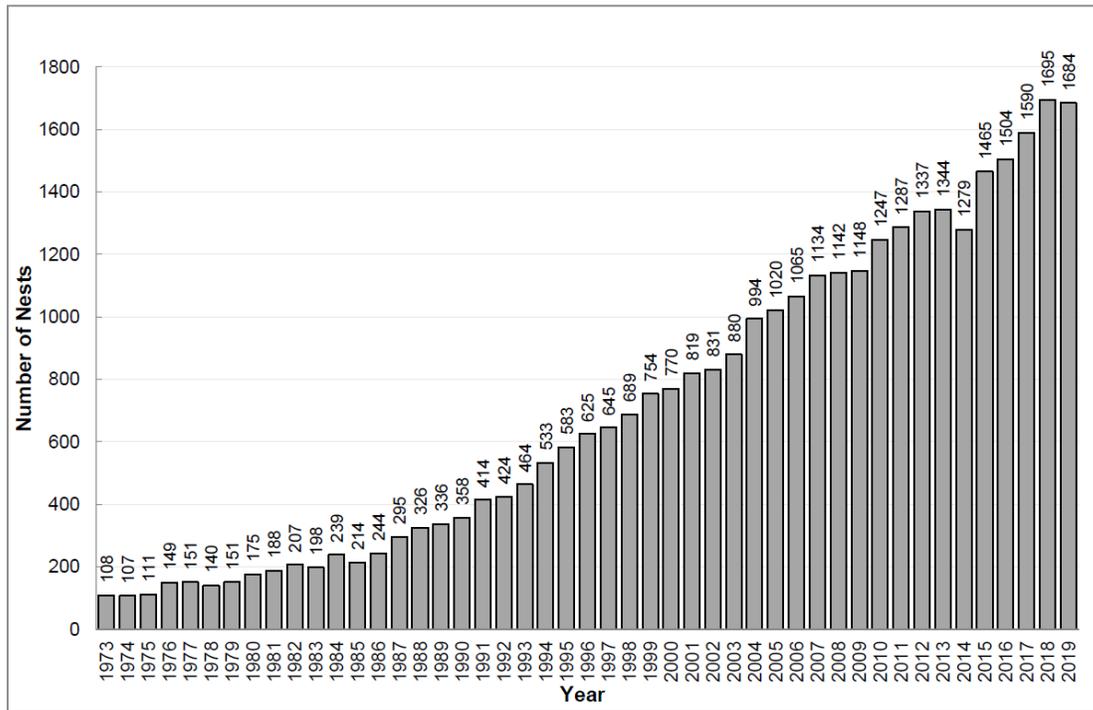


Figure 2. Occupied bald eagle nests in Wisconsin, 1973-2019. Bald eagle information for the years 1973 to 1989 was summarized from annual surveys completed by Charles Sindelar, Waukesha, WI.

Is the Bald Eagle a Listed species in WI?

No, the Bald Eagle has no State Status

Protected by the Bald and Golden Eagle Protection Act



Legal Protection for Federal E/T Species (ESA, 1973)

E/T Animals

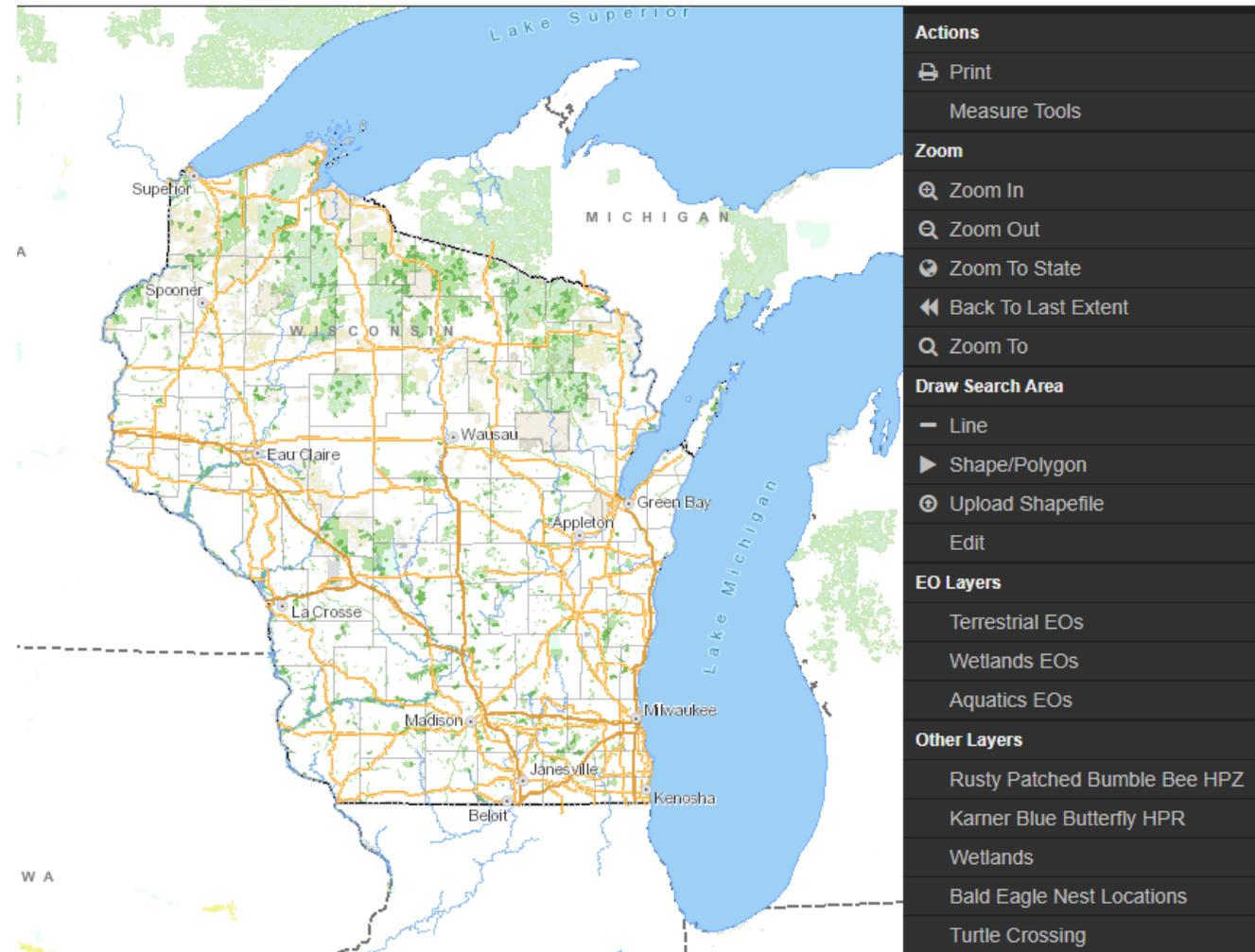
Protected on all public and private lands
and waters

E/T Plants

Only protected when the project involves
a federal nexus (federal lands, funding or
permit)



All state and most federally listed species are tracked in the NHI Portal



*Canada Lynx, Mead's Milkweed, Rufa Red Knot and the Whooping Crane are not included in the NHI database/NHI Portal.



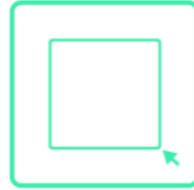
NHI Data Options



- County data tool (free)



- Township data tool (free)
*excludes sensitive species



- Public Portal (free initial assessment)



- Detailed NHI data request

keywords “NHI data”

NHI Public Portal

Natural Heritage Inventory (NHI) Public Portal



- Launched in 2014
- Provides an instant response
- Guides next steps in ER Review process
- Reduces number of projects needing a full ER Review



dnr.wi.gov

keywords “public portal”



Steps in a Public Portal Search

- ✓ Open the NHI Public Portal
- ✓ Answer a series of questions about your project
- ✓ Draw your project area or import a GIS shapefile
- ✓ Generate your ER Preliminary Assessment

dnr.wi.gov

keywords “public portal”



Optional Project Information

WIDNR - Natural Heritage Inventory (NHI) Public Portal

Project information (optional)

This information is optional. Providing this information will in no way affect the results of your look-up, but it will appear on the final results page/pdf.

Landowner name

Project address

Project description

- Landowner Name
- Project Address
- Project Description



Questions Related to Plant Protections

- Does the project involve a public property?
 - State listed plants are only legally protected on public land
- Is there any Federal involvement with the project?
 - Federally listed plants are only legally protected when there is a Federal nexus (Federal land, funding or permit)



Questions Related to Plant Protections

- Is the project a utility, agricultural, forestry or bulk sampling (associated with mining) project?
 - These activities are exempt from plant protections on public land
- Is the project property in a Forest Tax Law Program?
 - Allows applicant to provide order and stand numbers

Questions Related to Coverage under the Broad Incidental Take Permit for No/Low Impact Activities

- Exempts certain projects from needing an ER Review





Questions Related to No/Low Broad IT Coverage

- Does the project involve tree removal?
- Does the project occur **entirely** within one or more of the following habitat types:
 - Urban/residential
 - Manicured lawn
 - Artificial paved surface
 - Agricultural land
 - Areas covered in crushed stone/gravel

ER Preliminary Assessment

What do the results mean?



4 Types of Results

1. No further Action (No endangered resources are known to be present in the area)
2. Recommended
3. Result with follow-up actions (ex. Eagle)
4. Required (submit a review request!)



Main Public Portal Page

What is an ER Preliminary Assessment and what do the results mean?

An ER Preliminary Assessment is a document provided to users who complete the NHI Public Portal process. This document contains a summary of all information entered, a map of the project area and the resulting determination of the next steps in regard to endangered resources.

There are five types of results:

1. RESULT WITH FOLLOW-UP ACTIONS

These responses will include any required or recommended follow-up actions for the species and/or natural communities that came up within the vicinity of the project area. Completion of these follow-up actions will ensure that the project is in compliance with Wisconsin's Endangered Species Law ([s.29.604, Wis. Stats](#) [\[exit DNR\]](#)).

2. FURTHER ACTIONS ARE REQUIRED AND AN ER REVIEW IS REQUIRED.

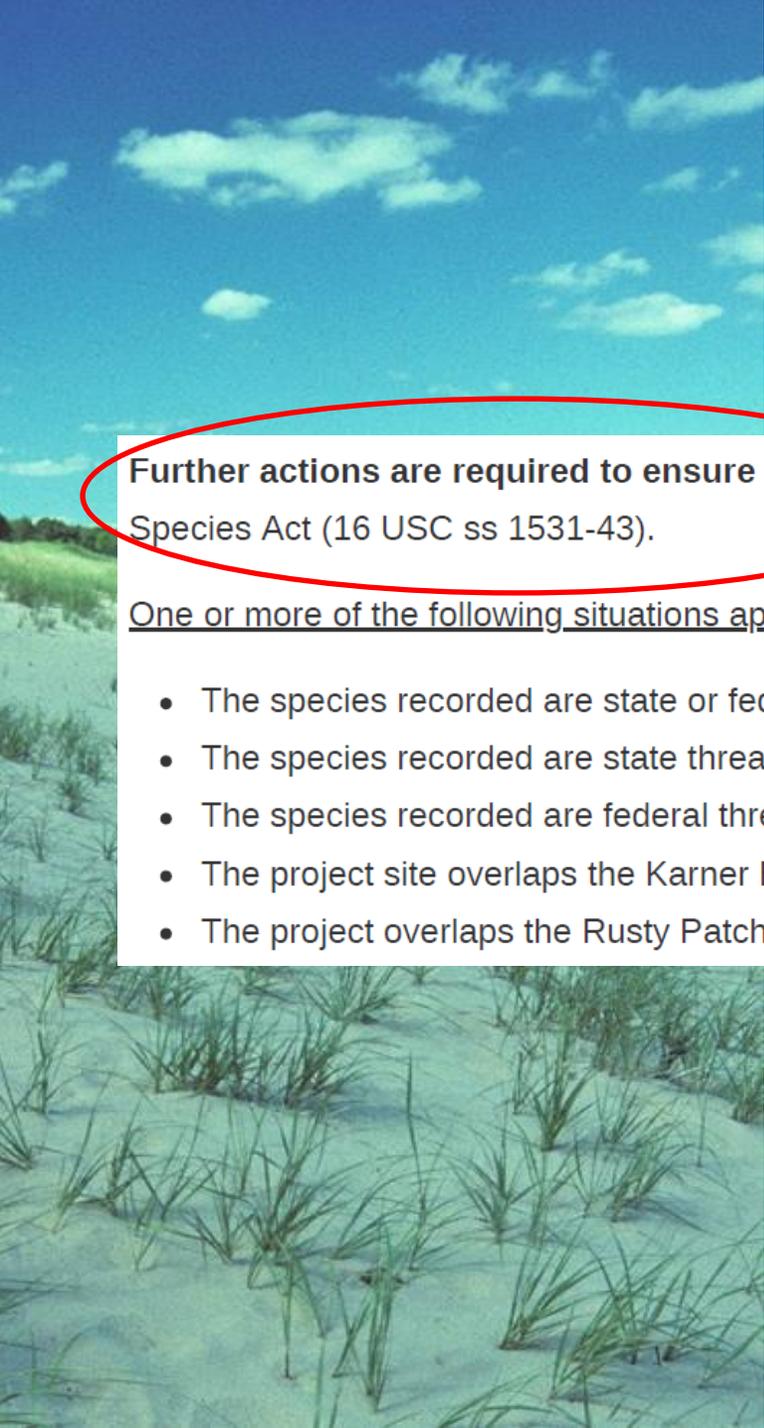
If the ER Preliminary Assessment states that further actions are required to ensure compliance with Wisconsin's Endangered Species Law (s. 29.604, Wis. Stats.) and the Federal Endangered Species Act (16 USC ss 1531-43). One or more of the following situations apply:

- The species recorded are state or federal threatened or endangered animals.
- The project site overlaps the Karner Blue Butterfly High Potential Range.
- The project overlaps the Rusty Patched Bumble Bee High Potential Zone.
- The species recorded are state threatened or endangered plants on public land.
- The species recorded are federal threatened or endangered plants on federal land or involve federal funds or a federal permit.



Make sure to carefully read the results!





Submit the ER Preliminary Assessment with review request OR with other DNR permits

Further actions are required to ensure compliance with Wisconsin's Endangered Species Law (s. 29.604 Wis. Stats.) and the Federal Endangered Species Act (16 USC ss 1531-43).

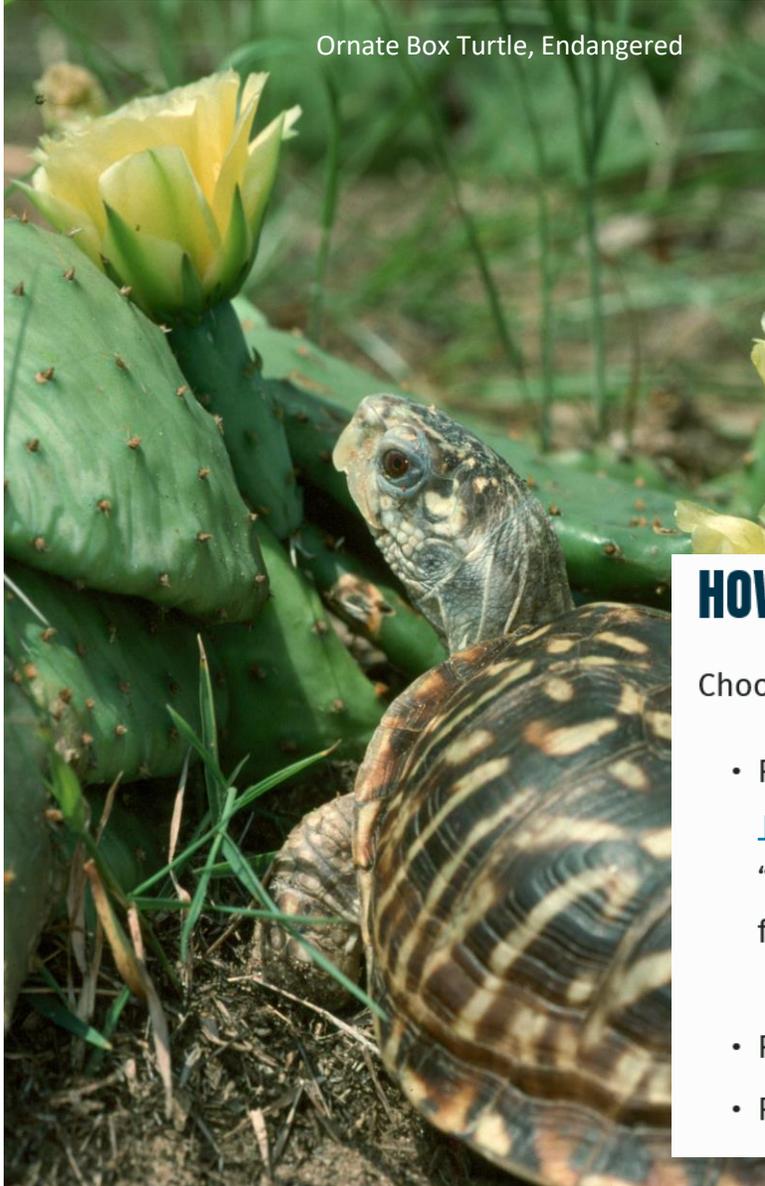
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Public Portal ID: **IILBsbEhR**

2/8/2022, 10:21:05 AM

Ornate Box Turtle, Endangered



How do I request a review?

Direct: <http://dnr.wi.gov/topic/ERReview/Review.html>



dnr.wi.gov

keywords "ER Review"

HOW TO GET A REVIEW

Choose from one of these options:

- Request a standard review from the ER Review Program by submitting an [Endangered Resources Review Request](#) [\[PDF\]](#) [?]. Submit an **NHI Public Portal ER Preliminary Assessment printout with your review request**. Please read "what is an ER Preliminary Assessment and what do the results mean?" on the public portal website to see if a formal review is required.
 - Note that the turnaround time for standard reviews is usually 10 business days or less.
- Request an [expedited review](#) from the ER Review Program.
- Request a review from a [certified reviewer](#) [\[PDF\]](#).



What is an Endangered Resources (ER) Review?

An ER Review is the mechanism to ensure compliance with Wisconsin's Endangered Species Law (s. 29.604 Wis. Stats.) and the Federal Endangered Species Act (16 USC ss 1531-43).

The ER Review will list the endangered resources* that have been recorded within the vicinity (2 miles) of the project area and follow-up actions may be necessary.

*state- and federally-listed animal and plant species, Special Concern species, rare and high-quality natural communities and natural features



Standard Review letter

The minimum fee for a standard ER Review is \$75, which covers one hour of staff time to complete the ER Review. Each additional hour required to complete the ER Review is \$75.

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

	Group	State Status	Federal Status
Bald Eagle (<i>Haliaeetus leucocephalus</i>)	Bird~		
Kamer Blue (<i>Lycaeides melissa samuelis</i>)	Butterfly	SC/FL	LE
Floodplain Forest (<i>Floodplain forest</i>)	Community~	NA	
Kamer Blue Federal High Potential Range	Other	NA	HPR
Eastern Massasauga (<i>Sistrurus catenatus</i>)	Snake~	END	LT
Blanding's Turtle (<i>Emydoidea blandingii</i>)	Turtle~	SC/P	SOC
Wood Turtle (<i>Glyptemys insculpta</i>)	Turtle~	THR	SOC

• Floodplain Forest - Community~

State Status: NA

Impact Type	No impact or no/low broad ITP/A
Reason	Lack of Suitable Habitat within Project Boundary
Justification	No Floodplain Forest should be disturbed by project activities. No impacts are anticipated.

• Karner Blue Federal High Potential Range - Other

State Status: NA Federal Status: HPR

Impact Type	No impact or no/low broad ITP/A
Reason	Lack of Suitable Habitat within Project Boundary
Justification	This project falls within the Kamer Blue Federal High Potential Range. However, this project takes place in an agricultural field. It is unlikely that suitable habitat is present at the project site.

Required Actions: 1 species

Recommended Actions: 2 species

No Follow-Up Actions: 4 species

Additional Recommendations Specified: Yes

Timing is everything!

- Request review early in the planning process
- Prevent surprises like having the project delayed due to needing:
 - ✓ Species surveys to prove presence/absence (birds, plants, butterflies, mussels)
 - ✓ Missing the window to install exclusion fencing for turtles and snakes





Trivia

Name this frog

Hint: size of your thumb





Blanchard's Cricket Frog

Spend year round in the same habitat within 75 feet of a stream edge.

If suitable habitat will be impacted, an Incidental Take Permit (ITP) will be needed.

- Allows for the Taking (killing) of an E/T species if the Taking is unintentional and unavoidable to the carrying out of an otherwise lawful activity.
- 30-day public notice period

State Endangered



An ITP doesn't stop the project!

Example project that applied for an ITP because of the known presence Cricket Frog and was able to move forward.



Wood turtle (Threatened)

- If suitable nesting habitat is present (sandy soils)
- Exclusion fencing needs to be installed prior to the nesting period starting (May 20th) to prevent impacts.
- The project can move forward without restrictions.



Legal Protection for State Listed (End/Thr) Plant Species

Protected on PUBLIC lands and waters only, but they are not protected on these public lands during the course of:

- ✓ Forestry or
- ✓ Agricultural practices,
- ✓ In the construction, operation, or maintenance of a utility facility
- ✓ Or as part of bulk sampling activities under s. 295.45.

Plant surveys

Need to be done during the optimal identification period for the species

Avoidance Measures

Avoid all impacts to the specific area where the plants occur.

Conduct activities that will cause temporary, above ground disturbance during the plant's dormant period (mowing, brushing, prescribed burn).

Pale False Foxglove (*Agalinis skinneriana*)



Photo by Ryan O'Connor, WDNR

[Life history](#)

[State status](#)

[Habitats and landscapes](#)

[Species guidance](#)

[Other resources](#)

[Photos](#)

Species overview

Pale False Foxglove (*Agalinis skinneriana*), a Wisconsin Endangered plant, is found in dry and calcareous prairies, woods, and barrens. Blooming occurs late July through early September; fruiting occurs early September through late October. The optimal identification period for this species is late July through early September.

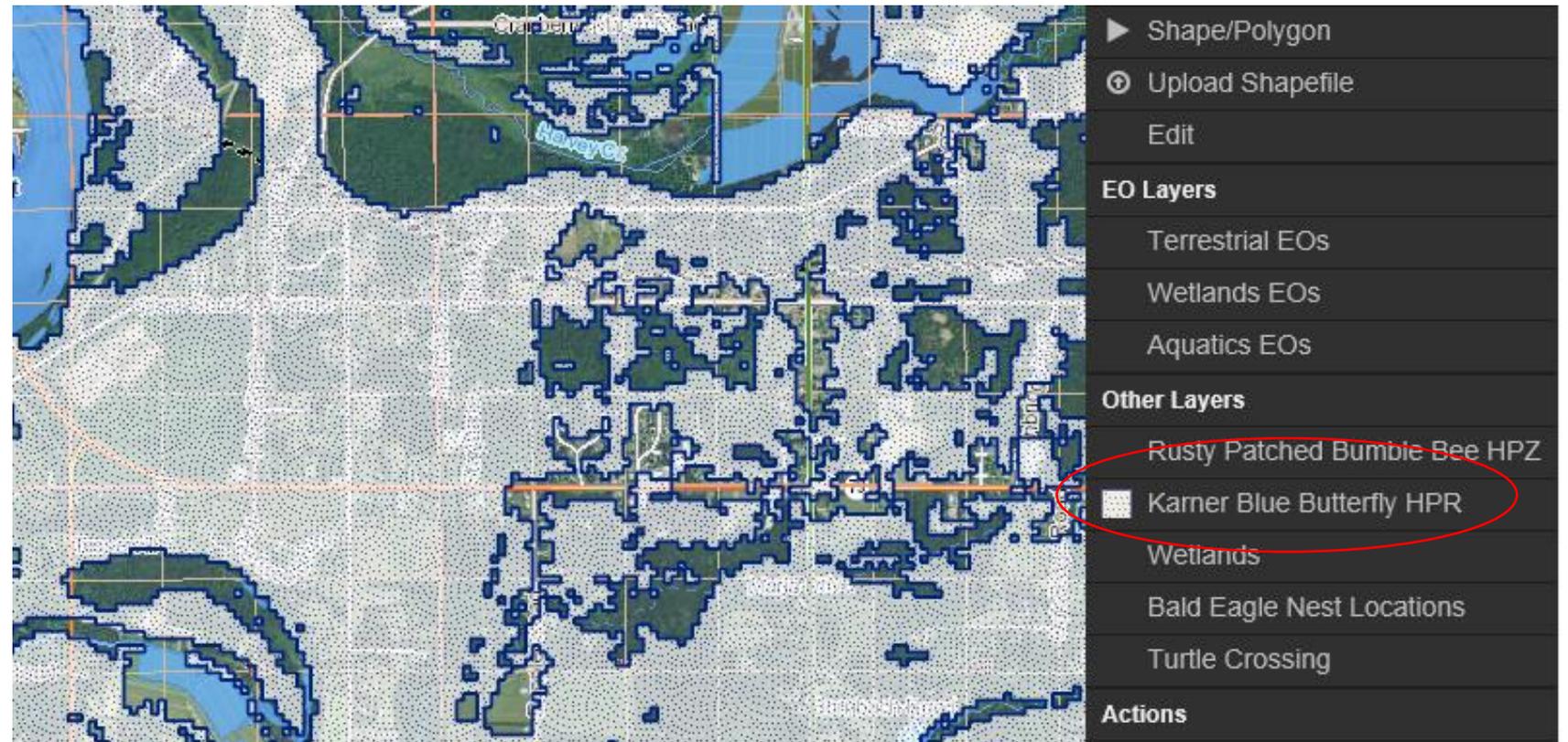


Trivia Question
Name this plant

Wild Lupine
(Lupinus perennis)



Karner Blue Butterfly (KBB) High Potential Range (HPR)



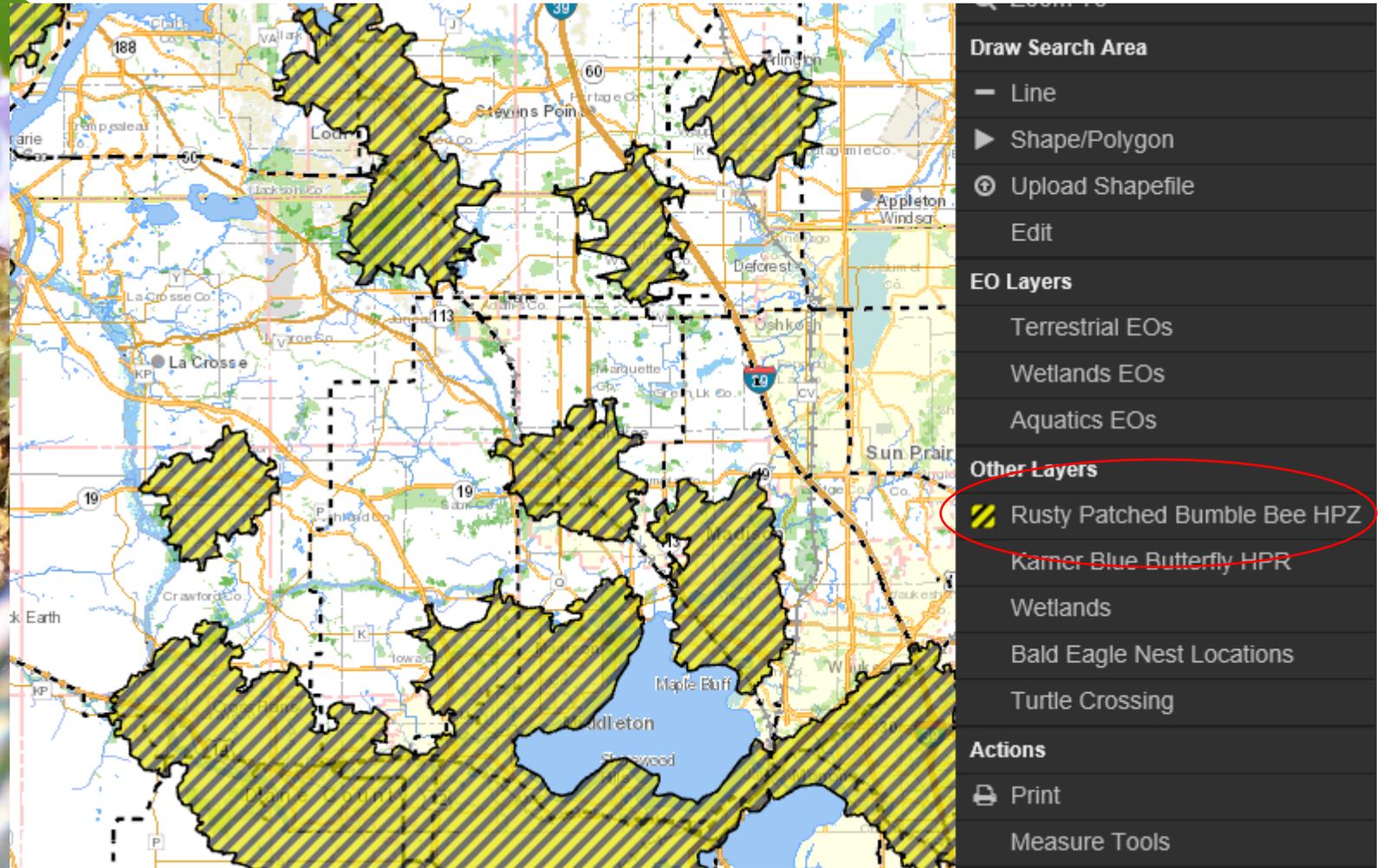
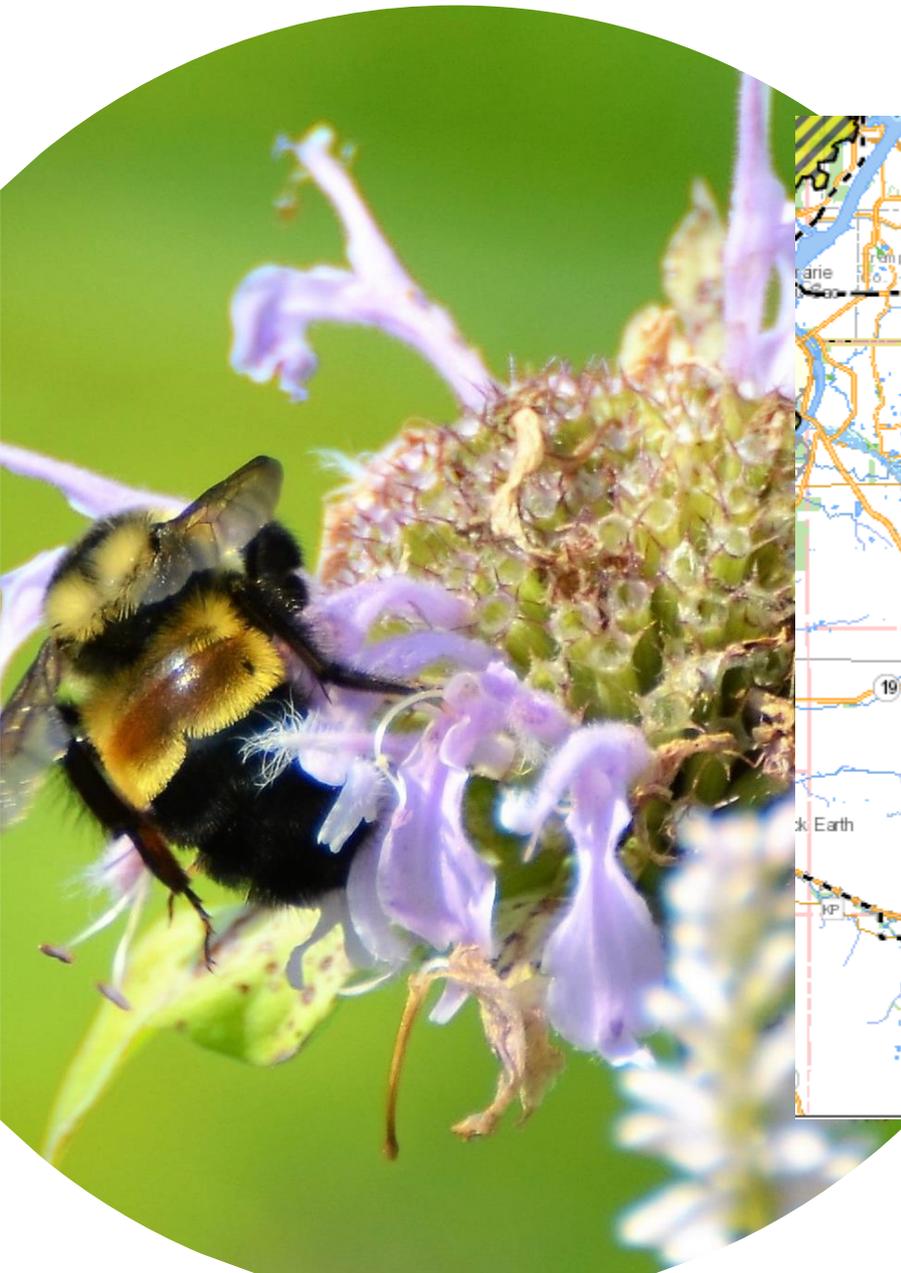
In the review letter if any portion of the project boundary overlaps it.
The HPR includes portions of 20 counties within WI.



Lupine surveys need to be done from green
up until July 31
State Special Concern/Federally Listed

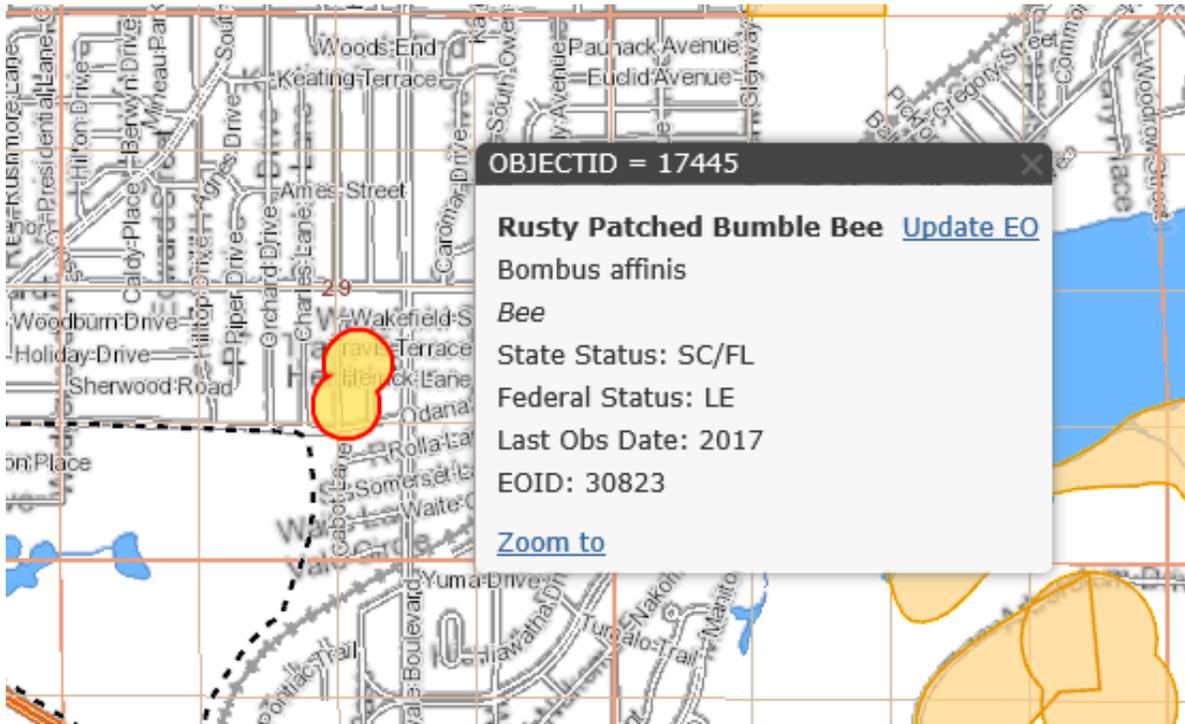


Rusty Patched Bubble Bee (RPBB) High Potential Zone (HPZ)



In review letter if any portion of project boundary overlaps

RPBB Element Occurrences



State Special Concern/Federally Listed



ER Preliminary Assessment (Result with follow-up actions):

Voluntary Conservation Measures

For all other activities, follow the general voluntary measures listed below:

- use native trees, shrubs and flowering plants in [landscaping](#),
- provide [plants](#) that bloom from spring through fall,
- remove and control invasive plants in any habitat used for foraging, nesting, or overwintering.



Questions?

Thanks for joining us

Contact us at

DNREReview@wi.gov