



# **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)





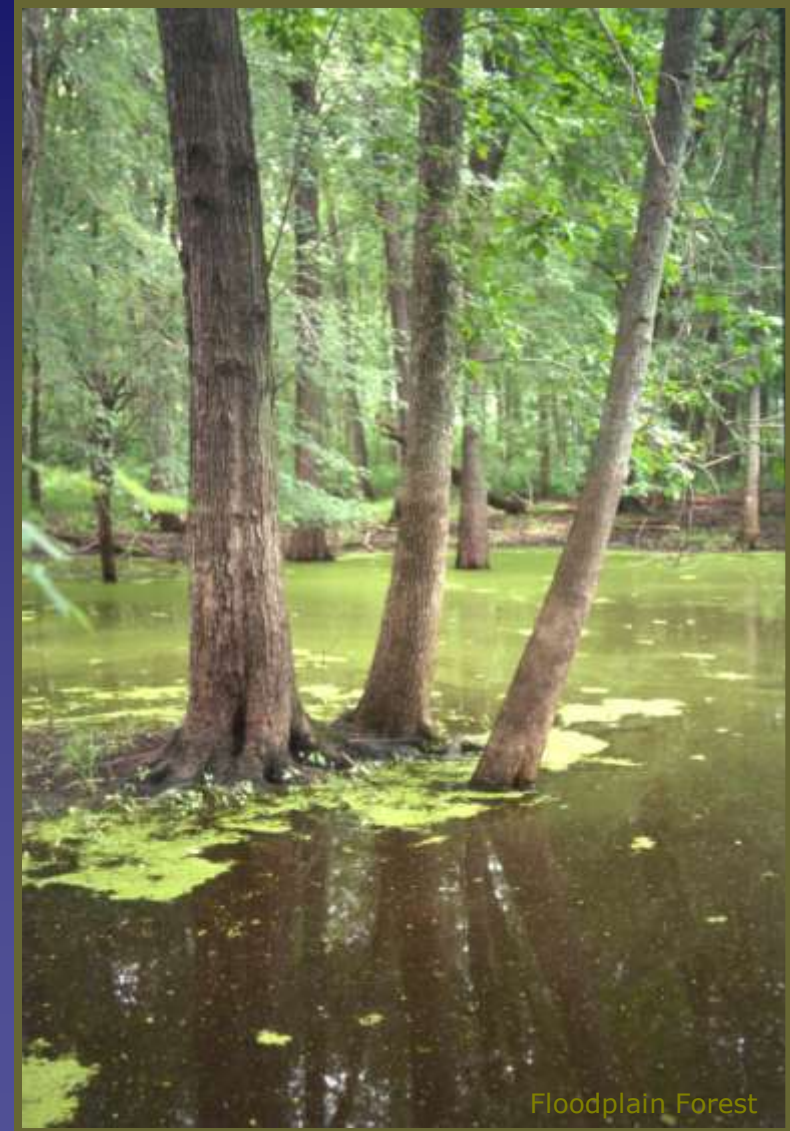
# State Special Concern Species

- 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



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# 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?

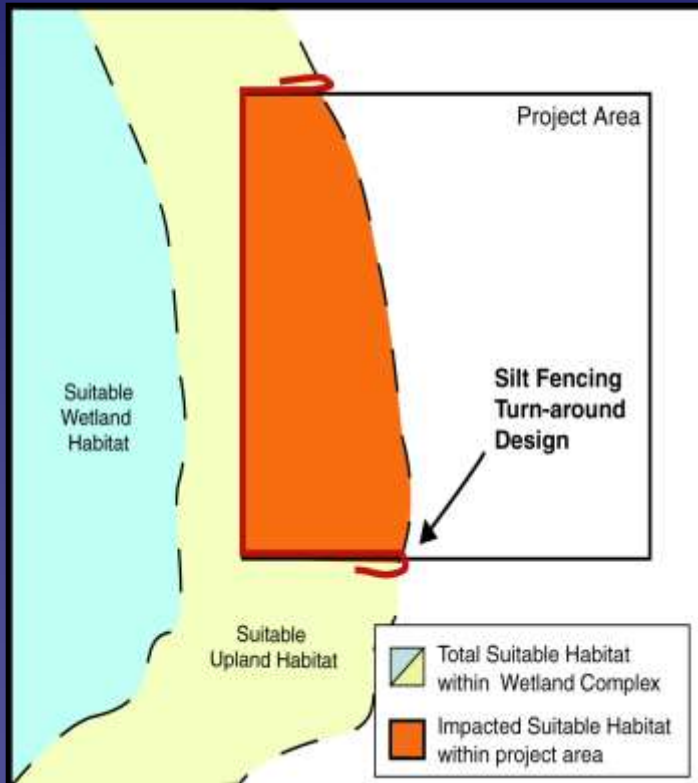
Can impacts be Mitigated?



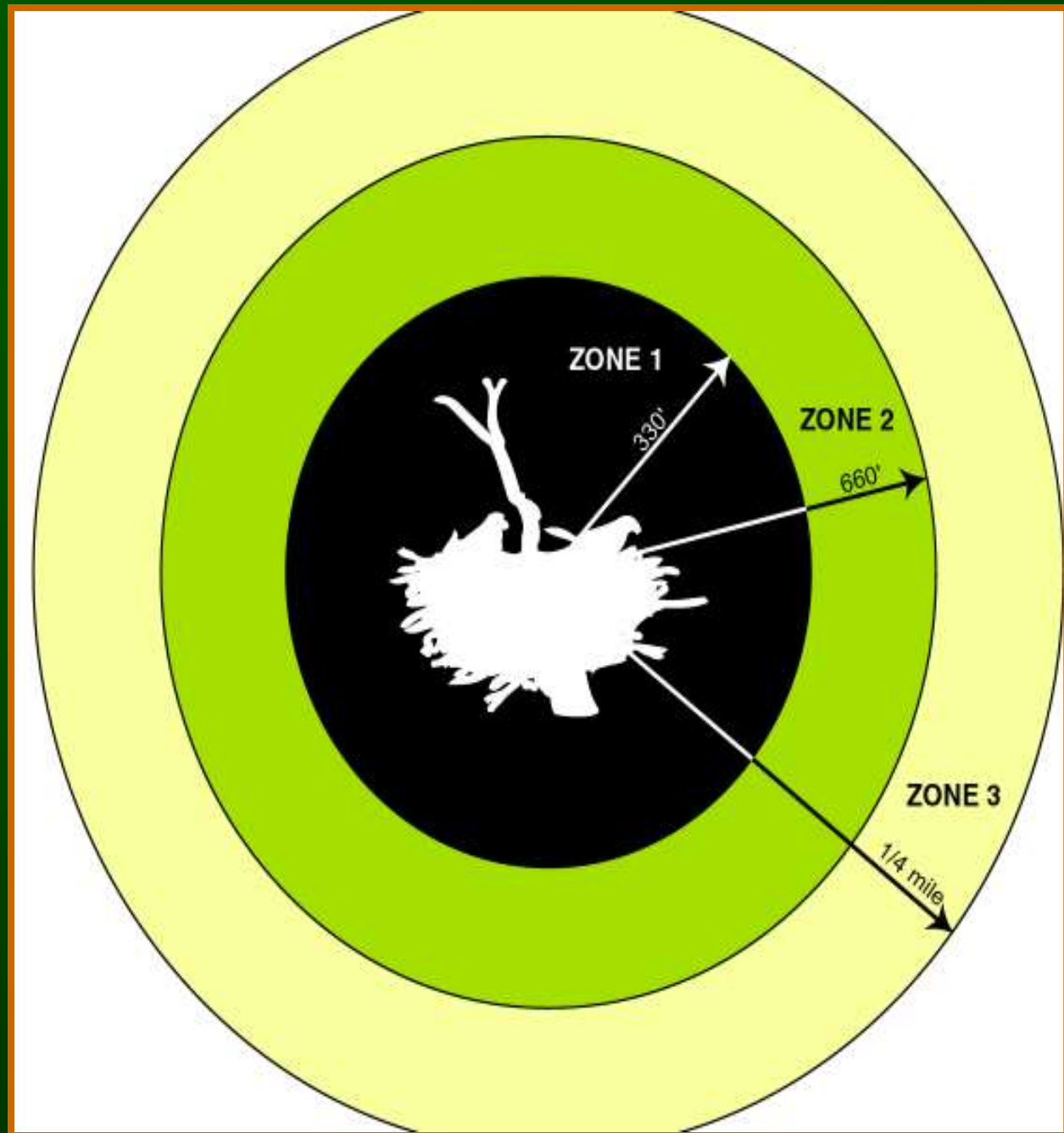




# Avoiding: Exclusionary devices



# 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](http://dnr.wi.gov/topic/endangeredresources/laws.html)

- ◆ Go to the Endangered Resources website:

[dnr.wi.gov/topic/ERReview/](http://dnr.wi.gov/topic/ERReview/)

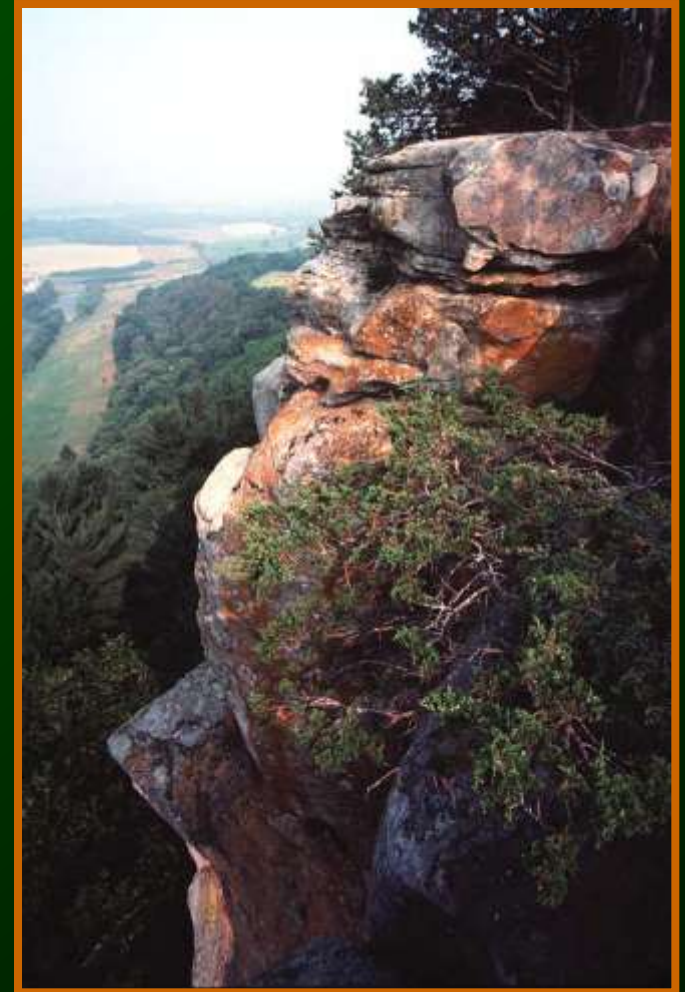


Remember, the earlier you request a review the better you can plan for endangered resources;

Plan to avoid

Plan for surveys (if needed)

Get federal or state authorization or permits





Questions?