

Project Description

DNR Endangered Species Consultation for Taking Authorization for Grassland or Savanna Management on Public or Private Lands

Introduction

This State Agency Consultation, as provided for under s. 29.604, Wis. Stats., is for proposed authorization of incidental taking (mortality) of listed species through the grassland and savanna management that the Department conducts, funds, or approves. This Consultation is intended to provide broad taking coverage for those endangered and threatened grassland/savanna species whose continued existence depends upon periodic disturbance to set back succession. Such disturbance may result in some mortality, however the Department intends to conduct its management so that the habitat for these species and the natural ecosystems as a whole are maintained, and not lost to vegetative succession or invasives.

It is important to be aware that the site-management protocols developed for this Consultation are not developed to serve as best management guidance for maximizing or recovering population levels of these species. However, these incidental take protocols are intended to fully meet the requirements of the law, including the requirement that any taking does not jeopardize Wisconsin's recovery of these species. (The Bureau of Endangered Resources will make available any information it does have on best management guidance over the coming year.)

The Department will apply the principles of adaptive management to this Consultation project. As the collective knowledge-base evolves, and new data are gathered on the effects of management on various species, these protocols will be modified accordingly. Regular, formal review of management protocols for allowing taking of listed species is a condition of this Consultation project (see Condition 5 below).

I. Types of Grasslands and Savannas Covered by this Authorization

In this authorization for incidental taking, the term "grassland" is used very broadly to include prairie (from wet- to dry-), sedge meadow, shrub-wetland, fen, brush prairie, sand barrens, bracken grassland, and sphagnum bog. Also included are pastures and fields dominated by non-native grasses and forbs with or without shrubby invasion, and plantings of native grasses and forbs.

Note: Initial restoration planting or seeding into areas in corn, soybeans, or small grains may proceed without following the conditions of this taking authorization. It is extremely unlikely that listed species will occur in such tillage areas prior to restoration.

The term "savanna" here includes oak and pine barrens (savannas on sandy, well-drained soils), glades, oak openings (savannas on richer, mesic to wet-mesic soils),

open oak woodland (closed-canopy oak forest with an open understory), and all phases in between. Areas in a more forested, agricultural or degraded state that are targeted for grassland or savanna restoration also are included under this authorization.

II. Endangered & Threatened Grassland/Savanna Species Covered

Taking authorization is required only for those species listed as Endangered or Threatened. Since managers also will have information available on locations of Special Concern species and natural communities, a protocol for considering these additional elements is provided in Condition 2 (Endangered Resources Screening).

<u>Common Name</u>	<u>Scientific Name</u>	<u>WI Status</u>
<u>Plants</u>		
Round-stemmed false foxglove	<i>Agalinis gattereri</i>	Threatened
Pale false foxglove	<i>A. skinneriana</i>	Endangered
Carolina anemone	<i>Anemone caroliniana</i>	Endangered
Hudson Bay anemone	<i>A. multifida</i>	Endangered
Yellow giant hyssop	<i>Agastache nepetoides</i>	Threatened
Woolly milkweed	<i>Asclepias lanuginosa</i>	Threatened
Dwarf milkweed	<i>A. ovalifolia</i>	Threatened
Purple milkweed	<i>A. purpurescens</i>	Endangered
Prairie milkweed	<i>A. sullivantii</i>	Threatened
Ground plum	<i>Astragalus crassicaarpus</i>	Endangered
Kitten tails	<i>Besseyia bullii</i>	Threatened
Prairie Indian plantain	<i>Cacalia tuberosa</i>	Threatened
Wild hyacinth	<i>Camassia scilloides</i>	Endangered
Hill's thistle	<i>Cirsium hillii</i>	Threatened
Small white lady's-slipper	<i>Cypripedium candidum</i>	Threatened
Pale purple coneflower	<i>Echinacea pallida</i>	Threatened
Hairy fimbriatylis	<i>Fimbriatylis puberula</i>	Endangered
Yellow gentian	<i>Gentiana alba</i>	Threatened
Round-seed St. John's wort	<i>Hypericum sphaerocarpum</i>	Threatened
Prairie bushclover	<i>Lespedeza leptostachya</i>	Endangered
Slender bushclover	<i>L. virginica</i>	Threatened
Silver bladderpod	<i>Lesquerella ludoviciana</i>	Threatened
Dotted blazingstar	<i>Liatris punctata</i>	Endangered
Brittle pricklypear	<i>Opuntia fragilis</i>	Threatened
Clustered broomrape	<i>Orobanche fasciculata</i>	Threatened
Wild quinine	<i>Parthenium integrifolium</i>	Threatened
Smooth phlox	<i>Phlox glaberrima</i>	Endangered
Pale green orchid	<i>Platanthera flava</i>	Threatened
Prairie white-fringed orchid	<i>P. leucophaea</i>	Endangered
Pink milkwort	<i>Polygala incarnata</i>	Endangered
Prairie parsley	<i>Polytaenia nuttallii</i>	Threatened
Rough rattlesnake-root	<i>Prenanthes aspera</i>	Endangered
Nodding rattlesnake-root	<i>P. crepidinea</i>	Endangered
Hairy wild petunia	<i>Ruellia humilis</i>	Endangered
Small skullcap	<i>Scutellaria parvula</i> var. <i>parvula</i>	Endangered

II. Endangered & Threatened Grassland/Savanna Species Covered
(cont.)

<u>Common Name</u>	<u>Scientific Name</u>	<u>WI Status</u>
<i>Plants</i>		
Dwarf huckleberry	<i>Vaccinium caespitosum</i>	Endangered
Sand violet	<i>Viola fimbriatula</i>	Endangered
<i>Birds</i>		
Henslow's sparrow	<i>Ammodramus henslowii</i>	Threatened
Yellow rail	<i>Coturnicops noveboracensis</i>	Threatened
*Loggerhead shrike	<i>Lanius ludovicianus</i>	Endangered
Prairie chicken	<i>Tympanuchus cupido</i>	Threatened
Bell's vireo	<i>Vireo bellii</i>	Threatened
<i>Reptiles</i>		
Wood turtle	<i>Clemmys insculpta</i>	Threatened
Blanding's turtle	<i>Emydoidea blandingii</i>	Threatened
Slender glass lizard	<i>Ophisaurus attenuatus</i>	Endangered
*Ornate box turtle	<i>Terrapene ornata</i>	Endangered
Butler's garter snake	<i>Thamnophis butleri</i>	Threatened
*Eastern massasauga rattlesnake	<i>Sistrurus catenatus</i>	Endangered
<i>Terrestrial invertebrates</i>		
Red-tailed leafhopper	<i>Aflexia rubranura</i>	Endangered
Swamp metalmark	<i>Calephelis mutica</i>	Endangered
Winged snaggletooth snail	<i>Gastrocopta procera</i>	Threatened
Frosted elfin	<i>Incisalia irus</i>	Threatened
Northern blue butterfly	<i>Lycaeides idas nabokovi</i>	Endangered
Powesheik skipperling	<i>Oarima poweshiek</i>	Endangered
Silphium borer moth	<i>Papaipema silphii</i>	Endangered
Prairie (net-veined) leafhopper	<i>Polyamia dilata</i>	Threatened
Phlox flower moth	<i>Schinia indiana</i>	Endangered
Regal fritillary	<i>Speyera idalia</i>	Endangered
Karner blue ¹	<i>Lycaides melissa samuelis</i>	Fed. End.

* Note in protocols for these species: guidance is for avoiding take, given extreme rarity and/or low reproductive rates for these species, and the fact that there are indeed ways to conduct grassland management while avoiding take. Coverage is only for taking that occurs despite following conditions of this consultation. See individual protocols.

¹ Requires federal incidental take authorization, granted to DNR via the statewide Karner blue Habitat Conservation Plan. Contact David Lentz in Forestry for conditions of Karner HCP.

III. Lands Covered

Any lands, public or private², where DNR conducts, funds or approves management and restoration of grasslands or savannas. This includes, but is not limited to grassland and savanna management where DNR:

- Owns the property or
- Develops and/or approves the management or prescribed burn plan, or
- Conducts the management or restoration, or
- Establishes fire breaks, or
- Provides equipment or supplies necessary for management, or
- Provides cost-sharing, or
- Provides native seed

Note: In this context, the terms “conduct” and “approve” pertain to actions for which DNR has some statutory authority or accomplishes through a written agreement with a landowner. Non -Department lands for which DNR staff provide informal management recommendations or advice outside of any statutory approval authority, and without a written management agreement, are not covered by this consultation for incidental take authorization. Taking in such cases would be addressed through the Incidental Take Permitting process.

IV. Grassland and Savanna Management Activities Covered

- Prescribed burning
- Mowing/Haying
- Selective tree or brush cutting and harvesting
- Herbicide application
- Grazing

The following activities are allowed, unless specific methods are prescribed in an individual species Protocol for Incidental Take Authorization.

- Seed collecting
- Prairie or savanna plantings (where permanent grass cover already exists)
- Firebreak development and maintenance
- Vehicle traffic across a site (non-trail), as needed to implement management
- Ground-layer disturbance (e.g., scarification)

² Under Wisconsin law, listed plants are not protected on private lands. That is, taking of listed plants on privately owned lands is legal. All conditions of this incidental take authorization, including adherence to the plant management protocols, are encouraged for plants on private lands, but are only required on public lands.



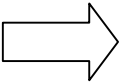
NOTE: Taking of listed species through research activity (e.g., specimen collection or research treatments) may be authorized through a Scientific Taking Permit. Contact the Bureau of Endangered Resources for the Endangered/Threatened Species Scientific Permit application.

Conditions for Incidental Take Authorization

Summary

- 1) **The activity is conducted to maintain or improve the grassland or savanna habitat and the taking does not jeopardize recovery of the listed species;**
- 2) **The Natural Heritage Inventory and other available endangered resources information are consulted prior to management;**
- 3) **The management protocols developed for the listed species covered by this authorization are followed;**
- 4) **The Department develops an annual summary report;**
- 5) **These conditions are reviewed every three years, and adapted to new findings.**

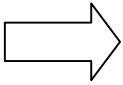
Conditions



Condition 1:

Any incidental taking that occurs shall be in conjunction with activities to maintain or improve the grassland, prairie or savanna habitat and the whole plant-animal community, and shall not jeopardize the statewide recovery of the species.

That is, the incidental take coverage through this consultation project shall be only for actions involving grassland and savanna management. Other actions such as development projects, water-level manipulations, conversion to pine plantation, etc., are not included in this coverage.



Condition 2:

Endangered resources screening shall occur as follows:

2A) Review Routinely³

- **Natural Heritage Inventory Data**
on known occurrences of endangered resources

Exercise professional judgment when using NHI data:

It is important to consider the landscape and surrounding habitat when trying to assess the likelihood of the presence of a listed species in a given area. Check NHI data for not only the immediate project area, but also check data on surrounding Sections with similar habitat.

If rare grassland or savanna species are known to occur nearby, and there is suitable habitat for these species where management is to occur, then the site targeted for management may support these species too. Total extent of populations may be unknown, and many populations move or shift over time.

AND

- **Breeding Bird Atlas Maps for Listed Grassland Birds** (*attached*)
(*Currently the best information for occurrence records of the listed birds*)

If maps indicate presence of a listed grassland bird in the vicinity of proposed management, and there is suitable habitat for the bird where management is to occur, either assume the bird is present and follow its management protocol (Condition 3 below), or contact BER. BER will work with the Atlas data manager to obtain the most precise location information available.

³ Once a manager has reviewed the current NHI data and accounted for all endangered resources on a given property, repeated NHI review is not necessary, until new updates of the NHI data are distributed by the Bureau of Endangered Resources.

Condition 2: (cont.)

2B) Supplementary Information to Review and Consult:

These additional sources and actions are recommended to assist in making a decision on the likely presence or absence of endangered resources:

- Guides to Endangered and Threatened Vertebrates, Plants and Invertebrates of Wisconsin
- The Wisconsin DNR Biodiversity Report (1995)
- The Wisconsin Breeding Bird Atlas web page (may be more current than NHI for bird locations) "wso.uwgb.edu/wbba.htm"
- *Wisconsin Birdlife*, by Sam Robbins (for ranges)
- References on various taxonomic groups (provided at BER's NHI trainings)
- DNR representatives for the affected resources and Regional NHI Caretakers (*see attached directory*) These representatives may coordinate with BER to contact outside experts
- Database of Rare Plant Species by Habitat Type, available from BER
- The *Wisconsin Vascular Plant Web Page*, developed by the UW Herbarium, "wiscinfo.doit.wisc.edu/herbarium"
- *Managing Habitat for Grassland Birds: A Guide for Wisconsin*, by David Sample and Mike Mossman, DNR, 1997.
- *A Regional Natural Areas and Critical Species Habitat and Protection Management Plan for Southeastern Wisconsin*, published by the Southeastern Wisconsin Regional Planning Commission, No. 42, 1997.
- Other information relevant to likely locations of Endangered Resources as it becomes available

Condition 2: (cont.)

2C. Decision-Making

*After checking with the best available information, **regional staff may make decisions on likely presence** of listed species on a site targeted for management, using their professional judgment. Staff may consult with BER if necessary.*

- 2.C.1. If screening indicates that legally protected* species are not likely to be present in the management area, then no incidental take authorization is required.**

Document this, and keep with the project file. (May use attached form)

NOTE: If Condition 2 is followed, the species is determined not likely to be present, and it is later discovered that a listed species was present, and was impacted by a management activity, contact the Bureau of Endangered Resources to report the new occurrence record. BER will provide management recommendations. An unintentional taking in such an instance is authorized, however new information should continually be taken into account in future planning.

- 2.C.2. If screening indicates other resources not legally protected are likely present in the management area** (e.g., listed plants on private lands, natural communities and Special Concern species documented in NHI),

Formal taking authorization is not required by law.

Proceed as follows:

- 2.C.2.a) For Natural Communities and Listed Plants on Private Land:**

Staff are encouraged to consult with other experts and any available management guidance to avoid or minimize adverse impacts. Where feasible, Department activities should be conducted in a manner that will enhance these endangered resources, promoting their recovery and preventing future endangerment.

- 2.C.2.b) For Special Concern species:**

* "Legally protected" means any listed animal (including invertebrates) and listed plants occurring on publicly owned land

Staff may use their discretion in managing with consideration for these species. This information is provided to all staff to help evaluate the biodiversity and ecosystem-management opportunities in a given area. Managers may consult with BER for additional guidance concerning these species.

2.C.2: Documentation: Discretionary for these resources. If documented, keep with the file. *May use the attached form.*

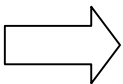
2.C.3. If screening indicates that legally protected species are likely present in the management area, then proceed to the appropriate individual species protocols in Condition 3.

- **Surveys Option:** Some species protocols include a Presence/Absence Survey methodology (provided for species that are detectable). For these species, managers may opt to survey the area to be managed to see if the species is indeed extant in the management unit(s).

More detailed site-surveys may reveal that the species is not currently occupying the target area, or define which portions of units are occupied, and thus allow greater management flexibility. If surveys are conducted, report results to BER.

Depending on the species' phenology or seasonal detectability, management may be delayed if pre-treatment surveys are to be conducted.

NOTE: In the event that it is documented that a protected species is not, in fact, present at a site (e.g., if presence/absence surveys are conducted and the species is not found), then the Site Management Protocol in Condition 3 need not be followed. Document, and no further action is needed.



Condition 3:

Department staff or its agents shall follow the Protocol for Incidental Take Authorization for a listed species that is likely present in the target management area.

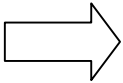
Protocols for all listed species that may be impacted by grassland/savanna management are attached.

Documentation: Document how management for listed species was addressed on the attached form. Send a **copy to BER by January 31 of the following year**, and file. *NOTE: This form will be made available electronically to all field staff.*



Problems Implementing Certain Species Protocols?

If carrying out a given protocol is not feasible, or multiple listed species in a given management area pose conflicts, contact the Bureau of Endangered Resources at 608/264-6057. Staff in BER will work with managers to establish an acceptable protocol for a given site that will allow for incidental take without further legal Consultation or public notice.



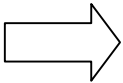
Condition 4:

The Department shall develop an annual summary report.

The Department shall compile an annual summary report documenting by property the past year's grassland/savanna management where listed species were determined to be present.

The report will estimate total areas of incidental taking as covered under this broad Consultation, and will include information on general management objectives, how the species protocols were followed, and if not, what alternative management was carried out upon cooperation with BER. This summary report also will include results of any population surveys or monitoring.

Upon request, this report shall be made available to the public by April 30 of the subsequent year. Ongoing management activities shall not be precluded by completion of this report.



Condition 5:

The Department shall apply adaptive management to this project. Every three years, the Department shall review species management protocols and other conditions of this authorization and shall modify as warranted by new research or monitoring information.

All individuals who receive public notice of proposed incidental take authorizations will also receive proposed changes to these protocols during the 3-year review process and will have opportunity to comment.

Instructions: Any action the Department conducts, approves, or funds on public or private lands, including projects funded by the Fish and Wildlife Service's Federal Aid program, that may affect state or federal endangered resources is subject to endangered resources screening. Use this form or other documentation of Endangered Resources Review. Place in project file to document that screening was completed. For additional information, consult the ER Screening Guidance or contact the Endangered Resources Program.

Project Information

Reviewer Last Name	First	MI
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Project Description – Activity / Management Objective

Are proposed activities part of a project funded under Fish and Wildlife Service Federal Aid Program? No Yes

County	Township	Range	<input type="checkbox"/> E <input type="checkbox"/> W	Section(s)	DNR Property Name
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Waterbody Name	Describe Location (if applicable)
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Describe Vegetative Cover at Project Area and Surrounding Landscape (vegetative cover, habitat, etc.) and note what info this is based on (e.g., aerial photos, site visit - include date(s) of site visit)

Review Information

Endangered Resources Information Reviewed (e.g. NHI data, SEWRPC reports, inventory reports, experts consulted, etc.)

Extent of Area Screened (e.g. project area and surrounding sections, waterbodies, water systems, etc.)

Decisions Based On:

<input type="checkbox"/> Personal Knowledge of Site and Species	<input type="checkbox"/> Experts: _____
<input type="checkbox"/> Site Visit	<input type="checkbox"/> Other (specify): _____

Presence of Endangered Resources

Are Endangered Resources Present:

- | | |
|---|--|
| 1. Federally Protected Species or Critical Habitat?
<input type="checkbox"/> No <input type="checkbox"/> Yes | 2. State-Listed Species?
<input type="checkbox"/> No <input type="checkbox"/> Yes |
|---|--|

If you answered No to both, provide short narrative below. No further action needed – Documentation of conclusion should be kept in project file.

If you answered Yes to either, continue completing remainder of form.

Specify Species or Communities (list below or attach)

Federal Section 7 / Federal Aid Determination

What effect will the proposed activities have on federally listed / proposed / candidate species and designated / proposed critical habitat?

- will have **"no effect"** Appropriate when the proposed activities will not directly or indirectly affect the above. Place documentation of conclusion in file.

- may affect but **"not likely to adversely affect"** Appropriate when the proposed activities are not likely to directly or indirectly adversely impact or would be beneficial to above. Beneficial effects are positive effects without any adverse effects to individual animals (includes insects) and plants. Contact the Bureau of Endangered Resources so they can work with the FWS Federal Aid Office to obtain their concurrence on this determination.

- may affect and **"likely to adversely affect"** Appropriate when the proposed activities are likely to adversely impact the above. Contact the Bureau of Endangered Resources so they can work with the FWS Green Bay Field Office to initiate formal Section 7 consultation.

Provide Short Narrative Explaining Determination

State Endangered Resources Determination

Will the proposed activities result in the Take of state listed species that are present or likely present in the project area?

- No – Provide short narrative explaining determination (unsuitable habitat, measures to avoid take, etc.).
 No further action needed – Place documentation in project file.

- Yes – Incidental take authorization is likely. Contact the Incidental Take Consultation Specialist at BER to initiate the formal consultation process for the take of a listed species.

Grassland and Savanna Management Determination

If the objective of the proposed activities is to maintain or improve grassland or savanna habitat, broad taking coverage may be authorized through the Grassland/Savanna Management Taking Authorization. The listed species must be covered by the Authorization and the Conditions of the Authorization must be followed. See the Grassland/Savanna documentation for Conditions, grassland/savanna definitions, approved activities, and management protocols.

For grassland/savanna management activities, were the management protocols for the listed species followed?

- Yes – Describe how:

- No – Briefly describe the alternative to the protocol that was followed (include experts consulted):

Were Presence / Absence Surveys Conducted?

- Yes No

Optional Grassland/Savanna Documentation: Describe Special Concern species and/or Natural Communities present, and measures to minimize or avoid impacts:

Estimated Project Acreage Covered by Authorization

Reviewer Certification

I hereby certify that the above review documentation is true and correct to the best of my knowledge.

Signature of Project Reviewer

Date Signed

Directory

I. Wisconsin DNR Endangered Species Experts by Resource Type

**Bureau of Endangered Resources, Madison
and Bureau of Integrated Science Services, Monona**

Incidental Take:	Incidental Take Specialist	608/266-8968
Mammals:	Adrian Wydeven	715/762-4684 #107
Birds:	Sumner Matteson Pat Manthey Dave Sample Jim Keir (prairie chicken)	608/266-1571 608/266-0822 608/221-6351 608/339-4819
Reptiles, Amphibians, & Fish:	Bob Hay	608/267-0849
Mussels:	Bob Hay	608/267-0849
Other Aquatic Invertebrates:	Bill Smith	608/266-0924
Terrestrial Invertebrates:		
Snails:	Bill Smith	608/266-0924
Insects:	Rich Henderson	608/221-6347
Plants:	Craig Anderson	608/267-5037
Communities:	Eric Epstein Randy Hoffman	608/267-5038 608/267-7758

**Authorized
February 2000**

II. DNR Regional NHI Caretakers

**NER – Joe Henry, Green Bay
NOR – Ryan Magana, Spooner
SCR – Vacancy, Madison
SER – Owen Boyle, Milwaukee
WCR – Armund Bartz, La Crosse**