

The attached guidance, “BREEDING BIRD CALENDAR (AVOIDANCE OF TAKE) – PUBLIC NOTICE OF MODIFICATIONS TO THE WISCONSIN BREEDING BIRD CALENDAR,” was developed to assist Natural Heritage Inventory Portal users (department staff, Certified Endangered Resources Reviewers, external agency staff, and others) who are reviewing projects for potential impacts to rare birds, including threatened and endangered species. Birds in Wisconsin are protected by state Endangered Species Laws (Wis. Stat. 29.604), the Federal Endangered Species Act and the Migratory Bird Treaty Act.

This document is intended to provide guidance to DNR staff and external certified reviewers who utilize the NHI Portal for Endangered Resources reviews. This guidance was developed by a team of Natural Heritage Conservation program staff from DNR using the best available information for species on the Natural Heritage Working List. The guidance includes the Avoidance Dates table developed to help customers comply with State and Federal laws and avoid “intentional taking, killing, or possession” of bird nests, eggs, and body parts. For each species, the avoidance dates are the period each year when birds are most vulnerable because there are eggs or flightless chicks in nests. The Conservation Dates table provides additional reference information for those who would like to voluntarily avoid disturbance to rare birds during the broader nesting season when birds are mobile and may be able to avoid being taken, but may still be susceptible to disturbance. These “breeding season” dates include territory establishment, courtship, nest-building, and post-fledgling periods for each species.

Changes to the calendar resulted from an increase in our collective knowledge about these species. In January of 2015, Wisconsin’s second Breeding Bird Atlas began collecting field data on the distribution, abundance, and phenology of nesting birds throughout the entire state. Also in 2015, an updated Species of Greatest Conservation Need (SGCN) list was approved as part of the newly revised [Wildlife Action Plan](#).

Using the changes to the SGCN list, and newly revised information available on bird nesting [chronology](#), the department conducted a review of the recommended Avoidance Dates for all the Working List species. This effort will lead to significant modifications to the bird calendar requiring public notification.

Draft Avoidance Dates have been made available to NHC environmental review staff and the program management team for their comment, and the department is now soliciting comments from internal and external stakeholders. We would anticipate most comments regarding the Avoidance Dates, and these should be restricted to evidence of nesting (nests with eggs or young) that falls outside of the Avoidance Dates listed for a species with supporting information. Once the 21-day notice period is complete, all comments will be considered, revisions will be made to the guidance as needed, and final guidance will be made available to the appropriate internal and external stakeholders.

Comments related to this draft guidance document should be sent to Sarah Herrick, Sarah.Herrick@wisconsin.gov.

Wisconsin Bird Avoidance Dates for Species Tracked by the Natural Heritage Inventory

<i>Common Name</i>	<i>Scientific Name</i>	<i>Status</i>	<i>Avoidance Dates</i>
Acadian Flycatcher	<i>Empidonax vireescens</i>	THR	25 May - 20 Aug
American Bittern	<i>Botaurus lentiginosus</i>	SC/M	1 May - 15 July
American Black Duck	<i>Anas rubripes</i>	SC/M	1 May - 31 Jul
American Woodcock	<i>Scolopax minor</i>	SC/M	1 April - 31 Jul
Bald Eagle	<i>Haliaeetus leucocephalus</i>	SC/P	January 15 – July 30 (USFWS guidelines)
Bell's Vireo	<i>Vireo bellii</i>	THR	25 May - 5 Aug
Black Tern	<i>Chlidonias niger</i>	END	15 May - 31 July
Black-backed Woodpecker	<i>Picoides arcticus</i>	SC/M	1 May - 20 July
Black-crowned Night-heron	<i>Nycticorax nycticorax</i>	SC/M	1 May - 15 July
Black-necked Stilt	<i>Himantopus mexicanus</i>	SC/M	15 May - 31 July
Bobolink	<i>Dolichonyx oryzivorus</i>	SC/M	10 May - 25 July
Boreal Chickadee	<i>Poecile hudsonica</i>	SC/M	15 May - 5 July
Brewer's Blackbird	<i>Euphagus cyanocephalus</i>	SC/M	1 May - 1 Aug
Caspian Tern	<i>Sterna caspia</i>	END	20 May - 31 July
Cerulean Warbler	<i>Setophaga cerulea</i>	THR	20 May - 10 Aug
Common Goldeneye	<i>Bucephala clangula</i>	SC/M	10 April - 10 Jul
Common Nighthawk	<i>Chordeiles minor</i>	SC/M	20 May - 5 Aug
Common Tern	<i>Sterna hirundo</i>	END	15 May - 21 Aug
Connecticut Warbler	<i>Oporornis agilis</i>	SC/M	1 June - 15 Aug
Dickcissel	<i>Spiza americana</i>	SC/M	25 May - 20 Aug
Eastern Meadowlark	<i>Sturnella magna</i>	SC/M	25 April - 30 July
Eastern Whip-poor-will	<i>Antrostomus vociferus</i>	SC/M	10 May - 10 Aug
Evening Grosbeak	<i>Coccothraustes versptinus</i>	SC/M	10 May - 31 July
Forster's Tern	<i>Sterna forsteri</i>	END	15 May - 15 July
Golden-winged Warbler	<i>Vermivora chrysoptera</i>	SC/M	15 May - 31 July
Grasshopper Sparrow	<i>Ammodramus savannaum</i>	SC/M	10 May - 10 Aug
Gray Jay	<i>Perisoreus canadensis</i>	SC/M	5 March to 20 May
Great Egret	<i>Ardea alba</i>	THR	15 May - 15 July
Greater Prairie Chicken	<i>Tympanuchus cupido</i>	THR	10 May - 1 Aug



Wisconsin Bird Avoidance Dates for Species Tracked by the Natural Heritage Inventory

<i>Common Name</i>	<i>Scientific Name</i>	<i>Status</i>	<i>Avoidance Dates</i>
Henslow's Sparrow	<i>Ammodramus henslowii</i>	THR	5 May - 10 Aug
Hooded Warbler	<i>Setophaga citrina</i>	THR	20 May - 15 Aug
Kentucky Warbler	<i>Geothlypis formosa</i>	THR	20 May - 10 Aug
King Rail	<i>Rallus elegans</i>	SC/M	15 May - 1 Aug
Kirtland's Warbler	<i>Setophaga kirtlandii</i>	END	20 May - 31 Jul * Contact the species expert for any activities outside of these dates
Lark Sparrow	<i>Chondestes grammacus</i>	SC/M	5 May - 31 July
LeConte's Sparrow	<i>Ammodramus leconteii</i>	SC/M	20 May - 20 July
Least Bittern	<i>Ixobrychus exilis</i>	SC/M	15 May - 15 Aug
Least Flycatcher	<i>Empidonax minimus</i>	SC/M	15 May - 15 Aug
Loggerhead Shrike	<i>Lanius ludovicianus</i>	END	20 Apr - 1 Aug
Long-eared Owl	<i>Asio otus</i>	SC/M	20 March - 20 June
Nelson's Sparrow	<i>Ammodramus nelsoni</i>	SC/M	25 May-10 Aug
Northern Bobwhite	<i>Colinus virginianus</i>	SC/M	1 May - 31 Jul
Northern Goshawk	<i>Accipiter gentilis</i>	SC/M	20 Mar - 31 July
Olive-sided Flycatcher	<i>Contopus cooperi</i>	SC/M	1 June - 1 Aug
Peregrine Falcon	<i>Falco peregrinus</i>	END	15 March - 10 July
Piping Plover	<i>Charadrius melodus</i>	END	15 May - 30 July
Prothonotary Warbler	<i>Protonotaria citrea</i>	SC/M	15 May - 5 Aug
Purple Martin	<i>Progne subis</i>	SC/M	1 May - 15 Aug.
Red-headed Woodpecker	<i>Melanerpes erythrocephalus</i>	SC/M	10 May - 15 Aug
Red-necked Grebe	<i>Podiceps grisegena</i>	END	1 May - 15 June
Red-shouldered Hawk	<i>Buteo lineatus</i>	THR	1 Apr - 31 Jul
Ruby-crowned Kinglet	<i>Regulus calendula</i>	SC/M	20 May - 1 Aug
Sharp-tailed Grouse	<i>Tympanuchus phasianellus</i>	SC/M	15 April - 31 Jul
Short-eared Owl	<i>Asio flammeus</i>	SC/M	20 March - 1 Aug
Spruce Grouse	<i>Falcapennis canadensis</i>	THR	1 May - 1 July
Swainson's Thrush	<i>Catharus ustulatus</i>	SC/M	20 May - 10 Aug



Wisconsin Bird Avoidance Dates for Species Tracked by the Natural Heritage Inventory

<i>Common Name</i>	<i>Scientific Name</i>	<i>Status</i>	<i>Avoidance Dates</i>
Upland Sandpiper	<i>Bartramia longicauda</i>	THR	30 April - 25 July
Vesper Sparrow	<i>Pooecetes gramineus</i>	SC/M	5 May - 1 Aug
Western Meadowlark	<i>Sturnella neglecta</i>	SC/M	25 Apr - 30 July
Wilson's Phalarope	<i>Phalaropus tricolor</i>	SC/M	10 May - 20 July
Worm-eating Warbler	<i>Helmitheros vermivorus</i>	END	15 May - 1 Aug
Yellow Rail	<i>Coturnicops noveboracensis</i>	THR	1 May - 15 July
Yellow-breasted Chat	<i>Icteria virens</i>	SC/M	20 May - 5 Aug
Yellow-crowned Night-Heron	<i>Nyctanassa violacea</i>	THR	10 May - 1 Aug
Yellow-headed Blackbird	<i>Xanthocephalus xanthocephalus</i>	SC/M	15 May - 15 July
Yellow-throated Warbler	<i>Dendroica dominica</i>	END	15 May - 1 Aug



Wisconsin Bird Conservation Dates for Species Tracked by the Natural Heritage Inventory

Common Name	Scientific Name	State Status	Breeding Activity Dates (Courtship, Territory Establishment, Nest-building)	Breeding Activity Dates (Post-fledgling Dependency)
Acadian Flycatcher	<i>Empidonax virescens</i>	THR	15 May	31 Aug
American Bittern	<i>Botaurus lentiginosus</i>	SC/M	10 April	10 Aug
American Black Duck	<i>Anas rubripes</i>	SC/M	1 April	31 Aug
American Woodcock	<i>Scolopax minor</i>	SC/M	1 March	15 Aug
Bell's Vireo	<i>Vireo bellii</i>	THR	20 May	10 Aug
Black Tern	<i>Chlidonias niger</i>	END	30 April	1 Sept
Black-backed Woodpecker	<i>Picoides arcticus</i>	SC/M	1 April	1 Aug
Black-crowned Night-heron	<i>Nycticorax nycticorax</i>	SC/M	7 April	15 Aug
Black-necked Stilt	<i>Himantopus mexicanus</i>	SC/M	1 May	10 Sept
Bobolink	<i>Dolichonyx oryzivorus</i>	SC/M	1 May	15 Aug
Boreal Chickadee	<i>Poecile hudsonica</i>	SC/M	20 April	31 July
Brewer's Blackbird	<i>Euphagus cyanocephalus</i>	SC/M	20 April	15 Aug
Caspian Tern	<i>Sterna caspia</i>	END	15 April	15 Aug
Cerulean Warbler	<i>Setophaga cerulea</i>	THR	1 May	30 Aug
Common Goldeneye	<i>Bucephala clangula</i>	SC/M	15 March	15 Aug
Common Nighthawk	<i>Chordeiles minor</i>	SC/M	10 May	15 Aug
Common Tern	<i>Sterna hirundo</i>	END	15 April	30 Aug
Connecticut Warbler	<i>Oporornis agilis</i>	SC/M	15 May	1 Sept
Dickcissel	<i>Spiza americana</i>	SC/M	20 May	25 Aug
Eastern Meadowlark	<i>Sturnella magna</i>	SC/M	5 April	15 Aug
Eastern Whip-poor-will	<i>Antrostomus vociferus</i>	SC/M	20 April	20 Aug
Evening Grosbeak	<i>Coccothraustes versptinus</i>	SC/M	20 April	31 Aug
Forster's Tern	<i>Sterna forsteri</i>	END	15 April	30 Aug
Golden-winged Warbler	<i>Vermivora chrysoptera</i>	SC/M	5 May	15 Aug
Grasshopper Sparrow	<i>Ammodramus savannaurm</i>	SC/M	1 May	20 Aug
Gray Jay	<i>Perisoreus canadensis</i>	SC/M	15 Feb	10 June
Great Egret	<i>Ardea alba</i>	THR	30 March	1 Sept
Greater Prairie Chicken	<i>Tympanuchus cupido</i>	THR	1 March	1 Aug
Henslow's Sparrow	<i>Ammodramus henslowii</i>	THR	25 April	25 Aug

Wisconsin Bird Conservation Dates for Species Tracked by the Natural Heritage Inventory

Hooded Warbler	<i>Setophaga citrina</i>	THR	1 May	1 Sept
Kentucky Warbler	<i>Geothlypis formosa</i>	THR	1 May	30 Aug
King Rail	<i>Rallus elegans</i>	SC/M	28 April	15 Sept
Kirtland's Warbler	<i>Setophaga kirtlandii</i>	END	1 May	30 Aug
Lark Sparrow	<i>Chondestes grammacus</i>	SC/M	20 April	10 Aug
LeConte's Sparrow	<i>Ammodramus leconteii</i>	SC/M	10 May	1 Aug
Least Bittern	<i>Ixobrychus exilis</i>	SC/M	5 May	25 Aug
Least Flycatcher	<i>Empidonax minimus</i>	SC/M	15 April	1 Sept
Loggerhead Shrike	<i>Lanius ludovicianus</i>	END	25 March	1 Sept
Long-eared Owl	<i>Asio otus</i>	SC/M	1 March	20 July
Nelson's Sparrow	<i>Ammodramus nelsoni</i>	SC/M	10 May	31 Aug
Northern Bobwhite	<i>Colinus virginianus</i>	SC/M	15 April	1 Sept
Northern Goshawk	<i>Accipiter gentilis</i>	SC/M	1 Feb	15 Aug
Olive-sided Flycatcher	<i>Contopus cooperi</i>	SC/M	20 May	15 Aug
Peregrine Falcon	<i>Falco peregrinus</i>	END	1 March	31 July
Piping Plover	<i>Charadrius melodus</i>	END	1 May	15 Aug
Prothonotary Warbler	<i>Protonotaria citrea</i>	SC/M	1 May	20 Aug
Purple Martin	<i>Progne subis</i>	SC/M	10 April	20 Aug
Red-headed Woodpecker	<i>Melanerpes erythrocephalus</i>	SC/M	1 May	10 Sept
Red-necked Grebe	<i>Podiceps grisegena</i>	END	15 April	15 Aug
Red-shouldered Hawk	<i>Buteo lineatus</i>	THR	15 March	15 Aug
Ruby-crowned Kinglet	<i>Regulus calendula</i>	SC/M	10 May	20 Aug
Rufa Red Knot	<i>Calidris canutus rufa</i>	SC/FL	mid-May - early June	mid-July - mid-Nov
Rusty Blackbird	<i>Euphagus carolinus</i>	SC/M	mid-March - early May	mid-Sept - early Nov
Sharp-tailed Grouse	<i>Tympanuchus phasianellus</i>	SC/M	1 April	31 Aug
Short-eared Owl	<i>Asio flammeus</i>	SC/M	1 March	15 Aug
Spruce Grouse	<i>Falcipennis canadensis</i>	THR	1 March	31 July
Swainson's Thrush	<i>Catharus ustulatus</i>	SC/M	1 May	20 Aug
Upland Sandpiper	<i>Bartramia longicauda</i>	THR	20 April	1 Sept
Vesper Sparrow	<i>Poocetes gramineus</i>	SC/M	15 April	25 Aug

Wisconsin Bird Conservation Dates for Species Tracked by the Natural Heritage Inventory

Western Meadowlark	<i>Sturnella neglecta</i>	SC/M	10 April	5 Aug
Wilson's Phalarope	<i>Phalaropus tricolor</i>	SC/M	1 May	20 Aug
Worm-eating Warbler	<i>Helmitheros vermivorus</i>	END	1 May	20 Aug
Yellow Rail	<i>Coturnicops noveboracensis</i>	THR	15 April	1 Aug
Yellow-breasted Chat	<i>Icteria virens</i>	SC/M	15 May	10 Aug
Yellow-crowned Night-Heron	<i>Nyctanassa violacea</i>	THR	15 April	1 Sept.
Yellow-headed Blackbird	<i>Xanthocephalus xanthocephalus</i>	SC/M	15 April	15 Aug
Yellow-throated Warbler	<i>Dendroica dominica</i>	END	1 May	15 Aug