



Endangered Resources (ER) Review Program

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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:**



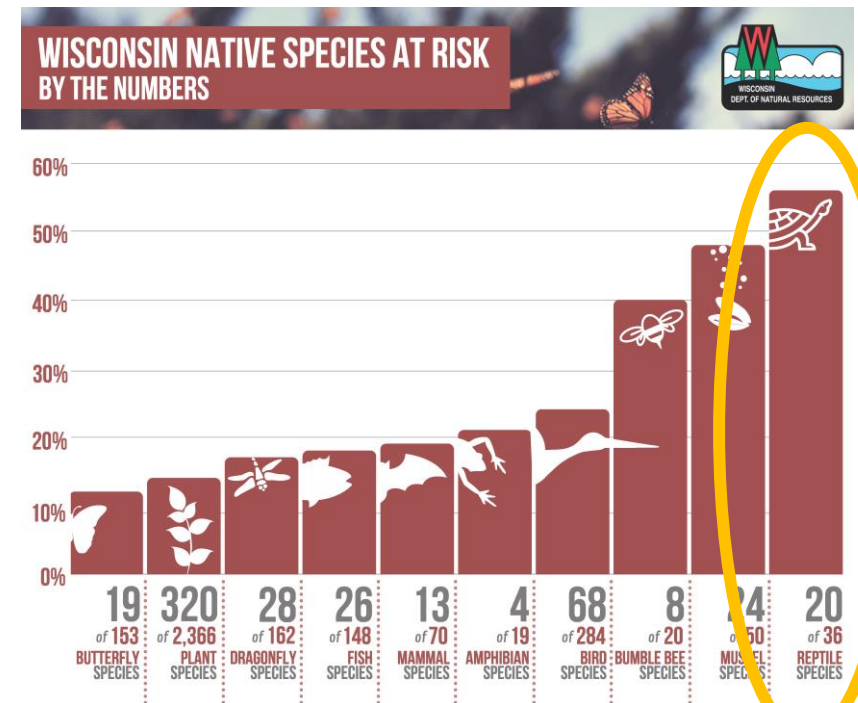
Trivia Question

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 Protections for State Endangered and Threatened (E/T) Species

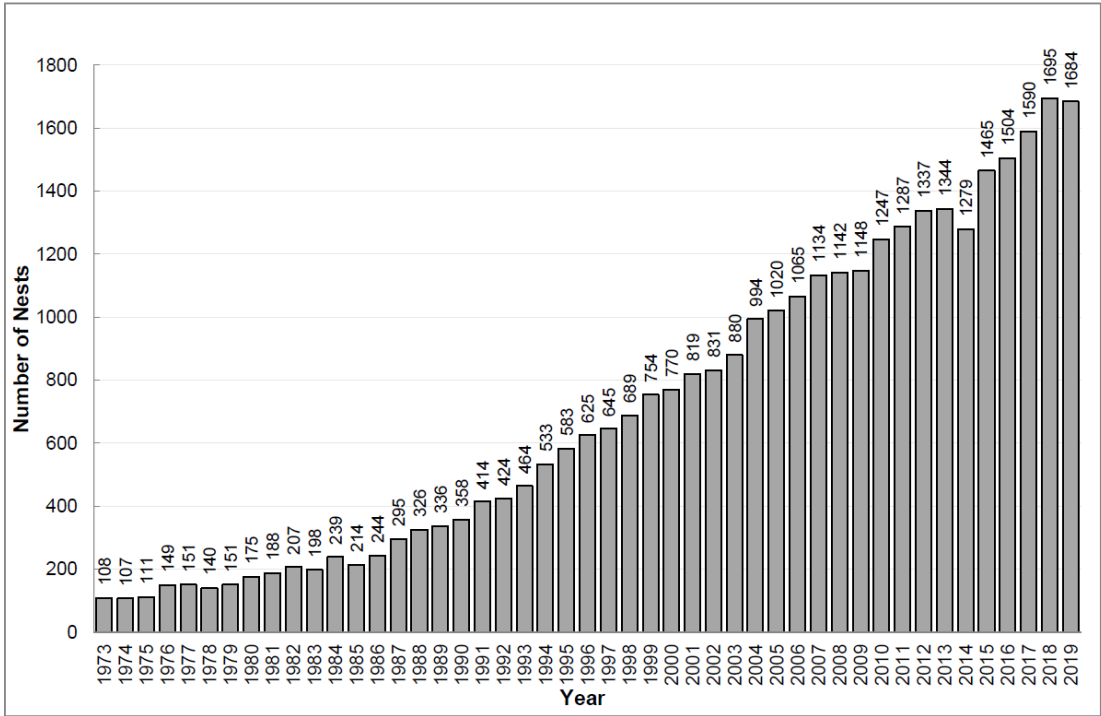
E/T Animals

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)



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

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.



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

E/T Animals

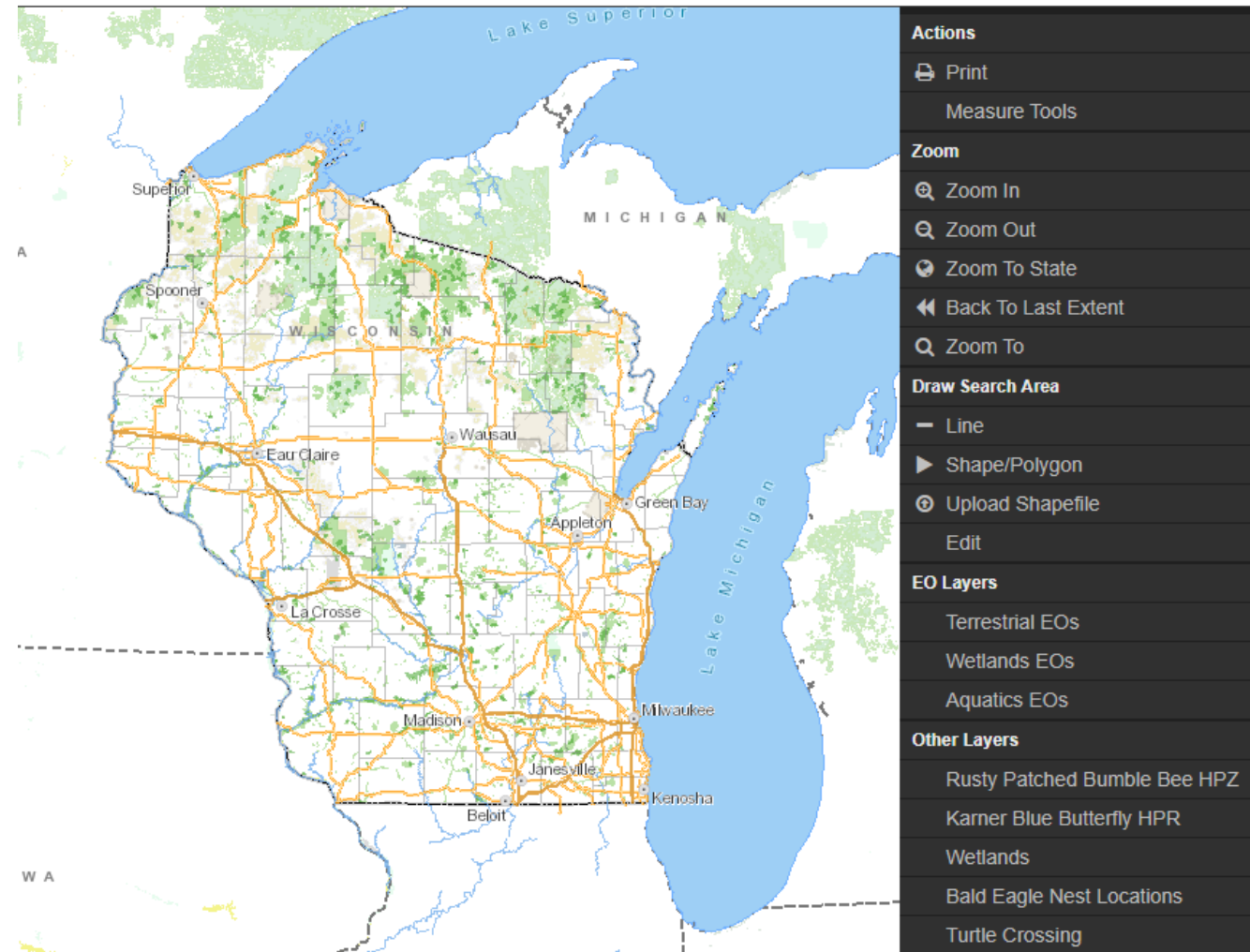
Protected on all public and private lands
and waters

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



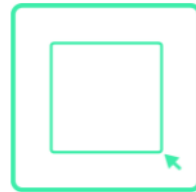
NHI Data Options



- 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 (continued)

- 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 a full ER Review



Areas of manicured lawn/paved areas



Areas in active agricultural use (cropland)



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 (PDF printout)

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



Endangered Resources Preliminary Assessment

Created on 4/6/2022. This report is good for one year after the created date.

DNR staff will be reviewing the ER Preliminary Assessments to verify the results provided by the Public Portal. ER Preliminary Assessments are only valid if the project habitat and waterway-related questions are answered accurately based on current site conditions. If an assessment is deemed invalid, a full ER review may be required even if the assessment indicated otherwise.

Results

A search was conducted of the NHI Portal within a 1-mile buffer (for terrestrial and wetland species) and a 2-mile buffer (for aquatic species) of the project area. Based on these search results, below are your next steps.

An ER Review is needed 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). Therefore you should request an Endangered Resources Review <https://dnr.wi.gov/topic/ERReview/Review.html>. The ER Review will list the endangered resources that have been recorded within the vicinity of the project area and follow-up actions may be necessary.

One (or more) of the following situations apply:

- The species recorded are state or federal threatened or endangered animals.
- 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.
- The project site overlaps the Kame Blue Butterfly High Potential Range.
- The project overlaps the Rusty Patched Bumble Bee High Potential Zone.

A copy of this document can be kept on file and submitted with any other necessary DNR permit applications to show that the need for an ER Review has been met. This notice only addresses endangered resources issues. This notice does not constitute DNR authorization of the proposed project and does not exempt the project from securing necessary permits and approvals from the DNR and/or other permitting authorities.

Project Information

Landowner name test

Project address

Project description

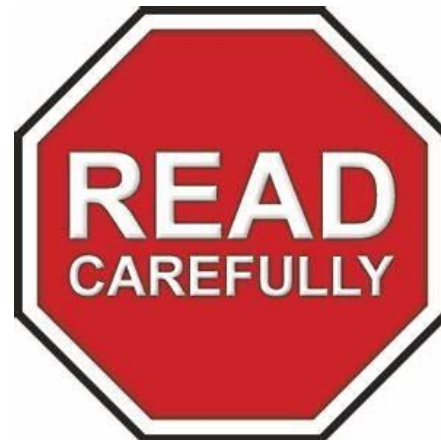
Project Questions

Does the project involve a public property?	No
Is there any federal involvement with the project?	No
Is the project a utility, agricultural, forestry or bulk sampling (associated with mining) project?	No
Is the project property in Managed Forest Law or Managed Forest Tax Law?	No
Project involves tree or shrub removal?	No
Is project near (within 300 ft) a waterbody or a shoreline?	Yes
Is project within a waterbody or along the shoreline?	Yes

Main Public Portal Page

4 Types of Results

1. No further Action (No endangered resources are known to be present in the area)
2. Recommended (only special concern species or natural communities)
3. Result with follow-up actions (ex. Eagle, Rusty Patched Bumble Bee HPZ, erosion control)
4. Required (E/T animal, E/T plant on public land) **(submit a review request!)**



Ornate Box Turtle, Endangered



How do I request a review?

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



dnr.wi.gov

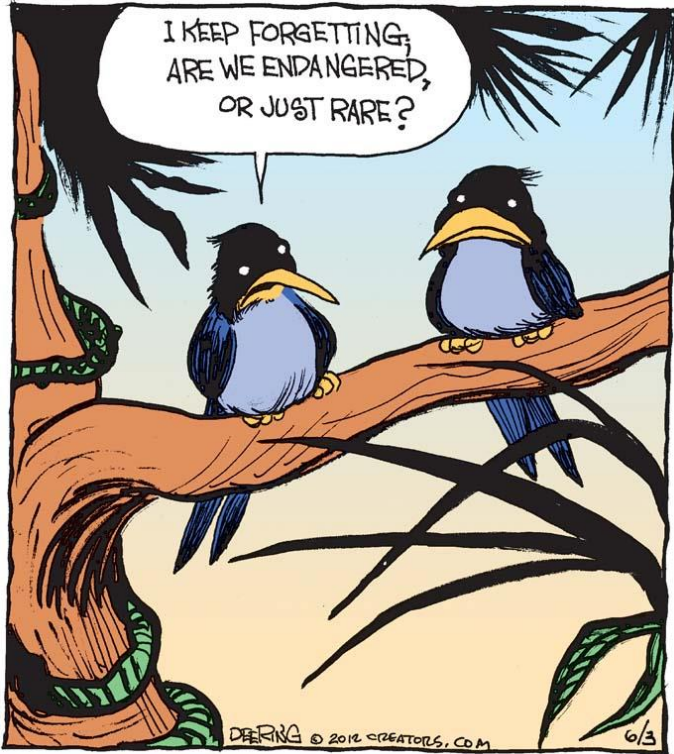
keywords "ER Review"

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?

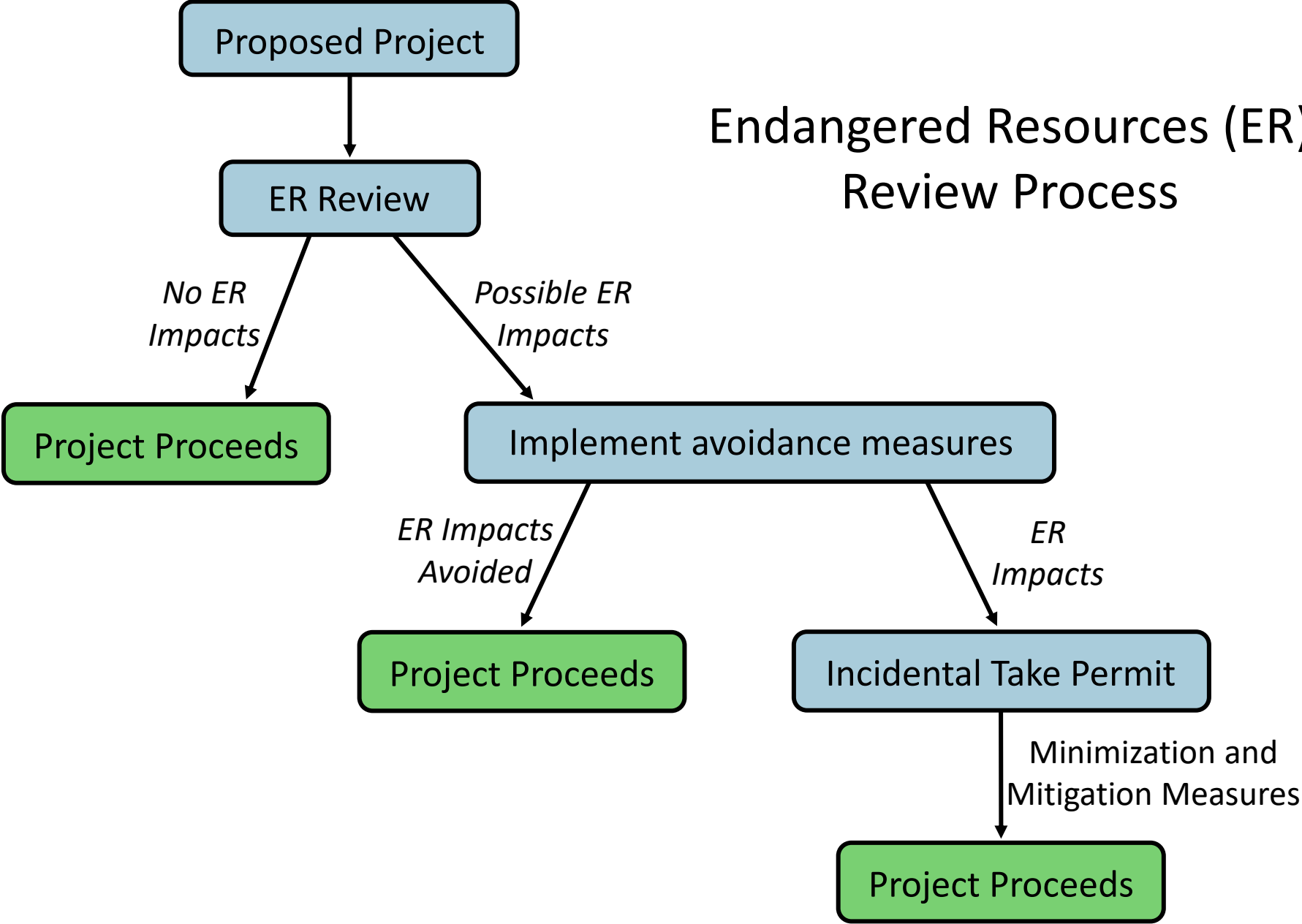


An ER Review is the mechanism to ensure compliance with Wisconsin's Endangered Species Law (s. 29.604 Wis. Stats.) and the Federal Endangered Species Act (16 USC ss 1531-43).

The ER Review letter 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

Endangered Resources (ER) Review Process



Projects proceed with proper planning!

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





Species by the numbers

978 – number of elements we track on our [NHI Working List](#) (list of actively tracked species in WI)

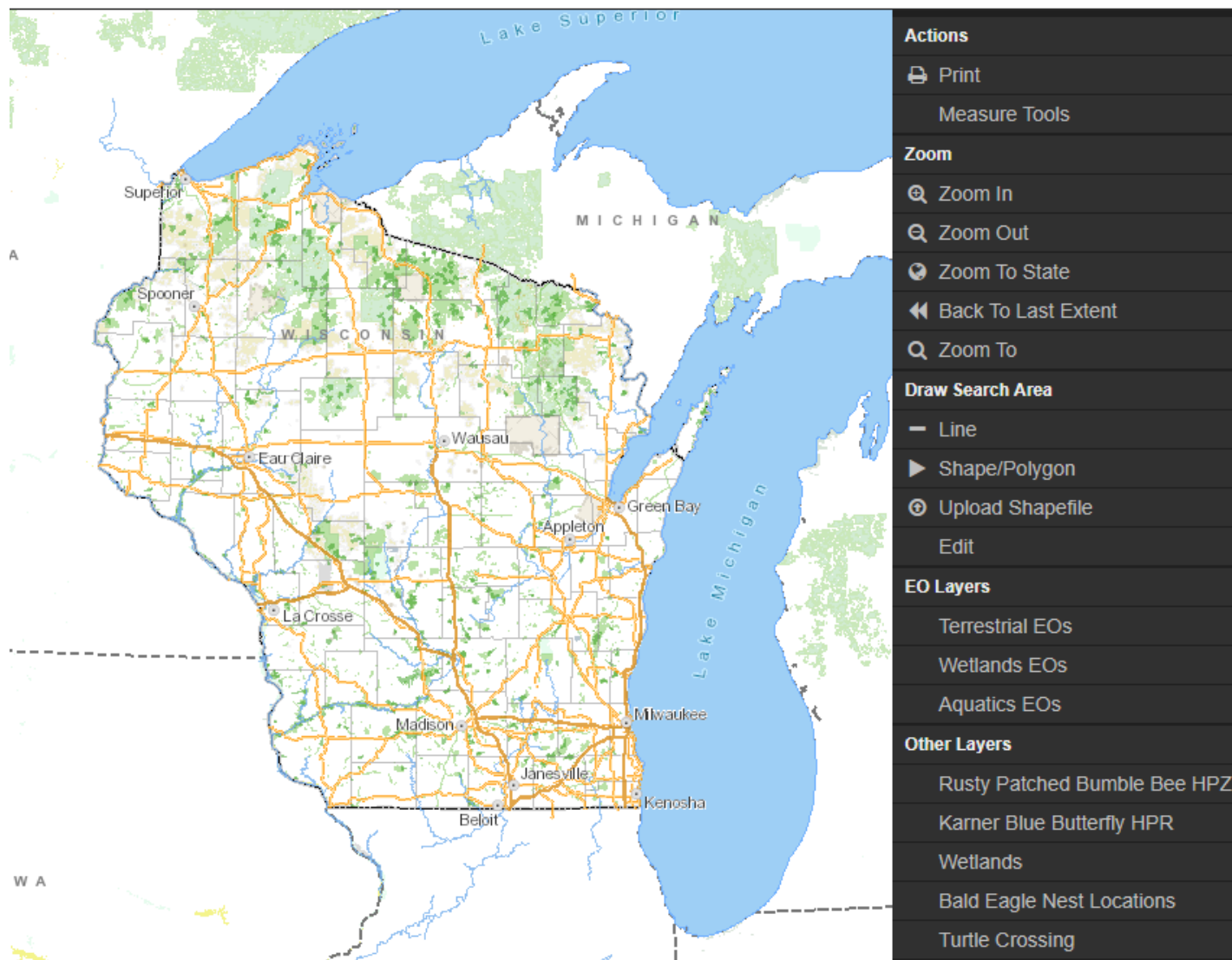
- Animals (Birds, Fish, mammals, Reptiles, Amphibians, Butterflies, Bees)
- Plants
- Natural communities
- ↓ • Natural features (Bird Rookery, Migratory Bird Concentration Sites, Herp and Bat hibernacula)

777 – number of elements for which there is at least one occurrence in the NHI Portal database



? - number of element occurrences in the NHI Portal, statewide

20,290
number of element
occurrences in the
NHI Portal,
statewide
(as of March 2022)



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.

Required Actions: 1 species

Recommended Actions: 2 species

No Follow-Up Actions: 6 species

Additional Recommendations Specified: Yes

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

	Group	State Status	Federal Status
Red-shouldered Hawk (<i>Buteo lineatus</i>)	Bird~	THR	
Bald Eagle (<i>Haliaeetus leucocephalus</i>)	Bird~		
Lake--Deep, Hard, Drainage (<i>Lake--deep, hard, drainage</i>)	Community~	NA	
Lake Sturgeon (<i>Acipenser fulvescens</i>)	Fish~	SC/H	
Least Darter (<i>Etheostoma microperca</i>)	Fish~	SC/N	
Blanchard's Cricket Frog (<i>Acris blanchardi</i>)	Frog~	END	
Slippershell Mussel (<i>Alasmidonta viridis</i>)	Mussel~	THR	
Karner Blue Butterfly High Potential Range	Other	NA	HPR
Blanding's Turtle (<i>Emydoidea blandingii</i>)	Turtle~	SC/P	SOC

Blanding's Turtle Special Concern = recommended actions only

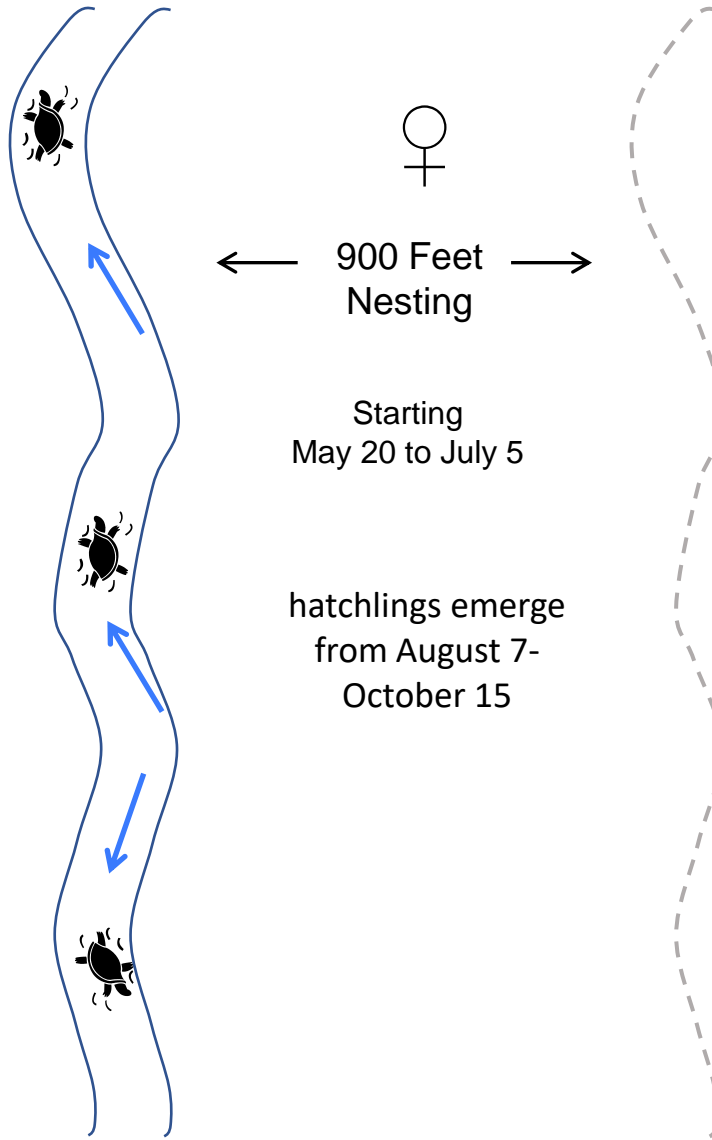


Starting to wake up in the spring (NOW!)

<https://dnr.wisconsin.gov/topic/Wildlifehabitat/HerpRegulations.html>

Time of year planning for amphibians and reptiles is really important

They use different habitat for nesting, foraging, and overwintering – all with different time periods



Recommendations:

- ✓ Fencing
- ✓ Time of year planning
- ✓ Walk through prior to ground work

Butler's Garter Snake

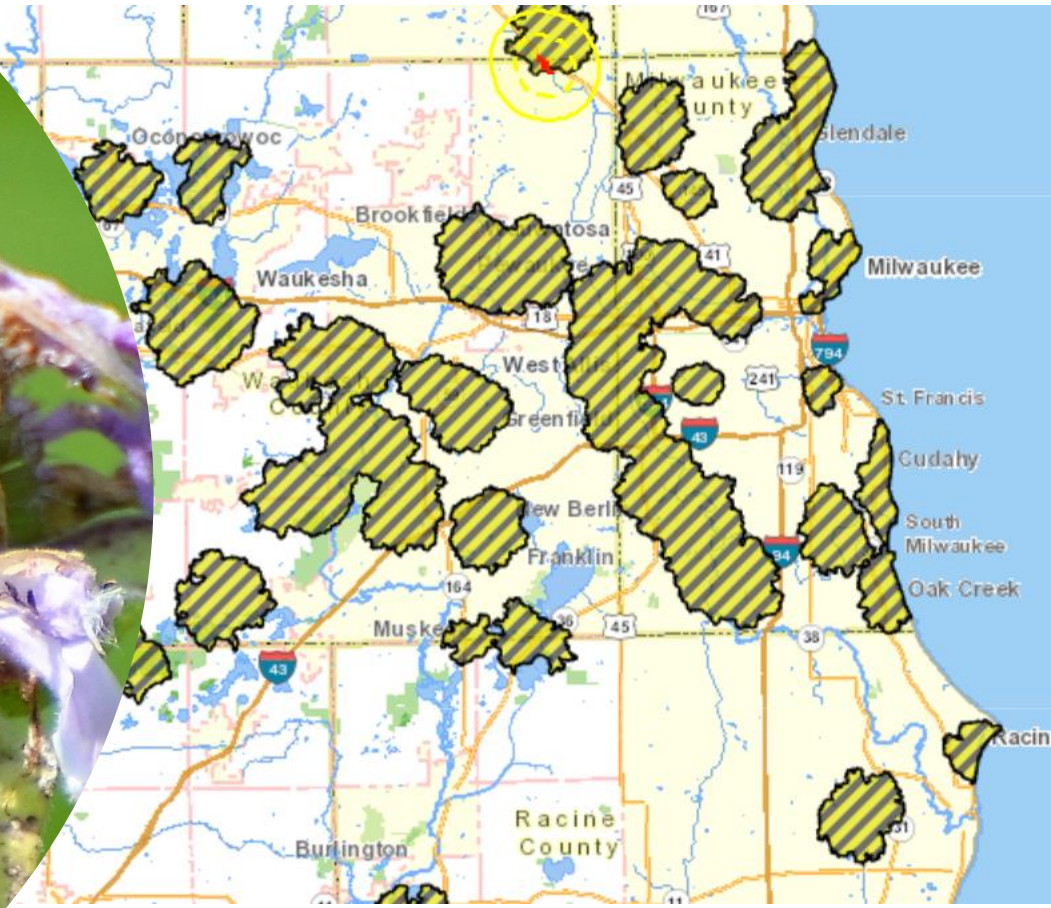
State Special Concern = recommended actions only




Inhabit open to semi-open canopy wetlands and up to 300 ft (91 m) into contiguous open to semi-open canopy uplands

Time of year and exclusion fencing

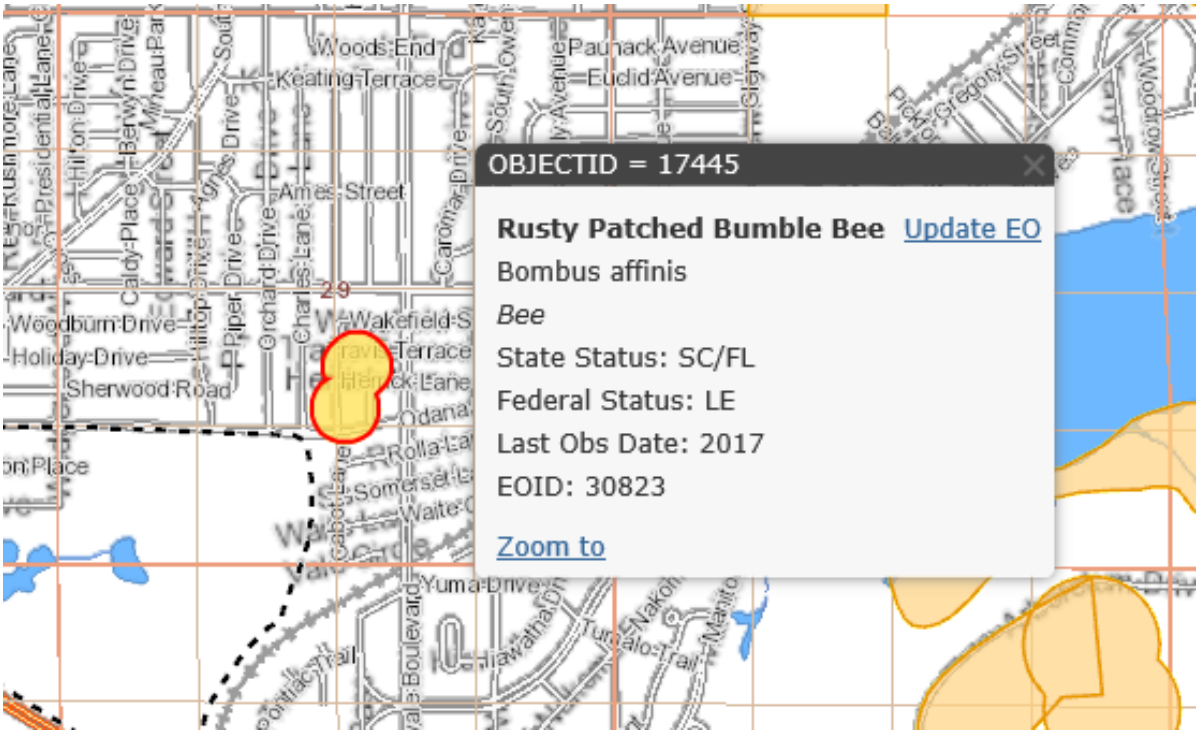
Rusty Patched Bubble Bee (RPBB) High Potential Zone (HPZ)



- Zoom To State
- Back To Last Extent
- Zoom To
- Draw Search Area**
- Line
- Shape/Polygon
- Upload Shapefile
- Edit
- EO Layers**
- Terrestrial EOs
- Wetlands EOs
- Aquatics EOs
- Other Layers**
-  Rusty Patched Bumble Bee HPZ
- Karner Blue Butterfly HPR
- Wetlands
- Bald Eagle Nest Locations

In review letter if any portion of project boundary overlaps

RPBB Element Occurrences



State Special Concern/Federally Listed



Simply follow FWS Voluntary Conservation Measures

- 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?

Contact us at
DNREReview@wi.gov



Karner Blue Butterfly