

SUBJECT: Information Item: Endangered Resources Review Program

FOR: JUNE 2010 BOARD MEETING

TO BE PRESENTED BY: Erin Crain, Section Chief, Endangered Resources

**SUMMARY:**

This is an informational item requested by the Natural Resources Board at their May 2010 meeting. The item was requested as background to Board Order ER-10-10 for revisions to Ch. NR 29, Wis. Adm. Code, to update fees for provision of Natural Heritage Inventory (NHI) information and data to the public, and to consider improved service alternatives requested by stakeholders.

The Endangered Resources Review Program implements the following state laws and administrative code:

- s. 29.604, Wis. Stats., Wisconsin Endangered Species Act,
- s. 23.27(3), Wis. Stats., Natural Heritage Inventory Program,
- s. 29.563, Wis. Stats., Endangered Species Permit fees,
- NR 27, Wis. Admin. Code, Endangered and Threatened Species, and
- NR 29, Wis. Admin. Code, Endangered Resources Information Fees.

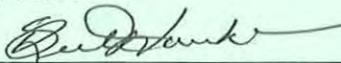
To implement these laws, the ER Review Program reviews projects for potential impacts to rare species and habitats, shares NHI data on rare species and habitats with customers, provides information, training and technical support for Department staff and external partners and customers, and processes two types of permits: Incidental Take Permits and Authorizations, and Endangered and Threatened Species Permits. In so doing, the ER Review Program strives to help the citizens of Wisconsin comply with Wisconsin's endangered species laws and help conserve the rare plants, animals and habitats found in Wisconsin.

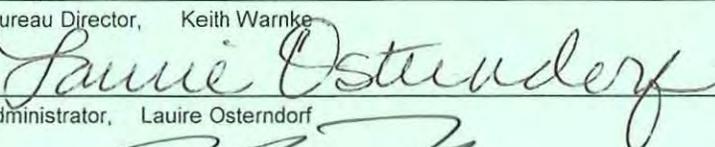
**RECOMMENDATION:**

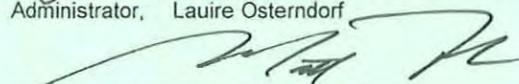
**LIST OF ATTACHED MATERIALS:**

- |    |                                     |   |     |                                     |          |
|----|-------------------------------------|---|-----|-------------------------------------|----------|
| No | <input checked="" type="checkbox"/> | Fiscal Estimate Required                              | Yes | <input type="checkbox"/>            | Attached |
| No | <input checked="" type="checkbox"/> | Environmental Assessment or Impact Statement Required | Yes | <input type="checkbox"/>            | Attached |
| No | <input type="checkbox"/>            | Background Memo                                       | Yes | <input checked="" type="checkbox"/> | Attached |

**APPROVED:**

  
 Bureau Director, Keith Warnke

  
 Administrator, Laurie Osterndorf

  
 Secretary, Matt Frank

6/7/10  
 Date

6/7/10  
 Date

6-9-10  
 Date

cc: Laurie J. Ross - AD/8  
Tim Andryk - LS/8

DATE: June 7, 2010 FILE REF: ERRPBackgroundMemo7June2010.doc

TO: NR Board

FROM: Matthew J. Frank  
Secretary, Department of Natural Resources

SUBJECT: Background Memo on the Endangered Resources Review Program

### Background

This is an informational item requested by the Natural Resources Board at their May 2010 meeting. The item was requested as background to Board Order ER-10-10 for revisions to Ch. NR 29, Wis. Adm. Code, to update fees for provision of Natural Heritage Inventory (NHI) information and data to the public, and to consider improved service alternatives requested by stakeholders. Public hearings have been scheduled for mid July, and we anticipate requesting approval of the proposed changes to Ch. NR 29, Wis. Adm. Code, at the September 2010 meeting of the Natural Resources Board.

The Endangered Resources (ER) Review Program lies within the Endangered Resources Bureau of the Department of Natural Resources. The ER Review Program helps customers and partners comply with Wisconsin's endangered species laws and helps conserve the rare plants, animals and habitats found in Wisconsin. The program works with landowners, businesses, communities, and other customers and partners to consider the potential impacts of land development, planning, and management projects on rare and sensitive species and habitats very early in the project planning process. The goal is a cooperative, partnership-based approach to land use and management in Wisconsin that proactively and effectively conserves Wisconsin's natural resources.

Specifically, the Endangered Resources Review Program is responsible for implementing the following state laws and administrative code:

- s. 29.604, Wis. Stats., Wisconsin Endangered Species Act,
- s. 23.27(3), Wis. Stats., Natural Heritage Inventory Program,
- s. 29.563, Wis. Stats., Endangered Species Permit fees,
- NR 27, Wis. Admin. Code, Endangered and Threatened Species, and
- NR 29, Wis. Admin. Code, Endangered Resources Information Fees.

To implement these laws, the ER Review Program provides the following services to external customers and partners and to internal Department staff:

- 1) Endangered Resources Reviews, which are formal evaluations of specific proposed projects for potential impacts to rare species and habitats. ER Reviews provide information from Wisconsin's Natural Heritage Inventory (NHI) database and other sources on rare plants and animals (including state and federally-listed species), high-quality natural communities, and other endangered resources that may be impacted by the proposed project. ER Reviews also detail specific measures that can be taken to help projects comply with state and federal endangered species laws, and other laws and regulations protecting endangered resources.

The ER Review Program conducts approximately 350 ER Reviews annually.

- 2) Direct access to the detailed NHI data (the same database the Department uses), provided via a formal NHI Data License. Access is provided to requesters for research, educational, environmental, land management or similar authorized purposes as outlined in s. 23.27(3)(b), Wis. Stats. Access is generally provided via the web-based NHI Portal, a specially developed online mapping application for viewing the NHI data on the landscape, or via GIS shapefiles. The ER Review Program processes approximately 110 NHI Data Licenses annually.
- 3) Technical support and assistance related to state and federal laws protecting endangered resources, ER Reviews, NHI Data Licenses, interpretation of NHI data, use of the NHI Portal, etc.
- 4) Online information on the biology and ecology of rare plants, animals, and high-quality natural communities
- 5) Free, online access to generalized county and township level NHI data on rare plants, animals and high-quality natural communities, suitable for many general planning and assessment needs. These data are used many times each month by consultants, students, land use planners, landowners, non-profit organizations, local units of government, educators, and others for a variety of purposes including research, pre-screening projects for regulatory purposes, gathering information for community/land use planning initiatives, and informing conservation and restoration efforts.
- 6) Online introductory NHI training. This training is for Department staff and for external partners and customers requesting direct access to the detailed NHI database. The Introductory NHI training provides information on the Wisconsin NHI Program, Wisconsin's Endangered Species Law, understanding and interpreting NHI data, the process for evaluating proposed projects for potential impacts to endangered resources, how to identify measures for avoiding and minimizing impacts to rare species and habitats, how to access NHI data via the web-based NHI Portal, and where to find other resources for additional information about protected species and habitats.
- 7) Incidental Take Permits and Authorizations, which allow for the taking of a listed species if the taking is incidental to the carrying out of an otherwise lawful activity; and
- 8) Endangered and Threatened Species Permits, required to take, transport, possess, or sell state-listed animal or plant species

During 2008-2009, the ER Review Program conducted a stakeholder review of the program to consider and recommend changes to the Program that would better serve its partners and customers. The stakeholder group included other state and federal agencies, local units of government, developers, private and county forests, utilities, non-profit conservation organizations, private consultants, and others. Internal stakeholders (including the Division of Forestry, Office of Energy, and Bureaus of Science Services and Watershed) were also consulted about ways to facilitate coordination across programs and shorten permit turnaround time related to the endangered resources review required for all actions that the Department conducts, funds, or approves. Changes proposed to services provided by the ER Review Program in Board Order ER-10-10 represent several changes recommended by stakeholders during this program review.