



Incidental Take Permits



Wisconsin's Endangered Species Law

Wisconsin's Endangered Species Law (s. 29.604, Wis. Stats.)

[\[http://dnr.wi.gov/topic/endangeredresources/laws.html\]](http://dnr.wi.gov/topic/endangeredresources/laws.html) pertains to wild plants and animals on the Wisconsin endangered and threatened species lists. It is illegal to take, transport, possess, process or sell any wild animal. It is also illegal to remove, transport or carry away a wild plant from the place where it is growing; or cut, root up, sever, injure or destroy the wild plant except on one's own private or leased property or: 1) in the course of forestry or agricultural practices, 2) in the construction, operation, or maintenance of a utility facility, or 3) as part of bulk sampling activities under s. 295.45, Wis. Stats.



What is "incidental take"?

Incidental take refers to the unintentional loss of individual endangered or threatened animals or plants that does not put the overall population of the species at risk. Take is defined as shooting, shooting at, pursuing, hunting, catching or killing any wild animal; or cutting, rooting up, severing, injuring, destroying, removing or carrying away any wild plant.

What is an Incidental Take Permit/Authorization?

An Incidental Take Permit/Authorization (ITP/A) is a means by which the department can allow the taking of an endangered or threatened species under certain circumstances. The following criterion applies to an ITP/A: 1) the taking will be incidental to an otherwise lawful activity; 2) impacts must be minimized and mitigated for; and 3) the taking will not appreciably reduce the likelihood of the survival or recovery of the species. There may be additional criteria dependent on whether the approval is an Incidental Take Permit or Incidental Take Authorization.



What is the difference between an Incidental Take Permit/Authorization?

Incidental take permits (ITP) are the most common incidental take request and are associated with privately funded projects including most commercial and residential projects (e.g., commercial buildings, subdivisions, single-family home construction), as well as those projects receiving cost sharing through conservation programs administered by the Natural Resources Conservation Service (NRCS). An incidental take authorization (ITA) is needed for activities that are being conducted by the DNR itself or being conducted, funded, or approved by another state agency.

What is a Broad Incidental Take Permit/Authorization?

An ITP/A is typically issued on a project-by-project basis, however a Broad ITP/A (BITP/A) can be created for specific scenarios so that neither an application nor a permit fee are required (although minimization, mitigation and/or reporting may still be required). There are currently three BITP/A's in place for the following: 1) activities having no or low impact to species on the landscape; 2) grassland and savanna management; and 3) impacts to cave bats.



What types of projects require an Incidental Take Permit/Authorization?

Any project that has the potential to take a threatened or endangered species (see “Wisconsin’s Endangered Species Law” above for more details regarding protections) and where avoidance measures are not practicable will require an ITP/A. An Endangered Resources Review (see below) will determine whether or not a project has the potential to take a threatened or endangered species and whether or not avoidance measures are practicable.

How do I get an Incidental Take Permit and how long does it take?

An Endangered Resources (ER) Review [<http://dnr.wi.gov/topic/ERReview/>] is required prior to applying for an ITP/A. This review may be conducted by the Endangered Resources Review Program or through another formalized DNR permit/grant/approval process. The ER Review will provide the applicant with the information needed to comply with Wisconsin's Endangered Species Law and other laws and regulations protecting endangered resources. The ER Review will also indicate whether or not the applicant will need to request an ITP/A in order for the project to proceed and ensure that the correct species are included in the ITP/A request.



For more information, fees, or to apply for an Incidental Take Permit/Authorization, please contact:

WDNR - ER Review Program

by email: DNRERReview@Wisconsin.gov

by phone: (608) 267-0797

or visit the website:

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