



Incidental Take: Frequently Asked Questions

Wisconsin's Endangered Species Law (Section 29.604, 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.

Is there any difference in protection between plants and animals? Yes. For threatened or endangered animals, taking is prohibited on both public and private property. For threatened or endangered plants, taking is prohibited only on public property. However, even on public lands taking of listed plants is not prohibited if it occurs during the course of forestry, agriculture, utility practices, or bulk sampling associated with mining.

When is incidental take allowed? Incidental take can be permitted/authorized if it is determined that the loss of the listed plant/animal does not jeopardize the continued existence of the species within the state and that the taking is mitigated for and minimized.

Who determines when incidental take is allowable? The Wisconsin Department of Natural Resources' Bureau of Natural Heritage Conservation has the authority to determine when incidental take is allowable.

What is the difference between an incidental take permit and authorization? Incidental take permits 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 is needed for activities that are being conducted by the DNR itself or being conducted, funded, or approved by another state agency.

When is it necessary to get an incidental take permit or authorization? Before obtaining an incidental take permit/authorization, a project must be reviewed for potential impacts to endangered resources. An Endangered Resources (ER) Review performed by the DNR ER Review Program or Certified ER Reviewer can help to determine if a project will have any potential impacts on endangered resources. If potential impacts exist, it should first be determined if the project can be modified to avoid potential impacts to endangered resources. If impacts cannot be avoided, it will then be necessary to get an incidental take permit/authorization. It is notable to mention that to-date, no project has been stopped by the DNR due to endangered resources concerns.

How can an incidental take permit or authorization be obtained?

The project applicant should complete and submit an incidental take permit/authorization application (<http://dnr.wi.gov/topic/ERReview/Take.html>) and associated documents and fees (fee only applies to incidental take permits). The application is reviewed by the Bureau of Natural Heritage Conservation (BNHC).

What is involved in the incidental take permit/authorization process?

The following documents will need to be completed by the applicant in order to receive an incidental take permit/authorization: 1) Incidental Take Permit/Authorization Application, 2) Conservation Plan, and 3) Implementing Agreement; and the following documents will need to be completed by BNHC: 4) Jeopardy Assessment, 5) Public Notice, and 6) the final Incidental Take Permit. Additionally, there is a 30-day public

notice period. For additional information on the aforementioned documentation, please visit the Incidental Take webpage at:

<http://dnr.wi.gov/topic/erreview/take.html>

How long does the incidental take permit/authorization process take and how much does it cost?

Once BNHC has a complete application package, the remainder of the process generally takes 40 days. The cost of an incidental take permit is \$100 which is due at the time of application submission.