

Broad Incidental Take Permit/Authorization for Common Activities

Road, Railroad, and Trail Projects

and

Blanchard's Cricket Frog (*Acris blanchardi*)

Background

The Broad Incidental Take Permit/Authorization for Common Activities, as provided for under s. 29.604 Wis. Stats., allows for the incidental taking (mortality) of certain endangered and threatened species that may occur as a result of activities occurring regularly across the landscape. The Department recognizes that these common activities are issued or could be issued individual incidental take permits/authorizations with identical minimization and mitigation measures, and therefore has issued this broad incidental take permit (used by non-state agencies and individuals) and broad incidental take authorization (used by state agencies) to cover these regularly occurring activities if the associated conservation measures are implemented. An incidental take permit or authorization is typically issued on a project-by-project basis, however a broad incidental take permit/authorization (BITP/A) was created for this situation so that an application, permit fee and public notice period is not required for each individual project.

Please note that this BITP/A for Common Activities does not legally cover a project unless all conditions listed below (project definition, process, reporting and conservation measures) are met.

Activities Covered

This broad incidental take permit/authorization covers all activities directly associated with roads, railroads, or trails where cricket frog habitat will be impacted. Examples may include bridge construction, culvert install/replacement, etc.

Process

For Wisconsin Department of Transportation (WisDOT) projects facilitated under the DNR-DOT Cooperative Agreement, the first step in determining whether a project could impact the cricket frog is accomplished through the liaison procedure. In response to WisDOT's request for initial comments, the DNR transportation liaison will conduct an ER Review. In the liaison's initial comment letter, DNR will indicate the likely presence of the cricket frog within the project area. If avoidance is not possible, this Broad Incidental Take Permit/Authorization (BITP/A) can be utilized.

For non-WisDOT projects, the first step in determining whether a road (i.e., bridge, culvert, etc.) project could impact the cricket frog is to have an [Endangered Resources \(ER\) Review](#) or [Certified ER Review](#) conducted. Please note that if you are requesting another DNR permit or approval (e.g., Chapter 30 Permit, Stormwater Permit), the ER Review will be conducted as part of this process. If an ER Review or Certified ER Review has indicated the likely presence of the cricket frog within the project area and avoidance is not possible, this Broad Incidental Take Permit/Authorization (BITP/A) can be utilized.

If the above processes are not followed, the property owner and/or project applicant are liable for any and all take that may occur.

Requirements

In order for a project to be covered under this BITP/A, all measures listed under “Blanchard’s Cricket Frog Minimization and Mitigation Measures” must be followed. This includes submitting a starting report at least one week prior to the project beginning and a closing report within 60 days of completion of the project. If project activities cannot follow the measures below, the project does not qualify for a BITP/A and must apply for an individual Incidental Take Permit/Authorization.

Minimization and Mitigation Measures

The following minimization and mitigation measures are required where suitable habitat is present as defined in the ER Review:

1. The project applicant must inform the Wisconsin Department of Natural Resources’ Endangered Resources Transportation Liaison via email (<https://dnr.wi.gov/topic/ERReview/Contacts.html>) at least one week prior to commencement of the proposed activity.
2. Project activities within standing or flowing water are permitted to take place from 4/8 – 5/19 and 8/16 – 10/15 to avoid breeding seasons. Project activities within wetlands and within 75ft of standing or flowing water/wetlands are permitted to take place from 4/8 – 10/15 to avoid overwintering of cricket frogs.
3. Before any disturbance/construction takes place on site within the designated suitable habitat area, the vegetation within the disturbance area and out 1 foot beyond the disturbance area must be cut by a non-suction mower (flail mower, sickle bar mower, manual reel mower, electric/gas weed trimmer), by hand (hand sickle, hand clippers), or grazed according to the following specifications:
 - Ground and shoreline vegetation must be cut to a height of 3 inches or less initially and maintained at 3-6 inches until all project related disturbance has been completed.
 - Any in-stream vegetation (emergent, submergent or floating) within 1 foot of the water’s surface must be cut so that the tops of the plants are more than 1 foot below the surface. The vegetation must then be maintained at least 1 foot below the water’s surface until disturbance has been completed.
4. Prior to each work day, Blanchard’s Cricket Frog removals will be conducted in the disturbance footprint (for that day) by a qualified biologist (must have previous cricket frog experience and be approved by the ER Transportation Liaison prior to the initiation of removals). All Blanchard’s Cricket Frogs (and preferably other amphibians and reptiles) found will be immediately removed from the disturbance area and relocated to suitable habitat at least 100 meters downstream from the project site. If Blanchard’s Cricket Frogs are found on the first walk-through of the area, a second walk-through will be conducted. This process should continue until the biologist feels confident he/she has removed as many Blanchard’s Cricket Frogs as possible from the disturbance area. All Blanchard’s Cricket Frogs removed will be recorded (total number removed per walk-through, i.e., 2 Blanchard’s Cricket Frogs removed on first walk-through, 1 Blanchard’s Cricket Frog removed on second walk-through and 0 Blanchard’s Cricket Frogs removed on third walk-through) and reported to the ER Transportation Liaison (<https://dnr.wi.gov/topic/ERReview/Contacts.html>) with the closing report. For a sample data

sheet that can be used for reporting, see

http://dnr.wi.gov/topic/ERReview/documents/CA_SpeciesRemovalDatasheet.pdf.

5. All dead amphibians and reptiles found onsite will be recorded (species, approximate age, possible cause of death), photographed, and reported to the ER Transportation Liaison (<https://dnr.wi.gov/topic/ERReview/Contacts.html>) at the conclusion of the project. For a sample data sheet that can be used for reporting, see http://dnr.wi.gov/topic/ERReview/documents/CA_SpeciesRemovalDatasheet.pdf.
6. If erosion matting (also known as an erosion control blanket, erosion mat or erosion mesh netting) will be used, the following matting (or something similar) must be installed: American Excelsior “FibreNet” or “NetFree” products; East Coast Erosion biodegradable jute products; Erosion Tech biodegradable jute products; ErosionControlBlanket.com biodegradable leno weave products; North American Green S75BN, S150BN, SC150BN or C125BN; or Western Excelsior “All Natural” products. These models are comprised of netting that contains biodegradable thread with the “leno” or “gauze” weave (contains strands that are able to move independently), which has the least impact on wildlife. Plastic netting without independent movement of strands can easily entrap wildlife. *Please note that brand/trade names are provided for reference purposes only and are not an endorsement or rejection of any specific product.*
7. All areas of disturbance within suitable habitat will be seeded with one or more of the following seed mixes upon project completion:

- WisDOT #75 Seed Mix: <https://wisconsindot.gov/rdwy/stnds/spec/ss-06-30.pdf>

- Mesic seed mix:

Creeping Red Fescue	5.0 lbs/ac
Side Oats Gramma	1.0 lbs/ac
Black Eye Susan	1.0 oz/ac
Purple Prairie Clover	1.0 oz/ac
Bergamot	0.5 oz/ac
Companion Crop of Oats	0.5 bu/ac.

- Wetland seed mix:

Optional: Companion Crop of Oats 0.5 bu/ac.

Grasses, Sedges, & Rushes (select 3 or more)

Bromus ciliatus - Fringed Brome

Carex bebbii Bebb's - Oval Sedge

Carex bicknellii - Copper-Shouldered Oval Sedge

Carex comosa - Bristly Sedge

Carex crinita - Fringed Sedge

Carex hystericina - Porcupine Sedge

Carex lacustris - Common Lake Sedge

Carex sprengelii - Long-Beaked Sedge

Carex stipata - Common Fox Sedge

Carex stricta - Tussock Sedge

Carex vulpinoidea - Brown Fox Sedge

Glyceria canadensis - Rattlesnake Grass

Glyceria striata - Fowl Manna Grass
Juncus dudleyi - Dudley's Rush
Juncus tenuis - Path Rush
Juncus torreyi - Torrey's Rush
Leersia oryzoides - Rice Cut Grass

Wildflowers (select 3 or more)

Acorus calamus - Sweet Flag
Alisma subcordatum - Mud Plantain
Anemone canadensis - Meadow Anemone
Asclepias incarnata - Marsh (Red) Milkweed
Aster puniceus - Swamp Aster
Eupatorium perfoliatum - Boneset
Helenium autumnale - Sneezeweed
Iris versicolor - Northern Blue Flag Iris
Liatris spicata - Marsh Blazing Star
Lobelia cardinalis - Cardinal Flower
Lobelia siphilitica - Great Blue Lobelia
Lycopus americanus - Water Horehound
Mimulus ringens - Monkey Flower
Penthorum sedoides - Ditch Stonecrop
Physostegia virginiana - Obedient Plant
Polygonum pensylvanicum - Pinkweed
Pycnanthemum virginianum - Mountain Mint
Solidago graminifolia - Grass-Leaved Goldenrod
Solidago ohioensis - Ohio Goldenrod
Solidago riddellii - Riddell's Goldenrod
Verbena hastata - Blue Vervain

- Alternative seed mixes (or variations of the above seed mixes) can be used if the maximum height of the species is 2-3 feet or less AND if approved in advance by the Endangered Resources Transportation Liaison (<https://dnr.wi.gov/topic/ERReview/Contacts.html>). It is recommended that when using a native seed mix that the site be maintained for 1-2 years after seeding to ensure the native plants can get established. Maintenance activities could include mowing the site 1-2 times per year at a height of 8-12 inches and/or spot herbiciding invasives.
8. A closing report (http://dnr.wi.gov/files/pdf/forms/1700/1700-082_FillExt.pdf) must be submitted to the Endangered Resources Transportation Liaison via email (<https://dnr.wi.gov/topic/ERReview/Contacts.html>) documenting that the activities were performed in accordance with the specifications, definitions and conditions defined herein. This closing report must be submitted within 60 days of completion of project.
 9. The permanent loss of Blanchard's Cricket Frog habitat must be mitigated for. Mitigation would typically occur on-site, but if no on-site options are feasible, nearby offsite mitigation can be considered. All mitigation plans must be approved by the Endangered Resources Transportation Liaison (<https://dnr.wi.gov/topic/ERReview/Contacts.html>) prior to commencement of the proposed activity. Mitigation options include:

a. Scrape/Pond Creation

Scrapes and ponds provide ideal habitat for cricket frogs and the creation of a new scrape or pond is considered mitigation for the loss of suitable cricket frog habitat at a 1:1 ratio. Scrapes must be within 75 feet of a cricket frog stream/creek/river and be at least 3 feet deep.

b. Backwater Area Creation

Backwater areas provide suitable habitat for cricket frogs; the creation of a new backwater area is considered mitigation for the loss of suitable cricket frog habitat at a 1:1 ratio. Backwater areas must be created along a cricket frog stream/creek/river and be at least 3 feet deep.

c. Woody Vegetation Management

Cricket frogs prefer open areas, rather than brushy and closed canopy habitats. Therefore, the clearing of non-native and/or invasive brush and trees, is considered mitigation for the loss of suitable cricket frog habitat. Because this is habitat restoration rather than habitat creation, the removal of invasive brush is calculated at a 2:1 mitigation ratio.

d. Vegetated Rip Rap

Shoreline habitat is a critical component of cricket frog habitat. Therefore, the placement of rip rap on a shoreline and associated slope in previously suitable habitat will need to be mitigated. The amount of mitigation required however, can be reduced if the rip rap above the ordinary high water mark (OHWM) is top dressed with soil and seeded with one of the seed mixes listed above. The remaining exposed rip rap (typically 1-2 feet below the OHWM but above the water's surface) will still need to be mitigated for. It is important to note that if bio-logs or other natural erosion control measures are used instead of rip rap, suitable habitat will still be present and mitigation will not be required.

e. Project Funding

If habitat mitigation (options a-d) is not possible, funding can be provided to an environmental organization or the DNR for the purposes of future habitat management, surveys or research. The use of funding for mitigation is calculated at a 2:1 ratio.

f. Other

Other mitigation strategy/option that's commensurate with the project scope and impacts, and site conditions, proposed by the applicant and approved by the DNR ER Transportation Liaison.