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**Protocol
for
Incidental Take Authorization**

Loggerhead shrike (*Lanius ludovicianus*)

Note

If carrying out a given protocol is not feasible, or multiple listed species in a given management area pose conflicts, contact the Bureau of Natural Heritage Conservation (NHC) at DNRRERReview@wisconsin.gov. Staff in NHC will work with species experts and managers to establish an acceptable protocol for a given site that will allow for incidental take without further legal Consultation or public notice

I. Species Background Information

A. Status

State Status: Endangered

USFWS Region 3 Species of Management Concern? Yes.

Breeding Distribution and Abundance in Wisconsin: Irregularly distributed statewide. Very rare, especially so in the far north.

Global Range: Breeds from California, eastern Oregon and Washington, central Alberta and Saskatchewan, southern Manitoba, Minnesota, southern Ontario, southwestern Quebec, and Pennsylvania south to Southern Baja California, through central Mexico and the Gulf coast and southern Florida. Winters from central Washington, eastern Oregon, California, southern Nevada, Utah, southern Colorado, southern Kansas, central Missouri, Illinois, central Ohio, and Virginia south to the southern limits of the breeding range.

B. Habitat

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General Habitat Description: Requires open grassland or agricultural areas with some shrubs or small trees for perching, hunting, and nesting. Nesting shrubs and trees can be loosely scattered, arranged in a linear or grid fashion, or isolated. In Iowa, the height of nest trees averaged 19 feet; in Minnesota, the estimated nest tree height ranged from 5.6 to 30 feet; in New York nest trees were typically 13 to 16 feet tall; in Virginia the average height of nest trees was 22 feet. Typical habitats include old fields and other idle grassland fields, pastures, open savannas, farmsteads, parks, golf courses, cemeteries, and roadsides with shrubs, saplings, and small trees. Also uses areas of open cropland with adjacent hedgerows, fencerows, shrubs, or saplings. Frequently uses utility wires for perching.

Critical Habitat Features: At least one shrub, sapling, or small tree, typically with dense foliage, required for perching, hunting, and nesting. Thorny or spiny shrubs and trees are preferred as they can be used for impaling prey; barbed wire fences can also be used for this purpose. Tends to prefer habitats with grasses and forbs of relatively short to medium height and some bare ground for hunting.

C. **Life History**

Territory Size/Home Range: In the midwestern and eastern U.S., territories range from 2.5 to 24 acres. In Minnesota, shrikes foraged up to ¼ mile away from nest sites, while in New York nesting pairs foraged in areas ranging from 14 to 23 acres.

Does Species Nest Colonially? No.

Site Fidelity: Adults do not appear to be highly faithful to nest sites in the Midwest; return rates range from 28% to 47% for males and from 0% to 5% for females. Juveniles appear to disperse widely.

Nest Location and Height: Nests usually placed in a dense part of the foliage of a tree or shrub, often in a crotch, below the crown. Typical nest trees include Hawthorns (*Crataegus* spp.), Red cedar (*Juniperus virginiana*), and fruit trees. Height of nests varies with the height of available trees and shrubs; average nest height ranges from 2.6 to 8.5 feet above ground level. Height of nest location typically increases as the breeding season advances. In Missouri, the mean distance from the periphery of the tree to the nest was 2.6 feet, while in New York this distance was usually more than 3 feet.

Number of Generations/Broods per Year: One, occasionally 2; however, there has been no evidence for second broods in Wisconsin.

Resident or Migrant? Moderate-distance migrant; winters throughout southern half of the U.S., south to southern Mexico. Midwestern birds are thought to winter in the southeastern U.S. states.

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Breeding Season Dates for Wisconsin:

Arrival in spring: Spring migration runs from early April to mid-May.

Dates for nests with eggs: 21 April to 5 July.

Last known date for hatchlings: 20 July.

Peak nesting period (period with 70%-80% of active nests): Unknown, but probably from 20 April to 15 July.

Does Species Re-Nest after Failed First Nest Attempts? Yes.

Length of Breeding Cycle (cumulative time required for nest-building, egg-laying, incubation, and hatchling stages, to the time of fledging): 44 – 53 days.

Young dependent on adults for 3 to 4 weeks after fledging.

II. Management Protocol For Authorized Incidental Take

For this species, no take is allowed under this protocol. Management for habitat is recommended, but should be scheduled such that take is avoided. Authorization is only for the unlikely and inadvertent taking that may occasionally occur despite following all conditions of the Consultation, including the specific management prescriptions below.

A. Burning, Selective Brush/Tree-cutting, and Herbicide Use:

The above management activities are to occur at a site (see definition below) only between 21 July and 19 April. If these activities are conducted during this time period,

then there are no restrictions on the activities, as take is avoided under these circumstances.

This means that the above management activities are not allowed at a site between 20 April and 20 July (see next paragraph).

- ***Important Note: Because habitat suitable for loggerhead shrikes is fairly broad, consult with BER / ISS if the NHI, Breeding Bird Atlas (BBA), or surveys indicate the shrike's presence in the vicinity of the area proposed for management. BER and ISS will work together with BBA and the manager to obtain more precise information on the likelihood of the shrike's presence.***

B. Mowing:

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As long as mowing is restricted to herbaceous vegetation and woody vegetation less than 1 meter tall, there are no restrictions on this activity, as take will be avoided under these circumstances.

C. Grazing:

1. If pasturing dairy cows, beef cattle, horses, or sheep,

then there are no restrictions on the activity as take is avoided under these circumstances.

2. If pasturing browse-loving species such as goats and Scottish Highland cattle,

then no grazing is allowed.

Survey Protocol

For Presence / Absence Surveys for loggerhead shrike:

Personnel must be able to identify loggerhead shrikes in the field by song and by sight.

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Survey period: 20 April - 15 July.

Weather conditions: No rain, wind \leq 10 mph.

Time of day: Conduct surveys between dawn and 10 a.m..

Number and timing of surveys: At least two (preferably 3) surveys must be conducted, preferably at least 4 days apart (3 days apart if management is to occur before 23 April), including at least one survey \leq 1 week prior to proposed management.

Size of area surveyed: Entire area to be subjected to management that contains suitable nesting habitat for loggerhead shrikes.

Method: Traverse entire area slowly on foot, investigating potential sightings or vocalizations of loggerhead shrikes where detected. Be sure to check all conspicuous places (utility lines, fence wires, outer branches of shrubs and saplings) for perched shrikes. Large sites may best be covered by walking a series of parallel lines located 220 feet apart (closer if topography, shrubs, or other obstacles obscure vision or hearing). Stop periodically (roughly every 5 minutes) to listen and watch for shrikes for 5 minutes before resuming walking. Make sure all potential nesting trees and shrubs are inspected. Record location of shrike individuals on a map of the area.

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Definitions

Definition of “Site” for Loggerhead shrike: Any patch of habitat suitable for loggerhead shrikes (see habitat description above) and designated as a management unit, as well as any directly adjacent suitable habitat within a given property ownership, or across ownerships where survey and management agreements for the species are in place.