

Broad Incidental Take Permit/Authorization for Common Activities

Pipeline Inspection/Maintenance and Slender Glass Lizard (*Ophisaurus attenuatus*)

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. An individual, organization or agency is automatically covered by this permit or authorization if all conditions listed below (process, reporting, conservation measures) are met.

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

Process

The first step in determining whether a pipeline maintenance project could impact the slender glass lizard 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 slender glass lizard within the project area and avoidance is not possible, this Broad Incidental Take Permit/Authorization (BITP/A) can be utilized.

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

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Reporting

Given the diverse nature of the activities and species to which the BITP/A for Common Activities may be applied, reporting will be required to monitor and verify the use and application of this Permit/Authorization unless otherwise noted in the activity/species protocols. Reporting, where required, applies to all individuals, organizations, and agencies that conduct projects covered under the BITP/A for Common Activities. This information will also be used for future amendments or modifications to the Permit/Authorization to ensure that it achieves its objectives and remains relevant to the covered activities and species.

Responsible parties must place documentation in the project file when the BITP/A for Common Activities is utilized and inform the Wisconsin Department of Natural Resources' Endangered Resources Review Program via email (DNRRERReview@wisconsin.gov) at least **one week prior to commencement of the proposed activity** (*note that this is not required for forest management due to the long-term nature of the projects*).

A closing report (http://dnr.wi.gov/files/pdf/forms/1700/1700-082_FillExt.pdf) must be submitted to the Wisconsin Department of Natural Resources' Endangered Resources Review Program via email (DNRRERReview@wisconsin.gov) 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**.

Conservation Measures

1. The dimension of the excavation area may not exceed 30 X 60 X 10 feet and the duration of the work may not exceed 14 days.
2. The proposed pipeline inspection/maintenance activities will occur between May 1 and September 15 and during average daytime temperatures of $\geq 65^{\circ}$ F, when slender glass lizards have the best opportunity to move out of harm's way.
3. Topsoil will be segregated within SGL habitat and replaced on top of subsoil. In areas where spotted knapweed is 20% of the herbaceous layer, topsoil will be buried to reduce competition with native plants.
4. Prior to entry into the excavation area, exclusion fencing will be installed around the perimeter according to the following protocol:
<http://dnr.wi.gov/topic/erreview/documents/amphibianreptilefencingprotocol.pdf>. The exclusion fencing will be opened and closed at the end of each workday as needed to allow passage of equipment. An environmental monitor must be present to clear the excavation area of slender glass lizards during fence installation.
5. The environmental monitor must have field experience with the slender glass lizard and its habitat and possess a valid Endangered/Threatened (E/T) Permit for slender glass lizard removals. (For more information on the E/T permit please refer to <http://dnr.wi.gov/topic/EndangeredResources/permits.html>.)

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6. The workspace, including the fenced exclusion area will be cleared by the environmental monitor at the beginning of each work day. These walk-throughs will be reported to BNHC (DNRRERReview@wisconsin.gov) on a weekly basis. See Appendix B for a sample data sheet that can be used for reporting.
7. Crews will be trained on general slender glass lizard minimization measures by the environmental monitor.
8. All dead amphibians and reptiles found onsite will be recorded (species, approximate age, possible cause of death), photographed, and reported to BNHC (DNRRERReview@wisconsin.gov) at the conclusion of the project. See Appendix B for a sample data sheet that can be used for reporting.
9. Upon completion of the maintenance activities, all areas of temporary disturbance will be restored to pre-existing (or better) vegetation and soil conditions. The project applicant should till and rake surface soils just prior to reseeded, following trench backfilling in order to reduce soil compaction. A DNR-approved native short-grass prairie mixture, and a temporary cover crop of annual rye, will be planted.
10. 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: North American Green S75BN, S150BN, SC150BN or C125BN. 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.

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 at 608-264-6057. Staff in BNHC will work with Science Services staff, 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