

# **Broad Incidental Take Permit/Authorization for Common Activities**

## **Stream Crossings (Fords)**

and

## **Fish (*all listed species*)**

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### **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.*

### **Project Definition**

This BITP/A only covers impacts to listed (endangered and threatened) fish species that could occur during non-bridge stream crossing projects, also referred to as “fords.” These projects typically include the placement of gravel in the stream itself, as well as on the immediate approaches, to allow equipment, machinery, vehicles, etc. to drive across the streambed.

### **Process**

The first step in determining whether a stream crossing (ford) project could impact listed fish species 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 listed fish species 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 ([DNRERReview@wisconsin.gov](mailto:DNRERReview@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](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 ([DNRERReview@wisconsin.gov](mailto:DNRERReview@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. Conduct work outside of the fishes spawning season (reference the [Fish Spawning Calendar](#)). If there are multiple fish species present, conduct work outside of the combined fish spawning seasons.
2. Implement proper installation and maintenance or erosion and runoff prevention measures throughout the duration of ground disturbing activities and until vegetation is stabilized in the disturbed area.
3. 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 [DNRERReview@wisconsin.gov](mailto:DNRERReview@wisconsin.gov). Staff in BNHC 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*