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## **Broad Incidental Take Permit/Authorization Grassland and Savanna Protocols**

### **Frosted Elfin (*Incisalia irus*)**

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This Broad Incidental Take Permit/Authorization (BITP/A) has been issued by the Wisconsin Department of Natural Resources to allow landowners to conduct certain grassland and savanna management activities while remaining in compliance with the state's endangered species law (s. 29.604, Wis. Stats.). This BITP/A allows for the incidental taking (mortality) of the state threatened frosted elfin (*Incisalia irus*) that may occur as a result of the grassland and savanna management activities listed below.

Background information/criteria on this BITP/A must also be reviewed and followed:  
[https://dnr.wi.gov/topic/ERReview/Documents/GSP\\_Overview.pdf](https://dnr.wi.gov/topic/ERReview/Documents/GSP_Overview.pdf)

Protocols for all other species covered under this BITP/A can be found here:  
<https://dnr.wi.gov/topic/ERReview/ItGrasslands.html>

*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](mailto: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**

**State Status:** Threatened

Background information on the frosted elfin can be found on the Wisconsin Department of Natural Resources' web page for the species:

<https://dnr.wi.gov/topic/EndangeredResources/Animals.asp?mode=detail&SpecCode=IILEPE2220>

#### **II. Management Protocols for Permitted/Authorized Incidental Take**

If the management activity is for the purpose of recovering, maintaining or improving the grassland, prairie or savanna ecosystem that includes habitat for the frosted elfin, then incidental take is allowed if the conditions below are followed:

### **A. Burning**

If burning occurs after July 31 and before April 15, and

1. the unit to be burned has gone at least three seasons unburned, AND monitoring is occurring,

then up to 20% of the lupine on the site can be burned.

2. the unit to be burned has gone at least six seasons unburned, AND monitoring is occurring,

then up to 25% of the lupine on the site can be burned.

3. the unit to be burned has gone at least 10 seasons unburned, and monitoring<sup>1</sup> is occurring,

then up to 1/3 of the lupine on the site can be burned.

### **B. Mowing**

If mowing occurs after July 31 or before April 15 and the blade height is maintained at 4 inches or higher, then it is assumed there will be no take. Unless evidence to the contrary is presented, there is no need for incidental take authorization.

### **C. Selective Brush/Tree-cutting**

If the lupine patches are well marked and the activity is conducted so that they are unaffected (trees are not felled onto lupine, truck routes avoid the host plants, log piling occurs away from the lupine patches), AND if cutting occurs between April 15 and June 20, nectar plants are within 50 ft of the lupine patch are unaffected, then it is assumed there will be no take. Unless evidence to the contrary is presented, there is no need for incidental take authorization.

### **D. Site Scarification/Tree planting**

If the lupine patches are well marked and the activity is conducted so that they are unaffected, AND if scarification/tree planting occurs between April 15 and June 20, nectar plants within 50 ft of the lupine patch are unaffected, then it is assumed there will be no take. Unless evidence to the contrary is presented, there is no need for incidental take authorization.

**E. Grazing**

Grazing regimes should be approved case-by-case. Take through grazing is allowed only after consulting with the DNR Bureau of Natural Heritage Conservation. Document recommendations for minimizing take in the project file.

**F. Herbicide Use**

If the lupine patches are well marked and the activity is conducted so that they are unaffected, AND the herbicide selected does not adversely impact insects, AND if herbicide use occurs between April 15 and June 20, nectar plants are within 50 ft of the lupine patch are unaffected, then it is assumed there will be no take. Unless evidence to the contrary is presented, there is no need for incidental take authorization.

*<sup>1</sup>At least 2 years of baseline monitoring must occur before burning begins, and the monitoring must follow protocol acceptable to the DNR Bureau Natural Heritage Conservation.*

## Survey Protocols

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For Presence /Absence Surveys or to determine extent of the population on the site:

Personnel conducting the surveys must be adequately trained in elfin butterfly survey and identification.

Survey period: Adult flight season as indicated above. Immature observations are not acceptable for frosted elfin presence.

Prime flight period: Consult the Karner blue butterfly lupine survey guide:  
<http://dnr.wi.gov/topic/ForestPlanning/documents/HCPUsersGuideLupineSurveyforLTD.pdf>  
in early May for information on the progress of lupine phenology.

Weather conditions: Survey above 60 degrees F. Do not survey during rain or high winds.

Time of day: Survey between 8:00 AM and 6:00 PM.

Number of site visits: Survey 2 times during peak flight for two consecutive seasons.

Survey method: Search lupine plants and shrubs within 1.5 ft. of lupine plants. Plan approximately 20 minutes per acre of habitat.

## Definitions

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### **Definition of “Site” for Frosted Elfin:**

The whole area supporting lupine from patches of abundant or common lupine out to areas where lupine plants are no longer frequently encountered, and associated nectar plants, under a single ownership or across ownership boundaries where survey and management agreements for the species are in place.