

# Broad Incidental Take Permit/Authorization for Common Activities

## Streambank Stabilization and Blanchard's Cricket Frog (*Acris blanchardi*)

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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. 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 (e.g., process, reporting and conservation measures) are met.***

### Process

The first step in determining whether a streambank stabilization 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 may 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.

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## Requirements

In order for a project to be covered under this BITP/A, all measures listed below under “Conservation Measures” must be followed. This includes submitting a starting report at least one week prior to the project beginning, a mitigation plan, and a closing report within 60 days of completion of the project. Reporting, where required, applies to all individuals, organizations, and agencies that conduct projects covered under this BITP/A.

If the “Conservation Measures” listed below are not followed, the property owner and/or project applicant are liable for any and all take (mortality) of the Blanchard’s cricket frog that may occur.

## Conservation Measures

1. Inform the Endangered Resources Review Program ([DNRERReview@wisconsin.gov](mailto:DNRERReview@wisconsin.gov)) at least **one week prior to commencement of the proposed activity** that you will be following this broad incidental take permit/authorization. Be sure to include the project name and location.
2. The loss of Blanchard’s Cricket Frog habitat must be mitigated for. This mitigation typically occurs with the creation of habitat in a 1:1 ratio of habitat lost. For example, if 200 sq. ft. of habitat is lost due to streambank stabilization, 200 sq. ft. of Blanchard’s Cricket Frog habitat must be created as part of the project. For questions on how to mitigate for lost habitat or for alternative mitigation options, please contact the ER Review Program ([DNRERReview@wisconsin.gov](mailto:DNRERReview@wisconsin.gov)).

All mitigation plans must be approved by the Endangered Resources Review Program ([DNRERReview@wisconsin.gov](mailto:DNRERReview@wisconsin.gov)) prior to commencement of the proposed activity.

3. The following restrictions will apply for any and all activities taking place within 75 feet of waterway where streambank stabilization is occurring AND any wetlands found on site:
  - a. Construction is permitted to take place from 4/8 – 5/19 and 8/16 – 10/15 to avoid overwintering and breeding seasons of cricket frogs.
  - b. Before any disturbance/construction takes place on site, the vegetation within 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:
    - i. 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.
    - ii. Any in-stream vegetation (emergent, submergent or floating) within 1 foot of the water’s surface and within 1 foot of the disturbance area 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.

- c. Blanchard's Cricket Frog removals will be conducted in the disturbance footprint by a qualified biologist prior to each work day/restoration activity. 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).

Results of the cricket frog removals will be reported to the ER Review Program ([DNRRERReview@wisconsin.gov](mailto:DNRRERReview@wisconsin.gov)) on a weekly basis. A sample data sheet can be found here: [http://dnr.wi.gov/topic/ERReview/documents/CA\\_SpeciesRemovalDatasheet.pdf](http://dnr.wi.gov/topic/ERReview/documents/CA_SpeciesRemovalDatasheet.pdf).

- d. All rock riprap above the OHWM will be top-dressed with 6" of soil and seeded to the following Bureau of Natural Heritage Conservation (BNHC) approved mixture. The seed mix listed below is a commonly used mix that is recommended, changes can be made to this seed mix if the maximum height of the species is 2-3 feet or less AND if approved in advance by the Endangered Resources Review Program ([DNRRERReview@wisconsin.gov](mailto:DNRRERReview@wisconsin.gov)):

Creeping Red Fescue	5.0lbs/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.

4. All dead amphibians and reptiles found onsite will be recorded (species, approximate age, possible cause of death), photographed, and reported to the ER Review Program ([DNRRERReview@wisconsin.gov](mailto:DNRRERReview@wisconsin.gov)) at the conclusion of the project. A sample data sheet can be found at [http://dnr.wi.gov/topic/ERReview/documents/CA\\_SpeciesRemovalDatasheet.pdf](http://dnr.wi.gov/topic/ERReview/documents/CA_SpeciesRemovalDatasheet.pdf).
5. 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.

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6. 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 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.**

*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*