

APPENDIX 201G: OBTAINING AND SHARING NHI DATA

PROCEDURE

Writing an MFL Plan

The NHI data for plan-writing are provided through the WisFIRS Private Lands application. A general description of the procedures is below; additional technical details are provided in the [WisFIRS Private Lands training manual, which Tax Law Specialists and CPWs can obtain in WisFIRS](#).

Prior to plan development:

1. **CPWs** obtain permission from the landowner(s) to access the NHI data for the parcels included in the plan and gathers site information needed to develop the plan

From WisFIRS:

2. **CPWs** review the reminders about sharing of NHI data in WisFIRS and checks the box that indicates that landowner permission has been granted
3. **CPWs** click the “Get Latest NHI Data” button
4. **CPWs** review the list of EOs. Clicking on a species name will go directly to whatever guidance information is available for that species on the department Web site.
5. **CPWs** export a report and provide it to the landowners to let them know what is present on and around their property.
6. **CPWs** use the changes tab to see if any changes have occurred since the last time the plan was worked on, if applicable.
7. **CPWs** determine whether suitable habitat is likely to exist on the property for each EO. This information will be important for future users of the plan in developing management prescriptions.
8. **TLS** reviews the information along with the rest of the plan.

NHI

Natural Heritage Inventory (NHI) Data are exempt from the State of Wisconsin Open Records Law (s. 19.35, 23.27(3)(b)).

The NHI data are intended *for your use only* while preparing the plan. These data are considered sensitive for several reasons and should not be distributed to anyone, including the landowner since data for surrounding properties are included in the results below. You may use the [NHI Report for Landowner](#) to share information with the landowners about NHI data on their property. For more information about NHI, [click here](#).

☐ I have permission from all of the landowners to check NHI data for the property.

Re-searching NHI will not erase suitable habitat evaluations ☐ Only Show Elements No Longer Found

NHI Elements Found Last Scan Date: 1/3/2013 2:26:35 PM [NHI Data Key](#)

	Suitable Habitat?	Scientific Name	Common Name	WI Status	US Status	WI Rank	Global Rank	Last Obs	Group	#EOs	Changes
>	Yes	Callophrys irus	Frosted Elfin	THR		S1	G3	1982	Butterfly	1	New
>		Lycaeides melissa samuelis	Karner Blue	SC/FL	LE	S3	G5T2	1990	Butterfly	1	New
>	Yes No	Tymanuchus cupido	Greater Prairie-Chicken	THR		S1B,S2N	G4	1979	Bird	1	New
>		Karner Blue Federal High Potential Range	Karner Blue Federal High Potential Range	SC		SNR	GNR	2012	Other	1	Modified
>		Atrytonopsis hianna	Dusted Skipper	SC/N		S3	G4G5	1978	Butterfly	1	
>		Asplenium trichomanes	Maidenhair Spleenwort	SC		S3	G5	1894	Plant	1	
>		Erynnis persius	Persius Dusky Wing	SC/N		S2	G5	1979	Butterfly	1	

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Preparing a Timber Sale Cutting Notice or WFLGP Grant

The Bureau of Natural Heritage Conservation (NHC) launched The Natural Heritage Inventory (NHI) Public Portal, an online tool for the public to use to determine if their project will affect endangered resources. For the purposes of forest management, the NHI Public Portal will allow individuals to conduct a preliminary assessment of a timber harvest. Searching the NHI Public Portal will produce a document called an Endangered Resource (ER) Preliminary Assessment.

A Certified Plan Writer (CPW), Cooperating Forester (CF), landowner, logger, or any other external partner must use the NHI Public Portal to conduct the preliminary assessment of a timber harvest on land enrolled in the Managed Forest Law (MFL) or Forest Crop Law (FCL) program. Please follow the Standard Operating Procedures (SOPs) below to incorporate the NHI review into a Cutting Notice or WFLGP Grant.

If possible, the NHI lookup should be done in the early planning stages, well before marking or developing a cutting notice or grant. Tax Law Administration Specialists must generate the detailed NHI data report for CPWs or CFs when needed for projects that the DNR reviews, funds or approves (see results 2 and 3 below, or when the NHI Public Portal cannot be used).

*Remember that any documents made available to the public should not include specific NHI data. Department staff with questions about the use of the NHI Public Portal should take NHI Training and/or watch the portal instructional video available online.

The NHI Public Portal can be used to determine the potential impacts a project may have on endangered resources, and will determine if a detailed NHI data report is required. To find the NHI Public Portal and instructions search: **dnr.wi.gov**, Keywords: *Public Portal*

The ER Preliminary Assessment from the NHI Public Portal will contain one of three potential results:

- 1) **No actions required/recommended** - No endangered resources have been recorded in this area.
- 2) **Further actions recommended** - Endangered resources are present, therefore request an Endangered Resources Review or contact local Tax Law Administration Specialist. If the ER Preliminary Assessment states that follow-up actions are recommended, one or more of the following situations apply:
 - The species recorded are special concern.

- The records are from natural communities or other natural features.
 - The species recorded are threatened or endangered plants, but are not protected due to the project occurring on private land or due to another type of exemption (i.e. agriculture, utility, etc.).
- 3) **Further actions are required to ensure compliance** - Endangered Resources are present and the species present are legally protected with Wisconsin's Endangered Species Law (s. 29.604 Wis. Stats.) and the Federal Endangered Species Act (16 USC ss. 1531-44); therefore request an Endangered Resources Review or contact local Tax Law Administration Specialist. If the ER Preliminary Assessment states that follow-up actions are required, one or more of the following situations apply:
- The species recorded are state or federal threatened or endangered animals.
 - The project site overlaps the Karner Blue Butterfly High Potential Range.
 - The project site overlaps the Rusty Patched Bumble Bee High Potential Zone.
 - The species recorded are state threatened or endangered plants on public land.
 - The species recorded are federal threatened or endangered plants on federal land or involve federal funds or a federal permit.
4. Standard Operating Procedure when a search of the Public Portal produces results 2 or 3—Further actions are recommended or required.
- If the "Results" states "Further actions are required OR recommended...", the CPW or Cooperating Forester needs to request that DNR conduct an NHI search
 - Click the "Print/Save Results" to create the "Endangered Resources:
 - i. Preliminary Assessment" report.
 - ii. Note the Public Portal ID in the lower left corner of the page.
 - iii. Copy and paste the Public Portal ID into the email as the first line within the email message.

To efficiently process all requests, please use one of the following email formats when sending to the inbox:

If the Public Portal search states "Further actions are required Request NHI"

The email "Subject" line should be "order number NHI Request"

- If an MFL Order Number has not yet been established or does not exist, substitute the County name for the Order Number

For example: "59-047-2014 NHI/Arch/Hist Request" or "Shawano NHI/Arch/Hist Request".

Include the following information in the request:

NHI Public Portal ID number**(see above)

Landowner name

A statement that you have permission from the landowner to make the request

Tax law order number

The requestor's contact information

Purpose of the request (new plan, MFL renewal, MFL addition, timber sale, WFLGP practice, etc.)

State I "am" OR "am not" a Cooperating Forester

Legal description (Town, Range, Section(s), Quarter-quarter(s))

o For example: T22N R05E S 24 NES

BACKGROUND

Screening for potential impacts to rare species is required for projects that are funded, conducted, or approved by the department (s. 29.604, Wis. Stats., and Manual Code 1753.1). The Natural Heritage Conservation Program has approved the following process for providing Certified Plan Writers (CPWs) and qualified Cooperating Foresters (CFs) access to Natural Heritage Inventory (NHI) data. The steps are different based on whether the data are being used to develop an MFL plan, prepare a timber sale cutting notice, or prepare a grant under the Wisconsin Forest Landowner Grant Program (WFLGP) and whether the requestor is a Cooperating Forester (CF) or not. Forestry

Division staff should contact the Bureau of Natural Heritage Conservation (NHC) for all other requests.

DATA CONFIDENTIALITY AND DISTRIBUTION

Natural Heritage Inventory (NHI) data are considered sensitive, so they are protected by law and are not subject to open records requests. It has been the department's experience that publicly distributing the specific locations of endangered resources (rare plants, animals, and high-quality examples of natural communities and other features) can lead to their destruction. Further, the NHI data require interpretation and can be easily misinterpreted.

Although NHI data are available to department staff through the NHI Portal, any distribution of data outside of the department is the responsibility of NHC.

The NHI data reports provided to CPWs and CFs *should not be distributed to others*, the landowner being the *only* exception. Landowners may receive copies of the reports since they do not indicate which Element Occurrences (EOs) might be from other nearby landholdings. The landowner should be made aware that the data are for the property / project area and the surrounding area.

DATA USE REQUIREMENTS

All CPWs and CFs who have had the NHI Training are under obligation to protect the NHI data according to the same standards followed by DNR staff. Also, department employees that use NHI data are expected to attend NHI training at least once every five years to continue to receive access. It is important for department foresters to understand that each time they approve a timber sale they are making a legal determination regarding whether *take* will or will not be avoided for any species that may be present, and only Wisconsin DNR staff have this authority. Although CPWs are not required to take NHI Training at the time of this writing, it is strongly encouraged and will likely be a requirement in the future.

IMPORTANT ISSUES REGARDING NHI DATA

Rather than being viewed as an authoritative source about everything present on a property, the NHI data help to determine what may occur on-site based on the best available information. Whenever other sources are available, those should be used along with the NHI Portal data. The NHI Portal provides terrestrial and wetland species within a 1-mile buffer and aquatic species within a 2-mile buffer of the project area. NHI results in WisFIRS provide the same buffer as the NHI Portal, however the project area is generalized to the legal description. It is important to note that *all of the EOs listed on the NHI Report should be treated the same* for the purposes of developing an MFL plan, timber sale cutting notice or WFLGP grant, regardless of location or age of the record. The reason for this is covered in the NHI Training.

Each EO should be evaluated to determine whether habitat for it could exist in the project area. If potential habitat is thought to be present, harvest and other prescriptions should be modified as appropriate. The department Web site (dnr.wi.gov keyword "er") contains information on the habitat needs for many species, as well as management and avoidance strategies. Contact NHC's Forestry Liaison with questions dnr.wi.gov/topic/ERReview/contacts.html. Again, since only the department can determine if take is being avoided for a listed species, the Tax Law Section (TLS) has the responsibility to review the prescriptions and other information.

UNDERSTANDING THE NHI DATA REPORT

In addition to the name of the Element (including scientific name where appropriate), the report contains the following fields (see the Natural Heritage Working List for more detailed explanation for these fields, dnr.wi.gov keyword “nhi”):

- **State and Federal Status** (level of state and/or federal legal protection for the element),
- **State and Global Ranks** (indications of rarity that are used by NHI and are important for Forest Certification).
- **Last Observation** (date when the element was last observed. Elements should be treated the same, regardless of last observed date)
- **Group** (helps you determine the taxonomic group to which the species belongs)

SUPPORTING INFORMATION

Many aspects of the NHI data are important to understand to use it correctly and effectively; this is the reason NHI training is required by manual code for department staff. One difficulty with using NHI data is determining whether habitat is present for a species (or Element) on a site. If habitat does exist for any of the species, effective strategies are necessary to avoid take. In addition, depending on landowner objectives, there may be opportunities to voluntarily maintain or enhance habitat beyond avoiding take. The Natural Heritage Conservation (NHC) Program has resources on the Wisconsin DNR web site that are intended to be your first stop for finding this information. For many species, there are now comprehensive “species guidance documents” for your use. Go to the department Web site (dnr.wi.gov) and search keyword “**biodiversity**” to access these web pages. Contact NHC Forestry Liaison with questions dnr.wi.gov/topic/ERReview/contacts.html.