

Michigan's Listed Animal Species

• 104 listed animal species in MI

• Federal species = 23

• State species = 81

• Special Concern = 194

• Listed animals are protected from "take"

• Other laws and species

What right-of-way areas are most likely to have listed animals?



- Creeks and rivers
- Forested wetlands
- Emergent wetlands
- Coastal Great Lakes
- Oak savannas

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T&E animals – why are they important?

- Can affect the cost, design or schedule of MDOT jobs
 - Cost surveys may be contracted out or alternative materials required
 - Design changes to design to avoid, minimize, or mitigate impacts
 - Time regulatory agency coordination, consultation, permitting, and survey



Which species are most likely to affect MDOT projects?

Three taxa represent 95% of issues with design and scheduling

- Indiana and Northern Long-Eared Bat
- Eastern Massasauga Rattlesnake
- Freshwater Mussels







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T&E animals – Most common questions

- [Bats] Will there be tree removals?
 - Winter cutting (Oct 1 Mar 31)?
 - Acreage?
- [EMR] Will there disturbance within these regulated areas?
 - Clearing/tree removals?
 - Culvert replacements?
 - Mulch blanket/slope restoration required?
- [Mussels] Will there be work below the OHWM?

Indiana and Northern Long-Eared Bat

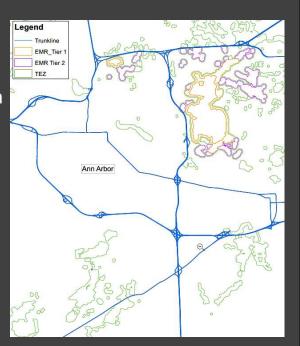
- Winter removals (Oct 1 Mar 31) may be required
- Bats and bridges inspections may be required (May 15 –Aug 15)
- Can require contracting, which may add another 10 weeks (at least)
- Consultation (30 days)

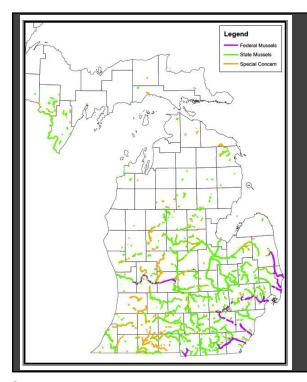


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Eastern Massasauga Rattlesnake

- Occurs throughout Lower Peninsula
- Requires more design info
- BMP driven species
 - Winter tree removals
 - Seasonal ditching or culvert restrictions
 - · No traditional mulch blanket
 - Silt fence as barrier
 - Contractor notification
- Consultation





Freshwater Mussels

- Occur mainly in the LP
- Generally require survey and relocation (Jun 1 – Oct 15)
- May require contracting, which can add 10 weeks
- A one-year lead time for state listed species and two-year lead time for federally listed species is recommended

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Surveys

- Must account for design and constructability
- Each group has a protocol that dictates methods
- Positive surveys may result in delays due to permits, consultation, or additional surveys. For federal species the process can take 2 years.



How we avoid impacts to wildlife species

- Design and planning
 - Removing trees during the winter
 - Avoiding nesting periods
 - Survey/relocation
- Agency coordination
- PAs to streamline consultation process
- Even when impacts are minimal, jobs still require consultation



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How we avoid impacts to wildlife species

- Special provisions
 - Frequently used
 - Tree Removal
 - Previously approved
 - Wildlife friendly erosion control
 - Environmental vicinity sheets
 - This is a separate plan sheet, used on projects with a high risk for impacts, that shows where restrictions occur within the project area

MICHIGAN
DEPARTMENT OF TRANSPORTATION

SPECIAL PROVISION
FOR
TREE REMOVAL

ENV:JDG
1 of 2 APPR:DMG:MJO:06-13-17
FHWAAPPR:06-14-17

a. Description. This work consists of all tree removals or desaring wegetation greater than 3 inches in diameter required for the project as defined in sections 201 and 202 of the Standard Specifications for Construction.

1. Due to the existence of federally protected species, complete all tree removals required for the project between October 1 and March 31 for all projects located in the counties shown on the map included in this special provision as having both Indiana bats (IB) and Northern Long Eared bats (NLEB).

2. In the counties shown on the map included in the special provision as having NLEB only, tree removal can be done at any time during the year.

b. Materials. None specified.
c. Construction. The work must be conducted in accordance with sections 201 and 202 of the Standard Specifications for Construction.

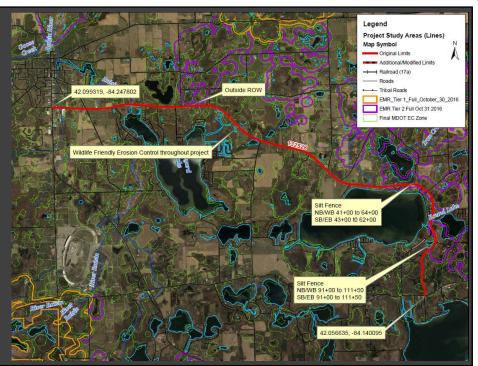
d. Measurement and Payment. Clearing or tree removal will be paid for according to subsections 201.04 and 202.04 of the Standard Specifications for Construction and applicable special provisions.

If the project is in a county shown on the map as having NLEB bats only, payment will be in accordance with subsections 201.04 and 202.04 of the Standard Specifications for construction.

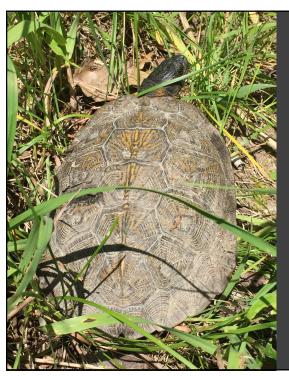
If the project is in a county shown on the map as having both IS and NLEB the work must be conducted between October 1 and March 31. If the work is not completed within this timefarme, and additional environmental evaluation is required, the Contractor may face penalties from paying any additional costs and being assessed liquidated demages up to being held in default of the contract.

Project Example JN 132528

- Wildlife friendly erosion control
- Silt fence to exclude EMR
- EMR FUSP included in project package



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Questions?

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