

MICHIGAN
DEPARTMENT OF TRANSPORTATION

SPECIAL PROVISION
FOR
PROTECTED TURTLES

ENV:JDG

1 of 5

APPR:DWS:MJO:03-09-26
FHWA:APPR:04-15-26

a. Description. Contractors are advised that the project area has a known or potential population of protected turtles. These species, including wood turtle, eastern box turtle, and/or spotted turtle, are listed as threatened under the Natural Resources and Environmental Protection Act 451 of 1994, Part 365 Endangered Species Protection (Act). This special provision notifies the Contractor that protected turtles may be onsite, addresses take prohibitions, and provides material and construction requirements.

b. Materials.

1. Turtle Fence is silt fence described in the Standard Specifications for Construction, sections 208, 910, and 916, and the *SESC Manual* section 3.1.3. Turtle Fence may overlap in purpose with silt fence used for sediment control when the construction requirements of this special provision are followed.

2. If mulch blankets are used, ensure wildlife friendly types are used project-wide. Wildlife friendly blankets are 100 percent biodegradable and manufactured with non-plastic materials such as jute, sisal or coir fiber. Degradable, photodegradable, UV-degradable, oxo-degradable, or oxo-biodegradable plastic netting including polypropylene, nylon, polyethylene and polyester are not acceptable alternatives. Netting materials must have a loose weave design with movable junctions that move independently and reduce the potential for wildlife entanglement. For reference, mulch blankets in slope restoration types F and G are considered wildlife friendly.

c. Construction. Adhere to the following requirements:

1. Taking (collecting, killing, or harming in any manner) turtles is prohibited under state law. The Act provides enforcement authority to the MDNR and contains penalties for violations, including monetary fines and imprisonment. The Contractor is liable for any penalties imposed for violations to the Act due to the Contractor's failure to comply with this special provision. Violation of any requirement listed below can lead to an immediate work stoppage in turtle habitat.

2. Prior to working on the job site, all on-the-ground contractor staff involved with construction must review the attached fact sheets (pages 3 - 5). If a central location exists to post information (e.g., job board), ensure the fact sheets are displayed for staff to review. The purpose of the fact sheets is to provide the Contractor with identification information and raise awareness regarding the protected legal status of these species.

3. In the event that turtles are observed within the construction zone, refer to the fact sheets (pages 3 -5) to determine if they need to be moved. Report turtle sightings within the construction zone to the Engineer immediately. The Engineer will notify the Endangered

Species Coordinator in the MDOT Environmental Services Section.

4. Turtle Fence. Ensure silt fence labeled “Turtle Fence” on the plans is installed exactly as shown on the plans prior to any disturbance in the work area as shown in Figure 1. Disturbance includes excavation, filling, grading, staging of equipment or vehicles, and storage of any materials. While any disturbance is planned or ongoing within 500 feet of the Turtle Fence, the fence must be monitored and properly maintained as required by the Standard Specifications for Construction and *SESC Manual*.

Ensure both ends of the Turtle Fence are “J-hooked.” J-hooks are intended to redirect turtles that travel along the fence back to natural habitats. J-hooks must be 2 to 2.5 feet wide and at least 30 feet long unless otherwise specified on the plans. J-hooks must stay within road right-of-way or consent to grade areas. An example J-hook is shown in Figure 1.

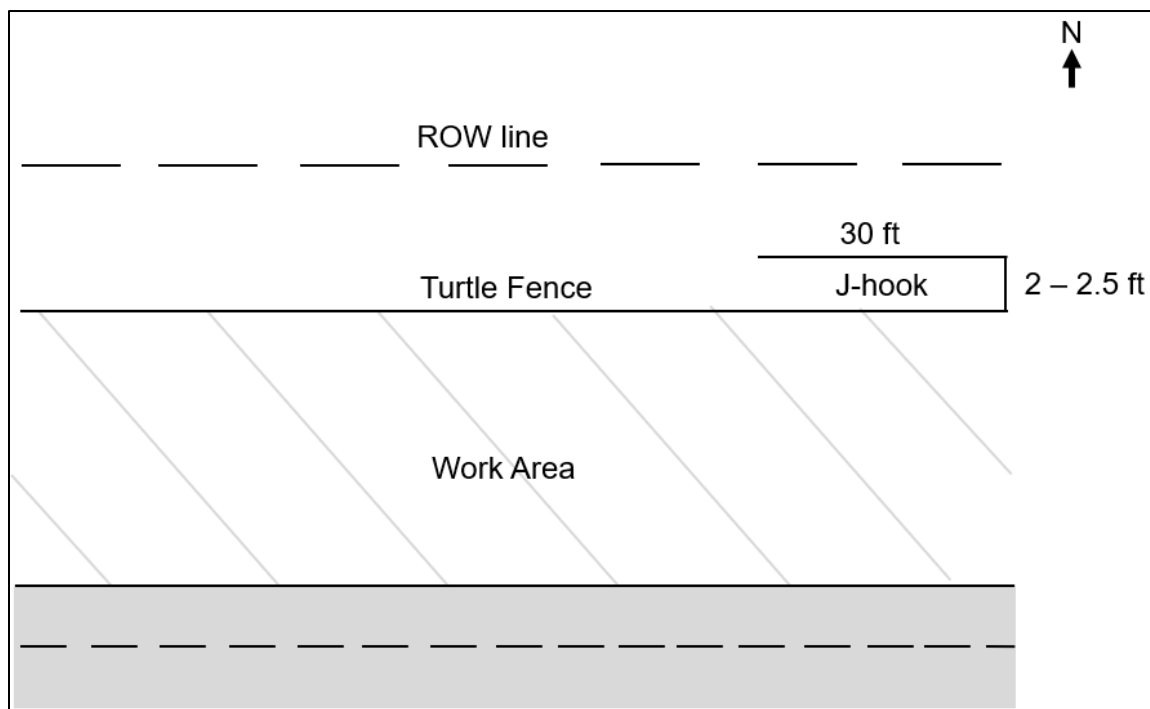


Figure 1: Turtle fence and j-hook. At the end of the installation, redirect the fence perpendicular and away from the road for 2 to 2.5 feet. Return the fence parallel to the road for 30 feet. This figure is intended for illustration purposes and is not drawn to scale.

For trunkline projects only: Once installed, the Engineer must contact the MDOT Endangered Species Coordinator to schedule a walkthrough survey prior to any disturbance. Allow 14 days for the walkthrough survey to occur. Once completed, the MDOT Endangered Species Coordinator will notify the Engineer that construction may proceed in areas with Turtle Fence.

d. Measurement and Payment. Compliance with this special provision will not be paid for separately but will be included in other pay items in the contract.

The Turtle Fence may be paid for as Erosion Control, Silt Fence, as shown on the plans, in accordance with subsection 208.04 of the Standard Specifications for Construction and includes installation, maintenance and removal.

Eastern Box Turtle (*Terrapene carolina carolina*)

Protected as State Threatened on March 20, 2023



What Does an Eastern Box Turtle Look Like?

The eastern box turtle is a relatively small turtle with a domed shell. The underbody (called the plastron) is hinged, allowing the turtle to fully retreat into its shell. The body, head and shell are variable in color but generally brown to black, with a generous amount of yellow or orange mottling. Males typically have red eyes and females possess brown eyes.

Where Does It Live?

These turtles live in multiple habitats depending on the season. During winter, they typically reside in forested habitats where they overwinter under leaf litter, woody debris or buried in soil, moving to open areas (prairie, old fields, etc.) or forested edges during the spring. In the summer, they are often in forested habitats that usually have a nearby water source or wetland. Eastern box turtles are a "land" species but may be found in water for brief periods.

What Should You Do if You See an Eastern Box Turtle?

Box turtles are slow-moving and will most likely be seen during nesting season (June-July). If an

eastern box turtle is found on a project, first take a photo of the turtle. Then, determine if the turtle is vulnerable to construction activities. If not, leave it alone. If it is in the path of construction, wait and observe the direction it is moving. Once determined, move the turtle into natural cover in the direction it was heading (away from construction). Eastern box turtles should be lifted with both hands on each side of the shell halfway between the front and back legs. Never pick up a turtle by its tail. The construction engineer should be notified immediately, who should then contact the endangered species coordinator in the MDOT Environmental Services Section and report the location with any photos.

How Is the Eastern Box Turtle Protected Under the Law?

The eastern box turtle is protected under state law by the Michigan Endangered Species Act. This status offers protection by prohibiting "take," which means to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, collect, or attempt to engage in any such conduct. Potential penalties include monetary fines or imprisonment up to 90 days.

Terrapene carolina carolina (Eastern box turtle)
Michigan Natural Features Inventory (msu.edu)

Spotted Turtle (*Clemmys guttata*)

Protected as State Threatened



What Does A Spotted Turtle Look Like?

The spotted turtle is a small turtle species with adults typically measuring between 4 - 6 inches in length. The shell is black or brown-black with either few or numerous yellow spots that may fade with age. The plastron (underbody) is hingeless, yellow or orange, and has black blotches. The soft, under parts of the legs and neck are often orange or pink, with black mottling. Males typically have brown eyes and females possess orange eyes.

Where Does It Live?

These turtles live in clear, shallow water with a muddy or mucky bottom and abundant aquatic vegetation. Suitable habitats include wet meadows, bogs, fens and tamarack swamps, as well as shallow ponds and slow streams. Spotted turtles tolerate cool temperatures and are more active than other turtle species in the spring.

What Should You Do If You See a Spotted Turtle?

Spotted turtles are slow-moving and will most likely be seen during their nesting season (early to mid-June). If a spotted turtle is found on a project, take a photo of the individual. Next, determine if the turtle is at risk

from any construction activities. If the turtle will not be impacted, leave it in place. If it will be impacted by construction, back away and observe from a distance for several minutes to determine the direction it is moving. Once determined, move the turtle into natural cover in the same direction it was heading (away from the construction zone). Spotted turtles should be lifted with both hands on each side of the shell halfway between the front and back legs. Never pick up a turtle by its tail. The construction engineer should be notified of the turtle sighting immediately. The construction engineer is responsible for contacting the MDOT endangered species coordinator and should forward the photos for proper species identification.

How is the Spotted Turtle Protected Under the Law?

Spotted turtles are protected under Michigan's Endangered Species Act. This act prohibits "take," which means to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, collect or attempt to engage in any such conduct. Penalties may include monetary fines or imprisonment up to 90 days.

For More Information:

Spotted Turtle (*Clemmys guttata*)

https://mnfi.anr.msu.edu/abstracts/zoology/Clemmys_guttata.pdf

Wood Turtle (*Glyptemys insculpta*)

Protected as State Threatened on March 20, 2023



What Does a Wood Turtle Look Like?

The wood turtle is a medium-sized turtle that may grow to 10 inches. The shell is highly sculptured, with intricate circular rings forming "pyramids" on each scute (individual shell plate). The rings may weather and wear down in older turtles. The shell is dark in color, sometimes with yellow or orange spots, flecks, or stripes radiating away from the center of the scutes. The head is black and legs generally dark, although yellow or orange mottling may be present.

Where Does It Live?

The wood turtle is typically found near sandy-bottomed streams and rivers in mid- to upper Michigan (including the Upper Peninsula). They rarely stray more than 500 feet from their home waterways, usually staying within 50 feet. While the species spends a substantial amount of time in the water, it does also venture into forests, meadows and thickets. In transportation rights of way, they can be found climbing roadside slopes near wooded floodplains in the late spring and summer.

What Should You Do if You See an Wood Turtle?

Wood turtles will mostly likely be seen during nesting season (June). If a wood turtle is found on a project, first take a photo of the individual. Then, determine if the turtle is vulnerable to construction activities or traffic. If not, leave it in place. If it is in the path of construction or traffic, wait a moment to observe the direction of travel. Once determined, move the turtle into natural cover in the same direction it is moving (away from the construction zone). Wood turtles should be lifted with both hands on each side of the shell halfway between the front and back legs. Never pick up a turtle by its tail. The construction engineer should be notified immediately, who should then contact the endangered species coordinator in the MDOT Environmental Services Section and report the location with any photos.

How Is the Wood Turtle Protected Under the Law?

The wood turtle is protected under state law by the Endangered Species Act. This status offers protection by prohibiting "take," which means to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, collect, or attempt to engage in any such conduct. Potential penalties include monetary fines or imprisonment up to 90 days.

For More Information:

Glyptemys insculpta (wood turtle)
Michigan Natural Features Inventory (msu.edu)