Working with Threatened and Endangered Species

Jeff Grabarkiewicz, MDOT Ecologist, Environmental Section, Grabarkiewiczj@Michigan.gov
Talk Outline

- Bats
  - Update, Final 4(d) rule for NLEB
  - Review, Indiana Bat
  - New, MDOT/FWS Bridge Agreement
- Freshwater Mussels
- Bald Eagles
Final 4(d) Rule for NLEB

- Affected by WNS
- Migratory
- Tree roosting bat
Final 4(d) Rule for NLEB

- Listed as threatened on April 2\textsuperscript{nd} 2015 with interim 4d rule
- Final rule released on Jan 14\textsuperscript{th} 2016
- Became active on Feb 16\textsuperscript{th} 2016
- Changes tree removal regs
Final 4(d) Rule for NLEB

- Within NLEB range only, tree removals are allowed year-round except for:
  - 0.25 miles from a hibernaculum
  - 150ft of a known roost tree
Final 4(d) Rule for NLEB

- Federally funded jobs require consultation (there is a form)
- Non-federal jobs, no consultation
- Within a township with a known roost tree or hibernaculum, contact FWS
- Multi-year projects require annual consultation
Indiana Bat Review

- Endangered species since 1967
- Winters in caves in Kentucky, Missouri, and Indiana
- Tree roosting bat species
- Summer habitat consists wet woods and river corridors
Indiana Bat Review

Ibat pup (above), adult (below)

Indiana Bat cluster on a Southern Indiana cave wall
Indiana Bat Review

- Range includes southern Michigan and coastal Lake Michigan
- Still requires winter tree removal where habitat is present
- Clearance through assessments/surveys
MDOT/FWS Bridge Agreement

- **Background**
  - Growing awareness internationally that bats roost in bridges
FWS approached MDOT in 2015 with concerns about bridges and listed bats

- Activities that modify occupied roosting spaces
- Day roosting vs. night roosting
- Southern part of the state
- Areas with contiguous, suitable habitat
- Bridges with vertical clearance, sun exposure
- Very little data in Michigan
MDOT/FWS Bridge Agreement

- In response to FWS, we collaboratively developed a programmatic agreement that:
  - “addresses regional differences in roosting behavior, streamlines consultation, and strategically focuses conservation activities”
MDOT/FWS Bridge Agreement

3 determinations:
- May affect
- NLAA
- No effect

Getting to NLAA
- Urban land use
- No habitat
- Early/Late removal
- Site inspection
MDOT/FWS Bridge Agreement

- Administratively-
  - Letter in narrative form that proposes a determination and seeks concurrence
    - Location
    - Scope of work
    - Determination (factors involved)
    - Mapping
  - Concurrence typically in 30 days
Freshwater Mussels
Freshwater Mussels

- **Background**
  - ~300 taxa in N. America
  - 78 species are federally listed, 21 extinct
  - 14 state listed species in Michigan
- **Parasitic larval phase**
Freshwater Mussels

- Federally listed species found in MI:
  - Snuffbox, Clubshell, Rayed Bean, Northern Riffleshell
  - Gratiot, Ionia, Kent, Livingston, Oakland, St. Clair, Washtenaw, Oakland, St. Clair, Monroe, Sanilac, Wayne, Hillsdale

- State listed species
  - Widespread
Freshwater Mussels (Planning)

- State of Michigan will soon (maybe) be releasing a new protocol
- Section 7 and federally listed mussels
- State listed mussels
- Coordinate, consult, and/or permit prior to letting
Freshwater Mussels (Planning)

- Guidance for PMs
  - Jun 1 – Oct 15
  - Weather
  - Consultants require sampling permits
  - Results good for 5 years
  - Communication
Freshwater Mussels (Planning)
Freshwater Mussels (Planning)

- When do I need a survey/relocation?
  - Where impacts to state/federally listed species might be expected
  - Where hydrology lends itself to support mussel populations (10 mi²)
  - Where there is suitable habitat
  - Where records of listed species are nearby
  - Feedback from FWS or MDNR
Bald Eagles

- **Background**
  - Originally listed under ES preservation act 1966
  - Down-listed to threatened in 1995
  - Removed from ESA in 2007
  - Still protected under the Bald and Golden Eagle Protection Act
Bald Eagles

1963 to 2006

Number of Pairs

Year

'63  '74  '81  '84  '86  '87  '88  '89  '90  '91  '92  '93  '94  '95  '96  '97  '98  '99  '00  '06

0  1875  1138  1757  2475  3035  3749  4449  5094  5743  6471  9789
Bald Eagles

U.S. Fish & Wildlife Service
Estimated Number of Bald Eagle Breeding Pairs (by State) *

* Figures represent estimated breeding pairs per state.
Bald Eagles

- Regulations
  - The Act restricts disturbing nests during reproductive periods (includes noise)
    - Varies on location (Feb – Sep)
    - 330’, 660’ rule
    - Permitting process
    - Consultation w/ FWS
Questions

Jeff Grabarkiewicz
MDOT Wildlife Ecologist
Environmental Section
Grabarkiewiczj@Michigan.gov
(517)-335-2633