

Figure 17: Environmental Contaminants Map 1 North of the Village of Pellston

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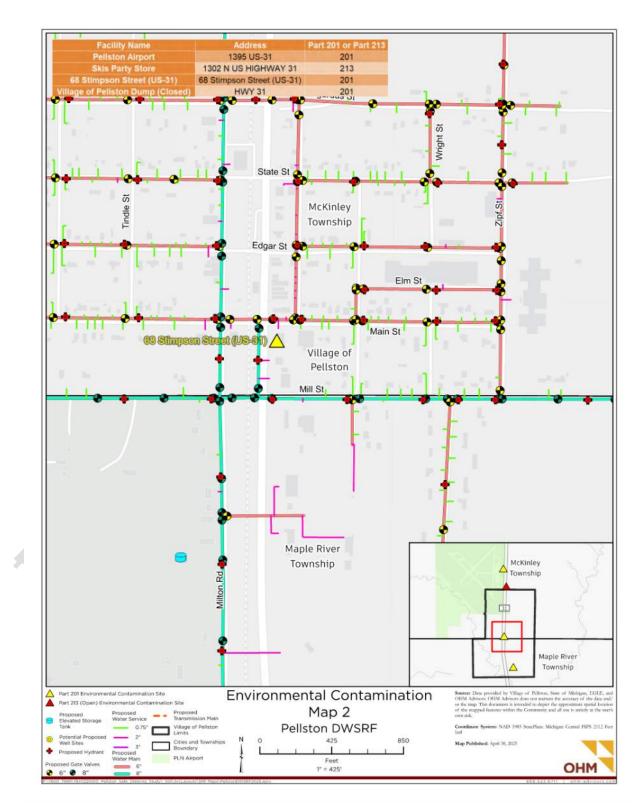


Figure 18: Environmental Contaminants Map 2 Village of Pellston in McKinley Township Page | 39 Village of Pellston Drinking Water State Revolving Fund Fiscal Year 2026 DRAFT April 2025

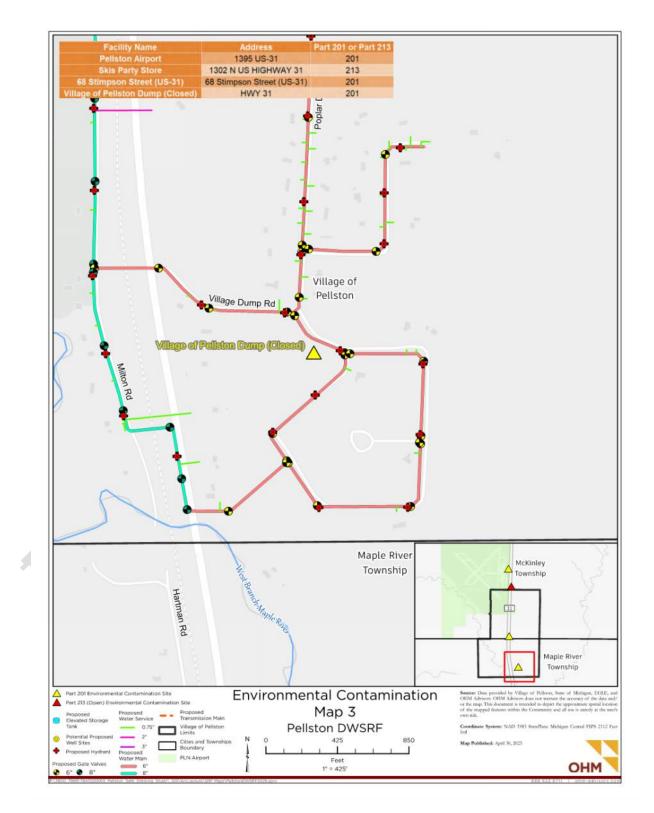


Figure 19: Environmental Contaminants Map 3 Village of Pellston in Maple River Township

Page | 40 Village of Pellston Drinking Water State Revolving Fund Fiscal Year 2026 DRAFT April 2025 The single home filtration alternative would not impact these sites. This alternative would involve adding filtration systems to properties with preexisting wells and the systems would be installed indoors.

Precautionary measures will be taken for the selected alternative to ensure that construction activities do not further spread contamination or result in contaminant exposure for residents or workers. Depending on the direction of groundwater flow and the length of time that the contamination has been present, there is a possibility that the contaminants have migrated off-site. The impact of Part 201 and Part 213 sites will require that water main and services placed in the vicinity of these sites be reviewed for compatibility. Specifics on the exact pollutants are not available; however, commonly accepted precautionary measures are proposed to be taken at each location to minimize the likelihood that construction of the new water main or service lines further spread the contaminants will be installed by directional drilling with ductile iron pipe. This method of installation and material will minimize exposure to potential contaminants as well as reduce the risk for pipe failure due to a reaction with the pipe material. Specialized gaskets designed to withstand groundwater contamination at water main joints will be proposed in these areas to help prevent contaminants from entering the system.

#### I. RARE SPECIES

The MNFI identified seven State threatened or endangered species in the vicinity of the proposed project areas. At this time, it has been determined that there will be no effect on these species. When the ground-disturbing activity limits are further refined during design, additional review will occur to determine if the habitats for the species will be impacted.

The USFWS identified seven Federally threatened, endangered, candidate, or proposed endangered species in the vicinity of the proposed project areas. These species were identified as either "No effect" or "may affect, not likely to adversely affect" (NLAA). USFWS has granted clearance to conduct the aquifer tests at the three potential well locations. Before the selected well can be cleared by USFWS, they have requested that more information is provided when available to evaluate the impacts to the East Branch Maple River and wetland complexes because of known populations of federally protected species.

### J. TECHNICAL CONSIDERATIONS

Single home filtration systems could be used to treat the contaminated drinking water from the private wells in Pellston below both EGLE and EPA MCLs. However, achieving concentrations below drinking water regulations is heavily dependent on gaining routine access to homes and proper system monitoring. These systems would require homeowner coordination to perform frequent operation and maintenance for the foreseeable future. As a result, the single home filtration alternative would only serve as a short-term solution to the drinking water problem in Pellston. This alternative would simply be used to give residents a higher level of service until a long-term solution is implemented.

The regionalization alternative would also provide residents with safe reliable drinking water and minimize risks surrounding PFAS exposure. Additionally, this alternative would adhere to applicable EGLE procedures, Ten

Page | 41 Village of Pellston Drinking Water State Revolving Fund Fiscal Year 2026 DRAFT April 2025 States Standards, and local ordinances. However, this option would require extensive stakeholder engagement, as multiple organizations would need to collaborate, and it would take significantly longer to implement. This alternative is also costly and opening up an 18-mile route could encourage additional growth in the area from having access to municipal water between Harbor Springs and Pellston.

The installation of a full public water system will increase the reliability of service to residents and decrease the risk of exposure to PFAS. Applicable EGLE procedures, Ten States Standards, and local ordinances shall be strictly adhered to during design. This alternative includes system storage as required by EGLE for Type I Public Water Systems.

#### K. NEW/INCREASED WATER WITHDRAWALS

Exploratory well site evaluation is ongoing. Three potential well sites are being examined. The new water withdrawal being proposed requires an adverse resource impact (ARI) assessment and registration, which has been completed. The ARI pre-screening has been completed and EGLE granted test well drilling approval on March 3, 2025, to conduct well site investigation work for the Village. Since the estimated water withdrawals to serve the Village of Pellston are estimated to be less than 2 MGD, a Water Withdrawal Permit would not be needed for the principal alternatives. If the public water supply alternative was implemented, it is believed that the water withdrawal would remain roughly around the same amount being removed currently from many private wells but instead would be withdrawn from one location for the entire community. However, the Village will work with EGLE to make sure requirements are met for the alternative selected.

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### IV. SELECTED ALTERNATIVE

The public water supply with well source alternative is the most feasible and cost-effective for providing long term safe and reliable drinking water to the Village. The regionalization alternative presents stakeholder and timing challenges, along with excessively high costs. Therefore, it is recommended that the Village pursue a public water system sourced from a public well near the Village limits.

#### A. DESIGN PARAMETERS

The selected material for water main installation is ductile iron. The water main layout will include valves, fire hydrants, and service lines for developed land. Water main related projects include mobilization, traffic maintenance and control, soil erosion and sedimentation control, clearing, pavement, sidewalk, driveways, aggregate base, and restoration. Applicable EGLE procedures, Ten States Standards, as well as local ordinances, shall be strictly adhered to during design and construction.

#### 1. SERVICE AREA EVALUATION AND SYSTEM DEMAND

Land use within the Village limits was analyzed to aid in existing and future demand estimation. The Village's 2021 zoning data, as well as aerial and Google Street View imagery, were utilized to assess existing property usage and vacancy status for each parcel. Properties that are zoned residential and appear to be occupied with buildings represent an existing potential user demand in the anticipated service area and were labeled as existing residential properties. Non-Residential zoned properties were analyzed with aerial imagery and Google Street View imagery to assess building usage and vacancy status. These parcels were labeled based on apparent businesses/usage type. The Village's zoning map from their 2021 Zoning Ordinance is shown in Figure 4.

Future property usage and development timelines for undeveloped and vacant parcels within the Village limits were evaluated based on existing zoning, land use of neighboring properties, and through conversations with the Village President. Existing vacant and/or undeveloped properties were assigned an approximate development timeline of either 5-years or 20-years. There are some properties that were assumed to be undeveloped in the next 20 years and they were not assigned a timeline. Parcels that are identified as existing potential water users were identified as currently developed or related to neighboring developments and unlikely to be further developed.

For large parcels that are not yet plotted, assumptions based on the maximum allowable densities per the Village's Zoning Ordinance and neighboring property layouts were made to estimate the number of potential future parcels and their land use type. Approximately 15% of undeveloped land was reserved for common space such as roads and sidewalks.

The average water usage in gallons per capita per day (GPCD) in the Village was estimated by usage data from the United States Geological Survey (USGS), Oakland County Michigan, and the City of Marquette, shown in Table 16. It was estimated that a person in the Village will use approximately 83 gallons per day on average.

Table 16:	Water	Usage	Data	and	Sources
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Source	Average Water Usage (GPCD)
USGS (America)	82
USGS (Michigan)	67
Oakland County, Michigan	90
City of Marquette, MI	91
Average	83

A residential equivalent unit (REU) is a unit factor representing the volume of water expected to be used by a user. A unit factor of 1.0 is assigned to a single-family residential household, while non-residential types are assigned a unit factor relative to single-family residential use. The equations below calculate the volume of water represented by 1 REU. It is estimated that a single-family household within the Village will use on average about 200 gallons per day (GPD). This anticipated usage value includes apparent and non-apparent water losses, such as hydrant flushing or system leaks.

1 REU = Single Family Residential Water Use $1 REU = Average Household Size \times Average GPCD$  $1 REU = 2.4 people \times 83 GPCD$  $1 REU = 199 \frac{gallons}{day} \approx 200 \frac{gallons}{day}$ 

An estimated REU factor was assigned based on apparent and anticipated land use to each parcel utilizing available REU factors. The REUs were assigned based on the existing, 5-year, and 20-year land use analysis. A summary of the Village's estimated existing, 5-year, and 20-year REU values and total system demands is shown in Table 17.

Water demand estimates are necessary to size a potential water system or to assess the capacity impact of adding on users to an existing water system. The three demand scenarios that were analyzed are described below:

- <u>Average Daily Demand</u> The amount of water expected to be demanded daily on average throughout the year.
- <u>Maximum Daily Demand</u> The amount of water expected to be demanded on the highest use day of the year. This day commonly occurs during the summer months.
- <u>Peak Hour Demand</u> The amount of water expected to be demanded during the highest use hour of the year. This hour usually occurs in the morning or early evening during the summer months.

The Village's demand was calculated by converting the total REUs within the Village limits to a demand rate. The REU value of 200 GPD, which is equal to 0.14 gallons per minute (GPM), was multiplied by the total existing, 5-year, and 20-year REU values to estimate the Village's average daily demands. To calculate the maximum daily demand, a peaking factor of 2 was applied to the average daily demand. To

estimate the peak hour demand, a peaking factor of 4 was applied to the average daily demand. These factors represent typical industry standards. It should be noted that the peak hour factor of 4 was not applied to the airport as this is a unique industry that would not likely experience a large increase in demand during normal operations. The proposed water system's REUs and demand are summarized in Table 17 below.

Scenario	REU Estimate	Average Day Demand (GPM)	Maximum Day Demand (GPM)	Peak Hour Demand (GPM)
Existing	482	67	134	261
5-Year	675	94	188	368
20-Year	944	131	262	517

#### Table 17: Estimated Proposed Public Water System Demand

#### NEW WATER SUPPLY WELL PROCEDURES 2.

To explore potential Type I water well locations, a preliminary groundwater resource evaluation was performed by Williams and Works (W&W). Wellogic water well records, interviews with local water well drillers, and the reports generated by EGLE and Emmet County were used to perform the evaluation. A highly conservative factor of safety was maintained to avoid creating a new Type I well that eventually becomes contaminated. There are many existing private wells installed in the shallow groundwater system, and most are less than 100 feet in depth. Since deep well records are rare in this area and the mapping of the aquifer is based on the limits of data, the complete mapping of the shallow aquifer is imperfect. Based on the evaluation, three areas were identified for additional groundwater exploration. These areas are a conservative distance from the groundwater contamination limits. The primary well locations investigated for implementation include the area along Ely Road between Ely Bridge Road and Orchard Road, owned by the MDNR, the area along Robinson Road between Durkalic Road and Red School Road, owned by MDNR, and the area along Robinson Road between Townline Road and State Street, owned by the Pellston School District.

Three potential well locations are currently being explored for a Type I public water well site as detailed in Table 18. The three sites can be seen in Figure 5. The proximity to known contamination sites, project impacts, and mitigation efforts for each site are discussed below

300-011

45.580447

-84.782416

Potential Site Number	Owner	Parcel #	Latitude	Longitude
1	MDNR	200-003	45.550726	-84.814271
2	Pellston School	100-001	45.5503538	-84.7621977

#### Table 18: Potential Well Sites

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3

District

**MDNR** 

#### Potential Well Site #1

The potential well site is approximately one mile from its proposed potential connection point to the distribution system. The topography along the route is relatively flat and the soils consist of sand and loamy sand.

While no direct purchase costs are currently anticipated, it is possible that the MDNR may require financial assurances or other conditions, as they did for exploratory work. The Village expects to secure adequate control of the parcel through a long-term lease or easement, but this will be confirmed through further discussions with the MDNR once a well site is selected.

#### Potential Well Site #2

The potential well site is approximately 0.5 miles from its proposed potential connection point to the distribution system. The topography along the route is relatively flat and the soils consist of sand.

There are no anticipated purchase costs associated with this land, as the Pellston School District would likely not ask for payment from the Village and the Village would obtain adequate control of the parcel via a long-term lease or easement of the property. Once a well site has been selected, further conversations with the owner will occur.

#### Potential Well Site #3

The potential well site is approximately 0.4 miles from its proposed potential connection point to the distribution system. The topography along the route is relatively flat and the soils consist of sand.

While no direct purchase costs are currently anticipated, it is possible that the MDNR may require financial assurances or other conditions, as they did for exploratory work. The Village expects to secure adequate control of the parcel through a long-term lease or easement, but this will be confirmed through further discussions with the MDNR once a well site is selected.

#### 3. WATER TREATMENT PLANT

Based on the initial water quality results of the exploratory well investigation, the water quality at the potential public well sites have high levels of iron and hardness as calcium carbonate (CaCO<sub>3</sub>). Treatment would include iron removal, softening, and chlorine disinfection. Treatment would be located at the site of the selected well location. The following processes are expected to be implemented at the treatment site:

- 1. Oxidation via sodium hypochlorite (NaOCl) prior to iron filtration
- 2. Iron filtration
- 3. Softening via ion exchange
- 4. Disinfection via NaOCl

#### 4. SYSTEM STORAGE

Various standards recommend methods of sizing community storage. These include one average day's volume, desired level of fire protection, or supplementing demands greater than the source/treatment

Page | 46 Village of Pellston Drinking Water State Revolving Fund Fiscal Year 2026 DRAFT April 2025 capacity, which is typically sized for maximum day demands. Storage for the Village's system was designed based on estimated average day demand as it exceeds the volume needed to supplement peak demands. As a result, a 150,000-gallon tank is recommended for the system design. A low water level of approximately 100,000 gallons was estimated, assuming the tank fluctuates 1/3 of its volume daily. The WTP should operate based on tank level to encourage cycling of the water tank. An elevated storage tank is recommended, and preliminary discussion has focused on Pellston Pioneer Park as a storage tank location for the Village. If this location was selected, a preliminary hazard assessment would be required due to the proximity to the PLN airport. Initial conversations with MDOT have noted the maximum elevation at this site without needing an extended study is 871 feet above mean sea level. However, the storage tank total elevation is estimated to be 865 feet. The location of the proposed storage tank can be seen in Figure 5.

#### 5. DISTRIBUTION NETWORK

The conceptual water main layout extends to the developable land within Village limits where applicable. The layout extends outside of Village limits to the PLN airport for tie-in to the system. The water main design includes 6 and 8-inch ductile iron water main with valves and hydrants placed in compliance with Ten States Standards. The layout includes 8-inch water main for the key corridors throughout the Village (Mill Street, US-31, and Milton Street) and 6-inch for the remaining areas. The water main crosses US-31 and along Lahti Lane. Service lines are only included for developed land. The layout does not include service lines for future growth areas including planned residential development. The service line sizes used in the layout include ¾, 2, and 3-inch services and costs were included for both the public and private side of each service line. Costs were also included for curb stop boxes and water meters within the service line pay items. Service lines were added from the water main outside of Village limits to PLN airport as well as the developed properties across from the airport. Pellston zoning, assigned REU values, and the existing system at PLN airport were referenced to determine service line sizes. The conceptual water main layout can be seen in Figure 5 through Figure 16.

The water main layout referenced is a conceptual design, primarily intended for cost estimating. A more detailed design of the layout will need to be completed prior to construction. There are numerous factors to take into consideration for this project's construction since work will occur throughout the entire Village. Costs were estimated and included for budgeting purposes for design, construction engineering, administration, geotechnical services, traffic maintenance and control, soil erosion and sedimentation control, and tree removal. Several items will have to be investigated prior to construction, including property acquisition and easements, utility conflicts, wetland delineation, and the existing road surface and driveway types in areas impacted by water main installation. There are costs associated with each of these items that will need to be considered. As mentioned, tree clearing costs were estimated and included however, these costs may need to be adjusted during design. The layout is estimated to cost \$22,300,000 including water main, associated appurtenances, and restoration. This estimate does not include the water source, WTP, transmission from the source, or storage tank costs.

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#### B. USEFUL LIFE

The weighted useful life for the selected projects was calculated as 41.9 years. The useful life for each asset included in the cost opinions were determined based on the values provided in the DWSRF Project Planning Document Preparation Guidance and Professional Engineer's opinion.

#### C. WATER AND ENERGY EFFICIENCY

Energy is needed to convey, treat, store and distribute safe drinking water to the customers. The private wells in Pellston use energy at each location, which would be eliminated with the public water supply alternative. However, the well and WTP will require energy use. Water usage per capita is expected to remain the same, with the water will be withdrawn from one consolidated location rather than withdrawing from many private wells.

#### D. SCHEDULE FOR DESIGN AND CONSTRUCTION

The Village of Pellston is requesting consideration for Quarter 4 funding under EGLE's DWSRF program. The proposed design and construction schedule is summarized in Table 19 below.

Task	Submittal Date
Draft Design Documents Submittal to EGLE	2/13/2026
Environmental Assessments Published No Later Than	4/22/2026
Part I and Part II Application	5/13/2026
Final Documents Submittal to EGLE	5/15/2026
Finding of No Significant Impacts Clearance; Plans & Specs Approved	5/22/2026
Bid Ad Published No Later Than	5/22/2026
Part III of Application; Bid Data Submittal (With Tentative Contract Award)	7/7/2026
EGLE Order of Approval Issued	8/5/2026
Borrower's Pre-Closing with the MFA	8/17/2026
MFA Closing	8/27/2026
Notice to Proceed Issued	10/26/2026
Construction Completed	12/31/2031

#### Table 19: Design and Construction Schedule for Quarter 4 Funding

#### E. COST SUMMARY

The user cost analysis is provided in Table 20. It should be noted that the costs presented do not include the annual O&M cost to the user, and do not incorporate potential principal forgiveness on the loan.

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Project Category	Initial Capital Investment	Annual Debt Retirement (40 yrs. @ 2% interest)	Annual Cost per Household*	Quarterly Cost per Household *	Monthly Cost per Household*
Private Well Abandonment	\$1,400,000	\$51,200	\$142.00	\$35.50	\$11.83
Well, Treatment, and Elevated Storage	\$17,300,000	\$632,500	\$1,753.00	\$438.25	\$146.08
Transmission Main	\$3,000,000	\$109,700	\$304.00	\$76.00	\$25.33
Distribution System	\$22,300,000	\$815,200	\$2,259.00	\$564.75	\$188.25
Total	\$44,000,000	\$1,608,600	\$4,458.00	\$1,114.50	\$371.50

#### Table 20: User Cost Analysis

\*Based on existing 361 households (333 occupied units and 28 seasonal units). Source: Census.gov.

#### F. IMPLEMENTABILITY

The selected alternative will be implemented by the Village. Easements will be needed for some water main locations that cross through private property and coordination with property owners will be necessary to install service lines and water meters at residences and businesses. Depending on which potential well site is selected, an intermunicipal agreement between the Village and the municipality where the well is located may be required. EGLE has encourage the Village to apply for the DWSRF FY26 funding cycle despite the design timeline constraint. The Village is open to a phased approach of the project if funded.

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### V. ENVIRONMENTAL AND PUBLIC HEALTH IMPACTS

Adoption of this alternative would improve the reliability and safety of the drinking water in Pellston. Public health would be protected through minimizing the risk of PFAS exposure for Village residents.

#### A. DIRECT IMPACTS

#### 1. CONSTRUCTION IMPACTS

During design, the necessary permits will be identified and obtained. Upon receipt of funding, further investigation will be needed, and a State Historic Preservation Office (SHPO) Part 106 application will be completed, if necessary. Normal construction activities have the potential to produce noise and dust. Work hours and construction noise will be required to meet local Ordinance requirements. All work will be required to comply with the State's Soil Erosion and Sedimentation Control requirements. Short term service disruptions may occur as service is switched from the individual wells to the new service lines, but they will be properly planned and coordinated with customers to minimize public impact. Construction work at the drilling site for the well could result in dust and noise.

#### 2. OPERATIONAL IMPACTS

The installation of water main will have some impact on traffic in the vicinity of where construction is occurring. It will be necessary to coordinate with the Village's road maintenance department to ensure the Village's traffic control standards are met. The project may require lane or road closures along most adjacent segments of road. The construction area will impact many unsignalized intersections as well as driveways. Additionally, there are several businesses within the project area. Coordination with Pellston Middle/High School, Pellston Elementary School, Pellston Fire Department, as well as affected businesses will be necessary. Staging coordination will be required to maintain existing private wells in operation until the new assets can be brought into service. However, short term service disruption may occur when service is switched to the new service line.

### 3. SOCIAL IMPACTS

Impacts on materials, land, and energy will be minimized by selection of qualified contractors. Installation of water main may require the closure of roads or lanes throughout the Village. Traffic disruptions to residents will be minimized through strategic work schedule planning. Once the projects located in the roadway are completed, the pavement that was disturbed will be restored. Receiving a water bill on a recurring basis for usage of the public water supply will have an economic impact on residents. However, residents will no longer have to spend money maintaining their private wells and purchasing the electricity required for their operation. The responsibility of residents to maintain their private well, ensure it does not run dry, and prevent PFAS exposure from their well would be eliminated through the installation of the selected alternative.

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#### **B. INDIRECT IMPACTS**

There are no expected changes in air quality due to primary or secondary development. Impacts related to air quality are limited to direct impacts due to traffic and construction equipment.

There are no anticipated changes to the natural setting or ecosystem. The MNFI and USFWS reviews indicated that special concern, threatened, and endangered species are not likely to be impacted by the proposed projects. Tree clearing will occur between October 1st and March 31st to minimize effects to sensitive species.

Impacts on cultural, human, social, and economic sources are expected to be positive with the availability of clean drinking water throughout the Village. Short term impacts may occur during the construction phase because of the traffic routing around the construction area.

Resource consumption will be limited to the materials required for construction. The WTP will generate waste, which will be specified once a well site is selected. The appropriate disposal methods will be used to dispose of treatment plant waste. Aesthetic impacts are anticipated to be short-term and occur during the construction phase. Following construction, project areas will be restored to their previous conditions.

#### C. CUMULATIVE IMPACTS

The availability of safe and reliable drinking water to Village residents would protect public health. This project would minimize the risks associated with PFAS concentrations in existing wells.

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### VI. MITIGATION

#### A. SHORT-TERM IMPACTS

Typical construction mitigation is expected for the selected alternative. To minimize impacts to the environment and public, necessary permits will be obtained prior to construction and construction standards will be adhered to. Traffic control may be required during the construction of the water mains. Access to some roads may be temporarily restricted to provide a safe working environment. Vegetation disrupted by the construction process will be rehabilitated to their original condition. Service will be maintained for residents during construction via the individual private wells, with short-term disruptions expected during the connection to the water main. Mitigation of potential impacts will be properly performed to protect the environment and the public and will be in accordance with permit requirements. When the limits of ground-disturbing activities are further refined during the design phase for the project, additional review will be made to determine if the habitat for any sensitive species will be impacted.

An evaluation of contamination sites and necessary mitigation will be evaluated during design. Precautionary measures will be taken at each location to ensure that construction of the new water main does not further spread the contamination or result in contaminant exposure to residents or workers.

Construction activities will start as early as October 2026 and are anticipated to conclude in 2031.

#### **B. LONG-TERM IMPACTS**

Tree clearing will be required and trees to be removed will be identified during the design phase. Protective measures will be taken to ensure that threatened and endangered species are not impacted. The proposed project is intended to protect public health and provide safe drinking water in the Village.

#### C. INDIRECT IMPACTS

Indirect impacts due to construction activities are anticipated to be short-term.

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### VII. PUBLIC PARTICIPATION

#### A. PUBLIC MEETING

A public meeting was held on May 12, 2025, and the proposed projects were presented.

#### B. PUBLIC MEETING ADVERTISEMENT

The public meeting notice was published on May 1, 2025. The public meeting notice was placed on the Village's website along with a copy of the Draft Project Planning Document for public review. A copy of the advertisement for the public meeting can be found in Appendix D.

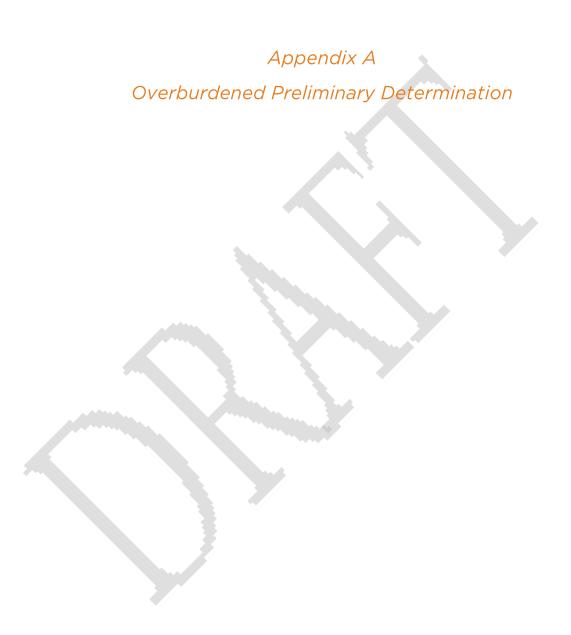
#### C. PUBLIC MEETING SUMMARY

The public meeting presentation, sign-in sheet, and a summary of the public meeting documents can be found in Appendix D.

#### D. ADOPTION OF THE PROJECT PLANNING DOCUMENT

The Village Council adopted a resolution following the public meeting on May 12, 2025. A signed copy of the resolution is included in Appendix E, along with the DWSRF Submittal Form and Priority Ranking Worksheet.

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### Finance Division Overburdened Preliminary Determination for FY26 State Revolving Fund Projects

### **Applicant Information**

Applicant: The Village of Pellston <u>ITA Tracking Number:</u> 1024-1921 <u>Project Name:</u> Village of Pellston Public Water System <u>Funding Source:</u> DWSRF <u>Regional System:</u> □ Yes ☑ No

### **Contact Information**

Name of Applicant Contact and Title	Isabelle Kassak
Email	Isabelle.Kassak@ohm-advisors.com
Phone Number	(248) 230-0848

#### Summary of Determination

Determination without calculation	Overburdened
Determination from Calculation	
SRF Loan Minimum to Maintain or	
Gain Overburdened Status	

The chart above displays the preliminary results of the application. If any of the boxes display a significantly overburdened determination than the applicant has a preliminary determination of significantly overburdened for FY26. If any of the boxes display overburdened, whether by calculation or not, the applicant has a preliminary determination of overburdened for FY26.

The following pages break down the information that was submitted and used for the preliminary determination. When a final determination has been made, the applicant will be notified of the result.



Initial Overburdened Screening	
Name of Municipality	Village of Pellston
Median Annual Household Income	59,464
Taxable Value Per Capita	23,567
MAHI Threshold Qualification	
Overburdened Determination Without Need for Calculation	Overburdened

For determinations made using anticipated debt (i.e., determinations where the change in loan amount will change the applicant status from overburdened to not or vice versa), a final determination will be made based upon the final loan amount after bids/project scope is finalized and not the anticipated amount provided on this form.

If this applicant has applied for overburdened or significantly overburdened status in prior fiscal years, the numbers in the survey (i.e., breakdown of municipalities and their flow amounts, annual payments on existing debt, total OM&R, and REUs) will be compared to check for discrepancies as most of these numbers should be similar year to year. EGLE will contact the applicant if inconsistencies are found, and the final determination may change if the original numbers need to be updated.

\*I **Isabelle Kassak** on behalf of **The Village of Pellston** hereby certify that the information in this form is complete, true, and correct to the best of my knowledge.

✓ Yes02/21/2025





#### 3-25-2025

# Michigan Natural Features Inventory (MNFI) Web Database Review – Village of Pellston Water Distribution System

OHM has reviewed the Threatened and Endangered Species list generated by the MNFI Web Database, conducted on **3-24-25**. During this Review, the project location was checked against known localities for rare species, and **6** State threatened, endangered, or species of special concern have been documented within the 1.5 mile project area buffer and it is possible that without proper management negative impacts may occur. See Table 1 below for listed species, state status and last observation:

Common Name	Scientific Name	State Status	Last Obs.
Douglas stenelmis riffle beetle	Stenelmis douglasensis	SC	1952
Hungerford's crawling water beetle	Brychius hungerfordi	Е	2019
Hairy hedge-nettle	Stachys Pilosa	SC	1921
Little brown bat	Myotis lucifugus	Т	1990
Smooth green snake	Opheodrys vernalis	SC	1979
Woodland vole	Microtus pinetorum	SC	1967
Yellow banded bumble bee	Bombus terricola	SC	1965

Additionally, ESA Section 7 species were generated via the U.S. Fish and Wildlife Service's (USFWS) Information for Planning and Consultation (IPaC) website. Determinations for Federally listed species will be made utilizing the U.S. Fish and Wildlife Service's (USFWS) Information for Planning and Consultation (IPaC) website if applicable.

The Village of Pellston is applying for DWSRF funds to build a new municipal water system. The system will consist of water main, valves, hydrants, and an elevated storage tank. Installation will involve open cut, trenching and direction boring.

For the **6** State listed species in the document provided OHM Advisors has made preliminary determinations related to potential field surveys for listed species. In response to the Rare Species Review provided by MNFI Web Database OHM Advisors has prepared the following strategy and documentation to ensure this project does not result in take of species listed in the review.

**Douglas stenelmis riffle beetle** (Stenelmis douglasensis) State Species of Special Concern. MNFI describes the habitat for this species as large spring-fed lakes, river edges, and small streams with sandy bottoms, occupying shallow, clear, unpolluted water with high dissolved oxygen. It is often located on pieces of wood. This species is found only within a 150 mile radius of Lake Michigan in Michigan, Wisconsin, Illinois, and Indiana. No in water work will occur as part of project activities. Once a final well field site has been determined impacts to adjacent waterbodies will be evaluated. The last observation of this species within 1.5 miles of the project area occurred in 1952 and is considered historical.

Hungerford's crawling water beetle (Brychius hungerfordi) State Endangered. MNFI describes the habitat for this species as relatively cool, fast flowing alkaline streams with sand and gravel substrates, often occurring

**T** 734.522.6711 **F** 734.522.6427



in reaches with an open to partially open canopy just below beaver dams or similar hand-made structures. Adults prefer gravel and cobble riffle while larvae occupy areas with slower current and dense growth of microalgae, especially Chara. No in water work will occur as part of project activities. Once a final well field site has been determined impacts to adjacent waterbodies will be evaluated. The last observation of this species within 1.5 miles of the project area occurred in 2019.

Hairy hedge-nettle (Stachys Pilosa) State Species of Special Concern. MNFI describes the habitat for this species as mesic to seasonally moist areas in jack pine plains, thickets, meadows, stream banks, lake and pond shores; rarely along roads and railroads. While the last observation of this species within 1.5 miles of the project area occurred in 1921 a desktop review of the surrounding landcover has determined that suitable habitat is located within the project area and field surveys may be required to determine impacts to this species.

Little brown bat (Myotis lucifugus) State Threatened. MNFI describes the habitat for this species as varying a great deal and their abundance is linked closely to availability of mines and caves suitable for hibernation. Upon emergence from hibernation they travel throughout the state and will set up maternity roosts in manmade structures, utilizing barns, houses, large buildings, and the underside of bridges, as well as in tree hollows and under loose bark. Little brown bats often forage over streams and ponds. Determinations for this species have been generated via the U.S. Fish and Wildlife Service's (USFWS) Information for Planning and Consultation (IPaC) website. As part of concurrence documentation generated all USFWS BMPs will be adhered to.

**Smooth green snake** (Opheodrys vernalis) State Species of Special Concern. MNFI describes the habitat for this species as moist, grassy habitats such as prairies, savannas, meadows, old fields, pastures, roadsides, vacant lots, stream borders, and marsh and lake edges. They also can be found in open moist deciduous and pine forests and along forest edges. USFWS BMPs will be implemented as part of other reptile protections to eliminate impact to this species.

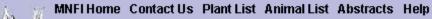
**Woodland vole** (Microtus pinetorum) State Species of Special Concern. MNFI describes the habitat for this species as deciduous woodlands with loose sandy soils, deep humus, and heavy leaf litter. Although it prefers deciduous forests comprised of oak, maple and/or beech, the woodland vole can potentially be found in any forest type. It can also be found in orchards. While the last observation of this species within 1.5 miles of the project area occurred in 1967 a desktop review of the surrounding landcover has determined that suitable habitat is located within the project area and field surveys may be required to determine impacts to this species.

**Yellow banded bumble bee** (Bombus terricola) State Species of Special Concern. MNFI describes the habitat for this species as in or around wooded areas. A desktop review of the surrounding landcover has determined that no suitable habitat is located within the project area. The last observation of this species within 1.5 miles of the project area occurred in 1965 and is considered historical. OHM has determined no effect to this species.

If additional information is needed, please contact me via email at **wade.rose@ohm-advisors.com**. Sincerely,

Wade Rose, OHM Advisors Ecologist

**T** 734.522.6711 **F** 734.522.6427



### Michigan Natural Features Inventory

### Web Database Search

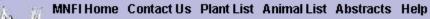
Search Results for Town 36N, Range 04W, Section 02 and Emmet County Displaying Record 1 to 4 of 4 Records Found



Query Results Generated on Mar 24, 2025

#### Database Updated on Mar 01, 2025

	New Search	Refine Search	Previous 25 Records	Next 25 Records ►
Common Name	Scientific Name	State Status	Federal Status	Last Observed Date
Hungerford's crawling water beetle	Brychius hungerfordi	E	LE	2019-07-30
Little brown bat	Myotis lucifugus	Т	UR	1990-06-03
Smooth green snake	Opheodrys vernalis	SC		1979-06-19
Yellow banded bumble bee	Bombus terricola	SC		1965-08-31
	New Search	Refine Search	Previous 25 Records	Next 25 Records ►



### Michigan Natural Features Inventory

### Web Database Search

Search Results for Town 36N, Range 04W, Section 03 and Emmet County Displaying Record 1 to 5 of 5 Records Found

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Query Results Generated on Mar 24, 2025

#### Database Updated on Mar 01, 2025

	New Search	Refine Search	Previous 25 Records	s) (Next 25 Records ▶
Common Name	Scientific Name	State Status	Federal Status	Last Observed Date
Douglas stenelmis riffle beetle	Stenelmis douglasensis	SC		1952-07-20
Hairy hedge-nettle	Stachys pilosa	SC		1921-08-21
Little brown bat	Myotis lucifugus	т	UR	1990-06-03
Smooth green snake	Opheodrys vernalis	SC		1979-06-19
Yellow banded bumble bee	Bombus terricola	SC		1965-08-31
	New Search	( Refine Search	Previous 25 Records	s) (■Next 25 Records ▶

MNFI Home Contact	Us Plant List Animal List Abst	racts Help		
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BILL	Web Databas	e Search		EXTENSION
Search Results for Town 36N, Ra	nge 04W, Section 05 and Emm	et County	Quei	ry Results Generated on Mar 24, 2025
Displaying Record 1 to 1 of 1 Rec	cords Found			Database Updated on Mar 01, 2025
	New S	Gearch Refine	e Search ( Previous 25	Records) (Next 25 Records ▶
Common Name	Scientific Name	State Status	Federal Status	Last Observed Date
Hairy hedge-nettle	Stachys pilosa	SC		1921-08-21
	New S	earch Refine	Search Previous 25	Records) (Next 25 Records ►)

MNFI Home Contac	ct Us Plant List Animal List Abstra	cts Help		
Michigan Na	tural Features Inventory			MICHIGAN STATE
-BR	Web Database	Search		EXTENSION
Search Results for Town 37N, I	Range 04W, Section 22 and Emmet	County	Quer	y Results Generated on Mar 24, 2025
Displaying Record 1 to 2 of 2 R	Records Found			Database Updated on Mar 01, 2025
	New Sea	arch 🦳 🦳 Refine	Search Previous 25	Records) (■Next 25 Records ▶
Common Name	Scientific Name	State Status	Federal Status	Last Observed Date
Little brown bat	Myotis lucifugus	т	UR	1990-06-03
Woodland vole	Microtus pinetorum	SC		1967-08-01
	New Sea	arch ) ( Refine	Search ) ( Previous 25	Records) (Next 25 Records ► )

MNFI Home Contac	ct Us Plant List Animal List Abs	stracts Help			
Michigan Na	tural Features Invento	ry		MICHIGAN STATE	
Web Database Search				EXTENSION	
Search Results for Town 37N, F	Range 04W, Section 27 and Emi	net County	Qu	ery Results Generated on Mar 24, 2025	
Displaying Record 1 to 1 of 1 R	ecords Found			Database Updated on Mar 01, 2025	
	New	Search Refine	e Search (	5 Records) (Next 25 Records ▶	
Common Name	Scientific Name	State Status	Federal Status	Last Observed Date	
Little brown bat	Myotis lucifugus	Т	UR	1990-06-03	
	New	Search Refine	Search Previous 2	5 Records) ● Next 25 Records ●	

MNFI Home Contact	Us Plant List Animal List Abstr	acts Help		
Michigan Natu	iral Features Inventor	Ŷ		MICHIGAN STATE
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Search Results for Town 37N, Ra	nge 04W, Section 34 and Emme	et County	Que	ery Results Generated on Mar 24, 2025
Displaying Record 1 to 2 of 2 Rec	cords Found			Database Updated on Mar 01, 2025
	New S	earch Refine	Search Previous 2	5 Records) (Next 25 Records ▶ )
Common Name	Scientific Name	State Status	Federal Status	Last Observed Date
Hairy hedge-nettle	Stachys pilosa	SC		1921-08-21
Little brown bat	Myotis lucifugus	т	UR	1990-06-03
	New Se	earch Refine	Search Previous 2	5 Records) Next 25 Records 🕨



## United States Department of the Interior

FISH AND WILDLIFE SERVICE Michigan Ecological Services Field Office 2651 Coolidge Road Suite 101 East Lansing, MI 48823-6360 Phone: (517) 351-2555 Fax: (517) 351-1443



In Reply Refer To: Project code: 2025-0069253 Project Name: Airport road South 2in Service Lead

03/14/2025 16:29:40 UTC

Subject: Verification letter for the project named 'Airport road South 2in Service Lead' for specified threatened and endangered species that may occur in your proposed project location consistent with the Michigan Endangered Species Determination Key (Michigan DKey)

Dear Deborah Gibson:

The U.S. Fish and Wildlife Service (Service) received on **March 14, 2025** your effect determination(s) for the 'Airport road South 2in Service Lead' (the Action) using the Michigan DKey within the Information for Planning and Consultation (IPaC) system. The Service developed this system in accordance with the Endangered Species Act of 1973 (ESA) (87 Stat. 884, as amended; 16 U.S.C. 1531 et seq.).

Based on your answers and the assistance of the Service's Michigan DKey, you made the following effect determination(s) for the proposed Action:

Species	Listing Status	Determination
Eastern Massasauga (=rattlesnake) (Sistrurus catenatus)	Threatened	NLAA
Hungerford's Crawling Water Beetle (Brychius	Endangered	No effect
hungerfordi)		
Michigan Monkey-flower (Mimulus michiganensis)	Endangered	No effect
Monarch Butterfly (Danaus plexippus)	Proposed	No effect
	Threatened	
Pitcher's Thistle (Cirsium pitcheri)	Threatened	No effect
Rufa Red Knot (Calidris canutus rufa)	Threatened	No effect

The Service will notify you within 30 calendar days if we determine that this proposed Action does not meet the criteria for a "may affect, not likely to adversely affect" (NLAA) determination for Federally listed species in Michigan. If we do not notify you within that timeframe, you may proceed with the Action under the terms of the NLAA concurrence provided here. This verification period allows the Michigan Ecological Services Field Office to apply local

knowledge to evaluation of the Action, as we may identify a small subset of actions having impacts that were unanticipated. In such instances, the Michigan Ecological Services Field Office may request additional information to verify the effects determination reached through the Michigan DKey.

Your agency has met consultation requirements by informing the Service of your "No Effect" determination(s). No consultation is required for species that you determined will not be affected by the Action.

Please provide sufficient project details on your project homepage in IPaC (Define Project, Project Description) to support your conclusions and the Service's 30-day review period. Failure to disclose important aspects of your project that would influence the outcome of your effects determinations may negate your determinations and invalidate this letter. If you have site-specific information that leads you to believe a different determination is more appropriate for your project than what the Dkey concludes, you can and should proceed based on the best available information.

The Service recommends that you contact the Service or re-evaluate the project in IPaC if: 1) the scope or location of the proposed Action is changed; 2) new information reveals that the action may affect listed species or designated critical habitat in a manner or to an extent not previously considered; 3) the Action is modified in a manner that causes effects to listed species or designated critical habitat; or 4) a new species is listed or critical habitat designated. If any of the above conditions occurs, additional consultation with the Service should take place before project changes are final or resources committed.

For non-Federal representatives: Please note that when a project requires consultation under section 7 of the Act, the Service must consult directly with the Federal action agency unless that agency formally designates a non-Federal representative (50 CFR 402.08). Non-Federal representatives may prepare analyses or conduct informal consultations; however, the ultimate responsibility for section 7 compliance under the Act remains with the Federal agency. If the Federal agency concurs with your determination, the project as proposed has completed section 7 consultation. All documents and supporting correspondence should be provided to the Federal agency for their records.

#### **Bald and Golden Eagles:**

Bald eagles, golden eagles, and their nests are protected under the Bald and Golden Eagle Protection Act (54 Stat. 250, as amended, 16 U.S.C. 668a-d) (Eagle Act). The Eagle Act prohibits, except when authorized by an Eagle Act permit, the "taking" of bald and golden eagles and defines "take" as "pursue, shoot, shoot at, poison, wound, kill, capture, trap, collect, molest or disturb." The Eagle Act's implementing regulations define disturb as "…to agitate or bother a bald or golden eagle to a degree that causes, or is likely to cause, based on the best scientific information available, (1) injury to an eagle, (2) a decrease in its productivity, by substantially interfering with normal breeding, feeding, or sheltering behavior, or (3) nest abandonment, by substantially interfering with normal breeding, feeding, or sheltering behavior."

If the Action may impact bald or golden eagles, additional coordination with the Service under the Eagle Act may be required. For more information on eagles and conducting activities in the vicinity of an eagle nest, please visit https://www.fws.gov/library/collections/all-about-eagles. In addition, the Service developed the National Bald Eagle Management Guidelines (May 2007) in order to assist landowners in avoiding the disturbance of bald eagles. The full Guidelines are available at https://www.fws.gov/media/national-bald-eagle-management-guidelines-0.

If you have further questions regarding potential impacts to eagles, please contact Chris Mensing, Chris\_Mensing@fws.gov or 517-351-2555.

#### Monarch butterfly and other pollinators

In December 2020, after an extensive status assessment of the monarch butterfly, we determined that listing the monarch under the Endangered Species Act is warranted but precluded by higher priority actions to amend the Lists of Endangered and Threatened Wildlife and Plants. Therefore, the Service added the monarch butterfly to the candidate list. The Service will review its status each year until we are able to begin developing a proposal to list the monarch.

The Endangered Species Act does not establish protections or consultation requirements for candidate species. Some Federal and State agencies may have policy requirements to consider candidate species in planning. We encourage implementing measures that will remove or reduce threats to these species and possibly make listing unnecessary.

For all projects, we recommend the following best management practices (BMPs) to benefit monarch and other pollinators.

Monarch and Pollinator BMP Recommendations

Consider monarch and other pollinators in your project planning when possible. Many pollinators are declining, including species that pollinate key agricultural crops and help maintain natural plant communities. Planting a diverse group of native plant species will help support the nutritional needs of Michigan's pollinators. We recommend a mix of flowering trees, shrubs, and herbaceous plants so that something is always blooming and pollen is available during the active periods of the pollinators, roughly early spring through fall (mid-March to mid-October). To benefit a wide variety of pollinators, choose a wide range of flowers with diverse colors, heights, structure, and flower shape. It is important to provide host plants for any known butterfly species at your site, including native milkweed for Monarch butterfly. Incorporating a water source (e.g., ephemeral pool or low area) and basking areas (rocks or bare ground) will provide additional resources for pollinators.

Many pollinators need a safe place to build their nests and overwinter. During spring and summer, leave some areas unmowed or minimize the impacts from mowing (e.g., decrease frequency, increase vegetation height). In fall, leave areas unraked and leave plant stems standing. Leave patches of bare soil for ground nesting pollinators.

Avoid or limit pesticide use. Pesticides can kill more than the target pest. Some pesticide residues can kill pollinators for several days after the pesticide is applied. Pesticides can also kill natural predators, which can lead to even worse pest problems.

Planting native wildflowers can also reduce the need to mow and water, improve bank stabilization by reducing erosion, and improve groundwater recharge and water quality.

Resources:

#### https://www.fws.gov/initiative/monarchs https://www.fws.gov/library/collections/pollinators

#### Wetland impacts:

Section 404 of the Clean Water Act of 1977 (CWA) regulates the discharge of dredged or fill material into waters (including wetlands) of the United States. Regulations require that activities permitted under the CWA (including wetland permits issued by the Michigan Department of Environment, Great Lakes, and Energy (EGLE)) not jeopardize the continued existence of species listed as endangered or threatened. Permits issued by the U.S. Army Corps of Engineers must also consider effects to listed species pursuant to section 7 of the Endangered Species Act. The Service provides comments to the agencies that may include permit conditions to help avoid or minimize impacts to wildlife resources including listed species. For this project, we consider the conservation measures you agreed to in the determination key and/or as part of your proposed action to be non-discretionary. If you apply for a wetland permit, these conservation measures should be explicitly incorporated as permit conditions. Include a copy of this letter in your wetland permit application to streamline the threatened and endangered species review process.

<u>Summary of conservation measures for your project</u> You agreed to the following conservation measures to avoid adverse effects to listed species and our concurrence is only valid if the measures are fully implemented. These must be included as permit conditions if a permit is required and/or included in any contract language.

**Eastern massasauga:** Materials used for erosion control and site restoration must be wildlifefriendly. Do not use erosion control products containing plastic mesh netting or other similar material that could entangle eastern massasauga rattlesnake (EMR). Several products for soil erosion and control exist that do not contain plastic netting including net-less erosion control blankets (for example, made of excelsior), loose mulch, hydraulic mulch, soil binders, unreinforced silt fences, and straw bales. Others are made from natural fibers (such as jute) and loosely woven together in a manner that allows wildlife to wiggle free.

**Eastern massasauga:** To increase human safety and awareness of EMR, those implementing the project must first review the EMR factsheet (available at https://www.fws.gov/media/eastern-massasauga-rattlesnake-fact-sheet), and watch MDNR's "60-Second Snakes: The Eastern Massasauga Rattlesnake" video (available at https://www.youtube.com/watch?v=-PFnXe\_e02w).

**Eastern massasauga:** During project implementation, report sightings of any federally listed species, including EMR, to the Service within 24 hours.

**Eastern massasauga:** The project will not result in permanent loss of more than one acre of wetland or conversion of more than 10 acres of EMR upland habitat (uplands associated with high quality wetland habitat) to other land uses.

#### **Action Description**

You provided to IPaC the following name and description for the subject Action.

#### 1. Name

Airport road South 2in Service Lead

#### 2. Description

The following description was provided for the project 'Airport road South 2in Service Lead':

The project area is located at 861 US-31, 2in service line will run from US-21 west along private drive, in Pellston MI. The project area is in a commercial property and consists of a gravel drive and mowed turf grass. The project will involve the installation of 2" service leads and valves via open cut. The project is in the design phase and has no start date.

The approximate location of the project can be viewed in Google Maps: <u>https://www.google.com/maps/@45.56402175,-84.78488715,14z</u>



### **QUALIFICATION INTERVIEW**

1. Are there any possible effects to any listed species or to designated critical habitat from your project or effects from any other actions or projects subsequently made possible by your project?

Select "Yes" even if the expected effects to the species or critical habitat are expected to be 1) extremely unlikely (discountable), 2) can't meaningfully be measured, detected, or evaluated (insignificant), or 3) wholly beneficial.

Select "No" to confirm that the project details and supporting information allow you to conclude that listed species and their habitats will not be exposed to any effects (including discountable, insignificant, or beneficial effects) and therefore, you have made a "no effect" determination for all species. If you are unsure, select YES to answer additional questions about your project.

Yes

2. This determination key is intended to assist the user in the evaluating the effects of their actions on Federally listed species in Michigan. It does not cover other prohibited activities under the Endangered Species Act (e.g., for wildlife: import/export, Interstate or foreign commerce, possession of illegally taken wildlife, purposeful take for scientific purposes or to enhance the survival of a species, etc.; for plants: import/export, reduce to possession, malicious destruction on Federal lands, commercial sale, etc.) or other statutes. Click yes to acknowledge that you must consider other prohibitions of the ESA or other statutes outside of this determination key.

Yes

3. Is the action the approval of a long-term (i.e., in effect greater than 10 years) permit, plan, or other action? (e.g., a new or re-issued hydropower license, a large-scale land management plan, or other kinds of documents that provide direction for projects or actions that may be conducted over a long term (>10 years) without the need for additional section 7 consultation).

No

- 4. Is the action being funded, authorized, or carried out by a Federal agency? *Yes*
- 5. Does the action involve the installation or operation of wind turbines?

No

6. Are there at least 30 days prior to your action occurring? Endangered species consultation must be completed before taking any action that may have effects to listed species. The Service also needs 30 days to review projects before we can verify conclusions in some dkey output letters. For example, if you have already started some components of the project on the ground (e.g., removed vegetation) before completing this key, answer "no" to this question. The only exception is if you have a Michigan Field Office pre-approved emergence survey (i.e., if you have conducted pre-approved emergence surveys for listed bats before tree removal, you can still answer yes to this question).

Yes

7. Does the action involve constructing a new communications tower or modifying an existing communications tower?

No

8. Does the activity involve aerial or other large-scale application of any chemical (including insecticide, herbicide, etc.)?

No

9. Does your project include water withdrawal (ground or surface water) greater than 10,000 gallons/day?

No

10. Will your action permanently affect hydrology?

No

11. Will your action temporarily affect hydrology?

No

- 12. Will your project have any direct impacts to a stream or river (e.g., Horizontal Directional Drilling (HDD), hydrostatic testing, stream/road crossings, new storm-water outfall discharge, dams, other in-stream work, changes to water quality or hydrology, etc.)? *No*
- 13. Does your project have the potential to indirectly impact the stream/river or the riparian zone (e.g., cut and fill, horizontal directional drilling, hydrostatic testing, construction, vegetation removal, discharge, changes to water quality or hydrology, etc.)? *No*
- 14. Will your action disturb the ground or existing vegetation? This includes any off road vehicle access, soil compaction, digging, seismic survey, directional drilling, heavy equipment, grading, trenching, placement of fill, pesticide application, vegetation management (including removal or maintenance using equipment or chemicals), cultivation, development, etc.

Yes

15. Is the action a utility-scale solar development project?

Note: Solar projects are considered utility scale if they will be 1 megawatt or larger.

No

- 16. [Hidden semantic] Does the action intersect the MOBU AOI?Automatically answeredYes
- 17. Under the ESA, monarchs remain warranted but precluded by listing actions of higher priority. The monarch is a candidate for listing at this time. The Endangered Species Act does not establish protections or consultation requirements for candidate species. Some Federal and State agencies may have policy requirements to consider candidate species in planning. We encourage implementing measures that will remove or reduce threats to these species and possibly make listing unnecessary. If your project will have no effect on monarch butterflies (for example, if your project won't affect their habitat or individuals), then you can make a "no effect" determination for this project. Are you making a "no effect" determination for monarch?

Yes

18. [Hidden Semantic] Does the action intersect the Eastern massasauga rattlesnake area of influence?

Automatically answered Yes

19. Does your action involve prescribed fire?

No

20. Will this action occur entirely in the Eastern massasauga rattlesnake inactive season (October 2 through April 30)?

No

21. Will this action occur entirely in the Eastern massasauga rattlesnake active season (May 1 through October 1)?

No

22. Will the action result in permanent loss of more than one acre of wetland or conversion of more than 10 acres of uplands of potential Eastern massasauga rattlesnake habitat (uplands associated with high quality wetland habitat) to other land uses?

No

23. Will you use <u>wildlife safe materials</u> for erosion control and site restoration and eliminate the use of erosion control products containing plastic mesh netting or other similar material that could ensnare Eastern massasauga rattlesnake?

Yes

24. Will you watch MDNR's <u>"60-Second Snakes: The Eastern Massasauga Rattlesnake</u> (<u>EMR</u>)" video, review the <u>EMR factsheet</u> or call 517-351-2555 to increase human safety and awareness of EMR?

Yes

25. Will all action personnel report any Eastern massasauga rattlesnake observations, or observation of any other listed threatened or endangered species, during action implementation to the Service within 24 hours?

Yes

26. [Hidden Semantic] Does the action area intersect the rufa red knot area of influence? Automatically answered

Yes

27. [Hidden Semantic] Does the action intersect the area of influence for Michigan monkey-flower?

Automatically answered *Yes* 

- 28. [Hidden Semantic] Does the action area intersect the area of influence for Pitcher's thistle? Automatically answered Yes
- 29. [Hidden Semantic] Does the action intersect Hungerford's crawling water beetle area of influence?

Automatically answered *Yes* 

## **IPAC USER CONTACT INFORMATION**

Agency:Pellston villageName:Deborah GibsonAddress:34000 Plymouth RdCity:livoniaState:MIZip:48150Emaildebbie.gibson@ohm-advisors.comPhone:7343234144

## LEAD AGENCY CONTACT INFORMATION

Lead Agency: Pellston village



# United States Department of the Interior

FISH AND WILDLIFE SERVICE Michigan Ecological Services Field Office 2651 Coolidge Road Suite 101 East Lansing, MI 48823-6360 Phone: (517) 351-2555 Fax: (517) 351-1443



In Reply Refer To: Project code: 2025-0069420 Project Name: Alleyway - Bogardus to Main - 6in WM 03/14/2025 18:58:21 UTC

Subject: Verification letter for the project named 'Alleyway - Bogardus to Main - 6in WM' for specified threatened and endangered species that may occur in your proposed project location consistent with the Michigan Endangered Species Determination Key (Michigan DKey)

Dear Deborah Gibson:

The U.S. Fish and Wildlife Service (Service) received on **March 14, 2025** your effect determination(s) for the 'Alleyway - Bogardus to Main - 6in WM' (the Action) using the Michigan DKey within the Information for Planning and Consultation (IPaC) system. The Service developed this system in accordance with the Endangered Species Act of 1973 (ESA) (87 Stat.884, as amended; 16 U.S.C. 1531 et seq.).

Based on your answers and the assistance of the Service's Michigan DKey, you made the following effect determination(s) for the proposed Action:

Species	Listing Status	Determination
Eastern Massasauga (=rattlesnake) (Sistrurus catenatus)	Threatened	NLAA
Hungerford's Crawling Water Beetle (Brychius	Endangered	No effect
hungerfordi)		
Michigan Monkey-flower (Mimulus michiganensis)	Endangered	No effect
Monarch Butterfly (Danaus plexippus)	Proposed	No effect
	Threatened	
Pitcher's Thistle (Cirsium pitcheri)	Threatened	No effect
Rufa Red Knot (Calidris canutus rufa)	Threatened	No effect

The Service will notify you within 30 calendar days if we determine that this proposed Action does not meet the criteria for a "may affect, not likely to adversely affect" (NLAA) determination for Federally listed species in Michigan. If we do not notify you within that timeframe, you may proceed with the Action under the terms of the NLAA concurrence provided here. This verification period allows the Michigan Ecological Services Field Office to apply local

knowledge to evaluation of the Action, as we may identify a small subset of actions having impacts that were unanticipated. In such instances, the Michigan Ecological Services Field Office may request additional information to verify the effects determination reached through the Michigan DKey.

Your agency has met consultation requirements by informing the Service of your "No Effect" determination(s). No consultation is required for species that you determined will not be affected by the Action.

Please provide sufficient project details on your project homepage in IPaC (Define Project, Project Description) to support your conclusions and the Service's 30-day review period. Failure to disclose important aspects of your project that would influence the outcome of your effects determinations may negate your determinations and invalidate this letter. If you have site-specific information that leads you to believe a different determination is more appropriate for your project than what the Dkey concludes, you can and should proceed based on the best available information.

The Service recommends that you contact the Service or re-evaluate the project in IPaC if: 1) the scope or location of the proposed Action is changed; 2) new information reveals that the action may affect listed species or designated critical habitat in a manner or to an extent not previously considered; 3) the Action is modified in a manner that causes effects to listed species or designated critical habitat; or 4) a new species is listed or critical habitat designated. If any of the above conditions occurs, additional consultation with the Service should take place before project changes are final or resources committed.

For non-Federal representatives: Please note that when a project requires consultation under section 7 of the Act, the Service must consult directly with the Federal action agency unless that agency formally designates a non-Federal representative (50 CFR 402.08). Non-Federal representatives may prepare analyses or conduct informal consultations; however, the ultimate responsibility for section 7 compliance under the Act remains with the Federal agency. If the Federal agency concurs with your determination, the project as proposed has completed section 7 consultation. All documents and supporting correspondence should be provided to the Federal agency for their records.

#### **Bald and Golden Eagles:**

Bald eagles, golden eagles, and their nests are protected under the Bald and Golden Eagle Protection Act (54 Stat. 250, as amended, 16 U.S.C. 668a-d) (Eagle Act). The Eagle Act prohibits, except when authorized by an Eagle Act permit, the "taking" of bald and golden eagles and defines "take" as "pursue, shoot, shoot at, poison, wound, kill, capture, trap, collect, molest or disturb." The Eagle Act's implementing regulations define disturb as "…to agitate or bother a bald or golden eagle to a degree that causes, or is likely to cause, based on the best scientific information available, (1) injury to an eagle, (2) a decrease in its productivity, by substantially interfering with normal breeding, feeding, or sheltering behavior, or (3) nest abandonment, by substantially interfering with normal breeding, feeding, or sheltering behavior."

If the Action may impact bald or golden eagles, additional coordination with the Service under the Eagle Act may be required. For more information on eagles and conducting activities in the vicinity of an eagle nest, please visit https://www.fws.gov/library/collections/all-about-eagles. In addition, the Service developed the National Bald Eagle Management Guidelines (May 2007) in order to assist landowners in avoiding the disturbance of bald eagles. The full Guidelines are available at https://www.fws.gov/media/national-bald-eagle-management-guidelines-0.

If you have further questions regarding potential impacts to eagles, please contact Chris Mensing, Chris\_Mensing@fws.gov or 517-351-2555.

### Monarch butterfly and other pollinators

In December 2020, after an extensive status assessment of the monarch butterfly, we determined that listing the monarch under the Endangered Species Act is warranted but precluded by higher priority actions to amend the Lists of Endangered and Threatened Wildlife and Plants. Therefore, the Service added the monarch butterfly to the candidate list. The Service will review its status each year until we are able to begin developing a proposal to list the monarch.

The Endangered Species Act does not establish protections or consultation requirements for candidate species. Some Federal and State agencies may have policy requirements to consider candidate species in planning. We encourage implementing measures that will remove or reduce threats to these species and possibly make listing unnecessary.

For all projects, we recommend the following best management practices (BMPs) to benefit monarch and other pollinators.

Monarch and Pollinator BMP Recommendations

Consider monarch and other pollinators in your project planning when possible. Many pollinators are declining, including species that pollinate key agricultural crops and help maintain natural plant communities. Planting a diverse group of native plant species will help support the nutritional needs of Michigan's pollinators. We recommend a mix of flowering trees, shrubs, and herbaceous plants so that something is always blooming and pollen is available during the active periods of the pollinators, roughly early spring through fall (mid-March to mid-October). To benefit a wide variety of pollinators, choose a wide range of flowers with diverse colors, heights, structure, and flower shape. It is important to provide host plants for any known butterfly species at your site, including native milkweed for Monarch butterfly. Incorporating a water source (e.g., ephemeral pool or low area) and basking areas (rocks or bare ground) will provide additional resources for pollinators.

Many pollinators need a safe place to build their nests and overwinter. During spring and summer, leave some areas unmowed or minimize the impacts from mowing (e.g., decrease frequency, increase vegetation height). In fall, leave areas unraked and leave plant stems standing. Leave patches of bare soil for ground nesting pollinators.

Avoid or limit pesticide use. Pesticides can kill more than the target pest. Some pesticide residues can kill pollinators for several days after the pesticide is applied. Pesticides can also kill natural predators, which can lead to even worse pest problems.

Planting native wildflowers can also reduce the need to mow and water, improve bank stabilization by reducing erosion, and improve groundwater recharge and water quality.

Resources:

#### https://www.fws.gov/initiative/monarchs https://www.fws.gov/library/collections/pollinators

#### Wetland impacts:

Section 404 of the Clean Water Act of 1977 (CWA) regulates the discharge of dredged or fill material into waters (including wetlands) of the United States. Regulations require that activities permitted under the CWA (including wetland permits issued by the Michigan Department of Environment, Great Lakes, and Energy (EGLE)) not jeopardize the continued existence of species listed as endangered or threatened. Permits issued by the U.S. Army Corps of Engineers must also consider effects to listed species pursuant to section 7 of the Endangered Species Act. The Service provides comments to the agencies that may include permit conditions to help avoid or minimize impacts to wildlife resources including listed species. For this project, we consider the conservation measures you agreed to in the determination key and/or as part of your proposed action to be non-discretionary. If you apply for a wetland permit, these conservation measures should be explicitly incorporated as permit conditions. Include a copy of this letter in your wetland permit application to streamline the threatened and endangered species review process.

<u>Summary of conservation measures for your project</u> You agreed to the following conservation measures to avoid adverse effects to listed species and our concurrence is only valid if the measures are fully implemented. These must be included as permit conditions if a permit is required and/or included in any contract language.

**Eastern massasauga:** Materials used for erosion control and site restoration must be wildlifefriendly. Do not use erosion control products containing plastic mesh netting or other similar material that could entangle eastern massasauga rattlesnake (EMR). Several products for soil erosion and control exist that do not contain plastic netting including net-less erosion control blankets (for example, made of excelsior), loose mulch, hydraulic mulch, soil binders, unreinforced silt fences, and straw bales. Others are made from natural fibers (such as jute) and loosely woven together in a manner that allows wildlife to wiggle free.

**Eastern massasauga:** To increase human safety and awareness of EMR, those implementing the project must first review the EMR factsheet (available at https://www.fws.gov/media/eastern-massasauga-rattlesnake-fact-sheet), and watch MDNR's "60-Second Snakes: The Eastern Massasauga Rattlesnake" video (available at https://www.youtube.com/watch?v=-PFnXe\_e02w).

**Eastern massasauga:** During project implementation, report sightings of any federally listed species, including EMR, to the Service within 24 hours.

**Eastern massasauga:** The project will not result in permanent loss of more than one acre of wetland or conversion of more than 10 acres of EMR upland habitat (uplands associated with high quality wetland habitat) to other land uses.

**Eastern massasauga:** The project will occur entirely within the EMR inactive season (in the southern Lower Peninsula: October 16 through April 14; in the northern Lower Peninsula, October 2 through April 30).

### **Action Description**

You provided to IPaC the following name and description for the subject Action.

### 1. Name

Alleyway - Bogardus to Main - 6in WM

### 2. Description

The following description was provided for the project 'Alleyway - Bogardus to Main - 6in WM':

The project area is located within an Alleyway from Bogardus to Main St in Pellston MI. The project area is in a residential neighborhood and the project area consists of paved road, mowed turf grass, and landscape trees. The project will involve the installation of 6" water main, service leads, valves and hydrants via open cut and trenching. The project is in the design phase and has no start date.

The approximate location of the project can be viewed in Google Maps: <u>https://www.google.com/maps/@45.553995549999996,-84.78368965,14z</u>



## **QUALIFICATION INTERVIEW**

1. Are there any possible effects to any listed species or to designated critical habitat from your project or effects from any other actions or projects subsequently made possible by your project?

Select "Yes" even if the expected effects to the species or critical habitat are expected to be 1) extremely unlikely (discountable), 2) can't meaningfully be measured, detected, or evaluated (insignificant), or 3) wholly beneficial.

Select "No" to confirm that the project details and supporting information allow you to conclude that listed species and their habitats will not be exposed to any effects (including discountable, insignificant, or beneficial effects) and therefore, you have made a "no effect" determination for all species. If you are unsure, select YES to answer additional questions about your project.

Yes

2. This determination key is intended to assist the user in the evaluating the effects of their actions on Federally listed species in Michigan. It does not cover other prohibited activities under the Endangered Species Act (e.g., for wildlife: import/export, Interstate or foreign commerce, possession of illegally taken wildlife, purposeful take for scientific purposes or to enhance the survival of a species, etc.; for plants: import/export, reduce to possession, malicious destruction on Federal lands, commercial sale, etc.) or other statutes. Click yes to acknowledge that you must consider other prohibitions of the ESA or other statutes outside of this determination key.

Yes

3. Is the action the approval of a long-term (i.e., in effect greater than 10 years) permit, plan, or other action? (e.g., a new or re-issued hydropower license, a large-scale land management plan, or other kinds of documents that provide direction for projects or actions that may be conducted over a long term (>10 years) without the need for additional section 7 consultation).

No

- 4. Is the action being funded, authorized, or carried out by a Federal agency? *Yes*
- 5. Does the action involve the installation or operation of wind turbines?

No

6. Are there at least 30 days prior to your action occurring? Endangered species consultation must be completed before taking any action that may have effects to listed species. The Service also needs 30 days to review projects before we can verify conclusions in some dkey output letters. For example, if you have already started some components of the project on the ground (e.g., removed vegetation) before completing this key, answer "no" to this question. The only exception is if you have a Michigan Field Office pre-approved emergence survey (i.e., if you have conducted pre-approved emergence surveys for listed bats before tree removal, you can still answer yes to this question).

Yes

7. Does the action involve constructing a new communications tower or modifying an existing communications tower?

No

8. Does the activity involve aerial or other large-scale application of any chemical (including insecticide, herbicide, etc.)?

No

9. Does your project include water withdrawal (ground or surface water) greater than 10,000 gallons/day?

No

10. Will your action permanently affect hydrology?

No

11. Will your action temporarily affect hydrology?

No

- 12. Will your project have any direct impacts to a stream or river (e.g., Horizontal Directional Drilling (HDD), hydrostatic testing, stream/road crossings, new storm-water outfall discharge, dams, other in-stream work, changes to water quality or hydrology, etc.)? *No*
- 13. Does your project have the potential to indirectly impact the stream/river or the riparian zone (e.g., cut and fill, horizontal directional drilling, hydrostatic testing, construction, vegetation removal, discharge, changes to water quality or hydrology, etc.)?

Yes

14. Are you applying for one of the following Michigan EGLE/Army Corps of Engineers joint permit application Minor Permit (MP) Categories:

MP 3 - Boat Hoist; MP 5 - Boal Wells; MP 7 - Completed Enforcement Actions; MP 13 - Dock;

- MP 22 Fish and Wildlife Habitat Structures;
- MP 25 Ford Stream Crossings for Commercial Forestry Operations;
- MP 31 Maintenance and Repair of Serviceable Structures;
- MP 52 Temporary Recreational Structures;
- MP 54 Wetland Habitat Restoration and Enhancement?

Verify the MP category number and associated description matches your project/ application (https://www.michigan.gov/documents/egle/WRD-Minor-Project-Categories\_733320\_7.pdf). If you don't know what category applies for your project, answer no to this question.

No

- 15. Are you applying for one of the following Michigan EGLE/Army Corps of Engineers joint permit application General Permit (GP) Categories:
  - GPA Aids to Navigation;
  - GP C Clear Span Bridge;
  - GP J Dry Fire Hydrant;
  - GP O Minor Permit Revisions and Transfers;
  - GP Q Mooring Buoy;
  - GPW Scientific Measuring Devices;
  - GP X Snow Road Stream Crossings for Forestry Operations;
  - GP Z Spring Piles and Piling Clusters?

Verify the GP category number and associated description matches your project/ application (https://www.michigan.gov/documents/deq/wrd-general-permitcategories\_555828\_7.pdf). If you don't know what category applies for your project, answer no to this question.

No

16. Will your action disturb the ground or existing vegetation? This includes any off road vehicle access, soil compaction, digging, seismic survey, directional drilling, heavy equipment, grading, trenching, placement of fill, pesticide application, vegetation management (including removal or maintenance using equipment or chemicals), cultivation, development, etc.

Yes

17. Is the action a utility-scale solar development project?

**Note:**Solar projects are considered utility scale if they will be 1 megawatt or larger.

No

- 18. [Hidden semantic] Does the action intersect the MOBU AOI?Automatically answeredYes
- 19. Under the ESA, monarchs remain warranted but precluded by listing actions of higher priority. The monarch is a candidate for listing at this time. The Endangered Species Act does not establish protections or consultation requirements for candidate species. Some Federal and State agencies may have policy requirements to consider candidate species in planning. We encourage implementing measures that will remove or reduce threats to these species and possibly make listing unnecessary. If your project will have no effect on monarch butterflies (for example, if your project won't affect their habitat or individuals), then you can make a "no effect" determination for this project. Are you making a "no effect" determination for monarch?

Yes

20. [Hidden Semantic] Does the action intersect the Eastern massasauga rattlesnake area of influence?

Automatically answered Yes

21. Does your action involve prescribed fire?

No

22. Will this action occur entirely in the Eastern massasauga rattlesnake inactive season (October 2 through April 30)?

Yes

23. Will the action result in permanent loss of more than one acre of wetland or conversion of more than 10 acres of uplands of potential Eastern massasauga rattlesnake habitat (uplands associated with high quality wetland habitat) to other land uses?

No

24. Will you use <u>wildlife safe materials</u> for erosion control and site restoration and eliminate the use of erosion control products containing plastic mesh netting or other similar material that could ensnare Eastern massasauga rattlesnake?

Yes

25. Will you watch MDNR's <u>"60-Second Snakes: The Eastern Massasauga Rattlesnake</u> (<u>EMR</u>)" video, review the <u>EMR factsheet</u> or call 517-351-2555 to increase human safety and awareness of EMR?

Yes

26. Will all action personnel report any Eastern massasauga rattlesnake observations, or observation of any other listed threatened or endangered species, during action implementation to the Service within 24 hours?

Yes

- 27. [Hidden Semantic] Does the action area intersect the rufa red knot area of influence? Automatically answered *Yes*
- 28. [Hidden Semantic] Does the action intersect the area of influence for Michigan monkey-flower?

Automatically answered Yes

29. [Hidden Semantic] Does the action area intersect the area of influence for Pitcher's thistle? Automatically answered

Yes

30. [Hidden Semantic] Does the action intersect Hungerford's crawling water beetle area of influence?

Automatically answered *Yes* 

## **IPAC USER CONTACT INFORMATION**

Agency:Pellston villageName:Deborah GibsonAddress:34000 Plymouth RdCity:livoniaState:MIZip:48150Emaildebbie.gibson@ohm-advisors.comPhone:7343234144

## LEAD AGENCY CONTACT INFORMATION

Lead Agency: Pellston village

addition, the Service developed the National Bald Eagle Management Guidelines (May 2007) in order to assist landowners in avoiding the disturbance of bald eagles. The full Guidelines are available at https://www.fws.gov/media/national-bald-eagle-management-guidelines-0.

If you have further questions regarding potential impacts to eagles, please contact Chris Mensing, Chris\_Mensing@fws.gov or 517-351-2555.

### Monarch butterfly and other pollinators

In December 2020, after an extensive status assessment of the monarch butterfly, we determined that listing the monarch under the Endangered Species Act is warranted but precluded by higher priority actions to amend the Lists of Endangered and Threatened Wildlife and Plants. Therefore, the Service added the monarch butterfly to the candidate list. The Service will review its status each year until we are able to begin developing a proposal to list the monarch.

The Endangered Species Act does not establish protections or consultation requirements for candidate species. Some Federal and State agencies may have policy requirements to consider candidate species in planning. We encourage implementing measures that will remove or reduce threats to these species and possibly make listing unnecessary.

For all projects, we recommend the following best management practices (BMPs) to benefit monarch and other pollinators.

Monarch and Pollinator BMP Recommendations

Consider monarch and other pollinators in your project planning when possible. Many pollinators are declining, including species that pollinate key agricultural crops and help maintain natural plant communities. Planting a diverse group of native plant species will help support the nutritional needs of Michigan's pollinators. We recommend a mix of flowering trees, shrubs, and herbaceous plants so that something is always blooming and pollen is available during the active periods of the pollinators, roughly early spring through fall (mid-March to mid-October). To benefit a wide variety of pollinators, choose a wide range of flowers with diverse colors, heights, structure, and flower shape. It is important to provide host plants for any known butterfly species at your site, including native milkweed for Monarch butterfly. Incorporating a water source (e.g., ephemeral pool or low area) and basking areas (rocks or bare ground) will provide additional resources for pollinators.

Many pollinators need a safe place to build their nests and overwinter. During spring and summer, leave some areas unmowed or minimize the impacts from mowing (e.g., decrease frequency, increase vegetation height). In fall, leave areas unraked and leave plant stems standing. Leave patches of bare soil for ground nesting pollinators.

Avoid or limit pesticide use. Pesticides can kill more than the target pest. Some pesticide residues can kill pollinators for several days after the pesticide is applied. Pesticides can also kill natural predators, which can lead to even worse pest problems.

Planting native wildflowers can also reduce the need to mow and water, improve bank stabilization by reducing erosion, and improve groundwater recharge and water quality.

Resources:

#### https://www.fws.gov/initiative/monarchs https://www.fws.gov/library/collections/pollinators

#### Wetland impacts:

Section 404 of the Clean Water Act of 1977 (CWA) regulates the discharge of dredged or fill material into waters (including wetlands) of the United States. Regulations require that activities permitted under the CWA (including wetland permits issued by the Michigan Department of Environment, Great Lakes, and Energy (EGLE)) not jeopardize the continued existence of species listed as endangered or threatened. Permits issued by the U.S. Army Corps of Engineers must also consider effects to listed species pursuant to section 7 of the Endangered Species Act. The Service provides comments to the agencies that may include permit conditions to help avoid or minimize impacts to wildlife resources including listed species. For this project, we consider the conservation measures you agreed to in the determination key and/or as part of your proposed action to be non-discretionary. If you apply for a wetland permit, these conservation measures should be explicitly incorporated as permit conditions. Include a copy of this letter in your wetland permit application to streamline the threatened and endangered species review process.

<u>Summary of conservation measures for your project</u> You agreed to the following conservation measures to avoid adverse effects to listed species and our concurrence is only valid if the measures are fully implemented. These must be included as permit conditions if a permit is required and/or included in any contract language.

**Eastern massasauga:** Materials used for erosion control and site restoration must be wildlifefriendly. Do not use erosion control products containing plastic mesh netting or other similar material that could entangle eastern massasauga rattlesnake (EMR). Several products for soil erosion and control exist that do not contain plastic netting including net-less erosion control blankets (for example, made of excelsior), loose mulch, hydraulic mulch, soil binders, unreinforced silt fences, and straw bales. Others are made from natural fibers (such as jute) and loosely woven together in a manner that allows wildlife to wiggle free.

**Eastern massasauga:** To increase human safety and awareness of EMR, those implementing the project must first review the EMR factsheet (available at https://www.fws.gov/media/eastern-massasauga-rattlesnake-fact-sheet), and watch MDNR's "60-Second Snakes: The Eastern Massasauga Rattlesnake" video (available at https://www.youtube.com/watch?v=-PFnXe\_e02w).

**Eastern massasauga:** During project implementation, report sightings of any federally listed species, including EMR, to the Service within 24 hours.

**Eastern massasauga:** The project will not result in permanent loss of more than one acre of wetland or conversion of more than 10 acres of EMR upland habitat (uplands associated with high quality wetland habitat) to other land uses.

### **Action Description**

You provided to IPaC the following name and description for the subject Action.

### 1. Name

Bogardus St W. of US-31 - 6in WM

### 2. Description

The following description was provided for the project 'Bogardus St W. of US-31 - 6in WM':

The project area is along Bogardus Rd, west of US-31 to the dead end, in Pellston, MI. The project area is in a residential neighborhood and the project area consists of paved road, mowed turf grass, and landscape trees. The project will involve the installation of 6" water main, service leads, valves and hydrants via open cut and trenching. The project is in the design phase and has no start date.

The approximate location of the project can be viewed in Google Maps: <u>https://www.google.com/maps/@45.555751400000005,-84.78105549569,14z</u>



## **QUALIFICATION INTERVIEW**

1. Are there any possible effects to any listed species or to designated critical habitat from your project or effects from any other actions or projects subsequently made possible by your project?

Select "Yes" even if the expected effects to the species or critical habitat are expected to be 1) extremely unlikely (discountable), 2) can't meaningfully be measured, detected, or evaluated (insignificant), or 3) wholly beneficial.

Select "No" to confirm that the project details and supporting information allow you to conclude that listed species and their habitats will not be exposed to any effects (including discountable, insignificant, or beneficial effects) and therefore, you have made a "no effect" determination for all species. If you are unsure, select YES to answer additional questions about your project.

Yes

2. This determination key is intended to assist the user in the evaluating the effects of their actions on Federally listed species in Michigan. It does not cover other prohibited activities under the Endangered Species Act (e.g., for wildlife: import/export, Interstate or foreign commerce, possession of illegally taken wildlife, purposeful take for scientific purposes or to enhance the survival of a species, etc.; for plants: import/export, reduce to possession, malicious destruction on Federal lands, commercial sale, etc.) or other statutes. Click yes to acknowledge that you must consider other prohibitions of the ESA or other statutes outside of this determination key.

Yes

3. Is the action the approval of a long-term (i.e., in effect greater than 10 years) permit, plan, or other action? (e.g., a new or re-issued hydropower license, a large-scale land management plan, or other kinds of documents that provide direction for projects or actions that may be conducted over a long term (>10 years) without the need for additional section 7 consultation).

No

- 4. Is the action being funded, authorized, or carried out by a Federal agency? *Yes*
- 5. Does the action involve the installation or operation of wind turbines?

No

6. Are there at least 30 days prior to your action occurring? Endangered species consultation must be completed before taking any action that may have effects to listed species. The Service also needs 30 days to review projects before we can verify conclusions in some dkey output letters. For example, if you have already started some components of the project on the ground (e.g., removed vegetation) before completing this key, answer "no" to this question. The only exception is if you have a Michigan Field Office pre-approved emergence survey (i.e., if you have conducted pre-approved emergence surveys for listed bats before tree removal, you can still answer yes to this question).

Yes

7. Does the action involve constructing a new communications tower or modifying an existing communications tower?

No

8. Does the activity involve aerial or other large-scale application of any chemical (including insecticide, herbicide, etc.)?

No

9. Does your project include water withdrawal (ground or surface water) greater than 10,000 gallons/day?

No

10. Will your action permanently affect hydrology?

No

11. Will your action temporarily affect hydrology?

No

- 12. Will your project have any direct impacts to a stream or river (e.g., Horizontal Directional Drilling (HDD), hydrostatic testing, stream/road crossings, new storm-water outfall discharge, dams, other in-stream work, changes to water quality or hydrology, etc.)? *No*
- 13. Does your project have the potential to indirectly impact the stream/river or the riparian zone (e.g., cut and fill, horizontal directional drilling, hydrostatic testing, construction, vegetation removal, discharge, changes to water quality or hydrology, etc.)? *No*
- 14. Will your action disturb the ground or existing vegetation? This includes any off road vehicle access, soil compaction, digging, seismic survey, directional drilling, heavy equipment, grading, trenching, placement of fill, pesticide application, vegetation management (including removal or maintenance using equipment or chemicals), cultivation, development, etc.

Yes

15. Is the action a utility-scale solar development project?

**Note:**Solar projects are considered utility scale if they will be 1 megawatt or larger.

No

- 16. [Hidden semantic] Does the action intersect the MOBU AOI?Automatically answeredYes
- 17. Under the ESA, monarchs remain warranted but precluded by listing actions of higher priority. The monarch is a candidate for listing at this time. The Endangered Species Act does not establish protections or consultation requirements for candidate species. Some Federal and State agencies may have policy requirements to consider candidate species in planning. We encourage implementing measures that will remove or reduce threats to these species and possibly make listing unnecessary. If your project will have no effect on monarch butterflies (for example, if your project won't affect their habitat or individuals), then you can make a "no effect" determination for this project. Are you making a "no effect" determination for monarch?

Yes

18. [Hidden Semantic] Does the action intersect the Eastern massasauga rattlesnake area of influence?

Automatically answered Yes

19. Does your action involve prescribed fire?

No

20. Will this action occur entirely in the Eastern massasauga rattlesnake inactive season (October 2 through April 30)?

No

21. Will this action occur entirely in the Eastern massasauga rattlesnake active season (May 1 through October 1)?

No

22. Will the action result in permanent loss of more than one acre of wetland or conversion of more than 10 acres of uplands of potential Eastern massasauga rattlesnake habitat (uplands associated with high quality wetland habitat) to other land uses?

No

23. Will you use <u>wildlife safe materials</u> for erosion control and site restoration and eliminate the use of erosion control products containing plastic mesh netting or other similar material that could ensnare Eastern massasauga rattlesnake?

Yes

24. Will you watch MDNR's <u>"60-Second Snakes: The Eastern Massasauga Rattlesnake</u> (<u>EMR</u>)" video, review the <u>EMR factsheet</u> or call 517-351-2555 to increase human safety and awareness of EMR?

Yes

25. Will all action personnel report any Eastern massasauga rattlesnake observations, or observation of any other listed threatened or endangered species, during action implementation to the Service within 24 hours?

Yes

26. [Hidden Semantic] Does the action area intersect the rufa red knot area of influence? Automatically answered

Yes

27. [Hidden Semantic] Does the action intersect the area of influence for Michigan monkey-flower?

Automatically answered *Yes* 

- 28. [Hidden Semantic] Does the action area intersect the area of influence for Pitcher's thistle? Automatically answered Yes
- 29. [Hidden Semantic] Does the action intersect Hungerford's crawling water beetle area of influence?

Automatically answered *Yes* 

## **IPAC USER CONTACT INFORMATION**

Agency:Pellston villageName:Deborah GibsonAddress:34000 Plymouth RdCity:livoniaState:MIZip:48150Emaildebbie.gibson@ohm-advisors.comPhone:7343234144

## LEAD AGENCY CONTACT INFORMATION

Lead Agency: Pellston village



# United States Department of the Interior

FISH AND WILDLIFE SERVICE Michigan Ecological Services Field Office 2651 Coolidge Road Suite 101 East Lansing, MI 48823-6360 Phone: (517) 351-2555 Fax: (517) 351-1443



In Reply Refer To: Project code: 2025-0069062 Project Name: East Washington St 6'' WM - Pellston 03/14/2025 13:15:43 UTC

Subject: Verification letter for the project named 'East Washington St 6'' WM - Pellston' for specified threatened and endangered species that may occur in your proposed project location consistent with the Michigan Endangered Species Determination Key (Michigan DKey)

Dear Wade Rose:

The U.S. Fish and Wildlife Service (Service) received on **March 14, 2025** your effect determination(s) for the 'East Washington St 6'' WM - Pellston' (the Action) using the Michigan DKey within the Information for Planning and Consultation (IPaC) system. The Service developed this system in accordance with the Endangered Species Act of 1973 (ESA) (87 Stat. 884, as amended; 16 U.S.C. 1531 et seq.).

Based on your answers and the assistance of the Service's Michigan DKey, you made the following effect determination(s) for the proposed Action:

Species	Listing Status	Determination
Eastern Massasauga (=rattlesnake) (Sistrurus catenatus)	Threatened	NLAA
Hungerford's Crawling Water Beetle (Brychius	Endangered	No effect
hungerfordi)		
Michigan Monkey-flower ( <i>Mimulus michiganensis</i> )	Endangered	No effect
Monarch Butterfly ( <i>Danaus plexippus</i> )	Proposed	No effect
	Threatened	
Pitcher's Thistle (Cirsium pitcheri)	Threatened	No effect
Rufa Red Knot (Calidris canutus rufa)	Threatened	No effect

The Service will notify you within 30 calendar days if we determine that this proposed Action does not meet the criteria for a "may affect, not likely to adversely affect" (NLAA) determination for Federally listed species in Michigan. If we do not notify you within that timeframe, you may proceed with the Action under the terms of the NLAA concurrence provided here. This verification period allows the Michigan Ecological Services Field Office to apply local

knowledge to evaluation of the Action, as we may identify a small subset of actions having impacts that were unanticipated. In such instances, the Michigan Ecological Services Field Office may request additional information to verify the effects determination reached through the Michigan DKey.

Your agency has met consultation requirements by informing the Service of your "No Effect" determination(s). No consultation is required for species that you determined will not be affected by the Action.

Please provide sufficient project details on your project homepage in IPaC (Define Project, Project Description) to support your conclusions and the Service's 30-day review period. Failure to disclose important aspects of your project that would influence the outcome of your effects determinations may negate your determinations and invalidate this letter. If you have site-specific information that leads you to believe a different determination is more appropriate for your project than what the Dkey concludes, you can and should proceed based on the best available information.

The Service recommends that you contact the Service or re-evaluate the project in IPaC if: 1) the scope or location of the proposed Action is changed; 2) new information reveals that the action may affect listed species or designated critical habitat in a manner or to an extent not previously considered; 3) the Action is modified in a manner that causes effects to listed species or designated critical habitat; or 4) a new species is listed or critical habitat designated. If any of the above conditions occurs, additional consultation with the Service should take place before project changes are final or resources committed.

For non-Federal representatives: Please note that when a project requires consultation under section 7 of the Act, the Service must consult directly with the Federal action agency unless that agency formally designates a non-Federal representative (50 CFR 402.08). Non-Federal representatives may prepare analyses or conduct informal consultations; however, the ultimate responsibility for section 7 compliance under the Act remains with the Federal agency. If the Federal agency concurs with your determination, the project as proposed has completed section 7 consultation. All documents and supporting correspondence should be provided to the Federal agency for their records.

#### **Bald and Golden Eagles:**

Bald eagles, golden eagles, and their nests are protected under the Bald and Golden Eagle Protection Act (54 Stat. 250, as amended, 16 U.S.C. 668a-d) (Eagle Act). The Eagle Act prohibits, except when authorized by an Eagle Act permit, the "taking" of bald and golden eagles and defines "take" as "pursue, shoot, shoot at, poison, wound, kill, capture, trap, collect, molest or disturb." The Eagle Act's implementing regulations define disturb as "…to agitate or bother a bald or golden eagle to a degree that causes, or is likely to cause, based on the best scientific information available, (1) injury to an eagle, (2) a decrease in its productivity, by substantially interfering with normal breeding, feeding, or sheltering behavior, or (3) nest abandonment, by substantially interfering with normal breeding, feeding, or sheltering behavior."

If the Action may impact bald or golden eagles, additional coordination with the Service under the Eagle Act may be required. For more information on eagles and conducting activities in the vicinity of an eagle nest, please visit https://www.fws.gov/library/collections/all-about-eagles. In addition, the Service developed the National Bald Eagle Management Guidelines (May 2007) in order to assist landowners in avoiding the disturbance of bald eagles. The full Guidelines are available at https://www.fws.gov/media/national-bald-eagle-management-guidelines-0.

If you have further questions regarding potential impacts to eagles, please contact Chris Mensing, Chris\_Mensing@fws.gov or 517-351-2555.

### Monarch butterfly and other pollinators

In December 2020, after an extensive status assessment of the monarch butterfly, we determined that listing the monarch under the Endangered Species Act is warranted but precluded by higher priority actions to amend the Lists of Endangered and Threatened Wildlife and Plants. Therefore, the Service added the monarch butterfly to the candidate list. The Service will review its status each year until we are able to begin developing a proposal to list the monarch.

The Endangered Species Act does not establish protections or consultation requirements for candidate species. Some Federal and State agencies may have policy requirements to consider candidate species in planning. We encourage implementing measures that will remove or reduce threats to these species and possibly make listing unnecessary.

For all projects, we recommend the following best management practices (BMPs) to benefit monarch and other pollinators.

Monarch and Pollinator BMP Recommendations

Consider monarch and other pollinators in your project planning when possible. Many pollinators are declining, including species that pollinate key agricultural crops and help maintain natural plant communities. Planting a diverse group of native plant species will help support the nutritional needs of Michigan's pollinators. We recommend a mix of flowering trees, shrubs, and herbaceous plants so that something is always blooming and pollen is available during the active periods of the pollinators, roughly early spring through fall (mid-March to mid-October). To benefit a wide variety of pollinators, choose a wide range of flowers with diverse colors, heights, structure, and flower shape. It is important to provide host plants for any known butterfly species at your site, including native milkweed for Monarch butterfly. Incorporating a water source (e.g., ephemeral pool or low area) and basking areas (rocks or bare ground) will provide additional resources for pollinators.

Many pollinators need a safe place to build their nests and overwinter. During spring and summer, leave some areas unmowed or minimize the impacts from mowing (e.g., decrease frequency, increase vegetation height). In fall, leave areas unraked and leave plant stems standing. Leave patches of bare soil for ground nesting pollinators.

Avoid or limit pesticide use. Pesticides can kill more than the target pest. Some pesticide residues can kill pollinators for several days after the pesticide is applied. Pesticides can also kill natural predators, which can lead to even worse pest problems.

Planting native wildflowers can also reduce the need to mow and water, improve bank stabilization by reducing erosion, and improve groundwater recharge and water quality.

Resources:

#### https://www.fws.gov/initiative/monarchs https://www.fws.gov/library/collections/pollinators

#### Wetland impacts:

Section 404 of the Clean Water Act of 1977 (CWA) regulates the discharge of dredged or fill material into waters (including wetlands) of the United States. Regulations require that activities permitted under the CWA (including wetland permits issued by the Michigan Department of Environment, Great Lakes, and Energy (EGLE)) not jeopardize the continued existence of species listed as endangered or threatened. Permits issued by the U.S. Army Corps of Engineers must also consider effects to listed species pursuant to section 7 of the Endangered Species Act. The Service provides comments to the agencies that may include permit conditions to help avoid or minimize impacts to wildlife resources including listed species. For this project, we consider the conservation measures you agreed to in the determination key and/or as part of your proposed action to be non-discretionary. If you apply for a wetland permit, these conservation measures should be explicitly incorporated as permit conditions. Include a copy of this letter in your wetland permit application to streamline the threatened and endangered species review process.

<u>Summary of conservation measures for your project</u> You agreed to the following conservation measures to avoid adverse effects to listed species and our concurrence is only valid if the measures are fully implemented. These must be included as permit conditions if a permit is required and/or included in any contract language.

**Eastern massasauga:** Materials used for erosion control and site restoration must be wildlifefriendly. Do not use erosion control products containing plastic mesh netting or other similar material that could entangle eastern massasauga rattlesnake (EMR). Several products for soil erosion and control exist that do not contain plastic netting including net-less erosion control blankets (for example, made of excelsior), loose mulch, hydraulic mulch, soil binders, unreinforced silt fences, and straw bales. Others are made from natural fibers (such as jute) and loosely woven together in a manner that allows wildlife to wiggle free.

**Eastern massasauga:** To increase human safety and awareness of EMR, those implementing the project must first review the EMR factsheet (available at https://www.fws.gov/media/eastern-massasauga-rattlesnake-fact-sheet), and watch MDNR's "60-Second Snakes: The Eastern Massasauga Rattlesnake" video (available at https://www.youtube.com/watch?v=-PFnXe\_e02w).

**Eastern massasauga:** During project implementation, report sightings of any federally listed species, including EMR, to the Service within 24 hours.

**Eastern massasauga:** The project will not result in permanent loss of more than one acre of wetland or conversion of more than 10 acres of EMR upland habitat (uplands associated with high quality wetland habitat) to other land uses.

#### **Action Description**

You provided to IPaC the following name and description for the subject Action.

### 1. Name

East Washington St 6" WM - Pellston

### 2. Description

The following description was provided for the project 'East Washington St 6'' WM - Pellston':

The project area is located within the road ROW along East Washington from Zipf St to the dead end in Pellston MI. The project area is in a residential neighborhood and the project area consists of paved road, mowed turf grass, and landscape trees. The project will involve the installation of 6" water main, service leads, valves and hydrants via open cut and trenching. The project is in the design phase and has no start date.

The approximate location of the project can be viewed in Google Maps: <u>https://www.google.com/maps/@45.55799670000004,-84.7782934,14z</u>



## **QUALIFICATION INTERVIEW**

1. Are there any possible effects to any listed species or to designated critical habitat from your project or effects from any other actions or projects subsequently made possible by your project?

Select "Yes" even if the expected effects to the species or critical habitat are expected to be 1) extremely unlikely (discountable), 2) can't meaningfully be measured, detected, or evaluated (insignificant), or 3) wholly beneficial.

Select "No" to confirm that the project details and supporting information allow you to conclude that listed species and their habitats will not be exposed to any effects (including discountable, insignificant, or beneficial effects) and therefore, you have made a "no effect" determination for all species. If you are unsure, select YES to answer additional questions about your project.

Yes

2. This determination key is intended to assist the user in the evaluating the effects of their actions on Federally listed species in Michigan. It does not cover other prohibited activities under the Endangered Species Act (e.g., for wildlife: import/export, Interstate or foreign commerce, possession of illegally taken wildlife, purposeful take for scientific purposes or to enhance the survival of a species, etc.; for plants: import/export, reduce to possession, malicious destruction on Federal lands, commercial sale, etc.) or other statutes. Click yes to acknowledge that you must consider other prohibitions of the ESA or other statutes outside of this determination key.

Yes

3. Is the action the approval of a long-term (i.e., in effect greater than 10 years) permit, plan, or other action? (e.g., a new or re-issued hydropower license, a large-scale land management plan, or other kinds of documents that provide direction for projects or actions that may be conducted over a long term (>10 years) without the need for additional section 7 consultation).

No

- 4. Is the action being funded, authorized, or carried out by a Federal agency? *Yes*
- 5. Does the action involve the installation or operation of wind turbines?

No

6. Are there at least 30 days prior to your action occurring? Endangered species consultation must be completed before taking any action that may have effects to listed species. The Service also needs 30 days to review projects before we can verify conclusions in some dkey output letters. For example, if you have already started some components of the project on the ground (e.g., removed vegetation) before completing this key, answer "no" to this question. The only exception is if you have a Michigan Field Office pre-approved emergence survey (i.e., if you have conducted pre-approved emergence surveys for listed bats before tree removal, you can still answer yes to this question).

Yes

7. Does the action involve constructing a new communications tower or modifying an existing communications tower?

No

8. Does the activity involve aerial or other large-scale application of any chemical (including insecticide, herbicide, etc.)?

No

9. Does your project include water withdrawal (ground or surface water) greater than 10,000 gallons/day?

No

10. Will your action permanently affect hydrology?

No

11. Will your action temporarily affect hydrology?

No

- 12. Will your project have any direct impacts to a stream or river (e.g., Horizontal Directional Drilling (HDD), hydrostatic testing, stream/road crossings, new storm-water outfall discharge, dams, other in-stream work, changes to water quality or hydrology, etc.)? *No*
- 13. Does your project have the potential to indirectly impact the stream/river or the riparian zone (e.g., cut and fill, horizontal directional drilling, hydrostatic testing, construction, vegetation removal, discharge, changes to water quality or hydrology, etc.)? *No*
- 14. Will your action disturb the ground or existing vegetation? This includes any off road vehicle access, soil compaction, digging, seismic survey, directional drilling, heavy equipment, grading, trenching, placement of fill, pesticide application, vegetation management (including removal or maintenance using equipment or chemicals), cultivation, development, etc.

Yes

15. Is the action a utility-scale solar development project?

Note: Solar projects are considered utility scale if they will be 1 megawatt or larger.

No

- 16. [Hidden semantic] Does the action intersect the MOBU AOI?Automatically answeredYes
- 17. Under the ESA, monarchs remain warranted but precluded by listing actions of higher priority. The monarch is a candidate for listing at this time. The Endangered Species Act does not establish protections or consultation requirements for candidate species. Some Federal and State agencies may have policy requirements to consider candidate species in planning. We encourage implementing measures that will remove or reduce threats to these species and possibly make listing unnecessary. If your project will have no effect on monarch butterflies (for example, if your project won't affect their habitat or individuals), then you can make a "no effect" determination for this project. Are you making a "no effect" determination for monarch?

Yes

18. [Hidden Semantic] Does the action intersect the Eastern massasauga rattlesnake area of influence?

Automatically answered Yes

19. Does your action involve prescribed fire?

No

20. Will this action occur entirely in the Eastern massasauga rattlesnake inactive season (October 2 through April 30)?

No

21. Will this action occur entirely in the Eastern massasauga rattlesnake active season (May 1 through October 1)?

No

22. Will the action result in permanent loss of more than one acre of wetland or conversion of more than 10 acres of uplands of potential Eastern massasauga rattlesnake habitat (uplands associated with high quality wetland habitat) to other land uses?

No

23. Will you use <u>wildlife safe materials</u> for erosion control and site restoration and eliminate the use of erosion control products containing plastic mesh netting or other similar material that could ensnare Eastern massasauga rattlesnake?

Yes

24. Will you watch MDNR's <u>"60-Second Snakes: The Eastern Massasauga Rattlesnake</u> (<u>EMR</u>)" video, review the <u>EMR factsheet</u> or call 517-351-2555 to increase human safety and awareness of EMR?

Yes

25. Will all action personnel report any Eastern massasauga rattlesnake observations, or observation of any other listed threatened or endangered species, during action implementation to the Service within 24 hours?

Yes

26. [Hidden Semantic] Does the action area intersect the rufa red knot area of influence? Automatically answered

Yes

27. [Hidden Semantic] Does the action intersect the area of influence for Michigan monkey-flower?

Automatically answered *Yes* 

- 28. [Hidden Semantic] Does the action area intersect the area of influence for Pitcher's thistle? Automatically answered Yes
- 29. [Hidden Semantic] Does the action intersect Hungerford's crawling water beetle area of influence?

Automatically answered *Yes* 

## **IPAC USER CONTACT INFORMATION**

Agency:Pellston villageName:Wade RoseAddress:34000 Plymouth RdCity:LivoniaState:MIZip:48150Emailwade.rose@ohm-advisors.comPhone:2482914573

## LEAD AGENCY CONTACT INFORMATION

Lead Agency: Pellston village



# United States Department of the Interior

FISH AND WILDLIFE SERVICE Michigan Ecological Services Field Office 2651 Coolidge Road Suite 101 East Lansing, MI 48823-6360 Phone: (517) 351-2555 Fax: (517) 351-1443



In Reply Refer To: Project code: 2025-0069052 Project Name: Edgar - McRae to Milton 6 WM - Pellston 03/14/2025 13:08:38 UTC

Subject: Verification letter for the project named 'Edgar - McRae to Milton 6 WM - Pellston' for specified threatened and endangered species that may occur in your proposed project location consistent with the Michigan Endangered Species Determination Key (Michigan DKey)

Dear Wade Rose:

The U.S. Fish and Wildlife Service (Service) received on **March 14, 2025** your effect determination(s) for the 'Edgar - McRae to Milton 6 WM - Pellston' (the Action) using the Michigan DKey within the Information for Planning and Consultation (IPaC) system. The Service developed this system in accordance with the Endangered Species Act of 1973 (ESA) (87 Stat.884, as amended; 16 U.S.C. 1531 et seq.).

Based on your answers and the assistance of the Service's Michigan DKey, you made the following effect determination(s) for the proposed Action:

Species	Listing Status	Determination
Eastern Massasauga (=rattlesnake) (Sistrurus catenatus)	Threatened	NLAA
Hungerford's Crawling Water Beetle (Brychius	Endangered	No effect
hungerfordi)		
Michigan Monkey-flower ( <i>Mimulus michiganensis</i> )	Endangered	No effect
Monarch Butterfly ( <i>Danaus plexippus</i> )	Proposed	No effect
	Threatened	
Pitcher's Thistle (Cirsium pitcheri)	Threatened	No effect
Rufa Red Knot (Calidris canutus rufa)	Threatened	No effect

The Service will notify you within 30 calendar days if we determine that this proposed Action does not meet the criteria for a "may affect, not likely to adversely affect" (NLAA) determination for Federally listed species in Michigan. If we do not notify you within that timeframe, you may proceed with the Action under the terms of the NLAA concurrence provided here. This verification period allows the Michigan Ecological Services Field Office to apply local

knowledge to evaluation of the Action, as we may identify a small subset of actions having impacts that were unanticipated. In such instances, the Michigan Ecological Services Field Office may request additional information to verify the effects determination reached through the Michigan DKey.

Your agency has met consultation requirements by informing the Service of your "No Effect" determination(s). No consultation is required for species that you determined will not be affected by the Action.

Please provide sufficient project details on your project homepage in IPaC (Define Project, Project Description) to support your conclusions and the Service's 30-day review period. Failure to disclose important aspects of your project that would influence the outcome of your effects determinations may negate your determinations and invalidate this letter. If you have site-specific information that leads you to believe a different determination is more appropriate for your project than what the Dkey concludes, you can and should proceed based on the best available information.

The Service recommends that you contact the Service or re-evaluate the project in IPaC if: 1) the scope or location of the proposed Action is changed; 2) new information reveals that the action may affect listed species or designated critical habitat in a manner or to an extent not previously considered; 3) the Action is modified in a manner that causes effects to listed species or designated critical habitat; or 4) a new species is listed or critical habitat designated. If any of the above conditions occurs, additional consultation with the Service should take place before project changes are final or resources committed.

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### **Bald and Golden Eagles:**

Bald eagles, golden eagles, and their nests are protected under the Bald and Golden Eagle Protection Act (54 Stat. 250, as amended, 16 U.S.C. 668a-d) (Eagle Act). The Eagle Act prohibits, except when authorized by an Eagle Act permit, the "taking" of bald and golden eagles and defines "take" as "pursue, shoot, shoot at, poison, wound, kill, capture, trap, collect, molest or disturb." The Eagle Act's implementing regulations define disturb as "…to agitate or bother a bald or golden eagle to a degree that causes, or is likely to cause, based on the best scientific information available, (1) injury to an eagle, (2) a decrease in its productivity, by substantially interfering with normal breeding, feeding, or sheltering behavior, or (3) nest abandonment, by substantially interfering with normal breeding, feeding, or sheltering behavior."

If the Action may impact bald or golden eagles, additional coordination with the Service under the Eagle Act may be required. For more information on eagles and conducting activities in the vicinity of an eagle nest, please visit https://www.fws.gov/library/collections/all-about-eagles. In addition, the Service developed the National Bald Eagle Management Guidelines (May 2007) in order to assist landowners in avoiding the disturbance of bald eagles. The full Guidelines are available at https://www.fws.gov/media/national-bald-eagle-management-guidelines-0.

If you have further questions regarding potential impacts to eagles, please contact Chris Mensing, Chris\_Mensing@fws.gov or 517-351-2555.

## Monarch butterfly and other pollinators

In December 2020, after an extensive status assessment of the monarch butterfly, we determined that listing the monarch under the Endangered Species Act is warranted but precluded by higher priority actions to amend the Lists of Endangered and Threatened Wildlife and Plants. Therefore, the Service added the monarch butterfly to the candidate list. The Service will review its status each year until we are able to begin developing a proposal to list the monarch.

The Endangered Species Act does not establish protections or consultation requirements for candidate species. Some Federal and State agencies may have policy requirements to consider candidate species in planning. We encourage implementing measures that will remove or reduce threats to these species and possibly make listing unnecessary.

For all projects, we recommend the following best management practices (BMPs) to benefit monarch and other pollinators.

Monarch and Pollinator BMP Recommendations

Consider monarch and other pollinators in your project planning when possible. Many pollinators are declining, including species that pollinate key agricultural crops and help maintain natural plant communities. Planting a diverse group of native plant species will help support the nutritional needs of Michigan's pollinators. We recommend a mix of flowering trees, shrubs, and herbaceous plants so that something is always blooming and pollen is available during the active periods of the pollinators, roughly early spring through fall (mid-March to mid-October). To benefit a wide variety of pollinators, choose a wide range of flowers with diverse colors, heights, structure, and flower shape. It is important to provide host plants for any known butterfly species at your site, including native milkweed for Monarch butterfly. Incorporating a water source (e.g., ephemeral pool or low area) and basking areas (rocks or bare ground) will provide additional resources for pollinators.

Many pollinators need a safe place to build their nests and overwinter. During spring and summer, leave some areas unmowed or minimize the impacts from mowing (e.g., decrease frequency, increase vegetation height). In fall, leave areas unraked and leave plant stems standing. Leave patches of bare soil for ground nesting pollinators.

Avoid or limit pesticide use. Pesticides can kill more than the target pest. Some pesticide residues can kill pollinators for several days after the pesticide is applied. Pesticides can also kill natural predators, which can lead to even worse pest problems.

Planting native wildflowers can also reduce the need to mow and water, improve bank stabilization by reducing erosion, and improve groundwater recharge and water quality.

Resources:

### https://www.fws.gov/initiative/monarchs https://www.fws.gov/library/collections/pollinators

#### Wetland impacts:

Section 404 of the Clean Water Act of 1977 (CWA) regulates the discharge of dredged or fill material into waters (including wetlands) of the United States. Regulations require that activities permitted under the CWA (including wetland permits issued by the Michigan Department of Environment, Great Lakes, and Energy (EGLE)) not jeopardize the continued existence of species listed as endangered or threatened. Permits issued by the U.S. Army Corps of Engineers must also consider effects to listed species pursuant to section 7 of the Endangered Species Act. The Service provides comments to the agencies that may include permit conditions to help avoid or minimize impacts to wildlife resources including listed species. For this project, we consider the conservation measures you agreed to in the determination key and/or as part of your proposed action to be non-discretionary. If you apply for a wetland permit, these conservation measures should be explicitly incorporated as permit conditions. Include a copy of this letter in your wetland permit application to streamline the threatened and endangered species review process.

<u>Summary of conservation measures for your project</u> You agreed to the following conservation measures to avoid adverse effects to listed species and our concurrence is only valid if the measures are fully implemented. These must be included as permit conditions if a permit is required and/or included in any contract language.

**Eastern massasauga:** Materials used for erosion control and site restoration must be wildlifefriendly. Do not use erosion control products containing plastic mesh netting or other similar material that could entangle eastern massasauga rattlesnake (EMR). Several products for soil erosion and control exist that do not contain plastic netting including net-less erosion control blankets (for example, made of excelsior), loose mulch, hydraulic mulch, soil binders, unreinforced silt fences, and straw bales. Others are made from natural fibers (such as jute) and loosely woven together in a manner that allows wildlife to wiggle free.

**Eastern massasauga:** To increase human safety and awareness of EMR, those implementing the project must first review the EMR factsheet (available at https://www.fws.gov/media/eastern-massasauga-rattlesnake-fact-sheet), and watch MDNR's "60-Second Snakes: The Eastern Massasauga Rattlesnake" video (available at https://www.youtube.com/watch?v=-PFnXe\_e02w).

**Eastern massasauga:** During project implementation, report sightings of any federally listed species, including EMR, to the Service within 24 hours.

**Eastern massasauga:** The project will not result in permanent loss of more than one acre of wetland or conversion of more than 10 acres of EMR upland habitat (uplands associated with high quality wetland habitat) to other land uses.

### **Action Description**

You provided to IPaC the following name and description for the subject Action.

### 1. Name

Edgar - McRae to Milton 6 WM - Pellston

### 2. Description

The following description was provided for the project 'Edgar - McRae to Milton 6 WM - Pellston':

The project area is located within the road ROW along Edgar Blvd from McRae Ave to Milton St in Pellston MI. The project area is in a residential neighborhood and the project area consists of paved road, mowed turf grass, and landscape trees. The project will involve the installation of 6" water main, service leads, valves and hydrants via open cut and trenching. The project is in the design phase and has no start date.

The approximate location of the project can be viewed in Google Maps: <u>https://www.google.com/maps/@45.55340665,-84.78867865,14z</u>



# **QUALIFICATION INTERVIEW**

1. Are there any possible effects to any listed species or to designated critical habitat from your project or effects from any other actions or projects subsequently made possible by your project?

Select "Yes" even if the expected effects to the species or critical habitat are expected to be 1) extremely unlikely (discountable), 2) can't meaningfully be measured, detected, or evaluated (insignificant), or 3) wholly beneficial.

Select "No" to confirm that the project details and supporting information allow you to conclude that listed species and their habitats will not be exposed to any effects (including discountable, insignificant, or beneficial effects) and therefore, you have made a "no effect" determination for all species. If you are unsure, select YES to answer additional questions about your project.

Yes

2. This determination key is intended to assist the user in the evaluating the effects of their actions on Federally listed species in Michigan. It does not cover other prohibited activities under the Endangered Species Act (e.g., for wildlife: import/export, Interstate or foreign commerce, possession of illegally taken wildlife, purposeful take for scientific purposes or to enhance the survival of a species, etc.; for plants: import/export, reduce to possession, malicious destruction on Federal lands, commercial sale, etc.) or other statutes. Click yes to acknowledge that you must consider other prohibitions of the ESA or other statutes outside of this determination key.

Yes

3. Is the action the approval of a long-term (i.e., in effect greater than 10 years) permit, plan, or other action? (e.g., a new or re-issued hydropower license, a large-scale land management plan, or other kinds of documents that provide direction for projects or actions that may be conducted over a long term (>10 years) without the need for additional section 7 consultation).

No

- 4. Is the action being funded, authorized, or carried out by a Federal agency? *Yes*
- 5. Does the action involve the installation or operation of wind turbines?

No

6. Are there at least 30 days prior to your action occurring? Endangered species consultation must be completed before taking any action that may have effects to listed species. The Service also needs 30 days to review projects before we can verify conclusions in some dkey output letters. For example, if you have already started some components of the project on the ground (e.g., removed vegetation) before completing this key, answer "no" to this question. The only exception is if you have a Michigan Field Office pre-approved emergence survey (i.e., if you have conducted pre-approved emergence surveys for listed bats before tree removal, you can still answer yes to this question).

Yes

7. Does the action involve constructing a new communications tower or modifying an existing communications tower?

No

8. Does the activity involve aerial or other large-scale application of any chemical (including insecticide, herbicide, etc.)?

No

9. Does your project include water withdrawal (ground or surface water) greater than 10,000 gallons/day?

No

10. Will your action permanently affect hydrology?

No

11. Will your action temporarily affect hydrology?

No

- 12. Will your project have any direct impacts to a stream or river (e.g., Horizontal Directional Drilling (HDD), hydrostatic testing, stream/road crossings, new storm-water outfall discharge, dams, other in-stream work, changes to water quality or hydrology, etc.)? *No*
- 13. Does your project have the potential to indirectly impact the stream/river or the riparian zone (e.g., cut and fill, horizontal directional drilling, hydrostatic testing, construction, vegetation removal, discharge, changes to water quality or hydrology, etc.)? *No*
- 14. Will your action disturb the ground or existing vegetation? This includes any off road vehicle access, soil compaction, digging, seismic survey, directional drilling, heavy equipment, grading, trenching, placement of fill, pesticide application, vegetation management (including removal or maintenance using equipment or chemicals), cultivation, development, etc.

Yes

15. Is the action a utility-scale solar development project?

Note: Solar projects are considered utility scale if they will be 1 megawatt or larger.

No

- 16. [Hidden semantic] Does the action intersect the MOBU AOI?Automatically answeredYes
- 17. Under the ESA, monarchs remain warranted but precluded by listing actions of higher priority. The monarch is a candidate for listing at this time. The Endangered Species Act does not establish protections or consultation requirements for candidate species. Some Federal and State agencies may have policy requirements to consider candidate species in planning. We encourage implementing measures that will remove or reduce threats to these species and possibly make listing unnecessary. If your project will have no effect on monarch butterflies (for example, if your project won't affect their habitat or individuals), then you can make a "no effect" determination for this project. Are you making a "no effect" determination for monarch?

Yes

18. [Hidden Semantic] Does the action intersect the Eastern massasauga rattlesnake area of influence?

Automatically answered Yes

19. Does your action involve prescribed fire?

No

20. Will this action occur entirely in the Eastern massasauga rattlesnake inactive season (October 2 through April 30)?

No

21. Will this action occur entirely in the Eastern massasauga rattlesnake active season (May 1 through October 1)?

No

22. Will the action result in permanent loss of more than one acre of wetland or conversion of more than 10 acres of uplands of potential Eastern massasauga rattlesnake habitat (uplands associated with high quality wetland habitat) to other land uses?

No

23. Will you use <u>wildlife safe materials</u> for erosion control and site restoration and eliminate the use of erosion control products containing plastic mesh netting or other similar material that could ensnare Eastern massasauga rattlesnake?

Yes

24. Will you watch MDNR's <u>"60-Second Snakes: The Eastern Massasauga Rattlesnake</u> (<u>EMR</u>)" video, review the <u>EMR factsheet</u> or call 517-351-2555 to increase human safety and awareness of EMR?

Yes

25. Will all action personnel report any Eastern massasauga rattlesnake observations, or observation of any other listed threatened or endangered species, during action implementation to the Service within 24 hours?

Yes

26. [Hidden Semantic] Does the action area intersect the rufa red knot area of influence? Automatically answered

Yes

27. [Hidden Semantic] Does the action intersect the area of influence for Michigan monkey-flower?

Automatically answered *Yes* 

- 28. [Hidden Semantic] Does the action area intersect the area of influence for Pitcher's thistle? Automatically answered Yes
- 29. [Hidden Semantic] Does the action intersect Hungerford's crawling water beetle area of influence?

Automatically answered Yes

# **IPAC USER CONTACT INFORMATION**

Agency:Pellston villageName:Wade RoseAddress:34000 Plymouth RdCity:LivoniaState:MIZip:48150Emailwade.rose@ohm-advisors.comPhone:2482914573

## LEAD AGENCY CONTACT INFORMATION

Lead Agency: Pellston village



# United States Department of the Interior

FISH AND WILDLIFE SERVICE Michigan Ecological Services Field Office 2651 Coolidge Road Suite 101 East Lansing, MI 48823-6360 Phone: (517) 351-2555 Fax: (517) 351-1443



In Reply Refer To: Project code: 2025-0069046 Project Name: Edgar Blvd 6 WM - Pellston 03/14/2025 13:02:31 UTC

Subject: Verification letter for the project named 'Edgar Blvd 6 WM - Pellston' for specified threatened and endangered species that may occur in your proposed project location consistent with the Michigan Endangered Species Determination Key (Michigan DKey)

Dear Wade Rose:

The U.S. Fish and Wildlife Service (Service) received on **March 14, 2025** your effect determination(s) for the 'Edgar Blvd 6 WM - Pellston' (the Action) using the Michigan DKey within the Information for Planning and Consultation (IPaC) system. The Service developed this system in accordance with the Endangered Species Act of 1973 (ESA) (87 Stat.884, as amended; 16 U.S.C. 1531 et seq.).

Based on your answers and the assistance of the Service's Michigan DKey, you made the following effect determination(s) for the proposed Action:

Species	Listing Status	Determination
Eastern Massasauga (=rattlesnake) (Sistrurus catenatus)	Threatened	NLAA
Hungerford's Crawling Water Beetle (Brychius	Endangered	No effect
hungerfordi)		
Michigan Monkey-flower (Mimulus michiganensis)	Endangered	No effect
Monarch Butterfly (Danaus plexippus)	Proposed	No effect
	Threatened	
Pitcher's Thistle (Cirsium pitcheri)	Threatened	No effect
Rufa Red Knot (Calidris canutus rufa)	Threatened	No effect

The Service will notify you within 30 calendar days if we determine that this proposed Action does not meet the criteria for a "may affect, not likely to adversely affect" (NLAA) determination for Federally listed species in Michigan. If we do not notify you within that timeframe, you may proceed with the Action under the terms of the NLAA concurrence provided here. This verification period allows the Michigan Ecological Services Field Office to apply local

knowledge to evaluation of the Action, as we may identify a small subset of actions having impacts that were unanticipated. In such instances, the Michigan Ecological Services Field Office may request additional information to verify the effects determination reached through the Michigan DKey.

Your agency has met consultation requirements by informing the Service of your "No Effect" determination(s). No consultation is required for species that you determined will not be affected by the Action.

Please provide sufficient project details on your project homepage in IPaC (Define Project, Project Description) to support your conclusions and the Service's 30-day review period. Failure to disclose important aspects of your project that would influence the outcome of your effects determinations may negate your determinations and invalidate this letter. If you have site-specific information that leads you to believe a different determination is more appropriate for your project than what the Dkey concludes, you can and should proceed based on the best available information.

The Service recommends that you contact the Service or re-evaluate the project in IPaC if: 1) the scope or location of the proposed Action is changed; 2) new information reveals that the action may affect listed species or designated critical habitat in a manner or to an extent not previously considered; 3) the Action is modified in a manner that causes effects to listed species or designated critical habitat; or 4) a new species is listed or critical habitat designated. If any of the above conditions occurs, additional consultation with the Service should take place before project changes are final or resources committed.

For non-Federal representatives: Please note that when a project requires consultation under section 7 of the Act, the Service must consult directly with the Federal action agency unless that agency formally designates a non-Federal representative (50 CFR 402.08). Non-Federal representatives may prepare analyses or conduct informal consultations; however, the ultimate responsibility for section 7 compliance under the Act remains with the Federal agency. If the Federal agency concurs with your determination, the project as proposed has completed section 7 consultation. All documents and supporting correspondence should be provided to the Federal agency for their records.

### **Bald and Golden Eagles:**

Bald eagles, golden eagles, and their nests are protected under the Bald and Golden Eagle Protection Act (54 Stat. 250, as amended, 16 U.S.C. 668a-d) (Eagle Act). The Eagle Act prohibits, except when authorized by an Eagle Act permit, the "taking" of bald and golden eagles and defines "take" as "pursue, shoot, shoot at, poison, wound, kill, capture, trap, collect, molest or disturb." The Eagle Act's implementing regulations define disturb as "…to agitate or bother a bald or golden eagle to a degree that causes, or is likely to cause, based on the best scientific information available, (1) injury to an eagle, (2) a decrease in its productivity, by substantially interfering with normal breeding, feeding, or sheltering behavior, or (3) nest abandonment, by substantially interfering with normal breeding, feeding, or sheltering behavior."

If the Action may impact bald or golden eagles, additional coordination with the Service under the Eagle Act may be required. For more information on eagles and conducting activities in the vicinity of an eagle nest, please visit https://www.fws.gov/library/collections/all-about-eagles. In addition, the Service developed the National Bald Eagle Management Guidelines (May 2007) in order to assist landowners in avoiding the disturbance of bald eagles. The full Guidelines are available at https://www.fws.gov/media/national-bald-eagle-management-guidelines-0.

If you have further questions regarding potential impacts to eagles, please contact Chris Mensing, Chris\_Mensing@fws.gov or 517-351-2555.

## Monarch butterfly and other pollinators

In December 2020, after an extensive status assessment of the monarch butterfly, we determined that listing the monarch under the Endangered Species Act is warranted but precluded by higher priority actions to amend the Lists of Endangered and Threatened Wildlife and Plants. Therefore, the Service added the monarch butterfly to the candidate list. The Service will review its status each year until we are able to begin developing a proposal to list the monarch.

The Endangered Species Act does not establish protections or consultation requirements for candidate species. Some Federal and State agencies may have policy requirements to consider candidate species in planning. We encourage implementing measures that will remove or reduce threats to these species and possibly make listing unnecessary.

For all projects, we recommend the following best management practices (BMPs) to benefit monarch and other pollinators.

Monarch and Pollinator BMP Recommendations

Consider monarch and other pollinators in your project planning when possible. Many pollinators are declining, including species that pollinate key agricultural crops and help maintain natural plant communities. Planting a diverse group of native plant species will help support the nutritional needs of Michigan's pollinators. We recommend a mix of flowering trees, shrubs, and herbaceous plants so that something is always blooming and pollen is available during the active periods of the pollinators, roughly early spring through fall (mid-March to mid-October). To benefit a wide variety of pollinators, choose a wide range of flowers with diverse colors, heights, structure, and flower shape. It is important to provide host plants for any known butterfly species at your site, including native milkweed for Monarch butterfly. Incorporating a water source (e.g., ephemeral pool or low area) and basking areas (rocks or bare ground) will provide additional resources for pollinators.

Many pollinators need a safe place to build their nests and overwinter. During spring and summer, leave some areas unmowed or minimize the impacts from mowing (e.g., decrease frequency, increase vegetation height). In fall, leave areas unraked and leave plant stems standing. Leave patches of bare soil for ground nesting pollinators.

Avoid or limit pesticide use. Pesticides can kill more than the target pest. Some pesticide residues can kill pollinators for several days after the pesticide is applied. Pesticides can also kill natural predators, which can lead to even worse pest problems.

Planting native wildflowers can also reduce the need to mow and water, improve bank stabilization by reducing erosion, and improve groundwater recharge and water quality.

Resources:

### https://www.fws.gov/initiative/monarchs https://www.fws.gov/library/collections/pollinators

#### Wetland impacts:

Section 404 of the Clean Water Act of 1977 (CWA) regulates the discharge of dredged or fill material into waters (including wetlands) of the United States. Regulations require that activities permitted under the CWA (including wetland permits issued by the Michigan Department of Environment, Great Lakes, and Energy (EGLE)) not jeopardize the continued existence of species listed as endangered or threatened. Permits issued by the U.S. Army Corps of Engineers must also consider effects to listed species pursuant to section 7 of the Endangered Species Act. The Service provides comments to the agencies that may include permit conditions to help avoid or minimize impacts to wildlife resources including listed species. For this project, we consider the conservation measures you agreed to in the determination key and/or as part of your proposed action to be non-discretionary. If you apply for a wetland permit, these conservation measures should be explicitly incorporated as permit conditions. Include a copy of this letter in your wetland permit application to streamline the threatened and endangered species review process.

<u>Summary of conservation measures for your project</u> You agreed to the following conservation measures to avoid adverse effects to listed species and our concurrence is only valid if the measures are fully implemented. These must be included as permit conditions if a permit is required and/or included in any contract language.

**Eastern massasauga:** Materials used for erosion control and site restoration must be wildlifefriendly. Do not use erosion control products containing plastic mesh netting or other similar material that could entangle eastern massasauga rattlesnake (EMR). Several products for soil erosion and control exist that do not contain plastic netting including net-less erosion control blankets (for example, made of excelsior), loose mulch, hydraulic mulch, soil binders, unreinforced silt fences, and straw bales. Others are made from natural fibers (such as jute) and loosely woven together in a manner that allows wildlife to wiggle free.

**Eastern massasauga:** To increase human safety and awareness of EMR, those implementing the project must first review the EMR factsheet (available at https://www.fws.gov/media/eastern-massasauga-rattlesnake-fact-sheet), and watch MDNR's "60-Second Snakes: The Eastern Massasauga Rattlesnake" video (available at https://www.youtube.com/watch?v=-PFnXe\_e02w).

**Eastern massasauga:** During project implementation, report sightings of any federally listed species, including EMR, to the Service within 24 hours.

**Eastern massasauga:** The project will not result in permanent loss of more than one acre of wetland or conversion of more than 10 acres of EMR upland habitat (uplands associated with high quality wetland habitat) to other land uses.

### **Action Description**

You provided to IPaC the following name and description for the subject Action.

### 1. Name

Edgar Blvd 6 WM - Pellston

## 2. Description

The following description was provided for the project 'Edgar Blvd 6 WM - Pellston':

The project area is located within the road ROW along Edgar Blvd from the Alleyway east of US-31 to Zipf St in Pellston MI. The project area is in a residential neighborhood and the project area consists of paved road, mowed turf grass, and landscape trees. The project will involve the installation of 6" water main, service leads, valves and hydrants via open cut and trenching. The project is in the design phase and has no start date.

The approximate location of the project can be viewed in Google Maps: <u>https://www.google.com/maps/@45.5533695,-84.781317,14z</u>



# **QUALIFICATION INTERVIEW**

1. Are there any possible effects to any listed species or to designated critical habitat from your project or effects from any other actions or projects subsequently made possible by your project?

Select "Yes" even if the expected effects to the species or critical habitat are expected to be 1) extremely unlikely (discountable), 2) can't meaningfully be measured, detected, or evaluated (insignificant), or 3) wholly beneficial.

Select "No" to confirm that the project details and supporting information allow you to conclude that listed species and their habitats will not be exposed to any effects (including discountable, insignificant, or beneficial effects) and therefore, you have made a "no effect" determination for all species. If you are unsure, select YES to answer additional questions about your project.

Yes

2. This determination key is intended to assist the user in the evaluating the effects of their actions on Federally listed species in Michigan. It does not cover other prohibited activities under the Endangered Species Act (e.g., for wildlife: import/export, Interstate or foreign commerce, possession of illegally taken wildlife, purposeful take for scientific purposes or to enhance the survival of a species, etc.; for plants: import/export, reduce to possession, malicious destruction on Federal lands, commercial sale, etc.) or other statutes. Click yes to acknowledge that you must consider other prohibitions of the ESA or other statutes outside of this determination key.

Yes

3. Is the action the approval of a long-term (i.e., in effect greater than 10 years) permit, plan, or other action? (e.g., a new or re-issued hydropower license, a large-scale land management plan, or other kinds of documents that provide direction for projects or actions that may be conducted over a long term (>10 years) without the need for additional section 7 consultation).

No

- 4. Is the action being funded, authorized, or carried out by a Federal agency? *Yes*
- 5. Does the action involve the installation or operation of wind turbines?

No

6. Are there at least 30 days prior to your action occurring? Endangered species consultation must be completed before taking any action that may have effects to listed species. The Service also needs 30 days to review projects before we can verify conclusions in some dkey output letters. For example, if you have already started some components of the project on the ground (e.g., removed vegetation) before completing this key, answer "no" to this question. The only exception is if you have a Michigan Field Office pre-approved emergence survey (i.e., if you have conducted pre-approved emergence surveys for listed bats before tree removal, you can still answer yes to this question).

Yes

7. Does the action involve constructing a new communications tower or modifying an existing communications tower?

No

8. Does the activity involve aerial or other large-scale application of any chemical (including insecticide, herbicide, etc.)?

No

9. Does your project include water withdrawal (ground or surface water) greater than 10,000 gallons/day?

No

10. Will your action permanently affect hydrology?

No

11. Will your action temporarily affect hydrology?

No

- 12. Will your project have any direct impacts to a stream or river (e.g., Horizontal Directional Drilling (HDD), hydrostatic testing, stream/road crossings, new storm-water outfall discharge, dams, other in-stream work, changes to water quality or hydrology, etc.)? *No*
- 13. Does your project have the potential to indirectly impact the stream/river or the riparian zone (e.g., cut and fill, horizontal directional drilling, hydrostatic testing, construction, vegetation removal, discharge, changes to water quality or hydrology, etc.)? *No*
- 14. Will your action disturb the ground or existing vegetation? This includes any off road vehicle access, soil compaction, digging, seismic survey, directional drilling, heavy equipment, grading, trenching, placement of fill, pesticide application, vegetation management (including removal or maintenance using equipment or chemicals), cultivation, development, etc.

Yes

15. Is the action a utility-scale solar development project?

Note: Solar projects are considered utility scale if they will be 1 megawatt or larger.

No

- 16. [Hidden semantic] Does the action intersect the MOBU AOI?Automatically answeredYes
- 17. Under the ESA, monarchs remain warranted but precluded by listing actions of higher priority. The monarch is a candidate for listing at this time. The Endangered Species Act does not establish protections or consultation requirements for candidate species. Some Federal and State agencies may have policy requirements to consider candidate species in planning. We encourage implementing measures that will remove or reduce threats to these species and possibly make listing unnecessary. If your project will have no effect on monarch butterflies (for example, if your project won't affect their habitat or individuals), then you can make a "no effect" determination for this project. Are you making a "no effect" determination for monarch?

Yes

18. [Hidden Semantic] Does the action intersect the Eastern massasauga rattlesnake area of influence?

Automatically answered Yes

19. Does your action involve prescribed fire?

No

20. Will this action occur entirely in the Eastern massasauga rattlesnake inactive season (October 2 through April 30)?

No

21. Will this action occur entirely in the Eastern massasauga rattlesnake active season (May 1 through October 1)?

No

22. Will the action result in permanent loss of more than one acre of wetland or conversion of more than 10 acres of uplands of potential Eastern massasauga rattlesnake habitat (uplands associated with high quality wetland habitat) to other land uses?

No

23. Will you use <u>wildlife safe materials</u> for erosion control and site restoration and eliminate the use of erosion control products containing plastic mesh netting or other similar material that could ensnare Eastern massasauga rattlesnake?

Yes

24. Will you watch MDNR's <u>"60-Second Snakes: The Eastern Massasauga Rattlesnake</u> (<u>EMR</u>)" video, review the <u>EMR factsheet</u> or call 517-351-2555 to increase human safety and awareness of EMR?

Yes

25. Will all action personnel report any Eastern massasauga rattlesnake observations, or observation of any other listed threatened or endangered species, during action implementation to the Service within 24 hours?

Yes

26. [Hidden Semantic] Does the action area intersect the rufa red knot area of influence? Automatically answered

Yes

27. [Hidden Semantic] Does the action intersect the area of influence for Michigan monkey-flower?

Automatically answered *Yes* 

- 28. [Hidden Semantic] Does the action area intersect the area of influence for Pitcher's thistle? Automatically answered Yes
- 29. [Hidden Semantic] Does the action intersect Hungerford's crawling water beetle area of influence?

Automatically answered *Yes* 

# **IPAC USER CONTACT INFORMATION**

Agency:Pellston villageName:Wade RoseAddress:34000 Plymouth RdCity:LivoniaState:MIZip:48150Emailwade.rose@ohm-advisors.comPhone:2482914573

## LEAD AGENCY CONTACT INFORMATION

Lead Agency: Pellston village



# United States Department of the Interior

FISH AND WILDLIFE SERVICE Michigan Ecological Services Field Office 2651 Coolidge Road Suite 101 East Lansing, MI 48823-6360 Phone: (517) 351-2555 Fax: (517) 351-1443



In Reply Refer To:03/14/2025 15:56:24 UTCProject code: 2025-0069219Project Name: Elevated Water Storage Tank at Pioneer Park - Pellston

Subject: Verification letter for the project named 'Elevated Water Storage Tank at Pioneer Park - Pellston' for specified threatened and endangered species that may occur in your proposed project location consistent with the Michigan Endangered Species Determination Key (Michigan DKey)

Dear Wade Rose:

The U.S. Fish and Wildlife Service (Service) received on **March 14, 2025** your effect determination(s) for the 'Elevated Water Storage Tank at Pioneer Park - Pellston' (the Action) using the Michigan DKey within the Information for Planning and Consultation (IPaC) system. The Service developed this system in accordance with the Endangered Species Act of 1973 (ESA) (87 Stat.884, as amended; 16 U.S.C. 1531 et seq.).

Based on your answers and the assistance of the Service's Michigan DKey, you made the following effect determination(s) for the proposed Action:

Species	Listing Status	Determination
Eastern Massasauga (=rattlesnake) (Sistrurus catenatus)	Threatened	NLAA
Hungerford's Crawling Water Beetle (Brychius	Endangered	No effect
hungerfordi)		
Michigan Monkey-flower ( <i>Mimulus michiganensis</i> )	Endangered	No effect
Monarch Butterfly ( <i>Danaus plexippus</i> )	Proposed	No effect
	Threatened	
Pitcher's Thistle (Cirsium pitcheri)	Threatened	No effect
Rufa Red Knot (Calidris canutus rufa)	Threatened	No effect

The Service will notify you within 30 calendar days if we determine that this proposed Action does not meet the criteria for a "may affect, not likely to adversely affect" (NLAA) determination for Federally listed species in Michigan. If we do not notify you within that timeframe, you may proceed with the Action under the terms of the NLAA concurrence provided here. This verification period allows the Michigan Ecological Services Field Office to apply local

knowledge to evaluation of the Action, as we may identify a small subset of actions having impacts that were unanticipated. In such instances, the Michigan Ecological Services Field Office may request additional information to verify the effects determination reached through the Michigan DKey.

Your agency has met consultation requirements by informing the Service of your "No Effect" determination(s). No consultation is required for species that you determined will not be affected by the Action.

Please provide sufficient project details on your project homepage in IPaC (Define Project, Project Description) to support your conclusions and the Service's 30-day review period. Failure to disclose important aspects of your project that would influence the outcome of your effects determinations may negate your determinations and invalidate this letter. If you have site-specific information that leads you to believe a different determination is more appropriate for your project than what the Dkey concludes, you can and should proceed based on the best available information.

The Service recommends that you contact the Service or re-evaluate the project in IPaC if: 1) the scope or location of the proposed Action is changed; 2) new information reveals that the action may affect listed species or designated critical habitat in a manner or to an extent not previously considered; 3) the Action is modified in a manner that causes effects to listed species or designated critical habitat; or 4) a new species is listed or critical habitat designated. If any of the above conditions occurs, additional consultation with the Service should take place before project changes are final or resources committed.

For non-Federal representatives: Please note that when a project requires consultation under section 7 of the Act, the Service must consult directly with the Federal action agency unless that agency formally designates a non-Federal representative (50 CFR 402.08). Non-Federal representatives may prepare analyses or conduct informal consultations; however, the ultimate responsibility for section 7 compliance under the Act remains with the Federal agency. If the Federal agency concurs with your determination, the project as proposed has completed section 7 consultation. All documents and supporting correspondence should be provided to the Federal agency for their records.

### **Bald and Golden Eagles:**

Bald eagles, golden eagles, and their nests are protected under the Bald and Golden Eagle Protection Act (54 Stat. 250, as amended, 16 U.S.C. 668a-d) (Eagle Act). The Eagle Act prohibits, except when authorized by an Eagle Act permit, the "taking" of bald and golden eagles and defines "take" as "pursue, shoot, shoot at, poison, wound, kill, capture, trap, collect, molest or disturb." The Eagle Act's implementing regulations define disturb as "…to agitate or bother a bald or golden eagle to a degree that causes, or is likely to cause, based on the best scientific information available, (1) injury to an eagle, (2) a decrease in its productivity, by substantially interfering with normal breeding, feeding, or sheltering behavior, or (3) nest abandonment, by substantially interfering with normal breeding, feeding, or sheltering behavior."

If the Action may impact bald or golden eagles, additional coordination with the Service under the Eagle Act may be required. For more information on eagles and conducting activities in the vicinity of an eagle nest, please visit https://www.fws.gov/library/collections/all-about-eagles. In addition, the Service developed the National Bald Eagle Management Guidelines (May 2007) in order to assist landowners in avoiding the disturbance of bald eagles. The full Guidelines are available at https://www.fws.gov/media/national-bald-eagle-management-guidelines-0.

If you have further questions regarding potential impacts to eagles, please contact Chris Mensing, Chris\_Mensing@fws.gov or 517-351-2555.

## Monarch butterfly and other pollinators

In December 2020, after an extensive status assessment of the monarch butterfly, we determined that listing the monarch under the Endangered Species Act is warranted but precluded by higher priority actions to amend the Lists of Endangered and Threatened Wildlife and Plants. Therefore, the Service added the monarch butterfly to the candidate list. The Service will review its status each year until we are able to begin developing a proposal to list the monarch.

The Endangered Species Act does not establish protections or consultation requirements for candidate species. Some Federal and State agencies may have policy requirements to consider candidate species in planning. We encourage implementing measures that will remove or reduce threats to these species and possibly make listing unnecessary.

For all projects, we recommend the following best management practices (BMPs) to benefit monarch and other pollinators.

Monarch and Pollinator BMP Recommendations

Consider monarch and other pollinators in your project planning when possible. Many pollinators are declining, including species that pollinate key agricultural crops and help maintain natural plant communities. Planting a diverse group of native plant species will help support the nutritional needs of Michigan's pollinators. We recommend a mix of flowering trees, shrubs, and herbaceous plants so that something is always blooming and pollen is available during the active periods of the pollinators, roughly early spring through fall (mid-March to mid-October). To benefit a wide variety of pollinators, choose a wide range of flowers with diverse colors, heights, structure, and flower shape. It is important to provide host plants for any known butterfly species at your site, including native milkweed for Monarch butterfly. Incorporating a water source (e.g., ephemeral pool or low area) and basking areas (rocks or bare ground) will provide additional resources for pollinators.

Many pollinators need a safe place to build their nests and overwinter. During spring and summer, leave some areas unmowed or minimize the impacts from mowing (e.g., decrease frequency, increase vegetation height). In fall, leave areas unraked and leave plant stems standing. Leave patches of bare soil for ground nesting pollinators.

Avoid or limit pesticide use. Pesticides can kill more than the target pest. Some pesticide residues can kill pollinators for several days after the pesticide is applied. Pesticides can also kill natural predators, which can lead to even worse pest problems.

Planting native wildflowers can also reduce the need to mow and water, improve bank stabilization by reducing erosion, and improve groundwater recharge and water quality.

Resources:

### https://www.fws.gov/initiative/monarchs https://www.fws.gov/library/collections/pollinators

### Wetland impacts:

Section 404 of the Clean Water Act of 1977 (CWA) regulates the discharge of dredged or fill material into waters (including wetlands) of the United States. Regulations require that activities permitted under the CWA (including wetland permits issued by the Michigan Department of Environment, Great Lakes, and Energy (EGLE)) not jeopardize the continued existence of species listed as endangered or threatened. Permits issued by the U.S. Army Corps of Engineers must also consider effects to listed species pursuant to section 7 of the Endangered Species Act. The Service provides comments to the agencies that may include permit conditions to help avoid or minimize impacts to wildlife resources including listed species. For this project, we consider the conservation measures you agreed to in the determination key and/or as part of your proposed action to be non-discretionary. If you apply for a wetland permit, these conservation measures should be explicitly incorporated as permit conditions. Include a copy of this letter in your wetland permit application to streamline the threatened and endangered species review process.

<u>Summary of conservation measures for your project</u> You agreed to the following conservation measures to avoid adverse effects to listed species and our concurrence is only valid if the measures are fully implemented. These must be included as permit conditions if a permit is required and/or included in any contract language.

**Eastern massasauga:** Materials used for erosion control and site restoration must be wildlifefriendly. Do not use erosion control products containing plastic mesh netting or other similar material that could entangle eastern massasauga rattlesnake (EMR). Several products for soil erosion and control exist that do not contain plastic netting including net-less erosion control blankets (for example, made of excelsior), loose mulch, hydraulic mulch, soil binders, unreinforced silt fences, and straw bales. Others are made from natural fibers (such as jute) and loosely woven together in a manner that allows wildlife to wiggle free.

**Eastern massasauga:** To increase human safety and awareness of EMR, those implementing the project must first review the EMR factsheet (available at https://www.fws.gov/media/eastern-massasauga-rattlesnake-fact-sheet), and watch MDNR's "60-Second Snakes: The Eastern Massasauga Rattlesnake" video (available at https://www.youtube.com/watch?v=-PFnXe\_e02w).

**Eastern massasauga:** During project implementation, report sightings of any federally listed species, including EMR, to the Service within 24 hours.

**Eastern massasauga:** The project will not result in permanent loss of more than one acre of wetland or conversion of more than 10 acres of EMR upland habitat (uplands associated with high quality wetland habitat) to other land uses.

## **Action Description**

You provided to IPaC the following name and description for the subject Action.

### 1. Name

Elevated Water Storage Tank at Pioneer Park - Pellston

## 2. Description

The following description was provided for the project 'Elevated Water Storage Tank at Pioneer Park - Pellston':

The project area is located on the west side of Milton Rd in a previously cleared light industrial area. The project area consists of small buildings, gravel road and parking lot mowed turf grass and wooded edges. The project will involve the installation of an above ground watre storage tank. The project is in the planning pahse and no project start date has been determined.

The approximate location of the project can be viewed in Google Maps: <u>https://www.google.com/maps/@45.5483172,-84.7862133,14z</u>



# **QUALIFICATION INTERVIEW**

1. Are there any possible effects to any listed species or to designated critical habitat from your project or effects from any other actions or projects subsequently made possible by your project?

Select "Yes" even if the expected effects to the species or critical habitat are expected to be 1) extremely unlikely (discountable), 2) can't meaningfully be measured, detected, or evaluated (insignificant), or 3) wholly beneficial.

Select "No" to confirm that the project details and supporting information allow you to conclude that listed species and their habitats will not be exposed to any effects (including discountable, insignificant, or beneficial effects) and therefore, you have made a "no effect" determination for all species. If you are unsure, select YES to answer additional questions about your project.

Yes

2. This determination key is intended to assist the user in the evaluating the effects of their actions on Federally listed species in Michigan. It does not cover other prohibited activities under the Endangered Species Act (e.g., for wildlife: import/export, Interstate or foreign commerce, possession of illegally taken wildlife, purposeful take for scientific purposes or to enhance the survival of a species, etc.; for plants: import/export, reduce to possession, malicious destruction on Federal lands, commercial sale, etc.) or other statutes. Click yes to acknowledge that you must consider other prohibitions of the ESA or other statutes outside of this determination key.

Yes

3. Is the action the approval of a long-term (i.e., in effect greater than 10 years) permit, plan, or other action? (e.g., a new or re-issued hydropower license, a large-scale land management plan, or other kinds of documents that provide direction for projects or actions that may be conducted over a long term (>10 years) without the need for additional section 7 consultation).

No

- 4. Is the action being funded, authorized, or carried out by a Federal agency? *Yes*
- 5. Does the action involve the installation or operation of wind turbines?

No

6. Are there at least 30 days prior to your action occurring? Endangered species consultation must be completed before taking any action that may have effects to listed species. The Service also needs 30 days to review projects before we can verify conclusions in some dkey output letters. For example, if you have already started some components of the project on the ground (e.g., removed vegetation) before completing this key, answer "no" to this question. The only exception is if you have a Michigan Field Office pre-approved emergence survey (i.e., if you have conducted pre-approved emergence surveys for listed bats before tree removal, you can still answer yes to this question).

Yes

7. Does the action involve constructing a new communications tower or modifying an existing communications tower?

No

8. Does the activity involve aerial or other large-scale application of any chemical (including insecticide, herbicide, etc.)?

No

9. Does your project include water withdrawal (ground or surface water) greater than 10,000 gallons/day?

No

10. Will your action permanently affect hydrology?

No

11. Will your action temporarily affect hydrology?

No

- 12. Will your project have any direct impacts to a stream or river (e.g., Horizontal Directional Drilling (HDD), hydrostatic testing, stream/road crossings, new storm-water outfall discharge, dams, other in-stream work, changes to water quality or hydrology, etc.)? *No*
- 13. Does your project have the potential to indirectly impact the stream/river or the riparian zone (e.g., cut and fill, horizontal directional drilling, hydrostatic testing, construction, vegetation removal, discharge, changes to water quality or hydrology, etc.)? *No*
- 14. Will your action disturb the ground or existing vegetation? This includes any off road vehicle access, soil compaction, digging, seismic survey, directional drilling, heavy equipment, grading, trenching, placement of fill, pesticide application, vegetation management (including removal or maintenance using equipment or chemicals), cultivation, development, etc.

Yes

15. Is the action a utility-scale solar development project?

Note: Solar projects are considered utility scale if they will be 1 megawatt or larger.

No

- 16. [Hidden semantic] Does the action intersect the MOBU AOI?Automatically answeredYes
- 17. Under the ESA, monarchs remain warranted but precluded by listing actions of higher priority. The monarch is a candidate for listing at this time. The Endangered Species Act does not establish protections or consultation requirements for candidate species. Some Federal and State agencies may have policy requirements to consider candidate species in planning. We encourage implementing measures that will remove or reduce threats to these species and possibly make listing unnecessary. If your project will have no effect on monarch butterflies (for example, if your project won't affect their habitat or individuals), then you can make a "no effect" determination for this project. Are you making a "no effect" determination for monarch?

Yes

18. [Hidden Semantic] Does the action intersect the Eastern massasauga rattlesnake area of influence?

Automatically answered Yes

19. Does your action involve prescribed fire?

No

20. Will this action occur entirely in the Eastern massasauga rattlesnake inactive season (October 2 through April 30)?

No

21. Will this action occur entirely in the Eastern massasauga rattlesnake active season (May 1 through October 1)?

No

22. Will the action result in permanent loss of more than one acre of wetland or conversion of more than 10 acres of uplands of potential Eastern massasauga rattlesnake habitat (uplands associated with high quality wetland habitat) to other land uses?

No

23. Will you use <u>wildlife safe materials</u> for erosion control and site restoration and eliminate the use of erosion control products containing plastic mesh netting or other similar material that could ensnare Eastern massasauga rattlesnake?

Yes

24. Will you watch MDNR's <u>"60-Second Snakes: The Eastern Massasauga Rattlesnake</u> (<u>EMR</u>)" video, review the <u>EMR factsheet</u> or call 517-351-2555 to increase human safety and awareness of EMR?

Yes

25. Will all action personnel report any Eastern massasauga rattlesnake observations, or observation of any other listed threatened or endangered species, during action implementation to the Service within 24 hours?

Yes

26. [Hidden Semantic] Does the action area intersect the rufa red knot area of influence? Automatically answered

Yes

27. [Hidden Semantic] Does the action intersect the area of influence for Michigan monkey-flower?

Automatically answered *Yes* 

28. Does the action area include cold calcareous springs, seeps or streams, emergent marsh, Great Lakes marsh, Hardwood-conifer swamp, northern wet meadow, rich conifer swamp, sand/gravel beach, or headwater streams (1st/2nd order)?

No

29. [Hidden Semantic] Does the action area intersect the area of influence for Pitcher's thistle? Automatically answered

Yes

30. [Hidden Semantic] Does the action intersect Hungerford's crawling water beetle area of influence?

Automatically answered Yes

# **IPAC USER CONTACT INFORMATION**

Agency:Pellston villageName:Wade RoseAddress:34000 Plymouth RdCity:LivoniaState:MIZip:48150Emailwade.rose@ohm-advisors.comPhone:2482914573

## LEAD AGENCY CONTACT INFORMATION

Lead Agency: Pellston village



# United States Department of the Interior

FISH AND WILDLIFE SERVICE Michigan Ecological Services Field Office 2651 Coolidge Road Suite 101 East Lansing, MI 48823-6360 Phone: (517) 351-2555 Fax: (517) 351-1443



In Reply Refer To: Project code: 2025-0069042 Project Name: Elm St and Park 6'' WM - Pellston 03/14/2025 12:55:39 UTC

Subject: Verification letter for the project named 'Elm St and Park 6'' WM - Pellston' for specified threatened and endangered species that may occur in your proposed project location consistent with the Michigan Endangered Species Determination Key (Michigan DKey)

Dear Wade Rose:

The U.S. Fish and Wildlife Service (Service) received on **March 14, 2025** your effect determination(s) for the 'Elm St and Park 6'' WM - Pellston' (the Action) using the Michigan DKey within the Information for Planning and Consultation (IPaC) system. The Service developed this system in accordance with the Endangered Species Act of 1973 (ESA) (87 Stat. 884, as amended; 16 U.S.C. 1531 et seq.).

Based on your answers and the assistance of the Service's Michigan DKey, you made the following effect determination(s) for the proposed Action:

Species	Listing Status	Determination
Eastern Massasauga (=rattlesnake) (Sistrurus catenatus)	Threatened	NLAA
Hungerford's Crawling Water Beetle (Brychius	Endangered	No effect
hungerfordi)		
Michigan Monkey-flower ( <i>Mimulus michiganensis</i> )	Endangered	No effect
Monarch Butterfly ( <i>Danaus plexippus</i> )	Proposed	No effect
	Threatened	
Pitcher's Thistle (Cirsium pitcheri)	Threatened	No effect
Rufa Red Knot (Calidris canutus rufa)	Threatened	No effect

The Service will notify you within 30 calendar days if we determine that this proposed Action does not meet the criteria for a "may affect, not likely to adversely affect" (NLAA) determination for Federally listed species in Michigan. If we do not notify you within that timeframe, you may proceed with the Action under the terms of the NLAA concurrence provided here. This verification period allows the Michigan Ecological Services Field Office to apply local

knowledge to evaluation of the Action, as we may identify a small subset of actions having impacts that were unanticipated. In such instances, the Michigan Ecological Services Field Office may request additional information to verify the effects determination reached through the Michigan DKey.

Your agency has met consultation requirements by informing the Service of your "No Effect" determination(s). No consultation is required for species that you determined will not be affected by the Action.

Please provide sufficient project details on your project homepage in IPaC (Define Project, Project Description) to support your conclusions and the Service's 30-day review period. Failure to disclose important aspects of your project that would influence the outcome of your effects determinations may negate your determinations and invalidate this letter. If you have site-specific information that leads you to believe a different determination is more appropriate for your project than what the Dkey concludes, you can and should proceed based on the best available information.

The Service recommends that you contact the Service or re-evaluate the project in IPaC if: 1) the scope or location of the proposed Action is changed; 2) new information reveals that the action may affect listed species or designated critical habitat in a manner or to an extent not previously considered; 3) the Action is modified in a manner that causes effects to listed species or designated critical habitat; or 4) a new species is listed or critical habitat designated. If any of the above conditions occurs, additional consultation with the Service should take place before project changes are final or resources committed.

For non-Federal representatives: Please note that when a project requires consultation under section 7 of the Act, the Service must consult directly with the Federal action agency unless that agency formally designates a non-Federal representative (50 CFR 402.08). Non-Federal representatives may prepare analyses or conduct informal consultations; however, the ultimate responsibility for section 7 compliance under the Act remains with the Federal agency. If the Federal agency concurs with your determination, the project as proposed has completed section 7 consultation. All documents and supporting correspondence should be provided to the Federal agency for their records.

## **Bald and Golden Eagles:**

Bald eagles, golden eagles, and their nests are protected under the Bald and Golden Eagle Protection Act (54 Stat. 250, as amended, 16 U.S.C. 668a-d) (Eagle Act). The Eagle Act prohibits, except when authorized by an Eagle Act permit, the "taking" of bald and golden eagles and defines "take" as "pursue, shoot, shoot at, poison, wound, kill, capture, trap, collect, molest or disturb." The Eagle Act's implementing regulations define disturb as "…to agitate or bother a bald or golden eagle to a degree that causes, or is likely to cause, based on the best scientific information available, (1) injury to an eagle, (2) a decrease in its productivity, by substantially interfering with normal breeding, feeding, or sheltering behavior, or (3) nest abandonment, by substantially interfering with normal breeding, feeding, or sheltering behavior."

If the Action may impact bald or golden eagles, additional coordination with the Service under the Eagle Act may be required. For more information on eagles and conducting activities in the vicinity of an eagle nest, please visit https://www.fws.gov/library/collections/all-about-eagles. In addition, the Service developed the National Bald Eagle Management Guidelines (May 2007) in order to assist landowners in avoiding the disturbance of bald eagles. The full Guidelines are available at https://www.fws.gov/media/national-bald-eagle-management-guidelines-0.

If you have further questions regarding potential impacts to eagles, please contact Chris Mensing, Chris\_Mensing@fws.gov or 517-351-2555.

## Monarch butterfly and other pollinators

In December 2020, after an extensive status assessment of the monarch butterfly, we determined that listing the monarch under the Endangered Species Act is warranted but precluded by higher priority actions to amend the Lists of Endangered and Threatened Wildlife and Plants. Therefore, the Service added the monarch butterfly to the candidate list. The Service will review its status each year until we are able to begin developing a proposal to list the monarch.

The Endangered Species Act does not establish protections or consultation requirements for candidate species. Some Federal and State agencies may have policy requirements to consider candidate species in planning. We encourage implementing measures that will remove or reduce threats to these species and possibly make listing unnecessary.

For all projects, we recommend the following best management practices (BMPs) to benefit monarch and other pollinators.

Monarch and Pollinator BMP Recommendations

Consider monarch and other pollinators in your project planning when possible. Many pollinators are declining, including species that pollinate key agricultural crops and help maintain natural plant communities. Planting a diverse group of native plant species will help support the nutritional needs of Michigan's pollinators. We recommend a mix of flowering trees, shrubs, and herbaceous plants so that something is always blooming and pollen is available during the active periods of the pollinators, roughly early spring through fall (mid-March to mid-October). To benefit a wide variety of pollinators, choose a wide range of flowers with diverse colors, heights, structure, and flower shape. It is important to provide host plants for any known butterfly species at your site, including native milkweed for Monarch butterfly. Incorporating a water source (e.g., ephemeral pool or low area) and basking areas (rocks or bare ground) will provide additional resources for pollinators.

Many pollinators need a safe place to build their nests and overwinter. During spring and summer, leave some areas unmowed or minimize the impacts from mowing (e.g., decrease frequency, increase vegetation height). In fall, leave areas unraked and leave plant stems standing. Leave patches of bare soil for ground nesting pollinators.

Avoid or limit pesticide use. Pesticides can kill more than the target pest. Some pesticide residues can kill pollinators for several days after the pesticide is applied. Pesticides can also kill natural predators, which can lead to even worse pest problems.

Planting native wildflowers can also reduce the need to mow and water, improve bank stabilization by reducing erosion, and improve groundwater recharge and water quality.

Resources:

### https://www.fws.gov/initiative/monarchs https://www.fws.gov/library/collections/pollinators

### Wetland impacts:

Section 404 of the Clean Water Act of 1977 (CWA) regulates the discharge of dredged or fill material into waters (including wetlands) of the United States. Regulations require that activities permitted under the CWA (including wetland permits issued by the Michigan Department of Environment, Great Lakes, and Energy (EGLE)) not jeopardize the continued existence of species listed as endangered or threatened. Permits issued by the U.S. Army Corps of Engineers must also consider effects to listed species pursuant to section 7 of the Endangered Species Act. The Service provides comments to the agencies that may include permit conditions to help avoid or minimize impacts to wildlife resources including listed species. For this project, we consider the conservation measures you agreed to in the determination key and/or as part of your proposed action to be non-discretionary. If you apply for a wetland permit, these conservation measures should be explicitly incorporated as permit conditions. Include a copy of this letter in your wetland permit application to streamline the threatened and endangered species review process.

<u>Summary of conservation measures for your project</u> You agreed to the following conservation measures to avoid adverse effects to listed species and our concurrence is only valid if the measures are fully implemented. These must be included as permit conditions if a permit is required and/or included in any contract language.

**Eastern massasauga:** Materials used for erosion control and site restoration must be wildlifefriendly. Do not use erosion control products containing plastic mesh netting or other similar material that could entangle eastern massasauga rattlesnake (EMR). Several products for soil erosion and control exist that do not contain plastic netting including net-less erosion control blankets (for example, made of excelsior), loose mulch, hydraulic mulch, soil binders, unreinforced silt fences, and straw bales. Others are made from natural fibers (such as jute) and loosely woven together in a manner that allows wildlife to wiggle free.

**Eastern massasauga:** To increase human safety and awareness of EMR, those implementing the project must first review the EMR factsheet (available at https://www.fws.gov/media/eastern-massasauga-rattlesnake-fact-sheet), and watch MDNR's "60-Second Snakes: The Eastern Massasauga Rattlesnake" video (available at https://www.youtube.com/watch?v=-PFnXe\_e02w).

**Eastern massasauga:** During project implementation, report sightings of any federally listed species, including EMR, to the Service within 24 hours.

**Eastern massasauga:** The project will not result in permanent loss of more than one acre of wetland or conversion of more than 10 acres of EMR upland habitat (uplands associated with high quality wetland habitat) to other land uses.

### **Action Description**

You provided to IPaC the following name and description for the subject Action.

## 1. Name

Elm St and Park 6" WM - Pellston

# 2. Description

The following description was provided for the project 'Elm St and Park 6" WM - Pellston':

The project area is located within the road ROW along Elm St and Park St in Pellston MI. The project area is in a residential neighborhood and the project area consists of paved road, mowed turf grass, and landscape trees. The project will involve the installation of 6" water main, service leads, valves and hydrants via open cut and trenching. The project is in the design phase and has no start date.

The approximate location of the project can be viewed in Google Maps: <u>https://www.google.com/maps/@45.552493049999995,-84.78233917105145,14z</u>



# **QUALIFICATION INTERVIEW**

1. Are there any possible effects to any listed species or to designated critical habitat from your project or effects from any other actions or projects subsequently made possible by your project?

Select "Yes" even if the expected effects to the species or critical habitat are expected to be 1) extremely unlikely (discountable), 2) can't meaningfully be measured, detected, or evaluated (insignificant), or 3) wholly beneficial.

Select "No" to confirm that the project details and supporting information allow you to conclude that listed species and their habitats will not be exposed to any effects (including discountable, insignificant, or beneficial effects) and therefore, you have made a "no effect" determination for all species. If you are unsure, select YES to answer additional questions about your project.

Yes

2. This determination key is intended to assist the user in the evaluating the effects of their actions on Federally listed species in Michigan. It does not cover other prohibited activities under the Endangered Species Act (e.g., for wildlife: import/export, Interstate or foreign commerce, possession of illegally taken wildlife, purposeful take for scientific purposes or to enhance the survival of a species, etc.; for plants: import/export, reduce to possession, malicious destruction on Federal lands, commercial sale, etc.) or other statutes. Click yes to acknowledge that you must consider other prohibitions of the ESA or other statutes outside of this determination key.

Yes

3. Is the action the approval of a long-term (i.e., in effect greater than 10 years) permit, plan, or other action? (e.g., a new or re-issued hydropower license, a large-scale land management plan, or other kinds of documents that provide direction for projects or actions that may be conducted over a long term (>10 years) without the need for additional section 7 consultation).

No

- 4. Is the action being funded, authorized, or carried out by a Federal agency? *Yes*
- 5. Does the action involve the installation or operation of wind turbines?

No

6. Are there at least 30 days prior to your action occurring? Endangered species consultation must be completed before taking any action that may have effects to listed species. The Service also needs 30 days to review projects before we can verify conclusions in some dkey output letters. For example, if you have already started some components of the project on the ground (e.g., removed vegetation) before completing this key, answer "no" to this question. The only exception is if you have a Michigan Field Office pre-approved emergence survey (i.e., if you have conducted pre-approved emergence surveys for listed bats before tree removal, you can still answer yes to this question).

Yes

7. Does the action involve constructing a new communications tower or modifying an existing communications tower?

No

8. Does the activity involve aerial or other large-scale application of any chemical (including insecticide, herbicide, etc.)?

No

9. Does your project include water withdrawal (ground or surface water) greater than 10,000 gallons/day?

No

10. Will your action permanently affect hydrology?

No

11. Will your action temporarily affect hydrology?

No

- 12. Will your project have any direct impacts to a stream or river (e.g., Horizontal Directional Drilling (HDD), hydrostatic testing, stream/road crossings, new storm-water outfall discharge, dams, other in-stream work, changes to water quality or hydrology, etc.)? *No*
- 13. Does your project have the potential to indirectly impact the stream/river or the riparian zone (e.g., cut and fill, horizontal directional drilling, hydrostatic testing, construction, vegetation removal, discharge, changes to water quality or hydrology, etc.)? *No*
- 14. Will your action disturb the ground or existing vegetation? This includes any off road vehicle access, soil compaction, digging, seismic survey, directional drilling, heavy equipment, grading, trenching, placement of fill, pesticide application, vegetation management (including removal or maintenance using equipment or chemicals), cultivation, development, etc.

Yes

15. Is the action a utility-scale solar development project?

Note: Solar projects are considered utility scale if they will be 1 megawatt or larger.

No

- 16. [Hidden semantic] Does the action intersect the MOBU AOI?Automatically answeredYes
- 17. Under the ESA, monarchs remain warranted but precluded by listing actions of higher priority. The monarch is a candidate for listing at this time. The Endangered Species Act does not establish protections or consultation requirements for candidate species. Some Federal and State agencies may have policy requirements to consider candidate species in planning. We encourage implementing measures that will remove or reduce threats to these species and possibly make listing unnecessary. If your project will have no effect on monarch butterflies (for example, if your project won't affect their habitat or individuals), then you can make a "no effect" determination for this project. Are you making a "no effect" determination for monarch?

Yes

18. [Hidden Semantic] Does the action intersect the Eastern massasauga rattlesnake area of influence?

Automatically answered Yes

19. Does your action involve prescribed fire?

No

20. Will this action occur entirely in the Eastern massasauga rattlesnake inactive season (October 2 through April 30)?

No

21. Will this action occur entirely in the Eastern massasauga rattlesnake active season (May 1 through October 1)?

No

22. Will the action result in permanent loss of more than one acre of wetland or conversion of more than 10 acres of uplands of potential Eastern massasauga rattlesnake habitat (uplands associated with high quality wetland habitat) to other land uses?

No

23. Will you use <u>wildlife safe materials</u> for erosion control and site restoration and eliminate the use of erosion control products containing plastic mesh netting or other similar material that could ensnare Eastern massasauga rattlesnake?

Yes

24. Will you watch MDNR's <u>"60-Second Snakes: The Eastern Massasauga Rattlesnake</u> (<u>EMR</u>)" video, review the <u>EMR factsheet</u> or call 517-351-2555 to increase human safety and awareness of EMR?

Yes

25. Will all action personnel report any Eastern massasauga rattlesnake observations, or observation of any other listed threatened or endangered species, during action implementation to the Service within 24 hours?

Yes

26. [Hidden Semantic] Does the action area intersect the rufa red knot area of influence? Automatically answered

Yes

27. [Hidden Semantic] Does the action intersect the area of influence for Michigan monkey-flower?

Automatically answered *Yes* 

- 28. [Hidden Semantic] Does the action area intersect the area of influence for Pitcher's thistle? Automatically answered Yes
- 29. [Hidden Semantic] Does the action intersect Hungerford's crawling water beetle area of influence?

Automatically answered *Yes* 

# **IPAC USER CONTACT INFORMATION**

Agency:Pellston villageName:Wade RoseAddress:34000 Plymouth RdCity:LivoniaState:MIZip:48150Emailwade.rose@ohm-advisors.comPhone:2482914573

# LEAD AGENCY CONTACT INFORMATION

Lead Agency: Pellston village



# United States Department of the Interior

FISH AND WILDLIFE SERVICE Michigan Ecological Services Field Office 2651 Coolidge Road Suite 101 East Lansing, MI 48823-6360 Phone: (517) 351-2555 Fax: (517) 351-1443



In Reply Refer To: Project code: 2025-0069032 Project Name: Industrial Dr & Zipf to Mill 6'' WM - Pellston

Subject: Verification letter for the project named 'Industrial Dr & Zipf to Mill 6" WM -Pellston' for specified threatened and endangered species that may occur in your

proposed project location consistent with the Michigan Endangered Species Determination Key (Michigan DKey)

Dear Wade Rose:

The U.S. Fish and Wildlife Service (Service) received on **March 14, 2025** your effect determination(s) for the 'Industrial Dr & Zipf to Mill 6" WM - Pellston' (the Action) using the Michigan DKey within the Information for Planning and Consultation (IPaC) system. The Service developed this system in accordance with the Endangered Species Act of 1973 (ESA) (87 Stat.884, as amended; 16 U.S.C. 1531 et seq.).

Based on your answers and the assistance of the Service's Michigan DKey, you made the following effect determination(s) for the proposed Action:

Species	Listing Status	Determination
Eastern Massasauga (=rattlesnake) (Sistrurus catenatus)	Threatened	NLAA
Hungerford's Crawling Water Beetle (Brychius	Endangered	No effect
hungerfordi)		
Michigan Monkey-flower ( <i>Mimulus michiganensis</i> )	Endangered	No effect
Monarch Butterfly ( <i>Danaus plexippus</i> )	Proposed	No effect
	Threatened	
Pitcher's Thistle (Cirsium pitcheri)	Threatened	No effect
Rufa Red Knot (Calidris canutus rufa)	Threatened	No effect

The Service will notify you within 30 calendar days if we determine that this proposed Action does not meet the criteria for a "may affect, not likely to adversely affect" (NLAA) determination for Federally listed species in Michigan. If we do not notify you within that timeframe, you may proceed with the Action under the terms of the NLAA concurrence provided here. This verification period allows the Michigan Ecological Services Field Office to apply local

03/14/2025 12:49:01 UTC

knowledge to evaluation of the Action, as we may identify a small subset of actions having impacts that were unanticipated. In such instances, the Michigan Ecological Services Field Office may request additional information to verify the effects determination reached through the Michigan DKey.

Your agency has met consultation requirements by informing the Service of your "No Effect" determination(s). No consultation is required for species that you determined will not be affected by the Action.

Please provide sufficient project details on your project homepage in IPaC (Define Project, Project Description) to support your conclusions and the Service's 30-day review period. Failure to disclose important aspects of your project that would influence the outcome of your effects determinations may negate your determinations and invalidate this letter. If you have site-specific information that leads you to believe a different determination is more appropriate for your project than what the Dkey concludes, you can and should proceed based on the best available information.

The Service recommends that you contact the Service or re-evaluate the project in IPaC if: 1) the scope or location of the proposed Action is changed; 2) new information reveals that the action may affect listed species or designated critical habitat in a manner or to an extent not previously considered; 3) the Action is modified in a manner that causes effects to listed species or designated critical habitat; or 4) a new species is listed or critical habitat designated. If any of the above conditions occurs, additional consultation with the Service should take place before project changes are final or resources committed.

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### **Bald and Golden Eagles:**

Bald eagles, golden eagles, and their nests are protected under the Bald and Golden Eagle Protection Act (54 Stat. 250, as amended, 16 U.S.C. 668a-d) (Eagle Act). The Eagle Act prohibits, except when authorized by an Eagle Act permit, the "taking" of bald and golden eagles and defines "take" as "pursue, shoot, shoot at, poison, wound, kill, capture, trap, collect, molest or disturb." The Eagle Act's implementing regulations define disturb as "…to agitate or bother a bald or golden eagle to a degree that causes, or is likely to cause, based on the best scientific information available, (1) injury to an eagle, (2) a decrease in its productivity, by substantially interfering with normal breeding, feeding, or sheltering behavior, or (3) nest abandonment, by substantially interfering with normal breeding, feeding, or sheltering behavior."

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If you have further questions regarding potential impacts to eagles, please contact Chris Mensing, Chris\_Mensing@fws.gov or 517-351-2555.

### Monarch butterfly and other pollinators

In December 2020, after an extensive status assessment of the monarch butterfly, we determined that listing the monarch under the Endangered Species Act is warranted but precluded by higher priority actions to amend the Lists of Endangered and Threatened Wildlife and Plants. Therefore, the Service added the monarch butterfly to the candidate list. The Service will review its status each year until we are able to begin developing a proposal to list the monarch.

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For all projects, we recommend the following best management practices (BMPs) to benefit monarch and other pollinators.

Monarch and Pollinator BMP Recommendations

Consider monarch and other pollinators in your project planning when possible. Many pollinators are declining, including species that pollinate key agricultural crops and help maintain natural plant communities. Planting a diverse group of native plant species will help support the nutritional needs of Michigan's pollinators. We recommend a mix of flowering trees, shrubs, and herbaceous plants so that something is always blooming and pollen is available during the active periods of the pollinators, roughly early spring through fall (mid-March to mid-October). To benefit a wide variety of pollinators, choose a wide range of flowers with diverse colors, heights, structure, and flower shape. It is important to provide host plants for any known butterfly species at your site, including native milkweed for Monarch butterfly. Incorporating a water source (e.g., ephemeral pool or low area) and basking areas (rocks or bare ground) will provide additional resources for pollinators.

Many pollinators need a safe place to build their nests and overwinter. During spring and summer, leave some areas unmowed or minimize the impacts from mowing (e.g., decrease frequency, increase vegetation height). In fall, leave areas unraked and leave plant stems standing. Leave patches of bare soil for ground nesting pollinators.

Avoid or limit pesticide use. Pesticides can kill more than the target pest. Some pesticide residues can kill pollinators for several days after the pesticide is applied. Pesticides can also kill natural predators, which can lead to even worse pest problems.

Planting native wildflowers can also reduce the need to mow and water, improve bank stabilization by reducing erosion, and improve groundwater recharge and water quality.

Resources:

#### https://www.fws.gov/initiative/monarchs https://www.fws.gov/library/collections/pollinators

#### Wetland impacts:

Section 404 of the Clean Water Act of 1977 (CWA) regulates the discharge of dredged or fill material into waters (including wetlands) of the United States. Regulations require that activities permitted under the CWA (including wetland permits issued by the Michigan Department of Environment, Great Lakes, and Energy (EGLE)) not jeopardize the continued existence of species listed as endangered or threatened. Permits issued by the U.S. Army Corps of Engineers must also consider effects to listed species pursuant to section 7 of the Endangered Species Act. The Service provides comments to the agencies that may include permit conditions to help avoid or minimize impacts to wildlife resources including listed species. For this project, we consider the conservation measures you agreed to in the determination key and/or as part of your proposed action to be non-discretionary. If you apply for a wetland permit, these conservation measures should be explicitly incorporated as permit conditions. Include a copy of this letter in your wetland permit application to streamline the threatened and endangered species review process.

<u>Summary of conservation measures for your project</u> You agreed to the following conservation measures to avoid adverse effects to listed species and our concurrence is only valid if the measures are fully implemented. These must be included as permit conditions if a permit is required and/or included in any contract language.

**Eastern massasauga:** Materials used for erosion control and site restoration must be wildlifefriendly. Do not use erosion control products containing plastic mesh netting or other similar material that could entangle eastern massasauga rattlesnake (EMR). Several products for soil erosion and control exist that do not contain plastic netting including net-less erosion control blankets (for example, made of excelsior), loose mulch, hydraulic mulch, soil binders, unreinforced silt fences, and straw bales. Others are made from natural fibers (such as jute) and loosely woven together in a manner that allows wildlife to wiggle free.

**Eastern massasauga:** To increase human safety and awareness of EMR, those implementing the project must first review the EMR factsheet (available at https://www.fws.gov/media/eastern-massasauga-rattlesnake-fact-sheet), and watch MDNR's "60-Second Snakes: The Eastern Massasauga Rattlesnake" video (available at https://www.youtube.com/watch?v=-PFnXe\_e02w).

**Eastern massasauga:** During project implementation, report sightings of any federally listed species, including EMR, to the Service within 24 hours.

**Eastern massasauga:** The project will not result in permanent loss of more than one acre of wetland or conversion of more than 10 acres of EMR upland habitat (uplands associated with high quality wetland habitat) to other land uses.

### **Action Description**

You provided to IPaC the following name and description for the subject Action.

### 1. Name

Industrial Dr & Zipf to Mill 6" WM - Pellston

# 2. Description

The following description was provided for the project 'Industrial Dr & Zipf to Mill 6'' WM - Pellston':

The project area is located within the road ROW along Industrial Dr and Zipf St to Mill St in Pellston MI. The project area is in a light industrial area that transitions to forested and. The project area consist of paved road, forest, mowed turf grass, and landscape trees. The project will involve the installation of 6" water main, service leads, valves and hydrants via open cut and trenching. The project is in the design phase and has no start date.

The approximate location of the project can be viewed in Google Maps: <u>https://www.google.com/maps/@45.55817045,-84.77892255981409,14z</u>



# **QUALIFICATION INTERVIEW**

1. Are there any possible effects to any listed species or to designated critical habitat from your project or effects from any other actions or projects subsequently made possible by your project?

Select "Yes" even if the expected effects to the species or critical habitat are expected to be 1) extremely unlikely (discountable), 2) can't meaningfully be measured, detected, or evaluated (insignificant), or 3) wholly beneficial.

Select "No" to confirm that the project details and supporting information allow you to conclude that listed species and their habitats will not be exposed to any effects (including discountable, insignificant, or beneficial effects) and therefore, you have made a "no effect" determination for all species. If you are unsure, select YES to answer additional questions about your project.

Yes

2. This determination key is intended to assist the user in the evaluating the effects of their actions on Federally listed species in Michigan. It does not cover other prohibited activities under the Endangered Species Act (e.g., for wildlife: import/export, Interstate or foreign commerce, possession of illegally taken wildlife, purposeful take for scientific purposes or to enhance the survival of a species, etc.; for plants: import/export, reduce to possession, malicious destruction on Federal lands, commercial sale, etc.) or other statutes. Click yes to acknowledge that you must consider other prohibitions of the ESA or other statutes outside of this determination key.

Yes

3. Is the action the approval of a long-term (i.e., in effect greater than 10 years) permit, plan, or other action? (e.g., a new or re-issued hydropower license, a large-scale land management plan, or other kinds of documents that provide direction for projects or actions that may be conducted over a long term (>10 years) without the need for additional section 7 consultation).

No

- 4. Is the action being funded, authorized, or carried out by a Federal agency? *Yes*
- 5. Does the action involve the installation or operation of wind turbines?

No

6. Are there at least 30 days prior to your action occurring? Endangered species consultation must be completed before taking any action that may have effects to listed species. The Service also needs 30 days to review projects before we can verify conclusions in some dkey output letters. For example, if you have already started some components of the project on the ground (e.g., removed vegetation) before completing this key, answer "no" to this question. The only exception is if you have a Michigan Field Office pre-approved emergence survey (i.e., if you have conducted pre-approved emergence surveys for listed bats before tree removal, you can still answer yes to this question).

Yes

7. Does the action involve constructing a new communications tower or modifying an existing communications tower?

No

8. Does the activity involve aerial or other large-scale application of any chemical (including insecticide, herbicide, etc.)?

No

9. Does your project include water withdrawal (ground or surface water) greater than 10,000 gallons/day?

No

10. Will your action permanently affect hydrology?

No

11. Will your action temporarily affect hydrology?

No

- 12. Will your project have any direct impacts to a stream or river (e.g., Horizontal Directional Drilling (HDD), hydrostatic testing, stream/road crossings, new storm-water outfall discharge, dams, other in-stream work, changes to water quality or hydrology, etc.)? *No*
- 13. Does your project have the potential to indirectly impact the stream/river or the riparian zone (e.g., cut and fill, horizontal directional drilling, hydrostatic testing, construction, vegetation removal, discharge, changes to water quality or hydrology, etc.)? *No*
- 14. Will your action disturb the ground or existing vegetation? This includes any off road vehicle access, soil compaction, digging, seismic survey, directional drilling, heavy equipment, grading, trenching, placement of fill, pesticide application, vegetation management (including removal or maintenance using equipment or chemicals), cultivation, development, etc.

Yes

15. Is the action a utility-scale solar development project?

Note: Solar projects are considered utility scale if they will be 1 megawatt or larger.

No

- 16. [Hidden semantic] Does the action intersect the MOBU AOI?Automatically answeredYes
- 17. Under the ESA, monarchs remain warranted but precluded by listing actions of higher priority. The monarch is a candidate for listing at this time. The Endangered Species Act does not establish protections or consultation requirements for candidate species. Some Federal and State agencies may have policy requirements to consider candidate species in planning. We encourage implementing measures that will remove or reduce threats to these species and possibly make listing unnecessary. If your project will have no effect on monarch butterflies (for example, if your project won't affect their habitat or individuals), then you can make a "no effect" determination for this project. Are you making a "no effect" determination for monarch?

Yes

18. [Hidden Semantic] Does the action intersect the Eastern massasauga rattlesnake area of influence?

Automatically answered Yes

19. Does your action involve prescribed fire?

No

20. Will this action occur entirely in the Eastern massasauga rattlesnake inactive season (October 2 through April 30)?

No

21. Will this action occur entirely in the Eastern massasauga rattlesnake active season (May 1 through October 1)?

No

22. Will the action result in permanent loss of more than one acre of wetland or conversion of more than 10 acres of uplands of potential Eastern massasauga rattlesnake habitat (uplands associated with high quality wetland habitat) to other land uses?

No

23. Will you use <u>wildlife safe materials</u> for erosion control and site restoration and eliminate the use of erosion control products containing plastic mesh netting or other similar material that could ensnare Eastern massasauga rattlesnake?

Yes

24. Will you watch MDNR's <u>"60-Second Snakes: The Eastern Massasauga Rattlesnake</u> (<u>EMR</u>)" video, review the <u>EMR factsheet</u> or call 517-351-2555 to increase human safety and awareness of EMR?

Yes

25. Will all action personnel report any Eastern massasauga rattlesnake observations, or observation of any other listed threatened or endangered species, during action implementation to the Service within 24 hours?

Yes

26. [Hidden Semantic] Does the action area intersect the rufa red knot area of influence? Automatically answered

Yes

27. [Hidden Semantic] Does the action intersect the area of influence for Michigan monkey-flower?

Automatically answered *Yes* 

- 28. [Hidden Semantic] Does the action area intersect the area of influence for Pitcher's thistle? Automatically answered Yes
- 29. [Hidden Semantic] Does the action intersect Hungerford's crawling water beetle area of influence?

Automatically answered Yes

# **IPAC USER CONTACT INFORMATION**

Agency:Pellston villageName:Wade RoseAddress:34000 Plymouth RdCity:LivoniaState:MIZip:48150Emailwade.rose@ohm-advisors.comPhone:2482914573

# LEAD AGENCY CONTACT INFORMATION

Lead Agency: Pellston village



# United States Department of the Interior

FISH AND WILDLIFE SERVICE Michigan Ecological Services Field Office 2651 Coolidge Road Suite 101 East Lansing, MI 48823-6360 Phone: (517) 351-2555 Fax: (517) 351-1443



In Reply Refer To: Project code: 2025-0068621 Project Name: Lahti Ln - Zipf St to Townline Rd 6'' WM - Pellston

Subject: Verification letter for the project named 'Lahti Ln - Zipf St to Townline Rd 6'' WM -Pellston' for specified threatened and endangered species that may occur in your proposed project location consistent with the Michigan Endangered Species Determination Key (Michigan DKey)

Dear Wade Rose:

The U.S. Fish and Wildlife Service (Service) received on **March 13, 2025** your effect determination(s) for the 'Lahti Ln - Zipf St to Townline Rd 6" WM - Pellston' (the Action) using the Michigan DKey within the Information for Planning and Consultation (IPaC) system. The Service developed this system in accordance with the Endangered Species Act of 1973 (ESA) (87 Stat.884, as amended; 16 U.S.C. 1531 et seq.).

Based on your answers and the assistance of the Service's Michigan DKey, you made the following effect determination(s) for the proposed Action:

Species	Listing Status	Determination
Eastern Massasauga (=rattlesnake) (Sistrurus catenatus)	Threatened	NLAA
Hungerford's Crawling Water Beetle (Brychius	Endangered	No effect
hungerfordi)		
Michigan Monkey-flower (Mimulus michiganensis)	Endangered	No effect
Monarch Butterfly (Danaus plexippus)	Proposed	No effect
	Threatened	
Pitcher's Thistle (Cirsium pitcheri)	Threatened	No effect
Rufa Red Knot (Calidris canutus rufa)	Threatened	No effect

The Service will notify you within 30 calendar days if we determine that this proposed Action does not meet the criteria for a "may affect, not likely to adversely affect" (NLAA) determination for Federally listed species in Michigan. If we do not notify you within that timeframe, you may proceed with the Action under the terms of the NLAA concurrence provided here. This verification period allows the Michigan Ecological Services Field Office to apply local

03/13/2025 17:32:41 UTC

knowledge to evaluation of the Action, as we may identify a small subset of actions having impacts that were unanticipated. In such instances, the Michigan Ecological Services Field Office may request additional information to verify the effects determination reached through the Michigan DKey.

Your agency has met consultation requirements by informing the Service of your "No Effect" determination(s). No consultation is required for species that you determined will not be affected by the Action.

Please provide sufficient project details on your project homepage in IPaC (Define Project, Project Description) to support your conclusions and the Service's 30-day review period. Failure to disclose important aspects of your project that would influence the outcome of your effects determinations may negate your determinations and invalidate this letter. If you have site-specific information that leads you to believe a different determination is more appropriate for your project than what the Dkey concludes, you can and should proceed based on the best available information.

The Service recommends that you contact the Service or re-evaluate the project in IPaC if: 1) the scope or location of the proposed Action is changed; 2) new information reveals that the action may affect listed species or designated critical habitat in a manner or to an extent not previously considered; 3) the Action is modified in a manner that causes effects to listed species or designated critical habitat; or 4) a new species is listed or critical habitat designated. If any of the above conditions occurs, additional consultation with the Service should take place before project changes are final or resources committed.

For non-Federal representatives: Please note that when a project requires consultation under section 7 of the Act, the Service must consult directly with the Federal action agency unless that agency formally designates a non-Federal representative (50 CFR 402.08). Non-Federal representatives may prepare analyses or conduct informal consultations; however, the ultimate responsibility for section 7 compliance under the Act remains with the Federal agency. If the Federal agency concurs with your determination, the project as proposed has completed section 7 consultation. All documents and supporting correspondence should be provided to the Federal agency for their records.

### **Bald and Golden Eagles:**

Bald eagles, golden eagles, and their nests are protected under the Bald and Golden Eagle Protection Act (54 Stat. 250, as amended, 16 U.S.C. 668a-d) (Eagle Act). The Eagle Act prohibits, except when authorized by an Eagle Act permit, the "taking" of bald and golden eagles and defines "take" as "pursue, shoot, shoot at, poison, wound, kill, capture, trap, collect, molest or disturb." The Eagle Act's implementing regulations define disturb as "…to agitate or bother a bald or golden eagle to a degree that causes, or is likely to cause, based on the best scientific information available, (1) injury to an eagle, (2) a decrease in its productivity, by substantially interfering with normal breeding, feeding, or sheltering behavior, or (3) nest abandonment, by substantially interfering with normal breeding, feeding, or sheltering behavior."

If the Action may impact bald or golden eagles, additional coordination with the Service under the Eagle Act may be required. For more information on eagles and conducting activities in the vicinity of an eagle nest, please visit https://www.fws.gov/library/collections/all-about-eagles. In addition, the Service developed the National Bald Eagle Management Guidelines (May 2007) in order to assist landowners in avoiding the disturbance of bald eagles. The full Guidelines are available at https://www.fws.gov/media/national-bald-eagle-management-guidelines-0.

If you have further questions regarding potential impacts to eagles, please contact Chris Mensing, Chris\_Mensing@fws.gov or 517-351-2555.

### Monarch butterfly and other pollinators

In December 2020, after an extensive status assessment of the monarch butterfly, we determined that listing the monarch under the Endangered Species Act is warranted but precluded by higher priority actions to amend the Lists of Endangered and Threatened Wildlife and Plants. Therefore, the Service added the monarch butterfly to the candidate list. The Service will review its status each year until we are able to begin developing a proposal to list the monarch.

The Endangered Species Act does not establish protections or consultation requirements for candidate species. Some Federal and State agencies may have policy requirements to consider candidate species in planning. We encourage implementing measures that will remove or reduce threats to these species and possibly make listing unnecessary.

For all projects, we recommend the following best management practices (BMPs) to benefit monarch and other pollinators.

Monarch and Pollinator BMP Recommendations

Consider monarch and other pollinators in your project planning when possible. Many pollinators are declining, including species that pollinate key agricultural crops and help maintain natural plant communities. Planting a diverse group of native plant species will help support the nutritional needs of Michigan's pollinators. We recommend a mix of flowering trees, shrubs, and herbaceous plants so that something is always blooming and pollen is available during the active periods of the pollinators, roughly early spring through fall (mid-March to mid-October). To benefit a wide variety of pollinators, choose a wide range of flowers with diverse colors, heights, structure, and flower shape. It is important to provide host plants for any known butterfly species at your site, including native milkweed for Monarch butterfly. Incorporating a water source (e.g., ephemeral pool or low area) and basking areas (rocks or bare ground) will provide additional resources for pollinators.

Many pollinators need a safe place to build their nests and overwinter. During spring and summer, leave some areas unmowed or minimize the impacts from mowing (e.g., decrease frequency, increase vegetation height). In fall, leave areas unraked and leave plant stems standing. Leave patches of bare soil for ground nesting pollinators.

Avoid or limit pesticide use. Pesticides can kill more than the target pest. Some pesticide residues can kill pollinators for several days after the pesticide is applied. Pesticides can also kill natural predators, which can lead to even worse pest problems.

Planting native wildflowers can also reduce the need to mow and water, improve bank stabilization by reducing erosion, and improve groundwater recharge and water quality.

Resources:

#### https://www.fws.gov/initiative/monarchs https://www.fws.gov/library/collections/pollinators

#### Wetland impacts:

Section 404 of the Clean Water Act of 1977 (CWA) regulates the discharge of dredged or fill material into waters (including wetlands) of the United States. Regulations require that activities permitted under the CWA (including wetland permits issued by the Michigan Department of Environment, Great Lakes, and Energy (EGLE)) not jeopardize the continued existence of species listed as endangered or threatened. Permits issued by the U.S. Army Corps of Engineers must also consider effects to listed species pursuant to section 7 of the Endangered Species Act. The Service provides comments to the agencies that may include permit conditions to help avoid or minimize impacts to wildlife resources including listed species. For this project, we consider the conservation measures you agreed to in the determination key and/or as part of your proposed action to be non-discretionary. If you apply for a wetland permit, these conservation measures should be explicitly incorporated as permit conditions. Include a copy of this letter in your wetland permit application to streamline the threatened and endangered species review process.

<u>Summary of conservation measures for your project</u> You agreed to the following conservation measures to avoid adverse effects to listed species and our concurrence is only valid if the measures are fully implemented. These must be included as permit conditions if a permit is required and/or included in any contract language.

**Eastern massasauga:** Materials used for erosion control and site restoration must be wildlifefriendly. Do not use erosion control products containing plastic mesh netting or other similar material that could entangle eastern massasauga rattlesnake (EMR). Several products for soil erosion and control exist that do not contain plastic netting including net-less erosion control blankets (for example, made of excelsior), loose mulch, hydraulic mulch, soil binders, unreinforced silt fences, and straw bales. Others are made from natural fibers (such as jute) and loosely woven together in a manner that allows wildlife to wiggle free.

**Eastern massasauga:** To increase human safety and awareness of EMR, those implementing the project must first review the EMR factsheet (available at https://www.fws.gov/media/eastern-massasauga-rattlesnake-fact-sheet), and watch MDNR's "60-Second Snakes: The Eastern Massasauga Rattlesnake" video (available at https://www.youtube.com/watch?v=-PFnXe\_e02w).

**Eastern massasauga:** During project implementation, report sightings of any federally listed species, including EMR, to the Service within 24 hours.

**Eastern massasauga:** The project will not result in permanent loss of more than one acre of wetland or conversion of more than 10 acres of EMR upland habitat (uplands associated with high quality wetland habitat) to other land uses.

### **Action Description**

You provided to IPaC the following name and description for the subject Action.

#### 1. Name

Lahti Ln - Zipf St to Townline Rd 6" WM - Pellston

### 2. Description

The following description was provided for the project 'Lahti Ln - Zipf St to Townline Rd 6" WM - Pellston':

The project area is located within the road ROW along Lahti ln from Zipf St to Townline Rd in Pellston MI. The project area is in a residential neighborhood and the project area consist of paved road, mowed turf grass, and landscape trees. The project will involve the installation of 6" water main, service leads, valves and hydrants via open cut and trenching. The project is in the design phase and has no start date.

The approximate location of the project can be viewed in Google Maps: <u>https://www.google.com/maps/@45.560827149999994,-84.7751642,14z</u>



# **QUALIFICATION INTERVIEW**

1. Are there any possible effects to any listed species or to designated critical habitat from your project or effects from any other actions or projects subsequently made possible by your project?

Select "Yes" even if the expected effects to the species or critical habitat are expected to be 1) extremely unlikely (discountable), 2) can't meaningfully be measured, detected, or evaluated (insignificant), or 3) wholly beneficial.

Select "No" to confirm that the project details and supporting information allow you to conclude that listed species and their habitats will not be exposed to any effects (including discountable, insignificant, or beneficial effects) and therefore, you have made a "no effect" determination for all species. If you are unsure, select YES to answer additional questions about your project.

Yes

2. This determination key is intended to assist the user in the evaluating the effects of their actions on Federally listed species in Michigan. It does not cover other prohibited activities under the Endangered Species Act (e.g., for wildlife: import/export, Interstate or foreign commerce, possession of illegally taken wildlife, purposeful take for scientific purposes or to enhance the survival of a species, etc.; for plants: import/export, reduce to possession, malicious destruction on Federal lands, commercial sale, etc.) or other statutes. Click yes to acknowledge that you must consider other prohibitions of the ESA or other statutes outside of this determination key.

Yes

3. Is the action the approval of a long-term (i.e., in effect greater than 10 years) permit, plan, or other action? (e.g., a new or re-issued hydropower license, a large-scale land management plan, or other kinds of documents that provide direction for projects or actions that may be conducted over a long term (>10 years) without the need for additional section 7 consultation).

No

- 4. Is the action being funded, authorized, or carried out by a Federal agency? *Yes*
- 5. Does the action involve the installation or operation of wind turbines?

No

6. Are there at least 30 days prior to your action occurring? Endangered species consultation must be completed before taking any action that may have effects to listed species. The Service also needs 30 days to review projects before we can verify conclusions in some dkey output letters. For example, if you have already started some components of the project on the ground (e.g., removed vegetation) before completing this key, answer "no" to this question. The only exception is if you have a Michigan Field Office pre-approved emergence survey (i.e., if you have conducted pre-approved emergence surveys for listed bats before tree removal, you can still answer yes to this question).

Yes

7. Does the action involve constructing a new communications tower or modifying an existing communications tower?

No

8. Does the activity involve aerial or other large-scale application of any chemical (including insecticide, herbicide, etc.)?

No

9. Does your project include water withdrawal (ground or surface water) greater than 10,000 gallons/day?

No

10. Will your action permanently affect hydrology?

No

11. Will your action temporarily affect hydrology?

No

- 12. Will your project have any direct impacts to a stream or river (e.g., Horizontal Directional Drilling (HDD), hydrostatic testing, stream/road crossings, new storm-water outfall discharge, dams, other in-stream work, changes to water quality or hydrology, etc.)? *No*
- 13. Does your project have the potential to indirectly impact the stream/river or the riparian zone (e.g., cut and fill, horizontal directional drilling, hydrostatic testing, construction, vegetation removal, discharge, changes to water quality or hydrology, etc.)? *No*
- 14. Will your action disturb the ground or existing vegetation? This includes any off road vehicle access, soil compaction, digging, seismic survey, directional drilling, heavy equipment, grading, trenching, placement of fill, pesticide application, vegetation management (including removal or maintenance using equipment or chemicals), cultivation, development, etc.

Yes

15. Is the action a utility-scale solar development project?

Note: Solar projects are considered utility scale if they will be 1 megawatt or larger.

No

- 16. [Hidden semantic] Does the action intersect the MOBU AOI?Automatically answeredYes
- 17. Under the ESA, monarchs remain warranted but precluded by listing actions of higher priority. The monarch is a candidate for listing at this time. The Endangered Species Act does not establish protections or consultation requirements for candidate species. Some Federal and State agencies may have policy requirements to consider candidate species in planning. We encourage implementing measures that will remove or reduce threats to these species and possibly make listing unnecessary. If your project will have no effect on monarch butterflies (for example, if your project won't affect their habitat or individuals), then you can make a "no effect" determination for this project. Are you making a "no effect" determination for monarch?

Yes

18. [Hidden Semantic] Does the action intersect the Eastern massasauga rattlesnake area of influence?

Automatically answered Yes

19. Does your action involve prescribed fire?

No

20. Will this action occur entirely in the Eastern massasauga rattlesnake inactive season (October 2 through April 30)?

No

21. Will this action occur entirely in the Eastern massasauga rattlesnake active season (May 1 through October 1)?

No

22. Will the action result in permanent loss of more than one acre of wetland or conversion of more than 10 acres of uplands of potential Eastern massasauga rattlesnake habitat (uplands associated with high quality wetland habitat) to other land uses?

No

23. Will you use <u>wildlife safe materials</u> for erosion control and site restoration and eliminate the use of erosion control products containing plastic mesh netting or other similar material that could ensnare Eastern massasauga rattlesnake?

Yes

24. Will you watch MDNR's <u>"60-Second Snakes: The Eastern Massasauga Rattlesnake</u> (<u>EMR</u>)" video, review the <u>EMR factsheet</u> or call 517-351-2555 to increase human safety and awareness of EMR?

Yes

25. Will all action personnel report any Eastern massasauga rattlesnake observations, or observation of any other listed threatened or endangered species, during action implementation to the Service within 24 hours?

Yes

26. [Hidden Semantic] Does the action area intersect the rufa red knot area of influence? Automatically answered

Yes

27. [Hidden Semantic] Does the action intersect the area of influence for Michigan monkey-flower?

Automatically answered *Yes* 

- 28. [Hidden Semantic] Does the action area intersect the area of influence for Pitcher's thistle? Automatically answered Yes
- 29. [Hidden Semantic] Does the action intersect Hungerford's crawling water beetle area of influence?

Automatically answered *Yes* 

# **IPAC USER CONTACT INFORMATION**

Agency:Pellston villageName:Wade RoseAddress:34000 Plymouth RdCity:LivoniaState:MIZip:48150Emailwade.rose@ohm-advisors.comPhone:2482914573

# LEAD AGENCY CONTACT INFORMATION

Lead Agency: Pellston village



# United States Department of the Interior

FISH AND WILDLIFE SERVICE Michigan Ecological Services Field Office 2651 Coolidge Road Suite 101 East Lansing, MI 48823-6360 Phone: (517) 351-2555 Fax: (517) 351-1443



In Reply Refer To: Project code: 2025-0068603 Project Name: Main St McRae to Zipf 6" WM - Pellston

03/13/2025 16:23:04 UTC

Subject: Verification letter for the project named 'Main St McRae to Zipf 6'' WM - Pellston' for specified threatened and endangered species that may occur in your proposed project location consistent with the Michigan Endangered Species Determination Key (Michigan DKey)

Dear Wade Rose:

The U.S. Fish and Wildlife Service (Service) received on **March 13, 2025** your effect determination(s) for the 'Main St McRae to Zipf 6" WM - Pellston' (the Action) using the Michigan DKey within the Information for Planning and Consultation (IPaC) system. The Service developed this system in accordance with the Endangered Species Act of 1973 (ESA) (87 Stat.884, as amended; 16 U.S.C. 1531 et seq.).

Based on your answers and the assistance of the Service's Michigan DKey, you made the following effect determination(s) for the proposed Action:

Species	Listing Status	Determination
Eastern Massasauga (=rattlesnake) (Sistrurus catenatus)	Threatened	NLAA
Hungerford's Crawling Water Beetle (Brychius	Endangered	No effect
hungerfordi)		
Michigan Monkey-flower ( <i>Mimulus michiganensis</i> )	Endangered	No effect
Monarch Butterfly ( <i>Danaus plexippus</i> )	Proposed	No effect
	Threatened	
Pitcher's Thistle (Cirsium pitcheri)	Threatened	No effect
Rufa Red Knot (Calidris canutus rufa)	Threatened	No effect

The Service will notify you within 30 calendar days if we determine that this proposed Action does not meet the criteria for a "may affect, not likely to adversely affect" (NLAA) determination for Federally listed species in Michigan. If we do not notify you within that timeframe, you may proceed with the Action under the terms of the NLAA concurrence provided here. This verification period allows the Michigan Ecological Services Field Office to apply local

knowledge to evaluation of the Action, as we may identify a small subset of actions having impacts that were unanticipated. In such instances, the Michigan Ecological Services Field Office may request additional information to verify the effects determination reached through the Michigan DKey.

Your agency has met consultation requirements by informing the Service of your "No Effect" determination(s). No consultation is required for species that you determined will not be affected by the Action.

Please provide sufficient project details on your project homepage in IPaC (Define Project, Project Description) to support your conclusions and the Service's 30-day review period. Failure to disclose important aspects of your project that would influence the outcome of your effects determinations may negate your determinations and invalidate this letter. If you have site-specific information that leads you to believe a different determination is more appropriate for your project than what the Dkey concludes, you can and should proceed based on the best available information.

The Service recommends that you contact the Service or re-evaluate the project in IPaC if: 1) the scope or location of the proposed Action is changed; 2) new information reveals that the action may affect listed species or designated critical habitat in a manner or to an extent not previously considered; 3) the Action is modified in a manner that causes effects to listed species or designated critical habitat; or 4) a new species is listed or critical habitat designated. If any of the above conditions occurs, additional consultation with the Service should take place before project changes are final or resources committed.

For non-Federal representatives: Please note that when a project requires consultation under section 7 of the Act, the Service must consult directly with the Federal action agency unless that agency formally designates a non-Federal representative (50 CFR 402.08). Non-Federal representatives may prepare analyses or conduct informal consultations; however, the ultimate responsibility for section 7 compliance under the Act remains with the Federal agency. If the Federal agency concurs with your determination, the project as proposed has completed section 7 consultation. All documents and supporting correspondence should be provided to the Federal agency for their records.

### **Bald and Golden Eagles:**

Bald eagles, golden eagles, and their nests are protected under the Bald and Golden Eagle Protection Act (54 Stat. 250, as amended, 16 U.S.C. 668a-d) (Eagle Act). The Eagle Act prohibits, except when authorized by an Eagle Act permit, the "taking" of bald and golden eagles and defines "take" as "pursue, shoot, shoot at, poison, wound, kill, capture, trap, collect, molest or disturb." The Eagle Act's implementing regulations define disturb as "…to agitate or bother a bald or golden eagle to a degree that causes, or is likely to cause, based on the best scientific information available, (1) injury to an eagle, (2) a decrease in its productivity, by substantially interfering with normal breeding, feeding, or sheltering behavior, or (3) nest abandonment, by substantially interfering with normal breeding, feeding, or sheltering behavior."

If the Action may impact bald or golden eagles, additional coordination with the Service under the Eagle Act may be required. For more information on eagles and conducting activities in the vicinity of an eagle nest, please visit https://www.fws.gov/library/collections/all-about-eagles. In addition, the Service developed the National Bald Eagle Management Guidelines (May 2007) in order to assist landowners in avoiding the disturbance of bald eagles. The full Guidelines are available at https://www.fws.gov/media/national-bald-eagle-management-guidelines-0.

If you have further questions regarding potential impacts to eagles, please contact Chris Mensing, Chris\_Mensing@fws.gov or 517-351-2555.

## Monarch butterfly and other pollinators

In December 2020, after an extensive status assessment of the monarch butterfly, we determined that listing the monarch under the Endangered Species Act is warranted but precluded by higher priority actions to amend the Lists of Endangered and Threatened Wildlife and Plants. Therefore, the Service added the monarch butterfly to the candidate list. The Service will review its status each year until we are able to begin developing a proposal to list the monarch.

The Endangered Species Act does not establish protections or consultation requirements for candidate species. Some Federal and State agencies may have policy requirements to consider candidate species in planning. We encourage implementing measures that will remove or reduce threats to these species and possibly make listing unnecessary.

For all projects, we recommend the following best management practices (BMPs) to benefit monarch and other pollinators.

Monarch and Pollinator BMP Recommendations

Consider monarch and other pollinators in your project planning when possible. Many pollinators are declining, including species that pollinate key agricultural crops and help maintain natural plant communities. Planting a diverse group of native plant species will help support the nutritional needs of Michigan's pollinators. We recommend a mix of flowering trees, shrubs, and herbaceous plants so that something is always blooming and pollen is available during the active periods of the pollinators, roughly early spring through fall (mid-March to mid-October). To benefit a wide variety of pollinators, choose a wide range of flowers with diverse colors, heights, structure, and flower shape. It is important to provide host plants for any known butterfly species at your site, including native milkweed for Monarch butterfly. Incorporating a water source (e.g., ephemeral pool or low area) and basking areas (rocks or bare ground) will provide additional resources for pollinators.

Many pollinators need a safe place to build their nests and overwinter. During spring and summer, leave some areas unmowed or minimize the impacts from mowing (e.g., decrease frequency, increase vegetation height). In fall, leave areas unraked and leave plant stems standing. Leave patches of bare soil for ground nesting pollinators.

Avoid or limit pesticide use. Pesticides can kill more than the target pest. Some pesticide residues can kill pollinators for several days after the pesticide is applied. Pesticides can also kill natural predators, which can lead to even worse pest problems.

Planting native wildflowers can also reduce the need to mow and water, improve bank stabilization by reducing erosion, and improve groundwater recharge and water quality.

Resources:

#### https://www.fws.gov/initiative/monarchs https://www.fws.gov/library/collections/pollinators

#### Wetland impacts:

Section 404 of the Clean Water Act of 1977 (CWA) regulates the discharge of dredged or fill material into waters (including wetlands) of the United States. Regulations require that activities permitted under the CWA (including wetland permits issued by the Michigan Department of Environment, Great Lakes, and Energy (EGLE)) not jeopardize the continued existence of species listed as endangered or threatened. Permits issued by the U.S. Army Corps of Engineers must also consider effects to listed species pursuant to section 7 of the Endangered Species Act. The Service provides comments to the agencies that may include permit conditions to help avoid or minimize impacts to wildlife resources including listed species. For this project, we consider the conservation measures you agreed to in the determination key and/or as part of your proposed action to be non-discretionary. If you apply for a wetland permit, these conservation measures should be explicitly incorporated as permit conditions. Include a copy of this letter in your wetland permit application to streamline the threatened and endangered species review process.

<u>Summary of conservation measures for your project</u> You agreed to the following conservation measures to avoid adverse effects to listed species and our concurrence is only valid if the measures are fully implemented. These must be included as permit conditions if a permit is required and/or included in any contract language.

**Eastern massasauga:** Materials used for erosion control and site restoration must be wildlifefriendly. Do not use erosion control products containing plastic mesh netting or other similar material that could entangle eastern massasauga rattlesnake (EMR). Several products for soil erosion and control exist that do not contain plastic netting including net-less erosion control blankets (for example, made of excelsior), loose mulch, hydraulic mulch, soil binders, unreinforced silt fences, and straw bales. Others are made from natural fibers (such as jute) and loosely woven together in a manner that allows wildlife to wiggle free.

**Eastern massasauga:** To increase human safety and awareness of EMR, those implementing the project must first review the EMR factsheet (available at https://www.fws.gov/media/eastern-massasauga-rattlesnake-fact-sheet), and watch MDNR's "60-Second Snakes: The Eastern Massasauga Rattlesnake" video (available at https://www.youtube.com/watch?v=-PFnXe\_e02w).

**Eastern massasauga:** During project implementation, report sightings of any federally listed species, including EMR, to the Service within 24 hours.

**Eastern massasauga:** The project will not result in permanent loss of more than one acre of wetland or conversion of more than 10 acres of EMR upland habitat (uplands associated with high quality wetland habitat) to other land uses.

## **Action Description**

You provided to IPaC the following name and description for the subject Action.

### 1. Name

Main St McRae to Zipf 6" WM - Pellston

## 2. Description

The following description was provided for the project 'Main St McRae to Zipf 6" WM - Pellston':

The project area is located within the road ROW along Main St from McRae St to Zipf St in Pellston MI. The project area is in a residential neighborhood and the project area consist of paved road, mowed turf grass, and landscape trees. The project will involve the installation of 6" water main, service leads, valves and hydrants via open cut and trenching. The project is in the design phase and has no start date.

The approximate location of the project can be viewed in Google Maps: <u>https://www.google.com/maps/@45.552207949999996,-84.78547615,14z</u>



# **QUALIFICATION INTERVIEW**

1. Are there any possible effects to any listed species or to designated critical habitat from your project or effects from any other actions or projects subsequently made possible by your project?

Select "Yes" even if the expected effects to the species or critical habitat are expected to be 1) extremely unlikely (discountable), 2) can't meaningfully be measured, detected, or evaluated (insignificant), or 3) wholly beneficial.

Select "No" to confirm that the project details and supporting information allow you to conclude that listed species and their habitats will not be exposed to any effects (including discountable, insignificant, or beneficial effects) and therefore, you have made a "no effect" determination for all species. If you are unsure, select YES to answer additional questions about your project.

Yes

2. This determination key is intended to assist the user in the evaluating the effects of their actions on Federally listed species in Michigan. It does not cover other prohibited activities under the Endangered Species Act (e.g., for wildlife: import/export, Interstate or foreign commerce, possession of illegally taken wildlife, purposeful take for scientific purposes or to enhance the survival of a species, etc.; for plants: import/export, reduce to possession, malicious destruction on Federal lands, commercial sale, etc.) or other statutes. Click yes to acknowledge that you must consider other prohibitions of the ESA or other statutes outside of this determination key.

Yes

3. Is the action the approval of a long-term (i.e., in effect greater than 10 years) permit, plan, or other action? (e.g., a new or re-issued hydropower license, a large-scale land management plan, or other kinds of documents that provide direction for projects or actions that may be conducted over a long term (>10 years) without the need for additional section 7 consultation).

No

- 4. Is the action being funded, authorized, or carried out by a Federal agency? *Yes*
- 5. Does the action involve the installation or operation of wind turbines?

No

6. Are there at least 30 days prior to your action occurring? Endangered species consultation must be completed before taking any action that may have effects to listed species. The Service also needs 30 days to review projects before we can verify conclusions in some dkey output letters. For example, if you have already started some components of the project on the ground (e.g., removed vegetation) before completing this key, answer "no" to this question. The only exception is if you have a Michigan Field Office pre-approved emergence survey (i.e., if you have conducted pre-approved emergence surveys for listed bats before tree removal, you can still answer yes to this question).

Yes

7. Does the action involve constructing a new communications tower or modifying an existing communications tower?

No

8. Does the activity involve aerial or other large-scale application of any chemical (including insecticide, herbicide, etc.)?

No

9. Does your project include water withdrawal (ground or surface water) greater than 10,000 gallons/day?

No

10. Will your action permanently affect hydrology?

No

11. Will your action temporarily affect hydrology?

No

- 12. Will your project have any direct impacts to a stream or river (e.g., Horizontal Directional Drilling (HDD), hydrostatic testing, stream/road crossings, new storm-water outfall discharge, dams, other in-stream work, changes to water quality or hydrology, etc.)? *No*
- 13. Does your project have the potential to indirectly impact the stream/river or the riparian zone (e.g., cut and fill, horizontal directional drilling, hydrostatic testing, construction, vegetation removal, discharge, changes to water quality or hydrology, etc.)? *No*
- 14. Will your action disturb the ground or existing vegetation? This includes any off road vehicle access, soil compaction, digging, seismic survey, directional drilling, heavy equipment, grading, trenching, placement of fill, pesticide application, vegetation management (including removal or maintenance using equipment or chemicals), cultivation, development, etc.

Yes

15. Is the action a utility-scale solar development project?

Note: Solar projects are considered utility scale if they will be 1 megawatt or larger.

No

- 16. [Hidden semantic] Does the action intersect the MOBU AOI?Automatically answeredYes
- 17. Under the ESA, monarchs remain warranted but precluded by listing actions of higher priority. The monarch is a candidate for listing at this time. The Endangered Species Act does not establish protections or consultation requirements for candidate species. Some Federal and State agencies may have policy requirements to consider candidate species in planning. We encourage implementing measures that will remove or reduce threats to these species and possibly make listing unnecessary. If your project will have no effect on monarch butterflies (for example, if your project won't affect their habitat or individuals), then you can make a "no effect" determination for this project. Are you making a "no effect" determination for monarch?

Yes

18. [Hidden Semantic] Does the action intersect the Eastern massasauga rattlesnake area of influence?

Automatically answered Yes

19. Does your action involve prescribed fire?

No

20. Will this action occur entirely in the Eastern massasauga rattlesnake inactive season (October 2 through April 30)?

No

21. Will this action occur entirely in the Eastern massasauga rattlesnake active season (May 1 through October 1)?

No

22. Will the action result in permanent loss of more than one acre of wetland or conversion of more than 10 acres of uplands of potential Eastern massasauga rattlesnake habitat (uplands associated with high quality wetland habitat) to other land uses?

No

23. Will you use <u>wildlife safe materials</u> for erosion control and site restoration and eliminate the use of erosion control products containing plastic mesh netting or other similar material that could ensnare Eastern massasauga rattlesnake?

Yes

24. Will you watch MDNR's <u>"60-Second Snakes: The Eastern Massasauga Rattlesnake</u> (<u>EMR</u>)" video, review the <u>EMR factsheet</u> or call 517-351-2555 to increase human safety and awareness of EMR?

Yes

25. Will all action personnel report any Eastern massasauga rattlesnake observations, or observation of any other listed threatened or endangered species, during action implementation to the Service within 24 hours?

Yes

26. [Hidden Semantic] Does the action area intersect the rufa red knot area of influence? Automatically answered

Yes

27. [Hidden Semantic] Does the action intersect the area of influence for Michigan monkey-flower?

Automatically answered *Yes* 

28. Does the action area include cold calcareous springs, seeps or streams, emergent marsh, Great Lakes marsh, Hardwood-conifer swamp, northern wet meadow, rich conifer swamp, sand/gravel beach, or headwater streams (1st/2nd order)?

No

29. [Hidden Semantic] Does the action area intersect the area of influence for Pitcher's thistle? Automatically answered

Yes

30. [Hidden Semantic] Does the action intersect Hungerford's crawling water beetle area of influence?

Automatically answered Yes

## **IPAC USER CONTACT INFORMATION**

Agency:Pellston villageName:Wade RoseAddress:34000 Plymouth RdCity:LivoniaState:MIZip:48150Emailwade.rose@ohm-advisors.comPhone:2482914573

## LEAD AGENCY CONTACT INFORMATION

Lead Agency: Pellston village



# United States Department of the Interior

FISH AND WILDLIFE SERVICE Michigan Ecological Services Field Office 2651 Coolidge Road Suite 101 East Lansing, MI 48823-6360 Phone: (517) 351-2555 Fax: (517) 351-1443



In Reply Refer To: Project code: 2025-0069180 Project Name: Milton Rd .75in Service Lead 03/14/2025 15:37:54 UTC

Subject: Verification letter for the project named 'Milton Rd .75in Service Lead' for specified threatened and endangered species that may occur in your proposed project location consistent with the Michigan Endangered Species Determination Key (Michigan DKey)

Dear Deborah Gibson:

The U.S. Fish and Wildlife Service (Service) received on **March 14, 2025** your effect determination(s) for the 'Milton Rd .75in Service Lead' (the Action) using the Michigan DKey within the Information for Planning and Consultation (IPaC) system. The Service developed this system in accordance with the Endangered Species Act of 1973 (ESA) (87 Stat.884, as amended; 16 U.S.C. 1531 et seq.).

Based on your answers and the assistance of the Service's Michigan DKey, you made the following effect determination(s) for the proposed Action:

Species	Listing Status	Determination
Eastern Massasauga (=rattlesnake) (Sistrurus catenatus)	Threatened	NLAA
Hungerford's Crawling Water Beetle (Brychius	Endangered	No effect
hungerfordi)		
Michigan Monkey-flower (Mimulus michiganensis)	Endangered	No effect
Monarch Butterfly (Danaus plexippus)	Proposed	No effect
	Threatened	
Pitcher's Thistle (Cirsium pitcheri)	Threatened	No effect
Rufa Red Knot (Calidris canutus rufa)	Threatened	No effect

The Service will notify you within 30 calendar days if we determine that this proposed Action does not meet the criteria for a "may affect, not likely to adversely affect" (NLAA) determination for Federally listed species in Michigan. If we do not notify you within that timeframe, you may proceed with the Action under the terms of the NLAA concurrence provided here. This verification period allows the Michigan Ecological Services Field Office to apply local

knowledge to evaluation of the Action, as we may identify a small subset of actions having impacts that were unanticipated. In such instances, the Michigan Ecological Services Field Office may request additional information to verify the effects determination reached through the Michigan DKey.

Your agency has met consultation requirements by informing the Service of your "No Effect" determination(s). No consultation is required for species that you determined will not be affected by the Action.

Please provide sufficient project details on your project homepage in IPaC (Define Project, Project Description) to support your conclusions and the Service's 30-day review period. Failure to disclose important aspects of your project that would influence the outcome of your effects determinations may negate your determinations and invalidate this letter. If you have site-specific information that leads you to believe a different determination is more appropriate for your project than what the Dkey concludes, you can and should proceed based on the best available information.

The Service recommends that you contact the Service or re-evaluate the project in IPaC if: 1) the scope or location of the proposed Action is changed; 2) new information reveals that the action may affect listed species or designated critical habitat in a manner or to an extent not previously considered; 3) the Action is modified in a manner that causes effects to listed species or designated critical habitat; or 4) a new species is listed or critical habitat designated. If any of the above conditions occurs, additional consultation with the Service should take place before project changes are final or resources committed.

For non-Federal representatives: Please note that when a project requires consultation under section 7 of the Act, the Service must consult directly with the Federal action agency unless that agency formally designates a non-Federal representative (50 CFR 402.08). Non-Federal representatives may prepare analyses or conduct informal consultations; however, the ultimate responsibility for section 7 compliance under the Act remains with the Federal agency. If the Federal agency concurs with your determination, the project as proposed has completed section 7 consultation. All documents and supporting correspondence should be provided to the Federal agency for their records.

### **Bald and Golden Eagles:**

Bald eagles, golden eagles, and their nests are protected under the Bald and Golden Eagle Protection Act (54 Stat. 250, as amended, 16 U.S.C. 668a-d) (Eagle Act). The Eagle Act prohibits, except when authorized by an Eagle Act permit, the "taking" of bald and golden eagles and defines "take" as "pursue, shoot, shoot at, poison, wound, kill, capture, trap, collect, molest or disturb." The Eagle Act's implementing regulations define disturb as "…to agitate or bother a bald or golden eagle to a degree that causes, or is likely to cause, based on the best scientific information available, (1) injury to an eagle, (2) a decrease in its productivity, by substantially interfering with normal breeding, feeding, or sheltering behavior, or (3) nest abandonment, by substantially interfering with normal breeding, feeding, or sheltering behavior."

If the Action may impact bald or golden eagles, additional coordination with the Service under the Eagle Act may be required. For more information on eagles and conducting activities in the vicinity of an eagle nest, please visit https://www.fws.gov/library/collections/all-about-eagles. In addition, the Service developed the National Bald Eagle Management Guidelines (May 2007) in order to assist landowners in avoiding the disturbance of bald eagles. The full Guidelines are available at https://www.fws.gov/media/national-bald-eagle-management-guidelines-0.

If you have further questions regarding potential impacts to eagles, please contact Chris Mensing, Chris\_Mensing@fws.gov or 517-351-2555.

### Monarch butterfly and other pollinators

In December 2020, after an extensive status assessment of the monarch butterfly, we determined that listing the monarch under the Endangered Species Act is warranted but precluded by higher priority actions to amend the Lists of Endangered and Threatened Wildlife and Plants. Therefore, the Service added the monarch butterfly to the candidate list. The Service will review its status each year until we are able to begin developing a proposal to list the monarch.

The Endangered Species Act does not establish protections or consultation requirements for candidate species. Some Federal and State agencies may have policy requirements to consider candidate species in planning. We encourage implementing measures that will remove or reduce threats to these species and possibly make listing unnecessary.

For all projects, we recommend the following best management practices (BMPs) to benefit monarch and other pollinators.

Monarch and Pollinator BMP Recommendations

Consider monarch and other pollinators in your project planning when possible. Many pollinators are declining, including species that pollinate key agricultural crops and help maintain natural plant communities. Planting a diverse group of native plant species will help support the nutritional needs of Michigan's pollinators. We recommend a mix of flowering trees, shrubs, and herbaceous plants so that something is always blooming and pollen is available during the active periods of the pollinators, roughly early spring through fall (mid-March to mid-October). To benefit a wide variety of pollinators, choose a wide range of flowers with diverse colors, heights, structure, and flower shape. It is important to provide host plants for any known butterfly species at your site, including native milkweed for Monarch butterfly. Incorporating a water source (e.g., ephemeral pool or low area) and basking areas (rocks or bare ground) will provide additional resources for pollinators.

Many pollinators need a safe place to build their nests and overwinter. During spring and summer, leave some areas unmowed or minimize the impacts from mowing (e.g., decrease frequency, increase vegetation height). In fall, leave areas unraked and leave plant stems standing. Leave patches of bare soil for ground nesting pollinators.

Avoid or limit pesticide use. Pesticides can kill more than the target pest. Some pesticide residues can kill pollinators for several days after the pesticide is applied. Pesticides can also kill natural predators, which can lead to even worse pest problems.

Planting native wildflowers can also reduce the need to mow and water, improve bank stabilization by reducing erosion, and improve groundwater recharge and water quality.

Resources:

#### https://www.fws.gov/initiative/monarchs https://www.fws.gov/library/collections/pollinators

#### Wetland impacts:

Section 404 of the Clean Water Act of 1977 (CWA) regulates the discharge of dredged or fill material into waters (including wetlands) of the United States. Regulations require that activities permitted under the CWA (including wetland permits issued by the Michigan Department of Environment, Great Lakes, and Energy (EGLE)) not jeopardize the continued existence of species listed as endangered or threatened. Permits issued by the U.S. Army Corps of Engineers must also consider effects to listed species pursuant to section 7 of the Endangered Species Act. The Service provides comments to the agencies that may include permit conditions to help avoid or minimize impacts to wildlife resources including listed species. For this project, we consider the conservation measures you agreed to in the determination key and/or as part of your proposed action to be non-discretionary. If you apply for a wetland permit, these conservation measures should be explicitly incorporated as permit conditions. Include a copy of this letter in your wetland permit application to streamline the threatened and endangered species review process.

<u>Summary of conservation measures for your project</u> You agreed to the following conservation measures to avoid adverse effects to listed species and our concurrence is only valid if the measures are fully implemented. These must be included as permit conditions if a permit is required and/or included in any contract language.

**Eastern massasauga:** Materials used for erosion control and site restoration must be wildlifefriendly. Do not use erosion control products containing plastic mesh netting or other similar material that could entangle eastern massasauga rattlesnake (EMR). Several products for soil erosion and control exist that do not contain plastic netting including net-less erosion control blankets (for example, made of excelsior), loose mulch, hydraulic mulch, soil binders, unreinforced silt fences, and straw bales. Others are made from natural fibers (such as jute) and loosely woven together in a manner that allows wildlife to wiggle free.

**Eastern massasauga:** To increase human safety and awareness of EMR, those implementing the project must first review the EMR factsheet (available at https://www.fws.gov/media/eastern-massasauga-rattlesnake-fact-sheet), and watch MDNR's "60-Second Snakes: The Eastern Massasauga Rattlesnake" video (available at https://www.youtube.com/watch?v=-PFnXe\_e02w).

**Eastern massasauga:** During project implementation, report sightings of any federally listed species, including EMR, to the Service within 24 hours.

**Eastern massasauga:** The project will not result in permanent loss of more than one acre of wetland or conversion of more than 10 acres of EMR upland habitat (uplands associated with high quality wetland habitat) to other land uses.

### **Action Description**

You provided to IPaC the following name and description for the subject Action.

### 1. Name

Milton Rd .75in Service Lead

## 2. Description

The following description was provided for the project 'Milton Rd .75in Service Lead':

The project area is located on south end of Milton Rd and going East across US-31 in Pellston MI. The project area is in a rural residential neighborhood and the project area consists of paved road and forested area. The project will involve the installation of 3/4" water service lead and valves via open cut and trenching. The project is in the design phase and has no start date.

The approximate location of the project can be viewed in Google Maps: <u>https://www.google.com/maps/@45.54187105,-84.78384555,14z</u>



## **QUALIFICATION INTERVIEW**

1. Are there any possible effects to any listed species or to designated critical habitat from your project or effects from any other actions or projects subsequently made possible by your project?

Select "Yes" even if the expected effects to the species or critical habitat are expected to be 1) extremely unlikely (discountable), 2) can't meaningfully be measured, detected, or evaluated (insignificant), or 3) wholly beneficial.

Select "No" to confirm that the project details and supporting information allow you to conclude that listed species and their habitats will not be exposed to any effects (including discountable, insignificant, or beneficial effects) and therefore, you have made a "no effect" determination for all species. If you are unsure, select YES to answer additional questions about your project.

Yes

2. This determination key is intended to assist the user in the evaluating the effects of their actions on Federally listed species in Michigan. It does not cover other prohibited activities under the Endangered Species Act (e.g., for wildlife: import/export, Interstate or foreign commerce, possession of illegally taken wildlife, purposeful take for scientific purposes or to enhance the survival of a species, etc.; for plants: import/export, reduce to possession, malicious destruction on Federal lands, commercial sale, etc.) or other statutes. Click yes to acknowledge that you must consider other prohibitions of the ESA or other statutes outside of this determination key.

Yes

3. Is the action the approval of a long-term (i.e., in effect greater than 10 years) permit, plan, or other action? (e.g., a new or re-issued hydropower license, a large-scale land management plan, or other kinds of documents that provide direction for projects or actions that may be conducted over a long term (>10 years) without the need for additional section 7 consultation).

No

- 4. Is the action being funded, authorized, or carried out by a Federal agency? *Yes*
- 5. Does the action involve the installation or operation of wind turbines?

No

6. Are there at least 30 days prior to your action occurring? Endangered species consultation must be completed before taking any action that may have effects to listed species. The Service also needs 30 days to review projects before we can verify conclusions in some dkey output letters. For example, if you have already started some components of the project on the ground (e.g., removed vegetation) before completing this key, answer "no" to this question. The only exception is if you have a Michigan Field Office pre-approved emergence survey (i.e., if you have conducted pre-approved emergence surveys for listed bats before tree removal, you can still answer yes to this question).

Yes

7. Does the action involve constructing a new communications tower or modifying an existing communications tower?

No

8. Does the activity involve aerial or other large-scale application of any chemical (including insecticide, herbicide, etc.)?

No

9. Does your project include water withdrawal (ground or surface water) greater than 10,000 gallons/day?

No

10. Will your action permanently affect hydrology?

No

11. Will your action temporarily affect hydrology?

No

- 12. Will your project have any direct impacts to a stream or river (e.g., Horizontal Directional Drilling (HDD), hydrostatic testing, stream/road crossings, new storm-water outfall discharge, dams, other in-stream work, changes to water quality or hydrology, etc.)? *No*
- 13. Does your project have the potential to indirectly impact the stream/river or the riparian zone (e.g., cut and fill, horizontal directional drilling, hydrostatic testing, construction, vegetation removal, discharge, changes to water quality or hydrology, etc.)?

Yes

14. Are you applying for one of the following Michigan EGLE/Army Corps of Engineers joint permit application Minor Permit (MP) Categories:

MP 3 - Boat Hoist; MP 5 - Boal Wells; MP 7 - Completed Enforcement Actions; MP 13 - Dock;

- MP 22 Fish and Wildlife Habitat Structures;
- MP 25 Ford Stream Crossings for Commercial Forestry Operations;
- MP 31 Maintenance and Repair of Serviceable Structures;
- MP 52 Temporary Recreational Structures;
- MP 54 Wetland Habitat Restoration and Enhancement?

Verify the MP category number and associated description matches your project/ application (https://www.michigan.gov/documents/egle/WRD-Minor-Project-Categories\_733320\_7.pdf). If you don't know what category applies for your project, answer no to this question.

No

- 15. Are you applying for one of the following Michigan EGLE/Army Corps of Engineers joint permit application General Permit (GP) Categories:
  - GPA Aids to Navigation;
  - GP C Clear Span Bridge;
  - GP J Dry Fire Hydrant;
  - GP O Minor Permit Revisions and Transfers;
  - GP Q Mooring Buoy;
  - GPW Scientific Measuring Devices;
  - GP X Snow Road Stream Crossings for Forestry Operations;
  - GP Z Spring Piles and Piling Clusters?

Verify the GP category number and associated description matches your project/ application (https://www.michigan.gov/documents/deq/wrd-general-permitcategories\_555828\_7.pdf). If you don't know what category applies for your project, answer no to this question.

No

16. Will your action disturb the ground or existing vegetation? This includes any off road vehicle access, soil compaction, digging, seismic survey, directional drilling, heavy equipment, grading, trenching, placement of fill, pesticide application, vegetation management (including removal or maintenance using equipment or chemicals), cultivation, development, etc.

Yes

17. Is the action a utility-scale solar development project?

**Note:**Solar projects are considered utility scale if they will be 1 megawatt or larger.

No

- 18. [Hidden semantic] Does the action intersect the MOBU AOI?Automatically answeredYes
- 19. Under the ESA, monarchs remain warranted but precluded by listing actions of higher priority. The monarch is a candidate for listing at this time. The Endangered Species Act does not establish protections or consultation requirements for candidate species. Some Federal and State agencies may have policy requirements to consider candidate species in planning. We encourage implementing measures that will remove or reduce threats to these species and possibly make listing unnecessary. If your project will have no effect on monarch butterflies (for example, if your project won't affect their habitat or individuals), then you can make a "no effect" determination for this project. Are you making a "no effect" determination for monarch?

Yes

20. [Hidden Semantic] Does the action intersect the Eastern massasauga rattlesnake area of influence?

Automatically answered Yes

21. Does your action involve prescribed fire?

No

22. Will this action occur entirely in the Eastern massasauga rattlesnake inactive season (October 2 through April 30)?

No

23. Will this action occur entirely in the Eastern massasauga rattlesnake active season (May 1 through October 1)?

No

24. Will the action result in permanent loss of more than one acre of wetland or conversion of more than 10 acres of uplands of potential Eastern massasauga rattlesnake habitat (uplands associated with high quality wetland habitat) to other land uses?

No

25. Will you use <u>wildlife safe materials</u> for erosion control and site restoration and eliminate the use of erosion control products containing plastic mesh netting or other similar material that could ensnare Eastern massasauga rattlesnake?

Yes

26. Will you watch MDNR's <u>"60-Second Snakes: The Eastern Massasauga Rattlesnake</u> (<u>EMR</u>)" video, review the <u>EMR factsheet</u> or call 517-351-2555 to increase human safety and awareness of EMR?

Yes

27. Will all action personnel report any Eastern massasauga rattlesnake observations, or observation of any other listed threatened or endangered species, during action implementation to the Service within 24 hours?

Yes

28. [Hidden Semantic] Does the action area intersect the rufa red knot area of influence? Automatically answered

Yes

29. [Hidden Semantic] Does the action intersect the area of influence for Michigan monkey-flower?

Automatically answered *Yes* 

30. Does the action area include cold calcareous springs, seeps or streams, emergent marsh, Great Lakes marsh, Hardwood-conifer swamp, northern wet meadow, rich conifer swamp, sand/gravel beach, or headwater streams (1st/2nd order)?

No

31. [Hidden Semantic] Does the action area intersect the area of influence for Pitcher's thistle? Automatically answered

Yes

32. [Hidden Semantic] Does the action intersect Hungerford's crawling water beetle area of influence?

Automatically answered Yes

## **IPAC USER CONTACT INFORMATION**

Agency:Pellston villageName:Deborah GibsonAddress:34000 Plymouth RdCity:livoniaState:MIZip:48150Emaildebbie.gibson@ohm-advisors.comPhone:7343234144

## LEAD AGENCY CONTACT INFORMATION

Lead Agency: Pellston village



# United States Department of the Interior

FISH AND WILDLIFE SERVICE Michigan Ecological Services Field Office 2651 Coolidge Road Suite 101 East Lansing, MI 48823-6360 Phone: (517) 351-2555 Fax: (517) 351-1443



In Reply Refer To: Project code: 2025-0069385 Project Name: Pellston Airport 2 - 3in Service Lead 03/14/2025 18:35:02 UTC

Subject: Verification letter for the project named 'Pellston Airport 2 - 3in Service Lead' for specified threatened and endangered species that may occur in your proposed project location consistent with the Michigan Endangered Species Determination Key (Michigan DKey)

Dear Deborah Gibson:

The U.S. Fish and Wildlife Service (Service) received on **March 14, 2025** your effect determination(s) for the 'Pellston Airport 2 - 3in Service Lead' (the Action) using the Michigan DKey within the Information for Planning and Consultation (IPaC) system. The Service developed this system in accordance with the Endangered Species Act of 1973 (ESA) (87 Stat. 884, as amended; 16 U.S.C. 1531 et seq.).

Based on your answers and the assistance of the Service's Michigan DKey, you made the following effect determination(s) for the proposed Action:

Species	Listing Status	Determination
Eastern Massasauga (=rattlesnake) (Sistrurus catenatus)	Threatened	NLAA
Hungerford's Crawling Water Beetle (Brychius	Endangered	No effect
hungerfordi)		
Michigan Monkey-flower (Mimulus michiganensis)	Endangered	No effect
Monarch Butterfly (Danaus plexippus)	Proposed	No effect
	Threatened	
Pitcher's Thistle (Cirsium pitcheri)	Threatened	No effect
Rufa Red Knot (Calidris canutus rufa)	Threatened	No effect

The Service will notify you within 30 calendar days if we determine that this proposed Action does not meet the criteria for a "may affect, not likely to adversely affect" (NLAA) determination for Federally listed species in Michigan. If we do not notify you within that timeframe, you may proceed with the Action under the terms of the NLAA concurrence provided here. This verification period allows the Michigan Ecological Services Field Office to apply local

knowledge to evaluation of the Action, as we may identify a small subset of actions having impacts that were unanticipated. In such instances, the Michigan Ecological Services Field Office may request additional information to verify the effects determination reached through the Michigan DKey.

Your agency has met consultation requirements by informing the Service of your "No Effect" determination(s). No consultation is required for species that you determined will not be affected by the Action.

Please provide sufficient project details on your project homepage in IPaC (Define Project, Project Description) to support your conclusions and the Service's 30-day review period. Failure to disclose important aspects of your project that would influence the outcome of your effects determinations may negate your determinations and invalidate this letter. If you have site-specific information that leads you to believe a different determination is more appropriate for your project than what the Dkey concludes, you can and should proceed based on the best available information.

The Service recommends that you contact the Service or re-evaluate the project in IPaC if: 1) the scope or location of the proposed Action is changed; 2) new information reveals that the action may affect listed species or designated critical habitat in a manner or to an extent not previously considered; 3) the Action is modified in a manner that causes effects to listed species or designated critical habitat; or 4) a new species is listed or critical habitat designated. If any of the above conditions occurs, additional consultation with the Service should take place before project changes are final or resources committed.

For non-Federal representatives: Please note that when a project requires consultation under section 7 of the Act, the Service must consult directly with the Federal action agency unless that agency formally designates a non-Federal representative (50 CFR 402.08). Non-Federal representatives may prepare analyses or conduct informal consultations; however, the ultimate responsibility for section 7 compliance under the Act remains with the Federal agency. If the Federal agency concurs with your determination, the project as proposed has completed section 7 consultation. All documents and supporting correspondence should be provided to the Federal agency for their records.

### **Bald and Golden Eagles:**

Bald eagles, golden eagles, and their nests are protected under the Bald and Golden Eagle Protection Act (54 Stat. 250, as amended, 16 U.S.C. 668a-d) (Eagle Act). The Eagle Act prohibits, except when authorized by an Eagle Act permit, the "taking" of bald and golden eagles and defines "take" as "pursue, shoot, shoot at, poison, wound, kill, capture, trap, collect, molest or disturb." The Eagle Act's implementing regulations define disturb as "…to agitate or bother a bald or golden eagle to a degree that causes, or is likely to cause, based on the best scientific information available, (1) injury to an eagle, (2) a decrease in its productivity, by substantially interfering with normal breeding, feeding, or sheltering behavior, or (3) nest abandonment, by substantially interfering with normal breeding, feeding, or sheltering behavior."

If the Action may impact bald or golden eagles, additional coordination with the Service under the Eagle Act may be required. For more information on eagles and conducting activities in the vicinity of an eagle nest, please visit https://www.fws.gov/library/collections/all-about-eagles. In addition, the Service developed the National Bald Eagle Management Guidelines (May 2007) in order to assist landowners in avoiding the disturbance of bald eagles. The full Guidelines are available at https://www.fws.gov/media/national-bald-eagle-management-guidelines-0.

If you have further questions regarding potential impacts to eagles, please contact Chris Mensing, Chris\_Mensing@fws.gov or 517-351-2555.

## Monarch butterfly and other pollinators

In December 2020, after an extensive status assessment of the monarch butterfly, we determined that listing the monarch under the Endangered Species Act is warranted but precluded by higher priority actions to amend the Lists of Endangered and Threatened Wildlife and Plants. Therefore, the Service added the monarch butterfly to the candidate list. The Service will review its status each year until we are able to begin developing a proposal to list the monarch.

The Endangered Species Act does not establish protections or consultation requirements for candidate species. Some Federal and State agencies may have policy requirements to consider candidate species in planning. We encourage implementing measures that will remove or reduce threats to these species and possibly make listing unnecessary.

For all projects, we recommend the following best management practices (BMPs) to benefit monarch and other pollinators.

Monarch and Pollinator BMP Recommendations

Consider monarch and other pollinators in your project planning when possible. Many pollinators are declining, including species that pollinate key agricultural crops and help maintain natural plant communities. Planting a diverse group of native plant species will help support the nutritional needs of Michigan's pollinators. We recommend a mix of flowering trees, shrubs, and herbaceous plants so that something is always blooming and pollen is available during the active periods of the pollinators, roughly early spring through fall (mid-March to mid-October). To benefit a wide variety of pollinators, choose a wide range of flowers with diverse colors, heights, structure, and flower shape. It is important to provide host plants for any known butterfly species at your site, including native milkweed for Monarch butterfly. Incorporating a water source (e.g., ephemeral pool or low area) and basking areas (rocks or bare ground) will provide additional resources for pollinators.

Many pollinators need a safe place to build their nests and overwinter. During spring and summer, leave some areas unmowed or minimize the impacts from mowing (e.g., decrease frequency, increase vegetation height). In fall, leave areas unraked and leave plant stems standing. Leave patches of bare soil for ground nesting pollinators.

Avoid or limit pesticide use. Pesticides can kill more than the target pest. Some pesticide residues can kill pollinators for several days after the pesticide is applied. Pesticides can also kill natural predators, which can lead to even worse pest problems.

Planting native wildflowers can also reduce the need to mow and water, improve bank stabilization by reducing erosion, and improve groundwater recharge and water quality.

Resources:

#### https://www.fws.gov/initiative/monarchs https://www.fws.gov/library/collections/pollinators

#### Wetland impacts:

Section 404 of the Clean Water Act of 1977 (CWA) regulates the discharge of dredged or fill material into waters (including wetlands) of the United States. Regulations require that activities permitted under the CWA (including wetland permits issued by the Michigan Department of Environment, Great Lakes, and Energy (EGLE)) not jeopardize the continued existence of species listed as endangered or threatened. Permits issued by the U.S. Army Corps of Engineers must also consider effects to listed species pursuant to section 7 of the Endangered Species Act. The Service provides comments to the agencies that may include permit conditions to help avoid or minimize impacts to wildlife resources including listed species. For this project, we consider the conservation measures you agreed to in the determination key and/or as part of your proposed action to be non-discretionary. If you apply for a wetland permit, these conservation measures should be explicitly incorporated as permit conditions. Include a copy of this letter in your wetland permit application to streamline the threatened and endangered species review process.

<u>Summary of conservation measures for your project</u> You agreed to the following conservation measures to avoid adverse effects to listed species and our concurrence is only valid if the measures are fully implemented. These must be included as permit conditions if a permit is required and/or included in any contract language.

**Eastern massasauga:** Materials used for erosion control and site restoration must be wildlifefriendly. Do not use erosion control products containing plastic mesh netting or other similar material that could entangle eastern massasauga rattlesnake (EMR). Several products for soil erosion and control exist that do not contain plastic netting including net-less erosion control blankets (for example, made of excelsior), loose mulch, hydraulic mulch, soil binders, unreinforced silt fences, and straw bales. Others are made from natural fibers (such as jute) and loosely woven together in a manner that allows wildlife to wiggle free.

**Eastern massasauga:** To increase human safety and awareness of EMR, those implementing the project must first review the EMR factsheet (available at https://www.fws.gov/media/eastern-massasauga-rattlesnake-fact-sheet), and watch MDNR's "60-Second Snakes: The Eastern Massasauga Rattlesnake" video (available at https://www.youtube.com/watch?v=-PFnXe\_e02w).

**Eastern massasauga:** During project implementation, report sightings of any federally listed species, including EMR, to the Service within 24 hours.

**Eastern massasauga:** The project will not result in permanent loss of more than one acre of wetland or conversion of more than 10 acres of EMR upland habitat (uplands associated with high quality wetland habitat) to other land uses.

## **Action Description**

You provided to IPaC the following name and description for the subject Action.

## 1. Name

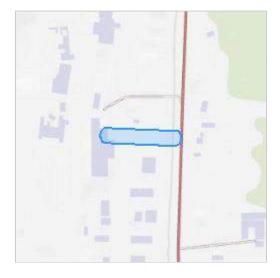
Pellston Airport 2 - 3in Service Lead

## 2. Description

The following description was provided for the project 'Pellston Airport 2 - 3in Service Lead':

The project area is located near 1285 Mackinaw Hwy and heading west across US-31 to the Pelston Regional Airport in Pellston, MI. The project area is in a commercial/industrial area and the consists of paved road and mowed turf grass. The project will involve the installation of 3" service lead open cut and trenching. The project is in the design phase and has no start date.

The approximate location of the project can be viewed in Google Maps: <u>https://www.google.com/maps/@45.569486,-84.78496315,14z</u>



## **QUALIFICATION INTERVIEW**

1. Are there any possible effects to any listed species or to designated critical habitat from your project or effects from any other actions or projects subsequently made possible by your project?

Select "Yes" even if the expected effects to the species or critical habitat are expected to be 1) extremely unlikely (discountable), 2) can't meaningfully be measured, detected, or evaluated (insignificant), or 3) wholly beneficial.

Select "No" to confirm that the project details and supporting information allow you to conclude that listed species and their habitats will not be exposed to any effects (including discountable, insignificant, or beneficial effects) and therefore, you have made a "no effect" determination for all species. If you are unsure, select YES to answer additional questions about your project.

Yes

2. This determination key is intended to assist the user in the evaluating the effects of their actions on Federally listed species in Michigan. It does not cover other prohibited activities under the Endangered Species Act (e.g., for wildlife: import/export, Interstate or foreign commerce, possession of illegally taken wildlife, purposeful take for scientific purposes or to enhance the survival of a species, etc.; for plants: import/export, reduce to possession, malicious destruction on Federal lands, commercial sale, etc.) or other statutes. Click yes to acknowledge that you must consider other prohibitions of the ESA or other statutes outside of this determination key.

Yes

3. Is the action the approval of a long-term (i.e., in effect greater than 10 years) permit, plan, or other action? (e.g., a new or re-issued hydropower license, a large-scale land management plan, or other kinds of documents that provide direction for projects or actions that may be conducted over a long term (>10 years) without the need for additional section 7 consultation).

No

- 4. Is the action being funded, authorized, or carried out by a Federal agency? *Yes*
- 5. Does the action involve the installation or operation of wind turbines?

No

6. Are there at least 30 days prior to your action occurring? Endangered species consultation must be completed before taking any action that may have effects to listed species. The Service also needs 30 days to review projects before we can verify conclusions in some dkey output letters. For example, if you have already started some components of the project on the ground (e.g., removed vegetation) before completing this key, answer "no" to this question. The only exception is if you have a Michigan Field Office pre-approved emergence survey (i.e., if you have conducted pre-approved emergence surveys for listed bats before tree removal, you can still answer yes to this question).

Yes

7. Does the action involve constructing a new communications tower or modifying an existing communications tower?

No

8. Does the activity involve aerial or other large-scale application of any chemical (including insecticide, herbicide, etc.)?

No

9. Does your project include water withdrawal (ground or surface water) greater than 10,000 gallons/day?

No

10. Will your action permanently affect hydrology?

No

11. Will your action temporarily affect hydrology?

No

- 12. Will your project have any direct impacts to a stream or river (e.g., Horizontal Directional Drilling (HDD), hydrostatic testing, stream/road crossings, new storm-water outfall discharge, dams, other in-stream work, changes to water quality or hydrology, etc.)? *No*
- 13. Does your project have the potential to indirectly impact the stream/river or the riparian zone (e.g., cut and fill, horizontal directional drilling, hydrostatic testing, construction, vegetation removal, discharge, changes to water quality or hydrology, etc.)?

Yes

14. Are you applying for one of the following Michigan EGLE/Army Corps of Engineers joint permit application Minor Permit (MP) Categories:

MP 3 - Boat Hoist; MP 5 - Boal Wells; MP 7 - Completed Enforcement Actions; MP 13 - Dock;

- MP 22 Fish and Wildlife Habitat Structures;
- MP 25 Ford Stream Crossings for Commercial Forestry Operations;
- MP 31 Maintenance and Repair of Serviceable Structures;
- MP 52 Temporary Recreational Structures;
- MP 54 Wetland Habitat Restoration and Enhancement?

Verify the MP category number and associated description matches your project/ application (https://www.michigan.gov/documents/egle/WRD-Minor-Project-Categories\_733320\_7.pdf). If you don't know what category applies for your project, answer no to this question.

No

- 15. Are you applying for one of the following Michigan EGLE/Army Corps of Engineers joint permit application General Permit (GP) Categories:
  - GPA Aids to Navigation;
  - GP C Clear Span Bridge;
  - GP J Dry Fire Hydrant;
  - GP O Minor Permit Revisions and Transfers;
  - GP Q Mooring Buoy;
  - GPW Scientific Measuring Devices;
  - GP X Snow Road Stream Crossings for Forestry Operations;
  - GP Z Spring Piles and Piling Clusters?

Verify the GP category number and associated description matches your project/ application (https://www.michigan.gov/documents/deq/wrd-general-permitcategories\_555828\_7.pdf). If you don't know what category applies for your project, answer no to this question.

No

16. Will your action disturb the ground or existing vegetation? This includes any off road vehicle access, soil compaction, digging, seismic survey, directional drilling, heavy equipment, grading, trenching, placement of fill, pesticide application, vegetation management (including removal or maintenance using equipment or chemicals), cultivation, development, etc.

Yes

17. Is the action a utility-scale solar development project?

**Note:**Solar projects are considered utility scale if they will be 1 megawatt or larger.

No

- 18. [Hidden semantic] Does the action intersect the MOBU AOI?Automatically answeredYes
- 19. Under the ESA, monarchs remain warranted but precluded by listing actions of higher priority. The monarch is a candidate for listing at this time. The Endangered Species Act does not establish protections or consultation requirements for candidate species. Some Federal and State agencies may have policy requirements to consider candidate species in planning. We encourage implementing measures that will remove or reduce threats to these species and possibly make listing unnecessary. If your project will have no effect on monarch butterflies (for example, if your project won't affect their habitat or individuals), then you can make a "no effect" determination for this project. Are you making a "no effect" determination for monarch?

Yes

20. [Hidden Semantic] Does the action intersect the Eastern massasauga rattlesnake area of influence?

Automatically answered Yes

21. Does your action involve prescribed fire?

No

22. Will this action occur entirely in the Eastern massasauga rattlesnake inactive season (October 2 through April 30)?

No

23. Will this action occur entirely in the Eastern massasauga rattlesnake active season (May 1 through October 1)?

No

24. Will the action result in permanent loss of more than one acre of wetland or conversion of more than 10 acres of uplands of potential Eastern massasauga rattlesnake habitat (uplands associated with high quality wetland habitat) to other land uses?

No

25. Will you use <u>wildlife safe materials</u> for erosion control and site restoration and eliminate the use of erosion control products containing plastic mesh netting or other similar material that could ensnare Eastern massasauga rattlesnake?

Yes

26. Will you watch MDNR's <u>"60-Second Snakes: The Eastern Massasauga Rattlesnake</u> (<u>EMR</u>)" video, review the <u>EMR factsheet</u> or call 517-351-2555 to increase human safety and awareness of EMR?

Yes

27. Will all action personnel report any Eastern massasauga rattlesnake observations, or observation of any other listed threatened or endangered species, during action implementation to the Service within 24 hours?

Yes

28. [Hidden Semantic] Does the action area intersect the rufa red knot area of influence? Automatically answered
Van

Yes

29. [Hidden Semantic] Does the action intersect the area of influence for Michigan monkey-flower?

Automatically answered *Yes* 

- 30. [Hidden Semantic] Does the action area intersect the area of influence for Pitcher's thistle? **Automatically answered** *Yes*
- 31. [Hidden Semantic] Does the action intersect Hungerford's crawling water beetle area of influence?

Automatically answered *Yes* 

## **IPAC USER CONTACT INFORMATION**

Agency:Pellston villageName:Deborah GibsonAddress:34000 Plymouth RdCity:livoniaState:MIZip:48150Emaildebbie.gibson@ohm-advisors.comPhone:7343234144

## LEAD AGENCY CONTACT INFORMATION

Lead Agency: Pellston village



# United States Department of the Interior

FISH AND WILDLIFE SERVICE Michigan Ecological Services Field Office 2651 Coolidge Road Suite 101 East Lansing, MI 48823-6360 Phone: (517) 351-2555 Fax: (517) 351-1443



In Reply Refer To: Project code: 2025-0068012 Project Name: Pell St - McRae to Milton 6'' WM - Pellston 03/12/2025 17:59:20 UTC

Subject: Verification letter for the project named 'Pell St - McRae to Milton 6" WM - Pellston' for specified threatened and endangered species that may occur in your proposed project location consistent with the Michigan Endangered Species Determination Key (Michigan DKey)

Dear Wade Rose:

The U.S. Fish and Wildlife Service (Service) received on **March 12, 2025** your effect determination(s) for the 'Pell St - McRae to Milton 6" WM - Pellston' (the Action) using the Michigan DKey within the Information for Planning and Consultation (IPaC) system. The Service developed this system in accordance with the Endangered Species Act of 1973 (ESA) (87 Stat.884, as amended; 16 U.S.C. 1531 et seq.).

Based on your answers and the assistance of the Service's Michigan DKey, you made the following effect determination(s) for the proposed Action:

Species	Listing Status	Determination
Eastern Massasauga (=rattlesnake) (Sistrurus catenatus)	Threatened	NLAA
Hungerford's Crawling Water Beetle (Brychius	Endangered	No effect
hungerfordi)		
Michigan Monkey-flower ( <i>Mimulus michiganensis</i> )	Endangered	No effect
Monarch Butterfly ( <i>Danaus plexippus</i> )	Proposed	No effect
	Threatened	
Pitcher's Thistle (Cirsium pitcheri)	Threatened	No effect
Rufa Red Knot (Calidris canutus rufa)	Threatened	No effect

The Service will notify you within 30 calendar days if we determine that this proposed Action does not meet the criteria for a "may affect, not likely to adversely affect" (NLAA) determination for Federally listed species in Michigan. If we do not notify you within that timeframe, you may proceed with the Action under the terms of the NLAA concurrence provided here. This verification period allows the Michigan Ecological Services Field Office to apply local

knowledge to evaluation of the Action, as we may identify a small subset of actions having impacts that were unanticipated. In such instances, the Michigan Ecological Services Field Office may request additional information to verify the effects determination reached through the Michigan DKey.

Your agency has met consultation requirements by informing the Service of your "No Effect" determination(s). No consultation is required for species that you determined will not be affected by the Action.

Please provide sufficient project details on your project homepage in IPaC (Define Project, Project Description) to support your conclusions and the Service's 30-day review period. Failure to disclose important aspects of your project that would influence the outcome of your effects determinations may negate your determinations and invalidate this letter. If you have site-specific information that leads you to believe a different determination is more appropriate for your project than what the Dkey concludes, you can and should proceed based on the best available information.

The Service recommends that you contact the Service or re-evaluate the project in IPaC if: 1) the scope or location of the proposed Action is changed; 2) new information reveals that the action may affect listed species or designated critical habitat in a manner or to an extent not previously considered; 3) the Action is modified in a manner that causes effects to listed species or designated critical habitat; or 4) a new species is listed or critical habitat designated. If any of the above conditions occurs, additional consultation with the Service should take place before project changes are final or resources committed.

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### **Bald and Golden Eagles:**

Bald eagles, golden eagles, and their nests are protected under the Bald and Golden Eagle Protection Act (54 Stat. 250, as amended, 16 U.S.C. 668a-d) (Eagle Act). The Eagle Act prohibits, except when authorized by an Eagle Act permit, the "taking" of bald and golden eagles and defines "take" as "pursue, shoot, shoot at, poison, wound, kill, capture, trap, collect, molest or disturb." The Eagle Act's implementing regulations define disturb as "…to agitate or bother a bald or golden eagle to a degree that causes, or is likely to cause, based on the best scientific information available, (1) injury to an eagle, (2) a decrease in its productivity, by substantially interfering with normal breeding, feeding, or sheltering behavior, or (3) nest abandonment, by substantially interfering with normal breeding, feeding, or sheltering behavior."

If the Action may impact bald or golden eagles, additional coordination with the Service under the Eagle Act may be required. For more information on eagles and conducting activities in the vicinity of an eagle nest, please visit https://www.fws.gov/library/collections/all-about-eagles. In addition, the Service developed the National Bald Eagle Management Guidelines (May 2007) in order to assist landowners in avoiding the disturbance of bald eagles. The full Guidelines are available at https://www.fws.gov/media/national-bald-eagle-management-guidelines-0.

If you have further questions regarding potential impacts to eagles, please contact Chris Mensing, Chris\_Mensing@fws.gov or 517-351-2555.

## Monarch butterfly and other pollinators

In December 2020, after an extensive status assessment of the monarch butterfly, we determined that listing the monarch under the Endangered Species Act is warranted but precluded by higher priority actions to amend the Lists of Endangered and Threatened Wildlife and Plants. Therefore, the Service added the monarch butterfly to the candidate list. The Service will review its status each year until we are able to begin developing a proposal to list the monarch.

The Endangered Species Act does not establish protections or consultation requirements for candidate species. Some Federal and State agencies may have policy requirements to consider candidate species in planning. We encourage implementing measures that will remove or reduce threats to these species and possibly make listing unnecessary.

For all projects, we recommend the following best management practices (BMPs) to benefit monarch and other pollinators.

Monarch and Pollinator BMP Recommendations

Consider monarch and other pollinators in your project planning when possible. Many pollinators are declining, including species that pollinate key agricultural crops and help maintain natural plant communities. Planting a diverse group of native plant species will help support the nutritional needs of Michigan's pollinators. We recommend a mix of flowering trees, shrubs, and herbaceous plants so that something is always blooming and pollen is available during the active periods of the pollinators, roughly early spring through fall (mid-March to mid-October). To benefit a wide variety of pollinators, choose a wide range of flowers with diverse colors, heights, structure, and flower shape. It is important to provide host plants for any known butterfly species at your site, including native milkweed for Monarch butterfly. Incorporating a water source (e.g., ephemeral pool or low area) and basking areas (rocks or bare ground) will provide additional resources for pollinators.

Many pollinators need a safe place to build their nests and overwinter. During spring and summer, leave some areas unmowed or minimize the impacts from mowing (e.g., decrease frequency, increase vegetation height). In fall, leave areas unraked and leave plant stems standing. Leave patches of bare soil for ground nesting pollinators.

Avoid or limit pesticide use. Pesticides can kill more than the target pest. Some pesticide residues can kill pollinators for several days after the pesticide is applied. Pesticides can also kill natural predators, which can lead to even worse pest problems.

Planting native wildflowers can also reduce the need to mow and water, improve bank stabilization by reducing erosion, and improve groundwater recharge and water quality.

Resources:

#### https://www.fws.gov/initiative/monarchs https://www.fws.gov/library/collections/pollinators

#### Wetland impacts:

Section 404 of the Clean Water Act of 1977 (CWA) regulates the discharge of dredged or fill material into waters (including wetlands) of the United States. Regulations require that activities permitted under the CWA (including wetland permits issued by the Michigan Department of Environment, Great Lakes, and Energy (EGLE)) not jeopardize the continued existence of species listed as endangered or threatened. Permits issued by the U.S. Army Corps of Engineers must also consider effects to listed species pursuant to section 7 of the Endangered Species Act. The Service provides comments to the agencies that may include permit conditions to help avoid or minimize impacts to wildlife resources including listed species. For this project, we consider the conservation measures you agreed to in the determination key and/or as part of your proposed action to be non-discretionary. If you apply for a wetland permit, these conservation measures should be explicitly incorporated as permit conditions. Include a copy of this letter in your wetland permit application to streamline the threatened and endangered species review process.

<u>Summary of conservation measures for your project</u> You agreed to the following conservation measures to avoid adverse effects to listed species and our concurrence is only valid if the measures are fully implemented. These must be included as permit conditions if a permit is required and/or included in any contract language.

**Eastern massasauga:** Materials used for erosion control and site restoration must be wildlifefriendly. Do not use erosion control products containing plastic mesh netting or other similar material that could entangle eastern massasauga rattlesnake (EMR). Several products for soil erosion and control exist that do not contain plastic netting including net-less erosion control blankets (for example, made of excelsior), loose mulch, hydraulic mulch, soil binders, unreinforced silt fences, and straw bales. Others are made from natural fibers (such as jute) and loosely woven together in a manner that allows wildlife to wiggle free.

**Eastern massasauga:** To increase human safety and awareness of EMR, those implementing the project must first review the EMR factsheet (available at https://www.fws.gov/media/eastern-massasauga-rattlesnake-fact-sheet), and watch MDNR's "60-Second Snakes: The Eastern Massasauga Rattlesnake" video (available at https://www.youtube.com/watch?v=-PFnXe\_e02w).

**Eastern massasauga:** During project implementation, report sightings of any federally listed species, including EMR, to the Service within 24 hours.

**Eastern massasauga:** The project will not result in permanent loss of more than one acre of wetland or conversion of more than 10 acres of EMR upland habitat (uplands associated with high quality wetland habitat) to other land uses.

### **Action Description**

You provided to IPaC the following name and description for the subject Action.

#### 1. Name

Pell St - McRae to Milton 6" WM - Pellston

### 2. Description

The following description was provided for the project 'Pell St - McRae to Milton 6" WM - Pellston':

The project area is located within the road ROW along Pell St from McRae St to Milton St in Pellston MI. The project area is in a residential neighborhood and the project area consist of paved road, mowed turf grass, and landscape trees. The project will involve the installation of 6" water main, service leads, valves and hydrants via open cut and trenching. The project is in the design phase and has no start date.

The approximate location of the project can be viewed in Google Maps: <u>https://www.google.com/maps/@45.55694295,-84.7886276,14z</u>



## **QUALIFICATION INTERVIEW**

1. Are there any possible effects to any listed species or to designated critical habitat from your project or effects from any other actions or projects subsequently made possible by your project?

Select "Yes" even if the expected effects to the species or critical habitat are expected to be 1) extremely unlikely (discountable), 2) can't meaningfully be measured, detected, or evaluated (insignificant), or 3) wholly beneficial.

Select "No" to confirm that the project details and supporting information allow you to conclude that listed species and their habitats will not be exposed to any effects (including discountable, insignificant, or beneficial effects) and therefore, you have made a "no effect" determination for all species. If you are unsure, select YES to answer additional questions about your project.

Yes

2. This determination key is intended to assist the user in the evaluating the effects of their actions on Federally listed species in Michigan. It does not cover other prohibited activities under the Endangered Species Act (e.g., for wildlife: import/export, Interstate or foreign commerce, possession of illegally taken wildlife, purposeful take for scientific purposes or to enhance the survival of a species, etc.; for plants: import/export, reduce to possession, malicious destruction on Federal lands, commercial sale, etc.) or other statutes. Click yes to acknowledge that you must consider other prohibitions of the ESA or other statutes outside of this determination key.

Yes

3. Is the action the approval of a long-term (i.e., in effect greater than 10 years) permit, plan, or other action? (e.g., a new or re-issued hydropower license, a large-scale land management plan, or other kinds of documents that provide direction for projects or actions that may be conducted over a long term (>10 years) without the need for additional section 7 consultation).

No

- 4. Is the action being funded, authorized, or carried out by a Federal agency? *Yes*
- 5. Does the action involve the installation or operation of wind turbines?

No

6. Are there at least 30 days prior to your action occurring? Endangered species consultation must be completed before taking any action that may have effects to listed species. The Service also needs 30 days to review projects before we can verify conclusions in some dkey output letters. For example, if you have already started some components of the project on the ground (e.g., removed vegetation) before completing this key, answer "no" to this question. The only exception is if you have a Michigan Field Office pre-approved emergence survey (i.e., if you have conducted pre-approved emergence surveys for listed bats before tree removal, you can still answer yes to this question).

Yes

7. Does the action involve constructing a new communications tower or modifying an existing communications tower?

No

8. Does the activity involve aerial or other large-scale application of any chemical (including insecticide, herbicide, etc.)?

No

9. Does your project include water withdrawal (ground or surface water) greater than 10,000 gallons/day?

No

10. Will your action permanently affect hydrology?

No

11. Will your action temporarily affect hydrology?

No

- 12. Will your project have any direct impacts to a stream or river (e.g., Horizontal Directional Drilling (HDD), hydrostatic testing, stream/road crossings, new storm-water outfall discharge, dams, other in-stream work, changes to water quality or hydrology, etc.)? *No*
- 13. Does your project have the potential to indirectly impact the stream/river or the riparian zone (e.g., cut and fill, horizontal directional drilling, hydrostatic testing, construction, vegetation removal, discharge, changes to water quality or hydrology, etc.)? *No*
- 14. Will your action disturb the ground or existing vegetation? This includes any off road vehicle access, soil compaction, digging, seismic survey, directional drilling, heavy equipment, grading, trenching, placement of fill, pesticide application, vegetation management (including removal or maintenance using equipment or chemicals), cultivation, development, etc.

Yes

15. Is the action a utility-scale solar development project?

Note: Solar projects are considered utility scale if they will be 1 megawatt or larger.

No

- 16. [Hidden semantic] Does the action intersect the MOBU AOI?Automatically answeredYes
- 17. Under the ESA, monarchs remain warranted but precluded by listing actions of higher priority. The monarch is a candidate for listing at this time. The Endangered Species Act does not establish protections or consultation requirements for candidate species. Some Federal and State agencies may have policy requirements to consider candidate species in planning. We encourage implementing measures that will remove or reduce threats to these species and possibly make listing unnecessary. If your project will have no effect on monarch butterflies (for example, if your project won't affect their habitat or individuals), then you can make a "no effect" determination for this project. Are you making a "no effect" determination for monarch?

Yes

18. [Hidden Semantic] Does the action intersect the Eastern massasauga rattlesnake area of influence?

Automatically answered Yes

19. Does your action involve prescribed fire?

No

20. Will this action occur entirely in the Eastern massasauga rattlesnake inactive season (October 2 through April 30)?

No

21. Will this action occur entirely in the Eastern massasauga rattlesnake active season (May 1 through October 1)?

No

22. Will the action result in permanent loss of more than one acre of wetland or conversion of more than 10 acres of uplands of potential Eastern massasauga rattlesnake habitat (uplands associated with high quality wetland habitat) to other land uses?

No

23. Will you use <u>wildlife safe materials</u> for erosion control and site restoration and eliminate the use of erosion control products containing plastic mesh netting or other similar material that could ensnare Eastern massasauga rattlesnake?

Yes

24. Will you watch MDNR's <u>"60-Second Snakes: The Eastern Massasauga Rattlesnake</u> (<u>EMR</u>)" video, review the <u>EMR factsheet</u> or call 517-351-2555 to increase human safety and awareness of EMR?

Yes

25. Will all action personnel report any Eastern massasauga rattlesnake observations, or observation of any other listed threatened or endangered species, during action implementation to the Service within 24 hours?

Yes

26. [Hidden Semantic] Does the action area intersect the rufa red knot area of influence? Automatically answered

Yes

27. [Hidden Semantic] Does the action intersect the area of influence for Michigan monkey-flower?

Automatically answered *Yes* 

- 28. [Hidden Semantic] Does the action area intersect the area of influence for Pitcher's thistle? Automatically answered Yes
- 29. [Hidden Semantic] Does the action intersect Hungerford's crawling water beetle area of influence?

Automatically answered *Yes* 

# **IPAC USER CONTACT INFORMATION**

Agency:Pellston villageName:Wade RoseAddress:34000 Plymouth RdCity:LivoniaState:MIZip:48150Emailwade.rose@ohm-advisors.comPhone:2482914573

## LEAD AGENCY CONTACT INFORMATION

Lead Agency: Pellston village



# United States Department of the Interior

FISH AND WILDLIFE SERVICE Michigan Ecological Services Field Office 2651 Coolidge Road Suite 101 East Lansing, MI 48823-6360 Phone: (517) 351-2555 Fax: (517) 351-1443



In Reply Refer To: 03/12/2025 17:00:36 UTC Project code: 2025-0067953 Project Name: Poplar Dr - McRae to Milton 6in WM - Pellston DWSRF

Subject: Verification letter for the project named 'Poplar Dr - McRae to Milton 6in WM -Pellston DWSRF' for specified threatened and endangered species that may occur in your proposed project location consistent with the Michigan Endangered Species Determination Key (Michigan DKey)

Dear Deborah Gibson:

The U.S. Fish and Wildlife Service (Service) received on **March 12, 2025** your effect determination(s) for the 'Poplar Dr - McRae to Milton 6in WM - Pellston DWSRF' (the Action) using the Michigan DKey within the Information for Planning and Consultation (IPaC) system. The Service developed this system in accordance with the Endangered Species Act of 1973 (ESA) (87 Stat.884, as amended; 16 U.S.C. 1531 et seq.).

Based on your answers and the assistance of the Service's Michigan DKey, you made the following effect determination(s) for the proposed Action:

Species	Listing Status	Determination
Eastern Massasauga (=rattlesnake) (Sistrurus catenatus)	Threatened	NLAA
Hungerford's Crawling Water Beetle (Brychius	Endangered	No effect
hungerfordi)		
Michigan Monkey-flower ( <i>Mimulus michiganensis</i> )	Endangered	No effect
Monarch Butterfly ( <i>Danaus plexippus</i> )	Proposed	No effect
	Threatened	
Pitcher's Thistle (Cirsium pitcheri)	Threatened	No effect
Rufa Red Knot (Calidris canutus rufa)	Threatened	No effect

The Service will notify you within 30 calendar days if we determine that this proposed Action does not meet the criteria for a "may affect, not likely to adversely affect" (NLAA) determination for Federally listed species in Michigan. If we do not notify you within that timeframe, you may proceed with the Action under the terms of the NLAA concurrence provided here. This verification period allows the Michigan Ecological Services Field Office to apply local

knowledge to evaluation of the Action, as we may identify a small subset of actions having impacts that were unanticipated. In such instances, the Michigan Ecological Services Field Office may request additional information to verify the effects determination reached through the Michigan DKey.

Your agency has met consultation requirements by informing the Service of your "No Effect" determination(s). No consultation is required for species that you determined will not be affected by the Action.

Please provide sufficient project details on your project homepage in IPaC (Define Project, Project Description) to support your conclusions and the Service's 30-day review period. Failure to disclose important aspects of your project that would influence the outcome of your effects determinations may negate your determinations and invalidate this letter. If you have site-specific information that leads you to believe a different determination is more appropriate for your project than what the Dkey concludes, you can and should proceed based on the best available information.

The Service recommends that you contact the Service or re-evaluate the project in IPaC if: 1) the scope or location of the proposed Action is changed; 2) new information reveals that the action may affect listed species or designated critical habitat in a manner or to an extent not previously considered; 3) the Action is modified in a manner that causes effects to listed species or designated critical habitat; or 4) a new species is listed or critical habitat designated. If any of the above conditions occurs, additional consultation with the Service should take place before project changes are final or resources committed.

For non-Federal representatives: Please note that when a project requires consultation under section 7 of the Act, the Service must consult directly with the Federal action agency unless that agency formally designates a non-Federal representative (50 CFR 402.08). Non-Federal representatives may prepare analyses or conduct informal consultations; however, the ultimate responsibility for section 7 compliance under the Act remains with the Federal agency. If the Federal agency concurs with your determination, the project as proposed has completed section 7 consultation. All documents and supporting correspondence should be provided to the Federal agency for their records.

#### **Bald and Golden Eagles:**

Bald eagles, golden eagles, and their nests are protected under the Bald and Golden Eagle Protection Act (54 Stat. 250, as amended, 16 U.S.C. 668a-d) (Eagle Act). The Eagle Act prohibits, except when authorized by an Eagle Act permit, the "taking" of bald and golden eagles and defines "take" as "pursue, shoot, shoot at, poison, wound, kill, capture, trap, collect, molest or disturb." The Eagle Act's implementing regulations define disturb as "…to agitate or bother a bald or golden eagle to a degree that causes, or is likely to cause, based on the best scientific information available, (1) injury to an eagle, (2) a decrease in its productivity, by substantially interfering with normal breeding, feeding, or sheltering behavior, or (3) nest abandonment, by substantially interfering with normal breeding, feeding, or sheltering behavior."

If the Action may impact bald or golden eagles, additional coordination with the Service under the Eagle Act may be required. For more information on eagles and conducting activities in the vicinity of an eagle nest, please visit https://www.fws.gov/library/collections/all-about-eagles. In addition, the Service developed the National Bald Eagle Management Guidelines (May 2007) in order to assist landowners in avoiding the disturbance of bald eagles. The full Guidelines are available at https://www.fws.gov/media/national-bald-eagle-management-guidelines-0.

If you have further questions regarding potential impacts to eagles, please contact Chris Mensing, Chris\_Mensing@fws.gov or 517-351-2555.

### Monarch butterfly and other pollinators

In December 2020, after an extensive status assessment of the monarch butterfly, we determined that listing the monarch under the Endangered Species Act is warranted but precluded by higher priority actions to amend the Lists of Endangered and Threatened Wildlife and Plants. Therefore, the Service added the monarch butterfly to the candidate list. The Service will review its status each year until we are able to begin developing a proposal to list the monarch.

The Endangered Species Act does not establish protections or consultation requirements for candidate species. Some Federal and State agencies may have policy requirements to consider candidate species in planning. We encourage implementing measures that will remove or reduce threats to these species and possibly make listing unnecessary.

For all projects, we recommend the following best management practices (BMPs) to benefit monarch and other pollinators.

Monarch and Pollinator BMP Recommendations

Consider monarch and other pollinators in your project planning when possible. Many pollinators are declining, including species that pollinate key agricultural crops and help maintain natural plant communities. Planting a diverse group of native plant species will help support the nutritional needs of Michigan's pollinators. We recommend a mix of flowering trees, shrubs, and herbaceous plants so that something is always blooming and pollen is available during the active periods of the pollinators, roughly early spring through fall (mid-March to mid-October). To benefit a wide variety of pollinators, choose a wide range of flowers with diverse colors, heights, structure, and flower shape. It is important to provide host plants for any known butterfly species at your site, including native milkweed for Monarch butterfly. Incorporating a water source (e.g., ephemeral pool or low area) and basking areas (rocks or bare ground) will provide additional resources for pollinators.

Many pollinators need a safe place to build their nests and overwinter. During spring and summer, leave some areas unmowed or minimize the impacts from mowing (e.g., decrease frequency, increase vegetation height). In fall, leave areas unraked and leave plant stems standing. Leave patches of bare soil for ground nesting pollinators.

Avoid or limit pesticide use. Pesticides can kill more than the target pest. Some pesticide residues can kill pollinators for several days after the pesticide is applied. Pesticides can also kill natural predators, which can lead to even worse pest problems.

Planting native wildflowers can also reduce the need to mow and water, improve bank stabilization by reducing erosion, and improve groundwater recharge and water quality.

Resources:

#### https://www.fws.gov/initiative/monarchs https://www.fws.gov/library/collections/pollinators

#### Wetland impacts:

Section 404 of the Clean Water Act of 1977 (CWA) regulates the discharge of dredged or fill material into waters (including wetlands) of the United States. Regulations require that activities permitted under the CWA (including wetland permits issued by the Michigan Department of Environment, Great Lakes, and Energy (EGLE)) not jeopardize the continued existence of species listed as endangered or threatened. Permits issued by the U.S. Army Corps of Engineers must also consider effects to listed species pursuant to section 7 of the Endangered Species Act. The Service provides comments to the agencies that may include permit conditions to help avoid or minimize impacts to wildlife resources including listed species. For this project, we consider the conservation measures you agreed to in the determination key and/or as part of your proposed action to be non-discretionary. If you apply for a wetland permit, these conservation measures should be explicitly incorporated as permit conditions. Include a copy of this letter in your wetland permit application to streamline the threatened and endangered species review process.

<u>Summary of conservation measures for your project</u> You agreed to the following conservation measures to avoid adverse effects to listed species and our concurrence is only valid if the measures are fully implemented. These must be included as permit conditions if a permit is required and/or included in any contract language.

**Eastern massasauga:** Materials used for erosion control and site restoration must be wildlifefriendly. Do not use erosion control products containing plastic mesh netting or other similar material that could entangle eastern massasauga rattlesnake (EMR). Several products for soil erosion and control exist that do not contain plastic netting including net-less erosion control blankets (for example, made of excelsior), loose mulch, hydraulic mulch, soil binders, unreinforced silt fences, and straw bales. Others are made from natural fibers (such as jute) and loosely woven together in a manner that allows wildlife to wiggle free.

**Eastern massasauga:** To increase human safety and awareness of EMR, those implementing the project must first review the EMR factsheet (available at https://www.fws.gov/media/eastern-massasauga-rattlesnake-fact-sheet), and watch MDNR's "60-Second Snakes: The Eastern Massasauga Rattlesnake" video (available at https://www.youtube.com/watch?v=-PFnXe\_e02w).

**Eastern massasauga:** During project implementation, report sightings of any federally listed species, including EMR, to the Service within 24 hours.

**Eastern massasauga:** The project will not result in permanent loss of more than one acre of wetland or conversion of more than 10 acres of EMR upland habitat (uplands associated with high quality wetland habitat) to other land uses.

### **Action Description**

You provided to IPaC the following name and description for the subject Action.

#### 1. Name

Poplar Dr - McRae to Milton 6in WM - Pellston DWSRF

### 2. Description

The following description was provided for the project 'Poplar Dr - McRae to Milton 6in WM - Pellston DWSRF':

6" Water main installation within ROW in a rural residential area

The approximate location of the project can be viewed in Google Maps: <u>https://www.google.com/maps/@45.54724225,-84.78040463639711,14z</u>



# **QUALIFICATION INTERVIEW**

1. Are there any possible effects to any listed species or to designated critical habitat from your project or effects from any other actions or projects subsequently made possible by your project?

Select "Yes" even if the expected effects to the species or critical habitat are expected to be 1) extremely unlikely (discountable), 2) can't meaningfully be measured, detected, or evaluated (insignificant), or 3) wholly beneficial.

Select "No" to confirm that the project details and supporting information allow you to conclude that listed species and their habitats will not be exposed to any effects (including discountable, insignificant, or beneficial effects) and therefore, you have made a "no effect" determination for all species. If you are unsure, select YES to answer additional questions about your project.

Yes

2. This determination key is intended to assist the user in the evaluating the effects of their actions on Federally listed species in Michigan. It does not cover other prohibited activities under the Endangered Species Act (e.g., for wildlife: import/export, Interstate or foreign commerce, possession of illegally taken wildlife, purposeful take for scientific purposes or to enhance the survival of a species, etc.; for plants: import/export, reduce to possession, malicious destruction on Federal lands, commercial sale, etc.) or other statutes. Click yes to acknowledge that you must consider other prohibitions of the ESA or other statutes outside of this determination key.

Yes

3. Is the action the approval of a long-term (i.e., in effect greater than 10 years) permit, plan, or other action? (e.g., a new or re-issued hydropower license, a large-scale land management plan, or other kinds of documents that provide direction for projects or actions that may be conducted over a long term (>10 years) without the need for additional section 7 consultation).

No

- 4. Is the action being funded, authorized, or carried out by a Federal agency? *Yes*
- 5. Does the action involve the installation or operation of wind turbines?

No

6. Are there at least 30 days prior to your action occurring? Endangered species consultation must be completed before taking any action that may have effects to listed species. The Service also needs 30 days to review projects before we can verify conclusions in some dkey output letters. For example, if you have already started some components of the project on the ground (e.g., removed vegetation) before completing this key, answer "no" to this question. The only exception is if you have a Michigan Field Office pre-approved emergence survey (i.e., if you have conducted pre-approved emergence surveys for listed bats before tree removal, you can still answer yes to this question).

Yes

7. Does the action involve constructing a new communications tower or modifying an existing communications tower?

No

8. Does the activity involve aerial or other large-scale application of any chemical (including insecticide, herbicide, etc.)?

No

9. Does your project include water withdrawal (ground or surface water) greater than 10,000 gallons/day?

No

10. Will your action permanently affect hydrology?

No

11. Will your action temporarily affect hydrology?

No

- 12. Will your project have any direct impacts to a stream or river (e.g., Horizontal Directional Drilling (HDD), hydrostatic testing, stream/road crossings, new storm-water outfall discharge, dams, other in-stream work, changes to water quality or hydrology, etc.)? *No*
- 13. Does your project have the potential to indirectly impact the stream/river or the riparian zone (e.g., cut and fill, horizontal directional drilling, hydrostatic testing, construction, vegetation removal, discharge, changes to water quality or hydrology, etc.)? *No*
- 14. Will your action disturb the ground or existing vegetation? This includes any off road vehicle access, soil compaction, digging, seismic survey, directional drilling, heavy equipment, grading, trenching, placement of fill, pesticide application, vegetation management (including removal or maintenance using equipment or chemicals), cultivation, development, etc.

Yes

15. Is the action a utility-scale solar development project?

Note: Solar projects are considered utility scale if they will be 1 megawatt or larger.

No

- 16. [Hidden semantic] Does the action intersect the MOBU AOI?Automatically answeredYes
- 17. Under the ESA, monarchs remain warranted but precluded by listing actions of higher priority. The monarch is a candidate for listing at this time. The Endangered Species Act does not establish protections or consultation requirements for candidate species. Some Federal and State agencies may have policy requirements to consider candidate species in planning. We encourage implementing measures that will remove or reduce threats to these species and possibly make listing unnecessary. If your project will have no effect on monarch butterflies (for example, if your project won't affect their habitat or individuals), then you can make a "no effect" determination for this project. Are you making a "no effect" determination for monarch?

Yes

18. [Hidden Semantic] Does the action intersect the Eastern massasauga rattlesnake area of influence?

Automatically answered Yes

19. Does your action involve prescribed fire?

No

20. Will this action occur entirely in the Eastern massasauga rattlesnake inactive season (October 2 through April 30)?

No

21. Will this action occur entirely in the Eastern massasauga rattlesnake active season (May 1 through October 1)?

No

22. Will the action result in permanent loss of more than one acre of wetland or conversion of more than 10 acres of uplands of potential Eastern massasauga rattlesnake habitat (uplands associated with high quality wetland habitat) to other land uses?

No

23. Will you use <u>wildlife safe materials</u> for erosion control and site restoration and eliminate the use of erosion control products containing plastic mesh netting or other similar material that could ensnare Eastern massasauga rattlesnake?

Yes

24. Will you watch MDNR's <u>"60-Second Snakes: The Eastern Massasauga Rattlesnake</u> (<u>EMR</u>)" video, review the <u>EMR factsheet</u> or call 517-351-2555 to increase human safety and awareness of EMR?

Yes

25. Will all action personnel report any Eastern massasauga rattlesnake observations, or observation of any other listed threatened or endangered species, during action implementation to the Service within 24 hours?

Yes

26. [Hidden Semantic] Does the action area intersect the rufa red knot area of influence? Automatically answered

Yes

27. [Hidden Semantic] Does the action intersect the area of influence for Michigan monkey-flower?

Automatically answered *Yes* 

28. Does the action area include cold calcareous springs, seeps or streams, emergent marsh, Great Lakes marsh, Hardwood-conifer swamp, northern wet meadow, rich conifer swamp, sand/gravel beach, or headwater streams (1st/2nd order)?

No

29. [Hidden Semantic] Does the action area intersect the area of influence for Pitcher's thistle? Automatically answered

Yes

30. [Hidden Semantic] Does the action intersect Hungerford's crawling water beetle area of influence?

Automatically answered Yes

# **IPAC USER CONTACT INFORMATION**

Agency:Pellston villageName:Deborah GibsonAddress:34000 Plymouth RdCity:livoniaState:MIZip:48150Emaildebbie.gibson@ohm-advisors.comPhone:7343234144

## LEAD AGENCY CONTACT INFORMATION

Lead Agency: Pellston village



# United States Department of the Interior

FISH AND WILDLIFE SERVICE Michigan Ecological Services Field Office 2651 Coolidge Road Suite 101 East Lansing, MI 48823-6360 Phone: (517) 351-2555 Fax: (517) 351-1443



In Reply Refer To: Project code: 2025-0068003 Project Name: ROW to US-31 6 WM - Pellston 03/12/2025 17:53:10 UTC

Subject: Verification letter for the project named 'ROW to US-31 6 WM - Pellston' for specified threatened and endangered species that may occur in your proposed project location consistent with the Michigan Endangered Species Determination Key (Michigan DKey)

Dear Wade Rose:

The U.S. Fish and Wildlife Service (Service) received on **March 12, 2025** your effect determination(s) for the 'ROW to US-31 6 WM - Pellston' (the Action) using the Michigan DKey within the Information for Planning and Consultation (IPaC) system. The Service developed this system in accordance with the Endangered Species Act of 1973 (ESA) (87 Stat.884, as amended; 16 U.S.C. 1531 et seq.).

Based on your answers and the assistance of the Service's Michigan DKey, you made the following effect determination(s) for the proposed Action:

Species	Listing Status	Determination
Eastern Massasauga (=rattlesnake) (Sistrurus catenatus)	Threatened	NLAA
Hungerford's Crawling Water Beetle (Brychius	Endangered	No effect
hungerfordi)		
Michigan Monkey-flower ( <i>Mimulus michiganensis</i> )	Endangered	No effect
Monarch Butterfly ( <i>Danaus plexippus</i> )	Proposed	No effect
	Threatened	
Pitcher's Thistle (Cirsium pitcheri)	Threatened	No effect
Rufa Red Knot (Calidris canutus rufa)	Threatened	No effect

The Service will notify you within 30 calendar days if we determine that this proposed Action does not meet the criteria for a "may affect, not likely to adversely affect" (NLAA) determination for Federally listed species in Michigan. If we do not notify you within that timeframe, you may proceed with the Action under the terms of the NLAA concurrence provided here. This verification period allows the Michigan Ecological Services Field Office to apply local

knowledge to evaluation of the Action, as we may identify a small subset of actions having impacts that were unanticipated. In such instances, the Michigan Ecological Services Field Office may request additional information to verify the effects determination reached through the Michigan DKey.

Your agency has met consultation requirements by informing the Service of your "No Effect" determination(s). No consultation is required for species that you determined will not be affected by the Action.

Please provide sufficient project details on your project homepage in IPaC (Define Project, Project Description) to support your conclusions and the Service's 30-day review period. Failure to disclose important aspects of your project that would influence the outcome of your effects determinations may negate your determinations and invalidate this letter. If you have site-specific information that leads you to believe a different determination is more appropriate for your project than what the Dkey concludes, you can and should proceed based on the best available information.

The Service recommends that you contact the Service or re-evaluate the project in IPaC if: 1) the scope or location of the proposed Action is changed; 2) new information reveals that the action may affect listed species or designated critical habitat in a manner or to an extent not previously considered; 3) the Action is modified in a manner that causes effects to listed species or designated critical habitat; or 4) a new species is listed or critical habitat designated. If any of the above conditions occurs, additional consultation with the Service should take place before project changes are final or resources committed.

For non-Federal representatives: Please note that when a project requires consultation under section 7 of the Act, the Service must consult directly with the Federal action agency unless that agency formally designates a non-Federal representative (50 CFR 402.08). Non-Federal representatives may prepare analyses or conduct informal consultations; however, the ultimate responsibility for section 7 compliance under the Act remains with the Federal agency. If the Federal agency concurs with your determination, the project as proposed has completed section 7 consultation. All documents and supporting correspondence should be provided to the Federal agency for their records.

#### **Bald and Golden Eagles:**

Bald eagles, golden eagles, and their nests are protected under the Bald and Golden Eagle Protection Act (54 Stat. 250, as amended, 16 U.S.C. 668a-d) (Eagle Act). The Eagle Act prohibits, except when authorized by an Eagle Act permit, the "taking" of bald and golden eagles and defines "take" as "pursue, shoot, shoot at, poison, wound, kill, capture, trap, collect, molest or disturb." The Eagle Act's implementing regulations define disturb as "…to agitate or bother a bald or golden eagle to a degree that causes, or is likely to cause, based on the best scientific information available, (1) injury to an eagle, (2) a decrease in its productivity, by substantially interfering with normal breeding, feeding, or sheltering behavior, or (3) nest abandonment, by substantially interfering with normal breeding, feeding, or sheltering behavior."

If the Action may impact bald or golden eagles, additional coordination with the Service under the Eagle Act may be required. For more information on eagles and conducting activities in the vicinity of an eagle nest, please visit https://www.fws.gov/library/collections/all-about-eagles. In addition, the Service developed the National Bald Eagle Management Guidelines (May 2007) in order to assist landowners in avoiding the disturbance of bald eagles. The full Guidelines are available at https://www.fws.gov/media/national-bald-eagle-management-guidelines-0.

If you have further questions regarding potential impacts to eagles, please contact Chris Mensing, Chris\_Mensing@fws.gov or 517-351-2555.

### Monarch butterfly and other pollinators

In December 2020, after an extensive status assessment of the monarch butterfly, we determined that listing the monarch under the Endangered Species Act is warranted but precluded by higher priority actions to amend the Lists of Endangered and Threatened Wildlife and Plants. Therefore, the Service added the monarch butterfly to the candidate list. The Service will review its status each year until we are able to begin developing a proposal to list the monarch.

The Endangered Species Act does not establish protections or consultation requirements for candidate species. Some Federal and State agencies may have policy requirements to consider candidate species in planning. We encourage implementing measures that will remove or reduce threats to these species and possibly make listing unnecessary.

For all projects, we recommend the following best management practices (BMPs) to benefit monarch and other pollinators.

Monarch and Pollinator BMP Recommendations

Consider monarch and other pollinators in your project planning when possible. Many pollinators are declining, including species that pollinate key agricultural crops and help maintain natural plant communities. Planting a diverse group of native plant species will help support the nutritional needs of Michigan's pollinators. We recommend a mix of flowering trees, shrubs, and herbaceous plants so that something is always blooming and pollen is available during the active periods of the pollinators, roughly early spring through fall (mid-March to mid-October). To benefit a wide variety of pollinators, choose a wide range of flowers with diverse colors, heights, structure, and flower shape. It is important to provide host plants for any known butterfly species at your site, including native milkweed for Monarch butterfly. Incorporating a water source (e.g., ephemeral pool or low area) and basking areas (rocks or bare ground) will provide additional resources for pollinators.

Many pollinators need a safe place to build their nests and overwinter. During spring and summer, leave some areas unmowed or minimize the impacts from mowing (e.g., decrease frequency, increase vegetation height). In fall, leave areas unraked and leave plant stems standing. Leave patches of bare soil for ground nesting pollinators.

Avoid or limit pesticide use. Pesticides can kill more than the target pest. Some pesticide residues can kill pollinators for several days after the pesticide is applied. Pesticides can also kill natural predators, which can lead to even worse pest problems.

Planting native wildflowers can also reduce the need to mow and water, improve bank stabilization by reducing erosion, and improve groundwater recharge and water quality.

Resources:

#### https://www.fws.gov/initiative/monarchs https://www.fws.gov/library/collections/pollinators

#### Wetland impacts:

Section 404 of the Clean Water Act of 1977 (CWA) regulates the discharge of dredged or fill material into waters (including wetlands) of the United States. Regulations require that activities permitted under the CWA (including wetland permits issued by the Michigan Department of Environment, Great Lakes, and Energy (EGLE)) not jeopardize the continued existence of species listed as endangered or threatened. Permits issued by the U.S. Army Corps of Engineers must also consider effects to listed species pursuant to section 7 of the Endangered Species Act. The Service provides comments to the agencies that may include permit conditions to help avoid or minimize impacts to wildlife resources including listed species. For this project, we consider the conservation measures you agreed to in the determination key and/or as part of your proposed action to be non-discretionary. If you apply for a wetland permit, these conservation measures should be explicitly incorporated as permit conditions. Include a copy of this letter in your wetland permit application to streamline the threatened and endangered species review process.

<u>Summary of conservation measures for your project</u> You agreed to the following conservation measures to avoid adverse effects to listed species and our concurrence is only valid if the measures are fully implemented. These must be included as permit conditions if a permit is required and/or included in any contract language.

**Eastern massasauga:** Materials used for erosion control and site restoration must be wildlifefriendly. Do not use erosion control products containing plastic mesh netting or other similar material that could entangle eastern massasauga rattlesnake (EMR). Several products for soil erosion and control exist that do not contain plastic netting including net-less erosion control blankets (for example, made of excelsior), loose mulch, hydraulic mulch, soil binders, unreinforced silt fences, and straw bales. Others are made from natural fibers (such as jute) and loosely woven together in a manner that allows wildlife to wiggle free.

**Eastern massasauga:** To increase human safety and awareness of EMR, those implementing the project must first review the EMR factsheet (available at https://www.fws.gov/media/eastern-massasauga-rattlesnake-fact-sheet), and watch MDNR's "60-Second Snakes: The Eastern Massasauga Rattlesnake" video (available at https://www.youtube.com/watch?v=-PFnXe\_e02w).

**Eastern massasauga:** During project implementation, report sightings of any federally listed species, including EMR, to the Service within 24 hours.

**Eastern massasauga:** The project will not result in permanent loss of more than one acre of wetland or conversion of more than 10 acres of EMR upland habitat (uplands associated with high quality wetland habitat) to other land uses.

### **Action Description**

You provided to IPaC the following name and description for the subject Action.

### 1. Name

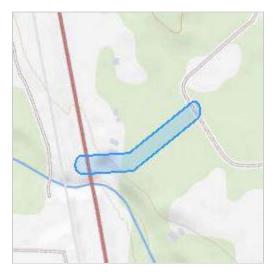
ROW to US-31 6 WM - Pellston

### 2. Description

The following description was provided for the project 'ROW to US-31 6 WM - Pellston':

The project area is located within the utility ROW between White Pine Dr and US-31 in Pellston MI. The project area is in a utility cooridor and the project area consist of nerbaceous vegetation and bordered by forests. The project will involve the installation of 6" water main, service leads, valves and hydrants via open cut and trenching. The project is in the design phase and has no start date.

The approximate location of the project can be viewed in Google Maps: <u>https://www.google.com/maps/@45.54079215,-84.78150801930914,14z</u>



# **QUALIFICATION INTERVIEW**

1. Are there any possible effects to any listed species or to designated critical habitat from your project or effects from any other actions or projects subsequently made possible by your project?

Select "Yes" even if the expected effects to the species or critical habitat are expected to be 1) extremely unlikely (discountable), 2) can't meaningfully be measured, detected, or evaluated (insignificant), or 3) wholly beneficial.

Select "No" to confirm that the project details and supporting information allow you to conclude that listed species and their habitats will not be exposed to any effects (including discountable, insignificant, or beneficial effects) and therefore, you have made a "no effect" determination for all species. If you are unsure, select YES to answer additional questions about your project.

Yes

2. This determination key is intended to assist the user in the evaluating the effects of their actions on Federally listed species in Michigan. It does not cover other prohibited activities under the Endangered Species Act (e.g., for wildlife: import/export, Interstate or foreign commerce, possession of illegally taken wildlife, purposeful take for scientific purposes or to enhance the survival of a species, etc.; for plants: import/export, reduce to possession, malicious destruction on Federal lands, commercial sale, etc.) or other statutes. Click yes to acknowledge that you must consider other prohibitions of the ESA or other statutes outside of this determination key.

Yes

3. Is the action the approval of a long-term (i.e., in effect greater than 10 years) permit, plan, or other action? (e.g., a new or re-issued hydropower license, a large-scale land management plan, or other kinds of documents that provide direction for projects or actions that may be conducted over a long term (>10 years) without the need for additional section 7 consultation).

No

- 4. Is the action being funded, authorized, or carried out by a Federal agency? *Yes*
- 5. Does the action involve the installation or operation of wind turbines?

No

6. Are there at least 30 days prior to your action occurring? Endangered species consultation must be completed before taking any action that may have effects to listed species. The Service also needs 30 days to review projects before we can verify conclusions in some dkey output letters. For example, if you have already started some components of the project on the ground (e.g., removed vegetation) before completing this key, answer "no" to this question. The only exception is if you have a Michigan Field Office pre-approved emergence survey (i.e., if you have conducted pre-approved emergence surveys for listed bats before tree removal, you can still answer yes to this question).

Yes

7. Does the action involve constructing a new communications tower or modifying an existing communications tower?

No

8. Does the activity involve aerial or other large-scale application of any chemical (including insecticide, herbicide, etc.)?

No

9. Does your project include water withdrawal (ground or surface water) greater than 10,000 gallons/day?

No

10. Will your action permanently affect hydrology?

No

11. Will your action temporarily affect hydrology?

No

- 12. Will your project have any direct impacts to a stream or river (e.g., Horizontal Directional Drilling (HDD), hydrostatic testing, stream/road crossings, new storm-water outfall discharge, dams, other in-stream work, changes to water quality or hydrology, etc.)? *No*
- 13. Does your project have the potential to indirectly impact the stream/river or the riparian zone (e.g., cut and fill, horizontal directional drilling, hydrostatic testing, construction, vegetation removal, discharge, changes to water quality or hydrology, etc.)?

Yes

14. Are you applying for one of the following Michigan EGLE/Army Corps of Engineers joint permit application Minor Permit (MP) Categories:

MP 3 - Boat Hoist; MP 5 - Boal Wells; MP 7 - Completed Enforcement Actions; MP 13 - Dock;

- MP 22 Fish and Wildlife Habitat Structures;
- MP 25 Ford Stream Crossings for Commercial Forestry Operations;
- MP 31 Maintenance and Repair of Serviceable Structures;
- MP 52 Temporary Recreational Structures;
- MP 54 Wetland Habitat Restoration and Enhancement?

Verify the MP category number and associated description matches your project/ application (https://www.michigan.gov/documents/egle/WRD-Minor-Project-Categories\_733320\_7.pdf). If you don't know what category applies for your project, answer no to this question.

No

- 15. Are you applying for one of the following Michigan EGLE/Army Corps of Engineers joint permit application General Permit (GP) Categories:
  - GPA Aids to Navigation;
  - GP C Clear Span Bridge;
  - GP J Dry Fire Hydrant;
  - GP O Minor Permit Revisions and Transfers;
  - GP Q Mooring Buoy;
  - GPW Scientific Measuring Devices;
  - GP X Snow Road Stream Crossings for Forestry Operations;
  - GP Z Spring Piles and Piling Clusters?

Verify the GP category number and associated description matches your project/ application (https://www.michigan.gov/documents/deq/wrd-general-permitcategories\_555828\_7.pdf). If you don't know what category applies for your project, answer no to this question.

No

16. Will your action disturb the ground or existing vegetation? This includes any off road vehicle access, soil compaction, digging, seismic survey, directional drilling, heavy equipment, grading, trenching, placement of fill, pesticide application, vegetation management (including removal or maintenance using equipment or chemicals), cultivation, development, etc.

Yes

17. Is the action a utility-scale solar development project?

**Note:**Solar projects are considered utility scale if they will be 1 megawatt or larger.

No

- 18. [Hidden semantic] Does the action intersect the MOBU AOI?Automatically answeredYes
- 19. Under the ESA, monarchs remain warranted but precluded by listing actions of higher priority. The monarch is a candidate for listing at this time. The Endangered Species Act does not establish protections or consultation requirements for candidate species. Some Federal and State agencies may have policy requirements to consider candidate species in planning. We encourage implementing measures that will remove or reduce threats to these species and possibly make listing unnecessary. If your project will have no effect on monarch butterflies (for example, if your project won't affect their habitat or individuals), then you can make a "no effect" determination for this project. Are you making a "no effect" determination for monarch?

Yes

20. [Hidden Semantic] Does the action intersect the Eastern massasauga rattlesnake area of influence?

Automatically answered Yes

21. Does your action involve prescribed fire?

No

22. Will this action occur entirely in the Eastern massasauga rattlesnake inactive season (October 2 through April 30)?

No

23. Will this action occur entirely in the Eastern massasauga rattlesnake active season (May 1 through October 1)?

No

24. Will the action result in permanent loss of more than one acre of wetland or conversion of more than 10 acres of uplands of potential Eastern massasauga rattlesnake habitat (uplands associated with high quality wetland habitat) to other land uses?

No

25. Will you use <u>wildlife safe materials</u> for erosion control and site restoration and eliminate the use of erosion control products containing plastic mesh netting or other similar material that could ensnare Eastern massasauga rattlesnake?

Yes

26. Will you watch MDNR's <u>"60-Second Snakes: The Eastern Massasauga Rattlesnake</u> (<u>EMR</u>)" video, review the <u>EMR factsheet</u> or call 517-351-2555 to increase human safety and awareness of EMR?

Yes

27. Will all action personnel report any Eastern massasauga rattlesnake observations, or observation of any other listed threatened or endangered species, during action implementation to the Service within 24 hours?

Yes

28. [Hidden Semantic] Does the action area intersect the rufa red knot area of influence? Automatically answered
Van

Yes

29. [Hidden Semantic] Does the action intersect the area of influence for Michigan monkey-flower?

Automatically answered *Yes* 

- 30. [Hidden Semantic] Does the action area intersect the area of influence for Pitcher's thistle? **Automatically answered** *Yes*
- 31. [Hidden Semantic] Does the action intersect Hungerford's crawling water beetle area of influence?

Automatically answered *Yes* 

# **IPAC USER CONTACT INFORMATION**

Agency:Pellston villageName:Wade RoseAddress:34000 Plymouth RdCity:LivoniaState:MIZip:48150Emailwade.rose@ohm-advisors.comPhone:2482914573

## LEAD AGENCY CONTACT INFORMATION

Lead Agency: Pellston village



# United States Department of the Interior

FISH AND WILDLIFE SERVICE Michigan Ecological Services Field Office 2651 Coolidge Road Suite 101 East Lansing, MI 48823-6360 Phone: (517) 351-2555 Fax: (517) 351-1443



In Reply Refer To: Project code: 2025-0067943 Project Name: State St - McRae to Milton 6 WM - Pellston

03/12/2025 16:43:50 UTC

Subject: Verification letter for the project named 'State St - McRae to Milton 6 WM - Pellston' for specified threatened and endangered species that may occur in your proposed project location consistent with the Michigan Endangered Species Determination Key (Michigan DKey)

Dear Wade Rose:

The U.S. Fish and Wildlife Service (Service) received on **March 12, 2025** your effect determination(s) for the 'State St - McRae to Milton 6 WM - Pellston' (the Action) using the Michigan DKey within the Information for Planning and Consultation (IPaC) system. The Service developed this system in accordance with the Endangered Species Act of 1973 (ESA) (87 Stat.884, as amended; 16 U.S.C. 1531 et seq.).

Based on your answers and the assistance of the Service's Michigan DKey, you made the following effect determination(s) for the proposed Action:

Species	Listing Status	Determination
Eastern Massasauga (=rattlesnake) (Sistrurus catenatus)	Threatened	NLAA
Hungerford's Crawling Water Beetle (Brychius	Endangered	No effect
hungerfordi)		
Michigan Monkey-flower (Mimulus michiganensis)	Endangered	No effect
Monarch Butterfly (Danaus plexippus)	Proposed	No effect
	Threatened	
Pitcher's Thistle (Cirsium pitcheri)	Threatened	No effect
Rufa Red Knot (Calidris canutus rufa)	Threatened	No effect

The Service will notify you within 30 calendar days if we determine that this proposed Action does not meet the criteria for a "may affect, not likely to adversely affect" (NLAA) determination for Federally listed species in Michigan. If we do not notify you within that timeframe, you may proceed with the Action under the terms of the NLAA concurrence provided here. This verification period allows the Michigan Ecological Services Field Office to apply local

knowledge to evaluation of the Action, as we may identify a small subset of actions having impacts that were unanticipated. In such instances, the Michigan Ecological Services Field Office may request additional information to verify the effects determination reached through the Michigan DKey.

Your agency has met consultation requirements by informing the Service of your "No Effect" determination(s). No consultation is required for species that you determined will not be affected by the Action.

Please provide sufficient project details on your project homepage in IPaC (Define Project, Project Description) to support your conclusions and the Service's 30-day review period. Failure to disclose important aspects of your project that would influence the outcome of your effects determinations may negate your determinations and invalidate this letter. If you have site-specific information that leads you to believe a different determination is more appropriate for your project than what the Dkey concludes, you can and should proceed based on the best available information.

The Service recommends that you contact the Service or re-evaluate the project in IPaC if: 1) the scope or location of the proposed Action is changed; 2) new information reveals that the action may affect listed species or designated critical habitat in a manner or to an extent not previously considered; 3) the Action is modified in a manner that causes effects to listed species or designated critical habitat; or 4) a new species is listed or critical habitat designated. If any of the above conditions occurs, additional consultation with the Service should take place before project changes are final or resources committed.

For non-Federal representatives: Please note that when a project requires consultation under section 7 of the Act, the Service must consult directly with the Federal action agency unless that agency formally designates a non-Federal representative (50 CFR 402.08). Non-Federal representatives may prepare analyses or conduct informal consultations; however, the ultimate responsibility for section 7 compliance under the Act remains with the Federal agency. If the Federal agency concurs with your determination, the project as proposed has completed section 7 consultation. All documents and supporting correspondence should be provided to the Federal agency for their records.

#### **Bald and Golden Eagles:**

Bald eagles, golden eagles, and their nests are protected under the Bald and Golden Eagle Protection Act (54 Stat. 250, as amended, 16 U.S.C. 668a-d) (Eagle Act). The Eagle Act prohibits, except when authorized by an Eagle Act permit, the "taking" of bald and golden eagles and defines "take" as "pursue, shoot, shoot at, poison, wound, kill, capture, trap, collect, molest or disturb." The Eagle Act's implementing regulations define disturb as "…to agitate or bother a bald or golden eagle to a degree that causes, or is likely to cause, based on the best scientific information available, (1) injury to an eagle, (2) a decrease in its productivity, by substantially interfering with normal breeding, feeding, or sheltering behavior, or (3) nest abandonment, by substantially interfering with normal breeding, feeding, or sheltering behavior."

If the Action may impact bald or golden eagles, additional coordination with the Service under the Eagle Act may be required. For more information on eagles and conducting activities in the vicinity of an eagle nest, please visit https://www.fws.gov/library/collections/all-about-eagles. In addition, the Service developed the National Bald Eagle Management Guidelines (May 2007) in order to assist landowners in avoiding the disturbance of bald eagles. The full Guidelines are available at https://www.fws.gov/media/national-bald-eagle-management-guidelines-0.

If you have further questions regarding potential impacts to eagles, please contact Chris Mensing, Chris\_Mensing@fws.gov or 517-351-2555.

### Monarch butterfly and other pollinators

In December 2020, after an extensive status assessment of the monarch butterfly, we determined that listing the monarch under the Endangered Species Act is warranted but precluded by higher priority actions to amend the Lists of Endangered and Threatened Wildlife and Plants. Therefore, the Service added the monarch butterfly to the candidate list. The Service will review its status each year until we are able to begin developing a proposal to list the monarch.

The Endangered Species Act does not establish protections or consultation requirements for candidate species. Some Federal and State agencies may have policy requirements to consider candidate species in planning. We encourage implementing measures that will remove or reduce threats to these species and possibly make listing unnecessary.

For all projects, we recommend the following best management practices (BMPs) to benefit monarch and other pollinators.

Monarch and Pollinator BMP Recommendations

Consider monarch and other pollinators in your project planning when possible. Many pollinators are declining, including species that pollinate key agricultural crops and help maintain natural plant communities. Planting a diverse group of native plant species will help support the nutritional needs of Michigan's pollinators. We recommend a mix of flowering trees, shrubs, and herbaceous plants so that something is always blooming and pollen is available during the active periods of the pollinators, roughly early spring through fall (mid-March to mid-October). To benefit a wide variety of pollinators, choose a wide range of flowers with diverse colors, heights, structure, and flower shape. It is important to provide host plants for any known butterfly species at your site, including native milkweed for Monarch butterfly. Incorporating a water source (e.g., ephemeral pool or low area) and basking areas (rocks or bare ground) will provide additional resources for pollinators.

Many pollinators need a safe place to build their nests and overwinter. During spring and summer, leave some areas unmowed or minimize the impacts from mowing (e.g., decrease frequency, increase vegetation height). In fall, leave areas unraked and leave plant stems standing. Leave patches of bare soil for ground nesting pollinators.

Avoid or limit pesticide use. Pesticides can kill more than the target pest. Some pesticide residues can kill pollinators for several days after the pesticide is applied. Pesticides can also kill natural predators, which can lead to even worse pest problems.

Planting native wildflowers can also reduce the need to mow and water, improve bank stabilization by reducing erosion, and improve groundwater recharge and water quality.

Resources:

#### https://www.fws.gov/initiative/monarchs https://www.fws.gov/library/collections/pollinators

#### Wetland impacts:

Section 404 of the Clean Water Act of 1977 (CWA) regulates the discharge of dredged or fill material into waters (including wetlands) of the United States. Regulations require that activities permitted under the CWA (including wetland permits issued by the Michigan Department of Environment, Great Lakes, and Energy (EGLE)) not jeopardize the continued existence of species listed as endangered or threatened. Permits issued by the U.S. Army Corps of Engineers must also consider effects to listed species pursuant to section 7 of the Endangered Species Act. The Service provides comments to the agencies that may include permit conditions to help avoid or minimize impacts to wildlife resources including listed species. For this project, we consider the conservation measures you agreed to in the determination key and/or as part of your proposed action to be non-discretionary. If you apply for a wetland permit, these conservation measures should be explicitly incorporated as permit conditions. Include a copy of this letter in your wetland permit application to streamline the threatened and endangered species review process.

<u>Summary of conservation measures for your project</u> You agreed to the following conservation measures to avoid adverse effects to listed species and our concurrence is only valid if the measures are fully implemented. These must be included as permit conditions if a permit is required and/or included in any contract language.

**Eastern massasauga:** Materials used for erosion control and site restoration must be wildlifefriendly. Do not use erosion control products containing plastic mesh netting or other similar material that could entangle eastern massasauga rattlesnake (EMR). Several products for soil erosion and control exist that do not contain plastic netting including net-less erosion control blankets (for example, made of excelsior), loose mulch, hydraulic mulch, soil binders, unreinforced silt fences, and straw bales. Others are made from natural fibers (such as jute) and loosely woven together in a manner that allows wildlife to wiggle free.

**Eastern massasauga:** To increase human safety and awareness of EMR, those implementing the project must first review the EMR factsheet (available at https://www.fws.gov/media/eastern-massasauga-rattlesnake-fact-sheet), and watch MDNR's "60-Second Snakes: The Eastern Massasauga Rattlesnake" video (available at https://www.youtube.com/watch?v=-PFnXe\_e02w).

**Eastern massasauga:** During project implementation, report sightings of any federally listed species, including EMR, to the Service within 24 hours.

**Eastern massasauga:** The project will not result in permanent loss of more than one acre of wetland or conversion of more than 10 acres of EMR upland habitat (uplands associated with high quality wetland habitat) to other land uses.

#### **Action Description**

You provided to IPaC the following name and description for the subject Action.

#### 1. Name

State St - McRae to Milton 6 WM - Pellston

#### 2. Description

The following description was provided for the project 'State St - McRae to Milton 6 WM - Pellston':

The project area is located within the road ROW along State St from McRae St to Milton St in Pellston MI. The project area is in a residential neighborhood and the project area consist of paved road, mowed turf grass, and landscape trees. The project will involve the installation of 6" water main, service leads, valves and hydrants via open cut and trenching. The project is in the design phase and has no start date.

The approximate location of the project can be viewed in Google Maps: <u>https://www.google.com/maps/@45.5545039,-84.78868725,14z</u>



# **QUALIFICATION INTERVIEW**

1. Are there any possible effects to any listed species or to designated critical habitat from your project or effects from any other actions or projects subsequently made possible by your project?

Select "Yes" even if the expected effects to the species or critical habitat are expected to be 1) extremely unlikely (discountable), 2) can't meaningfully be measured, detected, or evaluated (insignificant), or 3) wholly beneficial.

Select "No" to confirm that the project details and supporting information allow you to conclude that listed species and their habitats will not be exposed to any effects (including discountable, insignificant, or beneficial effects) and therefore, you have made a "no effect" determination for all species. If you are unsure, select YES to answer additional questions about your project.

Yes

2. This determination key is intended to assist the user in the evaluating the effects of their actions on Federally listed species in Michigan. It does not cover other prohibited activities under the Endangered Species Act (e.g., for wildlife: import/export, Interstate or foreign commerce, possession of illegally taken wildlife, purposeful take for scientific purposes or to enhance the survival of a species, etc.; for plants: import/export, reduce to possession, malicious destruction on Federal lands, commercial sale, etc.) or other statutes. Click yes to acknowledge that you must consider other prohibitions of the ESA or other statutes outside of this determination key.

Yes

3. Is the action the approval of a long-term (i.e., in effect greater than 10 years) permit, plan, or other action? (e.g., a new or re-issued hydropower license, a large-scale land management plan, or other kinds of documents that provide direction for projects or actions that may be conducted over a long term (>10 years) without the need for additional section 7 consultation).

No

- 4. Is the action being funded, authorized, or carried out by a Federal agency? *Yes*
- 5. Does the action involve the installation or operation of wind turbines?

No

6. Are there at least 30 days prior to your action occurring? Endangered species consultation must be completed before taking any action that may have effects to listed species. The Service also needs 30 days to review projects before we can verify conclusions in some dkey output letters. For example, if you have already started some components of the project on the ground (e.g., removed vegetation) before completing this key, answer "no" to this question. The only exception is if you have a Michigan Field Office pre-approved emergence survey (i.e., if you have conducted pre-approved emergence surveys for listed bats before tree removal, you can still answer yes to this question).

Yes

7. Does the action involve constructing a new communications tower or modifying an existing communications tower?

No

8. Does the activity involve aerial or other large-scale application of any chemical (including insecticide, herbicide, etc.)?

No

9. Does your project include water withdrawal (ground or surface water) greater than 10,000 gallons/day?

No

10. Will your action permanently affect hydrology?

No

11. Will your action temporarily affect hydrology?

No

- 12. Will your project have any direct impacts to a stream or river (e.g., Horizontal Directional Drilling (HDD), hydrostatic testing, stream/road crossings, new storm-water outfall discharge, dams, other in-stream work, changes to water quality or hydrology, etc.)? *No*
- 13. Does your project have the potential to indirectly impact the stream/river or the riparian zone (e.g., cut and fill, horizontal directional drilling, hydrostatic testing, construction, vegetation removal, discharge, changes to water quality or hydrology, etc.)? *No*
- 14. Will your action disturb the ground or existing vegetation? This includes any off road vehicle access, soil compaction, digging, seismic survey, directional drilling, heavy equipment, grading, trenching, placement of fill, pesticide application, vegetation management (including removal or maintenance using equipment or chemicals), cultivation, development, etc.

Yes

15. Is the action a utility-scale solar development project?

Note: Solar projects are considered utility scale if they will be 1 megawatt or larger.

No

- 16. [Hidden semantic] Does the action intersect the MOBU AOI?Automatically answeredYes
- 17. Under the ESA, monarchs remain warranted but precluded by listing actions of higher priority. The monarch is a candidate for listing at this time. The Endangered Species Act does not establish protections or consultation requirements for candidate species. Some Federal and State agencies may have policy requirements to consider candidate species in planning. We encourage implementing measures that will remove or reduce threats to these species and possibly make listing unnecessary. If your project will have no effect on monarch butterflies (for example, if your project won't affect their habitat or individuals), then you can make a "no effect" determination for this project. Are you making a "no effect" determination for monarch?

Yes

18. [Hidden Semantic] Does the action intersect the Eastern massasauga rattlesnake area of influence?

Automatically answered Yes

19. Does your action involve prescribed fire?

No

20. Will this action occur entirely in the Eastern massasauga rattlesnake inactive season (October 2 through April 30)?

No

21. Will this action occur entirely in the Eastern massasauga rattlesnake active season (May 1 through October 1)?

No

22. Will the action result in permanent loss of more than one acre of wetland or conversion of more than 10 acres of uplands of potential Eastern massasauga rattlesnake habitat (uplands associated with high quality wetland habitat) to other land uses?

No

23. Will you use <u>wildlife safe materials</u> for erosion control and site restoration and eliminate the use of erosion control products containing plastic mesh netting or other similar material that could ensnare Eastern massasauga rattlesnake?

Yes

24. Will you watch MDNR's <u>"60-Second Snakes: The Eastern Massasauga Rattlesnake</u> (<u>EMR</u>)" video, review the <u>EMR factsheet</u> or call 517-351-2555 to increase human safety and awareness of EMR?

Yes

25. Will all action personnel report any Eastern massasauga rattlesnake observations, or observation of any other listed threatened or endangered species, during action implementation to the Service within 24 hours?

Yes

26. [Hidden Semantic] Does the action area intersect the rufa red knot area of influence? Automatically answered

Yes

27. [Hidden Semantic] Does the action intersect the area of influence for Michigan monkey-flower?

Automatically answered *Yes* 

- 28. [Hidden Semantic] Does the action area intersect the area of influence for Pitcher's thistle? Automatically answered Yes
- 29. [Hidden Semantic] Does the action intersect Hungerford's crawling water beetle area of influence?

Automatically answered *Yes* 

# **IPAC USER CONTACT INFORMATION**

Agency:Pellston villageName:Wade RoseAddress:34000 Plymouth RdCity:LivoniaState:MIZip:48150Emailwade.rose@ohm-advisors.comPhone:2482914573

### LEAD AGENCY CONTACT INFORMATION

Lead Agency: Pellston village



# United States Department of the Interior

FISH AND WILDLIFE SERVICE Michigan Ecological Services Field Office 2651 Coolidge Road Suite 101 East Lansing, MI 48823-6360 Phone: (517) 351-2555 Fax: (517) 351-1443



In Reply Refer To: Project code: 2025-0067881 Project Name: State St 6" WM - Pellston 03/12/2025 15:51:32 UTC

Subject: Verification letter for the project named 'State St 6" WM - Pellston' for specified threatened and endangered species that may occur in your proposed project location consistent with the Michigan Endangered Species Determination Key (Michigan DKey)

Dear Wade Rose:

The U.S. Fish and Wildlife Service (Service) received on **March 12, 2025** your effect determination(s) for the 'State St 6'' WM - Pellston' (the Action) using the Michigan DKey within the Information for Planning and Consultation (IPaC) system. The Service developed this system in accordance with the Endangered Species Act of 1973 (ESA) (87 Stat.884, as amended; 16 U.S.C. 1531 et seq.).

Based on your answers and the assistance of the Service's Michigan DKey, you made the following effect determination(s) for the proposed Action:

Species	Listing Status	Determination
Eastern Massasauga (=rattlesnake) (Sistrurus catenatus)	Threatened	NLAA
Hungerford's Crawling Water Beetle (Brychius	Endangered	No effect
hungerfordi)		
Michigan Monkey-flower (Mimulus michiganensis)	Endangered	No effect
Monarch Butterfly (Danaus plexippus)	Proposed	No effect
	Threatened	
Pitcher's Thistle (Cirsium pitcheri)	Threatened	No effect
Rufa Red Knot (Calidris canutus rufa)	Threatened	No effect

The Service will notify you within 30 calendar days if we determine that this proposed Action does not meet the criteria for a "may affect, not likely to adversely affect" (NLAA) determination for Federally listed species in Michigan. If we do not notify you within that timeframe, you may proceed with the Action under the terms of the NLAA concurrence provided here. This verification period allows the Michigan Ecological Services Field Office to apply local

knowledge to evaluation of the Action, as we may identify a small subset of actions having impacts that were unanticipated. In such instances, the Michigan Ecological Services Field Office may request additional information to verify the effects determination reached through the Michigan DKey.

Your agency has met consultation requirements by informing the Service of your "No Effect" determination(s). No consultation is required for species that you determined will not be affected by the Action.

Please provide sufficient project details on your project homepage in IPaC (Define Project, Project Description) to support your conclusions and the Service's 30-day review period. Failure to disclose important aspects of your project that would influence the outcome of your effects determinations may negate your determinations and invalidate this letter. If you have site-specific information that leads you to believe a different determination is more appropriate for your project than what the Dkey concludes, you can and should proceed based on the best available information.

The Service recommends that you contact the Service or re-evaluate the project in IPaC if: 1) the scope or location of the proposed Action is changed; 2) new information reveals that the action may affect listed species or designated critical habitat in a manner or to an extent not previously considered; 3) the Action is modified in a manner that causes effects to listed species or designated critical habitat; or 4) a new species is listed or critical habitat designated. If any of the above conditions occurs, additional consultation with the Service should take place before project changes are final or resources committed.

For non-Federal representatives: Please note that when a project requires consultation under section 7 of the Act, the Service must consult directly with the Federal action agency unless that agency formally designates a non-Federal representative (50 CFR 402.08). Non-Federal representatives may prepare analyses or conduct informal consultations; however, the ultimate responsibility for section 7 compliance under the Act remains with the Federal agency. If the Federal agency concurs with your determination, the project as proposed has completed section 7 consultation. All documents and supporting correspondence should be provided to the Federal agency for their records.

#### **Bald and Golden Eagles:**

Bald eagles, golden eagles, and their nests are protected under the Bald and Golden Eagle Protection Act (54 Stat. 250, as amended, 16 U.S.C. 668a-d) (Eagle Act). The Eagle Act prohibits, except when authorized by an Eagle Act permit, the "taking" of bald and golden eagles and defines "take" as "pursue, shoot, shoot at, poison, wound, kill, capture, trap, collect, molest or disturb." The Eagle Act's implementing regulations define disturb as "…to agitate or bother a bald or golden eagle to a degree that causes, or is likely to cause, based on the best scientific information available, (1) injury to an eagle, (2) a decrease in its productivity, by substantially interfering with normal breeding, feeding, or sheltering behavior, or (3) nest abandonment, by substantially interfering with normal breeding, feeding, or sheltering behavior."

If the Action may impact bald or golden eagles, additional coordination with the Service under the Eagle Act may be required. For more information on eagles and conducting activities in the vicinity of an eagle nest, please visit https://www.fws.gov/library/collections/all-about-eagles. In addition, the Service developed the National Bald Eagle Management Guidelines (May 2007) in order to assist landowners in avoiding the disturbance of bald eagles. The full Guidelines are available at https://www.fws.gov/media/national-bald-eagle-management-guidelines-0.

If you have further questions regarding potential impacts to eagles, please contact Chris Mensing, Chris\_Mensing@fws.gov or 517-351-2555.

### Monarch butterfly and other pollinators

In December 2020, after an extensive status assessment of the monarch butterfly, we determined that listing the monarch under the Endangered Species Act is warranted but precluded by higher priority actions to amend the Lists of Endangered and Threatened Wildlife and Plants. Therefore, the Service added the monarch butterfly to the candidate list. The Service will review its status each year until we are able to begin developing a proposal to list the monarch.

The Endangered Species Act does not establish protections or consultation requirements for candidate species. Some Federal and State agencies may have policy requirements to consider candidate species in planning. We encourage implementing measures that will remove or reduce threats to these species and possibly make listing unnecessary.

For all projects, we recommend the following best management practices (BMPs) to benefit monarch and other pollinators.

Monarch and Pollinator BMP Recommendations

Consider monarch and other pollinators in your project planning when possible. Many pollinators are declining, including species that pollinate key agricultural crops and help maintain natural plant communities. Planting a diverse group of native plant species will help support the nutritional needs of Michigan's pollinators. We recommend a mix of flowering trees, shrubs, and herbaceous plants so that something is always blooming and pollen is available during the active periods of the pollinators, roughly early spring through fall (mid-March to mid-October). To benefit a wide variety of pollinators, choose a wide range of flowers with diverse colors, heights, structure, and flower shape. It is important to provide host plants for any known butterfly species at your site, including native milkweed for Monarch butterfly. Incorporating a water source (e.g., ephemeral pool or low area) and basking areas (rocks or bare ground) will provide additional resources for pollinators.

Many pollinators need a safe place to build their nests and overwinter. During spring and summer, leave some areas unmowed or minimize the impacts from mowing (e.g., decrease frequency, increase vegetation height). In fall, leave areas unraked and leave plant stems standing. Leave patches of bare soil for ground nesting pollinators.

Avoid or limit pesticide use. Pesticides can kill more than the target pest. Some pesticide residues can kill pollinators for several days after the pesticide is applied. Pesticides can also kill natural predators, which can lead to even worse pest problems.

Planting native wildflowers can also reduce the need to mow and water, improve bank stabilization by reducing erosion, and improve groundwater recharge and water quality.

Resources:

#### https://www.fws.gov/initiative/monarchs https://www.fws.gov/library/collections/pollinators

#### Wetland impacts:

Section 404 of the Clean Water Act of 1977 (CWA) regulates the discharge of dredged or fill material into waters (including wetlands) of the United States. Regulations require that activities permitted under the CWA (including wetland permits issued by the Michigan Department of Environment, Great Lakes, and Energy (EGLE)) not jeopardize the continued existence of species listed as endangered or threatened. Permits issued by the U.S. Army Corps of Engineers must also consider effects to listed species pursuant to section 7 of the Endangered Species Act. The Service provides comments to the agencies that may include permit conditions to help avoid or minimize impacts to wildlife resources including listed species. For this project, we consider the conservation measures you agreed to in the determination key and/or as part of your proposed action to be non-discretionary. If you apply for a wetland permit, these conservation measures should be explicitly incorporated as permit conditions. Include a copy of this letter in your wetland permit application to streamline the threatened and endangered species review process.

<u>Summary of conservation measures for your project</u> You agreed to the following conservation measures to avoid adverse effects to listed species and our concurrence is only valid if the measures are fully implemented. These must be included as permit conditions if a permit is required and/or included in any contract language.

**Eastern massasauga:** Materials used for erosion control and site restoration must be wildlifefriendly. Do not use erosion control products containing plastic mesh netting or other similar material that could entangle eastern massasauga rattlesnake (EMR). Several products for soil erosion and control exist that do not contain plastic netting including net-less erosion control blankets (for example, made of excelsior), loose mulch, hydraulic mulch, soil binders, unreinforced silt fences, and straw bales. Others are made from natural fibers (such as jute) and loosely woven together in a manner that allows wildlife to wiggle free.

**Eastern massasauga:** To increase human safety and awareness of EMR, those implementing the project must first review the EMR factsheet (available at https://www.fws.gov/media/eastern-massasauga-rattlesnake-fact-sheet), and watch MDNR's "60-Second Snakes: The Eastern Massasauga Rattlesnake" video (available at https://www.youtube.com/watch?v=-PFnXe\_e02w).

**Eastern massasauga:** During project implementation, report sightings of any federally listed species, including EMR, to the Service within 24 hours.

**Eastern massasauga:** The project will not result in permanent loss of more than one acre of wetland or conversion of more than 10 acres of EMR upland habitat (uplands associated with high quality wetland habitat) to other land uses.

### **Action Description**

You provided to IPaC the following name and description for the subject Action.

### 1. Name

State St 6" WM - Pellston

### 2. Description

The following description was provided for the project 'State St 6" WM - Pellston':

The project area is located within the road ROW along State St from east of US-31 to east of Zipf St in Pellston MI. The project area is in a residential neighborhood and the project area consist of paved road, mowed turf grass, and landscape trees. The project will involve the installation of 6" water main, service leads, valves and hydrants via open cut and trenching. The project is in the design phase and has no start date.

The approximate location of the project can be viewed in Google Maps: <u>https://www.google.com/maps/@45.55448695,-84.78047194999999,14z</u>



# **QUALIFICATION INTERVIEW**

1. Are there any possible effects to any listed species or to designated critical habitat from your project or effects from any other actions or projects subsequently made possible by your project?

Select "Yes" even if the expected effects to the species or critical habitat are expected to be 1) extremely unlikely (discountable), 2) can't meaningfully be measured, detected, or evaluated (insignificant), or 3) wholly beneficial.

Select "No" to confirm that the project details and supporting information allow you to conclude that listed species and their habitats will not be exposed to any effects (including discountable, insignificant, or beneficial effects) and therefore, you have made a "no effect" determination for all species. If you are unsure, select YES to answer additional questions about your project.

Yes

2. This determination key is intended to assist the user in the evaluating the effects of their actions on Federally listed species in Michigan. It does not cover other prohibited activities under the Endangered Species Act (e.g., for wildlife: import/export, Interstate or foreign commerce, possession of illegally taken wildlife, purposeful take for scientific purposes or to enhance the survival of a species, etc.; for plants: import/export, reduce to possession, malicious destruction on Federal lands, commercial sale, etc.) or other statutes. Click yes to acknowledge that you must consider other prohibitions of the ESA or other statutes outside of this determination key.

Yes

3. Is the action the approval of a long-term (i.e., in effect greater than 10 years) permit, plan, or other action? (e.g., a new or re-issued hydropower license, a large-scale land management plan, or other kinds of documents that provide direction for projects or actions that may be conducted over a long term (>10 years) without the need for additional section 7 consultation).

No

- 4. Is the action being funded, authorized, or carried out by a Federal agency? *Yes*
- 5. Does the action involve the installation or operation of wind turbines?

No

6. Are there at least 30 days prior to your action occurring? Endangered species consultation must be completed before taking any action that may have effects to listed species. The Service also needs 30 days to review projects before we can verify conclusions in some dkey output letters. For example, if you have already started some components of the project on the ground (e.g., removed vegetation) before completing this key, answer "no" to this question. The only exception is if you have a Michigan Field Office pre-approved emergence survey (i.e., if you have conducted pre-approved emergence surveys for listed bats before tree removal, you can still answer yes to this question).

Yes

7. Does the action involve constructing a new communications tower or modifying an existing communications tower?

No

8. Does the activity involve aerial or other large-scale application of any chemical (including insecticide, herbicide, etc.)?

No

9. Does your project include water withdrawal (ground or surface water) greater than 10,000 gallons/day?

No

10. Will your action permanently affect hydrology?

No

11. Will your action temporarily affect hydrology?

No

- 12. Will your project have any direct impacts to a stream or river (e.g., Horizontal Directional Drilling (HDD), hydrostatic testing, stream/road crossings, new storm-water outfall discharge, dams, other in-stream work, changes to water quality or hydrology, etc.)? *No*
- 13. Does your project have the potential to indirectly impact the stream/river or the riparian zone (e.g., cut and fill, horizontal directional drilling, hydrostatic testing, construction, vegetation removal, discharge, changes to water quality or hydrology, etc.)? *No*
- 14. Will your action disturb the ground or existing vegetation? This includes any off road vehicle access, soil compaction, digging, seismic survey, directional drilling, heavy equipment, grading, trenching, placement of fill, pesticide application, vegetation management (including removal or maintenance using equipment or chemicals), cultivation, development, etc.

Yes

15. Is the action a utility-scale solar development project?

Note: Solar projects are considered utility scale if they will be 1 megawatt or larger.

No

- 16. [Hidden semantic] Does the action intersect the MOBU AOI?Automatically answeredYes
- 17. Under the ESA, monarchs remain warranted but precluded by listing actions of higher priority. The monarch is a candidate for listing at this time. The Endangered Species Act does not establish protections or consultation requirements for candidate species. Some Federal and State agencies may have policy requirements to consider candidate species in planning. We encourage implementing measures that will remove or reduce threats to these species and possibly make listing unnecessary. If your project will have no effect on monarch butterflies (for example, if your project won't affect their habitat or individuals), then you can make a "no effect" determination for this project. Are you making a "no effect" determination for monarch?

Yes

18. [Hidden Semantic] Does the action intersect the Eastern massasauga rattlesnake area of influence?

Automatically answered Yes

19. Does your action involve prescribed fire?

No

20. Will this action occur entirely in the Eastern massasauga rattlesnake inactive season (October 2 through April 30)?

No

21. Will this action occur entirely in the Eastern massasauga rattlesnake active season (May 1 through October 1)?

No

22. Will the action result in permanent loss of more than one acre of wetland or conversion of more than 10 acres of uplands of potential Eastern massasauga rattlesnake habitat (uplands associated with high quality wetland habitat) to other land uses?

No

23. Will you use <u>wildlife safe materials</u> for erosion control and site restoration and eliminate the use of erosion control products containing plastic mesh netting or other similar material that could ensnare Eastern massasauga rattlesnake?

Yes

24. Will you watch MDNR's <u>"60-Second Snakes: The Eastern Massasauga Rattlesnake</u> (EMR)" video, review the <u>EMR factsheet</u> or call 517-351-2555 to increase human safety and awareness of EMR?

Yes

25. Will all action personnel report any Eastern massasauga rattlesnake observations, or observation of any other listed threatened or endangered species, during action implementation to the Service within 24 hours?

Yes

26. [Hidden Semantic] Does the action area intersect the rufa red knot area of influence? Automatically answered

Yes

27. [Hidden Semantic] Does the action intersect the area of influence for Michigan monkey-flower?

Automatically answered *Yes* 

- 28. [Hidden Semantic] Does the action area intersect the area of influence for Pitcher's thistle? Automatically answered Yes
- 29. [Hidden Semantic] Does the action intersect Hungerford's crawling water beetle area of influence?

Automatically answered *Yes* 

# **IPAC USER CONTACT INFORMATION**

Agency:Pellston villageName:Wade RoseAddress:34000 Plymouth RdCity:LivoniaState:MIZip:48150Emailwade.rose@ohm-advisors.comPhone:2482914573

### LEAD AGENCY CONTACT INFORMATION

Lead Agency: Pellston village



# United States Department of the Interior

FISH AND WILDLIFE SERVICE Michigan Ecological Services Field Office 2651 Coolidge Road Suite 101 East Lansing, MI 48823-6360 Phone: (517) 351-2555 Fax: (517) 351-1443



In Reply Refer To: Project code: 2025-0068098 Project Name: Mill St 8" WM - Pellston 03/12/2025 19:04:06 UTC

Subject: Verification letter for the project named 'Mill St 8'' WM - Pellston' for specified threatened and endangered species that may occur in your proposed project location consistent with the Michigan Endangered Species Determination Key (Michigan DKey)

Dear Wade Rose:

The U.S. Fish and Wildlife Service (Service) received on **March 12, 2025** your effect determination(s) for the 'Mill St 8" WM - Pellston' (the Action) using the Michigan DKey within the Information for Planning and Consultation (IPaC) system. The Service developed this system in accordance with the Endangered Species Act of 1973 (ESA) (87 Stat.884, as amended; 16 U.S.C. 1531 et seq.).

Based on your answers and the assistance of the Service's Michigan DKey, you made the following effect determination(s) for the proposed Action:

Species	Listing Status	Determination
Eastern Massasauga (=rattlesnake) (Sistrurus catenatus)	Threatened	NLAA
Hungerford's Crawling Water Beetle (Brychius	Endangered	No effect
hungerfordi)		
Michigan Monkey-flower (Mimulus michiganensis)	Endangered	No effect
Monarch Butterfly (Danaus plexippus)	Proposed	No effect
	Threatened	
Pitcher's Thistle (Cirsium pitcheri)	Threatened	No effect
Rufa Red Knot (Calidris canutus rufa)	Threatened	No effect

The Service will notify you within 30 calendar days if we determine that this proposed Action does not meet the criteria for a "may affect, not likely to adversely affect" (NLAA) determination for Federally listed species in Michigan. If we do not notify you within that timeframe, you may proceed with the Action under the terms of the NLAA concurrence provided here. This verification period allows the Michigan Ecological Services Field Office to apply local

knowledge to evaluation of the Action, as we may identify a small subset of actions having impacts that were unanticipated. In such instances, the Michigan Ecological Services Field Office may request additional information to verify the effects determination reached through the Michigan DKey.

Your agency has met consultation requirements by informing the Service of your "No Effect" determination(s). No consultation is required for species that you determined will not be affected by the Action.

Please provide sufficient project details on your project homepage in IPaC (Define Project, Project Description) to support your conclusions and the Service's 30-day review period. Failure to disclose important aspects of your project that would influence the outcome of your effects determinations may negate your determinations and invalidate this letter. If you have site-specific information that leads you to believe a different determination is more appropriate for your project than what the Dkey concludes, you can and should proceed based on the best available information.

The Service recommends that you contact the Service or re-evaluate the project in IPaC if: 1) the scope or location of the proposed Action is changed; 2) new information reveals that the action may affect listed species or designated critical habitat in a manner or to an extent not previously considered; 3) the Action is modified in a manner that causes effects to listed species or designated critical habitat; or 4) a new species is listed or critical habitat designated. If any of the above conditions occurs, additional consultation with the Service should take place before project changes are final or resources committed.

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#### **Bald and Golden Eagles:**

Bald eagles, golden eagles, and their nests are protected under the Bald and Golden Eagle Protection Act (54 Stat. 250, as amended, 16 U.S.C. 668a-d) (Eagle Act). The Eagle Act prohibits, except when authorized by an Eagle Act permit, the "taking" of bald and golden eagles and defines "take" as "pursue, shoot, shoot at, poison, wound, kill, capture, trap, collect, molest or disturb." The Eagle Act's implementing regulations define disturb as "…to agitate or bother a bald or golden eagle to a degree that causes, or is likely to cause, based on the best scientific information available, (1) injury to an eagle, (2) a decrease in its productivity, by substantially interfering with normal breeding, feeding, or sheltering behavior, or (3) nest abandonment, by substantially interfering with normal breeding, feeding, or sheltering behavior."

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If you have further questions regarding potential impacts to eagles, please contact Chris Mensing, Chris\_Mensing@fws.gov or 517-351-2555.

### Monarch butterfly and other pollinators

In December 2020, after an extensive status assessment of the monarch butterfly, we determined that listing the monarch under the Endangered Species Act is warranted but precluded by higher priority actions to amend the Lists of Endangered and Threatened Wildlife and Plants. Therefore, the Service added the monarch butterfly to the candidate list. The Service will review its status each year until we are able to begin developing a proposal to list the monarch.

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For all projects, we recommend the following best management practices (BMPs) to benefit monarch and other pollinators.

Monarch and Pollinator BMP Recommendations

Consider monarch and other pollinators in your project planning when possible. Many pollinators are declining, including species that pollinate key agricultural crops and help maintain natural plant communities. Planting a diverse group of native plant species will help support the nutritional needs of Michigan's pollinators. We recommend a mix of flowering trees, shrubs, and herbaceous plants so that something is always blooming and pollen is available during the active periods of the pollinators, roughly early spring through fall (mid-March to mid-October). To benefit a wide variety of pollinators, choose a wide range of flowers with diverse colors, heights, structure, and flower shape. It is important to provide host plants for any known butterfly species at your site, including native milkweed for Monarch butterfly. Incorporating a water source (e.g., ephemeral pool or low area) and basking areas (rocks or bare ground) will provide additional resources for pollinators.

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Avoid or limit pesticide use. Pesticides can kill more than the target pest. Some pesticide residues can kill pollinators for several days after the pesticide is applied. Pesticides can also kill natural predators, which can lead to even worse pest problems.

Planting native wildflowers can also reduce the need to mow and water, improve bank stabilization by reducing erosion, and improve groundwater recharge and water quality.

Resources:

#### https://www.fws.gov/initiative/monarchs https://www.fws.gov/library/collections/pollinators

#### Wetland impacts:

Section 404 of the Clean Water Act of 1977 (CWA) regulates the discharge of dredged or fill material into waters (including wetlands) of the United States. Regulations require that activities permitted under the CWA (including wetland permits issued by the Michigan Department of Environment, Great Lakes, and Energy (EGLE)) not jeopardize the continued existence of species listed as endangered or threatened. Permits issued by the U.S. Army Corps of Engineers must also consider effects to listed species pursuant to section 7 of the Endangered Species Act. The Service provides comments to the agencies that may include permit conditions to help avoid or minimize impacts to wildlife resources including listed species. For this project, we consider the conservation measures you agreed to in the determination key and/or as part of your proposed action to be non-discretionary. If you apply for a wetland permit, these conservation measures should be explicitly incorporated as permit conditions. Include a copy of this letter in your wetland permit application to streamline the threatened and endangered species review process.

<u>Summary of conservation measures for your project</u> You agreed to the following conservation measures to avoid adverse effects to listed species and our concurrence is only valid if the measures are fully implemented. These must be included as permit conditions if a permit is required and/or included in any contract language.

**Eastern massasauga:** Materials used for erosion control and site restoration must be wildlifefriendly. Do not use erosion control products containing plastic mesh netting or other similar material that could entangle eastern massasauga rattlesnake (EMR). Several products for soil erosion and control exist that do not contain plastic netting including net-less erosion control blankets (for example, made of excelsior), loose mulch, hydraulic mulch, soil binders, unreinforced silt fences, and straw bales. Others are made from natural fibers (such as jute) and loosely woven together in a manner that allows wildlife to wiggle free.

**Eastern massasauga:** To increase human safety and awareness of EMR, those implementing the project must first review the EMR factsheet (available at https://www.fws.gov/media/eastern-massasauga-rattlesnake-fact-sheet), and watch MDNR's "60-Second Snakes: The Eastern Massasauga Rattlesnake" video (available at https://www.youtube.com/watch?v=-PFnXe\_e02w).

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**Eastern massasauga:** The project will not result in permanent loss of more than one acre of wetland or conversion of more than 10 acres of EMR upland habitat (uplands associated with high quality wetland habitat) to other land uses.

### **Action Description**

You provided to IPaC the following name and description for the subject Action.

### 1. Name

Mill St 8" WM - Pellston

### 2. Description

The following description was provided for the project 'Mill St 8'' WM - Pellston':

The project area is located within the road ROW along Mill St from east of the Maple River to Townline Rd in Pellston MI. The project area is in a mix of wooded areas and residential neighborhoods. The project area consist of paved road, wooded areas, mowed turf grass, and landscape trees. The project will involve the installation of 8" water main, service leads, valves and hydrants via open cut and trenching. The project is in the design phase and has no start date.

The approximate location of the project can be viewed in Google Maps: <u>https://www.google.com/maps/@45.55095285,-84.78295808133174,14z</u>



# **QUALIFICATION INTERVIEW**

1. Are there any possible effects to any listed species or to designated critical habitat from your project or effects from any other actions or projects subsequently made possible by your project?

Select "Yes" even if the expected effects to the species or critical habitat are expected to be 1) extremely unlikely (discountable), 2) can't meaningfully be measured, detected, or evaluated (insignificant), or 3) wholly beneficial.

Select "No" to confirm that the project details and supporting information allow you to conclude that listed species and their habitats will not be exposed to any effects (including discountable, insignificant, or beneficial effects) and therefore, you have made a "no effect" determination for all species. If you are unsure, select YES to answer additional questions about your project.

Yes

2. This determination key is intended to assist the user in the evaluating the effects of their actions on Federally listed species in Michigan. It does not cover other prohibited activities under the Endangered Species Act (e.g., for wildlife: import/export, Interstate or foreign commerce, possession of illegally taken wildlife, purposeful take for scientific purposes or to enhance the survival of a species, etc.; for plants: import/export, reduce to possession, malicious destruction on Federal lands, commercial sale, etc.) or other statutes. Click yes to acknowledge that you must consider other prohibitions of the ESA or other statutes outside of this determination key.

Yes

3. Is the action the approval of a long-term (i.e., in effect greater than 10 years) permit, plan, or other action? (e.g., a new or re-issued hydropower license, a large-scale land management plan, or other kinds of documents that provide direction for projects or actions that may be conducted over a long term (>10 years) without the need for additional section 7 consultation).

No

- 4. Is the action being funded, authorized, or carried out by a Federal agency? *Yes*
- 5. Does the action involve the installation or operation of wind turbines?

No

6. Are there at least 30 days prior to your action occurring? Endangered species consultation must be completed before taking any action that may have effects to listed species. The Service also needs 30 days to review projects before we can verify conclusions in some dkey output letters. For example, if you have already started some components of the project on the ground (e.g., removed vegetation) before completing this key, answer "no" to this question. The only exception is if you have a Michigan Field Office pre-approved emergence survey (i.e., if you have conducted pre-approved emergence surveys for listed bats before tree removal, you can still answer yes to this question).

Yes

7. Does the action involve constructing a new communications tower or modifying an existing communications tower?

No

8. Does the activity involve aerial or other large-scale application of any chemical (including insecticide, herbicide, etc.)?

No

9. Does your project include water withdrawal (ground or surface water) greater than 10,000 gallons/day?

No

10. Will your action permanently affect hydrology?

No

11. Will your action temporarily affect hydrology?

No

- 12. Will your project have any direct impacts to a stream or river (e.g., Horizontal Directional Drilling (HDD), hydrostatic testing, stream/road crossings, new storm-water outfall discharge, dams, other in-stream work, changes to water quality or hydrology, etc.)? *No*
- 13. Does your project have the potential to indirectly impact the stream/river or the riparian zone (e.g., cut and fill, horizontal directional drilling, hydrostatic testing, construction, vegetation removal, discharge, changes to water quality or hydrology, etc.)?

Yes

14. Are you applying for one of the following Michigan EGLE/Army Corps of Engineers joint permit application Minor Permit (MP) Categories:

MP 3 - Boat Hoist; MP 5 - Boal Wells; MP 7 - Completed Enforcement Actions; MP 13 - Dock;

- MP 22 Fish and Wildlife Habitat Structures;
- MP 25 Ford Stream Crossings for Commercial Forestry Operations;
- MP 31 Maintenance and Repair of Serviceable Structures;
- MP 52 Temporary Recreational Structures;
- MP 54 Wetland Habitat Restoration and Enhancement?

Verify the MP category number and associated description matches your project/ application (https://www.michigan.gov/documents/egle/WRD-Minor-Project-Categories\_733320\_7.pdf). If you don't know what category applies for your project, answer no to this question.

No

- 15. Are you applying for one of the following Michigan EGLE/Army Corps of Engineers joint permit application General Permit (GP) Categories:
  - GPA Aids to Navigation;
  - GP C Clear Span Bridge;
  - GP J Dry Fire Hydrant;
  - GP O Minor Permit Revisions and Transfers;
  - GP Q Mooring Buoy;
  - GPW Scientific Measuring Devices;
  - GP X Snow Road Stream Crossings for Forestry Operations;
  - GP Z Spring Piles and Piling Clusters?

Verify the GP category number and associated description matches your project/ application (https://www.michigan.gov/documents/deq/wrd-general-permitcategories\_555828\_7.pdf). If you don't know what category applies for your project, answer no to this question.

No

16. Will your action disturb the ground or existing vegetation? This includes any off road vehicle access, soil compaction, digging, seismic survey, directional drilling, heavy equipment, grading, trenching, placement of fill, pesticide application, vegetation management (including removal or maintenance using equipment or chemicals), cultivation, development, etc.

Yes

17. Is the action a utility-scale solar development project?

**Note:**Solar projects are considered utility scale if they will be 1 megawatt or larger.

No

- 18. [Hidden semantic] Does the action intersect the MOBU AOI?Automatically answeredYes
- 19. Under the ESA, monarchs remain warranted but precluded by listing actions of higher priority. The monarch is a candidate for listing at this time. The Endangered Species Act does not establish protections or consultation requirements for candidate species. Some Federal and State agencies may have policy requirements to consider candidate species in planning. We encourage implementing measures that will remove or reduce threats to these species and possibly make listing unnecessary. If your project will have no effect on monarch butterflies (for example, if your project won't affect their habitat or individuals), then you can make a "no effect" determination for this project. Are you making a "no effect" determination for monarch?

Yes

20. [Hidden Semantic] Does the action intersect the Eastern massasauga rattlesnake area of influence?

Automatically answered Yes

21. Does your action involve prescribed fire?

No

22. Will this action occur entirely in the Eastern massasauga rattlesnake inactive season (October 2 through April 30)?

No

23. Will this action occur entirely in the Eastern massasauga rattlesnake active season (May 1 through October 1)?

No

24. Will the action result in permanent loss of more than one acre of wetland or conversion of more than 10 acres of uplands of potential Eastern massasauga rattlesnake habitat (uplands associated with high quality wetland habitat) to other land uses?

No

25. Will you use <u>wildlife safe materials</u> for erosion control and site restoration and eliminate the use of erosion control products containing plastic mesh netting or other similar material that could ensnare Eastern massasauga rattlesnake?

Yes

26. Will you watch MDNR's <u>"60-Second Snakes: The Eastern Massasauga Rattlesnake</u> (<u>EMR</u>)" video, review the <u>EMR factsheet</u> or call 517-351-2555 to increase human safety and awareness of EMR?

Yes

27. Will all action personnel report any Eastern massasauga rattlesnake observations, or observation of any other listed threatened or endangered species, during action implementation to the Service within 24 hours?

Yes

28. [Hidden Semantic] Does the action area intersect the rufa red knot area of influence? Automatically answered

Yes

29. [Hidden Semantic] Does the action intersect the area of influence for Michigan monkey-flower?

Automatically answered *Yes* 

30. Does the action area include cold calcareous springs, seeps or streams, emergent marsh, Great Lakes marsh, Hardwood-conifer swamp, northern wet meadow, rich conifer swamp, sand/gravel beach, or headwater streams (1st/2nd order)?

No

31. [Hidden Semantic] Does the action area intersect the area of influence for Pitcher's thistle? Automatically answered

Yes

32. [Hidden Semantic] Does the action intersect Hungerford's crawling water beetle area of influence?

Automatically answered Yes

# **IPAC USER CONTACT INFORMATION**

Agency:Pellston villageName:Wade RoseAddress:34000 Plymouth RdCity:LivoniaState:MIZip:48150Emailwade.rose@ohm-advisors.comPhone:2482914573

### LEAD AGENCY CONTACT INFORMATION

Lead Agency: Pellston village



# United States Department of the Interior

FISH AND WILDLIFE SERVICE Michigan Ecological Services Field Office 2651 Coolidge Road Suite 101 East Lansing, MI 48823-6360 Phone: (517) 351-2555 Fax: (517) 351-1443



In Reply Refer To: Project code: 2025-0069285 Project Name: Milton Rd to US-31 2in Service Lead 03/14/2025 17:13:50 UTC

Subject: Verification letter for the project named 'Milton Rd to US-31 2in Service Lead' for specified threatened and endangered species that may occur in your proposed project location consistent with the Michigan Endangered Species Determination Key (Michigan DKey)

Dear Deborah Gibson:

The U.S. Fish and Wildlife Service (Service) received on **March 14, 2025** your effect determination(s) for the 'Milton Rd to US-31 2in Service Lead' (the Action) using the Michigan DKey within the Information for Planning and Consultation (IPaC) system. The Service developed this system in accordance with the Endangered Species Act of 1973 (ESA) (87 Stat. 884, as amended; 16 U.S.C. 1531 et seq.).

Based on your answers and the assistance of the Service's Michigan DKey, you made the following effect determination(s) for the proposed Action:

Species	Listing Status	Determination
Eastern Massasauga (=rattlesnake) (Sistrurus catenatus)	Threatened	NLAA
Hungerford's Crawling Water Beetle (Brychius	Endangered	No effect
hungerfordi)		
Michigan Monkey-flower ( <i>Mimulus michiganensis</i> )	Endangered	No effect
Monarch Butterfly ( <i>Danaus plexippus</i> )	Proposed	No effect
	Threatened	
Pitcher's Thistle (Cirsium pitcheri)	Threatened	No effect
Rufa Red Knot (Calidris canutus rufa)	Threatened	No effect

The Service will notify you within 30 calendar days if we determine that this proposed Action does not meet the criteria for a "may affect, not likely to adversely affect" (NLAA) determination for Federally listed species in Michigan. If we do not notify you within that timeframe, you may proceed with the Action under the terms of the NLAA concurrence provided here. This verification period allows the Michigan Ecological Services Field Office to apply local

knowledge to evaluation of the Action, as we may identify a small subset of actions having impacts that were unanticipated. In such instances, the Michigan Ecological Services Field Office may request additional information to verify the effects determination reached through the Michigan DKey.

Your agency has met consultation requirements by informing the Service of your "No Effect" determination(s). No consultation is required for species that you determined will not be affected by the Action.

Please provide sufficient project details on your project homepage in IPaC (Define Project, Project Description) to support your conclusions and the Service's 30-day review period. Failure to disclose important aspects of your project that would influence the outcome of your effects determinations may negate your determinations and invalidate this letter. If you have site-specific information that leads you to believe a different determination is more appropriate for your project than what the Dkey concludes, you can and should proceed based on the best available information.

The Service recommends that you contact the Service or re-evaluate the project in IPaC if: 1) the scope or location of the proposed Action is changed; 2) new information reveals that the action may affect listed species or designated critical habitat in a manner or to an extent not previously considered; 3) the Action is modified in a manner that causes effects to listed species or designated critical habitat; or 4) a new species is listed or critical habitat designated. If any of the above conditions occurs, additional consultation with the Service should take place before project changes are final or resources committed.

For non-Federal representatives: Please note that when a project requires consultation under section 7 of the Act, the Service must consult directly with the Federal action agency unless that agency formally designates a non-Federal representative (50 CFR 402.08). Non-Federal representatives may prepare analyses or conduct informal consultations; however, the ultimate responsibility for section 7 compliance under the Act remains with the Federal agency. If the Federal agency concurs with your determination, the project as proposed has completed section 7 consultation. All documents and supporting correspondence should be provided to the Federal agency for their records.

#### **Bald and Golden Eagles:**

Bald eagles, golden eagles, and their nests are protected under the Bald and Golden Eagle Protection Act (54 Stat. 250, as amended, 16 U.S.C. 668a-d) (Eagle Act). The Eagle Act prohibits, except when authorized by an Eagle Act permit, the "taking" of bald and golden eagles and defines "take" as "pursue, shoot, shoot at, poison, wound, kill, capture, trap, collect, molest or disturb." The Eagle Act's implementing regulations define disturb as "…to agitate or bother a bald or golden eagle to a degree that causes, or is likely to cause, based on the best scientific information available, (1) injury to an eagle, (2) a decrease in its productivity, by substantially interfering with normal breeding, feeding, or sheltering behavior, or (3) nest abandonment, by substantially interfering with normal breeding, feeding, or sheltering behavior."

If the Action may impact bald or golden eagles, additional coordination with the Service under the Eagle Act may be required. For more information on eagles and conducting activities in the vicinity of an eagle nest, please visit https://www.fws.gov/library/collections/all-about-eagles. In addition, the Service developed the National Bald Eagle Management Guidelines (May 2007) in order to assist landowners in avoiding the disturbance of bald eagles. The full Guidelines are available at https://www.fws.gov/media/national-bald-eagle-management-guidelines-0.

If you have further questions regarding potential impacts to eagles, please contact Chris Mensing, Chris\_Mensing@fws.gov or 517-351-2555.

### Monarch butterfly and other pollinators

In December 2020, after an extensive status assessment of the monarch butterfly, we determined that listing the monarch under the Endangered Species Act is warranted but precluded by higher priority actions to amend the Lists of Endangered and Threatened Wildlife and Plants. Therefore, the Service added the monarch butterfly to the candidate list. The Service will review its status each year until we are able to begin developing a proposal to list the monarch.

The Endangered Species Act does not establish protections or consultation requirements for candidate species. Some Federal and State agencies may have policy requirements to consider candidate species in planning. We encourage implementing measures that will remove or reduce threats to these species and possibly make listing unnecessary.

For all projects, we recommend the following best management practices (BMPs) to benefit monarch and other pollinators.

Monarch and Pollinator BMP Recommendations

Consider monarch and other pollinators in your project planning when possible. Many pollinators are declining, including species that pollinate key agricultural crops and help maintain natural plant communities. Planting a diverse group of native plant species will help support the nutritional needs of Michigan's pollinators. We recommend a mix of flowering trees, shrubs, and herbaceous plants so that something is always blooming and pollen is available during the active periods of the pollinators, roughly early spring through fall (mid-March to mid-October). To benefit a wide variety of pollinators, choose a wide range of flowers with diverse colors, heights, structure, and flower shape. It is important to provide host plants for any known butterfly species at your site, including native milkweed for Monarch butterfly. Incorporating a water source (e.g., ephemeral pool or low area) and basking areas (rocks or bare ground) will provide additional resources for pollinators.

Many pollinators need a safe place to build their nests and overwinter. During spring and summer, leave some areas unmowed or minimize the impacts from mowing (e.g., decrease frequency, increase vegetation height). In fall, leave areas unraked and leave plant stems standing. Leave patches of bare soil for ground nesting pollinators.

Avoid or limit pesticide use. Pesticides can kill more than the target pest. Some pesticide residues can kill pollinators for several days after the pesticide is applied. Pesticides can also kill natural predators, which can lead to even worse pest problems.

Planting native wildflowers can also reduce the need to mow and water, improve bank stabilization by reducing erosion, and improve groundwater recharge and water quality.

Resources:

#### https://www.fws.gov/initiative/monarchs https://www.fws.gov/library/collections/pollinators

#### Wetland impacts:

Section 404 of the Clean Water Act of 1977 (CWA) regulates the discharge of dredged or fill material into waters (including wetlands) of the United States. Regulations require that activities permitted under the CWA (including wetland permits issued by the Michigan Department of Environment, Great Lakes, and Energy (EGLE)) not jeopardize the continued existence of species listed as endangered or threatened. Permits issued by the U.S. Army Corps of Engineers must also consider effects to listed species pursuant to section 7 of the Endangered Species Act. The Service provides comments to the agencies that may include permit conditions to help avoid or minimize impacts to wildlife resources including listed species. For this project, we consider the conservation measures you agreed to in the determination key and/or as part of your proposed action to be non-discretionary. If you apply for a wetland permit, these conservation measures should be explicitly incorporated as permit conditions. Include a copy of this letter in your wetland permit application to streamline the threatened and endangered species review process.

<u>Summary of conservation measures for your project</u> You agreed to the following conservation measures to avoid adverse effects to listed species and our concurrence is only valid if the measures are fully implemented. These must be included as permit conditions if a permit is required and/or included in any contract language.

**Eastern massasauga:** Materials used for erosion control and site restoration must be wildlifefriendly. Do not use erosion control products containing plastic mesh netting or other similar material that could entangle eastern massasauga rattlesnake (EMR). Several products for soil erosion and control exist that do not contain plastic netting including net-less erosion control blankets (for example, made of excelsior), loose mulch, hydraulic mulch, soil binders, unreinforced silt fences, and straw bales. Others are made from natural fibers (such as jute) and loosely woven together in a manner that allows wildlife to wiggle free.

**Eastern massasauga:** To increase human safety and awareness of EMR, those implementing the project must first review the EMR factsheet (available at https://www.fws.gov/media/eastern-massasauga-rattlesnake-fact-sheet), and watch MDNR's "60-Second Snakes: The Eastern Massasauga Rattlesnake" video (available at https://www.youtube.com/watch?v=-PFnXe\_e02w).

**Eastern massasauga:** During project implementation, report sightings of any federally listed species, including EMR, to the Service within 24 hours.

**Eastern massasauga:** The project will not result in permanent loss of more than one acre of wetland or conversion of more than 10 acres of EMR upland habitat (uplands associated with high quality wetland habitat) to other land uses.

#### **Action Description**

You provided to IPaC the following name and description for the subject Action.

### 1. Name

Milton Rd to US-31 2in Service Lead

### 2. Description

The following description was provided for the project 'Milton Rd to US-31 2in Service Lead':

The project area is located from Milton Rd East across US-31 to 267 US-31 in Pellston MI. The project area is in a rural residential area and consists of paved road, mowed turf grass, and forested areas. The project will involve the installation of 2" service lead and valves via open cut and trenching. The project is in the design phase and has no start date.

The approximate location of the project can be viewed in Google Maps: <u>https://www.google.com/maps/@45.546715649999996,-84.7847303,14z</u>



# **QUALIFICATION INTERVIEW**

1. Are there any possible effects to any listed species or to designated critical habitat from your project or effects from any other actions or projects subsequently made possible by your project?

Select "Yes" even if the expected effects to the species or critical habitat are expected to be 1) extremely unlikely (discountable), 2) can't meaningfully be measured, detected, or evaluated (insignificant), or 3) wholly beneficial.

Select "No" to confirm that the project details and supporting information allow you to conclude that listed species and their habitats will not be exposed to any effects (including discountable, insignificant, or beneficial effects) and therefore, you have made a "no effect" determination for all species. If you are unsure, select YES to answer additional questions about your project.

Yes

2. This determination key is intended to assist the user in the evaluating the effects of their actions on Federally listed species in Michigan. It does not cover other prohibited activities under the Endangered Species Act (e.g., for wildlife: import/export, Interstate or foreign commerce, possession of illegally taken wildlife, purposeful take for scientific purposes or to enhance the survival of a species, etc.; for plants: import/export, reduce to possession, malicious destruction on Federal lands, commercial sale, etc.) or other statutes. Click yes to acknowledge that you must consider other prohibitions of the ESA or other statutes outside of this determination key.

Yes

3. Is the action the approval of a long-term (i.e., in effect greater than 10 years) permit, plan, or other action? (e.g., a new or re-issued hydropower license, a large-scale land management plan, or other kinds of documents that provide direction for projects or actions that may be conducted over a long term (>10 years) without the need for additional section 7 consultation).

No

- 4. Is the action being funded, authorized, or carried out by a Federal agency? *Yes*
- 5. Does the action involve the installation or operation of wind turbines?

No

6. Are there at least 30 days prior to your action occurring? Endangered species consultation must be completed before taking any action that may have effects to listed species. The Service also needs 30 days to review projects before we can verify conclusions in some dkey output letters. For example, if you have already started some components of the project on the ground (e.g., removed vegetation) before completing this key, answer "no" to this question. The only exception is if you have a Michigan Field Office pre-approved emergence survey (i.e., if you have conducted pre-approved emergence surveys for listed bats before tree removal, you can still answer yes to this question).

Yes

7. Does the action involve constructing a new communications tower or modifying an existing communications tower?

No

8. Does the activity involve aerial or other large-scale application of any chemical (including insecticide, herbicide, etc.)?

No

9. Does your project include water withdrawal (ground or surface water) greater than 10,000 gallons/day?

No

10. Will your action permanently affect hydrology?

No

11. Will your action temporarily affect hydrology?

No

- 12. Will your project have any direct impacts to a stream or river (e.g., Horizontal Directional Drilling (HDD), hydrostatic testing, stream/road crossings, new storm-water outfall discharge, dams, other in-stream work, changes to water quality or hydrology, etc.)? *No*
- 13. Does your project have the potential to indirectly impact the stream/river or the riparian zone (e.g., cut and fill, horizontal directional drilling, hydrostatic testing, construction, vegetation removal, discharge, changes to water quality or hydrology, etc.)? *No*
- 14. Will your action disturb the ground or existing vegetation? This includes any off road vehicle access, soil compaction, digging, seismic survey, directional drilling, heavy equipment, grading, trenching, placement of fill, pesticide application, vegetation management (including removal or maintenance using equipment or chemicals), cultivation, development, etc.

Yes

15. Is the action a utility-scale solar development project?

Note: Solar projects are considered utility scale if they will be 1 megawatt or larger.

No

- 16. [Hidden semantic] Does the action intersect the MOBU AOI?Automatically answeredYes
- 17. Under the ESA, monarchs remain warranted but precluded by listing actions of higher priority. The monarch is a candidate for listing at this time. The Endangered Species Act does not establish protections or consultation requirements for candidate species. Some Federal and State agencies may have policy requirements to consider candidate species in planning. We encourage implementing measures that will remove or reduce threats to these species and possibly make listing unnecessary. If your project will have no effect on monarch butterflies (for example, if your project won't affect their habitat or individuals), then you can make a "no effect" determination for this project. Are you making a "no effect" determination for monarch?

Yes

18. [Hidden Semantic] Does the action intersect the Eastern massasauga rattlesnake area of influence?

Automatically answered Yes

19. Does your action involve prescribed fire?

No

20. Will this action occur entirely in the Eastern massasauga rattlesnake inactive season (October 2 through April 30)?

No

21. Will this action occur entirely in the Eastern massasauga rattlesnake active season (May 1 through October 1)?

No

22. Will the action result in permanent loss of more than one acre of wetland or conversion of more than 10 acres of uplands of potential Eastern massasauga rattlesnake habitat (uplands associated with high quality wetland habitat) to other land uses?

No

23. Will you use <u>wildlife safe materials</u> for erosion control and site restoration and eliminate the use of erosion control products containing plastic mesh netting or other similar material that could ensnare Eastern massasauga rattlesnake?

Yes

24. Will you watch MDNR's <u>"60-Second Snakes: The Eastern Massasauga Rattlesnake</u> (<u>EMR</u>)" video, review the <u>EMR factsheet</u> or call 517-351-2555 to increase human safety and awareness of EMR?

Yes

25. Will all action personnel report any Eastern massasauga rattlesnake observations, or observation of any other listed threatened or endangered species, during action implementation to the Service within 24 hours?

Yes

26. [Hidden Semantic] Does the action area intersect the rufa red knot area of influence? Automatically answered

Yes

27. [Hidden Semantic] Does the action intersect the area of influence for Michigan monkey-flower?

Automatically answered *Yes* 

28. Does the action area include cold calcareous springs, seeps or streams, emergent marsh, Great Lakes marsh, Hardwood-conifer swamp, northern wet meadow, rich conifer swamp, sand/gravel beach, or headwater streams (1st/2nd order)?

No

29. [Hidden Semantic] Does the action area intersect the area of influence for Pitcher's thistle? Automatically answered

Yes

30. [Hidden Semantic] Does the action intersect Hungerford's crawling water beetle area of influence?

Automatically answered Yes

# **IPAC USER CONTACT INFORMATION**

Agency:Pellston villageName:Deborah GibsonAddress:34000 Plymouth RdCity:livoniaState:MIZip:48150Emaildebbie.gibson@ohm-advisors.comPhone:7343234144

### LEAD AGENCY CONTACT INFORMATION

Lead Agency: Pellston village



# United States Department of the Interior

FISH AND WILDLIFE SERVICE Michigan Ecological Services Field Office 2651 Coolidge Road Suite 101 East Lansing, MI 48823-6360 Phone: (517) 351-2555 Fax: (517) 351-1443



In Reply Refer To: Project code: 2025-0067857 Project Name: US-31 Mill St to Main 8'' WM - Pellston 03/12/2025 15:36:25 UTC

Subject: Verification letter for the project named 'US-31 Mill St to Main 8" WM - Pellston' for specified threatened and endangered species that may occur in your proposed project location consistent with the Michigan Endangered Species Determination Key (Michigan DKey)

Dear Wade Rose:

The U.S. Fish and Wildlife Service (Service) received on **March 12, 2025** your effect determination(s) for the 'US-31 Mill St to Main 8" WM - Pellston' (the Action) using the Michigan DKey within the Information for Planning and Consultation (IPaC) system. The Service developed this system in accordance with the Endangered Species Act of 1973 (ESA) (87 Stat.884, as amended; 16 U.S.C. 1531 et seq.).

Based on your answers and the assistance of the Service's Michigan DKey, you made the following effect determination(s) for the proposed Action:

Species	Listing Status	Determination
Eastern Massasauga (=rattlesnake) (Sistrurus catenatus)	Threatened	NLAA
Hungerford's Crawling Water Beetle (Brychius	Endangered	No effect
hungerfordi)		
Michigan Monkey-flower (Mimulus michiganensis)	Endangered	No effect
Monarch Butterfly (Danaus plexippus)	Proposed	No effect
	Threatened	
Pitcher's Thistle (Cirsium pitcheri)	Threatened	No effect
Rufa Red Knot (Calidris canutus rufa)	Threatened	No effect

The Service will notify you within 30 calendar days if we determine that this proposed Action does not meet the criteria for a "may affect, not likely to adversely affect" (NLAA) determination for Federally listed species in Michigan. If we do not notify you within that timeframe, you may proceed with the Action under the terms of the NLAA concurrence provided here. This verification period allows the Michigan Ecological Services Field Office to apply local

knowledge to evaluation of the Action, as we may identify a small subset of actions having impacts that were unanticipated. In such instances, the Michigan Ecological Services Field Office may request additional information to verify the effects determination reached through the Michigan DKey.

Your agency has met consultation requirements by informing the Service of your "No Effect" determination(s). No consultation is required for species that you determined will not be affected by the Action.

Please provide sufficient project details on your project homepage in IPaC (Define Project, Project Description) to support your conclusions and the Service's 30-day review period. Failure to disclose important aspects of your project that would influence the outcome of your effects determinations may negate your determinations and invalidate this letter. If you have site-specific information that leads you to believe a different determination is more appropriate for your project than what the Dkey concludes, you can and should proceed based on the best available information.

The Service recommends that you contact the Service or re-evaluate the project in IPaC if: 1) the scope or location of the proposed Action is changed; 2) new information reveals that the action may affect listed species or designated critical habitat in a manner or to an extent not previously considered; 3) the Action is modified in a manner that causes effects to listed species or designated critical habitat; or 4) a new species is listed or critical habitat designated. If any of the above conditions occurs, additional consultation with the Service should take place before project changes are final or resources committed.

For non-Federal representatives: Please note that when a project requires consultation under section 7 of the Act, the Service must consult directly with the Federal action agency unless that agency formally designates a non-Federal representative (50 CFR 402.08). Non-Federal representatives may prepare analyses or conduct informal consultations; however, the ultimate responsibility for section 7 compliance under the Act remains with the Federal agency. If the Federal agency concurs with your determination, the project as proposed has completed section 7 consultation. All documents and supporting correspondence should be provided to the Federal agency for their records.

### **Bald and Golden Eagles:**

Bald eagles, golden eagles, and their nests are protected under the Bald and Golden Eagle Protection Act (54 Stat. 250, as amended, 16 U.S.C. 668a-d) (Eagle Act). The Eagle Act prohibits, except when authorized by an Eagle Act permit, the "taking" of bald and golden eagles and defines "take" as "pursue, shoot, shoot at, poison, wound, kill, capture, trap, collect, molest or disturb." The Eagle Act's implementing regulations define disturb as "…to agitate or bother a bald or golden eagle to a degree that causes, or is likely to cause, based on the best scientific information available, (1) injury to an eagle, (2) a decrease in its productivity, by substantially interfering with normal breeding, feeding, or sheltering behavior, or (3) nest abandonment, by substantially interfering with normal breeding, feeding, or sheltering behavior."

If the Action may impact bald or golden eagles, additional coordination with the Service under the Eagle Act may be required. For more information on eagles and conducting activities in the vicinity of an eagle nest, please visit https://www.fws.gov/library/collections/all-about-eagles. In addition, the Service developed the National Bald Eagle Management Guidelines (May 2007) in order to assist landowners in avoiding the disturbance of bald eagles. The full Guidelines are available at https://www.fws.gov/media/national-bald-eagle-management-guidelines-0.

If you have further questions regarding potential impacts to eagles, please contact Chris Mensing, Chris\_Mensing@fws.gov or 517-351-2555.

### Monarch butterfly and other pollinators

In December 2020, after an extensive status assessment of the monarch butterfly, we determined that listing the monarch under the Endangered Species Act is warranted but precluded by higher priority actions to amend the Lists of Endangered and Threatened Wildlife and Plants. Therefore, the Service added the monarch butterfly to the candidate list. The Service will review its status each year until we are able to begin developing a proposal to list the monarch.

The Endangered Species Act does not establish protections or consultation requirements for candidate species. Some Federal and State agencies may have policy requirements to consider candidate species in planning. We encourage implementing measures that will remove or reduce threats to these species and possibly make listing unnecessary.

For all projects, we recommend the following best management practices (BMPs) to benefit monarch and other pollinators.

Monarch and Pollinator BMP Recommendations

Consider monarch and other pollinators in your project planning when possible. Many pollinators are declining, including species that pollinate key agricultural crops and help maintain natural plant communities. Planting a diverse group of native plant species will help support the nutritional needs of Michigan's pollinators. We recommend a mix of flowering trees, shrubs, and herbaceous plants so that something is always blooming and pollen is available during the active periods of the pollinators, roughly early spring through fall (mid-March to mid-October). To benefit a wide variety of pollinators, choose a wide range of flowers with diverse colors, heights, structure, and flower shape. It is important to provide host plants for any known butterfly species at your site, including native milkweed for Monarch butterfly. Incorporating a water source (e.g., ephemeral pool or low area) and basking areas (rocks or bare ground) will provide additional resources for pollinators.

Many pollinators need a safe place to build their nests and overwinter. During spring and summer, leave some areas unmowed or minimize the impacts from mowing (e.g., decrease frequency, increase vegetation height). In fall, leave areas unraked and leave plant stems standing. Leave patches of bare soil for ground nesting pollinators.

Avoid or limit pesticide use. Pesticides can kill more than the target pest. Some pesticide residues can kill pollinators for several days after the pesticide is applied. Pesticides can also kill natural predators, which can lead to even worse pest problems.

Planting native wildflowers can also reduce the need to mow and water, improve bank stabilization by reducing erosion, and improve groundwater recharge and water quality.

Resources:

#### https://www.fws.gov/initiative/monarchs https://www.fws.gov/library/collections/pollinators

#### Wetland impacts:

Section 404 of the Clean Water Act of 1977 (CWA) regulates the discharge of dredged or fill material into waters (including wetlands) of the United States. Regulations require that activities permitted under the CWA (including wetland permits issued by the Michigan Department of Environment, Great Lakes, and Energy (EGLE)) not jeopardize the continued existence of species listed as endangered or threatened. Permits issued by the U.S. Army Corps of Engineers must also consider effects to listed species pursuant to section 7 of the Endangered Species Act. The Service provides comments to the agencies that may include permit conditions to help avoid or minimize impacts to wildlife resources including listed species. For this project, we consider the conservation measures you agreed to in the determination key and/or as part of your proposed action to be non-discretionary. If you apply for a wetland permit, these conservation measures should be explicitly incorporated as permit conditions. Include a copy of this letter in your wetland permit application to streamline the threatened and endangered species review process.

<u>Summary of conservation measures for your project</u> You agreed to the following conservation measures to avoid adverse effects to listed species and our concurrence is only valid if the measures are fully implemented. These must be included as permit conditions if a permit is required and/or included in any contract language.

**Eastern massasauga:** Materials used for erosion control and site restoration must be wildlifefriendly. Do not use erosion control products containing plastic mesh netting or other similar material that could entangle eastern massasauga rattlesnake (EMR). Several products for soil erosion and control exist that do not contain plastic netting including net-less erosion control blankets (for example, made of excelsior), loose mulch, hydraulic mulch, soil binders, unreinforced silt fences, and straw bales. Others are made from natural fibers (such as jute) and loosely woven together in a manner that allows wildlife to wiggle free.

**Eastern massasauga:** To increase human safety and awareness of EMR, those implementing the project must first review the EMR factsheet (available at https://www.fws.gov/media/eastern-massasauga-rattlesnake-fact-sheet), and watch MDNR's "60-Second Snakes: The Eastern Massasauga Rattlesnake" video (available at https://www.youtube.com/watch?v=-PFnXe\_e02w).

**Eastern massasauga:** During project implementation, report sightings of any federally listed species, including EMR, to the Service within 24 hours.

**Eastern massasauga:** The project will not result in permanent loss of more than one acre of wetland or conversion of more than 10 acres of EMR upland habitat (uplands associated with high quality wetland habitat) to other land uses.

### **Action Description**

You provided to IPaC the following name and description for the subject Action.

### 1. Name

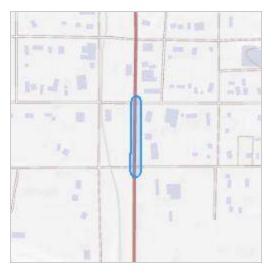
US-31 Mill St to Main 8" WM - Pellston

### 2. Description

The following description was provided for the project 'US-31 Mill St to Main 8" WM - Pellston':

The project area is located within the road ROW along US-31 from Mill St to Main St in Pellston MI. The project area is in a residential neighborhood and the project area consist of paved road, mowed turf grass, and landscape trees. The project will involve the installation of 8" water main, service leads, valves and hydrants via open cut and trenching. The project is in the design phase and has no start date.

The approximate location of the project can be viewed in Google Maps: <u>https://www.google.com/maps/@45.55154495,-84.78442495,14z</u>



### **QUALIFICATION INTERVIEW**

1. Are there any possible effects to any listed species or to designated critical habitat from your project or effects from any other actions or projects subsequently made possible by your project?

Select "Yes" even if the expected effects to the species or critical habitat are expected to be 1) extremely unlikely (discountable), 2) can't meaningfully be measured, detected, or evaluated (insignificant), or 3) wholly beneficial.

Select "No" to confirm that the project details and supporting information allow you to conclude that listed species and their habitats will not be exposed to any effects (including discountable, insignificant, or beneficial effects) and therefore, you have made a "no effect" determination for all species. If you are unsure, select YES to answer additional questions about your project.

Yes

2. This determination key is intended to assist the user in the evaluating the effects of their actions on Federally listed species in Michigan. It does not cover other prohibited activities under the Endangered Species Act (e.g., for wildlife: import/export, Interstate or foreign commerce, possession of illegally taken wildlife, purposeful take for scientific purposes or to enhance the survival of a species, etc.; for plants: import/export, reduce to possession, malicious destruction on Federal lands, commercial sale, etc.) or other statutes. Click yes to acknowledge that you must consider other prohibitions of the ESA or other statutes outside of this determination key.

Yes

3. Is the action the approval of a long-term (i.e., in effect greater than 10 years) permit, plan, or other action? (e.g., a new or re-issued hydropower license, a large-scale land management plan, or other kinds of documents that provide direction for projects or actions that may be conducted over a long term (>10 years) without the need for additional section 7 consultation).

No

- 4. Is the action being funded, authorized, or carried out by a Federal agency? *Yes*
- 5. Does the action involve the installation or operation of wind turbines?

No

6. Are there at least 30 days prior to your action occurring? Endangered species consultation must be completed before taking any action that may have effects to listed species. The Service also needs 30 days to review projects before we can verify conclusions in some dkey output letters. For example, if you have already started some components of the project on the ground (e.g., removed vegetation) before completing this key, answer "no" to this question. The only exception is if you have a Michigan Field Office pre-approved emergence survey (i.e., if you have conducted pre-approved emergence surveys for listed bats before tree removal, you can still answer yes to this question).

Yes

7. Does the action involve constructing a new communications tower or modifying an existing communications tower?

No

8. Does the activity involve aerial or other large-scale application of any chemical (including insecticide, herbicide, etc.)?

No

9. Does your project include water withdrawal (ground or surface water) greater than 10,000 gallons/day?

No

10. Will your action permanently affect hydrology?

No

11. Will your action temporarily affect hydrology?

No

- 12. Will your project have any direct impacts to a stream or river (e.g., Horizontal Directional Drilling (HDD), hydrostatic testing, stream/road crossings, new storm-water outfall discharge, dams, other in-stream work, changes to water quality or hydrology, etc.)? *No*
- 13. Does your project have the potential to indirectly impact the stream/river or the riparian zone (e.g., cut and fill, horizontal directional drilling, hydrostatic testing, construction, vegetation removal, discharge, changes to water quality or hydrology, etc.)? *No*
- 14. Will your action disturb the ground or existing vegetation? This includes any off road vehicle access, soil compaction, digging, seismic survey, directional drilling, heavy equipment, grading, trenching, placement of fill, pesticide application, vegetation management (including removal or maintenance using equipment or chemicals), cultivation, development, etc.

Yes

15. Is the action a utility-scale solar development project?

**Note:**Solar projects are considered utility scale if they will be 1 megawatt or larger.

No

- 16. [Hidden semantic] Does the action intersect the MOBU AOI?Automatically answeredYes
- 17. Under the ESA, monarchs remain warranted but precluded by listing actions of higher priority. The monarch is a candidate for listing at this time. The Endangered Species Act does not establish protections or consultation requirements for candidate species. Some Federal and State agencies may have policy requirements to consider candidate species in planning. We encourage implementing measures that will remove or reduce threats to these species and possibly make listing unnecessary. If your project will have no effect on monarch butterflies (for example, if your project won't affect their habitat or individuals), then you can make a "no effect" determination for this project. Are you making a "no effect" determination for monarch?

Yes

18. [Hidden Semantic] Does the action intersect the Eastern massasauga rattlesnake area of influence?

Automatically answered Yes

19. Does your action involve prescribed fire?

No

20. Will this action occur entirely in the Eastern massasauga rattlesnake inactive season (October 2 through April 30)?

No

21. Will this action occur entirely in the Eastern massasauga rattlesnake active season (May 1 through October 1)?

No

22. Will the action result in permanent loss of more than one acre of wetland or conversion of more than 10 acres of uplands of potential Eastern massasauga rattlesnake habitat (uplands associated with high quality wetland habitat) to other land uses?

No

23. Will you use <u>wildlife safe materials</u> for erosion control and site restoration and eliminate the use of erosion control products containing plastic mesh netting or other similar material that could ensnare Eastern massasauga rattlesnake?

Yes

24. Will you watch MDNR's <u>"60-Second Snakes: The Eastern Massasauga Rattlesnake</u> (<u>EMR</u>)" video, review the <u>EMR factsheet</u> or call 517-351-2555 to increase human safety and awareness of EMR?

Yes

25. Will all action personnel report any Eastern massasauga rattlesnake observations, or observation of any other listed threatened or endangered species, during action implementation to the Service within 24 hours?

Yes

26. [Hidden Semantic] Does the action area intersect the rufa red knot area of influence? Automatically answered

Yes

27. [Hidden Semantic] Does the action intersect the area of influence for Michigan monkey-flower?

Automatically answered *Yes* 

- 28. [Hidden Semantic] Does the action area intersect the area of influence for Pitcher's thistle? Automatically answered Yes
- 29. [Hidden Semantic] Does the action intersect Hungerford's crawling water beetle area of influence?

Automatically answered *Yes* 

### **IPAC USER CONTACT INFORMATION**

Agency:Pellston villageName:Wade RoseAddress:34000 Plymouth RdCity:LivoniaState:MIZip:48150Emailwade.rose@ohm-advisors.comPhone:2482914573

### LEAD AGENCY CONTACT INFORMATION

Lead Agency: Pellston village



# United States Department of the Interior

FISH AND WILDLIFE SERVICE Michigan Ecological Services Field Office 2651 Coolidge Road Suite 101 East Lansing, MI 48823-6360 Phone: (517) 351-2555 Fax: (517) 351-1443



In Reply Refer To: Project code: 2025-0069325 Project Name: US-31 Industrial 2in Service Lead 03/14/2025 18:21:53 UTC

Subject: Verification letter for the project named 'US-31 Industrial 2in Service Lead' for specified threatened and endangered species that may occur in your proposed project location consistent with the Michigan Endangered Species Determination Key (Michigan DKey)

Dear Deborah Gibson:

The U.S. Fish and Wildlife Service (Service) received on **March 14, 2025** your effect determination(s) for the 'US-31 Industrial 2in Service Lead' (the Action) using the Michigan DKey within the Information for Planning and Consultation (IPaC) system. The Service developed this system in accordance with the Endangered Species Act of 1973 (ESA) (87 Stat. 884, as amended; 16 U.S.C. 1531 et seq.).

Based on your answers and the assistance of the Service's Michigan DKey, you made the following effect determination(s) for the proposed Action:

Species	Listing Status	Determination
Eastern Massasauga (=rattlesnake) (Sistrurus catenatus)	Threatened	NLAA
Hungerford's Crawling Water Beetle (Brychius	Endangered	No effect
hungerfordi)		
Michigan Monkey-flower ( <i>Mimulus michiganensis</i> )	Endangered	No effect
Monarch Butterfly ( <i>Danaus plexippus</i> )	Proposed	No effect
	Threatened	
Pitcher's Thistle (Cirsium pitcheri)	Threatened	No effect
Rufa Red Knot (Calidris canutus rufa)	Threatened	No effect

The Service will notify you within 30 calendar days if we determine that this proposed Action does not meet the criteria for a "may affect, not likely to adversely affect" (NLAA) determination for Federally listed species in Michigan. If we do not notify you within that timeframe, you may proceed with the Action under the terms of the NLAA concurrence provided here. This verification period allows the Michigan Ecological Services Field Office to apply local

knowledge to evaluation of the Action, as we may identify a small subset of actions having impacts that were unanticipated. In such instances, the Michigan Ecological Services Field Office may request additional information to verify the effects determination reached through the Michigan DKey.

Your agency has met consultation requirements by informing the Service of your "No Effect" determination(s). No consultation is required for species that you determined will not be affected by the Action.

Please provide sufficient project details on your project homepage in IPaC (Define Project, Project Description) to support your conclusions and the Service's 30-day review period. Failure to disclose important aspects of your project that would influence the outcome of your effects determinations may negate your determinations and invalidate this letter. If you have site-specific information that leads you to believe a different determination is more appropriate for your project than what the Dkey concludes, you can and should proceed based on the best available information.

The Service recommends that you contact the Service or re-evaluate the project in IPaC if: 1) the scope or location of the proposed Action is changed; 2) new information reveals that the action may affect listed species or designated critical habitat in a manner or to an extent not previously considered; 3) the Action is modified in a manner that causes effects to listed species or designated critical habitat; or 4) a new species is listed or critical habitat designated. If any of the above conditions occurs, additional consultation with the Service should take place before project changes are final or resources committed.

For non-Federal representatives: Please note that when a project requires consultation under section 7 of the Act, the Service must consult directly with the Federal action agency unless that agency formally designates a non-Federal representative (50 CFR 402.08). Non-Federal representatives may prepare analyses or conduct informal consultations; however, the ultimate responsibility for section 7 compliance under the Act remains with the Federal agency. If the Federal agency concurs with your determination, the project as proposed has completed section 7 consultation. All documents and supporting correspondence should be provided to the Federal agency for their records.

### **Bald and Golden Eagles:**

Bald eagles, golden eagles, and their nests are protected under the Bald and Golden Eagle Protection Act (54 Stat. 250, as amended, 16 U.S.C. 668a-d) (Eagle Act). The Eagle Act prohibits, except when authorized by an Eagle Act permit, the "taking" of bald and golden eagles and defines "take" as "pursue, shoot, shoot at, poison, wound, kill, capture, trap, collect, molest or disturb." The Eagle Act's implementing regulations define disturb as "…to agitate or bother a bald or golden eagle to a degree that causes, or is likely to cause, based on the best scientific information available, (1) injury to an eagle, (2) a decrease in its productivity, by substantially interfering with normal breeding, feeding, or sheltering behavior, or (3) nest abandonment, by substantially interfering with normal breeding, feeding, or sheltering behavior."

If the Action may impact bald or golden eagles, additional coordination with the Service under the Eagle Act may be required. For more information on eagles and conducting activities in the vicinity of an eagle nest, please visit https://www.fws.gov/library/collections/all-about-eagles. In addition, the Service developed the National Bald Eagle Management Guidelines (May 2007) in order to assist landowners in avoiding the disturbance of bald eagles. The full Guidelines are available at https://www.fws.gov/media/national-bald-eagle-management-guidelines-0.

If you have further questions regarding potential impacts to eagles, please contact Chris Mensing, Chris\_Mensing@fws.gov or 517-351-2555.

### Monarch butterfly and other pollinators

In December 2020, after an extensive status assessment of the monarch butterfly, we determined that listing the monarch under the Endangered Species Act is warranted but precluded by higher priority actions to amend the Lists of Endangered and Threatened Wildlife and Plants. Therefore, the Service added the monarch butterfly to the candidate list. The Service will review its status each year until we are able to begin developing a proposal to list the monarch.

The Endangered Species Act does not establish protections or consultation requirements for candidate species. Some Federal and State agencies may have policy requirements to consider candidate species in planning. We encourage implementing measures that will remove or reduce threats to these species and possibly make listing unnecessary.

For all projects, we recommend the following best management practices (BMPs) to benefit monarch and other pollinators.

Monarch and Pollinator BMP Recommendations

Consider monarch and other pollinators in your project planning when possible. Many pollinators are declining, including species that pollinate key agricultural crops and help maintain natural plant communities. Planting a diverse group of native plant species will help support the nutritional needs of Michigan's pollinators. We recommend a mix of flowering trees, shrubs, and herbaceous plants so that something is always blooming and pollen is available during the active periods of the pollinators, roughly early spring through fall (mid-March to mid-October). To benefit a wide variety of pollinators, choose a wide range of flowers with diverse colors, heights, structure, and flower shape. It is important to provide host plants for any known butterfly species at your site, including native milkweed for Monarch butterfly. Incorporating a water source (e.g., ephemeral pool or low area) and basking areas (rocks or bare ground) will provide additional resources for pollinators.

Many pollinators need a safe place to build their nests and overwinter. During spring and summer, leave some areas unmowed or minimize the impacts from mowing (e.g., decrease frequency, increase vegetation height). In fall, leave areas unraked and leave plant stems standing. Leave patches of bare soil for ground nesting pollinators.

Avoid or limit pesticide use. Pesticides can kill more than the target pest. Some pesticide residues can kill pollinators for several days after the pesticide is applied. Pesticides can also kill natural predators, which can lead to even worse pest problems.

Planting native wildflowers can also reduce the need to mow and water, improve bank stabilization by reducing erosion, and improve groundwater recharge and water quality.

Resources:

#### https://www.fws.gov/initiative/monarchs https://www.fws.gov/library/collections/pollinators

#### Wetland impacts:

Section 404 of the Clean Water Act of 1977 (CWA) regulates the discharge of dredged or fill material into waters (including wetlands) of the United States. Regulations require that activities permitted under the CWA (including wetland permits issued by the Michigan Department of Environment, Great Lakes, and Energy (EGLE)) not jeopardize the continued existence of species listed as endangered or threatened. Permits issued by the U.S. Army Corps of Engineers must also consider effects to listed species pursuant to section 7 of the Endangered Species Act. The Service provides comments to the agencies that may include permit conditions to help avoid or minimize impacts to wildlife resources including listed species. For this project, we consider the conservation measures you agreed to in the determination key and/or as part of your proposed action to be non-discretionary. If you apply for a wetland permit, these conservation measures should be explicitly incorporated as permit conditions. Include a copy of this letter in your wetland permit application to streamline the threatened and endangered species review process.

<u>Summary of conservation measures for your project</u> You agreed to the following conservation measures to avoid adverse effects to listed species and our concurrence is only valid if the measures are fully implemented. These must be included as permit conditions if a permit is required and/or included in any contract language.

**Eastern massasauga:** Materials used for erosion control and site restoration must be wildlifefriendly. Do not use erosion control products containing plastic mesh netting or other similar material that could entangle eastern massasauga rattlesnake (EMR). Several products for soil erosion and control exist that do not contain plastic netting including net-less erosion control blankets (for example, made of excelsior), loose mulch, hydraulic mulch, soil binders, unreinforced silt fences, and straw bales. Others are made from natural fibers (such as jute) and loosely woven together in a manner that allows wildlife to wiggle free.

**Eastern massasauga:** To increase human safety and awareness of EMR, those implementing the project must first review the EMR factsheet (available at https://www.fws.gov/media/eastern-massasauga-rattlesnake-fact-sheet), and watch MDNR's "60-Second Snakes: The Eastern Massasauga Rattlesnake" video (available at https://www.youtube.com/watch?v=-PFnXe\_e02w).

**Eastern massasauga:** During project implementation, report sightings of any federally listed species, including EMR, to the Service within 24 hours.

**Eastern massasauga:** The project will not result in permanent loss of more than one acre of wetland or conversion of more than 10 acres of EMR upland habitat (uplands associated with high quality wetland habitat) to other land uses.

### **Action Description**

You provided to IPaC the following name and description for the subject Action.

### 1. Name

US-31 Industrial 2in Service Lead

### 2. Description

The following description was provided for the project 'US-31 Industrial 2in Service Lead':

The project area is located near 1200 US-31, from the West side of US-31 running East to a commercial property in Pellston, MI. The project area is in a rural commercial area and consists of paved road, mowed turf grass, and landscape trees. The project will involve the installation of a 2" service lead via open cut and trenching. The project is in the design phase and has no start date.

The approximate location of the project can be viewed in Google Maps: <u>https://www.google.com/maps/@45.56755665,-84.7834232,14z</u>



### **QUALIFICATION INTERVIEW**

1. Are there any possible effects to any listed species or to designated critical habitat from your project or effects from any other actions or projects subsequently made possible by your project?

Select "Yes" even if the expected effects to the species or critical habitat are expected to be 1) extremely unlikely (discountable), 2) can't meaningfully be measured, detected, or evaluated (insignificant), or 3) wholly beneficial.

Select "No" to confirm that the project details and supporting information allow you to conclude that listed species and their habitats will not be exposed to any effects (including discountable, insignificant, or beneficial effects) and therefore, you have made a "no effect" determination for all species. If you are unsure, select YES to answer additional questions about your project.

Yes

2. This determination key is intended to assist the user in the evaluating the effects of their actions on Federally listed species in Michigan. It does not cover other prohibited activities under the Endangered Species Act (e.g., for wildlife: import/export, Interstate or foreign commerce, possession of illegally taken wildlife, purposeful take for scientific purposes or to enhance the survival of a species, etc.; for plants: import/export, reduce to possession, malicious destruction on Federal lands, commercial sale, etc.) or other statutes. Click yes to acknowledge that you must consider other prohibitions of the ESA or other statutes outside of this determination key.

Yes

3. Is the action the approval of a long-term (i.e., in effect greater than 10 years) permit, plan, or other action? (e.g., a new or re-issued hydropower license, a large-scale land management plan, or other kinds of documents that provide direction for projects or actions that may be conducted over a long term (>10 years) without the need for additional section 7 consultation).

No

- 4. Is the action being funded, authorized, or carried out by a Federal agency? *Yes*
- 5. Does the action involve the installation or operation of wind turbines?

No

6. Are there at least 30 days prior to your action occurring? Endangered species consultation must be completed before taking any action that may have effects to listed species. The Service also needs 30 days to review projects before we can verify conclusions in some dkey output letters. For example, if you have already started some components of the project on the ground (e.g., removed vegetation) before completing this key, answer "no" to this question. The only exception is if you have a Michigan Field Office pre-approved emergence survey (i.e., if you have conducted pre-approved emergence surveys for listed bats before tree removal, you can still answer yes to this question).

Yes

7. Does the action involve constructing a new communications tower or modifying an existing communications tower?

No

8. Does the activity involve aerial or other large-scale application of any chemical (including insecticide, herbicide, etc.)?

No

9. Does your project include water withdrawal (ground or surface water) greater than 10,000 gallons/day?

No

10. Will your action permanently affect hydrology?

No

11. Will your action temporarily affect hydrology?

No

- 12. Will your project have any direct impacts to a stream or river (e.g., Horizontal Directional Drilling (HDD), hydrostatic testing, stream/road crossings, new storm-water outfall discharge, dams, other in-stream work, changes to water quality or hydrology, etc.)? *No*
- 13. Does your project have the potential to indirectly impact the stream/river or the riparian zone (e.g., cut and fill, horizontal directional drilling, hydrostatic testing, construction, vegetation removal, discharge, changes to water quality or hydrology, etc.)? *No*
- 14. Will your action disturb the ground or existing vegetation? This includes any off road vehicle access, soil compaction, digging, seismic survey, directional drilling, heavy equipment, grading, trenching, placement of fill, pesticide application, vegetation management (including removal or maintenance using equipment or chemicals), cultivation, development, etc.

Yes

15. Is the action a utility-scale solar development project?

Note: Solar projects are considered utility scale if they will be 1 megawatt or larger.

No

- 16. [Hidden semantic] Does the action intersect the MOBU AOI?Automatically answeredYes
- 17. Under the ESA, monarchs remain warranted but precluded by listing actions of higher priority. The monarch is a candidate for listing at this time. The Endangered Species Act does not establish protections or consultation requirements for candidate species. Some Federal and State agencies may have policy requirements to consider candidate species in planning. We encourage implementing measures that will remove or reduce threats to these species and possibly make listing unnecessary. If your project will have no effect on monarch butterflies (for example, if your project won't affect their habitat or individuals), then you can make a "no effect" determination for this project. Are you making a "no effect" determination for monarch?

Yes

18. [Hidden Semantic] Does the action intersect the Eastern massasauga rattlesnake area of influence?

Automatically answered Yes

19. Does your action involve prescribed fire?

No

20. Will this action occur entirely in the Eastern massasauga rattlesnake inactive season (October 2 through April 30)?

No

21. Will this action occur entirely in the Eastern massasauga rattlesnake active season (May 1 through October 1)?

No

22. Will the action result in permanent loss of more than one acre of wetland or conversion of more than 10 acres of uplands of potential Eastern massasauga rattlesnake habitat (uplands associated with high quality wetland habitat) to other land uses?

No

23. Will you use <u>wildlife safe materials</u> for erosion control and site restoration and eliminate the use of erosion control products containing plastic mesh netting or other similar material that could ensnare Eastern massasauga rattlesnake?

Yes

24. Will you watch MDNR's <u>"60-Second Snakes: The Eastern Massasauga Rattlesnake</u> (<u>EMR</u>)" video, review the <u>EMR factsheet</u> or call 517-351-2555 to increase human safety and awareness of EMR?

Yes

25. Will all action personnel report any Eastern massasauga rattlesnake observations, or observation of any other listed threatened or endangered species, during action implementation to the Service within 24 hours?

Yes

26. [Hidden Semantic] Does the action area intersect the rufa red knot area of influence? Automatically answered

Yes

27. [Hidden Semantic] Does the action intersect the area of influence for Michigan monkey-flower?

Automatically answered *Yes* 

- 28. [Hidden Semantic] Does the action area intersect the area of influence for Pitcher's thistle? Automatically answered Yes
- 29. [Hidden Semantic] Does the action intersect Hungerford's crawling water beetle area of influence?

Automatically answered *Yes* 

### **IPAC USER CONTACT INFORMATION**

Agency:Pellston villageName:Deborah GibsonAddress:34000 Plymouth RdCity:livoniaState:MIZip:48150Emaildebbie.gibson@ohm-advisors.comPhone:7343234144

### LEAD AGENCY CONTACT INFORMATION

Lead Agency: Pellston village



# United States Department of the Interior

FISH AND WILDLIFE SERVICE Michigan Ecological Services Field Office 2651 Coolidge Road Suite 101 East Lansing, MI 48823-6360 Phone: (517) 351-2555 Fax: (517) 351-1443



In Reply Refer To: Project code: 2025-0067813 Project Name: US-31 to Milton 8'' WM - Pellston

03/12/2025 15:25:00 UTC

Subject: Verification letter for the project named 'US-31 to Milton 8'' WM - Pellston' for specified threatened and endangered species that may occur in your proposed project location consistent with the Michigan Endangered Species Determination Key (Michigan DKey)

Dear Wade Rose:

The U.S. Fish and Wildlife Service (Service) received on **March 12, 2025** your effect determination(s) for the 'US-31 to Milton 8" WM - Pellston' (the Action) using the Michigan DKey within the Information for Planning and Consultation (IPaC) system. The Service developed this system in accordance with the Endangered Species Act of 1973 (ESA) (87 Stat. 884, as amended; 16 U.S.C. 1531 et seq.).

Based on your answers and the assistance of the Service's Michigan DKey, you made the following effect determination(s) for the proposed Action:

<b>Species</b> Eastern Massasauga (=rattlesnake) ( <i>Sistrurus catenatus</i> ) Hungerford's Crawling Water Beetle ( <i>Brychius</i> <i>hungerfordi</i> )	<b>Listing Status</b> Threatened Endangered	<b>Determination</b> NLAA No effect
Michigan Monkey-flower ( <i>Mimulus michiganensis</i> ) Monarch Butterfly ( <i>Danaus plexippus</i> )	Endangered Proposed Threatened	No effect No effect
Northern Long-eared Bat ( <i>Myotis septentrionalis</i> ) Pitcher's Thistle ( <i>Cirsium pitcheri</i> ) Rufa Red Knot ( <i>Calidris canutus rufa</i> )	Endangered Threatened Threatened	No effect No effect No effect

The Service will notify you within 30 calendar days if we determine that this proposed Action does not meet the criteria for a "may affect, not likely to adversely affect" (NLAA) determination for Federally listed species in Michigan. If we do not notify you within that timeframe, you may proceed with the Action under the terms of the NLAA concurrence provided here. This

verification period allows the Michigan Ecological Services Field Office to apply local knowledge to evaluation of the Action, as we may identify a small subset of actions having impacts that were unanticipated. In such instances, the Michigan Ecological Services Field Office may request additional information to verify the effects determination reached through the Michigan DKey.

Your agency has met consultation requirements by informing the Service of your "No Effect" determination(s). No consultation is required for species that you determined will not be affected by the Action.

Please provide sufficient project details on your project homepage in IPaC (Define Project, Project Description) to support your conclusions and the Service's 30-day review period. Failure to disclose important aspects of your project that would influence the outcome of your effects determinations may negate your determinations and invalidate this letter. If you have sitespecific information that leads you to believe a different determination is more appropriate for your project than what the Dkey concludes, you can and should proceed based on the best available information.

The Service recommends that you contact the Service or re-evaluate the project in IPaC if: 1) the scope or location of the proposed Action is changed; 2) new information reveals that the action may affect listed species or designated critical habitat in a manner or to an extent not previously considered; 3) the Action is modified in a manner that causes effects to listed species or designated critical habitat; or 4) a new species is listed or critical habitat designated. If any of the above conditions occurs, additional consultation with the Service should take place before project changes are final or resources committed.

For non-Federal representatives: Please note that when a project requires consultation under section 7 of the Act, the Service must consult directly with the Federal action agency unless that agency formally designates a non-Federal representative (50 CFR 402.08). Non-Federal representatives may prepare analyses or conduct informal consultations; however, the ultimate responsibility for section 7 compliance under the Act remains with the Federal agency. If the Federal agency concurs with your determination, the project as proposed has completed section 7 consultation. All documents and supporting correspondence should be provided to the Federal agency for their records.

### **Bald and Golden Eagles:**

Bald eagles, golden eagles, and their nests are protected under the Bald and Golden Eagle Protection Act (54 Stat. 250, as amended, 16 U.S.C. 668a-d) (Eagle Act). The Eagle Act prohibits, except when authorized by an Eagle Act permit, the "taking" of bald and golden eagles and defines "take" as "pursue, shoot, shoot at, poison, wound, kill, capture, trap, collect, molest or disturb." The Eagle Act's implementing regulations define disturb as "…to agitate or bother a bald or golden eagle to a degree that causes, or is likely to cause, based on the best scientific information available, (1) injury to an eagle, (2) a decrease in its productivity, by substantially interfering with normal breeding, feeding, or sheltering behavior, or (3) nest abandonment, by substantially interfering with normal breeding, feeding, or sheltering behavior." If the Action may impact bald or golden eagles, additional coordination with the Service under the Eagle Act may be required. For more information on eagles and conducting activities in the vicinity of an eagle nest, please visit https://www.fws.gov/library/collections/all-about-eagles. In addition, the Service developed the National Bald Eagle Management Guidelines (May 2007) in order to assist landowners in avoiding the disturbance of bald eagles. The full Guidelines are available at https://www.fws.gov/media/national-bald-eagle-management-guidelines-0.

If you have further questions regarding potential impacts to eagles, please contact Chris Mensing, Chris\_Mensing@fws.gov or 517-351-2555.

### Monarch butterfly and other pollinators

In December 2020, after an extensive status assessment of the monarch butterfly, we determined that listing the monarch under the Endangered Species Act is warranted but precluded by higher priority actions to amend the Lists of Endangered and Threatened Wildlife and Plants. Therefore, the Service added the monarch butterfly to the candidate list. The Service will review its status each year until we are able to begin developing a proposal to list the monarch.

The Endangered Species Act does not establish protections or consultation requirements for candidate species. Some Federal and State agencies may have policy requirements to consider candidate species in planning. We encourage implementing measures that will remove or reduce threats to these species and possibly make listing unnecessary.

For all projects, we recommend the following best management practices (BMPs) to benefit monarch and other pollinators.

Monarch and Pollinator BMP Recommendations

Consider monarch and other pollinators in your project planning when possible. Many pollinators are declining, including species that pollinate key agricultural crops and help maintain natural plant communities. Planting a diverse group of native plant species will help support the nutritional needs of Michigan's pollinators. We recommend a mix of flowering trees, shrubs, and herbaceous plants so that something is always blooming and pollen is available during the active periods of the pollinators, roughly early spring through fall (mid-March to mid-October). To benefit a wide variety of pollinators, choose a wide range of flowers with diverse colors, heights, structure, and flower shape. It is important to provide host plants for any known butterfly species at your site, including native milkweed for Monarch butterfly. Incorporating a water source (e.g., ephemeral pool or low area) and basking areas (rocks or bare ground) will provide additional resources for pollinators.

Many pollinators need a safe place to build their nests and overwinter. During spring and summer, leave some areas unmowed or minimize the impacts from mowing (e.g., decrease frequency, increase vegetation height). In fall, leave areas unraked and leave plant stems standing. Leave patches of bare soil for ground nesting pollinators.

Avoid or limit pesticide use. Pesticides can kill more than the target pest. Some pesticide residues can kill pollinators for several days after the pesticide is applied. Pesticides can also kill natural predators, which can lead to even worse pest problems.

Planting native wildflowers can also reduce the need to mow and water, improve bank stabilization by reducing erosion, and improve groundwater recharge and water quality.

**Resources:** 

https://www.fws.gov/initiative/monarchs https://www.fws.gov/library/collections/pollinators

### Wetland impacts:

Section 404 of the Clean Water Act of 1977 (CWA) regulates the discharge of dredged or fill material into waters (including wetlands) of the United States. Regulations require that activities permitted under the CWA (including wetland permits issued by the Michigan Department of Environment, Great Lakes, and Energy (EGLE)) not jeopardize the continued existence of species listed as endangered or threatened. Permits issued by the U.S. Army Corps of Engineers must also consider effects to listed species pursuant to section 7 of the Endangered Species Act. The Service provides comments to the agencies that may include permit conditions to help avoid or minimize impacts to wildlife resources including listed species. For this project, we consider the conservation measures you agreed to in the determination key and/or as part of your proposed action to be non-discretionary. If you apply for a wetland permit, these conservation measures should be explicitly incorporated as permit conditions. Include a copy of this letter in your wetland permit application to streamline the threatened and endangered species review process.

<u>Summary of conservation measures for your project</u> You agreed to the following conservation measures to avoid adverse effects to listed species and our concurrence is only valid if the measures are fully implemented. These must be included as permit conditions if a permit is required and/or included in any contract language.

**Eastern massasauga:** Materials used for erosion control and site restoration must be wildlifefriendly. Do not use erosion control products containing plastic mesh netting or other similar material that could entangle eastern massasauga rattlesnake (EMR). Several products for soil erosion and control exist that do not contain plastic netting including net-less erosion control blankets (for example, made of excelsior), loose mulch, hydraulic mulch, soil binders, unreinforced silt fences, and straw bales. Others are made from natural fibers (such as jute) and loosely woven together in a manner that allows wildlife to wiggle free.

**Eastern massasauga:** To increase human safety and awareness of EMR, those implementing the project must first review the EMR factsheet (available at https://www.fws.gov/media/eastern-massasauga-rattlesnake-fact-sheet), and watch MDNR's "60-Second Snakes: The Eastern Massasauga Rattlesnake" video (available at https://www.youtube.com/watch?v=-PFnXe\_e02w).

**Eastern massasauga:** During project implementation, report sightings of any federally listed species, including EMR, to the Service within 24 hours.

**Eastern massasauga:** The project will not result in permanent loss of more than one acre of wetland or conversion of more than 10 acres of EMR upland habitat (uplands associated with high quality wetland habitat) to other land uses.

**Listed bats**: The action will not include temporary or permanent lighting of roadway(s), facility(ies), and/or parking lot(s).

### **Action Description**

You provided to IPaC the following name and description for the subject Action.

### 1. Name

US-31 to Milton 8" WM - Pellston

### 2. Description

The following description was provided for the project 'US-31 to Milton 8" WM - Pellston':

The project area is located within the road ROW along US-31 from the north end of the airport to Milton St. in Pellston MI. The project area is a mix of airport, industrial and residential neighborhood and consists of paved road, mowed turf grass, and landscape trees. The project will involve the installation of 8" water main, service leads, valves and hydrants via open cut and trenching. The project is the design phase and has no start date.

The approximate location of the project can be viewed in Google Maps: <u>https://www.google.com/maps/@45.5667749,-84.78414590039664,14z</u>



### **QUALIFICATION INTERVIEW**

1. Are there any possible effects to any listed species or to designated critical habitat from your project or effects from any other actions or projects subsequently made possible by your project?

Select "Yes" even if the expected effects to the species or critical habitat are expected to be 1) extremely unlikely (discountable), 2) can't meaningfully be measured, detected, or evaluated (insignificant), or 3) wholly beneficial.

Select "No" to confirm that the project details and supporting information allow you to conclude that listed species and their habitats will not be exposed to any effects (including discountable, insignificant, or beneficial effects) and therefore, you have made a "no effect" determination for all species. If you are unsure, select YES to answer additional questions about your project.

Yes

2. This determination key is intended to assist the user in the evaluating the effects of their actions on Federally listed species in Michigan. It does not cover other prohibited activities under the Endangered Species Act (e.g., for wildlife: import/export, Interstate or foreign commerce, possession of illegally taken wildlife, purposeful take for scientific purposes or to enhance the survival of a species, etc.; for plants: import/export, reduce to possession, malicious destruction on Federal lands, commercial sale, etc.) or other statutes. Click yes to acknowledge that you must consider other prohibitions of the ESA or other statutes outside of this determination key.

Yes

3. Is the action the approval of a long-term (i.e., in effect greater than 10 years) permit, plan, or other action? (e.g., a new or re-issued hydropower license, a large-scale land management plan, or other kinds of documents that provide direction for projects or actions that may be conducted over a long term (>10 years) without the need for additional section 7 consultation).

No

- 4. Is the action being funded, authorized, or carried out by a Federal agency? *Yes*
- 5. Does the action involve the installation or operation of wind turbines?

No

6. Are there at least 30 days prior to your action occurring? Endangered species consultation must be completed before taking any action that may have effects to listed species. The Service also needs 30 days to review projects before we can verify conclusions in some dkey output letters. For example, if you have already started some components of the project on the ground (e.g., removed vegetation) before completing this key, answer "no" to this question. The only exception is if you have a Michigan Field Office pre-approved emergence survey (i.e., if you have conducted pre-approved emergence surveys for listed bats before tree removal, you can still answer yes to this question).

Yes

7. Does the action involve constructing a new communications tower or modifying an existing communications tower?

No

8. Does the activity involve aerial or other large-scale application of any chemical (including insecticide, herbicide, etc.)?

No

9. Does your project include water withdrawal (ground or surface water) greater than 10,000 gallons/day?

No

10. Will your action permanently affect hydrology?

No

11. Will your action temporarily affect hydrology?

No

- 12. Will your project have any direct impacts to a stream or river (e.g., Horizontal Directional Drilling (HDD), hydrostatic testing, stream/road crossings, new storm-water outfall discharge, dams, other in-stream work, changes to water quality or hydrology, etc.)? *No*
- 13. Does your project have the potential to indirectly impact the stream/river or the riparian zone (e.g., cut and fill, horizontal directional drilling, hydrostatic testing, construction, vegetation removal, discharge, changes to water quality or hydrology, etc.)? *No*
- 14. Will your action disturb the ground or existing vegetation? This includes any off road vehicle access, soil compaction, digging, seismic survey, directional drilling, heavy equipment, grading, trenching, placement of fill, pesticide application, vegetation management (including removal or maintenance using equipment or chemicals), cultivation, development, etc.

Yes

15. Is the action a utility-scale solar development project?

Note: Solar projects are considered utility scale if they will be 1 megawatt or larger.

No

- 16. [Hidden semantic] Does the action intersect the MOBU AOI?Automatically answeredYes
- 17. Under the ESA, monarchs remain warranted but precluded by listing actions of higher priority. The monarch is a candidate for listing at this time. The Endangered Species Act does not establish protections or consultation requirements for candidate species. Some Federal and State agencies may have policy requirements to consider candidate species in planning. We encourage implementing measures that will remove or reduce threats to these species and possibly make listing unnecessary. If your project will have no effect on monarch butterflies (for example, if your project won't affect their habitat or individuals), then you can make a "no effect" determination for this project. Are you making a "no effect" determination for monarch?

Yes

18. [Hidden Semantic] Does the action intersect the Eastern massasauga rattlesnake area of influence?

Automatically answered Yes

19. Does your action involve prescribed fire?

No

20. Will this action occur entirely in the Eastern massasauga rattlesnake inactive season (October 2 through April 30)?

No

21. Will this action occur entirely in the Eastern massasauga rattlesnake active season (May 1 through October 1)?

No

22. Will the action result in permanent loss of more than one acre of wetland or conversion of more than 10 acres of uplands of potential Eastern massasauga rattlesnake habitat (uplands associated with high quality wetland habitat) to other land uses?

No

23. Will you use <u>wildlife safe materials</u> for erosion control and site restoration and eliminate the use of erosion control products containing plastic mesh netting or other similar material that could ensnare Eastern massasauga rattlesnake?

Yes

24. Will you watch MDNR's <u>"60-Second Snakes: The Eastern Massasauga Rattlesnake</u> (<u>EMR</u>)" video, review the <u>EMR factsheet</u> or call 517-351-2555 to increase human safety and awareness of EMR?

Yes

25. Will all action personnel report any Eastern massasauga rattlesnake observations, or observation of any other listed threatened or endangered species, during action implementation to the Service within 24 hours?

Yes

26. [Hidden Semantic] Does the action area intersect the rufa red knot area of influence? Automatically answered

Yes

27. [Hidden Semantic] Does the action intersect the area of influence for Michigan monkey-flower?

Automatically answered *Yes* 

28. [Hidden Semantic] Does the action area intersect the area of influence for Pitcher's thistle? Automatically answered

Yes

29. [Hidden Semantic] Does the action intersect Hungerford's crawling water beetle area of influence?

Automatically answered *Yes* 

30. The project has the potential to affect federally listed bats. Does the action area contain any known or potential bat hibernacula (natural caves, abandoned mines, or underground quarries)?

No

31. Has a presence/absence bat survey or field-based habitat assessment following the Service's Range-wide <u>Indiana Bat and Northern Long-eared Bat Summer Survey</u> <u>Guidelines</u> been conducted within the action area?

No

32. Does the action involve removal/modification of a human structure (barn, house or other building) known to contain roosting bats?

No

- 33. Does the action include removal/modification of an existing bridge or culvert? *No*
- 34. Does the action include temporary or permanent lighting of roadway(s), facility(ies), and/ or parking lot(s)?

No

35. Does the action include one or more of the following: (1) tree cutting/trimming, (2) prescribed fire, (3) pesticide (including insecticide and/or rodenticide), and/or (4) herbicide/fungicide application?

No

# 36. [Hidden Semantic] Does this project intersect the northern long-eared bat area of influence?

Automatically answered *Yes* 

### **IPAC USER CONTACT INFORMATION**

Agency:Pellston villageName:Wade RoseAddress:34000 Plymouth RdCity:LivoniaState:MIZip:48150Emailwade.rose@ohm-advisors.comPhone:2482914573

### LEAD AGENCY CONTACT INFORMATION

Lead Agency: Pellston village



# United States Department of the Interior

FISH AND WILDLIFE SERVICE Michigan Ecological Services Field Office 2651 Coolidge Road Suite 101 East Lansing, MI 48823-6360 Phone: (517) 351-2555 Fax: (517) 351-1443



03/12/2025 15:45:14 UTC

In Reply Refer To: Project code: 2025-0067871 Project Name: Townline - Lahti Ln to Mill St 6 WM - Pellston

Subject: Verification letter for the project named 'Townline - Lahti Ln to Mill St 6 WM -Pellston' for specified threatened and endangered species that may occur in your proposed project location consistent with the Michigan Endangered Species Determination Key (Michigan DKey)

Dear Wade Rose:

The U.S. Fish and Wildlife Service (Service) received on **March 12, 2025** your effect determination(s) for the 'Townline - Lahti Ln to Mill St 6 WM - Pellston' (the Action) using the Michigan DKey within the Information for Planning and Consultation (IPaC) system. The Service developed this system in accordance with the Endangered Species Act of 1973 (ESA) (87 Stat.884, as amended; 16 U.S.C. 1531 et seq.).

Based on your answers and the assistance of the Service's Michigan DKey, you made the following effect determination(s) for the proposed Action:

Species	Listing Status	Determination
Eastern Massasauga (=rattlesnake) (Sistrurus catenatus)	Threatened	NLAA
Hungerford's Crawling Water Beetle (Brychius	Endangered	No effect
hungerfordi)		
Michigan Monkey-flower (Mimulus michiganensis)	Endangered	No effect
Monarch Butterfly (Danaus plexippus)	Proposed	No effect
	Threatened	
Pitcher's Thistle (Cirsium pitcheri)	Threatened	No effect
Rufa Red Knot (Calidris canutus rufa)	Threatened	No effect

The Service will notify you within 30 calendar days if we determine that this proposed Action does not meet the criteria for a "may affect, not likely to adversely affect" (NLAA) determination for Federally listed species in Michigan. If we do not notify you within that timeframe, you may proceed with the Action under the terms of the NLAA concurrence provided here. This verification period allows the Michigan Ecological Services Field Office to apply local

knowledge to evaluation of the Action, as we may identify a small subset of actions having impacts that were unanticipated. In such instances, the Michigan Ecological Services Field Office may request additional information to verify the effects determination reached through the Michigan DKey.

Your agency has met consultation requirements by informing the Service of your "No Effect" determination(s). No consultation is required for species that you determined will not be affected by the Action.

Please provide sufficient project details on your project homepage in IPaC (Define Project, Project Description) to support your conclusions and the Service's 30-day review period. Failure to disclose important aspects of your project that would influence the outcome of your effects determinations may negate your determinations and invalidate this letter. If you have site-specific information that leads you to believe a different determination is more appropriate for your project than what the Dkey concludes, you can and should proceed based on the best available information.

The Service recommends that you contact the Service or re-evaluate the project in IPaC if: 1) the scope or location of the proposed Action is changed; 2) new information reveals that the action may affect listed species or designated critical habitat in a manner or to an extent not previously considered; 3) the Action is modified in a manner that causes effects to listed species or designated critical habitat; or 4) a new species is listed or critical habitat designated. If any of the above conditions occurs, additional consultation with the Service should take place before project changes are final or resources committed.

For non-Federal representatives: Please note that when a project requires consultation under section 7 of the Act, the Service must consult directly with the Federal action agency unless that agency formally designates a non-Federal representative (50 CFR 402.08). Non-Federal representatives may prepare analyses or conduct informal consultations; however, the ultimate responsibility for section 7 compliance under the Act remains with the Federal agency. If the Federal agency concurs with your determination, the project as proposed has completed section 7 consultation. All documents and supporting correspondence should be provided to the Federal agency for their records.

### **Bald and Golden Eagles:**

Bald eagles, golden eagles, and their nests are protected under the Bald and Golden Eagle Protection Act (54 Stat. 250, as amended, 16 U.S.C. 668a-d) (Eagle Act). The Eagle Act prohibits, except when authorized by an Eagle Act permit, the "taking" of bald and golden eagles and defines "take" as "pursue, shoot, shoot at, poison, wound, kill, capture, trap, collect, molest or disturb." The Eagle Act's implementing regulations define disturb as "…to agitate or bother a bald or golden eagle to a degree that causes, or is likely to cause, based on the best scientific information available, (1) injury to an eagle, (2) a decrease in its productivity, by substantially interfering with normal breeding, feeding, or sheltering behavior, or (3) nest abandonment, by substantially interfering with normal breeding, feeding, or sheltering behavior."

If the Action may impact bald or golden eagles, additional coordination with the Service under the Eagle Act may be required. For more information on eagles and conducting activities in the vicinity of an eagle nest, please visit https://www.fws.gov/library/collections/all-about-eagles. In addition, the Service developed the National Bald Eagle Management Guidelines (May 2007) in order to assist landowners in avoiding the disturbance of bald eagles. The full Guidelines are available at https://www.fws.gov/media/national-bald-eagle-management-guidelines-0.

If you have further questions regarding potential impacts to eagles, please contact Chris Mensing, Chris\_Mensing@fws.gov or 517-351-2555.

### Monarch butterfly and other pollinators

In December 2020, after an extensive status assessment of the monarch butterfly, we determined that listing the monarch under the Endangered Species Act is warranted but precluded by higher priority actions to amend the Lists of Endangered and Threatened Wildlife and Plants. Therefore, the Service added the monarch butterfly to the candidate list. The Service will review its status each year until we are able to begin developing a proposal to list the monarch.

The Endangered Species Act does not establish protections or consultation requirements for candidate species. Some Federal and State agencies may have policy requirements to consider candidate species in planning. We encourage implementing measures that will remove or reduce threats to these species and possibly make listing unnecessary.

For all projects, we recommend the following best management practices (BMPs) to benefit monarch and other pollinators.

Monarch and Pollinator BMP Recommendations

Consider monarch and other pollinators in your project planning when possible. Many pollinators are declining, including species that pollinate key agricultural crops and help maintain natural plant communities. Planting a diverse group of native plant species will help support the nutritional needs of Michigan's pollinators. We recommend a mix of flowering trees, shrubs, and herbaceous plants so that something is always blooming and pollen is available during the active periods of the pollinators, roughly early spring through fall (mid-March to mid-October). To benefit a wide variety of pollinators, choose a wide range of flowers with diverse colors, heights, structure, and flower shape. It is important to provide host plants for any known butterfly species at your site, including native milkweed for Monarch butterfly. Incorporating a water source (e.g., ephemeral pool or low area) and basking areas (rocks or bare ground) will provide additional resources for pollinators.

Many pollinators need a safe place to build their nests and overwinter. During spring and summer, leave some areas unmowed or minimize the impacts from mowing (e.g., decrease frequency, increase vegetation height). In fall, leave areas unraked and leave plant stems standing. Leave patches of bare soil for ground nesting pollinators.

Avoid or limit pesticide use. Pesticides can kill more than the target pest. Some pesticide residues can kill pollinators for several days after the pesticide is applied. Pesticides can also kill natural predators, which can lead to even worse pest problems.

Planting native wildflowers can also reduce the need to mow and water, improve bank stabilization by reducing erosion, and improve groundwater recharge and water quality.

Resources:

#### https://www.fws.gov/initiative/monarchs https://www.fws.gov/library/collections/pollinators

#### Wetland impacts:

Section 404 of the Clean Water Act of 1977 (CWA) regulates the discharge of dredged or fill material into waters (including wetlands) of the United States. Regulations require that activities permitted under the CWA (including wetland permits issued by the Michigan Department of Environment, Great Lakes, and Energy (EGLE)) not jeopardize the continued existence of species listed as endangered or threatened. Permits issued by the U.S. Army Corps of Engineers must also consider effects to listed species pursuant to section 7 of the Endangered Species Act. The Service provides comments to the agencies that may include permit conditions to help avoid or minimize impacts to wildlife resources including listed species. For this project, we consider the conservation measures you agreed to in the determination key and/or as part of your proposed action to be non-discretionary. If you apply for a wetland permit, these conservation measures should be explicitly incorporated as permit conditions. Include a copy of this letter in your wetland permit application to streamline the threatened and endangered species review process.

<u>Summary of conservation measures for your project</u> You agreed to the following conservation measures to avoid adverse effects to listed species and our concurrence is only valid if the measures are fully implemented. These must be included as permit conditions if a permit is required and/or included in any contract language.

**Eastern massasauga:** Materials used for erosion control and site restoration must be wildlifefriendly. Do not use erosion control products containing plastic mesh netting or other similar material that could entangle eastern massasauga rattlesnake (EMR). Several products for soil erosion and control exist that do not contain plastic netting including net-less erosion control blankets (for example, made of excelsior), loose mulch, hydraulic mulch, soil binders, unreinforced silt fences, and straw bales. Others are made from natural fibers (such as jute) and loosely woven together in a manner that allows wildlife to wiggle free.

**Eastern massasauga:** To increase human safety and awareness of EMR, those implementing the project must first review the EMR factsheet (available at https://www.fws.gov/media/eastern-massasauga-rattlesnake-fact-sheet), and watch MDNR's "60-Second Snakes: The Eastern Massasauga Rattlesnake" video (available at https://www.youtube.com/watch?v=-PFnXe\_e02w).

**Eastern massasauga:** During project implementation, report sightings of any federally listed species, including EMR, to the Service within 24 hours.

**Eastern massasauga:** The project will not result in permanent loss of more than one acre of wetland or conversion of more than 10 acres of EMR upland habitat (uplands associated with high quality wetland habitat) to other land uses.

### **Action Description**

You provided to IPaC the following name and description for the subject Action.

### 1. Name

Townline - Lahti Ln to Mill St 6 WM - Pellston

### 2. Description

The following description was provided for the project 'Townline - Lahti Ln to Mill St 6 WM - Pellston':

The project area is located within the road ROW along Townline Rd from Lahti Ln to Mill St in Pellston MI. The project area runs along a forested road adjacent to a residnetial neighborhood. The project area consist of dirt road, forested ROW, and plantation pines. The project will involve the installation of 6" water main, service leads, valves and hydrants via open cut and trenching. The project is in the design phase and has no start date.

The approximate location of the project can be viewed in Google Maps: <u>https://www.google.com/maps/@45.55592765,-84.7715254,14z</u>



# **QUALIFICATION INTERVIEW**

1. Are there any possible effects to any listed species or to designated critical habitat from your project or effects from any other actions or projects subsequently made possible by your project?

Select "Yes" even if the expected effects to the species or critical habitat are expected to be 1) extremely unlikely (discountable), 2) can't meaningfully be measured, detected, or evaluated (insignificant), or 3) wholly beneficial.

Select "No" to confirm that the project details and supporting information allow you to conclude that listed species and their habitats will not be exposed to any effects (including discountable, insignificant, or beneficial effects) and therefore, you have made a "no effect" determination for all species. If you are unsure, select YES to answer additional questions about your project.

Yes

2. This determination key is intended to assist the user in the evaluating the effects of their actions on Federally listed species in Michigan. It does not cover other prohibited activities under the Endangered Species Act (e.g., for wildlife: import/export, Interstate or foreign commerce, possession of illegally taken wildlife, purposeful take for scientific purposes or to enhance the survival of a species, etc.; for plants: import/export, reduce to possession, malicious destruction on Federal lands, commercial sale, etc.) or other statutes. Click yes to acknowledge that you must consider other prohibitions of the ESA or other statutes outside of this determination key.

Yes

3. Is the action the approval of a long-term (i.e., in effect greater than 10 years) permit, plan, or other action? (e.g., a new or re-issued hydropower license, a large-scale land management plan, or other kinds of documents that provide direction for projects or actions that may be conducted over a long term (>10 years) without the need for additional section 7 consultation).

No

- 4. Is the action being funded, authorized, or carried out by a Federal agency? *Yes*
- 5. Does the action involve the installation or operation of wind turbines?

No

6. Are there at least 30 days prior to your action occurring? Endangered species consultation must be completed before taking any action that may have effects to listed species. The Service also needs 30 days to review projects before we can verify conclusions in some dkey output letters. For example, if you have already started some components of the project on the ground (e.g., removed vegetation) before completing this key, answer "no" to this question. The only exception is if you have a Michigan Field Office pre-approved emergence survey (i.e., if you have conducted pre-approved emergence surveys for listed bats before tree removal, you can still answer yes to this question).

Yes

7. Does the action involve constructing a new communications tower or modifying an existing communications tower?

No

8. Does the activity involve aerial or other large-scale application of any chemical (including insecticide, herbicide, etc.)?

No

9. Does your project include water withdrawal (ground or surface water) greater than 10,000 gallons/day?

No

10. Will your action permanently affect hydrology?

No

11. Will your action temporarily affect hydrology?

No

- 12. Will your project have any direct impacts to a stream or river (e.g., Horizontal Directional Drilling (HDD), hydrostatic testing, stream/road crossings, new storm-water outfall discharge, dams, other in-stream work, changes to water quality or hydrology, etc.)? *No*
- 13. Does your project have the potential to indirectly impact the stream/river or the riparian zone (e.g., cut and fill, horizontal directional drilling, hydrostatic testing, construction, vegetation removal, discharge, changes to water quality or hydrology, etc.)? *No*
- 14. Will your action disturb the ground or existing vegetation? This includes any off road vehicle access, soil compaction, digging, seismic survey, directional drilling, heavy equipment, grading, trenching, placement of fill, pesticide application, vegetation management (including removal or maintenance using equipment or chemicals), cultivation, development, etc.

Yes

15. Is the action a utility-scale solar development project?

Note: Solar projects are considered utility scale if they will be 1 megawatt or larger.

No

- 16. [Hidden semantic] Does the action intersect the MOBU AOI?Automatically answeredYes
- 17. Under the ESA, monarchs remain warranted but precluded by listing actions of higher priority. The monarch is a candidate for listing at this time. The Endangered Species Act does not establish protections or consultation requirements for candidate species. Some Federal and State agencies may have policy requirements to consider candidate species in planning. We encourage implementing measures that will remove or reduce threats to these species and possibly make listing unnecessary. If your project will have no effect on monarch butterflies (for example, if your project won't affect their habitat or individuals), then you can make a "no effect" determination for this project. Are you making a "no effect" determination for monarch?

Yes

18. [Hidden Semantic] Does the action intersect the Eastern massasauga rattlesnake area of influence?

Automatically answered Yes

19. Does your action involve prescribed fire?

No

20. Will this action occur entirely in the Eastern massasauga rattlesnake inactive season (October 2 through April 30)?

No

21. Will this action occur entirely in the Eastern massasauga rattlesnake active season (May 1 through October 1)?

No

22. Will the action result in permanent loss of more than one acre of wetland or conversion of more than 10 acres of uplands of potential Eastern massasauga rattlesnake habitat (uplands associated with high quality wetland habitat) to other land uses?

No

23. Will you use <u>wildlife safe materials</u> for erosion control and site restoration and eliminate the use of erosion control products containing plastic mesh netting or other similar material that could ensnare Eastern massasauga rattlesnake?

Yes

24. Will you watch MDNR's <u>"60-Second Snakes: The Eastern Massasauga Rattlesnake</u> (<u>EMR</u>)" video, review the <u>EMR factsheet</u> or call 517-351-2555 to increase human safety and awareness of EMR?

Yes

25. Will all action personnel report any Eastern massasauga rattlesnake observations, or observation of any other listed threatened or endangered species, during action implementation to the Service within 24 hours?

Yes

26. [Hidden Semantic] Does the action area intersect the rufa red knot area of influence? Automatically answered

Yes

27. [Hidden Semantic] Does the action intersect the area of influence for Michigan monkey-flower?

Automatically answered *Yes* 

- 28. [Hidden Semantic] Does the action area intersect the area of influence for Pitcher's thistle? Automatically answered Yes
- 29. [Hidden Semantic] Does the action intersect Hungerford's crawling water beetle area of influence?

Automatically answered *Yes* 

# **IPAC USER CONTACT INFORMATION**

Agency:Pellston villageName:Wade RoseAddress:34000 Plymouth RdCity:LivoniaState:MIZip:48150Emailwade.rose@ohm-advisors.comPhone:2482914573

## LEAD AGENCY CONTACT INFORMATION

Lead Agency: Pellston village



# United States Department of the Interior

FISH AND WILDLIFE SERVICE Michigan Ecological Services Field Office 2651 Coolidge Road Suite 101 East Lansing, MI 48823-6360 Phone: (517) 351-2555 Fax: (517) 351-1443



In Reply Refer To: Project code: 2025-0071727 Project Name: Well Field Parcel 1 - Pellston 03/20/2025 14:41:36 UTC

Subject: Verification letter for the project named 'Well Field Parcel 1 - Pellston' for specified threatened and endangered species that may occur in your proposed project location consistent with the Michigan Endangered Species Determination Key (Michigan DKey)

Dear Wade Rose:

The U.S. Fish and Wildlife Service (Service) received on **March 20, 2025** your effect determination(s) for the 'Well Field Parcel 1 - Pellston' (the Action) using the Michigan DKey within the Information for Planning and Consultation (IPaC) system. The Service developed this system in accordance with the Endangered Species Act of 1973 (ESA) (87 Stat.884, as amended; 16 U.S.C. 1531 et seq.).

Based on your answers and the assistance of the Service's Michigan DKey, you made the following effect determination(s) for the proposed Action:

<b>Species</b> Eastern Massasauga (=rattlesnake) ( <i>Sistrurus catenatus</i> ) Hungerford's Crawling Water Beetle ( <i>Brychius</i> <i>hungerfordi</i> )	<b>Listing Status</b> Threatened Endangered	<b>Determination</b> NLAA No effect
Michigan Monkey-flower ( <i>Mimulus michiganensis</i> ) Monarch Butterfly ( <i>Danaus plexippus</i> )	Endangered Proposed Threatened	No effect No effect
Northern Long-eared Bat ( <i>Myotis septentrionalis</i> ) Pitcher's Thistle ( <i>Cirsium pitcheri</i> ) Rufa Red Knot ( <i>Calidris canutus rufa</i> )	Endangered Threatened Threatened	NLAA No effect No effect

The Service will notify you within 30 calendar days if we determine that this proposed Action does not meet the criteria for a "may affect, not likely to adversely affect" (NLAA) determination for Federally listed species in Michigan. If we do not notify you within that timeframe, you may proceed with the Action under the terms of the NLAA concurrence provided here. This

verification period allows the Michigan Ecological Services Field Office to apply local knowledge to evaluation of the Action, as we may identify a small subset of actions having impacts that were unanticipated. In such instances, the Michigan Ecological Services Field Office may request additional information to verify the effects determination reached through the Michigan DKey.

Your agency has met consultation requirements by informing the Service of your "No Effect" determination(s). No consultation is required for species that you determined will not be affected by the Action.

Please provide sufficient project details on your project homepage in IPaC (Define Project, Project Description) to support your conclusions and the Service's 30-day review period. Failure to disclose important aspects of your project that would influence the outcome of your effects determinations may negate your determinations and invalidate this letter. If you have site-specific information that leads you to believe a different determination is more appropriate for your project than what the Dkey concludes, you can and should proceed based on the best available information.

The Service recommends that you contact the Service or re-evaluate the project in IPaC if: 1) the scope or location of the proposed Action is changed; 2) new information reveals that the action may affect listed species or designated critical habitat in a manner or to an extent not previously considered; 3) the Action is modified in a manner that causes effects to listed species or designated critical habitat; or 4) a new species is listed or critical habitat designated. If any of the above conditions occurs, additional consultation with the Service should take place before project changes are final or resources committed.

For non-Federal representatives: Please note that when a project requires consultation under section 7 of the Act, the Service must consult directly with the Federal action agency unless that agency formally designates a non-Federal representative (50 CFR 402.08). Non-Federal representatives may prepare analyses or conduct informal consultations; however, the ultimate responsibility for section 7 compliance under the Act remains with the Federal agency. If the Federal agency concurs with your determination, the project as proposed has completed section 7 consultation. All documents and supporting correspondence should be provided to the Federal agency for their records.

### Northern Long-eared Bat:

Effective March 31, 2023, the northern long-eared bat was reclassified from a threatened species to an endangered species (87 FR 73488, 88 FR 4908). This reclassification changed the northern long-eared bat's protections under the ESA, removing the previous 4(d) rule, as these can only be applied to threatened species. As with the Indiana bat, unpermitted take of northern long-eared bat occurring on or after March 31, 2023, is now prohibited by section 9 of the ESA. To assist with the transition from the 4(d) rule, the Service developed an Interim Consultation Framework that considers projects that are consistent with the 4(d) rule. The Interim Consultation Framework and associated Standing Analysis only consider and address the effects of covered actions that are expected to occur from March 31, 2023 until April 1, 2024; however, we are extending the interim northern long-eared bat tools and guidance until summer 2024 (at which

time we expect final tools to be issued). The new tools will be posted on <u>the Service's Northern</u> <u>Long-eared Bat page</u>.

Your project is consistent with a "not likely to adversely affect" determination under the Interim Consultation Framework. If new information about your action indicates listed bats may be present and adversely affected in a manner not considered as part of this consultation, please reinitiate consultation with our office. For more information on how to avoid adverse effects to listed bats, please refer to the guidance available on the Service's Northern Long-eared Bat page.

#### **Bats of Conservation Concern:**

Implementing protective measures for bats, including both federally listed and non-listed species, indirectly helps to protect Michigan's agriculture and forests. Bats are significant predators of nocturnal insects, including many crop and forest pests. For example, Whitaker (1995) estimated that a single colony of 150 big brown bats (Eptesicus fuscus) would eat nearly 1.3 million pest insects each year. Boyles et al. (2011) noted the "loss of bats in North America could lead to agricultural losses estimated at more than \$3.7 billion/year, and Maine and Boyles (2015) estimated that the suppression of herbivory by insectivorous bats is worth >1 billion USD globally on corn alone. In captive trials, northern long-eared bats were found to significantly reduce the egg-laying activity of mosquitoes, suggesting bats may also play an important role in controlling insect-borne disease (Reiskind and Wund 2009). Mosquitoes have also been found to be a consistent component of the diet of Indiana bats and are eaten most heavily during pregnancy (6.6%; Kurta and Whitaker 1998). Taking proactive steps to help protect bats may be very valuable to agricultural and forest product yields and pest management costs in and around a project area. Such conservation measures include limiting tree clearing during the bat active season (varies by location) and/or the non-volant period (June through July), when young bats are unable to fly, and minimizing the extent of impacts to forests, wetlands, and riparian habitats.

#### **Bald and Golden Eagles:**

Bald eagles, golden eagles, and their nests are protected under the Bald and Golden Eagle Protection Act (54 Stat. 250, as amended, 16 U.S.C. 668a-d) (Eagle Act). The Eagle Act prohibits, except when authorized by an Eagle Act permit, the "taking" of bald and golden eagles and defines "take" as "pursue, shoot, shoot at, poison, wound, kill, capture, trap, collect, molest or disturb." The Eagle Act's implementing regulations define disturb as "…to agitate or bother a bald or golden eagle to a degree that causes, or is likely to cause, based on the best scientific information available, (1) injury to an eagle, (2) a decrease in its productivity, by substantially interfering with normal breeding, feeding, or sheltering behavior, or (3) nest abandonment, by substantially interfering with normal breeding, feeding, or sheltering behavior."

If the Action may impact bald or golden eagles, additional coordination with the Service under the Eagle Act may be required. For more information on eagles and conducting activities in the vicinity of an eagle nest, please visit https://www.fws.gov/library/collections/all-about-eagles. In addition, the Service developed the National Bald Eagle Management Guidelines (May 2007) in order to assist landowners in avoiding the disturbance of bald eagles. The full Guidelines are available at https://www.fws.gov/media/national-bald-eagle-management-guidelines-0.

If you have further questions regarding potential impacts to eagles, please contact Chris Mensing, Chris\_Mensing@fws.gov or 517-351-2555.

#### Monarch butterfly and other pollinators

In December 2020, after an extensive status assessment of the monarch butterfly, we determined that listing the monarch under the Endangered Species Act is warranted but precluded by higher priority actions to amend the Lists of Endangered and Threatened Wildlife and Plants. Therefore, the Service added the monarch butterfly to the candidate list. The Service will review its status each year until we are able to begin developing a proposal to list the monarch.

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For all projects, we recommend the following best management practices (BMPs) to benefit monarch and other pollinators.

Monarch and Pollinator BMP Recommendations

Consider monarch and other pollinators in your project planning when possible. Many pollinators are declining, including species that pollinate key agricultural crops and help maintain natural plant communities. Planting a diverse group of native plant species will help support the nutritional needs of Michigan's pollinators. We recommend a mix of flowering trees, shrubs, and herbaceous plants so that something is always blooming and pollen is available during the active periods of the pollinators, roughly early spring through fall (mid-March to mid-October). To benefit a wide variety of pollinators, choose a wide range of flowers with diverse colors, heights, structure, and flower shape. It is important to provide host plants for any known butterfly species at your site, including native milkweed for Monarch butterfly. Incorporating a water source (e.g., ephemeral pool or low area) and basking areas (rocks or bare ground) will provide additional resources for pollinators.

Many pollinators need a safe place to build their nests and overwinter. During spring and summer, leave some areas unmowed or minimize the impacts from mowing (e.g., decrease frequency, increase vegetation height). In fall, leave areas unraked and leave plant stems standing. Leave patches of bare soil for ground nesting pollinators.

Avoid or limit pesticide use. Pesticides can kill more than the target pest. Some pesticide residues can kill pollinators for several days after the pesticide is applied. Pesticides can also kill natural predators, which can lead to even worse pest problems.

Planting native wildflowers can also reduce the need to mow and water, improve bank stabilization by reducing erosion, and improve groundwater recharge and water quality.

**Resources:** 

https://www.fws.gov/initiative/monarchs https://www.fws.gov/library/collections/pollinators

### Wetland impacts:

Section 404 of the Clean Water Act of 1977 (CWA) regulates the discharge of dredged or fill material into waters (including wetlands) of the United States. Regulations require that activities

permitted under the CWA (including wetland permits issued by the Michigan Department of Environment, Great Lakes, and Energy (EGLE)) not jeopardize the continued existence of species listed as endangered or threatened. Permits issued by the U.S. Army Corps of Engineers must also consider effects to listed species pursuant to section 7 of the Endangered Species Act. The Service provides comments to the agencies that may include permit conditions to help avoid or minimize impacts to wildlife resources including listed species. For this project, we consider the conservation measures you agreed to in the determination key and/or as part of your proposed action to be non-discretionary. If you apply for a wetland permit, these conservation measures should be explicitly incorporated as permit conditions. Include a copy of this letter in your wetland permit application to streamline the threatened and endangered species review process.

### **Bat References**

Boyles, J.G., P.M. Cryan, G.F. McCracken, T.H. Kunz. 2011. Economic Importance of Bats in Agriculture. Science 332(1):41-42.

Kurta, A. and J.O. Whitaker. 1998. Diet of the Endangered Indiana Bat (Myotis sodalis) on the Northern Edge of Its Range. The American Midland Naturalist 140(2):280-286.

Reiskind, M.H. and M.A. Wund. 2009. Experimental assessment of the impacts of northern longeared bats on ovipositing Culex (Diptera: Culicidae) mosquitoes. Journal of Medical Entomology 46(5):1037-1044.

Whitaker, Jr., J.O. 1995. Food of the big brown bat Eptesicus fuscus from maternity colonies in Indiana and Illinois. American Midland Naturalist 134(2):346-360.

<u>Summary of conservation measures for your project</u> You agreed to the following conservation measures to avoid adverse effects to listed species and our concurrence is only valid if the measures are fully implemented. These must be included as permit conditions if a permit is required and/or included in any contract language.

**Eastern massasauga:** Materials used for erosion control and site restoration must be wildlifefriendly. Do not use erosion control products containing plastic mesh netting or other similar material that could entangle eastern massasauga rattlesnake (EMR). Several products for soil erosion and control exist that do not contain plastic netting including net-less erosion control blankets (for example, made of excelsior), loose mulch, hydraulic mulch, soil binders, unreinforced silt fences, and straw bales. Others are made from natural fibers (such as jute) and loosely woven together in a manner that allows wildlife to wiggle free.

**Eastern massasauga:** To increase human safety and awareness of EMR, those implementing the project must first review the EMR factsheet (available at https://www.fws.gov/media/eastern-massasauga-rattlesnake-fact-sheet), and watch MDNR's "60-Second Snakes: The Eastern Massasauga Rattlesnake" video (available at https://www.youtube.com/watch?v=-PFnXe\_e02w).

**Eastern massasauga:** During project implementation, report sightings of any federally listed species, including EMR, to the Service within 24 hours.

**Eastern massasauga:** The project will not result in permanent loss of more than one acre of wetland or conversion of more than 10 acres of EMR upland habitat (uplands associated with high quality wetland habitat) to other land uses.

**Listed bats**: The action will not include temporary or permanent lighting of roadway(s), facility(ies), and/or parking lot(s).

**Listed bats:** Any cutting/trimming of potential roost trees for northern long-eared bat (trees  $\geq$ 3 inches in diameter [at breast height] with cracks, crevices, cavities, and/or exfoliating bark) will be conducted outside of the northern long-eared bat summer roosting period (that is, limited to September 1 through April 30). Prescribed fire and/or pesticide application will also occur during the inactive season where potential roost trees are present.

Tree cutting/trimming and/or prescribed burning will not clear  $\geq 20$  contiguous acres of forest or fragment a connective corridor between 2 or more forest patches of at least 5 acres.

**Listed bats:** Tree cutting/trimming and/or prescribed burning will not clear  $\geq 10$  contiguous acres of forest (including both modeled and unmodeled potential habitat) or fragment a connective corridor between 2 or more forest patches of at least 5 acres.

### **Action Description**

You provided to IPaC the following name and description for the subject Action.

#### 1. Name

Well Field Parcel 1 - Pellston

### 2. Description

The following description was provided for the project 'Well Field Parcel 1 - Pellston':

The project area consists of young and mature upland forest of White Pine, Red Pine, Aspen and Cottonwood trees and herbaceous plant material. The project is in the exploritory phase and a start of the project has not been determined yet. The project exploritory phase will consist of the following:

1. A single boring will be drilled through drift to give us a "first look" at the geological

characteristics of the glacial drift in this area – the boring may be as deep as 100 feet. Within this exploratory boring, we will install 80 feet (assumed) of 5-inch PVC

casing and 20-feet of filter packed stainless-steel well screen. The casing will be tremie grouted from the bottom of the casing to the surface with neat cement grout.

The exploratory well will be pumped for at least eight hours and sampled to determine the quality of groundwater, and the general yield characteristics of the bedrock aquifer in this location (albeit, pumping performance results from a small diameter well will be used for guide purposes only).

2. A second 5-inch diameter well will be drilled in an offset location at the same depth

as the initial exploratory well. This second well will serve as a second observation well for monitoring the aquifer during production well testing.

3. A single test-production well will be drilled based upon the conditions encountered in

Task Nos. 1 and 2. At this time, it is assumed that the well will be 100 feet in depth,

and be constructed using 80 feet of 8 or 12-inch steel casing and 20 feet of stainless

steel well screen. The actual design of the well is entirely dependent on the results from the two exploration/observation wells. See attached well construction specification in Attachment D.

4. After development of the test-production well, the well will be equipped with a test

pump and pumped for a minimum duration of 72 hours depending on the

#### character

of the aquifer and/or to resolve aquifer boundary behavior if observed. During pumping, the water levels within the pumping well and observation wells will be monitored throughout the pumping and recovery phases of the test. This data will be

used to calculate the hydraulic properties of the aquifer. It is expected that the discharge from the test will be directed away from the site in a manner as to not cause flooding to adjacent landowners or inadvertent recharge back into the aquifer.

The approximate location of the project can be viewed in Google Maps: <u>https://www.google.com/maps/@45.55045965,-84.81424388632526,14z</u>



# **QUALIFICATION INTERVIEW**

1. Are there any possible effects to any listed species or to designated critical habitat from your project or effects from any other actions or projects subsequently made possible by your project?

Select "Yes" even if the expected effects to the species or critical habitat are expected to be 1) extremely unlikely (discountable), 2) can't meaningfully be measured, detected, or evaluated (insignificant), or 3) wholly beneficial.

Select "No" to confirm that the project details and supporting information allow you to conclude that listed species and their habitats will not be exposed to any effects (including discountable, insignificant, or beneficial effects) and therefore, you have made a "no effect" determination for all species. If you are unsure, select YES to answer additional questions about your project.

Yes

2. This determination key is intended to assist the user in the evaluating the effects of their actions on Federally listed species in Michigan. It does not cover other prohibited activities under the Endangered Species Act (e.g., for wildlife: import/export, Interstate or foreign commerce, possession of illegally taken wildlife, purposeful take for scientific purposes or to enhance the survival of a species, etc.; for plants: import/export, reduce to possession, malicious destruction on Federal lands, commercial sale, etc.) or other statutes. Click yes to acknowledge that you must consider other prohibitions of the ESA or other statutes outside of this determination key.

Yes

3. Is the action the approval of a long-term (i.e., in effect greater than 10 years) permit, plan, or other action? (e.g., a new or re-issued hydropower license, a large-scale land management plan, or other kinds of documents that provide direction for projects or actions that may be conducted over a long term (>10 years) without the need for additional section 7 consultation).

No

- 4. Is the action being funded, authorized, or carried out by a Federal agency? *Yes*
- 5. Does the action involve the installation or operation of wind turbines?

No

6. Are there at least 30 days prior to your action occurring? Endangered species consultation must be completed before taking any action that may have effects to listed species. The Service also needs 30 days to review projects before we can verify conclusions in some dkey output letters. For example, if you have already started some components of the project on the ground (e.g., removed vegetation) before completing this key, answer "no" to this question. The only exception is if you have a Michigan Field Office pre-approved emergence survey (i.e., if you have conducted pre-approved emergence surveys for listed bats before tree removal, you can still answer yes to this question).

Yes

7. Does the action involve constructing a new communications tower or modifying an existing communications tower?

No

8. Does the activity involve aerial or other large-scale application of any chemical (including insecticide, herbicide, etc.)?

No

9. Does your project include water withdrawal (ground or surface water) greater than 10,000 gallons/day?

No

10. Will your action permanently affect hydrology?

No

11. Will your action temporarily affect hydrology?

No

- 12. Will your project have any direct impacts to a stream or river (e.g., Horizontal Directional Drilling (HDD), hydrostatic testing, stream/road crossings, new storm-water outfall discharge, dams, other in-stream work, changes to water quality or hydrology, etc.)? *No*
- 13. Does your project have the potential to indirectly impact the stream/river or the riparian zone (e.g., cut and fill, horizontal directional drilling, hydrostatic testing, construction, vegetation removal, discharge, changes to water quality or hydrology, etc.)? *No*
- 14. Will your action disturb the ground or existing vegetation? This includes any off road vehicle access, soil compaction, digging, seismic survey, directional drilling, heavy equipment, grading, trenching, placement of fill, pesticide application, vegetation management (including removal or maintenance using equipment or chemicals), cultivation, development, etc.

Yes

15. Is the action a utility-scale solar development project?

Note: Solar projects are considered utility scale if they will be 1 megawatt or larger.

No

- 16. [Hidden semantic] Does the action intersect the MOBU AOI?Automatically answeredYes
- 17. Under the ESA, monarchs remain warranted but precluded by listing actions of higher priority. The monarch is a candidate for listing at this time. The Endangered Species Act does not establish protections or consultation requirements for candidate species. Some Federal and State agencies may have policy requirements to consider candidate species in planning. We encourage implementing measures that will remove or reduce threats to these species and possibly make listing unnecessary. If your project will have no effect on monarch butterflies (for example, if your project won't affect their habitat or individuals), then you can make a "no effect" determination for this project. Are you making a "no effect" determination for monarch?

Yes

18. [Hidden Semantic] Does the action intersect the Eastern massasauga rattlesnake area of influence?

Automatically answered Yes

19. Does your action involve prescribed fire?

No

20. Will this action occur entirely in the Eastern massasauga rattlesnake inactive season (October 2 through April 30)?

No

21. Will this action occur entirely in the Eastern massasauga rattlesnake active season (May 1 through October 1)?

No

22. Will the action result in permanent loss of more than one acre of wetland or conversion of more than 10 acres of uplands of potential Eastern massasauga rattlesnake habitat (uplands associated with high quality wetland habitat) to other land uses?

No

23. Will you use <u>wildlife safe materials</u> for erosion control and site restoration and eliminate the use of erosion control products containing plastic mesh netting or other similar material that could ensnare Eastern massasauga rattlesnake?

Yes

24. Will you watch MDNR's <u>"60-Second Snakes: The Eastern Massasauga Rattlesnake</u> (<u>EMR</u>)" video, review the <u>EMR factsheet</u> or call 517-351-2555 to increase human safety and awareness of EMR?

Yes

25. Will all action personnel report any Eastern massasauga rattlesnake observations, or observation of any other listed threatened or endangered species, during action implementation to the Service within 24 hours?

Yes

26. [Hidden Semantic] Does the action area intersect the rufa red knot area of influence? Automatically answered

Yes

27. [Hidden Semantic] Does the action intersect the area of influence for Michigan monkey-flower?

Automatically answered Yes

28. [Hidden Semantic] Does the action area intersect the area of influence for Pitcher's thistle? Automatically answered

Yes

29. [Hidden Semantic] Does the action intersect Hungerford's crawling water beetle area of influence?

Automatically answered *Yes* 

30. The project has the potential to affect federally listed bats. Does the action area contain any known or potential bat hibernacula (natural caves, abandoned mines, or underground quarries)?

No

31. Has a presence/absence bat survey or field-based habitat assessment following the Service's Range-wide <u>Indiana Bat and Northern Long-eared Bat Summer Survey</u> <u>Guidelines</u> been conducted within the action area?

No

32. Does the action involve removal/modification of a human structure (barn, house or other building) known to contain roosting bats?

No

- 33. Does the action include removal/modification of an existing bridge or culvert? *No*
- 34. Does the action include temporary or permanent lighting of roadway(s), facility(ies), and/ or parking lot(s)?

No

35. Does the action include one or more of the following: (1) tree cutting/trimming, (2) prescribed fire, (3) pesticide (including insecticide and/or rodenticide), and/or (4) herbicide/fungicide application?

Yes

36. Does the action include herbicide application?

No

- 37. Will the action clear >10 acres of contiguous forest (i.e., connected by 1,000 feet or less) or fragment a riparian or other connective forested corridor (e.g., tree line) between 2 or more forest patches of at least 5 acres? For more information, see <u>Appendix II</u>. *No*
- 38. Does the action area contain potential NLEB bat roost trees (trees ≥3 inches in diameter [at breast height] with cracks, crevices, cavities and/or exfoliating bark)? For more information, see <u>Appendix IV</u>.

Yes

39. Does the action include emergency cutting/trimming of hazard trees in order to prevent imminent loss of human life and/or property?

No

40. [Semantic] Is any portion of the action area within 5 miles of a known bat hibernaculum? Automatically answered

No

41. [Hidden Semantic] Does this project intersect the northern long-eared bat area of influence?

Automatically answered *Yes* 

42. Will all tree cutting/trimming, prescribed fire, and/or insecticide/rodenticide application be conducted outside the northern long-eared bat summer roosting period of May 1 through August 31 (that is, limited to September 1 through April 30)? Select N/A if the project does not include at least one of these activities.

Yes

# **IPAC USER CONTACT INFORMATION**

Agency:Pellston villageName:Wade RoseAddress:34000 Plymouth RdCity:LivoniaState:MIZip:48150Emailwade.rose@ohm-advisors.comPhone:2482914573

## LEAD AGENCY CONTACT INFORMATION

Lead Agency: Pellston village



# United States Department of the Interior

FISH AND WILDLIFE SERVICE Michigan Ecological Services Field Office 2651 Coolidge Road Suite 101 East Lansing, MI 48823-6360 Phone: (517) 351-2555 Fax: (517) 351-1443



In Reply Refer To: Project code: 2025-0069266 Project Name: Well Field Parcel 2 - Pellston 03/14/2025 16:29:59 UTC

Subject: Verification letter for the project named 'Well Field Parcel 2 - Pellston' for specified threatened and endangered species that may occur in your proposed project location consistent with the Michigan Endangered Species Determination Key (Michigan DKey)

Dear Wade Rose:

The U.S. Fish and Wildlife Service (Service) received on **March 14, 2025** your effect determination(s) for the 'Well Field Parcel 2 - Pellston' (the Action) using the Michigan DKey within the Information for Planning and Consultation (IPaC) system. The Service developed this system in accordance with the Endangered Species Act of 1973 (ESA) (87 Stat.884, as amended; 16 U.S.C. 1531 et seq.).

Based on your answers and the assistance of the Service's Michigan DKey, you made the following effect determination(s) for the proposed Action:

Species	Listing Status	Determination
Eastern Massasauga (=rattlesnake) (Sistrurus catenatus)	Threatened	NLAA
Hungerford's Crawling Water Beetle (Brychius	Endangered	No effect
hungerfordi)		
Michigan Monkey-flower (Mimulus michiganensis)	Endangered	No effect
Monarch Butterfly (Danaus plexippus)	Proposed	No effect
	Threatened	
Pitcher's Thistle (Cirsium pitcheri)	Threatened	No effect
Rufa Red Knot (Calidris canutus rufa)	Threatened	No effect

The Service will notify you within 30 calendar days if we determine that this proposed Action does not meet the criteria for a "may affect, not likely to adversely affect" (NLAA) determination for Federally listed species in Michigan. If we do not notify you within that timeframe, you may proceed with the Action under the terms of the NLAA concurrence provided here. This verification period allows the Michigan Ecological Services Field Office to apply local

knowledge to evaluation of the Action, as we may identify a small subset of actions having impacts that were unanticipated. In such instances, the Michigan Ecological Services Field Office may request additional information to verify the effects determination reached through the Michigan DKey.

Your agency has met consultation requirements by informing the Service of your "No Effect" determination(s). No consultation is required for species that you determined will not be affected by the Action.

Please provide sufficient project details on your project homepage in IPaC (Define Project, Project Description) to support your conclusions and the Service's 30-day review period. Failure to disclose important aspects of your project that would influence the outcome of your effects determinations may negate your determinations and invalidate this letter. If you have site-specific information that leads you to believe a different determination is more appropriate for your project than what the Dkey concludes, you can and should proceed based on the best available information.

The Service recommends that you contact the Service or re-evaluate the project in IPaC if: 1) the scope or location of the proposed Action is changed; 2) new information reveals that the action may affect listed species or designated critical habitat in a manner or to an extent not previously considered; 3) the Action is modified in a manner that causes effects to listed species or designated critical habitat; or 4) a new species is listed or critical habitat designated. If any of the above conditions occurs, additional consultation with the Service should take place before project changes are final or resources committed.

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### **Bald and Golden Eagles:**

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If the Action may impact bald or golden eagles, additional coordination with the Service under the Eagle Act may be required. For more information on eagles and conducting activities in the vicinity of an eagle nest, please visit https://www.fws.gov/library/collections/all-about-eagles. In addition, the Service developed the National Bald Eagle Management Guidelines (May 2007) in order to assist landowners in avoiding the disturbance of bald eagles. The full Guidelines are available at https://www.fws.gov/media/national-bald-eagle-management-guidelines-0.

If you have further questions regarding potential impacts to eagles, please contact Chris Mensing, Chris\_Mensing@fws.gov or 517-351-2555.

### Monarch butterfly and other pollinators

In December 2020, after an extensive status assessment of the monarch butterfly, we determined that listing the monarch under the Endangered Species Act is warranted but precluded by higher priority actions to amend the Lists of Endangered and Threatened Wildlife and Plants. Therefore, the Service added the monarch butterfly to the candidate list. The Service will review its status each year until we are able to begin developing a proposal to list the monarch.

The Endangered Species Act does not establish protections or consultation requirements for candidate species. Some Federal and State agencies may have policy requirements to consider candidate species in planning. We encourage implementing measures that will remove or reduce threats to these species and possibly make listing unnecessary.

For all projects, we recommend the following best management practices (BMPs) to benefit monarch and other pollinators.

Monarch and Pollinator BMP Recommendations

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Many pollinators need a safe place to build their nests and overwinter. During spring and summer, leave some areas unmowed or minimize the impacts from mowing (e.g., decrease frequency, increase vegetation height). In fall, leave areas unraked and leave plant stems standing. Leave patches of bare soil for ground nesting pollinators.

Avoid or limit pesticide use. Pesticides can kill more than the target pest. Some pesticide residues can kill pollinators for several days after the pesticide is applied. Pesticides can also kill natural predators, which can lead to even worse pest problems.

Planting native wildflowers can also reduce the need to mow and water, improve bank stabilization by reducing erosion, and improve groundwater recharge and water quality.

Resources:

#### https://www.fws.gov/initiative/monarchs https://www.fws.gov/library/collections/pollinators

#### Wetland impacts:

Section 404 of the Clean Water Act of 1977 (CWA) regulates the discharge of dredged or fill material into waters (including wetlands) of the United States. Regulations require that activities permitted under the CWA (including wetland permits issued by the Michigan Department of Environment, Great Lakes, and Energy (EGLE)) not jeopardize the continued existence of species listed as endangered or threatened. Permits issued by the U.S. Army Corps of Engineers must also consider effects to listed species pursuant to section 7 of the Endangered Species Act. The Service provides comments to the agencies that may include permit conditions to help avoid or minimize impacts to wildlife resources including listed species. For this project, we consider the conservation measures you agreed to in the determination key and/or as part of your proposed action to be non-discretionary. If you apply for a wetland permit, these conservation measures should be explicitly incorporated as permit conditions. Include a copy of this letter in your wetland permit application to streamline the threatened and endangered species review process.

<u>Summary of conservation measures for your project</u> You agreed to the following conservation measures to avoid adverse effects to listed species and our concurrence is only valid if the measures are fully implemented. These must be included as permit conditions if a permit is required and/or included in any contract language.

**Eastern massasauga:** Materials used for erosion control and site restoration must be wildlifefriendly. Do not use erosion control products containing plastic mesh netting or other similar material that could entangle eastern massasauga rattlesnake (EMR). Several products for soil erosion and control exist that do not contain plastic netting including net-less erosion control blankets (for example, made of excelsior), loose mulch, hydraulic mulch, soil binders, unreinforced silt fences, and straw bales. Others are made from natural fibers (such as jute) and loosely woven together in a manner that allows wildlife to wiggle free.

**Eastern massasauga:** To increase human safety and awareness of EMR, those implementing the project must first review the EMR factsheet (available at https://www.fws.gov/media/eastern-massasauga-rattlesnake-fact-sheet), and watch MDNR's "60-Second Snakes: The Eastern Massasauga Rattlesnake" video (available at https://www.youtube.com/watch?v=-PFnXe\_e02w).

**Eastern massasauga:** During project implementation, report sightings of any federally listed species, including EMR, to the Service within 24 hours.

**Eastern massasauga:** The project will not result in permanent loss of more than one acre of wetland or conversion of more than 10 acres of EMR upland habitat (uplands associated with high quality wetland habitat) to other land uses.

### **Action Description**

You provided to IPaC the following name and description for the subject Action.

### 1. Name

Well Field Parcel 2 - Pellston

### 2. Description

The following description was provided for the project 'Well Field Parcel 2 - Pellston':

The project area consists of young and mature upland forest of White Pine, Aspen and Cottonwood trees and herbaceous plant material. The start of the project has not been determined yet. The project will consist of the following:

1. A single boring will be drilled through drift to give us a "first look" at the geological

characteristics of the glacial drift in this area – the boring may be as deep as 100 feet. Within this exploratory boring, we will install 80 feet (assumed) of 5-inch PVC

casing and 20-feet of filter packed stainless-steel well screen. The casing will be tremie grouted from the bottom of the casing to the surface with neat cement grout.

The exploratory well will be pumped for at least eight hours and sampled to determine the quality of groundwater, and the general yield characteristics of the bedrock aquifer in this location (albeit, pumping performance results from a small diameter well will be used for guide purposes only).

2. A second 5-inch diameter well will be drilled in an offset location at the same depth

as the initial exploratory well. This second well will serve as a second observation well for monitoring the aquifer during production well testing.

3. A single test-production well will be drilled based upon the conditions encountered in

Task Nos. 1 and 2. At this time, it is assumed that the well will be 100 feet in depth,

and be constructed using 80 feet of 8 or 12-inch steel casing and 20 feet of stainless

steel well screen. The actual design of the well is entirely dependent on the results from the two exploration/observation wells. See attached well construction specification in Attachment D.

4. After development of the test-production well, the well will be equipped with a test

pump and pumped for a minimum duration of 72 hours depending on the character

of the aquifer and/or to resolve aquifer boundary behavior if observed. During pumping, the water levels within the pumping well and observation wells will be monitored throughout the pumping and recovery phases of the test. This data will be

used to calculate the hydraulic properties of the aquifer. It is expected that the discharge from the test will be directed away from the site in a manner as to not cause flooding to adjacent landowners or inadvertent recharge back into the aquifer.

The approximate location of the project can be viewed in Google Maps: <u>https://www.google.com/maps/@45.55047525,-84.76144142109445,14z</u>



# **QUALIFICATION INTERVIEW**

1. Are there any possible effects to any listed species or to designated critical habitat from your project or effects from any other actions or projects subsequently made possible by your project?

Select "Yes" even if the expected effects to the species or critical habitat are expected to be 1) extremely unlikely (discountable), 2) can't meaningfully be measured, detected, or evaluated (insignificant), or 3) wholly beneficial.

Select "No" to confirm that the project details and supporting information allow you to conclude that listed species and their habitats will not be exposed to any effects (including discountable, insignificant, or beneficial effects) and therefore, you have made a "no effect" determination for all species. If you are unsure, select YES to answer additional questions about your project.

Yes

2. This determination key is intended to assist the user in the evaluating the effects of their actions on Federally listed species in Michigan. It does not cover other prohibited activities under the Endangered Species Act (e.g., for wildlife: import/export, Interstate or foreign commerce, possession of illegally taken wildlife, purposeful take for scientific purposes or to enhance the survival of a species, etc.; for plants: import/export, reduce to possession, malicious destruction on Federal lands, commercial sale, etc.) or other statutes. Click yes to acknowledge that you must consider other prohibitions of the ESA or other statutes outside of this determination key.

Yes

3. Is the action the approval of a long-term (i.e., in effect greater than 10 years) permit, plan, or other action? (e.g., a new or re-issued hydropower license, a large-scale land management plan, or other kinds of documents that provide direction for projects or actions that may be conducted over a long term (>10 years) without the need for additional section 7 consultation).

No

- 4. Is the action being funded, authorized, or carried out by a Federal agency? *Yes*
- 5. Does the action involve the installation or operation of wind turbines?

No

6. Are there at least 30 days prior to your action occurring? Endangered species consultation must be completed before taking any action that may have effects to listed species. The Service also needs 30 days to review projects before we can verify conclusions in some dkey output letters. For example, if you have already started some components of the project on the ground (e.g., removed vegetation) before completing this key, answer "no" to this question. The only exception is if you have a Michigan Field Office pre-approved emergence survey (i.e., if you have conducted pre-approved emergence surveys for listed bats before tree removal, you can still answer yes to this question).

Yes

7. Does the action involve constructing a new communications tower or modifying an existing communications tower?

No

8. Does the activity involve aerial or other large-scale application of any chemical (including insecticide, herbicide, etc.)?

No

9. Does your project include water withdrawal (ground or surface water) greater than 10,000 gallons/day?

Yes

10. Will your action permanently affect hydrology?

No

11. Will your action temporarily affect hydrology?

No

- 12. Will your project have any direct impacts to a stream or river (e.g., Horizontal Directional Drilling (HDD), hydrostatic testing, stream/road crossings, new storm-water outfall discharge, dams, other in-stream work, changes to water quality or hydrology, etc.)? *No*
- 13. Does your project have the potential to indirectly impact the stream/river or the riparian zone (e.g., cut and fill, horizontal directional drilling, hydrostatic testing, construction, vegetation removal, discharge, changes to water quality or hydrology, etc.)? *No*
- 14. Will your action disturb the ground or existing vegetation? This includes any off road vehicle access, soil compaction, digging, seismic survey, directional drilling, heavy equipment, grading, trenching, placement of fill, pesticide application, vegetation management (including removal or maintenance using equipment or chemicals), cultivation, development, etc.

Yes

15. Is the action a utility-scale solar development project?

Note: Solar projects are considered utility scale if they will be 1 megawatt or larger.

No

- 16. [Hidden semantic] Does the action intersect the MOBU AOI?Automatically answeredYes
- 17. Under the ESA, monarchs remain warranted but precluded by listing actions of higher priority. The monarch is a candidate for listing at this time. The Endangered Species Act does not establish protections or consultation requirements for candidate species. Some Federal and State agencies may have policy requirements to consider candidate species in planning. We encourage implementing measures that will remove or reduce threats to these species and possibly make listing unnecessary. If your project will have no effect on monarch butterflies (for example, if your project won't affect their habitat or individuals), then you can make a "no effect" determination for this project. Are you making a "no effect" determination for monarch?

Yes

18. [Hidden Semantic] Does the action intersect the Eastern massasauga rattlesnake area of influence?

Automatically answered Yes

19. Does your action involve prescribed fire?

No

20. Will this action occur entirely in the Eastern massasauga rattlesnake inactive season (October 2 through April 30)?

No

21. Will this action occur entirely in the Eastern massasauga rattlesnake active season (May 1 through October 1)?

No

22. Will the action result in permanent loss of more than one acre of wetland or conversion of more than 10 acres of uplands of potential Eastern massasauga rattlesnake habitat (uplands associated with high quality wetland habitat) to other land uses?

No

23. Will you use <u>wildlife safe materials</u> for erosion control and site restoration and eliminate the use of erosion control products containing plastic mesh netting or other similar material that could ensnare Eastern massasauga rattlesnake?

Yes

24. Will you watch MDNR's <u>"60-Second Snakes: The Eastern Massasauga Rattlesnake</u> (<u>EMR</u>)" video, review the <u>EMR factsheet</u> or call 517-351-2555 to increase human safety and awareness of EMR?

Yes

25. Will all action personnel report any Eastern massasauga rattlesnake observations, or observation of any other listed threatened or endangered species, during action implementation to the Service within 24 hours?

Yes

26. [Hidden Semantic] Does the action area intersect the rufa red knot area of influence? Automatically answered

Yes

27. [Hidden Semantic] Does the action intersect the area of influence for Michigan monkey-flower?

Automatically answered *Yes* 

- 28. [Hidden Semantic] Does the action area intersect the area of influence for Pitcher's thistle? Automatically answered Yes
- 29. [Hidden Semantic] Does the action intersect Hungerford's crawling water beetle area of influence?

Automatically answered *Yes* 

# **IPAC USER CONTACT INFORMATION**

Agency:Pellston villageName:Wade RoseAddress:34000 Plymouth RdCity:LivoniaState:MIZip:48150Emailwade.rose@ohm-advisors.comPhone:2482914573

## LEAD AGENCY CONTACT INFORMATION

Lead Agency: Pellston village



# United States Department of the Interior

FISH AND WILDLIFE SERVICE Michigan Ecological Services Field Office 2651 Coolidge Road Suite 101 East Lansing, MI 48823-6360 Phone: (517) 351-2555 Fax: (517) 351-1443



03/12/2025 14:53:38 UTC

In Reply Refer To: Project code: 2025-0067801 Project Name: Washington/McRae - Milton to Mill 6 WM

Subject: Verification letter for the project named 'Washington/McRae - Milton to Mill 6 WM' for specified threatened and endangered species that may occur in your proposed project location consistent with the Michigan Endangered Species Determination Key (Michigan DKey)

Dear Wade Rose:

The U.S. Fish and Wildlife Service (Service) received on **March 12, 2025** your effect determination(s) for the 'Washington/McRae - Milton to Mill 6 WM' (the Action) using the Michigan DKey within the Information for Planning and Consultation (IPaC) system. The Service developed this system in accordance with the Endangered Species Act of 1973 (ESA) (87 Stat.884, as amended; 16 U.S.C. 1531 et seq.).

Based on your answers and the assistance of the Service's Michigan DKey, you made the following effect determination(s) for the proposed Action:

Species	Listing Status	Determination
Eastern Massasauga (=rattlesnake) (Sistrurus catenatus)	Threatened	NLAA
Hungerford's Crawling Water Beetle (Brychius	Endangered	No effect
hungerfordi)		
Michigan Monkey-flower ( <i>Mimulus michiganensis</i> )	Endangered	No effect
Monarch Butterfly ( <i>Danaus plexippus</i> )	Proposed	No effect
	Threatened	
Pitcher's Thistle (Cirsium pitcheri)	Threatened	No effect
Rufa Red Knot (Calidris canutus rufa)	Threatened	No effect

The Service will notify you within 30 calendar days if we determine that this proposed Action does not meet the criteria for a "may affect, not likely to adversely affect" (NLAA) determination for Federally listed species in Michigan. If we do not notify you within that timeframe, you may proceed with the Action under the terms of the NLAA concurrence provided here. This verification period allows the Michigan Ecological Services Field Office to apply local

knowledge to evaluation of the Action, as we may identify a small subset of actions having impacts that were unanticipated. In such instances, the Michigan Ecological Services Field Office may request additional information to verify the effects determination reached through the Michigan DKey.

Your agency has met consultation requirements by informing the Service of your "No Effect" determination(s). No consultation is required for species that you determined will not be affected by the Action.

Please provide sufficient project details on your project homepage in IPaC (Define Project, Project Description) to support your conclusions and the Service's 30-day review period. Failure to disclose important aspects of your project that would influence the outcome of your effects determinations may negate your determinations and invalidate this letter. If you have site-specific information that leads you to believe a different determination is more appropriate for your project than what the Dkey concludes, you can and should proceed based on the best available information.

The Service recommends that you contact the Service or re-evaluate the project in IPaC if: 1) the scope or location of the proposed Action is changed; 2) new information reveals that the action may affect listed species or designated critical habitat in a manner or to an extent not previously considered; 3) the Action is modified in a manner that causes effects to listed species or designated critical habitat; or 4) a new species is listed or critical habitat designated. If any of the above conditions occurs, additional consultation with the Service should take place before project changes are final or resources committed.

For non-Federal representatives: Please note that when a project requires consultation under section 7 of the Act, the Service must consult directly with the Federal action agency unless that agency formally designates a non-Federal representative (50 CFR 402.08). Non-Federal representatives may prepare analyses or conduct informal consultations; however, the ultimate responsibility for section 7 compliance under the Act remains with the Federal agency. If the Federal agency concurs with your determination, the project as proposed has completed section 7 consultation. All documents and supporting correspondence should be provided to the Federal agency for their records.

### **Bald and Golden Eagles:**

Bald eagles, golden eagles, and their nests are protected under the Bald and Golden Eagle Protection Act (54 Stat. 250, as amended, 16 U.S.C. 668a-d) (Eagle Act). The Eagle Act prohibits, except when authorized by an Eagle Act permit, the "taking" of bald and golden eagles and defines "take" as "pursue, shoot, shoot at, poison, wound, kill, capture, trap, collect, molest or disturb." The Eagle Act's implementing regulations define disturb as "…to agitate or bother a bald or golden eagle to a degree that causes, or is likely to cause, based on the best scientific information available, (1) injury to an eagle, (2) a decrease in its productivity, by substantially interfering with normal breeding, feeding, or sheltering behavior, or (3) nest abandonment, by substantially interfering with normal breeding, feeding, or sheltering behavior."

If the Action may impact bald or golden eagles, additional coordination with the Service under the Eagle Act may be required. For more information on eagles and conducting activities in the vicinity of an eagle nest, please visit https://www.fws.gov/library/collections/all-about-eagles. In addition, the Service developed the National Bald Eagle Management Guidelines (May 2007) in order to assist landowners in avoiding the disturbance of bald eagles. The full Guidelines are available at https://www.fws.gov/media/national-bald-eagle-management-guidelines-0.

If you have further questions regarding potential impacts to eagles, please contact Chris Mensing, Chris\_Mensing@fws.gov or 517-351-2555.

### Monarch butterfly and other pollinators

In December 2020, after an extensive status assessment of the monarch butterfly, we determined that listing the monarch under the Endangered Species Act is warranted but precluded by higher priority actions to amend the Lists of Endangered and Threatened Wildlife and Plants. Therefore, the Service added the monarch butterfly to the candidate list. The Service will review its status each year until we are able to begin developing a proposal to list the monarch.

The Endangered Species Act does not establish protections or consultation requirements for candidate species. Some Federal and State agencies may have policy requirements to consider candidate species in planning. We encourage implementing measures that will remove or reduce threats to these species and possibly make listing unnecessary.

For all projects, we recommend the following best management practices (BMPs) to benefit monarch and other pollinators.

Monarch and Pollinator BMP Recommendations

Consider monarch and other pollinators in your project planning when possible. Many pollinators are declining, including species that pollinate key agricultural crops and help maintain natural plant communities. Planting a diverse group of native plant species will help support the nutritional needs of Michigan's pollinators. We recommend a mix of flowering trees, shrubs, and herbaceous plants so that something is always blooming and pollen is available during the active periods of the pollinators, roughly early spring through fall (mid-March to mid-October). To benefit a wide variety of pollinators, choose a wide range of flowers with diverse colors, heights, structure, and flower shape. It is important to provide host plants for any known butterfly species at your site, including native milkweed for Monarch butterfly. Incorporating a water source (e.g., ephemeral pool or low area) and basking areas (rocks or bare ground) will provide additional resources for pollinators.

Many pollinators need a safe place to build their nests and overwinter. During spring and summer, leave some areas unmowed or minimize the impacts from mowing (e.g., decrease frequency, increase vegetation height). In fall, leave areas unraked and leave plant stems standing. Leave patches of bare soil for ground nesting pollinators.

Avoid or limit pesticide use. Pesticides can kill more than the target pest. Some pesticide residues can kill pollinators for several days after the pesticide is applied. Pesticides can also kill natural predators, which can lead to even worse pest problems.

Planting native wildflowers can also reduce the need to mow and water, improve bank stabilization by reducing erosion, and improve groundwater recharge and water quality.

Resources:

#### https://www.fws.gov/initiative/monarchs https://www.fws.gov/library/collections/pollinators

#### Wetland impacts:

Section 404 of the Clean Water Act of 1977 (CWA) regulates the discharge of dredged or fill material into waters (including wetlands) of the United States. Regulations require that activities permitted under the CWA (including wetland permits issued by the Michigan Department of Environment, Great Lakes, and Energy (EGLE)) not jeopardize the continued existence of species listed as endangered or threatened. Permits issued by the U.S. Army Corps of Engineers must also consider effects to listed species pursuant to section 7 of the Endangered Species Act. The Service provides comments to the agencies that may include permit conditions to help avoid or minimize impacts to wildlife resources including listed species. For this project, we consider the conservation measures you agreed to in the determination key and/or as part of your proposed action to be non-discretionary. If you apply for a wetland permit, these conservation measures should be explicitly incorporated as permit conditions. Include a copy of this letter in your wetland permit application to streamline the threatened and endangered species review process.

<u>Summary of conservation measures for your project</u> You agreed to the following conservation measures to avoid adverse effects to listed species and our concurrence is only valid if the measures are fully implemented. These must be included as permit conditions if a permit is required and/or included in any contract language.

**Eastern massasauga:** Materials used for erosion control and site restoration must be wildlifefriendly. Do not use erosion control products containing plastic mesh netting or other similar material that could entangle eastern massasauga rattlesnake (EMR). Several products for soil erosion and control exist that do not contain plastic netting including net-less erosion control blankets (for example, made of excelsior), loose mulch, hydraulic mulch, soil binders, unreinforced silt fences, and straw bales. Others are made from natural fibers (such as jute) and loosely woven together in a manner that allows wildlife to wiggle free.

**Eastern massasauga:** To increase human safety and awareness of EMR, those implementing the project must first review the EMR factsheet (available at https://www.fws.gov/media/eastern-massasauga-rattlesnake-fact-sheet), and watch MDNR's "60-Second Snakes: The Eastern Massasauga Rattlesnake" video (available at https://www.youtube.com/watch?v=-PFnXe\_e02w).

**Eastern massasauga:** During project implementation, report sightings of any federally listed species, including EMR, to the Service within 24 hours.

**Eastern massasauga:** The project will not result in permanent loss of more than one acre of wetland or conversion of more than 10 acres of EMR upland habitat (uplands associated with high quality wetland habitat) to other land uses.

### **Action Description**

You provided to IPaC the following name and description for the subject Action.

### 1. Name

Washington/McRae - Milton to Mill 6 WM

### 2. Description

The following description was provided for the project 'Washington/McRae - Milton to Mill 6 WM':

The project area is located within the road ROW along Washington and McRae St from Milton St to Mill St in Pellston MI. The project area is in a residential neighborhood and of paved road, mowed turf grass, and landscape trees. The project will involve the installation of 6" water main, service leads, valves and hydrants via open cut and trenching. The project is the design phase and has no start date.

The approximate location of the project can be viewed in Google Maps: <u>https://www.google.com/maps/@45.5544662,-84.79195683841792,14z</u>



### **QUALIFICATION INTERVIEW**

1. Are there any possible effects to any listed species or to designated critical habitat from your project or effects from any other actions or projects subsequently made possible by your project?

Select "Yes" even if the expected effects to the species or critical habitat are expected to be 1) extremely unlikely (discountable), 2) can't meaningfully be measured, detected, or evaluated (insignificant), or 3) wholly beneficial.

Select "No" to confirm that the project details and supporting information allow you to conclude that listed species and their habitats will not be exposed to any effects (including discountable, insignificant, or beneficial effects) and therefore, you have made a "no effect" determination for all species. If you are unsure, select YES to answer additional questions about your project.

Yes

2. This determination key is intended to assist the user in the evaluating the effects of their actions on Federally listed species in Michigan. It does not cover other prohibited activities under the Endangered Species Act (e.g., for wildlife: import/export, Interstate or foreign commerce, possession of illegally taken wildlife, purposeful take for scientific purposes or to enhance the survival of a species, etc.; for plants: import/export, reduce to possession, malicious destruction on Federal lands, commercial sale, etc.) or other statutes. Click yes to acknowledge that you must consider other prohibitions of the ESA or other statutes outside of this determination key.

Yes

3. Is the action the approval of a long-term (i.e., in effect greater than 10 years) permit, plan, or other action? (e.g., a new or re-issued hydropower license, a large-scale land management plan, or other kinds of documents that provide direction for projects or actions that may be conducted over a long term (>10 years) without the need for additional section 7 consultation).

No

- 4. Is the action being funded, authorized, or carried out by a Federal agency? *Yes*
- 5. Does the action involve the installation or operation of wind turbines?

No

6. Are there at least 30 days prior to your action occurring? Endangered species consultation must be completed before taking any action that may have effects to listed species. The Service also needs 30 days to review projects before we can verify conclusions in some dkey output letters. For example, if you have already started some components of the project on the ground (e.g., removed vegetation) before completing this key, answer "no" to this question. The only exception is if you have a Michigan Field Office pre-approved emergence survey (i.e., if you have conducted pre-approved emergence surveys for listed bats before tree removal, you can still answer yes to this question).

Yes

7. Does the action involve constructing a new communications tower or modifying an existing communications tower?

No

8. Does the activity involve aerial or other large-scale application of any chemical (including insecticide, herbicide, etc.)?

No

9. Does your project include water withdrawal (ground or surface water) greater than 10,000 gallons/day?

No

10. Will your action permanently affect hydrology?

No

11. Will your action temporarily affect hydrology?

No

- 12. Will your project have any direct impacts to a stream or river (e.g., Horizontal Directional Drilling (HDD), hydrostatic testing, stream/road crossings, new storm-water outfall discharge, dams, other in-stream work, changes to water quality or hydrology, etc.)? *No*
- 13. Does your project have the potential to indirectly impact the stream/river or the riparian zone (e.g., cut and fill, horizontal directional drilling, hydrostatic testing, construction, vegetation removal, discharge, changes to water quality or hydrology, etc.)? *No*
- 14. Will your action disturb the ground or existing vegetation? This includes any off road vehicle access, soil compaction, digging, seismic survey, directional drilling, heavy equipment, grading, trenching, placement of fill, pesticide application, vegetation management (including removal or maintenance using equipment or chemicals), cultivation, development, etc.

Yes

15. Is the action a utility-scale solar development project?

Note: Solar projects are considered utility scale if they will be 1 megawatt or larger.

No

- 16. [Hidden semantic] Does the action intersect the MOBU AOI?Automatically answeredYes
- 17. Under the ESA, monarchs remain warranted but precluded by listing actions of higher priority. The monarch is a candidate for listing at this time. The Endangered Species Act does not establish protections or consultation requirements for candidate species. Some Federal and State agencies may have policy requirements to consider candidate species in planning. We encourage implementing measures that will remove or reduce threats to these species and possibly make listing unnecessary. If your project will have no effect on monarch butterflies (for example, if your project won't affect their habitat or individuals), then you can make a "no effect" determination for this project. Are you making a "no effect" determination for monarch?

Yes

18. [Hidden Semantic] Does the action intersect the Eastern massasauga rattlesnake area of influence?

Automatically answered Yes

19. Does your action involve prescribed fire?

No

20. Will this action occur entirely in the Eastern massasauga rattlesnake inactive season (October 2 through April 30)?

No

21. Will this action occur entirely in the Eastern massasauga rattlesnake active season (May 1 through October 1)?

No

22. Will the action result in permanent loss of more than one acre of wetland or conversion of more than 10 acres of uplands of potential Eastern massasauga rattlesnake habitat (uplands associated with high quality wetland habitat) to other land uses?

No

23. Will you use <u>wildlife safe materials</u> for erosion control and site restoration and eliminate the use of erosion control products containing plastic mesh netting or other similar material that could ensnare Eastern massasauga rattlesnake?

Yes

24. Will you watch MDNR's <u>"60-Second Snakes: The Eastern Massasauga Rattlesnake</u> (EMR)" video, review the <u>EMR factsheet</u> or call 517-351-2555 to increase human safety and awareness of EMR?

Yes

25. Will all action personnel report any Eastern massasauga rattlesnake observations, or observation of any other listed threatened or endangered species, during action implementation to the Service within 24 hours?

Yes

26. [Hidden Semantic] Does the action area intersect the rufa red knot area of influence? Automatically answered

Yes

27. [Hidden Semantic] Does the action intersect the area of influence for Michigan monkey-flower?

Automatically answered *Yes* 

28. Does the action area include cold calcareous springs, seeps or streams, emergent marsh, Great Lakes marsh, Hardwood-conifer swamp, northern wet meadow, rich conifer swamp, sand/gravel beach, or headwater streams (1st/2nd order)?

No

29. [Hidden Semantic] Does the action area intersect the area of influence for Pitcher's thistle? Automatically answered

Yes

30. [Hidden Semantic] Does the action intersect Hungerford's crawling water beetle area of influence?

Automatically answered Yes

### **IPAC USER CONTACT INFORMATION**

Agency:Pellston villageName:Wade RoseAddress:34000 Plymouth RdCity:LivoniaState:MIZip:48150Emailwade.rose@ohm-advisors.comPhone:2482914573

### LEAD AGENCY CONTACT INFORMATION

Lead Agency: Pellston village



# United States Department of the Interior

FISH AND WILDLIFE SERVICE Michigan Ecological Services Field Office 2651 Coolidge Road Suite 101 East Lansing, MI 48823-6360 Phone: (517) 351-2555 Fax: (517) 351-1443



In Reply Refer To: Project code: 2025-0071749 Project Name: Well Field Parcel 3 - Pellston 03/20/2025 15:01:48 UTC

Subject: Verification letter for the project named 'Well Field Parcel 3 - Pellston' for specified threatened and endangered species that may occur in your proposed project location consistent with the Michigan Endangered Species Determination Key (Michigan DKey)

Dear Wade Rose:

The U.S. Fish and Wildlife Service (Service) received on **March 20, 2025** your effect determination(s) for the 'Well Field Parcel 3 - Pellston' (the Action) using the Michigan DKey within the Information for Planning and Consultation (IPaC) system. The Service developed this system in accordance with the Endangered Species Act of 1973 (ESA) (87 Stat.884, as amended; 16 U.S.C. 1531 et seq.).

Based on your answers and the assistance of the Service's Michigan DKey, you made the following effect determination(s) for the proposed Action:

<b>Species</b> Eastern Massasauga (=rattlesnake) ( <i>Sistrurus catenatus</i> ) Hungerford's Crawling Water Beetle ( <i>Brychius</i> <i>hungerfordi</i> )	<b>Listing Status</b> Threatened Endangered	<b>Determination</b> NLAA No effect
Michigan Monkey-flower ( <i>Mimulus michiganensis</i> ) Monarch Butterfly ( <i>Danaus plexippus</i> )	Endangered Proposed Threatened	No effect No effect
Northern Long-eared Bat ( <i>Myotis septentrionalis</i> ) Pitcher's Thistle ( <i>Cirsium pitcheri</i> ) Rufa Red Knot ( <i>Calidris canutus rufa</i> )	Endangered Threatened Threatened	No effect No effect No effect

The Service will notify you within 30 calendar days if we determine that this proposed Action does not meet the criteria for a "may affect, not likely to adversely affect" (NLAA) determination for Federally listed species in Michigan. If we do not notify you within that timeframe, you may proceed with the Action under the terms of the NLAA concurrence provided here. This

verification period allows the Michigan Ecological Services Field Office to apply local knowledge to evaluation of the Action, as we may identify a small subset of actions having impacts that were unanticipated. In such instances, the Michigan Ecological Services Field Office may request additional information to verify the effects determination reached through the Michigan DKey.

Your agency has met consultation requirements by informing the Service of your "No Effect" determination(s). No consultation is required for species that you determined will not be affected by the Action.

Please provide sufficient project details on your project homepage in IPaC (Define Project, Project Description) to support your conclusions and the Service's 30-day review period. Failure to disclose important aspects of your project that would influence the outcome of your effects determinations may negate your determinations and invalidate this letter. If you have sitespecific information that leads you to believe a different determination is more appropriate for your project than what the Dkey concludes, you can and should proceed based on the best available information.

The Service recommends that you contact the Service or re-evaluate the project in IPaC if: 1) the scope or location of the proposed Action is changed; 2) new information reveals that the action may affect listed species or designated critical habitat in a manner or to an extent not previously considered; 3) the Action is modified in a manner that causes effects to listed species or designated critical habitat; or 4) a new species is listed or critical habitat designated. If any of the above conditions occurs, additional consultation with the Service should take place before project changes are final or resources committed.

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### **Bald and Golden Eagles:**

Bald eagles, golden eagles, and their nests are protected under the Bald and Golden Eagle Protection Act (54 Stat. 250, as amended, 16 U.S.C. 668a-d) (Eagle Act). The Eagle Act prohibits, except when authorized by an Eagle Act permit, the "taking" of bald and golden eagles and defines "take" as "pursue, shoot, shoot at, poison, wound, kill, capture, trap, collect, molest or disturb." The Eagle Act's implementing regulations define disturb as "…to agitate or bother a bald or golden eagle to a degree that causes, or is likely to cause, based on the best scientific information available, (1) injury to an eagle, (2) a decrease in its productivity, by substantially interfering with normal breeding, feeding, or sheltering behavior, or (3) nest abandonment, by substantially interfering with normal breeding, feeding, or sheltering behavior." If the Action may impact bald or golden eagles, additional coordination with the Service under the Eagle Act may be required. For more information on eagles and conducting activities in the vicinity of an eagle nest, please visit https://www.fws.gov/library/collections/all-about-eagles. In addition, the Service developed the National Bald Eagle Management Guidelines (May 2007) in order to assist landowners in avoiding the disturbance of bald eagles. The full Guidelines are available at https://www.fws.gov/media/national-bald-eagle-management-guidelines-0.

If you have further questions regarding potential impacts to eagles, please contact Chris Mensing, Chris\_Mensing@fws.gov or 517-351-2555.

### Monarch butterfly and other pollinators

In December 2020, after an extensive status assessment of the monarch butterfly, we determined that listing the monarch under the Endangered Species Act is warranted but precluded by higher priority actions to amend the Lists of Endangered and Threatened Wildlife and Plants. Therefore, the Service added the monarch butterfly to the candidate list. The Service will review its status each year until we are able to begin developing a proposal to list the monarch.

The Endangered Species Act does not establish protections or consultation requirements for candidate species. Some Federal and State agencies may have policy requirements to consider candidate species in planning. We encourage implementing measures that will remove or reduce threats to these species and possibly make listing unnecessary.

For all projects, we recommend the following best management practices (BMPs) to benefit monarch and other pollinators.

Monarch and Pollinator BMP Recommendations

Consider monarch and other pollinators in your project planning when possible. Many pollinators are declining, including species that pollinate key agricultural crops and help maintain natural plant communities. Planting a diverse group of native plant species will help support the nutritional needs of Michigan's pollinators. We recommend a mix of flowering trees, shrubs, and herbaceous plants so that something is always blooming and pollen is available during the active periods of the pollinators, roughly early spring through fall (mid-March to mid-October). To benefit a wide variety of pollinators, choose a wide range of flowers with diverse colors, heights, structure, and flower shape. It is important to provide host plants for any known butterfly species at your site, including native milkweed for Monarch butterfly. Incorporating a water source (e.g., ephemeral pool or low area) and basking areas (rocks or bare ground) will provide additional resources for pollinators.

Many pollinators need a safe place to build their nests and overwinter. During spring and summer, leave some areas unmowed or minimize the impacts from mowing (e.g., decrease frequency, increase vegetation height). In fall, leave areas unraked and leave plant stems standing. Leave patches of bare soil for ground nesting pollinators.

Avoid or limit pesticide use. Pesticides can kill more than the target pest. Some pesticide residues can kill pollinators for several days after the pesticide is applied. Pesticides can also kill natural predators, which can lead to even worse pest problems.

Planting native wildflowers can also reduce the need to mow and water, improve bank stabilization by reducing erosion, and improve groundwater recharge and water quality.

**Resources:** 

https://www.fws.gov/initiative/monarchs https://www.fws.gov/library/collections/pollinators

#### Wetland impacts:

Section 404 of the Clean Water Act of 1977 (CWA) regulates the discharge of dredged or fill material into waters (including wetlands) of the United States. Regulations require that activities permitted under the CWA (including wetland permits issued by the Michigan Department of Environment, Great Lakes, and Energy (EGLE)) not jeopardize the continued existence of species listed as endangered or threatened. Permits issued by the U.S. Army Corps of Engineers must also consider effects to listed species pursuant to section 7 of the Endangered Species Act. The Service provides comments to the agencies that may include permit conditions to help avoid or minimize impacts to wildlife resources including listed species. For this project, we consider the conservation measures you agreed to in the determination key and/or as part of your proposed action to be non-discretionary. If you apply for a wetland permit, these conservation measures should be explicitly incorporated as permit conditions. Include a copy of this letter in your wetland permit application to streamline the threatened and endangered species review process.

<u>Summary of conservation measures for your project</u> You agreed to the following conservation measures to avoid adverse effects to listed species and our concurrence is only valid if the measures are fully implemented. These must be included as permit conditions if a permit is required and/or included in any contract language.

**Eastern massasauga:** Materials used for erosion control and site restoration must be wildlifefriendly. Do not use erosion control products containing plastic mesh netting or other similar material that could entangle eastern massasauga rattlesnake (EMR). Several products for soil erosion and control exist that do not contain plastic netting including net-less erosion control blankets (for example, made of excelsior), loose mulch, hydraulic mulch, soil binders, unreinforced silt fences, and straw bales. Others are made from natural fibers (such as jute) and loosely woven together in a manner that allows wildlife to wiggle free.

**Eastern massasauga:** To increase human safety and awareness of EMR, those implementing the project must first review the EMR factsheet (available at https://www.fws.gov/media/eastern-massasauga-rattlesnake-fact-sheet), and watch MDNR's "60-Second Snakes: The Eastern Massasauga Rattlesnake" video (available at https://www.youtube.com/watch?v=-PFnXe\_e02w).

**Eastern massasauga:** During project implementation, report sightings of any federally listed species, including EMR, to the Service within 24 hours.

**Eastern massasauga:** The project will not result in permanent loss of more than one acre of wetland or conversion of more than 10 acres of EMR upland habitat (uplands associated with high quality wetland habitat) to other land uses.

**Listed bats**: The action will not include temporary or permanent lighting of roadway(s), facility(ies), and/or parking lot(s).

### **Action Description**

You provided to IPaC the following name and description for the subject Action.

### 1. Name

Well Field Parcel 3 - Pellston

### 2. Description

The following description was provided for the project 'Well Field Parcel 3 - Pellston':

The project area consists of mowed herbaceous plant material. The project is in the exploritory phase and a start of the project has not been determined yet. The project exploritory phase will consist of the following:

1. A single boring will be drilled through drift to give us a "first look" at the geological

characteristics of the glacial drift in this area – the boring may be as deep as 100 feet. Within this exploratory boring, we will install 80 feet (assumed) of 5-inch PVC

casing and 20-feet of filter packed stainless-steel well screen. The casing will be tremie grouted from the bottom of the casing to the surface with neat cement grout.

The exploratory well will be pumped for at least eight hours and sampled to determine the quality of groundwater, and the general yield characteristics of the bedrock aquifer in this location (albeit, pumping performance results from a small diameter well will be used for guide purposes only).

2. A second 5-inch diameter well will be drilled in an offset location at the same depth

as the initial exploratory well. This second well will serve as a second observation well for monitoring the aquifer during production well testing.

3. A single test-production well will be drilled based upon the conditions encountered in

Task Nos. 1 and 2. At this time, it is assumed that the well will be 100 feet in depth,

and be constructed using 80 feet of 8 or 12-inch steel casing and 20 feet of stainless

steel well screen. The actual design of the well is entirely dependent on the results from the two exploration/observation wells. See attached well construction specification in Attachment D.

4. After development of the test-production well, the well will be equipped with a test

pump and pumped for a minimum duration of 72 hours depending on the character

of the aquifer and/or to resolve aquifer boundary behavior if observed. During pumping, the water levels within the pumping well and observation wells will be monitored throughout the pumping and recovery phases of the test. This data will be

used to calculate the hydraulic properties of the aquifer. It is expected that the discharge from the test will be directed away from the site in a manner as to not cause flooding to adjacent landowners or inadvertent recharge back into the aquifer.

The approximate location of the project can be viewed in Google Maps: <u>https://www.google.com/maps/@45.58040105,-84.78255920597954,14z</u>



### **QUALIFICATION INTERVIEW**

1. Are there any possible effects to any listed species or to designated critical habitat from your project or effects from any other actions or projects subsequently made possible by your project?

Select "Yes" even if the expected effects to the species or critical habitat are expected to be 1) extremely unlikely (discountable), 2) can't meaningfully be measured, detected, or evaluated (insignificant), or 3) wholly beneficial.

Select "No" to confirm that the project details and supporting information allow you to conclude that listed species and their habitats will not be exposed to any effects (including discountable, insignificant, or beneficial effects) and therefore, you have made a "no effect" determination for all species. If you are unsure, select YES to answer additional questions about your project.

Yes

2. This determination key is intended to assist the user in the evaluating the effects of their actions on Federally listed species in Michigan. It does not cover other prohibited activities under the Endangered Species Act (e.g., for wildlife: import/export, Interstate or foreign commerce, possession of illegally taken wildlife, purposeful take for scientific purposes or to enhance the survival of a species, etc.; for plants: import/export, reduce to possession, malicious destruction on Federal lands, commercial sale, etc.) or other statutes. Click yes to acknowledge that you must consider other prohibitions of the ESA or other statutes outside of this determination key.

Yes

3. Is the action the approval of a long-term (i.e., in effect greater than 10 years) permit, plan, or other action? (e.g., a new or re-issued hydropower license, a large-scale land management plan, or other kinds of documents that provide direction for projects or actions that may be conducted over a long term (>10 years) without the need for additional section 7 consultation).

No

- 4. Is the action being funded, authorized, or carried out by a Federal agency? *Yes*
- 5. Does the action involve the installation or operation of wind turbines?

No

6. Are there at least 30 days prior to your action occurring? Endangered species consultation must be completed before taking any action that may have effects to listed species. The Service also needs 30 days to review projects before we can verify conclusions in some dkey output letters. For example, if you have already started some components of the project on the ground (e.g., removed vegetation) before completing this key, answer "no" to this question. The only exception is if you have a Michigan Field Office pre-approved emergence survey (i.e., if you have conducted pre-approved emergence surveys for listed bats before tree removal, you can still answer yes to this question).

Yes

7. Does the action involve constructing a new communications tower or modifying an existing communications tower?

No

8. Does the activity involve aerial or other large-scale application of any chemical (including insecticide, herbicide, etc.)?

No

9. Does your project include water withdrawal (ground or surface water) greater than 10,000 gallons/day?

No

10. Will your action permanently affect hydrology?

No

11. Will your action temporarily affect hydrology?

No

- 12. Will your project have any direct impacts to a stream or river (e.g., Horizontal Directional Drilling (HDD), hydrostatic testing, stream/road crossings, new storm-water outfall discharge, dams, other in-stream work, changes to water quality or hydrology, etc.)? *No*
- 13. Does your project have the potential to indirectly impact the stream/river or the riparian zone (e.g., cut and fill, horizontal directional drilling, hydrostatic testing, construction, vegetation removal, discharge, changes to water quality or hydrology, etc.)? *No*
- 14. Will your action disturb the ground or existing vegetation? This includes any off road vehicle access, soil compaction, digging, seismic survey, directional drilling, heavy equipment, grading, trenching, placement of fill, pesticide application, vegetation management (including removal or maintenance using equipment or chemicals), cultivation, development, etc.

Yes

15. Is the action a utility-scale solar development project?

Note: Solar projects are considered utility scale if they will be 1 megawatt or larger.

No

- 16. [Hidden semantic] Does the action intersect the MOBU AOI?Automatically answeredYes
- 17. Under the ESA, monarchs remain warranted but precluded by listing actions of higher priority. The monarch is a candidate for listing at this time. The Endangered Species Act does not establish protections or consultation requirements for candidate species. Some Federal and State agencies may have policy requirements to consider candidate species in planning. We encourage implementing measures that will remove or reduce threats to these species and possibly make listing unnecessary. If your project will have no effect on monarch butterflies (for example, if your project won't affect their habitat or individuals), then you can make a "no effect" determination for this project. Are you making a "no effect" determination for monarch?

Yes

18. [Hidden Semantic] Does the action intersect the Eastern massasauga rattlesnake area of influence?

Automatically answered Yes

19. Does your action involve prescribed fire?

No

20. Will this action occur entirely in the Eastern massasauga rattlesnake inactive season (October 2 through April 30)?

No

21. Will this action occur entirely in the Eastern massasauga rattlesnake active season (May 1 through October 1)?

No

22. Will the action result in permanent loss of more than one acre of wetland or conversion of more than 10 acres of uplands of potential Eastern massasauga rattlesnake habitat (uplands associated with high quality wetland habitat) to other land uses?

No

23. Will you use <u>wildlife safe materials</u> for erosion control and site restoration and eliminate the use of erosion control products containing plastic mesh netting or other similar material that could ensnare Eastern massasauga rattlesnake?

Yes

24. Will you watch MDNR's <u>"60-Second Snakes: The Eastern Massasauga Rattlesnake</u> (EMR)" video, review the <u>EMR factsheet</u> or call 517-351-2555 to increase human safety and awareness of EMR?

Yes

25. Will all action personnel report any Eastern massasauga rattlesnake observations, or observation of any other listed threatened or endangered species, during action implementation to the Service within 24 hours?

Yes

26. [Hidden Semantic] Does the action area intersect the rufa red knot area of influence? Automatically answered

Yes

27. [Hidden Semantic] Does the action intersect the area of influence for Michigan monkey-flower?

Automatically answered *Yes* 

28. [Hidden Semantic] Does the action area intersect the area of influence for Pitcher's thistle? Automatically answered

Yes

29. [Hidden Semantic] Does the action intersect Hungerford's crawling water beetle area of influence?

Automatically answered *Yes* 

30. The project has the potential to affect federally listed bats. Does the action area contain any known or potential bat hibernacula (natural caves, abandoned mines, or underground quarries)?

No

31. Has a presence/absence bat survey or field-based habitat assessment following the Service's Range-wide <u>Indiana Bat and Northern Long-eared Bat Summer Survey</u> <u>Guidelines</u> been conducted within the action area?

No

32. Does the action involve removal/modification of a human structure (barn, house or other building) known to contain roosting bats?

No

- 33. Does the action include removal/modification of an existing bridge or culvert? *No*
- 34. Does the action include temporary or permanent lighting of roadway(s), facility(ies), and/ or parking lot(s)?

No

35. Does the action include one or more of the following: (1) tree cutting/trimming, (2) prescribed fire, (3) pesticide (including insecticide and/or rodenticide), and/or (4) herbicide/fungicide application?

No

# 36. [Hidden Semantic] Does this project intersect the northern long-eared bat area of influence?

Automatically answered *Yes* 

### **IPAC USER CONTACT INFORMATION**

Agency:Pellston villageName:Wade RoseAddress:34000 Plymouth RdCity:LivoniaState:MIZip:48150Emailwade.rose@ohm-advisors.comPhone:2482914573

### LEAD AGENCY CONTACT INFORMATION

Lead Agency: Pellston village



# United States Department of the Interior

FISH AND WILDLIFE SERVICE Michigan Ecological Services Field Office 2651 Coolidge Road Suite 101 East Lansing, MI 48823-6360 Phone: (517) 351-2555 Fax: (517) 351-1443



In Reply Refer To: Project code: 2025-0065805 Project Name: White Pine Dr Loop - Pellston DWSRF 03/07/2025 17:35:10 UTC

Subject: Verification letter for the project named 'White Pine Dr Loop - Pellston DWSRF' for specified threatened and endangered species that may occur in your proposed project location consistent with the Michigan Endangered Species Determination Key (Michigan DKey)

Dear Deborah Gibson:

The U.S. Fish and Wildlife Service (Service) received on **March 07, 2025** your effect determination(s) for the 'White Pine Dr Loop - Pellston DWSRF' (the Action) using the Michigan DKey within the Information for Planning and Consultation (IPaC) system. The Service developed this system in accordance with the Endangered Species Act of 1973 (ESA) (87 Stat. 884, as amended; 16 U.S.C. 1531 et seq.).

Based on your answers and the assistance of the Service's Michigan DKey, you made the following effect determination(s) for the proposed Action:

Species	Listing Status	Determination
Eastern Massasauga (=rattlesnake) (Sistrurus catenatus)	Threatened	NLAA
Hungerford's Crawling Water Beetle (Brychius	Endangered	No effect
hungerfordi)		
Michigan Monkey-flower (Mimulus michiganensis)	Endangered	No effect
Monarch Butterfly (Danaus plexippus)	Proposed	No effect
	Threatened	
Pitcher's Thistle (Cirsium pitcheri)	Threatened	No effect
Rufa Red Knot (Calidris canutus rufa)	Threatened	No effect

The Service will notify you within 30 calendar days if we determine that this proposed Action does not meet the criteria for a "may affect, not likely to adversely affect" (NLAA) determination for Federally listed species in Michigan. If we do not notify you within that timeframe, you may proceed with the Action under the terms of the NLAA concurrence provided here. This verification period allows the Michigan Ecological Services Field Office to apply local

knowledge to evaluation of the Action, as we may identify a small subset of actions having impacts that were unanticipated. In such instances, the Michigan Ecological Services Field Office may request additional information to verify the effects determination reached through the Michigan DKey.

Your agency has met consultation requirements by informing the Service of your "No Effect" determination(s). No consultation is required for species that you determined will not be affected by the Action.

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Planting native wildflowers can also reduce the need to mow and water, improve bank stabilization by reducing erosion, and improve groundwater recharge and water quality.

Resources:

#### https://www.fws.gov/initiative/monarchs https://www.fws.gov/library/collections/pollinators

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### **Action Description**

You provided to IPaC the following name and description for the subject Action.

### 1. Name

White Pine Dr Loop - Pellston DWSRF

### 2. Description

The following description was provided for the project 'White Pine Dr Loop - Pellston DWSRF':

Installation of 6" WM, the system will consist of water main, valves, hydrants. Project is in the design phase as March 2025. Project will stay within ROW of a rural residential area.

The approximate location of the project can be viewed in Google Maps: <u>https://www.google.com/maps/@45.54195585,-84.77918051838037,14z</u>



### **QUALIFICATION INTERVIEW**

1. Are there any possible effects to any listed species or to designated critical habitat from your project or effects from any other actions or projects subsequently made possible by your project?

Select "Yes" even if the expected effects to the species or critical habitat are expected to be 1) extremely unlikely (discountable), 2) can't meaningfully be measured, detected, or evaluated (insignificant), or 3) wholly beneficial.

Select "No" to confirm that the project details and supporting information allow you to conclude that listed species and their habitats will not be exposed to any effects (including discountable, insignificant, or beneficial effects) and therefore, you have made a "no effect" determination for all species. If you are unsure, select YES to answer additional questions about your project.

Yes

2. This determination key is intended to assist the user in the evaluating the effects of their actions on Federally listed species in Michigan. It does not cover other prohibited activities under the Endangered Species Act (e.g., for wildlife: import/export, Interstate or foreign commerce, possession of illegally taken wildlife, purposeful take for scientific purposes or to enhance the survival of a species, etc.; for plants: import/export, reduce to possession, malicious destruction on Federal lands, commercial sale, etc.) or other statutes. Click yes to acknowledge that you must consider other prohibitions of the ESA or other statutes outside of this determination key.

Yes

3. Is the action the approval of a long-term (i.e., in effect greater than 10 years) permit, plan, or other action? (e.g., a new or re-issued hydropower license, a large-scale land management plan, or other kinds of documents that provide direction for projects or actions that may be conducted over a long term (>10 years) without the need for additional section 7 consultation).

No

- 4. Is the action being funded, authorized, or carried out by a Federal agency? *Yes*
- 5. Does the action involve the installation or operation of wind turbines?

No

6. Are there at least 30 days prior to your action occurring? Endangered species consultation must be completed before taking any action that may have effects to listed species. The Service also needs 30 days to review projects before we can verify conclusions in some dkey output letters. For example, if you have already started some components of the project on the ground (e.g., removed vegetation) before completing this key, answer "no" to this question. The only exception is if you have a Michigan Field Office pre-approved emergence survey (i.e., if you have conducted pre-approved emergence surveys for listed bats before tree removal, you can still answer yes to this question).

Yes

7. Does the action involve constructing a new communications tower or modifying an existing communications tower?

No

8. Does the activity involve aerial or other large-scale application of any chemical (including insecticide, herbicide, etc.)?

No

9. Does your project include water withdrawal (ground or surface water) greater than 10,000 gallons/day?

No

10. Will your action permanently affect hydrology?

No

11. Will your action temporarily affect hydrology?

No

- 12. Will your project have any direct impacts to a stream or river (e.g., Horizontal Directional Drilling (HDD), hydrostatic testing, stream/road crossings, new storm-water outfall discharge, dams, other in-stream work, changes to water quality or hydrology, etc.)? *No*
- 13. Does your project have the potential to indirectly impact the stream/river or the riparian zone (e.g., cut and fill, horizontal directional drilling, hydrostatic testing, construction, vegetation removal, discharge, changes to water quality or hydrology, etc.)? *No*
- 14. Will your action disturb the ground or existing vegetation? This includes any off road vehicle access, soil compaction, digging, seismic survey, directional drilling, heavy equipment, grading, trenching, placement of fill, pesticide application, vegetation management (including removal or maintenance using equipment or chemicals), cultivation, development, etc.

Yes

15. Is the action a utility-scale solar development project?

Note: Solar projects are considered utility scale if they will be 1 megawatt or larger.

No

- 16. [Hidden semantic] Does the action intersect the MOBU AOI?Automatically answeredYes
- 17. Under the ESA, monarchs remain warranted but precluded by listing actions of higher priority. The monarch is a candidate for listing at this time. The Endangered Species Act does not establish protections or consultation requirements for candidate species. Some Federal and State agencies may have policy requirements to consider candidate species in planning. We encourage implementing measures that will remove or reduce threats to these species and possibly make listing unnecessary. If your project will have no effect on monarch butterflies (for example, if your project won't affect their habitat or individuals), then you can make a "no effect" determination for this project. Are you making a "no effect" determination for monarch?

Yes

18. [Hidden Semantic] Does the action intersect the Eastern massasauga rattlesnake area of influence?

Automatically answered Yes

19. Does your action involve prescribed fire?

No

20. Will this action occur entirely in the Eastern massasauga rattlesnake inactive season (October 2 through April 30)?

No

21. Will this action occur entirely in the Eastern massasauga rattlesnake active season (May 1 through October 1)?

No

22. Will the action result in permanent loss of more than one acre of wetland or conversion of more than 10 acres of uplands of potential Eastern massasauga rattlesnake habitat (uplands associated with high quality wetland habitat) to other land uses?

No

23. Will you use <u>wildlife safe materials</u> for erosion control and site restoration and eliminate the use of erosion control products containing plastic mesh netting or other similar material that could ensnare Eastern massasauga rattlesnake?

Yes

24. Will you watch MDNR's <u>"60-Second Snakes: The Eastern Massasauga Rattlesnake</u> (<u>EMR</u>)" video, review the <u>EMR factsheet</u> or call 517-351-2555 to increase human safety and awareness of EMR?

Yes

25. Will all action personnel report any Eastern massasauga rattlesnake observations, or observation of any other listed threatened or endangered species, during action implementation to the Service within 24 hours?

Yes

26. [Hidden Semantic] Does the action area intersect the rufa red knot area of influence? Automatically answered

Yes

27. [Hidden Semantic] Does the action intersect the area of influence for Michigan monkey-flower?

Automatically answered *Yes* 

- 28. [Hidden Semantic] Does the action area intersect the area of influence for Pitcher's thistle? Automatically answered Yes
- 29. [Hidden Semantic] Does the action intersect Hungerford's crawling water beetle area of influence?

Automatically answered Yes

### **IPAC USER CONTACT INFORMATION**

Agency:Pellston villageName:Deborah GibsonAddress:34000 Plymouth RdCity:livoniaState:MIZip:48150Emaildebbie.gibson@ohm-advisors.comPhone:7343234144

### LEAD AGENCY CONTACT INFORMATION

Lead Agency: Pellston village



# United States Department of the Interior

FISH AND WILDLIFE SERVICE Michigan Ecological Services Field Office 2651 Coolidge Road Suite 101 East Lansing, MI 48823-6360 Phone: (517) 351-2555 Fax: (517) 351-1443



In Reply Refer To: Project code: 2025-0067790 Project Name: Wright St - Bogardus to State 6'' WM

03/12/2025 14:44:14 UTC

Subject: Verification letter for the project named 'Wright St - Bogardus to State 6'' WM' for specified threatened and endangered species that may occur in your proposed project location consistent with the Michigan Endangered Species Determination Key (Michigan DKey)

Dear Wade Rose:

The U.S. Fish and Wildlife Service (Service) received on **March 12, 2025** your effect determination(s) for the 'Wright St - Bogardus to State 6'' WM' (the Action) using the Michigan DKey within the Information for Planning and Consultation (IPaC) system. The Service developed this system in accordance with the Endangered Species Act of 1973 (ESA) (87 Stat. 884, as amended; 16 U.S.C. 1531 et seq.).

Based on your answers and the assistance of the Service's Michigan DKey, you made the following effect determination(s) for the proposed Action:

Species	Listing Status	Determination
Eastern Massasauga (=rattlesnake) (Sistrurus catenatus)	Threatened	NLAA
Hungerford's Crawling Water Beetle (Brychius	Endangered	No effect
hungerfordi)		
Michigan Monkey-flower ( <i>Mimulus michiganensis</i> )	Endangered	No effect
Monarch Butterfly ( <i>Danaus plexippus</i> )	Proposed	No effect
	Threatened	
Pitcher's Thistle (Cirsium pitcheri)	Threatened	No effect
Rufa Red Knot (Calidris canutus rufa)	Threatened	No effect

The Service will notify you within 30 calendar days if we determine that this proposed Action does not meet the criteria for a "may affect, not likely to adversely affect" (NLAA) determination for Federally listed species in Michigan. If we do not notify you within that timeframe, you may proceed with the Action under the terms of the NLAA concurrence provided here. This verification period allows the Michigan Ecological Services Field Office to apply local

knowledge to evaluation of the Action, as we may identify a small subset of actions having impacts that were unanticipated. In such instances, the Michigan Ecological Services Field Office may request additional information to verify the effects determination reached through the Michigan DKey.

Your agency has met consultation requirements by informing the Service of your "No Effect" determination(s). No consultation is required for species that you determined will not be affected by the Action.

Please provide sufficient project details on your project homepage in IPaC (Define Project, Project Description) to support your conclusions and the Service's 30-day review period. Failure to disclose important aspects of your project that would influence the outcome of your effects determinations may negate your determinations and invalidate this letter. If you have site-specific information that leads you to believe a different determination is more appropriate for your project than what the Dkey concludes, you can and should proceed based on the best available information.

The Service recommends that you contact the Service or re-evaluate the project in IPaC if: 1) the scope or location of the proposed Action is changed; 2) new information reveals that the action may affect listed species or designated critical habitat in a manner or to an extent not previously considered; 3) the Action is modified in a manner that causes effects to listed species or designated critical habitat; or 4) a new species is listed or critical habitat designated. If any of the above conditions occurs, additional consultation with the Service should take place before project changes are final or resources committed.

For non-Federal representatives: Please note that when a project requires consultation under section 7 of the Act, the Service must consult directly with the Federal action agency unless that agency formally designates a non-Federal representative (50 CFR 402.08). Non-Federal representatives may prepare analyses or conduct informal consultations; however, the ultimate responsibility for section 7 compliance under the Act remains with the Federal agency. If the Federal agency concurs with your determination, the project as proposed has completed section 7 consultation. All documents and supporting correspondence should be provided to the Federal agency for their records.

### **Bald and Golden Eagles:**

Bald eagles, golden eagles, and their nests are protected under the Bald and Golden Eagle Protection Act (54 Stat. 250, as amended, 16 U.S.C. 668a-d) (Eagle Act). The Eagle Act prohibits, except when authorized by an Eagle Act permit, the "taking" of bald and golden eagles and defines "take" as "pursue, shoot, shoot at, poison, wound, kill, capture, trap, collect, molest or disturb." The Eagle Act's implementing regulations define disturb as "…to agitate or bother a bald or golden eagle to a degree that causes, or is likely to cause, based on the best scientific information available, (1) injury to an eagle, (2) a decrease in its productivity, by substantially interfering with normal breeding, feeding, or sheltering behavior, or (3) nest abandonment, by substantially interfering with normal breeding, feeding, or sheltering behavior."

If the Action may impact bald or golden eagles, additional coordination with the Service under the Eagle Act may be required. For more information on eagles and conducting activities in the vicinity of an eagle nest, please visit https://www.fws.gov/library/collections/all-about-eagles. In addition, the Service developed the National Bald Eagle Management Guidelines (May 2007) in order to assist landowners in avoiding the disturbance of bald eagles. The full Guidelines are available at https://www.fws.gov/media/national-bald-eagle-management-guidelines-0.

If you have further questions regarding potential impacts to eagles, please contact Chris Mensing, Chris\_Mensing@fws.gov or 517-351-2555.

### Monarch butterfly and other pollinators

In December 2020, after an extensive status assessment of the monarch butterfly, we determined that listing the monarch under the Endangered Species Act is warranted but precluded by higher priority actions to amend the Lists of Endangered and Threatened Wildlife and Plants. Therefore, the Service added the monarch butterfly to the candidate list. The Service will review its status each year until we are able to begin developing a proposal to list the monarch.

The Endangered Species Act does not establish protections or consultation requirements for candidate species. Some Federal and State agencies may have policy requirements to consider candidate species in planning. We encourage implementing measures that will remove or reduce threats to these species and possibly make listing unnecessary.

For all projects, we recommend the following best management practices (BMPs) to benefit monarch and other pollinators.

Monarch and Pollinator BMP Recommendations

Consider monarch and other pollinators in your project planning when possible. Many pollinators are declining, including species that pollinate key agricultural crops and help maintain natural plant communities. Planting a diverse group of native plant species will help support the nutritional needs of Michigan's pollinators. We recommend a mix of flowering trees, shrubs, and herbaceous plants so that something is always blooming and pollen is available during the active periods of the pollinators, roughly early spring through fall (mid-March to mid-October). To benefit a wide variety of pollinators, choose a wide range of flowers with diverse colors, heights, structure, and flower shape. It is important to provide host plants for any known butterfly species at your site, including native milkweed for Monarch butterfly. Incorporating a water source (e.g., ephemeral pool or low area) and basking areas (rocks or bare ground) will provide additional resources for pollinators.

Many pollinators need a safe place to build their nests and overwinter. During spring and summer, leave some areas unmowed or minimize the impacts from mowing (e.g., decrease frequency, increase vegetation height). In fall, leave areas unraked and leave plant stems standing. Leave patches of bare soil for ground nesting pollinators.

Avoid or limit pesticide use. Pesticides can kill more than the target pest. Some pesticide residues can kill pollinators for several days after the pesticide is applied. Pesticides can also kill natural predators, which can lead to even worse pest problems.

Planting native wildflowers can also reduce the need to mow and water, improve bank stabilization by reducing erosion, and improve groundwater recharge and water quality.

Resources:

#### https://www.fws.gov/initiative/monarchs https://www.fws.gov/library/collections/pollinators

#### Wetland impacts:

Section 404 of the Clean Water Act of 1977 (CWA) regulates the discharge of dredged or fill material into waters (including wetlands) of the United States. Regulations require that activities permitted under the CWA (including wetland permits issued by the Michigan Department of Environment, Great Lakes, and Energy (EGLE)) not jeopardize the continued existence of species listed as endangered or threatened. Permits issued by the U.S. Army Corps of Engineers must also consider effects to listed species pursuant to section 7 of the Endangered Species Act. The Service provides comments to the agencies that may include permit conditions to help avoid or minimize impacts to wildlife resources including listed species. For this project, we consider the conservation measures you agreed to in the determination key and/or as part of your proposed action to be non-discretionary. If you apply for a wetland permit, these conservation measures should be explicitly incorporated as permit conditions. Include a copy of this letter in your wetland permit application to streamline the threatened and endangered species review process.

<u>Summary of conservation measures for your project</u> You agreed to the following conservation measures to avoid adverse effects to listed species and our concurrence is only valid if the measures are fully implemented. These must be included as permit conditions if a permit is required and/or included in any contract language.

**Eastern massasauga:** Materials used for erosion control and site restoration must be wildlifefriendly. Do not use erosion control products containing plastic mesh netting or other similar material that could entangle eastern massasauga rattlesnake (EMR). Several products for soil erosion and control exist that do not contain plastic netting including net-less erosion control blankets (for example, made of excelsior), loose mulch, hydraulic mulch, soil binders, unreinforced silt fences, and straw bales. Others are made from natural fibers (such as jute) and loosely woven together in a manner that allows wildlife to wiggle free.

**Eastern massasauga:** To increase human safety and awareness of EMR, those implementing the project must first review the EMR factsheet (available at https://www.fws.gov/media/eastern-massasauga-rattlesnake-fact-sheet), and watch MDNR's "60-Second Snakes: The Eastern Massasauga Rattlesnake" video (available at https://www.youtube.com/watch?v=-PFnXe\_e02w).

**Eastern massasauga:** During project implementation, report sightings of any federally listed species, including EMR, to the Service within 24 hours.

**Eastern massasauga:** The project will not result in permanent loss of more than one acre of wetland or conversion of more than 10 acres of EMR upland habitat (uplands associated with high quality wetland habitat) to other land uses.

#### **Action Description**

You provided to IPaC the following name and description for the subject Action.

#### 1. Name

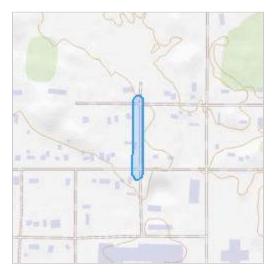
Wright St - Bogardus to State 6" WM

#### 2. Description

The following description was provided for the project 'Wright St - Bogardus to State 6'' WM':

The project area is located within the road ROW along Wright St from Bogadardus to State St in Pellston MI. The project area is in a residential neighborhood and of paved road, mowed truf grass, and landscape trees. The project will involve the installation of 6" water main, service leads, valves and hydrants via open cut and trenching. The project is the design phase and has no start date.

The approximate location of the project can be viewed in Google Maps: <u>https://www.google.com/maps/@45.555099049999995,-84.7806626,14z</u>



### **QUALIFICATION INTERVIEW**

1. Are there any possible effects to any listed species or to designated critical habitat from your project or effects from any other actions or projects subsequently made possible by your project?

Select "Yes" even if the expected effects to the species or critical habitat are expected to be 1) extremely unlikely (discountable), 2) can't meaningfully be measured, detected, or evaluated (insignificant), or 3) wholly beneficial.

Select "No" to confirm that the project details and supporting information allow you to conclude that listed species and their habitats will not be exposed to any effects (including discountable, insignificant, or beneficial effects) and therefore, you have made a "no effect" determination for all species. If you are unsure, select YES to answer additional questions about your project.

Yes

2. This determination key is intended to assist the user in the evaluating the effects of their actions on Federally listed species in Michigan. It does not cover other prohibited activities under the Endangered Species Act (e.g., for wildlife: import/export, Interstate or foreign commerce, possession of illegally taken wildlife, purposeful take for scientific purposes or to enhance the survival of a species, etc.; for plants: import/export, reduce to possession, malicious destruction on Federal lands, commercial sale, etc.) or other statutes. Click yes to acknowledge that you must consider other prohibitions of the ESA or other statutes outside of this determination key.

Yes

3. Is the action the approval of a long-term (i.e., in effect greater than 10 years) permit, plan, or other action? (e.g., a new or re-issued hydropower license, a large-scale land management plan, or other kinds of documents that provide direction for projects or actions that may be conducted over a long term (>10 years) without the need for additional section 7 consultation).

No

- 4. Is the action being funded, authorized, or carried out by a Federal agency? *Yes*
- 5. Does the action involve the installation or operation of wind turbines?

No

6. Are there at least 30 days prior to your action occurring? Endangered species consultation must be completed before taking any action that may have effects to listed species. The Service also needs 30 days to review projects before we can verify conclusions in some dkey output letters. For example, if you have already started some components of the project on the ground (e.g., removed vegetation) before completing this key, answer "no" to this question. The only exception is if you have a Michigan Field Office pre-approved emergence survey (i.e., if you have conducted pre-approved emergence surveys for listed bats before tree removal, you can still answer yes to this question).

Yes

7. Does the action involve constructing a new communications tower or modifying an existing communications tower?

No

8. Does the activity involve aerial or other large-scale application of any chemical (including insecticide, herbicide, etc.)?

No

9. Does your project include water withdrawal (ground or surface water) greater than 10,000 gallons/day?

No

10. Will your action permanently affect hydrology?

No

11. Will your action temporarily affect hydrology?

No

- 12. Will your project have any direct impacts to a stream or river (e.g., Horizontal Directional Drilling (HDD), hydrostatic testing, stream/road crossings, new storm-water outfall discharge, dams, other in-stream work, changes to water quality or hydrology, etc.)? *No*
- 13. Does your project have the potential to indirectly impact the stream/river or the riparian zone (e.g., cut and fill, horizontal directional drilling, hydrostatic testing, construction, vegetation removal, discharge, changes to water quality or hydrology, etc.)? *No*
- 14. Will your action disturb the ground or existing vegetation? This includes any off road vehicle access, soil compaction, digging, seismic survey, directional drilling, heavy equipment, grading, trenching, placement of fill, pesticide application, vegetation management (including removal or maintenance using equipment or chemicals), cultivation, development, etc.

Yes

15. Is the action a utility-scale solar development project?

Note: Solar projects are considered utility scale if they will be 1 megawatt or larger.

No

- 16. [Hidden semantic] Does the action intersect the MOBU AOI?Automatically answeredYes
- 17. Under the ESA, monarchs remain warranted but precluded by listing actions of higher priority. The monarch is a candidate for listing at this time. The Endangered Species Act does not establish protections or consultation requirements for candidate species. Some Federal and State agencies may have policy requirements to consider candidate species in planning. We encourage implementing measures that will remove or reduce threats to these species and possibly make listing unnecessary. If your project will have no effect on monarch butterflies (for example, if your project won't affect their habitat or individuals), then you can make a "no effect" determination for this project. Are you making a "no effect" determination for monarch?

Yes

18. [Hidden Semantic] Does the action intersect the Eastern massasauga rattlesnake area of influence?

Automatically answered Yes

19. Does your action involve prescribed fire?

No

20. Will this action occur entirely in the Eastern massasauga rattlesnake inactive season (October 2 through April 30)?

No

21. Will this action occur entirely in the Eastern massasauga rattlesnake active season (May 1 through October 1)?

No

22. Will the action result in permanent loss of more than one acre of wetland or conversion of more than 10 acres of uplands of potential Eastern massasauga rattlesnake habitat (uplands associated with high quality wetland habitat) to other land uses?

No

23. Will you use <u>wildlife safe materials</u> for erosion control and site restoration and eliminate the use of erosion control products containing plastic mesh netting or other similar material that could ensnare Eastern massasauga rattlesnake?

Yes

24. Will you watch MDNR's <u>"60-Second Snakes: The Eastern Massasauga Rattlesnake</u> (EMR)" video, review the <u>EMR factsheet</u> or call 517-351-2555 to increase human safety and awareness of EMR?

Yes

25. Will all action personnel report any Eastern massasauga rattlesnake observations, or observation of any other listed threatened or endangered species, during action implementation to the Service within 24 hours?

Yes

26. [Hidden Semantic] Does the action area intersect the rufa red knot area of influence? Automatically answered

Yes

27. [Hidden Semantic] Does the action intersect the area of influence for Michigan monkey-flower?

Automatically answered *Yes* 

- 28. [Hidden Semantic] Does the action area intersect the area of influence for Pitcher's thistle? Automatically answered Yes
- 29. [Hidden Semantic] Does the action intersect Hungerford's crawling water beetle area of influence?

Automatically answered Yes

### **IPAC USER CONTACT INFORMATION**

Agency:Pellston villageName:Wade RoseAddress:34000 Plymouth RdCity:LivoniaState:MIZip:48150Emailwade.rose@ohm-advisors.comPhone:2482914573

### LEAD AGENCY CONTACT INFORMATION

Lead Agency: Pellston village

Appendix C Cost Opinions

### Project Summary Engineer's Opinion of Probable Project Cost



Owner:	Village of Pellston	Date:	4/18/2025
Project:	Feasibility Study	Project No.	7840-22-0010
Work:	Private Well Abandonment	Prepared By:	IVB
	Within Village Limits	Reviewer:	КМТ
	[X] Conceptual [] Preliminary [] Final	Current ENR:	13547

Item No.	Item Description	Est. Quantity	Unit	Unit Price	Total Cost
1	Private Well Abandonment	448	Ea	\$1,500	\$672,000
				SUBTOTAL:	\$672,000
	CONTRACTUAL REQUIREMENTS				
	General Conditions	10%			\$68,000
	General Requirements	5%			\$34,000
	Contingencies	50%			\$336,000
		ΤΟΤΑ		RUCTION COST:	\$1,110,000
	PROJECT COSTS				
	Design and Construction Engineering	20%			\$222,000
	Finance and Legal	5%			\$56,000
	Geotechnical Services	0.0%			\$0
			TOTAL PI	ROJECT COSTS:	\$278,000
	ENGINEER'S OPINION OF PROJECT COST				\$1,400,000

4/18/2025 Page 1 of 1

P:\7800\_7999\7840220010\_Pellston\_Safe\_Drinking\_Study\Cost Estimates\Private Well Abandonment\Well Abandonment Cost Estimate



### PELLSTON CONCEPTUAL WATER MAIN LAYOUT

Telephone: (231) 344-1150

### ORCHARD, HILTZ & McCLIMENT, INC.

PROJECT: Pellston Wholesale Alternative Conceptual Transmission Main

	DATE:	Apr 18, 2025
	PROJECT NO.	7840-22-0010
BASIS FOR ESTIMATE: [X] CONCEPTUAL [] PRELIMINARY [] FINAL	ESTIMATOR:	SK
	CHECKED BY:	AB
	CURRENT ENR:	13547

WORK:

Conceptual 24-inch water main layout for the wholesale alternative from Harbor Springs to Pellston. Includes associated appurtenances and restoration.

Item	Description	Estimated Quantity	Unit Price	Amount
1	Mobilization, Max 10%	1 LSUM	\$4,451,000	\$4,451,000.00
2	Traffic Maintenance and Control	1 LSUM	\$2,226,000	\$2,226,000.00
3	Soil Erosion and Sedimentation Control	1 LSUM	\$141,000	\$141,000.00
4	Clearing	26 Acre	\$16,000	\$410,400.00
5	Pavt, Rem	3500 Syd	\$10	\$35,000.00
6	Sidewalk, Rem	400 Syd	\$12	\$4,800.00
7	Driveway, Rem	8500 Syd	\$14	\$119,000.00
8	Aggregate Base, 8 inch	3000 Syd	\$19	\$57,000.00
9	Aggregate Surface Course, 12 inch, 21AA, Modified	700 Syd	\$30	\$21,000.00
10	Approach, Cl II, 4 inch	2000 Syd	\$12	\$24,000.00
11	HMA Approach	1,500 Ton	\$158	\$237,000.00
12	HMA, 4EL	700 Ton	\$100	\$70,000.00
13	Driveway, Nonreinf Conc, 6 inch	500 Syd	\$62	\$31,000.00
14	Detectable Warning Surface	100 Ft	\$52	\$5,200.00
15	Sidewalk Ramp, Conc, 6 inch, Modified	2,000 Sft	\$7	\$14,000.00
16	Sidewalk, Conc, Modified	3,500 Sft	\$5	\$17,500.00
17	Water Main, DI, 24 inch, Directional Drill	17,800 Ft	\$455	\$8,099,000.00
18	Water Main, DI, 24 inch, Tr Det G, Modified	3,300 Ft	\$420	\$1,386,000.00
19	Water Main, DI, 24 inch, Tr Det F, Modified	71,300 Ft	\$405	\$28,876,500.00
20	Valve and Well, 24 inch	125 Ea	\$35,000	\$4,375,000.00
21	Turf Establishment, Performance	73,600 Syd	\$6	\$441,600.00
22	Emergent Wetland Seed Mix	1,100 Syd	\$10	\$11,000.00
23	Wetland Mitigation	1.0 Acre	\$130,000	\$130,000.00
		Construction Amount		\$51,190,000.00
		Contingency (30%)		\$15,357,000.00
		Total Construction Cos	t	\$66,547,000.00
	ſ	Design		\$4,658,290.00
	Construction Engineering/Adminis	tration		\$7,985,640.00
	Geotechnical Se			\$332,735.00
			Soft Costs Total	\$12,977,000.00

Total Project Cost \$80,000,000.00

#### **ASSUMPTIONS:**

1. The water distribution system and storage tank costs for the Village of Pellston are not included in this estimate.

**2.** Engineering design estimate is for budgeting purposes and is calculated without contingency.

3. Geotechnical service costs are estimated for budgeting purposes.

4. Property acquisition and easement costs are unknown and not included in this cost estimate.

5. Construction engineering and administration costs include construction observation, material testing, and survey layout.

6. It is assumed that all the work being performed will not be in conflict with any utilities.

7. A full wetland delineation will have to be performed during design.

8. Soil erosion and sedimentation control costs are estimated for budgeting purposes.

9. Traffic maintenance and control costs are estimated for budgeting purposes.

**10.** It was assumed that water main will be installed using directional drilling in areas where water main crosses M-119 and where wetlands exist. Water main is assumed to be installed using open cut installation in all other locations.

11. Costs do not include any service lines, curb stop boxes, water meters, or fire hydrants.

**12.** Water main will extend from the western end of the Harbor Springs village limits to the southern end of the Pellston village limits.

**13.** Costs to connect other communities along the route from Harbor Springs to Pellston to the system are not included in this estimate.

**14.** Ten States Standards were used to determine valve quantities.

15. The quantity of driveways within the project limits was estimated and would need to be reviewed during design.

**16.** A percentage of each surface type was assumed for driveways and roads that are crossed by water main. Existing materials, specifically driveway and road surface types, would need to be verified during the design phase. It was assumed that driveways and roads would be replaced in-kind.

17. Trees for removal, as well as their sizes, would need to be further reviewed during design.

**18.** ADA ramps will be removed and replaced with detectable warning surfaces in areas impacted by water main installation.



### PELLSTON CONCEPTUAL WATER MAIN LAYOUT

### ORCHARD, HILTZ & McCLIMENT, INC.

300 East Mitchell	l Street Suite 2, Petoskey, Michigan, 49770	Teleph	one: (231) 344-1150
PROJECT:	Pellston Conceptual Water Main Layout Version 6		
	DA	TE:	Apr 18, 2025
	PROJECT	NO.	7840-22-0010

	DATE:	Apr 18, 2025
	PROJECT NO.	7840-22-0010
BASIS FOR ESTIMATE: [X] CONCEPTUAL [] PRELIMINARY [] FINAL	ESTIMATOR:	SK
	CHECKED BY:	SLW
	CURRENT ENR:	13547

WORK: Conceptual water main layout for the Village of Pellston including 6 and 8-inch water main. Includes associated appurtenances and restoration.

Item	Description	Estimated Quantity	Unit Price	Amount
1	Mobilization, Max 10%	1 LSUM	\$1,488,000	\$1,488,000.00
2	Traffic Maintenance and Control	1 LSUM	\$85,000	\$85,000.00
3	Soil Erosion and Sedimentation Control	1 LSUM	\$10,000	\$10,000.00
4	Clearing	21 Acre	\$16,000	\$336,000.00
5	Pavt, Rem	23233 Syd	\$10	\$232,330.00
6	Sidewalk, Rem	1447 Syd	\$12	\$17,364.00
7	Driveway, Rem	9677 Syd	\$14	\$135,478.00
8	Aggregate Base, 8 inch	23127 Syd	\$19	\$439,413.00
9	Aggregate Surface Course, 12 inch, 21AA, Modified	106 Syd	\$30	\$3,180.00
10	Approach, Cl II, 4 inch	6604 Syd	\$12	\$79,248.00
11	HMA Approach	569 Ton	\$158	\$89,902.00
12	HMA, 4EL	5,597 Ton	\$100	\$559,700.00
13	Driveway, Nonreinf Conc, 6 inch	80 Syd	\$62	\$4,960.00
14	Detectable Warning Surface	350 Ft	\$52	\$18,200.00
15	Sidewalk Ramp, Conc, 6 inch, Modified	7,290 Sft	\$7	\$51,030.00
16	Sidewalk, Conc, Modified	7,055 Sft	\$5	\$35,275.00
17	Water Main, DI, 8 inch, Directional Drill	525 Ft	\$315	\$165,375.00
18	Water Main, DI, 8 inch, Tr Det G, Modified	19,021 Ft	\$130	\$2,472,730.00
19	Water Main, DI, 6 inch, Directional Drill	4,575 Ft	\$275	\$1,258,125.00
20	Water Main, DI, 6 inch, Tr Det G, Modified	41,936 Ft	\$100	\$4,193,600.00
21	Fire Hydrant w/ Valve Assembly	134 Ea	\$6,000	\$804,000.00
22	Gate Valve and Box, 8 inch, Modified	68 Ea	\$5,000	\$340,000.00
23	Gate Valve and Box, 6 inch, Modified	150 Ea	\$2,000	\$300,000.00
24	Water Serv, 3/4 inch, Long	190 Ea	\$3,500	\$665,000.00
25	Water Serv, 3/4 inch, Private	334 Ea	\$3,500	\$1,169,000.00
26	Water Serv, 3/4 inch, Short	144 Ea	\$1,500	\$216,000.00
27	Water Serv, 2 inch, Long	43 Ea	\$5,000	\$215,000.00
28	Water Serv, 2 inch, Private	64 Ea	\$7,500	\$480,000.00
29	Water Serv, 2 inch, Short	21 Ea	\$2,500	\$52,500.00
30	Water Serv, 3 inch, Long	3 Ea	\$5,500	\$16,500.00
31	Water Serv, 3 inch, Private	3 Ea	\$8,750	\$26,250.00
32	Turf Establishment, Performance	67607 Syd	\$6	\$405,642.00
		Construction Amount		\$16,370,000.00
		Contingency (10%)		\$1,637,000.00
		Total Construction Co	st	\$18,007,000.00
		Design		\$1,700,000.00
	Construction Engineering/Adminis	-		\$2,500,000.00
	Geotechnical S			\$0.00
			Soft Costs Total	\$4,200,000.00

Total Project Cost \$22,300,000.00

#### **ASSUMPTIONS:**

1. Source, treatment, transmission from the source, and storage tank costs are not included in this estimate.

2. Engineering design estimate is for budgeting purposes and is calculated without contingency.

3. Geotechnical service costs are estimated for budgeting purposes.

4. Property acquisition and easement costs are unknown and not included in this cost estimate.

5. Construction engineering and administration costs include construction observation, material testing, and survey layout.

6. It is assumed that all the work being performed will not be in conflict with any utilities.

7. A full wetland delineation will have to be performed during design.

8. Soil erosion and sedimentation control costs are estimated for budgeting purposes.

9. Traffic maintenance and control costs are estimated for budgeting purposes.

**10.** It was assumed that water main will be installed using directional drilling in areas where water main crosses US-31 and the areas along Lahti Lane, Bogardus Street, and near White Pine Drive where a large length of water main will cross through private property. Water main is assumed to be installed using open cut installation in all other locations.

**11.** Water service lines were included for developed land. Costs do not include service lines for future growth areas including planned residential development.

12. Service line sizes were determined using Pellston zoning and assigned REU values.

13. Water main will extend to the developable land within Village limits where applicable.

14. Water main will extend outside of Village limits to wells located at the Pellston airport for tie-in to the system.

**15.** Ten States Standards were used to determine valve and hydrant quantities.

16. Service line costs include curb stop boxes. Private service line costs include water meter costs.

17. Service leads to hydrants are included in hydrant costs.

**18.** Existing materials, specifically driveway and road surface types, will need to be verified during the design phase. It was assumed that driveways and roads would be replaced in-kind.

**19.** Trees for removal, as well as their sizes, will need to be further reviewed during design.

**20.** ADA ramps will be removed and replaced with detectable warning surfaces in areas where intersections are impacted by water main installation.



### Project Summary Engineer's Opinion of Probable Project Costs

Owner:	Village of Pellston, Michigan	Date:	4/18/2025
Project:	Feasibility Study	Project No.	7840-22-0010
Work:	Well Supply, Treatment, Elevated Storage	Prepared By:	ATG
	Conceptual Project Costs (Level 5 Opinion)	Reviewer:	MMK
		Current ENR:	13547

		Est.			
Item No.	Item Description	Quantity	Unit	Unit Price	Total Cost
1	Wells				\$820,000
2	Water Treatment Plant				\$5,000,000
3	Elevated Water Storage				\$2,137,000
			TRA	DES SUBTOTAL	\$7,137,000
	CONTRACTUAL REQUIREMENTS				
	General Conditions	10%			\$720,000
	General Requirements	5%			\$360,000
					\$8,217,000
	Project Contingencies	50%			\$4,108,500
	Opinion of Probable Construction Cost				\$12,325,500
	PROJECT COSTS				
	Soil Borings/geotechnical for WTP	1	LS	<b>•</b> • • • • • • • • • • • • • • • • • •	\$65,000
	Land Acquisition Allowance for Well Field/WTP	5	acre	\$ 40,000	\$200,000
	Engineering (Design and Construction Services)	30%			\$4,000,000
	Project Management	<b>E</b> 0/			\$0
	Finance and Legal	5%		TOTAL	\$617,000
				TOTAL:	\$17,207,500
	CCL Adjustment				\$0
	CCI Adjustment				\$0
					¢47.000.000
	ENGINEER'S OPINION OF TOTAL PROJECT COST				\$17,300,000

### Project Summary Engineer's Opinion of Probable Project Cost



Owner:	Village of Pellston			
Project:	Feasibility Study			
Work:	Work: Water Main Installation to Potential Well Field Site			
	[X] Conceptual	[ ] Preliminary	[ ] Final	

Date:	4/18/2025
Project No.	7840-22-0010
Prepared By:	AKB
Reviewer:	SK
Current ENR:	13547

Item No.	Item Description	Est. Quantity	Unit	Unit Price	Total Cost
1	Mobilization, Max 5%	1	LSUM	\$97,000	\$97,000
2	Audio Video Route Survey	1	LSUM	\$5,000	\$5,000
3	Traffic Maintenance and Control	1	LSUM	\$10,000	\$10,000
4	Soil Erosion and Sedimentation Control	1	LSUM	\$30,000	\$30,000
5	Water Main, CL-54, DI, 8 inch, Open Cut	9,500	Ft	\$130	\$1,235,000
6	Water Main, CL-54, DI, 8 inch, Directional Drill (Stream Crossing)	500	Ft	\$520	\$260,000
7	Fire Hydrant	20	Ea	\$6,000	\$120,000
8	Gate Valve and Box, 8 inch	15	Ea	\$5,000	\$75,000
9	Connections	2	Ea	\$4,500	\$9,000
10	Restoration	30,000	Syd	\$6	\$180,000
				SUBTOTAL:	\$2,021,000
	Contingencies	15%			\$304,000
				TOTAL CONSTRUCTION COST:	\$2,330,000
	PROJECT COSTS				
	Design	10%			\$233,000
	Construction Engineering/Administration	15%			\$349,500
	Geotechnical Services	1%			\$23,300
				TOTAL PROJECT COSTS:	\$605,800
	ENGINEER'S OPINION OF CONSTRUCTION COST	Г			\$3,000,000

4/18/2025

P:\7800\_7999\7840220010\_Pellston\_Safe\_Drinking\_Study\Cost Estimates\Facilities Conceptual Cost Estimate\Well Field Water Main\Well Field Water Main Concept Bage at of 1

### Village of Pellston - Conceptual Water System Operations and Maintenance Charges

Lakar										
Labor								<b>^</b>	nual Direct	
Certified Water Operator- (Contractor Operator) Billing Clerk (Internal) TOTAL LABOR		75.00	Full Time Annual Wa \$ 156,00 \$ 52,00	0.00	<u>Bene</u> \$ \$	e <u>fits (60%)</u> - -	<u>% FTE</u> 50% 15% 65%	W	- /	Mead & Hunt Rate Assumed; part time; no beneftis
Vehicle/Equipment										
Vehicle Fuel/Mileage TOTAL VEHICLES/EQUIPMENT				<u>Units</u> per m	<u>Cost</u> iile	\$0.70	<u>Estimated</u> <u>Miles</u> 18,000	\$ <b>\$</b>	<u>Total</u> 12,600 <b>12,600</b>	Federal 2025 Rate
Utilities (See Detailed Sheets for Assumptions)	2									
Electricity Generator Fuel TOTAL UTILITIES				<u>Units</u> gal	<u>Cost</u>	\$5.00	Estimated Quantities 2,746	\$ \$ <b>\$</b>	<u>Total</u> 25,630 13,728 <b>39,358</b>	See Supporting Calcuation She
Other Direct Costs (See Detailed Sheets for Ass	sumptions )									
Well Test, Inspection Maintenance, Repair Well Pump Test, Inspection, Maintenance & Repair Storage Tank Inspection, Maintenance & Repair Treatment - Inspection, Maintenance, & Repair Treatment - Chemicals Distribution System Maintenance & Repair Distribution System Leak Detection Distribution System Sampling Generator Load Testing Disposal Fees	r			Units eacl eacl eacl LS LS Mile LS eacl	n \$ n \$ n \$ \$ \$ n \$ \$	15,900.00 1,300.00 34,247.27 27,350.00 76,011.81 34,100.00 500.00 \$19,157 2,745.60 1,000.00	2 1 1 1 1 14.4 1 1	\$ \$ \$ \$ \$ \$ \$ \$ \$ \$	2,600 34,247 27,350 76,012 34,100 7,202 19,157 2,746	See Supporting Calcuation She
Lab Analsys Fees TOTAL OTHER DIRECT COSTS				LS	\$	19,156.66	1	\$ <b>\$</b>		See Supporting Calcuation She
Planning/Studies				<u>Units</u>	<u>Cost</u>		Frequency (yrs)		<u>Total</u>	
Emergency Response Plan Wellhead or Watershed Protection Plan Conservation Plan O&M manual Master Plan Water Audit <b>TOTAL PLANNING</b>				eacl eacl eacl eacl eacl eacl	h \$ h \$ h \$ h \$	7,500.00 7,500.00 5,000.00 10,000.00 20,000.00 5,000.00	5 5 5 5	\$ \$ \$ \$ \$ <b>\$</b>	1,500 1,000	Awaiting confirmatin from EGLE Awaiting confirmatin from EGLE
Administrative				<u>Units</u>	<u>Cost</u>		Frequency (yrs)		<u>Total</u>	
Business Tax, Licenses, Permit Insurance AMI Meter Subscription/Billing Program Subscriptic SCADA software subscription? <b>TOTAL ADMINISTRATIVE</b>	on Cost			eacl eacl eacl eacl	h h \$	20,200.00 7,000.00		\$ \$ \$ <b>\$</b>	20,200 7,000 <b>27,200</b>	TBD TBD Badger Cell Based Fixed Cost; A guess
TOTAL ANNUAL O&M COSTS								\$	432,828	

#### RFP No. N6247-00-R-1801

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Appendix D Public Meeting Documents

#### **VILLAGE OF PELLSTON**

#### NOTICE OF PROJECT PLANNING DOCUMENT PUBLIC MEETING

#### FISCAL YEAR 2026 DRINKING WATER STATE REVOLVING FUND (DWSRF) PROJECT

The Village of Pellston announces a Public Meeting regarding its Project Planning Document for a proposed municipal water system. The purpose of the meeting is to not only inform, but to seek and gather input from people that will be affected. Comments and viewpoints from the public are encouraged on the proposed projects for which the Village intends to seek low interest Drinking Water State Revolving Fund (DWSRF) loan assistance.

The public meeting will be part of the regular Village Council meeting on:

#### DATE: May 12, 2025

#### TIME: 7:00 p.m.

#### PLACE: Village Hall, 125 N. Milton, Pellston, MI 49769

PFAS has been detected in private wells within the Village of Pellston, which poses a health concern to residents. The installation of a public water distribution system with a public well source, water treatment plant, and water storage would give residents long-term safe, reliable drinking water that is regularly monitored for compliance with Michigan Department of Environment, Great Lakes, and Energy (EGLE) standards.

The proposed municipal water system includes the following elements:

- 1. Private well abandonment
- 2. Public well supply (Community well supply)
- 3. Treatment at site of well supply
- 4. Transmission main from well site to distribution system
- 5. Water main (distribution system)
- 6. Elevated storage tank

Typical construction mitigation is expected. To minimize impacts to the environment and public, necessary permits will be obtained prior to construction and construction standards will be adhered to. Traffic control may be required during the construction of the water mains. Access to some roads may be temporarily restricted to provide a safe working environment. Vegetation disrupted by the construction process will be rehabilitated to their original condition. Service will be maintained for residents during construction via the individual private wells, with short-term disruptions expected during the connection to the water main. Mitigation of potential impacts will be properly performed to protect the environment and the public and will be in accordance with permit requirements. When the limits of ground-disturbing activities are further refined during the design phase for the project, additional review will be made to determine if the habitat for any sensitive species will be impacted.

An evaluation of contamination sites and necessary mitigation will be evaluated during design. Precautionary measures will be taken at each location to ensure that construction of the new water main does not further spread the contamination or result in contaminant exposure to residents or workers. The total cost of the project is currently estimated as follows, all of which is being sought through the DWSRF program:

Project	Initial Capital Investment	Annual Debt Retirement (40 yrs. @ 2% interest)	Annual Cost per Household	Monthly Cost per Household
Private Well Abandonment	\$1,400,000	\$51,200	\$142.00	\$11.83
Well, Treatment, and Elevated Storage	\$17,300,000	\$632,500	\$1,753.00	\$146.08
Transmission Main	\$3,000,000	\$109,700	\$304.00	\$25.33
Distribution System	\$22,300,000	\$815,200	\$2,259.00	\$188.25
Total	\$44,000,000	\$1,608,600	\$4 <i>,</i> 458.00	\$371.50

It should be noted that these costs do not consider potential principal forgiveness on the loan or operation and maintenance (O&M) costs of the water system.

A copy of the Draft Project Planning Document will be available for viewing on the Village website starting on May 1, 2025. A copy of the report body will also be available at the Village Hall for viewing. Please refer to the online copy for full appendices.

If you have any questions or want to submit a written statement for the Public Meeting, write to Village Hall, 125 N. Milton, Pellston, MI 49769, or <u>pellstonvillage@gmail.com</u>.

Written comments will be accepted at the addresses above if received prior to the start of the public meeting on May 12, 2025, at 7:00 p.m. Additionally, there will be an opportunity for those who attend the public meeting to provide comments during the meeting.



### **Village of Pellston**

Drinking Water State Revolving Fund Project Planning Document Public Meeting May 12, 2025

### Drinking Water State Revolving Fund (DWSRF)

Jointly administered loan program:

- Michigan Department of Environment, Great Lakes, and Energy (EGLE)
- Michigan Finance Authority (MFA)

Funding for drinking water infrastructure projects to resolve current needs

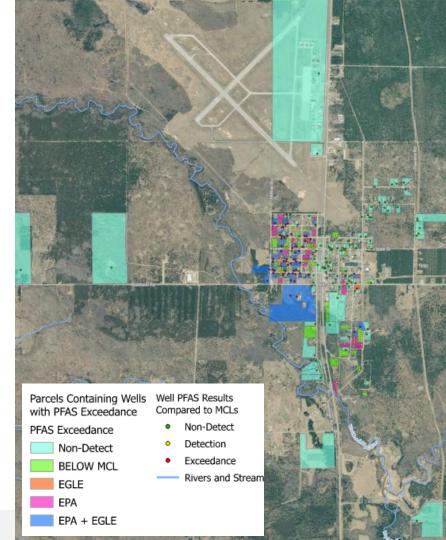
• 40-year loan; 2% interest rate for overburdened communities

# Agenda

- 1. Statement of Need
- 2. Alternatives
- 3. Selected Alternative, Construction Schedule, and Associated Costs
- 4. Social and Environmental Impacts and Mitigation
- 5. Project Benefits
- 6. Questions
- 7. Resolution

### **Need for DWSRF Projects**

- Per- and polyfluoroalkyl Substances (PFAS) has been identified in 124 wells throughout the Village. Many wells contain PFAS at concentrations that exceed both EGLE and EPA drinking water standards.
- PFAS in drinking water is linked to serious health issues. A safe, reliable source of drinking water is needed to protect the health of Village residents.



## **DWSRF** Project Alternatives

The following alternatives were evaluated in addition to "No Action" and "Optimization of Existing System" and "Point of Entry (POE) Filters\*":

Category	Alternative 1: Connection to Wholesale Supply	Alternative 2: Village Well Supply	
Well Abandonment	Private Well Abandonment	Private Well Abandonment	
Source	Harbor Springs	Village Well	
Treatment	N/A	Treatment at Well Stie	
Transmission	Harbor Springs to Village	Local Well Site	
Distribution	Village Distribution System	Village Distribution System	
Storage	N/A	Elevated Storage Tank	

\*POE filters are not eligible for the DWSRF program and are not considered a long-term solution to contamination by EGLE.

### **Project Alternative Costs**

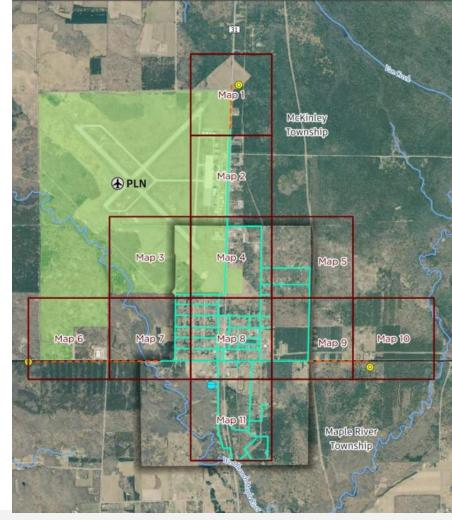
Alternative 1: Connection to	Capital Cost	Alternative 2: Village Well Supply	Capital Cost
Wholesale Supply		Private Well	\$1,400,000
Private Well	\$1,400,000	Abandonment	ψ1,+00,000
Abandonment	ψ1,+00,000	Well Field, Treatment	\$17,300,000
Transmission Main	\$80,000,000	Elevated Storage	ψ17,000,000
	φου,000,000	Transmission Main	\$3,000,000
Distribution System	\$22,300,000		\$0,000,000
Total	¢102 700 000	Distribution System	\$22,300,000
Total	\$103,700,000	Tatal	¢ 4 4 000 000
		Total	\$44,000,000

## **Selected Alternative**

The selected alternative is the implementation of a public water system with Village well source.

The projects include the following:

- 1. Private well abandonment
- 2. Well supply
- 3. Treatment at site of well supply
- 4. Transmission main from well site to distribution system
- 5. Water main (distribution system)
- 6. Elevated storage tank



## **Construction Schedule**

Task	Submittal Date
Draft Design Documents Submittal to EGLE	2/13/2026
Environmental Assessments Published No Later Than	4/22/2026
Part I and Part II Application	5/13/2026
Final Documents Submittal to EGLE	5/15/2026
Finding of No Significant Impacts Clearance; Plans & Specs Approved	5/22/2026
Bid Ad Published No Later Than	5/22/2026
Part III of Application; Bid Data Submittal (With Tentative Contract Award)	7/7/2026
EGLE Order of Approval Issued	8/5/2026
Borrower's Pre-Closing with the MFA	8/17/2026
MFA Closing	8/27/2026
Notice to Proceed Issued	10/26/2026
Construction Completed	12/31/2031

## **User Costs**

Project Category	Initial Capital Investment	Annual Debt Retirement (40 yrs. @ 2% interest)	Annual Cost per Household*	Quarterly Cost per Household*
Private Well Abandonment	\$1,400,000	\$51,200	\$142.00	\$35.50
Well, Treatment, and Elevated Storage	\$17,300,000	\$632,500	\$1,753.00	\$438.25
Transmission Main	\$3,000,000	\$109,700	\$304.00	\$76.00
Distribution System	\$22,300,000	\$815,200	\$2,259.00	\$564.75
Total	\$44,000,000	\$1,608,600	\$4,458.00	\$1,114.50

\*Based on 361 households. Source: Census

User cost analysis does not consider any potential principal forgiveness on loan.

Operation and Maintenance (O&M) costs were considered separately in the project planning document.

### **Environmental Contaminants**

- PFAS has been found in groundwater throughout the Village.
- There are also four Part 201 and Part 213 sites within the Village and/or near the Village limits and PLN which contain environmental contaminants or leaking underground storage tanks.
- Precautionary measures will be taken to ensure that construction activities do not further spread contamination or result in contaminant exposure for residents or workers.

### Threatened and Endangered Species

- The Michigan Natural Resources Inventory (MNFI) identified seven State threatened or endangered species in the vicinity of the proposed project areas.
- The United States Fish and Wildlife Services (USFWS) identified seven Federally threatened, endangered, candidate, or proposed endangered species in the vicinity of the proposed project areas.
- At this time, construction is not expected to impact rare, threatened, or endangered species and will be confirmed during design.

## **Construction Impacts and Mitigation**

- Normal construction activities have the potential to produce noise and dust.
- The necessary permits will be identified and obtained.
- Work hours and construction noise will be required to meet local Ordinance requirements.
- Work will be required to comply with the State's Soil Erosion and Sedimentation Control requirements.
- Precautionary measures will be taken so that construction activities do not further spread existing contamination.
- Selection of qualified Contractors to minimize impacts on materials, land, and energy.

## **Operational Impacts and Mitigation**

- The installation of water main will have some impact on traffic in the vicinity of where construction is occurring. Coordination with the Village road maintenance department will occur so that traffic control standards are met.
- The project may require lane or road closures. Traffic disruptions to residents will be minimized through strategic work schedule planning.
- Coordination with schools, the fire department, and affected businesses will occur.
- Short term service disruptions may occur as service is switched from the individual wells to the new service lines. Service switch from individual wells to service lines will be planned to minimize public impact.

## **Social Impacts and Mitigation**

- Increased number of temporary construction related jobs.
- Receiving a water bill on a recurring basis for usage of the public water supply will have an economic impact on residents. However, the responsibility of residents to maintain their private well and prevent PFAS exposure from their well would be eliminated through the installation of the selected alternative.

## **Project Benefits**

- The implementation of a public water system will provide long-term safe, reliable drinking water for residents.
- The public water system eliminates the need to draw water from private wells that contain PFAS, which pose a health concern to residents.

## Questions

Please state name and home address for the record.

## RESOLUTION

Village of Pellston



