

MUSSEL PROTOCOL

LAP

Who can perform a 'Mussel Survey'?

State Mussels Present Only:
A survey shall be conducted by someone who holds a State of Michigan Endangered Species permit.

State or Federal/State and Federal Mussels Present:
A survey shall be conducted only by someone who holds both a State of Michigan Endangered Species permit and a USFWS section 10(a)(1)(A) recovery Permit.

Threatened and Endangered Mussel Maps

Available on the Michigan Natural Features Inventory's Website (<https://mnfi.anr.msu.edu>) or the MDOT Local Agency Program Website (www.michigan.gov/mdotlap).

Local Agencies are required as part of the Threatened & Endangered Species Review Process (flowchart process) to determine presence or absence of State and Federal Threatened or Endangered Species when projects utilize federal, state funding or the project has a Federal Nexus.

(Click [HERE](#) for the flowchart process including definition of a Federal Nexus.)

Local agencies should check the Mussel Maps in advance of beginning the flowchart process because of project schedule implications. When checking the maps, make sure to allow a minimum 500-ft. buffer beyond the project limits. Any project that intercepts a mapped location has the potential to impact state and/or federal mussels and a mussel survey may be required. Start communications with your local resources, Michigan Department of Environment, Great Lakes and Energy (EGLE), Michigan Department of Natural Resources (MDNR) and/or U.S. Fish & Wildlife Service (USFWS) as soon as possible to discuss your options/plan.

NOTE – The maps rely on the best data available at the time and there may be unforeseen delays once the project is reviewed by EGLE. There is still the potential that a survey may be required even though it appears to be cleared by the map due to recent occurrences or anomalies in the model's data. However, this situation should be the exception and not the norm.

If a mussel survey is required, a survey plan must be submitted and approved by the MDNR and/or U.S. Fish & Wildlife Service USFWS prior to beginning the survey. Typically, the survey may only be conducted June – October and mussel relocation (if required) may not be conducted after September.

What if Mussels are Found During the Survey?

If only state protected mussels are found, they can be relocated at the time of the survey.

If during the survey, federally protected mussels are found, the survey **MUST STOP** and a relocation plan be submitted to the USFWS for authorization. If after USFWS review, only a small number of federally protected mussels are found, the USFWS may authorize relocation under the Surveyor's Section 10(a)(1)(A) Permit.

If a large number of federally protected mussels must be relocated, then a Section 10 Incidental Take Permit will be required by the USFWS along with the development of a Habitat Conservation Plan (HCP). This process may take up to 2 years.

After the relocation has been completed, one required post-relocation monitoring (within 12 months from the date of relocation) will be necessary at the relocation site. For larger relocation efforts (500 individuals or more) additional monitoring efforts may be required.