

Frequently Asked Questions about Eastern Massasauga Rattlesnake in Michigan

October 25, 2017

Background

The Eastern Massasauga Rattlesnake (EMR) is listed as a threatened species under the U.S. Endangered Species Act (Act). The Act protects the EMR and their habitat by prohibiting “take” and may require federal agencies to coordinate with the U.S. Fish and Wildlife Service (Service) before authorizing or funding an activity affecting the species. Agencies or individuals without federal funding whose project will impact EMR require a Federal permit from the USFWS and development of a habitat conservation plan.

Where are EMR found in Michigan?

It is possible for tier 1 and tier 2 EMR habitat to be found throughout the entire Lower Peninsula of Michigan. Populations are known to occur in 56 counties: Alcona, Allegan, Alpena, Antrim, Arenac, Barry, Benzie, Berrien, Branch, Calhoun, Cass, Cheboygan, Clare, Clinton, Crawford, Eaton, Emmet, Genesee, Gratiot, Hillsdale, Ingham, Ionia, Iosco, Isabella, Jackson, Kalamazoo, Kalkaska, Kent, Lake, Lapeer, Leelanau, Lenawee, Livingston, Mackinac, Macomb, Manistee, Mason, Missaukee, Montcalm, Montmorency, Muskegon, Newaygo, Oakland, Oceana, Ogemaw, Oscoda, Otsego, Ottawa, Presque Isle, Roscommon, Saginaw, Shiawassee, St. Joseph, Traverse, Van Buren, Washtenaw.

What are tier 1 and tier 2 habitats?

Tier 1 habitat is an area that is known to be occupied by EMR. Tier 2 habitat is habitat that is highly suitable for EMR and likely occupied.

What do I do if my project occurs within a within tier 1 or tier 2 habitat?

You can obtain a species list from USFWS Information for Planning and Conservation (IPaC) website (<https://ecos.fws.gov/ipac/>) to determine if your project occurs within habitat that is protected for EMR (tier 1 habitat or tier 2 habitat).

For Federal projects: Determine if suitable habitat for the species is present at the site. If habitat is present, determine if your project may affect EMR. Information on making impact determinations can be found at <https://www.fws.gov/midwest/endangered/section7/s7process/index.html> or by using the MDOT Local Agency Threatened & Endangered Species Review Process. For projects where you determined that the project may affect EMR, applicants should contact the USFWS to determine if consultation is required.

For non-federal projects: Determine if suitable habitat is present at the site. If habitat is present, determine if your project will or will not have an effect on EMR. If the project will affect EMR contact the USFWS for a section 10 permit. Section 10 permits require the applicant to develop a habitat conservation plan and can take up to a year or more to complete.

How long does consultation with the USFWS take?

There are two types of consultation with the USFWS, formal and informal. Formal consultation must be initiated through your federal action agency and may take up to 135 days to complete. The applicant can submit informal consultation directly to the USFWS and may take up to 30 days for review. The determinations by the applicant in an informal consultation are subject to approval by your federal action agency or its designated representative (MDOT).

What if my project occurs in a county listed above but is not within tier 1 or tier 2?

If your project occurs within the Lower Peninsula of Michigan but does not fall within regulated tier 1 or tier 2 habitats then your project is considered to have no effect on EMR. However, it's important to remember that your project is still within the range of EMR and snakes could occur at your project site. EMR are federally protected wherever found. You should contact the USFWS within 24 hours of any observation.

When are snakes active?

Snakes are typically active from March 15th through October 31st. Contact the USFWS for project specific active season dates.

Are there seasonal restrictions similar to bats?

Yes, certain seasonal activities can result in an adverse effect to EMR and are subject to seasonal restrictions such as, roadside mowing, brush clearing, and ditching. Activities subject to seasonal restrictions can be found in the EMR guidance at https://www.fws.gov/midwest/eastlansing/te/pdf/MichiganEMR_BMPsProjectReviewGuidelinesMarch2017.pdf.

What if I can't meet the mowing requirements or other seasonal restrictions in the EMR guidance document?

Contact the USFWS for development of an alternative schedule or strategy.

Are there transportation projects that will not affect EMR?

Yes, MDOT and the USFWS have developed a list of project types that will have no effect to EMR. Contact MDOT Local Agency Program for a list of activities.

What types of non-federal projects could have an effect on EMR?

Maintenance or any ground disturbing activities that occur within tier 1 and tier 2 may have an adverse effect on EMR. These activities include, but are not limited to; **mowing, ditching, brush and tree removal, and culvert cleanouts**. Transportation agencies can use the EMR guidance document developed by the Service to help minimize and avoid impacts (https://www.fws.gov/midwest/eastlansing/te/pdf/MichiganEMR_BMPsProjectReviewGuidelinesMarch2017.pdf). Transportation agencies should contact the USFWS to determine if their maintenance program has the potential to adversely affect EMR.

What if I have questions?

Contact the USFWS Transportation Liaison Matt Ihnken, the USFWS Michigan Ecological Services Field Office, or MDOT Local Agency Program at info below:

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