

## Section 7 Comments for Rare Species Review #4877

### White Tail Solar Project

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#### **For projects involving Federal funding or a federal agency authorization**

The following information is provided to assist you with Section 7 compliance of the Federal Endangered Species Act (ESA). The ESA directs all Federal agencies "to work to conserve endangered and threatened species. Section 7 of the ESA, called "Interagency Cooperation," is the means by which Federal agencies ensure their actions, including those they authorize or fund, do not jeopardize the existence of any listed species."

The project falls within the range of the following federally listed/proposed/candidate species which have been identified by the U.S. Fish and Wildlife Service (USFWS) to occur in Washtenaw County, Michigan:

**NOTE: New guidelines for federally listed bat species were published April 2023.**

#### **BACKGROUND INFORMATION ON NEW BAT GUIDELINES**

This guidance document is intended to assist both Federal and non-Federal projects with conservation planning for federally listed bats in Michigan. These guidelines complement online conservation planning tools available to Federal and non-Federal project proponents in Michigan, including the All Species Michigan Determination Key available through the U.S. Fish and Wildlife Service (Service) [Information for Planning and Consultation](#) (IPaC) web site (see Online Planning Tools below). We strongly encourage project managers, including Federal agencies and their designated representatives as well as proponents of non-Federal projects, to use our online planning tools [Information for Planning and Consultation](#) (IPaC) to evaluate potential effects of proposed activities on listed bats and other species in Michigan.

Projects that complete consultation or coordination through IPaC automatically adhere to the recommendations provided in this document and are not required to implement any additional conservation measures for listed bats. Although these guidelines include specific recommendations for wind energy developments, we strongly recommend that wind developers additionally follow the Service's Land-Based Wind Energy Guidelines (WEG) and coordinate with our office and the Michigan Department of Natural Resources early in project development. Agencies or individuals that have received incidental take authorization for listed bats through an incidental take permit or certificate of inclusion or through formal section 7 consultation are advised to follow the specific conditions in their permit or consultation rather than these general recommendations.

#### **Federally Endangered**

**Indiana bat** – there appears to be suitable habitat within 1.5 miles of the project. Indiana bats (*Myotis sodalis*) are found only in the eastern United States and are typically confined to the southern three tiers of counties in Michigan. Indiana bats that summer in Michigan winter in caves in Indiana and Kentucky. This species forms colonies and forages in riparian and mature floodplain habitats. Nursery roost sites are usually located under loose bark or in hollows of trees near riparian habitat. Indiana bats typically avoid houses or other artificial structures and typically roost underneath loose bark of dead elm, maple and ash trees. Other dead trees used include oak, hickory and cottonwood. Foraging typically occurs over slow-moving, wooded streams and rivers as well as in the canopy of mature trees. Movements may also extend into the outer edge of the floodplain and to nearby solitary trees. A summer colony's foraging area usually encompasses a stretch of stream over a half-mile in length. Upland areas isolated from floodplains and non-wooded streams are generally avoided.

*Management and Conservation:* see new Federal guidelines above.

**Mitchell's satyr butterfly** – there does not appear to be suitable habitat within 1.5 miles of the project. The Mitchell's satyr butterfly (*Neonympha mitchellii mitchellii*) is restricted to calcareous wetlands known as prairie fens. In Michigan, this habitat is characterized by scattered tamaracks, poison sumac, and dogwood with a ground cover of sedges, shrubby cinquefoil, and a variety of herbaceous species with prairie affinities. Adult Mitchell's satyr butterflies are active two to three weeks each summer, with males emerging before females. Adult flight dates are from mid-June to mid-July. Larvae hibernate near the bottom of a sedge. The larval food plant is thought to be several species of sedge. The caterpillar is green with white stripes.

*Conservation & Management:* the primary threat to the continued survival of this species is habitat loss and modification. Many of the wetland complexes occupied currently have been altered or drained for agriculture or development. Wetland alteration is responsible for extirpating the single known satyr population in Ohio. Wetland alteration also can lead to invasion by exotic plant species such as glossy buckthorn (*Rhamnus frangula*), purple loosestrife (*Lythrum salicaria*), common buckthorn (*Rhamnus cathartica*), and the common reed (*Phragmites australis*). In addition, landscape-scale processes that may be important for maintaining suitable satyr habitat and/or creating new habitat, such as wildfires, fluctuations in hydrologic regimes, and flooding from beaver (*Castor canadensis*) activity, have been virtually eliminated or altered throughout the species' range.

**Rayed bean mussel** – there does not appear to be suitable habitat within 1.5 miles of the project. The federally and state endangered rayed bean mussel (*Villosa fabalis*) is found in fine mud substrates and riffles among roots of aquatic vegetation. Limits of the breeding season are not known but gravid specimens have been found in May.

*Conservation and Management:* like other mussels, threats to the rayed bean include: natural flow alterations, siltation, channel disturbance, point and non-point source pollution, and exotic species. Maintenance or establishment of vegetated riparian buffers can help protect mussel habitats from many of their threats. Control of zebra mussels is critical to preserving native mussels. And as with all mussels, protection of their hosts habitat is also crucial.

**Northern riffleshell** – there does not appear to be suitable habitat within 1.5 miles of the project. The northern riffleshell (*Epioblasma torulosa-angiana*) mussel inhabits medium to large rivers in gravel riffles, where the water is highly oxygenated. This species was formerly widespread in the Midwest, but it has declined in range by more than 95% and now exists in only eight to ten isolated populations, most of which are small and peripheral.

*Conservation and Management:* members of the genus *Epioblasma* seem to be particularly sensitive to impacts from impoundment, which include population fragmentation and streamflow alteration. Other threats include habitat destruction (e.g. channelization, dredging, bulkheading), exotic species introductions, siltation, pollution, and modified streamflows due to wetland loss, dam operation, and intensive landscape modification. The other two subspecies of *E. torulosa*, *E. torulosa torulosa* and *E. torulosa gubernaculum*, appear to have already gone extinct due to modification and degradation of river systems.

**Snuffbox mussel** – there does not appear to be suitable habitat within 1.5 miles of the project. The state and federally endangered snuffbox mussel (*Epioblasma triquetra*) inhabits rivers and streams with cobble, gravel, or sand bottoms in swift currents and usually is deeply buried in the substrate. Glochidia, the parasitic larval stage of the mussel, are released from May to mid-July. In Michigan, the only host fish known for snuffbox is the log perch (*Percina caprodes*). In other parts of their range the banded sculpin (*Cottus carolinae*) is also a known host. After completing the parasitic stage and reaching adulthood, snuffbox remain relatively sessile on the river bottom, living between 8-10 years. The best time to survey for snuffbox is April through September.

*Management and Conservation:* the snuffbox mussel is sensitive to river impoundment, siltation, and disturbance, due to its requirement for clean, swift current and relative immobility as an adult. To maintain the current populations in Michigan, rivers need to be protected to reduce silt loading and run-off. Maintaining or establishing vegetated riparian buffers can aid in controlling many of the threats to mussels. Control of zebra mussels is critical to preserving native mussels. And as with all mussels, protection of their hosts habitat is also crucial. Because the life cycle of the snuffbox is

inherently linked with that of the logperch in Michigan, conservation and management of this fish species is needed to ensure that of the snuffbox.

**Poweshiek skipperling** – there does not appear to be suitable habitat within 1.5 miles of the project. The state and federally endangered poweshiek skipperling (*Oarisma poweshiek*) inhabits alkaline wetlands known as fens. This habitat is characterized by scattered tamaracks, poison sumac, and dogwood clones with a ground cover of sedges and other herbaceous species. The poweshiek skipper has a single generation each year. Egg laying is believed to occur on sedges and rushes. Eggs are laid sometime around early July; larvae (caterpillar stage) hibernate through the winter on the underside of the blade of grass on which they have been feeding on. In early April, they resume feeding. Adult flight dates occur late June through the first three weeks of July.

*Management and Conservation:* the primary threat to the continued survival of this species is habitat loss and modification. Many of the wetland complexes occupied currently have been altered or drained for agriculture or development. Wetland alteration also can lead to invasion by exotic plant species such as glossy buckthorn (*Rhamnus frangula*), purple loosestrife (*Lythrum salicaria*), common buckthorn (*Rhamnus cathartica*), and the common reed (*Phragmites australis*). In addition, landscape-scale processes that may be important for maintaining suitable poweshiek habitat and/or creating new habitat, such as wildfires, fluctuations in hydrologic regimes, and flooding from beaver (*Castor canadensis*) activity, have been virtually eliminated or altered throughout the species' range. The widespread use of neonicotinoid pesticides could be a cause for the decline in this species as most sites are adjacent to, or downslope from, row crop agriculture.

**Northern long-eared bat** – there appears to be suitable habitat within 1.5 miles of the project. In addition, this activity occurs within the designated WNS zone (i.e., within 150 miles of positive counties/districts impacted by WNS).

Northern long-eared bat (*Myotis septentrionalis*) numbers in the northeast US have declined up to 99 percent. Loss or degradation of summer habitat, wind turbines, disturbance to hibernacula, predation, and pesticides have contributed to declines in Northern long-eared bat populations. However, no other threat has been as severe to the decline as White-nose Syndrome (WNS). WNS is a fungus that thrives in the cold, damp conditions in caves and mines where bats hibernate. The disease is believed to disrupt the hibernation cycle by causing bats to repeatedly awake thereby depleting vital energy reserves. This species was federally listed in May 2015 primarily due to the threat from WNS.

Also called northern bat or northern myotis, this bat is distinguished from other *Myotis* species by its long ears. In Michigan, northern long-eared bats hibernate in abandoned mines and caves in the Upper Peninsula; they also commonly hibernate in the Tippy Dam spillway in Manistee County. This species is a regional migrant with migratory distance largely determined by locations of suitable hibernacula sites.

Northern long-eared bats typically roost and forage in forested areas. During the summer, these bats roost singly or in colonies underneath bark, in cavities or in crevices of both living and dead trees. These bats seem to select roost trees based on suitability to retain bark or provide cavities or crevices. Common roost trees in southern lower Michigan included species of ash, elm and maple. Foraging occurs primarily in areas along woodland edges, woodland clearings and over small woodland ponds. Moths, beetles and small flies are common food items. Like all temperate bats this species typically produces only 1-2 young per year.

*Management and Conservation:* see new Federal guidelines above.

### **Federally Threatened**

**Eastern massasauga rattlesnake (EMR)** – this **project falls outside EMR Tier habitat** as designated by the US Fish and Wildlife Service. The federally threatened and state special concern Eastern massasauga rattlesnake (*Sistrurus catenatus*) is Michigan's only venomous snake and is found in a variety of wetland habitats including bogs, fens, shrub swamps, wet meadows, marshes, moist grasslands, wet prairies, and floodplain forests. Eastern massasaugas occur throughout the Lower Peninsula but are not found in the Upper Peninsula. Populations in southern Michigan are typically associated with open wetlands, particularly prairie fens, while those in northern Michigan are better known

from lowland coniferous forests, such as cedar swamps. These snakes normally overwinter in crayfish or small mammal burrows often close to the groundwater level and emerge in spring as water levels rise. During late spring, these snakes move into adjacent uplands they spend the warmer months foraging in shrubby fields and grasslands in search of mice and voles, their favorite food.

Often described as “shy and sluggish”, these snakes avoid human confrontation and are not prone to strike, preferring to leave the area when they are threatened. However, like any wild animal, they will protect themselves from anything they see as a potential predator. Their short fangs can easily puncture skin and they do possess potent venom. Like many snakes, the first human reaction may be to kill the snake, but it is important to remember that all snakes play vital roles in the ecosystem. Some may eat harmful insects. Others like the massasauga consider rodents a delicacy and help control their population. Snakes are also a part of a larger food web and can provide food to eagles, herons, and several mammals.

*Management and Conservation:* protection of extant populations and suitable wetland and adjacent upland habitats is crucial for successful conservation of the Eastern Massasauga. Maintaining or restoring open habitat conditions is critical for this species. Fragmentation of suitable wetland-upland habitat complexes by roads or other barriers should be avoided or minimized. Land management practices such as timber harvesting, mowing, disking, or prescribed burning should be conducted in such a manner so as to minimize the potential for adverse impacts to massasaugas (e.g., conducting management activities during the snakes’ inactive season (November through early March) or on days when snakes are less likely to be active on the surface during the active season). Protecting suitable hibernation sites also is critical. Hydrological alterations such as drawdowns should be conducted prior to or after hibernation to reduce the potential for causing winter mortality due to desiccation or freezing. Sudden and/or permanent increases or decreases in water levels during the active season also can cause adverse impacts.

USFWS Section 7 Consultation Technical Assistance can be found at:

<https://www.fws.gov/service/esa-section-7-consultation>

The website offers step-by-step instructions to guide you through the Section 7 consultation process with prepared templates for documenting “no effect.” as well as requesting concurrence on “may affect, but not likely to adversely affect” determinations.

Please let us know if you have questions.

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