

APPENDIX J

BECK ROAD EASTERN MASSASAUGA RATTLESNAKE ANALYSIS MEMORANDUM



Date:
April 4, 2024

To:
Project File

From:
Josh Hall

Project name:
Beck Road Widening Improvement Project

Memo

Subject: Beck Road Eastern Massasauga Rattlesnake Analysis

The purpose of this memo is to document the decision process that was used to reach a “No Effect” determination for Eastern Massasauga Rattlesnake (EMR) under Section 7 of the Endangered Species Act of 1973.

Introduction and Background

EMR (*Sistrurus catenatus*) is known to occur at sites throughout the lower peninsula of Michigan. The United States Fish and Wildlife Service (FWS) has designated certain areas as Tier 1 Habitat and Tier 2 Habitat. Tier 1 Habitat is comprised of areas that are known to be occupied by EMR or highly likely to be occupied by EMR. Tier 2 Habitat is comprised of areas with high potential habitat that may be occupied by EMR. Tier 2 Habitat locations are modeled and have not been “ground-truthed”. According to the FWS, the area of potential effect (APE) for Beck Road from slightly south of 9 Mile Road to Pontiac Trail does not fall within Tier 1 or 2 Habitat.

Methods

On March 18, 2021, AECOM staff submitted a request to the FWS for an Official Species List, which was subsequently updated on May 1, 2023, through the FWS’s IPaC Website. The resulting list indicated that the project location did not fall within EMR Tier 1 or 2 Habitat. AECOM then utilized the FWS’s Michigan DKey to evaluate the potential impact of the project on listed species, aiming for a determination of "No Effect" or "May Affect-Not Likely to Adversely Affect."

Results

Following the Michigan Determination Key led to a “May Affect” determination for EMR. This was due to the project potentially having more than 1 acre of wetland impacts.

Discussion

AECOM staff coordinated with Shaughn Galloway, FWS, via email to determine appropriate next steps. While the project may impact more than 1 acre of wetland, FWS stated that there is no modeled habitat within the corridor. In short, there is no suitable habitat for EMR near the project. For this reason, it is highly unlikely that EMR would be found within the project APE. FWS agreed with this analysis (see attached).

Conclusion

The project site lacks habitat suitable for EMR use, consequently ensuring no impact on the species. The project action will result in No Effect to EMR.

From: [Galloway, Shaughn L](#)
To: [Burns, Jim](#)
Cc: [VanWoert, Nick](#); [Tansy, Carrie L](#)
Subject: Re: RE: RE: RE: Beck Road Widening Project Initial Informal Coordination - Cities of Novi and Wixom, Oakland County
Date: Monday, October 16, 2023 4:48:34 PM

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Hi Jim,

This project does not have suitable habitat for EMR. No effect is the appropriate determination when the best available data indicate that the species and/or critical habitat will not be exposed to environmental changes or will not respond in any manner as a result of the proposed action. For "no effect" determinations, you should document your finding and rationale for your records. You can keep a copy of this email with the project record and use the letter from the IPaC system for the other species in your species list. Please let me know if you have any additional questions.

Best,

Shaughn Galloway
Fish and Wildlife Biologist
U.S. Fish and Wildlife Service
Michigan Ecological Services Field Office
2651 Coolidge Road
East Lansing, MI 48823
(517) 351-8474 (Office)
(517) 648-5634 (Cell)

From: Burns, Jim <jim.burns@aecom.com>
Sent: Wednesday, October 11, 2023 2:10 PM
To: Galloway, Shaughn L <shaughn_galloway@fws.gov>
Cc: VanWoert, Nick <Nick.VanWoert@aecom.com>
Subject: [EXTERNAL] RE: RE: RE: Beck Road Widening Project Initial Informal Coordination - Cities of Novi and Wixom, Oakland County

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Thanks. Shaunh!

From: Galloway, Shaunh L <shaughn_galloway@fws.gov>
Sent: Wednesday, October 11, 2023 2:02 PM
To: Burns, Jim <jim.burns@aecom.com>
Cc: VanWoert, Nick <Nick.VanWoert@aecom.com>
Subject: Re: RE: RE: Beck Road Widening Project Initial Informal Coordination - Cities of Novi and Wixom, Oakland County

Hi Jim,

I reached out to my supervisor on this one because the project got a MA for EMR since it is impacting more than ½ acre of wetlands which is an automatic MA for EMR. That being said, this project does not occur within modeled habitat, so I am waiting to hear back from my supervisor on how this needs to be addressed (e.g., can I authorize via email or do we need to write a letter). I will follow up with her this week and get back to you.

Best,

Shaughn Galloway
Fish and Wildlife Biologist
U.S. Fish and Wildlife Service
Michigan Ecological Services Field Office
2651 Coolidge Road
East Lansing, MI 48823
(517) 351-8474 (Office)
(517) 648-5634 (Cell)

From: Burns, Jim <jim.burns@aecom.com>
Sent: Wednesday, October 11, 2023 1:34 PM
To: Galloway, Shaunh L <shaughn_galloway@fws.gov>
Cc: VanWoert, Nick <Nick.VanWoert@aecom.com>
Subject: [EXTERNAL] RE: RE: Beck Road Widening Project Initial Informal Coordination - Cities of Novi and Wixom, Oakland County

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Shaughn:

Have you had a chance to look over the materials we sent? Is there anything more you would like to see?

Thanks

Jim

From: Galloway, Shaughn L <shaughn_galloway@fws.gov>
Sent: Wednesday, September 20, 2023 3:54 PM
To: Burns, Jim <jim.burns@aecom.com>
Cc: VanWoert, Nick <Nick.VanWoert@aecom.com>
Subject: Re: RE: Beck Road Widening Project Initial Informal Coordination - Cities of Novi and Wixom, Oakland County

Oops, my bad. I have it now. I am used to getting them independently and did not notice it was attached to the species list.

Thanks!

Shaughn Galloway
Fish and Wildlife Biologist
U.S. Fish and Wildlife Service
Michigan Ecological Services Field Office
2651 Coolidge Road
East Lansing, MI 48823
(517) 351-8474 (Office)
(517) 648-5634 (Cell)

From: Burns, Jim <jim.burns@aecom.com>
Sent: Wednesday, September 20, 2023 2:40 PM
To: Galloway, Shaughn L <shaughn_galloway@fws.gov>
Cc: VanWoert, Nick <Nick.VanWoert@aecom.com>
Subject: [EXTERNAL] RE: Beck Road Widening Project Initial Informal Coordination - Cities of Novi and Wixom, Oakland County

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Shaughn:

Please check. It should be attached after the Species List (starting PDF page 19). If not, I will send a stand-alone.

Jim

From: Galloway, Shaughn L <shaughn_galloway@fws.gov>
Sent: Wednesday, September 20, 2023 2:37 PM
To: Burns, Jim <jim.burns@aecom.com>
Cc: VanWoert, Nick <Nick.VanWoert@aecom.com>
Subject: Re: Beck Road Widening Project Initial Informal Coordination - Cities of Novi and Wixom, Oakland County

Hi Jim,

It doesn't look like the MA letter came through. Can you please send that over?

Thanks!

Shaughn Galloway
Fish and Wildlife Biologist
U.S. Fish and Wildlife Service
Michigan Ecological Services Field Office
2651 Coolidge Road
East Lansing, MI 48823
(517) 351-8474 (Office)
(517) 648-5634 (Cell)

From: Burns, Jim <jim.burns@aecom.com>
Sent: Wednesday, September 20, 2023 2:11 PM
To: Galloway, Shaughn L <shaughn_galloway@fws.gov>
Cc: VanWoert, Nick <Nick.VanWoert@aecom.com>
Subject: [EXTERNAL] Beck Road Widening Project Initial Informal Coordination - Cities of Novi and Wixom, Oakland County

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Shaughn:

We are in the process of finalizing an MDOT Form 5323 for the subject project which will likely lead to preparation of an Environmental Assessment (EA) (see attached KMZ). We hope to have a draft of the EA completed by late fall of this year.

Proposed work will widen Beck Road to accommodate two northbound and two southbound lanes along with a center left turn lane(s) and targeted right turn lanes. In addition to a five lane cross section, a boulevard cross section and roundabouts at 11 Mile Road, Cider Mill Drive, and 9 Mile Road are under consideration. A bridge over the railroad crossing north of West Road is proposed. Additional work may include drainage improvements, multi-use paths, boardwalk construction through wetlands, utility reconstruction, curb and gutter, guardrail, signing, and landscaping. The work is expected to require additional right of way and wetland mitigation. Project design is still in the conceptual stage and will be advanced through the EA process.

We are attaching the IPaC species list and D-key letter for the project. As you can see from the D-key letter, Eastern Massasauga is assigned a May Affect determination and we are instructed to "Please coordinate with the Michigan Ecological Services Field Office to further evaluate effects of the Action on EMR." This requirement to initiate coordination was reiterated in MDOT comments on our initial submittal to them of the Form 5323.

Can you please let us know what additional information you will need to see from us in your review of this project.

Jim

James F. Burns

Senior Environmental Scientist, Environmental Planning & Permitting, Rockies, SW & Midwest

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