



United States Department of the Interior  
FISH AND WILDLIFE SERVICE

2651 Coolidge Road, Suite 101  
East Lansing, Michigan 48823-6360



December 12, 2019

Mr. Bruce Leutscher  
Chief, Science & Resource Stewardship  
Pictured Rocks National Lakeshore  
P.O. Box 40 Munising, MI 49862

Dear Mr. Leutscher:

Thank you for December 10, 2019, email requesting informal consultation for the proposed visitor use management plan for the area between Munising Falls and Spray Falls within Pictured Rocks National Lakeshore (PIRO) pursuant to section 7 of the Endangered Species Act, as amended (ESA) (16 U.S.C. § 1536), and the ESA's implementing regulations (50 CFR 402.13).

Your request for consultation included the "Munising Falls to Spray Falls Visitor Use Management Plan Biological Assessment" (dated November 1, 2019) that provides the information needed for informal consultation (50 CFR 402.13(c)(1)) and is the basis for our review. As described in the Biological Assessment, the NPS has determined that this proposed action may affect, but is not likely to adversely affect the threatened and endangered species that may occur within the action area. There are no designated critical habitats for listed species within the action area. As described in more detail below, we concur with your determinations.

The proposed visitor use plan would approach the management of visitors and protection of wildlife resources through improving and expanding infrastructure at key sites, while decreasing congestion and separating visitor uses to reduce conflicts between commercial and public visitors. Implementation of the proposed plan would disturb or remove 2.1 acres of potential wildlife habitat overall. The disturbance would be limited to the prism and perimeters of existing roads, perimeters of existing parking areas (as they are redesigned). At Miners Beach the action includes an area of improvement to an existing trail to the shoreline, establishment of a new commercial use off-loading zone, a new spatially related commercial-use trail to the shoreline on a preexisting roadbed, and installation of four comfort stations (changing stations, vault toilets) is proposed. Additionally, a re-alignment of a preexisting trail to Miners Fall for accessible use is proposed.

In order to reach a "not likely to adversely affect" determination, an action must be insignificant, discountable, or wholly beneficial. The NPS has determined that this project is not likely to adversely affect the following endangered or threatened species: Pitcher's thistle (*Cirsium pitcheri*), rufa red knot (*Calidris canutus rufa*), piping plover (*Charadrius melodus*), Canada lynx (*Lynx canadensis*), gray wolf (*Canis lupus*), and northern long-eared bat (*Myotis septentrionalis*). Based on the Biological Assessment and our review, some of the listed species

are very unlikely to be in the proposed action area, thus the action has discountable effects, and for some species, the NPS will apply specific protective measures to ensure potential adverse effects are insignificant. The species' specific determinations are as follows:

Pitcher's Thistle. None of the locations identified in the proposed plan overlap with the known localities of this species in the park. In addition, the NPS botanists would survey all proposed areas of activity prior to ground disturbance. If any Pitcher's thistles are located in trail alignments, the plants would be marked so individual plants can be avoided by routing the trail away from the plants.

Rufa Red Knot. Relatively few individuals of this species are observed in Michigan each year and only during migration stopovers. Although this species could potentially be in the action area during migration, there are no records of observations for this species in the park. Given the transitory nature of this species in Michigan and the type of actions proposed, it is very unlikely that action would have adverse effects to the species. Additionally, the NPS plans to apply the U.S. Fish and Wildlife Service's Nationwide Standard Conservation Measures to reduce impacts to birds and their habitats.

Piping Plover. Although there are no records of breeding piping plovers in the action area, the NPS plans to implement the Service's Nationwide Standard Conservation Measures to reduce impacts to birds and their habitats during project implementation.

Canada Lynx. Every few years, an occasional dispersing lynx has been observed in Michigan. However, our 2017 "Species Status Assessment for the Canada lynx United States Distinct Population Segment" determined that Michigan does not have the habitat to support persistent resident lynx population and did not historically (except for Isle Royale in Lake Superior) or recently support resident lynx populations. While the presence of people or infrastructure for the proposed action could potentially affect the movement of an individual lynx, it is very unlikely a lynx will be in the action area or that there would be an adverse effect to a dispersing individual.

Gray Wolf. There are observations of gray wolves at the park and individual gray wolves may use the action area. The presence of people may influence the movement of individual wolves within a travel corridor. Given the existing levels of human use in the action area and the characteristics of the proposed activities (e.g., locations not near known sensitive areas such as a denning site), the proposed action is not likely to alter this species' distribution or affect the presence of this species in the action area.

Northern Long-eared Bat. Although limited tree clearing will occur, it would not result in prohibited take pursuant to the provisions of the ESA listing regulations for the species ("4(d) rule"). Further, the NPS intends to coordinate with the Service regarding conservation measures when specific information is available regarding the proposed tree removals. Typically, the Service will recommend assessing trees for the structural features common to northern long-eared bat roosts and then conducting tree removal activities outside of the period when bat pups cannot fly (June 1 to July 31) or even more protective when done outside the bat active season (April 1 – October 31). This will minimize the potential impacts to pups at roost trees not yet identified.

Based on this information, we expect any potential effects from this project on Pitcher's thistle, rufa red knot, piping plover, Canada lynx, gray wolf, and northern long-eared bat to be discountable or insignificant.

### Conclusion

This concludes the consultation process required by section 7 of the ESA. When the NPS maintains discretionary involvement or control over the project, reinitiation of consultation is required (50 CFR 402.16(a)) under certain conditions: (1) if new information reveals effects of the project that may affect listed species or critical habitat in a manner or to an extent not previously considered; (2) if the project is subsequently modified in a manner that causes an effect to the listed species or critical habitat that was not considered in the written concurrence; or (3) if a new species is listed or critical habitat designated that may be affected by the project.

### Migratory Birds

We commend the NPS on incorporating guidance from the USFWS's Nationwide Standard Conservation Measures to reduce impacts to birds and their habitats during project implementation. As noted in the Biological Assessment the shorelines, muddy flats, and beaches associated with the Lakeshore are especially important as stopover sites for migrating birds. The measures implemented by the NPS should help ensure that proposed actions would not significantly affect migratory bird use of the action area or populations of migratory birds.

We appreciate the opportunity to cooperate with the National park Service in conserving endangered species. If you have any questions regarding these comments, please contact me at 517-351-6274 or [scott\\_hicks@fws.gov](mailto:scott_hicks@fws.gov).

Sincerely,

Scott Hicks  
Field Supervisor

cc: Dan Kennedy, MDNR, Wildlife Division, Lansing, MI