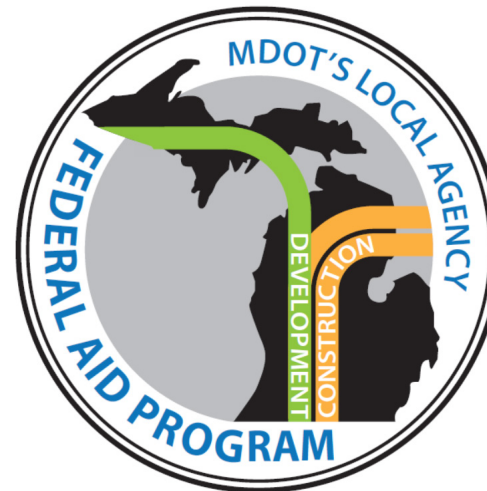


Local Agency Program Update

2024 County Engineer's Workshop

Bruce Kadzban PE, Section Manager
Local Agency Program





MDOT LOCAL AGENCY PROGRAM UPDATE

Presenters: MDOT LAP Bruce Kadzban Jackie Pethers
MDOT Planning Brian Stark USFWS – Michelle Kane

Highlights

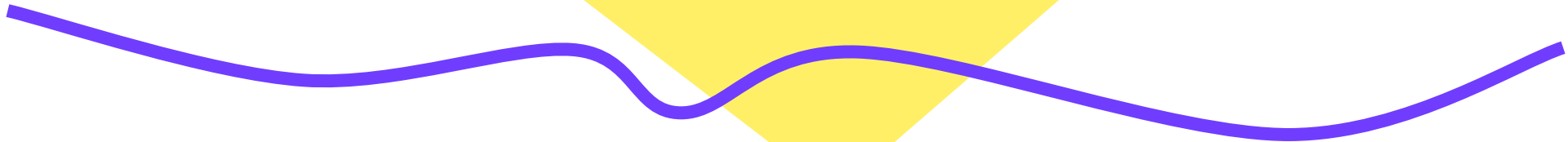
Local Program summary

LAP Staffing

Where we were

Where we are

Where we're headed



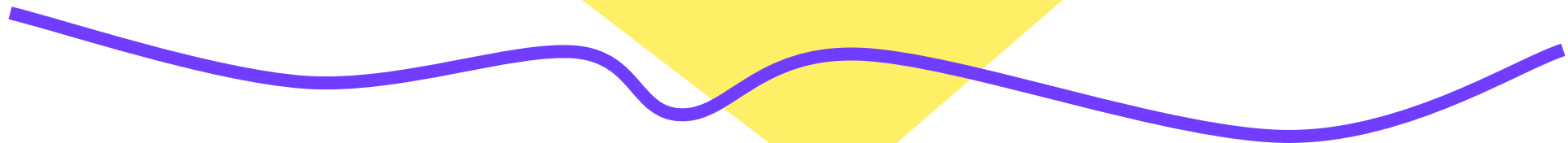
Why Do We Do What We Do?

Federal Highway Administration (FHWA) is responsible for administering the National Highway Trust Funds

FHWA Michigan delegated some administration responsibilities to MDOT via

- Stewardship and Oversight agreement
- NEPA Programmatic Agreement

Repercussions – nonperformance results in losing Federal funds



Over 630 Customers

Act 51 Agency

(defined in PA 51, State of Michigan PA's of 1951)

- ◆ City, Village, County Road Commission or Road Department
- ◆ Other Federal & State Agencies and Departments

NOT a

- ◆ Township
- ◆ Other County Department, DDA, or other quasi-government agency
- ◆ Local special interest group

LAP's Goal

Simple –

Help each local agency to preserve its federal and state transportation funds

LAP's Partners

FHWA – Michigan

Various Federal & State Agencies and consultants

County Road Association (CRA)

Michigan Municipal League

and you all here

Local Program

- 110,000 Miles of Federal Aid eligible roads (1,200 NHS)
 - Not trunkline (state routes, US, or Interstate routes)
 - major collectors, rural, etc
- FY 2023 - delivered over 500 projects
 - Over \$605 million
 - Average Project Cost is > \$1.2M



Separate from the MDOT Trunkline Program

All advertised and bid through the MDOT letting system



Funding Types & Sources

STBG - standard federal transportation funds

Federal & State Bridge

Federal & State Safety

State Economic Development funds (Categories A-F)

Transportation Alternatives Program, Safe Routes to Schools

Misc - Emergency Response, FLAP, Earmarks, NOFO's,
INFRA, RCP, "August Redistribution"



Recent Changes and Additions

Special Programs Unit Lead - Landon Johnson

Analyst - Kristen Sullivan

Administrative Assistant - Julianna Jones

Safety Program Engineer - Jackie Pethers

Enhancement Engineer - Sam Jablonowski



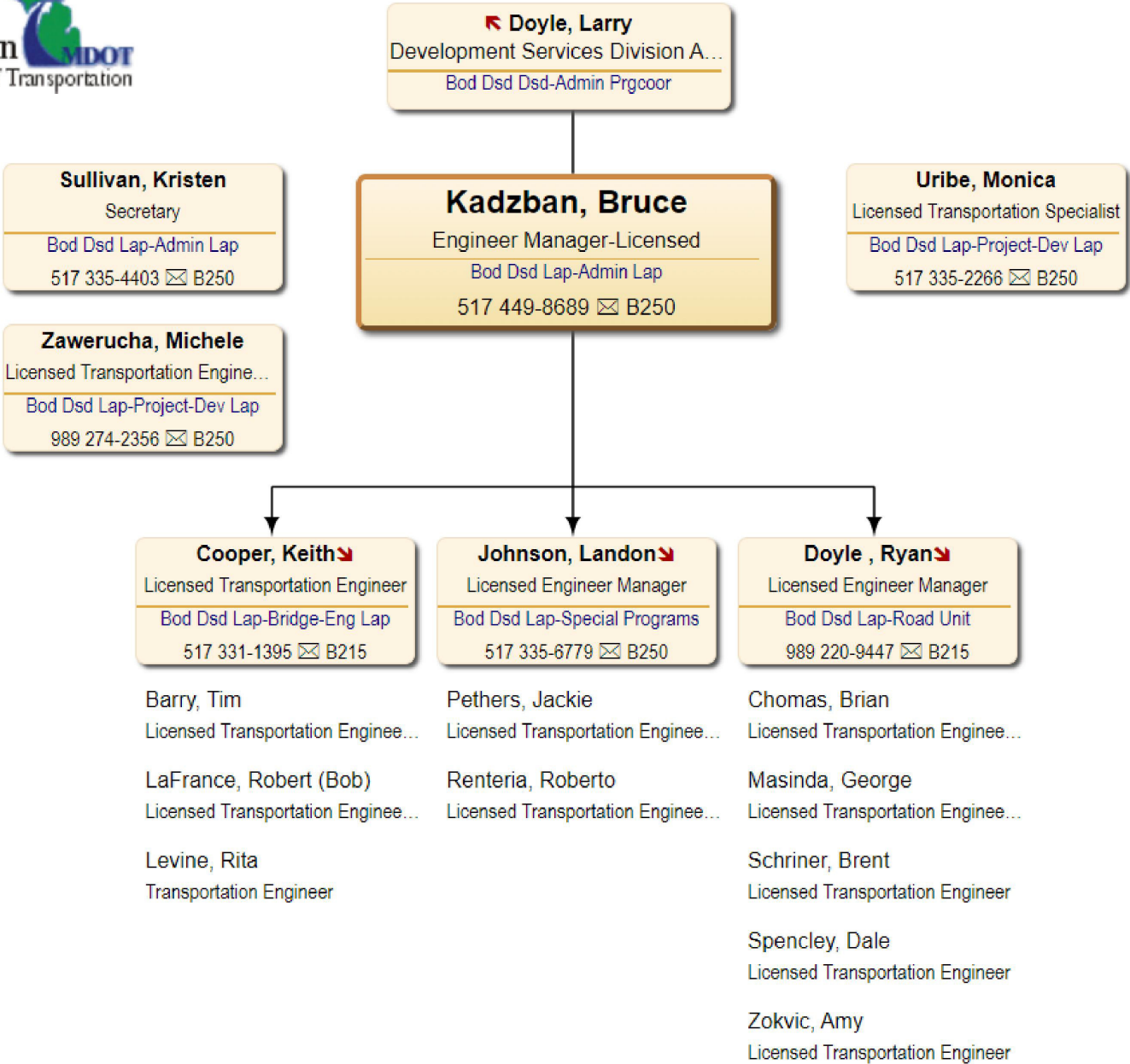
Local Agency Program (LAP) UNIT

PLAN DEVELOPMENT

- 11 staff engineers, registered and licensed in Michigan
 - 3 separate units (Roads, Bridges, Special Funded Projects)
- 2 unit fund obligation specialists
- 1 System Analyst
- Environmental Review Unit
- Real Estate Coordinator
- Administrative support
- As needed consultants



STANDARD VIEW (as of Jan 25, 2024)



LAP Environmental

Unit Supervisor – Deena Woodward

woodwardd@michigan.gov

Archaeologist

Historian

3 NEPA reviewers



[Top](#)

[Employee Search](#)

MDOT Organizational Chart

STANDARD VIEW (as of Jan 25, 2024)



[Top](#) **Barondess, Margaret**

Manager, Environmental Section

[Bod Env Project](#)

Arcuicci, Janet

Transportation Planner

[Bod Env Lap Environmental](#)

517 281-7629 ☒ B245

Coole, Robyn

Resource Analyst-E

[Bod Env Lap Environmental](#)

Korzeniewski, Patricia (...)

Archaeologist

[Bod Env Lap Environmental](#)

517 582-3232 ☒ B245

Woodward, Deena

Transportation Planning Manager / LAP

[Bod Env Lap Environmental](#)

517 241-2445 ☒ B245

Brown, Madison

Student Assistant

[Bod Env Lap Environmental](#)

517 335-0220 ☒ B245

Grennell, Brian

Historian

[Bod Env Lap Environmental](#)

517 388-5838 ☒ B250

Nabi, Mahreen

Transportation Planner

[Bod Env Lap Environmental](#)

517 897-7543 ☒ B245

LAP Real Estate

Unit Supervisor

Sharon Simon – simons8@Michigan.gov

Real Estate Coordinators

Kem Hoopingarner

Michael Christensen



MDOT Organizational Chart

STANDARD VIEW (as of Jan 25, 2024)



 **Vanis, Teresa**
Property Manager

[Bod Dsd Real-Est-Admin Realest](#)

Simon, Sharon

Program Services Unit Supervisor

[Bod Dsd Re Acq Prog](#)

517 230-9433 ☒ B250

Blackledge, Matthew

Contract Administrator

[Bod Dsd Re Acq Prog](#)

517 335-2538 ☒ B250

Hoopingarner, Kembrele...

Property Specialist

[Bod Dsd Re Acq Prog](#)

517 242-8334 ☒ R070

Lacey, Gerard

Appraisal Technical Specialist

[Bod Dsd Re Acq Prog](#)

517 243-3982 ☒ B250

Sill, Andrew

Property Analyst

[Bod Dsd Re Acq Prog](#)

517 897-2497 ☒ B250

Thomas, Norman

Property Analyst

[Bod Dsd Re Acq Prog](#)

517 242-9526 ☒ B250

Christensen, Michael

Property Analyst

[Bod Dsd Re Acq Prog](#)

517 335-4361 ☒ B250

Hoye, Bella

Student Assistant

[Bod Dsd Re Acq Prog](#)

517 335-6346 ☒ B250

Murchison, Damian L.

Departmental Technician

[Bod Dsd Re Acq Prog](#)

517 335-4367 ☒ B250

Sinclair, Brian

Property Analyst

[Bod Dsd Re Acq Prog](#)

517 388-4570 ☒ B250

LAP Earmark and Automation Analyst



Are you receiving federal or state earmark funds for your local agency?

Have you had a natural disaster declared an emergency event and your local agency is receiving Emergency Relief Funds?

Do you have a Force Account Reimbursement for a local agency job and have questions or needs in the Local Agency Reimbursement Software (LARS)?

LAP website question?



Kristen Sullivan
LAP Earmark and Automation Analyst

SullivanK4@Michigan.gov

517-335-1209

Local Agency Program



[Home](#) > [Business](#) > [Local Government](#) > [Local Agency Program](#)

The Local Agency Program (LAP) administers the local allocation of federal and state aid programs (Road, Special Funding, and Bridge). This program is responsible for the development of statewide processes for the implementation of all required state and federal regulations as it relates to local agencies. This program is the owner of Local Agency Program Management System (LAPMS) and Local Agency Reimbursement System (LARS).

LAP Section Administrator

[Bruce Kadzban](#), P.E.
517-335-2229

Announcements

Safety:

Local agencies are invited to prepare and submit applications for Fiscal Year 2026 Safety funds. See information in the Special Funding Program tab at the bottom of this page.

Bridge:

Local agencies are invited to prepare and submit applications for Fiscal Year 2027 Bridge funds. See information posted in the Bridge Program tab at the bottom of this page.

Resources

- [FY 2024 Project Planning Guide](#)
- [FY 2023 Project Planning Guide](#)
- [Requesting a ProjectWise Folder](#)
- [Federal Aid Buyout Program](#)
- [Local Agency Advisories](#)
- [NEPA Guidance](#)
- [Real Estate Guidance](#)
- [Design](#)
- [FHWA Emergency Relief Program Video](#)
- [FHWA Emergency Relief Flow Chart](#)
- [Consultant Selection](#)
- [Permits & Utility Coordination](#)



Road Program



Bridge Program



Special Funding Program



Earmarks & Automation



LAP Construction



About MDOT

The Michigan Department of Transportation (MDOT) is responsible for Michigan's nearly 10,000-mile state highway system, comprised of all M, I, and US-routes. It is the backbone of Michigan's 120,000-mile highway, road and street network.

[Contact MDOT](#)

Serving and connecting people, communities, and the economy through transportation.

Region Offices

MDOT has seven region offices and several geographically located Transportation Service Centers (TSCs) in each region that handle transportation-related construction and maintenance programs. The TSCs are designed to respond to the transportation needs of local communities for the highest level customer service.

[MDOT Regions and TSCs](#) >

Sign up for e-mail from MDOT

Submit

MI Voter Information Center

Get personalized voter information on early voting and other topics.

[Michigan.gov/Vote](#)



Road Program



Bridge Program



Special Funding Program



Earmarks & Automation



LAP Construction

▶ LAP Geodelivery Registration

▶ Bottom of any MDOT page to start

- ▶ Find LAP under “Development Services” toward the bottom

Sign up for e-mail from MDOT

Submit

MI Voter Information Center

Get personalized voter information on early voting and other topics.

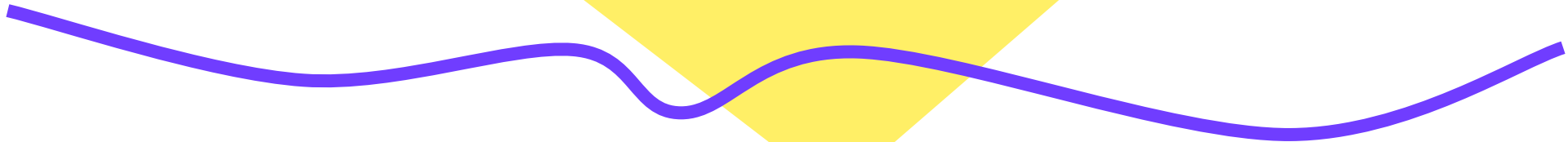
[Michigan.gov/Vote](https://michigan.gov/Vote)

Where We've Been

Obligation and Bidding

Funding and Section 106 implications

Design Information



Current LAP Scorecard

through February 2024

227 jobs bid

\$303.1M as read amount

\$96.3M state earmarks

through February 2023

185 jobs bid

\$190.1M as read amount

Current LAP Scorecard

remaining obligation authority

\$0.7M Rural, \$6.2M Non-Rural

**Available by federal Continuing Resolution, extending
through March 1**

**\$50M loan from Trunkline program to Local Program, for
projects through the May 2024 letting**

Anticipating August Redistribution

**Local Agency Programs (LAP)
FY 2024 Project Planning Guide
June 2023**

	LOCAL AGENCY SUBMITS ITS SECTION 106 and NEPA DOCUMENTATION (MDOT FORM 5323) TO LAP ENVIRONMENTAL, 2-6 MONTHS BEFORE GI SUBMITTAL. DATES SHOWN ARE APPROXIMATELY 4 MONTHS PRIOR TO GI SUBMITTAL DATES	FOR BRIDGE PROJECTS, LOCAL AGENCY SUBMITS TYPE, SIZE, AND LOCATION (TS&L) DOCUMENTS WHEN REQUIRED, TO LAP		LOCAL AGENCY SUBMITS ITS ACCEPTABLE GRADE INSPECTION (GI) DOCUMENTS TO LAP	APPROXIMATE GRADE INSPECTION (GI) MEETING DATE		LOCAL AGENCY SUBMITS ITS FINAL PROPERTY ACQUISITION CERTIFICATION (ATTACHMENT B)	LOCAL AGENCY SUBMITS ITS COMPLETE BIDDABLE PACKAGE TO LAP	LAP FORWARDS FINAL BID PROPOSAL PACKAGE TO SPECS & ESTIMATES	LETTING DATE		
LA begins Project Design, requests ProjectWise (PWZ) folders, contacts LA Environmental for Section 106 consultation, prepares NEPA Form 5323 and documents, and places them in PWZ between 2 and 6 months before GI submittal. LA also begins utility notification and coordination, coordination with railroads if applicable, coordination with MDOT for traffic and pedestrian signal work, permit application, property acquisition, etc.		04/10/23	LA places GI documents in ProjectWise, including Program Application Requests for design exceptions or variances, recent 3-year crash history and analysis, Diagonal parking study and analysis, Diagnostic Safety Team Review for rail crossings, and similar documentation, and notifies LAP staff engineer. LA addresses Section 106 and NEPA Form 5323 review comments	05/15/23	06/14/23	LA completes section 106 and NEPA coordination, addresses GI review comments; prepares final plans, special provisions, and cost estimates; obtains property, permits, and approvals; places all documents in ProjectWise, and emails the LAP staff engineer	07/14/23	07/28/23	08/18/23	10/06/23		
		05/08/23		06/12/23	07/12/23		08/11/23	08/25/23	09/15/23	11/03/23		
	03/13/23	06/05/23		07/10/23	08/09/23		09/01/23	09/15/23	10/13/23	12/01/23	*	
	04/10/23	07/03/23		08/07/23	09/06/23		09/29/23	10/13/23	11/10/23	01/05/24	*	
	05/01/23	07/24/23		08/28/23	09/27/23		10/27/23	11/10/23	12/08/23	02/02/24		
	06/05/23	08/28/23		10/02/23	11/01/23		12/01/23	12/15/23	01/12/24	03/01/24		
	07/10/23	10/02/23		11/06/23	12/06/23		01/05/24	01/19/24	02/16/24	04/05/24		
	08/07/23	10/30/23		12/04/23	01/03/24		02/02/24	02/16/24	03/15/24	05/03/24		
	09/11/23	12/04/23		01/08/24	02/07/24		03/08/24	03/22/24	04/19/24	06/07/24		
	10/16/23	01/08/24		02/12/24	03/13/24		04/12/24	04/26/24	05/24/24	07/12/24		
	11/06/23	01/29/24		03/04/24	04/03/24		05/03/24	05/17/24	06/14/24	08/02/24		
	12/11/23	03/04/24		04/08/24	05/08/24		06/07/24	06/21/24	07/19/24	09/06/24		
	01/08/24	04/04/24		05/08/24	06/05/24		07/05/24	07/19/24	08/16/24	10/01/24		
	02/05/24	04/29/24			06/03/24		07/03/24		08/02/24	08/16/24	09/13/24	11/01/24

Please Note:

* Local Agencies should consider using the Advance Construct funding option for projects in these lettings, for cases where Federal obligation authority is not available early in the fiscal year.

** Date adjusted for holiday (not applicable this fiscal year)

LAP cannot guarantee that projects submitted late in the fiscal year will be obligated before the end of the current fiscal year. This may result in loss of funds for that fiscal year.

Dates shown for Section 106 and NEPA document submittal are generally 4 months before Grade Inspection (GI) submittal. However LAP recommends NEPA submittal 2-6 months before GI submittal

All bridge projects (bridge replacement and major rehabilitation regardless of funding) require a TS&L submittal.

For projects that may require an Environmental Assessment (EA), submit the EA document to the MDOT LAP-ENVIRONMENTAL UNIT at least one year prior to submitting the GI documents

For projects which FHWA has identified for Risk Based Project Involvement, submit GI documents and Complete Biddable Package to LAP at least two weeks prior to the dates shown.

See the attached guidance document, "Local Agency Program (LAP) Project Planning Guidance"

updated 06/28/23



SHOW ME THE MONEY!

Funding

- STBG Funds
 - RTF Program Advisory Board has chosen to program projects to 100% of the yearly apportionment (Allocation Targets).
 - Allocation Targets will be sent out late October early November and are based on a statewide formula
 - Funding is provided to the whole RTF, but an estimated split by County is provided to assist in local committee planning
 - Typically funded with an 80% (Federal) to 20% (Local) split
- TEDF-D
 - TEDF-D (EDD) funds are tracked by county and balances cannot be negative.
 - 3-year rolling average

Planning Level

- Planning
 - Fiscal Constraint
 - Each year of the STIP
 - By RTF for STBG
 - By County for TEDF-D
 - Based on what is programmed in Jobnet

Project Level

- Allocation Accounts
 - Affected by projects throughout their lifecycle
 - Initial obligation
 - Contract award
 - Contract modification
 - Close out
- Each of the above actions either credits or debits the allocation account at the time of the action

Allocation Account

- Projects are constrained by your allocation account balance
- Your available balance includes current year apportionment (Allocation Target) and carryover
- Available balance is first come first serve within the RTF

Alternative Funding Programs

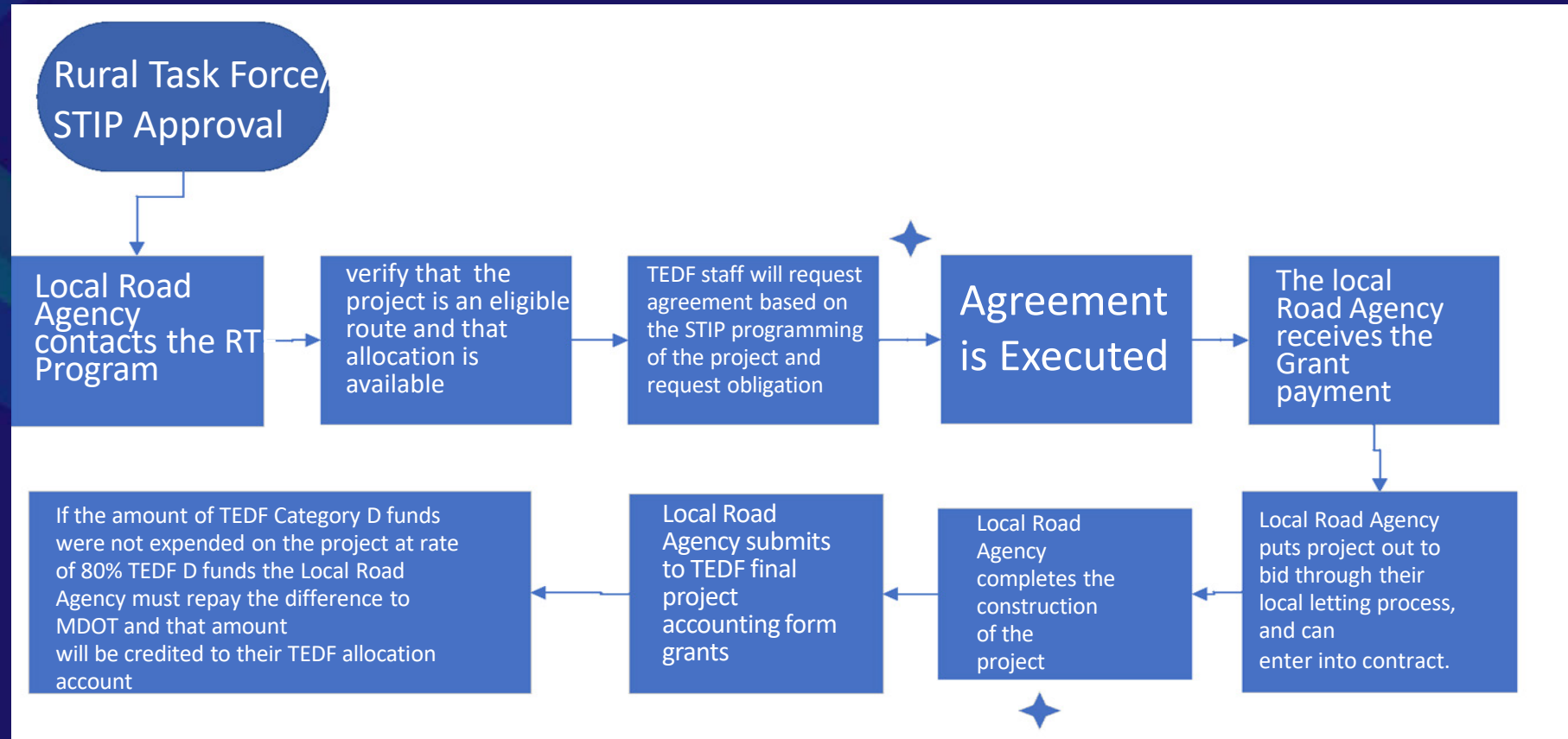
Local Federal Fund Exchange (LFFE)

- Project selection completed through RTF process • Exchanges based on STBG programmed in the Sellers STIP projects • Federal funds obligated in the year of agreement
- Non-federal funds can be banked for two years • Agreements should be in place by March 31st to ensure obligation of Buyer's project/s
- This is not necessary for exchanges within the same RTF
- There is no transfer to be made because the STP funds are designated by RTF
- Can use the agreement template if you wish but does not count as exchange and MDOT will not track

Federal-Aid Buyout

- FY 2023 project information sheets issue
 - Must use adobe or similar app **not** web browser
- FY 2024
 - Allocation transfers will be done by February 15th based on JobNet programming
 - If you have updated your project make sure that you have submitted an updated 2926-24 form, can't move forward without updated form.
 - Payment expected in April 2024
 - When MDOT has at least 6 months of Obligation Authority it will be transferred
 - Then payments will be requested and send out through SIGMA
- FY 2025 is not funded

State D Direct Grant



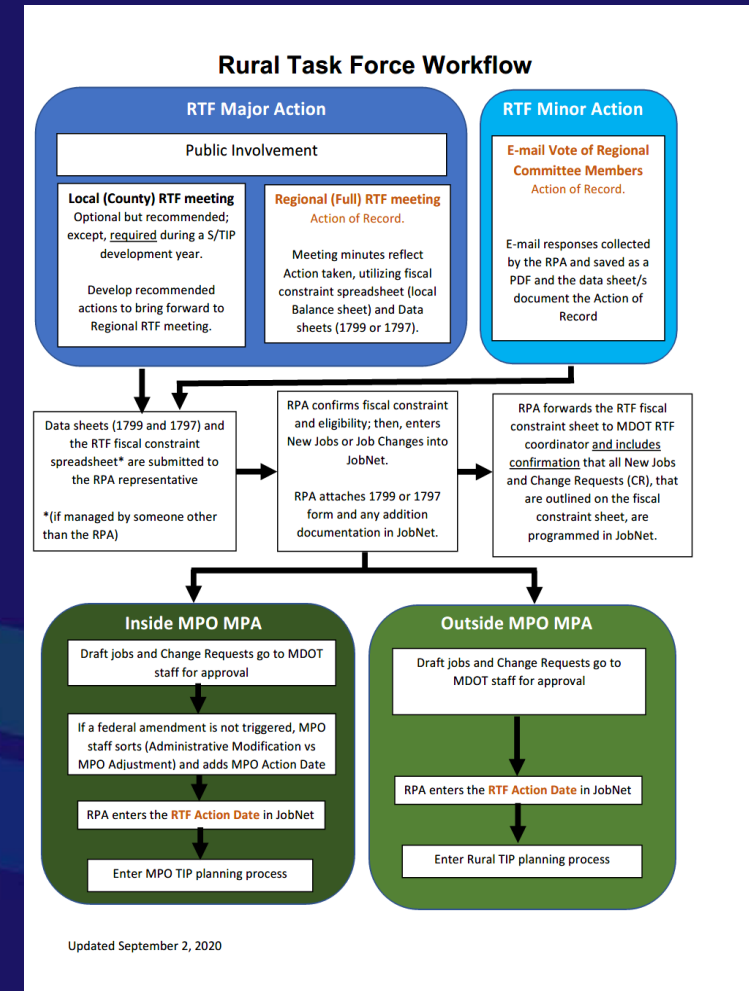
Additional RTF Topics

Reports

- RTF Monthly Status Report
 - Pulled from Jobnet
 - Sent out to RTF list serve each month
 - Provides information on what projects are currently programmed in Jobnet
- Local Agency Balance Report
 - Sent out each month to RPA distribution list and local agency upon request
 - Reflects the allocation account, providing information on obligated projects and details of current and previous projects awarded amounts
- Balance Sheets (Fiscal Constraint Sheet)
 - Serve as the RTF and RPA as a record of what is approved at RTF meetings
 - Must be fiscally constrained and can be used to track projects
 - Illustrative list
- Bid-Savings report
 - Provided starting in March with RTF monthly status report
 - Indicates if the RTF has any funding available to be reprogrammed

RTF Major Action vs. Minor

- RTF Major Action requires a response at a Regional Task Force meeting and Public Involvement
- RTF Minor Action can be done via e-mail agreement voting or email notification (depending on change)
- Further info can be found in the RTF guidelines, Appendix F
- Some Examples of Major Action
 - Job Additions/Deletions
 - Moving a job from the approved job list to the illustrative list
 - Major Phase cost changes
 - Federal Funded jobs: 25% FEDERAL participating cost change (+/-) • Only TEDF Category D jobs: 25% of STATE participating cost change (+/-)
- Some Examples
 - Minor Phase Cost Changes: Federal Funded jobs: <25% FEDERAL participating cost change (+/-)
 - Limit is less the a half mile change



FY 2027 Bridge Call for Projects!

Applications Due April 1, 2024

\$88M Available (including \$36M from BIL)

Limit of 4 applications per local agency

Documents posted on the LAP website



PRODUCTIVITY

Don't worry boss. I'm on top of that project!

Safety Program

Call for Projects – FY 2026

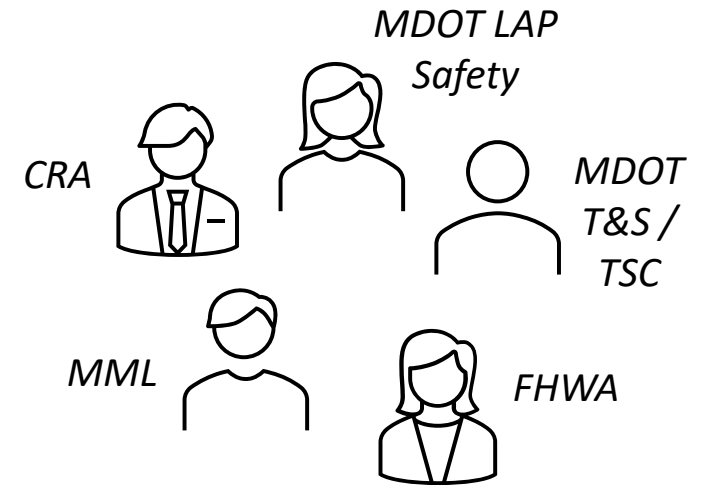


Call Letter distributed
January 29, 2024

Applications due
May 1, 2024

List of submitted projects posted – May 24
Verify submitted projects on the list – June 7

Selections announced
~ end of August 2024

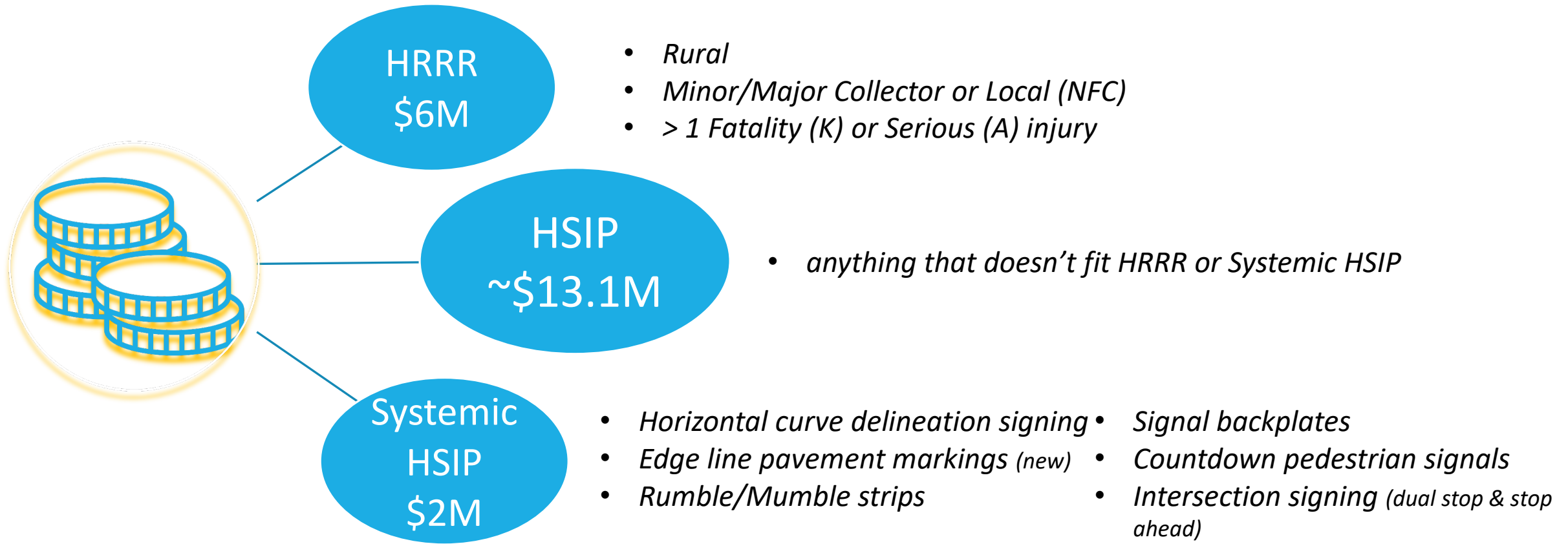


SCORING COMMITTEE



Safety Program

Call for Projects – FY 2026

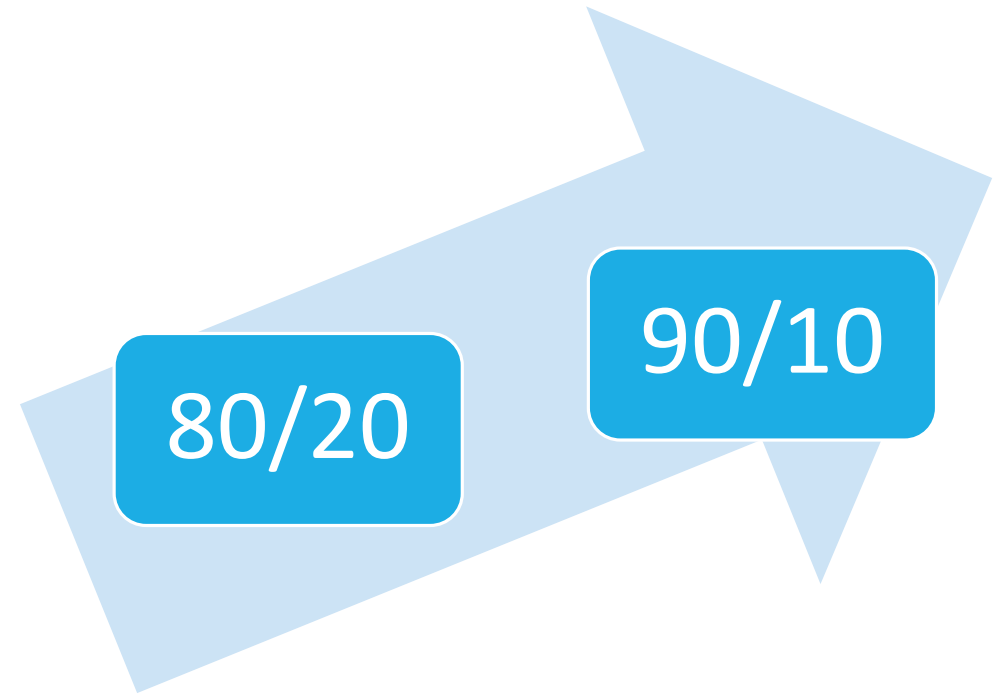


Safety Program

Call for Projects – FY 2026

Changes

- made all funding 90% Fed / 10% Local match
- Active v. Passive language
- Removed signal optimization under PE
- Encourage wet reflective pavement markings



Safety Program

Call for Projects – FY 2026

HRRR

- \$750,000 project cap (*Fed portion*)
- unlimited applications



General HSIP

- \$750,000 project cap (*Fed portion*)
- unlimited applications



Streamlined HSIP

- \$200,000 project cap
- Max of 3 applications (max 2 for same work type)



\$1.5M
max per
Agency

Safety Program

Call for Projects – FY 2026



Selection & Scoring Criteria

- ★ Available funding
- ★ Project scope – reduction of crash risk
- ★ Financial goals
- ★ Rely on submitted narratives and documents (field visits not performed)
- ★ Economic-Cost Benefit
 - ★ crash reductions
 - ★ project cost
- ★ Benefits to unfamiliar traffic / surrounding areas

Safety Program

Call for Projects – FY 2026



Common Errors for Point Deductions / Slows Down the Process

- Missing documents
- Missing information (ADT)
- Using non-applicable UD-10s
 - i.e. animals
- Delayed safety projects within last two years
- Pulled/cancelled projects within last two years
- Late submittals
- Incorrect Time-of-Return (TOR)
 - carefully review Crashes vs. Injuries
 - each crash type can only be applied to one CRF
- Missing the TOR / HSM spreadsheets (.XLS)
- Incorrect or no documentation for Crash Modification Factors
- Including non-safety items

Safety Program

Call for Projects – FY 2026



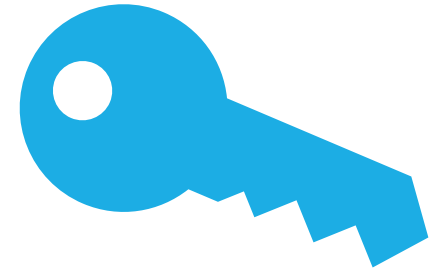
Opportunities for Bonus Points / Financial Goals

- ⊕ ADT
- ⊕ Local Safety Initiative (LSI)
- ⊕ HSM Analysis
- ⊕ 2 or more years without a selected safety project
- ⊕ Preliminary engineering (PE) funded (50/50) with a completed LSI
- ⊕ Vulnerable Road Users (VRU) projects
 - ⊕ separate sidewalk/path as part of a community's non-motorized plan
 - ⊕ RRFB / PHB / Special Emphasis Crosswalk mrkgs
 - ⊕ Ped refuge island
- ⊕ Road Safety Audit (RSA)
 - ⊕ have a location but not determined a fix?
 - ⊕ VRU RSA

Data Driven * Focused * Thoughtful Design

Safety Program

Key Points Regarding Safety Projects



- 💡 Submit NEPA 5323 early!
- 💡 Be aware that Safety funds are CAPPED
 - 💡 20% over or \$20,000 over (lesser value)
 - 💡 additional funds must be LOCAL
- 💡 Requesting to add FED funds late
 - 💡 Will impact the letting
 - 💡 Can't be done
- 💡 ONLY Local funds can be added to Safety-funded projects
- 💡 Other funding sources MUST be identified in original Safety application
- 💡 Separate JNs/work/funding can be packaged with the Safety project for letting
- 💡 Discuss with LAP Safety Engineer BEFORE Final submittal and **definitely** before obligation

Why?

- Safety projects are selected based on certain criteria and cost (data-driven)
- Adding funds questions the project's original eligibility
- Federal HSIP reporting requirements

OTHER REMINDERS



“Experimental” projects

LA proposes:

“experimental” design, construction material or method

expectations and measurables

final reporting requirements and schedule

FHWA concurrence

OTHER REMINDERS



4-in wide pavement markings

Pre-purchase of materials

Davis Bacon wage rates required on all state funded projects

Presume that MDOT will not provide geotextile fabric testing

POTENTIAL SHOW STOPPERS



All property not under local agency control

Railroad issues not resolved

Local agency match funding not in place

Project not in approved (S)TIP

Utility coordination incomplete

Submitted docs conflict with how job is programmed

Right of Way

Uniform Act Final Rule Changes Coming SOON!!

Watch for GovDelivery Notice - Real Estate Updates for Local Public Agencies



MDOT-LPA Real Estate Coordinators:



Kem Hoopingarner
(517) 242-8334
hoopingarnerk1@michigan.gov

MDOT-LPA@michigan.gov



Michael Christensen
(517) 335-4361
Christensenm@michigan.gov

POTENTIAL SHOW STOPPERS



Section 106 & NEPA concurrence not issued

NEPA forms submitted too late

Tribal consultation is incomplete

Permits not issued

Outline

- Compliance with the ESA
 - Federal projects
 - Non-federal projects
- Updates for listed mussels
- Updates for listed bats
- Upcoming ESA actions
 - Turtles
 - Monarch Butterfly
- Coordination with LAP

U.S. Fish and Wildlife Service



- Ecological Services
 - Endangered species recovery
 - Implementation of the Endangered Species Act
 - Conservation planning assistance
- Michigan Field Office transportation liaisons

Our mission is to work with others to conserve, protect and enhance fish, wildlife and plants and their habitats for the continuing benefit of the American people.



ESA Section 7

- Prioritizes the ESA in federal actions and require agencies to address the impacts of their actions on listed species
- Section 7(a)(2) - Ensure that actions federal agencies "authorize, fund, or carry out" are not likely to jeopardize the continued existence of listed species or adversely modify critical habitat
- Consultation is required if an action may affect a listed species
- Make a determination for each species/critical habitat
 - No effect
 - Not likely to adversely affect
 - Likely to adversely affect

Using IPaC for Project Review

Determine if species may be present in the action area (Official Species List)



Consider if the species' habitat is present in the action area



Determine if your proposed action may affect the species or its habitat



Federal: May need to consult outside of the dkey

Step 1: Request an official species list

An official species list is a letter from the local U.S. Fish and Wildlife Service field office that assists in the evaluation of potential impacts of your project. It includes a list of species that should be considered under [Section 7](#) of the Endangered Species Act, a project tracking number, and other pertinent information from the field office.

Does this project require an official species list?

Federal agencies are required to "request of the Secretary of Interior information whether any species which is listed or proposed to be listed may be present in the area of a proposed action" ([Section 7](#) of the Endangered Species Act).

This requirement applies to projects that are **conducted, permitted, funded, or licensed** by any Federal agency.

NOTE: Generating an official species list does not start the consultation clock for a project.

YES, REQUEST A SPECIES LIST

SKIP / DOES NOT APPLY


THUMBNAILS

LIST

SPECIES GUIDELINES

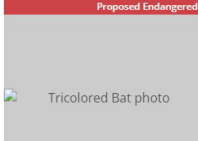
Mammals

Endangered



Northern Long-eared Bat
Myotis septentrionalis
Wherever found


Proposed Endangered



Tricolored Bat
Perimyotis subflavus
Wherever found

Reptiles

Threatened



Eastern Massasauga
(=rattlesnake)
Sistrurus catenatus
Wherever found

Step 2: Evaluate determination keys

The U.S. Fish and Wildlife Service has performed up-front analyses for certain project types, agencies, and species. The analyses have been compiled into *determination keys*, a simple interview process to help you arrive at a recommended determination for some species in your project area.

There are 3 determination keys that may apply to your project. Each determination key starts with a qualification interview to see if the key is appropriate for your project.

- All Species Michigan Determination Key

Release date: September 11, 2023

This key is intended to streamline review of projects for potential effects to Federally listed threatened and endangered species and designated critical habitat. This key covers all Michigan species and incorporates the rangewide NLEB dkey as an option.

EVALUATE

SKIP / DOES NOT APPLY

Subject: Consistency letter for "Sample Project" for specified federally threatened and endangered species and designated critical habitat that may occur in your proposed project area consistent with the Michigan Determination Key for project review and guidance for federally listed species (Michigan Dkey).

Dear Michelle Kane:

The U.S. Fish and Wildlife Service (Service) received on **September 18, 2023** your effect determination(s) for the "Sample Project" (the Action) using the Michigan DKey within the Information for Planning and Consultation (IPaC) system. The Service developed this system in accordance with the Endangered Species Act of 1973 (ESA) (87 Stat.884, as amended; 16 U.S.C. 1531 et seq.).

Based on your answers and the assistance of the Service's Michigan DKey, you made the following effect determination(s) for the proposed Action:

Species	Listing Status	Determination
Eastern Massasauga (=rattlesnake) (<i>Sistrurus catenatus</i>)	Threatened	May affect
Hungerford's Crawling Water Beetle (<i>Brychius hungerfordi</i>)	Endangered	No effect
Monarch Butterfly (<i>Danaus plexippus</i>)	Candidate	No effect
Northern Long-eared Bat (<i>Myotis septentrionalis</i>)	Endangered	No effect
Tricolored Bat (<i>Perimyotis subflavus</i>)	Proposed	No effect
	Endangered	

Please carefully review this letter. Your Endangered Species Act requirements are not complete.

Your project is in the vicinity of a National Wildlife Refuge (NWR), <https://fws.gov/visit-us/refuges>. The intent of this letter is limited to assisting you in evaluating the effects of your action on Federally listed species in Michigan; other FWS programs may have additional input on your

If Your Federal Project Does not Fit a Dkey

Informal Consultation

- **Not Likely to Adversely Affect** determination for one or more species
- Need to provide a project description
- Receive an informal concurrence letter from FWS within **60 days**
- Can be completed by non-federal representative

Formal Consultation

- **Likely to Adversely Affect** determination for one or more species
- Need to write a **Biological Assessment**
- Receive a **Biological Opinion** from FWS within **135 days**
- Must be completed by the federal action agency

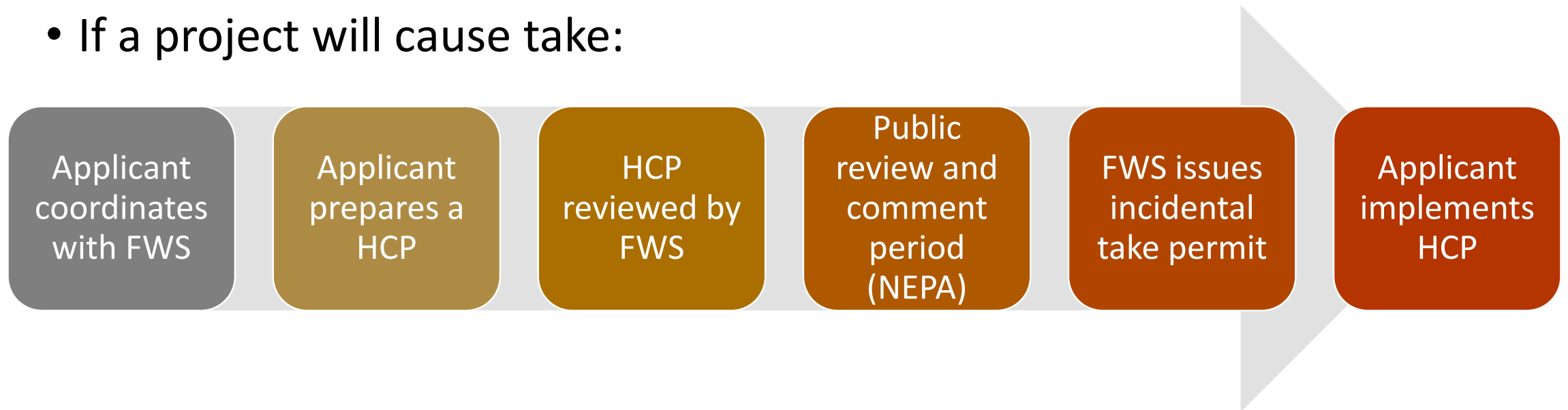
No Federal Nexus?

- Section 9 of the ESA prohibits take of endangered wildlife
 - Take is to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct
- Project proponent must determine if their project is reasonably certain to cause take
 - All Species Michigan Dkey on IPaC
 - USFWS can provide technical assistance



If Your Non-Federal Project Doesn't Fit a Dkey

- Evaluate if your project is reasonably certain to cause take
 - Surveys/Habitat assessments
- Determine if the project can be modified to avoid take
 - Conservation measures
- If a project will cause take:



Early Coordination

- Habitat assessments and species surveys may be necessary
 - Better understand potential impacts
 - More accurate effect determinations
 - Refine BMPs
 - Example: federally listed mussels
- What to include in early coordination:
 - Area of impact
 - Estimated timing of project
 - Project plans
 - Surveys results if available



Federally Listed Mussels in Michigan



Clubshell - E



Northern Riffleshell - E



Rayed Bean - E



Snuffbox - E



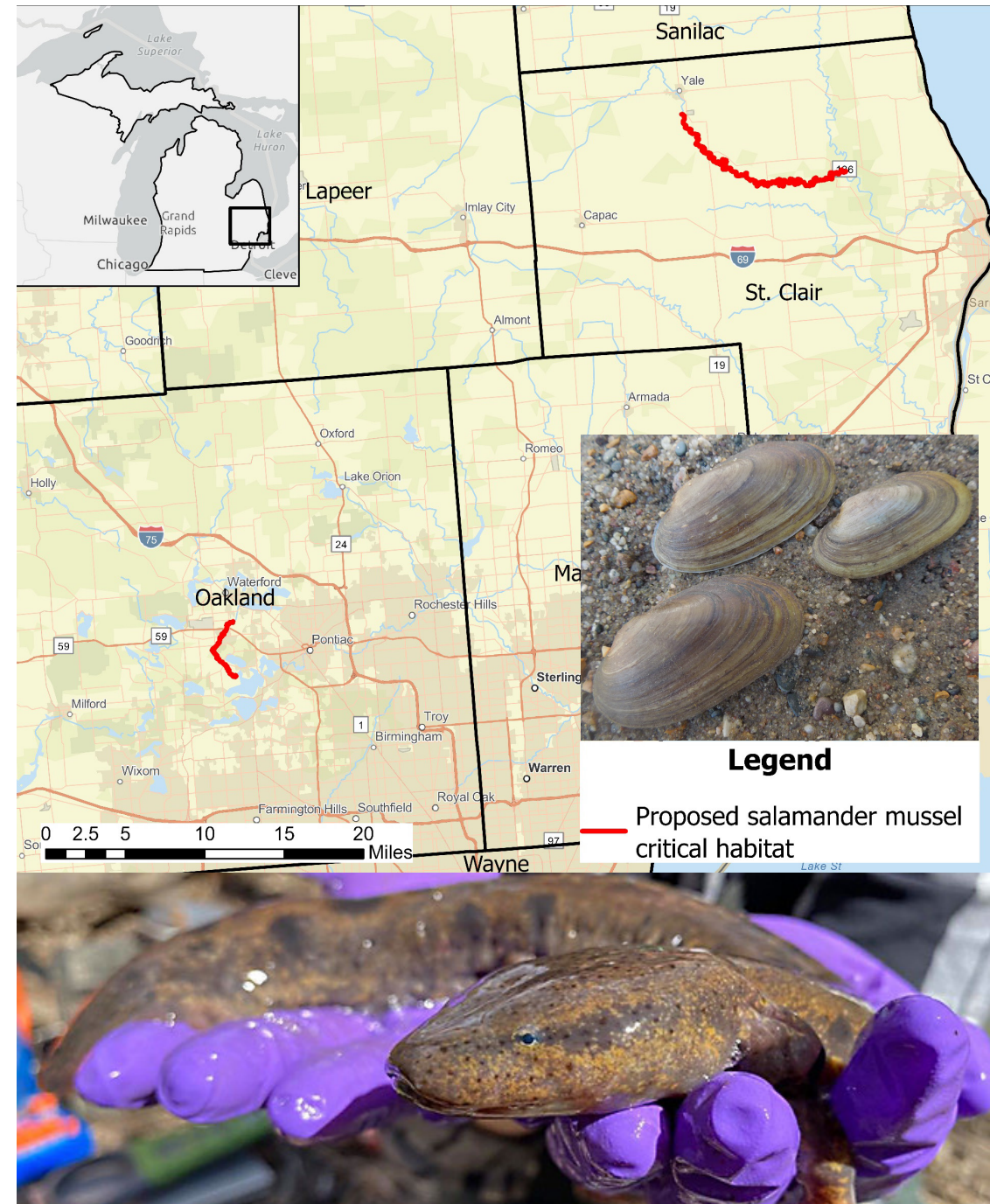
Round Hickorynut - T



Salamander Mussel - Proposed

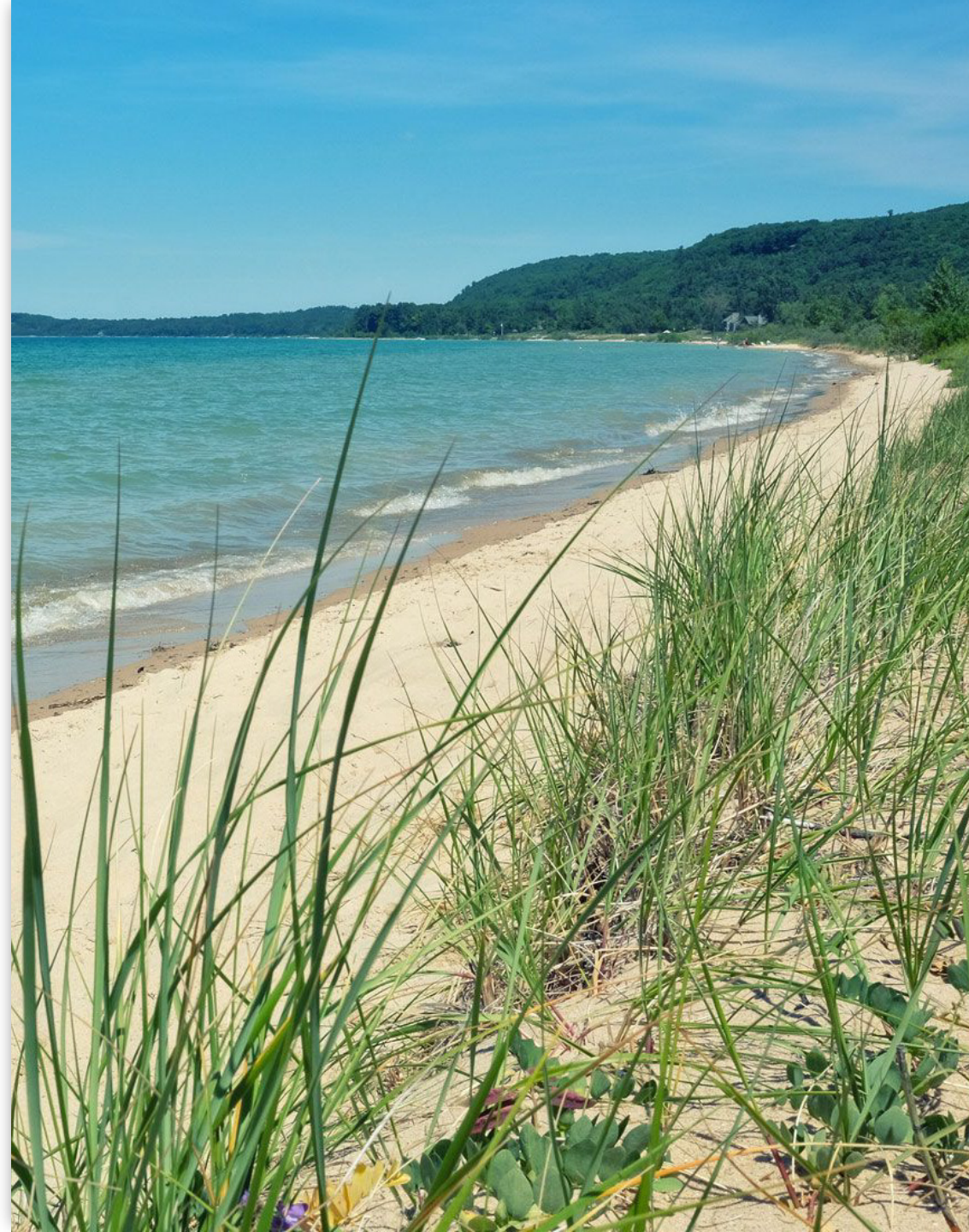
Listed Mussels

- Round hickorynut - threatened as of 3/9/23
 - No critical habitat in MI
- Salamander mussel proposed as endangered on 8/22/23
 - Proposed critical habitat in MI
 - 7 mi of Clinton River in Oakland County
 - 23.6 mi of Mill Creek in St. Clair County
- Proposed critical habitat for rayed bean and snuffbox expected in 2025
- Petition to designate critical habitat for clubshell



What is critical habitat?

- Geographic area that contains physical or biological features essential to conserve the species
 - Not all habitat is critical habitat
 - Typically excludes developed areas
- Federal agencies required to avoid destruction or adverse modification
- In Michigan:
 - Piping plover
 - Hine's emerald dragonfly
 - Poweshiek skipperling butterfly



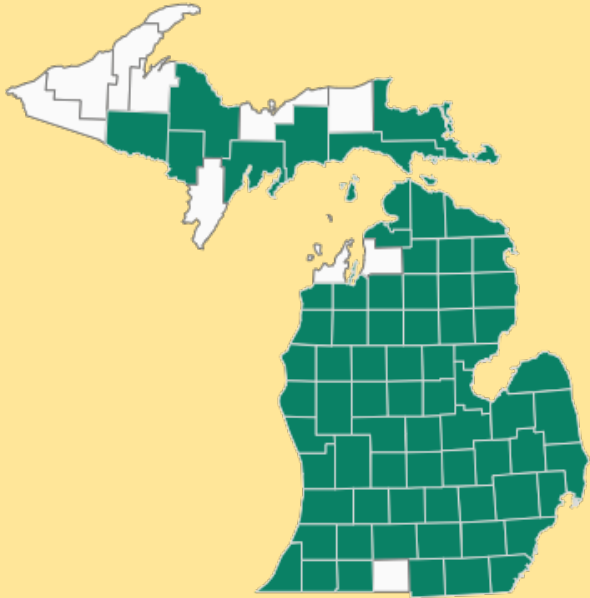
Listed Bats

- Northern long-eared bat uplisted to endangered, effective 3/31/23
- Tricolored bat proposed for listing as endangered 9/13/22
 - Working to complete a final rule
- Species status assessment for little brown bat ongoing

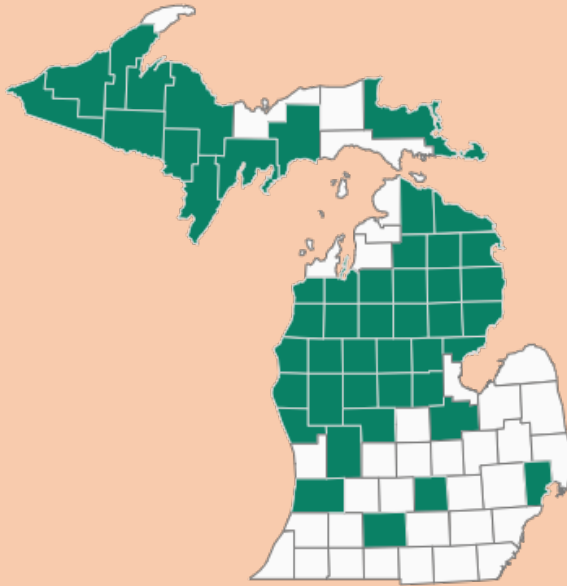


Turtles: 12-month findings expected in 2024

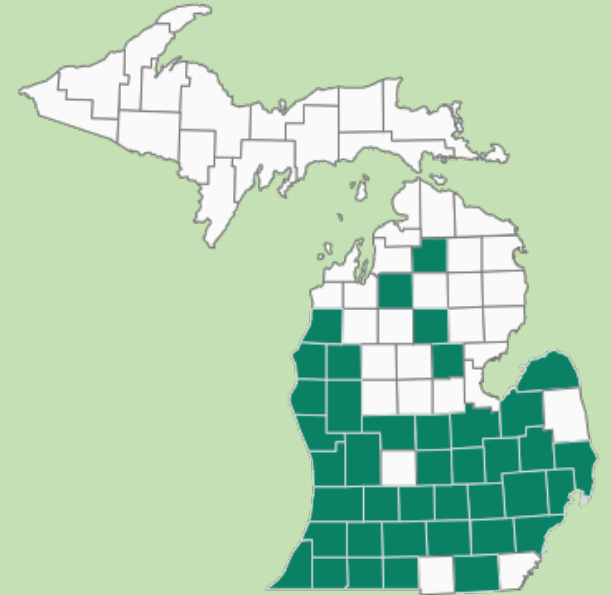
Blanding's turtle



Wood turtle



Spotted turtle





Monarch Butterfly

- Candidate species, warranted for listing but precluded
- If warranted, proposed rule by 9/30/24
- CCAA available for transportation agencies
 - Voluntary agreement
 - Transportation agency takes conservation actions for monarch and gets assurances additional conservation would not be required in the future
 - CRA working on application on behalf of all county road agencies



MDOT Local Transportation Program New Program, New Form, New Specialists

- Dedicated NEPA Coordinators for LAP
- Review of 18 environmental, social and economic factors for full legal compliance
- 4 resource specialists: TE, Archeology, Historic Preservation and 4(f)
- Coordinate directly on your behalf: FHWA, SHPO, DNR, USFWS

Robyn Coole - LAP Threatened and Endangered Species Specialist

Local Agency Program, Environmental Services Section, BOD
MDOT

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Jabber 517-335-0704

Van Wagoner Bld. Lansing, MI.

Many Strings Attached

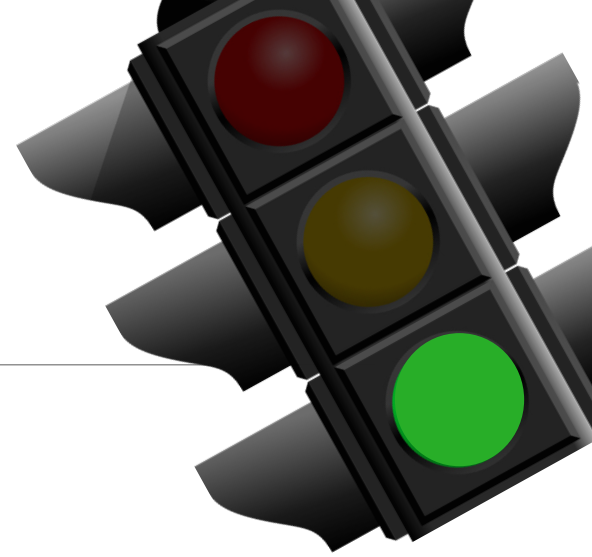


Michigan DOT LAP's Goal

Simple –

Help each local agency to preserve its federal and state transportation funds

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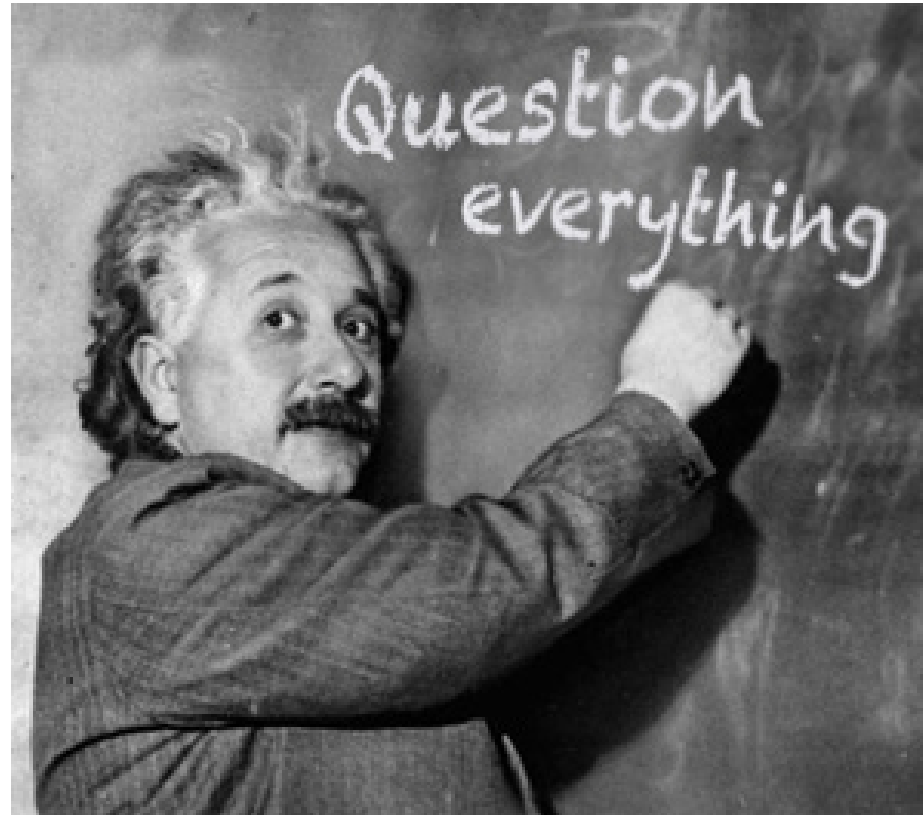
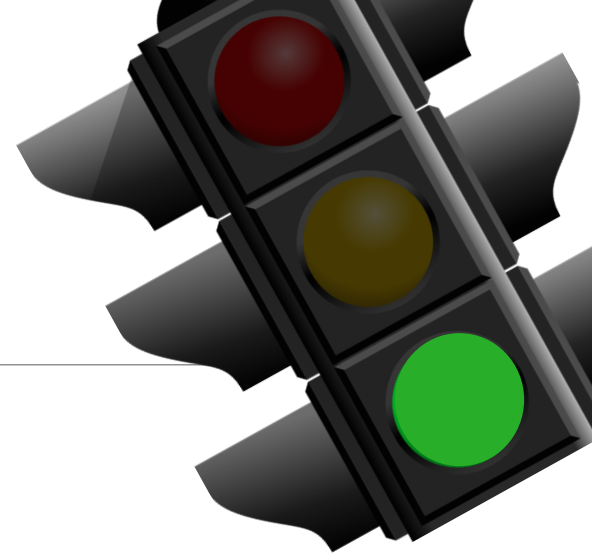
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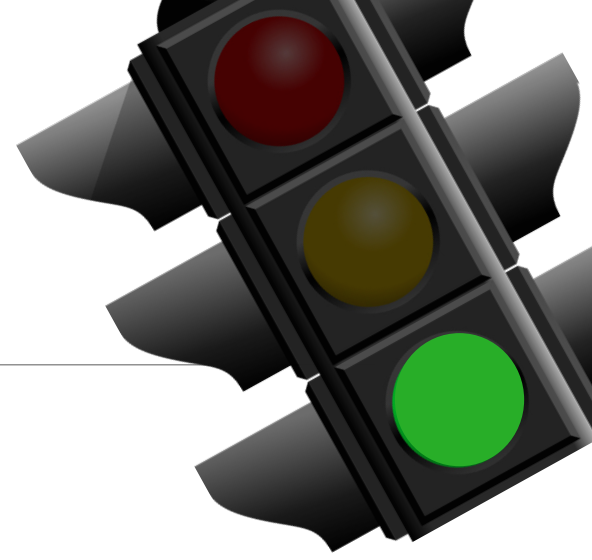
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<https://www.fws.gov/library/collections/michigan-transportation-library>



Questions? Comments?





THANK YOU!!