

**Final Environmental Assessment and Notice of Wetland  
Involvement for the Construction and Operation of a Proposed  
Cellulosic Biorefinery, Mascoma Corporation, Kinross Charter  
Township, Michigan**

**DOE/EA 1705**

Appendix C – Threatened and Endangered Species Agency

Correspondence



STATE OF MICHIGAN

JENNIFER M. GRANHOLM  
GOVERNOR

DEPARTMENT OF NATURAL RESOURCES  
LANSING

REBECCA A. HUMPHRIES  
DIRECTOR

February 13, 2009

Ms Linda Kersten  
AECOM Environment  
1050 Wilson St.  
Marquette MI 49855

**RE: Proposed Frontier Ethanol Plant**

Dear Ms Linda Kersten:

Thank you for using the Michigan DNR Endangered Species Assessment website. Based on the information you have provided, project activities may proceed. It has been determined that federal and state endangered, threatened, special concern species, exemplary natural plant communities, or unique natural features are **not known to occur** at or near the location specified:

Chippewa County, T45N R01W Section 21.

The location of the request was checked against known localities for rare species and unique natural features, which are recorded in a statewide database. This continuously updated database is a comprehensive source of information on Michigan's endangered, threatened and special concern species, exemplary natural communities and other unique natural features. Records in the database indicate that a qualified observer has documented the presence of special natural features at a site. The absence of records may mean that a site has not been surveyed. Records may not always be up-to-date. In some cases, the only way to obtain a definitive statement on the presence of rare species is to have a competent biologist perform a field survey.

Michigan's endangered and threatened species are protected under Part 365 of the Natural Resources and Environmental Protection Act, Act 451 of the Michigan Public Acts of 1994. Federally listed species are protected under the United States Endangered Species Act of 1973. Special concern species, exemplary natural communities and other unique natural features are not legally protected by state or federal endangered species legislation, but they are considered to be rare and should be protected to prevent future listing.

Thank you for your advance coordination in addressing the protection of Michigan's natural resource heritage. Responses and correspondence can be sent to: Endangered Species Review, Michigan Department of Natural Resources, Wildlife Division - Natural Heritage Program, PO Box 30180, Lansing, MI 48909. If you have further questions, please call 517-373-1263 or e-mail [DNR-EndangeredSpecies@michigan.gov](mailto:DNR-EndangeredSpecies@michigan.gov).

NATURAL RESOURCES COMMISSION

Keith J. Charters-Chair \* Mary Brown \* Bob Garner \* Gerald Hall \* John Madigan \* Frank Wheatlake

STEVENS T. MASON BUILDING \* P.O. BOX 30028 \* LANSING, MICHIGAN 48909-7528

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Chippewa County, T45N R01W Section 28.

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**White, Chris**

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**From:** Hansen, Linda  
**Sent:** Thursday, April 29, 2010 7:53 AM  
**To:** White, Chris  
**Cc:** Martysz, Ivan  
**Subject:** FW: Informal ESA Section 7 Consultation - Frontier Railroad Spur Project

Hello Chris-

Please see the e-mail below which provides Section 7 Concurrence with our findings for T&E species in Chippewa County, MI (for the Frontier Rail Spur).

As you can see:

- They concurred that suitable habitat was not present for several species
- They concurred that effects on Gray Wolf & Canada Lynx would be discountable/insignificant
- They mention that the Bald Eagle is no longer federally protected under the endangered species act, but remains protected under 2 other acts. We understand that no further action is currently required for Bald Eagle, unless a nest is encountered on site during construction. In which case, measures must be taken to prevent impacts where possible, or get a permit for an incidental take.

We have filed the response below for record keeping purposes.

Thanks,

Linda D. Hansen, P.E.  
Project Engineer  
Environment  
D 906.231.7130  
linda.hansen@aecom.com

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1050 Wilson St.  
Marquette, MI 49855  
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-----Original Message-----

**From:** Tameka\_Dandridge@fws.gov [mailto:Tameka\_Dandridge@fws.gov]  
**Sent:** Wednesday, April 28, 2010 2:51 PM  
**To:** Hansen, Linda  
**Subject:** Informal ESA Section 7 Consultation - Frontier Railroad Spur Project

Ms. Linda D. Hansen  
AECOM

**Re:** Informal Section 7 Consultation for the Frontier Railroad Spur  
**Project:**  
Project #60140061, Kinchleloe, Kinross Township, Michigan

Dear Ms. Hansen:

We are responding to your April 6, 2010 letter requesting consultation

under the section 7 of the Endangered Species Act of 1973, as amended (Act). Under this U.S. Department of Energy funded project, AECOM, a consultant for Frontier, is serving as a non-federal representative for purposes of the Act.

Frontier proposes to construct a railroad spur off an existing rail line that will extend 2.69 miles and will ultimately connect with the proposed Frontier Cellulosic Ethanol facility. In your endangered species effects analyses you described the action area as being composed of a mixture of open swamp, tamarack bog, wet meadows, deciduous forested wetlands, and maple-oak upland forests.

Your analyses addressed potential effects on the endangered gray wolf (*Canis lupus*), Kirtland's warbler (*Dendroica kirtlandii*), and piping plover (*Charadrius melodus*), and threatened Canada lynx (*Lynx canadensis*), American Hart's tongue fern (*Asplenium scolopendrium* var. *americanum*), dwarf lake iris (*Iris lacustris*), Houghton's goldenrod (*Solidago houghtonii*), and Pitcher's thistle (*Cirsium pitcheri*). You further concluded that suitable habitat was not present for Kirtland's warbler, piping plover, American Hart's tongue fern, dwarf lake iris, Houghton's goldenrod, and Pitcher's thistle and determined that this project will have no effect on these species.

#### Gray wolf

Gray wolves are present throughout the Upper Peninsula of Michigan and may be present near the action areas. We concur that the proposed action is not likely to adversely affect the gray wolf.

Wolves could be disturbed as a result of noise and activities associated with the railroad spur construction and its operation. We expect that the wolves will respond to this increased disturbance by simply avoiding the project site while construction activities and operations are ongoing.

Only a small area of land will be impacted by these projects when compared to the total area available for wolf foraging and breeding activities.

Wolf prey availability or populations are unlikely to be affected by the project.

Based on this information, we expect any potential effects from this project on gray wolf to be insignificant.

#### Canada lynx

Currently, the best available information, including historic records and recent surveys, indicates that Canada lynx in the Upper Peninsula, if present, are likely limited to a small number of dispersing individuals. Based on the following information, we concur that the proposed action is not likely to adversely affect the lynx.

The construction activities and operation of the railroad spur could directly disturb lynx that are within or adjacent to the action area. However, as previously discussed, lynx are extremely unlikely to be exposed to project activities because they are present in such low numbers, if at all, in the action area.

If lynx were in the area, the construction will impact only a small

area when compared to the surrounding landscape. We expect Canada lynx, if in the area, to utilize other undisturbed areas.

Based on this information, we expect any potential effects from this project on Canada lynx would be discountable or insignificant.

Please note that bald eagles (*Haliaeetus leucocephalus*) could nest near the action area, provided suitable habitat is available. Although no longer federally listed under the Act, bald eagles, along with their foraging and winter roosting habitat, remain protected pursuant to the Bald and Golden Eagle Protection Act (BGEPA) and Migratory Bird Treaty Act (MBTA). Disturbance of these birds should be minimized and any resulting take must be permitted by the U.S. Fish and Wildlife Service (Service). The National Bald Eagle Management Guidelines offer guidance on minimizing any disturbance that may be caused by project activities near eagle nests.

Limited permits to disturb nesting eagles and, in some cases, remove nest trees are available from the Service. Applicants must meet the permit requirements as specified in the BGEPA and the resulting disturbance or take must be compatible with the ongoing preservation of the species, as determined by the Service. For more information on eagle protections, permit requirements, and to view the Bald Eagle Management Guidelines, please visit <http://www.fws.gov/migratorybirds/baldeagle.htm>. For technical assistance with assessing your project's impacts on bald eagles or applying for a permit, please contact Matt Stuber at 517-351-8469.

We appreciate the opportunity to cooperate with you in conserving endangered species. If you have any questions regarding these comments, please contact me at the below telephone number or email.

Sincerely,  
Tameka Dandridge

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Tameka Dandridge  
U.S. Fish & Wildlife Service  
East Lansing Field Office  
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East Lansing, MI 48823  
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