Jeopardy Assessment

for the Proposed Incidental Taking Authorization
of the Butler's Gartersnake

ATC Saukville-St. Lawrence 138 kV Transmission Line Rebuild Project
Ozaukee and Washington Counties, Wisconsin

Background

The state-threatened Butler's gartersnake is the smallest of the five Wisconsin gartersnake species. Both sexes of this species reach maturity during their second full year and females deliver 4-19 live-born young in mid to late summer. This species requires a moderately open to open canopy habitat, preferably with both upland and wetland habitat. Butler's naturally hibernate in open-canopy wetlands (sedge meadows, fringes of cattail marshes, etc.) but are also known to occupy sites that provide other means for successful overwintering (i.e. old landfills where conditions provide access below the frostline and where adequate moisture exists).

The Butler's gartersnake is a colonial species that is restricted to several southeastern counties in Wisconsin. There are currently 65 locations where this species has been documented from 1973 to present. Fifty of these records have been documented since 1990. Most sites that have been moderately to heavily surveyed for Butler's show a healthy age-class structure, indicating that regular recruitment is occurring on those sites. Surveys and monitoring since its listing in 1997 reveal that Butler's often occur in very large numbers on relatively small sites (i.e. 400+ snakes detected on a 20-acre site with less than 50% suitable [open canopy] habitat). Three intensive survey/monitoring efforts associated with mitigation for incidental take to date have involved large numbers of Butler's gartersnakes (over 1200 Butler's on three isolated sites along Lincoln Creek within the City of Milwaukee). Surveys have also demonstrated that Butler's can occur, sometimes in high numbers, on highly disturbed and degraded sites. One example is the detection of 62 Butler's during one survey of a brownfield site in the industrial heart of Milwaukee. Most of the snakes were found under pieces of broken concrete in a large, abandoned, gravel parking lot that was adjacent to a small wetland.

In summary, the Butler's gartersnake is a fast-maturing species with potentially high annual recruitment. It can sustain populations on highly disturbed sites if the disturbance factors are eliminated and suitable wetlands are present on or adjacent to these sites. Since 1997, most sites where Butler's were suspected to occur, based on proximity to known range and habitat and which were subsequently surveyed, verified their presence.

Jeopardy Assessment

The proposed ATC Saukville-St. Lawrence Transmission Line Rebuild Project consists of the replacement of poles, insulators and conductor along 19.1 miles. The line is located between the Village of Saukville, Ozaukee County and Hartford Township in Washington County.

In previous correspondence on October 31, 2007, the Department determined that seventeen poles were identified in Tier 3 habitat (site of significant conservation value) and twelve poles were identified in Tier 2 sites (sites of moderate conservation value). The majority of these poles, either due to the timing or extent of the disturbance do not require an authorization or fall under the provisions of the Broad Incidental Take Authorizations for temporary disturbance or disturbance to Tier 2 sites. If construction at those poles that were excluded due to the timing of the activity, (i.e., poles H9, H11, H12, H48, H49, H64-67, H70, H77 and H78) are not completed by March 15, then ATC will contact the Department to determine if additional Authorization is needed for these poles. The remaining poles, H4, H6, and H50,

are the only poles included in this Jeopardy Assessment. In addition to the poles covered by this Jeopardy Assessment, one osprey platform will be placed within a wetland on the project route.

This project is likely to result in very limited incidental taking of the Butler's gartersnake since some of the work will occur in wetlands where snakes can occur year round. In addition, some very small habitat areas will be altered as a result of transmission pole replacements, especially where poles will be replaced in wetlands and where poles will be removed and new ones will be placed in nearby locations. These habitats are expected to recover with little or no impact to their quality following project completion as long as ATC follows the restoration requirements listed below under the Required Conditions section.

The Department has determined that the proposed project is not likely to jeopardize the continued existence or recovery of the state population of these snakes or the whole plant-animal community of which they are a part. The benefits to public safety justify this activity. The basis for this assessment is that the net habitat disturbance is unlikely to jeopardize the population along the corridor where it intersects Tier 3 snake habitat and the take of individual snakes is expected to be extremely low.

Required Conditions

The following conditions must be adhered to for the purpose of minimizing any adverse effect on the state threatened Butler's Gartersnake:

1. Conduct as much of the pole replacement and line stringing as possible during the snake's inactive period (November 6 through March 15). The snakes will be in hibernation and thus the risk of take is reduced.
2. If construction occurs when the ground is not frozen, a removable pad or mat shall be used for the support of equipment in order to minimize the disturbance to the wetland habitat.
3. Snake fencing is required per the Snake Exclusion Fencing Requirements for Butler's gartersnakes.
4. Snakes within the construction zone will be actively searched for by a snake monitor, present during fence installation and all excavation activities, and removed to an undisturbed area within the same suitable habitat patch.
5. All habitats impacted by project disturbances must be fully restored to pre-activity conditions:
    a. Holes left from pole removals must be filled to grade. The top 12 inches must be filled with topsoil from the immediate area
    b. All disturbed soils must be leveled prior to reseeding
    c. All disturbed areas in habitat that are considered suitable for Butler's gartersnake (open canopy with herbaceous vegetation) must be seeded with appropriate native seed mixes for the community type that is present.