

## **Karner Blue Butterflies on Private Property**

*Endangered species and the private property owner*

The Karner blue butterfly is a Federally Endangered Species that lives in savannas or sparsely treed natural openings in west Michigan. These butterflies occur both on public and private lands on the landscape where suitable habitat exists. As caterpillars, Karner blues feed exclusively on the leaves of wild lupine plants. Adult butterflies nectar on a variety of flowering plants and perch on grasses and shrubs to bask in the sun before laying eggs at the base of lupine plants.

The presence of Karner blues is a sure indication of the presence of high quality savanna. These natural habitats are home not only to Karner blues but to a host of butterflies and other wildlife that are attracted to the diversity of plants supported by savanna ecosystems. In addition, the park-like appearance of savannas provides a pleasing vista. For these reasons, many landowners place a high value on maintaining these habitats. Savannas are easily maintained so they continue to attract wildlife. However, care needs to be taken so Karner blues are not harmed in the process.

Private landowners play an essential role in the conservation of all wildlife, including endangered species. Over half of Michigan's endangered and threatened species exist almost entirely on private land. Great management opportunities exist there. Yet, laws that support the public's wish to protect this natural heritage are sometimes rigid and are necessarily blind to the reasons people have for impacting natural resources. However, the direction contained in these regulations is simple. Go forward with your goals, but consider wildlife as you change the land.

### *Landowner Opportunities and Responsibilities*

The Karner blue butterfly is protected under the Endangered Species Act of 1973, as amended. This Federal Act prohibits "take" of an endangered species. The term "take" means to "harass, harm, pursue, hunt, shoot, wound, kill, capture, collect, or attempt to engage in any such conduct." "Harm" is also interpreted to apply to destruction of habitat. This prohibition applies equally to the egg, larva or caterpillar, pupa, or adult life form of the butterfly. Thus, this Act prohibits conduct that will take butterflies or that could reasonably be expected to take butterflies or harm their habitat.

Most endangered species, including Karner blues, occur in high quality natural habitats that can be found both on public lands and on unique sites on private lands. The existence of endangered individuals on private lands is generally as beneficial to the butterfly as their existence anywhere else. These individuals are important to the population and are not expendable.

Landowners who have endangered species on their land must exercise due care in their conduct around any endangered species. That due care can be different depending both on the species and on the particular conditions that exist on that private land. Landowner assistance is available in understanding the meaning of that due care as it relates to their

individual situation. Generally, landowners may conduct activities that either benefit or have no effect on the endangered species, but they may not take or harm the species.

Some landowners may want to see their land maintained in its natural state even after they are gone. Those who want to maintain their land in this way may wish to consider placing a conservation easement or other deed restriction on their land. Alternatively, the land may be offered to a conservation organization or agency. This could be beneficial to the landowner when the landowner's objectives and the receiving organization's objectives for the land are similar. Certain tax advantages associated with these actions may be available to the landowner as well. Resource managers can suggest alternatives once an individual land parcel and landowner objectives are identified.

Landowners may also take advantage of opportunities that permit certain land uses on areas occupied by endangered species. One opportunity is afforded through Safe Harbor Agreements administered by the US Fish and Wildlife Service. Essentially, these Agreements recognize an endangered species population level or habitat amount on a private land parcel at a specified baseline point in time. Once a baseline condition is established for this parcel, the landowner may conduct activities on the parcel that take the endangered species or destroy endangered species habitat provided this conduct does not take or destroy to a point below the baseline condition. The landowner is required to document the both the baseline condition and subsequent actions that take the species or harm the habitat short of the baseline condition.

Landowners who wish to manage their lands in ways where there is no net harm to the endangered species may do so under authorization of a Permit from the US Fish and Wildlife Service. For activities that directly result in take of an endangered species, a Recovery Permit may be an appropriate means to authorize the activity. This Permit is supported by an application prepared by the Permittee that demonstrates a conservative approach to management of the species. For management activities that result in take that is incidental to otherwise lawful activities, an Incidental Take Permit may be appropriate. Incidental Take Permits are supported by Habitat Conservation Plans prepared by the applicant that also demonstrate a conservative approach to management of the species.

#### *Sources of Assistance*

Resource managers stand ready to work with landowners to accomplish landowner goals while assuring that natural resources are not unduly impacted and infractions of law are avoided.

US Fish and Wildlife Service  
Department of Natural Resources  
Natural Resources Conservation Service  
US Forest Service  
Soil Conservation Districts

The Nature Conservancy  
Land Conservancy of West Michigan  
Southwest Michigan Land Conservancy  
John Ball Zoo  
Natural Resource Conservation Service