



Minnesota Department of Natural Resources
Division of Ecological & Water Resources
500 Lafayette Road, Box 25
St. Paul, MN 55155-4025

December 16, 2024

Jimmy Marty
Emmons & Olivier Resources, Inc.

RE: Natural Heritage Review of the proposed **Wabasha 161 kV Transmission Line Environmental Assessment**,

County	Township	Range	Section
Wabasha	108N	11W	2
Wabasha	109N	10W	5, 7, 8
Wabasha	109N	11W	13, 14, 23, 24, 26, 34, 35

Dear Jimmy Marty,

For all correspondence regarding the Natural Heritage Review of this project please include the project ID **MCE-2024-00881** in the email subject line.

As requested, the [Minnesota Natural Heritage Information System](#) has been reviewed to determine if the proposed project has the potential to impact any rare species or other significant natural features. Based on the project details provided with the request, the following rare features may be impacted by the proposed project:

Ecologically Significant Areas

- A calcareous fen (**McCarthy Lake**, ID# 31975) was documented in the vicinity of the proposed project. A calcareous fen is a rare and distinctive peat-accumulating wetland that is legally protected in Minnesota. The Wetlands Conservation Act (WCA), authorized by Minnesota Statutes, section 103G.223, states that calcareous fens may not be filled, drained, or otherwise degraded, wholly or partially, by any activity, except as provided for in a management plan approved by the commissioner of the Department of Natural Resources. Many of the unique characteristics of calcareous fens result from the upwelling of groundwater through calcareous substrates. Because of this dependence on groundwater hydrology, calcareous fens can be affected by nearby activities or even those several miles away. For more information regarding calcareous fens, please see the [Calcareous Fen Fact Sheet](#). To minimize stormwater impacts, please refer to the Minnesota Pollution Control Agency's [General Principles for Erosion Prevention and Sediment Control](#) in the Minnesota Stormwater Manual. Please note that calcareous fens are "Special Waters" and a [buffer zone](#) may be required.

Calcareous fens may be impacted by activities within the fen, activities that affect surface water flows (e.g., stormwater flow, erosion), or activities that affect groundwater hydrology (e.g., groundwater pumping, contamination, discharge, or excavation). **To ensure compliance under WCA, please contact the Calcareous Fen Program Coordinator, Keylor Andrews (Keylor.Andrews@state.mn.us).**

- The Minnesota Biological Survey (MBS) has identified **Snake Creek Bluffs South** as a Site of *Moderate* Biodiversity Significance (MBS Site) in the vicinity of the proposed project. MBS Sites have varying levels of native biodiversity and are ranked based on the relative significance of this biodiversity at a statewide level. MBS Sites ranked as *Moderate* contain occurrences of rare species and/or moderately disturbed native plant communities, and/or landscapes that have a strong potential for recovery. This MBS Site contains **Red Oak - White Oak Forest** (MHs37a) native plant community directly adjacent to the proposed project. This community is considered **vulnerable to extirpation** (S3) within Minnesota.

Given the ecological significance of these areas, we recommend that the project be designed to avoid impacts to the native plant communities by confining construction activities to the opposite side of the road. Actions to minimize disturbance may include, but are not limited to, the following recommendations:

- As much as possible, operate within already-disturbed areas.
- Retain a buffer between proposed activities and both MBS Sites and rare NPCs (S1-S3).
- Confine construction activities to the opposite side of the road from MBS Sites and rare NPCs (S1-S3). If this is not feasible, confine construction activities to the existing road rights-of-way.
- Minimize vehicular disturbance in the area (allow only vehicles necessary for the proposed work).
- Do not park equipment or stockpile supplies in the area.
- Do not place spoil within MBS Sites or other sensitive areas.
- If possible, conduct the work under frozen ground conditions.
- Inspect and clean equipment prior to operating and follow recommendations to [prevent the spread of invasive species](#).
- Use effective erosion prevention and sediment control measures.
- Revegetate disturbed soil with [native species suitable to the local habitat](#) as soon after construction as possible.
- Use only weed-free mulches, topsoils, and seed mixes. Of particular concern is birdsfoot trefoil (*Lotus corniculatus*) and crown vetch (*Coronilla varia*), two invasive species that are sold commercially and are problematic in prairies and disturbed open areas, such as roadsides.

Construction in streambeds, lakes, and wetlands should be avoided whenever possible via spanning waterbodies. If spanning is not feasible, actions to minimize disturbance may include, but are not limited to, the following recommendations:

- Work in watercourses should be conducted during low flow whenever possible.
- If possible, conduct the work under frozen ground conditions.
- Wetland basins, lake beds, and stream/riverbeds should be restored to preconstruction contours. The work should not promote wetland drainage.
- Appropriate [wildlife friendly erosion control](#) measures, such as fabric, straw bales, mulch, and silt fences should be used to prevent sedimentation of adjacent wetlands, lakes, or watercourses.

- Impacts to existing vegetation should be kept to a minimum. Disturbed soil areas should be reseeded with [native species suitable to the local habitat](#) immediately upon project completion.

The Minnesota Biological Survey (MBS) considered the area surrounding the proposed project for a Site of Biodiversity Significance. **Snake Creek Bluffs North** was determined to be *Below* the minimum biodiversity threshold for statewide significance. This area, however, may have conservation value at the local level as habitat for native plants and animals, corridors for animal movements, buffers surrounding higher quality natural areas, or as areas with high potential for restoration of native habitat. **As such, indirect impacts from surface runoff or the spread of invasive species should be considered during project design and implementation.**

MBS Sites of Biodiversity Significance and DNR Native Plant Communities can be viewed using the Explore page in [Minnesota Conservation Explorer](#) or their GIS shapefiles can be downloaded from the [MN Geospatial Commons](#). Please contact the [NH Review Team](#) if you need assistance accessing the data. Reference the [MBS Site Biodiversity Significance](#) and [Native Plant Community](#) websites for information on interpreting the data. To receive a list of ecologically significant areas in the vicinity of your project, create a [Conservation Planning Report](#) using the Explore page in MCE.

- If the Wetland Conservation Act (WCA) is applicable to this project, please note that native plant communities with a Conservation Status Rank of S1 through S3 or wetlands within *High* or *Outstanding* MBS Sites of Biodiversity Significance may qualify as Rare Natural Communities (RNC) under WCA. Minnesota Rules, part 8420.0515, subpart 3 states that a wetland replacement plan for activities that modify a RNC must be denied if the local government unit determines the proposed activities will permanently adversely affect the RNC. If the proposed project includes a wetland replacement plan under WCA, please contact your [DNR Regional Ecologist](#) for further evaluation. Please visit [WCA Program Guidance and Information](#) for additional information, including the [RNC Technical Guidance](#).

State-listed Species

- [Timber rattlesnake](#) (*Crotalus horridus*), a state-listed threatened species, have been reported from the vicinity of the proposed project and may be encountered on site. In Minnesota, the ideal habitat for this species is forested bluffs, south-facing rock outcrops, and bluff prairies, particularly in the Mississippi River Valley. Nearby forests, prairies, and agricultural lands are used as summer feeding grounds. Two necessary habitat components are open areas for thermoregulation, and dens for overwintering. The dens are often located on steep, south- or west-facing hillsides with rock outcroppings and ledges. Timber rattlesnakes emerge from their dens in late April to early May and return to them in late September to early October. In the spring and fall, timber rattlesnakes are active during the day; while during the hottest months of summer, they are mostly active at night. Additionally, [North American racer](#) (*Coluber constrictor*), a species of special concern, has been documented in the vicinity of the proposed project.

Timber rattlesnake mortality in Minnesota is most commonly caused by poaching, vehicle collisions, and habitat destruction. The loss of a single adult, especially a female, can impact the population significantly. Minnesota's Endangered Species Statute (Minnesota Statutes, section 84.0895) and associated Rules (Minnesota Rules, part 6212.1800 to 6212.2300 and 6134) prohibit the take of

threatened or endangered species without a permit. As such the following avoidance measures are **required**:

- Advise crews working in the area that if they encounter any snakes, the snakes must not be disturbed.
- Limit erosion and sediment control to [wildlife friendly erosion control](#) to avoid the inadvertent take of timber rattlesnakes.
- Report any sightings using the [Quick Species Observation Form](#).

Additional timber rattlesnake precautions may include, but are not limited to, the following recommendations:

- Wear appropriate personal protection equipment, such as thick pants, boots, and leather gloves.
- Care should be taken around stockpiled materials and existing riprap as snakes may be using these materials as shelter.

Please contact Review.NHIS@state.mn.us to confirm that the above required avoidance measures will be implemented or to inform us that they are not feasible. If the measures are not feasible, a project-specific avoidance plan will likely be needed.

- [Kentucky coffee tree](#) (*Gymnocladus dioica*), a state-listed species of special concern, has been documented in the vicinity of the proposed project. Kentucky coffee tree is found most often in mesic hardwood forests on terraces of the Mississippi River in the Eastern Broadleaf Forest Province, and a few major tributaries. These are raised terraces, well above the reach of normal flood events. **We recommend surveying for these trees and avoiding them when feasible.**
- The Natural Heritage Information System (NHIS) tracks bat roost trees and hibernacula plus some acoustic data, but this information is not exhaustive. Even if there are no bat records listed nearby, all of Minnesota's bats, including the federally endangered northern long-eared bat ([Myotis septentrionalis](#)), can be found throughout Minnesota. During the active season (approximately April-November) bats roost underneath bark, in cavities, or in crevices of both live and dead trees. Tree removal can negatively impact bats by destroying roosting habitat, especially during the pup rearing season when females are forming maternity roosting colonies and the pups cannot yet fly. To minimize these impacts, **the DNR recommends that tree removal be avoided from June 1 through August 15.**
- Please visit the [DNR Rare Species Guide](#) for more information on the habitat use of these species and recommended measures to avoid or minimize impacts.

Federally Protected Species

- To ensure compliance with federal law, conduct a federal regulatory review using the U.S. Fish and Wildlife Service's (USFWS) online [Information for Planning and Consultation \(IPaC\) tool](#).

Environmental Review and Permitting

- We understand that the planning for this project was not finalized when this Natural Heritage Review was conducted. Given the presence of rare ecologically significant areas and state-protected species with the current route, further Natural Heritage Review will be needed for alternate routes and/or the finalized route. Resubmission will ensure compliance with state statute and rules. Please reference the original project (2023-00935) and this project (2024-00881) when submitting alternate routes and/or the finalized route for future Natural Heritage Review.
- Please include a copy of this letter and the MCE-generated Final Project Report in any state or local license or permit application. Please note that measures to avoid or minimize disturbance to the above rare features may be included as restrictions or conditions in any required permits or licenses.

The Natural Heritage Information System (NHIS), a collection of databases that contains information about Minnesota's rare natural features, is maintained by the Division of Ecological and Water Resources, Department of Natural Resources. The NHIS is continually updated as new information becomes available and is the most complete source of data on Minnesota's native plant communities, rare species, and other rare features. However, the NHIS is not an exhaustive inventory and does not contain the locations of all rare features in the state. Therefore, ecologically significant features for which we have no records may exist within the project area. If additional information becomes available regarding rare features in the vicinity of the project, further review may be necessary.

For environmental review purposes, the results of this Natural Heritage Review are valid for one year; the results are only valid for the project location and project description provided with the request. **If project details change or the project has not occurred within one year, please resubmit the project for review within one year of initiating project activities.**

The Natural Heritage Review does not constitute project approval by the Department of Natural Resources. Instead, it identifies issues regarding known occurrences of rare features and potential impacts to these rare features. Visit [Natural Heritage Review](#) for additional information regarding this process, survey guidance, and other related information. For information on the environmental review process or other natural resource concerns, please contact your [DNR Regional Environmental Assessment Ecologist](#).

Thank you for consulting us on this matter and for your interest in preserving Minnesota's rare natural resources.

Sincerely,

Molly Barrett

Natural Heritage Review Specialist

molly.barrett@state.mn.us

Cc: [Melissa Collins](#), Regional Environmental Assessment Ecologist, Central (Region 3)

Cc: [Amanda Weise](#), Regional Ecologist, Central (Region 3)

Cc: [Jennie Skancke](#), Wetlands Program Coordinator

Cc: [Keylor Andrews](#), Calcareous Fen Program Coordinator

Cc: [Samantha Bump](#), Energy Review Planner