

Appendix K

Protected Species Documentation



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

April 1, 2025

Mandy Bohnenblust
Merjent, Inc.

RE: Natural Heritage Review of the proposed **Lemon Hill Solar: Clone 02**,
T107N R12W Sections 7, 17-20, and 29, T107N R13W Sections 11-14 and 23-24; Olmsted County

Dear Mandy Bohnenblust,

For all correspondence regarding the Natural Heritage Review of this project please include the project ID **MCE-2023-00340-02** 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:

State-listed Species

- [Loggerhead shrikes](#) (*Lanius ludovicianus*), a state-listed endangered bird, have been documented historically in the vicinity of the project site. Loggerhead shrikes use grasslands that contain short grass and scattered perching sites such as hedgerows, shrubs, or small trees. They can be found in native prairie, pastures, shelterbelts, old fields or orchards, cemeteries, grassy roadsides, and farmyards. The presence of this bird is unlikely therefore, we do not anticipate any impacts. In the unlikely event of a sighting, please report using the [Quick Species Observation Form](#).
- 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

- 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.
- For information regarding solar projects, please see [Commercial Solar Siting Guidance](#) and [Prairie Establishment & Maintenance Technical Guidance for Solar Projects](#) documents.

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.** Resubmit by selecting *Clone Project as Draft* on the project page in MCE.

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

Digitally signed by Molly Barrett
Date: 2025.04.01 13:29:13 -05'00'

Natural Heritage Review Specialist

molly.barrett@state.mn.us

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



United States Department of the Interior

FISH AND WILDLIFE SERVICE
Minnesota-Wisconsin Ecological Services Field Office
3815 American Blvd East
Bloomington, MN 55425-1659
Phone: (952) 858-0793



In Reply Refer To:
Project Code: 2025-0079695
Project Name: Lemon Hill Solar

04/07/2025 21:17:21 UTC

Subject: List of threatened and endangered species that may occur in your proposed project location or may be affected by your proposed project

To Whom It May Concern:

This response has been generated by the Information, Planning, and Conservation (IPaC) system to provide information on natural resources that could be affected by your project. The U.S. Fish and Wildlife Service (Service) provides this response under the authority of the Endangered Species Act of 1973 (16 U.S.C. 1531-1543), the Bald and Golden Eagle Protection Act (16 U.S.C. 668-668d), the Migratory Bird Treaty Act (16 U.S.C. 703-712), and the Fish and Wildlife Coordination Act (16 U.S.C. 661 *et seq.*).

Threatened and Endangered Species

The enclosed species list identifies threatened, endangered, proposed and candidate species, as well as proposed and final designated critical habitat, that may occur within the boundary of your proposed project and may be affected by your proposed project. The species list fulfills the requirement for obtaining a Technical Assistance Letter from the U.S. Fish and Wildlife Service under section 7(c) of the Endangered Species Act (Act) of 1973, as amended (16 U.S.C. 1531 *et seq.*).

New information based on updated surveys, changes in the abundance and distribution of species, changed habitat conditions, or other factors could change this list. Note that under 50 CFR 402.12(e) of the regulations implementing section 7 of the Act, the accuracy of this species list should be verified after 90 days. The Service recommends that verification be completed by visiting the IPaC website at regular intervals during project planning and implementation for updates to species lists and information. An updated list may be requested through the IPaC system by completing the same process used to receive the enclosed list.

Consultation Technical Assistance

Please refer to our [Section 7 website](#) for guidance and technical assistance, including [step-by-step instructions](#) for making effects determinations for each species that might be present and for specific guidance on the following types of projects: projects in developed areas, HUD, CDBG, EDA, USDA Rural Development projects, pipelines, buried utilities, telecommunications, and requests for a Conditional Letter of Map Revision (CLOMR) from FEMA.

We recommend running the project (if it qualifies) through our **Minnesota-Wisconsin Federal Endangered Species Determination Key (Minnesota-Wisconsin ("D-key"))**. A [demonstration video](#) showing how-to access and use the determination key is available. Please note that the Minnesota-Wisconsin D-key is the third option of 3 available d-keys. D-keys are tools to help Federal agencies and other project proponents determine if their proposed action has the potential to adversely affect federally listed species and designated critical habitat. The Minnesota-Wisconsin D-key includes a structured set of questions that assists a project proponent in determining whether a proposed project qualifies for a certain predetermined consultation outcome for all federally listed species found in Minnesota and Wisconsin (except for the northern long-eared bat- see below), which includes determinations of "no effect" or "may affect, not likely to adversely affect." In each case, the Service has compiled and analyzed the best available information on the species' biology and the impacts of certain activities to support these determinations.

If your completed d-key output letter shows a "No Effect" (NE) determination for all listed species, print your IPaC output letter for your files to document your compliance with the Endangered Species Act.

For Federal projects with a "Not Likely to Adversely Affect" (NLAA) determination, our concurrence becomes valid if you do not hear otherwise from us after a 30-day review period, as indicated in your letter.

If your d-key output letter indicates additional coordination with the Minnesota-Wisconsin Ecological Services Field Office is necessary (i.e., you get a "May Affect" determination), you will be provided additional guidance on contacting the Service to continue ESA coordination outside of the key; ESA compliance cannot be concluded using the key for "May Affect" determinations unless otherwise indicated in your output letter.

Note: Once you obtain your official species list, you are not required to continue in IPaC with d-keys, although in most cases these tools should expedite your review. If you choose to make an effects determination on your own, you may do so. If the project is a Federal Action, you may want to review our section 7 step-by-step instructions before making your determinations.

Using the IPaC Official Species List to Make No Effect and May Affect Determinations for Listed Species

1. If IPaC returns a result of "There are no listed species found within the vicinity of the project," then project proponents can conclude the proposed activities will have **no effect** on any federally listed species under Service jurisdiction. Concurrence from the Service is not required for **no effect** determinations. No further consultation or coordination is required. Attach this letter to the dated IPaC species list report for your records.
2. If IPaC returns one or more federally listed, proposed, or candidate species as potentially present in the action area of the proposed project – other than bats (see below) – then project proponents must determine if proposed activities will have **no effect** on or **may affect** those species. For assistance in determining if suitable habitat for listed, candidate, or proposed species occurs within your project area or if species may be affected by project activities, you can obtain [Life History Information for Listed and Candidate Species](#) on our office website. If no impacts will occur to a species on the IPaC species list (e.g., there is no habitat present in the project area), the appropriate determination is **no effect**. No further consultation or coordination is required. Attach this letter to the dated IPaC species list report for your records.

3. Should you determine that project activities **may affect** any federally listed, please contact our office for further coordination. Letters with requests for consultation or correspondence about your project should include the Consultation Tracking Number in the header. Electronic submission is preferred.

Northern Long-Eared Bats

Northern long-eared bats occur throughout Minnesota and Wisconsin and the information below may help in determining if your project may affect these species.

Suitable summer habitat for northern long-eared bats consists of a wide variety of forested/wooded habitats where they roost, forage, and travel and may also include some adjacent and interspersed non-forested habitats such as emergent wetlands and adjacent edges of agricultural fields, old fields and pastures. This includes forests and woodlots containing potential roosts (i.e., live trees and/or snags ≥ 3 inches dbh for northern long-eared bat that have exfoliating bark, cracks, crevices, and/or hollows), as well as linear features such as fencerows, riparian forests, and other wooded corridors. These wooded areas may be dense or loose aggregates of trees with variable amounts of canopy closure. Individual trees may be considered suitable habitat when they exhibit the characteristics of a potential roost tree and are located within 1,000 feet (305 meters) of forested/wooded habitat. Northern long-eared bats have also been observed roosting in human-made structures, such as buildings, barns, bridges, and bat houses; therefore, these structures should also be considered potential summer habitat and evaluated for use by bats. If your project will impact caves or mines or will involve clearing forest or woodland habitat containing suitable roosting habitat, northern long-eared bats could be affected. For bat activity dates, please review Appendix L in the [Range-wide Indiana Bat and Northern Long-Eared Bat Survey Guidelines](#).

Examples of unsuitable habitat include:

- Individual trees that are greater than 1,000 feet from forested or wooded areas,
- Trees found in highly developed urban areas (e.g., street trees, downtown areas),
- A pure stand of less than 3-inch dbh trees that are not mixed with larger trees, and
- A monoculture stand of shrubby vegetation with no potential roost trees.

If IPaC returns a result that northern long-eared bats are potentially present in the action area of the proposed project, project proponents can conclude the proposed activities **may affect** this species **IF** one or more of the following activities are proposed:

- Clearing or disturbing suitable roosting habitat, as defined above, at any time of year,
- Any activity in or near the entrance to a cave or mine,
- Mining, deep excavation, or underground work within 0.25 miles of a cave or mine,
- Construction of one or more wind turbines, or
- Demolition or reconstruction of human-made structures that are known to be used by bats based on observations of roosting bats, bats emerging at dusk, or guano deposits or stains.

If none of the above activities are proposed, project proponents can conclude the proposed activities will have **no effect** on the northern long-eared bat. Concurrence from the Service is not required for **No Effect** determinations. No further consultation or coordination is required. Attach this letter to the dated IPaC

species list report for your records.

If any of the above activities are proposed, and the northern long-eared bat appears on the user's species list, the federal project user will be directed to either the northern long-eared bat and tricolored bat range-wide D-key or the Federal Highways Administration, Federal Railways Administration, and Federal Transit Administration Indiana bat/Northern long-eared bat D-key, depending on the type of project and federal agency involvement. Similar to the Minnesota-Wisconsin D-key, these d-keys help to determine if prohibited take might occur and, if not, will generate an automated verification letter. Additional information about available tools can be found on the Service's [northern long-eared bat website](#).

Whooping Crane

Whooping crane is designated as a non-essential experimental population in Wisconsin and consultation under Section 7(a)(2) of the Endangered Species Act is only required if project activities will occur within a National Wildlife Refuge or National Park. If project activities are proposed on lands outside of a National Wildlife Refuge or National Park, then you are not required to consult. For additional information on this designation and consultation requirements, please review "[Establishment of a Nonessential Experimental Population of Whooping Cranes in the Eastern United States](#)."

Other Trust Resources and Activities

Bald and Golden Eagles - Although the bald eagle has been removed from the endangered species list, this species and the golden eagle are protected by the Bald and Golden Eagle Act and the Migratory Bird Treaty Act. It is the responsibility of the project proponent to survey the area for any migratory bird nests. If there is an eagle nest on-site while work is on-going, eagles may be disturbed. We recommend avoiding and minimizing disturbance to eagles whenever practicable. If you cannot avoid eagle disturbance, you may seek a [permit](#). A [nest take permit](#) is always required for removal, relocation, or obstruction of an eagle nest. For communication and wind energy projects, please refer to additional guidelines below.

Migratory Birds - The Migratory Bird Treaty Act (MBTA) prohibits the taking, killing, possession, transportation, and importation of migratory birds, their eggs, parts, and nests, except when specifically authorized by the Service. The Service has the responsibility under the MBTA to proactively prevent the mortality of migratory birds whenever possible and we encourage implementation of [recommendations that minimize potential impacts to migratory birds](#). Such measures include clearing forested habitat outside the nesting season (generally March 1 to August 31) or conducting nest surveys prior to clearing to avoid injury to eggs or nestlings.

Communication Towers - Construction of new communications towers (including radio, television, cellular, and microwave) creates a potentially significant impact on migratory birds, especially some 350 species of night-migrating birds. However, the Service has developed [voluntary guidelines for minimizing impacts](#).

Transmission Lines - Migratory birds, especially large species with long wingspans, heavy bodies, and poor maneuverability can also collide with power lines. In addition, mortality can occur when birds, particularly hawks, eagles, kites, falcons, and owls, attempt to perch on uninsulated or unguarded power poles. To minimize these risks, please refer to [guidelines](#) developed by the Avian Power Line Interaction Committee and the Service. Implementation of these measures is especially important along sections of lines adjacent to wetlands or other areas that support large numbers of raptors and migratory birds.

Wind Energy - To minimize impacts to migratory birds and bats, wind energy projects should follow the Service's [Wind Energy Guidelines](#). In addition, please refer to the Service's [Eagle Conservation Plan Guidance](#), which provides guidance for conserving bald and golden eagles in the course of siting, constructing, and operating wind energy facilities.

State Department of Natural Resources Coordination

While it is not required for your Federal section 7 consultation, please note that additional state endangered or threatened species may also have the potential to be impacted. **Please contact the Minnesota or Wisconsin Department of Natural Resources for information on state listed species that may be present in your proposed project area.**

Minnesota

[Minnesota Department of Natural Resources - Endangered Resources Review Homepage](#)

Email: Review.NHIS@state.mn.us

Wisconsin

[Wisconsin Department of Natural Resources - Endangered Resources Review Homepage](#)

Email: DNRERReview@wi.gov

We appreciate your concern for threatened and endangered species. Please feel free to contact our office with questions or for additional information.

Attachment(s):

- Official Species List
- USFWS National Wildlife Refuges and Fish Hatcheries
- Bald & Golden Eagles
- Migratory Birds
- Wetlands

OFFICIAL SPECIES LIST

This list is provided pursuant to Section 7 of the Endangered Species Act, and fulfills the requirement for Federal agencies to "request of the Secretary of the Interior information whether any species which is listed or proposed to be listed may be present in the area of a proposed action".

This species list is provided by:

Minnesota-Wisconsin Ecological Services Field Office

3815 American Blvd East

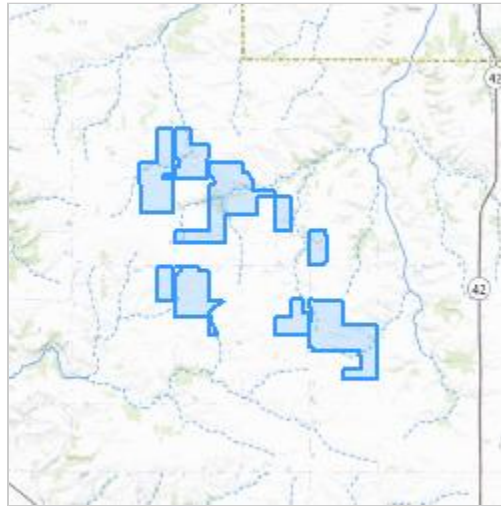
Bloomington, MN 55425-1659

(952) 858-0793

PROJECT SUMMARY

Project Code: 2025-0079695
Project Name: Lemon Hill Solar
Project Type: Power Gen - Solar
Project Description: Solar
Project Location:

The approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/@44.04878825,-92.28930022210562,14z>



Counties: Olmsted County, Minnesota

ENDANGERED SPECIES ACT SPECIES

There is a total of 3 threatened, endangered, or candidate species on this species list.

Species on this list should be considered in an effects analysis for your project and could include species that exist in another geographic area. For example, certain fish may appear on the species list because a project could affect downstream species.

IPaC does not display listed species or critical habitats under the sole jurisdiction of NOAA Fisheries¹, as USFWS does not have the authority to speak on behalf of NOAA and the Department of Commerce.

See the "Critical habitats" section below for those critical habitats that lie wholly or partially within your project area under this office's jurisdiction. Please contact the designated FWS office if you have questions.

-
1. [NOAA Fisheries](#), also known as the National Marine Fisheries Service (NMFS), is an office of the National Oceanic and Atmospheric Administration within the Department of Commerce.

BIRDS

NAME	STATUS
Whooping Crane <i>Grus americana</i> Population: U.S.A. (AL, AR, CO, FL, GA, ID, IL, IN, IA, KY, LA, MI, MN, MS, MO, NC, NM, OH, SC, TN, UT, VA, WI, WV, western half of WY) No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/758	Experimental Population, Non-Essential

INSECTS

NAME	STATUS
Monarch Butterfly <i>Danaus plexippus</i> There is proposed critical habitat for this species. Your location does not overlap the critical habitat. Species profile: https://ecos.fws.gov/ecp/species/9743	Proposed Threatened
Western Regal Fritillary <i>Argynnis idalia occidentalis</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/12017	Proposed Threatened

CRITICAL HABITATS

THERE ARE NO CRITICAL HABITATS WITHIN YOUR PROJECT AREA UNDER THIS OFFICE'S JURISDICTION.

YOU ARE STILL REQUIRED TO DETERMINE IF YOUR PROJECT(S) MAY HAVE EFFECTS ON ALL ABOVE LISTED SPECIES.

USFWS NATIONAL WILDLIFE REFUGE LANDS AND FISH HATCHERIES

Any activity proposed on lands managed by the [National Wildlife Refuge](#) system must undergo a 'Compatibility Determination' conducted by the Refuge. Please contact the individual Refuges to discuss any questions or concerns.

THERE ARE NO REFUGE LANDS OR FISH HATCHERIES WITHIN YOUR PROJECT AREA.

BALD & GOLDEN EAGLES

Bald and Golden Eagles are protected under the Bald and Golden Eagle Protection Act ² and the Migratory Bird Treaty Act (MBTA) ¹. Any person or organization who plans or conducts activities that may result in impacts to Bald or Golden Eagles, or their habitats, should follow appropriate regulations and consider implementing appropriate avoidance and minimization measures, as described in the various links on this page.

1. The [Bald and Golden Eagle Protection Act](#) of 1940.

2. The [Migratory Birds Treaty Act](#) of 1918.
3. 50 C.F.R. Sec. 10.12 and 16 U.S.C. Sec. 668(a)

There are Bald Eagles and/or Golden Eagles in your [project](#) area.

Measures for Proactively Minimizing Eagle Impacts

For information on how to best avoid and minimize disturbance to nesting bald eagles, please review the [National Bald Eagle Management Guidelines](#). You may employ the timing and activity-specific distance recommendations in this document when designing your project/activity to avoid and minimize eagle impacts. For bald eagle information specific to Alaska, please refer to [Bald Eagle Nesting and Sensitivity to Human Activity](#).

The FWS does not currently have guidelines for avoiding and minimizing disturbance to nesting Golden Eagles. For site-specific recommendations regarding nesting Golden Eagles, please consult with the appropriate Regional [Migratory Bird Office](#) or [Ecological Services Field Office](#).

If disturbance or take of eagles cannot be avoided, an [incidental take permit](#) may be available to authorize any take that results from, but is not the purpose of, an otherwise lawful activity. For assistance making this determination for Bald Eagles, visit the [Do I Need A Permit Tool](#). For assistance making this determination for golden eagles, please consult with the appropriate Regional [Migratory Bird Office](#) or [Ecological Services Field Office](#).

Ensure Your Eagle List is Accurate and Complete

If your project area is in a poorly surveyed area in IPaC, your list may not be complete and you may need to rely on other resources to determine what species may be present (e.g. your local FWS field office, state surveys, your own surveys). Please review the [Supplemental Information on Migratory Birds and Eagles](#), to help you properly interpret the report for your specified location, including determining if there is sufficient data to ensure your list is accurate.

For guidance on when to schedule activities or implement avoidance and minimization measures to reduce impacts to bald or golden eagles on your list, see the "Probability of Presence Summary" below to see when these bald or golden eagles are most likely to be present and breeding in your project area.

NAME	BREEDING SEASON
Bald Eagle <i>Haliaeetus leucocephalus</i> This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities. https://ecos.fws.gov/ecp/species/1626	Breeds Oct 15 to Aug 31
Golden Eagle <i>Aquila chrysaetos</i> This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities. https://ecos.fws.gov/ecp/species/1680	Breeds elsewhere

PROBABILITY OF PRESENCE SUMMARY

The graphs below provide our best understanding of when birds of concern are most likely to be present in your project area. This information can be used to tailor and schedule your project activities to avoid or minimize impacts to birds. Please make sure you read "[Supplemental Information on Migratory Birds and Eagles](#)", specifically the FAQ section titled "Proper Interpretation and Use of Your Migratory Bird Report" before using or attempting to interpret this report.

Probability of Presence (■)

Green bars; the bird's relative probability of presence in the 10km grid cell(s) your project overlaps during that week of the year.

Breeding Season (■)

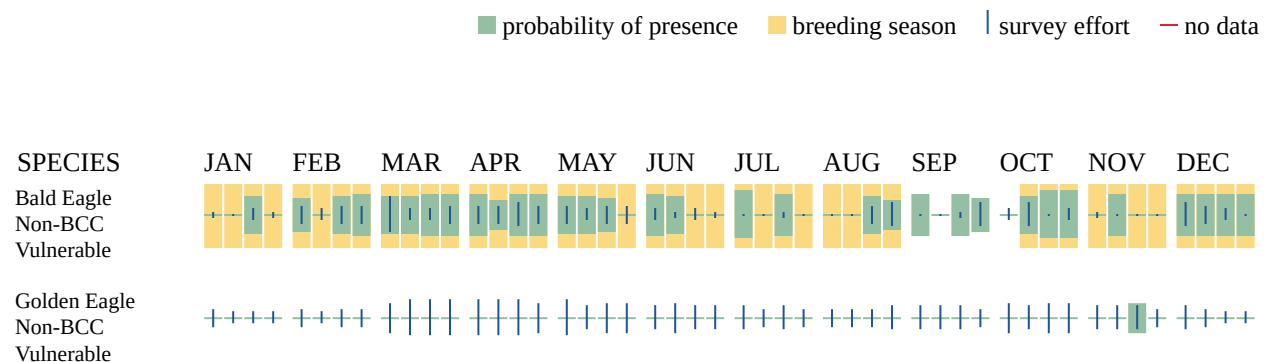
Yellow bars; liberal estimate of the timeframe inside which the bird breeds across its entire range.

Survey Effort (|)

Vertical black lines; the number of surveys performed for that species in the 10km grid cell(s) your project area overlaps.

No Data (—)

A week is marked as having no data if there were no survey events for that week.



Additional information can be found using the following links:

- Eagle Management <https://www.fws.gov/program/eagle-management>
- Measures for avoiding and minimizing impacts to birds <https://www.fws.gov/library/collections/avoiding-and-minimizing-incidental-take-migratory-birds>
- Nationwide avoidance and minimization measures for birds <https://www.fws.gov/sites/default/files/documents/nationwide-standard-conservation-measures.pdf>
- Supplemental Information for Migratory Birds and Eagles in IPaC <https://www.fws.gov/media/supplemental-information-migratory-birds-and-bald-and-golden-eagles-may-occur-project-action>

MIGRATORY BIRDS

The Migratory Bird Treaty Act (MBTA) ¹ prohibits the take (including killing, capturing, selling, trading, and transport) of protected migratory bird species without prior authorization by the Department of Interior U.S. Fish and Wildlife Service (Service). The incidental take of migratory birds is the injury or death of birds that results from, but is not the purpose, of an activity. The Service interprets the MBTA to prohibit incidental take.

1. The [Migratory Birds Treaty Act](#) of 1918.
2. The [Bald and Golden Eagle Protection Act](#) of 1940.
3. 50 C.F.R. Sec. 10.12 and 16 U.S.C. Sec. 668(a)

For guidance on when to schedule activities or implement avoidance and minimization measures to reduce impacts to migratory birds on your list, see the "Probability of Presence Summary" below to see when these birds are most likely to be present and breeding in your project area.

NAME	BREEDING SEASON
American Golden-plover <i>Pluvialis dominica</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/10561	Breeds elsewhere
Bald Eagle <i>Haliaeetus leucocephalus</i> This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities. https://ecos.fws.gov/ecp/species/1626	Breeds Oct 15 to Aug 31
Black Tern <i>Chlidonias niger surinamensis</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/3093	Breeds May 15 to Aug 20
Black-billed Cuckoo <i>Coccyzus erythrophthalmus</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/9399	Breeds May 15 to Oct 10
Bobolink <i>Dolichonyx oryzivorus</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/9454	Breeds May 20 to Jul 31
Canada Warbler <i>Cardellina canadensis</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/9643	Breeds May 20 to Aug 10

NAME	BREEDING SEASON
Chimney Swift <i>Chaetura pelagica</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/9406	Breeds Mar 15 to Aug 25
Eastern Whip-poor-will <i>Antrostomus vociferus</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/10678	Breeds May 1 to Aug 20
Golden Eagle <i>Aquila chrysaetos</i> This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities. https://ecos.fws.gov/ecp/species/1680	Breeds elsewhere
Golden-winged Warbler <i>Vermivora chrysoptera</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/8745	Breeds May 1 to Jul 20
Grasshopper Sparrow <i>Ammodramus savannarum perpallidus</i> This is a Bird of Conservation Concern (BCC) only in particular Bird Conservation Regions (BCRs) in the continental USA https://ecos.fws.gov/ecp/species/8329	Breeds Jun 1 to Aug 20
Henslow's Sparrow <i>Centronyx henslowii</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/3941	Breeds May 1 to Aug 31
Hudsonian Godwit <i>Limosa haemastica</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/9482	Breeds elsewhere
Le Conte's Sparrow <i>Ammospiza leconteii</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/9469	Breeds Jun 1 to Aug 15
Lesser Yellowlegs <i>Tringa flavipes</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/9679	Breeds elsewhere
Pectoral Sandpiper <i>Calidris melanotos</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/9561	Breeds elsewhere

NAME	BREEDING SEASON
Prothonotary Warbler <i>Protonotaria citrea</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/9439	Breeds Apr 1 to Jul 31
Red-headed Woodpecker <i>Melanerpes erythrocephalus</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/9398	Breeds May 10 to Sep 10
Rusty Blackbird <i>Euphagus carolinus</i> This is a Bird of Conservation Concern (BCC) only in particular Bird Conservation Regions (BCRs) in the continental USA https://ecos.fws.gov/ecp/species/9478	Breeds elsewhere
Semipalmated Sandpiper <i>Calidris pusilla</i> This is a Bird of Conservation Concern (BCC) only in particular Bird Conservation Regions (BCRs) in the continental USA https://ecos.fws.gov/ecp/species/9603	Breeds elsewhere
Short-billed Dowitcher <i>Limnodromus griseus</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/9480	Breeds elsewhere
Western Grebe <i>aechmophorus occidentalis</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/6743	Breeds Jun 1 to Aug 31
Wood Thrush <i>Hylocichla mustelina</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/9431	Breeds May 10 to Aug 31

PROBABILITY OF PRESENCE SUMMARY

The graphs below provide our best understanding of when birds of concern are most likely to be present in your project area. This information can be used to tailor and schedule your project activities to avoid or minimize impacts to birds. Please make sure you read "[Supplemental Information on Migratory Birds and Eagles](#)", specifically the FAQ section titled "Proper Interpretation and Use of Your Migratory Bird Report" before using or attempting to interpret this report.

Probability of Presence (■)

Green bars; the bird's relative probability of presence in the 10km grid cell(s) your project overlaps during that week of the year.

Breeding Season (■)

Yellow bars; liberal estimate of the timeframe inside which the bird breeds across its entire range.

Survey Effort (|)

Vertical black lines; the number of surveys performed for that species in the 10km grid cell(s) your project area overlaps.

No Data (—)

A week is marked as having no data if there were no survey events for that week.





Additional information can be found using the following links:

- Eagle Management <https://www.fws.gov/program/eagle-management>
- Measures for avoiding and minimizing impacts to birds <https://www.fws.gov/library/collections/avoiding-and-minimizing-incidental-take-migratory-birds>

- Nationwide avoidance and minimization measures for birds
- Supplemental Information for Migratory Birds and Eagles in IPaC <https://www.fws.gov/media/supplemental-information-migratory-birds-and-bald-and-golden-eagles-may-occur-project-action>

WETLANDS

Impacts to [NWI wetlands](#) and other aquatic habitats may be subject to regulation under Section 404 of the Clean Water Act, or other State/Federal statutes.

For more information please contact the Regulatory Program of the local [U.S. Army Corps of Engineers District](#).

Please note that the NWI data being shown may be out of date. We are currently working to update our NWI data set. We recommend you verify these results with a site visit to determine the actual extent of wetlands on site.

FRESHWATER POND

- PUBFx
- PUBHh

FRESHWATER EMERGENT WETLAND

- PEM1B
- PEM1Ch
- PEM1A
- PEM1C

FRESHWATER FORESTED/SHRUB WETLAND

- PFO1B
- PSS1B

RIVERINE

- R5UBH
- R4SBC

IPAC USER CONTACT INFORMATION

Agency: Merjent Inc.
Name: Mandy Bohnenblust
Address: 1 Main St SE, Suite 300
City: Minneapolis
State: MN
Zip: 55414
Email: mandy.bohnenblust@merjent.com
Phone: 6127463677



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

July 10, 2023

Correspondence # MCE 2023-00340

Mandy Bohnenblust
Merjent, Inc.

RE: Natural Heritage Review of the proposed Lemon Hill Solar,
T107N R13W Sections 1, 11-13, 24, T107N R12W Sections 7, 17-21, 29-30; Olmsted County

Dear Mandy Bohnenblust,

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:

State-listed Species

- The loggerhead shrike (*Lanius ludovicianus*), a state-listed endangered bird, has been documented in the vicinity of the project site. Loggerhead shrikes use grasslands that contain short grass and scattered perching sites such as hedgerows, shrubs, or small trees. They can be found in native prairie, pastures, shelterbelts, old fields or orchards, cemeteries, grassy roadsides, and farmyards. 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 endangered or threatened plants or animals, including their parts or seeds, without a permit. **Given the potential for this species to be found in the vicinity of the project, tree and shrub removal is required to be avoided during the breeding season, April through July.** If you cannot avoid tree removal during loggerhead shrike breeding period, a qualified surveyor needs to conduct a survey for active nests before any trees or shrubs will be removed. Surveys must follow the standards contained in the [Rare Species Survey Process](#). Survey results should be sent to the NH Review Team at Reports.NHIS@state.mn.us. The list of approved DNR Animal Surveyors is attached to this MCE project. Project planning should take into account that the survey needs to be conducted during the appropriate time of the year, which may be limited.

- 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. For further assistance with these species, please contact the appropriate [DNR Regional Nongame Specialist](#) or [Regional Ecologist](#).

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

- 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 rare or otherwise significant species, native plant communities, and other natural features. However, the NHIS is not an exhaustive inventory and thus does not represent all of the occurrences of rare features within 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 the [Natural Heritage Review website](#) for additional information regarding this process, survey guidance, and other related information. For information on the environmental review process or other natural resource concerns, you may 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,

A handwritten signature in cursive script that reads "James Drake". The signature is written in dark ink and is positioned above the printed name and title.

James Drake
Natural Heritage Review Specialist
James.F.Drake@state.mn.us

Cc: Melissa Collins

DNR List of Surveyors Endangered and Threatened Animals

Surveyor	Phone Number	Email Address	Mammals	Birds	Herpetofauna	Fishes	Mussels**	Insects	Prairie Skippers
Aquatic Engineering, Inc.									
PO Box 3634 La Crosse, WI 54602									
Thomas Doolittle	#866-781-8770	info@aquaticengineering.org	☐	☐	☐	☐	☒	☐	☐
Glenn Miller	#866-781-8770	info@aquaticengineering.org	☐	☐	☐	☐	☒	☐	☐
Becca Winterringer									
521 Sycamore Drive Euclid, OH 44132									
Becca Winterringer	#636-544-4754	beccawint6@gmail.com	☐	☐	☐	☐	☒	☐	☐
Carver County Water Management Organization									
600 E 4th Street Chaska, MN 55318									
Andrew Edgcumbe	#952-361-1037	aedgcumbe@co.carver.mn.us	☐	☐	☐	☐	☒	☐	☐
Daguna Consulting, LLC									
617 20th Street NE Rochester, MN 55906									
Brett Ostby	#540-230-1042	dagunaconsulting@gmail.com	☐	☐	☐	☐	☒	☐	☐
David Heath									
109 Hillside Street Westby, WI 54667									
David Heath	#608-634-4183	davidjheath@hotmail.com	☐	☐	☐	☐	☒	☐	☐
Dean Hansen									
402 S 6th Street Stillwater, MN 55082									
Dean Hansen	#612-439-8770	hanse112@umn.edu	☐	☐	☐	☐	☐	☒	☒
Dennis Schlicht									
1108 First Avenue Center Point, IA 52213									
Dennis Schlicht	#319-849-1489	dws1108@aol.com	☐	☐	☐	☐	☐	☒	☒
Dennis Skadsen									
RR1 Box 113 Grenville, SD 57239									
Dennis Skadsen	#605-345-4661	dlskadsen@sullybuttes.net	☐	☐	☐	☐	☐	☒	☒

DNR List of Surveyors Endangered and Threatened Animals

Surveyor	Phone Number	Email Address	Mammals	Birds	Herpetofauna	Fishes	Mussels**	Insects	Prairie Skippers
EcoAnalysts, Inc.									
1417 Hoff Industrial Drive O'Fallon, MO 63366									
Eric Belt	#636-281-1982	contactmo@ecoanalysts.com	☐	☐	☐	☐	☒	☐	☐
Heidi Dunn	#636-281-1982	contactmo@ecoanalysts.com	☐	☐	☐	☐	☒	☐	☐
David Ford	#636-281-1982	contactmo@ecoanalysts.com	☐	☐	☐	☐	☒	☐	☐
Lesley Sneed	#636-281-1982	contactmo@ecoanalysts.com	☐	☐	☐	☐	☒	☐	☐
Kristin Stockton	#636-281-1982	kstockton@ecoanalysts.com	☐	☐	☐	☐	☒	☐	☐
Ecological & GIS Services									
1410 W Euclid Avenue Indianola, IA 50125									
Jerry Selby	#515-961-0718	jselby@mchsi.com	☐	☐	☐	☐	☐	☒	☒
Emmons & Olivier Resources, Inc.									
1919 University Avenue West, Suite 300 St. Paul, MN 55104									
Mike Majeski	#651-770-8448	mmajeski@eorinc.com	☐	☒	☒	☐	☐	☐	☐
Jason Naber	#651-770-8448	.	☐	☐	☒	☐	☐	☐	☐
Endangered Resource Services, LLC									
572 North Day Road St. Croix Falls, WI 54024									
Matthew Berg	#715-338-7502	saintcroixdfly@gmail.com	☐	☐	☐	☐	☒	☐	☐
EnviroScience, Inc.									
5070 Stow Road Stow, OH 44224									
Emily Grossman	#847-269-4159	egrossman@enviroscienceinc.com	☐	☐	☐	☐	☒	☐	☐
Greg Zimmerman	#614-738-6175	gzimmerman@enviroscienceinc.com	☐	☐	☐	☐	☒	☐	☐
Frederick Jannett									
12 Sunset Lane St. Paul, MN 55127									
Frederick Jannett	#651-484-9238	.	☒	☐	☐	☐	☐	☐	☐
GEI Consultants, Inc.									
3159 Voyager Drive Green Bay, WI 54311									
Demetri Lafkas	#920-455-8200	dlafkas@geiconsultants.com	☐	☒	☐	☐	☐	☐	☐
Helms and Associates									
814 North 7th Street Bellevue, IA 52031-9321									
Don Helms	#563-872-4563	helmsdon@cistelecom.net	☐	☐	☐	☐	☒	☐	☐

DNR List of Surveyors Endangered and Threatened Animals

Surveyor	Phone Number	Email Address	Mammals	Birds	Herpetofauna	Fishes	Mussels**	Insects	Prairie Skippers
HRM									
1101 South Main Street, Suite 110 Chelsea, MI 48118									
David Mifsud	#517-522-3524	dmifsud@herprman.com	☐	☐	☒	☐	☐	☐	☐
Huff & Huff, Inc.									
915 Harger Road, Suite 330 Oak Brook, IL 60523									
Roger Klocek	#630-684-9100	conserve@sbcglobal.net	☐	☐	☐	☐	☒	☐	☐
Jim Russell									
4887 Wilderness Ridge Road Nisswa, MN 56468-2863									
Jim Russell	#218-568-4413	.	☐	☐	☐	☒	☐	☐	☐
Macalaster College									
1600 Grand Avenue St. Paul, MN 55105									
Daniel Hornbach	#651-696-6160	hornbach@macalester.edu	☐	☐	☐	☐	☒	☐	☐
Midwest Natural Resources (main contact: Scott Milburn)									
1032 West 7th Street, Suite 150 St. Paul, MN 55102									
John Bourne	#330-601-6241	john.bourne@mnrinc.us	☐	☒	☒	☐	☐	☐	☐
Otto Gockman	#612-310-6260	otto.gockman@mnrinc.us	☐	☒	☐	☐	☐	☒	☒
Dylan Lueth	#612-310-6260	dylan.lueth@mnrinc.us	☐	☒	☐	☐	☐	☐	☐
Sarah Rosche	#434-222-7832	sarah.rosche@mnrinc.us	☐	☒	☐	☐	☐	☐	☐
Jake Walden	#612-310-6260	jacob.walden@mnrinc.us	☐	☐	☐	☐	☐	☐	☒
Minnesota Department of Transportation (MnDOT)									
395 John Ireland Boulevard St. Paul, MN 55155									
Ryan Foley (not for hire)	#651-366-3597	ryan.foley@state.mn.us	☐	☐	☐	☐	☒	☐	☐
Moorhead State University, Department of Biology									
Building KH, Room 206 Moorhead, MN 56560									
Donna Stockrahm	#218-236-2576	.	☒	☐	☐	☐	☐	☐	☐
Normandeau Associates, Inc.									
400 Old Reading Pike, Building A, Suite 101 Stowe, PA 19464									
Joseph Snavely	#484-945-2631	jsnavely@normandeau.com	☐	☐	☐	☐	☒	☐	☐
Science Museum of MN									
120 W Kellogg Boulevard St. Paul, MN 55102									
Dick Oehlenschlager	#651-221-9450	.	☒	☐	☐	☐	☐	☐	☐

DNR List of Surveyors Endangered and Threatened Animals

Surveyor	Phone Number	Email Address	Mammals	Birds	Herpetofauna	Fishes	Mussels**	Insects	Prairie Skippers
Southwest State University, Department of Biology									
Marshall, MN 56258			☒	☐	☐	☐	☐	☐	☐
Betsy Desy	#507-537-7315								
St. Croix Watershed Research Station									
16910 152nd Street North Marine on St. Croix, MN 55047			☐	☐	☐	☐	☒	☐	☐
Toben Lafrancois	#651-433-5953	toben@smm.org							
Stantec Consulting Services Inc.									
10200 Alliance Road, Suite 300 Blue Ash, OH 45242			☐	☐	☐	☐	☒	☐	☐
Cody Fleece	#513-262-3994	cody.fleece@stantec.com	☐	☐	☐	☐	☒	☐	☐
Rachel Fox	#513-635-4511	rachel.fox@stantec.com	☐	☐	☐	☐	☒	☐	☐
2080 Wooddale Drive Suite 100 Woodbury, MN 55125-2920			☐	☒	☐	☐	☐	☐	☒
Scott Krych	#651-395-5211	scott.krych@stantec.com							
209 Commerce Parkway Cottage Grove, WI 53527			☐	☒	☐	☐	☐	☐	☐
Brian Bub	#608-839-2037	brian.bub@stantec.com							
2300 Swan Lake Boulevard, Suite 202 Independence, IA 50644-9708			☐	☐	☒	☐	☐	☐	☐
Terry VanDeWalle	#319-334-3755	terry.vandewalle@stantec.com							
SWCA Environmental Consultants									
1892 Sheridan Avenue Sheridan, WY 82801			☐	☐	☐	☐	☐	☐	☒
Jake Powell	#307-673-4303	jpowell@swca.com							
Tetra Tech, Inc.									
2001 Killebrew Drive, Suite 141 Bloomington, MN 55425			☒	☒	☐	☐	☐	☐	☐
Kate Schindler	#612-643-2240	kate.schindler@ttemi.com							
University of Minnesota, Department of Fisheries, Wildlife & Conservation Biology									
143 Hodson Hall, 1980 Folwell Avenue St. Paul, MN 55108			☐	☐	☐	☐	☒	☐	☐
Mark Hove	#612-472-3182	mark_hove@umn.edu							

DNR List of Surveyors Endangered and Threatened Animals

Surveyor	Phone Number	Email Address	Mammals	Birds	Herpetofauna	Fishes	Mussels**	Insects	Prairie Skippers
Western EcoSystems Technology (WEST), Inc.									
415 West 17th Street, Suite 200 Cheyenne, WY 82001									
Greg Johnson	#307-632-2972	gjohnson@west-inc.com	☐	☒	☐	☐	☐	☐	☐
7575 Golden Valley Road, Suite 300 Golden Valley, MN 55427									
Alaini Schneider Cossette	#612-839-5280	acossette@west-inc.com	☐	☐	☒	☐	☐	☐	☐
Kirsten Frahm	#612-750-5295	kfracm@west-inc.com	☐	☐	☒	☐	☐	☐	☐
Westwood Professional Services, Inc.									
12701 Whitewater Drive, Suite 300 Minnetonka, MN 55343									
David Kuhlmann	#952-697-5780	david.kuhlmann@westwoodps.com	☐	☒	☐	☐	☐	☐	☐
Wildlife Research & Consulting Services, LLC									
PO Box 803 Lakeland, MN 55043									
Christopher Smith	#612-275-9737	christopher.smith@fieldecology.com	☐	☐	☒	☐	☐	☒	☐
Winona State University									
175 Mark Street Winona, MN 55987									
Neal Mundahl	#507-457-5695	nmundahl@vax2.winona.edu	☐	☐	☐	☒	☐	☐	☐

**The identification of mussel species can be difficult; qualified surveyors must pass a mussel identification exam. A permit is required to handle live mussels. Please contact Bridget Henning-Randa, at bridget.henning-randa@state.mn.us, prior to any mussel survey work.

The above is a list of individuals who are considered qualified by the Minnesota Department of Natural Resources (DNR) to conduct surveys for endangered and threatened plants within the state of Minnesota. Please note that the DNR qualifies individuals, not firms. The DNR maintains this list to ensure reliable survey results, which ensures the DNR's ability to uphold the Minnesota Endangered Species Statute (Minnesota Statutes, section 84.0895) and associated rules (Minnesota Rules, part 6212.1800 to 6212.2300 and 6134), and avoids any potential delays due to misidentified or overlooked threatened or endangered species.

This list is not intended as an endorsement of any one individual over another. There may be other individuals who are qualified to do rare species surveys. Individuals who would like to be placed on the list should contact Bruce Carlson at bruce.carlson.state.mn.us.