DEPARTMENT OF NATURAL RESOURCES

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

February 20, 2024 Correspondence # MCE-2023-00889

> Angela Durand Merjent, Inc.

RE: Natural Heritage Review of the proposed **Minnesota Energy Connection Project - Blue Route**, Kandiyohi, Lyon, Meeker, Redwood, Renville, Sherburne, Stearns County

Dear Angela Durand,

As requested, the <u>Minnesota Natural Heritage Information System</u> 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

 The Minnesota Biological Survey (MBS) has identified 8 Sites of <u>Moderate</u> Biodiversity Significance in the vicinity of the proposed project. Sites of Biodiversity Significance have varying levels of native biodiversity and are ranked based on the relative significance of this biodiversity at a statewide level. Sites ranked as <u>Moderate</u> contain occurrences of rare species and/or moderately disturbed native plant communities, and/or landscapes that have a strong potential for recovery. Please see your MCE-generated Conservation Planning Report for a comprehensive list of MBS Sites of Biodiversity Significance (attached).

There are **21** MN DNR Native Plant Communities (NPCs) within 330 feet of the proposed project. Of these 1 is **critically imperiled** (S1), 17 are **imperiled** (S2), and 3 are **vulnerable to extirpation** (S3) in Minnesota. **Please see your MCE-generated Conservation Planning Report for a comprehensive list of Native Plant Communities in your proposed project area (attached).**

Activities in road rights-of-way (ROW) can negatively affect adjacent native plant communities, especially through the introduction of invasive plant species. As such, disturbance near these ecologically significant areas should be minimized. Actions to minimize disturbance may include, but are not limited to, the following recommendations:

- As much as possible, operate within already-disturbed areas.
- 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.
- Retain a buffer between proposed activities and both MBS Sites and rare NPCs (S1-S3).
- 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 all equipment prior to bringing it to the site to prevent the introduction and spread of invasive species.
- Use effective erosion prevention and sediment control measures.
- Revegetate disturbed soil with <u>native species suitable to the local habitat</u> 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. We recommend either changing the cable alignment to avoid such areas, employing directional boring techniques to install cable under the area, or attaching the cable to roadway bridges passing over such areas. Additional actions to minimize disturbance may include, but are not limited to, the following recommendations:

- \circ 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 <u>wildlife friendly erosion control</u> 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 <u>native species suitable to the local habitat</u> immediately upon project completion.

The Minnesota Biological Survey (MBS) considered the area surrounding the proposed project for a Site of Biodiversity Significance. There are **12 areas** that were determined to be <u>Below</u> 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 <u>Minnesota Conservation Explorer</u> or their GIS shapefiles can be downloaded from the <u>MN Geospatial Commons</u>. Please contact the <u>NH Review Team</u> if you need assistance accessing the data. Reference the <u>MBS Site Biodiversity Significance</u> and <u>Native Plant Community</u> websites for information on interpreting the data. To receive a list of MBS Sites of Biodiversity Significance and DNR Native Plant Communities in the vicinity of your project, create a <u>Conservation Planning Report</u> using the Explore Tab in <u>Minnesota Conservation Explorer</u>. I have attached a Conservation Planning Report to this review.

If the Wetland Conservation Act (WCA) is applicable to this project, please note that wetlands within rare (S1-S3) Native Plant Communities (NPC) may qualify as "Rare Natural Communities" under this Act. Minnesota Rules, part 8420.0515, subpart 3 states that a wetland replacement plan for activities that modify a rare natural community must be denied if the local government unit determines the proposed activities will permanently adversely affect the natural community. If the proposed project includes a wetland replacement plan under WCA, please contact your <u>DNR Regional Ecologist</u> for further evaluation. For technical guidance on Rare Natural Communities, please visit <u>WCA Program Guidance and Information</u>.

State-listed Species

<u>Henslow's sparrows</u> (*Centronyx henslowii*), a state-listed endangered bird species, have been documented in the vicinity of the proposed project. Suitable nesting habitat for this species includes uncultivated and unmowed grasslands and old fields with standing, dead vegetation, and a substantial litter layer. 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, initial disturbance in these areas should not occur during their breeding season, between May 15th and July 15th. If avoidance during breeding season is not feasible, areas that will be disturbed that contain suitable nesting habitat will need to be surveyed for active nests prior to any project

disturbance. Surveys must follow the standards contained in the <u>Rare Species Survey Process</u>. Visit the <u>Natural Heritage Review</u> page for a list of certified surveyors and more information on this process. Please consult with the NH Review Team at <u>Reports.NHIS@state.mn.us</u> with subject line <u>MCE-2023-00889</u> if you have any questions regarding this process.

<u>Butternut</u> (Juglans cinerea), a state-listed endangered tree species, has been documented in the project vicinity. Most populations of this species in Minnesota are located in mature, mesic hardwood forests. This species is very susceptible to a lethal fungal disease called butternut canker (*Sirococcus clavigignenti-juglandacearum*). Nearly all of Minnesota's butternut populations are dead or dying from the fungus, triggering the protected status of this tree within the state. As this species has been documented in the vicinity of the proposed project, a qualified surveyor is required to conduct a botanical survey of any trees in the proposed project area that are proposed to be removed.

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. Surveys must be conducted by a qualified surveyor and follow the standards contained in the <u>Rare Species Survey Process</u> and <u>Rare Plant Guidance</u>. Visit the <u>Natural Heritage Review</u> page for a list of certified surveyors and more information on this process. Project planning should take into account that any botanical survey needs to be conducted during the appropriate time of the year, which may be limited. Please consult with the NH Review Team at <u>Reports.NHIS@state.mn.us</u> with subject line <u>MCE-2023-00889</u> if you have any questions regarding this process.

• <u>Prairie bush clover</u> (*Lespedeza leptostachya*), a federally and state-listed threatened plant species, and <u>small white lady's slipper</u> (*Cypripedium candidum*), a plant species of special concern, have been documented in the project vicinity. **To avoid impacting state protected plants, all native prairie habitats and all rock outcrop habitats must be avoided.** If avoidance is not feasible, a botanical survey will be needed. Please see your MCE-generated Conservation Planning Report for a comprehensive list of prairie and rock outcrop habitats in the vicinity of the proposed project (attached).

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. Surveys must be conducted by a qualified surveyor and follow the standards contained in the <u>Rare Species Survey Process</u> and <u>Rare Plant Guidance</u>. Visit the <u>Natural Heritage Review</u> page for a list of certified surveyors and more information on this process. Project planning should take into account that any botanical survey needs to be conducted during the appropriate time of the year, which may be limited. Please consult with the NH Review Team at <u>Reports.NHIS@state.mn.us</u> with subject line <u>MCE-2023-00889</u> if you have any questions regarding this process.

<u>Blanding's turtles</u> (*Emydoidea blandingii*), a state-listed threatened species, have been documented in the vicinity of the proposed project. Blanding's turtles use upland areas up to and over a mile distant from wetlands, waterbodies, and watercourses. Uplands are used for nesting, basking, periods of dormancy, and traveling between wetlands. Factors believed to contribute to the decline of this species include collisions with vehicles, wetland drainage and degradation, and the development of upland habitat. Any added mortality can be detrimental to populations of Blanding's turtles, as these turtles have a low reproduction rate that depends upon a high survival rate to maintain population levels.

This project has the potential to impact this rare turtle through direct fatalities and habitat disturbance/destruction due to excavation, fill, and other construction activities associated with the project. 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**:

- Avoid wetland and aquatic impacts during hibernation season, between September 15th and April 15th, if the area is suitable for hibernation.
- Erosion and sediment control should be limited to <u>wildlife friendly erosion control</u> to avoid the inadvertent take of Blanding's turtles.
- Hydro-mulch products should not contain any materials with synthetic (plastic) fiber additives, as the fibers can re-suspend and flow into waterbodies.
- Construction areas, especially aquatic or wetland areas, should be thoroughly checked for turtles before the use of heavy equipment or any ground disturbance.
 - The <u>Blanding's turtle flyer</u> must be given to all contractors working in the area.
 - Monitor for turtles during construction. Report any sightings to <u>Reports.NHIS@state.mn.us</u>; please include date, observer, location, and photograph of the Blanding's turtle.
 - Holes that have been left unattended for prolonged periods should be checked for Blanding's turtles before being filled.
 - If turtles are in imminent danger, they must be moved by hand out of harm's way, otherwise they are to be left undisturbed. Directions on how to move turtles safely can be found here: <u>Helping Turtles Across the Road</u>.
- If the above avoidance measures are not feasible, please contact <u>Review.NHIS@state.mn.us</u> with subject line <u>MCE-2023-00889</u> as further action may be needed.

For additional information, see the <u>Blanding's turtle fact sheet</u>, which describes the habitat use and life history of this species. The fact sheet also provides two lists of recommendations for avoiding and minimizing impacts to this rare turtle. **Please refer to both lists of recommendations and apply those that are relevant to your project.**

- Wartyback (Pustulosa nodulata) and mucket (Actinonaias ligamentina), both state-listed threatened mussels have been documented in the Minnesota River in the project vicinity. <u>Black sandshell</u> (Ligumia recta) and <u>creek heelsplitter</u> (Lasmigona compressa), both state-listed species of special concern, have been documented in the Mississippi River in the project vicinity. Additionally, creek heelsplitter was also documented in the Cottonwood River in the project vicinity. These species are vulnerable to deterioration in water quality, particularly increased siltation. 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. Therefore, it is important that stringent erosion prevention and sediment control practices are maintained throughout the duration of the project to prevent adverse debris and material from impacting downstream populations. As per proposed project details, waterbodies will be spanned, and no work is proposed within the water. If project details change and work within water is proposed, please contact the NH Review team at <u>Review.NHIS@state.mn.us</u> with subject line <u>MCE-2023-00889</u> as rare species surveys may be needed.
- 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 seven 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 <u>DNR Rare Species Guide</u> 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 <u>Information for Planning and Consultation (IPaC) tool</u>.
- As mentioned above, <u>prairie bush clover</u> (*Lespedeza leptostachya*) is also federally listed as threatened.

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 <u>Natural Heritage Review website</u> 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 <u>DNR Regional Environmental Assessment Ecologist</u>.

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

Sincerely,

Molly Barrett

Molly Barrett Natural Heritage Review Specialist Molly.Barrett@state.mn.us

Cc: <u>Melissa Collins</u>, Regional Environmental Assessment Ecologist, Region 3 (Central) Cc: <u>Haley Byron</u>, Regional Environmental Assessment Ecologist, Region 4 (South) Cc: <u>Amanda Weise</u>, Regional Ecologist, Region 3 (Central)

- Cc: Megan Benage, Regional Ecologist, Region 4 (South)
- Cc: Jennie Skancke, Wetlands Program Coordinator
- Cc: Cynthia Warzecha, Energy Projects Review