

Appendix J – Threatened & Endangered Species Documents



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:

04/04/2025 18:03:50 UTC

Project Code: 2025-0078820

Project Name: Blue Lake Bess - 04022025

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: DNRRERReview@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

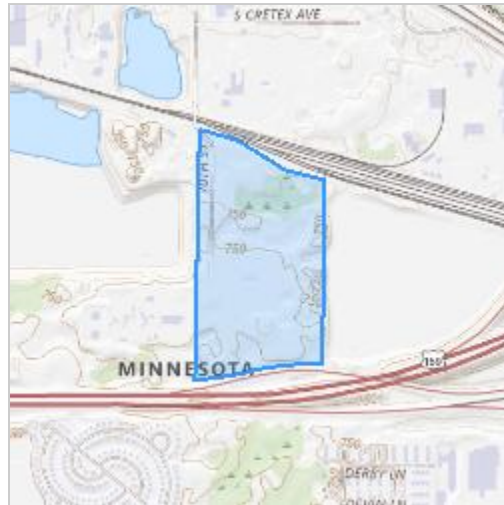
(952) 858-0793

PROJECT SUMMARY

Project Code: 2025-0078820
Project Name: Blue Lake Bess - 04022025
Project Type: Power Gen - Other
Project Description: Proposed battery energy storage system and associated facilities in Scott County, Minnesota

Project Location:

The approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/@44.7874182,-93.4264815989873,14z>



Counties: Scott County, Minnesota

ENDANGERED SPECIES ACT SPECIES

There is a total of 5 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.

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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.

MAMMALS

NAME	STATUS
Northern Long-eared Bat <i>Myotis septentrionalis</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/9045	Endangered
Tricolored Bat <i>Perimyotis subflavus</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/10515	Proposed Endangered

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
Rusty Patched Bumble Bee <i>Bombus affinis</i> There is proposed critical habitat for this species. Your location overlaps the critical habitat. Species profile: https://ecos.fws.gov/ecp/species/9383 General project design guidelines: https://ipac.ecosphere.fws.gov/project/MEYXG53IGVBCBMYLNNUNFAHJU4/documents/generated/5967.pdf	Endangered

CRITICAL HABITATS

There is 1 critical habitat wholly or partially within your project area under this office's jurisdiction.

NAME	STATUS
Rusty Patched Bumble Bee <i>Bombus affinis</i> https://ecos.fws.gov/ecp/species/9383#crithab	Proposed

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.

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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 Dec 1 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 (■)

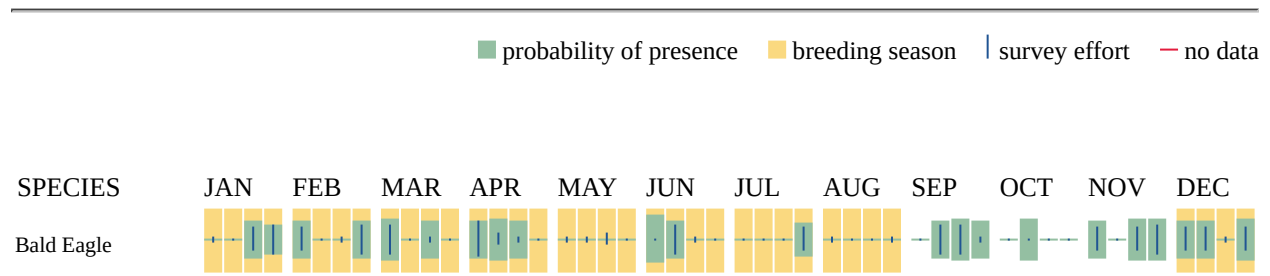
Yellow bars; liberal estimate of the timeframe inside which the bird breeds across its entire range.

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.



Non-BCC
Vulnerable

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-incident-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.

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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 Dec 1 to Aug 31

NAME	BREEDING SEASON
<p>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</p>	Breeds May 15 to Aug 20
<p>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</p>	Breeds May 15 to Oct 10
<p>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</p>	Breeds May 20 to Jul 31
<p>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</p>	Breeds May 20 to Aug 10
<p>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</p>	Breeds Mar 15 to Aug 25
<p>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</p>	Breeds May 1 to Jul 20
<p>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</p>	Breeds Jun 1 to Aug 20
<p>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</p>	Breeds May 1 to Aug 31
<p>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</p>	Breeds elsewhere
<p>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</p>	Breeds elsewhere

NAME	BREEDING SEASON
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
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 (■)

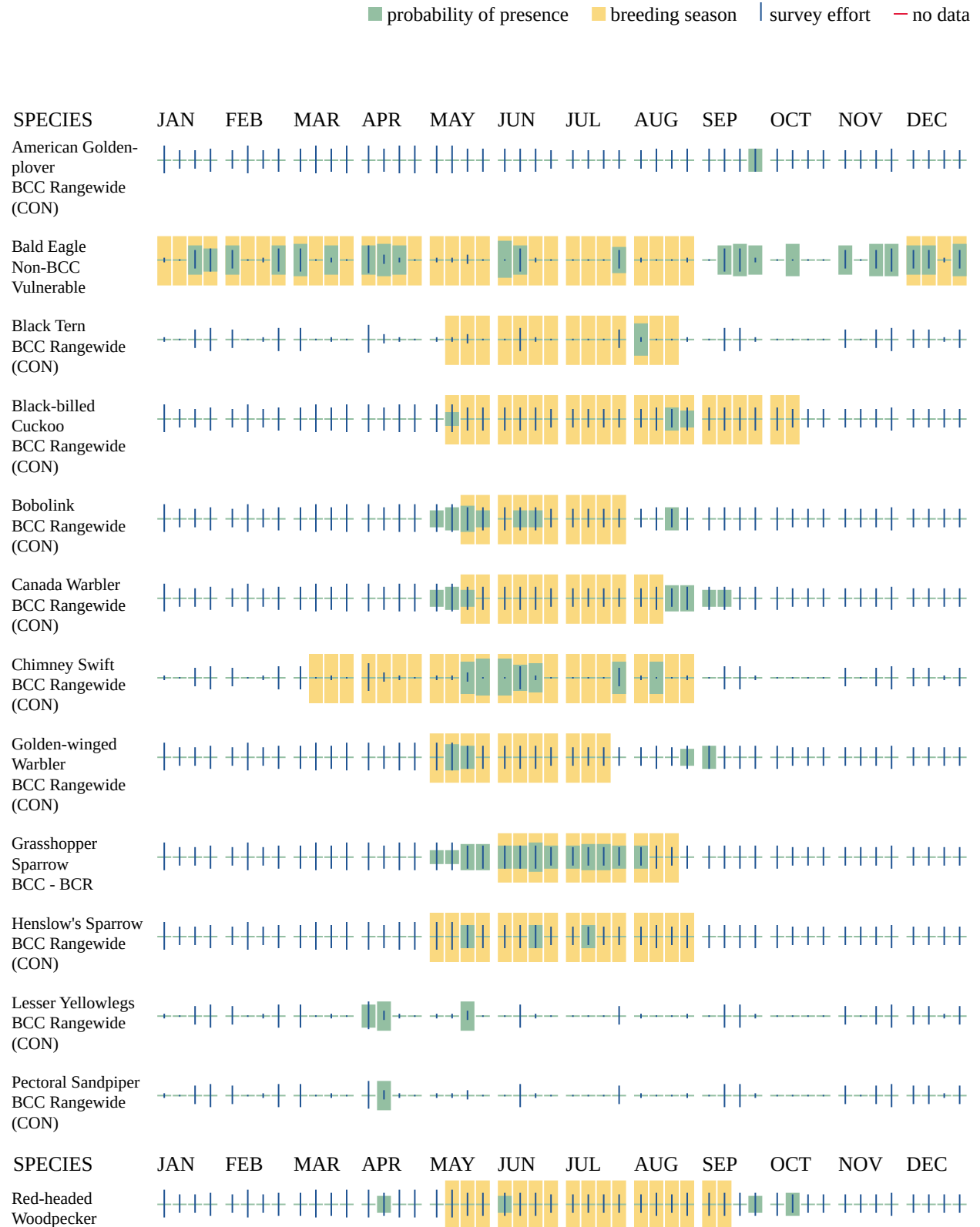
Yellow bars; liberal estimate of the timeframe inside which the bird breeds across its entire range.

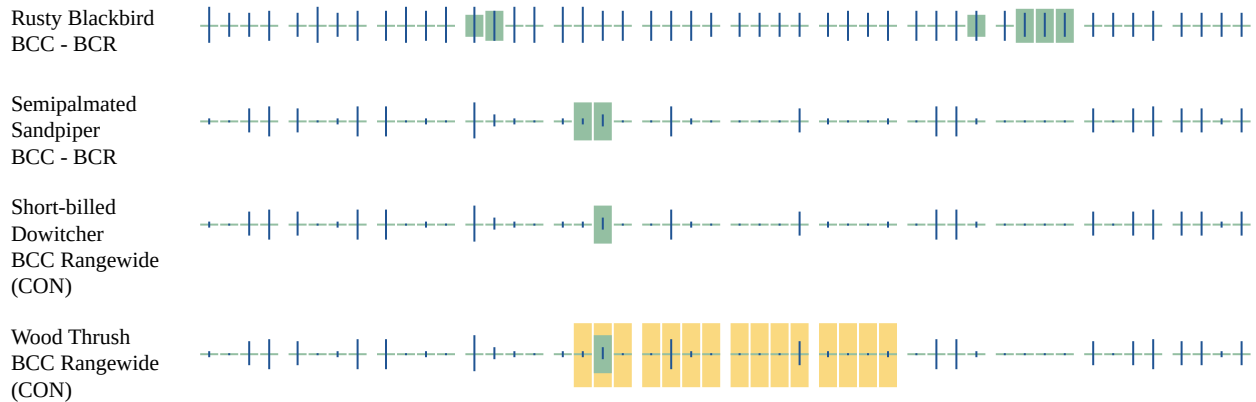
Survey Effort (|)

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.



BCC Rangewide
(CON)

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-incident-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 EMERGENT WETLAND

- PEM1A

FRESHWATER FORESTED/SHRUB WETLAND

- PFO1A

IPAC USER CONTACT INFORMATION

Agency: Private Entity
Name: Nick Alex
Address: 5600 American Blvd W
Address Line 2: Suite 300
City: Bloomington
State: MN
Zip: 55437
Email: nalex@burnsmcd.com
Phone: 9526563622



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:

04/04/2025 18:04:25 UTC

Project code: 2025-0078820

Project Name: Blue Lake Bess - 04022025

Subject: Technical Assistance letter for 'Blue Lake Bess - 04022025' for specified threatened and endangered species that may occur in your proposed project location consistent with the Minnesota-Wisconsin Endangered Species Determination Key (Minnesota-Wisconsin DKey).

Dear Nick Alex:

The U.S. Fish and Wildlife Service (Service) received on **April 04, 2025** your effect determination(s) for the 'Blue Lake Bess - 04022025' (Action) using the Minnesota-Wisconsin DKey within the Information for Planning and Consultation (IPaC) system. You have submitted this key to satisfy requirements under Section 7(a)(2). The Service developed this system in accordance of with the Endangered Species Act of 1973 (ESA) (87 Stat. 884, as amended; 16 U.S.C 1531 et seq.).

Based on your answers and the assistance of the Service's Minnesota-Wisconsin DKey, you made the following effect determination(s) for the proposed Action:

Species	Listing Status	Determination
Monarch Butterfly (<i>Danaus plexippus</i>)	Proposed Threatened	No effect
Whooping Crane (<i>Grus americana</i>)	Experimental Population, Non-Essential	No effect

Determination Information

Thank you for informing the Service of your "No Effect" determination(s). No further coordination is necessary for the species you determined will not be affected by the Action.

Additional Information

Sufficient project details: Please provide sufficient project details on your project homepage in IPaC (Define Project, Project Description) to support your conclusions. Failure to disclose important aspects of your project that would influence the outcome of your effects determinations may negate your determinations and invalidate this letter. If you have site-specific

information that leads you to believe a different determination is more appropriate for your project than what the Dkey concludes, you can and should proceed based on the best available information.

Future project changes: The Service recommends that you contact the Minnesota-Wisconsin Ecological Services Field Office or re-evaluate the project in IPaC if: 1) the scope or location of the proposed Action is changed; 2) new information reveals that the action may affect listed species or designated critical habitat in a manner or to an extent not previously considered; 3) the Action is modified in a manner that causes effects to listed species or designated critical habitat; or 4) a new species is listed or critical habitat designated. If any of the above conditions occurs, additional consultation with the Service should take place before project changes are final or resources committed.

Species-specific information

Bald and Golden Eagles: Bald eagles, golden eagles, and their nests are protected under the Bald and Golden Eagle Protection Act (54 Stat. 250, as amended, 16 U.S.C. 668a-d) (Eagle Act). The Eagle Act prohibits, except when authorized by an Eagle Act permit, the “taking” of bald and golden eagles and defines “take” as “pursue, shoot, shoot at, poison, wound, kill, capture, trap, collect, molest or disturb.” The Eagle Act’s implementing regulations define disturb as “... to agitate or bother a bald or golden eagle to a degree that causes, or is likely to cause, based on the best scientific information available, (1) injury to an eagle, (2) a decrease in its productivity, by substantially interfering with normal breeding, feeding, or sheltering behavior, or (3) nest abandonment, by substantially interfering with normal breeding, feeding, or sheltering behavior.”

The following species and/or critical habitats may also occur in your project area and **are not** covered by this conclusion:

- Northern Long-eared Bat *Myotis septentrionalis* Endangered
- Rusty Patched Bumble Bee *Bombus affinis* Endangered
- Tricolored Bat *Perimyotis subflavus* Proposed Endangered

Coordination with the Service is not complete if additional coordination is advised above for any species.

Action Description

You provided to IPaC the following name and description for the subject Action.

1. Name

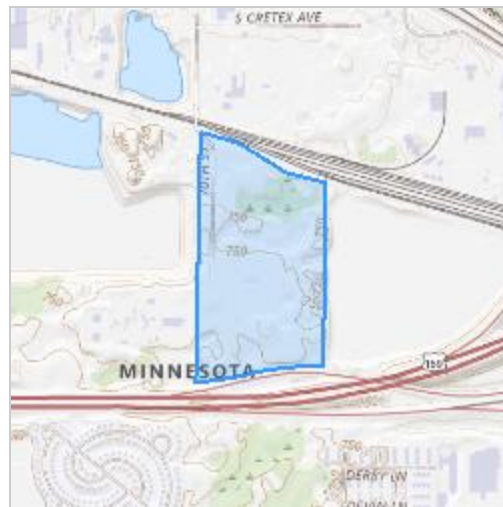
Blue Lake Bess - 04022025

2. Description

The following description was provided for the project 'Blue Lake Bess - 04022025':

Proposed battery energy storage system and associated facilities in Scott County, Minnesota

The approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/@44.7874182,-93.4264815989873,14z>



QUALIFICATION INTERVIEW

1. This determination key is intended to assist the user in evaluating the effects of their actions on Federally listed species in Minnesota and Wisconsin. It does not cover other prohibited activities under the Endangered Species Act (e.g., for wildlife: import/export, Interstate or foreign commerce, possession of illegally taken wildlife, etc.; for plants: import/export, reduce to possession, malicious destruction on Federal lands, commercial sale, etc.) or other statutes. Additionally, this key DOES NOT cover wind development, purposeful take (e.g., for research or surveys), communication towers that have guy wires or are over 450 feet in height, aerial or other large-scale application of any chemical (such as insecticide or herbicide), and approval of long-term permits or plans (e.g., FERC licenses, HCP's).

Click **YES** to acknowledge that you must consider other prohibitions of the ESA or other statutes outside of this determination key.

Yes

2. Is the action being funded, authorized, or carried out by a Federal agency?

No

3. Are you the Federal agency or designated non-federal representative?

Yes

4. Does the action involve the installation or operation of wind turbines?

No

5. Does the action involve purposeful take of a listed animal?

No

6. Does the action involve a new communications tower?

No

7. Does the activity involve aerial or other large-scale application of ANY chemical, including pesticides (insecticide, herbicide, fungicide, rodenticide, etc)?

No

8. Will your action permanently affect local hydrology?

Yes

9. Does your project have the potential to impact the riparian zone or indirectly impact a stream/river (e.g., cut and fill; horizontal directional drilling; construction; vegetation removal; pesticide or fertilizer application; discharge; runoff of sediment or pollutants; increase in erosion, etc.)?

Note: Consider all potential effects of the action, including those that may happen later in time and outside and downstream of the immediate area involved in the action.

Endangered Species Act regulation defines "effects of the action" to include all consequences to listed species or critical habitat that are caused by the proposed action, including the consequences of other activities that are caused by the proposed action. A consequence is caused by the proposed action if it would not occur but for the proposed action and it is reasonably certain to occur. Effects of the action may occur later in time and may include consequences occurring outside the immediate area involved in the action. (50 CFR 402.02).

No

10. Will your action disturb the ground or existing vegetation?

Note: This includes any off-road vehicle access, soil compaction (enough to collapse a rodent burrow), digging, seismic survey, directional drilling, heavy equipment, grading, trenching, placement of fill, pesticide application (herbicide, fungicide), vegetation management (including removal or maintenance using equipment or prescribed fire), cultivation, development, etc.

Yes

11. Will your action include spraying insecticides?

No

12. Does your action area occur entirely within an already developed area?

Note: Already developed areas are already paved, covered by existing structures, manicured lawns, industrial sites, or cultivated cropland, AND do not contain trees that could be roosting habitat. Be aware that listed species may occur in areas with natural, or semi-natural, vegetation immediately adjacent to existing utilities (e.g. roadways, railways) or within utility rights-of-way such as overhead transmission line corridors, and can utilize suitable trees, bridges, or culverts for roosting even in urban dominated landscapes (so these are not considered "already developed areas" for the purposes of this question). If unsure, select NO..

No

13. [Hidden Semantic] Does the action area intersect the monarch butterfly species list area?

Automatically answered

Yes

14. Under the ESA, monarchs remain warranted but precluded by listing actions of higher priority. The monarch is a candidate for listing at this time. The Endangered Species Act does not establish protections or consultation requirements for candidate species. Some Federal and State agencies may have policy requirements to consider candidate species in planning. We encourage implementing measures that will remove or reduce threats to these species and possibly make listing unnecessary.

If your project will have no effect on monarch butterflies (for example, if your project won't affect their habitat or individuals), then you can make a "no effect" determination for this project.

Are you making a "no effect" determination for monarch?

Yes

IPAC USER CONTACT INFORMATION

Agency: Private Entity
Name: Nick Alex
Address: 5600 American Blvd W
Address Line 2: Suite 300
City: Bloomington
State: MN
Zip: 55437
Email: nalex@burnsmcd.com
Phone: 9526563622



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: 2025-0078820
Project Name: Blue Lake Bess - 04022025

04/16/2025 17:26:41 UTC

Federal Nexus: no
Federal Action Agency (if applicable):

Subject: Technical assistance for 'Blue Lake Bess - 04022025'

Dear Nick Alex:

This letter records your determination using the Information for Planning and Consultation (IPaC) system provided to the U.S. Fish and Wildlife Service (Service) on April 16, 2025, for 'Blue Lake Bess - 04022025' (here forward, Project). This project has been assigned Project Code 2025-0078820 and all future correspondence should clearly reference this number. **Please carefully review this letter. Your Endangered Species Act (Act) requirements are not complete.**

Ensuring Accurate Determinations When Using IPaC

The Service developed the IPaC system and associated species' determination keys in accordance with the Endangered Species Act of 1973 (ESA; 87 Stat. 884, as amended; 16 U.S.C. 1531 et seq.) and based on a standing analysis. All information submitted by the Project proponent into IPaC must accurately represent the full scope and details of the Project. **Failure to accurately represent or implement the Project as detailed in IPaC or the Northern Long-eared Bat and Tricolored Bat Range-wide Determination Key (Dkey), invalidates this letter.**

Determination for the Northern Long-Eared Bat and Tricolored Bat

Based on your IPaC submission and a standing analysis completed by the Service, you determined the proposed Project will have the following effect determinations:

Species	Listing Status	Determination
Northern Long-eared Bat (<i>Myotis septentrionalis</i>)	Endangered	May affect
Tricolored Bat (<i>Perimyotis subflavus</i>)	Proposed	May affect
	Endangered	

Other Species and Critical Habitat that May be Present in the Action Area

The IPaC-assisted determination key for the northern long-eared bat and tricolored bat does not apply to the following ESA-protected species and/or critical habitat that also may occur in your Action area:

- Monarch Butterfly *Danaus plexippus* Proposed Threatened
- Rusty Patched Bumble Bee *Bombus affinis* Endangered
- Whooping Crane *Grus americana* Experimental Population, Non-Essential

Critical Habitats:

- Rusty Patched Bumble Bee *Bombus affinis* Endangered

You may coordinate with our Office to determine whether the Action may cause prohibited take of the species listed above.

Conclusion

Further coordination with the Service is voluntary for those species with a determination of “May Affect.” A “May Affect” determination in this key indicates that the project, as entered, is not consistent with the questions in the key. Not all projects that reach a “May Affect” determination are anticipated to result in adverse impacts to listed species. Through the technical assistance process, the Service might be able to provide information that either indicates incidental take is not reasonably certain to occur, or the Service might be able to provide recommendations that enable the project to be conducted in a way that avoids the likelihood of incidentally taking listed bats. Please contact our Minnesota-Wisconsin Ecological Services Field Office for more information. The Service has developed interim voluntary guidance for non-federal actions involving forest habitat modification that may affect the northern long-eared bat. Review the guidance posted here for more information for NLEB: <https://www.fws.gov/species/northern-long-eared-bat-myotis-septentrionalis> and TCB: <https://www.fws.gov/species/tricolored-bat-perimyotis-subflavus>

Federal agencies must consult with U.S. Fish and Wildlife Service under section 7(a)(2) of the Endangered Species Act (ESA) when an action *may affect* a listed species. Tricolored bat is proposed for listing as endangered under the ESA, but not yet listed. For actions that may affect a proposed species, agencies cannot consult, but they can *confer* under the authority of section 7(a)(4) of the ESA. Such conferences can follow the procedures for a consultation and be adopted as such if and when the proposed species is listed. Should the tricolored bat be listed, agencies must review projects that are not yet complete, or projects with ongoing effects within the tricolored bat range that previously received a NE or NLAA determination from the key to confirm that the determination is still accurate. Projects that receive a may affect determination for tricolored bat through the key, should contact the appropriate Ecological Services Field Office if they want to conference on this species.

Action Description

You provided to IPaC the following name and description for the subject Action.

1. Name

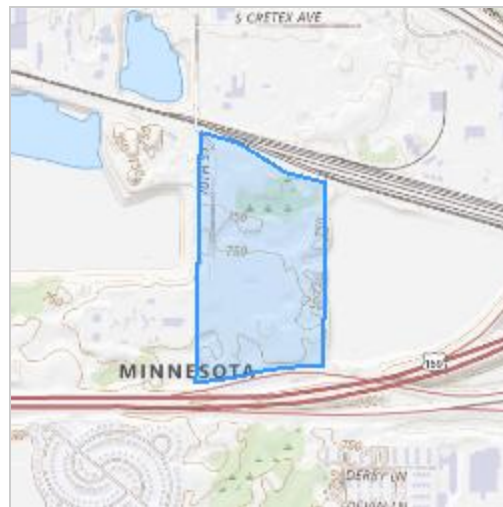
Blue Lake Bess - 04022025

2. Description

The following description was provided for the project 'Blue Lake Bess - 04022025':

Proposed battery energy storage system and associated facilities in Scott County, Minnesota

The approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/@44.7880204,-93.42646761960148,14z>



DETERMINATION KEY RESULT

Based on the answers provided, the proposed Action is consistent with a determination of “may affect” for a least one species covered by this determination key.

QUALIFICATION INTERVIEW

1. Does the proposed project include, or is it reasonably certain to cause, intentional take of listed bats or any other listed species?

Note: Intentional take is defined as take that is the intended result of a project. Intentional take could refer to research, direct species management, surveys, and/or studies that include intentional handling/encountering, harassment, collection, or capturing of any individual of a federally listed threatened, endangered or proposed species?

No

2. Is the action area wholly within Zone 2 of the year-round active area for northern long-eared bat and/or tricolored bat?

Automatically answered

No

3. Does the action area intersect Zone 1 of the year-round active area for northern long-eared bat and/or tricolored bat?

Automatically answered

No

4. Does any component of the action involve leasing, construction or operation of wind turbines? Answer 'yes' if the activities considered are conducted with the intention of gathering survey information to inform the leasing, construction, or operation of wind turbines.

Note: For federal actions, answer ‘yes’ if the construction or operation of wind power facilities is either (1) part of the federal action or (2) would not occur but for a federal agency action (federal permit, funding, etc.).

No

5. Is the proposed action authorized, permitted, licensed, funded, or being carried out by a Federal agency in whole or in part?

No

6. [Semantic] Is the action area located within 0.5 miles of a known bat hibernaculum?

Note: The map queried for this question contains proprietary information and cannot be displayed. If you need additional information, please contact your State wildlife agency.

Automatically answered

No

7. Does the action area contain any winter roosts or caves (or associated sinkholes, fissures, or other karst features), mines, rocky outcroppings, or tunnels that could provide habitat for hibernating bats?

No

8. Does the action area contain (1) talus or (2) anthropogenic or naturally formed rock shelters or crevices in rocky outcrops, rock faces or cliffs?

No

9. Will the action cause effects to a bridge?

Note: Covered bridges should be considered as bridges in this question.

No

10. Will the action result in effects to a culvert or tunnel at any time of year?

No

11. Are trees present within 1000 feet of the action area?

Note: If there are trees within the action area that are of a sufficient size to be potential roosts for bats answer "Yes". If unsure, additional information defining suitable summer habitat for the northern long-eared bat and tricolored bat can be found in Appendix A of the USFWS' Range-wide Indiana Bat and Northern long-eared bat Survey Guidelines at: <https://www.fws.gov/media/range-wide-indiana-bat-and-northern-long-eared-bat-survey-guidelines>.

Yes

12. Does the action include the intentional exclusion of bats from a building or structure?

Note: Exclusion is conducted to deny bats' entry or reentry into a building. To be effective and to avoid harming bats, it should be done according to established standards. If your action includes bat exclusion and you are unsure whether northern long-eared bats or tricolored bats are present, answer "Yes." Answer "No" if there are no signs of bat use in the building/structure. If unsure, contact your local Ecological Services Field Office to help assess whether northern long-eared bats or tricolored bats may be present. Contact a Nuisance Wildlife Control Operator (NWCO) for help in how to exclude bats from a structure safely without causing harm to the bats (to find a NWCO certified in bat standards, search the Internet using the search term "National Wildlife Control Operators Association bats"). Also see the White-Nose Syndrome Response Team's guide for bat control in structures.

No

13. Does the action involve removal, modification, or maintenance of a human-made structure (barn, house, or other building) **known or suspected to contain roosting bats?**

No

14. Will the action cause construction of one or more new roads open to the public?

For federal actions, answer 'yes' when the construction or operation of these facilities is either (1) part of the federal action or (2) would not occur but for an action taken by a federal agency (federal permit, funding, etc.).

No

15. Will the action include or cause any construction or other activity that is reasonably certain to increase average daily traffic permanently or temporarily on one or more existing roads?

Note: For federal actions, answer 'yes' when the construction or operation of these facilities is either (1) part of the federal action or (2) would not occur but for an action taken by a federal agency (federal permit, funding, etc.). .

No

16. Will the action include or cause any construction or other activity that is reasonably certain to increase the number of travel lanes on an existing thoroughfare?

For federal actions, answer 'yes' when the construction or operation of these facilities is either (1) part of the federal action or (2) would not occur but for an action taken by a federal agency (federal permit, funding, etc.).

No

17. Will the proposed Action involve the creation of a new water-borne contaminant source (e.g., leachate pond, pits containing chemicals that are not NSF/ANSI 60 compliant)?

Note: For information regarding NSF/ANSI 60 please visit <https://www.nsf.org/knowledge-library/nsf-ansi-standard-60-drinking-water-treatment-chemicals-health-effects>

No

18. Will the proposed action involve the creation of a new point source discharge from a facility other than a water treatment plant or storm water system?

No

19. Will the action include drilling or blasting?

No

20. Will the action involve military training (e.g., smoke operations, obscurant operations, exploding munitions, artillery fire, range use, helicopter or fixed wing aircraft use)?

No

21. Will the proposed action involve the use of herbicides or other pesticides other than herbicides (e.g., fungicides, insecticides, or rodenticides)?

No

22. Will the action include or cause activities that are reasonably certain to cause chronic or intense nighttime noise (above current levels of ambient noise in the area) in suitable summer habitat for the northern long-eared bat or tricolored bat during the active season?

Chronic noise is noise that is continuous or occurs repeatedly again and again for a long time. Sources of chronic or intense noise that could cause adverse effects to bats may include, but are not limited to: road traffic; trains; aircraft; industrial activities; gas compressor stations; loud music; crowds; oil and gas extraction; construction; and mining.

Note: Additional information defining suitable summer habitat for the northern long-eared bat and tricolored bat can be found in Appendix A of the USFWS' Range-wide Indiana Bat and Northern long-eared bat Survey Guidelines at: <https://www.fws.gov/media/range-wide-indiana-bat-and-northern-long-eared-bat-survey-guidelines>.

No

23. Does the action include, or is it reasonably certain to cause, the use of permanent or temporary artificial lighting within 1000 feet of suitable northern long-eared bat or tricolored bat roosting habitat?

Note: Additional information defining suitable summer habitat for the northern long-eared bat and tricolored bat can be found in Appendix A of the USFWS' Range-wide Indiana Bat and Northern long-eared bat Survey Guidelines at: <https://www.fws.gov/media/range-wide-indiana-bat-and-northern-long-eared-bat-survey-guidelines>.

No

24. Will the action include tree cutting or other means of knocking down or bringing down trees, tree topping, or tree trimming?

Yes

25. Will the proposed action occur exclusively in an already established and currently maintained utility right-of-way?

No

26. Does the action include emergency cutting or trimming of hazard trees in order to remove an imminent threat to human safety or property? See hazard tree note at the bottom of the key for text that will be added to response letters

Note: A "hazard tree" is a tree that is an immediate threat to lives, public health and safety, or improved property.

No

27. Does the project intersect with the 0- 9.9% forest density category?

Automatically answered

No

28. Does the project intersect with the 10.0- 19.9% forest density category map?

Automatically answered

Yes

29. Does the project intersect with the 20.0- 29.9% forest density category map?

Automatically answered

No

30. Does the project intersect with the 30.0- 100% forest density category map?

Automatically answered

No

31. Will the action cause trees to be cut, knocked down, or otherwise brought down across an area greater than 5 acres in total extent?

Yes

32. Does the action area intersect the northern long-eared bat species list area?

Automatically answered

Yes

33. [Semantic] Is the action area located within 0.25 miles of a culvert that is known to be occupied by northern long-eared or tricolored bats?

Automatically answered

No

34. [Semantic] Is the action area located within 150 feet of a documented northern long-eared bat roost site?

Note: The map queried for this question contains proprietary information and cannot be displayed. If you need additional information, please contact your State wildlife agency.

Automatically answered

No

35. Is suitable summer habitat for the northern long-eared bat present within 1000 feet of project activities?

If unsure, answer "Yes."

Note: Additional information defining suitable summer habitat for the northern long-eared bat and tricolored bat can be found in Appendix A of the USFWS' Range-wide Indiana Bat and Northern long-eared bat Survey Guidelines at: <https://www.fws.gov/media/range-wide-indiana-bat-and-northern-long-eared-bat-survey-guidelines>.

Yes

36. Has a presence/probable absence summer bat survey targeting the northern long-eared bat following the Service's [Range-wide Indiana Bat and Northern Long-Eared Bat Survey Guidelines](#) been conducted within the project area?

No

37. Does the action area intersect the tricolored bat species list area?

Automatically answered

Yes

38. [Semantic] Is the action area located within 0.25 miles of a culvert that is known to be occupied by northern long-eared or tricolored bats?

Note: The map queried for this question contains proprietary information and cannot be displayed. If you need additional information, please contact your State wildlife agency.

Automatically answered

No

39. Is suitable summer habitat for the tricolored bat present within 1000 feet of project activities?
(If unsure, answer ""Yes."")

Note: If there are trees within the action area that may provide potential roosts for tricolored bats (e.g., clusters of leaves in live and dead deciduous trees, Spanish moss (*Tillandsia usneoides*), clusters of dead pine needles of large live pines) answer ""Yes."" For a complete definition of suitable summer habitat for the tricolored bat, please see Appendix A in the [Service's Range-wide Indiana Bat and Northern long-eared Bat Survey Guidelines](#).

Yes

40. Do you have any documents that you want to include with this submission?

No

PROJECT QUESTIONNAIRE

Enter the extent of the action area (in acres) from which trees will be removed - round up to the nearest tenth of an acre. For this question, include the entire area where tree removal will take place, even if some live or dead trees will be left standing.

3.4

IPAC USER CONTACT INFORMATION

Agency: Private Entity
Name: Nick Alex
Address: 5600 American Blvd W
Address Line 2: Suite 300
City: Bloomington
State: MN
Zip: 55437
Email: nalex@burnsmcd.com
Phone: 9526563622



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:

04/16/2025 18:21:07 UTC

Project code: 2025-0078820

Project Name: Blue Lake Bess - 04022025

Federal Nexus: no

Federal Action Agency (if applicable):

Subject: Technical Assistance letter for 'Blue Lake Bess - 04022025' for rusty patched bumble bee that may occur in your proposed project location consistent with the Rusty Patched Bumble Bee Range Wide Determination Key (RPBB DKey).

Dear Nick Alex:

This letter records your determination using the RPBB DKey within the Information for Planning and Consultation (IPaC) system provided to the U.S. Fish and Wildlife Service (USFWS) on **April 16, 2025**, for 'Blue Lake Bess - 04022025' (here forward, Project). This project has been assigned Project Code '2025-0078820' and all future correspondence should clearly reference this number. **Please carefully review this letter. Your Endangered Species Act (Act) requirements are not complete.**

Ensuring Accurate Determinations When Using IPaC Determination Keys

The USFWS developed the IPaC system and associated species' determination keys in accordance with the Endangered Species Act of 1973 (ESA; 87 Stat. 884, as amended; 16 U.S.C. 1531 et seq.). All information submitted by the Project proponent into the IPaC must accurately represent the full scope and details of the Project. **Failure to accurately represent or implement the Project as detailed in IPaC or the RPBB DKey, invalidates this letter.**

Determination for the Rusty Patched Bumble Bee

Based on your answers and the assistance of the USFWS' RPBB DKey, you made the following effect determination for the proposed Action:

Species	Listing Status	Determination
Rusty Patched Bumble Bee (<i>Bombus affinis</i>)	Endangered	May affect

Coordination with the USFWS is not complete. Further coordination with the USFWS is recommended for the rusty patched bumble bee. Please email the local USFWS Ecological Services Field Office and attach a copy of this letter, so we can discuss methods to avoid or minimize potential adverse impacts.

Other Species and Critical Habitat that May be Present in the Action Area

The IPaC-assisted determination key for the rusty patched bumble bee **does not** apply to the following ESA-protected species and/or critical habitat that also may occur in your Action area:

- Monarch Butterfly *Danaus plexippus* Proposed Threatened
- Northern Long-eared Bat *Myotis septentrionalis* Endangered
- Tricolored Bat *Perimyotis subflavus* Proposed Endangered
- Whooping Crane *Grus americana* Experimental Population, Non-Essential

Critical Habitats:

- Rusty Patched Bumble Bee *Bombus affinis* Endangered

Coordination with the USFWS is advised for any species and/or critical habitat listed above.

You should coordinate with our Office to determine whether the Action may affect the species and/or critical habitat listed above and if further consultation is required. Note that reinitiation of consultation would be necessary if a new species is listed or critical habitat designated that may be affected by the identified action before it is complete.

If you have any questions regarding this letter or need further assistance, please contact the local Ecological Services Field Office and reference Project Code '2025-0078820' associated with this Project. See the top of this letter for the Project Code.

Additional Information

Sufficient project details: Please provide sufficient project details on your project homepage in IPaC (Define Project, Project Description) to support your conclusions. Failure to disclose important aspects of your project that would influence the outcome of your effects determinations may negate your determinations and invalidate this letter. If you have site-specific information that leads you to believe a different determination is more appropriate for your project than what the Dkey concludes, you can and should proceed based on the best available information.

Future project changes: The Service recommends that you contact the local Ecological Services Field Office or re-evaluate the project in IPaC if: 1) the scope or location of the proposed Action is changed; 2) new information reveals that the action may affect rusty patched bumble bee in a manner or to an extent not previously considered; 3) the Action is modified in a manner that causes effects to rusty patched bumble bee; or 4) or critical habitat is designated. If any of the

above conditions occur, additional consultation with the Service should take place before project changes are final or resources are committed.

Species-specific information

Bald and Golden Eagles: Bald eagles, golden eagles, and their nests are protected under the Bald and Golden Eagle Protection Act (54 Stat. 250, as amended, 16 U.S.C. 668a-d) (Eagle Act). The Eagle Act prohibits, except when authorized by an Eagle Act permit, the “taking” of bald and golden eagles and defines “take” as “pursue, shoot, shoot at, poison, wound, kill, capture, trap, collect, molest or disturb.” The Eagle Act’s implementing regulations define disturb as “... to agitate or bother a bald or golden eagle to a degree that causes, or is likely to cause, based on the best scientific information available, (1) injury to an eagle, (2) a decrease in its productivity, by substantially interfering with normal breeding, feeding, or sheltering behavior, or (3) nest abandonment, by substantially interfering with normal breeding, feeding, or sheltering behavior.”

If you observe a bald eagle nest in the vicinity of your proposed project, you should follow the National Bald Eagle Management Guidelines (May 2007). For more information on eagles and conducting activities in the vicinity of an eagle nest, please visit our regional eagle website or contact the local Ecological Services Field Office. If the Action may affect bald or golden eagles, additional coordination with the Service under the Eagle Act may be required.

Action Description

You provided to IPaC the following name and description for the subject Action.

1. Name

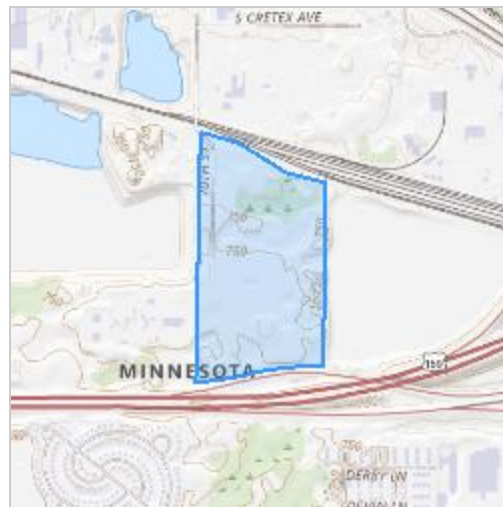
Blue Lake Bess - 04022025

2. Description

The following description was provided for the project 'Blue Lake Bess - 04022025':

Proposed battery energy storage system and associated facilities in Scott County, Minnesota

The approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/@44.7880204,-93.42646761960148,14z>



QUALIFICATION INTERVIEW

1. Is the action authorized, funded, or being carried out by a Federal agency?

No

2. Does the action area overlap with a rusty patched bumble bee high potential zone?

Automatically answered

Yes

3. Does the action include or is it reasonably certain to cause intentional take of rusty patched bumble bee (RPBB)?

Note: This could include, for example, surveys or studies that include handling or capture of the species.

No

4. Does the action include – or is it reasonably certain to result in – construction of one or more new roads or rail lines that will increase vehicle traffic in a rusty patched bumble bee HPZ?

No

5. Does the action include – or is it reasonably certain to result in – the addition of travel lanes that are likely to increase vehicle traffic on one or more existing roads that will increase vehicle traffic in a rusty patched bumble bee HPZ?

No

6. Is an increase in vehicular traffic in one or more HPZs a likely outcome of the federal action?

No

7. Does the action include – or is it reasonably certain to cause – the use of commercial/managed bees (e.g., the use of honeybees or managed bumble bees to pollinate crops).

No

8. Is there habitat for nesting, foraging, and/or overwintering for the rusty patched bumble bee in the action area?

Note: Please refer to the [ESA Section 7\(a\)\(2\) Voluntary Implementation Guidance for Rusty Patched Bumble Bee](#).

Yes

9. Have “Project Review” surveys for rusty patched bumble bees already been conducted in the action area according to [Service-approved protocols](#)? If you don't know, answer 'no'.

No

10. Does the action include collection of seed from native species?

No

11. Does the action include, or will it cause the application of insecticides or fungicides?

No

12. Does the action include, or will it cause activities to control native rodent species?

No

13. Does the action include, or will it cause planting or seeding of non-native plant species?

No

14. Will the action include or cause herbicide use?

No

15. Will the action cause an increase in the extent or duration of surface flooding or soil saturation in rusty patched bumble bee habitat in a High Potential Zone?

Note: This may occur, for example, as a result of activities or structures that impound water, otherwise alter or interrupt existing drainage patterns, or that affect surface runoff.

No

16. Will the action cause ground disturbance in rusty patched bumble bee habitat within a High Potential Zone?

Yes

17. Will the ground disturbance within the High Potential Zone affect more than 0.25 acre (0.1 hectare) of rusty patched bumble bee nesting habitat (upland grasslands, shrublands, and forest edges that contain native sources of pollen and nectar)?

Note: Please refer to the [ESA Section 7\(a\)\(2\) Voluntary Implementation Guidance](#) for Rusty Patched Bumble Bee Table 1, p. 12.

Yes

18. Will the ground disturbance occur during the [nesting season](#)?

Yes

19. Will the ground disturbance likely be sufficient to collapse underground rodent burrows or their entrances?

Yes

IPAC USER CONTACT INFORMATION

Agency: Private Entity
Name: Nick Alex
Address: 5600 American Blvd W
Address Line 2: Suite 300
City: Bloomington
State: MN
Zip: 55437
Email: nalex@burnsmcd.com
Phone: 9526563622



Formal Natural Heritage Review - Cover Page

See next page for results of review. A draft watermark means the project details have not been finalized and the results are not official.

Project Name: Blue Lake BESS - 04022025

Project Proposer: Xcel Energy

Project Type: Power, Other

Project Type Activities: Tree Removal

TRS: T115 R22 S11, T115 R22 S2

County(s): Scott

DNR Admin Region(s): Central

Reason Requested: PUC Site or Route Application

Project Description: Proposed battery energy storage system (BESS) and associated facilities in Scott County, MN

Existing Land Uses:

Landcover / Habitat Impacted:

Waterbodies Affected:

Groundwater Resources Affected:

Previous Natural Heritage Review: No

Previous Habitat Assessments / Surveys: No

SUMMARY OF AUTOMATED RESULTS

Category	Results	Response By Category
Project Details	Comments	Tree Removal - Recommendations
Ecologically Significant Area	Comments	Potential RNC under WCA MBS Sites - Recommendations Protected Wetlands: Calcareous Fens
State-Listed Endangered or Threatened Species	No Comments	No Further Review Required
State-Listed Species of Special Concern	Comments	Recommendations
Federally Listed Species	Comments	RPBB High Potential Zone



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

April 2, 2025

Project ID: MCE #2025-00330

Nick Alex
Burns & McDonnell Engineering Company, Inc.
8201 Norman Center Drive, Suite 500
Bloomington, MN 55437

RE: Automated Natural Heritage Review of the proposed Blue Lake BESS - 04022025
See Cover Page for location and project details.

Dear Nick Alex,

As requested, the above project has been reviewed for potential effects to rare features. Based on this review, the following rare features may be adversely affected by the proposed project:

Project Type and/or Project Type Activity Comments

- 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 below, 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.

Ecologically Significant Area

- The Minnesota Biological Survey (MBS) has identified one or more Sites of Biodiversity Significance within or adjacent to the project boundary. 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. Factors taken into account during the ranking process include the number of rare species documented within the site, the quality of the native plant communities in the site, the size of the site, and the context of the site within the landscape.

Potential RNC - One or more MBS Sites of Biodiversity Significance ranked Outstanding or High may be impacted by the proposed project. Please note that wetlands within MBS Sites of Biodiversity Significance ranked Outstanding or High may qualify as Rare Natural Communities under the Wetland Conservation Act (WCA). If the proposed project includes a wetland replacement

plan under WCA, please contact your [DNR Regional Ecologist](#) for further evaluation. For technical guidance on Rare Natural Communities, please visit [WCA Program Guidance and Information](#).

High or Moderate MBS Site - One or more MBS Sites of Biodiversity Significance ranked High or Moderate may be impacted by the proposed project. Sites ranked as High contain very good quality occurrences of the rarest species, high quality examples of the rare native plant communities, and/or important functional landscapes. 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. The DNR recommends that the project be designed to avoid impacts to these ecologically significant areas. Actions to avoid or minimize disturbance include, but are not limited to, the following recommendations:

- Retain a buffer between proposed activities and the MBS Site,
 - Minimize project footprint within the MBS Site,
 - Operate within already-disturbed areas,
 - Minimize vehicular disturbance within the MBS Site,
 - Do not park equipment or stockpile supplies within the MBS Site,
 - Do not place spoil within the MBS Site,
 - Inspect and clean equipment prior to operating within the MBS Site, and follow other recommendations to [prevent the spread of invasive species](#),
 - Conduct the work under frozen ground conditions,
 - Use effective erosion prevention and sediment control measures,
 - Revegetate disturbed soil with native [seed mixes](#) suitable to the local habitat as soon after construction as possible,
 - Use only weed-free mulches, topsoils, and seed mixes.
- One or more DNR Native Plant Communities have been identified within or adjacent to the proposed project (for a list of all the native plant community types, please run a Conservation Planning Report; spatial data can be viewed on the Explore Page). DNR Native Plant Community types and subtypes are given a [Conservation Status Rank](#) that reflects the relative rarity and endangerment of the community type in Minnesota. Conservation Status Ranks range from S1 (critically imperiled) to S5 (secure, common, widespread, and abundant).

Rare Native Plant Communities - One or more rare native plant communities may be impacted by the proposed project. Native plant communities with a Conservation Status Rank of S1 through S3 are considered rare in the state, and the DNR recommends avoidance of these ecologically significant areas. In addition, please note that native plant communities with a Conservation Status Rank of S1 through S3 may qualify as Rare Natural Communities (RNC) under the Wetland Conservation Act (WCA). 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 [Rare Natural Communities Technical Guidance](#).

- One or more calcareous fens have been 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. 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. Calcareous fens are fragile and may be impacted by activities within the fen, activities that affect surface water flows (e.g., stormwater flow/runoff, erosion), or activities that affect groundwater hydrology (e.g.,

groundwater pumping, contamination, or discharge). 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.

Depending on the distance to the calcareous fen(s), additional guidance may be provided below if you indicated that potential project activities include wetland impacts or groundwater impacts. **If you did not correctly identify wetland or groundwater impacts as part of your project, this impact analysis may be incorrect.**

State-Listed Endangered or Threatened Species

No state-listed endangered or threatened species have been documented in the vicinity of the project.

State-Listed Species of Special Concern

Taxonomic Group	Common Name	Scientific Name	Water Regime	Habitat	Federal Status
Invertebrate Animal	Regal Fritillary	Argynnis idalia		Lowland Prairie, Upland Prairie	
Vascular Plant	Rhombic Evening Primrose	Oenothera rhombipetala	terrestrial	Savanna, Upland Prairie	
Vertebrate Animal	Forster's Tern	Sterna forsteri		Marsh, Littoral Zone of Lake, Deep Water Zone of Lake	
Vertebrate Animal	Gophersnake	Pituophis catenifer		Rock Outcrop, Savanna, Subterranean, Upland Prairie	
Vertebrate Animal	Lark Sparrow	Chondestes grammacus		Savanna, Fire Dependent Forest, Rock Outcrop, Upland Prairie	
Vertebrate Animal	Plains Hog-nosed Snake	Heterodon nasicus		Savanna, Upland Prairie, Subterranean	
Vertebrate Animal	Plains Pocket Mouse	Perognathus flavescens		Upland Prairie, Savanna	

- The above table identifies state-listed species of special concern that have been documented in the vicinity of your project. If suitable habitat for any of these species occurs within your project footprint or activity impact area, the project may negatively impact those species. To avoid impacting state-listed species of special concern, the DNR recommends modifying the location of project activities to avoid suitable habitat or modifying the timing of project activities to avoid the presence of the species. 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. Species-specific comments, if any, appear below.

Federally Listed Species

- The area of interest overlaps with a U.S Fish and Wildlife Service (USFWS) Rusty Patched Bumble Bee [High Potential Zone](#). The [rusty patched bumble bee](#) (*Bombus affinis*) is federally listed as endangered and is likely to be present in suitable habitat within High Potential Zones. From April

through October this species uses underground nests in upland grasslands, shrublands, and forest edges, and forages where nectar and pollen are available. From October through April the species overwinters under tree litter in upland forests and woodlands. The rusty patched bumble bee may be impacted by a variety of land management activities including, but not limited to, prescribed fire, tree-removal, haying, grazing, herbicide use, pesticide use, land-clearing, soil disturbance or compaction, or use of non-native bees. If applicable, the DNR recommends reseeding disturbed soils with native species of grasses and forbs using [BWSR Seed Mixes](#) or [MnDOT Seed Mixes](#). To ensure compliance with federal law, please conduct a federal regulatory review using the U.S. Fish and Wildlife Service's online [Information for Planning and Consultation \(IPaC\) tool](#). Please note that all projects, regardless of whether there is a federal nexus, are subject to federal take prohibitions. The IPaC review will determine if prohibited take is likely to occur and, if not, will generate an automated letter. The [USFWS RPBB guidance](#) provides guidance on avoiding impacts to rusty patched bumble bee and a key for determining if actions are likely to affect the species; the determination key can be found in the appendix.

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 the project description provided on the cover page. If project details change or construction has not occurred within one year, please resubmit the project for review before 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. For information on the environmental review process or other natural resource concerns, you may contact your [DNR Regional Environmental Assessment Ecologist](#).

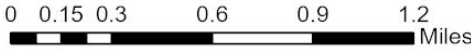
Thank you for consulting us on this matter, and for your interest in preserving Minnesota's rare natural resources.

Sincerely, *The Natural Heritage Review Team* [Natural Heritage Review Program](#)
Review.NHIS@state.mn.us

Links: USFWS Information for Planning and Consultation (IPaC) tool
[Information for Planning and Consultation \(IPaC\) tool](#)
DNR Regional Environmental Assessment Ecologist Contact Info
https://www.dnr.state.mn.us/eco/ereview/erp_regioncontacts.html

Blue Lake BESS - 04022025

Aerial Imagery With Locator Map



 Project Boundary

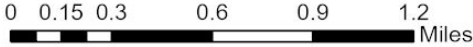
Project Type: Power, Other
Project Size (acres): 68.11
County(s): Scott
TRS: T115 R22 S11, T115 R22 S2

Esri, TomTom, Garmin, FAO, NOAA, USGS, EPA, USFWS
Metropolitan Council, MetroGIS, Three Rivers Park District, Esri, TomTom,
Garmin, SafeGraph, GeoTechnologies, Inc, METI/NASA, USGS, EPA, NPS, US



Blue Lake BESS - 04022025

USA Topo Basemap With Locator Map



Project Type: Power, Other
Project Size (acres): 68.11
County(s): Scott
TRS: T115 R22 S11, T115 R22 S2

Esri, TomTom, Garmin, FAO, NOAA, USGS, EPA, USFWS
Metropolitan Council, MetroGIS, Three Rivers Park District, Esri, TomTom,
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