



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

June 18, 2024

Sarah Rosche
Westwood Professional Services

RE: Natural Heritage Review of the proposed Benton2,
T36N R30W Sections 13, 23-27, 35-36; Benton County

Dear Sarah Rosche,

For all correspondence regarding the Natural Heritage Review of this project please include the project ID **MCE-2024-00434** in the email subject line.

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

Ecologically Significant Areas

- The Minnesota Biological Survey (MBS) considered a forested area in T36N R30W Section 13 that is crossed by the proposed project for a Site of Biodiversity Significance. It was determined to be *Below* the minimum biodiversity threshold for statewide significance. This area, however, may have conservation value at the local level as habitat for native plants and animals, corridors for animal movements, or as areas with high potential for restoration of native habitat. As such, we recommend minimizing direct impact to this area through clearing and indirect impacts from surface runoff or the spread of invasive species.

State-listed Species

- [Blanding's turtles](#) (*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 15 and April 15, if the area is suitable for hibernation.
- Limit erosion and sediment control to [wildlife friendly erosion control](#) to avoid the inadvertent take of Blanding's turtles.
- Avoid hydro-mulch products that contain any materials with synthetic (plastic) fiber additives, as the fibers can re-suspend and flow into waterbodies.
- The [Blanding's turtle flyer](#) must be given to all contractors working in the area.
- Check bare ground within construction areas for turtles before the use of heavy equipment or any ground disturbance.
- Please report any sightings using the [Quick Species Observation Form](#).
- If turtles are in imminent danger, move them by hand out of harm's way; otherwise, they are to be left undisturbed. Directions on how to move turtles safely can be found at [Helping Turtles Across the Road](#).

Please refer to the [Blanding's turtle fact sheet](#) for additional recommendations (both lists) that may be relevant to your project.

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

- Creek heelsplitter (*Lasmigona compressa*), a state-listed mussel species of special concern, has been documented in the Elk River in the vicinity of the proposed project. This species is particularly vulnerable to deterioration in water quality, especially increased siltation. As such, it is important effective erosion prevention and sediment control practices be implemented and maintained throughout the duration of the project. Containment measures for dredge sediment, debris, and other construction material should be in place to prevent adverse material from entering the river.
- The Natural Heritage Information System (NHIS) tracks bat roost trees and hibernacula plus some acoustic data, but this information is not exhaustive. Even if there are no bat records listed

nearby, all of Minnesota's bats, including the federally endangered northern long-eared bat ([Myotis septentrionalis](#)), can be found throughout Minnesota. During the active season (approximately April-November) bats roost underneath bark, in cavities, or in crevices of both live and dead trees. Tree removal can negatively impact bats by destroying roosting habitat, especially during the pup rearing season when females are forming maternity roosting colonies and the pups cannot yet fly. To minimize these impacts, **the DNR recommends that tree removal be avoided from June 1 through August 15.**

- Please visit the [DNR Rare Species Guide](#) for more information on the habitat use of these species and recommended measures to avoid or minimize impacts.

Federally Protected Species

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

Environmental Review and Permitting

- Please include a copy of this letter and the MCE-generated Final Project Report in any state or local license or permit application. Please note that measures to avoid or minimize disturbance to the above rare features may be included as restrictions or conditions in any required permits or licenses.

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

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

The Natural Heritage Review does not constitute project approval by the Department of Natural Resources. Instead, it identifies issues regarding known occurrences of rare features and potential impacts to these rare features. Visit the [Natural Heritage Review website](#) for additional information regarding this process, survey guidance, and other related information. For information on the

environmental review process or other natural resource concerns, you may contact your [DNR Regional Environmental Assessment Ecologist](#).

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

Sincerely,

James Drake

Natural Heritage Review Specialist

James.F.Drake@state.mn.us

Cc: Melissa Collins