

Attachment 1: Natural Heritage Review Letter



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

December 3, 2025

Mike Majeski
Emmons & Olivier Resources, Inc.

RE: Natural Heritage Review of the proposed **Cedar Creek EAW**,
T34N R23W Section 16; Isanti County

Dear Mike Majeski,

For all correspondence regarding the Natural Heritage Review of this project please include the project ID **MCE-2025-00800** 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) has identified a Site of *Outstanding* Biodiversity Significance that encompasses 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 *Outstanding* contain the best occurrences of the rarest species, the most outstanding examples of the rarest native plant communities, and/or the largest, most intact functional landscapes present in the state. There are three native plant communities overlapping or very close to the proposed project. These are, with their state conservation ranks,
 - Oak – Aspen Woodland (FDc25b) - Imperiled (S2),
 - Sedge Meadow (WMn82b) – Uncommon but not rare (S4), and
 - Alder – (Maple – Loosestrife) Swamp (FPn73a) – Secure and abundant (S5).

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:

- As much as possible, operate within already-disturbed areas.
- Avoid native plant communities ranked S1, S2, or S3.
- Work in watercourses should be conducted during low flow whenever possible.
- Minimize vehicular disturbance in the MBS Site (allow only vehicles/equipment necessary for construction activities).

- If possible, conduct the work under frozen ground conditions.
 - Use effective erosion prevention and sediment control measures.
 - Inspect and clean equipment prior to operation and follow recommendations to [prevent the spread of invasive species](#).
 - Revegetate disturbed soil with [native species suitable to the local habitat](#) as soon after construction as possible.
 - Use only weed-free mulches, topsoils, and seed mixes. Of particular concern are 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.
- MBS Sites of Biodiversity Significance and DNR Native Plant Communities can be viewed using the Explore page in [Minnesota Conservation Explorer](#) (MCE) or their GIS shapefiles can be downloaded from the [MN Geospatial Commons](#). Reference the [MBS Site Biodiversity Significance](#) and [Native Plant Community](#) 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 Conservation Planning Report using the Explore page in MCE.
 - If the Wetland Conservation Act (WCA) is applicable to this project, please note that native plant communities with a Conservation Status Rank of S1 through S3 or wetlands within *High* or *Outstanding* MBS Sites of Biodiversity Significance may qualify as Rare Natural Communities (RNC) under WCA. Minnesota Rules, part 8420.0515, subpart 3 states that a wetland replacement plan for activities that modify a RNC must be denied if the local government unit determines the proposed activities will permanently adversely affect the RNC. If the proposed project includes a wetland replacement plan under WCA, please contact your [DNR Regional Ecologist](#) for further evaluation. Please visit [WCA Program Guidance and Information](#) for additional information, including the [RNC Technical Guidance](#).

State-listed Species

Minnesota's Endangered Species Statute (Minnesota Statutes, section 84.0895) and associated Rules (Minnesota Rules, part 6212.1800 to 6212.2300 and 6134) prohibit the take of endangered or threatened plants or animals, including their parts or seeds, without a permit.

- *Rubus fulleri*, a state-listed threatened species of bristle-berry, has been documented near the proposed project. This species is found in wet meadows on the sand plains of central and east-central Minnesota. **To demonstrate avoidance, a qualified surveyor will need to determine if suitable habitat exists within the activity impact area and, if so, conduct a survey prior to any project activities.**
- Butternut (*Juglans cinerea*), a state-listed endangered tree species, has been documented in the project vicinity. This species occurs in mesic hardwood forests with loamy or alluvial soils or in sandy soil if the water table is relatively near the surface. It is perhaps most common on river terraces elevated several feet or more above the active floodplain, where it is protected from siltation and flood scouring. This species is susceptible to a lethal fungal disease called butternut canker (*Sirococcus clavigignenti-juglandacearum*). Nearly all of Minnesota's butternuts are dead or dying from the fungus, triggering the protected status of this tree within the state. **Given current project details, butternuts are unlikely to**

be affected. If these change or if suitable habitat will be impacted, then to demonstrate avoidance, a qualified surveyor will need to identify any trees that are proposed to be removed.

Surveys must be conducted by a qualified surveyor and follow the standards contained in the [Rare Species Survey Process](#) and [Rare Plant Guidance](#). Visit the [Natural Heritage Review](#) page for a list of certified surveyors and more information on this process. Survey proposals should be submitted to Reports.NHIS@state.mn.us [prior to initiating survey work](#). 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 Review.NHIS@state.mn.us if you have any questions regarding this process.

- Blanding’s turtles (*Emydoidea blandingii*), a state-listed threatened species, have been documented in the direct 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. **Given the project details and the potential for a take of a Blanding’s turtle, an avoidance plan is required to demonstrate avoidance.** Submit the avoidance plan to the Reports.NHIS@state.mn.us. We do not currently have a template for avoidance plans. The plan needs to:

- Provide a description of the project activities and construction methods.
- Identify measures that will be taken to avoid take and minimize disturbance to the species.
- Include a map of disturbance areas. This can include a map of potential Blanding’s turtle summer, winter, and nesting habitat overlaid with timing of project impacts.

Measures to avoid or minimize disturbance include, but are not limited to, the following:

- Avoidance of suitable habitat.
 - Avoid wetland and aquatic impacts during overwintering season if the area is suitable for overwintering.
 - For wetlands, avoid impacts between September 15 and April 15.
 - For rivers, avoid impacts between October 15 and April 15.
 - Timing the impacts to avoid incidental take.
 - The recommendations listed in the [Blanding’s turtle fact sheet](#).
 - Training for construction crew.
 - Provide details on how/when the construction areas will be monitored for turtles.
 - How and when to contact the DNR:
 - Report all sightings using the [DNR Plant and Animal Observation Form](#) within 24 hours.
 - Immediately notify Bridget Henning-Randa (Bridget.Henning-Randa@state.mn.us or 651-259-5073) for sightings of an injured, dead, or nesting Blanding’s turtle.
- Lark sparrows (*Chondestes grammacus*) and hooded warblers (*Setophaga citrina*), both state-listed bird species of special concern, have been documented in the vicinity of the project. Lark sparrows are found

in open, upland grassland areas with scattered trees and shrubs. They build their nest on the ground, in a shrub or a small tree. Hooded warblers are found in large mature deciduous forests with a shrubby understory. Given project details, these species are unlikely to be affected but if suitable habitat will be impacted then, if feasible, avoid disturbance to grassland areas and tree/shrub removal from May 15th through August 15th to avoid disturbance of nesting birds.

- A jumping spider (*Marpissa formosa*), a species of special concern, has been observed near the proposed project. These spiders have been found in upland and lowland prairies, wet meadows/shrublands, and marshes. The recommendations above for minimizing impacts to MBS Sites and native plant communities will also help minimize impacts to this species.
- The northern long-eared bat (*Myotis septentrionalis*) and big brown bat (*Eptesicus fuscus*), state-listed as a species of special concern, has been documented in the vicinity of the proposed project. During the winter this species hibernates in caves and mines. During the active season (approximately April-November) it roosts underneath bark, in cavities, or in crevices of both live and dead trees; and in human structures such as buildings and bridges. Activities that may impact this species include, but are not limited to, wind farm operation, any disturbance to hibernacula, and destruction/degradation of habitat. 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 are not able to fly. To minimize impacts to this species, **the DNR recommends that tree removal be avoided from June 1 through August 15.**

The northern long-eared bat is also federally listed as endangered. To ensure compliance with federal law, 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 take is reasonably certain to occur and, if not, will generate an automated letter. Please see [USFWS Northern Long-eared Bat](#) for additional information.

- Please visit the [DNR Rare Species Guide](#) for more information on the habitat use of state-listed species and recommended measures to avoid or minimize impacts.
- Please report incidental sightings of state-listed species via the [DNR Plant and Animal Observation Form](#).

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

- The Environmental Assessment Worksheet (EAW) should address whether the proposed project has the potential to adversely affect the above rare features and, if so, it should identify specific measures that will be taken to avoid or minimize disturbance. Sufficient information should be provided so the DNR can determine whether a permit to take will be needed for any of the above protected species.

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

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

For environmental review purposes, the results of this Natural Heritage Review are valid for one year; the results are only valid for the project location and project description provided with the request. **If project details change or the project has not occurred within one year, please resubmit the project for review within one year of initiating project activities.** Resubmit by selecting *Clone Project as Draft* on the project page in MCE.

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

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

Sincerely,

James Drake

Digitally signed by James Drake
Date: 2025.12.03 10:30:41 -06'00'

Natural Heritage Review Specialist

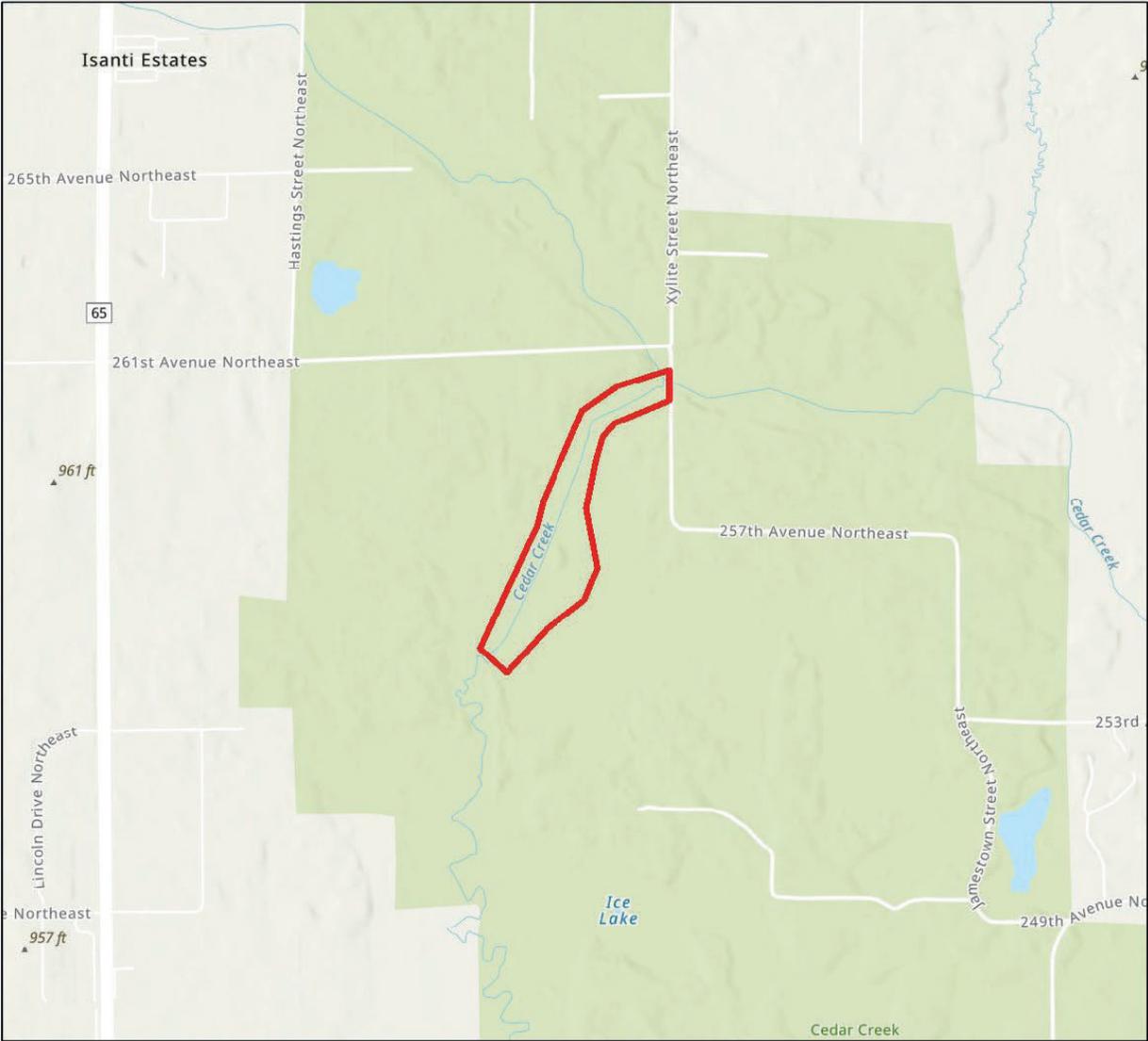
james.f.drake@state.mn.us

Cc: Melissa Collins, Jennie Skancke, Amanda Weise

For more project details, see the MCE-generated Final Project Report, available on the MCE project page.

Cedar Creek EAW

USA Topo Basemap With Locator Map



 Project Boundary

Project Type: Natural Resource Management, Water Resources

Project Size (acres): 73.71

County(s): Isanti

TRS: T34 R23 S16

Esri, TomTom, Garmin, FAO, NOAA, USGS, EPA, USFWS
Metropolitan Council, MetroGIS, Esri, TomTom, Garmin, SafeGraph,
GeoTechnologies, Inc, METI/NASA, USGS, EPA, NPS, US Census Bureau,



Attachment 2: Historic Properties Review Letter

October 27, 2025

VIA EMAIL ONLY

Chris Lenhart
The Nature Conservancy
christian.lenhart@tnc.org

RE: Cedar Creek Re-meander Project
T34 R23 S16
Isanti County
SHPO Number: 2025-1796

Dear Chris Lenhart:

Thank you for reaching out to our office during the preparation of an Environmental Assessment Worksheet for the above-referenced project.

It is our understanding that the goal of an EAW is to describe how a proposed project may affect the environment, including historic resources. Historic resources can include designated historic properties as described in state statute (Minn. Stat. 138.665) as well as significant archaeological sites, either those that have been previously documented or predicted to exist.

Typically, our office recommends an archaeological assessment be performed in order to determine whether significant archaeological sites will be affected by a proposed project. However, based on a review of the proposed project as described and documented in the draft Environmental Assessment Worksheet you shared with our office on October 17, 2025, we understand that the proposed project ground disturbance is entirely within the floodplain of Cedar Creek and this area is currently wetlands. There is one high landform within the study area, as shown in Figures 4, however it does not appear that this landform will be impacted by the proposed project. Therefore, we have concluded that the proposed project is unlikely to affect significant archaeological sites. If the high landform will be affected by any ground disturbance, we do recommend an archaeological survey be conducted.

A review of the Minnesota Statewide Historic Inventory Portal (MnSHIP) will aid in identifying if there are previously documented above ground historic properties within your project area (including those that are designated historic properties), please visit: <https://mnship.gisdata.mn.gov/> (Public Map). However, if a project becomes a federal undertaking, a survey to identify above ground historic properties that are eligible for listing in the National Register of Historic Places may be necessary. For additional information on how to do research to identify cultural resources within your project area, please visit the webpage: <https://mn.gov/admin/shpo/surveyandinventory/research/>.

Please keep in mind that in Minnesota's environmental review process for EAW's, the main responsibilities fall to a designated unit of government, known as the responsible governmental unit (RGU). An RGU evaluates petitions, oversees the preparation and analysis of environmental review documents, and makes decisions on the Environmental Review documents. It's ultimately up to the RGU to decide how to proceed, taking into consideration the documentation provided and the comments

MINNESOTA STATE HISTORIC PRESERVATION OFFICE

50 Sherburne Avenue ■ Administration Building 203 ■ Saint Paul, Minnesota 55155 ■ 651-201-3287

mn.gov/admin/shpo ■ mnshpo@state.mn.us

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received during the public comment period.

This comment letter does not address the requirements of Section 106 of the National Historic Preservation Act of 1966 and 36 CFR § 800. If the project is considered for federal financial assistance or requires a federal permit or license and becomes a federal undertaking, then it will be useful to have the above studies completed to help the project move forward. Please keep in mind that the federal agency will need to initiate consultation with our office in order to define the federal undertaking, an appropriate area of potential effects (APE) for the federal undertaking, as well as the necessary historic property identification and evaluation efforts required for a federal review. Be advised that comments and recommendations provided by our office for this state-level review may differ from findings and determinations made by the federal agency as part of review and consultation under Section 106.

Please contact Lucy Harrington, Environmental Review Archaeologist, at lucy.harrington@state.mn.us if you have any questions regarding our review of this project.

Sincerely,



Amy Spong
Deputy State Historic Preservation Officer