

# Attachment 1



## Minnesota Department of Natural Resources

Division of Ecological and Water Resources, Box 25

500 Lafayette Road

St. Paul, Minnesota 55155-4025

Phone: (651) 259-5109 E-mail: [lisa.joyal@state.mn.us](mailto:lisa.joyal@state.mn.us)

August 4, 2014

**Correspondence # ERDB 20140375**

Mr. Vladimir Zivkovic  
Widseth Smith Nolting and Associates, Inc.  
7804 Industrial Park Road  
Baxter, MN 56425

RE: Natural Heritage Review of the proposed Mercil Site Peat Mining Expansion,  
T157N R44W Section 13, Marshall County

Dear Mr. Zivkovic,

As requested, the Minnesota Natural Heritage Information System has been queried to determine if any rare species or other significant natural features are known to occur within an approximate one-mile radius of the proposed project. Based on this query, rare features have been documented within the search area (for details, see the enclosed database reports; please visit the Rare Species Guide at <http://www.dnr.state.mn.us/rsg/index.html> for more information on the biology, habitat use, and conservation measures of these rare species). Please note that the following **rare features may be adversely affected** by the proposed project:

- The proposed project is within an area that the Minnesota Biological Survey (MBS) has identified as a Site of High Biodiversity Significance (see enclosed map). 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 High contain very good quality occurrences of the rarest species, high quality examples of the rare native plant communities, and/or important functional landscapes. Within the proposed project boundary, this particular site contains several native plant communities:

<u>Native Plant Community</u>	<u>Conservation Status Rank</u>
Northern Wet Ash Swamp	S4
Northwestern Wet Aspen Forest	S4
Prairie Rich Fen	S3
Tamarack-Black Spruce Swamp (Aspen Parkland)	S3
Willow-Dogwood Shrub Swamp	S5

The Prairie Rich Fen and Tamarack-Black Spruce Swamp have an Conservation Status Rank of S3, indicating that these types of wetlands are vulnerable to extirpation within Minnesota. A Conservation Status Rank of S4 indicates that the native plant community is uncommon but not rare, while S5 native plant communities are common and abundant.

Several state-listed plants of special concern (see enclosed database report) were documented in the 1990's in the area surrounding the proposed project and, if suitable habitat occurs within the project boundary, could be present within the project boundary. State-listed species of special concern are not protected under Minnesota Statutes.

- If the Wetland Conservation Act (WCA) is applicable to this project, please note that one or more of the wetlands listed above may qualify as a “rare natural community” under this Act. Minnesota Rules, part 8420.0515, subpart 3 states that a wetland replacement plan for activities that modify a rare natural community must be denied if the local government unit determines that the proposed activities will permanently adversely affect the natural community. If you have any questions regarding this provision of the WCA, please contact Doug Norris, DNR Wetlands Program Coordinator, at 651-259-5125.
- The proposed project is in close proximity to a MBS Site of Outstanding Biodiversity Significance (GIS shapefiles of MBS Sites of Biodiversity Significance and MBS Native Plant Communities can be downloaded from the DNR Data Deli at <http://deli.dnr.state.mn.us>). Does the project have the potential to affect this Site (e.g., through hydrological changes)?
- The Environmental Assessment Worksheet 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 implemented to avoid, minimize, or mitigate disturbance.
- The proposed project is within the Thief Lake Important Bird Area (IBA), an extensive area of aspen parkland landscape in Roseau and Marshall counties. Important Birds Areas, identified by Audubon Minnesota in partnership with the DNR, are part of an international conservation effort aimed at conserving critical bird habitats. They are voluntary and non-regulatory, but the designation does demonstrate the biological value of the area. This particular IBA provides important habitat for waterfowl and other wetland birds.
- The proposed project is within a Prairie Core Area as identified in the Minnesota Prairie Conservation Plan (<http://www.dnr.state.mn.us/prairieplan/index.html>). This plan is a twenty-five year strategy for accelerating conservation of grassland and wetland habitat through protection, restoration, and enhancement.
- Please include a copy of this letter in any DNR license or permit application.

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.**

The enclosed results include an Index Report and a Detailed Report of records in the Rare Features Database, the main database of the NHIS. To control the release of specific location information, which might result in the destruction of a rare feature, both reports are copyrighted.

The Index Report provides rare feature locations only to the nearest section, and may be reprinted, unaltered, in an environmental review document (e.g., EAW or EIS), municipal natural resource plan, or report compiled by your company for the project listed above. If you wish to reproduce the index report for any other purpose, please contact me to request written permission. **The Detailed Report is for your personal use only as it may include specific location information that is considered nonpublic data under *Minnesota Statutes*, section 84.0872, subd. 2. If you wish to**


**reprint or publish the Detailed Report for any purpose, please contact me to request written permission.**

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 (noted above) and the project description provided on the NHIS Data Request Form. Please contact me if project details change or for an updated review if construction has not occurred within one year.

The Natural Heritage Review does not constitute review or approval by the Department of Natural Resources as a whole. Instead, it identifies issues regarding known occurrences of rare features and potential effects to these rare features. To determine whether there are other natural resource concerns associated with the proposed project, please contact your DNR Regional Environmental Assessment Ecologist (contact information available at [http://www.dnr.state.mn.us/eco/ereview/erp\\_regioncontacts.html](http://www.dnr.state.mn.us/eco/ereview/erp_regioncontacts.html)). Please be aware that additional site assessments or review may be required.

Thank you for consulting us on this matter, and for your interest in preserving Minnesota's rare natural resources. An invoice will be mailed to you under separate cover.

Sincerely,



Lisa Joyal  
Endangered Species Review Coordinator

enc. Rare Features Database: Index Report  
Rare Features Database: Detailed Report  
Rare Features Database Reports: An Explanation of Fields  
Map

cc: Nathan Kestner  
Becky Marty  
Doug Norris

Links: MBS Sites of Biodiversity Significance  
[http://www.dnr.state.mn.us/eco/mcbs/biodiversity\\_guidelines.html](http://www.dnr.state.mn.us/eco/mcbs/biodiversity_guidelines.html)  
MBS Native Plant Communities  
<http://www.dnr.state.mn.us/npc/index.html>

# Attachment 2

## Brian Ross

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**From:** Vladimir Zivkovic  
**Sent:** Wednesday, July 30, 2014 8:10 AM  
**To:** Brian Ross  
**Subject:** FW: New cultural resources survey

See below

**From:** Thomas Cinadr [<mailto:thomas.cinadr@mnhs.org>]  
**Sent:** Wednesday, July 30, 2014 6:45 AM  
**To:** Vladimir Zivkovic  
**Subject:** Re: New cultural resources survey

### **THIS EMAIL IS NOT A PROJECT CLEARANCE.**

This message simply reports the results of the cultural resources database search you requested. The database search produced results for only previously known archaeological sites and historic properties. Please read the note below carefully.

No archaeological sites or historic structures were identified in a search of the Minnesota Archaeological Inventory and Historic Structures Inventory for the search area requested.

The result of this database search provides a listing of recorded archaeological sites and historic architectural properties that are included in the current SHPO databases. Because the majority of archaeological sites in the state and many historic architectural properties have not been recorded, important sites or structures may exist within the search area and may be affected by development projects within that area. Additional research, including field survey, may be necessary to adequately assess the area's potential to contain historic properties.

If you require a comprehensive assessment of a project's potential to impact archaeological sites or historic architectural properties, you may need to hire a qualified archaeologist and/or historian. If you need assistance with a project review, please contact Kelly Gragg-Johnson in Review and Compliance @ 651-259-3455 or by email at [kelly.graggjohnson@mnhs.org](mailto:kelly.graggjohnson@mnhs.org).

The Minnesota SHPO Survey Manuals and Database Metadata and Contractor Lists can be found at <http://www.mnhs.org/shpo/survey/inventories.htm>

**Tom Cinadr**

Survey and Information Management Coordinator  
Minnesota State Historic Preservation Office  
Minnesota Historical Society  
345 Kellogg Blvd. West  
St. Paul, MN 55102

651-259-3453

On Tue, Jul 29, 2014 at 2:44 PM, Vladimir Zivkovic <[Vladimir.Zivkovic@wsn.us.com](mailto:Vladimir.Zivkovic@wsn.us.com)> wrote:

Tom:

I'd like to request a new archaeological/cultural/historical data base for the proposed Hawkes Peat Expansion project in Marshal County. The proposed project consists of future peat mining on a 273 acre parcel of property (W ½ , Section 13, T157N, R44W) GPS: 48.4174, -96.2722. I've enclosed a pdf too. An EAW is being prepared for the project.

Thank you for your assistance.

Vladimir

**Vladimir Zivkovic, Ph.D.**

Environmental Scientist  
218-316-3624 | Direct



7804 Industrial Park Road | Baxter, MN 56425-2720

**WidethSmithNolting.com**

Engineering | Architecture | Surveying | Environmental