



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

November 15, 2023

Correspondence # MCE 2023-00649

Erin Morrison
ERM

RE: Natural Heritage Review of the proposed Keetac – 2022 Tailing Basin Project,

County	Township (N)	Range (W)	Sections
St. Louis	57	21	32-33
St. Louis	56	21	4, 8-9, 17-18
Itasca	56	22	1-2, 11-13

Dear Erin Morrison,

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:

State-listed Species

- Tubercled rein-orchids (*Platanthera flava* var. *herbiola*), a state-listed threatened species, and St. Lawrence grapefern (*Sceptridium rugulosum*), state-listed as a species of special concern, have been documented in the vicinity of the project area. Tubercled rein-orchids seem to prefer wet prairies and meadows, swales, or the sandy or peaty habitats along marshes, swamps, or lakeshores while St. Lawrence grapefern grows in low and moist habitats in brushy or grassy areas or open forests, often on the edge between these and other habitat types. 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. **We are aware that botanical surveys for state endangered, threatened, and special concern species were conducted in the proposed project area in July 2022 by Barr Engineering. The report findings that no state-listed threatened or endangered species were located were approved by the**

DNR. Given these findings, impacts to state-protected plants are not anticipated and a Permit to Take is not needed for the project as currently defined. Survey results are valid for three years. One observation of a species of special concern, St. Lawrence grapefern, was made in T56N R22W Section 11 and we recommend you take measures to limit impacts to that area as much as feasible.

- The Natural Heritage Information System (NHIS) tracks bat roost trees and hibernacula plus some acoustic data, but this information is not exhaustive. Even if there are no bat records listed nearby, all seven of Minnesota's bats, including the federally endangered northern long-eared bat ([Myotis septentrionalis](#)), can be found throughout Minnesota. During the active season (approximately April-November) bats roost underneath bark, in cavities, or in crevices of both live and dead trees. Tree removal can negatively impact bats by destroying roosting habitat, especially during the pup rearing season when females are forming maternity roosting colonies and the pups cannot yet fly. To minimize these impacts, the DNR recommends that tree removal be avoided from June 1 through August 15.
- Please visit the [DNR Rare Species Guide](#) for more information on the habitat use of these species and recommended measures to avoid or minimize impacts. For further assistance with these species, please contact the appropriate [DNR Regional Nongame Specialist](#) or [Regional Ecologist](#).

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 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 takings permit 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 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 us on this matter and for your interest in preserving Minnesota's rare natural resources.

Sincerely,

A handwritten signature in cursive script that reads "James Drake".

James Drake
Natural Heritage Review Specialist
James.F.Drake@state.mn.us

Cc: Jessica Parson