



# Keystone Woods Wildlife Management Area (WMA) -- Environmental Assessment

**Prepared For:**

National Park Service  
Land and Water Conservation Fund  
27-00788.1

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Project 251169

July 2025

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## **Glossary of Terms**

1. Site: Keystone Woods WMA Phase I acquisition boundary. For LWCF, existing and anticipated easement areas have been removed from the 479.09-acre parcel. Therefore, the LWCF boundary is 455.55 acres in size.
2. Project: The transfer of LWCF designation to the Site.
3. Northern Site Area: Area along the northern perimeter of the Site where parking lot construction is anticipated.
4. Southern Site Area: Area along the southeastern perimeter of the Site where parking lot construction is anticipated.



## A. Summary

In 2023, the State of Minnesota, Department of Natural Resources (DNR), began a phased acquisition of approximately 1820 acres of land in Washington County from Kelley Land and Cattle Company with the purpose of designing the Keystone Woods Wildlife Management Area (WMA). In anticipation of an upcoming ownership transfer of Upper Sioux Agency State Park (USASP) in Yellow Medicine County from the State to the Upper Sioux Community (Pexihutazizi Oyate Tribe), DNR requested Phase I of the acquisition be preserved as eligible Land and Water Conservation Fund (LWCF) replacement land in the conversion with delayed replacement of USASP. The National Parks Service (NPS) acknowledged this request on August 29, 2023. Phase I, 479.09 acres, was purchased September, 2023. On September 14, 2024 NPS approved the conversion with delayed replacement of LWCF from USASP. The DNR proposes to designate 455.55 Phase I acreage of Keystone Woods WMA as LWCF replacement land. The LWCF is a federal program administered by the NPS that provides financial support for the acquisition and development of public lands and waters for outdoor recreation purposes. Properties established through LWCF are intended to permanently remain open for public outdoor recreation into perpetuity; in the event this is no longer feasible, NPS must approve conversions of use that fulfill the requirements outlined in the code of federal regulations, including retaining a replacement property of reasonably equivalent usefulness and location and of at least equal fair market value for public outdoor recreation in perpetuity (36 C.F.R. §59.3).

The 455.55-acre Phase I boundary proposed as LWCF replacement land is herein referred to as the Site. The process of transferring LWCF designation to the Site is hereafter referred to as the Project.

As a proposed recipient of federal LWCF designation, an environmental assessment (EA) of the Project is required under the National Environmental Policy Act (NEPA). This environmental assessment has been prepared for the NPS, the lead federal agency within the Department of Interior (DOI), for the purposes of NEPA. This EA analyzes the environmental impacts associated with the placement of LWCF designation onto the Phase I acquisition portion of Keystone Woods WMA (the Site) and developing the site for public outdoor recreation. The Site consists of 455.55 acres of wetland, prairie, hardwood forest, and aquatic habitats. Land use prior to its purchase by the State included agricultural homesteading and livestock pastures. LWCF designation of the Site would transfer from USASP as a well-suited replacement to satisfy its public outdoor recreation requirement.

Environmental review under NEPA is required for federal actions that have the potential for significant effects on the environment. The federal action for the Project is the placement of LWCF designation onto the Site and developing the site for public outdoor recreation. This EA has been prepared to satisfy NPS NEPA guidelines for the proposed action and examine two alternatives regarding the Site:

1. No action
2. Placement of LWCF designation onto the Site

The preferred alternative is to transfer LWCF status to the Site to satisfy the removal of LWCF from USASP. A conversion with delayed replacements has been approved by NPS, meaning appropriate replacement land is required to satisfy the terms of the conversion. Implementation of public outdoor recreation opportunities at Keystone Woods WMA will begin with the installation of two gravel parking

lots and nature trail access using existing access roads on the Site. Environmental impacts resulting from the overall Project will be relatively minor, consisting primarily of temporary construction and restoration within the Site. The anticipated disturbances include temporary increases in noise and minor soil/vegetation alteration or removal. Utilizing the Site as LWCF replacement will 1.) place a federal level of protection on Keystone Woods from being converted out of outdoor public recreation use, and 2.) satisfy the requirements of the LWCF conversion from USASP to Keystone Woods WMA, allowing the state of Minnesota to remain in compliance with NPS and the LWCF program.

## **B. Background**

In 1958 James E. Kelley, an attorney and businessman in St. Paul, Minnesota purchased 2,900 acres of land in Washington County and established the Kelley Land and Cattle Company, managed by Maurice Grogan and family. For more than six decades, Kelley Land and Cattle Company raised livestock on the property in addition to operating the Maple Island Hunt Club, which opened in 1965. The property also hosted numerous dog trials and national competitions throughout the decades. In 1997, the Company reportedly ended cropland production and transitioned to a rotational grazing system (Tevis, 2011). The property contains two of the county's top 10 conservation priority areas, namely Keystone Woods and Cernelian Creek Corridor (Washington County, Minnesota, n.d.).

In 2023, Kelley Land and Cattle Company agreed to sell approximately 1820 acres of the land to the State of Minnesota to be designated as the Keystone Woods WMA with the goal of protecting public lands while fostering community engagement with the outdoors. 479.09 acres of this area (455.55 of which will be encumbered by LWCF) were purchased in 2023 as the first phase of the acquisition. Proximity to the Minneapolis/St. Paul metropolitan area provides a unique opportunity to engage a broader population and new user groups. The Keystone Woods WMA will serve to pilot the establishment of WMAs near population centers with a focus on enhanced facilities, wildlife/habitat education, and connecting new users with information about the broader WMA system and associated recreational opportunities.

In addition to the State, adjacent acreage to the east of the Site belonging to Kelley Land and Cattle Company has been slated for Washington County Parks & Recreation to be incorporated into the Big Marine Park Reserve. See **Figure 1** for a full map of the phased acquisition by both the State and Washington County.

The 455.55 acres of Kelley land purchased by the State in 2023, and intended to serve as the LWCF boundary, (Phase I, the Site) is being proposed as replacement land for a conversion resulting from the removal of LWCF designation from USASP in Yellow Medicine County, Minnesota. During the 2023 Legislative Session, laws were signed to return State-owned land within USASP to the Upper Sioux Community, given the cultural and historical significance of the area to the tribal community (MN DNR, 2024b). USASP was established in 1963 and funded with assistance from LWCF. As such, a federal administrative process to replace LWCF status has been completed, as governed by NPS and DOI.

The LWCF Act, passed by Congress in 1964, aims to protect natural and cultural resources while providing outdoor recreation opportunities for Americans. Areas acquired and supported by LWCF funding must abide by those goals. Section 6(f)(3) of the LWCF Act emphasizes the permanent intent

behind the statute, stating, “No property acquired or developed with assistance under this section shall, without the approval of the Secretary, be converted to other than public outdoor recreation uses.” Therefore, property established through LWCF must maintain public outdoor recreation opportunities into perpetuity or seek approval from NPS and the State to transfer LWCF status to a replacement property. Replacement land need not be of the same acreage or be in the same location; however, public outdoor recreational access and at least equal or greater fair market value is required.

The Site consists of aquatic, wetland, prairie, and hardwood forest species. This proposed replacement land is well-suited to fulfill LWCF’s outdoor recreation requirement by installing gravel parking lots and integrating existing access roads to be used as natural trails for public use. Property details are summarized in **Table 1**. A map of Site boundaries is provided in **Figure 2**.

**Table 1. Keystone Woods Phase I Property (LWCF boundary acreage)**

<b>Address:</b>	15710 Manning Trail N, near Marine on St. Croix, MN
<b>City:</b>	City of Hugo; May Township
<b>County:</b>	Washington County
<b>State:</b>	Minnesota
<b>Property Identification Number(s):</b>	1203121310002; 1203121420002; 1203121140002; 0703120230003; 0703120210001; 0703120120003; 0703120130003; 0703120310002; 0703120420002.
<b>Owner:</b>	State of Minnesota
<b>Latitude:</b>	45.187423904875644 North
<b>Longitude:</b>	-92.88904059763189 West
<b>Size:</b>	455.55 acres

## C. Purpose & Need

On September 14, 2024 NPS approved the removal of LWCF status from USASP with delayed replacement, instigating the need to identify a suitable LWCF replacement property. The proposed action involves the transfer of LWCF designation onto the Keystone Woods Phase I boundary (the Site), a 455.55-acre partition of Keystone Woods WMA. Utilization of the Site as LWCF replacement would fulfill two objectives:

1. Satisfaction of LWCF conversion of use requirements, allowing the State of Minnesota to remain in compliance with NPS and the LWCF program.
2. Placement of federal-level protection on Keystone Woods from future activity that would eliminate outdoor public recreation use.

Integration of outdoor recreation opportunities in congruence with the LWCF Act of 1964 Section 6(f)(3) will commence by establishing two gravel parking lots and utilizing existing access roads as natural trails. Future action on the property is outside the scope of this NEPA review; however, restoration efforts over the next ten years will likely include minimal development to add fishing piers, overlooks, additional parking facilities, kiosks, and self-guided educational resources to enhance visitor experiences and encourage system-wide WMA recreation. Activities such as public hunting (unless restricted by local conditions), wildlife observation, fishing, hiking, snowshoeing, and other resource-related uses consistent with Minnesota Rules are intended to be designed and administered within the WMA.

Environmental review under NEPA is required for federal actions that have the potential for significant effects on the human environment. The federal action for the Project is the placement of LWCF onto the Phase I acquisition boundary of Keystone Woods WMA (the Site) and development of two gravel parking lots to provide public access to outdoor recreation. This EA has been prepared to satisfy NPS NEPA guidelines (NPS, 2015) for the proposed action as well as satisfy the requirements outlined in LWCF regulations 36 C.F.R § 59.3 and thereby permit NPS to evaluate the Site as an adequate replacement. Two alternatives regarding the Site have been considered as part of this review:

1. No action
2. Placement of LWCF designation onto the Site

## **D. Alternatives**

### **1. Alternative 1 (No-Action)**

The Keystone Woods Phase I property is a 479.09-acre segment of land owned by the State of Minnesota. Acquisition of this land was funded largely by General Fund appropriation and the Outdoor Heritage Fund grant (MN DNR, 2023a). It, along with approximately 1370 acres of land to the south (Phase II property), will be incorporated into the Keystone Woods WMA.

The no-action alternative will not affect the Site's WMA status; however, it will result in the lack of an LWCF replacement property, prompting the search for alternative replacement property and jeopardizing the State's compliance with NPS LWCF program. The absence of LWCF designation would result in forfeiture of federal-level protection on the Site and jeopardize the State's eligibility to receive a \$5 million annual apportionment to support DNR-managed lands as well as local community projects across Minnesota.

### **2. Alternative 2 (Preferred Alternative)**

The preferred alternative is to place LWCF designation onto 455.55 acres of the Keystone Woods Phase I property (the Site) and develop two gravel parking lots to satisfy the LWCF conversion requirements resulting from its removal at USASP. Placement of LWCF designation on the Site will allow the State of Minnesota to remain in compliance with NPS and the LWCF program, which benefits Minnesota's natural and cultural resources as well as the public. Areas encumbered by LWCF benefit from financial

assistance for the implementation of public outdoor recreation programs across DNR-managed lands and directly to local communities in need of recreation opportunities. These areas also receive federal-level protection to ensure these natural and cultural resources remain available for public recreation land use into perpetuity.

Accessibility of the Site to the public will be enhanced by establishing two gravel parking lots and utilizing existing access roads as natural trails. The two proposed parking lots are denoted as the Northern and Southern Site Areas, respectively (see **Figures 3a-c**). Activities such as public hunting (unless restricted by local conditions), wildlife observation, fishing, hiking, snowshoeing, and other resource-related uses consistent with Minnesota Rules are intended to be designed and administered within the WMA.

## **E. Land Conversion Environmental Review Process**

This EA has been conducted in compliance with NEPA procedures and guidance provided by NPS and the LWCF Act. Conversion of any property established by LWCF funding for a use other than outdoor recreation must be approved by NPS following environmental review.

The following pages of this EA describe the present environmental state of the Site and potential environmental effects as a result of the Project. Construction as a result of the Project is anticipated to occur in two areas within the Site, herein referred to as the Northern Site Area and Southern Site Area (**Figures 3a-c**). This EA provides a framework for the NPS to evaluate the environmental effects of the proposed action as well as assist the public and decision-makers in understanding the context of the proposed action.

## **F. Environmental Impacts**

The no-action alternative **will not result in direct, indirect, nor cumulative impacts** to the Site, but will maintain existing State protection of the property through the state's Lessard Sams Outdoor Heritage Fund. The **preferred alternative may result in multiple direct, indirect, and cumulative impacts** to the environmental resources on the Site, which are further described in the following sections. The preferred alternative will also result in increased accessibility through the construction of parking lots, and provide perpetual federal LWCF protection in addition to existing State protection through the Lessard Sams Outdoor Heritage Fund.

### **1. Geologic Resources**

The proposed 455.55-acre LWCF Site sits approximately 1030 feet above sea level with little variation and lies within the St. Paul-Baldwin Plains and Moraines ecological land classification subsection. Although the topography is lower than surrounding areas in the state, this area is dominated by a large moraine and outwash plain. Glacial drift is generally less than 100 feet thick, and Precambrian bedrock lies between 80 and 150 feet below the land surface (UMN, 2022). According to the Natural Resources Conservation Service (NRCS) soil surveys (USDA NRCS, n.d.), the Site includes 28 different soil units,



ranging from sandy loam to muck soils (**Figure 4**). The most common soil types include Anoka loamy fine sand, DeMontreville loamy fine sand (2-6% and 6-12% slopes), Kingsley sandy loam, and Ronneby fine sandy loam (**Table 2**).

The Northern Site Area lies entirely within DeMontreville loamy fine sand. In contrast, the Southern Site Area includes Anoka loamy fine sand, Zimmerman fine sand, Kingsley sandy loam, Ronneby fine sandy loam, and Cathro muck (**Table 2**).

Direct impacts of the preferred alternative include minor grading (i.e., possible small change in topography) and alteration to the upper substrate from the addition of gravel for the proposed parking lots (Northern Site Area, Southern Site Area). The preferred alternative is not anticipated to have indirect or cumulative effects on the geologic resources.

**Table 2. Keystone Soils**

Soil Type	Map Unit Symbol	Description	Site Coverage (%)
<b>Site</b>			
Anoka loamy fine sand, 0 to 3 percent slopes	159	Well-drained, moderately permeable	11.8
DeMontreville loamy fine sand, 2 to 6 percent slopes	453B	Well drained to moderately drained, rapid permeability in sandy mantle and moderately slow in rest of the soil	10.4
Kingsley sandy loam, 2 to 6 percent slopes	342B	Well-drained, moderate to moderately slow permeability	7.5
DeMontreville loamy fine sand, 6 to 12 percent slopes	453C	Well drained to moderately drained, rapid permeability in sandy mantle and moderately slow in rest of the soil	6.4
Ronneby fine sandy loam	166	Somewhat poorly drained soils, saturated hydraulic conductivity ranges from moderate to moderately rapid in upper part and very slow in dense till	6.3
<b>Northern Site Area</b>			

DeMontreville loamy fine sand, 2 to 6 percent slopes	453B	Well drained to moderately drained, rapid permeability in sandy mantle and moderately slow in rest of the soil	N/A
<b>Southern Site Area</b>			
Anoka loamy fine sand, 3 to 9 percent slopes	159B	Well-drained, moderately permeable	N/A
Zimmerman fine sand, 1 to 6 percent slopes	158C	Excessively drained soils, rapid permeability	N/A
Kingsley sandy loam, 6 to 12 percent slopes	342C	Well-drained, moderate to moderately slow permeability	N/A
Ronneby fine sandy loam	166	Somewhat poorly drained soils, saturated hydraulic conductivity ranges from moderate to moderately rapid in upper part and very slow in dense till	N/A
DeMontreville loamy fine sand, 12 to 25 percent slopes	453C	Well drained to moderately drained, rapid permeability in sandy mantle and moderately slow in rest of the soil	N/A
Cathro muck	544	very poorly drained organic soils, moderately slow to moderately rapid in the organic material and moderately slow or moderate in the loamy material for permeability	N/A

A map of the Keystone soils with corresponding map unit symbols is provided in **Figure 4**.

## 2. Air Quality

The Site has an average annual particulate matter 2.5 (PM<sub>2.5</sub>) of 9.45 micrograms per cubic meter (data between 1998 and 2016) (Berry, 2021). As of July 29, 2024, the closest PM<sub>2.5</sub> air quality monitoring station in the city of Blaine, approximately 17 miles southwest of the Site, measured 7 µg/m<sup>3</sup>. As of July

29, 2024, the closest PM<sub>10</sub> and PM<sub>1</sub> air quality monitoring stations in the city of New Hope, approximately 25 miles southwest of the Site, measured 3.5 µg/m<sup>3</sup> and 1.7 µg/m<sup>3</sup>, respectively.

The preferred alternative will install two gravel parking lots within the Site with limited vehicle capacity—plans for the Northern Site Area totals six spaces, and the Southern Site Area totals nineteen (including 4 ADA spots). Parking lot locations have been determined using existing access roads from adjacent county highways 15 and 4 (see **Figures 3a-c**). Direct impacts consist of temporary dust which will result from earthwork during the construction of gravel parking lots. Traffic in the immediate area is not anticipated to increase significantly, and indirect effects via carbon monoxide levels associated with vehicles within the parking lots are considered de minimus (EPA, n.d.; 40 CFR § 93.153(b)(1) and (b)(2)). No cumulative impacts are anticipated to occur as stationary source greenhouse gas emissions are not involved in the Project plans. In short, significant impacts to air quality at the Site are not anticipated as a result of this Project.

### **3. Noise Impacts**

According to the US Department of Transportation (USDOT, n.d.), the Site only has usual traffic noises (~50-60 dBA) along County Road 15 and County Road 4.

The preferred alternative will install gravel parking lots, directly resulting in machinery and associated temporary construction noises. Indirect impacts include increased noise associated with human activity within the Site. Permitted activities will include walking, hiking, biking, and e-bikes under certain restrictions. Cumulative noise impacts are not anticipated.

### **4. Water Resources**

The Site is located within the Big Marine Lake subsection of the Lower St. Croix River watershed. The following subsections detail existing water resources on and adjacent to the Site as well as provide a Project impact analysis.

#### **a. Surface Waters**

Surface water features on and adjacent to the Site include small freshwater ponds and lakes (**Figure 5a**). Surface waters within one mile of the Northern Site Area include Big Marine Lake (northeast), Mud Lake (southeast), and Barker Lake (southwest). Surface waters within one mile of the Southern Site Area include Barker Lake (southwest), Mud Lake (southeast), Turtle Lake (southeast), and Maple Marsh Lake (south), all of which contain at least one monitoring station managed by the Minnesota Pollution Control Agency (MPCA, n.d.b). Barker Lake, Mud Lake (TMDL PRJ07687-001), and Big Marine Lake (TMDL PRJ07770-001) are considered “impaired” lakes, according to the MPCA. Barker Lake and Mud Lake have impaired aquatic recreation due to excess nutrients, while Big Marine Lake has impaired aquatic consumption due to mercury within fish tissue. Impaired lakes are not always suitable for swimming or wading due to low clarity, excessive algae, or significant presence of phosphorus. Phosphorus resulting from urban/agricultural runoff is the most common pollutant of lakes in the Lower St. Croix region.

The construction of parking lots as the preferred alternative will involve minimal earthwork to add gravel with no need for a stormwater discharge system. Construction will adhere to best management practices to minimize soil erosion and discharge to local waterways. As such, no direct impacts to the surface waters mentioned above are anticipated due to the Site work. Parking lot construction at the Northern and Southern Site Areas is not expected to exceed the threshold that triggers a Stormwater Pollution Prevention Plan (SWPPP); therefore, no indirect or cumulative impacts on the surface waters are expected to occur.

## b. Floodplain/Wetlands

### Wetlands

A level 2 wetland delineation was conducted July 16 and 17, 2024. A total of twelve wetlands, and one intermittent tributary, or portions thereof, were identified and delineated within the full acquisition area and in accordance with the 1987 United States Army Corps of Engineers Wetland Delineation Manual. Five of the wetlands delineated occur within the Northern and Southern Site areas where parking lots will be installed (see **Table 3**). An onsite Technical Evaluation Panel (TEP) convened August 15, 2024 and no changes were made to any delineated wetland boundaries.

Three wetlands were delineated within the Northern Site Area as mapped in **Figure 5b**. One of these wetlands is classified as a Shallow Marsh (PEM1C) and two are classified as Fresh Wet Meadows (PEM1B). In total these wetlands account for 2.9 acres in area.

Two wetlands were delineated within the Southern Site Area as mapped in **Figure 5c**. These include a 6.59-acre Fresh Wet Meadow/Shallow Marsh (PEM1C/B) and a 5.14-acre Fresh Wet Meadow (PEM1B).

**Table 3. Wetlands Delineated within the Project Site**

Wetland Resource No. <sup>1</sup>	Approximate Size <sup>2</sup>	Cowardin Wetland Type	Eggers & Reed Wetland Type
Northern Site Area			
10	0.87 ac	PEM1C	Shallow Marsh
11	0.91 ac	PEM1B	Fresh Wet Meadow
12	1.12 ac	PEM1B	Fresh Wet Meadow
Southern Site Area			
1	6.59 ac	PEM1C/B	Fresh Wet Meadow/Shallow Marsh

2	5.14 ac	PEM1B	Fresh Wet Meadow
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<sup>1</sup> Wetland resource numbers with the wetland delineation report of the full WMA acquisition area.

<sup>2</sup> Approximate size within the project area expressed in acres (ac), square feet (SF). Areas less than 0.01 acre are presented in square feet.

To protect the resources detailed above, all construction activities will occur at a legal distance away from any nearby wetland/wetland buffer zone in accordance with the Wetland Conservation Act and applicable Minnesota Statutes. Wetland restoration may co-occur as parking lot installation within the Northern and Southern Site Areas. Silt fence is recommended during road grading to avoid runoff into wetland features, particularly shallow marshes which may have standing water. Regular road maintenance to keep the road graded and avoid fill from accumulating in the wetland features as a result of topography changes from use and rainfall events is also recommended. Aside from potential erosion, which can be mitigated, no direct, indirect or cumulative impacts are anticipated for the preferred alternative.

#### Floodplains

Flood Zone X is a designation consisting of areas determined to be outside the 0.2% annual chance floodplain. According to the Flood Insurance Rate Map Panels 27163C0134E and 27163C0145E (**Figures 6a-b**), the Northern and Southern Site Area are both located in Flood Zone X. A topographic map of the Site, Northern Site Area, and Southern Site Area is provided in **Figure 7**.

The preferred alternative will not change the topography of the Site in such a way as to directly, indirectly, or cumulatively affect the floodplain designation at the Site.

#### **c. Marine/Estuarine**

No marine or estuarine features exist on or adjacent to the Site.

#### **d. Stream Flow Characteristics**

No documented streams are present on the Site (USGS, 2023), and the Project, in both no-action and preferred alternatives, is not anticipated to have any direct, indirect, or cumulative impacts on nearby streams or rivers.

#### **e. Wells**

A review of the Minnesota Well Index and the Minnesota Department of Health's Well Disclosure Certificate database identified no well records on the Site. Adjacent land parcels contain wells connected to underground aquifers, with well depths exceeding 100 feet below the ground surface. The preferred alternative is not anticipated to have any direct, indirect, or cumulative impacts on groundwater quality.



## 5. Living Resources

Due to the large acreage and vegetation, the site likely supports small and medium residential and transient mammals. Trees within the Site may provide habitat for roosting and nesting passerine birds and bats. Multiple water resources within the Site likely provide habitat for waterfowl, shoreline birds, fish, aquatic mammals, and invertebrates. Lastly, birds of prey, such as the Bald Eagle (*Haliaeetus leucocephalus*), are likely to be present. Such wildlife and habitats are discussed in further detail below.

The U.S. Fish and Wildlife Service (USFWS) Information for Planning and Consultation (IPaC) database reported four federally listed endangered species within Washington County (**Table 4**).

**Table 4: Federally Listed Species**

Species	Common Name	Organism Type	Effect
<i>Myotis septentrionalis</i>	<a href="#">Northern Long-Eared Bat</a>	Mammal	No effect
<i>Lampsilis higginsii</i>	<a href="#">Higgins Eye</a> (pearly mussel)	Clam	No effect
<i>Quadrula fragosa</i>	<a href="#">Winged Mapleleaf</a>	Clam	No effect
<i>Bombus affinis</i>	<a href="#">Rusty-Patch Bumble Bee</a>	Insect	May effect-consultation ongoing

Northern long-eared bats (NLEB) hibernate in caves or mines during the winter and roost in cavities and crevices of living and dead trees during the active season (approximately April through November). As such, tree removal or underground disturbance can negatively affect roosts. Particularly, occupied maternity roost tree removal during pup season between June 1 and July 31 has the potential to lower populations by harming young northern long-eared bats. No Bat Habitat Conservation Plan features are found within the Site (MN DNR, 2024a), but Washington County has a population (USFWS, 2024) that could utilize the Site's resources. The preferred alternative will require some tree removal for the Northern Site Area and scattered tree removal throughout the site for restoration purposes, which could directly impact this species if completed during the roosting season. To avoid direct impacts to potential northern long-eared bats, tree removal for construction and restoration should not occur between June 1 and July 31. Removing trees could have indirect and cumulative effects on the potential NLEB population by reducing roosting locations. However, most of the Site will remain undisturbed and eventual restoration efforts throughout the site are expected to increase native tree abundance. No tree removal will occur for the development at the site and thus the NLEB will not be affected by the preferred alternative.

The Higgins eye mussel inhabits deep freshwater with moderate currents and stable substrates, such as the Mississippi River and its tributaries. Although this species exists within Washington County, and the Site contains multiple wetlands (**see Section 4b**), the Site does not connect with the Mississippi River, nor will the Project affect any wetlands. As such, the Higgins eye mussel will not be directly, indirectly, or cumulatively impacted by the preferred alternative.

The winged mapleleaf mussel inhabits shallow water with fast currents and has observation records in Washington County. Like the Higgins eye mussel, it is not affected by the proposed Project because there are no fast-flowing streams within the Site, nor will the proposed Project affect such waterways. Therefore, the preferred alternative will not directly, indirectly, or cumulatively impact the winged mapleleaf mussel.

The rusty-patched bumblebee has been observed in prairies, woodlands, marshes, agricultural landscapes, and residential greenspaces. Suitable habitat includes nectar and pollen resources with nearby undisturbed nesting and overwintering sites (generally Mesic Hardwood forests; MN DNR, 2023c). No High Potential Zones and associated features or direct observations have been recorded within the Site (i.e., the likelihood of the Site serving as habitat for this species is low; MN DNR, 2024a). However, the Site is approximately one mile from a High Potential Zone, meaning rusty patch bumble bees may travel to the Site. The preferred alternative will result in gravel deposition for the parking lots within the Northern and Southern Site Areas which may directly impact this species by disturbing or altering the soil while queens overwinter. To avoid this, construction should not be done between mid-October to mid-March (USFWS, 2018). Further, the construction of parking lots could indirectly and, over time, cumulatively impact the rusty-patched bumble bee by decreasing overwintering or foraging habitat via the addition of a gravel barrier preventing soil access, removal of litter, and prevention of forb growth. However, given that the parking lots will be minimal in size, they will, at most, remove a small amount of possible nesting space and eventual prairie restoration efforts may counter this impact by providing additional habitat and forage opportunities. At the time of this dated version of the EA, the USFWS is being consulted on in regards to a may effect, but not likely to adversely effect determination for the rusty-patched bumblebee.

The Minnesota DNR's Natural Heritage Information System (NHIS) was also queried for a 1-mile radius of the Site and found seven species of interest and five native plant communities (**Table 5**). Keystone Woods is a Site of Moderate Biodiversity according to the Minnesota Biological Survey (MBS). This designation is given to sites that contain rare species, moderately disturbed native plant communities, or landscapes that exhibit strong potential for recovery of such native plant communities, their ecological characteristics, or ecological processes.

Scientific Name	Common Name	Type	State Status	Habitat
<b>Species</b>				
<i>Emydoidea blandingii</i>	<a href="#">Blanding's Turtle</a>	Zoological	Threatened	Aquatic + Terrestrial
<i>Aureolaria pedicularia</i>	<a href="#">Fernleaf False Foxglove</a>	Botanical	Threatened	Terrestrial
<i>Etheostoma microperca</i>	<a href="#">Least Darter</a>	Zoological	Special Concern	Aquatic
<i>Alisma gramineum</i>	<a href="#">Narrow-leaved Water</a>	Botanical	Special Concern	Aquatic

	<a href="#">Plantain</a>			
<i>Progne subis</i>	<a href="#">Purple Martin</a>	Zoological	Special Concern	Aquatic + Terrestrial
<i>Crotalaria sagittalis</i> var. <i>sagittalis</i>	<a href="#">Rattlebox</a>	Botanical	Special Concern	Terrestrial
<b>Native Plant Communities</b>				
Oak (Red Maple) Woodland	Southern Dry-Mesic Oak (Maple) Woodland	Botanical	N/A	Terrestrial
Tamarack Swamp (Southern)	Southern Rich Conifer Swamp	Botanical	N/A	Terrestrial
Northern Mixed Cattail Marsh	Northern Mixed Cattail Marsh	Botanical	N/A	Aquatic + Terrestrial
Graminoid-Sphagnum Rich Fen (Basin)	Northern Rich Fen (Basin)	Botanical	N/A	Aquatic + Terrestrial
Leatherleaf-Sweet Gale Shore Fen	Northern Shrub Shore Fen	Botanical	N/A	Aquatic + Terrestrial

The Blanding's turtle (*Emydoidea blandingii*) is fairly adaptable, though it prefers calm, shallow water with rich aquatic vegetation within wetland complexes adjacent to sandy uplands. Generally, Blanding's turtles use ephemeral wetlands during the spring and early summer and transition to deeper marshes and blackwater pools during summer and winter. Female Blanding's turtles often nest in sparsely vegetated uplands with well-drained, sandy soils. The site contains multiple wetlands (see sections 4, 5, and 7) and areas of open grass stands that could support a Blanding's turtle population. The proposed Project in the preferred alternative will not impact the Site's wetlands and, therefore, will not directly, indirectly, or cumulatively affect Blanding's turtles during the overwintering period. However, Blanding's turtles travel between wetlands throughout the breeding (April to May) and active (May to October) seasons and female turtles travel away from the water towards upland zones to lay eggs. The preferred alternative could impact Blanding's turtles in three ways during these periods: 1) direct harm to traveling female turtles via construction equipment, 2) indirect adult or hatchling vehicular mortality, and 3) cumulative decrease in mating opportunities and eventual genetic diversity via steep slope barriers along parking lot edges. To minimize such impacts, construction within the Northern and Southern Site Areas should occur outside the egg-laying period (May to July), proper signage should be used to caution/educate park visitors, potential nests within the parking lots should be monitored, and high edges should be limited when grading the parking lots.

The fernleaf false foxglove (*Aureolaria pedicularia*) is a root semi-parasite endemic to North America and the Great Lakes region. It grows in dry, sand savannas and dry, open oak woodlands with acidic soils, exhibiting a strong dependence on oak trees (e.g. *Quercus ellipsoidalis* and *Q. velutina*). The preferred

alternative will require some tree removal for the Northern Site Area and scattered throughout the Site for restoration purposes, which could directly impact this species if it involves the removal of oak trees; however, buckthorn understory removal and hardwood seeding is also intended to occur as part of the restoration process, possibly increasing oak tree populations over time. To avoid directly impacting fernleaf false foxglove, construction and restoration should not include the removal of oak species or keep removal to a minimum. No tree removal will occur within the Southern Site Area.

The Least darter (*Etheostoma microperca*) is a small vertebrate fish species that inhabits clear freshwater streams and lakes with cool to warm waters. It is strongly associated with dense, submerged aquatic vegetation (e.g., *Vallisneria americana*). Narrow-leaved water plantain (*Alisma gramineum*) is a short-lived perennial aquatic plant that inhabits shallow, nutrient-rich waters with sandy substrates. Both of these species require wetlands and open waters. Although the Site does have such water resources (see **Section 4**), the preferred alternative will not impact any wetlands or standing water and, therefore, will not directly, indirectly, or cumulatively impact them.

The purple martin (*Progne subis*) is a neotropical migratory swallow that breeds in Minnesota. It forages for insects on open land such as fields, wetlands, lakes, and parks. Historically, it nested along woodland edges or riparian zones but now almost exclusively nests within manmade nesting structures along shorelines. The construction of gravel parking lots in the preferred alternative, will not impact purple martin nesting sites but could indirectly or cumulatively impact food and resource availability by decreasing total insect habitat. However, impacts are expected to be minor in proportion to the scale of the gravel parking lots.

Rattlebox (*Crotalaria sagittalis* var. *sagittalis*) is documented in five Minnesota counties, including Washington County. It inhabits sand prairies and savannas, requiring dry, loose soil and direct sunlight. The preferred alternative will not remove or degrade prairies and savannas and, therefore, will not directly, indirectly, or cumulatively impact this species.

The Site is near or includes five native plant communities: Southern dry-mesic oak (maple) woodland, southern rich conifer swamp, northern mixed cattail marsh, northern rich fen (basin), and northern shrub shore fen (**Table 5**). This Site has a history of rotational grazing, which likely impacted the native plant communities, though the stocking rates and duration details are unclear. No plant community alteration will result from the proposed installation of gravel parking lots within the Site for the preferred alternative.

Cumulative impacts to federal and state protected animal and plant species and habitat are expected to be minimal for the preferred alternative.

## 6. Invasive Species

Construction of the parking lots and permitting of human recreational activities introduce the risk of negatively impacting the Site via the spread of invasive species. The direct introduction of invasive species can lead to indirect and cumulative impacts of limiting native plant establishment and growth, reducing food resources for wildlife, and altering ecosystem processes such as nutrient cycling (MN DNR, n.d.).

Methods of introduction include seed detaching from construction equipment or persons into the Site. Preventative and mitigative measures include the following action steps:

1. Inspect all entering and exiting equipment
2. Maintain clean work areas
3. Provide shoe-cleaning stations for park visitors
4. Avoid planting invasive species

Control of existing invasive species, such as understory buckthorn removal, through eventual restoration activities may mitigate such risks.

## **7. Historical Land Use, Ownership Patterns, Property Values & Community Livability**

### **a. Historical Land Use & Ownership Patterns**

Roughly 2,600 acres of land, now planned for distribution between the State of Minnesota and Washington County Parks and Recreation, was purchased by James E. Kelley in 1958. Prior to 1958, the land was reportedly used as a dairy operation (Haralson, 2009). Aerial photographs dating from the 1930s through the present indicate land use has been limited to cropland, pasture and woodland (Terrell, 2024). From 1958 until 2023, Kelley Land and Cattle Company privately used various segments of the acreage for agricultural production, livestock pastures, and the Maple Island Hunt Club. Acreage supporting the Hunt Club occurred east of County Highway 15 on the land that will be sold to Washington County.

The land use on surrounding properties is mixed agricultural/residential land. Northeast of the properties lies the Big Marine Park Reserve which will be expanded with Washington County's land acquisition to the east.

In 2023 the Minnesota DNR began a phased acquisition of approximately 1820 acres of the property that lies west of County Highway 15 and south of 155th St N (**Figure 1**), thereby transferring it from private to public land. Prior to the sale of the Phase I property (479.09 acres) to the State in 2023, NPS acknowledged DNR's request to preserve the eligibility of 455.55 acres of the Keystone Woods WMA Site as suitable LWCF replacement land for the LWCF conversion with delayed replacement of USASP. In September 2024 NPS approved the LWCF conversion with delayed replacement from the USASP; additionally, the remaining acreage was acquired by the State with support from the Outdoor Heritage Fund and Trust for Public Land, designating the area as the Keystone Woods Wildlife Management Area. A need to identify suitable LWCF replacement land for the USASP conversion remains in effect. The Site is available to the public for outdoor recreation purposes, such as hiking and biking.

The no-action alternative will not affect future ownership patterns given that the State's objective is for the WMA status on the Site to remain permanent. Likewise, the preferred alternative will not directly affect future ownership pattern as section 6(f)(3) of the LWCF Act emphasizes the permanent intent behind the status designation, stating, "No property acquired or developed with



assistance under this section shall, without the approval of the Secretary [of the Department of the Interior], be converted to other than public outdoor recreation uses.” The no-action alternative will not have indirect or cumulative impacts to ownership patterns of nearby properties. The preferred alternatives may have indirect or cumulative impacts to ownership patterns of nearby properties by affecting property values and community livability, as discussed below.

### **b. Property Values**

A certified appraisal conducted to yellow-book standards on January 22, 2024 listed the market value of the Site at \$6,512,000, exceeding the market value of USASP (\$3,180,000), also determined by certified appraisal conducted to yellow-book standards. The Site’s value is not anticipated to decrease as a direct result of the preferred alternative given its objective to preserve the landscape. Public interest in outdoor recreational resources that WMAs provide may indirectly increase the values of adjacent properties as well as insulate them from fluctuations of suburban markets due to development restrictions within the Site. The cumulative impacts of the preferred alternative is anticipated to positively impact property values, which may indirectly effect community livability.

### **c. Community Livability**

Community livability looks at a holistic view of the overall quality of life experienced by a group of people living in proximity to one another. The preferred action alternative aims to directly improve quality of life to nearby communities by providing increased outdoor recreation opportunities and spaces, thereby promoting physical and mental health and wellness. The preferred alternative will support these objectives given the federal level of protection of public recreational opportunities over the site. The preferred alternative will have positive indirect impacts on the community by preserving natural resources in the area to protect and enhance the community’s environmental resilience. Given the permanency of the preferred alternative, the positive community livability effects resulting from increased access to outdoor recreational resources will have a cumulative impact over time by providing constant access to outdoor spaces.

## **8. Other Agency & Tribal Land Use**

The purpose of transferring LWCF designation to the Site is a result of the removal of LWCF status from Upper Sioux Agency State Park (USASP). During the 2023 Legislative Session, laws were signed to return State-owned land within USASP to the Upper Sioux Community, given the cultural and historical significance of the area to the tribal community (MN DNR, 2024b). As a result of the land moving from public to private ownership and accessibility, it is no longer eligible for LWCF designation, prompting the search for LWCF replacement property (i.e. the Site). The proposed Site is not located within a tribal reservation or tribal trust land (UMN, 2022).

NPS formally notified the affiliated tribal governments of an opportunity to consult with NPS on this project on September 13, 2024. No concerns were raised from most consulting parties. The Upper Sioux

Community, Minnesota, inquired if a tribal survey had been conducted. The NPS provided *2024 Phase I Archaeological Survey for Keystone Woods*, and through further consultations the NPS and Upper Sioux Community did not decide to conduct an additional tribal survey at the Site for this undertaking. As such, NPS issued a final finding of No Historic Properties Affected on March 21, 2025 to consulting parties. Refer to **Item G** for a full list of THPO representatives consulted on this Project.

Prior to its purchase by the State, the Site was privately owned and not subject to public agency or tribal land use. The Minnesota Department of Natural Resources defines WMAs as “part of Minnesota’s outdoor recreation system [that] are established to protect those lands and waters that have a high potential for wildlife production, public hunting, trapping, fishing, and other compatible recreational uses” (MN DNR, 2023b). Outdoor recreational functionality will be applied to the Keystone WMA entirely, including the 455.55-acre Project Site.

Agency and tribal land use under the no-action alternative will be subject to the regulations set forth by Minnesota’s Lessard Sams Outdoor Heritage Fund (LSOHF). This directly impacts land use opportunities in that activity must focus on enhancing, restoring, and protecting wildlife habitat. This focus may directly or indirectly affect long-term recreation opportunities on the Site which conflict with the primary objective of preserving native habitat.

Agency and tribal land use under the preferred alternative will likewise be subject to LSOHF regulations in addition to LWCF regulations. The preferred alternative will directly impact agency and tribal land use in that the Site will be federally protected for public outdoor recreation as well as conservation, into perpetuity. The Site will continue to serve as a WMA, while installation of gravel parking lots will facilitate access to areas of the WMA and preserve areas by designating traffic patterns.

The preferred alternative will directly affect land use opportunities within the Site, such as restricting residential or commercial development and focusing land use efforts on preserving natural resources while providing outdoor recreation opportunities, as permitted by respective funding sources.

## 9. Cultural & Historic Resources

Neither the Site, nor the greater area being acquired by the State, is listed on the National Register of Historic Places nor is the Site located within a historic district. There are no buildings or permanent structures located on the Site.

In 2023, MN DNR Fish and Wildlife Cultural Resources Program archaeologists conducted field investigations at five proposed parking lot locations, including the Northern and Southern Site Areas within the Project Site. These studies were negative for cultural resources (Terrell, 2024; Magner, 2024). A Phase I Archaeological Survey was completed and submitted to the State Historic Preservation Office (SHPO) for review in July, 2024. No artifacts were recovered during shovel tests at the Site (see **Figure 8**), and background research within the OSA portal did not indicate previous artifact findings within the boundaries of the Site. The survey concluded "no archaeological sites were identified," and recommended no further archaeological investigation prior to or during development with its field surveyed portion of the WMA (the Site). SHPO has provided a final determination that concurs with survey conclusions. NPS

provided a final finding of effect of No Historic Properties Affects to the SHPO on March 21, 2025. As such, the preferred alternative is not anticipated to have a direct impact on cultural and historic resources.

Precontact period archaeological resources have been recovered within one mile of the Site, namely around Big Marine Lake (Terrell, 2024), however the preferred alternative is not anticipated to cause environmental impacts that would indirectly or cumulatively affect these resources.

### Social History

Kelley Land and Cattle Company was purchased by James E. Kelley in 1958 as an extension to his operations at Spruce Shadows Farm in Bloomington, MN. Spruce Shadows Farm is not listed on the National Register of Historic Places (SHPO, 2024), but boasts historic significance as one of the “few surviving country estates built by prominent Twin Cities families seeking refuge from city life” (de Miranda, 1999). The home there was reportedly designed by, or in the style of, architect Magnus Jemne. Spruce Shadows is still owned by Kelley’s family, who operates O’Neill Farms. The Kelley Land and Cattle Company may also carry social history in its affiliation with bovine research conducted in tandem with the University of Minnesota during its operation.

## **10. Socioeconomics**

Socioeconomic status (SES) can be measured using a combination of factors but is largely characterized by material and human capital. These may be quantified using data such as income, education, and racial demographics, amongst other factors. Given that the Site is split between the City of Hugo and May Township, data summarizing 2023 census reports for both is provided in **Table 6** below.

**Table 6. 2023 Census Data for the City of Hugo and May Township**

	City of Hugo	May Township
Size in Area	36.02 square miles	34.1 square miles
Size in Population	16,500 people	2,667 people
High School Graduate or Higher (Persons 25+ Years Old Surveyed)	98.3%	99%
Bachelor’s Degree or Higher (Persons 25+ Years Old Surveyed)	38.6%	54%
Average Per Capita Annual Income (2022)	\$55,075/year	\$77,033/year
Persons in Poverty	2.1%	2.1%
Percent White Demographics	92.2%	94%

United States Census Bureau (2023); Census Reporter (2023).

The proposed Project does not anticipate having significant impacts on socioeconomic status as measured by the factors in **Table 6**. The preferred alternative may indirectly increase nearby property values, as discussed in **Section 7**, thereby influencing homebuyer demographics, such as annual income. Measured socioeconomic effects resulting from the incorporation of a WMA on the Site will be gradual. Given the permanency of the preferred alternative, these indirect impacts may be considered cumulative. Access to publicly owned outdoor spaces may also contribute to a greater quality of life for visitors and nearby residents, which may have indirect effects on socioeconomic data.

The Keystone Woods WMA is located and designed to expand WMA user groups. The no-action alternative may result in the absence of LWCF replacement land and thereby jeopardize the State's eligibility to receive a \$5 million annual apportionment to support DNR-managed lands as well as local community projects across Minnesota, which may indirectly negatively impact socioeconomic data.<sup>1</sup>

## 11. Recreational Resources

The State's purchase of the Site in 2023 changed its ownership status from private to public land with the intent to incorporate it into a WMA. Both the no-action and preferred alternatives will directly result in the establishment of public outdoor recreational resources at the Site which did not exist prior. The preferred alternative is to transfer LWCF status to the Site, which will ensure that public outdoor recreation opportunities remain into perpetuity, as required by the LWCF Act of 1964. Gravel parking lots will be implemented to facilitate access to the Site for the preferred alternative; the no-action alternative will not have a federal level of protection guaranteeing public outdoor recreation opportunities into perpetuity.

Prior to purchase by the state, no public recreational resources were available on the Site. The Maple Island Hunt Club operated on Kelley's land east of Manning Trail, but not on the Site itself. Neither alternative will directly restrict hunting as a form of recreation on the Site given the Minnesota Constitution requires lands acquired with dedicated funds for conservation, such as the Outdoor Heritage Fund, to include opportunities for hunting, fishing and other outdoor recreation. These activities also align with the priorities of Minnesota's State Comprehensive Outdoor Recreation Plan (SCORP), and therefore do not conflict with public outdoor recreation opportunities supported by LWCF in Minnesota.

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<sup>1</sup> Executive Order 14154, *Unleashing American Energy* (Jan. 20, 2025), and a Presidential Memorandum, *Ending Illegal Discrimination and Restoring Merit-Based Opportunity* (Jan. 21, 2025), require the Department to strictly adhere to the National Environmental Policy Act (NEPA), 42 U.S.C. §§ 4321 et seq. Further, such Order and Memorandum repeal Executive Orders 12898 (Feb. 11, 1994) and 14096 (Apr. 21, 2023). Because Executive Orders 12898 and 14096 have been repealed, complying with such Orders is a legal impossibility. The National Park Service verifies that it has complied with the requirements of NEPA, including the Department's regulations and procedures implementing NEPA at 43 C.F.R. Part 46 and Part 516 of the Departmental Manual, consistent with the President's January 2025 Order and Memorandum. The National Park Service has also voluntarily considered the Council on Environmental Quality's rescinded regulations implementing NEPA, previously found at 40 C.F.R. Parts 1500–1508, as guidance to the extent appropriate and consistent with the requirements of NEPA and Executive Order 14154.

Phase I of the Project will involve the installation of two gravel parking lots to provide convenient access for WMA users to use existing access roads as trails for walking and biking through the property. Proposed trails on the Site can be viewed in **Figure 8**. Additional recreational resources are included in the Site's 10-year plan but are outside the scope of this EA.

## **12. Circulation & Transportation**

Although a traffic study has not been conducted for this Project, no direct, indirect, or cumulative impacts to traffic levels are expected. Traffic in the immediate area is not expected to significantly increase due to the Project in the preferred alternative, as the parking lots will have limited capacity (25 total spaces, with 6 at the Northern Site Area and 19 at the Southern Site Area).

## **13. Accessibility**

Service roads within the Site extend westward through the Southern Site Area and cut northward from the middle, southern edge (**Figure 3a**). Additionally, public roads along the eastern (County Road 15) and northern (County Road 4) perimeters will provide access to parking lots for both alternatives (no-action and preferred). Access roads that will serve as walking trails consist of pervious surfaces (gravel). The construction of gravel parking lots will directly increase accessibility to the Site which may indirectly and cumulatively increase visitation. The Southern Site Area lot will include four ADA accessible parking spots.

## **14. Aesthetics**

The Project is not anticipated to significantly change the visual aesthetics at the Site. However, eventual restoration may directly and, over time, cumulatively impact the aesthetics by increasing habitat diversity and particularly in the prairies, the abundance of flowering plants.

## **15. Energy Resources**

The Project for the preferred alternative will not have any direct, indirect, or cumulative impacts to energy resources. Utility lines exist within the Site, but no additional electricity or energy resources will be constructed.

## **16. History of Contamination & Hazardous Materials**

Before the Project, the Site was used as a feedlot for cattle from 1965 to 2023, with a managerial change to rotation grazing in 1997 (Tevis, 2011). Although this produced manure, the Site had limited environmental impacts, contaminations, hazardous materials, or hazardous wastes. Contamination is not expected to be seen nor produced on this Site due to the distances from properties that were reviewed within two miles of the Northern and Southern Site Areas.



According to the Minnesota Pollution Control Agency’s “What’s in My Neighborhood?” database (MPCA, 2024), two historical hazardous waste generators within two miles of the Site Areas have been inactive since 1985. Soil or groundwater contamination, abandoned dumps, closed landfills, existing or abandoned storage tanks, and hazardous liquid or gas pipelines are not expected to impact the Project or the Site. **Figure 9** shows a map of current listings from What’s in My Neighborhood.

The construction of the parking lots within the Site Areas is expected to produce little to no solid waste. Any such solid waste will be disposed of in compliance with the Solid Waste regulation.

Hazardous materials or wastes are not anticipated to be generated, stored, or used during the construction or operation of the Project. The Site will not include receptacles and instead require a Pack In/Pack Out policy for park guests.

## **17. Additional Resources**

No additional resources require discussion within the scope of this EA.

## **G. Consultation, Coordination & Comment**

1. U.S. Fish & Wildlife Service (USFWS) Coordination
2. National Historic Preservation Act (NHPA) Coordination
3. State Historic Preservation Office (SHPO) Consultation
  - a. A Phase I Archaeological Survey was completed and submitted to the State Historic Preservation Office (SHPO) for review in July, 2024. NPS provided a final finding of effect to the SHPO on March 21 2025 of No Historic Properties Affected.
4. Tribal Consultation

NPS has completed tribal consultation as of March 2025 The following tribal governments have been invited for consultation:

  - a. Flandreau Santee Sioux Tribe of South Dakota
  - b. Lower Sioux Indian Community in the State of Minnesota
  - c. Prairie Island Indian Community in the State of Minnesota
  - d. Santee Sioux Nation, Nebraska
  - e. Shakopee Mdewakanton Sioux Community of Minnesota
  - f. Sisseton-Wahpeton Oyate of the Lake Traverse Reservation, South Dakota
  - g. Upper Sioux Community, Minnesota
  - h. Spirit Lake Tribe, North Dakota
  - i. Crow Creek Sioux Tribe
  - j. Yankton Sioux Tribe of South Dakota
  - k. Assiniboine & Sioux Tribes of the Fort Peck Indian Reservation, Montana
  - l. Apache Tribe of Oklahoma
  - m. Bad River Band of the Lake Superior Tribe of Chippewa Indians of the Bad River Reservation, Wisconsin
  - n. Cheyenne and Arapaho Tribes, Oklahoma
  - o. Fond du Lac Band of the Minnesota Chippewa Tribe

- p. Fort Belknap Indian Community of the Fort Belknap Reservation of Montana
  - q. Grand Portage Band of the Minnesota Chippewa Tribe
  - r. Iowa Tribe of Kansas and Nebraska
  - s. Keweenaw Bay, Indian Community, Michigan
  - t. Lac du Flambeau Tribe, Lac du Flambeau Band of Lake Superior Chippewa Indians
  - u. Leech Lake Band of the Minnesota Chippewa Tribe
  - v. Menominee Indian Tribe of Wisconsin
  - w. Mille Lacs Band of Ojibwe (The Mille Lacs Band of the Minnesota Chippewa Tribe Mille Lacs Band of Ojibwe)
  - x. Red Cliff Band of Lake Superior Chippewa Indians of Wisconsin
  - y. Sokaogon Chippewa Community, Wisconsin
  - z. White Earth Band of Minnesota Chippewa
  - aa. Cheyenne River Sioux Tribe of the Cheyenne River Reservation, South Dakota
  - bb. Lower Brule Sioux Tribe of the Lower Brule Reservation, South Dakota
  - cc. Oglala Sioux Tribe of the Pine Ridge Reservation, South Dakota
  - dd. Rosebud Sioux Tribe of the Rosebud Indian Reservation, South Dakota
  - ee. Standing Rock Sioux Tribe of North & South Dakota
5. Public Comment
- a. The Minnesota DNR opened a public input period related to the opening and desired uses of Keystone Woods WMA January 16-March 2, 2025. The public input period included two in-person events, an online meeting, online survey, and opportunities to provide input via email, phone, or postal mail. The online survey received 1,602 responses; 66 emails and 4 letters were also received. Opportunities of highest interest for the WMA include hunting, fishing, and trapping programs; ADA accessible events; outdoor skills programs; nature education programs; dog training programs; youth and women's outdoor programs. The DNR summarized findings and reconciled all responses.
  - b. This Environmental Assessment will be released for a 30-day public input period in June, 2025.

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<https://maps.dot.gov/BTS/NationalTransportationNoiseMap/>

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<https://www.fws.gov/program/national-wetlands-inventory/wetlands-mapper>

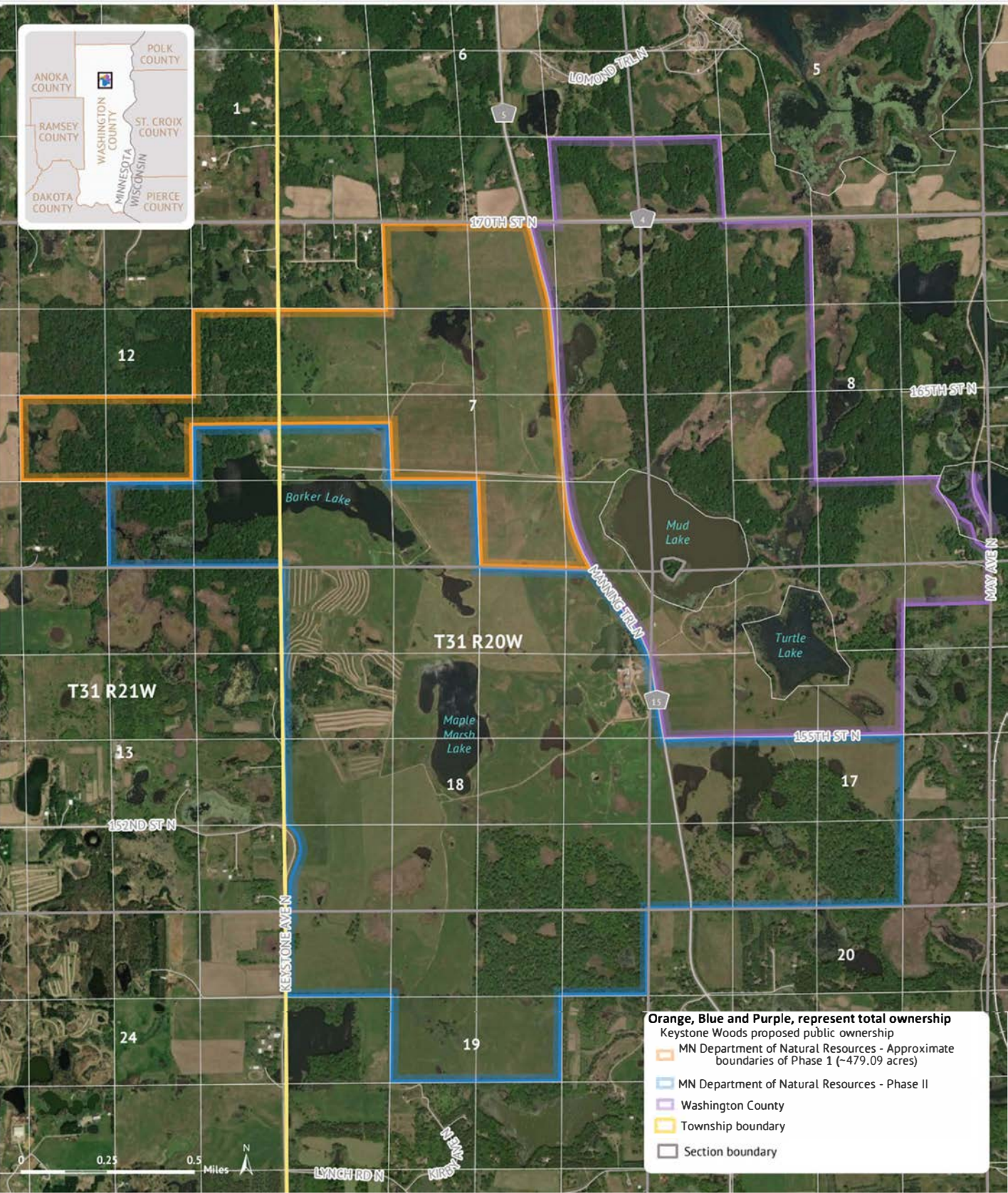
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<https://www.washingtoncountymn.gov/3695/Top-10-Protection-Priority-Areas>

## Figures



Figure 1. Keystone Woods Full WMA Acquisition



# Keystone Woods WMA Acquisition

WASHINGTON COUNTY, MINNESOTA

August 5, 2022. Copyright © Trust for Public Land. Trust for Public Land and Trust for Public Land logo are federally registered marks of Trust for Public Land. Information on this map is provided for purposes of discussion and visualization only. [www.tpl.org](http://www.tpl.org)





Figure 2. Keystone Woods Phase I Boundary - LWCF Replacement Site

## LWCF Boundary of Keystone Woods WMA, LW27-00788.1

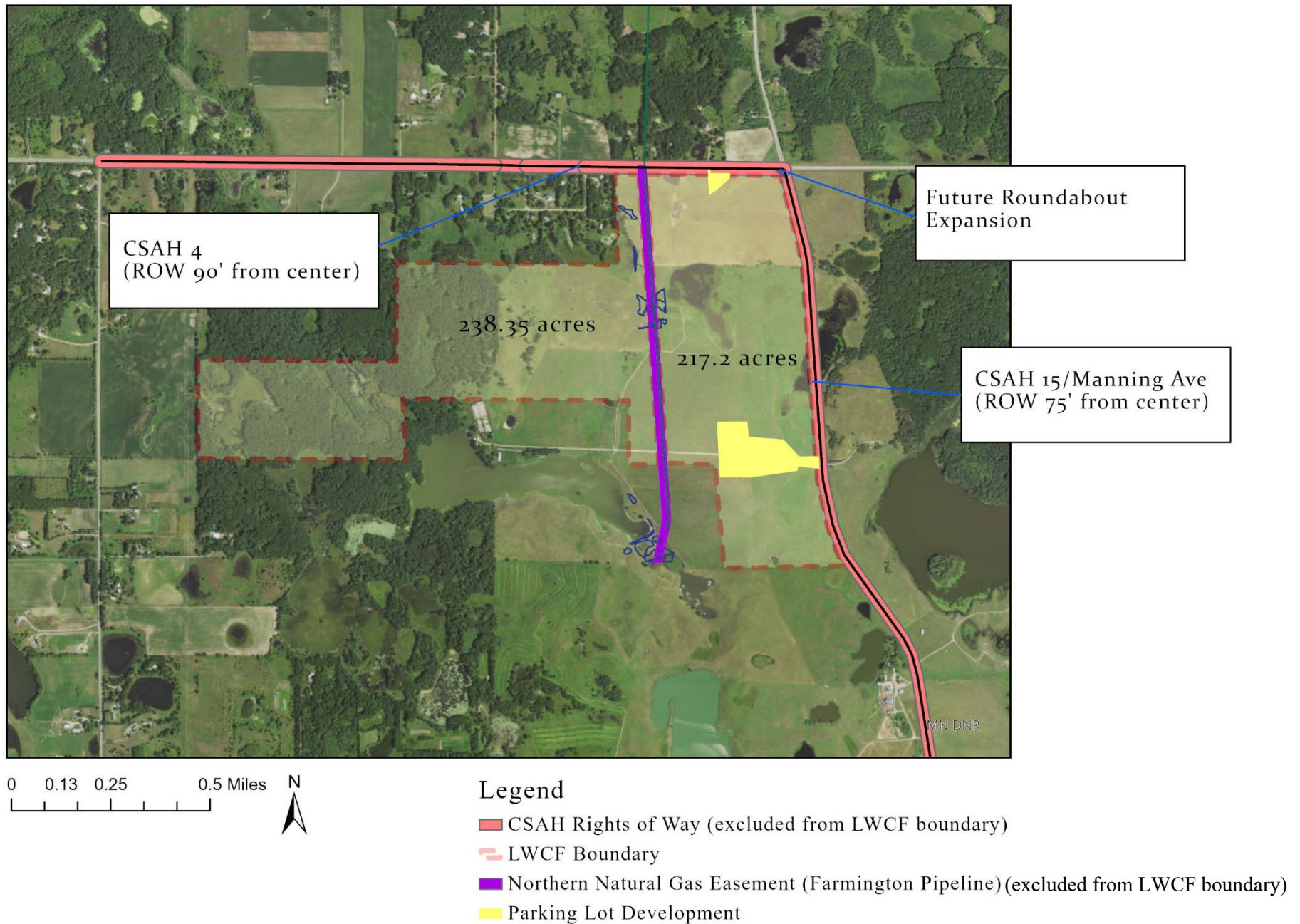
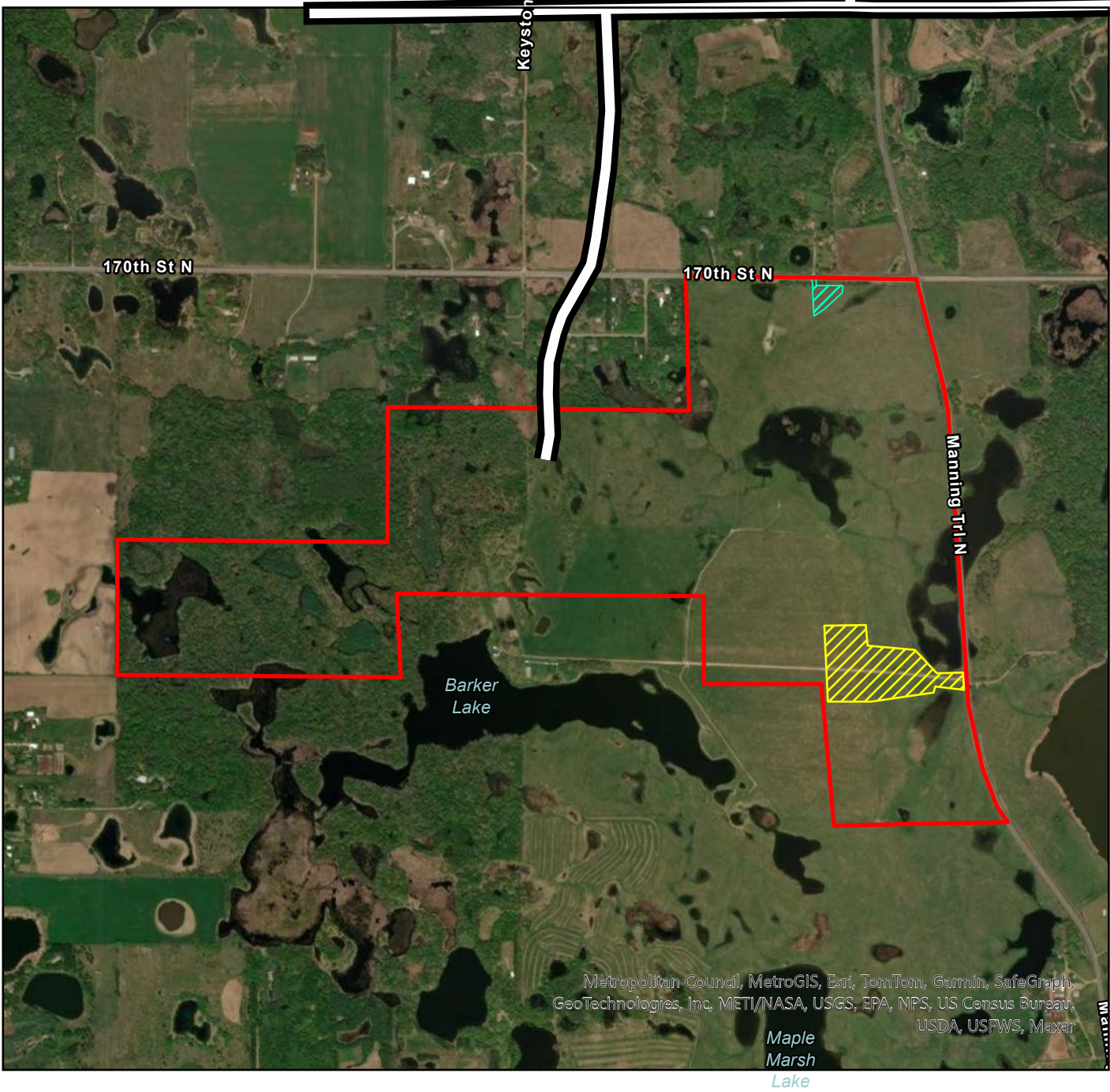


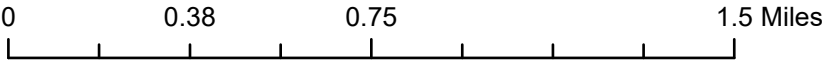


Figure 3a. Full Site Location



Legend

- Keystone WMA
- Southern Parking Area
- Northern Parking Area



Rock Leaf Water Environmental  
281 Commerce Circle S  
Fridley, MN 55432  
833-762-5532  
RockLeafWater.com

Map By: Libby Markham  
Print Date: 8.1.2024

Site Location  
Full Site  
Map 3A

Rock Leaf does not warrant that the GIS data in this map is error free, therefore it should not be used for surveying, tracking, navigation, or other purposes that require exact precision. Rock Leaf is not responsible for any damages that may come of the use of this data.



Figure 3b. Northern Site Parking Area

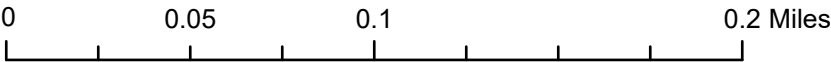


Maxar, Microsoft, Esri Community Maps Contributors, Metropolitan Council, MetroGIS, © OpenStreetMap, Microsoft, Esri, TomTom, Garmin, SafeGraph, GeoTechnologies, Inc, METI/NASA, USGS, EPA, NPS, US Census Bureau, USDA, USFWS

Legend

 Keystone WMA

 Northern Parking Area



Rock Leaf Water Environmental  
281 Commerce Circle S  
Fridley, MN 55432  
833-762-5532  
RockLeafWater.com

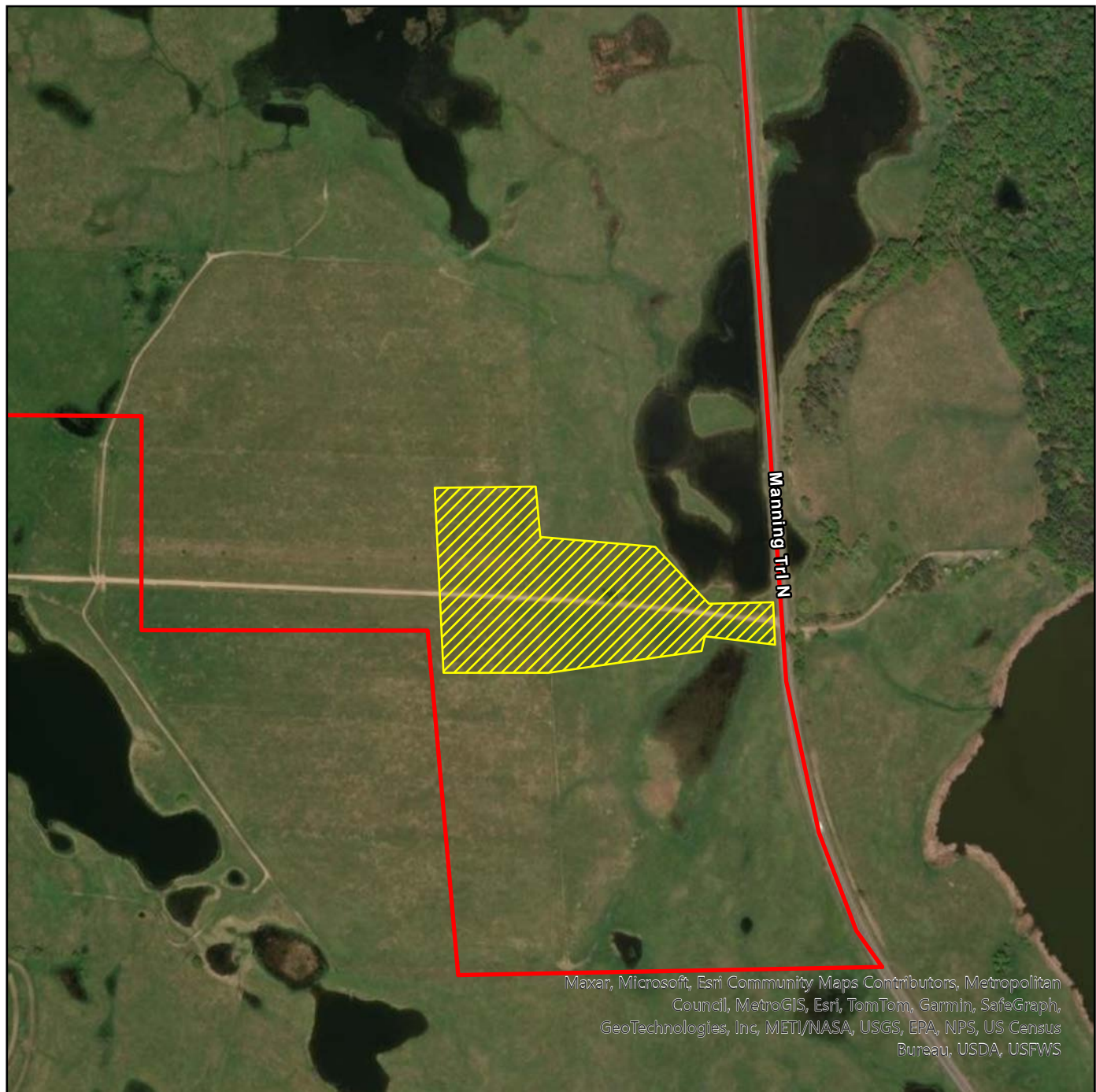
Map By: Libby Markham  
Print Date: 8.1.2024

**Site Location**  
**Northern Site Area**



**Map 3B**

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Figure 3c. Southern Site Parking Area



## Legend

-  Keystone WMA
-  Southern Parking Area

0 0.13 0.25 0.5 Miles



Rock Leaf Water Environmental  
281 Commerce Circle S  
Fridley, MN 55432  
833-762-5532  
RockLeafWater.com

Map By: Libby Markham  
Print Date: 8.1.2024

**Site Location**  
**Southern Site Area**

**Map 3C**

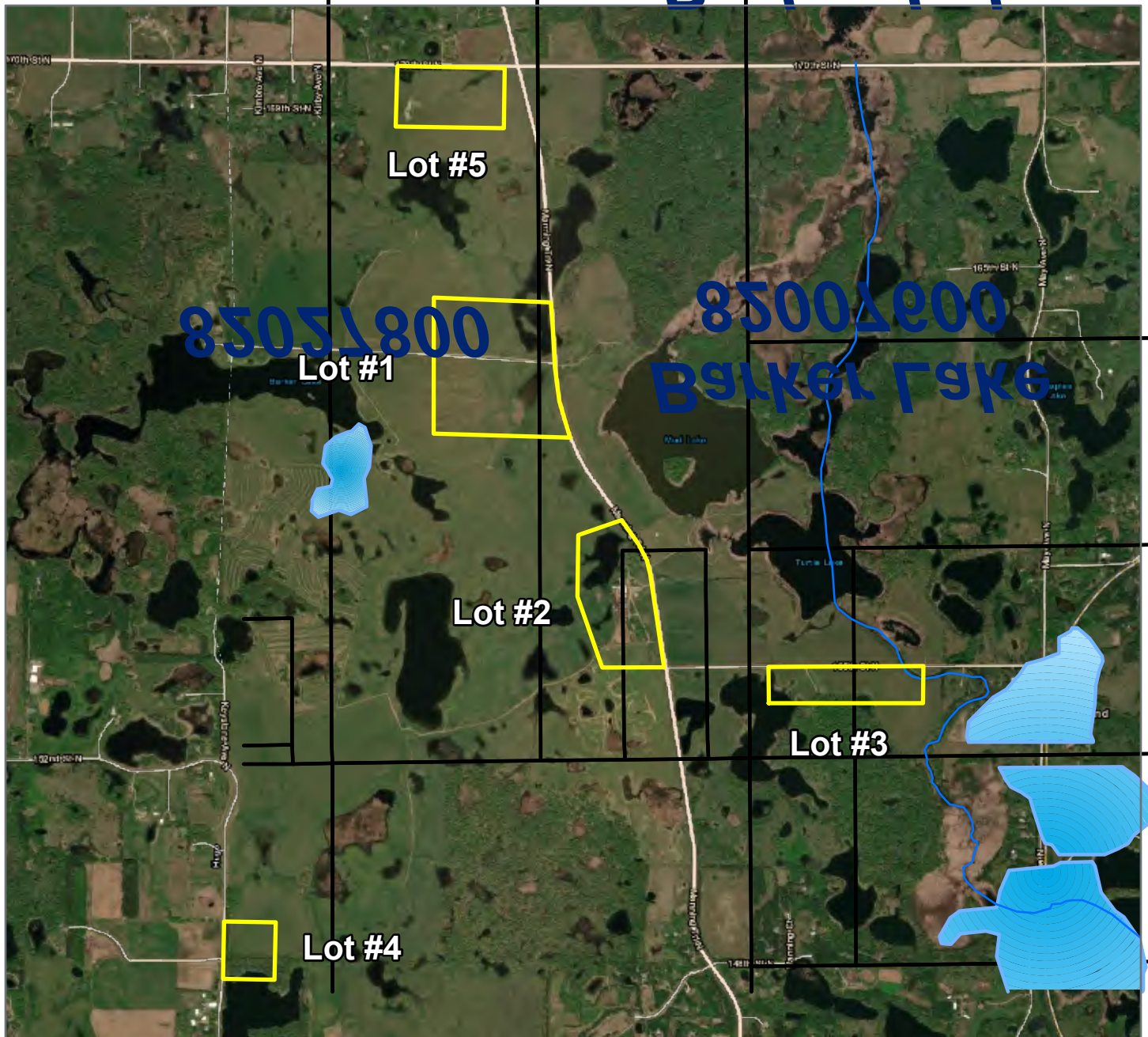
Rock Leaf does not warrant that the GIS data in this map is error free, therefore it should not be used for surveying, tracking, navigation, or other purposes that require exact precision. Rock Leaf is not responsible for any damages that may come of the use of this data.







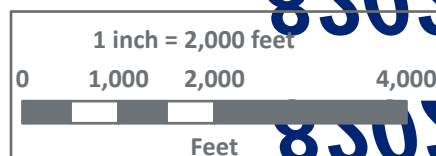
Figure 5a. Summary of Wetland Areas Delineated



**Legend**

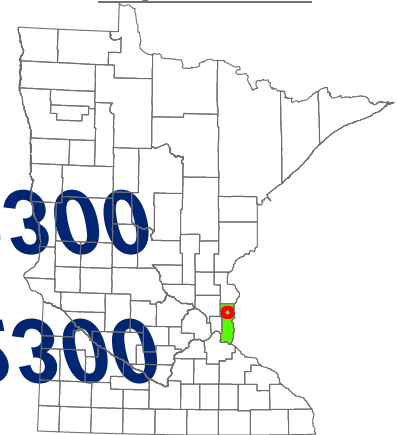
-  Environmental Clearance Boundary (ECB)
-  County Parcels
-  MN DNR Inventoried Public Waterbasin

**Address:** Manning Trail N  
May Township, MN 55047  
**Lat/Long:** 45.1852, -92.8831  
**PID:** Multiple  
**Project No:** 18132  
**Date:** 6.28.2024



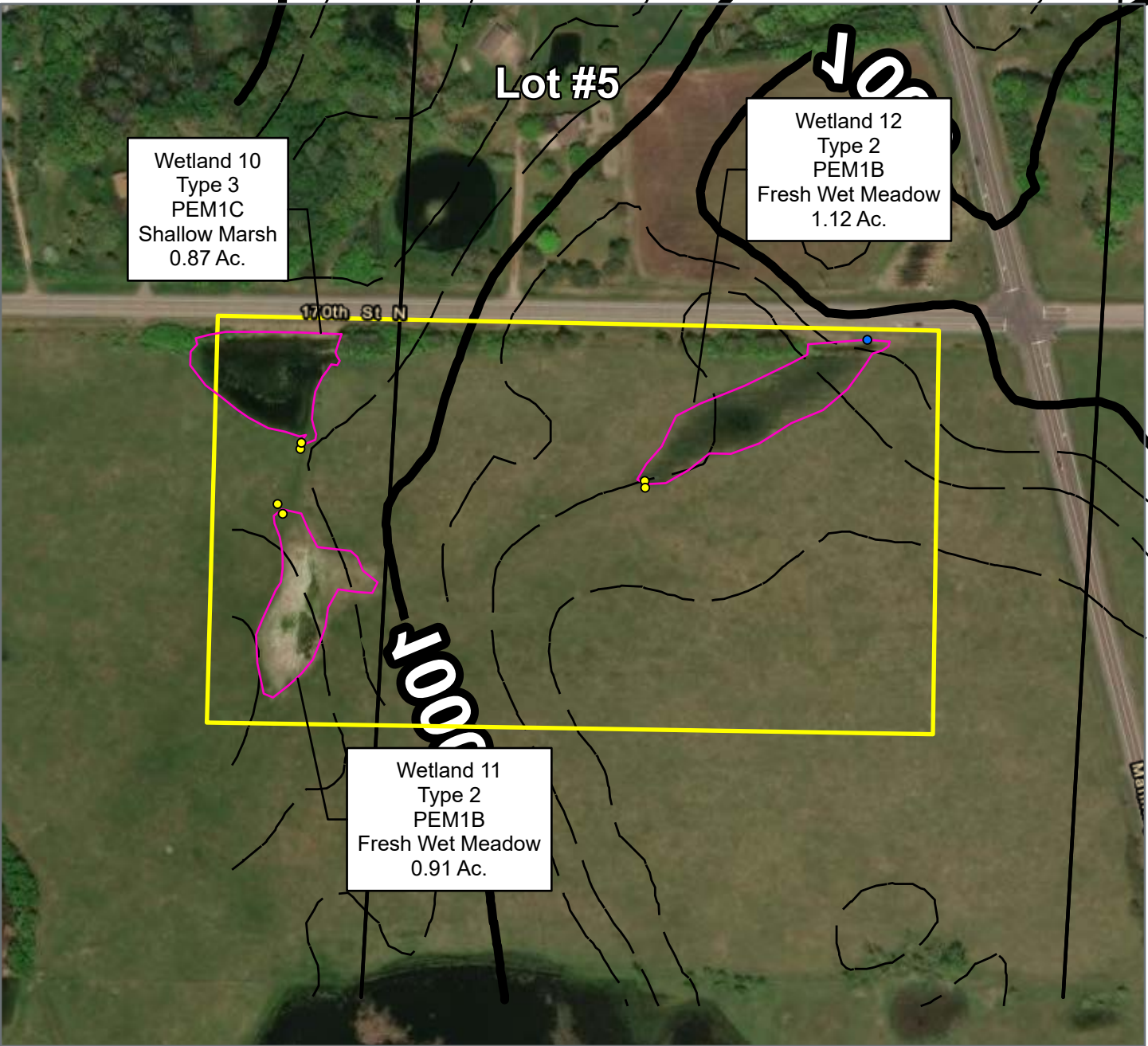
**ANDERSON**  
13605 1st Ave N #100, Plymouth, MN 55441  
P 763.412.4000 F 763.412.4090 [ae-mn.com](http://ae-mn.com)

**Project Location**



May Township  
Washington County, MN

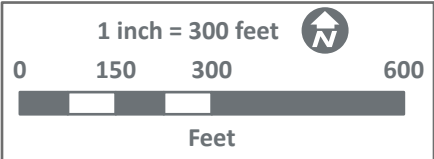
Figure 5b. Northern Site Parking Area Wetland Delineation



**Legend**

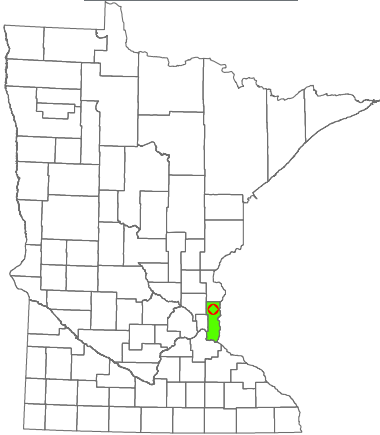
-  Environmental Clearance Boundary (ECB)
-  Wetland Field Delineated July 16th-17th, 2024
-  Culvert
-  Sample Point

**Address:** Manning Trail N  
May Township, MN 55047  
**Lat/Long:** 45.1852,-92.8831  
**PID:** Multiple  
**Project No:** 18132  
**Date:** 7.24.2024



**ANDERSON**  
13605 1st Ave N #100, Plymouth, MN 55441  
P 763.412.4000 F 763.412.4090 ae-mn.com

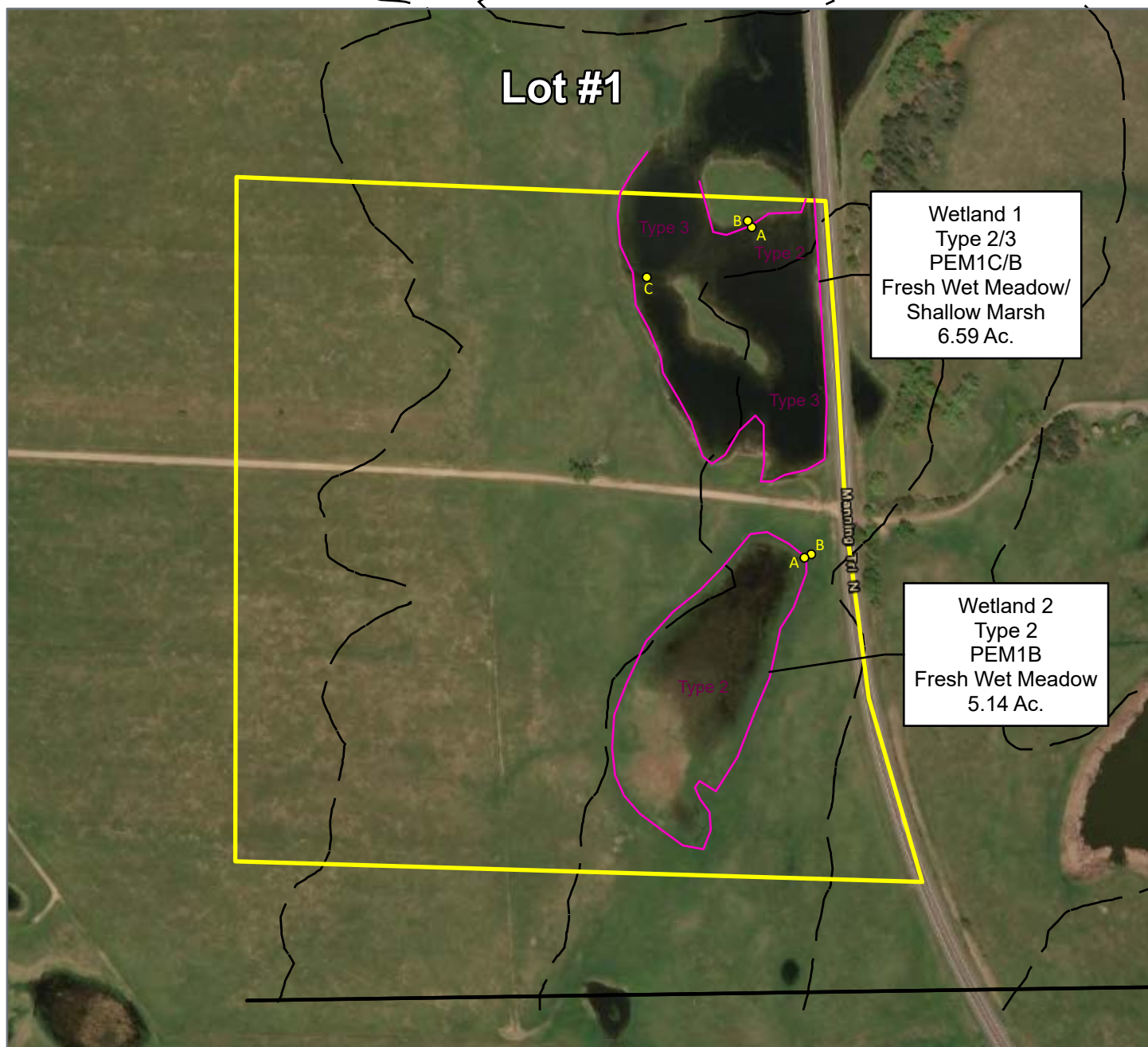
**Project Location**



**May Township**  
**Washington County, MN**



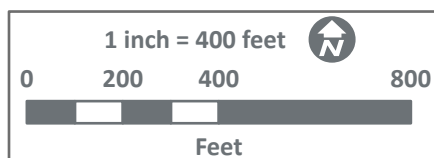
Figure 5c. Southern Site Parking Area Wetland Delineation



### Legend

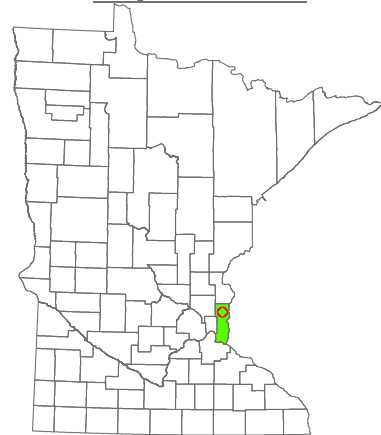
- Environmental Clearance Boundary (ECB)
- County Parcels
- Wetland Field Delineated July 16th-17th, 2024
- Sample Point
- Culvert

**Address:** Manning Trail N  
May Township, MN 55047  
**Lat/Long:** 45.1852, -92.8831  
**PID:** Multiple  
**Project No:** 18132  
**Date:** 7.24.2024



**ANDERSON**  
13605 1st Ave N #100, Plymouth, MN 55441  
P 763.412.4000 F 763.412.4090 ae-mn.com

### Project Location



**May Township**  
**Washington County, MN**

**Figure 6a. Flood Insurance Rate Map Panel 27163C0134E**

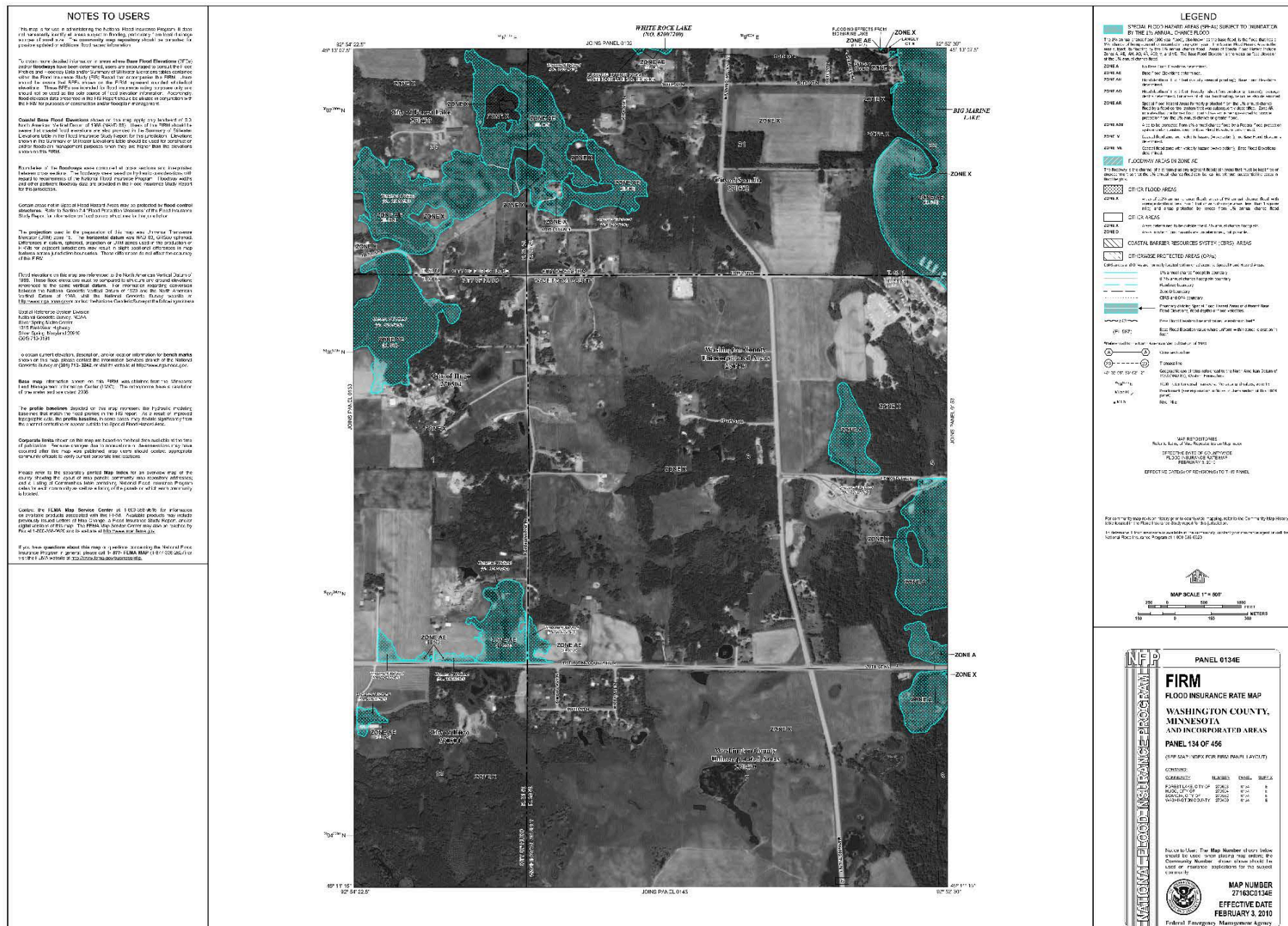
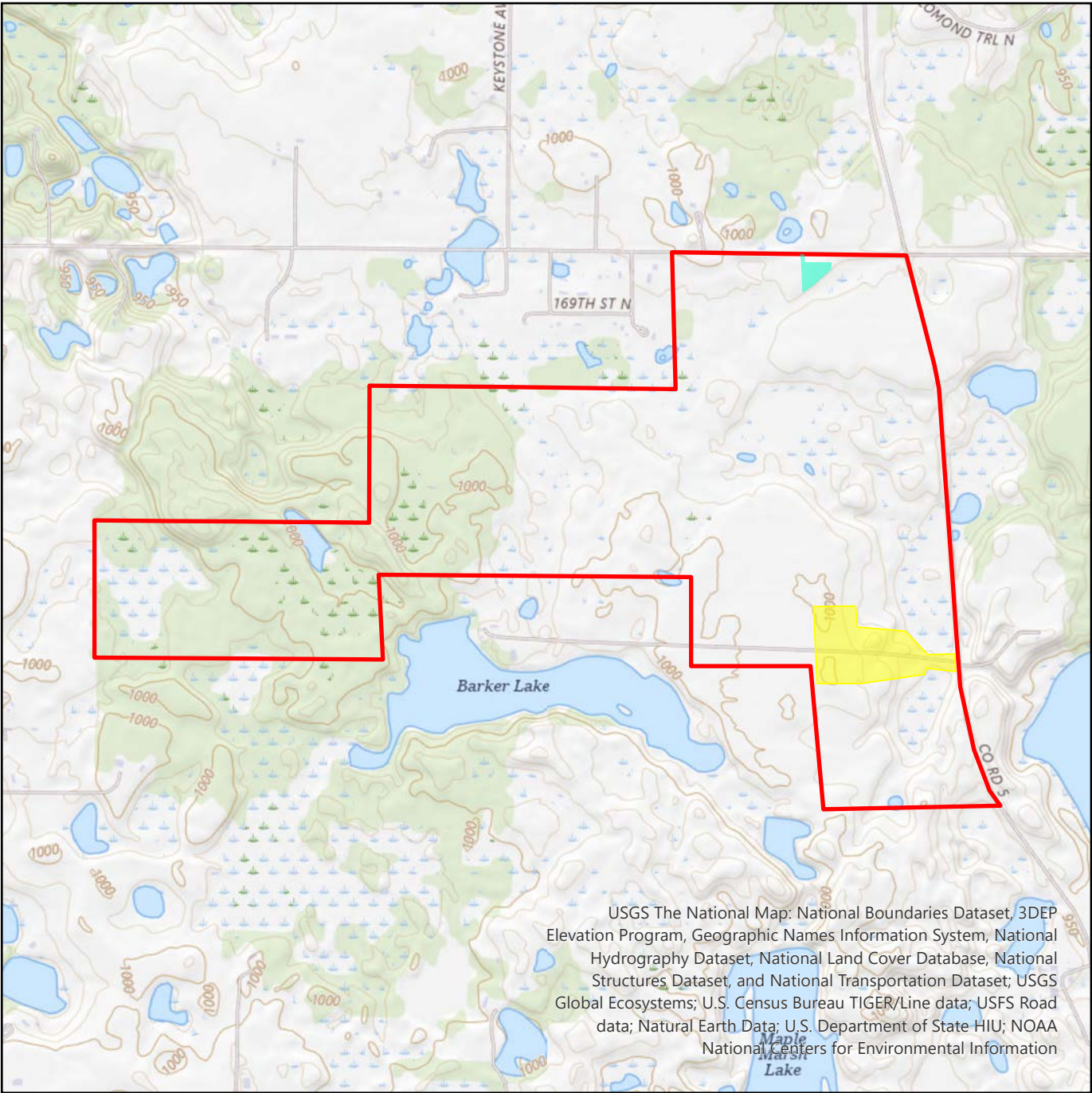




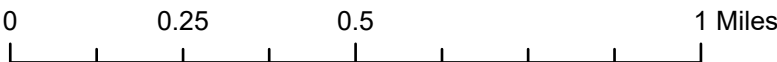



Figure 7a. Topographic Map Full Site



Legend

- Southern Parking Area
- Northern Parking Area
- Keystone WMA





Rock Leaf Water Environmental  
281 Commerce Circle S  
Fridley, MN 55432  
833-762-5532  
RockLeafWater.com

Map By: Libby Markham  
Print Date: 8.1.2024

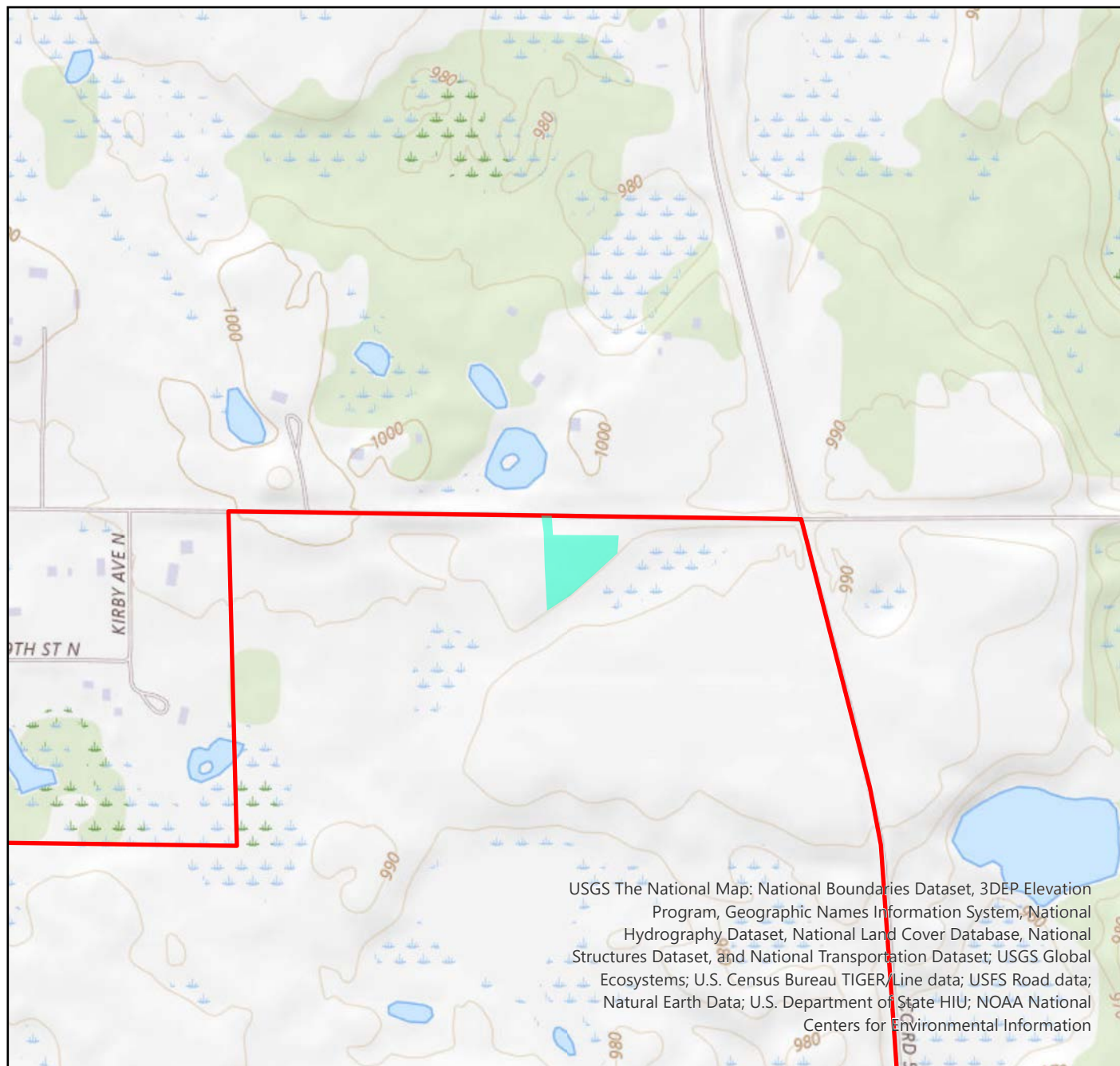
**Topographic Map  
Full Site**

**Map 7A**

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**Figure 7b. Topographic Map Northern Site Area**



## Legend

- Southern Parking Area
- Northern Parking Area
- Keystone WMA

0 0.1 0.2 0.4 Miles



Rock Leaf Water Environmental  
281 Commerce Circle S  
Fridley, MN 55432  
833-762-5532  
RockLeafWater.com

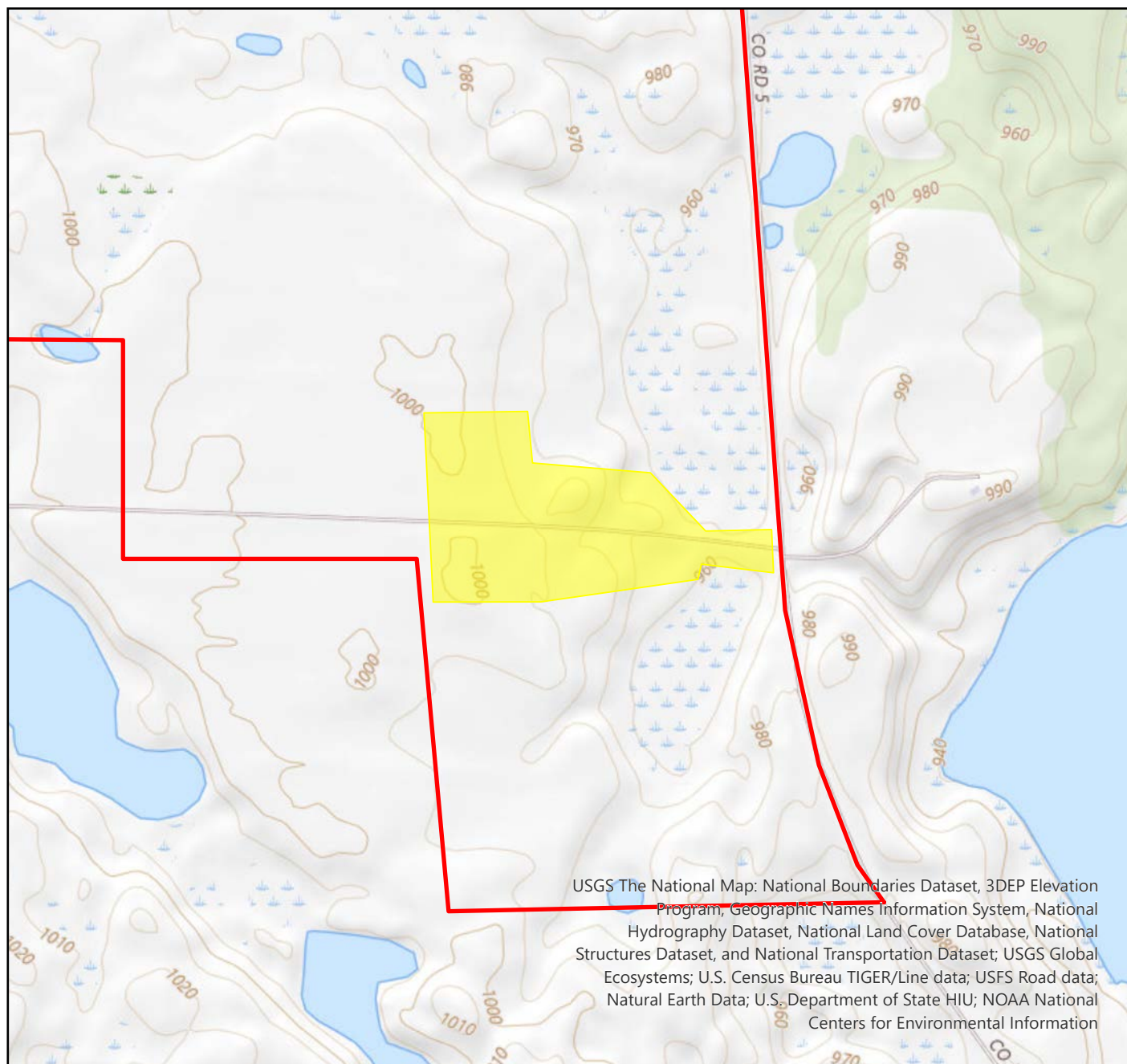
Map By: Libby Markham  
Print Date: 8.1.2024

**Topographic Map  
Northern Site Area**

**Map 7B**

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**Figure 7c. Topographic Map Southern Site Area**



## Legend

- Southern Parking Area
- Northern Parking Area
- Keystone WMA

0 0.1 0.2 0.4 Miles



Rock Leaf Water Environmental  
281 Commerce Circle S  
Fridley, MN 55432  
833-762-5532  
RockLeafWater.com

Map By: Libby Markham  
Print Date: 8.1.2024

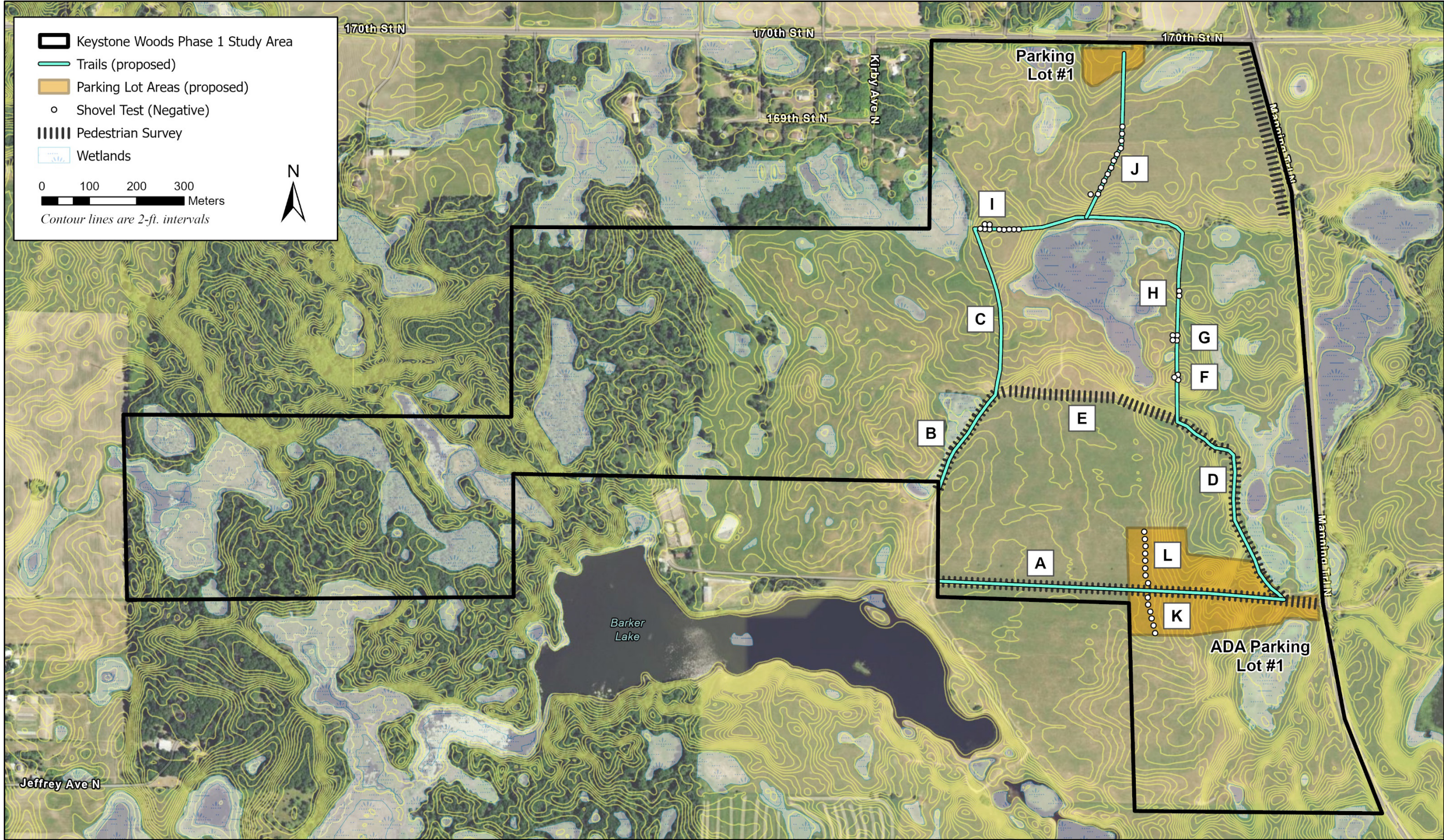
**Topographic Map  
Southern Site Area**

**Map 5C**

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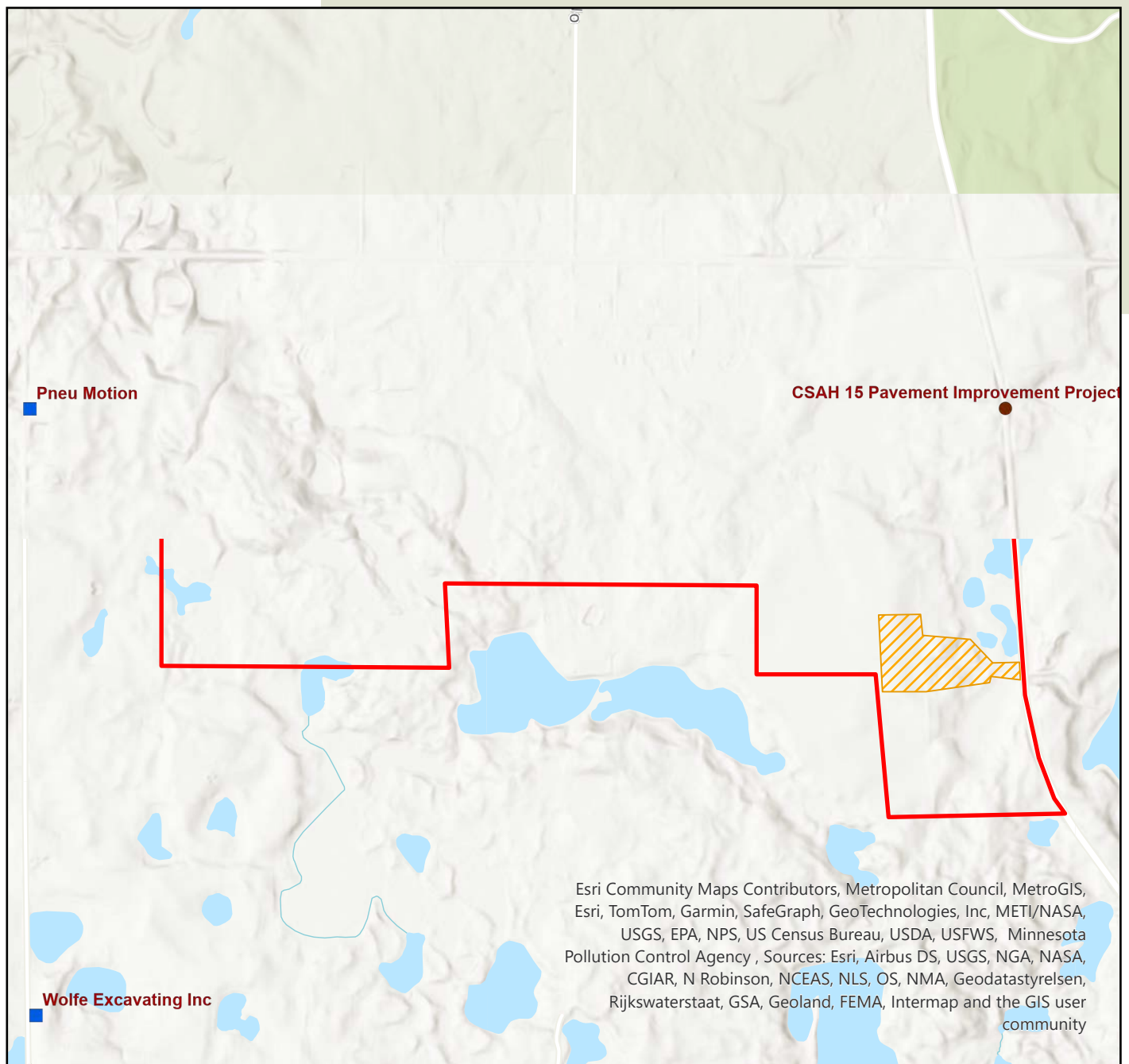
Figure 8. Phase 1 Archaeological Survey Results








KEYSTONE WOODS WMA PHASE 1 – PHASE I ARCHAEOLOGICAL SURVEY RESULTS



**Figure 9. MPCA What's In My Neighborhood Full Site**



## Legend

- |   |   |
|---|---|
|  Keystone WMA          |  Hazardous Waste |
|  Southern Parking Area |  Stormwater      |
|  Northern Parking Area |   |

0 0.17 0.35 0.7 Miles



Rock Leaf Water Environmental  
281 Commerce Circle S  
Fridley, MN 55432  
833-762-5532  
RockLeafWater.com

Map By: Libby Markham  
Print Date: 8.1.2024

**MPCA What's in My Neighborhood  
Keystone WMA**

**Map 8**

Rock Leaf does not warrant that the GIS data in this map is error free, therefore it should not be used for surveying, tracking, navigation, or other purposes that require exact precision. Rock Leaf is not responsible for any damages that may come of the use of this data.

## **Appendices**

**Appendix 1:** WCA Notice of Decision - Wetland Boundary/  
Type Determination



## Minnesota Wetland Conservation Act Notice of Decision

<b>Local Government Unit:</b> May Township/DNR	<b>County:</b> Washington

**WCA Decision Type** - check all that apply

<input checked="" type="checkbox"/> Wetland Boundary/Type	<input type="checkbox"/> Sequencing	<input type="checkbox"/> Replacement Plan	<input type="checkbox"/> Bank Plan (not credit purchase)
<input type="checkbox"/> No-Loss (8420.0415)	<input type="checkbox"/> Exemption (8420.0420)		
Part: <input type="checkbox"/> A <input type="checkbox"/> B <input type="checkbox"/> C <input type="checkbox"/> D <input type="checkbox"/> E <input type="checkbox"/> F <input type="checkbox"/> G <input type="checkbox"/> H	Subpart: <input type="checkbox"/> 2 <input type="checkbox"/> 3 <input type="checkbox"/> 4 <input type="checkbox"/> 5 <input type="checkbox"/> 6 <input type="checkbox"/> 7 <input type="checkbox"/> 8 <input type="checkbox"/> 9		

**Replacement Plan Impacts** (replacement plan decisions only)


**Technical Evaluation Panel Findings and Recommendations** (attach if any)

--

**LGU Decision**


<sup>1</sup> *Wetland Replacement Plan approval is not valid until BWSR confirms the withdrawal of any required wetland bank credits. For project-specific replacement a financial assurance per MN Rule 8420.0522, Subp. 9 and evidence that all required forms have been recorded on the title of the property on which the replacement wetland is located must be provided to the LGU for the approval to be valid.*

**LGU Findings** – Attach document(s) and/or insert narrative providing the basis for the LGU decision<sup>1</sup>.

--

<sup>1</sup> Findings must consider any TEP recommendations.

**Attached Project Documents**

--

**Appeals of LGU Decisions**

If you wish to appeal this decision, you must provide a written request within 30 calendar days of the date you received the notice. All appeals must be submitted to the Board of Water and Soil Resources Executive Director  
BWSR NOD Form – November 12, 2019

along with a check payable to BWSR for \$500 *unless* the LGU has adopted a local appeal process as identified below. The check must be sent by mail and the written request to appeal can be submitted by mail or e-mail. The appeal should include a copy of this notice, name and contact information of appellant(s) and their representatives (if applicable), a statement clarifying the intent to appeal and supporting information as to why the decision is in error. Send to:

Appeals & Regulatory Compliance Coordinator, Minnesota Board of Water & Soils Resources, 520 Lafayette Road North  
St. Paul, MN 55155, [travis.germundson@state.mn.us](mailto:travis.germundson@state.mn.us)

Does the LGU have a local appeal process applicable to this decision?

☒ Yes<sup>1</sup>      ☐ No

<sup>1</sup>If yes, all appeals must first be considered via the local appeals process.

**Local Appeals Submittal Requirements** (LGU must describe how to appeal, submittal requirements, fees, etc. as applicable)

--

**Notice Distribution (include name)**

*Required on all notices:*


*Optional or As Applicable:*


	
---	--

This notice and accompanying application materials may be sent electronically or by mail. The LGU may opt to send a summary of the application to members of the public upon request per 8420.0255, Subp. 3.

## **Appendix 2: USFWS IPaC Resources**

Protected Species List

Threatened and Endangered Species Determination Key



# 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: 2025-0005059  
Project Name: Keystone Woods WMA

05/09/2025 14:35:37 UTC

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 \_\_\_\_\_

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.

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  $\geq 3$  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](mailto:Review.NHIS@state.mn.us)

#### *Wisconsin*

[Wisconsin Department of Natural Resources - Endangered Resources Review Homepage](#)

Email: [DNRERReview@wi.gov](mailto:DNRERReview@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: 2025-0005059

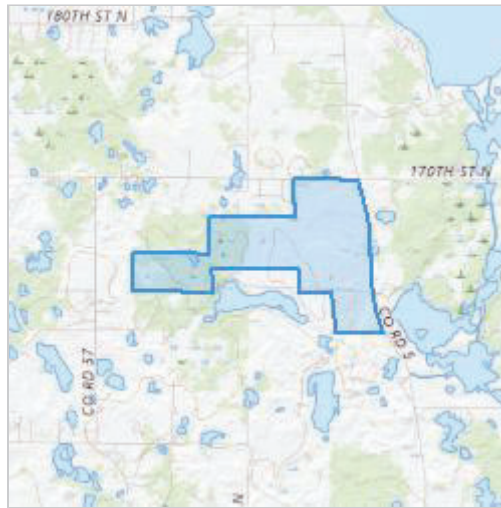
Project Name: Keystone Woods WMA

Project Type: New Constr - Above Ground

Project Description: This property in Washington County, MN, is under consideration for federal LWCF encumbrance. Surface grading of lawn area will take place in future to create gravel parking lots.

Project Location:

The approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/@45.188294850000005,-92.89659909167707,14z>



Counties: Washington County, Minnesota

## ENDANGERED SPECIES ACT SPECIES

There is a total of 6 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 Fisheries<sup>1</sup>, 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.

- 
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.

## BIRDS

N	ME	STATUS
Whooping Crane <i>Grus americana</i>		Experimental Population, Non-Essential
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: <a href="https://ecos.fws.gov/ecp/species/758">https://ecos.fws.gov/ecp/species/758</a>		

## CLAMS

N	ME	STATUS
Higgins Eye (pearlymussel) <i>Lampsilis higginsii</i>		Endangered
No critical habitat has been designated for this species.		
Species profile: <a href="https://ecos.fws.gov/ecp/species/5428">https://ecos.fws.gov/ecp/species/5428</a>		
Salamander Mussel <i>Simpsonaias ambigua</i>		Proposed Endangered
There is <b>proposed</b> critical habitat for this species. Your location does not overlap the critical habitat.		
Species profile: <a href="https://ecos.fws.gov/ecp/species/6208">https://ecos.fws.gov/ecp/species/6208</a>		
Winged Mapleleaf <i>Quadrula fragosa</i>		Endangered
Population: Wherever found, except where listed as an experimental population		
No critical habitat has been designated for this species.		
Species profile: <a href="https://ecos.fws.gov/ecp/species/4127">https://ecos.fws.gov/ecp/species/4127</a>		

## INSECTS

N	ME	STATUS
Monarch Butterfly <i>Danaus plexippus</i>		Proposed Threatened
There is <b>proposed</b> critical habitat for this species. Your location does not overlap the critical habitat.		
Species profile: <a href="https://ecos.fws.gov/ecp/species/9743">https://ecos.fws.gov/ecp/species/9743</a>		
Western Regal Fritillary <i>Argynnis idalia occidentalis</i>		Proposed Threatened
No critical habitat has been designated for this species.		
Species profile: <a href="https://ecos.fws.gov/ecp/species/12017">https://ecos.fws.gov/ecp/species/12017</a>		

## CRITICAL HABITATS

THERE ARE NO CRITICAL HABITATS WITHIN YOUR PROJECT AREA UNDER THIS OFFICE'S JURISDICTION.

YOU ARE STILL REQUIRED TO DETERMINE IF YOUR PROJECT(S) MAY HAVE EFFECTS ON ALL ABOVE LISTED SPECIES.

# 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 <sup>2</sup> and the Migratory Bird Treaty Act (MBTA) <sup>1</sup>. 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.

- 
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
<b>Bald Eagle <i>Haliaeetus leucocephalus</i></b> 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. <a href="https://ecos.fws.gov/ecp/species/1626">https://ecos.fws.gov/ecp/species/1626</a>	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 (■)

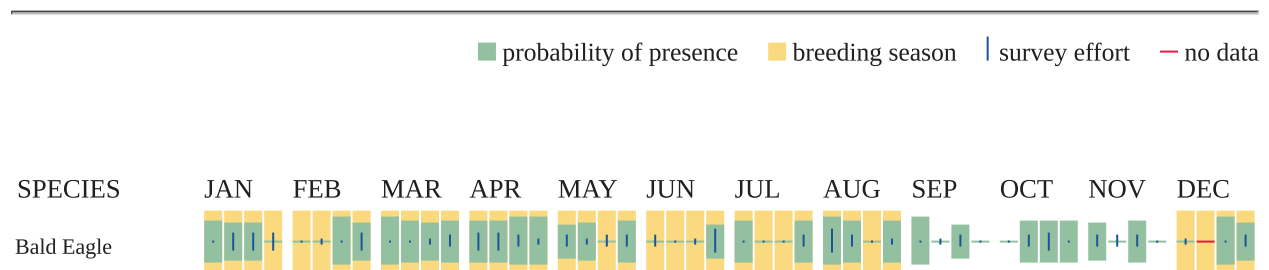
Yellow bars; liberal estimate of the timeframe inside which the bird breeds across its entire range.

### 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-incidental-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) <sup>1</sup> 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.

- 
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
<b>Bald Eagle <i>Haliaeetus leucocephalus</i></b> 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. <a href="https://ecos.fws.gov/ecp/species/1626">https://ecos.fws.gov/ecp/species/1626</a>	Breeds Dec 1 to Aug 31
<b>Black Tern <i>Chlidonias niger surinamenis</i></b> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. <a href="https://ecos.fws.gov/ecp/species/3093">https://ecos.fws.gov/ecp/species/3093</a>	Breeds May 15 to Aug 20

NAME	BREEDING SEASON
<b>Black-billed Cuckoo</b> <i>Coccyzus erythrophthalmus</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. <a href="https://ecos.fws.gov/ecp/species/9399">https://ecos.fws.gov/ecp/species/9399</a>	Breeds May 15 to Oct 10
<b>Bobolink</b> <i>Dolichonyx oryzivorus</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. <a href="https://ecos.fws.gov/ecp/species/9454">https://ecos.fws.gov/ecp/species/9454</a>	Breeds May 20 to Jul 31
<b>Canada Warbler</b> <i>Cardellina canadensis</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. <a href="https://ecos.fws.gov/ecp/species/9643">https://ecos.fws.gov/ecp/species/9643</a>	Breeds May 20 to Aug 10
<b>Chimney Swift</b> <i>Chaetura pelagica</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. <a href="https://ecos.fws.gov/ecp/species/9406">https://ecos.fws.gov/ecp/species/9406</a>	Breeds Mar 15 to Aug 25
<b>Golden-winged Warbler</b> <i>Vermivora chrysoptera</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. <a href="https://ecos.fws.gov/ecp/species/8745">https://ecos.fws.gov/ecp/species/8745</a>	Breeds May 1 to Jul 20
<b>Grasshopper Sparrow</b> <i>Ammodramus savannarum perpallidus</i> This is a Bird of Conservation Concern (BCC) only in particular Bird Conservation Regions (BCRs) in the continental USA <a href="https://ecos.fws.gov/ecp/species/8329">https://ecos.fws.gov/ecp/species/8329</a>	Breeds Jun 1 to Aug 20
<b>Henslow's Sparrow</b> <i>Centronyx henslowii</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. <a href="https://ecos.fws.gov/ecp/species/3941">https://ecos.fws.gov/ecp/species/3941</a>	Breeds May 1 to Aug 31
<b>Lesser Yellowlegs</b> <i>Tringa flavipes</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. <a href="https://ecos.fws.gov/ecp/species/9679">https://ecos.fws.gov/ecp/species/9679</a>	Breeds elsewhere
<b>Pectoral Sandpiper</b> <i>Calidris melanotos</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. <a href="https://ecos.fws.gov/ecp/species/9561">https://ecos.fws.gov/ecp/species/9561</a>	Breeds elsewhere
<b>Red-headed Woodpecker</b> <i>Melanerpes erythrocephalus</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. <a href="https://ecos.fws.gov/ecp/species/9398">https://ecos.fws.gov/ecp/species/9398</a>	Breeds May 10 to Sep 10



NAME	BREEDING SEASON
<b>Ruddy Turnstone</b> <i>Arenaria interpres morinella</i> This is a Bird of Conservation Concern (BCC) only in particular Bird Conservation Regions (BCRs) in the continental USA <a href="https://ecos.fws.gov/ecp/species/10633">https://ecos.fws.gov/ecp/species/10633</a>	Breeds elsewhere
<b>Rusty Blackbird</b> <i>Euphagus carolinus</i> This is a Bird of Conservation Concern (BCC) only in particular Bird Conservation Regions (BCRs) in the continental USA <a href="https://ecos.fws.gov/ecp/species/9478">https://ecos.fws.gov/ecp/species/9478</a>	Breeds elsewhere
<b>Semipalmated Sandpiper</b> <i>Calidris pusilla</i> This is a Bird of Conservation Concern (BCC) only in particular Bird Conservation Regions (BCRs) in the continental USA <a href="https://ecos.fws.gov/ecp/species/9603">https://ecos.fws.gov/ecp/species/9603</a>	Breeds elsewhere
<b>Short-billed Dowitcher</b> <i>Limnodromus griseus</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. <a href="https://ecos.fws.gov/ecp/species/9480">https://ecos.fws.gov/ecp/species/9480</a>	Breeds elsewhere
<b>Wood Thrush</b> <i>Hylocichla mustelina</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. <a href="https://ecos.fws.gov/ecp/species/9431">https://ecos.fws.gov/ecp/species/9431</a>	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 (■)

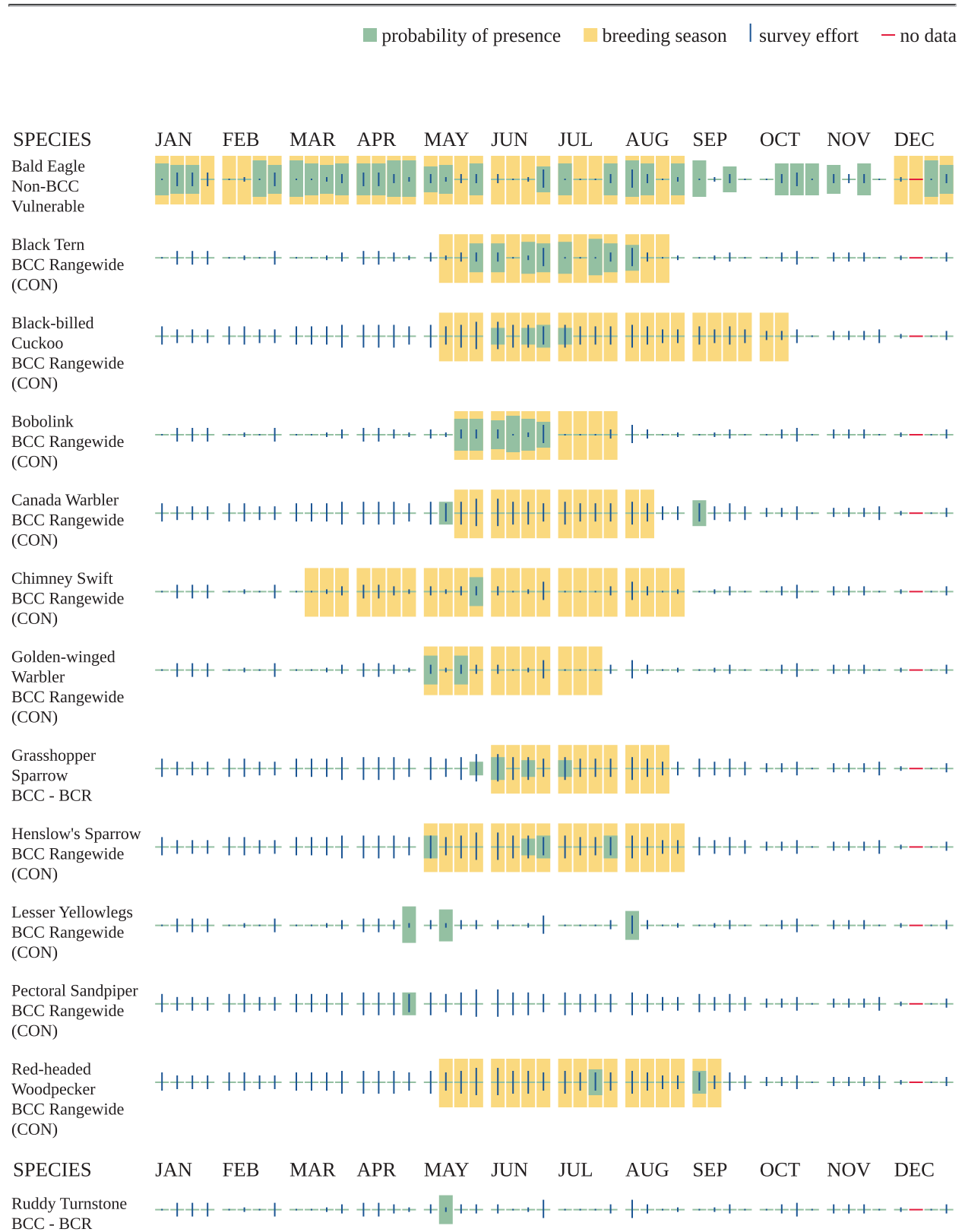
Yellow bars; liberal estimate of the timeframe inside which the bird breeds across its entire range.

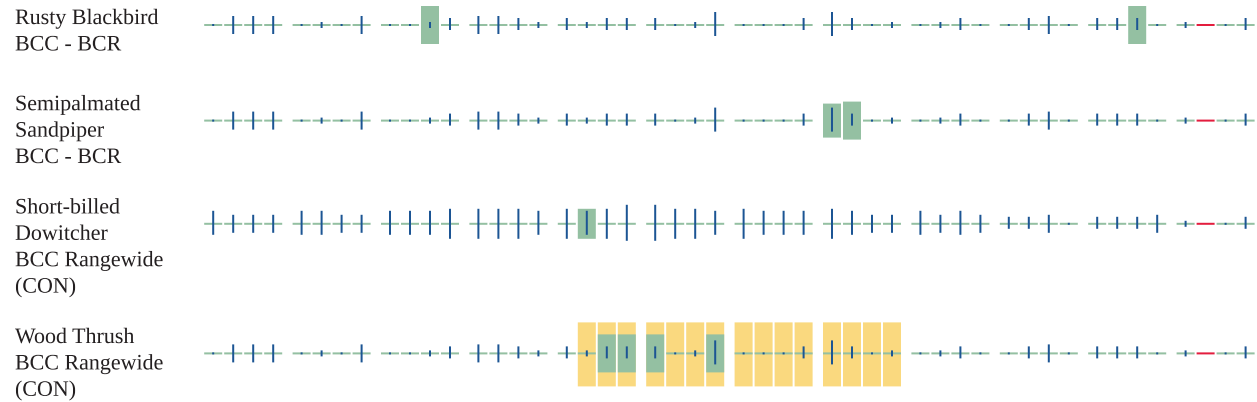
### Survey Effort (|)

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.





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-incidental-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 FORESTED/SHRUB WETLAND

- PSS1/EM1D
- PSS1/EM1A
- PSS1/EM1C
- PSS1C
- PSS2Dg
- PFO2Dg
- PSS3Dg

FRESHWATER POND

- PUBHx
- PUBF
- PABHx
- PABH
- PUBH

FRESHWATER EMERGENT WETLAND

- PEM1D
- PEM1A
- PEM1F
- PEM1C

## **IPAC USER CONTACT INFORMATION**

Agency: Minnesota Department of Natural Resources

Name: Sarah Wennerberg

Address: 500 Lafayette Rd

City: St. Paul

State: MN

Zip: 55155

Email: sarah.wennerberg@state.mn.us

Phone: 6512595579

## **LEAD AGENCY CONTACT INFORMATION**

Lead Agency: National Park Service



# 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:

05/09/2025 14:34:08 UTC

Project code: 2025-0005059

Project Name: Keystone Woods WMA

Subject: Technical Assistance letter for 'Keystone Woods WMA' 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 Sarah Wennerberg:

The U.S. Fish and Wildlife Service (Service) received on **May 09, 2025** your effect determination(s) for the 'Keystone Woods WMA' (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
Higgins Eye (pearlymussel) ( <i>Lampsilis higginsii</i> )	Endangered	No effect
Monarch Butterfly ( <i>Danaus plexippus</i> )	Proposed Threatened	No effect
Salamander Mussel ( <i>Simpsonaias ambigua</i> )	Proposed Endangered	No effect
Whooping Crane ( <i>Grus americana</i> )	Experimental Population, Non-Essential	No effect
Winged Mapleleaf ( <i>Quadrula fragosa</i> )	Endangered	No effect

## **Determination Information**

Thank you for informing the Service of your "No Effect" determination(s). Your agency has met consultation requirements and no further consultation is required 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**

**Freshwater Mussels:** Freshwater mussels are one of the most critically imperiled groups of organisms in the world. In North America, 65% of the remaining 300 species are vulnerable to extinction (Haag and Williams 2014). Implementing measures to conserve and restore freshwater mussel populations directly improves water quality in lakes, rivers, and streams throughout Minnesota and Wisconsin. An adult freshwater mussel filters anywhere from 1 to 38 gallons of water per day (Baker and Levinton 2003, Barnhart pers. comm. 2019). A 2015 survey found that in some areas, mussels can reduce the bacterial populations by more than 85% (Othman et al. 2015 in Vaughn 2017). Mussels are also considered to be ecosystem engineers by stabilizing substrate and providing habitat for other aquatic organisms (Vaughn 2017). In addition to ecosystem services, mussels play an important role in the food web, contributing critical nutrients to both terrestrial and aquatic habitats, including those that support sport fish (Vaughn 2017). Taking proactive measures to conserve and restore freshwater mussels will improve water quality, which has the potential to positively impact human health and recreation in the States of Minnesota and Wisconsin.

You have indicated that your Action will have no effect (NE) on Federally listed mussel species. However, state-listed mussels may occur in your Action area. Contact the Minnesota or Wisconsin Department of Natural Resources to determine effects to state-listed mussels.

**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:

- Western Regal Fritillary *Argynnis idalia occidentalis* Proposed Threatened

**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**

Keystone Woods WMA

**2. Description**

The following description was provided for the project 'Keystone Woods WMA':

This property in Washington County, MN, is under consideration for federal LWCF encumbrance. Surface grading of lawn area will take place in future to create gravel parking lots.

The approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/@45.188294850000005,-92.89659909167707,14z>



## 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?

*Yes*

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?

*No*

9. Will your action temporarily affect local hydrology?

*No*

10. Will your project have any direct impacts to a stream or river (e.g., Horizontal Directional Drilling (HDD), hydrostatic testing, stream/road crossings, new stormwater outfall discharge, dams, other in-stream work, etc.)?

*No*

11. 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

12. 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

13. Will your action include spraying insecticides?

No

14. 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

15. [Semantic] Does the project intersect the Salamander mussel AOI?

**Automatically answered**

Yes

16. Have you determined that the action will have no effect on individuals within the whooping crane nonessential experimental population (NEP)?

Yes

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

**Automatically answered**

Yes

18. 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: Minnesota Department of Natural Resources

Name: Sarah Wennerberg

Address: 500 Lafayette Rd

City: St. Paul

State: MN

Zip: 55155

Email: sarah.wennerberg@state.mn.us

Phone: 6512595579

**LEAD AGENCY CONTACT INFORMATION**

Lead Agency: National Park Service

**Appendix 3: Minnesota State Historic Preservation Office (SHPO)  
Determination Letter**

September 30, 2024

Miranda Van Vleet  
Program Manager / Historian III  
Minnesota Historical Society Archaeology Department  
& Cultural Resource Management Program  
MnDNR Division of Parks and Trails  
328 Kellogg Blvd. W.  
St. Paul, MN 55102

RE: Keystone Woods Wildlife Management Area – Replacement land initially acquired with Land & Water Conservation Funds (LWCF) at the former Upper Sioux Agency State Park  
Proposed Improvements: Creation of parking lots, installation of an information kiosk, development of natural surface trails, and land restoration  
City of Hugo and May Township, Washington County  
SHPO Number: 2024-2002

Dear Miranda Van Vleet:

Thank you for initiating consultation with our office on the above referenced undertaking. It has been reviewed pursuant to the responsibilities given the State Historic Preservation Officer by Section 106 of the National Historic Preservation Act (54 U.S.C. § 306108) and its implementing federal regulations, “Protection of Historic Properties” (36 CFR Part 800), and pursuant to the responsibilities given the State Historic Preservation Office by the Minnesota Historic Sites Act (Minn. Stat. 138.665-666) and the Minnesota Field Archaeology Act (Minn. Stat. 138.40).

**Federal Undertaking and Area of Potential Effects**

We understand from your July 30, 2024 letter that the proposed federal undertaking is the delayed replacement of land that was initially acquired with Land & Water Conservation Funds (LWCF) at the former Upper Sioux Agency State Park (SHPO No 2024-0126). When that land was removed from the state park system and transferred to the Upper Sioux Community – thereby lifting the LWCF encumbrance – it was done so with the acknowledgement that the replacement land would be subject to cultural resource review under Section 106 of the National Historic Preservation Act (54 U.S.C. § 306108) and its implementing federal regulations, “Protection of Historic Properties” (36 CFR Part 800), as well as the Minnesota Historic Sites Act (M.S. 138.665-666) and the Minnesota Field Archaeology Act (M.S. 138.40). The replacement land includes 450 acres of land at the Keystone Woods Wildlife Management Area and the proposed improvements associated with the undertaking include creation of parking lots, installation of an information kiosk, development of natural surface trails, and land restoration. Based on our understanding of the scope and nature of the federal undertaking, we agree that the Area of Potential Effect (APE), as defined in your July 30<sup>th</sup> letter, is appropriate to take into account the potential direct and indirect effects of the proposed federal undertaking.

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**MINNESOTA STATE HISTORIC PRESERVATION OFFICE**

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

[mn.gov/admin/shpo](https://mn.gov/admin/shpo) ■ [mnshpo@state.mn.us](mailto:mnshpo@state.mn.us)

AN EQUAL OPPORTUNITY AND SERVICE PROVIDER

We have reviewed the submitted cultural resources survey report, *Phase I Archaeological Survey for Improvements within Phase 1 of the Keystone Woods Wildlife Management Area, City of Hugo and May Township, Washington County, Minnesota* (July 2024) as prepared by Two Pines Resource Group. Based on the results of the survey, we concur with your agency's finding that **no historic properties will be affected** by the proposed undertaking.

We understand that the National Park Service is completing government-to-government Section 106 consultation with interested Native American tribes concurrent with our office's review.

Implementation of the undertaking in accordance with this finding, as documented, fulfills your agency's responsibilities for consultation with our office under Section 106. This comment letter also fulfills the responsibilities of the State for consultation with our office pursuant to Minn. Stat. 138.665-66 and Minn. Stat. 138.40. If your agency receives written objection to the finding of effect from a consulting party following issuance of this comment letter, then your agency will need to notify our office of the disagreement pursuant to 36 CFR § 800.5 (c)(2)(i). Also, if your agency does not carry out the undertaking as proposed, including, but not limited to, a situation where design changes to the currently proposed project diverts substantially from what was presented at the time of this review, then your agency will need to reopen Section 106 consultation with our office and others pursuant to 36 CFR § 800.5(d)(1).

If you have any questions regarding our review of this project, please contact Kelly Gragg-Johnson, Environmental Review Program Specialist, at (651) 201-3285 or [kelly.graggjohnson@state.mn.us](mailto:kelly.graggjohnson@state.mn.us).

Sincerely,



Amy Spong  
Deputy State Historic Preservation Officer

cc: Aaron Stover, National Park Service  
Sarah Wennerberg, MN Department of Natural Resources  
Amanda Gronhovd, Office of the State Archaeologist  
Melissa Cerda, Minnesota Indian Affairs Council