

Kingsbury Bay Watershed Sediment Reduction Environmental Assessment Worksheet

Attachment 3:

Natural Heritage Information System Review Letter



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

March 14, 2022

Correspondence # ERDB 20220100

Ben Nicklay
Minnesota DNR
525 Lake Avenue S
Duluth, MN 55802

RE: Natural Heritage Review of the proposed Kingsbury Creek Watershed Sediment Reduction,
T49N R15W Sections 11, 13, and 14; St. Louis County

Dear Ben Nicklay,

As requested, the Minnesota Natural Heritage Information System has been queried to determine if any rare species or other significant natural features are known to occur within an approximate one-mile radius of the proposed project. Based on this query, rare features have been documented within the search area (for details, please visit the [Rare Species Guide Website](#) for more information on the biology, habitat use, and conservation measures of these rare species). Please note that the following rare features may be adversely affected by the proposed project:

State-listed Species

- Pale sedge (*Carex pallescens*), a state endangered plant species, has been documented in the vicinity of the project. This species is found in moist, grassy, or rocky habitats on the margin of fire-dependent forests adjacent to the Lake Superior shore. Minnesota's Endangered Species Statute (Minnesota Statutes, section 84.0895) and associated Rules (Minnesota Rules, part 6212.1800 to 6212.2300 and 6134) prohibit the take of threatened or endangered species without a permit. As this species has been documented in the area of the proposed project, **a habitat assessment needs to be conducted in areas that have the potential to be suitable habitat. If potential habitat for these species is documented and those areas cannot be avoided, a botanical survey will be needed.** Coordinate with Brooke Haworth, the Regional Ecologist, to complete the assessment and to ensure impacts to this species are avoided.

Federally Protected Species

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

Environmental Review and Permitting

- The Environmental Assessment Worksheet should address whether the proposed project has the potential to adversely affect the above rare features and if so, it should identify specific measures that will be taken to avoid or minimize disturbance. Sufficient information should be provided so the DNR can determine whether a takings permit will be needed for any of the above protected species.
- Please include a copy of this letter in any state or local license or permit application. Please note that measures to avoid or minimize disturbance to the above rare features may be included as restrictions or conditions in any required permits or licenses.

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

For environmental review purposes, the results of this Natural Heritage Review are valid for one year; the results are only valid for the project location (noted above) and the project description provided on the NHIS Data Request Form. Please contact me if project details change or construction has not occurred within one year as additional review may be required.

The Natural Heritage Review does not constitute review or approval by the Department of Natural Resources as a whole. Instead, it identifies issues regarding known occurrences of rare features and potential effects to these rare features. For information on the environmental review process or other natural resource concerns, you may contact your [DNR Regional Environmental Assessment Ecologist](#).

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

Sincerely,

A handwritten signature in black ink that reads "Samantha Bump". The signature is written in a cursive style and is placed on a light gray rectangular background.

Samantha Bump
Natural Heritage Review Specialist
Samantha.Bump@state.mn.us

Links: Rare Species Guide
<http://www.dnr.state.mn.us/rsg/index.html>
DNR Regional Environmental Assessment Ecologist Contact Info
http://www.dnr.state.mn.us/eco/ereview/erp_regioncontacts.html
USFWS IPaCTool
<https://ecos.fws.gov/ipac/>

Cc: Becky Horton, Brooke Haworth, and Jessica Parson