



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

November 24, 2021

Correspondence # ERDB 20220052

Melissa Sjolund  
MN DNR  
525 Lake Ave S  
Duluth, MN 55802

RE: Natural Heritage Review of the proposed Perch Lake Habitat Restoration,  
T48N R15W Section 9; St. Louis County

Dear Melissa Sjolund,

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:

*Ecologically Significant Areas*

- The proposed project is within an area Minnesota Biological Survey (MBS) has identified a Site of *Outstanding* Biodiversity Significance. Sites of Biodiversity Significance have varying levels of native biodiversity and are ranked based on the relative significance of this biodiversity at a statewide level. Sites ranked as *Outstanding* contain the best occurrences of the rarest species, the most outstanding examples of the rarest native plant communities, and/or the largest, most intact functional landscapes present in the state. This particular site contains Sedge Meadow and Alder – (Maple – Loosestrife) Swamp native plant communities. These communities were delineated in 2002 after Highway 12 was constructed. As such, these communities are likely still intact.

We encourage you to consider project alternatives that would minimize disturbance to these ecologically significant areas. Actions to minimize disturbance may include, but are not limited to, the following recommendations:

- Minimize vehicular disturbance in the MBS Site (allow only vehicles/equipment necessary for construction activities);
- Conduct surveys to better document resource impact and designate areas to avoid;
- Do not park equipment or stockpile supplies in the MBS Site;
- Do not place spoil within MBS Site;
- Use effective erosion prevention and sediment control measures;
- Inspect and clean all equipment prior to bringing it to the site to prevent the introduction and spread of invasive species;
- Revegetate disturbed soil with [native species suitable to the local habitat](#) as soon after construction as possible; and
- Use only weed-free mulches, topsoils, and seed mixes.

GIS shapefiles of MBS Sites of Biodiversity Significance and DNR Native Plant Communities can be downloaded from Quick Layers. Please contact me if you do not have access to the appropriate mapping services. For information on interpreting the data, reference the [MBS Site Biodiversity Significance](#) and [Native Plant Community](#) websites.

- If the Wetland Conservation Act (WCA) is applicable to this project, please note that wetlands within High or Outstanding MBS Sites of Biodiversity Significance may qualify as “rare natural communities” under this Act. Minnesota Rules, part 8420.0515, subpart 3 states that a wetland replacement plan for activities that modify a rare natural community must be denied if the local government unit determines the proposed activities will permanently adversely affect the natural community.

#### *State-listed Species*

- Two leaf waterweed (*Elodea bifoliata*), a state-listed endangered aquatic plant species, and several other state-listed aquatic plants have been documented in the vicinity of the proposed project. This species is an aquatic perennial plant that has only been documented in two locations within Minnesota, one of which is in the St. Louis River near New Duluth in 1949.

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. Given the proposed impacts and the unknown status of this extremely rare aquatic plant in the area, **we recommend a qualified surveyor conduct a botanical survey in any potential habitat that will be impacted by the proposed project.** Surveys must follow the standards contained in the attached Rare Species Survey Process and Rare Plant Guidance. Project planning should take into account that any botanical survey needs to be conducted during the appropriate time of the year, which may be limited. Please consult with

the Endangered Species Environmental Review Coordinator, Lisa Joyal (lisa.joyal@state.mn.us), regarding this process.

- Creek heelsplitter (*Lasmigona compressa*), a state-listed mussel species of special concern, and lake sturgeon (*Acipenser fulvescens*), a state-listed fish species of special concern, have been documented in the St. Louis River in the vicinity of the proposed project. These species are particularly vulnerable to deterioration in water quality, especially increased siltation. As such, it is important effective erosion prevention and sediment control practices be implemented and maintained throughout the duration of the project. Containment measures for dredge sediment, debris, and other construction material should be in place to prevent adverse material from entering the river.

#### *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*

- 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 centered on the page.

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](http://www.dnr.state.mn.us/eco/ereview/erp_regioncontacts.html)  
USFWS IPaCTool  
<https://ecos.fws.gov/ipac/>  
MBS Sites of Biodiversity Significance  
[http://www.dnr.state.mn.us/eco/mcbs/biodiversity\\_guidelines.html](http://www.dnr.state.mn.us/eco/mcbs/biodiversity_guidelines.html)  
DNR Native Plant Communities  
<http://www.dnr.state.mn.us/npc/index.html>  
MN Geospatial Commons  
<https://gisdata.mn.gov/>  
BWSR Native Vegetation/Seed Mixes  
[http://www.bwsr.state.mn.us/native\\_vegetation/](http://www.bwsr.state.mn.us/native_vegetation/)

Cc: Cliff Bentley, Brooke Haworth, Jennie Skancke, and Samuel Martin