



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

June 27, 2022

Correspondence # MCE 2022-00080

John Thayer
Short Elliott Hendrickson, Inc.

RE: Natural Heritage Review of the proposed Prospector ATV Trail – Phase 2,
St. Louis County

Dear John Thayer,

As requested, the Minnesota Natural Heritage Information System has been reviewed to determine if the proposed project has the potential to impact any rare species or other significant natural features. Based on the project details provided with the request, the following rare features may be impacted by the proposed project:

Ecologically Significant Areas

- The Minnesota Biological Survey (MBS) has identified several Sites of Biodiversity Significance within the project area. 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. Factors taken into account during the ranking process include the number of rare species documented within the site, the quality of the native plant communities in the site, the size of the site, and the context of the site within the landscape.

We recommend the project be designed to avoid impacts to these ecologically significant areas. Actions to minimize disturbance may include, but are not limited to, the following recommendations:

- Minimize the width of the trails;
- Minimize new construction within native plant communities that have a conservation status rank of S1, S2, or S3 and Sites of *High* or *Outstanding* Significance;
- Conduct surveys to better document resource impacts and to designate areas to avoid;
- As much as possible, operate within already-disturbed areas;
- Do not route trails through wet swales or depressions, or sensitive rock outcrop areas;

- Bridge all stream and wetland crossings;
- Retain a buffer between proposed activities and the MBS Sites;
- Minimize vehicular disturbance in the area (allow only vehicles/equipment necessary for construction activities);
- Do not park equipment or stockpile supplies in these areas;
- Do not place spoil within MBS Sites or other sensitive areas;
- 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;
- Trail maintenance plans should address erodible soils, especially in areas of steep topography;
- Use signage to encourage visitors to stay on designated trails;
- 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.

Please reference the [Guidelines for Managing and Restoring Natural Plant Communities along Trails and Waterways](#) for additional information. MBS Sites of Biodiversity Significance and DNR Native Plant Communities can be viewed using the [Minnesota Conservation Explorer](#) or their GIS shapefiles can be downloaded from the [MN Geospatial Commons](#). Please contact me if you have issues accessing the data. 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 and one or more Native Plant Communities in the vicinity of the project 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

- Wood turtles (*Glyptemys insculpta*), a state-listed threatened species, have been reported in the vicinity of the proposed project and may be encountered on site. The wood turtle is a semi-aquatic species, spending time both on land and in water. They utilize a variety of habitats, including sand-bottomed rivers and streams, swamps, bogs, wet meadows, woods, upland fields, and farmlands. They tend to spend the summer months in woodlands, meadows, and pastures typically within a quarter of a mile of a river or stream. They remain near water in the spring and fall. Nests are constructed in open, sunny locations well above water level, in sandy soil.

The use of [erosion control](#) blanket shall be limited to ‘bio-netting’ or ‘naturalnetting’ types, and specifically not products containing plastic mesh netting or other plastic components. Also, be

aware that hydro-mulch products may contain small synthetic (plastic) fibers to aid in their matrix strength. These loose fibers could potentially re-suspend and make their way into Public Waters. As such, please review mulch products and not allow any materials with synthetic (plastic) fiber additives in areas that drain into Public Waters. If wood turtles are found on the site, please remember that state law and rules prohibit the destruction of threatened or endangered species, except under certain prescribed conditions. If turtles are in imminent danger they must be moved by hand out of harm's way, otherwise, they are to be left undisturbed. As illegal collection is a concern with this species, do not post any signs that would bring attention to the presence of these turtles. If any wood turtles are observed in the area or for further assistance with this species, please contact the DNR Regional Nongame Specialist, Gaea Crozier (Gaea.Crozier@state.mn.us).

- Smoky shrew (*Sorex fumeus*) has been found in the vicinity of the proposed project. Moist habitats are important and the preferred microhabitat includes a cool, damp forest floor with a thick litter layer, mossy-covered rocks, and decaying debris. They prefer larger and older forest blocks. Given the potential presence of these rare species, the DNR recommends that the use of erosion control mesh, if any, be limited to wildlife-friendly materials.

The following state-listed endangered or threatened plants have been documented in the vicinity of the proposed trail. Minnesota's endangered species law (*Minnesota Statutes*, section 84.0895) and associated rules (*Minnesota Rules*, part 6212.1800 to 6212.2300 and 6134) prohibit the taking of threatened or endangered species without a permit.

- Marsh-marigold (*Caltha natans*), a state-listed endangered plant, was documented near the South Branch of the Partridge River in T59N R130W Section 25 within 50 feet of the Babbitt to Hoyt Lakes Route. Floating marsh-marigold is an aquatic species that occurs in shallow slow-moving water in streams, creeks, ditches, swamps, pools, beaver ponds, and sheltered lake margins. As currently proposed, this segment of the trail is an existing ATV route that will not involve any change of use or new construction. **If the project will impact any wetland or stream area outside of the existing trail within this section, a botanical survey may be needed.** We also highly recommend posting signage along the wetlands associated with the river to encourage visitors to stay on designated trails.
- New England sedge (*Carex novae-angliae*), a state-listed threatened species, was documented in the T58N R13W Section 11 and 22. This species is typically found in moist upland forests within the shade of forest trees. As currently proposed, these segments of the trail are an existing ATV route that will not involve any change of use or new construction. **If the project will impact any area outside of the existing trail within these sections, a botanical survey may be needed.**

Please submit a brief avoidance plan regarding the above plant species for DNR review to Reports.NHIS@state.mn.us. The avoidance plan should include detailed construction methods and

proposed avoidance measures so the DNR can make a determination regarding impacts on these state-protected plants.

Measures to avoid or minimize disturbance may include, but are not limited to, the following:

- avoidance of suitable habitat,
 - no ground disturbance within a specified distance of the known occurrences,
 - winter construction,
 - the recommendations listed in the Natural Heritage letter under the second bullet,
 - consultation with the DNR Regional Plant Ecologist, Brooke Haworth (Brooke.Haworth@state.mn.us), or
 - training for the construction crew.
- There are multiple state-listed special concern plants in the vicinity of the proposed trail. To minimize impacts on these species we recommend:
 - As much as possible, operate within already-disturbed areas;
 - Do not route trails through wet swales or depressions, or sensitive rock outcrop areas;
 - Bridge all stream and wetland crossings;
 - Inspect and clean all equipment prior to bringing it to the project site to prevent the introduction and spread of invasive species;
 - Use effective erosion prevention and sediment control measures;
 - 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
 - Please visit the [DNR Rare Species Guide](#) for more information on the habitat use of these species and recommended measures to avoid or minimize impacts. For further assistance with these species, please contact the appropriate [DNR Regional Nongame Specialist](#) or [Regional Ecologist](#).

Federally Protected Species

- Canada Lynx (*Lynx canadensis*), federally listed as threatened and a state-listed species of special concern, has been documented in the vicinity of the proposed project. This species is found in large tracts of boreal and mixed conifer-hardwood forest where they are highly dependent on snowshoe hare for prey. For additional information on this species, review the [USFWS Canada Lynx Fact Sheet](#).
- To ensure compliance with federal law, conduct a federal regulatory review using the U.S. Fish and Wildlife Service's (USFWS) online [Information for Planning and Consultation \(IPaC\) tool](#).

Environmental Review and Permitting

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


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

For environmental review purposes, the results of this Natural Heritage Review are valid for one year; the results are only valid for the project location and project description provided with the request. If project details change or the project has not occurred within one year, please resubmit the project for review within one year of initiating project activities.

The Natural Heritage Review does not constitute project approval by the Department of Natural Resources. Instead, it identifies issues regarding known occurrences of rare features and potential impacts on 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, flowing style.

Samantha Bump

Natural Heritage Review Specialist

Samantha.Bump@state.mn.us

[Natural Heritage Review Website](#)

Cc: Jessica Parson, Cynthia Novak-Krebs, Brooke Haworth, and Gaea Crozier