



Attachment C

Voyageur Country ATV System

Natural Heritage Information System



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

July 2, 2020

Correspondence # ERDB 20200356

Ms. Natalie White
Short Elliott Hendrickson, Inc.
418 West Superior Street, Suite 200
Duluth, MN 55802-1512

RE: Natural Heritage Review of the proposed Voyageur Country ATV System,
St. Louis County

Dear Ms. White,

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 Minnesota Biological Survey (MBS) has identified several Sites of Biodiversity Significance in the vicinity of the project, including areas that are designated as Preliminary Sites. 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. These Sites contain multiple native plant communities and old-growth forests. GIS shapefiles of MBS Sites of Biodiversity Significance and DNR Native Plant Communities can be downloaded from the [MN Geospatial Commons](#). Please contact me if you do not have access to the appropriate mapping services.

Given the ecological significance of these areas, we recommend minimizing additional disturbance within and adjacent to them as much as possible. Actions to minimize disturbance may include, but are not limited to, the following recommendations when suitable:

- Minimize the width of the trail;
- 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 Site;
- Minimize vehicular disturbance in the area (allow only vehicles/equipment necessary for construction activities);
- Do not park equipment or stockpile supplies in the area;
- Do not place spoil within MBS Sites or other sensitive areas;
- Use effective erosion prevention and sediment control measures;
- Inspect and clean all equipment before 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.
- Minimize new construction footprint within the Sites of High Biodiversity Significance

Please see the [Guidelines for Managing and Restoring Natural Plant Communities along Trails and Waterways](#) for additional information.

- If the Wetland Conservation Act (WCA) applies 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.
- Multiple portions of the proposed project are within and adjacent to old-growth forests. In particular, an existing trail that needs improvement within T68N R20W Sections 20 and 29 directly intersects a designated old-growth forest. Old-growth forests are natural forests that have developed over a long period, generally at least 120 years, without experiencing severe, stand-replacing disturbances such as fires, windstorms, or logging. Old-growth forests are a unique, nearly vanished piece of Minnesota’s history and ecology; less than 4% of Minnesota’s old-growth forests remain. Given the ecological significance of this area, disturbance should be

minimized to the extent feasible and tree removal within the old-growth forest stands should be avoided. Consult with the Regional Plant Ecologist, Brooke Haworth (brooke.haworth@state.mn.us) regarding avoiding impacts these areas.

State-listed Species

- Floating marsh-marigold (*Caltha natans*), a state-listed endangered plant, has been documented in the vicinity of the proposed project within T65N R19W Section 2 along County Road 180. 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. This species is particularly sensitive to habitat disturbances. As currently proposed, there will be no trail construction or improvements in the area. Indirect impacts from surface runoff or the spread of invasive species should be considered and minimized in this area, especially. Posting signage to encourage visitors to stay on designated trails in this area is ideal. Please contact me if plans change and trail improvements and/or construction will be needed in this area.
- *Goera stylata*, a state-listed threatened species of caddisfly, has been documented in Fawn Creek in the vicinity of the proposed project in T67N R20W Section 35. As currently proposed, there will be no trail construction or improvements in the area. Indirect impacts from surface runoff or the spread of invasive species should be considered and minimized in this area, especially. Posting signage to encourage visitors to stay on designated trails in this area is ideal. Please contact me if plans change and trail improvements and/or construction will be needed in this area.
- The Northern Goshawk (*Accipiter gentilis*), a state-listed bird species of special concern, has been documented multiple times in the vicinity of the proposed project. This species is found in large, older upland forests systems. They are impacted by fragmentation, loss of forest diversity, and a decrease in mature trees. If there will be any tree removal associated with the proposed project, the trees should be inspected for nests before being cut down. Please contact the Regional Nongame Specialist, Gaea Crozier (gaea.e.crozier@state.mn.us or 218-328-8811), if any large nests are discovered.
- The Laurentian tiger beetle (*Cicindela denikei*), a state-listed species of special concern, was document in the vicinity of the project multiple times. Adult Laurentian tiger beetles are bright metallic green. These beetles are found in sand and gravel openings, including gravel roads and trails, or sparsely vegetated rock outcrops areas within northern coniferous forest. This species may be impacted by the project. Actions to minimize impacts are likely not feasible for this type of project.
- There are multiple observations of Trumpeter Swans (*Cygnus buccinator*), a state-listed species of special concern, nesting in the vicinity of the proposed project. During the breeding season, trumpeter swans select small ponds and lakes with extensive beds of cattails, bulrush, sedges,

and/or horsetail. Ideal habitat includes about 100 m of open water for take-off, stable levels of unpolluted water, emergent vegetation, low levels of human disturbance, and the presence of muskrat (*Ondatra zibethicus*) houses and American beaver (*Castor canadensis*) lodges for use as nesting platforms. If any of the wetlands on site provide suitable habitat, swans may choose to nest in these wetlands. Construction activities that occur during the nesting season, late April through early June, could disrupt nesting swans if present.

- The creek heelsplitter (*Lasmigona compressa*), a special concern mussel species, has been documented within the Black Duck River in T66N R19W Section 8. This area of the project was stated to need trail improvements and new trail construction. Mussels 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 project. If bridge construction is needed in this area, we recommend spanning the river, if feasible.

Federally Protected Species

- Northern long-eared bat (*Myotis septentrionalis*), federally listed as threatened and state-listed as special concern, and little brown bat (*Myotis lucifugus*), also state-listed as special concern, have been documented in the vicinity of the proposed project. During the winter these species typically hibernate in caves and mines. During the active season (approximately April-October) they roost underneath bark, in cavities, or in crevices of both live and dead trees; and in human structures such as buildings and bridges. Pup rearing is during June and July. Activities that may impact this species include, but are not limited to, wind farm operation, any disturbance to hibernacula, and destruction/degradation of habitat. As such, we recommend avoiding tree removal during pup rearing season, June 1st through July 31st.

Regarding the northern long-eared bat, the U.S. Fish and Wildlife Service (USFWS) has published a final 4(d) rule that identifies prohibited take. To determine whether you need to contact the USFWS, please refer to the USFWS Key to the [Northern Long-Eared Bat 4\(d\) Rule](#). **Please note there are known roost maternity trees in the direct vicinity of the trail in T67N R20W Section 35, in 850 feet of the rail in T67N R18W Section 14 and mist net observations within 850 feet of the trail in T67N R18W Section 23.**

- Canada Lynx (*Lynx canadensis*), federally listed as threatened and state-listed as special concern, has been documented in the vicinity of the proposed project. This species is found in large tracks of boreal and mixed conifer-hardwood forests where they are highly dependent on snowshoe hare for prey. Population densities in the U.S. are typically lower than that of Canada. To determine conservation measures required or recommended by the U.S. Fish and Wildlife Service (USFWS), review your project in [IPaC](#). For additional information on this species, review the [USFWS Canada Lynx Fact Sheet](#).

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 for an updated review if construction has not occurred within one year.

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. If needed, please contact your [DNR Regional Environmental Assessment Ecologist](#) to determine whether there are other natural resource concerns associated with the proposed project. Please be aware that additional site assessments or review may be required.

Thank you for consulting us on this matter, and for your interest in preserving Minnesota's rare natural resources. An invoice will be mailed to you under separate cover.

Sincerely,



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
Guidelines for Managing Native Plant Communities along Trails
http://www.dnr.state.mn.us/trails_plantcommunities/index.html
MBS Sites of Biodiversity Significance
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/
USFWS Key to the Northern Long-Eared Bat 4(d) Rule for Non-Federal Activities
<http://www.fws.gov/midwest/endangered/mammals/nleb/KeyFinal4dNLEB.html>
USFWS Key to the Northern Long-Eared Bat 4(d) Rule for Federal Actions
<http://www.fws.gov/midwest/endangered/mammals/nleb/KeyFinal4dNLEBFedProjects.html>
USFWS Northern Long-eared Bat Website
<http://www.fws.gov/midwest/endangered/mammals/nleb/index.html>
USFWS Northern Long-eared Bat Fact Sheet
<http://www.fws.gov/midwest/endangered/mammals/nleb/nlebFactSheet.html>

Cc: Margie Coyle
Gaea Crozier
Brooke Haworth
Jennie Skancke
Kim Boland