



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

February 7, 2024

Correspondence # MCE 2023-00720

Ericka Massa
Short Elliott Hendrickson, Inc.

RE: Natural Heritage Review of the proposed Voyageur Country ATV Phase 2,
Koochiching and St. Louis Counties

Dear Ericka Massa,

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 *High* and *Moderate* Biodiversity Significance adjacent to or crossed by the proposed project. 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 *High* contain very good quality occurrences of the rarest species, high quality examples of the rare native plant communities, and/or important functional landscapes. Sites ranked as *Moderate* contain occurrences of rare species and/or moderately disturbed native plant communities, and/or landscapes that have a strong potential for recovery. All of these areas are in Koochiching County and most of the land in these Sites is in the Koochiching State Forest and adjacent public and private lands. There are also mapped examples of five different native plant communities in Township 67N and 68N, Range 24W. These are, with their state conservation ranks,
 - FFn57 – Northern Terrace Forest, S3: Vulnerable to Extirpation,
 - MHn44 – Northern Wet-Mesic Boreal Hardwood-Conifer Forest, S2: Imperiled, S3: Vulnerable to Extirpation, or S4: Apparently Secure,
 - MHn44c – Aspen – Fir Forest, S3: Vulnerable to Extirpation/S4: Apparently Secure,

- WFn55 – Northern Wet Ash Swamp, S3: Vulnerable to Extirpation or S4: Apparently Secure,
- WMn82 – Northern Wet Meadow/Carr, S4: Apparently Secure or S5: Secure,

Finally, the proposed project goes through designated old growth forests in T70N R24W Sections 29 and 32. Old-growth forests are natural forests that have developed over a long period of time, 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. If impacts to this area cannot be avoided, please contact the Regional Ecologist, Mark White (mark.white@state.mn.us), on specific best practices to minimize impacts.

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

- Minimize width of 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 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.
- 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 Explore page in [Minnesota Conservation Explorer](#) or their GIS shapefiles can be downloaded from the [MN Geospatial Commons](#). Please contact the [NH Review Team](#) if you need assistance

accessing the data. Reference the [MBS Site Biodiversity Significance](#) and [Native Plant Community](#) websites for information on interpreting the data. To receive a list of MBS Sites of Biodiversity Significance and DNR Native Plant Communities in the vicinity of your project, create a conservation planning report using the Explore page in Minnesota Conservation Explorer.

- The proposed project crosses the Koochiching State Forest in multiple places. Shapefiles of the state forests boundaries can be downloaded from the [MN Geospatial Commons](#). Contact the NH Review Team if you do not have access to the appropriate mapping services. Please contact your DNR Regional Environmental Assessment Ecologist, Jessica Parson (jessica.parson@state.mn.us), regarding the DNR license to cross process and any concerns she may have regarding this project.
- If the Wetland Conservation Act (WCA) is applicable to this project, please note that wetlands within *High* or *Outstanding* MBS Sites of Biodiversity Significance or Native Plant Communities ranked as S1-S3 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. If the proposed project includes a wetland replacement plan under WCA, please contact your [DNR Regional Ecologist](#) for further evaluation. For technical guidance on Rare Natural Communities, please visit [WCA Program Guidance and Information](#).

State-listed Species

- [Cushion moss](#) (*Sphagnum compactum*), state-listed as threatened, has been documented near the proposed project in Koochiching County. In Koochiching County, this plant has been found in very shallow depressions on bedrock in northern dry bedrock pine (oak) woodlands. 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 endangered or threatened plants or animals, including their parts or seeds, without a permit. Take of state-listed threatened and endangered plant species is exempt only within previously disturbed road rights-of-ways (ROW). **Contact me if there will be work outside the previously disturbed road ROW as a survey may be needed.**
- [Scented oak fern](#) (*Gymnocarpium robertianum*), [small green wood orchid](#) (*Platanthera clavellata*), and [few-flowered spikerush](#) (*Eleocharis quinqueflora*), all state-listed plant species of special concern, have been documented near the proposed project. The first two species are found in conifer forest wetlands while few-flowered spikerush occurs in sparsely vegetated areas of graminoid fens and the shorelines of ponds and small lakes. [Laurentian tiger beetles](#) (*Cicindela denikei*), also a species of special concern, have been documented several times near the proposed project. This species is found in openings in northern coniferous forests, abandoned gravel and sand pits, along sand and gravel roads, and sparsely vegetated rock outcrops. We

recommend minimizing impacts to potential habitat for these species. In or near potential habitat, possible actions include, but are not limited to, the following,

- Minimize width of 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 potential habitat.
 - Minimize vehicular disturbance in the area (allow only vehicles/equipment necessary for construction activities).
 - Do not park equipment or stockpile supplies in the area.
 - 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.
 - 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.
 - Use only weed-free mulches, topsoils, and seed mixes.
- [Trumpeter swans](#) (*Cygnus buccinator*), a state-listed species of special concern, have been documented 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.
 - [Creek heelsplitter](#) (*Lasmigona compressa*) and [black sandshell](#) (*Ligumia recta*), both 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 Rainy River and the mussels in the Little Fork and Black Duck Rivers in the vicinity of the proposed project. These species, especially the mussels, are likely to occur in other rivers and streams, as well. 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 debris, and other construction material should be in place to prevent adverse material from entering the river.

- The Natural Heritage Information System (NHIS) tracks bat roost trees and hibernacula plus some acoustic data, but this information is not exhaustive. Even if there are no bat records listed nearby, all seven of Minnesota's bats, including the federally endangered northern long-eared bat ([Myotis septentrionalis](#)), can be found throughout Minnesota. During the active season (approximately April-November) bats roost underneath bark, in cavities, or in crevices of both live and dead trees. Tree removal can negatively impact bats by destroying roosting habitat, especially during the pup rearing season when females are forming maternity roosting colonies and the pups cannot yet fly. To minimize these impacts, the DNR recommends that tree removal be avoided from June 1 through August 15.
- 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.

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 to these rare features. Visit the [Natural Heritage Review website](#) for additional information regarding this process, survey guidance, and other related information. 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 cursive script that reads "James Drake".

James Drake
Natural Heritage Review Specialist
James.F.Drake@state.mn.us

Cc: Jessica Parson, Mark White, Jennie Skancke