



Burrowing Owl
Endangered



**DEPARTMENT OF
NATURAL RESOURCES**

Overview of Endangered Species Laws for Local Government Units

Bridget Henning-Randa
Endangered Species Consultant
Minnesota Department of Natural Resources

- Overview of Endangered Species Laws- Bridget Henning-Randa
 - Minnesota's Protection of Threatened and Endangered Species Statute
 - Federal Endangered Species Act
 - Comparison
- Implementation- Lisa Joyal
- MN DOT review process –Tina Markeson
- FEMA floodplain review process- Ceil Strauss

Minnesota Endangered Species Laws

- Protection of Threatened and Endangered Species
 - Minnesota Statute 84.0895
 - Minnesota Rules 6212.1800 to 6212,2300
- Designates species as:
 - Endangered- at risk of extinction from the state
 - Threatened- likely to become endangered
 - Of Special Concern- uncommon or unique and in need of monitoring



Minnesota Endangered Species Laws

Minnesota Rules, Chapter 6134

List of endangered, threatened, and special concern species designated through rulemaking

State Endangered

Animals: 44 species

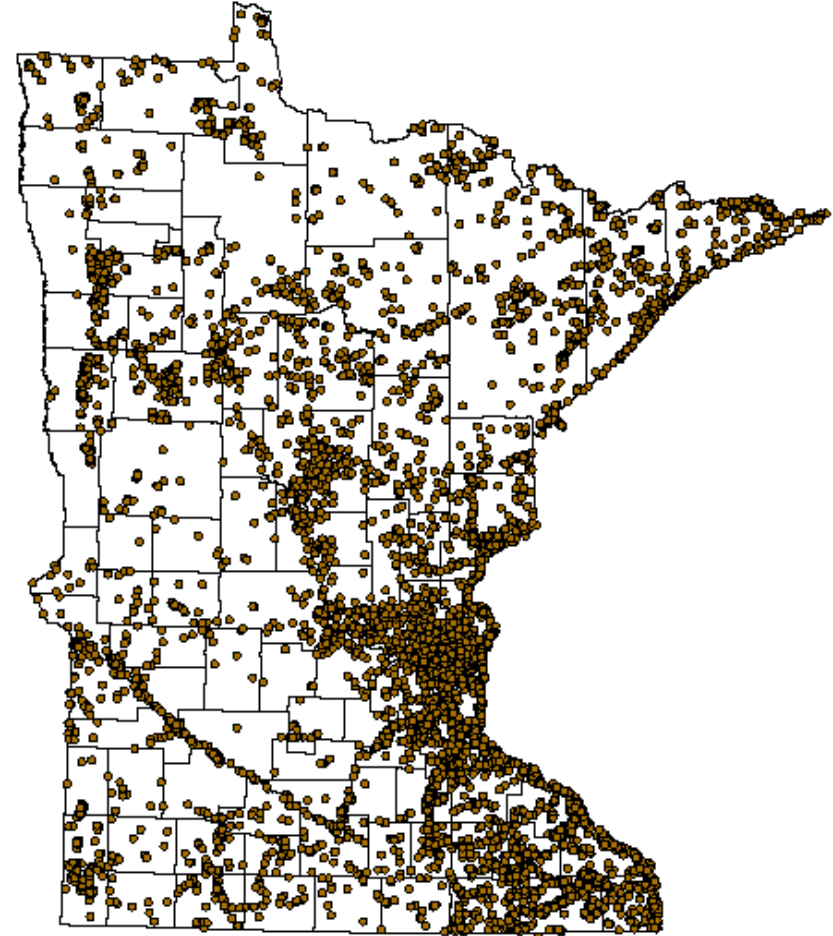
Plants: 99 species

State Threatened

Animals: 40 species

Plants: 109 species

292 species in total



Minnesota Endangered Species Laws

- Prohibits **take** of any portion of an endangered or threatened species of wild animal or plant without a permit. (M.S. 84.0895)
- **Take** means pursuing, **killing**, capturing, attempting to take, or assisting another person in attempting to take
 - Take includes direct destruction of individual plants/animals and changing habitat conditions such that mortality would occur.
- No protection of species of special concern



Minnesota Endangered Species Laws

- DNR may issue permits and prescribe conditions for take for:
 - Scientific Study
 - Education
 - Propagation or enhancement of survival
 - To prevent injury to persons or property (Safety)
 - Social and economic benefits (Incidental to Development)
- Permits may not be detrimental to the species
- 150-day goal for permit issuance

The screenshot shows the Minnesota Department of Natural Resources website. The header includes the logo and navigation menu with categories: RECREATION, DESTINATIONS, NATURE, EDUCATION & SAFETY, LICENSES, PERMITS & REGULATIONS, EVENTS & SEASONS, and ABOUT DNR. A search bar is located in the top right. The breadcrumb trail reads: Home > Ecological and Water Resources > Natural Heritage and Nongame Research. The main heading is "Endangered and Threatened Species Permits". A sidebar on the left lists various resources under the "NHNRP" heading, with "Endangered species permits" highlighted. The main content area features an "Active DNR rulemaking notice" for a possible amendment to the state list of endangered, threatened, and special concern species. Below this, a paragraph explains the intent of the Minnesota Endangered Species Law. The "Types of Permits" section lists five permit categories with links to PDF documents: Scientific Study, Educational Activity, Propagation, Injury Prevention, and Incidental to Development. The "General Permits" section includes a link for the propagation of butternut.

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Search for...

RECREATION DESTINATIONS NATURE EDUCATION & SAFETY LICENSES, PERMITS & REGULATIONS EVENTS & SEASONS ABOUT DNR

Home > Ecological and Water Resources > Natural Heritage and Nongame Research

NHNRP

Main page
Natural Heritage information system
Natural Heritage review
Research reports
Research
Native plant communities
Endangered species permits
Endangered, threatened & special concern species
Animal aggregation sites list (PDF)
References
Links
Ecological resources
Northern Long-eared Bat

Endangered and Threatened Species Permits

Active DNR rulemaking notice:

- [Possible Amendment to the State List of Endangered, Threatened, and Special Concern Species](#)

The intent of Minnesota's Endangered Species Law is to retain or restore healthy populations of the state's endangered, threatened, and special concern plants and animals. A permit is required to take, pursue, capture, kill, dig up, dispose, destroy, purchase, import, possess, transport or sell live or dead endangered or threatened plants or animals, including their parts or seeds. Permit issuance is discretionary and based on the DNR's assessment of all relevant information.

Types of Permits

- [Permit for the Use of Endangered or Threatened Species in a Scientific Study \(PDF\)](#)
- [Permit for the Use of Endangered or Threatened Species for an Educational Activity \(PDF\)](#)
- [Permit for the Propagation of Endangered or Threatened Species](#)
- [Permit for the Take of Endangered or Threatened Species to Prevent Injury to People or Property \(PDF\)](#)
- [Permit for the Take of Endangered or Threatened Species Incidental to a Development Project \(PDF\)](#)

General Permits

- [General permit for the propagation of butternut \(PDF\)](#)

Minnesota Endangered Species Permits

Incidental Take Permits for Development:

- For social or economic benefit
- All alternatives have been considered and rejected.
- The permitted act will not be detrimental to the species.
 - “Act” includes both the taking and any mitigation activities to benefit the species
 - Permits often require compensatory mitigation (in-kind or in-lieu fee)
- Permit need typically identified by natural heritage review



Minnesota Endangered Species Laws

- Exception to take prohibition for T&E species to avoid immediate and demonstrable threats to human life or property
- Exceptions to take prohibition for T&E **plants**:
 - On ditches,
 - On public Road Right of Ways where there has been previous ground disturbance
 - On agriculture land classified as 2a or 2c
 - On land adjacent to agriculture lands, due to agricultural pesticide application, if reasonable care is taken in the application of the pesticide to avoid impact on adjacent lands.
 - For noxious weed control, if reasonable effort is taken to preserve the protected plant species first
 - For accidental taking, if the existence of the plant is not known



Federal Endangered Species Act

Endangered Species Act (ESA) of 1973

- Section 4 (Listing)
- Section 9 (Prohibitions)
- Section 10 (Permits)
- Section 7 (Consultation)

Federally listed species in Minnesota



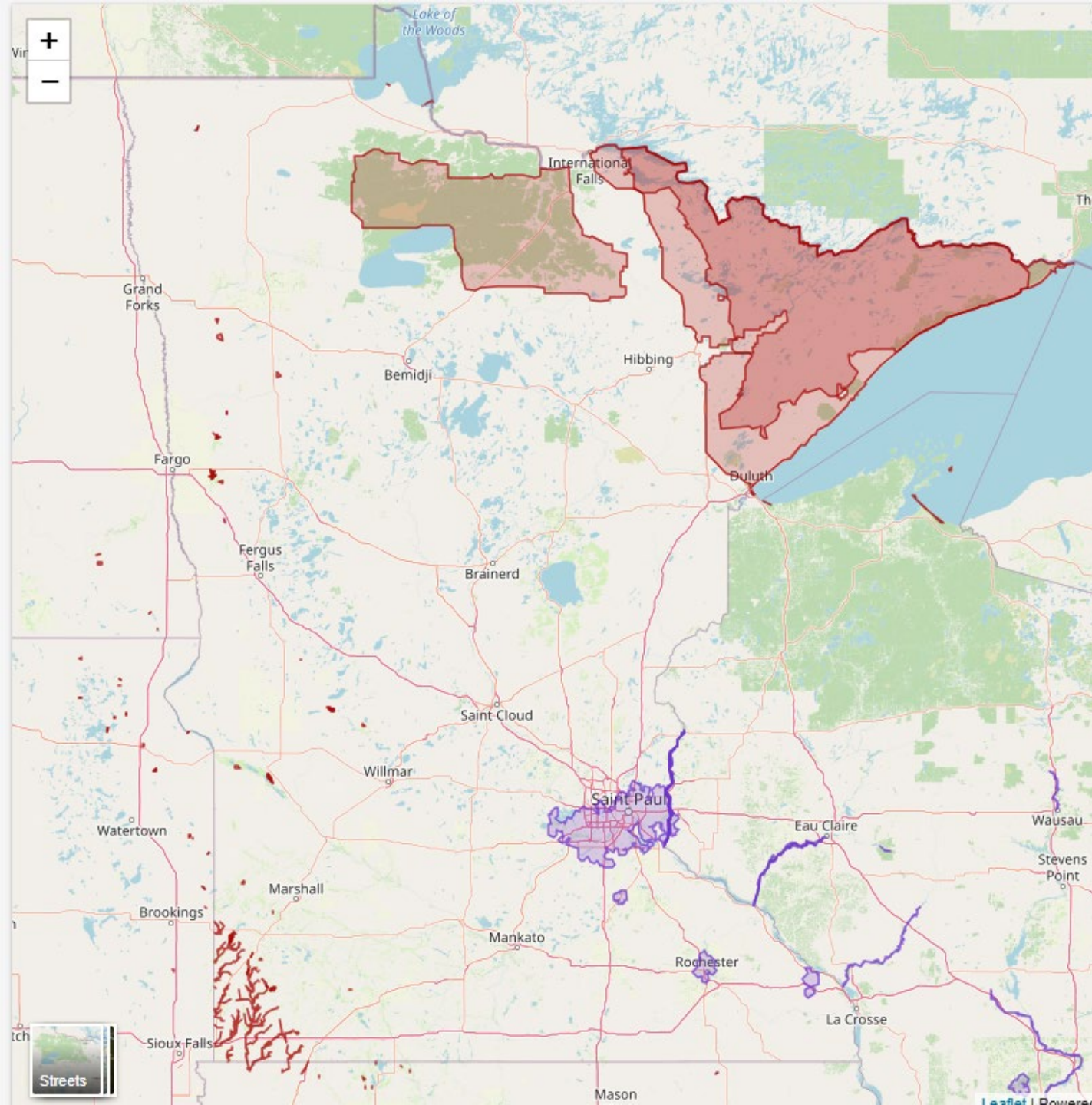
Endangered or Threatened

- Mammals: Canada lynx, gray wolf, northern long-eared bat
- Birds: Piping plover, rufa red knot, whooping crane
- Fish: Topeka shiner
- Reptile: Eastern Massasauga
- Mussels: Higgins eye, sheepnose mussel, snuffbox mussel, spectaclecase mussel, winged mapleleaf
- Insects: Dakota skipper, Karner blue butterfly, rusty-patched bumble bee
- Plants: Leedy's roseroot, Minnesota dwarf trout lily, prairie bush-clover, western prairie fringed orchid

Proposed: tricolored bat, salamander mussel, monarch butterfly, Suckley's cuckoo bumble bee, western regal fritillary,

On the work plan: Blanding's turtle, wood turtle, northern bog lemming, golden-winged warbler, little brown bat

Federal Critical Habitat in Minnesota



- Critical Habitat: Canada lynx, Dakota skipper, gray wolf, piping plover, poweshiek skipperling, Topeka shiner
- Proposed Critical Habitat: rusty-patched bumble bee (CH), salamander mussel (CH), sheepsnose mussel (CH), snuffbox mussel (CH), spectacle case mussel (CH)

ESA Section 9 (Prohibited Acts)

- Take means “harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct.”
 - Recent proposal to change definition of harm in regulations to exclude habitat modification
- Take of endangered animals is prohibited
- Take of endangered plants from federal land is prohibited
- Violation of 4d rules for threatened animals or plants is prohibited
- Critical Habitat modification is not a prohibited act, only considered in section 7 consultation



ESA Section 10 (Permits)

- 10A Permits
 - Scientific research
 - Enhancement of survival
 - Safe Harbor Agreement and Candidate Conservation Agreement with Assurances (CCAA) >> Conservation Benefit Agreement (CBA)
 - Examples: Monarch CCAA, Bumble Bee CBA
- 10B Permits
 - Incidental Take (Habitat Conservation Plan)
 - Example: Lake States Forest Management Bat Habitat Conservation Plan



ESA Section 7 (Federal interagency Cooperation)

- Federal actions include anything funded, authorized, or carried out by a federal agency (federal nexus)
- ESA Section 7 requires all federal actions be reviewed for impacts to listed species (consultation)
- Federal actions cannot jeopardize the continued existence of an endangered/threatened species or destroy critical habitat.
- Consultation
 1. Lead Federal agencies, or their designated representative, decide if a listed species or critical habitat are reasonably certain to occur in the action area.
 2. Federal agencies then must make a “determination” of “no effect”, “not likely to adversely affect”, or “may effect, likely to adversely affect” for the listed species and critical habitat in question.
 3. If take is likely to occur, the lead Federal agency (or representative) creates a biological assessment, and USFWS generates a biological opinion, issuing incidental take if appropriate.
- The online Information for Planning and Consultation (IPaC) site, and embedded determination key are often used to facilitate consultation.

State vs. Federal Endangered Species Law

State - MN Statutes 84.0895

- DNR
- 292 endangered and threatened species
- Species listings based only on status of species within Minnesota
- Take prohibition applies to plants and animals with exceptions for plants for some lands/activities
- Does not protect habitat
- Online review tool: Minnesota Conservation Explorer (MCE)

Federal – Endangered Species Act

- USFWS
- 19-20 endangered and threatened species in MN, plus 5 proposed for listing
- Species listings take into account species range across U.S.
- Take prohibition applies to animals. Take prohibition for plants applies on federal lands.
- Protects critical habitat from federal actions
- Online review tool: Information for Planning and Consultation (IPaC)



Burrowing Owl
Endangered



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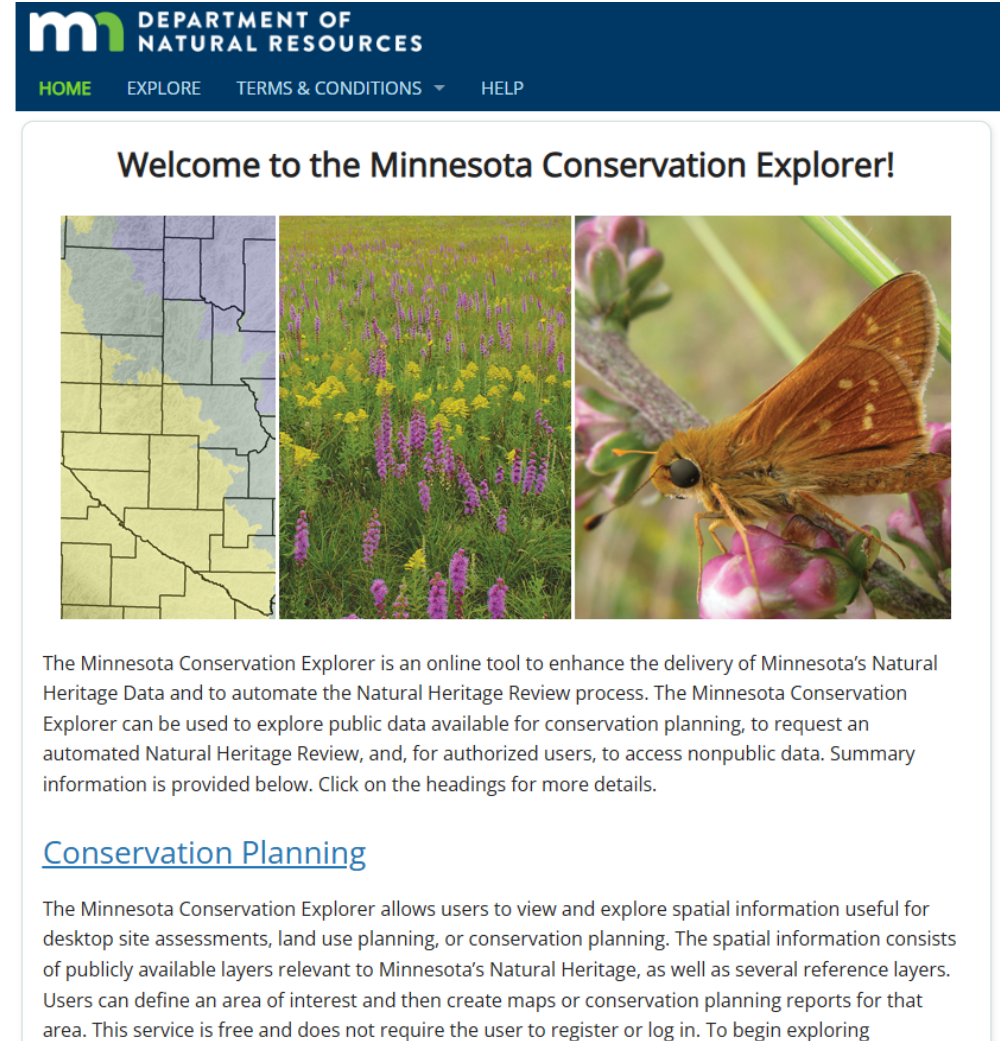
Implementation of Endangered Species Laws for Local Government Units

Lisa Joyal

Endangered Species Review Consultant
Minnesota Department of Natural Resources

Minnesota Conservation Explorer

- Conservation Planning
 - All users can view public NHIS data at no cost
 - Conservation Planning Report
- Nonpublic Data Access
 - Licensees can also view nonpublic NHIS data (species locations)
 - Species Report
- Natural Heritage Review
 - Registered users can submit requests for review
 - Automated NH Review letter or notification that further review is needed
 - Approximately 40% of reviews are automated and completed within 10 minutes




The screenshot shows the top navigation bar of the Minnesota Conservation Explorer website. It features the Minnesota Department of Natural Resources logo on the left, followed by navigation links: HOME, EXPLORE, TERMS & CONDITIONS (with a dropdown arrow), and HELP. Below the navigation bar is a large heading: "Welcome to the Minnesota Conservation Explorer!". Underneath the heading are three images: a map of Minnesota with county boundaries, a field of purple and yellow wildflowers, and a close-up of a brown and orange skipper butterfly on a pink flower. Below the images is a paragraph of text describing the tool's purpose and functionality. At the bottom of the screenshot, there is a blue link for "Conservation Planning" followed by a paragraph of text explaining the spatial information available to users.

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HOME EXPLORE TERMS & CONDITIONS ▾ HELP

Welcome to the Minnesota Conservation Explorer!



The Minnesota Conservation Explorer is an online tool to enhance the delivery of Minnesota's Natural Heritage Data and to automate the Natural Heritage Review process. The Minnesota Conservation Explorer can be used to explore public data available for conservation planning, to request an automated Natural Heritage Review, and, for authorized users, to access nonpublic data. Summary information is provided below. Click on the headings for more details.

[Conservation Planning](#)

The Minnesota Conservation Explorer allows users to view and explore spatial information useful for desktop site assessments, land use planning, or conservation planning. The spatial information consists of publicly available layers relevant to Minnesota's Natural Heritage, as well as several reference layers. Users can define an area of interest and then create maps or conservation planning reports for that area. This service is free and does not require the user to register or log in. To begin exploring

Conservation Planning Report



Conservation Planning Report: North Mankato Test

This document is intended for planning purposes only for the area of interest defined by the user. The report identifies ecologically significant areas documented within the defined area of interest plus any additional search distance indicated below. These ecologically significant areas can be viewed in the Explore Tab of the Minnesota Conservation Explorer. Please visit [MN Geospatial Commons](#) for downloadable GIS data.

This document does not meet the criteria for a Natural Heritage Review. If a Natural Heritage Review is needed, please define an Area of Interest in the Explore Tab and click on the Natural Heritage Review option.

This document does not include known occurrences of state-listed or federally listed species.

MBS Sites of Biodiversity Significance

Search distance = 330 feet

Minnesota Biological Survey (MBS) Sites of Biodiversity Significance are areas with varying levels of native biodiversity that may contain high quality native plant communities, rare plants, rare animals, and/or animal aggregations. A [Biodiversity Significance Rank](#) is assigned on the basis of the number of rare species, the quality of the native plant communities, size of the site, and context within the landscape. MBS Sites are ranked Outstanding, High, or Moderate. Areas ranked as Below were found to be disturbed and are retained in the layer as negative data. These areas do not meet the minimum biodiversity threshold for statewide significance but may have conservation value at the local level as habitat for native plants and animals, corridors for animal movements, buffers surrounding higher quality natural areas, or as areas with high potential for restoration of native habitat. The DNR recommends avoidance of MBS Sites of Biodiversity Significance ranked High or Outstanding.

Wetlands within MBS Sites of Outstanding or High Biodiversity Significance may be considered Rare Natural Communities under the Wetland Conservation Act. For technical guidance on Rare Natural Communities, please visit [WCA Program Guidance and Information](#).

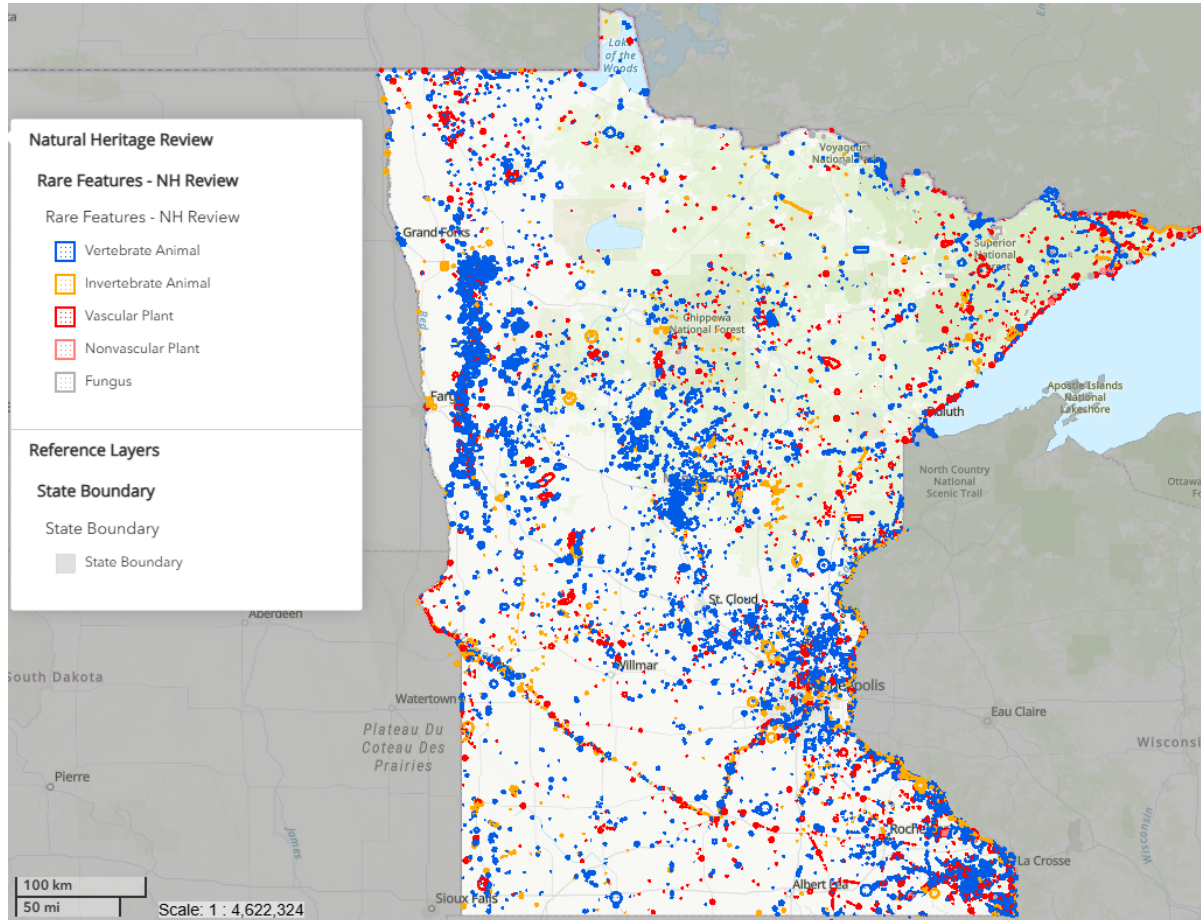
For more information please visit [MBS Sites of Biodiversity Significance](#).

The following MBS Sites of Biodiversity Significance are within the search area:

MBS Site Name	Biodiversity Significance	Status
LIME 30	Moderate	final
LIME W 25	Moderate	final
LIME W 36	High	final

- Summarizes public NHIS Data
 - MBS Sites of Biodiversity Significance
 - DNR Native Plant Communities
 - Calcareous Fens
 - Lakes of Biological Significance
- Includes hyperlinks to resources
- For planning purposes only
 - NOT a Natural Heritage Review
 - Does not include species locations
- Free

License agreements



- To view locations of known occurrences of state-listed plants and animals
- Data are updated quarterly in MCE
- Submit a License Application Form
- Available to all government agencies at no cost
 - DNR will consider “umbrella” licenses that cover multiple jurisdictions
- LGUs can use data to screen projects for potential impacts
 - Natural Heritage Screen Checklist on DNR website
 - Request Natural Heritage Reviews only for those projects that meet the screening criteria

Species Report

March 24, 2026
Data Valid For One Year

Minnesota Conservation Explorer
NHIS Rare Features - 'Rare Features - NH Review' Layer
Selected Records Report

Page 1 of 3

Vertebrate Animal (6 records)

Species: <i>Acipenser fulvescens</i> (Lake Sturgeon) MN Statute Name: <i>Acipenser fulvescens</i> Rare Species Guide Link: View County: Crow Wing Descriptor: Bulk-loaded data, 2011, KLC Managed Area: Habitat: Deep Water Zone of Lake, Large Rivers, Littoral Zone of Lake Mapping Comments:	First Observed Date: 1963-PRE Last Observed Date: 1963-PRE Last Survey Date: 1963-PRE Location Uncertainty: Estimated Location Uncertainty (m): 800	MN Status: SPC Federal Status: null State Rank: S3 Global Status: G3G4 Water Regime: Alive: Locator:	SF ID#: 16384 EO ID#: 16384
Species: <i>Etheostoma microperca</i> (Least Darter) MN Statute Name: <i>Etheostoma microperca</i> Rare Species Guide Link: View County: Crow Wing Descriptor: Fishes of MN Managed Area: Habitat: Littoral Zone of Lake, Small Rivers and Streams Mapping Comments: UTM coordinates taken from MN DNR Fisheries Fishes of Minnesota Database	First Observed Date: 2012-06-04 Last Observed Date: 2012-06-04 Last Survey Date: 2012-06-04 Location Uncertainty: Estimated Location Uncertainty (m): 500	MN Status: SPC Federal Status: null State Rank: S3 Global Status: G5 Water Regime: Alive: Locator:	SF ID#: 110207 EO ID#: null
Species: <i>Etheostoma microperca</i> (Least Darter) MN Statute Name: <i>Etheostoma microperca</i> Rare Species Guide Link: View County: Crow Wing Descriptor: Fishes of MN Managed Area: Habitat: Littoral Zone of Lake, Small Rivers and Streams Mapping Comments: UTM coordinates taken from MN DNR Fisheries Fishes of Minnesota Database	First Observed Date: 2017-08-07 Last Observed Date: 2017-08-07 Last Survey Date: 2017-08-07 Location Uncertainty: Estimated Location Uncertainty (m): 500	MN Status: SPC Federal Status: null State Rank: S3 Global Status: G5 Water Regime: Alive: Locator:	SF ID#: 110485 EO ID#: null
Species: <i>Etheostoma microperca</i> (Least Darter) MN Statute Name: <i>Etheostoma microperca</i> Rare Species Guide Link: View County: Crow Wing Descriptor: Fishes of MN Managed Area: Habitat: Littoral Zone of Lake, Small Rivers and Streams Mapping Comments: UTM coordinates taken from MN DNR Fisheries Fishes of Minnesota Database	First Observed Date: 2014-09-02 Last Observed Date: 2014-09-02 Last Survey Date: 2014-09-02 Location Uncertainty: Estimated Location Uncertainty (m): 500	MN Status: SPC Federal Status: null State Rank: S3 Global Status: G5 Water Regime: Alive: Locator:	SF ID#: 110729 EO ID#: null

Natural Heritage Review

- Determining potential impacts to rare features
- Due diligence for following state law regarding rare features
 - Encouraged for all projects that meet the screening criteria
- Required if a project meets the threshold for Minnesota's formal environmental review process
- Some permitting / licensing / funding authorities also require a NH Review
- Any LGU can request a NH Review within MCE
 - Receive DNR assessment of potential for proposed project to impact rare features
 - Fee is typically \$120 - \$180 per project

Natural Heritage Review

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HOME EXPLORE MAP MY PROJECTS TERMS & CONDITIONS

MY ACCOUNT LOG OUT

Define Area of Interest

Draw Area on Map

Use the controls below (double click to complete the shape):

Area: 3,459 acres
Perimeter: 1,627,489 ft

CONSERVATION PLANNING REPORT

NATURAL HERITAGE REVIEW

Layers

- Natural Heritage Review
 - MBS Sites of Biodiversity Significance
 - DNR Old Growth Forest
 - Calcareous Fens
 - DNR Native Plant Communities (NPC)
 - Lakes of Biological Significance
- Conservation Planning

100 m / 200 ft Scale: 1 : 4,513 Latitude: 47.71745, Longitude: -95.42260

Natural Heritage Review



- No Comments
- Comments
- Needs Further Review

Wilkin County Patch/Burn Grazing Plot
MCE-NH-0056-DEV
Page 1 of 5

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Formal Natural Heritage Review

[See next page for results of the review.](#)

Project Name: Wilkin County Patch/Burn Grazing Plot
Project Proposer: MN DNR
Project Type: Natural Resource Management, Vegetation Management/Restoration
TRS: T132 R46 S12
County(s): Wilkin
DNR Admin Region(s): Northwest
Reason Requested: NEPA checklist
Project Description: grazing/burning
Existing Land Uses:
Landcover / Habitat Impacted:
Waterbodies Affected:
Groundwater Resources Affected:
Previous Natural Heritage Review: No
Previous Habitat Assessments / Surveys: No

SUMMARY OF RESULTS

Category	Results	Response
Project Type	No Comments	No Further Review Required
Ecologically Significant Area	No Comments	No Further Review Required
State-Listed Endangered or Threatened Species	No Comments	No Further Review Required
State-Listed Species of Special Concern	No Comments	No Further Review Required
Federally Listed Species	No Comments	No Further Review Required

11/15/2021 06:57 PM

Wilkin County Patch/Burn Grazing Plot
MCE-NH-0056-DEV
Page 5 of 5

Grazing Plot Map

11/15/2021 06:57 PM

11/15/2021 06:57 PM

Project Summary

Project Type: Natural Resource Management, Vegetation Management/Restoration
 Project Size (acres): 36.27
 County(s): Wilkin
 TRS: T132 R46 S12

Service Layer Credits: Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), NGCC, (c) OpenStreetMap contributors, and the GIS User

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Wilkin County Patch/Burn Grazing Plot
MCE-NH-0056-DEV
Page 2 of 5

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Minnesota Department of Natural Resources
 Division of Ecological & Water Resources
 500 Lafayette Road, Box 25
 St. Paul, MN 55155-4025 11/15/2021 06:57 PM

Natural Heritage Review #: MCE-NH-0056-DEV

Jason Johnson
 MN DNR - Minnesota Biological Survey
 500 Lafayette Rd
 St Paul MN 55155

RE: Automated Natural Heritage Review of the proposed Wilkin County Patch/Burn Grazing Plot
 See Cover Page for location and project details.

Dear Jason Johnson,

As requested, the above project has undergone an automated review for potential impacts to rare features.

Based on the automated review, the following rare features may be adversely affected by the proposed project:

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.

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 the project description provided on the cover page. If project details change or construction has not occurred within one year, please provide the updated information in the Minnesota Conservation Explorer and resubmit the project for review. If additional information becomes available regarding rare features in the vicinity of the project, further review may be necessary.

Sincerely,

Samantha Bump

Samantha Bump
 Natural Heritage Review Specialist

11/15/2021 06:57 PM

Assessment of Potential Impacts

DNR determines whether a project will result in a take on a case-by-case basis, considering both:

- 1) the likelihood of the species being present

Based on records in the vicinity, habitat conditions, and other relevant information including natural community or species habitat models

- 2) the likelihood of impact to the species

Based on project activities and timing, species life history, and species likely response to the activities



Natural Heritage Review Results

- Identifies potential impacts to rare features
- Provides recommendations to avoid or minimize disturbance
- Provides heads-up regarding potential WCA concerns and federal species concerns
- For state-protected species, identifies options for compliance
 - Demonstrate Avoidance
 - Assume presence and avoid suitable habitat
 - Limit work to seasons when species will not be impacted
 - Determine that suitable habitat is not present (i.e., habitat assessment)
 - If avoidance of habitat is not feasible, survey for rare species that are likely to be present
 - Must meet standards set by DNR
 - Conducted by qualified and permitted person
 - Methods reviewed and approved by DNR
 - Follow standard avoidance measures
 - Develop avoidance plan
 - If avoidance is not feasible, project proposer needs to apply for a permit to take

Federal Review

IPaC: Home

ipac.ecosphere.fws.gov

U.S. Fish & Wildlife Service
IPaC Information for Planning and Consultation

LOG IN

IPaC is a project planning tool that streamlines the USFWS environmental review process

GET STARTED LOG IN

Integrate the environmental review process into your project design

Quickly and easily identify USFWS managed resources and suggested conservation measures for your project.

- Explore species and habitat**
See if any listed species, critical habitat, migratory birds or other natural resources may be impacted by your project.
Using the map tool, explore other resources in your location, such as wetlands, wildlife refuges, GAP land cover, and other important biological resources.
- Conduct a regulatory review**
Log in and define a project to get an official species list and evaluate potential impacts on resources managed by the U.S. Fish and Wildlife Service.
Follow IPaC's Endangered Species Act (ESA) Review process—a streamlined, step-by-step consultation process available in select areas for certain project types, agencies, and species.
- Build a Consultation Package**
Consultation Package Builder (CPB) replaces and improves on the original Impact Analysis by providing an interactive, step-by-step process to help you prepare a full consultation package leveraging U.S. Fish and Wildlife Service data and recommendations, including conservation measures designed to help you avoid or minimize effects to listed species.
CPB will continue to be improved over time.

Natural Heritage Review Program

Natural Heritage Review Program



The **Minnesota Conservation Explorer** is a tool to enhance the delivery of Minnesota's Natural Heritage Data and to automate the Natural Heritage Review process. This is a tool for the public to view and create maps of Natural Heritage Data for the purpose of conservation planning. Users can also submit a proposed project and request an automated assessment of potential impacts to Minnesota's rare features. [Go to the Minnesota Conservation Explorer](#)

Obtaining NHIS data

The [Natural Heritage Information System](#) (NHIS) is a collection of data layers that provides information on Minnesota's rare plants, animals, native plant communities, and other rare features.

- [Obtaining NHIS Data / Fee Schedule \(PDF\)](#)
- [License Agreement Application Form \(PDF\)](#)

Natural Heritage Screen

A Natural Heritage Screen is the process of checking for NHIS data in the vicinity of an activity/project to determine if further review is needed. The following optional checklist for recording results of an NH Screen may be useful to licensees and DNR staff conducting NH Screens.

- [NH Screen Checklist \(PDF\)](#)

Natural Heritage Review

The purpose of a Natural Heritage Review is 1) to determine if there is any potential for a project to impact state-listed species or other rare features, and 2) to identify measures needed to ensure that a project is complying with state laws related to state-listed species and other rare features. A Natural Heritage Review must be conducted for all projects that meet the threshold for formal environmental review. Government units may also require a Natural Heritage Review as part of their license/permit/grant applications. Regardless of whether a Natural Heritage Review is required, compliance with state law is required. It is strongly recommended that all projects undergo a Natural Heritage Review as a project proposer's due diligence for following state law and considering impacts to Minnesota's Natural Heritage.

<https://www.dnr.state.mn.us/nhnrp/natural-heritage-review.html>

Questions?



Thank you!





Sullivant's Milkweed (T)



Shooting Star (E)



Wild Quinine (E)



Tuberous Indian Plantain (T)

MnDOT's Review Process

Tina Markeson |

Roadside Vegetation Management Unit Supervisor

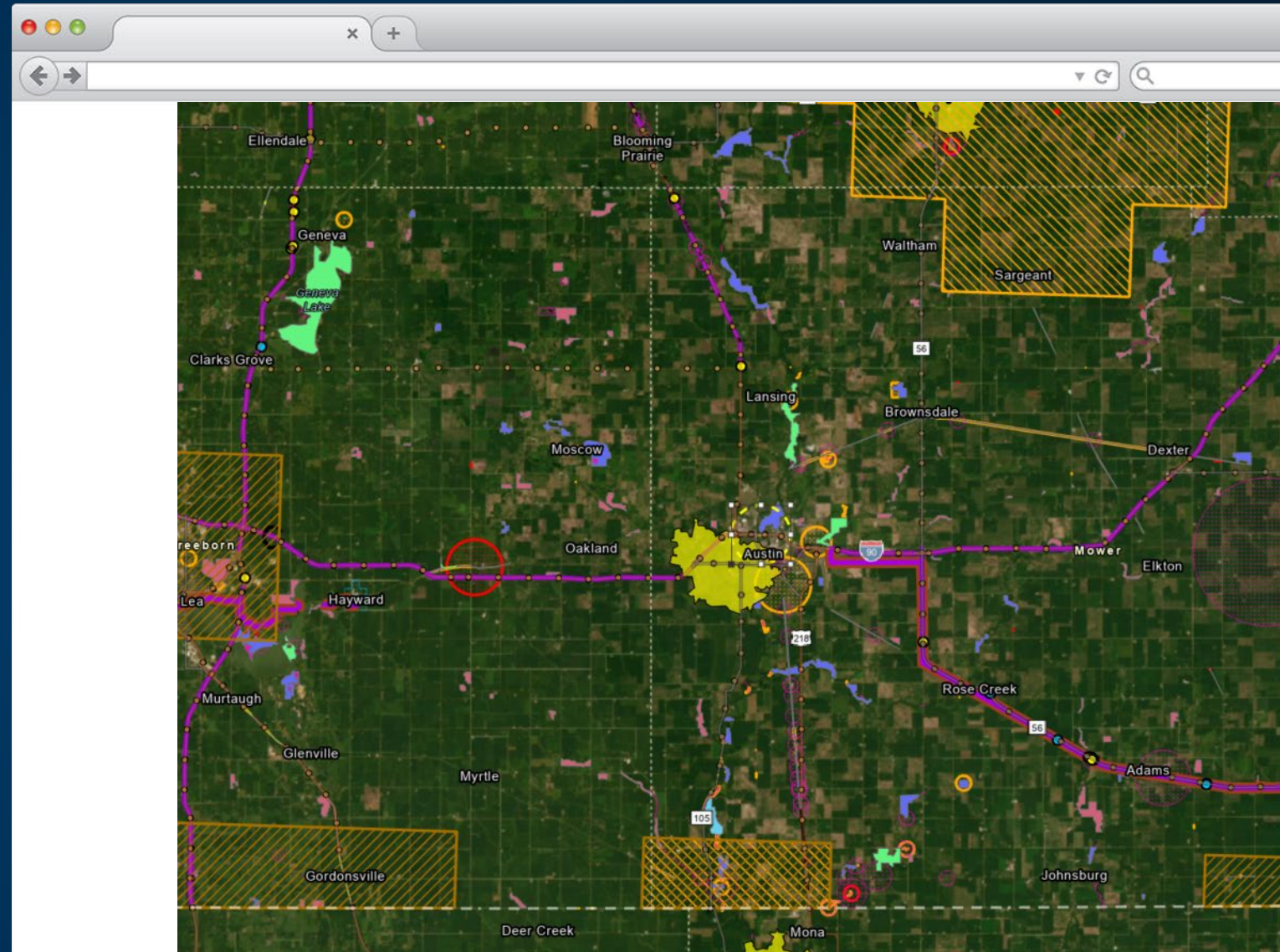
Tools MnDOT Implements

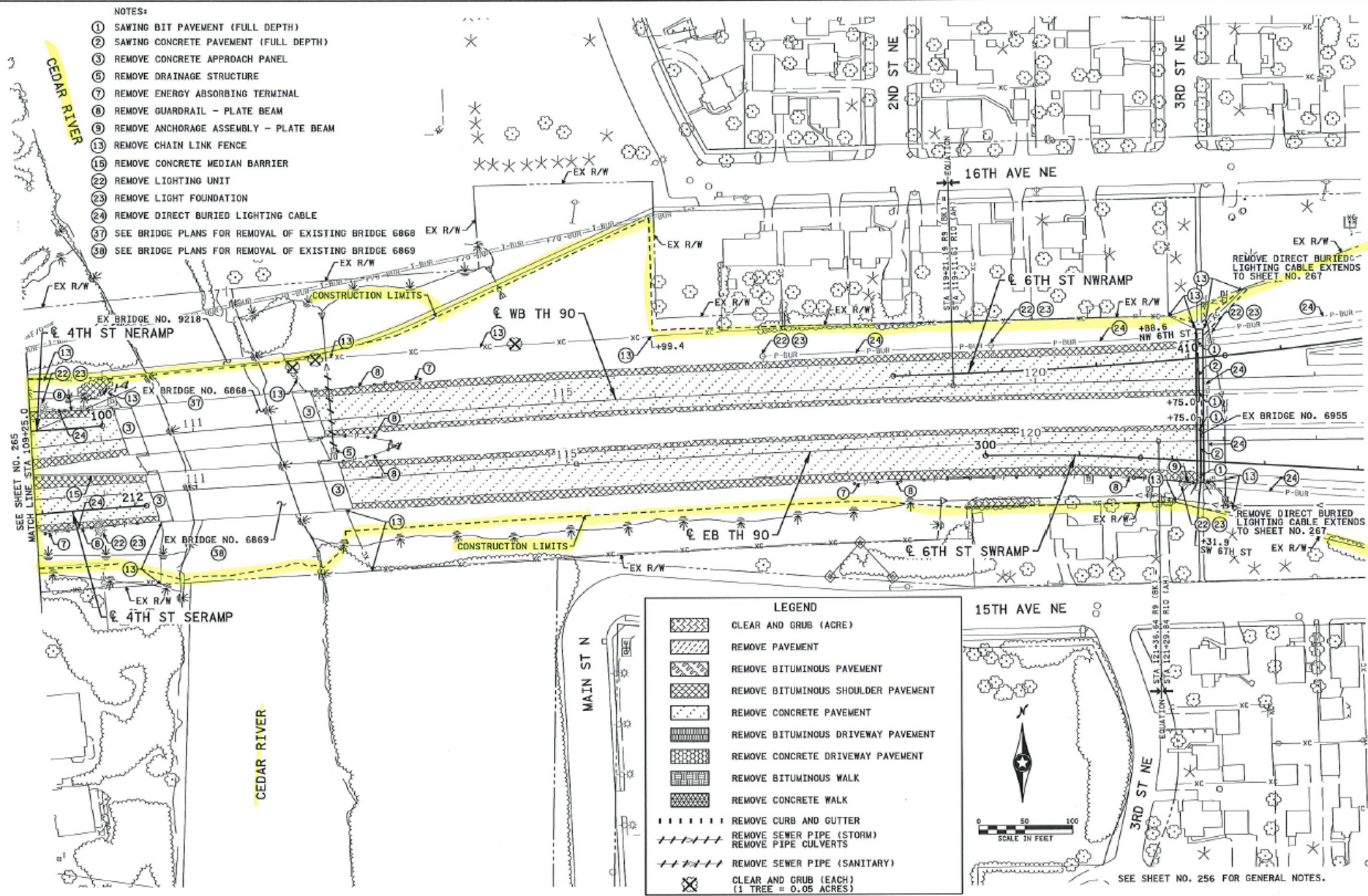
- NHIS access through license agreement with MN DNR
 - MnDOT does not make official determinations of presence/absence of species
- Trained internal staff
- MnDOT/MN DNR Liaison Position



Review Process

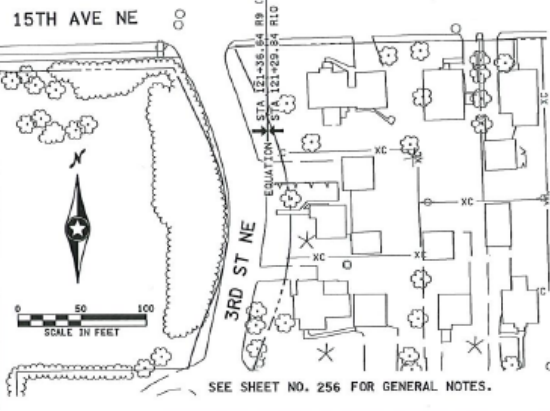
- Early Notification Review (approx. 15%)
- First Review (approx. 30%)
- 60% Review
- 90% Review
- 100% Review





- NOTES:
- ① SAWING BIT PAVEMENT (FULL DEPTH)
 - ② SAWING CONCRETE PAVEMENT (FULL DEPTH)
 - ③ REMOVE CONCRETE APPROACH PANEL
 - ⑤ REMOVE DRAINAGE STRUCTURE
 - ⑦ REMOVE ENERGY ABSORBING TERMINAL
 - ⑧ REMOVE GUARDRAIL - PLATE BEAM
 - ⑨ REMOVE ANCHORAGE ASSEMBLY - PLATE BEAM
 - ⑬ REMOVE CHAIN LINK FENCE
 - ⑮ REMOVE CONCRETE MEDIAN BARRIER
 - ⑲ REMOVE LIGHTING UNIT
 - ⑳ REMOVE LIGHT FOUNDATION
 - ㉔ REMOVE DIRECT BURIED LIGHTING CABLE
 - ㉗ SEE BRIDGE PLANS FOR REMOVAL OF EXISTING BRIDGE 6868 EX R/W
 - ㉘ SEE BRIDGE PLANS FOR REMOVAL OF EXISTING BRIDGE 6869

- LEGEND
- CLEAR AND GRUB (ACRE)
 - REMOVE PAVEMENT
 - REMOVE BITUMINOUS PAVEMENT
 - REMOVE BITUMINOUS SHOULDER PAVEMENT
 - REMOVE CONCRETE PAVEMENT
 - REMOVE BITUMINOUS DRIVEWAY PAVEMENT
 - REMOVE CONCRETE DRIVEWAY PAVEMENT
 - REMOVE BITUMINOUS WALK
 - REMOVE CONCRETE WALK
 - REMOVE CURB AND GUTTER
 - REMOVE SEWER PIPE (STORM)
 - REMOVE PIPE CULVERTS
 - REMOVE SEWER PIPE (SANITARY)
 - CLEAR AND GRUB (EACH)
 - (1 TREE = 0.05 ACRES)



NO.	DATE	BY	CHKD	APPR	REVISION

I hereby certify that this plan, specification, or report was prepared by me or under my direct supervision and that I am a duly Licensed Professional Engineer under the laws of the State of Minnesota.

By Int. Koras: **BENJAMIN P. ROBECK**

Date: 9-29-23 License # 53680

STATE PROJECT NO. 5080-170
 STATE AID PROJECT NO. 090-09-010
 104-135-008
 CITY PROJECT NO. 2308
 23003

DRAWN BY S. MARTINS
 DESIGNED BY N. SCHMIDT
 CHECKED BY B. ROBECK
 COUN. NO. 0013678



MINNESOTA DEPARTMENT OF TRANSPORTATION
 REMOVAL PLANS
 SP 5080-170 (TH 90)
 4TH ST INTERCHANGE

SHEET 266 OF 576

11/22/23 11:27:23
 Project: S:\5080-170\SP\5080-170.dgn
 User: bpr
 Title: 4TH ST INTERCHANGE

State Protected Plants on the Right of Way

- Still attempt to have minimal impact
 - Minimizing footprint
 - Salvage topsoil and replace as soon as possible
 - Transplant to another location





Thank You!

Tina Markeson

tina.markeson@state.mn.us



Endangered Species – FEMA Requirements

March 25, 2026

FEMA Regulations

- 44 CFR 60.3 (a)(2), requires that floodplain development be compliant with all applicable Federal and state laws
- Several lawsuits around the country filed saying FEMA not following ESA
- FEMA issued [Procedure Memorandum 64](#) in October 2010
- FEMA guidance for Letters of Map Change Reviewer in May 2016

FEMA Guidance to FEMA Reviewers for ESA

Guidance for Flood Risk
Analysis and Mapping

**Documentation of Endangered
Species Act Compliance for
Conditional Letters of Map Change**

May 2016





FEMA Guidance – Documentation of ESA Compliance for Conditional Letters of Map Change

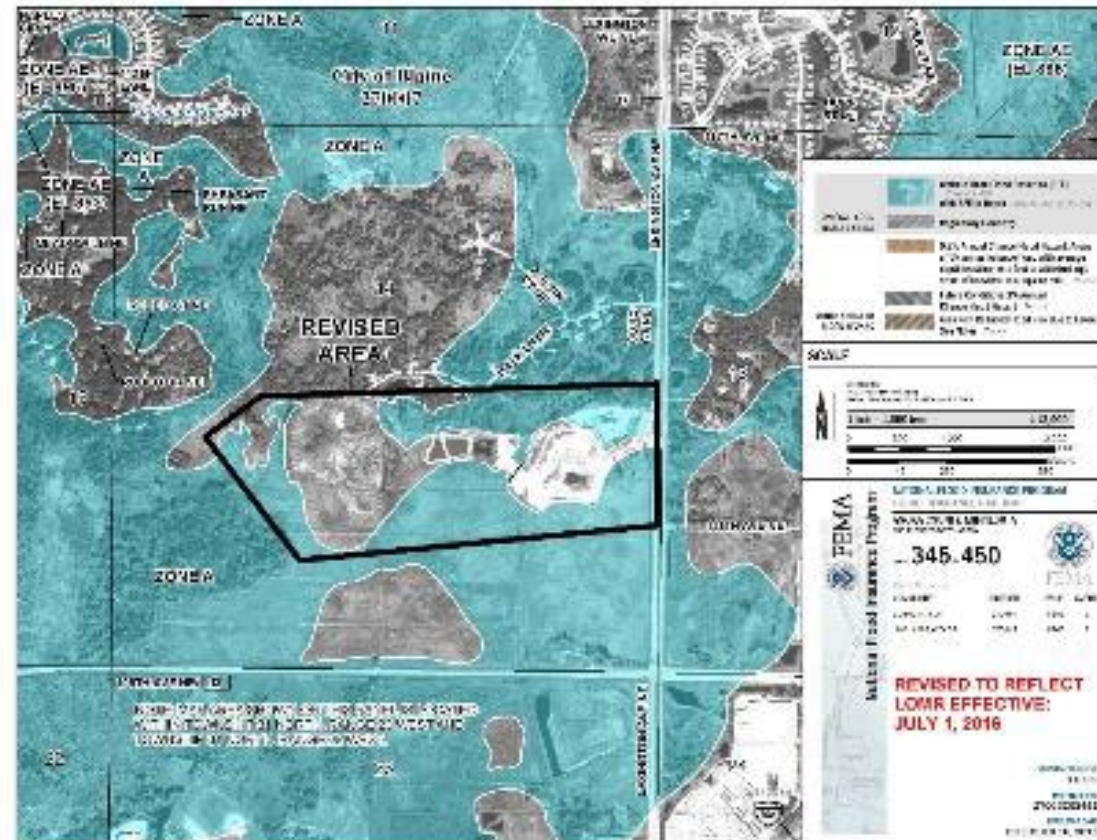
Evidence must be submitted that the ESA is met for:

- Conditional Letters of Map Revisions (CLOMRs)
- Conditional Letters of Map Revisions based on Fill (CLOMR-Fs)

LOMR: Letter of Map Revision

A letter from FEMA officially revising the effective FIRM (Flood Insurance Rate Map) to show changes to floodplains, floodways, or flood elevations.

Page 1 of 5	Issue Date: February 15, 2016	Effective Date: July 1, 2016	Case No.: 15-667510P	Case No.
 Federal Emergency Management Agency Washington, D.C. 20472				
LETTER OF MAP REVISION DETERMINATION DOCUMENT				
COMMUNITY AND REVISION INFORMATION		PROJECT DESCRIPTION	DAYS OF PRODUCT	
COMMUNITY	City of Blaine Anoka County Minnesota	CULVERT FILL	HYDRAULIC ANALYSIS HYDROLOGIC ANALYSIS NEW TOPOGRAPHIC DATA	
	COMMUNITY NO.: 27067			
ZIP CODE	55304-1900	APPROXIMATE LATITUDE & LONGITUDE	48° 19' - 48° 19' N SOURCE: Other DATE: 1-14-15	
ANNUATED SUPPLEMENT NUMBER		ANNOTATION NUMBER		
TYPE: RFP	NO.: 2016000000	DATE: December 12, 2015	NO. REVISION TO THE FLOOD INSURANCE STUDY REPORT	
If you need a copy of this document, please contact the FEMA Regional Office. Phone: 612-292-2400				
FLOODING SOURCE & REVISED REACH				
Dynamic Zone A (Anoka County) (48° 55' 00" - 48° 55' 00" N) has been revised to include the reach of the 100-year flood from the Lehigh River at approximately 1710 feet and west of the confluence of 15th Avenue SE and Lehigh River.				
SUMMARY OF REVISIONS				
Flooding Source	Effective Flooding	Revised Flooding	Increase	Decrease
Dynamic Zone A (Anoka County) (48° 55' 00" - 48° 55' 00" N)	Zone A	Zone A	105	105
DETERMINATION				
This document provides the determination from the Department of Homeland Security's Federal Emergency Management Agency (FEMA) regarding a request for a Letter of Map Revision (LOMR) for the area described above. Using the information submitted, we have determined that a revision to the flood hazards depicted by the Flood Insurance Study (FIS) report and/or National Flood Insurance Program (NFIP) maps is warranted. This document revises the effective NFIP map, as indicated in the attached documentation. Please see the enclosed annotated map sheets revised by this LOMR for floodplain management purposes and for all flood insurance policies and renewals in your community.				
The determination is based on the information provided. The choice of whether to issue a LOMR is at the discretion of FEMA. If you have any questions about the decision, please contact the FEMA Regional Office at 612-292-2400. If you have any questions about the LOMR, please contact the FEMA Regional Office at 612-292-2400. If you have any questions about the LOMR, please contact the FEMA Regional Office at 612-292-2400.				
 Federal Emergency Management Agency				




CLOMR: Conditional Letter of Map Revision

A letter from FEMA commenting on whether a proposed project, if built as proposed, would justify a map revision (LOMR or PMR (Physical Map Revision)), or proposed hydrology changes


Note: CLOMRs are **required** if increase in BFE (Base Flood Elevation) is proposed.

Page 1 of 5 Issue Date: June 18, 2024 Case No.: 23-05-2964R CLOMR-APP

 Federal Emergency Management Agency
Washington, D.C.

CLOMR-APP

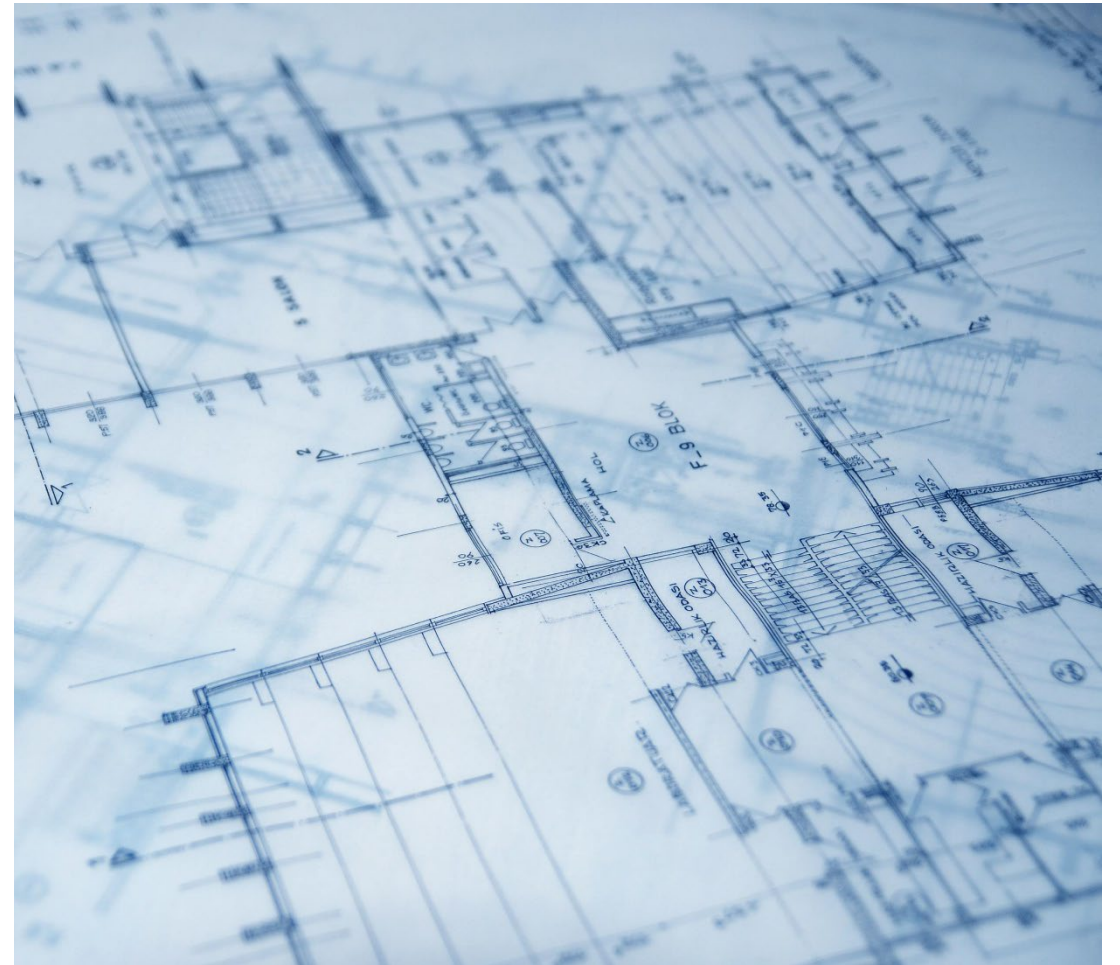
CONDITIONAL LETTER OF MAP REVISION COMMENT DOCUMENT

COMMUNITY INFORMATION		PROPOSED PROJECT DESCRIPTION	BASIS OF CONDITIONAL REQUEST	
COMMUNITY	City of Lakeville Dakota County Minnesota	BRIDGE	1D HYDRAULIC ANALYSIS	
	COMMUNITY NO.: 276167			
IDENTIFIER	Lakeville 179th Street Bridge CLOMR	APPROXIMATE LATITUDE & LONGITUDE: 44.694, -93.166 SOURCE: OTHER DATUM: NAD 83		
AFFECTED MAP PANELS		TYPE: FIRM* NO.: 2703700208E DATE: December 2, 2011 * FIRM - Flood Insurance Rate Map		
FLOODING SOURCE(S) AND REACH DESCRIPTION				
North Creek - From approximately 400 feet upstream of the corporate limit of City of Lakeville to just downstream of Pilot Knob Road				
PROPOSED PROJECT DESCRIPTION				
Flooding Source	Proposed Project	Location of Proposed Project		
North Creek	New Bridge	Approximately 370 feet downstream of the confluence with Tributary No. 1 to North Creek		
SUMMARY OF IMPACTS TO FLOOD HAZARD DATA				
Flooding Source	Effective Flooding	Proposed Flooding	Increases	Decreases
North Creek	BFEs*	BFEs	Yes	None
	Zone AE	Zone AE	Yes	Yes
	Zone X (shaded)	Zone X (shaded)	Yes	Yes
* BFEs - Base (1-percent-annual-chance) Flood Elevations				
COMMENT				
This document provides the Federal Emergency Management Agency's (FEMA's) comment regarding a request for a CLOMR for the project described above. This document is not a final determination; it only provides our comment on the proposed project in relation to the flood hazard information shown on the effective National Flood Insurance Program (NFIP) map. We reviewed the submitted data and the data used to prepare the effective flood hazard information for your community and determined that the proposed project meets the minimum floodplain management criteria of the NFIP. Your community is responsible for approving all floodplain development and for ensuring that all permits required by Federal or State/Commonwealth law have been received. State/Commonwealth, county, and community officials, based on their knowledge of local conditions and in the interest of safety, may set higher standards for construction in the Special Flood Hazard Area (SFHA), the area subject to inundation by the base flood. If the State/Commonwealth, county, or community has adopted more restrictive or comprehensive floodplain management criteria, these criteria take precedence over the minimum NFIP criteria.				
This comment is based on the flood data presently available. If you have any questions about this document, please contact the FEMA Mapping and Insurance Exchange (MIEX) toll free at 1-877-336-6237 (1-877-FEMA MAP) or by letter addressed to the LOMR/APP Clearinghouse, 3651 Eisenhower Avenue, Suite 502, Alexandria, VA 22304-6426. Additional information about the NFIP is available on the FEMA website at https://www.fema.gov/flood-insurance .				
 PATRICK "TUCK" F. GALSBOLE, P.E., Branch Chief Engineering Services Branch Federal Insurance and Mitigation Administration				
23-05-2964R 104				

CLOMR: Conditional Letter of Map Revision (2)

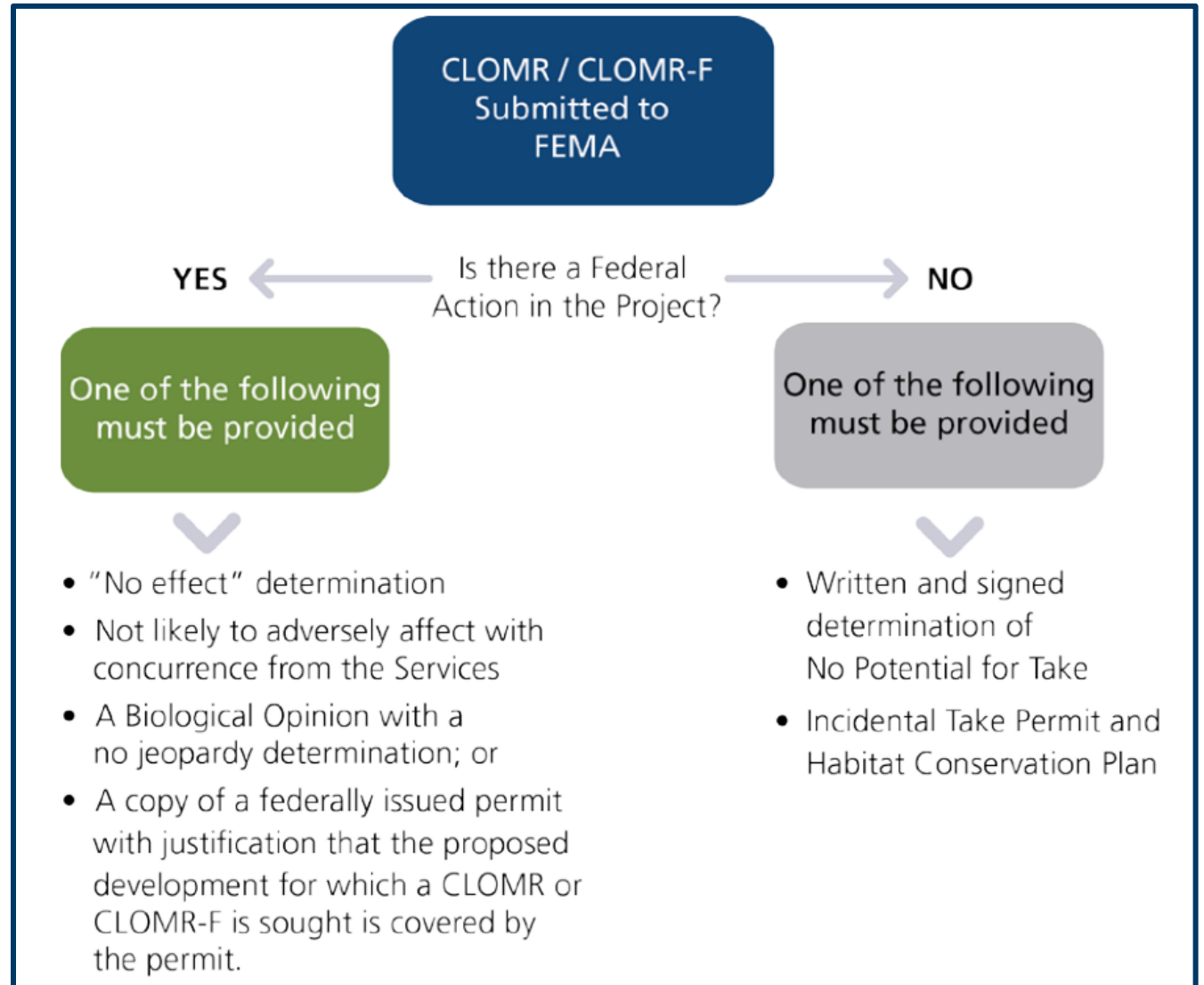
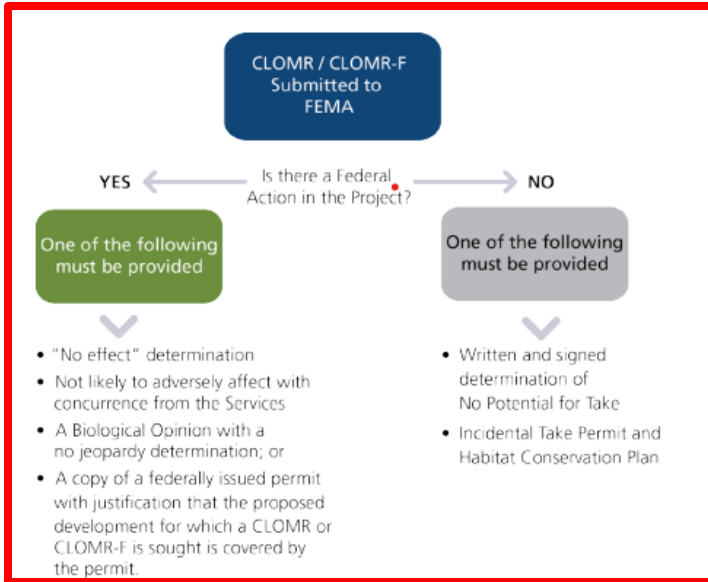
Reminders:

- Once a CLOMR is issued, a LOMR must be applied for *after* the project is built, using as-built survey data
- A CLOMR is *not* a building permit, and permits cannot be issued based on a CLOMR because CLOMRs do not change the Flood Insurance Rate Map.



What Evidence is Required? See May 2016 Guidance

Figure 1: Review Procedures

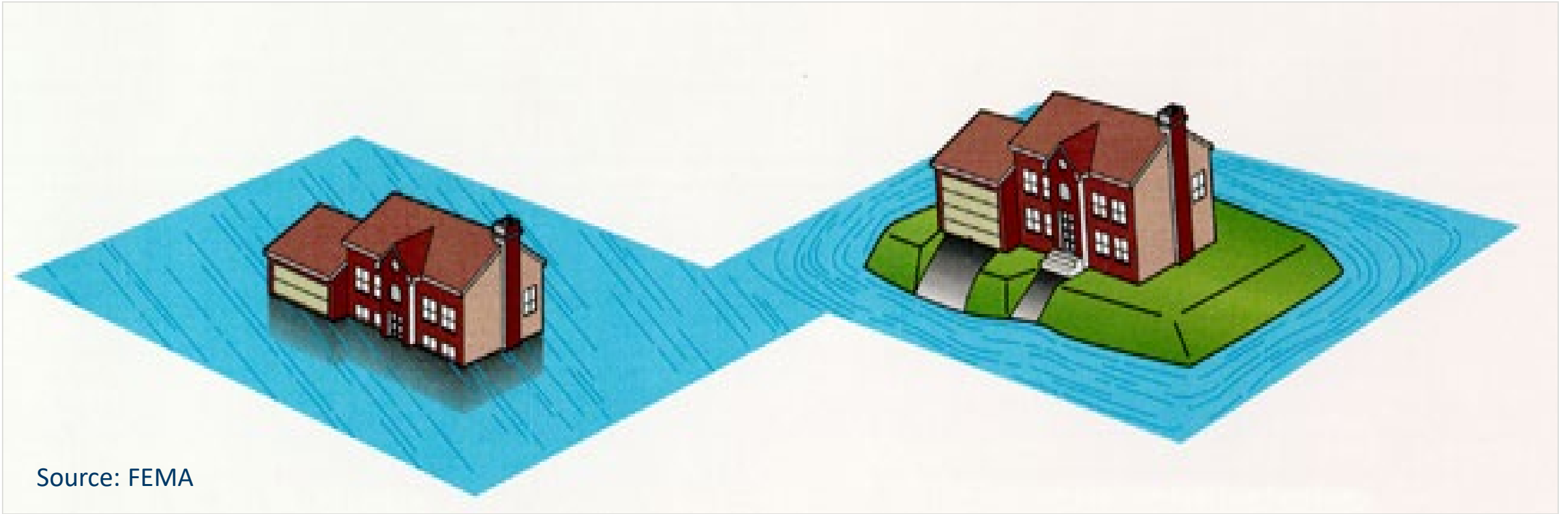


CLOMR-F: Conditional Letter of Map Revision (Based on Fill)

A letter from FEMA commenting on whether a proposed project involving fill, if built as proposed, would justify a determination by FEMA that the structure or parcel of land that has been elevated by fill would not be inundated by the 1-percent-annual-chance (100-year) flood.



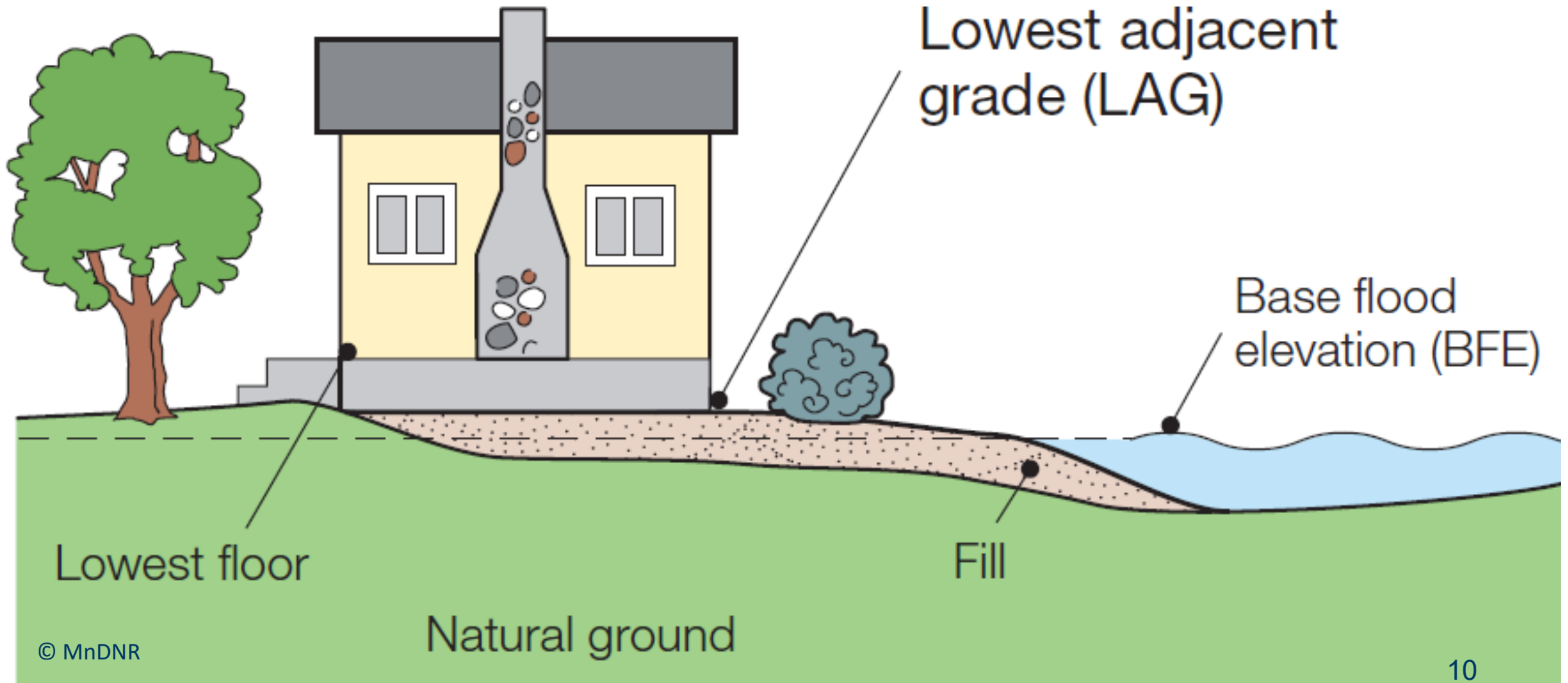
LOMR-F Diagram



Part 65 of the NFIP Regulations requires that the following be equal to or higher than the BFE:

- the lowest ground touching the structure; and
- For existing structures, the lowest floor (including basement or crawl space) This also means that the community certifies the structure is complaint with Section 60.3 of the NFIP regulations.

LOMR-F



Community Acknowledgement Form (CAF)

A. REQUESTS INVOLVING THE PLACEMENT OF FILL

As the community official responsible for floodplain management, I hereby acknowledge that we have received and reviewed this Letter of Map Revision Based on Fill (LOMR-F) or Conditional LOMR-F request. Based upon the community's review, we find the completed or proposed project meets or is designed to meet all of the community floodplain management requirements, including the requirement that no fill be placed in the regulatory floodway, and that all necessary Federal, State, and local permits have been, or in the case of a Conditional LOMR-F, will be obtained. In addition, we have determined that the land and any existing or proposed structures to be removed from the SFHA are or will be reasonably safe from flooding as defined in 44CFR 65.2(c) and that we have available upon request by DHS-FEMA all analyses and documentation used to make this determination. For LOMR-F requests, we understand that this request is being forwarded to DHS-FEMA for a possible map revision. For LOMR-F or Conditional LOMR-F requests that have the potential to impact an endangered species, documentation will be submitted to show that we have complied with Sections 9 and 10 of the Endangered Species Act (ESA). Section 9 of the ESA prohibits anyone from "taking" or harming an endangered species. If an action might harm an endangered species, a permit is required from U.S. Fish and Wildlife Service or National Marine Fisheries Service under Section 10 of the ESA. For actions authorized, funded, or being carried out by Federal or State agencies, documentation from the agency showing its compliance with Section 7(a)(2) of the ESA will be submitted.

Community Comments:

Community Official's Name and Title: *(Please Print or Type)*

Telephone No.:

Community Name:

Community Official's Signature: (required)

Date:

LOCAL EMERGENCY MANAGEMENT AGENCY
ACKNOWLEDGMENT FORM
 O.M.E. NO. 1660-0015
 Expires December 31, 2010

LOADING DISCLOSURE NOTICE
 This form is required for all requests for map revision. The burden estimate includes the time for reviewing instructions, collecting data, and completing, reviewing, and submitting the form. You are not required to pay for this form. A number appears in the upper right corner of this form. Send comments regarding this burden estimate or any other aspect of this form, including suggestions for reducing this burden to: Information Collections Management, U.S. Department of Homeland Security, Washington, DC 20472, Paperwork Reduction Project (1660-0015), or the National Flood Insurance Program. Please do not send your completed form to the FEMA Regional Office.

proposed placement of fill (complete Section A) (B) to be provided acknowledgment of fill located within the regulatory floodway (complete Section B).
 This form is required for floodplain management in the community. The six digit NFIP community code is provided below. Incomplete submissions may result in processing delays.

I hereby acknowledge that we have received and reviewed this Letter of Map Revision Based on Fill (LOMR-F) or Conditional LOMR-F request. Based upon the community's review, we find the completed or proposed project meets or is designed to meet all of the community floodplain management requirements, including the requirement that no fill be placed in the regulatory floodway, and that all necessary Federal, State, and local permits have been, or in the case of a Conditional LOMR-F, will be obtained. In addition, we have determined that the land and any existing or proposed structures to be removed from the SFHA are or will be reasonably safe from flooding as defined in 44CFR 65.2(c) and that we have available upon request by DHS-FEMA all analyses and documentation used to make this determination. For LOMR-F or Conditional LOMR-F requests that have the potential to impact an endangered species, documentation will be submitted to show that we have complied with Sections 9 and 10 of the Endangered Species Act (ESA). Section 9 of the ESA prohibits anyone from "taking" or harming an endangered species. If an action might harm an endangered species, a permit is required from U.S. Fish and Wildlife Service or National Marine Fisheries Service under Section 10 of the ESA. For actions authorized, funded, or being carried out by Federal or State agencies, documentation from the agency showing its compliance with Section 7(a)(2) of the ESA will be submitted.

Telephone No.:
 Community Official's Signature: (required) Date:

I hereby acknowledge that we have received and reviewed this request for a LOMR-F or Conditional LOMR-F request. Based upon the community's review, we find that the completed or proposed project meets or is designed to meet all of the community floodplain management requirements, including the requirement that no fill be placed within the designated regulatory floodway. We find that the completed or proposed project meets or is designed to meet all of the community floodplain management requirements.

Telephone No.:
 Community Official's Signature: (required) Date:

Community Acknowledgement Form (CAF) language

For LOMR-F or Conditional LOMR-F requests that have the potential to impact an endangered species, documentation will be submitted to show that we have complied with Sections 9 and 10 of the Endangered Species Act (ESA). Section 9 of the ESA prohibits anyone from “taking” or harming an endangered species. If an action might harm an endangered species, a permit is required from U.S. Fish and Wildlife Service or National Marine Fisheries Service under Section 10 of the ESA. For actions authorized, funded, or being carried out by Federal or State agencies, documentation from the agency showing its compliance with Section 7(a)(2) of the ESA will be submitted.

Thank You!

Ceil Strauss - ceil.strauss@state.mn.us – 651-259-5713

General Floodplain Help – floodplain.dnr@state.mn.us

LOMR/CLOMR & model questions – FEMAmodels.DNR@state.mn.us