



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

January 4, 2024

Correspondence # MCE 2023-00779

Danny Perrault
Widseth Smith and Nolting and Associates, Inc.

RE: Natural Heritage Review of the proposed **Derby Construction**,
T108N R14W Sections 11 and 12; Olmsted County

Dear Danny Perrault,

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 **Oronoco 12** as a Site of *Moderate* Biodiversity Significance **overlapping the forested section of 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 *Moderate* contain occurrences of rare species and/or moderately disturbed native plant communities, and/or landscapes that have a strong potential for recovery.
- This MBS Site contains **Red Oak - White Oak Forest** (MHs37a), a rare MN DNR Native Plant Community, which overlaps the proposed project. This community is considered **vulnerable to extirpation** (S3) within Minnesota.
- We encourage you to consider project alternatives that would avoid or minimize disturbance to this ecologically significant area. Actions to minimize disturbance may include, but are not limited to, the following recommendations:

- As much as possible, operate within already-disturbed areas (i.e. the agriculture field).
- Minimize activities (i.e. parking equipment, stockpiling supplies, placing spoil) within the MBS Site or retain a buffer between proposed activities and the MBS Site.
- Conduct surveys/habitat assessments to better document resource impact and designate areas to avoid.
- Wetland basins, lake beds, and stream/riverbeds should be restored to preconstruction contours. The work should not promote wetland drainage.
- Work in watercourses should be conducted during low flow whenever possible.
- Minimize vehicular disturbance in the MBS Site (allow only vehicles/equipment necessary for construction activities).
- If possible, conduct the work under frozen ground conditions.
- Use effective erosion prevention and sediment control measures (see [Minnesota Department of Transportation Erosion Control and Stormwater Management Vegetation guidelines](#)).
- Inspect and clean all equipment prior to bringing it to the Site to prevent the introduction and spread of invasive species.
- Impacts to existing vegetation should be kept to a minimum. As soon as possible after construction, revegetate disturbed soil with native species suitable to the local habitat (see [Minnesota Board of Water & Soil Resources Native Vegetation/ Seed Mixes guidelines](#)).
- Use only weed-free mulches, topsoils, and seed mixes. Of particular concern are birdsfoot trefoil (*Lotus corniculatus*) and crown vetch (*Coronilla varia*), two invasive species that are sold commercially and are problematic in prairies and disturbed open areas.

Please reference the [Guidelines for Managing and Restoring Natural Plant Communities along Trails and Waterways](#) for additional information regarding trail construction. Also, see the [Best Practices for Meeting DNR General Public Waters Work Permit GP 2004-0001](#) for recommendations pertaining to working in public waters (i.e. culverts).

- 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](#).

- If the Wetland Conservation Act (WCA) is applicable to this project, please note that one or more Native Plant Communities in the vicinity of the project may qualify as a “rare natural community” 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](#).
- There are other natural resource related issues associated with lakeshore developments besides the potential impacts to rare features. These issues include increased nutrients, pollutants, erosion, and sedimentation resulting in decreased water quality and decreased habitat quality for fish and wildlife. Maintaining native vegetation along lakeshores is one way to reduce these negative impacts. The combination of upland, lakeshore, and aquatic plants creates a buffer zone that provides numerous ecological benefits. Lakeshore and upland plants help stabilize banks and protect the shoreline from erosion by absorbing the forces of wind, waves, and boat traffic. They also filter pollutants that would otherwise drain from the watershed into the lake, thereby protecting water quality. Most noticeably, lakeshore and upland plants provide a variety of vital habitat components for fish and wildlife including food, protection from weather and predators, denning sites and nursery areas for young, perching and sunning sites for birds and turtles, and flyways and travel corridors. Aquatic plants produce oxygen, purify lake water by stabilizing bottom sediments and reducing nutrient cycling, and provide underwater cover for fish. As such, if a native vegetation buffer zone is present within the project boundary, we recommend that it be maintained and enhanced. If not, we recommend that one be established.

For additional information on aquatic plants and lakeshore management, please refer to [Natural Buffers & Lakescaping](#). The DNR book *Lakescaping for Wildlife and Water Quality* also covers a wide array of topics associated with managing lakeshore property and includes techniques to prevent shoreline erosion and to restore wildlife habitat, wildflowers, and water quality. Another reference is [Restore Your Shore](#), an online interactive multimedia program that guides users through the process of protecting a natural shoreline or restoring a degraded shore with a natural buffer zone.

State-listed Species

- 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

- 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 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 black ink that reads "Molly Barrett". The script is cursive and elegant, with the first letters of "Molly" and "Barrett" being capitalized and prominent.

Molly Barrett
Natural Heritage Review Specialist
Molly.Barrett@state.mn.us

Cc: [Melissa Collins](#), Regional Environmental Assessment Ecologist, Region 3 (Central)

Cc: [Amanda Weise](#), Regional Ecologist, Region 3 (Central)

Cc: [Jennie Skancke](#), Wetlands Program Coordinator