Minnesota Department of Natural Resources
Division of Ecological & Water Resources
500 Lafayette Road
St. Paul, MN 55155-4040

April 25, 2024

Debbie-Anne A. Reese, Acting Secretary
Federal Energy Regulatory Commission
888 First Street NE, Room 1A
Washington, DC 20426

RE: NORTHERN LIGHTS 2025 EXPANSION PROJECT – Docket No. CP24-60-000
Scoping Comments – Minnesota Department of Natural Resources

Dear Ms. Reese,

The Minnesota Department of Natural Resources (DNR) has reviewed the application for the Northern Lights 2025 Expansion Project. Our agency offers the following comments regarding the potential environmental impacts that should be considered in the environmental assessment (EA).

Minnesota Biological Survey (MBS) & Native Plant Communities

The EA should identify MBS sites of biodiversity significance as well as measures to avoid or minimize impacts to these sensitive resources. 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. The MBS has identified Corries Swamp as a site of high biodiversity significance in the vicinity of the Elk River 3rd branch line. 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.

Corries Swamp contains several DNR Native Plant Communities (NPCs). Rare NPCs include Southern Tamarack Swamp and Northern Mixed Cattail Marsh, both of which are considered imperiled in Minnesota. Other native plant communities include Northern Rich Fen (Basin) and East central Black Ash - Yellow Birch - Red Maple - Alder Swamp, both of which are considered uncommon but not rare in Minnesota.

Given the ecological significance of these areas, our agency recommends that the project be designed to avoid impacts to the native plant communities by either directional boring or confining construction activities to the opposite side of the road. It will be important that appropriate native seed mixes are used to revegetate these sensitive areas. See the attached Natural Heritage Review letter (MCE 2024-00037) for additional actions to minimize disturbance.

State-listed Species

Minnesota's Endangered Species Statute and associated Rules prohibit the take of threatened or endangered species without a permit. Hence, the EA should identify measures to avoid impacts to state-listed species.

Blanding's turtles, a state-listed threatened species, have been documented in the vicinity of the Farmington to Hugo C-Line and the Elk River 3rd branch Line and may be encountered on site. The habitat description for Blanding's turtles in Table 3.4-1 (Resource Report 3) is not entirely accurate. Blanding's turtles are known to travel great distances over land at certain times of the year. Also, please note that only DNR can determine whether the Northern Lights 2025 Expansion Project is likely to impact this species. For additional information, please see the Blanding's turtle fact sheet, which describes the habitat use and life history of this species. The fact sheet also provides two lists of recommendations for avoiding and minimizing impacts to this rare turtle. Please refer to the first list of recommendations for the project. If greater protection for turtles is desired, the second list of additional recommendations can also be implemented. Further information is provided in the attached Natural Heritage letters (MCE 2024-00036 and MCE 2024-00037).

Fernleaf false foxglove, a state-listed threatened plant species, has been documented in the vicinity of the Farmington to Hugo C-Line. Fernleaf false foxglove habitat includes mesic hardwood forests and savanna. Given that mesic hardwood forests and savanna habitats will be avoided via horizontal directional drilling (HDD) during this project, anticipated impacts to this plant species are unlikely. If plans change and there will be any impacts to mesic hardwood forest or savanna habitats, a qualified surveyor is required to conduct a botanical survey in any wetland habitat that will be impacted by the proposed project. Refer to the attached Natural Heritage Letter (MCE 2024-00036) for survey requirements.

Lance-leaf violet, a state-listed threatened plant species, has been documented in the vicinity of the Elk River 3rd branch line. Lance-leaf violet occur in low, moist areas with sandy substrate and occasionally on lakeshores. Given that wetland habitats will be avoided via horizontal directional drilling (HDD), the DNR does not have any further concerns with these species. If plans change and there will be any impacts to wetland habitats, a qualified survey is required to conduct a botanical survey in any wetland habitat that will be impacted by the proposed project. Refer to the attached Natural Heritage Letter (MCE 2024-00037) for survey requirements.

Dust Control

The EA should discuss measures to minimize dust, specifically the avoidance of dust control products containing chlorides. Resource Report 1 (Section 1.3.4. *Special Construction Techniques*) identifies measures to control fugitive dust. The report indicates that Northern Natural Gas will, where necessary, use dust control measures such as watering access roads, storage piles and disturbed surfaces during construction to minimize dust resulting from construction activities. Our agency advises that products containing calcium chloride or magnesium chloride are often used for dust control. Chloride products that are released into the environment do not break down, and instead accumulate to levels that are toxic to plants and wildlife. Therefore, our agency recommends avoiding the use of dust control products containing chlorides.

Wildlife-Friendly Erosion Control

The EA should discuss the importance of wildlife-friendly erosion control. Due to entanglement issues with small animals, the DNR recommends that erosion control blankets be limited to “bio-netting” or “natural netting” types, and specifically not products containing plastic mesh netting or other plastic components. Hydro-mulch products may contain small synthetic (plastic) fibers to aid in its matrix strength. These loose fibers could potentially re-suspend and make their way into waterways.

The DNR appreciates the opportunity to comment on the Northern Lights 2025 Expansion Project. If you have questions about our agency’s comments, please contact Kate Fairman at kate.fairman@state.mn.us.

Sincerely,

/S/ *Cynthia Warzecha*
Energy Projects Planner

Attachments: Natural Heritage Letter, Farmington to Hugo C-Line (MCE 2024-00036)
Natural Heritage Letter, Elk River 3rd Branch Line (MCE 2024-00037)

EC: Liz Pelloso, Senior NEPA Reviewer, EPA Region 5

DEPARTMENT OF NATURAL RESOURCES

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

March 21, 2024
Correspondence # MCE 2024-00036

Tim Paquin
Stantec

RE: Natural Heritage Review of the proposed **Northern Lights 2025 Expansion Project - Farmington to Hugo C-line,**
T31N R20W Sections 6 and 7, T32N R20W Section 31; Washington County

Dear Tim Paquin,

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:

State-listed Species

- Blanding's turtles (*Emydoidea blandingii)*, a state-listed threatened species, have been reported in the vicinity of the proposed project and may be encountered on site. For additional information, please see the Blanding's turtle fact sheet, which describes the habitat use and life history of this species. The fact sheet also provides two lists of recommendations for avoiding and minimizing impacts to this rare turtle. **Please refer to the first list of recommendations for your project.** If greater protection for turtles is desired, the second list of additional recommendations can also be implemented. **Erosion and sediment control should be limited to wildlife friendly erosion control to avoid the inadvertent** take of Blanding's turtle. Hydro-mulch products should not contain any materials with synthetic (plastic) fiber additives, as the fibers can re-suspend and flow into waterbodies. **To avoid inadvertent take, holes should be checked for turtles prior to being backfilled and the sites should be returned to original grade.**

  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 threatened or endangered species without a permit. The Blanding's turtle flyer should be given to all

contractors working in the area. If Blanding's 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.** Directions on how to move turtles safely can be found here: Helping Turtles Across the Road.

- Fernleaf false foxglove (*Aureolaria pedicularia*), a state-listed threatened plant species, has been documented in the vicinity of the project. Fernleaf false foxglove depends on oak (*Quercus* spp.) trees and habitat includes mesic hardwood forests and savanna. 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 threatened or endangered species without a permit. Given that mesic hardwood forests and savanna habitats will be avoided via horizontal directional drilling (HDD) during this project, anticipated impacts to this plant species are unlikely. **If plans change and there will be any impacts to mesic hardwood forest or savanna habitats, a qualified surveyor is required to conduct a botanical survey in any wetland habitat that will be impacted by the proposed project**. A habitat assessment may be needed if potential habitat is unknown.

  Surveys must be conducted by a qualified surveyor and follow the standards contained in the Rare Species Survey Process and Rare Plant Guidance. Visit the Natural Heritage Review page for a list of certified surveyors and more information on this process. Survey results should be submitted to Reports.NHIS@state.mn.us with subject line MCE-2024-00036. Project planning should take into account that any botanical survey needs to be conducted during the appropriate time of the year, which may be limited. Please consult with the NH Review Team at Review.NHIS@state.mn.us with subject line MCE-2024-00036 if you have any questions regarding this process.

- 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,

Molly Barrett

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

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

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

March 21, 2024
Correspondence # MCE 2024-00037

Tim Paquin
Stantec

RE: Natural Heritage Review of the proposed **Northern Lights 2025 Expansion Project -Elk River 3rd branch line**
T31N R21W Sections 2 and 3, T32N R21W Sections 34, 35, and 36; Washington County

Dear Tim Paquin,

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 **Corries Swamp** as a Site of *High* Biodiversity Significance in the vicinity 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 *High* contain very good quality occurrences of the rarest species, high quality examples of the rare native plant communities, and/or important functional landscapes.

  This MBS Site contains several DNR Native Plant Communities (NPCs). Rare NPCs include **Southern Tamarack Swamp** (FPs63a) and **Northern Mixed Cattail Marsh** (MRn83), both of which are considered **imperiled** (S2) in Minnesota. Other NPCs include **Northern Rich Fen (Basin)** (OPn92) and **Eastcentral Black Ash - Yellow Birch - Red Maple - Alder Swamp** (WFn64b), both of which are considered **uncommon but not rare** (S4) in Minnesota.

  Given the ecological significance of these areas, we recommend that the project be designed to avoid impacts to the native plant communities by either directional boring or confining

construction activities to the opposite side of the road. Actions to minimize disturbance to the other Sites may include, but are not limited to, the following recommendations:

- As much as possible, operate within already-disturbed areas.
- Retain a buffer between proposed activities and the MBS Site.
- Minimize vehicular disturbance in the area (allow only vehicles necessary for the proposed work).
- Do not park equipment or stockpile supplies in the area.
- Do not place spoil within MBS Sites or other sensitive areas.
- Inspect and clean all equipment prior to bringing it to the site to prevent the introduction and spread of invasive species.
- If possible, conduct the work under frozen ground conditions.
- 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.
- Use only weed-free mulches, topsoils, and seed mixes. Of particular concern is 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, such as roadsides.

Construction in streambeds, lakes, and wetlands should be avoided whenever possible. Actions to minimize disturbance may include, but are not limited to, the following recommendations:

- Work in watercourses should be conducted during low flow whenever possible.
- Winter construction in frozen soils is the preferred method for line placement in wetlands.
- Wetland basins, lake beds, and stream/riverbeds should be restored to preconstruction contours. The work should not promote wetland drainage.
- Appropriate wildlife friendly erosion control measures, such as fabric, straw bales, mulch, and silt fences should be used to prevent sedimentation of adjacent wetlands, lakes, or watercourses.
- Impacts to existing vegetation should be kept to a minimum. Disturbed soil areas should be reseeded with native species suitable to the local habitat immediately upon project completion.

- For boring:
    - Bore pits should be placed at least 10 feet from the water's edge.
    - Wildlife friendly erosion control methods should be employed to prevent excavation material from entering the water.
    - Pits should be filled, graded to preconstruction contours, and re-vegetated with native species suitable to the local habitat upon completion.

  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 Tab in Minnesota Conservation Explorer.

- 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 rare Native Plant Communities 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

- Blanding's turtles (*Emydoidea blandingii*), a state-listed threatened species, have been documented in the vicinity of the proposed project. Blanding's turtles use upland areas up to and over a mile distant from wetlands, waterbodies, and watercourses. Uplands are used for nesting, basking, periods of dormancy, and traveling between wetlands. Factors believed to contribute to the decline of this species include collisions with vehicles, wetland drainage and degradation, and the development of upland habitat. Any added mortality can be detrimental to populations of Blanding's turtles, as these turtles have a low reproduction rate that depends upon a high survival rate to maintain population levels.

  This project has the potential to impact this rare turtle through direct fatalities and habitat disturbance/destruction due to excavation, fill, and other construction activities associated with the project. 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

threatened or endangered species without a permit. As such, **the following avoidance measures are required**:

- Avoid wetland and aquatic impacts during hibernation season, between September 15th and April 15th, if the area is suitable for hibernation.
- Bore holes should be checked for turtles prior to being backfilled and the sites should be returned to original grade.
- Erosion and sediment control should be limited to wildlife friendly erosion control to avoid the inadvertent take of Blanding's turtles.
- Hydro-mulch products should not contain any materials with synthetic (plastic) fiber additives, as the fibers can re-suspend and flow into waterbodies.
- Construction areas, especially aquatic or wetland areas, should be checked for turtles before the use of heavy equipment or any ground disturbance.
    - The Blanding's turtle flyer must be given to all contractors working in the area.
    - Check for turtles during construction. Report any sightings to Reports.NHIS@state.mn.us; please include date, observer, location, and photograph of the Blanding's turtle.
    - If turtles are in imminent danger, they must be moved by hand out of harm's way, otherwise they are to be left undisturbed. Directions on how to move turtles safely can be found here: Helping Turtles Across the Road.
- If the above avoidance measures are not feasible, please contact Review.NHIS@state.mn.us with subject line MCE-2024-00037 as further action may be needed.

For additional information, see the Blanding's turtle fact sheet, which describes the habitat use and life history of this species. The fact sheet also provides two lists of recommendations for avoiding and minimizing impacts to this rare turtle. **Please refer to both lists of recommendations and apply those that are relevant to your project.**

- Lance-leaf violet (*Viola lanceolata*), a state-listed threatened plant species, has been documented in the vicinity of the proposed project. Lance-leaf violets are small, white-flowered plants that occur in low, moist areas with sandy substrate and occasionally on lakeshores. 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. Given wetland habitats will be avoided via horizontal directional drilling (HDD) during this project, the DNR does not have any further concerns with this species. **If plans change and there will be any impacts to wetland habitats, a qualified surveyor is required to conduct a botanical survey in any**

wetland habitat that will be impacted by the proposed project. A habitat assessment may be needed if potential habitat is unknown.

Surveys must be conducted by a qualified surveyor and follow the standards contained in the Rare Species Survey Process and Rare Plant Guidance. Visit the Natural Heritage Review page for a list of certified surveyors and more information on this process. Survey results should be submitted to Reports.NHIS@state.mn.us with subject line MCE-2024-00037. Project planning should take into account that any botanical survey needs to be conducted during the appropriate time of the year, which may be limited. Please consult with the NH Review Team at Review.NHIS@state.mn.us with subject line MCE-2024-00037 if you have any questions regarding this process.

- 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

- The area of interest overlaps with a U.S Fish and Wildlife Service (USFWS) Rusty Patched Bumble Bee High Potential Zone. The rusty patched bumble bee *(Bombus affinis)* is federally listed as endangered and is likely to be present in suitable habitat within High Potential Zones. From April through October this species uses underground nests in upland grasslands, shrublands, and forest edges, and forages where nectar and pollen are available. From October through April the species overwinters under tree litter in upland forests and woodlands. The rusty patched bumble bee may be impacted by a variety of land management activities including, but not limited to, prescribed fire, tree-removal, haying, grazing, herbicide use, pesticide use, land-clearing, soil disturbance or compaction, or use of non-native bees. If applicable, **the DNR recommends reseeding disturbed soils with native species of grasses and forbs using** BWSR Seed Mixes **or** MnDOT Seed Mixes**.**

  To ensure compliance with federal law, please conduct a federal regulatory review using the U.S. Fish and Wildlife Service's online Information for Planning and Consultation (IPaC) tool. Please note that all projects, regardless of whether there is a federal nexus, are subject to federal take prohibitions. The IPaC review will determine if prohibited take is likely to occur and, if not, will generate an automated letter. The USFWS RPBB guidance provides guidance on avoiding impacts to rusty patched bumble bee and a key for determining if actions are likely to affect the species; the determination key can be found in the appendix.

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.

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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.**

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Thank you for consulting us on this matter and for your interest in preserving Minnesota's rare natural resources.

Sincerely,

Molly Barrett

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