# Appendix E

## ALLIANT ENGINEERING 2024 ECOLOGICAL STUDY

# Technical Memorandum

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| **To:** | Michael Suel<br>D.R. Horton Homes<br>20860 Kenbridge Ct., Suite 100<br>Lakeville, MN 55044 |
| **From:** | Keara Fehr, Senior Environmental Specialist |
| **Date:** | 8/2/2024 |
| **Subject:** | Century Ponds – Ecological Study |

## 1. Project Description and Background

Alliant conducted a high level ecological review on behalf of D.R. Horton on a potential residential development site called Century Ponds located near Lower Afton Road and Century Ave South in Maplewood, Ramsey County, MN. The Century Ponds site is located at the former Ponds at Battle Creek Golf Course. The Ponds at Battle Creek was an approximately 88 acre county owned property that permanently closed in September 2021.

Based on Ramsey County's historic aerial photo portal, the site appears to have been historically in agriculture production in the northern part of the site and potentially an open grassland grazing area in the southern part of the site that was surrounded by several wetland and pond areas. In 2003, the historic aerial imagery shows the construction of the Ponds at Battle Creek Golf Course. The golf course included a clubhouse, driving range, and a nine-hole course with fairways and greens. The site operated as a golf course for 17 years until it closed in September 2021. Since the closure of the golf course, the site has laid dormant for close to three years and the vegetation is now unmaintained and not heavily fertilized.

This technical memo provides a high level overview of rare species that are found near or around the project site based on federal and state databases, summarizes previous studies that have occurred on site, provides a review of vegetation communities currently present on site, and provides recommendations for promoting habitat on site for rare species.

## 2. Desktop Review

Before a field visit was conducted, data from rare species databases and previous site surveys was reviewed to gather background context on the site. The information from this review is summarized below.

## 2.1 DATABASE REVIEW

Desktop rare species databases were reviewed on the federal and state level. These included the U.S. Fish and Wildlife Service (USFWS) Information System for Planning and Consultation (IPaC) and the Minnesota Department of Natural Resources (DNR) Natural Heritage Information System (NHIS). The results of the database query are described below.

### 2.1.1 *Federal:* Section 7 Endangered Species Federal Review

The USFWS IPaC database was reviewed to determine what federally rare species are located within Ramsey County. The results of the IPaC review are summarized below in **Table 1.**

***Table 1. Federally Listed Endangered, Threatened, and Rare Species***

| Species | Listing Status |
|---|---|
| **Mammals** | |
| **Northern long-eared bat (*Myotis septentrionalis*)** | Endangered |
| **Birds** | |
| ***Whooping crane (Grus americana)*** | Experimental population |
| **Clams** | |
| **Higgins Eye (pearlymussel) *(Lampsilis higginsii)*** | Endangered |
| **Salamander mussel (*Simpsonaias ambigua*)** | Proposed endangered |
| **Insects** | |
| **Monarch butterfly (*Danaus Plexippus*)** | Candidate |
| **Rusty Patched Bumble Bee (*Bombus affinis*)** | Endangered |

The USFWS habitat database was reviewed for each species to determine if their habitat type overlaps with the habitat types present on the project site.

- **Potential Suitable Habitat**
  - **Endangered**
    - Northern long-eared bat's summer roosting and foraging habitat includes areas underneath bark, in cavities, or crevices of both live trees and snags, or dead trees. In some cases they may use caves or mines. In the winter, they spend time hibernating in caves and mines. There are small areas of planted trees on site that could potentially provide suitable habitat for bats. The USFWS Northern Long-Eared Bat determination key was filled out to use as guidance to see the potential for this site to impact the northern

long-eared bat and the key resulted in a may affect bat, not likely to adversely affect the species. See **Appendix C** for that determination letter.

- Rusty patched bumble bee's nesting and foraging habitat usually occurs in upland grassland and shrublands that contain forage species and their nesting habitat is usually 1-4 feet underground in abandoned rodent nests or other mammal burrows. Though there is less information available on overwintering habitat, observations yield that the bee overwinters in upland forests and woodlands. Potential suitable habitat is available throughout areas of the site and the bee has been observed previously in 2019 and 2021 in the southwestern part of the site.
- Based on the USFWS model, the project area occurs within the high potential zone for the Rusty Patched Bumble Bee. The high potential zone is where presence of the bee should be presumed based on a model developed by the USFWS that considers factors such as foraging distance and land classification.

- **Experimental population**
  - The whooping crane breeds, migrates, winters, and forages in a variety of habitats that include coastal marshes and estuaries, inland marshes, lakes, open ponds, shallow bays, salt marsh and sand or tidal flats, upland swales, wet meadows and rivers, and pastures and agricultural fields. There are open water features and wet meadows present on the site that could provide potential habitat for the whooping crane.
- **Candidate**
  - The monarch butterfly needs milkweed and flowering plants for foraging habitat. For overwintering habitat, monarchs gravitate towards moderate temperature areas such as areas in California. There is potential suitable habitat on site for the monarch due to the presence of milkweed and flowering plant specie present on site.

- **Unsuitable Habitat**
  - Higgins eye pearlymussel is usually found in deep water with moderate currents, such as a river, that have stable substrate. There are no streams or rivers present on site; therefore, there is no suitable habitat present for the species.
- **Proposed Endangered**
  - The salamander mussel inhabits swift-flowing rivers and streams with areas of shelter under rocks or in crevices. Since there are no streams or rivers present on site, the site does not provide suitable habitat for the species.

### 2.1.2 *State:* Minnesota DNR NHIS Review

The Minnesota DNR NHIS was queried to determine whether State-listed endangered and threatened, rare species, and/or natural communities are located within 1 mile of the project area. The results of this review are summarized in **Table 2** below.

***Table 2. State Listed Endangered, Threatened, and Rare Species***

| Species | Listing Status |
|---|---|
| **Birds** | |
| **Henslow's sparrow (*Centronyx henslowii)*** | Endangered |
| **Lark sparrow (*Chondestes grammacus)*** | Special Concern |
| **Plants** | |
| **Kitten-tails (*Synthyris bullii)*** | Threatened |
| **Canada frostweed (*Crocanthemum canadense)*** | Special Concern |
| **Clinton's bulrush (*Trichophorum clintonii)*** | Threatened |

The Minnesota DNR's habitat description for each species was reviewed and compared to the habitat found on the project site to determine if potential suitable habitat was present on site.

- **Potential Suitable Habitat**
  - **Endangered Species**
    - Henslow's sparrow prefers uncultivated grasslands and old fields which this site has the potential to provide some habitat for.
- **Unsuitable Habitat**
  - **Threatened**
    - Kitten-tails primarily occur in oak savanna communities usually on bluffs or terraces of the St. Croix, Mississippi, and Minnesota River Valleys. This site is not located on an oak savanna community and is not located on a bluff of the Mississippi River, though the site is close to the river. Therefore, this site is not likely to provide potential suitable habitat for this species.
    - Clinton's bulrush usually occurs in sunny or partially shaded habitat and ranges from dry to moist. Typical habitats include prairie or savannah communities or sometimes openings or edges in fire-dependent forests of oak. Due to the disturbance history on site, it is not likely that there is potential suitable habitat for this species on site.
  - **Species Concern**
    - Lark sparrows typically occur in dry grasslands with short and or sparse native grasses in areas of sand and gravel soils. In addition they usually prefer some bare ground and widely scattered or patchy trees. Since the site contains dense

patches of long grass with minimal bare ground, the site is not likely to provide potential suitable habitat for this species.

- Canada frostweed is primarily found in high quality remnant sand savannas, sand prairies, dunes, and barrens. These habitats are characteristically dry, sunny for all or most of the day, and sparsely vegetated. This site is not likely to provide potential suitable habitat for this species since the habitat on site is not high quality and the site has been managed in either agriculture production and a golf course for the decades.

In addition to the NHIS database, the Minnesota Biological Survey (MBS) sites of biodiversity significance database and the Minnesota DNR Native Plant Community (NPC) database were reviewed. Within the project site, there are no mapped sites of MBS biodiversity and no NPC sites. However, just north of Lower Afton Road at the Battle Creek Regional Park there is a mapped MBS site that is identified as moderate biodiversity significance. Moderate sites are defined as those that contain occurrences of rare species, moderately disturbed native plant communities, and/or landscapes that have strong potential for recovery of native plant communities and characteristic ecological processes. Additionally, the Battle Creek Regional Park overlaps the native plant community of Red Oak – White Oak Forest (MHs37a). This site has a state conservation ranking of S-3 which means the site is vulnerable to extirpation.

## 2.2 PREVIOUS STUDYS

### 2.2.1 Ramsey County Correctional Facility – Natural Resources Report

Midwest Natural Resources (MNR) conducted a natural resource survey in September 2021 for Ramsey County Property Management. MNR's scope of their study included conducting field surveys for avian, bumble bee, and vascular plant species on two separate county-owned parcels. One of these parcels included the Ponds at Battle Creek Golf Course. At the time of the survey, the golf course had just permanently closed.

The results from the Ponds at Battle Creek Golf Course site are categorized by avian, bumble bee, and plant species survey results and the results are summarized below.

#### *Avian Survey Results*

There were two Species in Greatest Conservation Need (SGCN), chimney swift (Chaeture pelagica) and the brown thrasher (Toxostoma rufum), present on site. Both of these avian species are not listed as a state rare species. The survey noted that the golf course area includes a diverse assemblage of vegetative communities, but due to the consistent use by golfers and groundskeeping activities, it is less likely to be utilized as a nesting area by many species.

#### *Bumble Bee Survey Results*

Field efforts did not locate any populations of rusty patched bumble bee on the site. However, in August 2019 and July 2021, there were independent rusty patched bumble bee observations by a gardener at the golf course in the southern portion of the site. These observations show up in the DNR's NHIS database as well. The survey noted that the golf course's abundant plantings include a wide variety of flowering plants as nectar/pollen sources, along with semi-managed grassy spaces that could serve as appropriate sites for colonies to establish. At the time of survey, there was concern that the heavy chemical use, fertilizers, herbicides, pesticides, to maintain the plantings throughout the area could have an adverse effect on native pollinators.

#### *Plant Survey Results*

The vegetation on the golf course includes maintained fairways with native plantings that are focused on formal flower beds near the clubhouse and sporadic plantings around the golf course and a few remnant natural areas. There were six species within these native plantings that are listed rare in Minnesota; however, it was noted that it is clear that these species were planted and are not native to the site. Additionally, there are remanent natural areas including a small mesic hardwood component along with a floating mat feature and natural shoreline around various ponds throughout the property. The results of these three areas were summarized below.

- The ***mesic hardwood community*** is restricted to a linear area in the southwestern edge and extends off-site. Due the limited area within the site, this community could not be classified to a native plant community class or type.
- The ***floating mat feature*** would classify as a Northern Rich Fen – Graminoid – Sphagnum Rich Fen (Basin). The plant community has a native plant community ranking of S4 meaning that the community is apparently secure; uncommon but not rare.
- The ***fringes surrounding the pond features*** present in the southern half of the property appear natural in origin and could classify as the Inland Lake Clay/Mud Shore – Clay/Mud Shore (Inland Lake) community. The plant community has a native plant community ranking of S4 meaning that the community is apparently secure; uncommon but not rare.

### 2.2.2 Wetland Delineation

A wetland delineation was conducted by Kjolhaug Environmental Services Company, Inc. in November 2023 on behalf of D.R. Horton. The results of the delineation indicate that there are fourteen wetlands on site that include a combination of historic wetlands and incidental wetlands that were created in upland areas. The historic wetlands on site include seasonally flooded basins, fresh (wet) meadow, shallow marsh, open water. The wetland delineation survey was conducted two years after the golf course was permanently closed and includes several observations about vegetation within each wetland area and the surrounding upland vegetation. It was noted that some of the surrounding upland areas near the wetland were planted with native seed mix.

# 3. Field Review

Based on the database and previous study information, Alliant conducted a high level vegetation field review on June 19th, 2024 to identify potential suitable habitat for are species. Due to the site occurring within the high potential zone for the rusty patched bumble bee and the fact that this species has been previously observed on site as early as 2021, the site focused on vegetation communities present on site and suitable pollinator habitat. The Xerces Society Habitat Assessment Form and Guide for the Rusty Patched Bumble Bee was used to guide observations on site. The tool is meant as a guide to help educate conservation planners and landowners, prioritize conservation actions, and quantify habitat or land management improvements for the rusty patched bee on a single site. Since some of the items in the tool were not relevant for the goal of this study, the tool was used primarily as a guide on the field observations.

## 3.1 SITE DESCRIPTION

The site consisted of an abandoned golf course that includes impervious surfaces of a clubhouse, parking lot, paved and gravel trails in addition to wetlands, fairway, greens, and roughs previously associated with the golf course. As previously mentioned, the golf course has been permanently closed since September 2021 and the grounds have not been maintained since then.

## 3.2 VEGETATION COMMUNITIES

There were four main plant communities observed throughout the site. The details of these communities are shown below.

### 3.2.1 Grassland

The planted grassland habitat is the predominant habitat throughout the site. This vegetation area is associated with the old fairway, green, and rough areas on the golf course. The dominant species throughout this area includes Kentucky blugrass (*Poa pratensis),* quakgrass (*Elymus repens),* and smooth brome (*Bromus interims).* Other species interspersed throughout the landscape include Canada thistle (*Cirsium arvense),* dandelion (*Taraxacum officinale),* foxtail barley (*Hordeum jubatum),* common mullein (*Verbascum thapsus),* Canada horseweed (*Conyza canadensis),* wild timothy (*Phleum pratense),* daisy fleabane (*Erigeron annuus),* narrow-leaf hawksbeard (*Crepis tectorum),* crown vetch (*Securigera varia),* and bird's foot trefoil (*Lotus corniculatus).* There are some flowering species dispersed throughout this habitat; however, the predominant vegetation species is grass species that were planted as part of the golf course development. Therefore, there is low suitable foraging, nesting, and overwintering habitat on site for pollinator species.

### 3.2.2 Wetlands

Fourteen wetlands were recently delineated on site in November 2023. The dominant vegetation in the historic wetlands or along the fringe of open water wetlands includes reed canary grass *(Phalaris arundinacea)*, river bulrush (*Schoenoplectus fluviatilis)*, swamp milkweed (*Asclepias incarnata)*, devil's beggertick (*Bidens frondose)*, blue vervain (*Verbena hastata)*, narrowleaf cattail (*Typha angustifolia)*, smartweed (*Persicaria sp.)*, soft-stem bulrush (*Schoenoplectus tebernaemontani)*, woolgrass (*Scipus cyperinus)*, spotted joe-pye weed (*Eutrochium maculatum)*, sensitive fern (*Onoclea sensibilis)*, purple loosestrife (*Lythrum salicaria)*, northern bugleweed (*Lycopus uniflorus)*, and blue flag iris (*Iris versicolor)*. Some of the wetlands that have been dug in historic upland areas are dominated by sandbar willow (*Salix exigua)*. There is some potential foraging habitat in the wetland areas; however, the better potential suitable habitat is in the adjacent upland areas near the wetlands for pollinator species. As observed in the MNR study, there are natural remanent plant communities in the southern part of the site particularly around Wetland 12.

### 3.2.3 Native and Non-Native Flowering Plants

There are pockets of native flowering plants that appear to have been planted throughout the site that are mixed in with non-native flowering plants. These areas are located adjacent to the abandoned clubhouse and in the adjacent upland areas surrounding some of the wetlands. The species observed include cup plant (*Silphium perfoliatum)*, hoary alyssum (*Berteroa incana)*, praririe coreopsis (*Coreopsis palmata)*, white wild indigo (*Baptisia alba)*, wild bergamot (*Monarda fistulosa)*, pale gentian (*Gentiana alba)*, purple prairie clover (*Dalea purpurea)*, cone flower (*Echinacea sp.)*, little bluestem (*Schizachrium scoparium)*, big bluestem (*Andropogon gerardii)*, Indian grass (*Sorghastrum nutans)*, Canada thistle, common mullein, Kentucky bluegrass, crown vetch, and Canada goldenrod (*Soidago canadensis)*. These areas contain native and non-native flowering vegetation that can be potentially suitable foraging habitat for pollinator species.

### 3.2.4 Landscaped Trees

There are landscaped trees throughout the site particularly near old walking paths. Some of the tree species include species of Oak (*Quercus sp.)* and maple (*Acer sp.)*. The specific species includes swamp white oak (*Quercus bicolor)*, bur oak (*Quercus macrocarpa)*, northern red oak (*Quercus rubra)*, box elder (*Acer negundo),* red maple (*Acer rubrum),* and sugar maple (*Acer saccharinum)*. Additionally, there were planted spruce (*Picea sp.)* and pine (*Pinus sp.)* throughout the site. Some of these trees may provide potential suitable habitat for song birds and bat species; however, the tree habitat is very fragmented on site and does not provide a cohesive forested unit for these species.

# 4. Correspondence with USFWS

Alliant contacted the USFWS Rusty Patched Bumble Bee National Species Lead, Tamara Smith, to confirm the regulatory authority of the USFWS for any rare species found on this site. Tamara communicated via email on July 22, 2024 that if there is no federal nexus (e.g. funded, authorized, or carries out by a Federal agency) the USFWS has no regulatory authority under Section 7 (a) (2) of the Endangered Species Act to act on this project. At this time, since the project does not have a federal permit associated with it and no federal funding, the project is not required to consult with the USFWS. See email correspondence in **Appendix D.**

Alliant followed up with Tamara on the phone to discuss her email and discuss voluntary mitigation strategies the site could implement to mitigate any potential impacts to threatened and endangered species potentially present on site. The USFWS referenced the Conservation Management Guidelines for the Rusty Patched Bumble Bee (*Bombus affinis)* to review for mitigation strategy recommendations. Tamara also emphasized for this site, enhancing the turf grass areas with native seed mix that has abundant floral resources that bloom from spring to fall where appropriate is a good voluntary mitigation strategy to enhance pollinator habitat on site.

# 5. Conclusion

The predominant vegetation throughout the site is planted grass species that were once maintained and associated with the golf course's fairways, greens, and roughs. Throughout the site, there are small pockets of potential suitable foraging habitat for pollinator species particularly adjacent to wetland areas and near the abandoned clubhouse. The southern portion of the site contains some natural remanent areas that could classify as a native plant community. Additionally, some of the landscaped trees throughout the site have the potential to provide bird and bat habitat; though the tree habitat is fragmented and planted instead of more naturally occurring.

Based on the field results, there are a few recommendations D.R. Horton should consider when planning their development. These include:

- Enhance the wetland buffer areas with native pollinator species as part of the development and add native seed mix to the area adjacent to any potential stormwater basin that is included in the development for the site. The USFWS Conservation Management Guidelines for the Rusty Patched Bumble Bee can be used as a guidance document to provide suggestions for how to enhance these areas.
- Minimize the use of herbicides throughout the site where appropriate and avoid insecticides or fungicides.

- Avoid and minimize impacts to historic wetland features on site to preserve the remnant native plant communities particularly in the southern part of the project.
- If tree clearing needs to occur, be mindful of the bat inclusive dates of November 15th to March 31st and try to clear trees during this time. If this is not possible, reference the Northern Long-Eared Bat Determination letter that the site may affect, but is not likely to adversely affect the northern long-eared bat. This document serves as a due diligence record that potential impacts to the Northern Long-Eared Bat have been examined. See **Appendix D.**

## Appendices

**Appendix A. Vegetation Community Figure**
**Appendix B. Photo Log**
**Appendix C. Northern Long-Eared Bat Determination Letter**
**Appendix D. Correspondence with the USFWS - Tamara Smith**

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# Vegetation Communities Figure

APPENDIX A

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WTL 1
WTL 1
WTL 2
WTL 3
WTL 4
WTL 4
WTL 5
WTL 6
WTL 7
WTL 8
WTL 9
WTL 10
WTL 11
WTL 12
WTL 13
WTL 14
Lower Afton Rd
Valley Creek Rd
Madland Rd
Deer Ridge Ln
Pond Ave
Maple St
Hillwood Dr
Ferndale Ct S
Linwood Ave E
Parkwood Dr
Century Cir
Poultot Pkwy
Century Ave N

# Century Ponds

## *Vegetation Communities*

**Legend**

- Wetland
- Study Area

Vegetation Type

- Grassland
- Landscaped Trees
- Native/Non-Native Flowering Plants

*Vegetation areas are approximate. Landscape tree areas only include larger clumps of trees.

N

0 0.5 1 Miles

Date Exported: 8/2/2024

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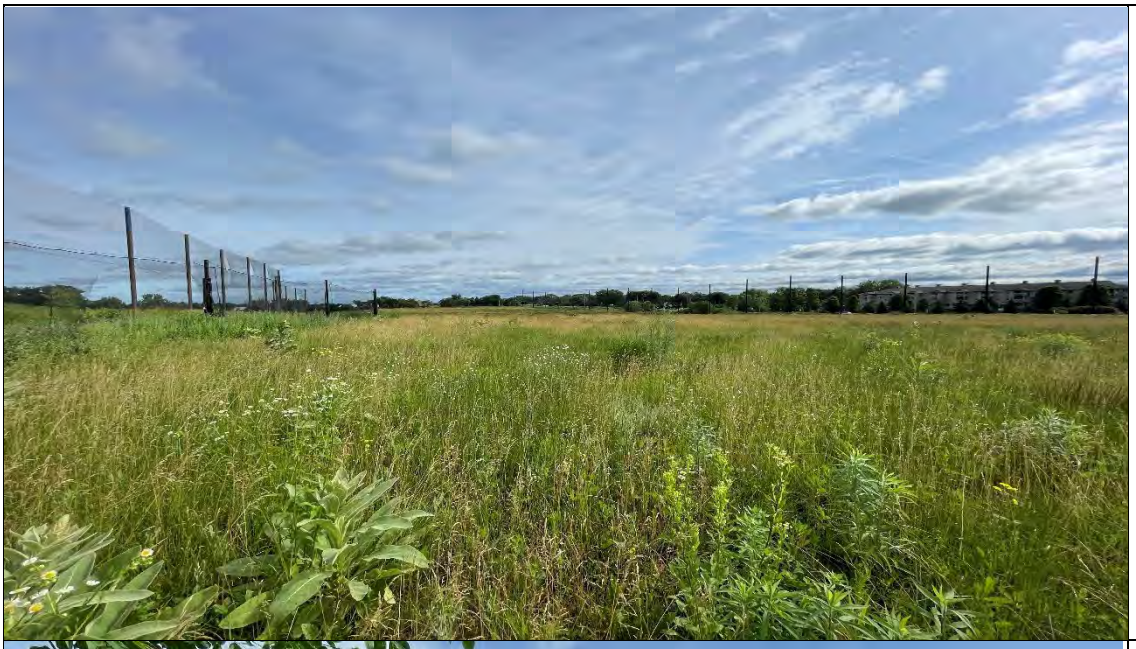
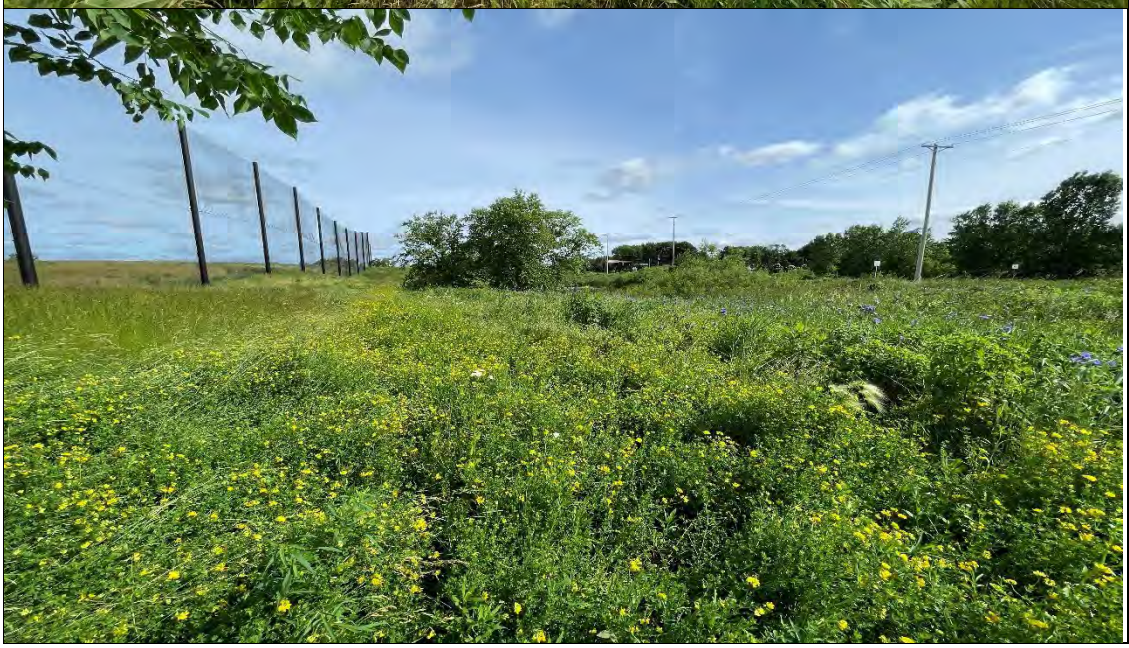
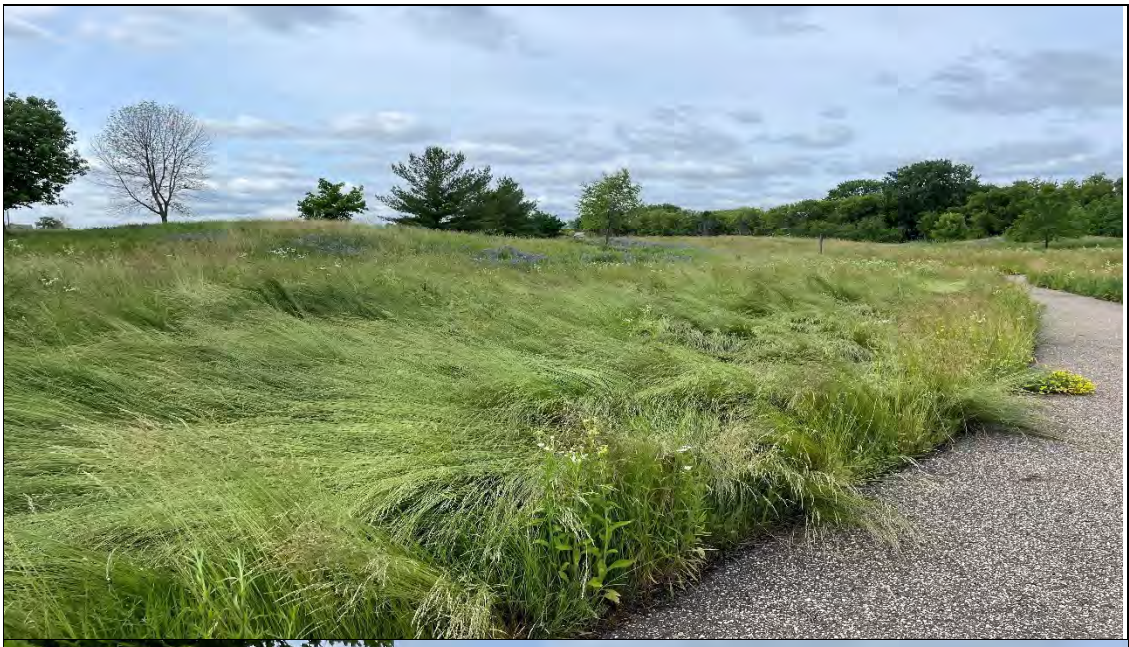
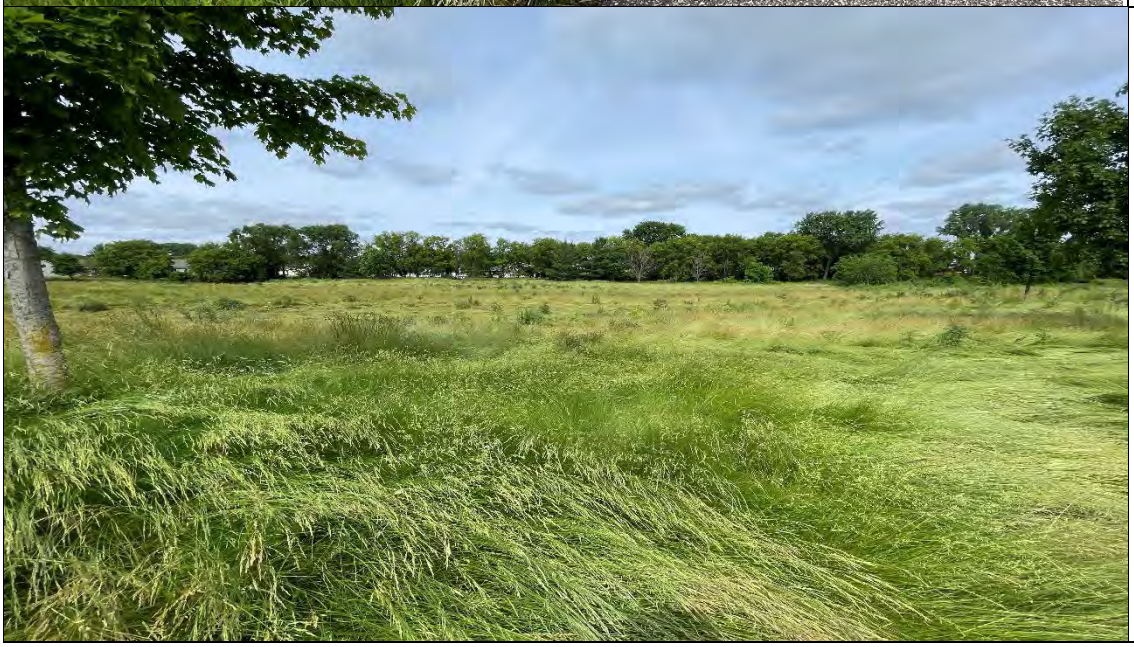
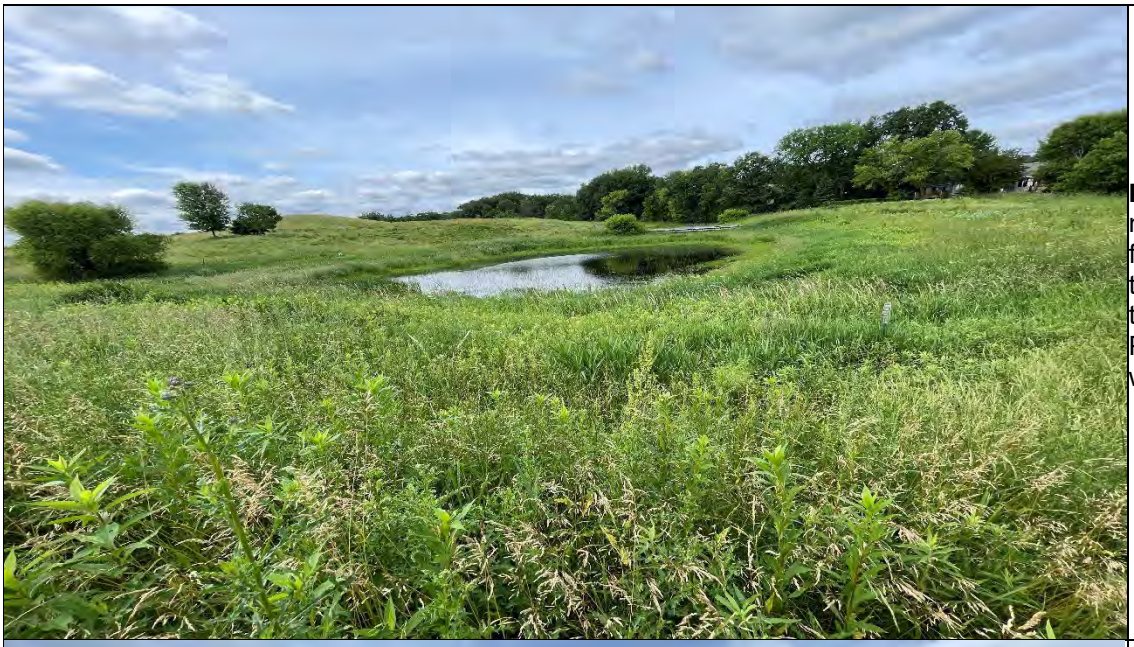
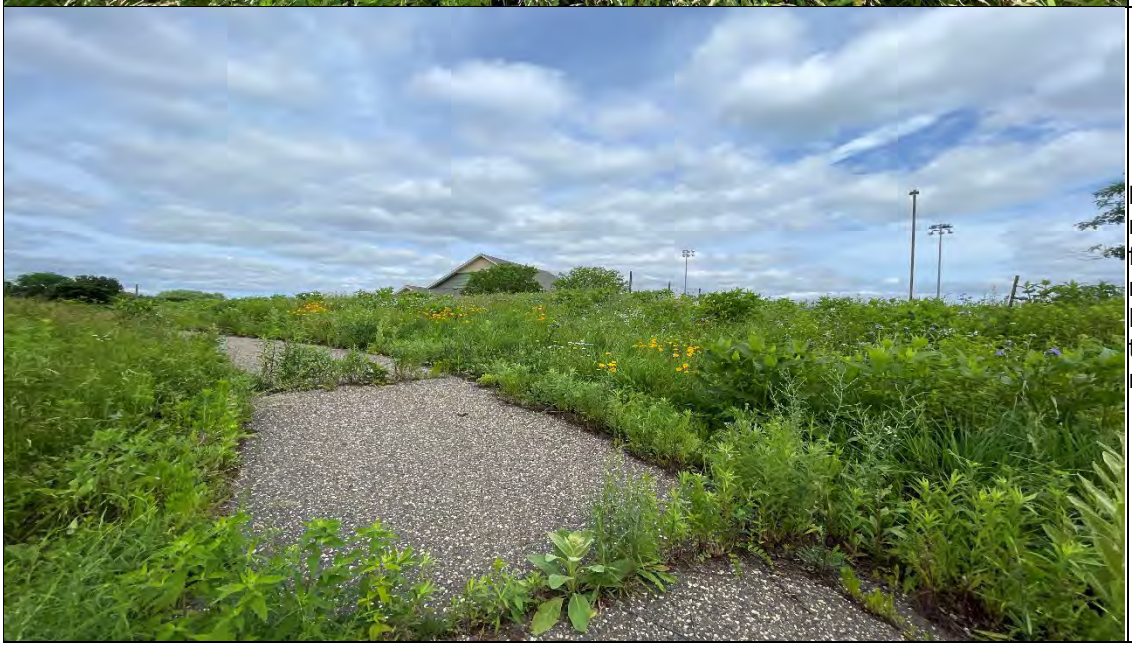
# Photo Log

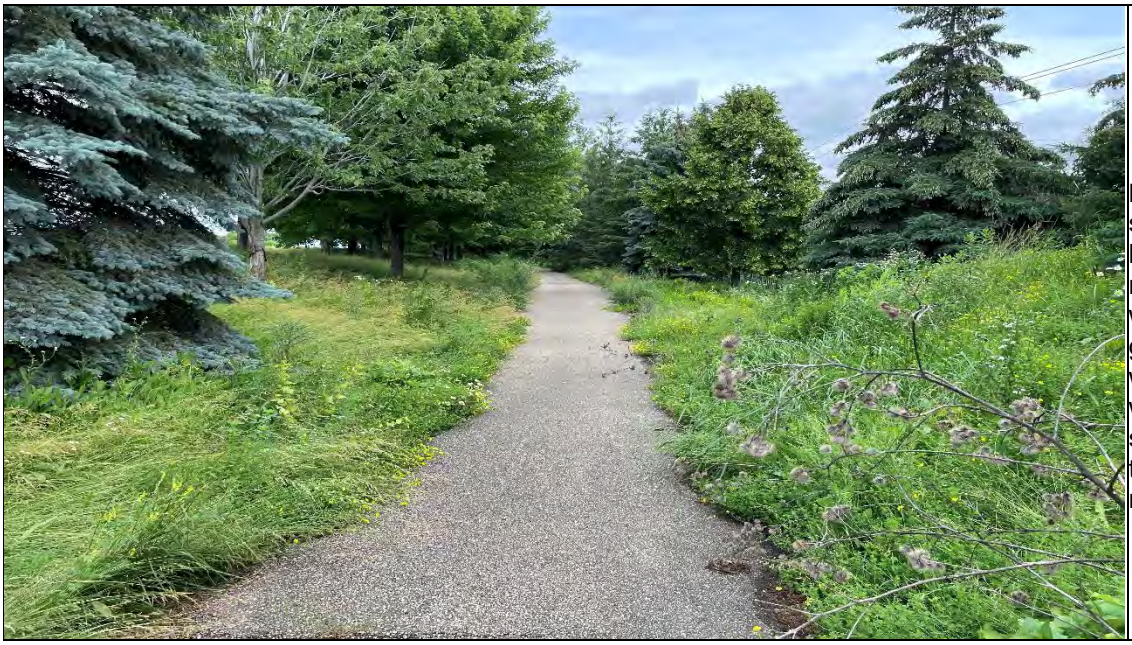
APPENDIX B

Century Ponds
Ecological Study
Photo Log

| | |
|---|---|
|  | **Century Ponds**<br>**6/19/2024**<br>**Photo 1.** Old driving range facing north. This area is dominated by planted grass species. |
|  | **Century Ponds**<br>**6/19/2024**<br>**Photo 2.** Area near Wetland 4 and drainageway 2. This area is dominated by non-native and native flowering plants. Photo taken facing north near drainageway 2. |

| | |
|---|---|
|  | **Century Ponds**<br>**6/19/2024**<br>**Photo 3.** Photo represents the common planted grass species present adjacent to the path. Photo take in the northwestern part of the project facing southwest. |
|  | **Century Ponds**<br>**6/19/2024**<br>**Photo 4.** Typical grassland conditions throughout the fairways. |

| | |
|---|---|
|  | **Century Ponds**<br>**6/19/2024**<br><br>**Photo 5.** Some of the native and non-native flowering vegetation that surround some of the wetlands on site. Photo was taken facing west across Wetland 6. |
|  | **Century Ponds**<br>**6/19/2024**<br><br>**Photo 6.** Areas of native and non-native flowering vegetation near the old clubhouse. Photo is taken south of the clubhouse facing northwest. |



**Century Ponds**

**6/19/2024**

**Photo 7.** Photo shows some of the landscaped trees mostly surrounding old walking paths on the golf course and near wetlands. This photo was taken in the southeastern corner of the property facing north

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# Northern Long-Eared Bat Determination Letter

APPENDIX C

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# United States Department of the Interior

FISH AND WILDLIFE SERVICE
Minnesota-Wisconsin Ecological Services Field Office
3815 American Blvd East
Bloomington, MN 55425-1659
Phone: (952) 858-0793

In Reply Refer To: 07/30/2024 20:09:45 UTC
Project code: 2024-0123628
Project Name: Century Ponds

Federal Nexus: no
Federal Action Agency (if applicable):

**Subject:** Technical assistance for 'Century Ponds'

Dear Keara Fehr:

This letter records your determination using the Information for Planning and Consultation (IPaC) system provided to the U.S. Fish and Wildlife Service (Service) on July 30, 2024, for 'Century Ponds' (here forward, Project). This project has been assigned Project Code 2024-0123628 and all future correspondence should clearly reference this number. **Please carefully review this letter. Your Endangered Species Act (Act) requirements are not complete.**

**Ensuring Accurate Determinations When Using IPaC**

The Service developed the IPaC system and associated species' determination keys in accordance with the Endangered Species Act of 1973 (ESA; 87 Stat. 884, as amended; 16 U.S.C. 1531 et seq.) and based on a standing analysis. All information submitted by the Project proponent into IPaC must accurately represent the full scope and details of the Project.

Failure to accurately represent or implement the Project as detailed in IPaC or the Northern Long-eared Bat Rangewide Determination Key (Dkey), invalidates this letter. ***Answers to certain questions in the DKey commit the project proponent to implementation of conservation measures that must be followed for the ESA determination to remain valid.***

**Determination for the Northern Long-Eared Bat**

Based upon your IPaC submission and a standing analysis, your project is not reasonably certain to cause incidental take of the northern long-eared bat. Unless the Service advises you within 15 days of the date of this letter that your IPaC-assisted determination was incorrect, this letter verifies that the Action is not likely to result in unauthorized take of the northern long-eared bat.

**Other Species and Critical Habitat that May be Present in the Action Area**

The IPaC-assisted determination for the northern long-eared bat does not apply to the following ESA-protected species and/or critical habitat that also may occur in your Action area:

- Higgins Eye (pearlymussel) *Lampsilis higginsii* Endangered
- Monarch Butterfly *Danaus plexippus* Candidate
- Rusty Patched Bumble Bee *Bombus affinis* Endangered
- Salamander Mussel *Simpsonaias ambigua* Proposed Endangered
- Whooping Crane *Grus americana* Experimental Population, Non-Essential

You may coordinate with our Office to determine whether the Action may cause prohibited take of the animal species and/or critical habitat listed above. Note that if a new species is listed that may be affected by the identified action before it is complete, additional review is recommended to ensure compliance with the Endangered Species Act.

**Next Steps**

Coordination with the Service is complete. This letter serves as technical assistance. All conservation measures should be implemented as proposed. Thank you for considering federally listed species during your project planning.

We are uncertain where the northern long-eared bat occurs on the landscape outside of known locations. Because of the steep declines in the species and vast amount of available and suitable forest habitat, the presence of suitable forest habitat alone is a far less reliable predictor of their presence. Based on the best available information, most suitable habitat is now expected to be unoccupied. During the interim period, while we are working on potential methods to address this uncertainty, we conclude take is not reasonably certain to occur in areas of suitable habitat where presence has not been documented.

If no changes occur with the Project or there are no updates on listed species, no further consultation/coordination for this project is required for the northern long-eared bat. However, the Service recommends that project proponents re-evaluate the Project in IPaC if: 1) the scope, timing, duration, or location of the Project changes (includes any project changes or amendments); 2) new information reveals the Project may impact (positively or negatively) federally listed species or designated critical habitat; or 3) a new species is listed, or critical habitat designated. If any of the above conditions occurs, additional coordination with the Service should take place before project implements any changes which are final or commits additional resources.

If you have any questions regarding this letter or need further assistance, please contact the Minnesota-Wisconsin Ecological Services Field Office and reference Project Code 2024-0123628 associated with this Project.

**Action Description**
You provided to IPaC the following name and description for the subject Action.

**1. Name**

Century Ponds

**2. Description**

The following description was provided for the project 'Century Ponds':

> Proposed residential development on an abandoned golf course

The approximate location of the project can be viewed in Google Maps: https://www.google.com/maps/@44.92458135,-92.98706179523427,14z

# DETERMINATION KEY RESULT

Based on the answers provided, the proposed Action is consistent with a determination of "may affect, but not likely to adversely affect" for the Endangered northern long-eared bat (*Myotis septentrionalis*).

## QUALIFICATION INTERVIEW

1. Does the proposed project include, or is it reasonably certain to cause, intentional take of the northern long-eared bat or any other listed species?

   **Note:** Intentional take is defined as take that is the intended result of a project. Intentional take could refer to research, direct species management, surveys, and/or studies that include intentional handling/encountering, harassment, collection, or capturing of any individual of a federally listed threatened, endangered or proposed species?

   *No*

2. The action area does not overlap with an area for which U.S. Fish and Wildlife Service currently has data to support the presumption that the northern long-eared bat is present. Are you aware of other data that indicates that northern long-eared bats (NLEB) are likely to be present in the action area?

   Bat occurrence data may include identification of NLEBs in hibernacula, capture of NLEBs, tracking of NLEBs to roost trees, or confirmed NLEB acoustic detections. Data on captures, roost tree use, and acoustic detections should post-date the year when white-nose syndrome was detected in the relevant state. With this question, we are looking for data that, for some reason, may have not yet been made available to U.S. Fish and Wildlife Service.

   *No*

3. Does any component of the action involve construction or operation of wind turbines?

   **Note:** For federal actions, answer 'yes' if the construction or operation of wind power facilities is either (1) part of the federal action or (2) would not occur but for a federal agency action (federal permit, funding, etc.).

   *No*

4. Is the proposed action authorized, permitted, licensed, funded, or being carried out by a Federal agency in whole or in part?

   *No*

# PROJECT QUESTIONNAIRE

# IPAC USER CONTACT INFORMATION

Agency: Alliant Engineering
Name: Keara Fehr
Address: 733 Marquette Avenue, Suite 700
City: Minneapolis
State: MN
Zip: 55402-2340
Email kfehr@alliant-inc.com
Phone: 6123153200

ALLIANT

# Correspondence with the USFWS – Tamara Smith

APPENDIX D

ALLIANT

## Keara Fehr

**From:** Smith, Tamara A <Tamara_Smith@fws.gov>
**Sent:** Monday, July 22, 2024 10:58 AM
**To:** Keara Fehr
**Subject:** Re: [EXTERNAL] RE: Rusty Patched Bumble Bee Protection Questions

Hi Keara - Thank you for reaching out about rusty-patched bumble bee. Apologies for the delay.

Section 7(a)(2) of the Endangered Species Act directs all Federal agencies to ensure that the actions they authorize, fund, or carry out within a project do not jeopardize the continued existence of endangered or threatened species or destroy or adversely modify critical habitat. The Section 7 implementing regulations (50 CFR Part 402) specify how Federal agencies are to fulfill their Section 7(a)(2) consultation requirements. You indicated that the projects you are considering do not have a Federal nexus (e.g. funded, authorized, or carried out by a Federal agency), therefore, you are not required to consult with us under Section 7. We can, however, provide voluntary guidance should you want recommendations for how to mitigate impacts to threatened and endangered species within your project action area, but there is no legal requirement for you to consult with us.

Thanks,
Tam

Tamara A. Smith | Fish and Wildlife Biologist
pronouns: she/they
U.S. Fish and Wildlife Service
Minnesota/Wisconsin Ecological Services Field Office
3815 American Boulevard East, Bloomington, MN 55425
mobile: 612-600-1599

https://www.fws.gov/species/rusty-patched-bumble-bee-bombus-affinis
https://www.fws.gov/species/poweshiek-skipperling-oarisma-poweshiek

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**From:** Keara Fehr <kfehr@alliant-inc.com>
**Sent:** Wednesday, July 17, 2024 8:58 AM
**To:** Smith, Tamara A <Tamara_Smith@fws.gov>
**Subject:** [EXTERNAL] RE: Rusty Patched Bumble Bee Protection Questions



Hi Tam,

I'm following up on my previous message in June. Would you have any availability to the rusty patched bumble bee and T&E procedures for non-federal projects?

Thank you!

Keara Fehr, CMWP
(she, her, hers)
**SENIOR ENVIRONMENTAL SPECIALIST**

Alliant Engineering, Inc.
733 Marquette Ave, Ste 700, Minneapolis, MN 55402
**612.718.6880** CELL | **612.315.3200** DIRECT

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**From:** Keara Fehr
**Sent:** Wednesday, June 19, 2024 1:12 PM
**To:** tamara_smith@fws.gov
**Subject:** Rusty Patched Bumble Bee Protection Questions

Hi Tam,

I have a few questions about rusty patched bumble bee protections and procedures that need to be followed for areas that occur within mapped high potential zones. Please let me know if you have availability this week or early next week to set up a phone call to talk through this. I think the call would take 30 minutes or less.

Thanks,

Keara Fehr, CMWP
(she, her, hers)
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