

# Star Lake Site Special Considerations

## 8420.0515 SPECIAL CONSIDERATIONS.

Subpart 1.

### Scope.

The factors in this part, when identified as being applicable to an impact site or a replacement site, must be considered by the applicant before submitting a replacement plan and by the local government unit in the review of replacement plans.

Subp. 2.

### Endangered and threatened species.

A replacement plan for activities that involve taking species listed as endangered or threatened in parts [6134.0200](#) to [6134.0400](#) must be denied unless the commissioner issues a permit under part [6212.1800](#) or Minnesota Statutes, section [84.0895](#), subdivision 7. Applicants may identify if there are known locations of listed species at a particular site by contacting the Department of Natural Resources' natural heritage and nongame research program.

## Endangered Species in Minnesota County Distribution of Federally-Listed Threatened, Endangered, Proposed, and Candidate Species

*Revised April 2016*

Otter Tail County:

Gray wolf <i>Canis lupus</i>	Threatened	Northern forest
Northern long-eared bat <i>Myotis septentrionalis</i>	Threatened	Hibernates in caves and mines - swarming in surrounding wooded areas in autumn. Roosts and forages in upland forests during spring and summer.

Gray Wolf: the region where the proposed project is located is within an agricultural region that has a mixture of mostly hardwood woodlots and agricultural fields. While it is possible for gray wolves to be in the area, most of the packs are farther northeast in the Northern Forest that has less agricultural land. It appears unlikely that there would be a taking of a gray wolf during the development process of this project.

Northern long-eared bat: Attached to the Permit Application is a Press Release that describes the Northern long-eared bat status and how it relates to proposed projects. Also attached is a document that shows the townships within the State of Minnesota where there were known hibernacula or roosting trees; Star Lake Township did not appear to be included on that list and map.

Subp. 3.

**Rare natural communities.**

A replacement plan for activities that involve the modification of a rare natural community as determined by the Department of Natural Resources' natural heritage program must be denied if the local government unit determines that the proposed activities will permanently adversely affect the natural community.

During the Wetland Delineation, the area within the proposed footprint of the project was examined for wetland conditions. During this examination, it was observed that the area within the footprint of the proposed project included a farmsite with older buildings, a more recently built homesite with Kentucky bluegrass mown lawn, pasture land that had a timothy/orchardgrass/smooth brome type plant mixutre, and a wooded area with box elder and various mixed hardwoods that are common to farmsite woodlots.

There were row cropped farm fields and planted alfalfa hay fields along with the apparent historic ditching and drainage of lower areas that included wetlands. Within the wetlands on and adjacent to the proposed area to be used in the proposed property, the wetlands had much reed canary grass, an indicator of degraded wetland conditions from the farmland and pasturing over the past many decades.

To the best of my recollection (Rob Merila, Aquatic EcoSolutions, Inc.) of the observations on the property, I did not observe any areas that would be considered to be a "rare natural community" as the area within the proposed footprint was mostly previously degraded from natural conditions through occupation activities. The woodland included relatively invasive tree species such as box elder that are commonly found in farmyard areas.

Subp. 4.

**Special fish and wildlife resources.**

A replacement plan for activities that would have a significant adverse effect on a special or locally significant fish and wildlife resource that cannot be functionally replaced must be denied. These resources include, but are not limited to:

A.

fish passage and spawning areas;

It does not appear that there are any areas within the proposed footprint of the project that have fish passage or spawning areas.

B.

colonial water bird nesting colonies;

It does not appear that there are any areas within the proposed footprint of the project that have colonial water bird nesting colonies.

C.

migratory waterfowl concentration areas;

It does not appear that the proposed footprint of the project is within any migratory waterfowl concentration areas.

D.

deer wintering areas; and

It does not appear that the proposed footprint of the project is within any deer wintering areas.

E.

wildlife travel corridors.

It does not appear that the proposed footprint of the project is within a wildlife travel corridor.

Activities involving streams must not block fish passage unless approved by the commissioner.

It does not appear that the proposed footprint of the project involves the blocking of fish passage.

Subp. 5.

**Archaeological, historic, or cultural resource sites.**

A replacement plan for activities that involve the modification of known archaeological, historical, or cultural resource sites on or eligible for the National Register of Historic Places, as designated by the state historic preservation officer, must be denied if the local government unit, in consultation with the State Historical Preservation Office, determines that the proposed activities will have a significant adverse effect on the archaeological or historical value of the site.

An Archeological, historic and cultural resources study is in the process of being completed according to State Historic Preservation Office (SHPO) and the White Earth Nation Tribal Historical Preservation Office (THPO). This study will be provided upon request after it becomes available.

Subp. 6.

**Groundwater sensitivity.**

A replacement plan for activities must be denied if the local government unit determines the activities would have a significant adverse effect on groundwater quality. The publication Criteria and Guidelines for Assessing Geologic Sensitivity of Groundwater Resources in Minnesota may be used as a guide in determining potential impacts.

The proposed project has to follow the MPCA guidelines for handling the stormwater and wastewater from the propose facility; these guidelines address concerns to groundwater resources.

Subp. 7.

**Sensitive surface waters.**

A replacement plan must be denied if the local government unit determines the activities will have a significant adverse effect on the water quality of outstanding resource value waters listed in part [7050.0180](#) or on trout waters designated by the commissioner.

The proposed project has to follow the MPCA guidelines for handling stormwater and wastewater from the proposed facility; these guidelines address concerns to surface water resources.

Subp. 8.

**Education or research use.**

A replacement plan for impacts to wetlands known to be used for educational or research purposes must be denied if the local government unit determines that those uses will not be maintained or adequately replaced.

To the best of our understanding, there are no known educational or research sites in the footprint of the proposed project.

Subp. 9.

**Waste disposal sites.**

The local government unit must evaluate the type and amount of waste material found at the site. Activities involving known or potential hazardous wastes or contaminants must be conducted according to applicable federal and state standards.

There was an ESA Phase I completed by Braun Intertec, which recommended an ESA Phase II to be completed. This ESA Phase II is being conducted at this time and remediation is planned for July 11<sup>th</sup>.

Subp. 10.

**Consistency with other plans.**

The local government unit must consider the extent to which proposed activities are consistent with other plans, such as local water management plans, watershed management plans, land use plans, zoning, and comprehensive plans.

The Project leadership are in joint project management with Otter Tail County and the various other entities under a Limited Area Star Lake Comprehensive Plan.