

Appendix A.
Listed Species



United States Department of the Interior



FISH AND WILDLIFE SERVICE
Minnesota-Wisconsin Ecological Services Field Office
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In Reply Refer To:
Project Code: 2022-0076551
Project Name: RST tree removal

April 21, 2023

Subject: List of threatened and endangered species that may occur in your proposed project location or may be affected by your proposed project

To Whom It May Concern:

This response has been generated by the Information, Planning, and Conservation (IPaC) system to provide information on natural resources that could be affected by your project. The U.S. Fish and Wildlife Service (Service) provides this response under the authority of the Endangered Species Act of 1973 (16 U.S.C. 1531-1543), the Bald and Golden Eagle Protection Act (16 U.S.C. 668-668d), the Migratory Bird Treaty Act (16 U.S.C. 703-712), and the Fish and Wildlife Coordination Act (16 U.S.C. 661 *et seq.*).

Threatened and Endangered Species

The enclosed species list identifies threatened, endangered, proposed and candidate species, as well as proposed and final designated critical habitat, that may occur within the boundary of your proposed project and may be affected by your proposed project. The species list fulfills the requirement for obtaining a Technical Assistance Letter from the U.S. Fish and Wildlife Service under section 7(c) of the Endangered Species Act (Act) of 1973, as amended (16 U.S.C. 1531 *et seq.*).

New information based on updated surveys, changes in the abundance and distribution of species, changed habitat conditions, or other factors could change this list. Note that under 50 CFR 402.12(e) of the regulations implementing section 7 of the Act, the accuracy of this species list should be verified after 90 days. The Service recommends that verification be completed by visiting the ECOS IPaC website at regular intervals during project planning and implementation for updates to species lists and information. An updated list may be requested through the ECOS IPaC system by completing the same process used to receive the enclosed list.

Consultation Technical Assistance

Please refer to our [Section 7 website](#) for guidance and technical assistance, including [step-by-step instructions](#) for making effects determinations for each species that might be present and for specific guidance on the following types of projects: projects in developed areas, HUD, CDBG, EDA, USDA Rural Development projects, pipelines, buried utilities, telecommunications, and requests for a Conditional Letter of Map Revision (CLOMR) from FEMA.

We recommend running the project (if it qualifies) through our **Minnesota-Wisconsin Federal Endangered Species Determination Key (Minnesota-Wisconsin ("D-key"))**. A [demonstration video](#) showing how-to access and use the determination key is available. Please note that the Minnesota-Wisconsin D-key is the third option of 3 available d-keys. D-keys are tools to help Federal agencies and other project proponents determine if their proposed action has the potential to adversely affect federally listed species and designated critical habitat. The Minnesota-Wisconsin D-key includes a structured set of questions that assists a project proponent in determining whether a proposed project qualifies for a certain predetermined consultation outcome for all federally listed species found in Minnesota and Wisconsin (except for the northern long-eared bat- see below), which includes determinations of "no effect" or "may affect, not likely to adversely affect." In each case, the Service has compiled and analyzed the best available information on the species' biology and the impacts of certain activities to support these determinations.

If your completed d-key output letter shows a "No Effect" (NE) determination for all listed species, print your IPaC output letter for your files to document your compliance with the Endangered Species Act.

For Federal projects with a "Not Likely to Adversely Affect" (NLAA) determination, our concurrence becomes valid if you do not hear otherwise from us after a 30-day review period, as indicated in your letter.

If your d-key output letter indicates additional coordination with the Minnesota-Wisconsin Ecological Services Field Office is necessary (i.e., you get a "May Affect" determination), you will be provided additional guidance on contacting the Service to continue ESA coordination outside of the key; ESA compliance cannot be concluded using the key for "May Affect" determinations unless otherwise indicated in your output letter.

Note: Once you obtain your official species list, you are not required to continue in IPaC with d-keys, although in most cases these tools should expedite your review. If you choose to make an effects determination on your own, you may do so. If the project is a Federal Action, you may want to review our section 7 step-by-step instructions before making your determinations.

Using the IPaC Official Species List to Make No Effect and May Affect Determinations for Listed Species

1. If IPaC returns a result of "There are no listed species found within the vicinity of the project," then project proponents can conclude the proposed activities will have **no effect** on any federally listed species under Service jurisdiction. Concurrence from the Service is not required for **no effect** determinations. No further consultation or coordination is required. Attach this letter to the dated IPaC species list report for your records.
 2. If IPaC returns one or more federally listed, proposed, or candidate species as potentially present in the action area of the proposed project – other than bats (see below) – then project proponents must determine if proposed activities will have **no effect** on or **may affect** those species. For assistance in determining if suitable habitat for listed, candidate, or proposed species occurs within your project area or if species may be affected by project activities, you can obtain [Life History Information for Listed and Candidate Species](#) on our office website. If no impacts will occur to a species on the IPaC species list (e.g., there is no habitat present in the project area), the appropriate determination is **no effect**. No further consultation or coordination is required. Attach this letter to the dated IPaC species list report for your records.
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3. Should you determine that project activities **may affect** any federally listed, please contact our office for further coordination. Letters with requests for consultation or correspondence about your project should include the Consultation Tracking Number in the header. Electronic submission is preferred.

Northern Long-Eared Bats

Northern long-eared bats occur throughout Minnesota and Wisconsin and the information below may help in determining if your project may affect these species.

This species hibernates in caves or mines only during the winter. In Minnesota and Wisconsin, the hibernation season is considered to be November 1 to March 31. During the active season (April 1 to October 31) they roost in forest and woodland habitats. Suitable summer habitat for northern long-eared bats consists of a wide variety of forested/wooded habitats where they roost, forage, and travel and may also include some adjacent and interspersed non-forested habitats such as emergent wetlands and adjacent edges of agricultural fields, old fields and pastures. This includes forests and woodlots containing potential roosts (i.e., live trees and/or snags ≥ 3 inches dbh for northern long-eared bat that have exfoliating bark, cracks, crevices, and/or hollows), as well as linear features such as fencerows, riparian forests, and other wooded corridors. These wooded areas may be dense or loose aggregates of trees with variable amounts of canopy closure. Individual trees may be considered suitable habitat when they exhibit the characteristics of a potential roost tree and are located within 1,000 feet (305 meters) of forested/wooded habitat. Northern long-eared bats have also been observed roosting in human-made structures, such as buildings, barns, bridges, and bat houses; therefore, these structures should also be considered potential summer habitat and evaluated for use by bats. If your project will impact caves or mines or will involve clearing forest or woodland habitat containing suitable roosting habitat, northern long-eared bats could be affected.

Examples of unsuitable habitat include:

- Individual trees that are greater than 1,000 feet from forested or wooded areas,
- Trees found in highly developed urban areas (e.g., street trees, downtown areas),
- A pure stand of less than 3-inch dbh trees that are not mixed with larger trees, and
- A monoculture stand of shrubby vegetation with no potential roost trees.

If IPaC returns a result that northern long-eared bats are potentially present in the action area of the proposed project, project proponents can conclude the proposed activities **may affect** this species **IF** one or more of the following activities are proposed:

- Clearing or disturbing suitable roosting habitat, as defined above, at any time of year,
- Any activity in or near the entrance to a cave or mine,
- Mining, deep excavation, or underground work within 0.25 miles of a cave or mine,
- Construction of one or more wind turbines, or
- Demolition or reconstruction of human-made structures that are known to be used by bats based on observations of roosting bats, bats emerging at dusk, or guano deposits or stains.

If none of the above activities are proposed, project proponents can conclude the proposed activities will have **no effect** on the northern long-eared bat. Concurrence from the Service is not required for **No**

Effect determinations. No further consultation or coordination is required. Attach this letter to the dated IPaC species list report for your records.

If any of the above activities are proposed, and the northern long-eared bat appears on the user's species list, the federal project user will be directed to either the range-wide northern long-eared bat D-key or the Federal Highways Administration, Federal Railways Administration, and Federal Transit Administration Indiana bat/ Northern long-eared bat D-key, depending on the type of project and federal agency involvement. Similar to the Minnesota-Wisconsin D-key, these d-keys helps to determine if prohibited take might occur and, if not, will generate an automated verification letter.

Please note: On November 30, 2022, the Service published a proposal final rule to reclassify the northern long-eared bat as endangered under the Endangered Species Act. On January 26, 2023, the Service published a 60-day extension for the final reclassification rule in the Federal Register, moving the effective listing date from January 30, 2023, to March 31, 2023. This extension will provide stakeholders and the public time to preview interim guidance and consultation tools before the rule becomes effective. When available, the tools will be available on the Service's northern long-eared bat website (<https://www.fws.gov/species/northern-long-eared-bat-myotis-septentrionalis>). Once the final rule goes into effect on March 31, 2023, the 4(d) D-key will no longer be available (4(d) rules are not available for federally endangered species) and will be replaced with a new Range-wide NLEB D-key (range-wide d-key). For projects not completed by March 31, 2023, that were previously reviewed under the 4(d) d-key, there may be a need for reinitiation of consultation. For these ongoing projects previously reviewed under the 4(d) d-key that may result in incidental take of the northern long-eared bat, we recommend you review your project using the new range-wide d-key once available. If your project does not comply with the range-wide d-key, it may be eligible for use of the Interim (formal) Consultation framework (framework). The framework is intended to facilitate the transition from the 4(d) rule to typical Section 7 consultation procedures for federally endangered species and will be available only until spring 2024. Again, when available, these tools (new range-wide d-key and framework) will be available on the Service's [northern long-eared bat website](#).

Whooping Crane

Whooping crane is designated as a non-essential experimental population in Wisconsin and consultation under Section 7(a)(2) of the Endangered Species Act is only required if project activities will occur within a National Wildlife Refuge or National Park. If project activities are proposed on lands outside of a National Wildlife Refuge or National Park, then you are not required to consult. For additional information on this designation and consultation requirements, please review "[Establishment of a Nonessential Experimental Population of Whooping Cranes in the Eastern United States](#)."

Other Trust Resources and Activities

Bald and Golden Eagles - Although the bald eagle has been removed from the endangered species list, this species and the golden eagle are protected by the Bald and Golden Eagle Act and the Migratory Bird Treaty Act. Should bald or golden eagles occur within or near the project area please contact our office for further coordination. For communication and wind energy projects, please refer to additional guidelines below.

Migratory Birds - The Migratory Bird Treaty Act (MBTA) prohibits the taking, killing, possession, transportation, and importation of migratory birds, their eggs, parts, and nests, except when specifically authorized by the Service. The Service has the responsibility under the MBTA to proactively prevent the

mortality of migratory birds whenever possible and we encourage implementation of [recommendations that minimize potential impacts to migratory birds](#). Such measures include clearing forested habitat outside the nesting season (generally March 1 to August 31) or conducting nest surveys prior to clearing to avoid injury to eggs or nestlings.

Communication Towers - Construction of new communications towers (including radio, television, cellular, and microwave) creates a potentially significant impact on migratory birds, especially some 350 species of night-migrating birds. However, the Service has developed [voluntary guidelines for minimizing impacts](#).

Transmission Lines - Migratory birds, especially large species with long wingspans, heavy bodies, and poor maneuverability can also collide with power lines. In addition, mortality can occur when birds, particularly hawks, eagles, kites, falcons, and owls, attempt to perch on uninsulated or unguarded power poles. To minimize these risks, please refer to [guidelines](#) developed by the Avian Power Line Interaction Committee and the Service. Implementation of these measures is especially important along sections of lines adjacent to wetlands or other areas that support large numbers of raptors and migratory birds.

Wind Energy - To minimize impacts to migratory birds and bats, wind energy projects should follow the Service's [Wind Energy Guidelines](#). In addition, please refer to the Service's [Eagle Conservation Plan Guidance](#), which provides guidance for conserving bald and golden eagles in the course of siting, constructing, and operating wind energy facilities.

State Department of Natural Resources Coordination

While it is not required for your Federal section 7 consultation, please note that additional state endangered or threatened species may also have the potential to be impacted. Please contact the Minnesota or Wisconsin Department of Natural Resources for information on state listed species that may be present in your proposed project area.

Minnesota

[Minnesota Department of Natural Resources - Endangered Resources Review Homepage](#)

Email: Review.NHIS@state.mn.us

Wisconsin

[Wisconsin Department of Natural Resources - Endangered Resources Review Homepage](#)

Email: DNRERReview@wi.gov

We appreciate your concern for threatened and endangered species. Please feel free to contact our office with questions or for additional information.

Attachment(s):

- Official Species List
 - USFWS National Wildlife Refuges and Fish Hatcheries
 - Migratory Birds
 - Wetlands
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OFFICIAL SPECIES LIST

This list is provided pursuant to Section 7 of the Endangered Species Act, and fulfills the requirement for Federal agencies to "request of the Secretary of the Interior information whether any species which is listed or proposed to be listed may be present in the area of a proposed action".

This species list is provided by:

Minnesota-Wisconsin Ecological Services Field Office

3815 American Blvd East

Bloomington, MN 55425-1659

(952) 858-0793

PROJECT SUMMARY

Project Code: 2022-0076551
Project Name: RST tree removal
Project Type: Airport - Maintenance/Modification
Project Description: Tree removal associated with runway extension
Project Location:

The approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/@43.89118155,-92.50768334081384,14z>



Counties: Olmsted County, Minnesota

ENDANGERED SPECIES ACT SPECIES

There is a total of 5 threatened, endangered, or candidate species on this species list.

Species on this list should be considered in an effects analysis for your project and could include species that exist in another geographic area. For example, certain fish may appear on the species list because a project could affect downstream species.

IPaC does not display listed species or critical habitats under the sole jurisdiction of NOAA Fisheries¹, as USFWS does not have the authority to speak on behalf of NOAA and the Department of Commerce.

See the "Critical habitats" section below for those critical habitats that lie wholly or partially within your project area under this office's jurisdiction. Please contact the designated FWS office if you have questions.

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1. [NOAA Fisheries](#), also known as the National Marine Fisheries Service (NMFS), is an office of the National Oceanic and Atmospheric Administration within the Department of Commerce.

MAMMALS

NAME	STATUS
Northern Long-eared Bat <i>Myotis septentrionalis</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/9045	Endangered
Tricolored Bat <i>Perimyotis subflavus</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/10515	Proposed Endangered

BIRDS

NAME	STATUS
Whooping Crane <i>Grus americana</i> Population: U.S.A. (AL, AR, CO, FL, GA, ID, IL, IN, IA, KY, LA, MI, MN, MS, MO, NC, NM, OH, SC, TN, UT, VA, WI, WV, western half of WY) No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/758	Experimental Population, Non- Essential

INSECTS

NAME	STATUS
Monarch Butterfly <i>Danaus plexippus</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/9743	Candidate

FLOWERING PLANTS

NAME	STATUS
Prairie Bush-clover <i>Lespedeza leptostachya</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/4458	Threatened

CRITICAL HABITATS

THERE ARE NO CRITICAL HABITATS WITHIN YOUR PROJECT AREA UNDER THIS OFFICE'S JURISDICTION.

USFWS NATIONAL WILDLIFE REFUGE LANDS AND FISH HATCHERIES

Any activity proposed on lands managed by the [National Wildlife Refuge](#) system must undergo a 'Compatibility Determination' conducted by the Refuge. Please contact the individual Refuges to discuss any questions or concerns.

THERE ARE NO REFUGE LANDS OR FISH HATCHERIES WITHIN YOUR PROJECT AREA.

MIGRATORY BIRDS

Certain birds are protected under the Migratory Bird Treaty Act¹ and the Bald and Golden Eagle Protection Act².

Any person or organization who plans or conducts activities that may result in impacts to migratory birds, eagles, and their habitats should follow appropriate regulations and consider implementing appropriate conservation measures, as described [below](#).

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1. The [Migratory Birds Treaty Act](#) of 1918.
 2. The [Bald and Golden Eagle Protection Act](#) of 1940.
 3. 50 C.F.R. Sec. 10.12 and 16 U.S.C. Sec. 668(a)

The birds listed below are birds of particular concern either because they occur on the [USFWS Birds of Conservation Concern \(BCC\) list](#) or warrant special attention in your project location. To learn more about the levels of concern for birds on your list and how this list is generated, see the FAQ [below](#). This is not a list of every bird you may find in this location, nor a guarantee that every bird on this list will be found in your project area. To see exact locations of where birders and the general public have sighted birds in and around your project area, visit the [E-bird data mapping tool](#) (Tip: enter your location, desired date range and a species on your list). For projects that occur off the Atlantic Coast, additional maps and models detailing the relative occurrence and abundance of bird species on your list are available. Links to additional information about Atlantic Coast birds, and other important information about your migratory bird list, including how to properly interpret and use your migratory bird report, can be found [below](#).

For guidance on when to schedule activities or implement avoidance and minimization measures to reduce impacts to migratory birds on your list, click on the PROBABILITY OF PRESENCE SUMMARY at the top of your list to see when these birds are most likely to be present and breeding in your project area.

NAME	BREEDING SEASON
Bald Eagle <i>Haliaeetus leucocephalus</i> This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities.	Breeds Oct 15 to Aug 31
Black-billed Cuckoo <i>Coccyzus erythrophthalmus</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/9399	Breeds May 15 to Oct 10

NAME	BREEDING SEASON
Bobolink <i>Dolichonyx oryzivorus</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.	Breeds May 20 to Jul 31
Cerulean Warbler <i>Dendroica cerulea</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/2974	Breeds Apr 21 to Jul 20
Chimney Swift <i>Chaetura pelagica</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.	Breeds Mar 15 to Aug 25
Golden Eagle <i>Aquila chrysaetos</i> This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities. https://ecos.fws.gov/ecp/species/1680	Breeds elsewhere
Henslow's Sparrow <i>Ammodramus henslowii</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/3941	Breeds May 1 to Aug 31
Hudsonian Godwit <i>Limosa haemastica</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.	Breeds elsewhere
Lesser Yellowlegs <i>Tringa flavipes</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/9679	Breeds elsewhere
Red-headed Woodpecker <i>Melanerpes erythrocephalus</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.	Breeds May 10 to Sep 10
Rusty Blackbird <i>Euphagus carolinus</i> This is a Bird of Conservation Concern (BCC) only in particular Bird Conservation Regions (BCRs) in the continental USA	Breeds elsewhere
Short-billed Dowitcher <i>Limnodromus griseus</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/9480	Breeds elsewhere
Upland Sandpiper <i>Bartramia longicauda</i> This is a Bird of Conservation Concern (BCC) only in particular Bird Conservation Regions (BCRs) in the continental USA https://ecos.fws.gov/ecp/species/9294	Breeds May 1 to Aug 31

NAME	BREEDING SEASON
Wood Thrush <i>Hylocichla mustelina</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.	Breeds May 10 to Aug 31

PROBABILITY OF PRESENCE SUMMARY

The graphs below provide our best understanding of when birds of concern are most likely to be present in your project area. This information can be used to tailor and schedule your project activities to avoid or minimize impacts to birds. Please make sure you read and understand the FAQ "Proper Interpretation and Use of Your Migratory Bird Report" before using or attempting to interpret this report.

Probability of Presence (■)

Each green bar represents the bird's relative probability of presence in the 10km grid cell(s) your project overlaps during a particular week of the year. (A year is represented as 12 4-week months.) A taller bar indicates a higher probability of species presence. The survey effort (see below) can be used to establish a level of confidence in the presence score. One can have higher confidence in the presence score if the corresponding survey effort is also high.

How is the probability of presence score calculated? The calculation is done in three steps:

1. The probability of presence for each week is calculated as the number of survey events in the week where the species was detected divided by the total number of survey events for that week. For example, if in week 12 there were 20 survey events and the Spotted Towhee was found in 5 of them, the probability of presence of the Spotted Towhee in week 12 is 0.25.
2. To properly present the pattern of presence across the year, the relative probability of presence is calculated. This is the probability of presence divided by the maximum probability of presence across all weeks. For example, imagine the probability of presence in week 20 for the Spotted Towhee is 0.05, and that the probability of presence at week 12 (0.25) is the maximum of any week of the year. The relative probability of presence on week 12 is $0.25/0.25 = 1$; at week 20 it is $0.05/0.25 = 0.2$.
3. The relative probability of presence calculated in the previous step undergoes a statistical conversion so that all possible values fall between 0 and 10, inclusive. This is the probability of presence score.

Breeding Season (■)

Yellow bars denote a very liberal estimate of the time-frame inside which the bird breeds across its entire range. If there are no yellow bars shown for a bird, it does not breed in your project area.

Survey Effort (|)

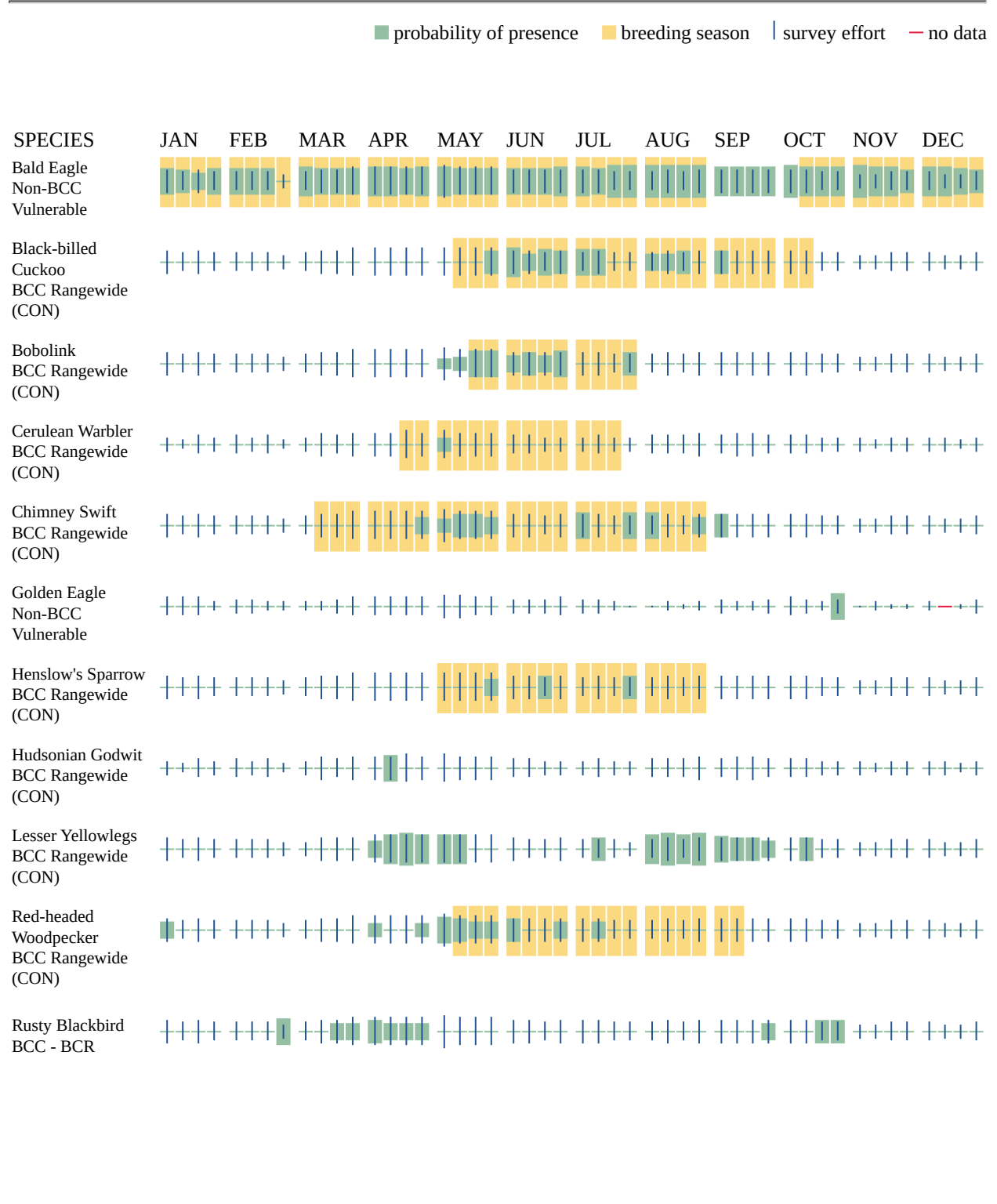
Vertical black lines superimposed on probability of presence bars indicate the number of surveys performed for that species in the 10km grid cell(s) your project area overlaps. The number of surveys is expressed as a range, for example, 33 to 64 surveys.

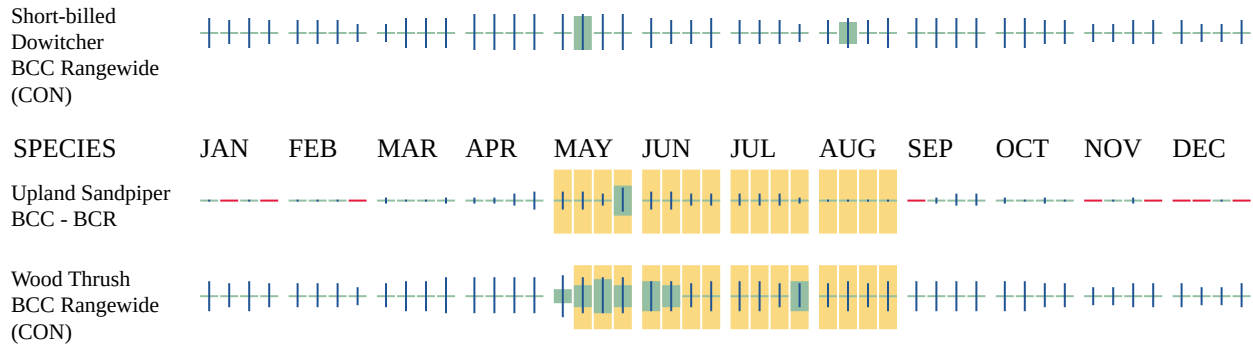
No Data (-)

A week is marked as having no data if there were no survey events for that week.

Survey Timeframe

Surveys from only the last 10 years are used in order to ensure delivery of currently relevant information. The exception to this is areas off the Atlantic coast, where bird returns are based on all years of available data, since data in these areas is currently much more sparse.





Additional information can be found using the following links:

- Birds of Conservation Concern <https://www.fws.gov/program/migratory-birds/species>
- Measures for avoiding and minimizing impacts to birds <https://www.fws.gov/library/collections/avoiding-and-minimizing-incident-take-migratory-birds>
- Nationwide conservation measures for birds <https://www.fws.gov/sites/default/files/documents/nationwide-standard-conservation-measures.pdf>

MIGRATORY BIRDS FAQ

Tell me more about conservation measures I can implement to avoid or minimize impacts to migratory birds.

[Nationwide Conservation Measures](#) describes measures that can help avoid and minimize impacts to all birds at any location year round. Implementation of these measures is particularly important when birds are most likely to occur in the project area. When birds may be breeding in the area, identifying the locations of any active nests and avoiding their destruction is a very helpful impact minimization measure. To see when birds are most likely to occur and be breeding in your project area, view the Probability of Presence Summary. [Additional measures](#) or [permits](#) may be advisable depending on the type of activity you are conducting and the type of infrastructure or bird species present on your project site.

What does IPaC use to generate the list of migratory birds that potentially occur in my specified location?

The Migratory Bird Resource List is comprised of USFWS [Birds of Conservation Concern \(BCC\)](#) and other species that may warrant special attention in your project location.

The migratory bird list generated for your project is derived from data provided by the [Avian Knowledge Network \(AKN\)](#). The AKN data is based on a growing collection of [survey, banding, and citizen science datasets](#) and is queried and filtered to return a list of those birds reported as occurring in the 10km grid cell(s) which your project intersects, and that have been identified as warranting special attention because they are a BCC species in that area, an eagle ([Eagle Act](#) requirements may apply), or a species that has a particular vulnerability to offshore activities or development.

Again, the Migratory Bird Resource list includes only a subset of birds that may occur in your project area. It is not representative of all birds that may occur in your project area. To get a list of all birds potentially present in your project area, please visit the [Rapid Avian Information Locator \(RAIL\) Tool](#).

What does IPaC use to generate the probability of presence graphs for the migratory birds potentially occurring in my specified location?

The probability of presence graphs associated with your migratory bird list are based on data provided by the [Avian Knowledge Network \(AKN\)](#). This data is derived from a growing collection of [survey, banding, and citizen science datasets](#).

Probability of presence data is continuously being updated as new and better information becomes available. To learn more about how the probability of presence graphs are produced and how to interpret them, go to the Probability of Presence Summary and then click on the "Tell me about these graphs" link.

How do I know if a bird is breeding, wintering or migrating in my area?

To see what part of a particular bird's range your project area falls within (i.e. breeding, wintering, migrating or year-round), you may query your location using the [RAIL Tool](#) and look at the range maps provided for birds in your area at the bottom of the profiles provided for each bird in your results. If a bird on your migratory bird species list has a breeding season associated with it, if that bird does occur in your project area, there may be nests present at some point within the timeframe specified. If "Breeds elsewhere" is indicated, then the bird likely does not breed in your project area.

What are the levels of concern for migratory birds?

Migratory birds delivered through IPaC fall into the following distinct categories of concern:

1. "BCC Rangewide" birds are [Birds of Conservation Concern](#) (BCC) that are of concern throughout their range anywhere within the USA (including Hawaii, the Pacific Islands, Puerto Rico, and the Virgin Islands);
2. "BCC - BCR" birds are BCCs that are of concern only in particular Bird Conservation Regions (BCRs) in the continental USA; and
3. "Non-BCC - Vulnerable" birds are not BCC species in your project area, but appear on your list either because of the [Eagle Act](#) requirements (for eagles) or (for non-eagles) potential susceptibilities in offshore areas from certain types of development or activities (e.g. offshore energy development or longline fishing).

Although it is important to try to avoid and minimize impacts to all birds, efforts should be made, in particular, to avoid and minimize impacts to the birds on this list, especially eagles and BCC species of rangewide concern. For more information on conservation measures you can implement to help avoid and minimize migratory bird impacts and requirements for eagles, please see the FAQs for these topics.

Details about birds that are potentially affected by offshore projects

For additional details about the relative occurrence and abundance of both individual bird species and groups of bird species within your project area off the Atlantic Coast, please visit the [Northeast Ocean Data Portal](#). The Portal also offers data and information about other taxa besides

birds that may be helpful to you in your project review. Alternately, you may download the bird model results files underlying the portal maps through the [NOAA NCCOS Integrative Statistical Modeling and Predictive Mapping of Marine Bird Distributions and Abundance on the Atlantic Outer Continental Shelf](#) project webpage.

Bird tracking data can also provide additional details about occurrence and habitat use throughout the year, including migration. Models relying on survey data may not include this information. For additional information on marine bird tracking data, see the [Diving Bird Study](#) and the [nanotag studies](#) or contact [Caleb Spiegel](#) or [Pam Loring](#).

What if I have eagles on my list?

If your project has the potential to disturb or kill eagles, you may need to [obtain a permit](#) to avoid violating the Eagle Act should such impacts occur.

Proper Interpretation and Use of Your Migratory Bird Report

The migratory bird list generated is not a list of all birds in your project area, only a subset of birds of priority concern. To learn more about how your list is generated, and see options for identifying what other birds may be in your project area, please see the FAQ "What does IPaC use to generate the migratory birds potentially occurring in my specified location". Please be aware this report provides the "probability of presence" of birds within the 10 km grid cell(s) that overlap your project; not your exact project footprint. On the graphs provided, please also look carefully at the survey effort (indicated by the black vertical bar) and for the existence of the "no data" indicator (a red horizontal bar). A high survey effort is the key component. If the survey effort is high, then the probability of presence score can be viewed as more dependable. In contrast, a low survey effort bar or no data bar means a lack of data and, therefore, a lack of certainty about presence of the species. This list is not perfect; it is simply a starting point for identifying what birds of concern have the potential to be in your project area, when they might be there, and if they might be breeding (which means nests might be present). The list helps you know what to look for to confirm presence, and helps guide you in knowing when to implement conservation measures to avoid or minimize potential impacts from your project activities, should presence be confirmed. To learn more about conservation measures, visit the FAQ "Tell me about conservation measures I can implement to avoid or minimize impacts to migratory birds" at the bottom of your migratory bird trust resources page.

WETLANDS

Impacts to [NWI wetlands](#) and other aquatic habitats may be subject to regulation under Section 404 of the Clean Water Act, or other State/Federal statutes.

For more information please contact the Regulatory Program of the local [U.S. Army Corps of Engineers District](#).

Please note that the NWI data being shown may be out of date. We are currently working to update our NWI data set. We recommend you verify these results with a site visit to determine the actual extent of wetlands on site.

FRESHWATER FORESTED/SHRUB WETLAND

- [PFO1B](#)
- [PSS1B](#)

FRESHWATER EMERGENT WETLAND

- [PEM1Ah](#)
- [PEM1B](#)
- [PEM1A](#)

FRESHWATER POND

- [PUBFx](#)

RIVERINE

- [R4SBC](#)
-

IPAC USER CONTACT INFORMATION

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Northern Long-eared Bat
Field Assessment for Summer Habitat Suitability
Rochester International Airport in Olmsted County,
Minnesota
August 25, 2022



Prepared for:

Mead & Hunt, Inc.

7900 International Drive, Suite 980
Bloomington, Minnesota 55425

Prepared by:

Brenna Hyzy

Western EcoSystems Technology, Inc.
7575 Golden Valley Road, Suite 300
Golden Valley, Minnesota 55427

September 2022



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Appendix A. Representative Photographs from the Rochester International Airport Habitat Assessment
Appendix B. Habitat Assessment Datasheets

INTRODUCTION

Mead & Hunt, Inc. (Mead & Hunt) plans to perform limited tree clearing at the Rochester International Airport in Olmsted County, Minnesota. Mead & Hunt contracted Western EcoSystems Technology, Inc. (WEST) to conduct a field-based habitat assessment to determine whether or not these tree clearing areas qualify as potentially suitable summer habitat for the federally listed as threatened northern long-eared bat (*Myotis septentrionalis*; NLEB).

The objective of this assessment was to identify whether any potentially suitable summer habitat for the NLEB, as defined by the US Fish and Wildlife Service's (USFWS) *2022 Range-Wide Indiana Bat & Northern Long-Eared Bat Summer Survey Guidelines* (2022), was present in the areas of trees selected to be cleared.

The USFWS defines potentially suitable NLEB roost trees as snags or live trees with a diameter at breast height (DBH) greater than or equal to 3.0 inches (in; 7.6 centimeters [cm]) with exfoliating bark and/or cavities. Isolated individual trees with the characteristics of a potential roost may be considered suitable habitat when they are within 1,000 feet (ft; 305 meters) of other forested/wooded habitat (USFWS 2022). Linear forested features, such as wooded fencerows and tree lines, and smaller patches of trees may provide commuting habitat for this species; however, these areas of potential commuting habitat are not considered suitable habitat if they are separated from larger suitable roosting and foraging areas by more than 1,000 ft (USFWS 2022).

METHODS

Mead & Hunt provided spatial files for 14 polygons representing areas selected for tree clearing, which were just south of the runway associated with the Rochester International Airport (Figure 1). These 14 polygons were grouped into six assessment areas, and all polygons within a given assessment area were evaluated at the same time (Figure 1). The field-based habitat assessment was completed by a federally permitted bat biologist, Brenna Hyzy, M.S. (TE26854C-1).

During the assessment, forest characteristics were evaluated and recorded such as:

- vegetation type
- estimated forest age structure (immature, mixed, mature)
- dominant tree species and preferred roost tree species
- size composition of live trees as small, medium, or large (tree DBH less than or equal to 3.0 in, DBH 3.0–5.0 in [7.6–12.7 cm], DBH greater than or equal to 5.0 in, respectively)
- presence of snags or live trees

WEST took multiple representative photographs of all areas of trees selected to be cleared to provide a visual record of the habitat being evaluated (Appendix A). Datasheets providing detailed habitat information for each assessment area are included in Appendix B.

RESULTS

The field-based habitat assessment was completed on August 25, 2022, by federally permitted bat biologist Brenna Hyzy, escorted by two Mead & Hunt representatives (Matt Wagner and Taylor Peterson). A summary description of each assessment area along with recommendations regarding tree clearing are provided in Table 1.

Three of the six assessment areas were determined to be unsuitable habitat containing potentially suitable trees for NLEB (six polygons within Assessment Areas 3, 4, and 5; Figure 1, Table 1). The dominant tree species in these assessment areas was eastern cottonwood (*Populus deltoides*). Assessment Area 3 consisted of two mature cottonwood trees, each of which displayed characteristics of potentially suitable roost trees for NLEB such as exfoliating bark, crevices, and cavities. Assessment Area 4 is a 3.4-acre (1.4-hectare) patch of mixed forest with a relatively open canopy and slightly cluttered midstory with dominant tree species being eastern cottonwood and red maple (*Acer rubrum*). Fewer than five trees within Assessment Area 4 displayed characteristics of potentially suitable roost trees. Assessment Area 5 consisted of roughly 10 to 15 trees located along the northern edge of a forested homestead. The majority were mature deciduous trees, and two trees displayed characteristics of potentially suitable roost trees. While all three of these assessment areas contained trees that exhibit characteristics associated with potentially suitable roost trees per the USFWS, each assessment area is isolated from any nearby forest by more than 1,000 ft; therefore, Assessment Areas 3, 4, and 5 do not qualify as potentially suitable summer habitat for the NLEB.

The remaining three assessment areas were determined to be unsuitable for NLEB (five polygons within Assessment Areas 1, 2, and 6; Table 1). The dominant tree species in these assessment areas were eastern cottonwood and box elder (*A. negundo*). Assessment Area 1 is a small strip of immature cottonwood trees along a gravel road, and a nearby patch of shrubby habitat in an adjacent field. No trees displayed characteristics of potentially suitable roosting habitat. Assessment Area 2 is a similar strip of young box elder trees along a gravel road, along with two to three young eastern cottonwood trees and one mature eastern cottonwood tree. No trees displayed characteristics of potentially suitable roosting habitat. Assessment Area 6 consisted of two mature eastern cottonwood trees, neither of which exhibited characteristics of potentially suitable roosting habitat. None of these three assessment areas contained trees that exhibit characteristics associated with potentially suitable roost trees per the USFWS, and each assessment area is also isolated from any nearby forest by more than 1,000 ft; therefore, Assessment Areas 1, 2, and 6 do not qualify as potentially suitable summer habitat for the NLEB.

Three polygons originally provided by Mead & Hunt were already cleared at the time of the field assessment according to Mead & Hunt escort Matt Wagner, and no trees existed in the highlighted areas (red polygons in Figure 1). These polygons are not included in any of the Assessment Areas.

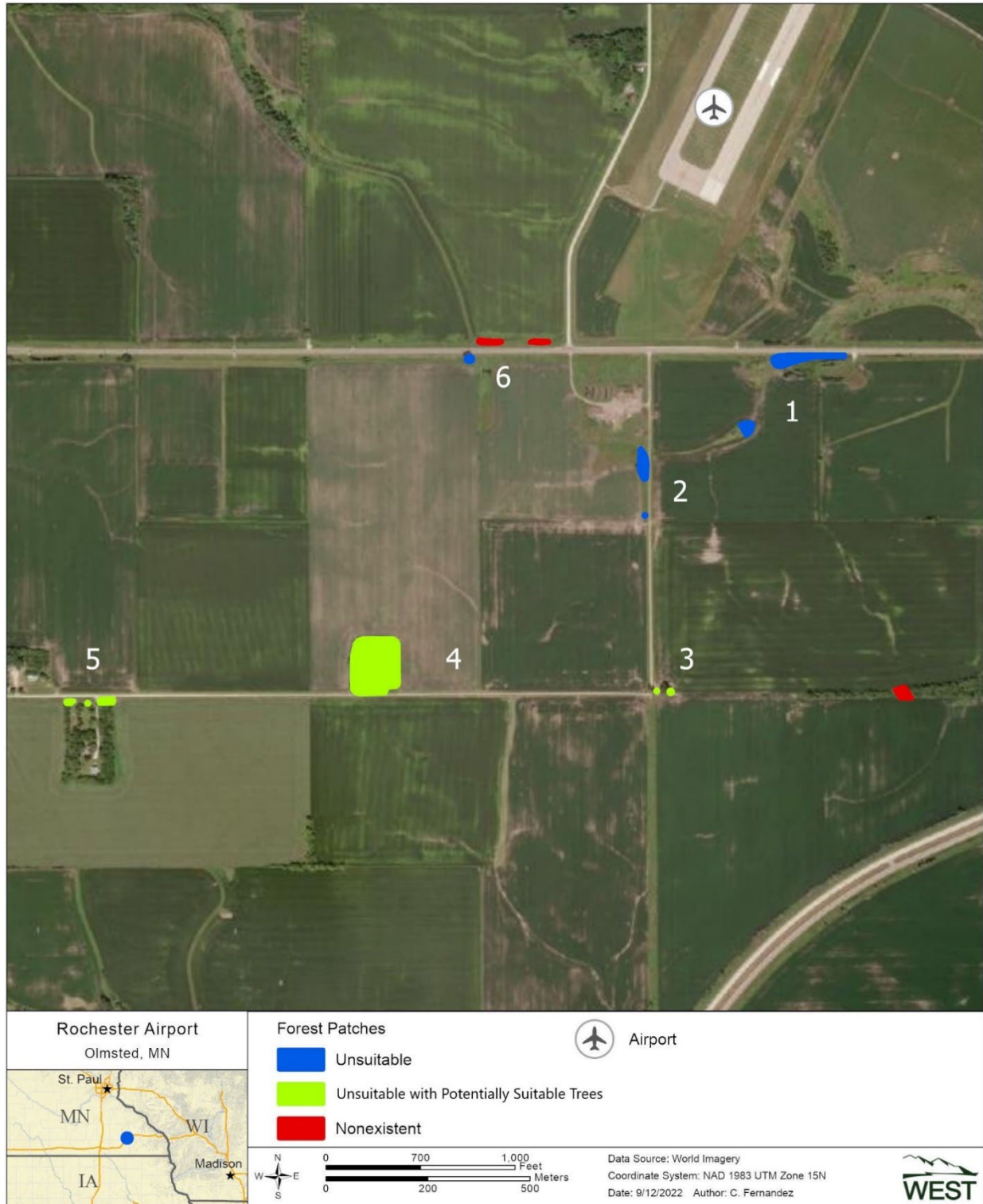


Figure 1. Forest patches selected for clearing at the Rochester International Airport in Olmsted County, Minnesota.

Table 1. Results of the field-based assessment for potentially suitable northern long-eared bat habitat selected for clearing at the Rochester International Airport in Olmsted County, Minnesota.

Assessment Area	Habitat Description	Suitability Determination	Recommendation
1	Small strip of young cottonwood trees and shrubby habitat	Unsuitable	Approved for clearing
2	Small strip of young box elder trees and cottonwood trees	Unsuitable	Approved for clearing
3	Two mature cottonwood trees	Unsuitable habitat, with potentially suitable roost trees	Avoid cutting May 15 – August 15*
4	A 3.4-acre patch of mixed forest	Unsuitable habitat, with potentially suitable roost trees	Avoid cutting May 15 – August 15*
5	A strip of 10-15 mature deciduous trees	Unsuitable habitat, with potentially suitable roost trees	Avoid cutting May 15 – August 15*
6	Two mature cottonwood trees	Unsuitable	Approved for clearing

* USFWS designated summer maternity season for northern long-eared bats (USFWS 2022)

CONCLUSIONS

Assessment Areas 1, 2, and 6 were determined to be unsuitable habitat for NLEB, and therefore, tree clearing can occur immediately or at any time during the year. No additional consultation or surveys are required for Assessment Areas 1, 2, and 6. Assessment Areas 3, 4, and 5 were determined to contain potentially suitable roost trees for NLEB but did not meet the definition of potentially suitable habitat due to isolation from other forested habitat (greater than 1,000 ft). Therefore, it is recommended that any tree clearing be performed outside of the maternity season (May 15 – August 15) per USFWS recommendation to reduce potential impacts on NLEB.

LITERATURE CITED

- Esri. 2022. World Imagery and Aerial Photos (World Topo). ArcGIS Resource Center. Environmental Systems Research Institute (Esri), producers of ArcGIS software, Redlands, California. Accessed September 2022. Available online: <https://www.arcgis.com/home/webmap/viewer.html?useExisting=1&layers=10df2279f9684e4a9f6a7f08febac2a9>
- US Fish and Wildlife Service (USFWS). 2022. Range-Wide Indiana Bat & Northern Long-Eared Bat Survey Guidelines. USFWS, Department of the Interior. March 2022. 67 pp. Available online: <https://www.fws.gov/media/range-wide-indiana-bat-and-northern-long-eared-bat-survey-guidelines>

**Appendix A. Representative Photographs from the Rochester International Airport
Habitat Assessment**



Appendix A1. Assessment Area 1.



Appendix A2. Assessment Area 2.



Appendix A3. Assessment Area 3.



Appendix A4. Assessment Area 4.



Appendix A5. Assessment Area 5.



Appendix A6. Assessment Area 6.

Appendix B. Habitat Assessment Datasheets

Project Name: Rochester Airport

Date: 8/25/22

Township/Range/Section: Olmsted County, MN

Lat Long/UTM/Zone: —

Surveyor: B. Hyzy

Brief Project Description

Small local airport just south of Rochester, MN that plans to conduct limited tree clearing associated with construction activities.

Project Area

Project	Total Acres	Forest Acres		Open Acres
	—	~4.8		—
Proposed Tree Removal (ac)	Completely cleared	Partially cleared (will leave trees)	Preserve acres- no clearing	
	—	~4.8	—	

Vegetation Cover Types

Pre-Project	Post-Project
—	—

Landscape within 5 mile radius

Flight corridors to other forested areas?
None

Describe Adjacent Properties (e.g. forested, grassland, commercial or residential development, water sources)
Residential development and fragmented agriculture

Proximity to Public Land

What is the distance (mi.) from the project area to forested public lands (e.g., national or state forests, national or state parks, conservation areas, wildlife management areas)?
NA

A single sheet can be used for multiple sample sites if habitat is the same

Sample Site Description
Sample Site No (s): <u>Assessment Area 1</u>

Water Resources at Sample Site				Describe existing condition of water sources <u>none</u>
Stream Type (# and length)	Epithermal	Intermittent	Perennial	
	0	0	0	
Pools/Ponds (# and size)	Open and accessible to bats?			
	no			
Wetlands (approx. ac.)	Permanent	Seasonal		
	0	0		

Forest Resources at Sample Site				
Closure/Density	Canopy (> 50%)	Midstory (20-50%)	Understory (< 20%)	1-1-10%, 2-11-20%, 3-21-40%, 4-41-60%, 5-61-80%, 6-81-100%
Dominant Species of Mature Trees	<u>cottonwood (populus spp)</u>			
% Trees w/ Exfoliating Bark	0	0	0	0
Size Composition of Live Trees (%)	Small (3-8 m)	Med (9-15 m)	Large (> 15 m)	
	20%	80%	0%	
No. of Suitable Snags	0			

Standing dead trees with exfoliating bark, cracks, crevices, or hollows. Snags without these characteristics are not considered suitable.

IS THE HABITAT SUITABLE FOR INDIANA BATS? NA

IS THE HABITAT SUITABLE FOR NORTHERN LONG-EARED BATS? No

Additional Comments:
<u>A small strip of young cottonwood trees along a gravel road along with a small patch of shrubby habitat in an adjacent field.</u> <u>No evidence of potential roost characteristics</u> <u>> 1,000ft from nearby forests, totally isolated</u>

Attach aerial photo of project site with all forested areas labeled and a general description of the habitat

Photographic Documentation: habitat shots at edge and interior from multiple locations.

Sample Site Description

Sample Site No (s) Assessment Area 2

Water Resources at Sample Site

Stream Type (# and length)	Ephemeral 0	Intermittent 0	Perennial 0	Describe existing condition of water sources <u>none</u>
Pools/Ponds (# and size)	Open and accessible to bats? <u>no</u>			
Wetlands (approx. ac.)	Permanent 0	Seasonal 0		

Forest Resources at Sample Site

Closure/Density	Canopy (> 50%)	Midstory (20-50%)	Understory (< 20%)	1-1-10%, 2-11-20%, 3-21-40%, 4-41-60%, 5-61-80%, 6-81-100%
Dominant Species of Mature Trees	<u>Box elder, cottonwood (populus spp)</u>			
% Trees w/ Exfoliating Bark	0	0	0	0
Size Composition of Live Trees (%)	Small (3-8 m)	Med (9-15 m)	Large (> 15 m)	
No. of Suitable Snags	0			

Standing dead trees with exfoliating bark, cracks, crevices, or hollows. Snags without these characteristics are not considered suitable.

IS THE HABITAT SUITABLE FOR INDIANA BATS? NA

IS THE HABITAT SUITABLE FOR NORTHERN LONG-EARED BATS? No

Additional Comments:

A small strip of young box elder trees along a gravel road, one mature cottonwood and 2-3 emergent cottonwood trees
No evidence of potential roost characteristics
> 1,000 ft from nearby forest, totally isolated

Attach aerial photo of project site with all forested areas labeled and a general description of the habitat

Photographic Documentation: habitat shots at edge and interior from multiple locations.

A single sheet can be used for multiple sample sites if habitat is the same

Sample Site Description
Sample Site No (s) <u>Assessment Area 3</u>

Water Resources at Sample Site				Describe existing condition of water sources <u>none</u>
Stream Type (# and length)	Epithermal <u>none</u>	Intermittent <u>none</u>	Perennial <u>none</u>	
Pools/Ponds (# and size)	Open and accessible to bats? <u>no</u>			
Wetlands (approx. ac.)	Permanent <u>none</u>	Seasonal <u>none</u>		

Forest Resources at Sample Site				1-1-10%, 2-11-20%, 3-21-40%, 4-41-60%, 5-61-80%, 6-81-100%
Closure/Density	Canopy (> 50%) <u>0</u>	Midstory (20-50%) <u>0</u>	Understory (<20%) <u>0</u>	
Dominant Species of Mature Trees	<u>cottonwood (populus spp.)</u>			
% Trees w/ Exfoliating Bark	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
Size Composition of Live Trees (%)	Small (3-8 m) <u>-</u>	Med (9-15 m) <u>-</u>	Large (>15 m) <u>100</u>	
No. of Suitable Snags	<u>0</u>			

Standing dead trees with exfoliating bark, cracks, crevices, or hollows. Snags without these characteristics are not considered suitable.

IS THE HABITAT SUITABLE FOR INDIANA BATS? NA

IS THE HABITAT SUITABLE FOR NORTHERN LONG-EARED BATS? Yes

Additional Comments:
<u>Two mature cottonwood trees along gravel road >1,000 ft from any nearby forest, totally isolated. Evidence of potential roost opportunities (exfoliating bark, cavities)</u>

Attach aerial photo of project site with all forested areas labeled and a general description of the habitat

Photographic Documentation: habitat shots at edge and interior from multiple locations.

A single sheet can be used for multiple sample sites if habitat is the same

Sample Site Description
Sample Site No (s): <u>Assessment Area 4</u>

Water Resources at Sample Site				Describe existing condition of water sources: <u>none</u>
Stream Type (# and length)	Epithermal <u>0</u>	Intermittent <u>0</u>	Perennial <u>0</u>	
Pools/Ponds (# and size)	Open and accessible to bats? <u>no</u>			
Wetlands (approx. ac.)	Permanent <u>0</u>	Seasonal <u>0</u>		

Forest Resources at Sample Site				1-1-10%, 2-11-20%, 3-21-40%, 4-41-60%, 5-61-80%, 6-81-100%
Closure/Density	Canopy (> 50%)	Midstory (20-50%)	Understory (<20%)	
Dominant Species of Mature Trees	<u>Cottonwood (populus spp) and maple (Acer spp)</u>			
% Trees w/ Exfoliating Bark	<u>30%</u>	<u>10%</u>	<u>0%</u>	
Size Composition of Live Trees (%)	Small (3-8 in)	Med (9-15 in)	Large (>15 in)	
	<u>30%</u>	<u>30%</u>	<u>40%</u>	
No. of Suitable Snags	<u>2-4</u>			

Standing dead trees with exfoliating bark, cracks, crevices, or hollows. Snags without these characteristics are not considered suitable.

IS THE HABITAT SUITABLE FOR INDIANA BATS? NA

IS THE HABITAT SUITABLE FOR NORTHERN LONG-EARED BATS? Yes

Additional Comments:
<u>A 3.4 acre patch of potentially suitable mixed forest habitat + 2-4 trees with exfoliating bark cracks, crevices 71,000ft from any surrounding forest, totally isolated</u>

Attach aerial photo of project site with all forested areas labeled and a general description of the habitat

Photographic Documentation: habitat shots at edge and interior from multiple locations.

Sample Site Description
Sample Site No (s): Assessment Area 5

Water Resources at Sample Site				
Stream Type (# and length)	Ephemeral 0	Intermittent 0	Perennial 0	Describe existing condition of water sources none
Pools/Ponds (# and size)	Open and accessible to bats? none no			
Wetlands (approx. ac.)	Permanent 0	Seasonal 0		

Forest Resources at Sample Site				
Closure/Density	Canopy (> 50%)	Midstory (20-40%)	Understory (< 20%)	1-1-10%, 2-11-20%, 3-21-40%, 4-41-60%, 5-61-80%, 6-81-100%
Dominant Species of Mature Trees	cottonwood (<i>populus</i> spp) and maple (<i>Acer</i> spp)			
% Trees w/ Exfoliating Bark	5%	5%	0%	-
Size Composition of Live Trees (%)	Small (3-8 m)	Med (9-15 m)	Large (>15 m)	
	0%	60%	40%	
No. of Suitable Snags	2			

Standing dead trees with exfoliating bark, cracks, crevices, or hollows. Snags without these characteristics are not considered suitable.

IS THE HABITAT SUITABLE FOR INDIANA BATS? NA

IS THE HABITAT SUITABLE FOR NORTHERN LONG-EARED BATS? Yes

Additional Comments:
A strip of roughly 10-15 mature deciduous trees Two mature trees (one decayed snag) exhibit characteristics of potentially suitable roost trees 71,000 ft from any forest nearby, totally isolated

Attach aerial photo of project site with all forested areas labeled and a general description of the habitat

Photographic Documentation: habitat shots at edge and interior from multiple locations.

A single sheet can be used for multiple sample sites if habitat is the same

Sample Site Description
Sample Site No (s) <u>Assessment Area 6</u>

Water Resources at Sample Site				Describe existing condition of water sources. <u>none</u>
Stream Type (# and length)	Epithermal <u>none</u>	Intermittent <u>none</u>	Perennial <u>none</u>	
Pools/Ponds (# and size)	Open and accessible to bats? <u>no</u>			
Wetlands (approx. ac.)	Permanent <u>none</u>	Seasonal <u>none</u>		

Forest Resources at Sample Site				1-1-10%, 2-11-20%, 3-21-40%, 4-41-60%, 5-61-80%, 6-81-100%
Closure/Density	Canopy (> 80%) <u>0</u>	Midstory (20-80%) <u>0</u>	Understory (< 20%) <u>0</u>	
Dominant Species of Mature Trees	<u>Cotton wood (Populus spp)</u>			
% Trees w/ Exfoliating Bark	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
Size Composition of Live Trees (%)	Small (3-8 m) <u>-</u>	Med (9-15 m) <u>-</u>	Large (> 15 m) <u>100</u>	
No. of Suitable Snags	<u>0</u>			

Standing dead trees with exfoliating bark, cracks, crevices, or hollows. Snags without these characteristics are not considered suitable.

IS THE HABITAT SUITABLE FOR INDIANA BATS? NA

IS THE HABITAT SUITABLE FOR NORTHERN LONG-EARED BATS? No

Additional Comments: <u>Two mature cottonwood trees along gravel road > 1,000 ft from any forest nearby, totally isolated. No visible characteristics of potentially suitable roost tree.</u>
--

Attach aerial photo of project site with all forested areas labeled and a general description of the habitat

Photographic Documentation: habitat shots at edge and interior from multiple locations.



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 Fax: (952) 646-2873

In Reply Refer To:
Project code: 2022-0076551
Project Name: RST tree removal

April 21, 2023

Federal Nexus: yes
Federal Action Agency (if applicable): Federal Aviation Administration

Subject: Record of project representative's no effect determination for 'RST tree removal'

Dear Melissa Jenny:

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 April 21, 2023, for 'RST tree removal' (here forward, Project). This project has been assigned Project Code 2022-0076551 and all future correspondence should clearly reference this number. **Please carefully review this letter.**

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 the 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.

Determination for the Northern Long-Eared Bat

Based upon your IPaC submission and a standing analysis, your project has reached the determination of "No Effect" on the northern long-eared bat. To make a no effect determination, the full scope of the proposed project implementation (action) should not have any effects (either positive or negative), to a federally listed species or designated critical habitat. Effects of the action are all consequences to listed species or critical habitat that are caused by the proposed action, including the consequences of other activities that are caused by the proposed action. A consequence is caused by the proposed action if it would not occur but for the proposed action and it is reasonably certain to occur. Effects of the action may occur later in time and may

include consequences occurring outside the immediate area involved in the action. (See § 402.17).

Under Section 7 of the ESA, if a federal action agency makes a no effect determination, no consultation with the Service is required (ESA §7). If a proposed Federal action may affect a listed species or designated critical habitat, formal consultation is required except when the Service concurs, in writing, that a proposed action "is not likely to adversely affect" listed species or designated critical habitat [50 CFR §402.02, 50 CFR§402.13].

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:

- Monarch Butterfly *Danaus plexippus* Candidate
- Prairie Bush-clover *Lespedeza leptostachya* Threatened
- Tricolored Bat *Perimyotis subflavus* Proposed Endangered
- Whooping Crane *Grus americana* Experimental Population, Non-Essential

You may coordinate with our Office to determine whether the Action may affect the animal species listed above and, if so, how they may be affected.

Next Steps

Based upon your IPaC submission, your project has reached the determination of “No Effect” on the northern long-eared bat. If there are no updates on listed species, no further consultation/coordination for this project is required with respect to 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 to ensure compliance with the Act.

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 2022-0076551 associated with this Project.

Action Description

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

1. Name

RST tree removal

2. Description

The following description was provided for the project 'RST tree removal':

Tree removal associated with runway extension

The approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/@43.89118155,-92.50768334081384,14z>



DETERMINATION KEY RESULT

Based on the information you provided, you have determined that the Proposed Action will have no effect on the Endangered northern long-eared bat (*Myotis septentrionalis*). Therefore, no consultation with the U.S. Fish and Wildlife Service pursuant to Section 7(a)(2) of the Endangered Species Act of 1973 (87 Stat. 884, as amended 16 U.S.C. 1531 *et seq.*) is required for those species.

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. Do you have post-white nose syndrome occurrence 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 acoustic detections. 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?

Yes

5. Is the Federal Highway Administration (FHWA), Federal Railroad Administration (FRA), or Federal Transit Administration (FTA) funding or authorizing the proposed action, in whole or in part?

No

6. Are you an employee of the federal action agency or have you been officially designated in writing by the agency as its designated non-federal representative for the purposes of Endangered Species Act Section 7 informal consultation per 50 CFR § 402.08?

Note: This key may be used for federal actions and for non-federal actions to facilitate section 7 consultation and to help determine whether an incidental take permit may be needed, respectively. This question is for information purposes only.

Yes

7. Is the lead federal action agency the Environmental Protection Agency (EPA) or Federal Communications Commission (FCC)? Is the Environmental Protection Agency (EPA) or Federal Communications Commission (FCC) funding or authorizing the proposed action, in whole or in part?

No

8. Have you determined that your proposed action will have no effect on the northern long-eared bat? Remember to consider the [effects of any activities](#) that would not occur but for the proposed action.

If you think that the northern long-eared bat may be affected by your project or if you would like assistance in deciding, answer “No” below and continue through the key. If you have determined that the northern long-eared bat does not occur in your project’s action area and/or that your project will have no effects whatsoever on the species despite the potential for it to occur in the action area, you may make a “no effect” determination for the northern long-eared bat.

Note: Federal agencies (or their designated non-federal representatives) must consult with USFWS on federal agency actions that may affect listed species [50 CFR 402.14(a)]. Consultation is not required for actions that will not affect listed species or critical habitat. Therefore, this determination key will not provide a consistency or verification letter for actions that will not affect listed species. If you believe that the northern long-eared bat may be affected by your project or if you would like assistance in deciding, please answer “No” and continue through the key. Remember that this key addresses only effects to the northern long-eared bat. Consultation with USFWS would be required if your action may affect another listed species or critical habitat. The definition of [Effects of the Action](#) can be found here: <https://www.fws.gov/media/northern-long-eared-bat-assisted-determination-key-selected-definitions>

No

9. Does the action area contain any caves (or associated sinkholes, fissures, or other karst features), mines, rocky outcroppings, or tunnels that could provide habitat for hibernating northern long-eared bats?

No

10. Does the action area contain or occur within 0.5 miles of (1) talus or (2) anthropogenic or naturally formed rock crevices in rocky outcrops, rock faces or cliffs?

No

11. Is suitable summer habitat for the northern long-eared bat present within 1000 feet of project activities?
(If unsure, answer "Yes.")

Note: If there are trees within the action area that are of a sufficient size to be potential roosts for bats (i.e., live trees and/or snags ≥ 3 inches (12.7 centimeter) dbh), answer "Yes". If unsure, additional information defining suitable summer habitat for the northern long-eared bat can be found at: <https://www.fws.gov/media/northern-long-eared-bat-assisted-determination-key-selected-definitions>

No

PROJECT QUESTIONNAIRE

Will all project activities be completed by April 1, 2024?

Yes

IPAC USER CONTACT INFORMATION

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United States Department of the Interior



FISH AND WILDLIFE SERVICE
Minnesota-Wisconsin Ecological Services Field Office
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Bloomington, MN 55425-1659
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In Reply Refer To:
Project code: 2022-0076551
Project Name: RST tree removal

April 21, 2023

Subject: Consistency letter for 'RST tree removal' for specified threatened and endangered species that may occur in your proposed project location consistent with the Minnesota-Wisconsin Endangered Species Determination Key (Minnesota-Wisconsin DKey).

Dear Melissa Jenny:

The U.S. Fish and Wildlife Service (Service) received on **April 21, 2023** your effect determination(s) for the 'RST tree removal' (Action) using the Minnesota-Wisconsin DKey within the Information for Planning and Consultation (IPaC) system. You have submitted this key to satisfy requirements under Section 7(a)(2). The Service developed this system in accordance of with the Endangered Species Act of 1973 (ESA) (87 Stat. 884, as amended; 16 U.S.C 1531 et seq.).

Based on your answers and the assistance of the Service's Minnesota-Wisconsin DKey, you made the following effect determination(s) for the proposed Action:

Species	Listing Status	Determination
Monarch Butterfly (<i>Danaus plexippus</i>)	Candidate	No effect
Prairie Bush-clover (<i>Lespedeza leptostachya</i>)	Threatened	No effect
Tricolored Bat (<i>Perimyotis subflavus</i>)	Proposed	No effect
	Endangered	
Whooping Crane (<i>Grus americana</i>)	Experimental	No effect
	Population, Non-Essential	

Determination Information

Thank you for informing the Service of your "No Effect" determination(s). Your agency has met consultation requirements and no further consultation is required for the species you determined will not be affected by the Action.

Additional Information

Sufficient project details: Please provide sufficient project details on your project homepage in IPaC (Define Project, Project Description) to support your conclusions. Failure to disclose important aspects of your project that would influence the outcome of your effects determinations may negate your determinations and invalidate this letter. If you have site-specific information that leads you to believe a different determination is more appropriate for your project than what the Dkey concludes, you can and should proceed based on the best available information.

Future project changes: The Service recommends that you contact the Minnesota-Wisconsin Ecological Services Field Office or re-evaluate the project in IPaC if: 1) the scope or location of the proposed Action is changed; 2) new information reveals that the action may affect listed species or designated critical habitat in a manner or to an extent not previously considered; 3) the Action is modified in a manner that causes effects to listed species or designated critical habitat; or 4) a new species is listed or critical habitat designated. If any of the above conditions occurs, additional consultation with the Service should take place before project changes are final or resources committed.

Species-specific information

Listed Plants: You have indicated that your Action will have no effect (NE) on a threatened or endangered plant species. Although your Federal Endangered Species Act requirements are met, we recommend you contact the Minnesota or Wisconsin Department of Natural Resources regarding compliance with state law. **You may need a state permit if your Action will harm state-listed plants.**

Bald and Golden Eagles: Bald eagles, golden eagles, and their nests are protected under the Bald and Golden Eagle Protection Act (54 Stat. 250, as amended, 16 U.S.C. 668a-d) (Eagle Act). The Eagle Act prohibits, except when authorized by an Eagle Act permit, the “taking” of bald and golden eagles and defines “take” as “pursue, shoot, shoot at, poison, wound, kill, capture, trap, collect, molest or disturb.” The Eagle Act’s implementing regulations define disturb as “... to agitate or bother a bald or golden eagle to a degree that causes, or is likely to cause, based on the best scientific information available, (1) injury to an eagle, (2) a decrease in its productivity, by substantially interfering with normal breeding, feeding, or sheltering behavior, or (3) nest abandonment, by substantially interfering with normal breeding, feeding, or sheltering behavior.”

If you observe a bald eagle nest in the vicinity of your proposed project, you should follow the National Bald Eagle Management Guidelines (May 2007). For more information on eagles and conducting activities in the vicinity of an eagle nest, please visit our regional eagle website or contact Margaret at Margaret_Rheude@fws.gov. **If the Action may affect bald or golden eagles, additional coordination with the Service under the Eagle Act may be required.**

The following species and/or critical habitats may also occur in your project area and **are not** covered by this conclusion:

- Northern Long-eared Bat *Myotis septentrionalis* Endangered

Coordination with the Service is not complete if additional coordination is advised above for any species.

Action Description

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

1. Name

RST tree removal

2. Description

The following description was provided for the project 'RST tree removal':

Tree removal associated with runway extension

The approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/@43.89118155,-92.50768334081384,14z>



QUALIFICATION INTERVIEW

1. This determination key is intended to assist the user in evaluating the effects of their actions on Federally listed species in Minnesota and Wisconsin. It does not cover other prohibited activities under the Endangered Species Act (e.g., for wildlife: import/export, Interstate or foreign commerce, possession of illegally taken wildlife, etc.; for plants: import/export, reduce to possession, malicious destruction on Federal lands, commercial sale, etc.) or other statutes. Additionally, this key DOES NOT cover wind development, purposeful take (e.g., for research or surveys), communication towers that have guy wires or are over 450 feet in height, aerial or other large-scale application of any chemical (such as insecticide or herbicide), and approval of long-term permits or plans (e.g., FERC licenses, HCP's).

Click **YES** to acknowledge that you must consider other prohibitions of the ESA or other statutes outside of this determination key.

Yes

2. Is the action the approval of a long-term (i.e., in effect greater than 10 years) permit, plan, or other action?

No

3. Is the action being funded, authorized, or carried out by a Federal agency?

Yes

4. Are you the Federal agency or designated non-federal representative?

Yes

5. Does the action involve the installation or operation of wind turbines?

No

6. Does the action involve purposeful take of a listed animal?

No

7. Does the action involve a new communications tower?

No

8. Does the activity involve aerial or other large-scale application of ANY chemical, including pesticides (insecticide, herbicide, fungicide, rodenticide, etc)?

No

9. Does the action occur near a bald eagle nest?

Note: Contact the Minnesota or Wisconsin Department of Natural Resources for an up-to-date list of known bald eagle nests.

No

10. Will your action permanently affect local hydrology?

No

11. Will your action temporarily affect local hydrology?

No

12. Will your project have any direct impacts to a stream or river (e.g., Horizontal Directional Drilling (HDD), hydrostatic testing, stream/road crossings, new stormwater outfall discharge, dams, other in-stream work, etc.)?

No

13. Does your project have the potential to impact the riparian zone or indirectly impact a stream/river (e.g., cut and fill; horizontal directional drilling; construction; vegetation removal; pesticide or fertilizer application; discharge; runoff of sediment or pollutants; increase in erosion, etc.)?

Note: Consider all potential effects of the action, including those that may happen later in time and outside and downstream of the immediate area involved in the action.

Endangered Species Act regulation defines "effects of the action" to include all consequences to listed species or critical habitat that are caused by the proposed action, including the consequences of other activities that are caused by the proposed action. A consequence is caused by the proposed action if it would not occur but for the proposed action and it is reasonably certain to occur. Effects of the action may occur later in time and may include consequences occurring outside the immediate area involved in the action. (50 CFR 402.02).

No

14. Will your action disturb the ground or existing vegetation?

Note: This includes any off-road vehicle access, soil compaction (enough to collapse a rodent burrow), digging, seismic survey, directional drilling, heavy equipment, grading, trenching, placement of fill, pesticide application (herbicide, fungicide), vegetation management (including removal or maintenance using equipment or prescribed fire), cultivation, development, etc.

Yes

15. Will your action include spraying insecticides?

No

16. Does your action area occur entirely within an already developed area?

Note: Already developed areas are already paved, covered by existing structures, manicured lawns, industrial sites, or cultivated cropland, AND do not contain trees that could be roosting habitat. Be aware that listed species may occur in areas with natural, or semi-natural, vegetation immediately adjacent to existing utilities (e.g. roadways, railways) or within utility rights-of-way such as overhead transmission line corridors, and can utilize suitable trees, bridges, or culverts for roosting even in urban dominated landscapes (so these are not considered "already developed areas" for the purposes of this question). If unsure, select NO..

No

17. Does prairie bush-clover occur in the action area?

No

18. Have you determined that the action will have no effect on individuals within the whooping crane nonessential experimental population (NEP)?

Yes

19. [Hidden Semantic] Does the action area intersect the monarch butterfly species list area?

Automatically answered

Yes

20. Under the ESA, monarchs remain warranted but precluded by listing actions of higher priority. The monarch is a candidate for listing at this time. The Endangered Species Act does not establish protections or consultation requirements for candidate species. Some Federal and State agencies may have policy requirements to consider candidate species in planning. We encourage implementing measures that will remove or reduce threats to these species and possibly make listing unnecessary.

If your project will have no effect on monarch butterflies (for example, if your project won't affect their habitat or individuals), then you can make a "no effect" determination for this project.

Are you making a "no effect" determination for monarch?

Yes

21. [Hidden semantic] Does the action intersect the Tricolored bat species list area?

Automatically answered

Yes

22. The tricolored bat was proposed for listing as endangered on September 13, 2022. During winter, tricolored bats hibernate in caves, abandoned mines, and abandoned tunnels ranging from small to large in size. During spring, summer and fall months, they roost primarily among leaf clusters of live or recently dead deciduous/hardwood trees.

What effect determination do you want to make for the tricolored bat (Only make a "may affect" determination if you think the project is likely to jeopardize the continued existence of the species)?

1. "No effect"

IPAC USER CONTACT INFORMATION

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