



# WETLAND CONSERVATION ACT

## Rare Natural Communities



BWSR/DNR Technical Guidance, January 31, 2011

### Overview

**Rule Reference:** MN Rule 8420.0515, Subpart 3.

**Applicability:** This guidance provides the Department of Natural Resource's (DNR) criteria for identifying rare natural communities insofar as the applicable WCA rule section assigns that responsibility to the DNR. It should be used as a supplement to the WCA rule.

**Intended Use:** To communicate the DNR's criteria for determining "rare natural communities" to Technical Evaluation Panels (TEPs), Local Government Units (LGUs), landowners, and applicants, and to provide guidance on its application.

**Rare natural communities are one of several "Special Considerations" listed in the WCA rules for wetland replacement plans.**

### Background

Within the general topic of "Wetland Replacement," the rules for the Wetland Conservation Act (WCA) contain the following provision under "Special Considerations":

***Minn. Rule 8420.0515 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.***

The DNR's Natural Heritage and Nongame Research Program (NHNRP), in collaboration with the Minnesota County Biological Survey (MCBS) identifies, describes and maps rare and high quality native plant communities in the Natural Heritage Information System (NHIS).<sup>1</sup> Since the term "rare natural community" is not defined in the WCA rule, this guidance is provided to clarify which native plant communities are applicable to the rule section above. Rare natural communities identified under this WCA rule provision often support endangered and threatened species. However, please note that there is a separate "Special Consideration" in the WCA rules pertaining to listed species (8420.0515, Subpart 2).



Rare natural community example: Ephemeral wetlands associated with a Southern Bedrock Outcrop native plant community.

<sup>1</sup> For additional information, see: <http://www.dnr.state.mn.us/eco/nhnrp/nhis.html>

# Criteria for Identifying Rare Natural Communities

**Native plant communities.** Native plant communities in Minnesota are classified according to the Minnesota Native Plant Community Classification System developed by the DNR.<sup>2</sup> The DNR's Natural Heritage and Nongame Research Program has determined that the following native plant communities qualify as "rare natural communities" for the purposes of Minn. Rule 8420.0515, Subp. 3.

## Rare Natural Communities are:

**"Native plant communities having a conservation status rank of S1, S2, or S3 that are mapped or determined by the NHNRP or MCBS to be eligible for mapping in the Natural Heritage Information System;**

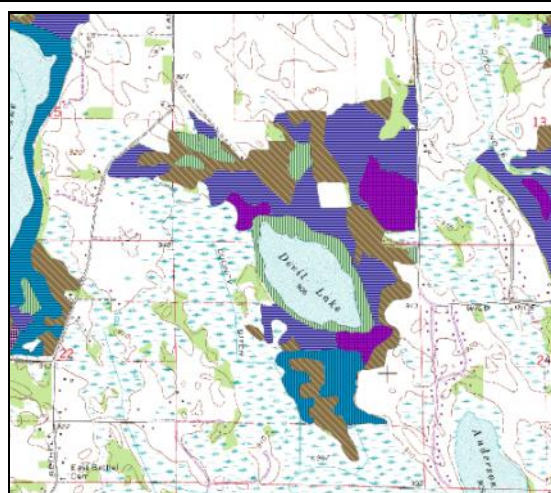
**or**

**Any native plant community that is contained within an area mapped or determined by the MCBS to be eligible for mapping in the Natural Heritage Information System as having an Outstanding or High biodiversity significance ranking."**

**Conservation status ranks.** Conservation status ranks of native plant communities reflect the extent and condition of the community type in Minnesota (shaded rows qualify for "rare natural community" status):

<b>S1</b>	Critically imperiled
<b>S2</b>	Imperiled
<b>S3</b>	Vulnerable to extirpation
<b>S4</b>	Apparently secure, uncommon but not rare
<b>S5</b>	Secure, common, widespread and abundant

A list of native plant communities and their associated conservation status ranks can be found at: [http://files.dnr.state.mn.us/natural\\_resources/npc/s\\_ranks\\_npc\\_types\\_&\\_subtypes.pdf](http://files.dnr.state.mn.us/natural_resources/npc/s_ranks_npc_types_&_subtypes.pdf)



GIS data layers of mapped native plant communities and sites of biodiversity significance are available for download from the DNR Data Deli at:

<http://deli.dnr.state.mn.us/index.html>

**Biodiversity significance ranks.** Biodiversity significance ranks are a measure of the statewide importance of MCBS sites for native biological diversity<sup>3</sup> (shaded rows qualify for "rare natural community" status):

<b>Outstanding</b>	Sites containing the best occurrences of the rarest species, the most outstanding examples of the rarest native plant communities, and/or the largest, most intact functional landscapes.
<b>High</b>	Sites containing very good quality occurrences of the rarest species, high-quality examples of rare native plant communities, and/or important functional landscapes.
<b>Moderate</b>	Sites containing occurrences of rare species, moderately disturbed native plant communities, and/or landscapes that have a strong potential for recovery.
<b>Below</b>	Sites below the minimum threshold for statewide biodiversity significance; lack occurrences of rare species and natural features.

<sup>2</sup> For additional information, see: <http://www.dnr.state.mn.us/npc/classification.html>

<sup>3</sup> For additional information, see: [http://www.dnr.state.mn.us/eco/mcbs/biodiversity\\_guidelines.html](http://www.dnr.state.mn.us/eco/mcbs/biodiversity_guidelines.html)

# Guidance on Applying the WCA Rule

## How to know if a Rare Natural Community is present.

There are several avenues for determining if a rare natural community is present at a specific site:

1. **GIS Data Layers.** Applicants, LGU staff, and TEP members can consult the publicly available GIS data layers referenced above to determine if any native plant communities or sites of biodiversity significance have been mapped at the site in question. If a native plant community has been mapped, check its conservation status rank at the web site listed previously to see if it has a status rank of S1, S2, or S3.
2. **NHIS Data Request.** Applicants may submit a Natural Heritage Information System search request. The DNR will conduct a search of the NHIS and provide a report of any features present at the site. For information on how to submit such requests, go to: <http://www.dnr.state.mn.us/eco/nhnrp/nhis.html> There is a fee for having the DNR conduct these searches.
3. **Local Knowledge.** LGU staff and TEP members are encouraged to become familiar with the native plant communities that may be present in their area in order to recognize candidate rare natural communities.<sup>4</sup> Although the NHIS data layers are useful for determining whether any rare natural communities are present at a specific location; the absence of a mapped feature in the GIS data layers does not necessarily mean that a rare natural community is not present.
4. **DNR Review.** The DNR is on the mailing list to receive WCA notices of application and, based on their review, may notify LGUs of the presence of existing or potential rare natural communities at a site.



Rare natural community example: Northern Wet Prairie in Polk County.

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<sup>4</sup> The DNR's web site at <http://www.dnr.state.mn.us/npc/index.html> is an excellent resource on native plant communities and also contains ordering information for a series of field guides on native plant communities in Minnesota.

### **What to do if a Rare Natural Community is present.**

If a rare natural community is present at a site or a candidate community is present, contact your local DNR TEP representative, the regional DNR environmental assessment ecologist,<sup>5</sup> or the DNR Division of Ecological and Water Resources Wetland Program Coordinator (651-259-5125). A TEP meeting should be called, with a specific invitation to the DNR to participate. The TEP may want to consider inviting additional DNR representatives that have specific expertise. The DNR will work with the TEP, applicants, and LGUs to assess potential impacts and, if possible, help design projects to avoid permanent adverse effects.

It is the LGU's responsibility to officially determine whether the proposed activity will "permanently adversely affect" the rare natural community. However, the DNR will often submit a written finding or opinion to the LGU. Potential mitigation measures may be considered in the determination of overall effects. If the LGU finds that the rare natural community will be permanently adversely affected, by rule the application must be denied.

**The "Special Considerations" provisions in the WCA rule, including the one for Rare Natural Communities, apply to potential impact and wetland replacement sites.**

### **BWSR/DNR Guidance, January 31, 2011**

The primary author of this guidance is:

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This document is available on the BWSR website and may be revised periodically. Check the web site for the most current version: [www.bwsr.state.mn.us/wetlands](http://www.bwsr.state.mn.us/wetlands).

For more information, contact your local Board of Water and Soil Resources wetland specialist or the DNR, Division of Ecological and Water Resources Wetland Program Coordinator.

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<sup>5</sup> [http://www.bwsr.state.mn.us/contact/WCA\\_areas.pdf](http://www.bwsr.state.mn.us/contact/WCA_areas.pdf)