## **DEPARTMENT OF NATURAL RESOURCES**

## **RECORD OF DECISION**

In the Matter of the Determination of the Need for an Environmental Impact Statement for the Blue Mounds State Park Lower Mound Lake Basin Restoration in Rock County, Minnesota

# FINDINGS OF FACT, CONCLUSIONS, AND ORDER

# **FINDINGS OF FACT**

- 1. The Minnesota Department of Natural Resources (MN DNR) proposes to address conditions resulting from heavy rain events in Blue Mounds State Park, which received more than 11 inches of rain from June 14-17, 2014, and additional heavy rains in July 2014. Floodwaters and debris caused damage to various areas of the park, including roads, trails, bison fencing and the spillway connected to the Lower Dam on Lower Mound Lake. Floodwaters washed out a portion of the Lower Dam emergency spillway and drained Lower Mound Lake. The proposed project includes removal of the remnants of the failed dam and restoration of Lower Mound Lake Basin to a natural stream with several small adjacent oxbow wetlands.
- 2. The proposed project area is located entirely within Blue Mounds State Park, which is owned by the State of Minnesota and managed by the MN DNR. Blue Mounds State Park is located in Rock County, Minnesota, approximately 5 miles north of the City of Luverne. Blue Mounds State Park consists of 1,830 acres and had 64,789 annual visits and 8,052 overnight visits in 2016. It is one of the largest prairie parks in Minnesota, preserving approximately 1500 acres of prairie and grassland, with a wide variety of both rare and common plants and animals. Blue Mounds State Park is considered an important area of biodiversity in an agriculturally dominated landscape due to the intact native plant communities and high number of rare features. The proposed project area encompasses approximately 60 acres. However, the area in which construction activities will take place, including the entire drained basin along with what remains of the Lower Dam, immediately adjacent areas, a staging area for construction equipment and an access route, is approximately 30 acres.
- 3. Pursuant to *Minnesota Rules*, chapter 4410.4300, subpart 1, an environmental assessment worksheet (EAW) must be prepared for projects that meet or exceed the threshold defined in any of the subparts 2-37. The proposed project exceeds the threshold defined under *Minnesota Rules*, chapter 4410.4300, Subp. 27, item A, regarding wetlands and public waters. The project would change or diminish the course, current or cross-section of one acre or more of a public water and public water wetland and therefore required the completion of an EAW.
- 4. Pursuant to *Minnesota Rules*, part 4410.0500, subpart 1, for any project listed in part 4410.4300, the government unit specified in those rules shall be the responsible government unit (RGU) unless the project will be carried out by a state agency, in which case that state

Record of Decision June 7, 2018 agency shall be the RGU. Therefore, as the proposer of the project, the MN DNR is delegated the duties of the RGU for conducting the environmental review.

- 5. The MN DNR prepared an EAW for the proposed project, pursuant to *Minnesota Rules*, parts 4410.1400.
- 6. The EAW is incorporated by reference into this Record of Decision on the Determination of Need for an Environmental Impact Statement (EIS).
- 7. The EAW was filed with the EQB and a notice of its availability was published in the *EQB Monitor* on March 26, 2018. A copy of the EAW was sent to all persons on the EQB Distribution List, to those persons known by MN DNR to be interested in the proposed project, and to those persons requesting a copy. A press release announcing the availability of the EAW was sent to newspapers and radio and television stations statewide. Copies of the EAW were also available for public review and inspection at the MN DNR Southern Region Headquarters, the MN DNR Library, the Hennepin County-Minneapolis Central Public Library, the Marshall-Lyon County Library, and the Rock County Community Library. The EAW was also made available to the public via posting on MN DNR's website.
- 8. The 30-day EAW public review and comment period began March 26, 2018 and ended April 25, 2018 pursuant to *Minnesota Rules*, chapter 4410.1600. The opportunity was provided to submit written comments on the EAW to the MN DNR by U.S. Mail, by facsimile, or electronically.
- 9. During the 30-day EAW public review and comment period, the MN DNR received three written comments on the EAW from agencies and individuals. A copy of comments received is included in this Record of Decision as Attachment A. The findings numbered 10 through 12 include further discussion on comments received and responses from the MN DNR.
  - 1. Anna Toenjes (March 27, 2018)
  - 2. Jerome Wieneke (April 20, 2018)
  - 3. Kevin Kain, on behalf of the Minnesota Pollution Control Agency (April 25, 2018)
- 10. In Submission Number 1, the commenter observed that recent herpetological field surveys at the park had found multiple adult fox snakes, including gravid females, using the broken dam structures for cover, and wondered whether the dam could be left as is or other adjustments made to the project in order to accommodate the snakes.

RESPONSE: The DNR acknowledges this comment. The Western Fox Snake is considered a state Species of Greatest Conservation Need. The project area is also appropriate habitat for the Lined Snake, a state species of Special Concern. Snakes are at their most vulnerable when hibernating in the fall or winter.

The project proposer is consulting with DNR wildlife staff on the best ways to mitigate the loss of habitat to the snakes and reduce mortality threats. Measures under consideration include restricting the demolition and removal of the remaining dam structures to periods of time outside the snake hibernation period; construction of alternate rock piles or artificial

hibernacula nearby to replace the habitat functions currently provided by the dam remains; and removal of any snakes present during demolition of the dam. Also, all contractors doing the dam removal work would be informed of the possible presence of the snakes.

11. In submission number 2, the commenter expressed opinions about several aspects of Blue Mounds State Park, its condition, and its operation.

RESPONSE: The DNR acknowledges these comments. These comments did not address the accuracy and completeness of the EAW, specific impacts that require further investigation, the potential for significant environmental effects, or the need for an environmental impact statement (EIS). Rather, these comments deal with subject matters outside the scope of this project. They will be passed on to Blue Mounds State Park management for consideration.

12. In submission number 2, the commenter noted that extra dirt left over from a previous fish bay excavation project could have been used to repair the dam rather than being taken off site.

RESPONSE: Replacement of the destroyed dam was considered and rejected as an option, so the extra sediment would not have been useful. Also, retaining piles of sediment on site until a restoration project was decided upon, planned, approved, and started may have constituted a long term source of potential sediment pollution to Mound Creek.

13. In submission number 2, the commenter noted that the flooding occurred in 2014 and the dam should have been repaired or replaced the following year.

RESPONSE: The DNR acknowledges these comments. Early in the process, the project proposer considered and rejected replacement of the dam in favor of the proposed project.

14. In submission number 2, the commenter noted that the dry basin where Lower Mound Lake used to be is now very aesthetically unappealing and has become vegetated with many volunteer plants that have little habitat value.

RESPONSE: The DNR acknowledges these comments. The drained lakebed is now a mudflat vegetated with early successional hydrophilic plants, such as sandbar willow, rice cutgrass, native sedges and native rushes, along with non-native species such as reed canary grass and undesirable woody species such as cottonwoods. A portion of the proposed project includes reclaiming this area, removing the undesirable and non-native species, and revegetating it with native plants that provide ecological functions more appropriate to the area's prairie stream ecosystem. The stream, wetland complex and native vegetation plantings are also intended to be aesthetically pleasing. The proposed project also includes construction of additional hiking trails, which would provide additional opportunity for visitors to appreciate the park's visual qualities.

15. In submission number 3, the commenter, representing the MPCA, reminded the MN DNR that it is the responsibility of the project proposer to secure any required permits and to comply with any requisite permit conditions.

RESPONSE: The MN DNR will provide this comment to the proposer.

- 16. Based upon the information contained in the EAW, the MN DNR has identified the following potential environmental effects associated with the project:
  - a) Land Use. This topic was addressed under Item 6b and Item 9 of the EAW.

The proposed project would have a permanent beneficial impact on land use throughout the project area, due to restoration of natural hydrologic patterns and landscape appropriate habitats. Currently, the proposed project area is highly disturbed and unstable, so there would be no short term loss of, or impact to, desirable land uses during project activities.

b) Soils. This topic was addressed under Item 6b and Item 10b of the EAW.

Construction activities would involve the disturbance and/or excavation of vegetation and soil within and adjacent to the stream. This would result in increased soil erosion and sedimentation into Mound Creek during construction and post-construction until disturbed areas are stabilized.

During and following construction, temporary erosion prevention and sediment control measures would be implemented on all exposed soil and temporary spoil piles, and at the perimeter and downgradient of construction activities, as required by the MPCA Storm Water Pollution Prevention Plan (SWPPP) and MN DNR Public Waters Permit. These measures may include floating silt curtains in the channel, standard silt fences, bio-rolls and hay bales, wildlife-friendly erosion control blankets, rock checks, and establishment of vegetation as soon as is practicable.

Excavated soils would be used on-site to create channel plugs, repair scoured areas, and slope shorelines and berms. It is anticipated that all excavated soil would be used on the project. The new channel and associated oxbows would be excavated before they are connected to the existing channel, minimizing the amount of sediment carried downstream. The erosion prevention and sediment control measures would remain in place until all disturbed areas within the project site are stabilized.

The contractor would have a designated person at the project site who is trained and certified as either an Erosion/Sediment Control Inspector/Installer or as an Erosion/Sediment Control Site Manager to oversee project activities. Sediment impacts are anticipated to be temporary and would be localized to the area immediately downstream of the project site.

Currently, the stream channel through the former lakebed is deeply incised and is undergoing active erosion, contributing sediment to the stream. This source of sedimentation would be removed by this project, resulting in a net reduction in erosion and sedimentation. c) Aquatic Habitat. This topic was addressed under Item 6b, Item 9a(iii), and Item 11 of the EAW.

The proposed project would create several new water resources, restore Mound Creek to a natural condition, and restore natural hydrologic connectivity among these resources and between the resources and Mound Creek's floodplain. The proposed project involves the creation of approximately 4,500 feet of meandering stream channel to the north of the current stream, in addition to the creation of several oxbow wetlands adjacent to the stream. The new channel would be connected to the existing channel and the bypassed existing length of channel would be filled in.

Restoration of natural hydrology and floodplain connectivity would reduce impacts from future flood events.

A wetland delineation was completed in the summer of 2017 to assess current conditions. Approximately two thirds of the project area was classified as wetland or stream. As a result, the proposed project would need to be permitted according to Section 404 of the Clean Waters Act and the Minnesota Wetlands Conservation Act (WCA). Because the project is designed to enhance wetlands, it is expected to be self- mitigating and therefore not to require wetland mitigation.

The project would have a temporary negative impact on aquatic habitat, limited in geographic extent to the portion of Mound Creek in the active project area and limited in time to the duration of the project. The temporary habitat loss includes loss of movement opportunity through a portion of the current creek when barriers are erected to keep aquatic organisms out of the active project area. Spawning and feeding opportunities in this stretch of creek would be lost during construction but ultimately replaced by opportunities provided by the new creek section.

After completion of the project, habitat quality in the project area would be enhanced since the reconfiguration of the site's topography and creation of oxbows would provide more varied and higher quality habitat for a wider variety of species. The project would also increase variety and quality of wetland and prairie upland habitat and their associated species.

The physical impact of the proposed project on public water and wetlands was considered in the context of cumulative effects from other projects in the area. The MN DNR is unaware of any projects in the vicinity that would result in disturbances to these waterbodies.

d) **Surface Water and Water Quality.** This topic was addressed under Item 6b and Item 11 in the EAW.

The project would have a general beneficial impact on water quality by removing an existing source of sedimentation and restoring natural hydrologic functions and native vegetation appropriate to the ecosystem. Restoration of these features would reduce

the amount of sediment currently being added to the creek from the project area, increase sedimentation capture from upstream sources, and remove nutrients. The need for sedimentation removal will be assessed during routine resource management of the park.

Mound Creek was added to the MPCA's 303(d) Impaired Waters List in 2014. It is considered to be non-supporting for aquatic recreation and exceeds the standards for *Escherichia coli* bacteria. The stream has not yet been assessed for aquatic life. This project is not expected to affect the existing impairment.

Construction activities in the proposed project would result in temporary increases in sediments. Water quality protection measures would be implemented to limit the downstream movement of silt and sediment as required by the MPCA National Pollutant Discharge Elimination System/State Disposal System (NPDES/SDS) Construction Stormwater Permit, MN DNR Public Waters Permit and any other provisional requirements of permits and approvals necessary. Measures to reduce erosion and sedimentation and prevent turbidity from affecting water quality have been described further under Finding 16b.

The National Pollutant Discharge Elimination System (NPDES) Construction Stormwater permit requires a site specific SWPPP to be completed for construction. This SWPPP is required to include pollution prevention management measures to reduce the possibility of solid waste and hazardous material spills, and to mitigate the impact of such spills should they occur during construction

e) Rare and Protected Species. This topic was addressed under Item 6b and Item 13 of the EAW.

Blue Mounds State Park is ranked as a Minnesota Biological Survey (MBS) site with outstanding biodiversity significance. Several rare native plant communities, with several known occurrences of state-listed plants, have been documented in the park, although none of these are in the project area. The United States Fish and Wildlife Service (USFWS) has designated Mound Creek as critical habitat for the federally endangered Topeka Shiner, and both the Topeka Shiner and its critical habitat are present in the project area. Mound Creek is also known habitat for the state threatened Plains Topminnow and the state threatened Pond Mussel. Recently, the Western Fox Snake (state listed Species of Greatest Conservation Need) has been found using the cover created by the remnants of the destroyed dam. The Lined Snake, a state species of Special Concern, has been found near the project site and may also be using the destroyed dam for habitat. State endangered Blanchard's Cricket Frog and state threatened Blanding's Turtle have been found outside, but near, the park. Other state-listed endangered, threatened or special concern species that may be found near the project area, as identified in the Minnesota Natural Heritage Information System (NHIS), are listed in Item 13c of the EAW.

Resident fish and wildlife would be affected by the construction of the proposed project. The environmental effects on fish and wildlife would include temporary displacement during project construction and the risk of mortality caused by the excavation, filling and reshaping activities, and other construction-related activities such as heavy equipment movement. Fish mortality would be mitigated by using seine nets to herd fish downstream and out of the project area prior to construction activities. Impacts to the Topeka Shiner would be further mitigated by avoiding any instream or near stream construction activity during Topeka Shiner spawning season, May 15 through July 31. Pond Mussel mortality would be mitigated by walking the stream bed and relocating found individuals after the stream is dewatered. Dewatering the stretch of the current Mound Creek in the project area until the new stream channel is connected to Mound Creek. The presence of fencing and hay bales surrounding the creek would also create a temporary physical obstacle to any turtles or frogs that may be present.

Removal of the ruined dam would have an immediate negative impact on the snakes that have been using this for habitat. These impacts include loss of habitat, disruption of activities, and possible mortality. The project proposer is currently consulting with MN DNR wildlife specialists on ways to reduce this impact, including the construction of alternative habitat. This may include an artificial hibernaculum near the dam but outside of the demolition area. Other measures would likely include scheduling and sequencing of site activities to avoid impacting the snakes during hibernation. This would require a balancing act between the needs of construction and the periods of vulnerability of the snake populations, and may require a tradeoff between protecting the state-listed snakes and the federally endangered Topeka Shiner; if this occurs, protection of the Shiner as a federally endangered species would take priority.

Impacts to rare and protected species from the proposed project would be minor and temporary and would be mitigated by the long-term positive environmental effects that would be expected as a result of the proposed project. The project was designed to provide critical off-channel habitat for the Topeka Shiner. The Plains Topminnow and Pond Mussel would also likely benefit from the restoration activities. The stream in the proposed project area would be restored to its natural, pre-agricultural state, vastly improving habitat for the Topeka Shiner and the Plains Topminnow, as well as other species. The Lower Dam was an impediment to instream migration of aquatic organisms, and its replacement with a natural prairie stream would increase such mobility, although it will still be limited by the presence of the Upper Dam.

The proposed project is compatible with the goals of the USFWS Topeka Shiner Recovery Initiative for southwest Minnesota, and aligns with the goals of MN State Wildlife Action Plan (SWAP), MN Prairie Conservation Plan, and the MN DNR Ecological and Water Resources Division's vision of healthy watersheds.

f) Vegetation. This topic was addressed under Item 13 of the EAW.

Based on the site plan and discussions with park staff, the proposed project would occur in previously disturbed areas now dominated by early successional hydrophilic vegetation, and would avoid all known occurrences of native plant communities and state-listed plants. This vegetation would be removed during construction and land alteration activities. Following construction, the area would be replanted with native vegetation selected for value to habitat and pollinators.

An onsite vegetation reconnaissance would occur to verify the absence of state-listed plants and high value native vegetation prior to construction activities.

g) Visual Impacts. This topic was addressed under Item 15 of the EAW.

The project would have temporary and limited negative impacts to the area's visual and scenic qualities. This impact is limited to the project area and the duration of construction activities, and is further limited by the fact that the loss of the dam and ancillary impacts has already left a visually degraded area.

h) Air impacts. This topic was addressed under Item 6b and Item 16 of the EAW.

Excavation and land alteration activities would involve the use of earth-moving equipment. This would include front-loading excavators, off-road hauling trucks, a truck-mounted crane, a bulldozer, and other diesel- or gasoline-powered equipment that would be used in the loading and hauling of materials and shaping of land.

The higher than normal levels of exhaust emissions and odors produced during project construction from the use of this equipment would be considered temporary and minor. The total duration of active construction activities is anticipated to be between three and six months. Construction would be phased to limit the size of the active work zone. Limited daily work hours would be established to minimize disturbance to park patrons and area residents. The park campground is about 1,200 feet away, and the nearest private residence is about 2,500 feet away.

Excavation would be conducted in moist soil and is not expected to contribute to airborne dust.

Breakup and removal of the remaining dam structures could generate some dust, limited to the immediate area and the duration of demolition activity. Provisions for minimizing dust are planned to be included in the demolition contract.

## i) Noise impacts. This topic was addressed under Item 6b and Item 17 of the EAW.

Construction equipment and activities would generate a higher than normal level of noise, but the effect is limited to periods of active construction activity and would be considered temporary and minor. Limiting the size of the work zone through construction phasing and the duration of activity by limiting daily work hours would minimize disturbance to park patrons and area residents. The park campground is

about 1,200 feet away, and the nearest private residence is about 2,500 feet away. The DNR would monitor noise generation if complaints arise.

#### j) Cumulative Potential Effects. This topic was addressed under Item 19 of the EAW.

The potential environmental effects related to this proposed project could combine with environmental effects from other past, present, or reasonably foreseeable future projects for which a basis of expectation has been laid. The proposed project has been identified to have temporary, limited and minor environmental effects to land use, soils, surface water and water quality, vegetation, aquatic habitat, rare and protected species, visual impacts, air impacts and noise impacts.

No planned projects were identified as part of the cumulative potential effects analysis that would result in cumulative potential effects on land use, soils, vegetation, rare and protected species, noise, air quality, or visual impacts.

The Rock County Highway Department is planning work on County State-Aid Highway 20 (the entrance road to Blue Mounds State Park) in 2018, from Trunk Highway 75 to the State Park Office. This project would involve grinding up and redepositing asphalt pavement and the underlying gravel bed in place, and may include partial removal of the pavement. No grading or excavation is planned. At its closest, this road is less than 500 feet from Mound Creek. There could be some additional sedimentation to Mound Creek upstream of the restoration site as a result of this highway project, which could impact surface water and water quality, as well as aquatic habitat.

Other planned projects in the area include connecting Blue Mounds State Park to Rock County Rural Water, and the addition of prairie and bison vehicle tours in the park's bison range area south of the proposed project site. Neither project is expected to cause any cumulative potential effects.

In 2016, the USFWS restored a degraded oxbow wetland off Mound Creek, within the proposed project area but downstream of the Lower Mound basin. This USFWS project would have no cumulative effects on the current proposed project, but the proposed project could have cumulative potential effects on the restored oxbow. Sedimentation caused by project activities could affect the restored oxbow. Proposed erosion control practices would mitigate these potential effects. Ultimately, both projects would have cumulative beneficial impacts on water quality, aquatic habitat, and rare and threatened species because both are intended to restore the area's natural ecosystems and enhance habitat for Topeka Shiners.

Any potential negative effects due to the proposed project are temporary and limited to the duration of active construction activities and until reestablishment of stable vegetation.

17. The MN DNR requested and was granted a 15-day extension for making a decision on the needs for an EIS as provided under the provision of *Minnesota Rules*, chapter 4410.1700 Subp. 2.b.

Unit of Government	Type of Application	Status
U.S. Army Corps of Engineers (USACE)	Section 10 Permit	To be obtained
U.S. Army Corps of Engineers (USACE)	Section 404	To be obtained
Federal Emergency Management Agency (FEMA)	FEMA Public Assistance Grant Program	Applied for. Reimbursement is anticipated to be the actual cost or \$1.8m, whichever is less.
Minnesota Department of Natural Resources (MN DNR)	Work in Public Waters Permit	To be obtained
Minnesota Department of Natural Resources (MN DNR)	Wetland Conservation Act Permit	To be obtained
Minnesota Department of Natural Resources (MN DNR)	Endangered Species Takings Permit	Will apply if required
Minnesota Pollution Control Agency (MPCA)	National Pollution Discharge Elimination System (NPDES) Construction Stormwater permit	To be obtained
Minnesota Pollution Control Agency (MPCA)	MPCA 401 water quality certification	To be obtained
Minnesota Pollution Control Agency (MPCA)	Notification to Manage Dredged Material without a Permit	To be obtained
MN State Legislature	2015 Bond Appropriation	1.4m-1.7m to be allocated after all approvals/permits are obained
MN State Legislature	LSOHC	\$500,000 to be allocated after all approvals/permits are obained

18. The following permits and approvals are needed for the project:

## CONCLUSIONS

1. The Minnesota Environmental Review Program Rules, *Minnesota Rules*, chapter 4410.1700, subparts 6 and 7 set forth the following standards and criteria, to which the effects of a project are to be compared, to determine whether it has the potential for significant environmental effects.

In deciding whether a project has the potential for significant environmental effects, the following factors shall be considered:

- a) type, extent, and reversibility of environmental effects;
- b) cumulative potential effects of related or anticipated future projects;
- c) extent to which the environmental effects are subject to mitigation by on-going regulatory authority; and
- d) extent to which environmental effects can be anticipated and controlled as a result of other environmental studies undertaken by agencies or the project proposer, including other EISs.
- 2. Type, extent, and reversibility of environmental effects

Based on the Findings of Fact above, the MN DNR concludes that the following potential environmental impacts, as described in Finding No. 16, will be either limited in extent, temporary, or reversible:

- a. Land Use
- b. Soils
- c. Aquatic Habitat
- d. Surface Water and Water Quality
- e. Rare and Protected Species
- f. Vegetation
- g. Visual Impacts
- h. Air Impacts
- i. Noise Impacts
- j. Cumulative Potential Effects

Based on the Findings of Fact above, the MN DNR concludes the following potential environmental effects of the project, as described in Finding No. 16, will be beneficial:

Habitat and water quality improvements resulting from the proposed prairie stream and associated oxbow restoration. The proposed project activities would result in more hydrologic connectivity, reduction in flooding, water quality improvement, and increased habitat quality, including increased habitat quality for several federal or state listed species.

3. Cumulative potential effects of related or anticipated future projects.

There are no known planned or anticipated future projects that would result in cumulative potential effects on land use, soils, aquatic habitat, surface water and water quality, rare and protected species, vegetation, visual impacts, air impacts, or noise impacts. Anticipated future projects that could have a cumulative effect on water quality and surface water with the proposed project are temporary, minor, and limited.

4. Extent to which environmental effects are subject to mitigation by on-going public regulatory authority.

Based on the information in the EAW and Findings of Fact above, the MN DNR has determined that the following environmental effects, as described in Finding No. 16, are subject to mitigation by ongoing public regulatory authority:

- a. Physical impacts on water resources including creation of the new creek bed and oxbows are subject to regulatory authority by the MN DNR Public Waters Work permit and the USACE Section 10 and 404 permits.
- b. Wetland effects include restoration of the currently drained lakebed into several oxbow wetlands, resulting in the modification of an existing degraded wetland (the drained lakebed) into several new wetlands. The specific wetland types would depend upon the hydrologic regime that results from this project. WCA, Clean Water Act (CWA), and Section 404 approval would be required prior to initiation of this project.
- c. When applying standards and criteria used in the determination of the need for an environmental impact statement, the MN DNR finds that the project is subject to regulatory authority through the Minnesota public water and wetland conservation rules to sufficiently mitigate potential environmental effects on water resources through measures identified in the EAW that are specific and reasonably expected to occur.
- Project-related impacts to soil erosion, sedimentation, and overall water quality from construction-related activity are subject to regulatory authority by the MPCA NPDES/SDS General Construction Stormwater Permit and CWA 401 Water Quality Certification.
- 5. Extent to which environmental effects can be anticipated and controlled as a result of other environmental studies undertaken by public agencies or the project proposer, or other EISs.
  - a. The MN DNR has completed, or developed in collaboration with others, numerous habitat improvement projects within public waters that have included EAW preparations. The effects and benefits of prior projects are used in planning and developing other similar projects such as the proposed Lower Mound Lake Basin Restoration Project. The information gained on the effects and results of past projects provides part of the basis for predicting the effects of similar future projects, such as the proposed project.

- b. The MN DNR has prepared EAWs for other habitat improvement projects that have similar environmental effects for which MN DNR has prepared EAWs. These include the Knowlton Creek Stream Restoration, Goose Prairie Marsh Enhancement, Upper Lightening Lake, Weaver Bottoms Aquatic Habitat Restoration, and Marsh Lake Ecosystem Restoration.
- 6. The MN DNR has fulfilled all the procedural requirements of law and rule applicable to determining the need for an environmental impact statement on the proposed Lower Mound Lake Basin Restoration Project.
- 7. Based on consideration of the criteria and factors specified in the Minnesota Environmental Review Program Rules (*Minnesota Rules*, chapter 4410.1700, subpart 6 and 7) to determine whether a project has the potential for significant environmental effects, and on the Findings and Record in this matter, the MN DNR determines that the proposed Lower Mound Lake Basin Restoration Project does not have the potential for significant environmental effects.

#### ORDER

Based on the above Findings of Fact and Conclusions:

The Minnesota Department of Natural Resources determines that an Environmental Impact Statement is not required for the Lower Mound Lake Basin Restoration Project in Rock County, Minnesota.

Any Findings that might properly be termed Conclusions and any Conclusions that might properly be termed Findings are hereby adopted as such.

Dated this Seventh day of June, 2018.

## STATE OF MINNESOTA DEPARTMENT OF NATURAL RESOURCES

Barb Naramore Assistant Commissioner

Blue Mounds State Park Lower Mound Lake Basin Restoration Project

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