DEPARTMENT OF NATURAL RESOURCES

RECORD OF DECISION

In the Matter of the Determination of the Need for an Environmental Impact Statement for the Roseau River Wildlife Management Area (RRWMA) Pool Enhancement in Roseau County, Minnesota

FINDINGS OF FACT, CONCLUSIONS, AND ORDER

FINDINGS OF FACT

1. The Minnesota Department of Natural Resources (MDNR), Division of Fish and Wildlife, proposes to construct a new outlet channel and modify some existing water level management structures at the Roseau River Wildlife Management Area (RRWMA) to reduce peak flows, improve timing of outflows and use of existing water storage capacity, reduce water level fluctuations during the growing season, and provide better water level management to improve habitat conditions. The proposed Project is located within four miles of the Canadian border in the northwestern corner of Roseau County, Minnesota.

2. The RRWMA covers an area of over 75,147 acres, including approximately 10,600 acres of pools managed for wildlife The RRWMA includes three large pools (numbered 1, 2, and 3 from east to west) aligned north of the Roseau River. The project area includes Pool 2 and Pool 3 of the RRWMA, the area directly west of Pool 3 between the pool and the Roseau River, the Roseau River channel, and the area to the south of the existing pools including the "Big Swamp." The proposed Project area includes both public land and private land currently used for grazing and hay production.

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 public waters and public water wetlands. The proposed Project would change or diminish the course, current or cross-section of one acre or more of a public water 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 agency shall be the RGU. Therefore, as the project Proposer, the MDNR is delegated the duties of the RGU for conducting the environmental review.

5. The MDNR 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 February 16, 2015. A copy of the EAW was sent to all persons on the EQB Distribution List, to those persons known by MDNR 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 MDNR Northwest Region Headquarters, the MDNR Library, the Minneapolis Central Public Library, and the Crookston Public Library. The EAW was also made available to the public via posting on MDNR's website.

8. The 30-day EAW public review and comment period began February 16, 2015 and ended March 18, 2015 pursuant to *Minnesota Rules*, chapter 4410.1600. The opportunity was provided to submit written comments on the EAW to the MDNR by U.S. Mail, by facsimile, or electronically.

9. During the 30-day EAW public review and comment period, the MDNR received four 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 21 include further discussion on comments received and responses from the MDNR.

    1. Tracy Halstengard, on behalf of the Roseau River Watershed District (March 10, 2015)
    2. Duane Frislie (March 14, 2015)
    3. Kevin Kain, on behalf of the Minnesota Pollution Control Agency (March 17, 2015)
    4. Jack Enblom (March 18, 2015)

10. One commenter expressed support or approval of the project.

    RESPONSE: The MDNR appreciates this review and the comment. As RGU for the EAW, MDNR is mandated to evaluate the environmental effects of the proposed Project; therefore, comments regarding the merits of the proposed Project will generally not be addressed in this Record of Decision. These comments will be provided to the Proposer and to permitting and/or approval entities for their consideration about whether to permit, approve and/or implement the Project.

11. The MPCA reminded the MDNR that it is the responsibility of the project Proposer to secure any required permits and to comply with any requisite permit conditions.

    RESPONSE: The comment is noted.

12. In submission number 2, the commenter noted that the new outflow channel would contribute flooding to neighboring infrastructure.

    RESPONSE: Section 6b of the Environmental Assessment Worksheet addresses project construction elements, and section 11 of the EAW addresses water resources aspects in detail. The purpose of the proposed Project includes flood reduction. The peak flows downstream during large flood events would be reduced relative to the current conditions. Downstream water levels might rise earlier during a large flood event than they currently do, but peak flows would be within the current range. A detailed operating plan would be developed during dam safety permitting, which would be based on consideration of appropriate levels for water release, water quality, and other criteria.

13. In submission number 2, the commenter noted that the impacts of the US Army Corps of Engineers Roseau River Diversion project are not fully known at this time.

    RESPONSE: The City of Roseau and the US Army Corps of Engineers (USACE) have developed a plan for a flood mitigation project for the city which is in large part in response to the June 2002 flood. This plan includes a diversion project which is in the final stages of construction. The proposed RRWMA Project would not increase water surface elevations on the Roseau River through the City (2014 Final Engineer's Report, p 87). In addition, section 19 of the EAW discusses cumulative potential effects. Based on the USACE diversion project current designs, which include two large storage areas, the EAW concludes that cumulative effects from the diversion project upstream of the RRWMA are expected to be minor in nature.

14. In submission number 2, the commenter recommends the continued use of existing infrastructure within the RRWMA.

    RESPONSE: The comment is noted.

15. In submission number 4, the commenter referenced MDNR Section of Fisheries Special Publication #130 and recommended its use by the project Proposer.

    RESPONSE: Although RRWMA conditions and pool operations have changed since MDNR Publication #130 was published, the relevant recommendations from the document appear to be taken into consideration for the proposed Project. Low-flow augmentation during winter months is planned as part of the proposed Project.

16. In submission number 4, the commenter recommended monitoring be undertaken prior to finalizing pool outfall design criteria and winter water release schedules.

    RESPONSE: The proposed Project does not expect to produce significant changes as compared with current conditions. In addition, water quality monitoring is not needed prior to finalizing design criteria, as water quality is expected to remain unchanged. There is one potential exception: the rocky design of the outfall structure at the confluence of the new outlet channel and the Roseau River is likely to improve dissolved oxygen values.

17. In submission number 4, the commenter recommended the use of watershed studies to inform the new Pool 3 outfall structure and modifications to existing outfall structures for Pools 2 and 3.

    RESPONSE: The MPCA has developed a process to identify and address threats to water quality in each of the 81 major watersheds. This process is called the Watershed Restoration and Protection Strategy (WRAPS). WRAPS has four major steps or phases which include: 1) Monitoring water bodies and collecting data; 2) Assessing the data; 3) Development of strategies to restore and/or protect the watershed's water bodies; and 4) Implementing restoration and protection projects in the watershed. The MDNR is involved in WRAPS and will take the program's findings into account in the overall management of the RRWMA. In addition, the design of the outfall structure includes dissolved oxygen considerations, and is rocky in nature. Future monitoring may provide additional information that could improve dissolved oxygen in the Roseau River, such as different timing for releases.

18. In submission number 4, the commenter recommended that the Pool 3 outfall structure should be designed to provide maximum vertical drop and agitation for the released water.

    RESPONSE: The Pool 3 outlet structure is designed so that most water would flow over the top of the structure, thus providing vertical drop and agitation for the released water. Agitation would also occur where the new outlet channel discharges into the Roseau River.

19. In submission number 4, the commenter recommended that drawdown schedules for winter and early spring be optimized to provide a steady maximum flow release throughout the ice covered period.

    RESPONSE: Table 1 of the EAW discusses the drawdown schedule and preferred water level management regime. The drawdown would help achieve the goals of the water management pools: wildlife and habitat management, recreational opportunities, and water level management. After ice has formed, water levels would be drawn down six inches to a winter pool level. During large runoff events in the spring, the pool levels would increase one to two feet above normal pool elevation.

20. In submission number 4, the commenter recommended that Pool 3 discharge structure should avoid creating isolated pools within the channel, so as to avoid trapping fish with receding flows.

    RESPONSE: Preliminary designs for the Pool 3 discharge structure outlet channel indicate that isolated pools are not likely to be created when reservoir releases stop. Structure designs would be finalized during Dam Safety permitting, taking this consideration into account.

21. In submission number 4, the commenter recommended that no releases from the City of Roseau waste stabilization pond system occur during ice cover periods on the Roseau River.

    RESPONSE: Based on a review of data from the City of Roseau waste stabilization pond system (2010-2014), no releases were recorded during periods of ice cover on the Roseau River. The discharge permit for this facility includes acceptable discharge periods of March 1 through June 30 and September 1 through December 31. This comment will also be provided to the relevant MPCA permitting authorities for their information and records.

22. Based upon the information contained in the EAW, the MDNR has identified the following potential environmental effects associated with the project:

    a. Habitat impacts to wildlife
    b. Physical impacts to surface water resources
    c. Water quality impacts
    d. Odors, noise, dust, and air emissions
    e. Cumulative potential effects

    Each of these environmental effects is discussed in more detail below.

    a. Habitat impacts to wildlife. This topic was addressed under Item 6b, and Item 13 of the EAW.

    The Roseau River Wildlife Management Area currently contains significant habitat for a number of avian species (especially ring-necked ducks), is listed as part of the state's Pine-to-Prairie Birding Trail, and is part of Audubon's Kittson-Roseau Aspen Parklands Important Bird Area. The RRWMA's current habitat benefits include providing resident and migratory wildlife habitat (game and non-game species) and access to public hunting. The RRWMA zone that is most directly influenced by water level fluctuations provides habitat for waterfowl, terns and allied species, herons and bitterns, grebes and loons, swallows, aquatic furbearers, and amphibians and reptiles. The proposed Project would build on existing infrastructure and improve the capacity to manage water levels in Pools 2 and 3 of the RRWMA, in order to achieve wildlife habitat and flood damage reduction goals. The duck population, in particular, suffers reproductive losses due to water level fluctuations – which is part of what the proposed Project would address.

    Drawdown of water levels in the pools would be optimized to reduce flood damage and promote wildlife management goals. The three water management pools serve multiple purposes, including wildlife and habitat management, providing recreational opportunities, and managing water levels, which would benefit from water level optimization. It should be noted that drawdowns have the potential to also negatively affect a variety of invertebrate and herpetological species, MDNR sampling has

shown no apparent, permanent, effects on reptiles, amphibians, or invertebrates over the many years the existing drawdown has occurred.

Construction of the new water control and outlet structures would occur during the late fall to early winter months, to allow proper temperature for the concrete to cure, while posing the least impact to wildlife reproduction. The timing would reduce impacts on wetland-dependent amphibians, reptiles and birds as peak breeding season would be avoided, non-resident species would likely have migrated, and resident amphibians and reptiles would likely have sought out overwinter sites. The temporary drawdown and excavation activities would be scheduled to be completed prior to ice cover to minimize impacts to hibernating turtles and amphibians. Pike move into the pools during spring to spawn. Common carp, stickleback and fathead minnows have been observed in Pools 2 and 3 during informal vegetation surveys. The relatively deep borrow ditch area adjacent to the dikes allows some fish to survive the winter in most years.

The proposed Project would result in the conversion of up to 19 acres of wooded/ forest habitat to ditch and ditch corridor. This wooded/forest habitat is potential habitat for northern long-eared bats. As currently proposed, the tree clearing would occur during late fall/ winter, which is unlikely to affect the northern long-eared bat. In addition, Section 7 consultations with the US Fish and Wildlife Service (USFWS) would take place as part of the USACE 404 permit process; these consultations would take into account the new guidance provided by the USFWS concurrent with the new listing of the northern long-eared bat as a threatened species.

After project completion, overall nesting habitat would be improved, and water levels would be managed to reduce flood damage. The benefits of effective vegetation management in each zone would provide a foundation for other parallel benefits, in particular, aquatic invertebrate populations associated with each vegetation type. The standing crop of invertebrates available for ducks and other water birds should improve as their vegetative habitats become more diverse and robust. In addition to long-term plant community benefits, reducing pool level fluctuations would also reduce the frequency of flooded nests for overwater nesting birds in the pools during nesting. Nest success of overwater nesters like the red-necked grebe should increase dramatically due to this project.

b. Physical impacts to surface water resources. This topic was addressed under Item 11 of the EAW.

The Roseau River runs through the RRWMA from east to west-northwest. This reach of the Roseau River is included in a designation of impaired waters by the Minnesota Pollution Control Agency (MPCA) due to mercury in fish tissue, low dissolved oxygen, and turbidity (2012 303(d) impaired waters list, MPCA).

The shallow water table and varying depths of private wells indicate the potential for unconfined aquifers within or adjacent to the project site; the depth of groundwater

identified in the region is 0-15 feet beneath the surface (USGS Hydrologic Investigations Atlas HA-241, Sheet 3). The proposed Project activities would likely have no discernible impact to subsurface water levels or quality. However, construction of the external ditch from Pool 3 into the Roseau River may impact subsurface hydrology within wetlands due to lateral effect. Water use interference to wells north of the external ditch is possible, but unlikely due to the barrier effect provided by the existing road. Any water use interference would be addressed on a case-by-case basis by providing an alternative water supply.

All potential routes included unavoidable wetland impacts. The chosen route presented the least potential impact based on wetland delineation and NWI data (1980-1986). Enlarging portions of the existing internal conveyance channel to have a 58-foot top-width would result in a conversion of wetland type. The channel is aligned along the existing embankment. The timing of construction – late fall to early winter – would reduce total wetland disturbance and the potential for rutting and compaction due to heavy equipment. Excavated material would be either placed on the side slope of the existing embankment or transported out of Pool 3 and land-spread in a suitable upland location.

During construction, wetland impacts would be minimized by ensuring no fill is placed within delineated wetland boundaries. Potential lateral effect caused by the ditch would be investigated during final engineering and as part of post construction monitoring (wetlands adjacent to the proposed ditch have been delineated and would provide a baseline condition). Any wetland impacts due to lateral effect would be mitigated. Direct wetland replacement would occur within the major watershed boundary, based on Wetland Conservation Act (WCA) and Section 404 permitting. Although no specific direct replacement site has been identified at this time, on-site mitigation, through creation of wetland communities in the new channel bottom may be feasible.

There are no anticipated indirect impacts to wetland communities adjacent to the enlarged channel, as water levels would be managed by operation of control structures. There is the potential for conversion of Type 2 wetlands to Type 3, 4, and 5 wetlands through channel enlargement. Success of wetland type conversion would be dependent on depth and period of inundation, and alternative analysis would be conducted during final engineering to minimize wetland impacts for all aspects of proposed construction.

c. Water quality impacts. This topic was addressed under Item 6b and Item 16 of the EAW.

Selective excavation of the existing Pool 3 internal channel would occur where needed, on the side of the channel opposite of the existing embankment – in order to prevent damage to the existing embankment. Excavated materials would be sloped at 3:1 to prevent slumping or erosion. All excavated material would be spread on existing embankment to reduce impact to native plant communities in the pool.

There is potential for a minor increase in nutrient flushing from Pool 3 as a result of an additional outlet. Preliminary engineering has found that, during operation of the new Pool 3 outlet structure, water velocities within 100 feet upstream of the outlet would increase by approximately 1-ft/sec, with 0.47-ft/sec increase 1,000 feet upstream of the structure and 0.07-ft/sec increase up to 15,000 feet upstream of the structure. The modeled velocities are generally not high enough to scour nutrients or vegetation from the bottom of the pool at 1,000 feet or greater distance from the structure.

New outlet construction would occur during late fall to early winter months to reduce impacts to plant communities adjacent to the construction site. This timing would also provide the safest conditions to operate heavy equipment in wetlands and limit potential rutting or compaction in wetlands as well as impacts due to travel on the embankments. Erosion control methods would consist of installing silt fence, erosion control blankets and floating silt booms (following winter) to limit sediment transport outside of the construction limits. Coffer dams would be used during construction to provide improved access to the site during construction.

The design of the new outlet would consist of a two-stage drop dissipation basin armored with riprap. During construction, erosion control Best Management Practices would be used to prevent erosion and sediment transport into the river (Stormwater Best Management Practices Manual, Minnesota Pollution Control Agency). Routine inspection and occasional maintenance of the outlet channel and dissipation basin may be required to reduce erosion and sediment transport once the channel is operational. Summer and fall operation of the new outlet would also occur when the capacity of the existing outlets is exceeded, in order to achieve the preferred water level management regime, thus minimizing any potential negative effects.

The following measures would be included in pollution prevention planning for this proposed Project:

1. Install coffer dams at the sites of the new water control structures sufficient in strength and elevation to steer water discharges away from construction sites to alternative discharge sites (e.g., primary current outlets for either pool or the emergency spillways for either pool) during construction.
2. Use silt fences to contain erosion at vulnerable sites (e.g., new water control structures) during construction.
3. Use erosion control blankets to cover vulnerable slopes after construction and before vegetative cover becomes established.
4. Seed ditch slopes and other embankments, etc., that were exposed during construction to BWSR 32-241 native construction mix (including winter wheat) to establish, at minimum, an 80% aerial coverage of vegetation to anchor topsoil.

d. Odors, Noise, Dust, and Air Emissions. This topic was addressed under Items 15. 16, 17, and 18 of the EAW.

Odors from diesel-powered equipment emissions would occur during project construction, but exhaust emissions are not anticipated to linger after work days, and all emissions would cease upon completion of project construction. During cold weather, additional emissions may occur when warming up equipment. Overall, these emissions ware expected to be temporary and short in duration.

Construction equipment noise would occur at work sites throughout the project. Other than traffic noise along the haul road for trucked-in materials, noise is expected to be confined to active work sites where excavation and construction is taking place. Where water control structures are to be installed, sharp, loud noises associated with construction (e.g., setting in pilings) may occur for 1 – 2 weeks.

During construction, heavy construction equipment would create dust, which might cover vegetation adjacent to construction sites. This dust could be exacerbated if removal of excavated material and/or transport of suitable construction material are extremely dry when removed from the ground.

No visual impacts are expected during construction. The proposed Project area is located in the northwest corner of Roseau County, very near the Canadian border. The area is managed as a wildlife refuge and there are no permanent residences nearby. No significant lighting would be required, given that construction would take place during daylight hours. Given the narrow access roads into the work site(s) and the logistics of operating heavy trucks and other equipment in remote areas, truck traffic to bring in fill would be limited; total trips during summer would likely be fewer than 30 per day.

e. Cumulative Potential Effects. This topic was address 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 Project is proposed as a continuation of habitat improvements and reduction of flood damage within this watershed. The cumulative impacts of the projects are intended to complement and facilitate each other to improve wildlife habitat and water quality. Overall, impacts are expected to be minimal and temporary; long term benefits are expected from these projects. RRWMA projects can provide significant flood storage in the middle timing zone for flood flow contribution in the Roseau River watershed when managed for that purpose. The improved habitat conditions are directly related to this project's purpose of providing improved water level management in the pools. The Pool Enhancement project is expected to improve wetland wildlife habitat and provide additional water storage capacity.

Given the location and purpose of the new Pool 3 outlet structure, potential cumulative effects from the U.S. Army Corps of Engineers Roseau River Diversion Project were briefly assessed. Indeed, the original proposed plan for the Roseau diversion project would have caused a 0.1-foot increase in stage downstream of the

RRWMA, for the 100-year flood event. This increase would likely have taken place concurrently with increased flow from the RRWMA's Pool 3 outlet structure, which might have had negative effects on the aquatic habitat. However, the diversion's increase in stage was unacceptable to the City of Roseau, and the project design was changed to include two large storage areas. This current design for the diversion project means that the area impacted by a 100-year flood event is the same before and after that project (the flood depth however, increases 2 inches after the project, going from approximately 12, to 14 inches). Any cumulative effects from the diversion project upstream of the RRWMA are thus expected to be negligible and minor in nature.

The short-term increase in sediment during the clean out of the watercourse is mitigated by the long-term improvements to wildlife habitat and water quality in over 900 acres of shallow lake and wetland habitat. The environmental effects expected with the implementation of this project are improved habitat conditions in the RRWMA, improved habitat conditions within the Big Swamp area, and changed hydrologic conditions in the Roseau River. The RRWMA enhancement project combined with other upstream projects with similar flood damage reduction goals has the potential to significantly improve the quality of wildlife habitat in the RRWMA, the Big Swamp, and the Roseau River watershed.

23. The MDNR 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.

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

Unit of Government	Type of Application	Status
USACE	Section 404 permit	Not applied for yet
MPCA	401 certification	Not applied for yet
MDNR	Work in Public Waters Permit	Not applied for yet
MPCA	Construction Stormwater NPDES/SDS	Not applied for yet
SHPO	Review for archaeological sites	Review complete
MDNR	Additional easement for Right-of-Way (power line) affected by outlet ditch	Not initiated yet
Roseau County	Work within Right-of-Way of unorganized township road	Not requested yet
MDNR	Compliance with Wetland Conservation Act (WCA)	Not initiated yet
MDNR	Dam safety permit	Not initiated yet

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. the 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 MDNR concludes that the following potential environmental impacts, as described in Finding No. 22, would be either limited in extent, temporary, or reversible:

   a. Habitat impacts to wildlife
   b. Physical impacts to surface water resources
   c. Water quality impacts
   d. Odors, noise, dust, and air emissions
   e. Cumulative potential effects

   Based on the Findings of Fact above, the MDNR concludes the following potential environmental effects of the project, as described in Finding No. 22, would be beneficial:

   Habitat and water quality improvements resulting from the proposed channel cleanout and reshaping and the construction of a water control structure. The proposed Project activities would result in more stable water levels within the RRWMA, reduce flooding and erosion to downstream areas such as the Big Swamp, improve habitat for aquatic invertebrate species, and create a more desirable habitat for many waterfowl species, in particular overwater nesters (e.g., red-necked grebe).

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

   As described in Finding No. 22e, overall cumulative impacts are expected to be minimal and temporary. The City of Roseau is in the final stages of implementation for a diversion channel that would protect the city from impacts of major flood events. Based on final engineering reports, the proposed RRWMA Project would contribute to increased storage

capacity downstream of the City of Roseau diversion, limiting the potential for increased water flows at Pool 3 conveyance channel outlet.

Contributions to potential cumulative effects from the proposed RRWMA Project are not expected to be significant. The proposed Project will comply with mitigation measures for erosion control and work in water that are designed to address potential cumulative effects. The project Proposer has taken measures to design the project and propose construction activities that would minimize the Project's contribution to potential cumulative effects. Regular consultations of the project Proposer with the Roseau River Watershed District and the Soil and Water Conservation Board highlight significant support for the proposed Project, and an understanding of the overall effects of the proposed Project, within the context of related projects.

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 MDNR has determined that the following environmental effects, as described in Finding No. 22, are subject to mitigation by ongoing public regulatory authority:

   Physical impacts on water resources including channel excavation and reshaping activities, new channel outlet construction, and construction of a new water control structure are subject to regulatory authority by the MDNR Public Waters Work permit, the MDNR Dam Safety permit, and the USACE Section 404 permit.

   Wetland effects include excavation of sediment and wetland type changes that would occur as a result of channel enlargement and wetland fill activities. WCA and Section 404 approval will be required prior to initiation of this project.

   When applying standards and criteria used in the determination of the need for an environmental impact statement, the MDNR 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.

   Erosion, sedimentation, and water quality from construction-related activity that includes channel excavation and enlargement, and construction of a new water control structure are subject to regulatory authority by the MPCA NPDES/SDS General Construction Stormwater Permit.

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.*

   The MDNR 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 Roseau River Wildlife Management Area Pool Enhancement

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.

The MDNR has prepared EAWs for other habitat improvement projects that have similar environmental effects. These include the Upper Lightning Lake Water Level Management project.

6. The MDNR has fulfilled all the procedural requirements of law and rule applicable to determining the need for an environmental impact statement on the proposed Roseau River Wildlife Management Area Pool Enhancement 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 MDNR determines that the proposed Roseau River Wildlife Management Area Pool Enhancement 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 Roseau River Wildlife Management Area Pool Enhancement Project in Roseau 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 28th day of April, 2015.

STATE OF MINNESOTA
DEPARTMENT OF NATURAL RESOURCES

Barb Naramore

Barb Naramore
Assistant Commissioner