DEPARTMENT OF NATURAL RESOURCES

Record of Decision

FINDINGS OF FACT, CONCLUSIONS, AND ORDER

In the Matter of the Determination of the Need for an Environmental Impact Statement for the Cedar Lake Manoomin Restoration Project in Carlton County, Minnesota

FINDINGS OF FACT

1. The Minnesota Land Trust, in partnership with the Fond du Lac Band of Lake Superior Ojibwe and the Minnesota Department of Natural Resources (DNR), proposes to re-establish water levels favorable for Manoomin (wild rice) productivity at Cedar Lake, a designated wild rice lake on the Fond du Lac Reservation. The project would restore historic lake levels by removing downstream beaver dams and associated materials. It also includes installation of a restricted-access boat ramp to enable long-term lake management.

2. The proposed project requires preparation of an Environmental Assessment Worksheet (EAW) for work in public waters and wetlands that will change or diminish the course, current, or cross-section of one acre or more of any public water or public waters wetland. *See* Minn. R. 4410.4300, Subp. 27a. The DNR is the Responsible Governmental Unit (RGU) in the preparation and review of environmental documents related to the Cedar Lake Manoomin Restoration Project (the project). *See* Minn. R. 4410.0500, Subp. 1.

3. The DNR prepared an EAW for the proposed project. *See* Minn. R. 4410.1400.

4. The DNR filed the EAW with the Minnesota Environmental Quality Board (EQB) and a notice of its availability was published in the EQB *Monitor* on July 28, 2026. A copy of the EAW was sent to all persons on the EQB Distribution List. A statewide news release announcing the availability of the EAW was sent to newspapers, radio and television stations. Copies of the EAW were also available for public review and inspection at the Arrowhead Regional Development Commission, the DNR Northeast Regional Office, and the DNR, Hennepin County, Duluth Public and Cloquet Public libraries. The EAW was also made available to the public by posting on the DNR's website. *See* Minn. R. 4410.1500.

Public Comment Period

5. The 30-day EAW public review and comment period began July 28, 2026, and ended August 27, 2026. Written comments on the EAW could be submitted to the DNR by U.S. mail or by posting on the DNR's online public comment website. *See* Minn. R. 4410.1600.

6. During the 30-day EAW public review and comment period, the DNR received two written comment letters on the EAW. A list of the individuals who submitted comments is as follows:

1) Anonymous
2) Mike Thomas

7. The DNR appreciates all comments received. All persons that commented in writing will be provided with this Record of Decision. See Minn. R. 4410.1700, Subp.5. Comments will be provided to the proposer and permitting authorities through this Record of Decision.

Response to Comments

8. Minnesota Rules 4410.1700, Subp. 4 specifies that the Record of Decision (ROD) must include specific responses to all substantive and timely comments on the EAW. All comments and issues raised in comment submittals were reviewed to determine if they addressed the accuracy or completeness of the material contained in the EAW or environmental impacts that may warrant further investigation prior to the final ROD. Comment letters are available upon request.

9. The two comments provided were non-substantive comments in opposition to the proposed project. These comments did not address the accuracy or completeness of the material contained in the EAW or environmental impacts and therefore did not warrant further investigation prior to the final ROD. In accordance with Minn. R. 4410.1700, Subp. 4, these comments did not receive a specific response.

Record of Decision Preparation

10. Pursuant to Minn. R. 4410.1700, Subp. 2b, the decision on the need for an EIS shall be made no later than 15 days after the close of the 30-day review period. This 15-day period shall be extended by the EQB chair by no more than 15 additional days upon request of the RGU. *See* Minn. R. 4410.1700, Subp. 2b.

11. On August 31, 2026, the DNR requested and was granted a 15-day extension for making a decision on the need for an EIS for the proposed project. See Minnesota. R. 4410.1700, Subp. 2b.

Environmental Effects

12. Based upon the information contained in the EAW and received as public comments, the DNR has identified no or negligible potential environmental effects associated with the project on the following:

    a. Land use
    b. Geology, soils and topography/land forms
    c. Hazardous materials and wastes
    d. Historic properties
    e. Visual effects
    f. Air effects
    g. GHG emissions
    h. Noise
    i. Transportation

13. Based upon the information contained in the EAW and received as public comments, the DNR has identified the following potential environmental effects associated with the project:

    a. Water Resources
        i. Wetland
        ii. Other Surface water
        iii. Surface hydrology
        iv. Water quality
    b. Fish, wildlife, plant communities, and sensitive ecological resources (rare features)
        i. Fish and wildlife
        ii. Plant communities

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

a. Water Resources

This topic was addressed in EAW Items 6b and 12.

i. Wetlands

A maximum of four acres of wetland is expected to be disturbed through the activities associated with the proposed project. This includes direct impacts from construction of the boat ramp and distribution of beaver dam material in the marshes adjoining Simian Creek. Changes to hydrology in Simian Creek are not anticipated to cause a loss in wetland habitat.

It is anticipated that lowered water levels in Cedar Lake would result in conversion of approximately five acres of open water to emergent wetland. Construction of the boat launch is expected to result in loss of approximately 0.06 acres of wetland, which may require compensatory mitigation and will be evaluated during the permitting process.

Negative impacts to the surrounding shrub-carr and marsh wetlands from sidecasting the beaver dam debris into them would be avoided by spreading the material thinly enough to avoid raising the ground level to an elevation that would cause a transition to upland conditions.

Negative physical impacts to the wetlands from operation of excavation equipment would be minimized by use of an amphibious excavator, which has wide tracked pontoons, allowing travel across wetland surfaces while causing minimal rutting.

It is expected that the project would have a permanent beneficial impact on the Forested Peatland and Northern Cedar Swamp communities near the project area. The increased water levels associated with beaver dam impoundment create excessively wet conditions for these wetland communities, with most of the tamarack and black spruce dead or in decline and the northern white cedar stressed and declining. There is evidence that these communities are currently transitioning to a northern mixed cattail marsh. Removal of the beaver dam impoundment may arrest or mitigate this transition.

ii. Other Surface Water

Surface water would experience a short temporary adverse impact, limited in geographic extent to the project area and the area immediately downstream, due to disturbances associated with construction of the boat ramp and removal of the beaver dams.

Following project activities, the surface water in the project area would be permanently altered in some ways. The ponding area behind the beaver dam on Simian Creek would be gone; water depth at the base of the boat ramp on Cedar Lake would be deeper, water levels in Cedar Lake overall would be approximately three feet shallower, and Cedar Lake would have a smaller open water area.

iii. Surface Hydrology

Hydrologic patterns in Simian Creek may experience a short temporary adverse impact in response to changes in flow resulting from dam and debris removal activity. Changes in ambient water levels during the breaching operation would be monitored throughout the process, and the magnitude of impacts would be attenuated by conducting the removal operation over the course of several days. Work in public waters permits would include conditions prohibiting the sidecasting of material into the floodway of Simian Creek. Following completion of the project, no increase in base flood elevations is expected.

iv. Water Quality

Water quality would experience a short temporary adverse impact, limited in extent to the project area and the area immediately downstream. This would be due to sedimentation and stormwater runoff from active construction and land alteration activities associated with construction of the boat ramp, and from sediment stirred up during removal of beaver dam material and other debris from Simian Creek. The magnitude of these impacts would be minimized by using Best Management Practices (BMPs) to limit and manage sedimentation and stormwater runoff during active construction phases as well as after construction but before vegetation establishes. These BMPs would include installation of floating silt curtains and silt fencing, and use of existing vegetation along Simian Creek as a vegetative buffer for debris placed in the wetlands. These BMPs would be further guided by a SWPPP as well as conditions attached to relevant permits. Placement of material in the adjacent marshes and shrub-carr wetlands would be guided by conditions included in the Public Waters Work permit, to avoid impacts in Simian Creek's floodway. The project proposer would also coordinate with Carlton County to guide placement of material in the wetland areas.

The original scope of work as described in the EAW included removal of sediment from Simian Creek to restore channel dimensions described in the hydrologic model, but this element of the project has been removed after consultation between the project proposer and DNR area hydrologic staff.

Earth disturbing activities associated with the construction of the boat access ramp are subject to ongoing public regulatory authority under the Minnesota NPDES/SDS Construction Stormwater General Permit and associated SWPPP and DNR's Public Waters Work Permit.

Cedar Lake is within the boundaries of the Fond du Lac Reservation and is therefore subject to the Fond du Lac Band of Lake Superior Chippewa's water quality standards. Simian Creek is outside of

the reservation's boundaries and is therefore subject to DNR and Minnesota Pollution Control Agency (MPCA) regulations for water quality and work within public waters.

b. **Fish, wildlife, plant communities, and sensitive ecological resources (rare features)**

i. Fish and Wildlife

This topic was addressed in EAW Item 14.

Construction activities may result in a temporary adverse impact on fish and wildlife and may displace animals during construction. The geographic extent of this impact would be limited to the project area, immediately downstream, and the immediate surroundings. The chronological extent of the impacts would be limited to times of active construction and shortly after. Activities would be timed to avoid disturbing spring and summer nesting birds. Adverse effects to the northern long-eared bat would be avoided by minimizing tree disturbance and limiting construction activities to months outside of bat roosting and nesting seasons.

Shallower water in Cedar Lake, and the loss of the beaver impoundment on Simian Creek, may shift distribution of fish and wildlife. Loss of the beaver dam may increase mobility opportunity for aquatic organisms.

After completion of the project, beaver would be discouraged from rebuilding in the area by removal of new dams, possible construction of a Clemson Leveler, and, if necessary, trapping and relocating beaver.

ii. Plant Communities

This topic was addressed in EAW Item 14.

Construction activities may result in a temporary adverse impact on plant communities in and near the project area due to construction-related disturbances, debris removal activities, heavy equipment operation, and workers' activities. After project completion, it is expected that lower water levels in Cedar Lake would result in expansion of manoomin abundance in Cedar Lake. Lowered water levels in Simian Creek may reduce marsh and shallow open water plants that have been encroaching in the peatlands, and may maintain or restore the black spruce, tamarack and other peatland flora.

Construction of the boat launch and shoreline restoration area would require removal of speckled alder (*Aldus incana*) and willow species (*Salix spp*.). Following construction and before establishment of manoomin, the area could be colonized by invasive species such as reed canary grass (*Phalaris arundinacea*). This possibility would be minimized by conducting vegetation surveys and managing vegetation, including through the use of aquatic herbicides, as necessary. Any use of herbicides would be regulated via DNR Aquatic Plant Management permits.

Dredging of the lake bottom at the base of the proposed boat ramp could adversely affect aquatic and wetland plants in and near the dredged area. If required, this would be managed under the guidance of a DNR Aquatic Plant Management permit.

Construction activity entails the risk of introduction of invasive plant species through contaminated construction equipment, fill, or seed mixes. This possibility would be minimized by following the guidelines in DNR's Operational Order 113, and spread of any established invasive species would be countered through vegetation management.

14. The following permits and approvals are, or may be needed, for the project:

Unit of Government	Type of Application	Status
Private Landowner	Easement or other permission	To be obtained
Board of Water and Soil Resources (BWSR) Reinvest in Minnesota (RIM) Easement	Management Plan Updates	To be submitted
Fond du Lac Band	Tribal Environmental Policy Ordinance (TEPO) CatEx	Completed
Fond du Lac Band	Tribal Historic Preservation Office (THPO) Review	Submitted
Carlton County	Minnesota NO-RISE Certification	Submitted
Carlton County	Wetland Conservation Act Decision	To be obtained, if needed
MPCA	Section 401 Water Quality Certification	To be obtained, if needed
MPCA	Notification – Disposal of Dredged Material without a Permit (<3,000 CY)	To be submitted
MPCA	NPDES and SWPPP	To be obtained
DNR	Natural Heritage Information Review	Completed
DNR	Public Waters Work Permit	To be obtained
DNR	Aquatic Plant Management Permit	To be submitted
U.S. Army Corps of Engineers (USACE)	Section 404 Clean Water Act Permit	To be obtained
U.S. Fish and Wildlife Service (USFWS)	Review under Section 7 of the Endangered Species Act	Preliminary review in IPaC online tool complete
USFWS	Formal concurrence letter	To be obtained if required

CONCLUSIONS

1. The Minnesota Environmental Review Program Rules, *Minnesota Rules* part 4410.1700, subparts 6 and 7, set forth the following standards and criteria to compare the impacts that may be reasonably expected to occur from the project in order 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. The RGU shall consider the following factors: whether the cumulative potential effect is significant; whether the contribution from the project is significant when viewed in connection with other contributions to the cumulative potential effect; the degree to which the project complies with approved mitigation measures specifically designed to address the cumulative potential effect; and the efforts of the Proposer to minimize the contributions from the project;*

    C. *the extent to which the environmental effects are subject to mitigation by ongoing public regulatory authority. The RGU may rely only on mitigation measures that are specific and that can be reasonably expected to effectively mitigate the identified environmental impacts of the project; and*

    D. *the extent to which environmental effects can be anticipated and controlled as result of other available environmental studies undertaken by public agencies or the project proposer, including other EISs.*

2. *Type, extent, and reversibility of environmental effects*.

    Based on Findings of Facts, ¶¶ 13 a-b, the DNR concludes that the following types of potential environmental effects, as described in the Findings of Fact, will be limited in extent, temporary, or reversible:

    - Water Resources
    - Fish, wildlife, plant communities, and sensitive ecological resources (rare features)

3. *Cumulative potential effects. The RGU shall consider the following factors: whether the cumulative potential effect is significant; whether the contribution from the project is significant when viewed in connection with other contributions to the cumulative potential effect; the degree to which the project complies with approved mitigation measures specifically designed to address the cumulative potential effect; and the efforts of the Proposer to minimize the contributions from the project.*

    Based on information contained in the EAW, the DNR is unaware of any past, present, or reasonably foreseeable projects, for which a basis of expectation has been laid, that combined with environmental effects of the proposed project might result in significant potential for environmental effects. Following completion of this project, the Fond du Lac Band intends to actively monitor and manage the project

area to prevent re-establishment of beaver dams, thereby preventing a recurrence of the current situation.

4. *Extent to which environmental effects are subject to mitigation by ongoing public regulatory authority*.

   Based on the Findings of Fact set forth above and the information contained in the EAW, the DNR concludes that there is sufficient ongoing public regulatory authority and specific measures identified that can be expected to effectively address the following environmental impacts:

   - Physical impacts on water resources are subject to regulatory authority by the DNR Public Waters Work Permit and the USACE Section 404 Permit.
   - Possible impacts to the wetlands in the proposed project area are subject to regulatory authority by the USACE Section 404 permit, the MPCA Section 401 Water Quality Certification, and by the Wetland Conservation Act under Carlton County.
   - Possible impacts to aquatic vegetation are subject to regulatory authority via the DNR Aquatic Plant Management Permit.
   - Possible project-related impacts due to sedimentation, erosion, and overall water quality from construction-related activity are subject to regulatory authority by the MPCA NPDES/SWPPP and the MPCA's 401 Water Quality Certification.

   Permits and Approvals: Prior to initiation of this project, the permits and approvals identified in Finding ¶ 14 would be required. When applying the standards and criteria used in the determination of the need for an EIS, the DNR finds that the project is subject to these regulatory authorities to an extent sufficient to mitigate potential environmental effects through measures identified in the EAW and Record of Decision.

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*.

   This project is proposed as a collaborative partnership between the Minnesota Land Trust, the Fond du Lac Band of Lake Superior Chippewa and the DNR. These three entities have cooperated on a previous manoomin restoration project in Radio Tower Bay in the St. Louis River estuary, as well as other restoration projects in the estuary. The DNR has extensive experience, both as a project proposer and as a regulator, with projects involving work in or near public waters that may affect surface water hydrology and projects that may impact wetlands.

   The DNR has prepared EAWs for other surface water modification projects involving the removal of water control structures, the addition of water control structures, or both. These include the Goose Prairie Marsh EAW; the Blue Mounds State Park Dam Removal EAW; and the Crissy Lake Dam Modifications EAW.

6. As set forth in ¶¶1 – 14, DNR has fulfilled all the procedural requirements of law and rule applicable to determining the need for an EIS on the Cedar Lake Manoomin Restoration Project in Carlton County, Minnesota.

7. Based on consideration of the criteria and factors specified in the Minnesota Environmental Review Program Rules (*Minnesota Rules* part 4410.1700, subparts 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 DNR determines the proposed Cedar Lake Manoomin 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 Cedar Lake Manoomin Restoration Project located in Carlton County, Minnesota.

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

Dated this ___8th___ day of October 2026

DEPARTMENT OF NATURAL RESOURCES

Katie Smith

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Katie Smith
Assistant Commissioner