

MINNESOTA DEPARTMENT OF NATURAL RESOURCES

Record of Decision

**In the Matter of the Determination of the Need
for an Environmental Impact Statement for the
Crissy Lake Dam Modifications Project, in Stevens
County, Minnesota**

FINDINGS OF FACT, CONCLUSIONS, AND ORDER

FINDINGS OF FACT

1. The Pomme de Terre River Association proposes a multi-component project to restore the hydrology and natural habitats of the Pomme de Terre River through Crissy Lake in the City of Morris, Minnesota. The project components include removal of the Crissy Lake Dam, installation of two rock arch rapids to replace the existing structure, and channel restoration extending from the existing dam to the upstream end of Crissy Lake.
2. The purpose of the project is to restore connectivity of the Pomme de Terre River, improve water quality, fish passage, and aquatic habitat, and restore more natural river and floodplain functions, while improving public safety.
3. The proposed project requires preparation of a State Environmental Assessment Worksheet (EAW) according to Minnesota Rules (Minn. R.) 4410.4300, subpart 27.A. Public waters, public water wetlands and wetlands.
4. Pursuant to Minn. R. 4410.4300, subpart 27.A., the Responsible Governmental Unit (RGU) is either the local governmental unit (LGU) or the Minnesota Department of Natural Resources (DNR).
5. The DNR is the RGU in the preparation and review of environmental documents related to the Crissy Lake Dam Modifications project. See Minn. R. 4410.0500, subp. 1. During a July 2025 meeting between the LGU and DNR, it was determined DNR had the greatest approval authority over the project and therefore would act as RGU.
6. The DNR prepared an EAW for the proposed project. See Minn. R. 4410.1400 to 4410.1700.
7. 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 June 16, 2026. A copy of the EAW was sent to all persons on the EQB Distribution List, to those persons known by the DNR to be interested in the proposed project, and to those persons requesting a copy. A statewide news release announcing

the availability of the EAW was sent to newspapers, radio, and television stations. If requested, paper copies of the EAW were also available for public review and inspection at the Morris Public Library and the DNR Central Office Library. The EAW was also made available to the public via posting on the DNR's website. See Minn. R. 4410.1500.

Public Comment Period and Response to Comments

8. The 30-day EAW public review and comment period began June 17, 2026, and ended July 16, 2026. Written comments on the EAW could be submitted to the DNR via online commenting on the DNR's website or by U.S. mail. See Minn. R. 4410.1600.
9. During the 30-day EAW public review and comment period, the DNR received eight written comment letters on the EAW. The agencies and individuals who submitted comments are listed below.
 - A. Ben Burglund, individual
 - B. Kelly Gryting, individual
 - C. Dale Johnson, individual
 - D. Kelly Gragg-Johnson, State Historic Preservation Office
 - E. Hannah LaBelle, individual
 - F. Adam A. Ripple, individual
 - G. Sean Robinett, individual
 - H. Forest Robinett, individual
10. The DNR has addressed comments concerned with the accuracy and completeness of the material contained in the EAW, potential impacts that might warrant further investigation before the project commences, and the need for an EIS on the proposed project. See Minn. R. 4410.1600. Many of the comments received did not address these issues, but rather asked questions for clarity, provided thoughts or suggestions, or provided more insight on permitting authority and requirements. Comment letters are summarized below (See ¶¶ 11 through 16) with the RGU's response following. Copies of all comments will be provided to the project proposer and to permitting and/or approval entities and/or authorities for their consideration as part of the permitting, approval, and/or implementation processes.
11. Letter A, B, E, F, G and H expressed support for the proposed project.

Response: Thank you for your comment. These comments did not address the accuracy or completeness of the material contained in the EAW or environmental impacts that might warrant further investigation prior to the final Record of Decision.
12. Letter C disapproved of the proposed project.

Response: Thank you for your comment. These comments did not address the accuracy or completeness of the material contained in the EAW or environmental impacts that might warrant further investigation prior to the final Record of Decision.

13. Letters F and G asked questions related to safety. Letter F stated that obsolete dams are an unnecessary safety threat to river users and asked if there would be any the structures retained that are a threat to users. Letter G stated that they were concerned with the safety of the dam and asked if safety rails would be installed.

Response: Thank you for your comment. The existing dam would be removed to the extent necessary to construct the rock arch rapids to the elevations and thickness shown in the plans. Any portions of the existing dam that remain would be beneath the rock arch rapids structure, covered by approximately 4 feet of riprap, and would not be exposed. No railings are proposed.

14. Letter F asked questions related to recreation and stated that they river recreate and asked if the river would be navigable by a canoe, kayak, or paddle board; if the river would be impassable at low levels due to the rock arches; and if the river would have whitewater at any level.

Response: Thank you for your comment. The rock arch rapids are designed to accommodate recreational passage for canoes and kayaks. Each boulder weir would include three low-flow boulders designed to maintain fish passage and recreational navigation during low flow conditions. During extremely low-flow conditions, passage might become more difficult due to reduced water depths, as would be expected during drought conditions. The rock arch rapids ramps are designed at a 3% longitudinal slope, with boulder weirs spaced 20' apart and a maximum head loss of 0.6' between weirs. Whitewater is not expected.

15. Letters A, B, E, F, and H commented on the ecological benefits of the project such as improved habitat, wildlife, fish movement, river flow, ecosystem function and restoration.

Response: Thank you for your comment. These comments did not address the accuracy or completeness of the material contained in the EAW or environmental impacts that might warrant further investigation prior to the final Record of Decision.

16. Letter D is a letter from the Minnesota State Historical Preservation Office (SHPO). The letter states that coordination with the project proposer and SHPO will need to occur prior to the project commencing, to ensure that the project would not impact any historic or cultural resources and that if the project is considered for federal assistance or requires a federal permit, additional requirements will be required for a federal review.

Response: Thank you for your comment. The information will be shared with the proposer. The proposer and the DNR Cultural Resources Administrator are coordinating the project schedule, field investigations, and SHPO review requirements. The project timeline and permitting requirements are being evaluated to determine the appropriate review process and sequencing.

Record of Decision Preparation

17. 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.

18. On July 20, 2026, the DNR requested a 15-day extension for making a decision on the need for an EIS for the proposed project. The same day, the DNR was granted the extension by EQB. See Minn. R. 4410.1700, subp. 2b. The Record of Decision will be completed no later than August 27, 2026.

Environmental Effects

19. 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. Project Construction and Design
- b. Cover Type Conversion
- c. Geology, soils and topography/landforms
- d. Water Resources (Surface Water, Hydrology, and Water Quality)
- e. Contamination/Hazardous Materials/Wastes
- f. Fish, Wildlife, Plant Communities, and Sensitive Ecological Resources
- g. Cultural Resources
- h. Visual
- i. Air
- j. Greenhouse Gas Emissions
- k. Noise
- l. Transportation
- m. Cumulative Potential Effects

- a. **Project Construction and Design:** This topic was addressed in EAW Item 6. The proposed project is limited to modification of an existing dam and restoration of an existing river channel. The project does not involve new development, expansion of urban infrastructure, or conversion of undeveloped land to more intensive uses. Permanent project features consist primarily of restoring natural channel morphology, installing two rock arch rapids for grade control and aquatic organism passage, restoring floodplain connectivity, stabilizing streambanks, and revegetating disturbed areas. Construction activities would occur over a limited duration and would include excavation, grading, temporary access, dewatering as necessary, material placement, and restoration of disturbed areas. The project is principally a river restoration project and is not expected to generate long-term adverse operational environmental effects.
- b. **Cover Type Conversion:** This topic was addressed in EAW Item 12. Implementation of the proposed project would result in permanent changes to existing land cover within the project area. Removal of the Crissy Lake Dam and restoration of the Pomme de Terre River would convert portions of the existing impounded open-water reservoir to a river channel, wetlands, riparian vegetation, and floodplain habitat. Temporary disturbance of vegetation would occur within construction limits, staging areas, and access routes during project implementation. Disturbed areas would be stabilized and revegetated following construction using appropriate native vegetation. Vegetation clearing would be limited to that necessary to complete the project. The project is not expected to result in substantial loss of native plant communities or conversion of undeveloped lands to developed uses. Rather, the project would alter the

composition and distribution of existing cover types within the project area consistent with restoration of natural riverine and floodplain conditions. Based on the information presented in the EAW and implementation of the proposed restoration and revegetation measures, cover type conversion associated with the project is not expected to result in significant adverse environmental effects.

- c. **Geology, soils and topography/landforms:** This topic was addressed in EAW Item 11. The project occurs within an existing river corridor and publicly managed lands that have historically been altered by construction and operation of the existing dam. Temporary soil disturbance would occur during excavation, grading, and construction of the restored channel and rock arch rapids. Construction would be conducted using erosion prevention and sediment control best management practices, including temporary stabilization of disturbed soils, erosion control measures, and final site restoration. Disturbed areas would be revegetated following construction to restore riparian vegetation and reduce long-term erosion potential. The effects on soils would be temporary, localized, and reversible and would not constitute significant environmental effects.
- d. **Water resources (Surface Water, Hydrology, and Water Quality):** This topic was addressed in EAW Item 12. Wetlands adjacent to the project area might experience temporary disturbance associated with construction access and grading activities. The project has been designed to minimize disturbance to wetlands to the extent practicable, and disturbed areas would be restored following construction. The project would modify hydraulic conditions within Crissy Lake and the Pomme de Terre River by replacing the existing dam with a naturalized channel. Temporary increases in turbidity and suspended sediment might occur during construction activities. The EAW identifies implementation of construction sequencing, isolation of work areas where appropriate, erosion control measures, and permit-required best management practices to minimize temporary water quality impacts. The Pomme de Terre River is listed as impaired both upstream and downstream of the project area. Following construction, restoration of natural channel processes and floodplain connectivity is expected to improve water quality and stream function and reduce long-term alteration of river hydraulics associated with the existing dam. The temporary construction-related water quality effects would be localized, of limited duration, and adequately minimized through permit conditions and construction best management practices. The project would not result in significant long-term impacts on water resources.
- e. **Contamination/Hazardous Materials/Wastes:** This topic was addressed in EAW Item 13. This project would not generate or store any hazardous waste. Construction activities would involve the use of fuels, lubricants, hydraulic fluids, concrete, and other materials commonly associated with heavy equipment operation. These materials would be stored, handled, and used in accordance with applicable federal, state, and local regulations and standard construction practices. Implementation of the proposed project is not expected to generate significant quantities of hazardous materials. These potential effects would be localized and temporary. Based on the information presented in the EAW and implementation of standard construction practices and applicable regulatory requirements, the project would not result in significant environmental effects related to contamination, hazardous materials, or hazardous waste.
- f. **Wildlife resources and Habitat:** This topic was addressed in EAW Item 14. The existing dam limits aquatic organism passage and interrupts natural river connectivity. Removal of the dam and construction of the naturalized channel and rock arch rapids are intended to restore fish

passage and improve aquatic habitat within the project reach. The DNR Natural Heritage Information System review identified rare resources requiring consideration during project design. The EAW identifies avoidance measures, agency coordination, and permit conditions intended to avoid or minimize impacts on these resources. The EAW identifies temporary construction-related disturbance to fish and wildlife that would be minimized through construction timing, permit conditions, and implementation of best management practices. The temporary construction impacts to aquatic and terrestrial habitat are limited in duration and would not result in significant environmental effects. The project would avoid or minimize impacts on wildlife and resources and would not result in significant environmental effects.

- g. **Cultural Resources:** This topic was addressed in EAW Item 15. A review of the Minnesota Office of the State Archaeologist (OSA) database identified no recorded archaeological sites within the project area. Construction activities associated with dam removal, channel restoration, and installation of the rock arch rapids have the potential to affect previously unidentified archaeological or historic resources if such resources are present. At the time the EAW was prepared, a detailed archaeological survey had not been completed. To avoid or minimize potential impacts, the project proposer will coordinate with the Minnesota State Historic Preservation Office (SHPO) prior to construction. Coordination might include a literature review and, if determined necessary by SHPO, completion of a Phase I archaeological survey before construction activities begin. Through this review process and implementation of any resulting recommendations or conditions, impacts to historic properties and cultural resources are expected to be avoided or minimized and are subject to ongoing regulatory review by SHPO. The project is not expected to have significant effects on cultural resources.
- h. **Visual:** This topic was addressed in EAW Item 16. The project would alter the project area viewscape from one of open water (Crissy Lake) to that of a complex of wetland/floodplain habitat and river system/open water. Temporary visual effects associated with construction activities, including equipment, exposed soils, and stockpiled materials, would occur during the construction period and cease upon project completion. Following construction, disturbed areas would be restored and revegetated. The temporary construction visual impacts would be limited and would not result in significant environmental effects.
- i. **Air:** This topic was addressed in EAW Item 17. Construction activities associated with dam removal, excavation, grading, hauling, material placement, and site restoration would temporarily generate emissions of particulate matter (dust) and exhaust from diesel-powered construction equipment. Construction-related air emissions would be temporary, intermittent, and localized to the project area. No new permanent source of air emissions would be created by the proposed project. The project would employ standard construction practices and applicable best management practices to minimize fugitive dust and unnecessary equipment idling during construction. The temporary construction-related air emissions would be limited in duration, localized in extent, and reversible. Because the project would not create a long-term source of air emissions, these effects do not have the potential for significant environmental effects.
- j. **Greenhouse gas emissions (GHG):** This topic was addressed in EAW Item 18. The EAW identifies greenhouse gas emissions associated with the project as limited primarily to the use of construction equipment and transportation of materials during the construction period. Upon completion of construction, operation of the project would not require ongoing combustion

sources or result in recurring greenhouse gas emissions beyond those associated with routine inspection and maintenance activities. The temporary construction-related greenhouse gas emissions would be limited in duration, localized in extent, and reversible. Because the project would not create a long-term source of greenhouse gases, these effects do not have the potential for significant environmental effects.

- k. **Noise:** This topic was addressed in EAW Item 19. The project is expected to generate noise during active construction resulting from operation of heavy equipment to complete the project. Noise impacts would occur only during periods of active construction, during the fall and winter months and during the day. Local residents and visitors would be notified about the timing and duration of construction prior to the beginning of construction. The proposed project would conform to all state and local noise standards and would not have permanent noise pollution impacts to the site. The temporary construction-related noise would be limited in duration, localized in extent, and reversible. Because the project would not create a long-term source of noise, these effects do not have the potential for significant environmental effects.
- l. **Transportation:** This topic was addressed in EAW Item 20. Construction related traffic and temporary access restrictions might occur during implementation of the project but would be limited in duration and managed through standard traffic control measures. No permanent changes to the local transportation network or long-term effects on traffic operations are anticipated. The project would not result in significant adverse transportation impacts.
- m. **Cumulative Potential Effects:** This topic was addressed under EAW Item 21. 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 negative environmental effects to water resources; aquatic habitat; plant communities, and noise. Any potential negative effects due to the proposed project are temporary and limited to the duration of active construction activities. No other projects were identified as part of the cumulative potential effects analysis that would result in cumulative potential effects.

Permits and Approvals

20. The following permits and approvals are, or might be, needed for the project:

Unit of Government	Type of Application	Status
United States Army Corps of Engineers	Clean Water Act Section 404 Permit	To be submitted
U.S. Fish and Wildlife Service	Endangered Species Act Consultation and Approval	To be completed
Minnesota DNR	Public Waters Work Permit	To be submitted
Minnesota DNR	Natural Heritage Review	Received January 8, 2026
Minnesota State Historic Preservation Office	Archaeological, Cultural, & Historic Resource Review	To be submitted

Minnesota Pollution Control Agency	Clean Water Act 401 Certification	To be submitted
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CONCLUSIONS

1. The Minnesota Environmental Review Program Rules, Minn. R. 4410.1700, subparts 6 and 7, set forth the following standards and criteria to compare the impacts that might be reasonably expected to occur from the project in order to determine whether it has the potential for significant environmental effects.

Minn. R. 4410.1700 subpart 7 states:

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 might 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 Fact above in ¶ 19, the DNR concludes that the following types of potential environmental effects, as described in the Findings of Fact, would be limited in extent, temporary, or reversible:

- a. Project Construction and Design
- b. Cover Type Conversion
- c. Geology, soils and topography/landforms
- d. Water Resources (Surface Water, Hydrology, and Water Quality)
- e. Contamination/Hazardous Materials/Wastes
- f. Wildlife resources and Habitat
- g. Cultural Resources
- h. Visual

- i. Air
- j. Greenhouse Gas Emissions
- k. Noise
- l. Transportation
- m. Cumulative Potential Effects

3. Cumulative potential effects

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.

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

Based on the Findings of Fact 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 and water quality are subject to regulatory authority by the DNR Public Waters Work Permit and the U.S. Army Corps of Engineers Section 404 Permit.
- Erosion, sedimentation, and water quality from construction-related activity are subject to regulatory authority by the Minnesota Pollution Control Agency Clean Water Act 401 Water Quality Certification.
- Impacts to archaeological, cultural, and historic resources would be subject to the Minnesota State Historic Preservation Office, subject to pending review.
- Impacts to rare wildlife resources and habitat would be subject to the DNR's Natural Heritage Review and the U.S. Fish and Wildlife Service's Endangered Species Act Consultation and Approval.

Permits and Approvals: Prior to initiation of this project, the permits and approvals identified in Finding ¶ 20 would be required. When applying the standards and criteria used in the determination of the need for an environmental impact statement, 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

No other environmental studies were undertaken.

- 6. As set forth in ¶¶ 1 – 10 and ¶¶ 17 – 18, the DNR has fulfilled all the procedural requirements of law and rule applicable to determining the need for an EIS on the proposed Crissy Lake Dam Modifications project, in Stevens County, Minnesota.
- 7. Based on consideration of the criteria and factors specified in the Minnesota Environmental Review Program Rules (Minn. R. 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 that the proposed Crissy Lake Dam Modifications 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 Crissy Lake Dam Modifications project, located in Stevens County, Minnesota.

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

Dated this 25th day of August 2026

DEPARTMENT OF NATURAL RESOURCES

Katie
Smith

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Katie Smith
Assistant Commissioner