

DEPARTMENT OF NATURAL RESOURCES

RECORD OF DECISION

**In the Matter of the Determination of
the Need for an Environmental
Impact Statement for the Goose
Prairie Marsh Enhancement Project**

**FINDINGS OF FACT,
CONCLUSIONS, AND ORDER**

FINDINGS OF FACT

1. The Minnesota Department of Natural Resources (MDNR), Division of Fish and Wildlife, proposes changes to improve management of surface waters near Goose Prairie Marsh in Clay County. The Project would include installation of a water control structure, raising 115th Ave N, realignment of County Ditch (CD) 18 from the marsh to the water control structure, and selective repair of CD 18 downstream of the new control structure. This is a joint Project between the MDNR and the Wild Rice Watershed District (WRWD).
2. The Project area is located approximately 2 miles northeast of Hitterdal, Minnesota and is mostly contained within the Goose Prairie Wildlife Management Area (WMA). The Project area includes Goose Prairie Marsh (DOW # 14008600) and unnamed lake (DOW # 14008400), Clay County Ditch 18 (CD 18) and Branch 1 of CD 18, 115th Avenue North and areas downstream of this road. The proposed Project area is largely in the Goose Prairie Wildlife Management Area and the selective ditch repair area is also in the Korell Wildlife Protection Area. Private land with approximately 170 acres of perpetual conservations easements as well as farmland of statewide importance is also in the Project area.
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 Minnesota Environmental Quality Board (EQB) and a notice of its availability was published in the *EQB Monitor* on November 23, 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 Fergus Falls 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 November 23, 2015 and ended December 23, 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 five 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 20 include further discussion on comments received and responses from the MDNR.
 1. Sarah Beimers, on behalf of the State Historic Preservation Office (December 15, 2015)
 2. Karen Kromar, on behalf of the Minnesota Pollution Control Agency (December 22, 2015)
 3. James Dahl (December 22, 2015)
 4. Kenneth Dahl, (December 23, 2015)
 5. Shelley Hendrickson Steichen (December 23, 2015)
10. The Minnesota State Historic Preservation Office (MNSHPO) indicated that the Project described in the Goose Prairie Marsh Enhancement Project EAW is larger than what was submitted for review initially. MNSHPO recommended that the entire Project be reviewed by a MDNR Program Archaeologist and results of the review be submitted to their office with recommendations regarding the effects of this Project on cultural resources.

RESPONSE: The MDNR Program Archaeologist conducted an assessment on December 22, 2015 (Attachment B) as an addendum to the Cultural Resource Review for the Goose Prairie Marsh Enhancement. The results of the review indicate that the Project area is unlikely to impact historic or archaeological resources. The recommendation of the MDNR Program Archaeologist states that the Project proceed without further cultural resource analyses. A copy of this assessment was sent to MNSHPO on January 4, 2016.

11. The MPCA stated that an MPCA CWA Section 401 Water Quality Certification may be required if a USACE Section 404 Individual Permit is required.

RESPONSE: It is likely that a USACE Section 404 Individual Permit will be required for this Project. MDNR will obtain all required permits and certifications, including the 401 Water Quality Certification, prior to beginning construction. This comment will be provided to the Project proposer.

12. The MPCA suggested considering a two-stage ditch design in the realignment of CD 18 from Goose Prairie Marsh to the water control structure.

RESPONSE: The MDNR did consider this option; however, due to the short length of the channel, small drainage area, low sediment loads and intermittent flow expected in the channel, a single stage channel was selected to accomplish the Project's purpose. The larger channel dimensions associated with a two-stage channel could also potentially increase impacts to wetlands within this landscape setting.

13. The MPCA requested further clarification of what selective repair of CD 18 Branch 1 would entail, specifically to what elevation sediment would be removed.

RESPONSE: Information currently known regarding selective repair of CD 18 Branch 1 is described on page 4 of the EAW. The ditch would be maintained to the original grade or 1203.5, whichever is the higher elevation.

14. The MPCA indicated monitoring results on Stiner Creek downstream of the Project area are consistent with the MDNR's results.

RESPONSE: Comment noted.

15. The MPCA stated that it is currently assessing the Wild Rice River Watershed for compliance with existing water quality standards as part of developing a Watershed Restoration and Protection Strategy (WRAPS) that is planned to be completed in April 2016. MPCA requested an estimate of sediment reduction due to the proposed Project and an explanation of how or if the WRWD's Flood Damage Reduction Team will coordinate the operation and maintenance plan.

RESPONSE: MDNR understands that the MPCA, in coordination with partner agencies, has developed the WRAPS process to identify and address threats to water quality in each of the 81 major watersheds. WRAPS has four major steps or phases which include: 1) Monitoring water bodies and collecting data; 2) Assessing the data; 3) Developing strategies to restore and/or protect the watershed's water bodies; and 4) Implementing restoration and protection projects in the watershed. The proposed Goose Prairie Marsh Enhancement Project is intended to manage surface waters to improve wetland wildlife habitat and water quality. With regard to sedimentation estimates, the MDNR has not developed estimates at this time regarding sediment loading reduction specific to this Project. As described in the EAW, past experiences in shallow lake management indicate that the post-Project water level management regime would improve water clarity in the

lake by promoting conditions conducive to maintaining a clear water state (e.g. rooted plant growth versus algae). The new water level management regime resulting from this Project would also improve hydrologic conditions downstream of the Project compared to their current condition (lower peak flows, longer periods of sustained flow after the peak). These changes in hydrologic conditions are consistent with recommendations in the Total Maximum Daily Load (TMDL) report and TMDL implementation report. Given that the downstream end of this Project includes approximately 7 square miles of drainage area and that drainage area of the Lower Wild Rice River is almost 1,560 square miles, it is unlikely that this Project will have any measurable effect on sediment loading in the Lower Wild Rice River. Future results from the WRAPS final report that provide the Project team with new information can be incorporated into the engineering, permitting and operating and management plan of this Project. The MDNR is involved in the Wild Rice Watershed WRAPS and would take timely results from the WRAPS process into account in the overall management of the proposed Goose Prairie Marsh Enhancement Project.

16. In submission number 3 and 4, the commenters recommend that the ditch needs to be properly maintained for the life of the Project.

RESPONSE: Item 6b of the EAW addresses future operations and maintenance of the Project. The primary purpose of the proposed Project is managing surface waters to improve wetland wildlife habitat and water quality over time. An operation and maintenance agreement would be approved by the MDNR and WRWD as described in the EAW to continue future operation to achieve and maintain this goal. The MDNR Section of Wildlife would also develop a comprehensive management plan that would be revisited at least every 10 years to assess effectiveness and determine if any changes are needed.

17. In submission number 3, 4, and 5, the commenters stated that landowners in the area “should not be assessed for,” or “cannot afford being billed for” the Project.

RESPONSE: The proposed Project’s potential funding is described in Item 8 of the EAW. Funding would be determined on a future date by the WRWD’s Board. Opportunities for public input would be available prior to the WRWD Board making a decision regarding funding and maintenance of the Project.

18. In submission number 3 and 4, the commenters recommend including the entire CD 18 all the way to the edge of Hitterdal.

RESPONSE: The Project was proposed by the MDNR and WRWD to manage surface waters to improve wetland wildlife habitat and water quality for Goose Prairie Marsh. CD 18 does not extend all the way to Hitterdal and repair, maintenance, or improvement of CD 18 upstream of the Project is not necessary to meet the Project purpose.

19. In submission number 5, the commenter states that the MDNR has not maintained “their section of the ditch that has resulted in water back up” and that the MDNR has not worked with landowners on this issue.

RESPONSE: The current conditions of the proposed Project area and how they have developed over time are documented in the EAW in Item 6d. The WRWD Project team developed this proposed Project through an open public process starting with a meeting with landowners and officials in 2012. This was followed by four Project team meetings that were open to the public throughout 2013 and 2014, and another landowner meeting in February of 2014.

20. In submission number 5, the commenter recommends ditch cleaning in lieu of the proposed Project.

RESPONSE: The proposed Project’s water control structure and channel would allow water level management to continue for the life of the Project into the future. The Project would also provide an adequate outlet for upstream drainage in the ditch system. The purpose of the proposed Project is to manage surface waters to improve wetland wildlife habitat and water quality. Management of surface waters through periodic, temporary drawdowns and providing additional storage for water during flood events would reduce the risk of downstream flooding. These objectives would not be accomplished solely with ditch cleaning.

21. Based upon the information contained in the EAW, the MDNR has identified the following potential environmental effects associated with the proposed Project:

- a. Physical impacts to surface water resources
- b. Water quality impact
- c. Habitat impacts to wildlife and vegetation
- d. Air emissions, odors and noise
- e. Cumulative potential effects

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

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

The Project would directly affect Goose Prairie Marsh (DOW # 14008600) and unnamed public body of water (DOW #14008400). These basins as well as Branch 1 of CD 18 are upstream of the proposed water control structure. Bodies of water downstream of the control structure include CD 18, unnamed public body of water (DOW #14031400) and several smaller type 3 and 1 wetlands. CD 18 flows north, discharging into Stiner Creek.

The proposed Project would allow control over water level management for Goose Prairie Marsh and nearby waters. Removing the two culverts and constructing the water control structure would likely take place in late summer or early fall, when

water levels will be lower. Cofferdams would be used to provide dewatering for construction. MDNR determined the water surface elevation in these wetlands to be between 1206 and 1205 in 2013. The new conveyance channel would be excavated to 1203.6 to allow for periodic drawdowns. The outlet control structure would normally be set at 1205.0, which would partially fill the ditch with water; surrounding wetlands are expected to maintain a similar water level after construction. Construction impacts to surface waters would be temporary and will be mitigated through regulatory authorities.

Long term impacts to surface water resources would result from the new water level management. Drawdowns would occur periodically, approximately every 10 years, depending on the conditions of this shallow lake. The water control structure would also allow Goose Prairie Marsh to provide approximately up to 3.5 feet of water storage capacity over the normal summer pool elevation during large flood events, such as 100-year events and greater. Both drawdowns and water storage would affect surface water resources downstream and upstream of the water control structure. In addition, approximately one acre of permanent wetland impacts would result from construction, including the road raise and fill to provide a base prior to construction of the road raise. Review from a technical evaluation panel (TEP) would be conducted prior to final engineering to minimize and mitigate these wetland impacts.

b. Water quality impacts. This topic was addressed under Item 11 of the EAW.

Temporary water quality impacts would occur during construction of the outlet control structure. Debris and sediment would be removed from the channel during construction and be placed in spoil banks in non-wetland areas. Water and wetlands would receive increased runoff during construction, and approximately 0.1 acre of impervious surface is anticipated from road reconstruction and gravel surfacing. Runoff from construction would flow north via CD 18 to Stiner Creek. Higher sedimentation and turbidity may temporarily occur during the construction phase. Erosion and sediment control measures in addition to a Stormwater Pollution Prevention Plan (SWPPP) would be developed to follow NPDES/SDS regulations associated with the MPCA Construction Stormwater permit. Control measures and Best Management Practices (BMPs) would include, but not be limited to, floating silt fence, standard silt fence, bio rolls, erosion control blankets and rock checks where excavation would take place.

Long term water quality impacts might include erosion, flooding, or nutrient flows being altered during large water level fluctuations, such as flood storage. Vegetation could be disturbed due to inundations such as cattail mats separating from the wetland bottom. Wetland flood storage could negatively impact water quality; however, flood storage would be limited to the non-growing season to help minimize these potential impacts. Long term benefits to water quality resulting from periodic drawdowns include reducing undesirable fish populations and establishing desired submerged aquatic plants, which would be expected to enhance water quality. Increasing aquatic

plant communities and invertebrates would provide improved habitat for waterfowl and other wetland wildlife.

- c. **Habitat impacts to wildlife and vegetation.** This topic was addressed under Item 6b, and Item 13 of the EAW.

Construction of the proposed Project would contribute to some loss of wetland wildlife habitat but would also allow for the development of improved quality of surrounding habitat over time. A TEP would be conducted and identify appropriate mitigation for this loss of habitat. Construction would occur in late summer or early fall to allow amphibians and reptiles a chance to emigrate from the area before freeze-up. Low water levels during construction and construction equipment in the Project area may disturb and temporarily displace wildlife. Two inactive beaver dams would be removed in the channel as part of the selective repair of CD 18 downstream. This would permanently affect any surrounding vegetation or wildlife connected to the beaver dams. Construction equipment might crush some vegetation while accessing the Project location; however, work in this area would be completed in either dry or frozen conditions to minimize impacts. Vegetation should recover during the next growing season, after construction of the proposed Project is completed. Invasive species such as plumeless thistle and Canada thistle have been documented in the Goose Prairie WMA. Disturbance to soil during construction could increase the spread of invasive vegetation species. However, the contractor is required to prevent invasive species from entering into or spreading within a site by cleaning equipment prior to arriving and before leaving the Project limits, consistent with DNR Operational Order 113.

The proposed Project would allow MDNR to manage surface waters to improve wetland wildlife habitat. Temporary drawdowns would be used to mimic periodic droughts, which can restore aquatic vegetation and improve water quality by removing fish or reducing fish abundance and increasing invertebrate abundance. The existing fish community in Goose Prairie Marsh includes bullheads, bass fingerlings, minnows, and brook sticklebacks. Fish such as bullheads can stir up bottom sediments and uproot aquatic vegetation, degrading habitat conditions in shallow lakes. A fish barrier would be used in the water control structure to extend the time the basin has to reduce these fish populations. Drawdowns would be temporary and not last longer than two years as specified in *Minnesota Rule* (6115.0271, part C, item 4). Loss of habitat would reduce or eliminate some fish populations. Having high densities of fish can cause poor habitat conditions in shallow lake communities, so reducing this fish abundance would allow submerged aquatic plants and aquatic invertebrates to become established and more diverse, enhancing water clarity over time.

Shallow lakes provide habitat for waterfowl and wetland habitat. Goose Prairie Marsh contains piscivorous wildlife including red-necked grebes, American white pelicans, and double-crested cormorants. Facilitating a drawdown would reduce the fish population, which could negatively affect wildlife. However, foraging may become easier over time with improved water clarity. Reptiles, amphibians and invertebrates

could be negatively impacted if they are exposed to harsh winter conditions. The management plan that would be approved by MDNR and WRWD would recommend that periodic drawdowns start in late summer or early fall, thereby allowing wildlife an opportunity to move from the basin. Numerous wetlands in the area provide the opportunity for these species to relocate prior to winter freeze up. Other species likely using the wildlife habitat in the area are: white-tailed deer, coyote, muskrat, mallard, painted turtle, great blue heron and numerous other rodents. Wildlife may avoid this area during construction and drawdowns, but are expected to return as habitat conditions improve.

Flood storage can also negatively affect riparian plant communities, or displace wildlife. The Project would minimize effects by using wetlands for flood storage outside of the growing season and critical wildlife nesting season, only allowing water to be stored from August 16 until May 1 during non-drawdown years. Inundation can negatively affect wildlife habitat and vegetation temporarily; however, the Project would provide more stable water levels in the long term compared to current conditions. Over time, water levels would be managed to maintain a clear-water state, improving habitat for wildlife and vegetation.

- d. Air Emissions, Odors and Noise.** This topic was addressed under Items 16 and 17 of the EAW.

Construction-related environmental effects include air emissions, odors and noise caused by construction-related equipment. Trucks and other construction equipment including but not limited to; front loading hydraulic excavator, off-road hauling trucks, truck-mounted cranes, and low ground pressure bulldozers would contribute to localized air emissions in the Project area. An increase in dust on the nearby gravel road, 115th Avenue North, would occur; however excavation would be done mostly in moist soil. Odors from exhaust emissions would be present during the three to five month construction period.

Noise would also be generated from the heavy machinery used during construction of the proposed Project. Two residences are approximately 350 and 600 feet from the Project location and state noise standards would be followed during construction hours from 7:00 am to 7:00 pm. Each of these impacts is restricted to the construction phase of the Project. Wildlife may temporarily avoid the area due to these environmental impacts, but the Project would occur in a rural area where farming equipment is common.

- e. Cumulative Potential Effects.** This topic was address under Item 19 of the EAW.

The potential environmental effects of 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 only foreseeable future Project that is known at this time is a potential Project for the WRWD to repair the CD 18 upstream of Goose Prairie Marsh. However, no reasonable basis of

expectation has been laid, as no application has been submitted or no permits been applied for. The cumulative potential effects to surface water, water quality, habitat impacts to wildlife and vegetation and air emissions, odors and noise are expected to occur temporarily and are limited to this Project.

22. The following permits and approvals are needed for the Project:

Unit of Government	Type of Application	Status
MDNR	Public Waters Work Permit	Application to be submitted
MDNR	Dam Safety Permit	Application to be submitted
MDNR	Wetland Conservation Act	Application to be submitted
U.S. Army Corps of Engineers	Clean Water Act Section 404 Individual Permit	Application to be submitted
MPCA	CWA Section 401 Water Quality Certification	Application to be submitted
MPCA	NPDES/SDS Construction Stormwater	Application to be submitted
Wild Rice WD	Design plan review	Review pending
Wild Rice WD	Ditch Modifications	Application to be submitted
SHPO	Section 106 Review	Letter received
Goose Prairie Township	Road Changes	Application to be submitted
LGU	Wetland Conservation Act	Application to be submitted
Clay County Zoning	Land Alteration Permit	Application to be submitted
U.S. Fish & Wildlife Service	Bald Eagle Non-Purposeful Take	Application to be submitted
U.S. Fish & Wildlife Service	Special Use Permit	Application to be submitted

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. 21, would be either limited in extent, temporary, or reversible:

- a. Physical impacts to surface water resources
- b. Water quality impact
- c. Habitat impacts to wildlife and vegetation
- d. Air emissions, odors and noise
- 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. 21, would be beneficial:

Habitat and water quality improvements resulting from the proposed water level management regime would return Goose Prairie Marsh to a stable clear-water state, improving habitat for wetland wildlife and water quality as well as reduce flooding downstream.

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

As described in Finding No. 21e, overall cumulative impacts are expected to be temporary and are limited to this Project. The proposed Project's environmental effects would be mitigated through ongoing public regulatory authority. Future repairs along CD 18 may have some potential environmental effects during construction, but overall the results would assist with improving habitat and water quality conditions. Long term environmental effects due to water level management would provide a net gain by improving the shallow lake wetland wildlife habitat and water quality.

4. Extent to which environmental effects are subject to mitigation by ongoing 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. 21, are subject to mitigation by ongoing public regulatory authority:

- Physical impacts on water resources including installation of a water control structure, realignment of CD 18 and raising 115th Ave. N. are subject to regulatory authority by the MDNR Public Waters Work permit, the MDNR Dam Safety permit, the USACE Section 404 permit.
- Wetland effects include excavation of sediment and wetland type changes that would occur as a result of channel realignment and wetland fill activities. WCA and Section 404 approval would be required prior to initiation of this Project.
- Erosion, sedimentation, and water quality from construction-related activity that includes channel fill, channel realignment and construction of a new water control structure are subject to regulatory authority by the MPCA NPDES/SDS General Construction Stormwater Permit and 401 Water Quality Certification.
- Potential impacts to threatened and endangered species are subject to regulatory authority by the U.S. Fish and Wildlife Service Bald Eagle Non-Purposeful Take Permit and Special Use Permit.
- Air and noise emissions are subject to the regulatory authority by *Minnesota Rules*, part 7030.0030 Noise Control Requirement administered through MPCA and the Occupational Safety and Health Administration (OSHA).

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 authorities through the Minnesota public water and wetland conservation rules to adequately mitigate potential environmental effects on water resources through measures identified in the EAW.

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. These include the Upper Lightning Lake Water Level Management Project, the Roseau River Wildlife Management Area Pool Enhancement Project, and Solid Bottom Creek Restoration Project. Information gained from past projects provides part of the basis for predicting the effects of similar future projects. The implementation and maintenance of previous projects are used in planning and developing other similar projects such as the proposed Project. Examples of effective water level management similar to this Project include East Twin in Lincoln County, Stinking Lake in Becker County, and Lake Augusta in Cottonwood County.

Goose Prairie Marsh used to have very good waterfowl habitat conditions according to a MDNR lake survey in 1959; however, in recent surveys (2009, 2012) waterfowl habitat conditions have deteriorated. Management of this shallow lake would aim to switch its current turbid-water state to a clear-water state. The MDNR Section of Wildlife's Shallow Lakes Program Plan has a goal to actively manage the majority of the 1,553 shallow lakes in

Minnesota with a portion of shoreline under public ownership for high quality wetland wildlife habitat by 2056.

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 Goose Prairie Marsh 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 Goose Prairie Marsh 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 Goose Prairie Marsh Enhancement Project in Clay 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 14th day of January, 2016.

**STATE OF MINNESOTA
DEPARTMENT OF NATURAL RESOURCES**



Barb Naramore
Assistant Commissioner