

Date: April 29, 2021

To: Minnesota Environmental Quality Board

From: Kathy Metzker
EAW Project Manager

Subject: Third Extension on Determination of the Need for an EIS Due to Insufficient information (Minn. R. 4410.1700 Subp 2a) for Lock and Dam Pool 2 Embankment Protective Island Environmental Assessment Worksheet

The Minnesota Department of Natural Resources (DNR) prepared and issued an Environmental Assessment Worksheet (EAW) for the proposed protective island to be constructed by the US Army Corps of Engineers in front of the Lock And Dam Pool 2 Embankment on the Mississippi River in Dakota County, Minnesota. The review and comment period on the EAW started on October 12, 2020 and ended November 12, 2020.

During the comment period, a substantive comment was received regarding the potential presence and appropriate habitat and breeding areas for Blanchard's Cricket Frogs (*Acris blanchardi*), within the project area. The DNR has been investigating this issue and has been in dialogue with the project proposer on the most appropriate approach to minimize potential harm to this species, but no mutually acceptable approach has been determined at this time. This issue must be resolved before the DNR can finalize the Record of Decision that will support DNR's determination on whether the proposed project has the potential for significant environmental effects and requires an Environmental Impact Statement (EIS).

Therefore, pursuant to Minnesota Rules 4410.1700 Subpart 2a, the DNR is postponing the decision on the need for an EIS for an additional 60 days to add this missing information to our Record. This time frame was agreed to by both the DNR and the project proposer and is based upon an estimation of the additional time needed to complete information gathering. The ROD is therefore expected to be issued no later than June 28, 2021; 60 days after the current deadline of April 28, 2021. A memo of agreement between the DNR and the Corps is attached.

Thank you for your assistance and feel free to contact me at 651-259-5694 or at Kathleen.metzker@state.mn.us if you have any questions about this request.

cc: Jill Townley, DNR Environmental Review Unit- Supervisor
Kate Fairman, DNR Environmental Review Unit- Planning Director State
Trevor Cyphers, US Army Corps of Engineers- Project Manager
Steve Clark, US Army Corps of Engineers