

MINNESOTA DEPARTMENT OF NATURAL RESOURCES

Record of Decision

**In the Matter of the Determination of the Need FINDINGS OF FACT, CONCLUSIONS AND ORDER
for an Environmental Impact Statement for the
Mud Lake Habitat Restoration, in St. Louis
County, Minnesota**

FINDINGS OF FACT

1. The Minnesota Department of Natural Resources (DNR) proposes a project to improve hydrologic connectivity, reestablish deep-water habitat, reduce invasive species and enhance coastal wetland habitat at Mud Lake within the St. Louis River Estuary (SLRE). The proposed project would create a new channel, deep water habitat, hemi marsh and coastal marsh, remove a derelict concrete structure and install a new 50-foot bridge. This is part of a collaborative effort under the Great Lakes Area of Concern Program to mitigate degradation and loss of habitat from historic activities in the St. Louis River.
2. 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 waters wetlands and wetlands.
3. The DNR is the Responsible Governmental Unit (RGU) in the preparation and review of environmental documents related to the Mud Lake Habitat Restoration project. See Minn. R. 4410.0500, subp. 1.
4. The DNR prepared an EAW for the proposed project. See Minn. R. 4410.1400 to 4410.1700.
5. 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 April 22, 2025. 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 press 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 Duluth Public Library, the DNR Central Office Library and Hennepin County – Minneapolis Central 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

6. The 30-day EAW public review and comment period began April 22, 2025, and ended May 22, 2025. Written comments on the EAW addressing the completeness and accuracy of the document could be submitted to the DNR by U.S. mail or via email. See Minn. R. 4410.1600.
7. During the 30-day EAW public review and comment period, the DNR received two comment letters on the EAW. The individuals who submitted comments are listed below.
 - a. Tomas Hendrickson, individual commentor, received April 22, 2025.
 - b. David Schimpf, individual commentor, received May 3, 2025.
8. Comment letters are summarized below (See ¶¶ 9-12) with the RGU's response following. Copies of these 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.
9. Tomas Hendrickson asked if the Mud Lake referenced in the EAW is near Eveleth, Minnesota.
 - a. Response: Comment acknowledged. EAW Item 5 describes the location of the proposed Mud Lake Habitat Restoration project, which is in Duluth, Minnesota.
10. David Schimpf provided comments regarding the effect of isostatic rise of the Lake Superior basin on water levels in Mud Lake, resulting in increased depth at Mud Lake towards the end of this century. Comments also indicated that the effects from isostatic rise could impact the design for the bridge and the structural integrity of the rail causeway.
 - a. Response: Comment acknowledged, and the comment will be passed on to the project proposer. The bridge deck will be constructed at approximately 605.0 feet of elevation, which is several feet above the long-term average lake level of 601.7 feet. Any change in water levels due to isostatic rebound will not affect the utility of the bridge during its designed lifespan. The causeway infrastructure is managed by city and Lake Superior and Mississippi Railroad officials.
11. David Schimpf commented that the EAW did not mention the use of herbicides, and that if herbicides are to be used, they should be named, and their rates of application described.
 - a. Response: Comment acknowledged. The comment will be passed on to the project proposer. EAW Item 6 describes that in the proposed hemi-march habitat, existing hybrid/narrowleaf cattail mats would be excavated. In addition, the proposed project may utilize herbicide application as needed to help establish native species. The project specifications would include language regarding what herbicides may be used at the proposed project site. Also, the contractor (contract not yet awarded) would comply with all agency and state herbicide regulations.
12. David Schimpf commented that they have seen yellow-headed blackbirds within Mud Lake throughout the past decade.

- a. Response: Comment acknowledged, and the comment will be passed on to the project proposer. EAW Item 14 describes the wildlife and habitats on or near the proposed project site. While the EAW does not directly address yellow-headed blackbirds, it does note that the SLRE serves as a corridor for migrating songbirds and that the shallow wetland habitats at Mud Lake are used by a wide variety of bird species with ranges and habitats similar to the those of the yellow-headed blackbirds'. As described in EAW Item 14, the proposed project will implement measures to minimize disturbance to fish, wildlife, plant communities, ecosystems and sensitive ecological resources.

Record of Decision Preparation

- 13. 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.
- 14. On June 5, 2025, 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.

Environmental Effects

- 15. 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. Soils and topography/contamination and wastes
 - c. Water resources
 - d. Rare wildlife resources and habitat
 - e. Historic properties
 - f. Air
 - g. Greenhouse gas emissions
 - h. Noise
- a. **Project construction and design:** This topic was addressed in EAW Item 6.

The construction of the proposed project is anticipated to occur over two seasons, beginning in summer 2025 with completion by the end of 2026. Exact construction timing and phasing would be determined by the contractor (contract not yet awarded) within the requirements and specifications of the contract, permits and landowner access agreements. This includes seasonal construction restrictions such as the fish spawning exclusion from April 1-June 30 and tree removal between November 15th and March 31st, which is outside the active season for the bat and nesting season for birds.

The specific components of the proposed project include installing a 50-foot bridge through the railroad causeway; dredging approximately 100,500 cubic yards of sediments to create a new channel, deep water habitat and hemi-marsh; removing a derelict concrete structure; creating 3 acres of coastal marsh by reusing dredged material; and reusing and disposing of excess dredge material. Additionally, to process 60,100 cubic yards of sediment and cattail material, the proposed project would construct a temporary 11-acre sediment dewatering pad and staging area just west of Mud Lake within the proposed project area, which was previously used as a dewatering pad and had stored dredge material through 2023. It would use Geotubes® for passive dewatering and also include a temporary water treatment plant to collect and treat stormwater and wastewater generated from the contaminated sediment before the wastewater is returned to Mud Lake. The proposed project would also construct temporary access to Mud Lake by either grading up to 500 feet of temporary road or via the Canadian National Railroad (CN) tracks. Impacts from the construction are expected to be temporary and limited to the construction period and the immediate proposed project area. The proposed project is subject to the regulatory authority of permits discussed in ¶ 16 below.

- b. Soils and topography/contamination and wastes:** This topic was addressed in EAW Item 11 and 13.

The proposed project's contractor would dredge the sediments in 2025 and 2026 and may choose to remove the sediment by either hydraulic or mechanical methods (or a combination of the two). The proposed project would dredge a total of 100,500 cubic yards of material from 17.5 acres of the proposed project site: 4,100 cubic yards containing contaminants and the remaining 96,400 cubic yards of uncontaminated material that would be suitable for beneficial reuse in upland or aquatic environments. An estimated 15,000 cubic yards of the uncontaminated material would be reused on site to create 3 acres of coastal marsh habitat, and nearly 25,500 cubic yards would be side cast to form habitat mounds within the hemi-marsh habitat area. Additionally, soil grading would occur over 2.2 acres to establish staging areas and road access down to Mud Lake if the northern access option is used. No grading is expected if the southern access route is utilized. The contractor would isolate the dredge area during construction using a combination of steel sheet piling and silt curtains. The contractor would also follow all permit sediment and erosion control best management practices (BMPs) and specifications as well as monitor turbidity levels to minimize soil erosion rutting, compaction and prevent mobilization of all material into nearby water resources.

The proposed project would excavate approximately 4,100 cubic yards of sediment contaminated with dioxins/furans and some heavy metals from 6 acres at the southern end of where the new channel would be located. This sediment would be isolated from the St. Louis River during excavation. The project proposer is working closely with the

Minnesota Pollution Control Agency (MPCA) to ensure the proposed project would not expose additional contaminants or allow existing contaminants to migrate to other parts of the estuary post construction. Areas with contaminants are well defined and the project proposer would work closely with the contractor to ensure they adhere to the dredge footprint. The contaminated material would either be hydraulically pumped or mechanically offloaded and trucked to the dewatering site where it would be dewatered using Geotubes®. The contractor would process the contaminated dredged soils in a separate area within the dewatering area. The contaminated sediments would be properly disposed of at an approved local landfill. The contaminated sediments dredged for the proposed project do not meet the definition of hazardous waste.

- c. **Water resources:** This topic was addressed in EAW Item 12.

Surface water quantity: The contractor would use an estimated one million gallons of water from the St. Louis River to hydraulically dredge sediment and to transport dredged sediment to the dewatering area and coastal marsh creation component. This is expected to take 50 days, and all water would be returned to the St. Louis River. The geographic area of this effect would be primarily limited to the proposed project area; any effects outside of the proposed project area are expected to be negligible in time and geography, and are therefore, unlikely to combine with other environmental effects. Potential impacts to water quantity would be subject to ongoing public regulatory authority discussed in ¶ 16 below.

Additionally, in east Mud Lake, the proposed project would convert 5 acres of mid-depth open water (5-6 feet) to deep water depths (10+ feet) by excavating 40,000 cubic yards of sediment. There would be minimal loss of vegetation by deepening open water because the area is already too deep to support vegetation. The excavation of the railroad causeway would also create an additional 0.1 acres of open water.

Surface water quality: During the excavation and placement of sediment and for several days after activities have concluded, total suspended sediment would be elevated in the proposed project area's water column. The short-term water quality impacts may include turbidity in the water column due to sediment disturbance at the location where the material is excavated or placed. Also, during construction there is the potential for stormwater runoff effects near construction access points. The proposed project's contractor would use typical erosion and sediment control BMPs, such as a weighted turbidity curtain at the dredge and placement locations to prevent mobilization of all material into nearby water resources. The use of these BMPs would limit the geographic area of this effect to the proposed project area; any effects outside of the proposed project area are expected to be negligible and are, therefore, unlikely to combine with other environmental effects. Potential water quality impacts would be subject to ongoing public regulatory authority discussed in ¶ 16 below.

Wetlands: The new channel and hemi-marsh components of the proposed project would deepen portions of the open water wetlands through excavation of vegetation and sediments; however, the depths post-project would remain less than 6.6 feet deep, which remains within the shallow open water classification. The coastal marsh component would convert 3 acres of lake to shallow open water wetland by creating depths ranging from 1-3 feet with the placement of dredged material. The deep-water component would deepen 5 acres of lake but would not change the classification. No wetlands or aquatic resources would be converted to upland. Vegetation communities would change and emergent hybrid/narrowleaf cattails would be replaced with a more diverse mix of native emergent and submerged species. The coastal marsh area currently has areas with submerged vegetation but would support mainly emergent vegetation once complete. Any loss of vegetative cover would be temporary. A planting plan would be created to specify areas where seeding, planting, installation of plugs, or natural recruitment would take place. Potential impacts to wetlands would be subject to ongoing public regulatory authority discussed in ¶ 16 below.

d. **Rare wildlife resources and rare habitat:** This topic was addressed in EAW Item 14.

The proposed project may temporarily impact Lake Sturgeon in the vicinity, a state-listed species of special concern. To avoid and mitigate impacts to fish, the proposed project would isolate the active work area through the installation of turbidity curtains or steel sheet pile and monitor turbidity levels upstream and downstream of the proposed project. Also, the in-water work would not occur before July 1 to avoid potential impacts to fish spawning, unless a waiver is obtained from DNR fisheries staff. A waiver, if granted, would set requirements on construction locations and methods that would minimize impacts to the fish community.

The proposed project would clear approximately 25-50 trees greater than 3 inches in diameter at breast height in access areas, which could impact northern long-eared bats, a federally-listed threatened species and state-listed species of special concern. To protect northern long-eared bats, tree clearing would be minimized on site. Trees would be cleared only as needed for construction and construction access. To avoid adverse effects to the northern long-eared bat and spring/summer nesting birds, trees would be removed between November 15th and March 31st, outside the active season for the bat and nesting season for birds.

Additionally, to minimize disturbance to fish, wildlife, plant communities, ecosystems and sensitive ecological resources, the proposed project would implement the following measures: minimize vehicular disturbance where possible (allow only vehicle and equipment necessary for construction activities); use effective erosion prevention and sediment control measures, including the use of natural materials instead of plastic or nylon that can entrap wildlife; revegetate disturbed soil with native species suitable to the local habitat as soon after construction as possible; and use weed-free mulches and seed mixes.

Invasive species could be introduced to the site via construction equipment. The proposed project would clean equipment and clothing at the staging area prior to entering and leaving the waterbody. The contractor would dispose of material cleaned from equipment and clothing at a location determined by the DNR or their representative. Prior to leaving the waterbody, the contractor would drain water from all equipment, tanks, or water-retaining components of boats (e.g., motors, live well and bilge). Immediately after leaving the waterbody, the contractor would drain water from transom wells onto dry land.

- e. **Historic properties:** This topic was addressed in EAW Item 15.

The U.S. Army Corps of Engineers (USACE) conducted a Phase I archaeological survey for a portion of the proposed project area in 2017 and identified the railroad grade from the Lake Superior and Mississippi Railroad (LSMR) as a historic property eligible for the National Register of Historic Places. The underwater survey also located two additional features with unknown significance: a concrete structure and a sunken rowboat. In 2024, USACE conducted a Phase I archaeological survey for the remaining project area and identified six potentially significant targets underwater. The proposed project's current design only has the potential to impact two of the six targets; however, the project proposer is gathering more information about these targets and USACE will continue evaluating the significance of these targets and potential impacts in close coordination with Minnesota State Historic Preservation Office (SHPO).

One mile of the LSMR causeway runs through the proposed project area and would be impacted by the installation of a new 50-foot bridge. Impacts identified include a change in appearance of the historic causeway, increased costs to LSMR due to bridge inspections and the potential shut down of LSMR operations, which collectively have been determined to have an adverse effect under Section 106 of the National Historic Preservation Act. Proposed mitigation measures for this adverse effect include altering the bridge design to closely match the appearance of the existing Mud Lake bridge, raising the height of the bridge to reduce LSMR inspection costs, avoiding the main LSMR operational season (July through October) and installing education signage in the area. These impacts and mitigation measures are being drafted into a memorandum of agreement between the affected parties. Potential impacts to historic properties would be subject to ongoing public regulatory authority discussed in ¶ 16 below.

Additionally, the proposed project is in an area that is culturally significant to the Anishinaabe. Spirit Island is located downstream of Mud Lake and is central to their migration story. Parts of the proposed project are within the viewshed of Spirit Island, so there would be temporary visual impacts while equipment is on site. To help avoid other impacts, staff from Fond du Lac Band of Lake Superior Chippewa's (Fond du Lac) Tribal Historic Preservation Office have been involved in planning through Section 106 involvement, participated as a part of the design team and joined stakeholder meetings.

Natural resources staff from Fond du Lac and 1854 Treaty Authority also joined and participate on the stakeholder team.

- f. **Air:** This topic was addressed in EAW Item 17.

Emissions would be minor and temporary in nature, arising from the use of powered equipment during construction. Any effects on air quality would arise from combustible engine emissions on tugs, excavators, dump trucks and dredges used to load, transport and place materials at the proposed project. All equipment used by the contractor involved in the movement of dredged material to beneficial use sites must meet emissions standards; therefore, minor emissions are expected. The project proposer would encourage the selected contractor to implement the following practices to reduce emissions from construction: minimizing idling equipment; practicing vehicle and equipment maintenance; utilizing energy efficient lighting for construction; and carpooling to the site by equipment operators.

Odors and dust from the construction activities may occur. Dust generation is expected to be minimal because the material used consists of saturated sediment, sand, gravel and rip rap. The contractor would be required to follow BMPs to reduce dust during construction such as: covering transport loads during the open-water season; watering exposed soils if fugitive dust becomes an issue; using BMPs on exposed areas and stockpiles; and requiring any materials transported onto the project site to be clean and free of dirt and debris. Unpleasant odors may be associated with the excavation of muck. The odors are anticipated to be temporary in nature; no long-term odor impacts are anticipated.

- g. **Greenhouse gas emissions (GHG):** This topic was addressed in EAW Item 18.

GHGs related to the proposed project include those related to the construction of the project. No operational GHG emissions are anticipated, as no permanent GHG emission producing infrastructure is proposed. The GHG assessment indicates the project may generate 773.3 metric tons of emissions during construction. Over the course of the 50-year net lifetime of the project, these emissions equate to 15.5 metric tons per year. This accounts for 0.000011% of the state of Minnesota's 2020 emission and the Next Generation Act (NGA) goals.

- h. **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. The contractor would ensure that all construction equipment is fitted with the appropriate mufflers during each phase of the proposed project and complete most work during daytime (7:00 am to 10:00 pm) hours to help maintain noise levels below the state standards. The contractor would also notify the homeowners about the intent of the proposed project, duration,

expected noise levels and complaint procedures. Once complete, the proposed project would not generate noise.

Permits and Approvals

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

Unit of Government	Type of Application	Status
USACE	Clean Water Act (CWA) Section 10/404 Permit – anticipated Nationwide Permit 27	To be submitted
USACE	Section 106 Consultation – National Historic Preservation Act	In Progress
USACE	Section 10 Permit – Rivers and Harbors Act	To be submitted
U.S. Fish and Wildlife Service	Federal Threatened/Endangered Species Review	Complete
U.S. Fish and Wildlife Service	Migratory Bird Treaty Act	To be submitted, if required
DNR	Public Waters Work Permit	To be submitted
DNR	Water Appropriations Permit - Temporary	To be submitted
DNR	Lake Superior Coastal Zone Federal Consistency Letter	To be submitted
DNR	Aquatic Plant Management Permit	To be submitted
DNR	Prohibited Invasive Species Permit	To be submitted
DNR	Natural Heritage Information System Review	Submitted
SHPO	Coordination with the USACE-led Section 106 Consultation	To be submitted
MPCA	Clean Water Act 401 Certification	To be submitted, if required; or included with NWP 27 approval
MPCA	National Pollutant Discharge Elimination System (NPDES)/SDS Construction Stormwater General Permit	To be submitted

MPCA	Management of Dredged Material Permit	To be submitted
MPCA	Solid Waste	To be submitted, if required
MPCA	Compost Facility	To be submitted, if required
City of Duluth	Wetland Conservation Act Permit	To be submitted
City of Duluth	Filling/Grading/Excavation Permit	To be submitted
City of Duluth	MS4 Compliance Statement	To be submitted, if required
City of Duluth	Temporary Access agreement	To be submitted
City of Duluth	Special Use Permit for Construction	To be submitted, if required
City of Duluth	Erosion and Sediment Control Permit	To be submitted
City of Duluth	Shoreland Permit	To be submitted
City of Duluth, DNR, Federal Emergency Management Agency	No Rise Certification and/or LOMR	To be submitted
U.S. Steel	Temporary Access Agreement	To be submitted
CN Railroad	Temporary Access Agreement	To be submitted
MN Power	Temporary Access Agreement	To be submitted

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 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 Fact above in ¶ 15, 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:

- Project construction and design
- Soils and topography/contamination and wastes
- Water resources
- Rare wildlife resources and habitat
- Historic properties
- Air
- Greenhouse gas emissions
- Noise

3. *Cumulative potential effects.*

The project proposer is aware of one project, proposed by the U.S. Environmental Protection Agency (EPA), planned to begin in the summer of 2026. The EPA is planning a dredging project in Tallas Bay, 5 miles downstream, along the St. Louis River, of the proposed Mud Lake Project, at the mouth of Knowlton Creek. The project would remove approximately 10,000 to 15,000 cubic yards of material, most of which was deposited in Tallas Bay after two culverts failed in Knowlton Creek during the 2012 flood. The EPA's project is expected to occur within the same timeframe as the proposed Mud Lake Project, as identified above. However, the EPA's project is 5 miles downstream of the proposed Mud Lake project which is anticipated to be outside of the geographically relevant area for the proposed Mud Lake Project. As a result, the short- or long-term environmental effects resulting from the proposed Mud Lake Project are not expected to interact with the EPA project's temporary environmental effects. In the long-term, the environmental effects of both projects would contribute towards the goal of delisting the St. Louis River Area of Concern by 2030.

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

Based on the Findings of Fact set forth in ¶¶ 15 and 16 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's Public Waters Work Permit; Water Appropriations Permit – temporary; Lake Superior Coastal Zone Federal Consistency Letter; and Aquatic Plant Management Permit.
 - City of Duluth's Wetland Conservation Act; Filling/Grading/Excavation Permit; and Shoreland Permit.
 - USACE's Section CWA Section 10/404 Permit (anticipated Nationwide Permit 27); and Section 10 Permit – Rivers and Harbors Act.
- Erosion, sedimentation and water quality from construction-related activity are subject to regulatory authority by the:
 - MPCA's NPDES/SDS Construction Stormwater General Permit; CWA 401 Water Quality Certification; and Management of Dredged Material Permit.
 - City of Duluth's MS4 Compliance Statement (if required) and Erosion and Sediment Control Permit.
- Impacts to archaeological, cultural and historic resources would be subject to regulatory authority by the:
 - USACE-led Section 106 Consultation, including coordination with SHPO as required
- Impacts to fish, wildlife, plant communities and sensitive ecological resources would be subject to regulatory authority by the:
 - DNR's Natural Heritage Information System Review; DNR's Prohibited Invasive Species Permit
 - U.S. Fish and Wildlife Service Federal Threatened/Endangered Species Review and Migratory Bird Treaty Act (if required).
- Other impacts and site access would be subject to regulatory and other authority by the:
 - If required, MPCA's Solid Waste and Compost Facility applications.
 - City of Duluth's Temporary Access agreement and Special Use Permit for Construction (if required).
 - City of Duluth, DNR, FEMA No Rise Certification and/or Letters of Map Revision
 - U.S. Steel, Canadian National Railroad and MN Power Temporary Access Agreements.

Permits and Approvals: Prior to initiation of this project, the permits and approvals identified in Finding ¶ 16 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.*

Environmental Studies undertaken by the proposer include the following:

- Remedial Action Plan (RAP) for the St. Louis River Area of Concern (SLRAOC), 2021.

- USACE Phase I archaeological survey for a portion of the proposed project area in 2017 and for the remaining area in 2024.
 - USACE Wetland and Waterbody Delineation for Mud Lake.
 - A Focused Feasibility Study was prepared in 2017 along with an addendum in 2019 that included bioaccumulation testing and evaluated remedial alternatives.
 - Additional sampling in 2022 and 2024 was conducted by USACE.
6. As set forth in ¶¶ 1 – 16, the DNR has fulfilled all the procedural requirements of law and rule applicable to determining the need for an EIS on the proposed Mud Lake Habitat Restoration, St. Louis 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 Mud Lake Habitat 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 Mud Lake Habitat Restoration, located in St. Louis 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 ____ day of **July 2025**

DEPARTMENT OF NATURAL RESOURCES

Jess Richards
Assistant Commissioner