MINNESOTA DEPARTMENT OF NATURAL RESOURCES

RECORD OF DECISION

In the Matter of the Determination of the Need for an Environmental Impact Statement for the Reno Bottoms Floodplain Forest and Backwater Restoration, Houston County, Minnesota

FINDINGS OF FACT, CONCLUSIONS, AND ORDER

FINDINGS OF FACT

1. The Minnesota Department of Natural Resources (DNR) proposes a floodplain forest and backwater restoration project in the Reno Bottoms area of Upper Pool 9 of the Mississippi River, in Houston County. The project will dredge an approximately five-acre area of backwater in Ice Haul Slough and deposit the sediments in nearby floodplain forest to increase the elevation. Doing so would restore former depth to the backwater and restore the former inundation profile of the floodplain forest. Both problems have been caused by increased water moving through the system due to climate change: increased wind and wave action from the increased water movement has increased sedimentation, which has then settled out in backwater basins, decreasing their depths; and flooding frequency has increased, resulting in complete or nearly complete mortality in the trees of the floodplain forest. Increase in backwater depth and decrease of inundation frequency in the floodplain forests would restore lost ecological functions.

2. The proposed project area is a backwater and floodplain forest complex on the Upper Mississippi River (UMR), near Lock and Dam 9 (LD9), in Houston County, about five miles south of Reno, MN and just north of the Minnesota-Iowa border. The project is on United States Army Corps of Engineers (USACE)-owned land incorporated into the U.S. Fish and Wildlife Service (USFWS) Upper Mississippi River National Wildlife and Fish Refuge (UMRNWFR) and is in collaboration with the Upper Mississippi River Restoration (UMRR) Habitat Rehabilitation and Enhancement Project (HREP) for the Reno Bottoms area that is conducted by USACE. Both projects will capitalize on each respective project and will create a larger network of habitat improvement and restoration in the Reno Bottoms area.

3. Historically, the Reno Bottoms area was a traditional floodplain river system with a mosaic of habitat types depending on elevation and fluvial processes that created the landforms. The UMR Lock and Dam system was created in the mid-1930s and permanently altered the hydrology of the entire UMR, inundating floodplain forest and increasing hydrologic connectivity between the main channel and floodplain habitats. Stands of silver maple established on much of this habitat. Floodplain forest and backwater habitats in the Reno Bottoms area post-Lock and Dam were considered healthy despite the impacts of LD9 to the hydrology of the Reno Bottoms area. However, in the past 30 years floodplain forest habitat

quality in the Reno Bottoms area has drastically declined because of changing hydrology brought by climatic changes. The area now experiences an increase in frequency and length of inundation (flooding). Increased water on the floodplain is a major stressor on floodplain forest health. Large tracts of floodplain forest (primarily silver maple) have died due to increasing days of inundation, especially in the last 15 years. Some areas can no longer support established stands of trees because of flood-related stress. The invasion of reed canary grass due to changing hydrology further compounds the declining floodplain forest health. Backwater habitat has also declined in quality during this period because of significantly more water moving through the floodplain. Depth in backwaters has been lost due to increased sedimentation rates and erosion of existing islands/landforms from wind and wave action. The current backwater habitat has limited ability to support lentic fishes and aquatic organisms. With the declining habitat value for both floodplain forest and backwater habitats, DNR is proposing a restoration project to restore floodplain forest habitat and improve aquatic habitat in the Reno Bottoms area of Upper Pool 9 in the UMR. The project will remove accumulated alluvium sediments (e.g., silt/sand/clay) from the bed of the backwater area by dredging. That material will be placed on floodplain forest land to elevate the existing ground by approximately three feet. Elevating the floodplain forest ground will reduce the duration and frequency of inundation and promote natural regeneration of floodplain forest species, and deepening the backwater will create deep lentic habitat for fishes and other aquatic organisms. The project would affect approximately five acres of backwater and five acres of floodplain forest.

4. Pursuant to *Minnesota Rules* 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* 4410.4300, Subp. 27.A., regarding work in public waters and wetlands. The project would remove sediment below the ordinary high water level (OHWL) in a public water, and place the sediment on a floodplain forest wetland, increasing its elevation on approximately five acres of wetland, and therefore required the completion of an EAW.

5. Pursuant to *Minnesota Rules* 4410.4300, subpart 27.A., the Responsible Governmental Unit (RGU) is either the local governmental unit (LGU) or the DNR. Further, according to Minn. R. 4410.0500, when a State Agency proposes a project then the agency shall always be the RGU. Since this is the case with the proposed project, the DNR has taken on the role of the RGU.

6. The DNR prepared an EAW for the proposed project, pursuant to *Minnesota Rules* 4410.1400.

7. The EAW is incorporated by reference into this Record of Decision on the Determination of Need for an Environmental Impact Statement (EIS).

8. The EAW was filed with the Environmental Quality Board (EQB) and a notice of its availability was published in the *EQB Monitor* on October 7, 2025. A copy of the EAW was sent to all persons on the EQB Distribution List, to those persons known by 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 and radio and television stations. Copies of the EAW were distributed to the DNR Central Region Headquarters, the DNR Library located at DNR's Central Office, the Hennepin County-Minneapolis Central Public Library, the Rochester Public Library, and the Houston County Public Library. The EAW was also made available to the public via posting on DNR's website. *See Minnesota Rules 4410.1500.*

9. The 30-day EAW public review and comment period began October 7 and ended November 6, 2025, pursuant to *Minnesota Rules* 4410.1600. The opportunity was provided to submit written comments on the EAW to the DNR by U.S. mail or electronically.

10. During the 30-day EAW public review and comment period, the DNR received no written comments from agencies or individuals.

11. 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) **Land use.** This topic was addressed under EAW Items 6b and 10.

    The proposed project would have a permanent beneficial impact on land use throughout the area. Restoration of the floodplain forest habitat through elevation enhancement would return the landscape to the historic functions prevailing in pre-lock and dam conditions, increase potential for public uses (hunting, bird watching, etc.), and allow for better management opportunities for floodplain forest by USFWS and USACE. Backwater restoration would dramatically improve angling opportunities in the area; waterfowl opportunities may also improve due to increased backwater vegetation diversity and adjacent floodplain forest habitat. The proposed project is compatible with USACE and USFWS priorities for land use.

    b) **Soils and topography.** This topic was addressed under EAW Items 6b and 11.

    The proposed project would have a temporary adverse effect on the soils in the area where earth moving alterations are conducted. This adverse effect would only last for the duration of project construction. Minimal chance of soil loss and erosion is anticipated because of the elevation of the placement site, and work would not be conducted during periods when that site is inundated. After completion, the project would have a permanent beneficial effect on soil and topography in the area for floodplain forest habitat as current conditions are poor and degraded. Backwater habitat is expected to maintain its depth long into the future because of its location and general protection from overland flooding/sedimentation due to the elevated topography of the floodplain forest site.

    c) **Water Resources.** This topic was addressed under EAW Items 6b and 12.

Surface water and water quality would experience short-term temporary impacts during construction. This would be limited in geographic extent to the direct project area and immediately downstream. These effects would be due to dredging activities and disruption of sediments, but techniques would be used to limit those impacts during construction. Wetland habitat types would be enhanced from their degraded state with the proposed project, but wetland type would remain mostly unchanged. Ecological function of wetlands should be dramatically improved following project completion.

d) **Habitat.** This topic was addressed under EAW Items 6b and 14.

The project would have a temporary negative impact on aquatic habitat, which would generally be limited to the extent of project construction activities. Disturbance from construction activities would be limited through Best Management Practices (BMPs). After completion of the project, aquatic habitat would be greatly improved with creation/restoration of deep lentic habitat that would be utilized by fishes and other aquatic organisms. This area would provide substantially more aquatic habitat diversity than what is currently present in the project area.

e) **Fish, wildlife, plant communities, and rare features.** This topic was addressed under EAW Items 6b and 14.

The project would have temporary minor adverse impacts to wildlife due to an increased level of noise and human activity during construction; this area would generally be limited to the project area and immediate surroundings. Fish and other aquatic organisms would experience minor temporary negative impacts due to construction activities (dredging), but previous construction projects indicate individuals would likely move away from the dredging activities. Plant communities in the floodplain forest area would be disrupted by earth moving activities but will be replaced with a more diverse floodplain forest species mix (seeding and natural regeneration) following construction. Rare features and listed species would be protected by avoiding project construction activities in their vicinities. Following completion, a permanent beneficial impact to all species is expected due to restoration of habitats in the area to support diverse species.

f) **Visual, air, and traffic qualities.** These topics were addressed under EAW Items 6b, 16, 17, and 20.

All of these would experience minor temporary adverse impacts due to construction activities. The geographic extent of these effects would be limited to the project area and its immediate surroundings, and the impacts would last for the duration of construction activities. After completion, the project would result in permanent beneficial impacts on visual qualities due to the restoration of floodplain forest and backwater habitat.

It is expected that the project area, particularly the backwater habitat, would experience permanent increased year-round angling activities, and if so, there may be permanent minor impacts to visual, air, noise, and traffic metrics in the area.

g) **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 soils and topography; water resources; aquatic habitat; fish, wildlife, plant communities, and rare features; visual impacts; air impacts; and traffic. 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 on land use, soils, topography, water resources, habitat, fish and wildlife, rare features, or visual, air or traffic qualities.

The project would have a permanent cumulative positive impact on land use, water resources, aquatic and floodplain habitat, wildlife, and visual impacts because it combines with and is an areal extension of previous and related restoration projects undertaken by federal agencies.

12. The DNR requested and was granted a 15-day extension for making a decision on the need for an EIS as provided under the provision of *Minnesota Rules* 4410.1700 Subp. 2.b.

13. The following permits and approvals are needed for the project:

Unit of Government	Type of Application	Status
US Army Corps of Engineers	Section 404 Permit	To be obtained
US Army Corps of Engineers	Section 408 Permit	To be obtained
US Army Corps of Engineers	NEPA, utilizing joint application form for activities affecting water resources in Minnesota (below)	To be obtained
US Army Corps of Engineers	Report of Availability (ROA), Project Review	To be obtained
US Army Corps of Engineers	Determination of Availability (DOA), Project Review	To be obtained
US Army Corps of Engineers	Section 106 of National Historic Preservation Act	Issued, Attachment F

Unit of Government	Type of Application	Status
US Fish and Wildlife Service	Special Use Permit	To be obtained
US Fish and Wildlife Service	Section 7/IPAC Consultation/Concurrence	To be obtained, Attachment G
MN State Historic Preservation Office	Project Approval of No Impact to Historic Properties	Issued, Attachment F
MN DNR	Natural Heritage Information System Data Retrieval	Issued, Attachment H
MN DNR	Public Waters Permit	To be obtained
MN Board of Water & Soil Resources	Joint Application Form for Activities Affecting Water Resources in Minnesota (No Loss, Attachment B)	To be obtained
Minnesota Pollution Control Agency	NPDES/SDS Construction Stormwater Permit	To be obtained
Minnesota Pollution Control Agency	Dredge Material Management Permit	To be obtained
Minnesota Pollution Control Agency	401 Water Quality Certification	To be obtained
Minnesota Pollution Control Agency	Stormwater Pollution Prevention Plan (SWPPP)	To be obtained
Houston County	Shoreland Zoning Permit	To be obtained
Houston County	Permits or approvals for other work related to project	To be obtained

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.*

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

      Based on the Findings of Fact above, the DNR concludes that the following potential environmental impacts, as described in paragraph 11, will be either limited in extent, temporary, or reversible:

      a. Soils and topography
      b. Water resources
      c. Habitat
      d. Fish, wildlife, plant communities, and rare features
      e. Visual impacts
      f. Air quality impacts
      g. Traffic

      Based on the Findings of Fact above, the DNR concludes the following potential environmental effects of the project, as described in paragraph 11, would be beneficial:

      Habitat, land use, water resources and wildlife and plant community improvements will result from restoration of the floodplain forest and backwater. The proposed project would result in increased quality and variety of aquatic and wetland habitat. It would also have a beneficial impact on land use throughout the project area, due to restoration of natural inundation patterns, an addition or increase in landscape appropriate habitats, and an increase in angling opportunities.

   2. *Cumulative potential effects of related or anticipated future projects.*

      There are no known planned or anticipated future projects that would result in cumulative adverse potential effects on land use, soils and topography, water

resources, habitat, wildlife, visual impacts, air quality impacts, or traffic.

3. *Extent to which environmental effects are subject to mitigation by on-going public regulatory authority.*

   Based on the information in the EAW and Findings of Fact above, the DNR has determined that the following environmental effects, as described in Finding No. 11, are subject to mitigation by ongoing public regulatory authority:

   a. Physical impacts on water resources are subject to regulatory authority by the DNR Public Waters Work permit.
   b. Possible impacts to the wetlands in the proposed Project Area are subject to regulatory authority by the USACE Section 404 and 401 permits.
   c. Possible impacts to the Upper Mississippi navigation channel and backwaters around Upper Pool 9 are subject to regulatory authority by the USACE Section 408 permit.
   d. When applying standards and criteria used in the determination of the need for an environmental impact statement, the DNR finds that the project is subject to regulatory authority through the Minnesota public water and wetland conservation rules to sufficiently mitigate potential environmental effects on water resources through measures identified in the EAW that are specific and reasonably expected to occur.
   e. Project-related impacts to soil erosion, sedimentation, and overall water quality from construction-related activity are subject to regulatory authority by the Minnesota Pollution Control Agency (MPCA)'s NPDES/SDS General Construction Stormwater Permit, Dredge Material Management Permit, and the CWA 401 Water Quality Certification.

4. *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 project proposer has completed, or developed in collaboration with others, numerous habitat improvement, dredging, and wetland stream restoration projects within public waters that have included EAW preparations. These include a project to restore and stabilize an island in the St. Croix River via use of dredged sediments (Interstate Island EAW). The project proposer has also collaborated extensively with the USFWS and the USACE on the design of this project, and both federal agencies have extensive experience with similar projects in this area. The proposed project is a part of the Reno Bottoms Habitat Restoration and Enhancement Project (HREP), which is itself a part of USACE's Upper Mississippi River Restoration Program, and which was the subject of an extensive feasibility report and integrated environmental assessment produced by USACE. The information gained from these past and current projects, along with the accompanying environmental reviews and studies, provides part of the basis for predicting the effects of similar future projects, such as the proposed project.

2. The DNR has prepared EAWs for other wetland and aquatic habitat restoration projects engaged in by the project proposer that have similar environmental effects. These include the Mud Lake Habitat Restoration EAW, the Interstate Island EAW, and Weaver Bottoms EAW. The DNR has fulfilled all the procedural requirements of law and rule applicable to determining the need for an environmental impact statement on the proposed Reno Bottoms Floodplain Forest and Backwater Restoration Project.

3. 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 DNR determines that the proposed Reno Bottoms Floodplain Forest and Backwater 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 Reno Bottoms Floodplain Forest and Backwater Restoration Project in Houston 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 12th day of December, 2025.

STATE OF MINNESOTA
DEPARTMENT OF NATURAL RESOURCES

Jess Richards
Assistant Commissioner