

**STATE OF MINNESOTA
BEFORE THE
PELICAN RIVER WATERSHED DISTRICT
Sitting as the Responsible Government Unit for
the Buck's Mill Dam Modification Project
Environmental Assessment Worksheet**

In the Matter of:

Buck's Mill Dam Modification Project

**FINDINGS OF FACT
AND
RECORD OF DECISION ON THE
DETERMINATION OF NEED FOR AN
ENVIRONMENTAL IMPACT
STATEMENT**

At a public meeting on May 21, 2025, conducted by the Pelican River Watershed District, sitting as the responsible government unit for the Environmental Assessment Worksheet for the Buck's Mill Dam Modification Project, Manager Michaelson moved, seconded by Manager Olson for adoption of the following FINDINGS OF FACT AND RECORD OF DECISION ON THE DETERMINATION OF NEED FOR AN ENVIRONMENTAL IMPACT STATEMENT:

I. BACKGROUND

Pursuant to Minn. R. 4410.4300, an environmental assessment worksheet ("EAW") was prepared by the Pelican River Watershed District (the "District") as the responsible government unit ("RGU") for the Buck's Mill Dam Modification Project (the "Project"). The EAW for the Project was prepared and reviewed in accordance with Minn. R. 4410. The EAW was prepared to assess the potential impacts of the Project, specifically, criteria referenced under Minn. R. 4410.1700, to determine if an environmental impact statement ("EIS") is needed.

The EAW was filed with the Minnesota Environmental Quality Board ("EQB") and circulated for review and comments to the required EAW distribution list. A NOTICE OF AVAILABILITY for the EAW was published in the *EQB Monitor* on April 8, 2025. The NOTICE OF AVAILABILITY and a press release were published in the *Detroit Lakes Tribune* and posted on the District's website on April 12, 2025. These notices provided a brief description of the Project and information where copies of the EAW were available and invited the public to provide comments that would be used in determining the need for an EIS for the Project. The EAW was made available for public review at the District's office and on its website.

All comments received during the EAW review period, which ended on May 8, 2025, were considered in determining the potential for significant environmental impacts and discussed further herein.

II. FINDINGS OF FACT

1. The District, in cooperation with the Minnesota Department of Natural Resources (MnDNR), proposes to modify the Buck's Mill Dam to improve fish passage and ecological health, supporting the MnDNR "Reconnect the Red" initiative. Modifications

include replacing the box culvert under Bucksmill Drive, raising the road elevation, removing the walkway and Kingsbury Lock for safety, and enhancing the spillway with rock riffles.

2. The purpose of the Project is to address public safety improvements, enhance ecological functions, and facilitate fish passage by modifying the existing dam structure. Key upgrades include modifying the dam's existing spillway with a series of rock and riffle structures and removing the structural remains of Kingsbury Lock, a navigational lock built in 1908. Additional modifications to Buck's Mill Dam, originally constructed in 1937, involve removing the catwalk and its concrete support piers. Bucksmill Road will be raised to accommodate resized culverts and the newly constructed riffle structure, which will provide fish passage. Bucksmill Road has been identified as a barrier to fish passage at its current elevation. The Project is part of the MnDNR "Reconnect the Red" fish passage initiative and aims to enhance fish passage, aquatic ecology, and public safety. It also supports the restoration and improvement of natural stream characteristics within the Pelican River Watershed.
3. The Project was incorporated into the Otter Tail River One Watershed One Plan (the "1W1P"), and as a result, the District is able to establish the Project pursuant to Minn. Stat. § 103D.605 – Project Constructed with Government Aid or as Part of Plan.¹ In the 1W1P, Buck's Mill Dam is identified as a fish passage project with the primary goal of aquatic connectivity with a secondary goal of stream stability. The Project is referenced more frequently in the Watershed Management Plan: March 25, 2020 – March 25, 2030 which was adopted by the District on March 25, 2020.
4. The Project will have three main construction elements: (1) removal of the remaining sections of the Kingsbury Lock and excavation of existing ground to be graded and prepared for construction of the rock riffles; (2) construction of the rock riffle structures within the channel of the Pelican River from the existing Buck's Mill Dam to downstream of the Bucksmill Drive crossing; and (3) culvert modification and road raise of Bucksmill Drive.
 - a. Removal of the Kingsbury Lock and modification of the Buck's Mill Dam will consist of demolition of the concrete sections of the existing lock. This will likely be completed with an excavator to break apart the concrete and rebar then haul out the pieces with a dump truck. There will be site grading, including excavation of existing ground to widen the channel adjacent to the lock. Additional excavation will be completed south of the existing weir, widening the crest. This will most likely be completed with an excavator, skid steer, and dump trucks.
 - b. Construction of the rock riffle structures will include physical manipulation of the riverbed of the Pelican River. Once the subgrade is prepared, fill will be brought in to build up the channel bed and a berm on the south bank. This fill will be hauled with

¹ The Project was initiated prior to Minn. Stat. § 103D.605 being repealed by the Minnesota Legislature. The District adopted a motion to utilize the process under Minn. Stat. § 103D.605 to establish the Project prior to it being repealed.

trucks and then placed with equipment such as excavators, loaders, and dozers. Within the channel, fill will be placed to the bottom of the riprap. The weir boulders will be placed with an excavator, followed by the riprap, chinking rock, and cobble (also placed with an excavator). These smaller rocks will be placed to fill voids and ensure water runs over the structure, not through it.

- c. The culvert modification and road raise of Buck's Mill Dam will be completed by closing Bucksmill Drive, while an excavator removes the fill above the existing culverts. The existing culverts will be removed section by section and salvaged, if possible. An excavator will remove unsalvageable material from the site by loading it onto trucks. Once the material is removed, fill will be brought in, placed, and compacted with a sheepsfoot roller to fill the voids left by the culverts and up to the new culvert inverts. The new culverts will be placed with an excavator and laborers in the trench. Backfill around the new culverts will be placed and compacted up to finished grade and aggregate will top off the road. The aggregate will be graded with a grader. Upon completion of the road, a guard rail will be installed by laborers with a skid steer and post hole digger. Culverts will be replaced following guidance from the MnDNR.
 - d. The existing walkway along the dam crest is unsafe for public access and is currently facilitating trespassing. Following construction, public access will be available along a berm on the south bank.
 - e. The existing lock downstream of Buck's Mill Dam is non-operational and in a deteriorated state, posing a public safety risk. As part of the project, the lock will be removed entirely to facilitate the installation of the new rock riffle structure and ensure site safety. The removal of this structure will reduce velocities by providing a larger cross-sectional area for water to pass as it moves over the riffle structures. The non-organic material will be removed and disposed of offsite.
5. Construction activities are anticipated to begin in the summer of 2025, following the necessary permitting and preparatory phases. The work will span an estimated 3-6 months, including site preparation, demolition, structural modifications, and site restoration.
 6. Pursuant to Minn. R. 4410.0500, subp. 1, the District is the RGU for the Project's EAW. Under Minn. R. 4410.4300, subp. 26, "for a diversion, realignment, or channelization of any designated trout stream, or affecting greater than 500 feet of natural watercourse with a total drainage area of ten or more square miles," an EAW is mandatory and the District will serve as the RGU.
 7. The EAW is incorporated by reference into this FINDINGS OF FACT AND RECORD OF DECISION ON THE DETERMINATION OF NEED FOR AN ENVIRONMENTAL IMPACT STATEMENT.
 8. The EAW was filed with the EQB and a NOTICE OF AVAILABILITY was published in the *EQB Monitor* on April 8, 2025. A copy of the EAW was sent to all persons on the EQB distribution list, to those persons known by the District to be interested in the Project, and

to those persons requesting a copy of the EAW. A press release announcing the availability of the EAW was sent to the *Detroit Lakes Tribune*, the newspaper of general circulation in Becker County, Minnesota, and posted on the District's website.

9. The thirty (30) day EAW public review and comment period commenced on April 8, 2025, and expired on May 8, 2025, in compliance with Minn. R. 4410.1600.
10. During the thirty (30) day public review and comment period, the District received two (2) comment letters, attached hereto as **Exhibit A**. The comments, and responses thereto, were incorporated into a matrix which is attached hereto as **Exhibit B**. The comment letters and responses are hereby incorporated into this FINDINGS OF FACT AND RECORD OF DECISION ON THE DETERMINATION OF NEED FOR AN ENVIRONMENTAL IMPACT STATEMENT.
11. The District further considered the criteria established under Minn. R. 4410.1700, subp. 7 in deciding whether the Project has the potential for significant environmental effects.

III. DECISION REGARDING THE POTENTIAL FOR SIGNIFICANT ENVIRONMENTAL EFFECTS

1. In deciding whether a project has the potential for significant environmental effects and whether an EIS is needed, the RGU must compare the impacts that may be reasonably expected to occur from the Project with the four (4) factors by which potential impacts must be evaluated under Minn. R. 4410.1700, subp. 7, including: (A) type, extent, and reversibility of environmental effects; (B) cumulative potential effects; (C) the extent to which the environmental effects are subject to mitigation by ongoing public regulatory authority; and (D) the extent to which environmental effects can be anticipated and controlled as a result of other available environmental studies undertaken by public agencies or the project proposer, including other EISs.

A. Type, Extent, and Reversibility of Environmental Effects.

Based upon information provided in the EAW and the responses to comments, including the comments and responses received by the Minnesota Pollution Control Agency and the Minnesota Department of Natural Resources, the District concludes that the potential environmental effects of the Project will be limited and can be addressed through the permitting process.

B. Cumulative Potential Effects.

Cumulative effects were not identified during the comment period. The cumulative impacts identified in the EAW were evaluated and determined that if the identified mitigative steps are implemented and all permitting processes are followed, there are no anticipated cumulative environmental impacts as a result of the Project.

C. The Extent to Which the Environmental Effects are Subject to Mitigation by Ongoing Public Regulatory Authority.

The mitigation of environmental impacts will be designed and implemented in coordination with the applicable regulatory agencies. All mitigation efforts will be subject to the plan approval and permitting process. Permits and approvals that have been obtained, or those that may be required prior to construction, are identified as follows:

Unit of Government	Type of Application	Status
United States Army Corps of Engineers (USACE)	Section 404 Permit	To be obtained
MnDNR	Public Waters Work Permit	To be obtained
	Dam safety permit	To be obtained
	EAW	Pending Approval
Becker County	Wetland Conservation Act (WCA) Permit	To be obtained
	Conditional Use Permit	To be obtained, if required
Minnesota Pollution Control Agency (MPCA)	National Pollution Discharge Elimination System (NPDES) Construction Stormwater (CSW) Permit	To be obtained
MPCA	401 Water Quality Certification, Anti-degradation Assessment	To be obtained, if required
MN State Legislature	Outdoor Heritage Fund	\$1,000,000 to be allocated after all approvals/permits are obtained
MN State Legislature	Get Out MORE	\$1,000,000 to be allocated after all approvals/permits are obtained
Federal	USFWS – National Fish Passage Program	\$375,000 to be allocated after all approvals/permits are obtained

D. The Extent to Which Environmental Effects can be Anticipated and Controlled as a Result of Other Available Environmental Studies Undertaken by Public Agencies or the Project Proposer, Including Other EISs.

Use of other EAWs, EISs, or other public agency documents is not needed to anticipate/control environmental effects. Environmental effects from the Project will be controlled using Minnesota specific best management practices (when appropriate) during construction.

- Based on the foregoing Findings of Fact, the consideration of environmental effects, and the entire record of proceedings before the Board of Managers, the Board of Managers, acting as the RGU for the Buck's Mill Dam Modification Project EAW, hereby decides as follows:

IV. RECORD OF DECISION

1. The District fulfilled all procedural requirements of law and rule applicable to determining the need for an EIS on the Project, including procedures outlined under Minn. R. 4410.1000 through 4410.1700.
2. Based on the EAW, comments received from state agencies, the responses to comments, and the criteria above, the District finds that the Project does not have the potential for significant environmental effects and does not require the preparation of an EIS.
3. All requirements for environmental review of the Project have been met.
4. The EAW and the development processes related to the Project have generated information that is adequate to determine whether the Project has the potential for significant environmental effects.
5. In areas where potential environmental effects have been identified, the District has included proper mitigative responses to be included within the final design of the Project. Mitigation will be required to be provided where impacts are expected to result from Project construction, operation, or maintenance. Mitigative measures will be required to be incorporated into the Project design and have been or will be coordinated with state and federal agencies during the applicable permit process.
6. Based on the criteria in Minn. R. 4410.1700, the Project does not have the potential for significant environmental effects.
7. The District makes a “Negative Declaration;” an Environmental Impact Statement is not required for the proposed Buck’s Mill Dam Modification Project.
8. The District shall provide this FINDINGS OF FACT AND RECORD OF DECISION ON THE DETERMINATION OF NEED FOR AN ENVIRONMENTAL IMPACT STATEMENT, within five (5) days, to all persons on the EAW distribution list, to all persons that commented in writing during the thirty (30) day review period, and to any person upon written request.
9. Persons who submitted timely and substantive comments on the EAW shall be sent a copy of the District’s response to those comments.
10. The District will proceed to establish the Project pursuant to Minn. Stat. § 103D.605.

[Remainder of page left blank intentionally.]

After discussion, the President of the Board of Managers of the Pelican River Watershed District called the question. The question was on the adoption of the foregoing FINDINGS OF FACT AND RECORD OF DECISION ON THE DETERMINATION OF NEED FOR AN ENVIRONMENTAL IMPACT STATEMENT, and there were 1 yeas, 0 nays, 0 absent, and 0 abstentions as follows:

	Yea	Nay	Absent	Abstain
Michaelson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Chris Jasken	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Charlie Jasken	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Okeson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Olson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Kral	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Busker	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Upon vote, the President declared the motion passed and the FINDINGS OF FACT AND RECORD OF DECISION ON THE DETERMINATION OF NEED FOR AN ENVIRONMENTAL IMPACT STATEMENT adopted.

**PELICAN RIVER
WATERSHED DISTRICT**

Date: 5/21/25, 2025


Rick Michaelson, President

Attest:

Date: 5-21-, 2025


Tera Guetter, Administrator

* * * * *

I, Tera Guetter, Pelican River Watershed District Administrator, do hereby certify that I have compared the above motion, findings, and decision with the original thereof as the same appears of record and on file with the Pelican River Watershed District and find the same to be a true and correct transcript thereof. The above decision was filed with me, Pelican River Watershed District Administrator, on this 21 day of May, 2025.

Date: May 21, 2025


Tera Guetter, Administrator

EXHIBIT A
COMMENT LETTERS



**Ecological and Water Resources
2115 Birchmont Beach Rd NE
Bemidji, MN 56601**

May 5, 2025

Tera Guetter, District Administrator
Pelican River Watershed District
211 Holmes Street West
Detroit Lakes, MN, 56501
tera.guetter@arvig.net

Re: Buck's Mill Dam Modification EAW

Dear Tera Guetter,

Thank you for the opportunity to review the Buck's Mill Dam Modification Environmental Assessment Worksheet (EAW). The Minnesota Department of Natural Resources (MN DNR) agrees that the project will improve fish passage, ecological health, and safety. We value the cooperation with the Pelican River Watershed District on this project.

Please continue to coordinate with MN DNR staff as project plans are finalized and contact Area Hydrologist Rodger Hemphill (Rodger.Hemphill@state.mn.us) regarding Public Water permitting. Please contact me (owen.baird@state.mn.us) with any concerns or questions.

Sincerely,

A handwritten signature in black ink, appearing to read 'Owen Baird'.

Owen Baird
Environmental Assessment Ecologist – Northwest Region | Ecological and Water Resources

CC: Christine Herwig, MN DNR Ecological and Water Resources

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800-657-3864 | Use your preferred relay service | info.pca@state.mn.us | Equal Opportunity Employer

May 6, 2025

VIA EMAIL

Tera Guetter, Administrator
211 Holmes Street West, Suite 201
Detroit Lakes, Minnesota 56501
tera.guetter@arvig.net

RE: Buck's Mill Dam Modification – Environmental Assessment Worksheet

Dear: Tera Guetter

Thank you for the opportunity to review and comment on the Environmental Assessment Worksheet (EAW) for the Buck's Mill Dam Modification (Project) located in Becker County, Minnesota. The Project consists of the Pelican River Watershed District (PRWD) in cooperation with the Minnesota Department of Natural Resources (MnDNR) modifying the Buck's Mill Dam to improve fish passage and ecological health; supporting the MnDNR "Reconnect the Red" initiative. Modifications include replacing the box culvert under Buck's Mill Drive, raising the road elevation, removing the walkway and Kingsbury Lock for safety, and enhancing the spillway with rock riffles. The Minnesota Pollution Control Agency (MPCA) staff has reviewed the EAW and have no comments at this time.

We appreciate the opportunity to review this Project. Please provide notice of the decision on the need for an Environmental Impact Statement. Please be aware that this letter does not constitute approval by the MPCA of any or all elements of the Project for the purpose of pending or future permit actions by the MPCA. Ultimately, it is the responsibility of the Project Proposer to secure any required permits and to comply with any requisite permit conditions. If you have any questions concerning our review of this EAW, please contact me by email at chris.green@state.mn.us or by telephone at 507-476-4258.

Sincerely,

Chris Green

This document has been electronically signed.

Chris Green, Project Manager
Environmental Review Unit
Resource Management and Assistance Division

CG:rs

Attachment

cc: Dan Card, MPCA
Bonnie Goshey, MPCA
Nicole Peterson, MPCA
cc continued next page

Tera Guetter

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May 6, 2025

Lauren Dickerson, MPCA

Innocent Eyoh, MPCA

Deepa deAlwis, MPCA

Mike Rafferty, MPCA

EXHIBIT B
COMMENTS AND RESPONSES MATRIX

Comment Letter	Commenter	Comment	PRWD Response
#1	Owen Baird, Minnesota Department of Natural Resources (MnDNR), Environmental Assessment Ecologist – Northwest Region Ecological and Water Resources	Please continue to coordinate with MN DNR staff as project plans are finalized and contact Area Hydrologist Rodger Hemphill (Rodger.Hemphill@state.mn.us) regarding Public Water permitting. Please contact me (owen.baird@state.mn.us) with any concerns or questions.	Comment noted. We will continue to coordinate with MN DNR staff as project plans are finalized and will contact Area Hydrologist Rodger Hemphill when starting the public waters permitting.
#2	Chris Green, Minnesota Pollution Control Agency (MPCA), Project Manager Environmental Review Unit, Resource Management and Assistance Division	No comments at this time. Please provide notice of the decision on the need for an Environmental Impact Statement.	Findings of Fact and Record of Decision for the project will be distributed to the EAW contact list.