STATE OF MINNESOTA
BUFFALO-RED RIVER WATERSHED DISTRICT

RECORD OF DECISION

IN THE MATTER OF THE DECISION ON THE NEED FOR AN ENVIRONMENTAL IMPACT STATEMENT FOR THE PROPOSED WHISKEY CREEK ENHANCEMENT PROJECT
WILKIN COUNTY, MINNESOTA

FINDINGS OF FACT

Pursuant to Minn. R. 4410.1000 – 4410.1600, the Buffalo-Red River Watershed District (BRRWD) has prepared an Environmental Assessment Worksheet (EAW) for the proposed project. Based on the BRRWD environmental review, comments, and information received during the comment period, the BRRWD hereby makes the following Findings of Fact, Conclusions of Law, and Order:

PROPOSED PROJECT DESCRIPTION

Proposed New Construction

The BRRWD proposes to complete channel restoration using natural channel design principals, install expanded buffer strips along Whiskey Creek, and install side culvert inlets and other sediment control BMPs within the Whiskey Creek Watershed.

For some time now, the BRRWD has been looking at options to improve flooding conditions and improve water quality in the Whiskey Creek Watershed. Landowners in the Whiskey Creek drainage area requested that the Watershed District investigate the problems associated with the Creek and find solutions to correct these problems. A watershed-wide solution has been developed to correct the current issues being experienced along Whiskey Creek and its tributaries which includes channel restoration, installation of expanded buffer strips along Whiskey Creek, installation of side culvert inlet sediment controls and other sediment control BMPs within in the Whiskey Creek Watershed. Whiskey Creek is located in Nilsen, Connelly, Nordick, and McCauleyville Townships of Wilkin County. The Whiskey Creek Watershed includes areas in Roberts, McCauleyville, Mitchell, Nordick, Connelly, Meadows, Nilsen, Manston, Tanberg, and Akron Townships of Wilkin County and Trondhjem and Oscar Townships of Otter Tail County. At its confluence with the Red River, the total drainage area of Whiskey Creek is approximately 157 square miles. Whiskey Creek is approximately 21.4 miles in length.

With funding from a Clean Water Fund Accelerated Implementation Grant, the BRRWD worked to collect the existing channel geometry of Whiskey Creek. Channel geometry included cross-sections, channel centerline profile, and culvert and bridge data along Whiskey Creek. The
surveyed channel geometry was used to supplement LiDAR survey information collected by the International Water Institute. LiDAR does not penetrate through the water to pick up the bottom of the channel, so ground survey was required to fill in the gap in the LiDAR data that existed in those areas that had water on them at the time of the LiDAR survey. The combination of the LiDAR and ground survey information was used in the planning and development of the restoration design.

Hydraulic modeling was completed using HEC-RAS along Whiskey Creek. Floodplains for the 2-year, 5-year, and 10-year flood events were established for the existing conditions. Based on this modeling, minimum vegetative buffer area goals have been established for the project. Permanent grass buffer areas vary from 150 feet to 700 feet in width. The plan is to acquire and seed these areas to permanent native vegetation as part of this project.

Significant sediment buildup has occurred in Whiskey Creek over the last several decades. The proposed project would remove the excessive sediment from the Creek. Nine miles of channel restoration are proposed. The channel restoration project will be completed in phases as funding permits and will include Whiskey Creek upstream of Wilkin County Road 20 to the section line of Section 15 and Section 14 of Connelly Township. The proposed project would restore the channel by removing the sediment from Whiskey Creek and placing it on adjacent agricultural fields. A sinuous bank-full channel will be built in the bottom of the proposed floodplain channel. The geometry for the restoration includes the re-establishment of a meandering E-channel within a new floodplain channel. As currently designed, bankfull width of the meandering channel will vary from 14 feet to 26 feet in width from the upstream to downstream end of the restoration. The average bankfull riffle depth varies from 2.5 to 5 feet. This will be a riffle-pool system. Pools will be created in the last one-third of outside meanders per recommendations of DNR Stream Habitat Program staff. The floodplain channel will have a valley width which varies from 100 to 200 feet in width. By installing expanded buffers and increasing the capacity of the channel through its restoration, the frequency of flooding on adjacent agricultural fields will be reduced. Channel restoration will require removal of the excessive sediment from the channel along with the sediment control portion of the project aimed at reducing future sediment loading along Whiskey Creek. It is expected that side inlets and other BMPs will be installed concurrent with the proposed channel restoration excavation. Some of the side inlet sediment controls have already been installed and over 200 additional sites have been identified to date. The BRRWD has been working and will continue to work with the MN DNR Ecological and Water Resources Division, Stream Habitat Program, to finalize the design of the channel and flood plain throughout the restoration reach of Whiskey Creek. This project is a multiphase project to restore the gradeline, capacity, and natural functions of the Whiskey Creek channel.
Environmental Concerns

In general, environmental concerns related to this project are those affiliated with the construction period, during which time erosion and sedimentation may occur, as well as noise.

Additional Concerns Described in Comment Letters

There is concern on the need for archaeological review of the project site as well. This is addressed in the comments section.

PROCEDURAL HISTORY

1. Pursuant to Minn. R. 4410.4300, subp. 26 and subp. 27, an EAW was prepared by the BRRWD on the proposed project. Pursuant to Minn. R. 4410.1500, the EAW was distributed to the Environmental Quality Board (EQB) mailing list and other interested parties on May 12, 2020.

2. The BRRWD notified the public of the availability of the EAW for public comment. A news release was provided to interested parties on May 9, 2020 and was published in the Wahpeton Daily News newspaper on May 19, 2020. In addition, the EAW was published in the EQB Monitor on May 26, 2020.

3. The public comment period for the EAW began on May 26, 2020 and ended on June 25, 2020. During the 30-day comment period the BRRWD received four comment letters from government agencies. No comment letters were received from the general public.

4. The BRRWD prepared responses to all comments received during the 30-day public comment period. Comment letters received have been hereby incorporated by referenced as Appendix A to these findings. The BRRWD responses to comments received are hereby incorporated by reference as Appendix B to these findings.
CRITERIA FOR DETERMINING THE POTENTIAL FOR SIGNIFICANT ENVIRONMENT EFFECTS

5. Under Minn. R. 4410.1700, subp. 1, the BRRWD must order an Environmental Impact Statement (EIS) for projects that have the potential for significant environmental effects that are reasonably expected to occur. In deciding whether a project has the potential for significant environmental effects, the BRRWD must compare the impacts that may be reasonably expected to occur from the project with the criteria set forth in Minn. R. 4410.1700, subp. 7. These criteria are:

A. the type, extent, and reversibility of environmental effects;

B. cumulative potential effects of related or anticipated future projects;

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.

THE BRRWD FINDINGS WITH RESPECT TO EACH OF THESE CRITERIA ARE SET FORTH BELOW

Type, Extent, and Reversibility of Environmental Effects

6. The first criterion that the BRRWD must consider, when determining if a project has the potential for significant environmental effects that are reasonably expected to occur, is the “type, extent, and reversibility of environmental effects” Minn. R. 4410.1700, subp. 7.A. The BRRWD findings with respect to each of these factors are set forth below.

7. Reasonably expected environmental effects of this project to air quality:

- Dust and Noise

8. The extent of any potential air quality effects that are reasonably expected to occur:

Some dust and noise will occur during construction. Dust levels will return to normal following completion of the construction work. Most of the construction activities that may generate significant amounts of noise (grading, heavy trucks hauling, etc.) will be of fairly short duration.

9. The reversibility of any potential air quality effects that are reasonably expected to occur:

The BRRWD finds that any potential effect that is reasonably likely to occur from this project would not be irreversible. As discussed above, the expected effects on air quality
are anticipated to be minimal. There is no reason to believe that this project is reasonably expected to cause a significant negative effect on air quality.

10. Comments received that expressed concerns regarding potential effects to air quality:

   No comments were received expressing concern related to air quality, rather a recommendation to muffle construction equipment, if practicable, to help mitigate noise impact on nearby farmsteads. The comments agreed with the above analysis indicating the effects on air quality that are reasonably expected to occur are not considered significant.

11. The BRRWD finds that the environmental review is adequate to address the concerns because:

   All potential impacts to air quality that are reasonably expected to occur from the proposed project have been considered during the review process.

12. The BRRWD finds that the project, as it is proposed, does not have the potential for significant environmental effects based on the type, extent, and reversibility of environmental effects reasonably expected to occur as a result of its air emissions.

13. Reasonably expected environmental effects of this project to **water quality**:

   A. Erosion and Sedimentation

14. The **extent** of any potential water quality effects that are reasonably expected to occur:

   **Erosion and Sedimentation.** Prior to construction, the BRRWD must acquire a National Pollutant Discharge Elimination System (NPDES) General Permit for discharging stormwater during construction activities from the MPCA. This permit requires adequate erosion control measures to be followed during the course of construction. Approximately 150 acres will involve some level of excavation. Approximately 410,000 cubic yards of soil will be excavated for channel restoration and side inlet sediment control construction.

   Establishment of vegetation on disturbed areas will be completed as soon as practical to ensure the construction activities do not create adverse erosion and sedimentation impacts.

15. The **reversibility** of any potential water quality effects that are reasonably expected to occur:

   The BRRWD finds that any potential effect that is reasonably likely to occur from this project would not be irreversible. As discussed above, the expected effects on water quality are anticipated to be minimal. There is not reason to believe that this project is
reasonably expected to cause a significant negative effect on water quality. In fact, a net improvement in long-term water quality is expected as a result of the project.

16. Comments received that expressed concerns regarding potential effects to water quality:

No comments were received expressing concern related to water quality, rather a suggestion that additional information could have been included within the EAW showing additional water quality benefits the project will have on the Whiskey Creek Watershed. The comments agreed with the above analysis indicating the effects on water quality that are reasonably expected to occur are not considered significant and a net improvement in long-term water quality is expected because of the project.

17. The BRRWD finds that the environmental review is adequate to address the concerns because:

All potential impacts to water quality that are reasonably expected to occur from the proposed project have been considered during the review process and a method to prevent these impacts has been developed and will be detailed as part of future project permitting requirements.

18. The BRRWD finds that the project, as it is proposed, does not have the potential for significant environmental effects on water quality based on the type, extent, and reversibility of environmental effects reasonably expected to occur.

**Cumulative Potential Effects or Related or Anticipated Future Projects**

19. The second criterion that the BRRWD must consider, when determining if a project has the potential for significant environmental effects that are reasonably expected to occur, it’s the “cumulative potential effects of related or anticipated future projects,” Minn. R. 4410.1700, subp. 7.B. The BRRWD findings with respect to this criterion are set forth below.

20. The EAW and public comments did not disclose any related or anticipated future projects that may interact with this project in such a way as to identify any potential adverse cumulative environmental impacts that are reasonably expected to occur.

21. Public comments concerning cumulative impacts:

No comments were received expressing concern for cumulative impacts. Based on the BRRWD experience and available information on the project, the BRRWD does not reasonably expect significant cumulative adverse effects from this project. The BRRWD does expect water quality improvements as a result of the project.

22. In considering the cumulative potential effects of related or anticipated future projects, the BRRWD finds that the reasonably expected adverse effects from this project will not be significant.
The Extent to Which the Environmental Effects Are Subject to Mitigation by Ongoing Public Regulatory Authority

23. The third criterion that the BRRWD must consider, when determining if a project has the potential for significant environmental effects that are reasonably expected to occur, is the “extent to which the environmental effects are subject to mitigation by ongoing public regulatory authority,” Minn. R. 4410.1700, subp. 7.C. The BRRWD findings with respect to this criterion are set forth below.

24. The following permits or approvals will be required for the project:

<table>
<thead>
<tr>
<th>Unit of Government</th>
<th>Permit or Approval Required</th>
<th>Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>A. MPCA</td>
<td>NPDES General Permit for discharge of storm water during construction activities</td>
<td>To be submitted</td>
</tr>
<tr>
<td>B. Army Corps of Engineers</td>
<td>Section 404 Permit</td>
<td>Application submitted</td>
</tr>
<tr>
<td>C. DNR</td>
<td>Protected Waters Permit</td>
<td>Application submitted</td>
</tr>
<tr>
<td>D. Wilkin County</td>
<td>MN Wetland Conservation Act Compliance</td>
<td>Application submitted</td>
</tr>
<tr>
<td></td>
<td>Conditional Use Permit</td>
<td>To be submitted</td>
</tr>
</tbody>
</table>

25. A. **MPCA NPDES General Stormwater Permit for discharges during Construction Activity.** The MPCA is delegated to issue this federal permit, which regulates the permittee’s stormwater discharges during construction activities. The permit establishes conditions to be adhered to during construction activities, at which time land is being excavated and exposing soil to the elements. The permittee is required to establish temporary and permanent measures prior to construction, so this activity will not produce detrimental effects to surface waters during precipitation events.

B. **Army Corps of Engineers Permit.** The Section 404 Permit, required by the Army Corps of Engineers, regulates fill being placed in wetlands and wetland mitigation requirements.

C. **DNR Protected Waters Permit.** This permit sets requirements which must be adhered to for construction activities completed in a protected water of the State.

D. **Wilkin County.** The Minnesota Wetland Conservation Act regulates fill being placed in wetland, draining of wetlands, and wetland mitigation requirements. Any impacts will need to be avoided, minimized, and mitigated. Activities within 300 feet of the ordinary high water elevation of a waterway or water body requires a conditional use permit.
26. The BRRWD finds that ongoing public regulatory authority will address any significant potential environmental effects that were identified as reasonably expected to occur.

**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.**

27. The fourth criterion that the BRRWD must consider is “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.” Minn. R. 4410.1700, subp. 7. D. The BRRWD findings with respect to this criterion are set forth below.

28. The following documents were reviewed by the BRRWD as part of the potential environmental impact analysis for the proposed Whiskey Creek Enhancement Project. This list is not intended to be exhaustive. The BRRWD also relies on information provided by the project proposer, commentors, staff experience, and other available information.

- EAW Data
- NRCS Soils Classification Map
- NWI Map

29. There are no elements of the project that pose the potential for significant environmental effects that cannot be addressed in the project design and permit development processes, or by regional and local plans.

30. Based on the environmental review, previous environmental studies, and BRRWD expertise on similar projects, the BRRWD finds that the adverse environmental effects of the project that are reasonably expected to occur can be anticipated and controlled.
CONCLUSIONS OF LAW

31. The BRRWD has jurisdiction in determining the need for an EIS for this project. The EAW, the permit development process, and the evidence in the record are adequate to support a reasoned decision regarding the potential significant environmental effects that are reasonably expected to occur from this project.

32. Areas where the potential for significant environmental effects may have existed have been identified and appropriate mitigation measures have been incorporated into the project design and permits.

33. Based on the criteria established in Minn. R. 4410.1700, there are no potential significant environmental effects reasonably expected to occur from the project.

34. An EIS is not required.

35. Any findings that might properly be termed conclusions and any conclusions that might properly be termed findings are hereby adopted as such.

ORDER

The BRRWD determines that there are no potential significant adverse environmental effects reasonably expected to occur from the Whiskey Creek Enhancement Project and that there is no need for an Environmental Impact Statement.

IT IS SO ORDERED

[Signature]
Peter Fjestad, President
Buffalo-Red River Watershed District

7/13/2020
Date
APPENDIX A

Buffalo-Red River Watershed District

Whiskey Creek Enhancement Project
Environmental Assessment Worksheet

LIST OF COMMENT LETTERS RECEIVED


Whiskey Creek Enhancement Project EAW, Wilkin County

Ms. Fenger,

Thank you for the opportunity to review the Whiskey Creek Enhancement Project Environmental Assessment Worksheet (EAW). The Minnesota Department of Natural Resources (DNR) agrees the project would improve water quality and aquatic habitat on this degraded river system by adding sinuosity (curviness) and improving channel stability. DNR has reviewed the EAW and offers the following comments:

Natural Resource Comments

- The EAW does not describe potential upstream and downstream hydrological impacts of the project or potential changes to the FEMA delineated floodplain. DNR requests this information as well as any modeling that was conducted during project design. Providing this information as part of the environmental review process will facilitate permit review as the project moves forward. For public water permitting, DNR may require a revised model showing project effects on the FEMA floodplain as well as changes to upstream and downstream hydrology.

- The EAW mentions phasing, but does not describe any specifics on how the project would be phased to minimize impacts. Please describe any initial plans regarding phasing to minimize impacts to in-stream habitat. Also describe how phasing will be conducted to limit excessive sedimentation to downstream aquatic communities. Describe any special construction approaches and techniques specific to stream restoration that may be used to limit impacts. Also describe how construction of the project will be supervised and monitored to prevent impacts.
Thank you for consideration of our comments. We look forward to working with the watershed district as this project moves forward. For further coordination on DNR Public Water permitting, or other coordination please contact Area Hydrologist Julie Aadland at Julie.aadland@state.mn.us.

Sincerely,

Christine Herwig
Assistant Regional Manager
DNR Ecological and Water Resources

CC: Jaimé Thibodeaux, DNR Environmental Assessment Ecologist
Julie Aadland, DNR Area Hydrologist
Suzanne Jiwani, DNR Floodplain Hydrologist
Nick Kludt, DNR Red River Fisheries Coordinator
Andrew Graham, DNR Red River Coordinator

*Equal Opportunity Employer*
May 20, 2020

Kathy Fenger, Administrator  
Buffalo-Red River Watershed District  
1303 4th Ave NE  
PO Box 341  
Barnesville, MN 56514  
kfenger@brrwd.org

RE: Whiskey Creek Enhancement Project, EAW

Dear Kathy Fenger:

I appreciate being given the opportunity to comment on the above listed project. I am glad an archaeological survey will be conducted for the Whiskey Creek Enhancement Project because the proposed project area has high potential for unrecorded archaeological sites. Section 14 of the EAW states results of the survey will be reported to the State Historic Preservation Office. Per the Field Archaeology Act (MS 138.31-138.42) (https://www.revisor.mn.gov/statutes/cite/138.31) an archaeological survey license is required for any archaeological survey conducted on non-federal public land in Minnesota, and a report should be submitted to the Office of the State Archaeologist (OSA) upon survey completion in accordance with licensure requirements. If no non-federal public land will be surveyed in association with this project the OSA requests a copy of the final archaeological report for our records.

Please contact me if you have any questions or concerns.

Sincerely,

Jennifer Tworzyanski  
Assistant to the State Archaeologist  
Kellogg Center  
328 West Kellogg Blvd  
St Paul, MN 55102  
651.201.2265  
Jennifer.tworzyanski@state.mn.us
June 23, 2020

Kathy Fenger
Administrator
Buffalo-Red River Watershed District
1303 4th Avenue NE, PO Box 341
Barnesville, MN 56514

Re: Whiskey Creek Enhancement Project Environmental Assessment Worksheet

Dear Kathy Fenger:

Thank you for the opportunity to review and comment on the Environmental Assessment Worksheet (EAW) for the Whiskey Creek Enhancement project (Project) in Wilkin County, Minnesota. The Project consists of channel restoration of Whiskey Creek. Regarding matters for which the Minnesota Pollution Control Agency (MPCA) has regulatory responsibility or other interests, the MPCA staff has the following comments for your consideration.

**Water Resources (Item 11)**

Page 11 of the EAW states that the proposed Project is compatible with the Wilkin County water plans and the watershed district’s management plan. However, the EAW could also discuss that Whiskey Creek is identified in the Total Maximum Daily Load (TMDL) and Watershed Restoration and Protection Strategy (WRAPS) for the Upper Red River of the North Watershed completed for the MPCA in December 2017. The TMDL calls for a maximum sediment reduction of 29% at high flows, as well as a maximum bacteria reduction of 64% at very high flows. The Project will address (all or part of) the sediment reductions and may address the bacteria reductions required by the TMDL. The Project may also improve the low dissolved oxygen and poor macroinvertebrate conditions in Whiskey Creek, as a result of the sediment and nutrient reductions and habitat restorations that are expected from the Project. For questions, please contact Scott Schroeder at 218-846-8134 or Scott.schroeder@state.mn.us.

**Noise (Item 17)**

At this time, the MPCA does not anticipate any adverse effects on noise based on the information provided in the EAW. Given the intermittent proximity of the Project to homesteads, we would recommend that equipment used be muffled, to the extent practicable, to help mitigate the impacts of noise on those residents. For noise related questions, please contact Fawkes Char at 651-757-2327 or Fawkes.Char@state.mn.us.

We appreciate the opportunity to review this Project. Please provide your specific responses to our comments and notice of 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 action(s) 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 Karen.kromar@state.mn.us or by telephone at 651-757-2508.

Sincerely,

Karen Kromar

Karen Kromar
Project Manager
Environmental Review Unit
Resource Management and Assistance Division

KK:bt

cc: Dan Card, MPCA, St. Paul
Scott Schroeder, MPCA, Detroit Lakes
Fawkes Char, MCPA, St. Paul
June 12, 2020

Buffalo-Red River Watershed District
Attn: Kathy Fenger
1303 4th Ave NE
PO Box 341
Barnesville, MN  56514

RE: Environmental Assessment Worksheet (EAW) – Whiskey Creek Enhancement Project
Wilkin County
SHPO Number: 2020-1828

Dear Ms. Fenger:

Thank you for providing this office with a copy of the Environmental Assessment Worksheet (EAW) for the above-referenced project.

Section 14 of the Environmental Assessment Worksheet states that an archaeological “review” will be conducted in the spring of 2020 and a letter will be sent to our office with the findings. We are unsure what is meant by archaeological “review”. Due to the nature and location of the proposed project, we recommend that a Phase I archaeological survey be completed prior to project implementation. The survey must meet the requirements of the Secretary of the Interior’s Standards for Identification and Evaluation and should include an evaluation of National Register eligibility for any properties that are identified. For a list of consultants who have expressed an interest in undertaking this type of research and archaeological surveys, please visit the website http://www.mnhs.org/shpo/preservation-directory, and select “Archaeologists, Contract” in the “Specialties” box.

We will reconsider the need for survey if the project area can be documented as previously surveyed or disturbed. Any previous survey work must meet contemporary standards. Note: plowed areas and right-of-way are not automatically considered disturbed. Archaeological sites can remain intact beneath the plow zone and in undisturbed portions of the right-of-way.

Please note that this comment letter does not address the requirements of Section 106 of the National Historic Preservation Act of 1966 and 36 CFR § 800. If this project is considered for federal financial assistance, or requires a federal permit or license, then review and consultation with our office will need to be initiated by the lead federal agency. Be advised that comments and recommendations provided by our office for this state-level review may differ from findings and determinations made by the federal agency as part of review and consultation under Section 106.

Please contact Kelly Gragg-Johnson, Environmental Review Specialist, at Kelly.graggjohnson@state.mn.us if you have any questions regarding our review of this project.

Sincerely,

Sarah J. Beimers
Environmental Review Program Manager
APPENDIX B

Buffalo-Red River Watershed District

Whiskey Creek Enhancement Project
Environmental Assessment Worksheet

RESPONSES TO COMMENTS ON THE EAW

1. Comments by Christine Herwig, Minnesota Department of Natural Resources

Comment 1-1: The EAW does not describe potential upstream and downstream hydrological impacts of the project or potential changes to the FEMA delineated floodplain. DNR requests this information as well as any modeling that was conducted during project design. Providing this information as part of the environmental review process will facilitate permit review as the project moves forward. For public water permitting, DNR may require a revised model showing project effects on the FEMA floodplain as well as changes to the upstream and downstream hydrology.

Response 1-1: No changes are planned to significant road crossings, which largely control the hydrology for large flood events in this area. The current FIS floodplain for Whiskey Creek was completed using a backwater model based on the floodplain elevation at the confluence of the Red River of the North and Whiskey Creek. We will gladly share any models used to facilitate the design of the river restoration during the permitting process.

Comment 1-2: The EAW mentions phasing, but does not describe any specifics on how the project would be phased to minimize impacts. Please describe any initial plans regarding phasing to minimize impacts to in-stream habitat. Also describe how phasing will be conducted to limit excessive sedimentation to downstream aquatic communities. Describe any special construction approaches and techniques specific to stream restoration that may be used to limit impacts. Also describe how construction of the project will be supervised and monitored to prevent impacts.

Response 1-2: The project phasing will be largely completed based on availability of funding for the project. Each project phase will require a SWPPP to be implemented. In order to satisfy SWPPP requirements, the contractor will be required to stabilize disturbed areas within 7 days. In addition, concentrated flow areas will be required to be stabilized within 24 hours. Based on previous comments from the DNR, rock grade control structures are proposed to be installed at the upstream and/or downstream side of each phase to help mitigate sedimentation issues downstream. This would ensure the stream does not experience headcut conditions back into the project while waiting for the completion of future phases. Side inlet culverts will also be installed at existing gully locations to limit sediment entering the channel. During construction, a Resident Project Representative will be on site to monitor construction activities. BRRWD staff and partners (specifically the Wilkin SWCD) are consistently in the project area and will monitor the site conditions in between construction phases to help prevent impacts when practicable.
2. **Comments by Jennifer Tworzyanski, Minnesota Department of Administration, Office of the State Archaeologist.**

Comment 2-1: Section 14 of the EAW states results of the survey will be reported to the State Historic Reservation Office. Per the Field Archaeology Act (MS 138.31-138.42) (https://www.revisor.mn.gov/statutes/cite/138.31) an archaeological survey license is required for any archaeological survey conducted on non-federal public land in Minnesota, and a report should be submitted to the Office of the State Archaeologist (OSA) upon survey completion in accordance with Licensure requirements. If no non-federal public land will be surveyed in association with this project the OSA requests a copy of the final archaeological report for our records.

Response 2-1: A Phase 1 archaeological survey is currently being completed by Dr. George Holley of Minnesota State University, Moorhead. Once his report has been finalized, a copy will be sent to the Office of the State Archaeologist for review.

3. **Comments by Karen Kromar, Minnesota Pollution Control Agency (MPCA).**

Comment 3-1: Water Resources (Item 11): Page 11 of the EAW states that the proposed Project is compatible with the Wilkin County water plans and the watershed district’s management plan. However, the EAW could also discuss that Whiskey Creek is identified in the Total Maximum Daily Load (TMDL) and Watershed Restoration and Protection Strategy (WRAPS) for the Upper Red River of the North Watershed completed for the MPCA in December 2017. The TMDL calls for a maximum sediment reduction of 29% at high flows, as well as a maximum bacteria reduction of 64% at very high flows. The Project will address (all or part of) the sediment reductions and may address the bacteria reductions required by the TMDL. The Project may also improve the low dissolved oxygen and poor macroinvertebrate conditions in Whiskey Creek, as a result of the sediment and nutrient reductions and habitat restorations that are expected from the Project. For questions, please contact Scott Schroeder at 218-846-8134 or Scott.schroeder@state.mn.us

Response 3-1: Comment noted. Agreed, the proposed project should improve the overall water quality of the Whiskey Creek Watershed and help meet the reduction goals established in the TMDL.

Comment 3-2: Noise (Item 17): At this time, the MPCA does not anticipate any adverse effects on noise based on the information provided in the EAW. Given the intermittent proximity of the Project to homesteads, we would recommend that equipment used be muffled, to the extent practicable, to help mitigate the impacts of noise on those residents. For noise related questions, please contact Fawkes Char at 651-757-2327 or Fawkes.Char@state.mn.us

Response 3-2: Comment noted.
4. **Comments by Sarah J. Beimers, Minnesota Department of Administration, State Historical Preservation Office.**

**Comment 4-1:** Section 14 of the Environmental Assessment Worksheet states that an archaeological “review” will be conducted in the spring of 2020 and a letter will be sent to our office with the findings. We are unsure what is meant by archaeological “review”. Due to the nature and location of the proposed project, we recommend that a Phase 1 archaeological survey be completed prior to project implementation. The survey must meet the requirements of the Secretary of the Interior’s Standards for Identification and Evaluation and should include an evaluation of National Register eligibility for any properties that are identified. For a list of consultants who have expressed an interest in undertaking this type of research and archaeological surveys, please visit the website [http://www.mnhs.org/shpo/preservation-directory](http://www.mnhs.org/shpo/preservation-directory), and select “Archaeologists, Contract” in the “Specialties” box.

**Response 4-1:** Comment noted. A Phase 1 archaeological survey is currently being completed by Dr. George Holley of Minnesota State University, Moorhead. Once his report has been finalized, a copy will be sent to the State Historical Preservation Office for review.

**Comment 4-2:** We will reconsider the need for a survey if the project area can be documented as previously surveyed for disturbed. Any previous survey work must meet contemporary standards. Note: plowed areas and right-of-way are not automatically considered disturbed. Archaeological sites can remain intact beneath the flow zone and in undisturbed portions of the right-of-way.

**Response 4-2:** Comment noted.