

Resolution 2024-22
STATE OF MINNESOTA
MIDDLE FORK CROW RIVER WATERSHED DISTRICT

The Matter of the 2024 Diamond In-lake
Water Quality Project

**FINDINGS AND ORDER OF THE
BOARD INITIATING PROJECT (Minn.
Stat. §§103D.701, .707 (2024))**

At the regular meeting of the Board of Managers of the Middle Fork Crow River Watershed District (District) and upon published notice of project initiation hearing on Tuesday, November 12, 2024, Manager _____ moved, seconded by Manager _____ to adopt the following:

FINDINGS

1. The Board of Managers (Board) has, for the last several years, worked to implement the recommendations of the Diamond Lake Total Maximum Daily Load (TMDL) Report.
2. In furtherance of the TMDL, and to address non-point source pollutants, the Board has established the Hubbard-Schultz-Wheeler, shallow lake water quality and management project and has initiated a Diamond Lake subwatershed assessment project.
3. To address in-lake water quality and recreation matters, the Board has established an Aquatic Plant Management (APM) Project for Diamond Lake. The APM Project is funded by assessment to benefitted properties on Diamond Lake and is implemented under a project agreement with the Diamond Lake Area Recreation Association (DLARA).
4. In the summer of 2024, DLARA requested that the Board consider further actions to address in-lake water quality. Specifically, DLARA requested that the Board consider

establishing a project to implement nanobubble aeration technology in Diamond Lake.

Nanobubble aeration technology has the potential to digest Phosphorus loaded in the bottom sediments of Diamond Lake. The technology also has the potential to reduce or eliminate detrimental algal blooms and improve overall in-lake water quality.

5. DLARA, with approval of its members, included funding in 2025 to cover the costs of installation, operation and maintenance of the proposed nanobubble technology – everything but the physical equipment. DLARA proposed that the Board, using its authorities, establish a project in order to purchase and finance the acquisition of required equipment. DLARA further proposed an inter-project agreement between the APM Project and a proposed Diamond In-lake Water Quality Project. Under the inter-project agreement, DLARA would budget, through the APM Project, for operation and maintenance of the equipment for the term of its useful life and the Board, under the proposed Diamond In-lake Water Quality Project, would acquire and finance the equipment.

6. The Board’s attorney has opined that the operation and maintenance of nanobubble technology fits within the scope of the APM project.

7. At its regular meeting on October 8, 2024, the Middle Fork Crow River Watershed District (District) Board of Managers (Board) reviewed a staff recommendation and the DLARA request regarding in-lake water quality concerns and solutions for Diamond Lake and ordered a public hearing to be held on November 12, 2024 at 6:30 p.m. to receive public comments prior to formal consideration of project 2024-16.

8. The Board has received watershed-based implementation funds (Grant) through the One Watershed Plan collaboration, has committed available funds to investigation and

implementation and is seeking State and Federal funding for implementation of one or more emerging technologies, including nanobubble aeration, to treat in-lake water quality and to digest Phosphorus loaded in bottom sediments.

9. The proposed project involves implementation of nanobubble aeration to address in-lake water quality concerns.

10. Installation/implementation of the proposed project will treat sediment and pollutants and improve water quality in Diamond Lake.

11. The work performed under the project will occur utilizing funds from a combination of one or more grants, water management district charges, assessments and ad valorem taxes.

12. The Board finds that the proposed project is a reasonable means to address water quality concerns in Diamond Lake, further implement the Diamond Lake TMDL, prevent further deterioration of water quality and to protect the public.

13. The Board finds that the proposed project is consistent with water quality and public health objectives of the Watershed Management Plan (One Watershed Plan) within the Middle Fork Crow River.

14. The Board finds that the proposed project is consistent with one or more basic water management project components identified in the One Watershed Plan.

15. The Board finds that certain project components, if chosen to be implemented, are appropriate for funding using one or more for the following:

- a) Water management district charges;
- b) Special assessment; and

- c) Proceeds from ad valorem taxes within the District pursuant to statutes section 103D.905, subds 3 and 9.

16. Pursuant to statutes sections 103D.701 and 103D.707, the Board reserves the authority to impose water management district charges or special assessment upon compliance with required proceedings under statutes chapter 103D.

Having received formal public comments and based on the foregoing, the Board makes the following:

ORDER

- A. The Board establishes the 2024 Diamond In-lake Water Quality Project and assigns Project #2024-16 to the proceedings.
- B. The Board directs its staff to coordinate with the State of Minnesota and the District’s engineer to develop an engineering plan for the project and to include recommendations for project components or activities to be implemented by the District, if any, as part of the project.
- C. Prior to final establishment, the Board shall hold a hearing pursuant to statutes sections 103D.735-.745.

After discussion, the President called the question. The question was on the adoption of the foregoing Resolution 2024-22 and there were __ yeas and __ nays as follows:

	<u>Yea</u>	<u>Nay</u>	<u>Absent</u>	<u>Abstain</u>
BRAEGELMAN	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
GERTGEN	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
HEDTKE	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
SCHAEFER	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
TOUTGES	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Upon vote, the President declared the Resolution _____.

Ruth Schaefer, President

Dated: November 12, 2024

I, Jeff Gertgen, Secretary of the Middle Fork Crow River Watershed District, do hereby certify that I have compared the above resolution with the original thereof as the same appears of record and on file with the District and find the same to be a true and correct transcript thereof.

IN TESTIMONY WHEREOF, I hereunto set my hand this 12th day of November, 2024.

Jeff Gertgen, Secretary