

RESOLUTION 18-07

**NINE MILE CREEK WATERSHED DISTRICT
BOARD OF MANAGERS**

**Adopting a record of decision for the environmental review of the
Normandale Lake Water-Quality Improvement Project and making a negative
declaration on the need for an environmental impact statement**

Manager _____ offered the following resolution and moved its adoption,
seconded by Manager _____:

WHEREAS Nine Mile Creek Watershed District has in place a watershed management plan in accordance with Minnesota Statutes 103B.231 (the Plan);

WHEREAS in 2005 NMCWD completed a scientific assessment of Normandale Lake's physical, chemical, and biological condition that called for protective and remedial measures to improve water quality in the lake;

WHEREAS on July 26, 2007, the City of Bloomington petitioned Nine Mile Creek Watershed District to undertake a basic water management project to improve water quality in Normandale Lake, which is wholly located within the city, in accordance with Minnesota Statutes section 103D.605, the goals of which petition were to improve water quality; to facilitate recreational uses of the lake, in part by improving the fishery; to diversify and improve the quality of vegetation in the lake; and to improve the aesthetics of Normandale Lake;

WHEREAS in response, in part, to strong citizen support expressed in the development of the Plan for improvement of Normandale Lake, the capital improvements program in the Plan includes a project to improve water quality in Normandale Lake, and the NMCWD engineer has developed an analysis of the specific improvements that could be undertaken, including drawdown of lake water levels for one winter and application of alum to and herbicide treatment of lake waters, followed by consideration of additional herbicide treatments, aquatic plant harvesting, aeration and other watershed projects (the Project);

WHEREAS because of the importance of Normandale Lake as a recreational and aesthetic amenity to neighbors and the city, on April 18, 2018, the NMCWD Board of Managers ordered the preparation of a discretionary environmental assessment worksheet (EAW) to assess whether the Project has the potential for causing significant environmental effects, and directed the publication of notice of the availability of the EAW in the "EQB Monitor" on April 30, 2018, and distribution of the EAW in accordance with Minnesota Rules 4410.1500, with a public comment period ending May 30, 2018;

WHEREAS NMCWD received written comments from several agencies and a number of individuals during the comment period;

WHEREAS on June 12, 2018, NMCWD Board of Managers held a duly noticed public hearing at which interested members of the public were afforded the opportunity to address the board, acting as the responsible governmental unit as specified at Minnesota Rules 4410.0500, subpart 2 (RGU), regarding potential impacts examined in the EAW, and while interested persons appeared before the managers to express support for the Project and ask questions regarding specific implementation elements, no comments identifying additional potential significant negative environmental effects were offered;

WHEREAS NMCWD has carefully reviewed the written comments received as well as comments offered at the public hearing, and has prepared specific written responses according to the terms of Minnesota Rules 4410.1700, and made additional findings, all incorporated in the Findings of Fact dated June 12, 2018, and attached hereto;

WHEREAS on the basis of comments provided, the further analysis of the NMCWD engineer, and its own deliberations, the NMCWD Board of Managers as the RGU finds that the Project will effectively achieve the District's water-quality goals with the least incidental negative impact on environmental and other public interests;

WHEREAS the RPBCWD Board of Managers finds that an environmental impact statement for the Project is not necessary because: (1) the Project does not fall within a mandatory EIS category in Minnesota Rules 4410.4400; and (2) the Project does not have the potential for significant negative environmental effects, as specified at Minnesota Rules 4410.1700, subpart 6.

THEREFORE BE IT RESOLVED that the District Board of Managers adopts the EAW, the Findings of Fact, the minutes of the June 12, 2018, hearing, and this resolution as the record of decision in the matter, makes a negative declaration that the preparation of an EIS is not necessary, and directs staff to distribute this resolution and record of decision within five days per the terms of Minnesota Rules 4410.1700, Subpart 5.

The question was on the adoption of the resolution and there were __ yeas and __ nays as follows:

	<u>Yea</u>	<u>Nay</u>	<u>Absent</u>	<u>Abstain</u>
HUNKER	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
KLOIBER	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
PETERSON	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
SHEELY	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
TWELE	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Upon vote, the chair declared the resolution adopted.

Grace Sheely, Secretary

Dated: June __, 2018

* * * * *

I, Grace Sheely, secretary of the Nine Mile Creek 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.