

Lac qui Parle-Yellow Bank Watershed District
Board Minutes #616
June 1, 2021

Call to Order

The meeting was held in the Lac qui Parle Commissioners' Room in the Courthouse, 600 W 6th St, Madison, MN 56256, with a virtual ZOOM login option. The meeting was officially called to order by Chairman Darrel Ellefson at 4:40 p.m. Roll call was taken. **Managers Present:** Chairman Darrel Ellefson, Secretary David Craigmile, and Publicity Manager Michael Frank, & Vice-Chairman John Cornell. **Managers present via ZOOM:** Treasurer David Ludvigson. **Managers absent:** None **Staff present:** Administrator Trudy Hastad, Coordinator Mitch Enderson, Drainage Manager Jared Roiland, and Park Manager Ron Fjerkenstad. **Others present:** None

Approval of the Agenda

Chairman Ellefson asked for additions to the agenda. David Craigmile motioned to approve the agenda seconded by John Cornell. Upon roll call vote, the motion passed 5-0.

Staff Reports:

DRAINAGE MANAGER/INSPECTOR: Jared Roiland reported on monthly activities:

- Trudy, Mitch, & I had a virtual Drainage DB training session with the head engineer. He went over this data collector app that we will be able to use in the field to automatically upload photos and notes from the field.
- Houston Engineering asked me to take some pictures of the CD #42 project and send to them.
- David Craigmile & I were out to R-6 and sprayed for bull thistle. We used Grazon Next to treat the bull thistle. I finished up the next day on R-6 and then spot sprayed on Lazarus Creek.
- Tuesday, May 25th, Mitch and I made our test run for the canoe trip. We went from the HWY 75 bridge to the bottom's road bridge north of Louisburg.
- Sent out a corrective action notice to a landowner who was planting a variety of annual oats in his buffer after he had worked with the SWCD about what exactly needed to be planted to be considered compliant.
- Notices for the Preliminary Engineer's Hearing for the CD #4 Br 3 Improvement project have been sent out and we have answered a few questions in the office about what this project will entail. Preliminary hearing date is set for June 10th, 2021.
- We have been working with the SWCD and our FEMA contractor to get all the FEMA sites seeded to the pre-work condition and we have been in contact with SWCD to also seed the County ditches that have recently been cleaned out.
- We received a petition for outlet for two 40's into CD #54. This was presented to the Lac qui Parle County Drainage Authority at their June 1, 2021 meeting and petition was approved and viewers appointed.
- We received a notice from Lincoln County SWCD that a landowner along WS Ditch #11 was non-compliant for buffer. We will verify and send out a corrective action notice.
- Rhyan from the LQP SWCD and myself were asked by BWSR to be presenters at BWSR Academy this fall regarding buffers.

PARK: Park manager, Ron Fjerkenstad reported on monthly activities.

- Ron received a thank-you from the Canby Sportsman Club and St. Peter's School for the park pass for their fundraisers.
- All spots in the park were filled for the memorial day weekend. Campers are looking forward to the July 4th Holiday with park already full for fathers' day weekend, 4th of July weekend, Canby Hat Days weekend. July 4th will have the slip-in-slide back, and parade of carts, along with fireworks.
- A tree service was in and trimmed tree's around and over the metal shop. These were too big and high for the park crew to take care of.

- The Contractor was in and flagged the area for the Canby Creek retention ponds.
- Michael Frank reported that Sanford will also donate to the playground fund. We are still working on donations, but we should be able to get a nice playground for the kids at the park.

COORDINATOR'S REPORT:

- We received two proposals for consultants for the 1W1P report. Interviews will be on June 22nd.
- Continue to work with Mark Volz from Lyon County to correct LQP County parcel data for GIS.
- Trudy & I attended the pre-construction meeting onsite May 20th for the Del Clark/Canby Creek grant. They were going to flag the area the following day with construction to start end of May.
- We have had six applications submitted for SSTS this year with one system being paid.
- We are still waiting to hear from DNR on our permits for the CD #79 & CD #83 cleanout requests.
- I constructed a draft resolution for the watershed to act as project sponsor and fiscal agent for the Florida Creek restoration project. We have a project check-in call with the group on Thursday morning to review and edit the draft. It is likely I will bring the resolution to our Board meeting in July.
- I have been trying to work with ESRI to get administrator control on our ESRI account so we can activate our online account to be able to control updates in Drainage DB.
- Jared and I tested the route for the canoe trip and it appears as though it will work well. The route is very shallow so hopefully it doesn't go down too much. As of this afternoon, we have 30 people registered to participate.

WCA:

- The Yellow Bank violation site expiration date for restoration was yesterday, May 31st. I have asked Lynda what our next step will be going forward, and she said it will be in the DNR's hand. They can either issue an extension or a citation. We will need to schedule a call with DNR to discuss.
- Looking for a decision on the Strong Ag bank site application in Yellow Bank 15. I mentioned last month about approving today with a condition of pending receipt of a CUP and that the answers provided to the TEP comments are followed. The CUP has now been submitted and that process has begun with the County.

David Craigmile motioned to approve the Strong Ag Bank site in Section 15, Yellow Bank Township pending acquisition of a Lac qui Parle County Conditional Use Permit with revisions to TEP comments and as submitted on 5/13/2021, seconded by Michael Frank. Upon roll call vote, motion passed 5-0. (see attached).

- A credit request from the HRM (Olson) bank site for 2.35 credits was approved and processed.
- Approved two applications for replacement of agricultural impacts for Brian Croatt in Section 13, Arena Township, Lac qui Parle County.

TREASURER'S REPORT: Dave Ludvigson presented the Treasurers report via Administrator Hastad.

Manager Michael Frank motioned to accept the Treasurers' report as read, seconded by Manager David Craigmile. Upon roll call vote, the motion passed 5-0.

The following warrants were presented for approval:

Number	Vendor	Details	05 /05/2021 to 6/01/2021
<u>General Klein Account:</u>			
6172	Ryan Wittnebel/Monnens Excavating	SSTS loan	\$16,100.00
6173	Ryan Wittnebel/Greg Thole Electric	SSTS loan	<u>\$1,583.64</u>
		TOTAL	\$17,683.64
<u>UPB Park Expense Account:</u>			
1346	Aquacide Company	1 10lb bag aquaclear pellets	\$116.53
347	LQP County Auditor/Treasurer	2017 Ford pickup tabs	\$243.25

Administrator Report/Old & New Business: Trudy Hastad gave the Administrator report.

- Reminded the Board of the Br 3 CD #4 hearing date set for June 10, 2021 at 10:00 a.m. in the Commissioner Room.
- Reported that all the 2021 pasture rent was paid. Board asked Hastad to follow up on the Stoks back rent.
- Discussed mowing the shop buildings. Currently staff have been mowing on their own time with \$30 reimbursement for gas, mower use, time. Discussion followed:

David Craigmile motioned to purchase a self-propelled push mower around \$300 so staff can mow on work time, seconded by Michael Frank. Upon roll call vote, motion passed 5-0.

- Manager Craigmile and Manager Ellefson reported on the Karels permit violation. They had met with Karel's on site and noted a 18 inch culvert under his driveway and a 15 inch pipe going into the Yellow Bank river. Discussion followed. Manager Craigmile put together a power point presentation showing the history of the private ditch. Manager Ellefson will contact Commissioner DeRon Brehmer to discuss and get back to the board. It was discussed that the Watershed involvement is that Mr. Karels violation is installing the crossing and pipe without a WS permit. Discussed what options the Board has if he doesn't comply.
- Hastad reported finishing the pre-audit worksheets for the 2020 audit. The auditors are scheduled to come the week of June 14th, 2021.
- Hastad reported the new permit application form is going ok. Still working out some of the bugs, but the response overall has been good.

PERMITS- The following permit applications were applied for:

13415	Steve Eidem	Augusta, 20	seepage, main tile	5/4/21 DE
13416	Fagen Farms	Baxter, 33	seepage, main tile	5/4/21 DE
13417	Dan Aakre	Freeland, 14	seepage lines	5/4/21 DE
13418	Brian Fernholz	Lake Shore, 35	seepage lines, intakes	6/1/21 DE
13419	Brock Nygard	Cerro Gordo, 8	seepage lines	6/1/21 DE
13420	Brock Nygard	Hantho, 33	lift pump and new outlet	6/1/21 DE
13421	Jerry Heinrich	Lake Shore, 31	seepage lines, intakes	6/1/21 DE
13422	Jerry Abramowski	Perry, 32	install culvert for crossing over private ditch	6/1/21 DE
13423	Richard Maatz	Walter, 22	main tile	6/1/21 DE
13424	Darin Schmidt	Augusta, 20	main tile	6/1/21 DE
13425	Call Family Farms	Cerro Gordo, 18	seepage, main tile	6/1/21 DE
13426	Schutte Family Farms	Riverside, 31	cleaning ditch	6/1/21 DC
13427 renew 12644	Michael Hermanson	Baxter, 29	seepage, main tile	6/1/21 DC
13428	Roger Bliss	Hammer, 8	seepage, intakes	6/1/21 MF
13429	Dennis Steffen	Norman, 22	clean ditch	6/1/21 MF
13430	Joyce Ramlo	Fortier, 4	maintenance, repair tile	6/1/21 MF
13431	Loren Epple	Royal, 6	clean ditch	6/1/21 JC
13432	Joyce Ramlo	Hendricks, 11	main tile	6/1/21 JC
13433 renew 12737	Justin Koenig	Freeland, 35	seepage, main tile	6/1/21 DL

Permits Denied: Josh Johnson for further information from DNR

Manager David Craigmile motioned to approve the permits except those held for signatures, seconded by Manager John Cornell. Upon roll call vote, motion passed 4-0.

Meeting adjourned at 6:28 p.m.



Paul Ellefson, LQP-YB Chairman

Attest:

David Craigmile, LQP-YB Secretary

Minutes prepared by Hastad

The next regularly scheduled meeting of the Lac qui Parle-Yellow Bank Watershed District is Tuesday, July 6, 2021 at 4:30 p.m.

Minnesota Wetland Conservation Act Notice of Decision

Local Government Unit: Lac qui Parle – Yellow Bank Watershed District County: Lac qui Parle	
Applicant Name: Paul Strong	Applicant Representative: Kane Radel
Project Name: Strong Ag Bank	LGU Project No. (if any):
Date Complete Application Received by LGU: 3/3/2021	
Date of LGU Decision: 6/1/2021	
Date this Notice was Sent: 6/2/2021	

WCA Decision Type - check all that apply

<input type="checkbox"/> Wetland Boundary/Type	<input type="checkbox"/> Sequencing	<input type="checkbox"/> Replacement Plan	<input checked="" type="checkbox"/> Bank Plan (not credit purchase)
<input type="checkbox"/> No-Loss (8420.0415)	<input type="checkbox"/> Exemption (8420.0420)		
Part: <input type="checkbox"/> A <input type="checkbox"/> B <input type="checkbox"/> C <input type="checkbox"/> D <input type="checkbox"/> E <input type="checkbox"/> F <input type="checkbox"/> G <input type="checkbox"/> H		Subpart: <input type="checkbox"/> 2 <input type="checkbox"/> 3 <input type="checkbox"/> 4 <input type="checkbox"/> 5 <input type="checkbox"/> 6 <input type="checkbox"/> 7 <input type="checkbox"/> 8 <input type="checkbox"/> 9	

Replacement Plan Impacts (replacement plan decisions only)

Total WCA Wetland Impact Area:
Wetland Replacement Type: <input type="checkbox"/> Project Specific Credits: <input type="checkbox"/> Bank Credits:
Bank Account Number(s):

Technical Evaluation Panel Findings and Recommendations (attach if any)

<input checked="" type="checkbox"/> Approve <input type="checkbox"/> Approve w/Conditions <input type="checkbox"/> Deny <input type="checkbox"/> No TEP Recommendation
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LGU Decision

<input checked="" type="checkbox"/> Approved with Conditions (specify below) ¹ <input type="checkbox"/> Approved ¹ <input type="checkbox"/> Denied
List Conditions: Pending acquisition of Lac qui Parle County Conditional Use Permit with revisions to TEP comments and as submitted on 5/13/2021.
Decision-Maker for this Application: <input type="checkbox"/> Staff <input checked="" type="checkbox"/> Governing Board/Council <input type="checkbox"/> Other:
Decision is valid for: <input checked="" type="checkbox"/> 5 years (default) <input type="checkbox"/> Other (specify):

¹ *Wetland Replacement Plan approval is not valid until BWSR confirms the withdrawal of any required wetland bank credits. For project-specific replacement a financial assurance per MN Rule 8420.0522, Subp. 9 and evidence that all required forms have been recorded on the title of the property on which the replacement wetland is located must be provided to the LGU for the approval to be valid.*

LGU Findings – Attach document(s) and/or insert narrative providing the basis for the LGU decision¹.

<input type="checkbox"/> Attachment(s) (specify):
<input type="checkbox"/> Summary:

¹ *Findings must consider any TEP recommendations.*

Attached Project Documents

<input type="checkbox"/> Site Location Map <input checked="" type="checkbox"/> Project Plan(s)/Descriptions/Reports (specify): Mitigation Plan (Full Application)

Appeals of LGU Decisions

If you wish to appeal this decision, you must provide a written request within 30 calendar days of the date you received the notice. All appeals must be submitted to the Board of Water and Soil Resources Executive Director along with a check payable to BWSR for \$500 *unless* the LGU has adopted a local appeal process as identified below. The check must be sent by mail and the written request to appeal can be submitted by mail or e-mail. The appeal should include a copy of this notice, name and contact information of appellant(s) and their representatives (if applicable), a statement clarifying the intent to appeal and supporting information as to why the decision is in error. Send to:

Appeals & Regulatory Compliance Coordinator
Minnesota Board of Water & Soils Resources
520 Lafayette Road North
St. Paul, MN 55155
travis.germundson@state.mn.us

Does the LGU have a local appeal process applicable to this decision?

- Yes¹ No

¹If yes, all appeals must first be considered via the local appeals process.

Local Appeals Submittal Requirements (LGU must describe how to appeal, submittal requirements, fees, etc. as applicable)


Notice Distribution (include name)

Required on all notices:

<input checked="" type="checkbox"/> SWCD TEP Member: Rhyan Schicker	<input checked="" type="checkbox"/> BWSR TEP Member: Lynda Ponting
<input type="checkbox"/> LGU TEP Member (if different than LGU contact):	
<input type="checkbox"/> DNR Representative:	
<input checked="" type="checkbox"/> Watershed District or Watershed Mgmt. Org.: Lac qui Parle – Yellow Bank	
<input checked="" type="checkbox"/> Applicant: Paul Strong	<input checked="" type="checkbox"/> Agent/Consultant: Kane Radel

Optional or As Applicable:

<input type="checkbox"/> Corps of Engineers:	
<input checked="" type="checkbox"/> BWSR Wetland Mitigation Coordinator (required for bank plan applications only): Tim Smith	
<input type="checkbox"/> Members of the Public (notice only):	<input checked="" type="checkbox"/> Other: Bruce Freske

Signature: 	Date: 6/2/21
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This notice and accompanying application materials may be sent electronically or by mail. The LGU may opt to send a summary of the application to members of the public upon request per 8420.0255, Subp. 3.

Paul Strong Mitigation Plan Application Comments

**Applicants responses to TEP comments are in green - May 13, 2021*

1. Lac qui Parle County, according to ordinance, will require a Conditional Use Permit (CUP) for conservation easements >10 acres. The CUP should be acquired in order to make a WCA decision. Mr. Strong has started to fill out the Condition Use Permit and gather the necessary information and will be seeking approval of the CUP.
2. TEP is okay with waiving deposit fees for credits to be used for project specific replacement. However, many of the wetlands anticipating their use are labeled "W" versus "FW". The landowner should ensure wetlands labeled "W" qualify for Ag Bank use either through applicable exemptions or Evaluation Tool results as specified in the BWSR/NRCS Memorandum of Understanding. If they do not qualify and the credits will instead be deposited, normal depositing fees will apply. Mr. Strong is working with NRCS to determine which wetlands can be mitigated via the Ag Bank (credits generated from this project). He recently met with Susan Hult and a determination should be coming soon.

3. The monitoring plan says a final delineation will not be performed if boundaries do not change. Most of the wetlands should not be affected hydrologically, but some wetlands may be affected by ditch plugs. If the ditch plugs increase the size of the wetlands it may be in the interest of the landowner to perform a delineation at least on those wetlands affected by the plugs as final credit release could correspondingly increase.

**It is the TEP's understanding that the potential increase is minute enough that the landowner does not wish to perform the delineation work to realize the increase.*

The potential change to the size of the wetland from the construction work will not be known until after the work is completed. As indicated in the Mitigation Plan, Section 11, Wetland Delineation - the boundaries of Wetlands 1, 2, 4, and 5 will be reviewed at the end of the monitoring period. A final wetland delineation will be performed if the boundary has changed enough to warrant it.

4. The TEP feels 2025 is an acceptable end date for determining successful monitoring provided performance standards are met. The TEP wishes to ensure spread is under control or eradication of Siberian Elm and Queen Annes Lace has occurred.

Will landowner or contractor be in charge of maintenance and/or monitoring?

Mr. Strong will perform any required maintenance if he has the proper equipment and time to conduct the work. A contractor will be hired if Mr. Strong is not able to complete the work. Monitoring will be the responsibility of the landowner. BWSR will provide technical assistance as needed.

There was an area primarily of Smooth Brome discussed during the onsite TEP meeting. This area is proposed to receive 10% upland buffer credit rather than 25%. The TEP feels it may be a good idea to manage and reseed this area to seek 25%.

Rhyan: as shown on the map on page 28, the vegetation surrounding wetland #12 is all non-native (I'm thinking brome), I wonder could we cut the credits down for that if no new seeding or give full credits if that area is reseeded to natives? Looking through the CRP history and the seed mixes it

wasn't all that impressive for forbs, some areas planted only to grasses, so I just wonder if it wouldn't be a bad idea to reseed where the brome is? What about running a burn through to stimulate native grass and forb in seedbank?

Consideration was given to reseeding the brome and establishing native vegetation to generate additional credits (i.e. 25%). A decision was made to maintain the existing cover which is eligible for 10% credit for preserving non-native vegetation (8420.0526., Subp. 2., A.). Despite a native vegetated buffer being more desirable, the area of smooth brome is only 11% of the total upland buffer for the project and it will provide an effective, sod-forming ground cover to the restored wetland.

5. In the engineer plans, the proposed borrow area for wetland 5 ditch plug is shown within the wetland. Would this excavation impact the wetland boundary? Is there an alternative borrow site located in upland that could be used?

The borrow areas depicted on the plans are shown as potential locations. Once construction begins, borrow areas with suitable soils will be located. Locating the borrow area near the wetland boundary can provide multiple benefits:

- The wetland boundary is where accumulations of sediment from erosion is typically found. Taking borrow from this area can offset these sediment accumulations.
- Borrow areas near the wetland boundary can result in more wetland acres, which is a primary objective of wetland banking.
- The outer margins of the wetland are where the highest concentrations of reed canary are found. Taking borrow from these areas can remove existing reed canary and create wetter conditions, sometimes too wet for reed canary to become reestablish.

Locating suitable material and the site conditions at the time of construction could eliminate the possibility of the borrow area near the wetland boundary. Regardless, if the TEP concludes that upland borrow areas provide greater benefits than wetland borrow areas or requires the borrow to be located outside of the wetland for other reasons, we will ensure the borrow is not located within the wetland boundary.

6. The TEP is comfortable with using previously designated W wetland acres in determining total wetland acres to use for matching upland credit generation. The W areas are within restorable basins. The difference in credits that would or would not be generated based upon this allowance is only between .8 - .9 credits.
7. The proposed easement contains a gap between two areas. The TEP feels it would be beneficial to have connectivity between the entire conservation site. Are there plans for the gap to enter into a separate conservation program or will row crop be in this area?

It makes it difficult to describe it as a wetland banking "site" when there is essentially two sites.

Mr. Strong has an interest in conservation program options to create one single block of wetland/upland habitat and create a more desirable boundary for farming purposes. He will continue to consider new programs and/or opportunities. Currently there are discussions with BWSR easement staff regarding the possibility of a RIM easement.