



**Becker
Soil & Water
Conservation District**

**Board of Supervisors Monthly Meeting
SWCD/NRCS Conference Room
USDA Service Center**

**Tuesday, August 20, 2024
Meeting Minutes**

Supervisors Present:

Michelle Andresen, Chair
Curt Ballard, Vice Chair
Tony Beck, Treasurer
Gene Pavelko, Public Relations
Travis Schauer, Secretary

Staff Present:

Bryan Malone, District Administrator
Jamie Bischoff, Office Manager
Christy Johnson, Education/Outreach Coordinator
Hayden Olson, Conservation Corps Intern
Logan Riedel, Resource Technician
Ed Clem, Soil & Water Resource Technician
Ed Musielewicz, NRCS

Guests:

Brett Arne, BWSR Conservationist
Curt Ballard's granddaughter, Amber
MN DNR Forestry Personnel x3
Willis Mattison
Landowners x2

Call to Order

Chair Andresen called the meeting to order at 8:30 a.m.

Agenda

Approval of Agenda

Motion (Ballard, Beck) to approve the August agenda. All in favor, motion carried.

Minutes

Approval of Meeting Minutes – July 18, 2024 - Regular Meeting Minutes

Motion (Beck, Pavelko) to approve the July 2024 meeting minutes. All in favor, motion carried.

Financial

Treasurers Report and Bills for Approval

Bischoff presented the Treasurers Report and Bills for Approval.

Motion (Schauer, Pavelko) to approve the July 2024 Treasurer's Report and August bills to pay. All in favor, motion carried.

Review and Approve 2025 Proposed Budget

Malone presented our 2025 budget to Carrie, the Becker County Administrator. The next step to meet with the county finance committee. One increase on the budget was under professional services. Recently, MASWCD has been recommending SWCD's to contract with an HR consultant (professional services). A review of documents such as the employee handbook, position descriptions and job appraisals would be a few ways the HR consultant could assist.

Motion (Schauer, Beck) to approve the 2025 proposed budget with the increase in professional services for Human Resources. All in favor, motion carried.

Soil Health Delivery Grant Agreement

Soil Health Delivery Grant can be used for anything promoting soil health (staff time, education, vouchers) except the purchase of equipment.

Motion (Pavelko, Beck) to approve the Soil Health Delivery Grant agreement. All in favor, motion carried.

FY25 Otter Tail & Redeye WBIF Agreement for Services

East Otter Tail SWCD is the fiscal agent for both Otter Tail and Redeye WBIF grants. We have agreements similar to this with previous WBIF grants in Otter Tail and Redeye Watersheds. The allocation of funds are outlined on both agreements.

Motion (Ballard, Beck) to approve the FY25 Otter Tail and Redeye WBIF Agreement for Services with East Otter Tail SWCD. All in favor, motion carried.

2024 SWCD Aid Use of Payments Resolution

Malone stated this year's resolution mimics last year's resolution.

Motion (Beck, Pavelko) to approve the 2024 SWCD Aid Use of Payments resolution. All in favor, motion carried.

Cost Share

Clean Water Fund Application

CWL-10-FFBCII RyPe, Cover Crops: Flat rate payment of \$17,601.25.

Motion (Schauer, Ballard) to approve the Clean Water Fund application CWF-10-FFBCII. All in favor, motion carried.

Clean Water Fund Voucher

CWF-09-FFBCII SpDa, Cover Crops: Flat rate payment of \$39,014.40.

Motion (Pavelko, Schauer) to approve the Clean Water Fund Voucher CWF-09-FFBCII. All in favor, motion carried.

Watershed Based Funding Applications

1W1P-12-RE DaHu, Forest Management: Project Cost \$944.00, 75% Cost Share \$708.00.

1W1P-13-RE GoKe, Ag Waste Pit Closure: Project Cost \$13,505.00; 90% Cost Share \$12,154.50.

1W1P-22-OT GrCh, Conservation Cover: Project Cost \$5,500.00, 75% Cost Share \$4,176.05.

Motion (Beck, Ballard) to approve the Watershed Based Funding applications. All in favor, motion carried.

Watershed Based Funding Vouchers

1W1P-09-OT CiDL, Windbreak Est.: Project cost \$2,829.35; 75% Cost Share; \$2,122.01.

1W1P-21-BR ToAn, WASCBs: Project cost \$7,303.76; EQIP 75% Cost Share; \$5,477.82.

Motion (Pavelko, Beck) to approve the Watershed Based Funding Voucher payments. All in favor, motion carried.

Watershed Based Funding Amendment

1W1P-02-RE RoGe, Prescribed Grazing; Extend contract completion date from September 1st to December, 1st 2024.

Motion (Pavelko, Schauer) to approve the Watershed Based Funding Amendment. All in favor, motion carried.

State Cost-Share Application

SCS-23-05 ToFo, Conservation Cover; Project Cost \$3,013.94 75% Cost Share; \$2,260.46.

Motion (Beck, Pavelko) to approve the State Cost Share Application SCS-23-05. All in favor, motion carried.

State Cost-Share Vouchers

SCS-24-07 VeBa, Windbreak Est.- Project cost \$3,523.52; 75% Cost Share \$2,645.64

SCS-23-04 DwBu, Conservation Cover- Project cost \$7,303.0764; 75% Cost Share \$5,477.82

Motion (Ballard, Beck) to approve the State Cost-Share Vouchers for payment. All in favor, motion carried.

SSTS Voucher

SSTS-24-02 RaSk, SSTS Upgrade: Project Cost \$17,450 payment \$13,575.00.

Motion (Pavelko, Beck) to approve the State Cost-Share Voucher for payment. All in favor, motion carried.

Public Hearing – Wetland Conservation Act

Chairman Andresen closed the regular board meeting at 9:25 a.m. and opened the public hearings at 9:30 a.m.

MN DNR Forestry Smoky Hills Access Road - Wetland Replacement Plan

Becker TEP Findings and Recommendation

The TEP finds that the project purpose and need of providing access to state lands for forest management and public recreation is reasonable and prudent.

The TEP finds that the requirement of the applicant to list at least 2 alternatives that avoid wetland impacts is met. The alternative to build the road around the south edge of the wetlands is discounted because this is not acceptable to the private property owner, Tim Lembke. An additional route through private properties north of the wetlands was explored by DNR but discounted by those property owners declining to allow that route. The "do nothing" alternative does not address the project's purpose and need.

The TEP inquired about how the additional private properties further west and south of the state lands would access their properties if the old road is closed off by Lembke. The TEP has since received information from the DNR that those properties also have an easement in the general location of the new proposed road alignment.

The TEP finds that efforts to minimize wetland impacts to the extent possible have been addressed in the plan. The proposed construction of a minimum maintenance forestry road with a 14-foot driving surface and 3:1 side-slopes is an adequate effort to minimize wetland impacts.

The TEP finds that this project should not have a significant adverse impact on threatened and endangered species, rare natural communities, and special fish and wildlife resources. This finding is based on the review of the MN Natural Heritage database by DNR Ecological and Water Resources staff.

The TEP finds that the proposal to purchase 10,980 square feet of wetland credits from the MN Wetland Bank Program should adequately replace the public value of the 5,490 sq ft of wetland loss that will occur as a result of this project.

The TEP finds that the sequencing requirements under MN WCA Rule Chapter 8420 to avoid, minimize, and replace unavoidable wetland impacts have been addressed by this plan. The TEP recommends approval of the DNR Forestry Smoky Hills Access Road Wetland Replacement Plan.

Following the presentation of TEP Findings and Recommendations, Chairman Andresen asked for any other comments in favor or against the application.

Discussion:

- Tim Lemke, landowner, was not present.
- Landowner properties to the west have easements that may need attention.
- It was reminded that the SWCD Board, serving at LGU for the MN Wetland Conservation Act in Becker County, should make findings and then decide in favor or against this application.

Public Hearing - Wetland Conservation Act
Drewes Driveway - Wetland Replacement Plan

Becker TEP Findings and Recommendation

The TEP finds that the project purpose and need of driveway construction to access this 6-acre parcel for future residential use is reasonable and prudent.

The TEP finds that the requirement of the applicant to list at least 2 alternatives that avoid wetland impacts is met. The "do nothing" alternative can be discounted because it does not address the project's purpose and need. The second alternative of accessing the lot from neighboring parcels can be discounted as evidenced by the 3 signed affidavits from those landowners, declining their request for easements or sale of portions of their land for alternative access.

The TEP raised another alternative of moving the driveway approach south of the wetland to avoid impacts. The applicant stated in his application that "due to Eagle Lake Road traffic and a steep hill on the south end of the property we feel the proposed driveway location is the only safe access point onto the property". The TEP requested that the applicant obtain traffic engineering documentation to support his safety concerns.

The applicant provided the requested documentation in the form of an email from Jim Olson, Becker County Highway Engineer. In Jim's email he states that he calculated the proper safe location for the driveway. He based this on the sight distance from the crest of the hill, expected driving speed, percent grade of the hill, and required stopping distance. According to Jim's calculations, the driveway should be located 427 feet from the crest of the hill. This nearly matches the applicant's proposed location. Therefore, the TEP finds that the alternative of moving the driveway south of the wetland can be discounted due to safety concerns.

The TEP finds that the proposed construction plans of limiting the driving surface to a 12-foot width across the wetland and 3:1 side slope, with a 24-inch culvert and erosion control bmps, meets the requirement of attempting to minimize wetland impacts.

The TEP finds that this project should not have a significant adverse impact on threatened and endangered species, rare natural communities, and special fish and wildlife resources.

The TEP finds that the proposal to purchase 4,256 sq ft of wetland credits from the MN Wetland Bank program to replace the 2,128 sq ft of wetland impact at a 2:1 ratio should adequately replace the public value of wetland loss that will occur as a result of this project.

The TEP finds that the sequencing requirements under MN WCA Rule Chapter 8420 to avoid, minimize, and replace unavoidable impacts have been addressed by this plan.

The TEP recommends approval of the Drewes Driveway Wetland Replacement plan.

Following the presentation of TEP Findings and Recommendations, Chairman Andresen asked for any other comments in favor or against the application.

Discussion:

- Can the driveway can be constructed somewhere else?
- Safety is a concern; however, speed limit signs state 30mph not 45mph.
- Can a bridge over the wetland be built?
- It was reminded that the SWCD Board, serving as LGU for the MN Wetland Conservation Act in Becker County, should make findings and then decide in favor or against this application.

Chairman Andresen closed the public hearings and opened the regular board meeting at 10:30 a.m.

MN DNR Forestry Smoky Hills Access Road - Wetland Replacement Plan

LGU Findings for DNR Smoky Hills Access Road Wetland Replacement Plan

The Becker SWCD Board of Supervisors, serving as LGU for the MN Wetland Conservation Act in Becker County, finds that:

- The project purpose and need of providing access to state lands for forest management and public recreation is reasonable and prudent.
- The requirement of the applicant to list at least 2 alternatives that avoid wetland impacts is met. The alternative to build the road around the south edge of the wetlands is discounted because this is not acceptable to the private property owner, Tim Lembke. An additional route through private properties north of the wetlands was explored by DNR but discounted by those property owners declining to allow that route. The “do nothing” alternative does not address the project’s purpose and need.
- Access to additional private properties further west and south of the state lands was addressed by the DNR. Those landowners will have the option to use the DNR’s proposed access or secure a separate easement on Lembke’s property.
- Constructing a new road with a WCA exemption for Silvicultural Activities could have been pursued by DNR but it would not have provided access for public recreation and that option would have resulted in a net loss of wetland without replacement.
- Efforts to minimize wetland impacts to the extent possible have been addressed in the plan. The proposed construction of a minimum maintenance forestry road with a 14-foot driving surface and 3:1 side-slopes is an adequate effort to minimize wetland impacts.
- This project should not have a significant adverse impact on threatened and endangered species, rare natural communities, and special fish and wildlife resources. This finding is based on the review of the MN Natural Heritage database by DNR Ecological and Water Resources staff.
- The proposal to purchase 10,980 square feet of wetland credits from the MN Wetland Bank Program will adequately replace the public value of the 5,490 sq ft of wetland loss that will occur as a result of this project.
- The sequencing requirements under MN WCA Rule Chapter 8420 to avoid, minimize, and replace unavoidable wetland impacts have been addressed by this plan.

The LGU directs DNR Forestry to investigate the arrangement the other private property owners believe they have with Tim Lembke for the potential to acquire a similar arrangement that avoids wetland impacts.

Motion (Schauer, Pavelko) to approve the MN DNR Forestry Smoky Hills Access Road WCA Replacement Plan to impact 1,920 square feet of wetland and replace those impacts by purchasing 3,840 square feet (2:1 ratio) from the MN Wetland Bank and DNR Forestry to investigate the arrangement the other private property owners believe they have with

Tim Lembke for the potential to acquire a similar arrangement that avoids wetland impacts. In favor: Beck, Schauer, Pavelko, Andresen, and Ballard. Opposed: None. Motion carried.

Drewes Driveway - Wetland Replacement Plan

LGU Findings for Drewes Driveway Wetland Replacement Plan

Further discussion took place regarding the location of proposed driveway, speed and safety and a bridge idea.

The Becker SWCD Board of Supervisors, serving as LGU for the MN Wetland Conservation Act in Becker County, finds the following:

- The LGU finds that the project purpose and need of driveway construction to access this 6- acre parcel for future residential use is reasonable and prudent.
- The LGU finds that the requirement of the applicant to list at least 2 alternatives that avoid wetland impacts is met. The "do-nothing" alternative can be discounted because it does not address the project's purpose and need of driveway access. The second alternative of accessing the parcel from neighboring properties can be discounted as evidenced by the 2 signed affidavits from those landowners, declining the request for easements or sale of portions of their land for alternative access.
- The LGU finds that the alternative raised by the TEP of moving the driveway approach south of the wetland to avoid impacts cannot be discounted. The LGU finds that the applicant's recommendation from Becker County Highway Engineer Jim Olson to locate the driveway at least 427 feet from the hillcrest was based on a 45-mph speed of traffic, while the posted speed limit in this area is 30 mph. The LGU finds that the safety factor from sight distance for traffic is not sufficient, and that the applicant could consult the local road authority about increasing warning signage for a blind approach, which could include flashing lights.
- The LGU finds that if the applicant's safety concerns necessitate locating the driveway through the wetland, the applicant could explore an option of bridging across the wetland to avoid or minimize impacts further.
- The LGU finds that the ecological importance of this wetland in the shoreland zone of Eagle Lake is significant. The proposal to purchase 4,256 sq ft of wetland credit from the MN Wetland Bank to replace the loss of 2,128 sq ft of this wetland may not adequately replace the public value of the wetland lost in this plan.

Motion (Schauer, Beck) to deny the wetland replacement plan application because wetland impact avoidance and/or minimization efforts are inadequate to justify the proposed replacement of the wetland loss. In favor: Beck, Schauer, Pavelko, Andresen, and Ballard. Opposed: None. Motion carried.

Financial Assistance Policy

Bid Process, Contract Payments

Arne advised the board that a few years ago the policy changed regarding cost-share contract payment. Once an application is approved, that allows the payment of that allocated amount to be paid without further Board action. The voucher payment will show up in the bills to approve in the monthly financial reports. The only time it comes back to the board for approval if a contract needs an amendment.

Motion (Schauer, Ballard) to allow payment of cost-share contracts, once completed, up to the dollar amount approved. All in favor, motion carried.

BWSR

Bret Arne, Board Conservationist

Arne gave an update on the legislative session. A few highlights were: changes were made to Watershed Districts statute language, the SWCDs can take out loans, and the Buffer Law change allows LGU to administer penalty orders at the same dollar amount as the state; up to \$10,000.00 per day per incident.

Open Forum

Willis Mattison presented a document on the Impacts of Wake Boats and Wake surfing as well as Addressing CAFO Impacts in Becker County's Comprehensive Land Use Plan and Zoning Ordinances written by Izaak Walton League of America Prairie Woods Chapter Special Report. He asks the board to review the two documents and Mr. Mattison would like to come to another board meeting to present more information.

Staff Reports

Logan – Resource Technician

Hayden, Conservation Corp Intern, has done an exceptional job this summer and was a huge asset to our team. His last day is Thursday, August 22.

We have received several phone calls regarding the Floyd Lakes postcard that were mailed.

We had 14 sites and 10 projects this summer.

Bryan Malone – Administrator

1W1P – The Policy committee met on July 24 to review the draft plan and officially began the 60-day formal public comment period. Working with Christy and others on a project tour for the Otter Tail Policy Committee meeting on September 26th. Completed the workplan for the Wild Rice CRP Incentive program. A postcard was mailed to landowners in the Toad River sub watershed promoting our priority resource concern of e. coli in river and the practices available for cost-share. Have received a few calls already. The Floyd Lakes and Upper Cormorant Lake shoreline owners also received a post card promoting our shoreland restoration program. Attended our quarterly Steering Committee meetings for the Otter Tail and Redeye plans. The Crow Wing Planning Committee met to begin discussions about implementation.

Projects – Most of the tile for our WASCBS has been installed already. Just a couple to get started yet. There will be plenty of embankments to build yet but things look good so far. Met with Lukas Steffl on a potential WASCBS project for next year and discussing soil health options.

Personnel – Received 6 applications for the Program Technician position. Advertised on the Red River Farm Network but that didn't seem to drum up any more applications. Will hopefully hold interviews next week.

Meetings and Other – Attended the County NRM meeting. The BRRWD hosted a project tour on August 15th and we visited 4 of their projects. Met with the County Administrator on our FY25 budget. WCA TEP meeting at a violation on Island Lake. Also met to review the vegetation analysis at the Ogema Bank. Working on the Outstanding Conservationist nomination for Lehrke's and introduced them and their accomplishments at the Becker County Fair under the big tent on Saturday. Brett Arne organized a Manager Meeting for his work area. The Sandhill WD in Fertile hosted the meeting. It was good to share experiences and here what is going on in other SWCDs.

TSA – Held the RRVCSA Board Meeting on July 31st. Reviewed the proposed budget and grant balances. North Pod has hired another engineering technician. Completed a workplan revision for Pennington to purchase a new vehicle for their technician. Peter Nelson, Logan Handyside and I were interviewed by BWSR for an article about how the TSA operations are going after the reorganization. This will be published in the BWSR Snapshots Bulletin.

Adjourn

Seeing no further business, Chair Andresen adjourned the meeting at 11:56 a.m.

Travis Schauer
Board Secretary

Byron E Malone
District Administrator

25 Sep 2024
Date

9/25/2024
Date