

Minutes of the Stearns County Wetland Rules Committee

The March 28, 2017 meeting of the Stearns County Wetland Rules Committee was held in Room 313 (Environmental Services, Third Floor) of the Stearns County Administration Center, 705 Courthouse Square, St. Cloud, MN beginning at 1:00 p.m.

Members Present: Greg Berg, Soil and Water Conservation District
Chuck Weiman, Stearns County Highway Department
Susan McGuire, Environmental Services
Commissioner Steve Notch (Non-voting member)

Members Absent: None

Others Present: James Bredeck and Jesse Bredeck, applicants
Laurie Lokken, Environmental Services

Chairperson Berg called the meeting to order at 1:00 p.m.

1. Oath of Office (for any new members) & Code Of Ethics

No Oath of Office was required (all are returning Committee members). The Code of Ethics forms were given to Committee members. The forms were returned and given to staff in the Administration Department.

2. Election of Officers – Chairperson and Vice Chairperson

Motion was made by Susan McGuire to nominate Greg Berg as Chairperson. Chuck Weiman seconded the motion. Motion carried unanimously.

Motion was made by Chuck Weiman to nominate Susan McGuire as Vice Chairperson. Greg Berg seconded the motion. Motion carried unanimously.

3. Greg Goeser for James Bredeck, in response to a Restoration Order, has submitted a Wetland Replacement Plan Application to purchase 1.5248 acres of wetland credit from account #1094, Phil Miller Wetland Bank, to replace for 0.7624 acre of wetland impact at a 2:1 ratio.

33,211 square feet of wetland was filled with approximately 6 feet of fill material. The fill was placed in wetland pasture adjacent to the farmstead.

This project is located in SE4 of Section 11, T125N, R31W, Albany Township, Stearns County.

Chairperson Berg introduced the application.

Susan McGuire stated that the purchase of wetland credits would now be from the Imdieke-Stamer Wetland Bank, which is US Army Corps of Engineers approved credits, rather than from the Phil Miller Wetland Bank.

Ms. McGuire stated that they received an email from the Board of Water & Soil Resources (BWSR) representative regarding a number of issues that he thought should be addressed before the application is approved or denied. His opinion was that the Wetland Rules Committee should continue the application to the next meeting and get more information. Part of the replacement application states that it should be approved because the wetland that was impacted is of a lower quality than the wetland that the credits would be purchased from. Looking at the whole area, there would not be a loss of wetlands because the wetland that was impacted had been pasture and had been used for storage of vehicles and the credits would be purchased from a higher wetland that has native vegetation. If this wetland is of the lower quality than the wetland that the credits are being purchased from, we need to get more information about this wetland. BWSR has an assessment method in place called MnRAM. That is something that Greg Goeser could complete.

Jesse Bredeck asked what that assessment would consist of. Ms. McGuire responded that it's a long list of questions asking things like what the surrounding uses are (is there a feedlot right next to it, is it near an industrial area or is it surrounded by prairie), what kind of wildlife lives there now (does it have a nice collection of amphibians or birds), etc. Chairperson Berg stated that it's an appraisal of what's there, how the wetland is functioning and what condition it's in versus what the bank value is. Ms. McGuire added that it is supposed to objectively document what the quality of that wetland is compared to the wetland that the credits would be purchased from.

Ms. McGuire stated another thing that BWSR suggested is to get more specifics on what that filled area needs to be used for. Mr. Bredeck has a truck and some other things parked there and needs a bigger area for turnaround, storage, etc.

Ms. McGuire stated BWSR also questioned if that fill is there, would there still be hydrology that goes from west to east. Looking at the map, the water to the west of the farmstead is going more north, it's not going east. That is something that we could probably answer.

Chairperson Berg stated that they filled fairly close to the property line and that potentially pushes the water a little bit more to the north. If they could talk to the neighbor to the north and if the neighbor doesn't have any issues, they could ask for a signed statement to that effect. It might be a positive thing to support their application.

Ms. McGuire stated that they need to have some documentation of the amount of fill needed for their operation, even though it's not easy to give numbers to. She gave Jesse Bredeck copies of aerial photos, which show what the area of fill is, and asked him to try to draw what they think they need for the turnaround.

Ms. McGuire stated that the slope is pretty steep where the fill stops and if it's allowed to stay there, they might be asked to pull it back more to get a 3:1 or 4:1 slope going down. Otherwise, it's going to be pretty hard to vegetate that and keep it stable. That will be just

the amount of usable area. Chairperson Berg stated that he does have for the side slopes to be contoured and to be seeded.

Jesse Bredeck responded to Chairperson Berg that \$60,000 is the fill removal estimate that he got to haul it out. In reply to Ms. McGuire, he stated that he didn't ask if that cost would be proportional to the amount of fill removed. He stated that he would be agreeable to provide any of the additional information requested.

Motion was made by Susan McGuire, seconded by Chuck Weiman, to continue this request to the next meeting (April 25th) pending receipt of the following additional information: completing a MnRAM on the current impacted wetland and also getting a sketch with some dimensions showing what area needs to be there for feed or equipment storage, turnaround or whatever else they would be using that area for.

Chairperson Berg suggested some flexibility if they don't want to use MnRAM and have them address hydrology as well (that the neighbor doesn't feel impacted by that).

Motion amended by Susan McGuire to receive the following additional information:

1. Clarification of sequencing flexibility and complete a MnRAM or another suitable method of assessment on the current impacted wetland.
2. Sketch of site use.
3. A statement from the neighbor indicating that he is agreeable and that he's not going to be getting excess amount of water.

Motion carried unanimously.

Environmental Services will coordinate the timeline with Jesse Bredeck for submitting these items.

4. Carol Strojny, for MN Board of Water & Soil Resources, has submitted an Application to Deposit Wetland Credits Into the Minnesota Wetland Bank from the Schramel Road Bank Phase 2 Wetland Bank, account # 1611.

BWSR is requesting to deposit as follows:

6.8967 acres of restored type 2/Fresh (Wet) Meadow SWC (Restoration of partially drained wetland (6.2415 at 100% (farmed wetland)), 0.4553 at 50% (ditch or non-cropped areas) and 0.1999 at 25% (buffer));
2.2928 acres of type 6/Shrub Carr SWC (Restoration of partially drained wetland (1.6440 at 100% (farmed wetland)), 0.4860 at 50% (ditch or non-cropped areas) and 0.1628 (buffer));
2.0558 acres of type 3/Shallow Marsh SWC (Restoration of partially drained wetland (1.8990 at 100% (farmed wetland)), 0.0998 at 50% (ditch or non-cropped areas) and 0.0570 (buffer)); and
0.1069 acre of type 7/Hardwood Swamp SWC (Restoration of partially drained wetland (0.0848 at 50% (non-cropped) and 0.0221 Buffer))

for a total of 11.3522 acres of wetland credit. This is 15% of the expected total wetland credit yield of 75.6800 acres from Phase 2 of this wetland bank.

The proposal is for 10.9104 acres of wetland credit from restored wetland and 0.4418 acre of wetland credit from upland buffer for a total of 11.3522 acres of SWC.

Part A and Part B were approved on April 28, 2015. The Schramel Bank Easement was recorded on 8-4-2015. The Wiltz Bank Easement was recorded on 9-14-2015. Terry Ragan, project engineer, issued a construction certification on 2-22-2017.

This wetland bank is located in Section 10, T125N, R 29W, St. Wendel Township, Stearns County.

Chairperson Berg introduced the application.

Susan McGuire stated that TEP's recommended approval of this application.

Motion was made by Chuck Weiman, seconded by Susan McGuire, to approve the Application to Deposit Wetland Credits Into the Minnesota Wetland Bank as submitted. Motion carried unanimously.

5. Rollie Imdieke & Mike Stamer have submitted an Application to Deposit Wetland Credits Into the Minnesota Wetland Bank from the Imdieke-Stamer Wetland Bank, account # 1542.

The bank owners are requesting to deposit the following:

2.0500 acres of type 1 NWC;
1.9200 acres of type 2 NWC;
1.3700 acres of type 3 NWC; and
1.5600 acres of type 4 NWC

for a total of 6.9000 acres of wetland credit.

This is 10% of the expected total wetland credit yield from this wetland bank. The wetland areas on this wetland bank site appear to be larger than anticipated; therefore, only credit from wetland areas are being requested for deposit in this application. (No upland buffer credit is included in this request to deposit.)

At this time, 80% of the expected total wetland credit yield from this wetland bank has been released for deposit.

Part A was approved on July 28, 2009. Part B was approved on July 27, 2010. A request to deposit 10.35 acres of NWC and 2.94 acres of PVC for a total of 13.29 acres.

This wetland bank is located in the NW1/4 of Section 20, T124N, R 34W, Lake George Township, Stearns County.

Chairperson Berg introduced the application.

Susan McGuire stated that TEP recommended approval of this application.

Motion was made by Chuck Weiman, seconded by Susan McGuire, to approve the Application to Deposit Wetland Credits Into the Minnesota Wetland Bank as submitted. Motion carried unanimously.

6. Approve the Minutes from the November 22, 2016 Wetland Rules Committee Meeting.

Motion was made by Chuck Weiman, seconded by Susan McGuire, to approve the minutes from the November 22, 2016 meeting. Motion carried unanimously.

7. Set Field Trip/Meeting Dates. The WRC meets at the Stearns County Highway Department Building in Waite Park at 9:00 a.m. the Monday prior to the fourth Tuesday of the month. Meeting dates and times are adjusted as needed.

The April field trip is set for Monday, April 24, 2017 at 9:00 a.m. at the Highway Department Building.

The April meeting will be held on Tuesday, April 25, 2017 at 1:00 p.m. in Room 313 (Environmental Services, Third Floor) of the Stearns County Administration Center.

Motion was made by Susan McGuire, seconded by Chuck Weiman, to adjourn the meeting at 1:30 p.m. Motion carried unanimously.