



Jeffrey Babinski  
County Administrator

# HOUSTON COUNTY

304 South Marshall Street  
Caledonia, MN 55921  
TEL (507) 725-5827

Commissioners:  
District 1  
Jack Miller  
District 2  
Eric Johnson (Vice Chair)  
District 3  
Robert Burns  
District 4  
Teresa Walter (Chair)  
District 5  
Fred Arnold

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## HOUSTON COUNTY BOARD OF COMMISSIONERS REGULAR BOARD MEETING AGENDA

**9:30 AM, November 26, 2019, County Board Room, Historic Courthouse**

### CALL TO ORDER

### PLEDGE OF ALLEGIANCE

### APPROVE AGENDA

### APPROVE MINUTES (Nov. 12 Board Meeting, Nov. 19 Workgroup Session)

### PUBLIC COMMENT

### CONSENT AGENDA

(Routine business items enacted by one unanimous motion. Commissioners may request moving items on the consent agenda to the Action Item list if they desire discussion before taking action.)

- 1) Approve Claims, Human Service & License Center disbursements
- 2) Approve 2020 Technical Service Agreement with Ability Building Center for collection and processing of recyclable materials.
- 3) Approve Gambling Permit for ABLE Foundation.
- 4) Affirm the following personnel actions:
  - i. Department of Corrections
    - a) Initiate a search for a 0.8 FTE Technical Clerk I (B-21).
  - ii. Sheriff's Office
    - a) Accept the resignation of Amy Gehrke, Jailer/Dispatcher effective the end of shift on November 29, 2019.
    - b) Initiate a competitive search for Jailer/Dispatcher (female).

### ACTION ITEMS

- 1) Consider initiating a search for a Forensic Social Worker (C41). (Arrick-Kruger)
- 2) Consider approval of MN Wetland Conservation Act exemption for Robyn Moore, Jefferson Township. (Lacher)
- 3) Consider approval of MN Wetland Conservation Act exemption for Gerald Skifton, Houston Township. (Lacher)

- 4) Consider granting approval to apply for two MDA Noxious Weed and Invasive Plant Grants, one as the primary applicant for Houston Township to purchase a sprayer and the second to partner with Winona County to work on oriental bittersweet education, mapping and eradication. (Meiners)
- 5) Consider approval of low bid for SAP 028-599-078 for the Lorenz Road project in Hokah Township. (Pogodzinski)
- 6) Consider acceptance of bids on 22 acre parcel (#21.1152.002). (Trehus)
  - i. The board may hold a closed session in accordance with MN Statute 13D.05, subd. 3 to “develop or consider offers or counteroffers for the purchase or sale of real or personal property.”

#### **INFORMATION ITEM**

- 1) MCIT Dividend Notice - \$74,125.00 – Carol Lapham

#### **DISCUSSION ITEMS**

- 1) Commissioner Reports & Comments

#### **CLOSING PUBLIC COMMENT**

#### **ADJOURN**

#### **REMINDERS**

- |                 |   |
|-----------------|---|
| November 26:    | Regular Board Meeting<br>(Finance Standing Committee; Personnel Committee)                        |
| November 26:    | Joint Board of Health Meeting (Mabel, 1:00 PM)  |
| November 28/29: | Thanksgiving Holiday  |
| December 2:     | Highway Building Committee (4:30 PM)  |
| December 2:     | Truth in Taxation (6:00 PM)   |
| December 3:     | Board Meeting<br>(Land Use/Public Works and Public Health and Human Services Standing Committees) |
| December 9-11:  | AMC Annual Conference   |
| December 17:    | Board Meeting<br>(Finance Standing Committee)   |
| December 24/25: | Christmas Holiday   |

**HOUSTON COUNTY  
AGENDA REQUEST FORM  
November 26, 2019**

**Date Submitted:** 11.20.19

**By:** Tess Kruger, HRD/Facilities Mgr.

**APPOINTMENT REQUESTED:**

**CONSENT (HR requests)**

**Department of Corrections**

- Initiate a search for a 0.8 FTE Technical Clerk I (B21)

**Sheriff's Office**

- Accept the resignation of Amy Gehke, Jailer/Dispatcher effective the end of his work shift on 11/29/19
- Approve a competitive search for Jailer/Dispatcher (Female)

<b><u>Reviewed by:</u></b>	<input checked="" type="checkbox"/> County Administrator	<input type="checkbox"/> County Attorney	<input type="checkbox"/> Zoning Administrator
	<input checked="" type="checkbox"/> Finance Director	<input type="checkbox"/> County Engineer	<input checked="" type="checkbox"/> Environmental Services
	<input type="checkbox"/> IS Director	<input type="checkbox"/> Other (indicate dept)	<input type="checkbox"/> Sheriff
<b><u>Recommendation:</u></b>			
<b><u>Decision:</u></b>			



## **HOUSTON COUNTY**

### **Professional/Technical Service Agreement**

THIS CONTRACT, and amendments and supplements thereto, is between the County of Houston, acting through its Board of Commissioners, (hereinafter COUNTY), and Ability Building Center, 1911 14 Street NW, Rochester, MN 55901, a Minnesota Corporation an independent contractor (hereinafter CONTRACTOR).

WHEREAS, County, pursuant to Minnesota Statutes Chapter 375, is empowered to procure from time to time certain professional/technical services, and

WHEREAS, COUNTY is in need of services for the collection and processing of recyclable materials,

WHEREAS, the CONTRACTOR is desirous of opportunities to provide work programs for their adult clients with disabilities, and

WHEREAS, the CONTRACTOR represents it is duly qualified and willing to perform the services set forth in this contract, through its satellite organization, Woodland Industries located at 521 Old Highway Drive, Caledonia, MN.

NOW, THEREFORE, it is agreed:

**I. TERM OF CONTRACT**

This CONTRACT shall be effective on January 1, 2020 or upon the date the final required signature is obtained by County, whichever occurs later, and shall remain in effect through December 31, 2020. The CONTRACTOR understands that no work should begin under this CONTRACT until all required signatures have been obtained and the CONTRACTOR is notified to begin work by COUNTY'S authorized representative.

**II. CONTRACTOR'S DUTIES**

**A. Client Workers**

CONTRACTOR will provide 3 clients; one client to work 36 hours per week at the Houston County Recycling Center, located in Houston, Minnesota; and 2 clients to work part-time at various Houston County drop-sites on an as needed basis as determined by COUNTY.

If any client provided by CONTRACTOR is deemed by the COUNTY unfit for the essential duties, the COUNTY may make an oral request to the CONTRACTOR'S

authorized representative for immediate resolution which may include the client's removal from the work-site. Should the matter remain unresolved for two (2) days or more, the COUNTY may provide written notification to the CONTRACTOR that the client will not be permitted to perform services at the COUNTY's work-site.

CONTRACTOR shall provide appropriate client supervision and safety training.

B. Redemption Center Services

CONTRACTOR agrees to serve as a redemption center for aluminum beverage containers in Caledonia, Minnesota.

III. CONSIDERATION AND TERMS OF PAYMENT

A. Consideration for all services performed by the CONTRACTOR pursuant to this contract shall be paid by COUNTY as follows:

1. Client services shall be compensated at a rate of \$15.00 per client hour.
2. Aluminum redemption costs plus \$.15 per pound for administration, handling, and bailing.

B. Terms of Payment

1. COUNTY shall make prompt payments upon CONTRACTOR'S presentation of monthly invoices. All services provided by the CONTRACTOR pursuant to this contract shall be performed to the satisfaction of County, and in accordance with all applicable federal, state and local laws, ordinances, rules and regulations. The CONTRACTOR shall not receive payment for work found by COUNTY to be unsatisfactory or performed in violation of any applicable federal, state or local law, ordinance, rule or regulation.

3. Reimbursement for travel and subsistence expenses - The parties agree that no payment will be made for travel or subsistence expenses to the CONTRACTOR.

IV. AUTHORIZED REPRESENTATIVES

All official notifications, including but not limited to, cancellation of this CONTRACT must be sent to the other party's authorized representative.

A. County's authorized representative for the purpose of administration of this CONTRACT is:

Name: Aaron Lacher  
Address: 304 South Marshall Street, Caledonia, MN 55921  
Telephone: (507) 725 - 5800  
E-Mail: aaron.lacher@co.houston.mn.us  
Fax: (507) 725 - 5590

Such representative shall have final authority for acceptance of the CONTRACTOR'S services and, if such services are accepted as satisfactory, shall so certify on each invoice presented pursuant to Clause III, paragraph B.

- B. The CONTRACTOR'S authorized representative for the purpose of administration of this CONTRACT is:

Name: Judy Johnson  
Address: 730 N. Pine Street, Caledonia, MN 55921  
Telephone: (507) 725 - 2057  
E-Mail: judyj@abcinc.org  
Fax:

V. CANCELLATION AND TERMINATION

- A. This CONTRACT may be canceled by COUNTY at any time, with or without cause, upon thirty (30) days written notice to the CONTRACTOR. In the event of such a cancellation, the CONTRACTOR shall be entitled to payment, determined on a pro rata basis, for work or services satisfactorily performed.
- B. *Termination for Insufficient Funding.* COUNTY may immediately terminate this CONTRACT if funding cannot be continued at a level sufficient to allow for the payment of the services covered herein. Termination must be by written or fax notice to the CONTRACTOR within a reasonable time of COUNTY receiving notice that sufficient funding is not available. COUNTY is not obligated to pay for any services that are provided after notice and effective date of termination. However, the CONTRACTOR will be entitled to payment, determined on a pro rata basis, for work or services satisfactorily performed to the extent that funds are available.

VI. ASSIGNMENT

The CONTRACTOR shall neither assign nor transfer any rights or obligations under this contract without the prior written consent of COUNTY.

VII. LIABILITY

Each party shall be liable for its own acts to the extent provided by law and hereby agrees to indemnify, hold harmless and defend the other, its officers and employees against any and all liability, loss, costs, damages, expenses, claims or actions, including attorney's fees which the other, its officers and employees may hereafter sustain, incur or be required to pay, arising out of or by reason of any act or omission of the other party, its agents, servants or employees, in the execution, performance, or failure to adequately perform its obligations pursuant to this CONTRACT. Nothing contained in this paragraph, however, shall be construed to release the CONTRACTOR from liability for failure to properly perform duties and responsibilities assumed by CONTRACTOR under this CONTRACT.

VIII. INSURANCE REQUIREMENTS

CONTRACTOR agrees that at all times during the term of this CONTRACT to maintain:

- Comprehensive General Liability - \$1.5 million minimum per occurrence
- Excess Liability Coverage - \$3 million over the general and automobile coverage.

- Auto Liability: \$1 million combined single limit
- Workers Compensation as required by Minnesota Statutes

The COUNTY of Houston shall be listed as an additionally named insured on the above policies by the CONTRACTOR prior to the execution of this CONTRACT. Additionally, CONTRACTOR agrees to maintain the above required insurance and shall provide the COUNTY with thirty (30) days written notice of any proposed changes prior to the cancellation, non-renewal or material changes. An ACORD Certificate of Liability Insurance for the above listed coverage shall be supplied to COUNTY by CONTRACTOR for each calendar year covered by the term of this CONTRACT.

See Exhibit A.

**IX. WORKERS' COMPENSATION**

The CONTRACTOR certifies it is in compliance with Minnesota Statute §176.181, Subd. 2, regarding workers' compensation. The CONTRACTOR'S employees and agents will not be considered COUNTY employees. Any claims that may arise under the Minnesota Workers' Compensation Act on behalf of these employees or agents and any claims made by any third party as a consequence of any act or omission on the part of these employees or agents are in no way COUNTY'S obligation or responsibility.

**X. PUBLICITY.**

Any publicity given to the program, publications, or services provided resulting from this contract, including, but not limited to, notices, informational pamphlets, press releases, research, reports, signs, and similar public notices prepared by or for the CONTRACTOR or its employees individually or jointly with others, or any subcontractors shall identify COUNTY and shall not be released prior to receiving the approval of COUNTY'S authorized representative.

**XI. NON-DISCRIMINATION.**

The CONTRACTOR will comply with the provisions of Minnesota Statute §181.59 which require:

Every contract for or on behalf of the COUNTY, for materials, supplies, or construction shall contain provisions by which the contractor agrees: (1) that, in the hiring of common or skilled labor for the performance of any work under any contract, or any subcontract, no contractor, material supplier, or vendor, shall, by reason or race, creed, or color, discriminate against the person or persons who are citizens of the United States or resident aliens who are qualified and available to perform the work to which the employment relates; (2) that no contractor, material supplier, or vendor, shall, in any manner, discriminate against, or intimidate, or prevent the employment of any person or persons identified in clause (1) of this section, or on being hired, prevent, or conspire to prevent, the person or persons from the performance of work under any contract on account of race, creed, or color; (3) that a violation of this section is a misdemeanor; and (4) that this contract may be canceled or terminated by the state, county, city, town, school board, or any other person authorized to grant the contracts for employment, and all money due, or to become due under the CONTRACT, may be forfeited for a second or any subsequent violation of the terms or conditions of this CONTRACT.

**XII. DATA DISCLOSURE.**

The CONTRACTOR is required by Minnesota Statute §270C.65, to provide either a social security number, a federal taxpayer identification number or a Minnesota tax identification number. This information may be used in the enforcement of federal and state tax laws. Supplying these numbers could result in action to require CONTRACTOR to file state tax returns and pay delinquent state tax liabilities. This contract will not be approved unless these numbers are provided. These numbers will be available to federal and state tax authorities and state personnel involved in approving the CONTRACT and the payment of state obligations.

**XIII. GOVERNMENT DATA PRACTICES ACT.**

The CONTRACTOR and COUNTY must comply with the Minnesota Government Data Practices Act, Minnesota Statutes Chapter 13, as it applies to all data provided by COUNTY in accordance with this contract, and as it applies to all data, created, collected, received, stored, used, maintained, or disseminated by the CONTRACTOR in accordance with this CONTRACT. The civil remedies of Minnesota Statute §13.08 apply to the release of the data referred to in this clause by either the CONTRACTOR or COUNTY.

In the event the CONTRACTOR receives a request to release the data referred to in this clause, the CONTRACTOR must immediately notify COUNTY. COUNTY will give the CONTRACTOR instructions concerning the release of the data to the requesting party before the data is released.

**XIV. INTELLECTUAL PROPERTY RIGHTS.**

The CONTRACTOR represents and warrants that MATERIALS produced or used under this contract do not and will not infringe upon any intellectual property rights of another, including, but not limited to, patents, copyrights, trade secrets, trade names, and service marks and names. The CONTRACTOR shall indemnify and defend, to the extent permitted law, COUNTY at the CONTRACTOR'S expense from any action or claim brought against COUNTY to the extent that it is based on a claim that all, or part of the materials, infringe upon the intellectual property rights of another. The CONTRACTOR shall be responsible for payment of any and all such claims, demands, obligations, liabilities, costs and damages, including, but not limited to, reasonable attorney fees arising out of this contract, amendments and supplements thereto, which are attributable to such claims or actions.

If such a claim or action arises, or in the CONTRACTOR'S or County's opinion is likely to arise, the CONTRACTOR shall, at County's discretion, either procure for COUNTY the right or license to continue using the MATERIALS at issue or replace or modify the allegedly infringing MATERIALS. This remedy shall be in addition to and shall not be exclusive to other remedies provided by law.

**XV. ANTITRUST.**

The CONTRACTOR hereby assigns to the COUNTY any and all claims for overcharges as to goods or services provided in connection with this contract resulting from antitrust violations which arise under the antitrust laws of the United States or the antitrust laws of the State of Minnesota.



**XVI. JURISDICTION AND VENUE.**

This CONTRACT, and amendments and supplements thereto, shall be governed by the laws of the State of Minnesota. Venue for all legal proceedings arising out of this CONTRACT, or breach thereof, shall be in the state or federal court with competent jurisdiction in Houston County.

**XVII. AMENDMENTS.**

Any amendments to this CONTRACT shall be in writing and shall be executed by the same parties who executed the original contract, or their successors in office.

**XVIII. AUDITS.**

Under Minn. Stat. § 16C.05, subd. 5, the CONTRACTOR'S books The books, records, documents, and accounting procedures and practices of the CONTRACTOR relevant to this CONTRACT shall be subject to examination by COUNTY and the Office of the State Auditor, as appropriate for a minimum of six (6) years from the end date of the CONTRACT.

**XIX. SURVIVAL OF TERMS.**

The following clauses survive the expiration, cancellation or termination of this CONTRACT: VII., Liability; IX., Publicity; XI., Data Disclosure; XII., Government Data Practices Act; XIII., Intellectual Property Rights; XV., Jurisdiction and Venue; and XVII., State Audits.

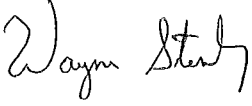
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*SIGNATURE PAGE FOLLOWS*

IN WITNESS WHEREOF, the parties have caused this contract to be duly executed intending to be bound thereby.

**APPROVED:**

**CONTRACTOR:**

By:

Wayne Stenberg
Title: Executive Director
Date: November 19, 2019

**HOUSTON COUNTY:**

By:
Jeff Babinski
Title: Houston County Administrator
Date: November , 2019

By:
Aaron Lacher
Title: Environmental Services Director
Date: November , 2019

**APPROVED AS TO FORM AND EXECUTION:**

By:
Samuel Jandt
Title: Houston County Attorney
Date: November , 2019

**EXHIBIT A**

**ACORD LIABILITY INSURANCE CERTIFICATE**



November 18, 2019

To: Houston County Commissioners

Re: ABLE Foundation Annual Fun Night

Please see the attached application for a Minnesota Lawful Gambling Permit. This is an annual fundraiser for ABLE Foundation Inc and we are asking for your approval on the application. The event is scheduled for Saturday, March 21, 2020 at the La Crescent Snowmobile Club.

If you have questions, please contact me at 507-895-8111 ext. 1102.

Please return the application in the enclosed envelope.

Thank you for your consideration and support.

Sincerely,

Gail Meyer, Executive Director

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La Crescent Central Office  
1700 Lancer Blvd.  
La Crescent, MN 55947  
(507) 895-8111  
FAX (507) 895-4505

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Caledonia Central Office  
1004 Loeffler Ave  
Caledonia, MN 55921  
(507) 725-3108  
FAX (507) 895-4505

AFFIRMATIVE ACTION/EQUAL OPPORTUNITY EMPLOYER

**LG220 Application for Exempt Permit**

An exempt permit may be issued to a nonprofit organization that:

- conducts lawful gambling on five or fewer days, and
- awards less than \$50,000 in prizes during a calendar year.

If total raffle prize value for the calendar year will be \$1,500 or less, contact the Licensing Specialist assigned to your county by calling 651-539-1900.

**Application Fee (non-refundable)**

Applications are processed in the order received. If the application is postmarked or received 30 days or more before the event, the application fee is **\$100**; otherwise the fee is **\$150**.

Due to the high volume of exempt applications, payment of additional fees prior to 30 days before your event will not expedite service, nor are telephone requests for expedited service accepted.

**ORGANIZATION INFORMATION**

Organization Name: ABLE Foundation Inc

Previous Gambling Permit Number: X-05746-19-018

Minnesota Tax ID Number, if any: \_\_\_\_\_

Federal Employer ID Number (FEIN), if any: 41-1751499

Mailing Address: 1700 Lancer Blvd.

City: La Crescent State: MN Zip: 55947 County: Houston

Name of Chief Executive Officer (CEO): Gail Meyer

CEO Daytime Phone: 507-895-8111 ext 1102 CEO Email: gmeyer@able-inc.org

(permit will be emailed to this email address unless otherwise indicated below)

Email permit to (if other than the CEO): \_\_\_\_\_

**NONPROFIT STATUS**

Type of Nonprofit Organization (check one):

☐ Fraternal ☐ Religious ☐ Veterans ☒ Other Nonprofit Organization

**Attach a copy of one of the following showing proof of nonprofit status:**

(DO NOT attach a sales tax exempt status or federal employer ID number, as they are not proof of nonprofit status.)

☒ **A current calendar year Certificate of Good Standing**

Don't have a copy? Obtain this certificate from:

MN Secretary of State, Business Services Division  
60 Empire Drive, Suite 100  
St. Paul, MN 55103

Secretary of State website, phone numbers:

[www.sos.state.mn.us](http://www.sos.state.mn.us)

651-296-2803, or toll free 1-877-551-6767

☐ **IRS income tax exemption (501(c)) letter in your organization's name**

Don't have a copy? To obtain a copy of your federal income tax exempt letter, have an organization officer contact the IRS toll free at 1-877-829-5500.

☐ **IRS - Affiliate of national, statewide, or international parent nonprofit organization (charter)**

If your organization falls under a parent organization, attach copies of both of the following:

1. IRS letter showing your parent organization is a nonprofit 501(c) organization with a group ruling; and
2. the charter or letter from your parent organization recognizing your organization as a subordinate.

**GAMBLING PREMISES INFORMATION**

Name of premises where the gambling event will be conducted (for raffles, list the site where the drawing will take place): La Crescent Snowmobile Club

Physical Address (do not use P.O. box): 2485 County Road 6

Check one:

☐ City: \_\_\_\_\_ Zip: \_\_\_\_\_ County: \_\_\_\_\_

☒ Township: La Crescent Zip: 55947 County: Houston

Date(s) of activity (for raffles, indicate the date of the drawing): March 21, 2020

Check each type of gambling activity that your organization will conduct:

☐ Bingo ☐ Paddlewheels ☐ Pull-Tabs ☒ Tipboards ☒ Raffle

**Gambling equipment** for bingo paper, bingo boards, raffle boards, paddlewheels, pull-tabs, and tipboards must be obtained from a distributor licensed by the Minnesota Gambling Control Board. EXCEPTION: Bingo hard cards and bingo ball selection devices may be borrowed from another organization authorized to conduct bingo. To find a licensed distributor, go to [www.mn.gov/gcb](http://www.mn.gov/gcb) and click on **Distributors** under the **List of Licensees** tab, or call 651-539-1900.

**LOCAL UNIT OF GOVERNMENT ACKNOWLEDGMENT (required before submitting application to the Minnesota Gambling Control Board)**
**CITY APPROVAL  
for a gambling premises  
located within city limits**

- ☐ The application is acknowledged with no waiting period.
- ☐ The application is acknowledged with a 30-day waiting period, and allows the Board to issue a permit after 30 days (60 days for a 1st class city).
- ☐ The application is denied.

Print City Name: \_\_\_\_\_

Signature of City Personnel: \_\_\_\_\_

Title: \_\_\_\_\_ Date: \_\_\_\_\_

**The city or county must sign before  
submitting application to the  
Gambling Control Board.**

**COUNTY APPROVAL  
for a gambling premises  
located in a township**

- ☐ The application is acknowledged with no waiting period.
- ☐ The application is acknowledged with a 30-day waiting period, and allows the Board to issue a permit after 30 days.
- ☐ The application is denied.

Print County Name: \_\_\_\_\_

Signature of County Personnel: \_\_\_\_\_

Title: \_\_\_\_\_ Date: \_\_\_\_\_

**TOWNSHIP (if required by the county)**

On behalf of the township, I acknowledge that the organization is applying for exempted gambling activity within the township limits. (A township has no statutory authority to approve or deny an application, per Minn. Statutes, section 349.213.)

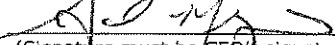
Print Township Name: \_\_\_\_\_

Signature of Township Officer: \_\_\_\_\_

Title: \_\_\_\_\_ Date: \_\_\_\_\_

**CHIEF EXECUTIVE OFFICER'S SIGNATURE (required)**

The information provided in this application is complete and accurate to the best of my knowledge. I acknowledge that the financial report will be completed and returned to the Board within 30 days of the event date.

Chief Executive Officer's Signature:  Date: 11/18/19  
 (Signature must be CEO's signature; designee may not sign)

 Print Name: Gail Meyer, Executive Director
**REQUIREMENTS**
**Complete a separate application for:**

- all gambling conducted on two or more consecutive days; or
- all gambling conducted on one day.

Only one application is required if one or more raffle drawings are conducted on the same day.

**Financial report to be completed within 30 days after the gambling activity is done:**

A financial report form will be mailed with your permit. Complete and return the financial report form to the Gambling Control Board.

Your organization must keep all exempt records and reports for 3-1/2 years (Minn. Statutes, section 349.166, subd. 2(f)).

**MAIL APPLICATION AND ATTACHMENTS**
**Mail application with:**

- \_\_\_\_\_ a copy of your proof of nonprofit status; and
- \_\_\_\_\_ application fee (non-refundable). If the application is postmarked or received 30 days or more before the event, the application fee is **\$100**; otherwise the fee is **\$150**. Make check payable to **State of Minnesota**.

**To:** Minnesota Gambling Control Board  
 1711 West County Road B, Suite 300 South  
 Roseville, MN 55113

**Questions?**

Call the Licensing Section of the Gambling Control Board at 651-539-1900.

Data privacy notice: The information requested on this form (and any attachments) will be used by the Gambling Control Board (Board) to determine your organization's qualifications to be involved in lawful gambling activities in Minnesota. Your organization has the right to refuse to supply the information; however, if your organization refuses to supply this information, the Board may not be able to determine your organization's qualifications and, as a consequence, may refuse to issue a permit. If your organization supplies the information requested, the Board will be able to process the

application. Your organization's name and address will be public information when received by the Board. All other information provided will be private data about your organization until the Board issues the permit. When the Board issues the permit, all information provided will become public. If the Board does not issue a permit, all information provided remains private, with the exception of your organization's name and address which will remain public. Private data about your organization are available to Board members, Board staff whose work requires access to the information; Minnesota's Depart-

ment of Public Safety; Attorney General; Commissioners of Administration, Minnesota Management & Budget, and Revenue; Legislative Auditor, national and international gambling regulatory agencies; anyone pursuant to court order; other individuals and agencies specifically authorized by state or federal law to have access to the information; individuals and agencies for which law or legal order authorizes a new use or sharing of information after this notice was given; and anyone with your written consent.

## **Forensic Social Worker Proposal (November 2019)**

### **Background:**

In 2018, the County Board approved the addition of a Forensic Social Worker for Human Services. This position was the result of a collaborative effort between Human Services, the Sheriff's Office, and the County Attorney's Office. The stated goals of this position were to address both the needs of the growing number of adults facing civil commitment (Rule 20), as well as juveniles in court for delinquency. The position was filled through an internal transfer, and was implemented with a great deal of support from the Sheriff's office, Jail staff, and the County Attorney's office. The original design of the position included regular attendance in court in order to gain context regarding current cases making their way through court system. From the beginning, the Judge would call upon the Forensic Social Worker to provide Human Services context to the cases that came before the court. This was never the intent of the position, and unfortunately, the Public Defender's office took exception to what it viewed as an unsworn agent of the county testifying in court. As we were attempting to resolve these implementation challenges, the incumbent staff member decided to go back to her previous position as it had recently opened again. We decided to hit the pause button and evaluate what we had learned from our initial implementation. What came from this evaluation were several significant improvements to the program based on what we had learned. Specifically:

- The position will NOT attend court on a regular basis.
- The position will focus on adult cases, which are by far our greatest need.
- The position will maintain a closer connection to the Adult Services unit of Human Services.

The Forensic Social Worker position was included in the approved 2019 PH & HS budget and in the proposed 2020 PH & HS Budget. However, the integration of these two departments, and staffing transition in other existing areas of both Public Health and Human Services took priority. This said, the need for the position, its intended impact, and the commitment of our collaborative partners remain (the filling of this position is supported by the Sheriff's office, Court administration, and the County Attorney's office).

The bottom-line purpose of this position is to provide prevention and earlier intervention services to Houston County residents experiencing a mental health crisis and incarceration. The County's statutory responsibility to serve this population is one of the single largest program cost drivers. The re-focused elements of the Forensic Worker position will be as follows:

- Rule 20 Civil Commitment Cases (Sexually Dangerous Predators (SDP), Mentally Ill and Dangerous (MI&D), with the coordination and follow-up that is required for these populations)
- Work closely with Whatever It Takes (WIT) out of Olmsted County when a Houston County resident is transitioning out of a State Operated Service placement.
- Work with local Jail staff to coordinate discharge planning for Houston County inmates leaving the jail.
- Act as the Crisis Intervention Training (CIT) contact/coordinator for Houston County along with local law enforcement.
- Work closely with local law enforcement, Veteran's Services, and other partners to ensure coordination of effort and service.

## **Projected Caseload:**

-The Forensic Worker will focus on Rule 20's - these individuals can be on commitment; or we are tasked by the court, with supervision of those not on commitment. This will allow for more contact with these individuals to offer support and services. The Forensic Worker will have face-to-face visits each month.

\*Current snapshot (as of 10/28/19) – number of Rule 20s: 5

-The Forensic Worker will complete new commitments as they come in as a member of the pre-petitions screening team. The Forensic Worker will also case manage new commitment cases (commitment cases with an existing case manager will be followed by the current case manager). This will allow for more contact with these individuals to offer support and services. The Forensic Worker will be expected to have weekly contact with these individuals.

\*Current snapshot (as of 10/28/19) - number of commitments: 2

-The Forensic Worker will case manage Adult Mental Health (AMH) clients who do not qualify for Targeted Case Management (TCM)

\*Current snapshot (as of 10/28/2019) – number of AMH clients w/o TCM: 4

-The Forensic Worker will complete Rule 24 applications for Chemical Dependency for inmates in the Houston County Jail, coordinate the referral to treatment and follow through closing.

\*Current snapshot (as of 10/28/2019) - number of Rule 24s: 1

The Forensic Worker will assist inmates with discharge planning– where are they going, ride the day of discharge, financial/healthcare assistance application, etc. This will be voluntary and offered by the jail/Forensic Worker to inmates as they near the end of their sentence.



# Houston County Agenda Request Form

This form is not intended for the general public. It is intended for use by county department heads, representatives of other governmental units or vendors/agencies who contract with Houston County. Members of the public may address the Board during the Public Comment Period. (See Policy for Public Comment Period).

Date Submitted: 11/15/19

Person requesting appointment with County Board: Aaron Lacher

Will you be doing a power point or video presentation: ☐ Yes ☒ No

Issue: Final action is needed on two wetland applications.

Attachments/Documentation for the Board's Review: An information packet and draft notice of decision is attached for each application.

Justification: The Technical Evaluation Panel (TEP) has reviewed each application and created findings supporting approval of both applications.

Action Requested: Motion to approve Minnesota Wetland Conservation Act applications submitted by Robyn Moore for the installation of drain tile, and Gerald Skifton for a grade stabilization project.

For County Use Only			
<b><u>Reviewed by:</u></b>	County Auditor	County Attorney	Zoning/Environmental Service
	Finance Director	County Engineer	HR/Personnel
	IS Director	Other (indicate dept)	
<b><u>Recommendation:</u></b>			
<b><u>Decision:</u></b>			

All agenda request forms must be submitted to the County Auditor by 4:00 p.m. on Monday in order to be considered for inclusion on the following week's agenda. The Board will review all requests and schedule appointments as appropriate.

# Minnesota Wetland Conservation Act

## Notice of Decision

Local Government Unit (LGU) <b>Houston County</b>	Address <b>304 South Marshall Street, Room 209 Caledonia, Minnesota 55921</b>
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### 1. PROJECT INFORMATION

Applicant Name <b>Gerold Skifton</b>	Project Name <b>Gerold Skifton Grade Stabilization</b>	Date of Application <b>October 7, 2019</b>	Application Number <b>0092</b>
<input checked="" type="checkbox"/> Attach site locator map.			

Type of Decision:

<input type="checkbox"/> Wetland Boundary or Type Sequencing	<input type="checkbox"/> No-Loss	<input checked="" type="checkbox"/> Exemption	<input type="checkbox"/>
<input type="checkbox"/> Replacement Plan	<input type="checkbox"/> Banking Plan		

Technical Evaluation Panel Findings and Recommendation (if any):

<input checked="" type="checkbox"/> Approve	<input type="checkbox"/> Approve with conditions	<input type="checkbox"/> Deny
Summary (or attach):		

### 2. LOCAL GOVERNMENT UNIT DECISION

Date of Decision: <b>11/14/2019</b>		
<input checked="" type="checkbox"/> Approved Denied	<input type="checkbox"/> Approved with conditions (include below)	<input type="checkbox"/>

LGU Findings and Conclusions (attach additional sheets as necessary):

The project qualifies for an exemption under M.R. 8420.0420, Subp. 2, impacts resulting from soil and water conservation projects.

For Replacement Plans using credits from the State Wetland Bank:

Bank Account #	Bank Service Area	County	Credits Approved for Withdrawal (sq. ft. or nearest .01 acre)
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**Replacement Plan Approval Conditions.** In addition to any conditions specified by the LGU, the approval of a Wetland Replacement Plan is conditional upon the following:

- ☐ **Financial Assurance:** For project-specific replacement that is not in-advance, a financial assurance specified by the LGU must be submitted to the LGU in accordance with MN Rule 8420.0522, Subp. 9 (List amount and type in LGU Findings).
- ☐ **Deed Recording:** For project-specific replacement, evidence must be provided to the LGU that the BWSR "Declaration of Restrictions and Covenants" and "Consent to Replacement Wetland" forms have been filed with the county recorder's office in which the replacement wetland is located.
- ☐ **Credit Withdrawal:** For replacement consisting of wetland bank credits, confirmation that BWSR has withdrawn the credits from the state wetland bank as specified in the approved replacement plan.

**Wetlands may not be impacted until all applicable conditions have been met!**

LGU Authorized Signature:

Signing and mailing of this completed form to the appropriate recipients in accordance with 8420.0255, Subp. 5 provides notice that a decision was made by the LGU under the Wetland Conservation Act as specified above. If additional details on the decision exist, they have been provided to the landowner and are available from the LGU upon request.		
Name <b>Jeff Babinski</b>	Title <b>County Administrator</b>	
Signature	Date	Phone Number and E-mail <b>507-725-5827</b>

THIS DECISION ONLY APPLIES TO THE MINNESOTA WETLAND CONSERVATION ACT. Additional approvals or permits from local, state, and federal agencies may be required. Check with all appropriate authorities before commencing work in or near wetlands.

Applicants proceed at their own risk if work authorized by this decision is started before the time period for appeal (30 days) has expired. If this decision is reversed or revised under appeal, the applicant may be responsible for restoring or replacing all wetland impacts.

This decision is valid for three years from the date of decision unless a longer period is advised by the TEP and specified in this notice of decision.

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### 3. APPEAL OF THIS DECISION

Pursuant to MN Rule 8420.0905, any appeal of this decision can only be commenced by mailing a petition for appeal, including applicable fee, within thirty (30) calendar days of the date of the mailing of this Notice to the following as indicated:

Check one:

<input type="checkbox"/> Appeal of an LGU staff decision. Send petition and \$_____ fee (if applicable) to:	<input type="checkbox"/> Appeal of LGU governing body decision. Send petition and \$500 filing fee to: Executive Director Minnesota Board of Water and Soil Resources 520 Lafayette Road North St. Paul, MN 55155
---	---

### 4. LIST OF ADDRESSEES

<input checked="" type="checkbox"/> SWCD TEP member: <b>Dave Walter</b>
<input checked="" type="checkbox"/> BWSR TEP member: <b>Alyssa Core</b>
<input checked="" type="checkbox"/> LGU TEP member (if different than LGU Contact): <b>Aaron Lacher, Jim Gardner, and Brian Pogodzinski</b>
<input checked="" type="checkbox"/> DNR TEP member: <b>Nicole Lehman</b>
<input type="checkbox"/> DNR Regional Office (if different than DNR TEP member)
<input type="checkbox"/> WD or WMO (if applicable):
<input checked="" type="checkbox"/> Applicant and Landowner (if different)
<input type="checkbox"/> Members of the public who requested notice:
<input checked="" type="checkbox"/> Corps of Engineers Project Manager
<input type="checkbox"/> BWSR Wetland Bank Coordinator (wetland bank plan decisions only)

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### 5. MAILING INFORMATION

- For a list of BWSR TEP representatives: [www.bwsr.state.mn.us/aboutbwsr/workareas/WCA\\_areas.pdf](http://www.bwsr.state.mn.us/aboutbwsr/workareas/WCA_areas.pdf)
- For a list of DNR TEP representatives: [www.bwsr.state.mn.us/wetlands/wca/DNR\\_TEP\\_contacts.pdf](http://www.bwsr.state.mn.us/wetlands/wca/DNR_TEP_contacts.pdf)
- Department of Natural Resources Regional Offices:

NW Region:	NE Region:	Central Region:	Southern Region:
Reg. Env. Assess. Ecol. Div. Ecol. Resources 2115 Birchmont Beach Rd. NE Bemidji, MN 56601	Reg. Env. Assess. Ecol. Div. Ecol. Resources 1201 E. Hwy. 2 Grand Rapids, MN 55744	Reg. Env. Assess. Ecol. Div. Ecol. Resources 1200 Warner Road St. Paul, MN 55106	Reg. Env. Assess. Ecol. Div. Ecol. Resources 261 Hwy. 15 South New Ulm, MN 56073

For a map of DNR Administrative Regions, see: [http://files.dnr.state.mn.us/aboutdnr/dnr\\_regions.pdf](http://files.dnr.state.mn.us/aboutdnr/dnr_regions.pdf)

- For a list of Corps of Project Managers: [www.mvp.usace.army.mil/regulatory/default.asp?pageid=687](http://www.mvp.usace.army.mil/regulatory/default.asp?pageid=687)  
or send to:

US Army Corps of Engineers  
St. Paul District, ATTN: OP-R  
180 Fifth St. East, Suite 700

St. Paul, MN 55101-1678

- For Wetland Bank Plan applications, also send a copy of the application to:  
Minnesota Board of Water and Soil Resources  
Wetland Bank Coordinator  
520 Lafayette Road North  
St. Paul, MN 55155

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## 6. ATTACHMENTS

In addition to the site locator map, list any other attachments:

<input type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>

# Joint Application Form for Activities Affecting Water Resources in Minnesota

This joint application form is the accepted means for initiating review of proposals that may affect a water resource (wetland, tributary, lake, etc.) in the State of Minnesota under state and federal regulatory programs. Applicants for Minnesota Department of Natural Resources (DNR) Public Waters permits **MUST** use the MPARS online permitting system for submitting applications to the DNR. Applicants can use the information entered into MPARS to substitute for completing parts of this joint application form (see the paragraph on MPARS at the end of the joint application form instructions for additional information). This form is only applicable to the water resource aspects of proposed projects under state and federal regulatory programs; other local applications and approvals may be required. Depending on the nature of the project and the location and type of water resources impacted, multiple authorizations may be required as different regulatory programs have different types of jurisdiction over different types of resources.

## Regulatory Review Structure

### Federal

The St. Paul District of the U.S. Army Corps of Engineers (Corps) is the federal agency that regulates discharges of dredged or fill material into waters of the United States (wetlands, tributaries, lakes, etc.) under Section 404 of the Clean Water Act (CWA) and regulates work in navigable waters under Section 10 of the Rivers and Harbors Act. Applications are assigned to Corps project managers who are responsible for implementing the Corps regulatory program within a particular geographic area.

### State

There are three state regulatory programs that regulate activities affecting water resources. The Wetland Conservation Act (WCA) regulates most activities affecting wetlands. It is administered by local government units (LGUs) which can be counties, townships, cities, watershed districts, watershed management organizations or state agencies (on state-owned land). The Minnesota DNR Division of Ecological and Water Resources issues permits for work in specially-designated public waters via the Public Waters Work Permit Program (DNR Public Waters Permits). The Minnesota Pollution Control Agency (MPCA) under Section 401 of the Clean Water Act certifies that discharges of dredged or fill material authorized by a federal permit or license comply with state water quality standards. One or more of these regulatory programs may be applicable to any one project.

## Required Information

Prior to submitting an application, applicants are **strongly encouraged** to seek input from the Corps Project Manager and LGU staff to identify regulatory issues and required application materials for their proposed project. Project proponents can request a pre-application consultation with the Corps and LGU to discuss their proposed project by providing the information required in Sections 1 through 5 of this joint application form to facilitate a meaningful discussion about their project. Many LGUs provide a venue (such as regularly scheduled technical evaluation panel meetings) for potential applicants to discuss their projects with multiple agencies prior to submitting an application. Contact information is provided below.

The following bullets outline the information generally required for several common types of determinations/authorizations.

- For delineation approvals and/or jurisdictional determinations, submit Parts 1, 2 and 5, and Attachment A.
- For activities involving CWA/WCA exemptions, WCA no-loss determinations, and activities not requiring mitigation, submit Parts 1 through 5, and Attachment B.
- For activities requiring compensatory mitigation/replacement plan, submit Parts 1 thru 5, and Attachments C and D.
- For local road authority activities that qualify for the state's local road wetland replacement program, submit Parts 1 through 5, and Attachments C, D (if applicable), and E to both the Corps and the LGU.

### Submission Instructions

Send the completed joint application form and all required attachments to:

**U.S Army Corps of Engineers.** Applications may be sent directly to the appropriate Corps Office. For a current listing of areas of responsibilities and contact information, visit the St. Paul District's website at:

<http://www.mvp.usace.army.mil/Missions/Regulatory.aspx> and select "Minnesota" from the contact Information box.

Alternatively, applications may be sent directly to the St. Paul District Headquarters and the Corps will forward them to the appropriate field office.

**Section 401 Water Quality Certification:** Applicants do not need to submit the joint application form to the MPCA unless specifically requested. The MPCA will request a copy of the completed joint application form directly from an applicant when they determine an individual 401 water quality certification is required for a proposed project.

**Wetland Conservation Act Local Government Unit:** Send to the appropriate Local Government Unit. If necessary, contact your county Soil and Water Conservation District (SWCD) office or visit the Board of Water and Soil Resources (BWSR) web site ([www.bwsr.state.mn.us](http://www.bwsr.state.mn.us)) to determine the appropriate LGU.

**DNR Public Waters Permitting:** In 2014 the DNR will begin using the Minnesota DNR Permitting and Reporting System (MPARS) for submission of Public Waters permit applications (<https://webapps11.dnr.state.mn.us/mpars/public/authentication/login>).

Applicants for Public Waters permits **MUST** use the MPARS online permitting system for submitting applications to the DNR. To avoid duplication and to streamline the application process among the various resource agencies, applicants can use the information entered into MPARS to substitute for completing parts of this joint application form. The MPARS print/save function will provide the applicant with a copy of the Public Waters permit application which, at a minimum, will satisfy Parts one and two of this joint application. For certain types of activities, the MPARS application may also provide all of the necessary information required under Parts three and four of the joint application. However, it is the responsibility of the Applicant to make sure that the joint application contains all of the required information, including identification of all aquatic resources impacted by the project (see Part four of the joint application). After confirming that the MPARS application contains all of the required information in Parts one and two the Applicant may attach a copy to the joint application and fill in any missing information in the remainder of the joint application.

PART ONE: Applicant Information

If applicant is an entity (company, government entity, partnership, etc.), an authorized contact person must be identified. If the applicant is using an agent (consultant, lawyer, or other third party) and has authorized them to act on their behalf, the agent’s contact information must also be provided.

Applicant/Landowner Name: *Gerry Skifton*  
Mailing Address: *1376 Hanson Valley Rd - Houston MN 55943*  
Phone: *507-896-2472*  
E-mail Address: *Skifton@Acegroup.cc*

Authorized Contact (do not complete if same as above):

Mailing Address:  
Phone:  
E-mail Address:

Agent Name:  
Mailing Address:  
Phone:  
E-mail Address:

PART TWO: Site Location Information

County: *Houston* City/Township: *Houston/Houston*  
Parcel ID and/or Address: *Same as Above*  
Legal Description (Section, Township, Range): *4, 9, 10, 104N, 6W*  
Lat/Long (decimal degrees):  
Attach a map showing the location of the site in relation to local streets, roads, highways.  
Approximate size of site (acres) or if a linear project, length (feet): *2.8 ac*

If you know that your proposal will require an individual Permit from the U.S. Army Corps of Engineers, you must provide the names and addresses of all property owners adjacent to the project site. This information may be provided by attaching a list to your application or by using block 25 of the Application for Department of the Army permit which can be obtained at:

[http://www.mvp.usace.army.mil/Portals/57/docs/regulatory/RegulatoryDocs/engform\\_4345\\_2012oct.pdf](http://www.mvp.usace.army.mil/Portals/57/docs/regulatory/RegulatoryDocs/engform_4345_2012oct.pdf)

PART THREE: General Project/Site Information

If this application is related to a delineation approval, exemption determination, jurisdictional determination, or other correspondence submitted *prior to* this application then describe that here and provide the Corps of Engineers project number.

Describe the project that is being proposed, the project purpose and need, and schedule for implementation and completion. The project description must fully describe the nature and scope of the proposed activity including a description of all project elements that effect aquatic resources (wetland, lake, tributary, etc.) and must also include plans and cross section or profile drawings showing the location, character, and dimensions of all proposed activities and aquatic resource impacts.



Project Name and/or Number:

PART FOUR: Aquatic Resource Impact<sup>1</sup> Summary

If your proposed project involves a direct or indirect impact to an aquatic resource (wetland, lake, tributary, etc.) identify each impact in the table below. Include all anticipated impacts, including those expected to be temporary. Attach an overhead view map, aerial photo, and/or drawing showing all of the aquatic resources in the project area and the location(s) of the proposed impacts. Label each aquatic resource on the map with a reference number or letter and identify the impacts in the following table.

Aquatic Resource ID (as noted on overhead view)	Aquatic Resource Type (wetland, lake, tributary etc.)	Type of Impact (fill, excavate, drain, or remove vegetation)	Duration of Impact Permanent (P) or Temporary (T) <sup>1</sup>	Size of Impact <sup>2</sup>	Overall Size of Aquatic Resource <sup>3</sup>	Existing Plant Community Type(s) in Impact Area <sup>4</sup>	County, Major Watershed #, and Bank Service Area # of Impact Area <sup>5</sup>
Attached	Wetland	excavate	P	0.46	2.8	Attached Type 2	43 / 8

<sup>1</sup>If impacts are temporary; enter the duration of the impacts in days next to the "T". For example, a project with a temporary access fill that would be removed after 220 days would be entered "T (220)".  
<sup>2</sup>Impacts less than 0.01 acre should be reported in square feet. Impacts 0.01 acre or greater should be reported as acres and rounded to the nearest 0.01 acre. Tributary impacts must be reported in linear feet of impact and an area of impact by indicating first the linear feet of impact along the flowline of the stream followed by the area impact in parentheses). For example, a project that impacts 50 feet of a stream that is 6 feet wide would be reported as 50 ft (300 square feet).  
<sup>3</sup>This is generally only applicable if you are applying for a de minimis exemption under MN Rules 8420.0420 Subp. 8, otherwise enter "N/A".  
<sup>4</sup>Use *Wetland Plants and Plant Community Types of Minnesota and Wisconsin* 3<sup>rd</sup> Ed. as modified in MN Rules 8420.0405 Subp. 2.  
<sup>5</sup>Refer to Major Watershed and Bank Service Area maps in MN Rules 8420.0522 Subp. 7.

If any of the above identified impacts have already occurred, identify which impacts they are and the circumstances associated with each:

PART FIVE: Applicant Signature

☐ Check here if you are requesting a pre-application consultation with the Corps and LGU based on the information you have provided. Regulatory entities will not initiate a formal application review if this box is checked.

By signature below, I attest that the information in this application is complete and accurate. I further attest that I possess the authority to undertake the work described herein.

Signature:  10-7-19 Date:

I hereby authorize \_\_\_\_\_ to act on my behalf as my agent in the processing of this application and to furnish, upon request, supplemental information in support of this application.

<sup>1</sup> The term "impact" as used in this joint application form is a generic term used for disclosure purposes to identify activities that may require approval from one or more regulatory agencies. For purposes of this form it is not meant to indicate whether or not those activities may require mitigation/replacement.

**Attachment A**  
**Request for Delineation Review, Wetland Type Determination, or**  
**Jurisdictional Determination**

By submission of the enclosed wetland delineation report, I am requesting that the U.S. Army Corps of Engineers, St. Paul District (Corps) and/or the Wetland Conservation Act Local Government Unit (LGU) provide me with the following (check all that apply):

☐ **Wetland Type Confirmation**

☐ **Delineation Concurrence.** Concurrence with a delineation is a written notification from the Corps and a decision from the LGU concurring, not concurring, or commenting on the boundaries of the aquatic resources delineated on the property. Delineation concurrences are generally valid for five years unless site conditions change. Under this request alone, the Corps will not address the jurisdictional status of the aquatic resources on the property, only the boundaries of the resources within the review area (including wetlands, tributaries, lakes, etc.).

☐ **Preliminary Jurisdictional Determination.** A preliminary jurisdictional determination (PJD) is a non-binding written indication from the Corps that waters, including wetlands, identified on a parcel may be waters of the United States. For purposes of computation of impacts and compensatory mitigation requirements, a permit decision made on the basis of a PJD will treat all waters and wetlands in the review area as if they are jurisdictional waters of the U.S. PJDs are advisory in nature and may not be appealed.

☐ **Approved Jurisdictional Determination.** An approved jurisdictional determination (AJD) is an official Corps determination that jurisdictional waters of the United States are either present or absent on the property. AJDs can generally be relied upon by the affected party for five years. An AJD may be appealed through the Corps administrative appeal process.

In order for the Corps and LGU to process your request, the wetland delineation must be prepared in accordance with the 1987 Corps of Engineers Wetland Delineation Manual, any approved Regional Supplements to the 1987 Manual, and the *Guidelines for Submitting Wetland Delineations in Minnesota* (2013).

<http://www.mvp.usace.army.mil/Missions/Regulatory/DelineationJDGuidance.aspx>

Project Name and/or Number:

**Attachment B**  
**Supporting Information for Applications Involving Exemptions, No Loss Determinations, and Activities Not Requiring Mitigation**

Complete this part *if* you maintain that the identified aquatic resource impacts in Part Four do not require wetland replacement/compensatory mitigation OR *if* you are seeking verification that the proposed water resource impacts are either exempt from replacement or are not under CWA/WCA jurisdiction.

Identify the specific exemption or no-loss provision for which you believe your project or site qualifies:

8420.0420 Subp 2.C      412 - Grassed Waterway  
410 - Graded Sub. Str.

Provide a detailed explanation of how your project or site qualifies for the above. Be specific and provide and refer to attachments and exhibits that support your contention. Applicants should refer to rules (e.g. WCA rules), guidance documents (e.g. BWSR guidance, Corps guidance letters/public notices), and permit conditions (e.g. Corps General Permit conditions) to determine the necessary information to support the application. Applicants are strongly encouraged to contact the WCA LGU and Corps Project Manager prior to submitting an application if they are unsure of what type of information to provide:

Project Name and/or Number:

## Attachment C

### Avoidance and Minimization

**Project Purpose, Need, and Requirements.** Clearly state the purpose of your project and need for your project. Also include a description of any specific requirements of the project as they relate to project location, project footprint, water management, and any other applicable requirements. Attach an overhead plan sheet showing all relevant features of the project (buildings, roads, etc.), aquatic resource features (impact areas noted) and construction details (grading plans, storm water management plans, etc.), referencing these as necessary:

**Avoidance.** Both the CWA and the WCA require that impacts to aquatic resources be avoided if practicable alternatives exist. Clearly describe all on-site measures considered to avoid impacts to aquatic resources and discuss at least two project alternatives that avoid all impacts to aquatic resources on the site. These alternatives may include alternative site plans, alternate sites, and/or not doing the project. Alternatives should be feasible and prudent (see MN Rules 8420.0520 Subp. 2 C). Applicants are encouraged to attach drawings and plans to support their analysis:

**Minimization.** Both the CWA and the WCA require that all unavoidable impacts to aquatic resources be minimized to the greatest extent practicable. Discuss all features of the proposed project that have been modified to minimize the impacts to water resources (see MN Rules 8420.0520 Subp. 4):

**Off-Site Alternatives.** An off-site alternatives analysis is not required for all permit applications. If you know that your proposal will require an individual permit (standard permit or letter of permission) from the U.S. Army Corps of Engineers, you may be required to provide an off-site alternatives analysis. The alternatives analysis is not required for a complete application but must be provided during the review process in order for the Corps to complete the evaluation of your application and reach a final decision. Applicants with questions about when an off-site alternatives analysis is required should contact their Corps Project Manager.

Attachment D  
Replacement/Compensatory Mitigation

Complete this part *if* your application involves wetland replacement/compensatory mitigation not associated with the local road wetland replacement program. Applicants should consult Corps mitigation guidelines and WCA rules for requirements.

**Replacement/Compensatory Mitigation via Wetland Banking.** Complete this section if you are proposing to use credits from an existing wetland bank (with an account number in the State wetland banking system) for all or part of your replacement/compensatory mitigation requirements.

Wetland Bank Account #	County	Major Watershed #	Bank Service Area #	Credit Type (if applicable)	Number of Credits

Applicants should attach documentation indicating that they have contacted the wetland bank account owner and reached at least a tentative agreement to utilize the identified credits for the project. This documentation could be a signed purchase agreement, signed application for withdrawal of credits or some other correspondence indicating an agreement between the applicant and the bank owner. *However, applicants are advised not to enter into a binding agreement to purchase credits until the mitigation plan is approved by the Corps and LGU.*

**Project-Specific Replacement/Permittee Responsible Mitigation.** Complete this section if you are proposing to pursue actions (restoration, creation, preservation, etc.) to generate wetland replacement/compensatory mitigation credits for this proposed project.

WCA Action Eligible for Credit <sup>1</sup>	Corps Mitigation Compensation Technique <sup>2</sup>	Acres	Credit % Requested	Credits Anticipated <sup>3</sup>	County	Major Watershed #	Bank Service Area #

<sup>1</sup>Refer to the name and subpart number in MN Rule 8420.0526.  
<sup>2</sup>Refer to the technique listed in *St. Paul District Policy for Wetland Compensatory Mitigation in Minnesota*.  
<sup>3</sup>If WCA and Corps crediting differs, then enter both numbers and distinguish which is Corps and which is WCA.

Explain how each proposed action or technique will be completed (e.g. wetland hydrology will be restored by breaking the tile.....) and how the proposal meets the crediting criteria associated with it. Applicants should refer to the Corps mitigation policy language, WCA rule language, and all associated Corps and WCA guidance related to the action or technique:

Attach a site location map, soils map, recent aerial photograph, and any other maps to show the location and other relevant features of each wetland replacement/mitigation site. Discuss in detail existing vegetation, existing landscape features, land use (on and surrounding the site), existing soils, drainage systems (if present), and water sources and movement. Include a topographic map showing key features related to hydrology and water flow (inlets, outlets, ditches, pumps, etc.):

Project Name and/or Number:

Attach a map of the existing aquatic resources, associated delineation report, and any documentation of regulatory review or approval. Discuss as necessary:

For actions involving construction activities, attach construction plans and specifications with all relevant details. Discuss and provide documentation of a hydrologic and hydraulic analysis of the site to define existing conditions, predict project outcomes, identify specific project performance standards and avoid adverse offsite impacts. Plans and specifications should be prepared by a licensed engineer following standard engineering practices. Discuss anticipated construction sequence and timing:

For projects involving vegetation restoration, provide a vegetation establishment plan that includes information on site preparation, seed mixes and plant materials, seeding/planting plan (attach seeding/planting zone map), planting/seeding methods, vegetation maintenance, and an anticipated schedule of activities:

For projects involving construction or vegetation restoration, identify and discuss goals and specific outcomes that can be determined for credit allocation. Provide a proposed credit allocation table tied to outcomes:

Provide a five-year monitoring plan to address project outcomes and credit allocation:

Discuss and provide evidence of ownership or rights to conduct wetland replacement/mitigation on each site:

Quantify all proposed wetland credits and compare to wetland impacts to identify a proposed wetland replacement ratio. Discuss how this replacement ratio is consistent with Corps and WCA requirements:

By signature below, the applicant attests to the following (only required if application involves project-specific/permittee responsible replacement):

- All proposed replacement wetlands were not:
  - Previously restored or created under a prior approved replacement plan or permit
  - Drained or filled under an exemption during the previous 10 years
  - Restored with financial assistance from public conservation programs
  - Restored using private funds, other than landowner funds, unless the funds are paid back with interest to the individual or organization that funded the restoration and the individual or organization notifies the local government unit in writing that the restored wetland may be considered for replacement.
- The wetland will be replaced before or concurrent with the actual draining or filling of a wetland.
- An irrevocable bank letter of credit, performance bond, or other acceptable security will be provided to guarantee successful completion of the wetland replacement.
- Within 30 days of either receiving approval of this application or beginning work on the project, I will record the Declaration of Restrictions and Covenants on the deed for the property on which the replacement wetland(s) will be located and submit proof of such recording to the LGU and the Corps.

Applicant or Representative:

Title:

Signature: \_\_\_\_\_

Date:

Attachment E  
Local Road Replacement Program Qualification

Complete this part *if* you are a local road authority (county highway department, city transportation department, etc.) seeking verification that your project (or a portion of your project) qualifies for the MN Local Government Road Wetland Replacement Program (LGRWRP). If portions of your project are not eligible for the LGRWRP, then Attachment D should be completed and attached to your application.

Discuss how your project is a repair, rehabilitation, reconstruction, or replacement of a currently serviceable road to meet state/federal design or safety standards/requirements. Applicants should identify the specific road deficiencies and how the project will rectify them. Attach supporting documents and information as applicable:

Provide a map, plan, and/or aerial photograph accurately depicting wetland boundaries within the project area. Attach associated delineation/determination report or otherwise explain the method(s) used to identify and delineate wetlands. Also attach and discuss any type of review or approval of wetland boundaries or other aspects of the project by a member or members of the local Technical Evaluation Panel (TEP) or Corps of Engineers:

In the table below, identify only the wetland impacts from Part 4 that the road authority has determined should qualify for the LGRWRP.

Wetland Impact ID (as noted on overhead view)	Type of Impact (fill, excavate, drain)	Size of Impact (square feet or acres to 0.01)	Existing Plant Community Type(s) in Impact Area <sup>1</sup>	County, Major Watershed #, and Bank Service Area # of Impact <sup>2</sup>

<sup>1</sup>Use *Wetland Plants and Plant Community Types of Minnesota and Wisconsin* 3<sup>rd</sup> Ed. as modified in MN Rules 8420.0405 Subp. 2.

<sup>2</sup>Refer to Major Watershed and Bank Service Area maps in MN Rules 8420.0522 Subp. 7.

Discuss the feasibility of providing onsite compensatory mitigation/replacement for important site-specific wetland functions:

Please note that under the MN Wetland Conservation Act, projects with less than 10,000 square feet of wetland impact are allowed to commence prior to submission of this notification so long as the notification is submitted within 30 days of the impact. The Clean Water Act has no such provision and requires that permits be obtained prior to any regulated discharges into water of the United States. To avoid potential unauthorized activities, road authorities must, at a minimum, provide a complete application to the Corps and receive a permit prior to commencing work.

By signature below, the road authority attests that they have followed the process in MN Rules 8420.0544 and have determined that the wetland impacts identified in Part 4 are eligible for the MN Local Government Road Wetland Replacement Program.

Road Authority Representative: \_\_\_\_\_ Title: \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Technical Evaluation Panel Concurrence:

Project Name and/or Number:

TEP member:

Representing:

Concur with road authority's determination of qualification for the local road wetland replacement program? ☐ Yes ☐ No

Signature: \_\_\_\_\_

Date:

TEP member:

Representing:

Concur with road authority's determination of qualification for the local road wetland replacement program? ☐ Yes ☐ No

Signature: \_\_\_\_\_

Date:

TEP member:

Representing:

Concur with road authority's determination of qualification for the local road wetland replacement program? ☐ Yes ☐ No

Signature: \_\_\_\_\_

Date:

TEP member:

Representing:

Concur with road authority's determination of qualification for the local road wetland replacement program? ☐ Yes ☐ No

Signature: \_\_\_\_\_

Date:

Upon approval and signature by the TEP, application must be sent to: **Wetland Bank Administration**  
**Minnesota Board of Water & Soil Resources**  
**520 Lafayette Road North**  
**Saint Paul, MN 55155**



WETLAND DETERMINATION DATA FORM – Midwest Region

Project/Site: T14952 City/County: Houston Sampling Date: 8/27/2019

Applicant/Owner: Gerald Skifton State: MN Sampling Point: ROP1

Investigator(s): Jeremy Kite Section, Township, Range: T104 R6 S4, S9 & S10 Houston

Landform (hillslope, terrace, etc.): hillslope Local relief (concave, convex, none): Concave

Slope (%): Lat: Long: Datum:

Soil Map Unit Name: Madelia (136) NWI classification: PEM1D

Are climatic / hydrologic conditions on the site typical for this time of year? Yes X No (If no, explain in Remarks.)

Are Vegetation X, Soil, or Hydrology significantly disturbed? Are "Normal Circumstances" present? Yes No X

Are Vegetation, Soil, or Hydrology naturally problematic? (If needed, explain any answers in Remarks.)

SUMMARY OF FINDINGS – Attach site map showing sampling point locations, transects, important features, etc.

Hydrophytic Vegetation Present?	Yes X No	Is the Sampled Area within a Wetland? Yes X No
Hydric Soil Present?	Yes X No	
Wetland Hydrology Present?	Yes X No	

Remarks:  
Out side wet portion of growing seas, area is in a active pasture and is being managed for grazing.

VEGETATION – Use scientific names of plants.

<b>Tree Stratum</b> (Plot size: 30 )	Absolute % Cover	Dominant Species?	Indicator Status	<b>Dominance Test worksheet:</b> Number of Dominant Species That Are OBL, FACW, or FAC: 2 (A)  Total Number of Dominant Species Across All Strata: 2 (B)  Percent of Dominant Species That Are OBL, FACW, or FAC: 100 (A/B)
1. N/A	0			
2.				
3.				
4.				
5.				
0 = Total Cover				<b>Prevalence Index worksheet:</b> Total % Cover of: Multiply by: OBL species x 1 = FACW species x 2 = FAC species x 3 = FACU species x 4 = UPL species x 5 = Column Totals: (A) (B)  Prevalence Index = B/A =
<b>Sapling/Shrub Stratum</b> (Plot size: 15 )				
1. Salix interior	5	Yes	FACW	
2.				
3.				
4.				
5.				
5 = Total Cover				<b>Hydrophytic Vegetation Indicators:</b> 1 - Rapid Test for Hydrophytic Vegetation X 2 - Dominance Test is >50% 3 - Prevalence Index is ≤3.0 <sup>1</sup> 4 - Morphological Adaptations <sup>1</sup> (Provide supporting data in Remarks or on a separate sheet) Problematic Hydrophytic Vegetation <sup>1</sup> (Explain)  <sup>1</sup> Indicators of hydric soil and wetland hydrology must be present, unless disturbed or problematic.
<b>Herb Stratum</b> (Plot size: 5 )				
1. Persicaria pensylvanica	70	Yes	FACW	
2. Trifolium pratens	10	No	FACU	
3. Impatiens capensis	5	No	FACW	
4.				
5.				
6.				
7.				
8.				
9.				
10.				
85 = Total Cover				<b>Hydrophytic Vegetation Present?</b> Yes X No
<b>Woody Vine Stratum</b> (Plot size: 30 )				
1. N/A				
2.				
0 = Total Cover				

Remarks: (Include photo numbers here or on a separate sheet.)

SOIL

Sampling Point: ROP1

Profile Description: (Describe to the depth needed to document the indicator or confirm the absence of indicators.)

Depth (inches)	Matrix		Redox Features				Texture	Remarks
	Color (moist)	%	Color (moist)	%	Type <sup>1</sup>	Loc <sup>2</sup>		
0-12	7.5YR 2.5/1	100						
12-20	7.5 YR 3/2	75	7.5 YR 5/8	25	C	M		
20-26	7.5 YR 4/2	85	7.5 YR 5/8	15	C	M		

<sup>1</sup>Type: C=Concentration, D=Depletion, RM=Reduced Matrix, MS=Masked Sand Grains.

<sup>2</sup>Location: PL=Pore Lining, M=Matrix.

Hydric Soil Indicators:

☐ Histosol (A1)

☐ Histic Epipedon (A2)

☐ Black Histic (A3)

☐ Hydrogen Sulfide (A4)

☐ Stratified Layers (A5)

☐ 2 cm Muck (A10)

☐ Depleted Below Dark Surface (A11)

☒ Thick Dark Surface (A12)

☐ Sandy Mucky Mineral (S1)

☐ 5 cm Mucky Peat or Peat (S3)

☐ Sandy Gleyed Matrix (S4)

☐ Sandy Redox (S5)

☐ Stripped Matrix (S6)

☐ Loamy Mucky Mineral (F1)

☐ Loamy Gleyed Matrix (F2)

☐ Depleted Matrix (F3)

☐ Redox Dark Surface (F6)

☐ Depleted Dark Surface (F7)

☐ Redox Depressions (F8)

Indicators for Problematic Hydric Soils<sup>3</sup>:

☐ Coast Prairie Redox (A16)

☐ Dark Surface (S7)

☐ Iron-Manganese Masses (F12)

☐ Very Shallow Dark Surface (TF12)

☐ Other (Explain in Remarks)

<sup>3</sup>Indicators of hydrophytic vegetation and wetland hydrology must be present, unless disturbed or problematic

Restrictive Layer (if observed):

Type:

Depth (inches):

Hydric Soil Present? Yes ☒ No ☐

Remarks:

HYDROLOGY

Wetland Hydrology Indicators:

Primary Indicators (minimum of one is required; check all that apply)

Secondary Indicators (minimum of two required)

☒ Surface Water (A1)

☐ High Water Table (A2)

☐ Saturation (A3)

☐ Water Marks (B1)

☐ Sediment Deposits (B2)

☐ Drift Deposits (B3)

☐ Algal Mat or Crust (B4)

☐ Iron Deposits (B5)

☐ Inundation Visible on Aerial Imagery (B7)

☐ Sparsely Vegetated Concave Surface (B8)

☐ Water-Stained Leaves (B9)

☐ Aquatic Fauna (B13)

☐ True Aquatic Plants (B14)

☐ Hydrogen Sulfide Odor (C1)

☐ Oxidized Rhizospheres on Living Roots (C3)

☒ Presence of Reduced Iron (C4)

☐ Recent Iron Reduction in Tilled Soils (C6)

☐ Thin Muck Surface (C7)

☐ Gauge or Well Data (D9)

☐ Other (Explain in Remarks)

☐ Surface Soil Cracks (B6)

☐ Drainage Patterns (B10)

☐ Dry-Season Water Table (C2)

☐ Crayfish Burrows (C8)

☐ Saturation Visible on Aerial Imagery (C9)

☐ Stunted or Stressed Plants (D1)

☐ Geomorphic Position (D2)

☐ FAC-Neutral Test (D5)

Field Observations:

Surface Water Present? Yes ☒ No ☐ Depth (inches): 1.5

Water Table Present? Yes ☐ No ☐ Depth (inches):

Saturation Present? (includes capillary fringe) Yes ☐ No ☐ Depth (inches):

Wetland Hydrology Present? Yes ☒ No ☐

Describe Recorded Data (stream gauge, monitoring well, aerial photos, previous inspections), if available:

Remarks:

NRCS method - Rainfall Documentation Worksheet Hydrology Tools for Wetland Determination  
NRCS Engineering Field Handbook Chapter 19

Date	Skifton	Landowner/Project	
Weather Station	Caledonia	State	MN
County	Houston	Growing Season	2019
Photo/obs Date	8/27/2019	Soil Name	136

shaded cells are  
locked or calculated

1st Prior Month\*  
2nd Prior Month\*  
3rd Prior Month\*

Long-term rainfall statistics  
(from WETS table or State  
Climatology Office)

Month	30% chance <	30% chance >	Precip	Condition Dry, Wet, Normal	Condition Value	Month Weight Value	Product of Previous 2 Columns
August	3.56	5.64	1.63	D	1	3	3
July	2.96	5.63	7.12	W	3	2	6
June	3.06	5.53	5.33	N	2	1	2
*compared to photo/observation date						Sum	11

Note: If sum is	
6 - 9	prior period has been drier than normal
10 - 14	prior period has been normal
15 - 18	prior period has been wetter than normal

Condition value:
Dry =1
Normal =2
Wet =3

Conclusions: prior period has been normal

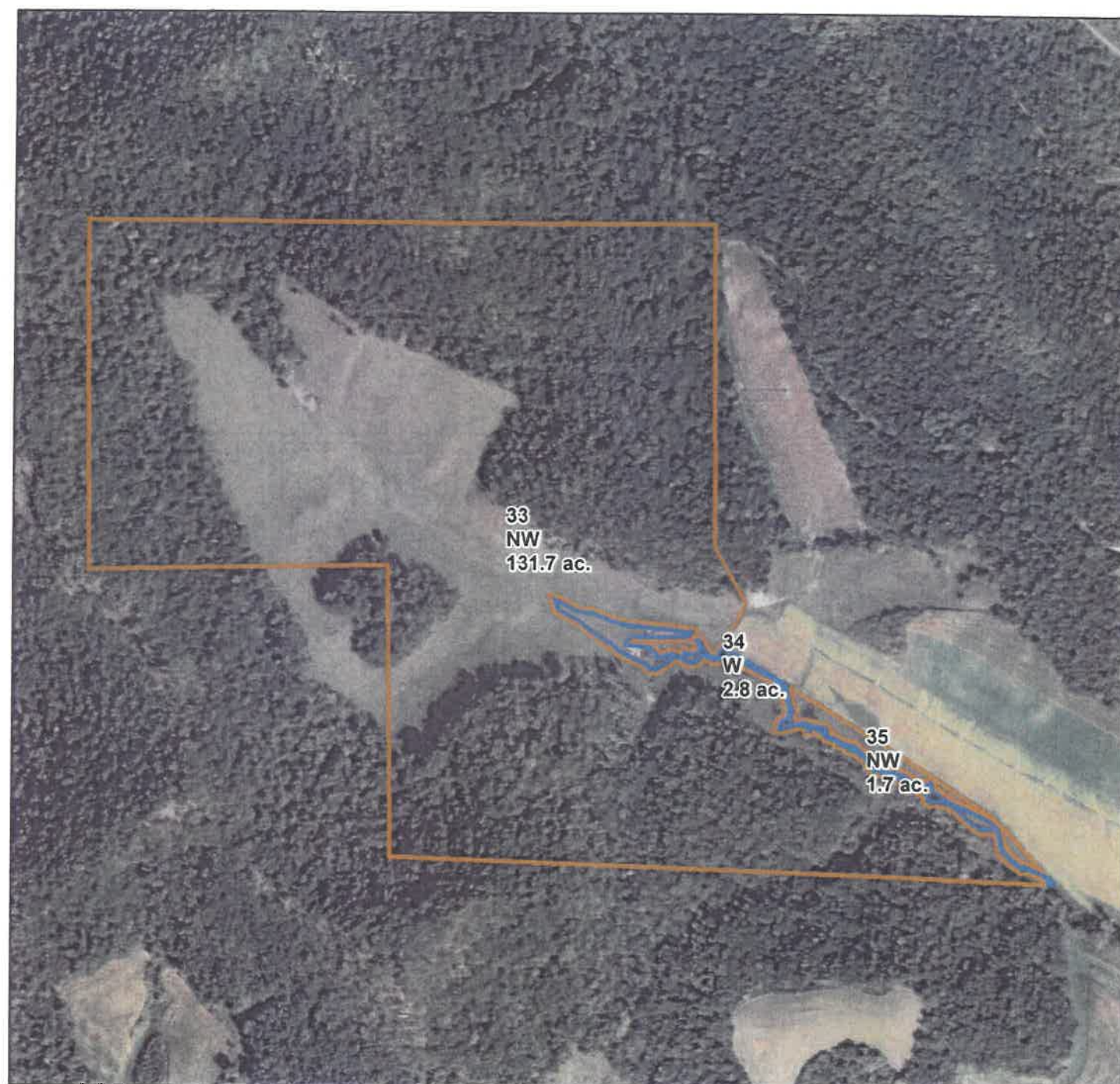


# Certified Wetland Determination

Customer: Gerald Skifton

Tract: 14952

8/28/2019

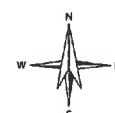


**T104 R6 S4, S9 and S10 Houston  
Houston County**

2017 Imagery

1:7,200 1 inch = 600 feet

600 300 0 600 Feet



W  
NW

This certified wetland determination/delineation has been conducted for the purpose of implementing the wetland conservation provisions of the Food Security Act of 1985. This determination/delineation may not be valid for identifying the extent of the Corps of Engineers' (COE's) Clean Water Act jurisdiction for this site. Other federal, state or local permits or restrictions may apply to activities impacting wetlands. Contact the US Fish and Wildlife Service for information concerning conservation easements. Contact the Local Governmental Unit (LGU) for State Wetland Conservation Act permits and Minnesota Department of Natural Resources for protected water permits prior to initiating wetland activities by completing the "Minnesota Joint Project Notification Form" available from the LGU.

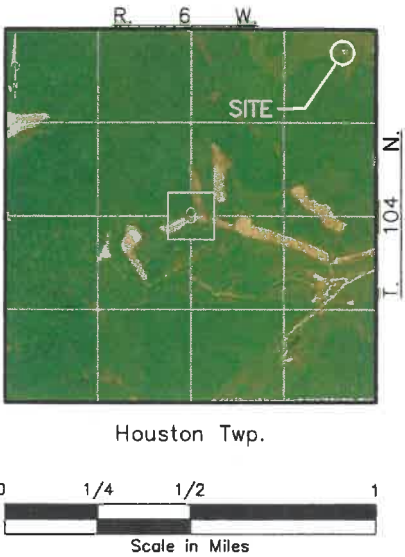
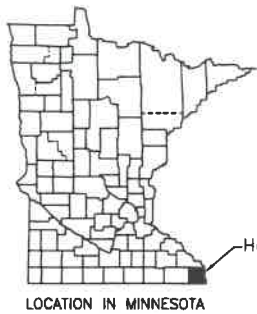




U.S. DEPARTMENT OF AGRICULTURE  
NATURAL RESOURCES CONSERVATION SERVICE

DETAIL PLANS FOR  
GERALD SKIFTON

GRADE STABILIZATION PROJECT  
HOUSTON COUNTY, MINNESOTA



LEGEND

SOIL BORING	● TH
BENCH MARK, TEMPORARY	⊕ TBM
CONTOUR	— 1100 —
CONTOUR, INDEX	— 1100 —
FENCE, NEW	— X —
COMMON EXCAVATION	⊖
EARTHFILL, CLASS C1	⊕
SPOIL AREA	— —
CENTERLINE	— —

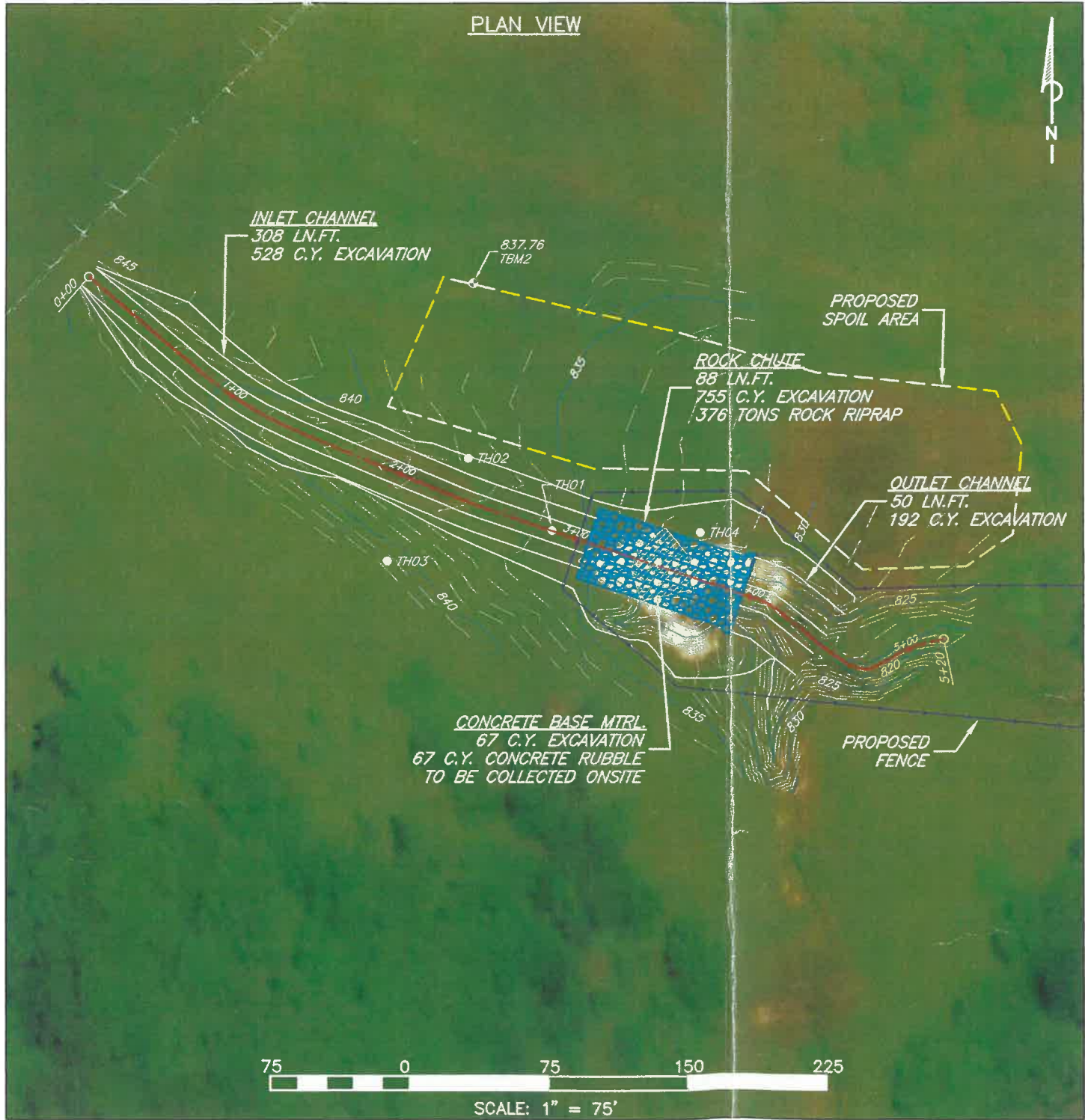
MINNESOTA SPECIFICATIONS FOR CONSERVATION PRACTICES APPLY FOR ALL MATERIALS AND CONSTRUCTION WORK. THESE SPECIFICATIONS ARE PART OF THIS PLAN.

BEFORE START OF CONSTRUCTION, THE OWNER(S) OF ANY UTILITIES INVOLVED MUST BE NOTIFIED. THE EXCAVATOR IS RESPONSIBLE FOR GIVING NOTICE BY CALLING "GOPHER STATE ONE-CALL" AT (800) 252-1166 AT LEAST 48 HOURS PRIOR TO ANY EXCAVATION.

COOPERATOR APPROVAL STATEMENT

I HAVE REVIEWED AND UNDERSTAND THE PLANS AND SPECIFICATIONS AND AGREE TO COMPLETE THE WORK ACCORDINGLY. FAILURE TO MEET THESE PLANS AND SPECIFICATIONS MAY JEOPARDIZE ANY NRCS FINANCIAL AND TECHNICAL ASSISTANCE. I UNDERSTAND THAT IT IS MY RESPONSIBILITY TO SECURE ALL NECESSARY PERMITS AND LICENSES, AND TO COMPLETE THE WORK IN ACCORDANCE WITH ALL LOCAL, STATE, AND FEDERAL LAWS. MODIFICATION OF THESE PLANS OR SPECIFICATIONS MUST BE APPROVED BY THE NATURAL RESOURCES CONSERVATION SERVICE BEFORE INSTALLATION. I ASSUME RESPONSIBILITY FOR NEGOTIATIONS AND AGREEMENTS WITH THE CONTRACTORS.

*Gerald Skifton* 9-10-19  
COOPERATOR DATE



INDEX OF DRAWINGS

SHEET NUMBER	TITLE
1	PLAN VIEW, QUANTITIES & NOTES
2	CHUTE PROFILE & CONSTRUCTION NOTES
3	INLET CHANNEL SECTIONS
4 & 5	ROCK CHUTE SECTIONS
6	OUTLET CHANNEL SECTIONS

LIST OF ESTIMATED QUANTITIES

QUANTITY	UNIT	ITEM	SPEC.
1542	C.Y.	COMMON EXCAVATION (INLET CHAN., CHUTE, AND OUTLET CHAN.)	MN-21
376	TON	ROCK RIPRAP, D100 OF 24 INCH (SEE GRADATION ON SHEET 2)	MN-61
664	S.Y.	NON-WOVEN GEOTEXTILE, 80Z./S.Y. (398' X 15' WIDE ROLL)	MN-95, MS-592
1	L.S.	SPREADING OF EXCAVATED SPOIL	
1	L.S.	STOCKPILE 67 C.Y. OF CONCRETE RUBBLE AND PLACE IN CHUTE	
1	L.S.	WEATHERED BEDROCK REMOVAL (APPROX. 15 C.Y.)	
300	S.Y.	EROSION CONTROL BLANKET, NAG C125 OR APPROVED EQUAL (3 - 8' X 112.5' ROLLS INSTALLED WITH 6 INCH STAPLES)	
0.3	AC.	ANCHORED STRAW MULCH	SEEDING PLAN
1.5	AC.	SEEDING AND FERTILIZER	SEEDING PLAN
1	L.S.	EQUIPMENT MOBILIZATION	

NOTE: ALL QUANTITIES ARE TO NEAT LINE AND GRADE.

CONSTRUCTION SITE EROSION AND SEDIMENT CONTROL

CONSERVATION PROJECTS WITH MORE THAN ONE ACRE OF SOIL DISTURBANCE ARE OPERATING UNDER AN EXCLUSION FROM THE NATIONAL POLLUTION DISCHARGE ELIMINATION SYSTEM (NPDES) PERMITTING REQUIREMENTS FOR CONSTRUCTION SITE STORM WATER DISCHARGES. SEE THE MPCA FACT SHEET REGARDING CONSERVATION PRACTICES FOR MORE DETAILS. THE FOLLOWING PROVISIONS WILL BE IMPLEMENTED TO PROVIDE CONSTRUCTION SITE EROSION AND SEDIMENT CONTROL FOR THESE PROJECTS REGARDLESS OF SIZE:

1. LOCATE TOPSOIL OR OTHER TEMPORARY STOCKPILES OF SOIL IN LOCATIONS WHERE THEY WILL NOT BE SUBJECT TO EROSION FROM CONCENTRATED FLOW.
2. WHEN PERMANENT VEGETATION MUST BE DISTURBED, LIMIT THE AREA OF DISTURBANCE TO THE MINIMUM REQUIRED FOR THE PROJECT.
3. SEED, OR OTHERWISE STABILIZE, DISTURBED AREAS IN ACCORDANCE WITH THE PLANTING AND EROSION CONTROL SPECIFICATIONS FOR THE PROJECT. STABILIZATION MUST BE DONE WITHIN 14 DAYS IN THAT PORTION OF THE SITE WHERE THE CONSTRUCTION ACTIVITY HAS TEMPORARILY OR PERMANENTLY CEASED, UNLESS WORK IS COMPLETED AFTER THE FALL SEEDING CUTOFF DATE.
4. IF A GRASSED WATERWAY OR DIVERSION WILL BE COMPLETED AFTER THE FALL SEEDING CUTOFF DATE, DO NOT LEAVE A LOOSENEED SOIL SURFACE OVER WINTER. TRACK THE FINISHED GRADE TO COMPACT THE SOIL SURFACE FOR TEMPORARY EROSION PROTECTION. IMPLEMENT SEEDING AND STABILIZATION AS SOON AS FEASIBLE IN THE SPRING.
5. PROJECT SPECIFIC REQUIREMENTS (DESCRIBE OR SHOW N/A FOR NOT APPLICABLE).  
A) A MINIMUM OF 1.5 T/AC OF STRAW MULCH SHALL BE SPREAD OVER THE INLET CHANNEL AND ANCHORED USING AN APPROVED CRIMPER. SEE SEEDING PLAN FOR ADDITIONAL DETAILS.

NOTE: EXCESSIVE SEDIMENT DISCHARGES FROM ANY PROJECT THAT IMPACT WATER QUALITY MAY RESULT IN ENFORCEMENT ACTION UNDER STATE WATER QUALITY PROTECTION RULES.

TEMPORARY BENCH MARKS

NO.	ELEV.	DESCRIPTION
2	837.76	HUB WITH LATH LOCATED IN PASTURE APPROX. 160' NW OF EXISTING GULLY.

COORDINATE SYSTEM: NAD83 (CONUS), UTM 15N, GEOID 12B. UNITS: US SURVEY FT.

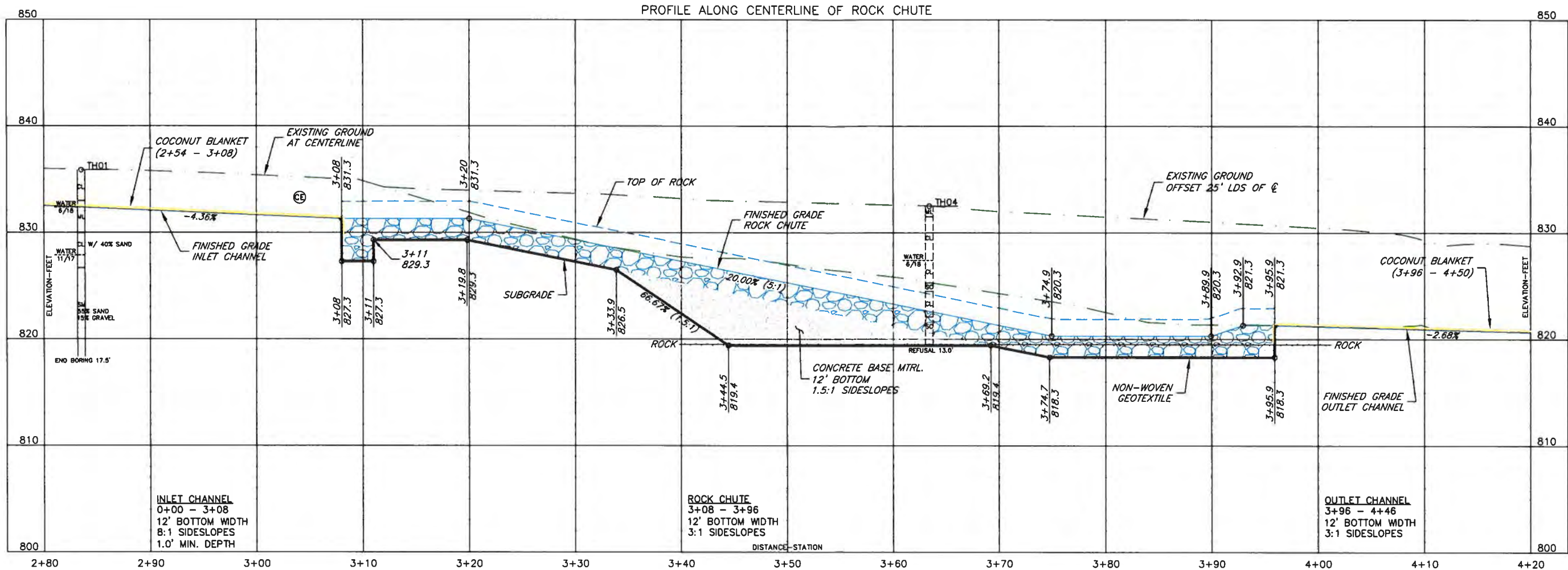
Date 9/24/18  
Designed C. BLACKBURN  
Drawn CRB  
Checked EAO  
Approved AMANDA DEANS  
Date 10/18/18

GERALD SKIFTON  
GRADE STABILIZATION PROJECT  
PLAN VIEW, QUANTITIES AND NOTES  
Sec. 9, Houston Twp., Houston Co., Minnesota

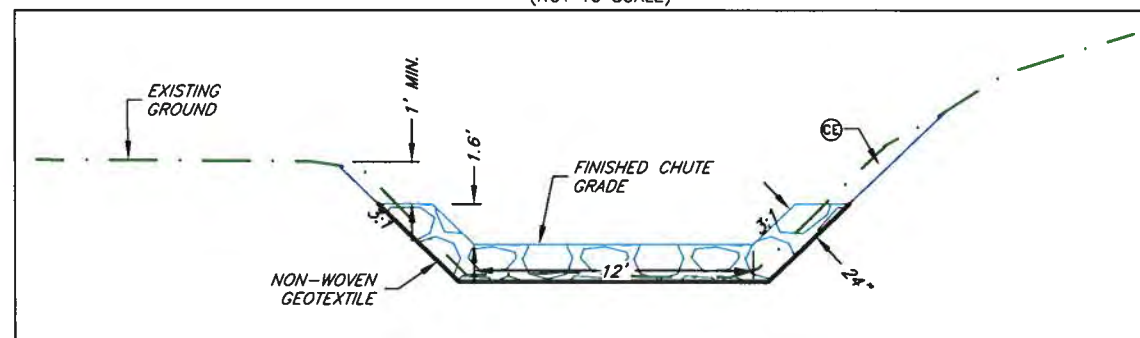
United States  
Department of  
Agriculture  
USDA  
Natural Resources  
Conservation Service

File Name  
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Eng. Job Class  
V  
11/26/2018  
Sheet 1 of 6





TYPICAL SECTION - ROCK CHUTE  
(NOT TO SCALE)



PROFILE & SECTIONS LEGEND	
EXISTING GROUND	---
FINISHED GROUND	---
GEOTEXTILE	---
COMMON EXCAVATION	Ⓢ
EARTHFILL	Ⓢ
CONCRETE BASE MTRL.	Ⓢ
ROCK RIPRAP	Ⓢ

ROCK RIPRAP GRADATION		
PERCENT SMALLER THAN	WEIGHT RANGE (LBS.)	SIZE RANGE (IN.)
D100	425-1007	18-24
D85	277-734	15-21
D50	126-425	12-18
D10	64-277	9-15

#### MATERIAL AND CONSTRUCTION NOTES:

##### ROCK

THE ROCK SOURCE TO BE USED SHALL BE PROVIDED A MINIMUM OF 7 DAYS PRIOR TO CONSTRUCTION SO THAT A NRCS REPRESENTATIVE CAN INSPECT AND APPROVE ROCK BEFORE DELIVERY TO SITE.

ALL LOAD TICKETS SHALL BE PROVIDED TO A NRCS REPRESENTATIVE PRIOR TO UNLOADING TRUCK ON-SITE.

ROCK SHALL BE MACHINE PLACED BUT SHALL NOT BE DROPPED MORE THAN 3' ONTO THE GEOTEXTILE.

##### GEOTEXTILE FABRIC

GEOTEXTILE SHALL BE NON-WOVEN GEOTEX 801 (8oz./S.Y.) OR AN APPROVED EQUAL AND SHALL MEET THE REQUIREMENTS OF NRCS MATERIAL SPECIFICATION MS-592, NON-WOVEN, CLASS I OR II. QUANTITIES WERE CALCULATED USING A 15' WIDE ROLL IF AN ALTERNATIVE WIDTH IS USED CONTACT PROJECT REPRESENTATIVE TO GET PROPER QUANTITIES.

GEOTEXTILE SHALL BE PLACED PERPENDICULAR TO THE CENTERLINE OF CHUTE AND A MINIMUM OVERLAP OF 4' SHALL BE USED BETWEEN PIECES. THE NRCS REPRESENTATIVE RESERVES THE RIGHT TO MODIFY THE OVERLAP WIDTH IF CONSTRUCTION CONDITIONS REQUIRE IT.

ANY GEOTEXTILE DAMAGED DURING ROCK PLACEMENT SHALL BE REMOVED AND REPLACED.

##### EROSION CONTROL BLANKET

EROSION CONTROL BLANKET SHALL BE NORTH AMERICAN GREEN C125 COCONUT BLANKET OR AN EQUIVALENT TO BE APPROVED BY A NRCS REPRESENTATIVE PRIOR TO ORDERING. ROLLS SHALL BE 8' X 112.5' AND SHALL BE PLACED PARALLEL TO THE CENTERLINE OF WATERWAY. BLANKET SHALL BE INSTALLED WITH 6 INCH STAPLES ACCORDING TO MANUFACTURER'S RECOMMENDATIONS.

##### CONCRETE BASE MATERIAL

CONCRETE PIECES SHALL BE REMOVED FROM GULLY AND STOCKPILED IN SUCH A MANNER THAT A VOLUME MEASUREMENT MAY BE TAKEN PRIOR TO PLACEMENT. CONCRETE SHALL BE RELATIVELY FREE OF FINES AND ANY PIECES CONTAINING REINFORCING STEEL OR OTHER FOREIGN MATERIAL SHALL BE DISPOSED OF ACCORDING TO COUNTY ORDINANCE. ANY PIECES LARGER THAN 24" SHALL BE BROKEN UP OR DISCARDED.

CONCRETE SHALL BE MACHINE PLACED AND COMPACTED USING BUCKET UNTIL MATERIAL IS STABLE AND DOES NOT READILY SINK INTO UNDERLYING SOIL. ANY VOIDS LARGER THAN 18" THAT OCCUR DURING PLACEMENT SHALL BE FILLED WITH SMALLER PIECES.

##### TOP SOIL

FINAL GRADE OF INLET CHANNEL, CHUTE SIDESLOPES AND ANY OTHER DISTURBED AREAS SHALL HAVE A MINIMUM OF 4 INCHES OF TOP SOIL. OVER EXCAVATION AND REPLACEMENT WITH TOP SOIL MAY BE NECESSARY IF FINAL GRADE IS PRIMARILY CLAY, SAND, ROCK OR IS OTHERWISE UNSUITABLE FOR GROWING VEGETATION.

Date: 9/24/18  
Designed: C. BLACKBURN  
Drawn: CRB  
Checked: EAO  
Approved: AMANDA DEANS  
Digitally signed by AMANDA DEANS  
Date: 2018.11.26 11:25:27 -0500

GERALD SKIFTON  
GRADE STABILIZATION PROJECT  
ROCK CHUTE PROFILE  
Sec. 9, Houston Twp., Houston Co., Minnesota

United States  
Department of  
Agriculture  
USDA  
Natural Resources  
Conservation Service

File Name  
Skifton410\_FINAL112518.dwg

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11/26/2018  
Sheet 2 of 6

LIST POSSIBLE ALTERNATIVE RESOURCE MANAGEMENT SYSTEMS THE NRCS CONSERVATIONIS TMIGHT CONSIDER WITH THE LAND USER (As objectives change record them in the notes)

NOTES OF SIGNIFICANT ASSISTANCE PROVIDED, ALTERNATIVES CONSIDERED, DECISIONS REACHED, RESOURCE MANAGEMENT SYSTEMS OR COMPONENT PRACTICES INSTALLED, AND FOLLOWUP PROVIDED MAY BE RECORDED CHRONOLOGICALLY BELOW AND ON ADDITIONAL PAGES TO PROVIDE A HISTORY OF RESOURCE CONSERVATION PLANNING AND IMPLEMENTATION ACTIVITIES WITH THE LAND USE. INCLUDE AND EVALUATION OF SIGNIFICANT AND SOCIAL, CULTURAL, ECONOMIC, AND ENVIRONMENTAL RESOURCES. (These included consideration of wetlands, flood plains, endangered species, archeological values, prime lands, etc.)

[illegible]



United States Department of Agriculture

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**CERTIFIED MAILING**

Natural Resources  
Conservation Service

Minnesota  
Blue Earth Field Office

411 S Grove Street  
Suite 1, Blue Earth,  
MN 56013

Ph: 507-526-3282  
[www.mn.nrcs.usda.gov](http://www.mn.nrcs.usda.gov)

August 28, 2019

Gerald Skifton  
1376 Hanson Valley RD  
Houston, MN 55943

RE: Certified wetland determination in response to AD-1026 request

Dear Mr. Skifton,

The Natural Resources Conservation Service (NRCS) recently received your request for evaluation of proposed wetland activity on the *Farm Service Agency (FSA) with a Highly Erodible Land Conservation (HELC) and Wetland Conservation (WC) Certification (form AD1026)* for Tract 14952, Sections 4, 9 and 10, Houston Township, Houston County, Minnesota. The NRCS is issuing a Preliminary Technical Determination (PTD) in response to your request.

The regulations for the Wetland Conservation (WC) provisions of the Food Security Act of 1985, as amended, are found at Title 7 Code of Federal Regulations (7 CFR) §12. This determination was conducted in accordance with the current federal wetland delineation procedures as found in the most current versions of the National Food Security Act Manual (NFSAM), the 1987 United States Army Corps of Engineers (USACE) Wetland Delineation Manual, Technical Report Y-87-1, the USACE Regional Supplements, and/or State Offsite Methods/Mapping Conventions.

This PTD was conducted by NRCS Wetland Compliance staff on August 27, 2019. The attached CPA-026 and map depict the wetland determination for the area where the requested wetland determination took place. The determination was made as indicated on the CPA-026 and map for the following reasons:

Presence of Hydrophytic Vegetation:

Under normal circumstances this site does support a prevalence of plants that grow in water or in a substrate that is at least periodically deficient in oxygen during the growing season as a result of excessive water content. The soil survey report for this site states that in an unmanaged condition, native vegetation is predominately herbaceous marsh species tolerant of excessive wetness. The site is therefore determined to have a prevalence of hydric vegetation.

Presence of Hydric Soils:

The soil on the site is Madelia (136). Madelia (136) is listed on the Houston County hydric soils list. In an un-drained condition, this soil is saturated, flooded, or ponded long enough during a growing season to develop an anaerobic condition that supports the growth and regeneration of hydrophytic vegetation. The site is therefore determined to have a predominance of hydric soils (NFSAM 527, 5-54).



determination in order to address the on-site needs (i.e. restoration, mitigation). Provide notification of your intent to exercise your right to waive rights to preliminary review and reconsideration or mediation, in writing, to the NRCS State Conservationist at:

Troy Daniell  
State Conservationist  
USDA NRCS  
375 Jackson Street, Suite 600  
St. Paul, MN 55101-1854

**If you do not select any of your preliminary appeal rights, this PTD will become a Final Technical Determination (FTD) 30 days after your receipt of the PTD in accordance with the wetland compliance provisions and the appeal regulations.**

**Once final**, you may appeal the FTD by acting on one of the two following options:

- You may appeal the determination to the FSA County Committee (COC) by filing a written request in accordance with the FSA appeal procedures found at 7 C.F.R. § 780. If you appeal to the COC, you have the right to an informal hearing which you or your representative may attend either personally or by telephone. To appeal, write to the County Committee at the following address and explain why you believe this determination is erroneous.

Houston County Committee  
805 N HWY 44/76  
Caledonia, MN 55921-1067

- Alternatively, you may appeal the determination to the National Appeals Division (NAD) by filing a written request in accordance with the NAD appeal procedures found at 7 C.F.R. § 11. If you appeal to NAD, you have the right to a hearing that you or your representative may attend. Once a hearing with NAD begins, you waive any rights to reconsideration, an appeal to FSA, and mediation. To appeal, you must write to NAD at the following address, explain why you believe this determination is erroneous, and provide a copy to FSA. You must personally sign your written appeal to NAD and include a copy of this letter.

NAD Eastern Regional Office  
P.O. Box 68806  
Indianapolis, Indiana 46268

If you are the owner of this tract and have a tenant, I urge you to discuss this letter and accompanying NRCS-CPA-026 with your tenant. Likewise, if you are the tenant of this tract, I urge you to discuss this letter with your landlord.

*This certified wetland determination/delineation has been conducted for the purpose of implementing the wetland conservation provisions of the Food Security Act of 1985. This determination/delineation may not be valid for identifying the extent of the Corps of Engineers' (COE's) Clean Water Act jurisdiction for this site. If you intend to conduct any activity that constitutes a discharge of dredged or fill material into wetlands or other waters, you should request a jurisdictional determination from the local office of the COE prior to starting the work. Other federal, state or local permits or restrictions may apply to activities*



**HIGHLY ERODIBLE LAND AND WETLAND CONSERVATION DETERMINATION**

Name	Gerald Skifton	Request Date:	7/18/2019	County:	Houston
Address	1376 Hanson Valley RD Houston MN 55943				
Agency or Person Requesting Determination:	Landowner	Tract No:	14952	FSA Farm No:	5482

**Section I - Highly Erodible Land**

Is a soil survey now available for making a highly erodible land determination?	
Are there highly erodible soil map units on this farm?	

Fields in this section have undergone a determination of whether they are highly erodible land (HEL) or not; fields for which an HEL Determination has not been completed are not listed. In order to be eligible for USDA benefits, a person must be using an approved conservation system on all HEL.

<u>Field(s)</u>	<u>HEL(Y/N)</u>	<u>Sodbust (Y/N)</u>	<u>Acres</u>	<u>Determination Date</u>
<b>Refer to the Previous HEL determination available on file from your FSA office</b>				

The Highly Erodible Land determination was completed in the

**Section II - Wetlands**

Fields in this section have had wetland determinations completed. See the Definition of Wetland Label Codes for additional information regarding allowable activities under the wetland conservation provisions of the Food Security Act and/or when wetland determinations are necessary to determine USDA program eligibility.

<u>Field(s)</u>	<u>Wetland Label</u>	<u>Occurrence Year</u>	<u>Acres</u>	<u>Determination Date</u>	<u>Certification Date</u>
33	NW		131.7	8/28/2019	
34	W		2.8	8/28/2019	
35	NW		1.7	8/28/2019	


The wetland determination was completed in the: Field

It was delivered by: Mail

On: 8/28/2019

Remarks:	
----------	--

I certify that the above determinations are correct and were conducted in accordance with policies and procedures contained in the National Food Security Act Manual.

Signature Designated Conservationist	Date
 Jeremy Kite	8/28/2019

The U.S. Department of Agriculture (USDA) prohibits discrimination in all of its programs and activities on the basis of race, color, national origin, age, disability, and where applicable, sex, marital status, familial status, parental status, religion, sexual orientation, political beliefs, genetic information, reprisal, or because all or part of an individual's income is derived from any public assistance program. (Not all prohibited bases apply to all programs.) Persons with disabilities who require alternative means for communication of program information (Braille, large print, audiotape, etc.) should contact USDA's TARGET Center at (202) 720-2600 (voice and TDD). To file a complaint of discrimination, write to USDA, Assistant Secretary for Civil Rights, Office of the Assistant Secretary for Civil Rights, 1400 Independence Avenue, S.W., Stop 9410, Washington, DC 20250-9410, or call tollfree at (866) 632-9992 (English) or (800) 877-8339 (TDD) or (866) 377-8642 (English Federal-relay) or (800) 845-6136 (Spanish Federal-relay). USDA is an equal opportunity provider and employer.

# MAINTAINING ELIGIBILITY FOR USDA PROGRAM BENEFITS

You recently submitted an AD1026 to Farm Service Agency (FSA) indicating your intent to add, modify or improve existing drainage, or conduct other activities which may affect wetland areas. In order to remain eligible for USDA program benefits, program participants must not, after December 23, 1985, drain, dredge, fill, level, or otherwise manipulate (including the removal of woody vegetation or any activity that results in impairing or reducing the flow and circulation of water) wetlands with the intent or to have the effect of making production of an agricultural commodity possible where such production was not previously possible.

To assist you in avoiding the conversion of wetlands and loss of eligibility for USDA program benefits, NRCS is providing the enclosed copy of your Certified Wetland Determination. As a courtesy, NRCS in Minnesota has also provided a tool through which you may acquire a project-specific lateral effect distance, also known as a "setback distance", for the installation of perforated tile and/or construction of ditches to assist you in maintaining eligibility. Non-perforated tile that does not impact the hydrology of wetland areas does not require the use of a lateral effect distance.

**You may acquire the lateral effect distance(s) for your project** by going to [www.mn.nrcs.usda.gov](http://www.mn.nrcs.usda.gov) and selecting "Topics" in the upper left corner, then "Technical Resources", then "Lateral Effect Distances". You may determine the soil type on the area in question by using the Web Soil Survey at [www.websoilsurvey.nrcs.usda.gov](http://www.websoilsurvey.nrcs.usda.gov).

**If you require assistance producing a soils map or utilizing the Lateral Effect Distance website, please contact your local NRCS Field Office.**

To ensure continued eligibility, **apply the lateral effect distance and avoid conducting land clearing, land leveling, or fill activities on lands identified on the enclosed Certified Wetland Determination (CWD) with one of the labels, below. You should also apply the lateral effect distance to, and avoid conducting land clearing, leveling or fill activities on or near, potential wetland areas on adjacent lands.**

- Wetland (W)
- Farmed Wetland Pasture (FWP)
- Mitigation Wetland (MWM)
- Minimal Effect Exemption (MW)
- Farmed Wetland (FW)
- Manipulated Wetland (WX)
- Converted Wetland (CW)

There are **no restrictions** to impacts on lands identified on your Certified Wetland Determination as:

- Prior Converted Cropland (PC)
- Artificial Wetland (AW)
- Mitigation Exemption (MIW)
- Non-wetland (NW)
- Commenced Conversion Wetland (CC)
- Corps Permit Exemption (CPD)

For areas identified as **Third Party Exemption (TP)** and **Converted Wetland Technical Error (CWTE)**, please contact your local NRCS office for site-specific guidance. Local field staff will provide the contact information for the Wetland Conservationist who serves your region, and will transmit your file to them for review.

This information is provided solely for the purpose of implementing the wetland conservation provisions of the Food Security Act of 1985. This determination/delineation may not be valid for identifying the extent of the Corps of Engineers' (COE's) Clean Water Act jurisdiction for this site. If you intend to conduct any activity that constitutes a discharge of dredged or fill material into wetlands or other waters, you should request a jurisdictional determination from the local office of the COE prior to starting the work. Other federal, state or local permits or restrictions may apply to activities impacting wetlands. Contact the US Fish and Wildlife Service for information concerning conservation easements. Contact the local Governmental Unit (LGU) for State Wetland Conservation Act permits and Minnesota Department of Natural Resources for protected water permits prior to initiating wetland activities by completing the "Minnesota Joint Project Notification Form" available from the LGU.



# WETLAND DETERMINATION DATA FORM – Midwest Region

Project/Site: T14952 City/County: Houston Sampling Date: 8/27/2019  
 Applicant/Owner: Gerald Skifton State: MN Sampling Point: ROP1  
 Investigator(s): Jeremy Kite Section, Township, Range: T104 R6 S4, S9 & S10 Houston  
 Landform (hillslope, terrace, etc.): hillslope Local relief (concave, convex, none): Concave  
 Slope (%): \_\_\_\_\_ Lat: \_\_\_\_\_ Long: \_\_\_\_\_ Datum: \_\_\_\_\_  
 Soil Map Unit Name: Madelia (136) NWI classification: PEM1D

Are climatic / hydrologic conditions on the site typical for this time of year? Yes ☒ No \_\_\_\_\_ (If no, explain in Remarks.)  
 Are Vegetation ☒, Soil \_\_\_\_\_, or Hydrology \_\_\_\_\_ significantly disturbed? Are "Normal Circumstances" present? Yes \_\_\_\_\_ No ☒  
 Are Vegetation \_\_\_\_\_, Soil \_\_\_\_\_, or Hydrology \_\_\_\_\_ naturally problematic? (If needed, explain any answers in Remarks.)

## SUMMARY OF FINDINGS – Attach site map showing sampling point locations, transects, important features, etc.

Hydrophytic Vegetation Present?	Yes <input checked="" type="checkbox"/> No _____	Is the Sampled Area within a Wetland? Yes <input checked="" type="checkbox"/> No _____
Hydric Soil Present?	Yes <input checked="" type="checkbox"/> No _____	
Wetland Hydrology Present?	Yes <input checked="" type="checkbox"/> No _____	
Remarks: Out side wet portion of growing seas, area is in a active pasture and is being managed for grazing.		

## VEGETATION – Use scientific names of plants.

Tree Stratum	Plot size: <u>30</u>	Absolute % Cover	Dominant Species?	Indicator Status	<b>Dominance Test worksheet:</b> Number of Dominant Species That Are OBL, FACW, or FAC: <u>2</u> (A) Total Number of Dominant Species Across All Strata: <u>2</u> (B) Percent of Dominant Species That Are OBL, FACW, or FAC: <u>100</u> (A/B)
1. N/A		0			
2. _____					
3. _____					
4. _____					
<b>Sapling/Shrub Stratum</b> (Plot size: <u>15</u> )					<b>Prevalence Index worksheet:</b> Total % Cover of: _____ Multiply by: _____ OBL species _____ x 1 = _____ FACW species _____ x 2 = _____ FAC species _____ x 3 = _____ FACU species _____ x 4 = _____ UPL species _____ x 5 = _____ Column Totals: _____ (A) _____ (B) Prevalence Index = B/A = _____
1. Salix interior		5	Yes	FACW	
2. _____					
3. _____					
4. _____					
<b>Herb Stratum</b> (Plot size: <u>5</u> )					<b>Hydrophytic Vegetation Indicators:</b> 1 - Rapid Test for Hydrophytic Vegetation <input checked="" type="checkbox"/> 2 - Dominance Test is >50% 3 - Prevalence Index is ≤3.0 <sup>1</sup> 4 - Morphological Adaptations <sup>1</sup> (Provide supporting data in Remarks or on a separate sheet) Problematic Hydrophytic Vegetation <sup>1</sup> (Explain)
1. Persicaria pensylvanica		70	Yes	FACW	
2. Trifolium pratens		10	No	FACU	
3. Impatiens capensis		5	No	FACW	
4. _____					
<b>Woody Vine Stratum</b> (Plot size: <u>30</u> )					<b>Hydrophytic Vegetation Present?</b> Yes <input checked="" type="checkbox"/> No _____
1. N/A					
2. _____					
3. _____					
4. _____					

Remarks: (Include photo numbers here or on a separate sheet.)

**NRCS method - Rainfall Documentation Worksheet Hydrology Tools for Wetland Determination**  
**NRCS Engineering Field Handbook Chapter 19**

<b>Date</b>	<b>Skifton</b>	<b>Landowner/Project</b>	
<b>Weather Station</b>	<b>Caledonia</b>	<b>State</b>	<b>MN</b>
<b>County</b>	<b>Houston</b>	<b>Growing Season</b>	<b>2019</b>
<b>Photo/obs Date</b>	<b>8/27/2019</b>	<b>Soil Name</b>	<b>136</b>

shaded cells are  
locked or calculated

**Long-term rainfall statistics**  
(from WETS table or State  
Climatology Office)

**1st Prior Month\***  
**2nd Prior Month\***  
**3rd Prior Month\***

<b>Month</b>	<b>30% chance &lt;</b>	<b>30% chance &gt;</b>	<b>Precip</b>	<b>Condition Dry, Wet, Normal</b>	<b>Condition Value</b>	<b>Month Weight Value</b>	<b>Product of Previous 2 Columns</b>
August	3.56	5.64	1.63	D	1	3	3
July	2.96	5.63	7.12	W	3	2	6
June	3.06	5.53	5.33	N	2	1	2
<b>Sum</b>							<b>11</b>

\*compared to photo/observation date

**Note: If sum is**

<b>6 - 9</b>	prior period has been drier than normal
<b>10 - 14</b>	prior period has been normal
<b>15 - 18</b>	prior period has been wetter than normal

**Condition value:**

**Dry =1**

**Normal =2**

**Wet =3**

**Conclusions:** prior period has been normal

**From:** [Iskrzycki, Samantha - NRCS, Waseca, MN](#)  
**To:** [SM.NRCS.MNWCRegionE](#)  
**Subject:** FW: Gerald Skifton - Erosion Control Project (EQIP2019)  
**Date:** Tuesday, July 30, 2019 7:15:18 AM  
**Attachments:** [055\\_Tract14952\\_SkiftonGerald.pdf](#)

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**From:** Kite, Jeremy - NRCS, Blue Earth, MN <[jeremy.kite@usda.gov](mailto:jeremy.kite@usda.gov)>  
**Sent:** Tuesday, July 30, 2019 7:14 AM  
**To:** Iskrzycki, Samantha - NRCS, Waseca, MN <[samantha.iskrzycki@usda.gov](mailto:samantha.iskrzycki@usda.gov)>  
**Subject:** FW: Gerald Skifton - Erosion Control Project (EQIP2019)

Thank you,

Jeremy Kite  
Wetland Specialist  
Natural Resources Conservation Service  
United States Department of Agriculture  
411 S Grove St Suite 1  
Blue Earth MN 56013  
[Jeremy.kite@usda.gov](mailto:Jeremy.kite@usda.gov)  
(507)526-3282 x113

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**From:** Larson, Gary - NRCS, Caledonia, MN <[gary.larson2@usda.gov](mailto:gary.larson2@usda.gov)>  
**Sent:** Tuesday, July 30, 2019 7:06 AM  
**To:** Fritz, James - NRCS, Rochester, MN <[james.fritz@usda.gov](mailto:james.fritz@usda.gov)>; Bollman, Machele - NRCS, Caledonia, MN <[machele.bollman@usda.gov](mailto:machele.bollman@usda.gov)>; Blackburn, Charlie - NRCS, Rochester, MN <[charlie.blackburn@usda.gov](mailto:charlie.blackburn@usda.gov)>; Berscheid, Rick - NRCS, Faribault, MN <[rick.berscheid@usda.gov](mailto:rick.berscheid@usda.gov)>; Kite, Jeremy - NRCS, Blue Earth, MN <[jeremy.kite@usda.gov](mailto:jeremy.kite@usda.gov)>; Janz, Aaron - NRCS, Faribault, MN <[aaron.janz@usda.gov](mailto:aaron.janz@usda.gov)>  
**Subject:** Gerald Skifton - Erosion Control Project (EQIP2019)

Jim,

Here's the situation. Skifton has a long narrow gully leading to a gully head which has formed in his pasture field (valley setting). The proposed solution is to shape a grassed waterway and protection at the head with a rock chute. A complete set of approved plans has been presented and approved by Skifton. He is also currently pre-approved for FA with EQIP 2019. Dave Walter went out there with the TEP panel which included the COE, MN DNR and the LGU. The only 1 that is requiring a permit is the COE. The draw were it flattens out is fairly wet and when visited with Jeremy a narrow area may be delineated as wetland.

I gave the COE a full set of plans and Dave Studentski indicated that a wetland delineation will be

required for a permit. I subsequently had Skifton fill out an AD1026 to have our Wetland Team perform a wetland delineation. This is pretty much where we are at with this project measure. Previous conversations with Dave Studenski indicated that he has never denied a permit. Other work we've done with COE involvement usually exempted the landowner if we were involved. I.e.: Streambank projects.

Give me a call if you would like to further discuss. It's a great project to solve multiple resource concerns with a lot of work already in place.

Thanks much....

Gary

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**From:** Larson, Gary - NRCS, Caledonia, MN  
**Sent:** Wednesday, July 24, 2019 8:23 AM  
**To:** 'Dave Studenski' <[david.a.studenski@usace.army.mil](mailto:david.a.studenski@usace.army.mil)>; 'skifton@acegroup.cc' <[skifton@acegroup.cc](mailto:skifton@acegroup.cc)>  
**Subject:** FW: AD1026 + supporting docs

Dave,

The request was sent in for a Wetland Delineation as requested by you. Please let me know if you will require anything further.

Thank you...

gary

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**From:** Larson, Gary - NRCS, Caledonia, MN  
**Sent:** Wednesday, July 24, 2019 8:19 AM  
**To:** SM.NRCS.MNWCRegionE <[MNWCRegionE@usda.gov](mailto:MNWCRegionE@usda.gov)>; Berscheid, Rick - NRCS, Faribault, MN <[rick.berscheid@usda.gov](mailto:rick.berscheid@usda.gov)>  
**Subject:** AD1026 + supporting docs

Hello Wetland Team,

This request is for the purposes of conducting a Wetland Delineation to satisfy US Army COE permitting. The producer has a pre-approved application with EQIP to construct a grassed waterway and rock chute to stabilize a classic gully erosion concern.

Thank you...

Gary L. Larson  
District Conservationist  
507-724-5261 ext. 3



AD-1026  
(10-30-14)U.S. DEPARTMENT OF AGRICULTURE  
FarmServiceAgency**HIGHLY ERODIBLE LAND CONSERVATION (HELC) AND  
WETLAND CONSERVATION (WC) CERTIFICATION**

Read attached AD-1026 Appendix before completing form.

**PART A – BASIC INFORMATION**

1. Name of Producer Gerald Skifton	2. Tax Identification Number (Last 4 digits) 5669	3. Crop Year 2019
4. Names of affiliated persons with farming interests. Enter "None," if applicable. None		
<p><i>Affiliated persons with farming interests must also file an AD-1026. See Item 7 in the Appendix for a definition of an affiliated person.</i></p> <p>5. Check one of these boxes if the statement applies; otherwise continue to Part B.</p> <p>A. <input type="checkbox"/> The producer in Part A does not have interest in land devoted to agriculture. Examples include bee keepers who place their hives on another person's land, producers of crops grown in greenhouses, and producers of aquaculture AND these producers do not own/lease any agricultural land themselves. <b>Note:</b> Do not check this box if the producer shares in a crop.</p> <p>B. <input type="checkbox"/> The producer in Part A meets all three of the following:</p> <ul style="list-style-type: none"> <li>• does not participate in any USDA program that is subject to HELC and WC compliance except Federal Crop Insurance.</li> <li>• only has interest in land devoted to agriculture which is exclusively used for perennial crops, except sugarcane, and</li> <li>• has not converted a wetland after February 7, 2014.</li> </ul> <p>Perennial crops include, but are not limited to, tree fruit, tree nuts, grapes, olives, native pasture and perennial forage. A producer that produces alfalfa should contact the Natural Resources Conservation Service at the nearest USDA Service Center to determine whether such production qualifies as production of a perennial crop.</p> <p><b>Note:</b> If either box is checked, and the producer in Part A does not participate in Farm Service Agency (FSA) or Natural Resources Conservation Service (NRCS) programs, the full tax identification number of the producer must be provided, but establishment of detailed farm records with FSA is not required. Go to Part D and sign and date.</p>		

**PART B - HELC/WC COMPLIANCE QUESTIONS**

Indicate YES or NO to each question.

If you are unsure of whether a HEL determination, wetland determination, or NRCS evaluation has been completed, contact your local USDA Service Center.

	YES	NO
6. During the crop year entered in Part A or the term of a requested USDA loan, did or will the producer in Part A plant or produce an agricultural commodity (including sugarcane) on land for which an HEL determination has not been made?		✓
7. Has anyone performed (since December 23, 1985), or will anyone perform any activities to:		
A. Create new drainage systems, conduct land leveling, filling, dredging, land clearing, or excavation that has NOT been evaluated by NRCS? If "YES", indicate the year(s): <u>Fall 2019</u>	✓	
B. Improve or modify an existing drainage system that has NOT been evaluated by NRCS? If "YES", indicate the year(s): _____		✓
C. Maintain an existing drainage system that has NOT been evaluated by NRCS? If "YES", indicate the year(s): _____ <b>Note:</b> Maintenance is the repair, rehabilitation, or replacement of the capacity of existing drainage systems to allow for the continued use of wetlands currently in agricultural production and the continued management of other areas as they were used before December 23, 1985. This allows a person to reconstruct or maintain the capacity of the original system or install a replacement system that is more durable or will realize lower maintenance or costs.		✓
<b>Note:</b> If "YES" is checked for Item 7A or 7B, then Part C must be completed to authorize NRCS to make an HELC/WC and/or certified wetland determination on the identified land. If "YES" is checked for Item 7C, NRCS does not have to conduct a certified wetland determination.		
8. Check one or both boxes, if applicable; otherwise, continue to Part C or D.		
A. <input type="checkbox"/> Check this box only if the producer in Part A has FCIC reinsured crop insurance and filing this form represents the <u>first time</u> the producer in Part A, including any affiliated person, has been subject to HELC and WC provisions.		
B. <input type="checkbox"/> Check this box if either of the following applies to the producer and crop year entered in Part A:		
<ul style="list-style-type: none"> <li>• Is a tenant on a farm that is/will not be in compliance with HELC and WC provisions because the landlord refuses to allow compliance, but all other farms not associated with that landlord are in compliance. (AD-1026B, Tenant Exemption Request, must be completed).</li> <li>• Is a landlord of a farm that is/will not be in compliance with HELC and WC provisions because of a violation by the tenant on that farm, but all other farms not associated with that tenant are in compliance. (AD-1026C, Landlord or Landowner Exemption Request, must be completed).</li> </ul>		

**PART C – ADDITIONAL INFORMATION**

9. If "YES" was checked in Item 6 or 7, provide the following information for the land to which the answer applies:	
A. Farm and/or tract/field number:	<u>Farm 5482 Tract 14952</u> If unknown, contact the Farm Service Agency at the nearest USDA Service Center.
B. Activity:	<u>Request wetland delineation for COE permit to apply an NRCS waterway and structure.</u>
C. Current land use (specify crops):	<u>Pastureland (For erosion control...see approved plans)</u>
D. County:	<u>Houston</u>

**PART D – CERTIFICATION OF COMPLIANCE**

I have received and read the AD-1026 Appendix and understand and agree to the terms and conditions therein on all land in which I (or the producer in Part A if different) and any affiliated person have or will have an interest. I understand that eligibility for certain USDA program benefits is contingent upon this certification of compliance with HELC and WC provisions and I am responsible for any non-compliance. I understand and agree that this certification of compliance is considered continuous and will remain in effect unless revoked or a violation is determined. I further understand and agree that:

- all applicable payments must be refunded if a determination of ineligibility is made for a violation of HELC or WC provisions.
- NRCS may verify whether a HELC violation or WC has occurred.
- a revised Form AD-1026 must be filed if there are any operation changes or activities that may affect compliance with the HELC and WC provisions. I understand that failure to revise Form AD-1026 for such changes may result in ineligibility for certain USDA program benefits or other consequences.
- affiliated persons are also subject to compliance with HELC and WC provisions and their failure to comply or file Form AD-1026 will result in loss of eligibility for applicable benefits to any individuals or entities with whom they are considered affiliated.

**Producer's Certification:**

*I hereby certify that the information on this form is true and correct to the best of my knowledge.*

10A. Producer's Signature (By) <i>X</i> <i>Gerald Shiften</i>	10B. Title/Relationship (If Signing in Representative Capacity) Owner	10C. Date (MM-DD-YYYY) 07-18-19
<b>FOR FSA USE ONLY</b> (for referral to NRCS) Sign and date if NRCS determination is needed.	11A. Signature of FSA Representative <i>Julie Olvera</i>	11B. Date (MM-DD-YYYY) 7-18-19

**IMPORTANT:** If you are unsure about the applicability of HELC and WC provisions to your land, contact your local USDA Service Center for details concerning the location of any highly erodible land or wetland and any restrictions applying to your land according to NRCS determinations before planting an agricultural commodity or performing any drainage or manipulation. Failure to certify and properly revise your compliance certification when applicable may: (1) affect your eligibility for USDA program benefits, including whether you qualify for reinstatement of benefits through the Good Faith process; and (2) result in other consequences.

RECEIVED  
JUL 18 2019  
HOUSTON CO. FSA

**NOTE:** The following statement is made in accordance with the Privacy Act of 1974 (5 USC 552a - as amended). The authority for requesting the information identified on this form is 7 CFR Part 12, the Food Security Act of 1985 (Pub. L. 99-198), and the Agricultural Act of 2014 (Pub. L. 113-79). The information will be used to certify compliance with HELC and WC provisions and to determine producer eligibility to participate in and receive benefits under programs administered by USDA agencies. The information collected on this form may be disclosed to other Federal, State, Local government agencies, Tribal agencies, and nongovernmental entities that have been authorized access to the information by statute or regulation and/or as described in applicable Routine Uses identified in the System of Records Notice for USDA/FSA-2, Farm Records File (Automated) and USDA/FSA-14, Applicant/Borrower. Providing the requested information is voluntary. However, failure to furnish the requested information will result in a determination of producer ineligibility to participate in and receive benefits under programs administered by USDA agencies.

This information collection is exempted from the Paperwork Reduction Act as specified in the Agricultural Act of 2014 (Pub. L. 113-79, Title II, Subtitle G, Funding and Administration). The provisions of appropriate criminal and civil fraud, privacy, and other statutes may be applicable to the information provided. **RETURN THIS COMPLETED FORM AD-1026 TO YOUR COUNTY FARM SERVICE AGENCY (FSA) OFFICE.**

The U.S. Department of Agriculture (USDA) prohibits discrimination against its customers, employees, and applicants for employment on the basis of race, color, national origin, age, disability, sex, gender identity, religion, reprisal, and where applicable, political beliefs, marital status, familial or parental status, sexual orientation, or all or part of an individual's income is derived from any public assistance program, or protected genetic information in employment or in any program or activity conducted or funded by the Department. (Not all prohibited basis will apply to all programs and/or employment activities.) Persons with disabilities, who wish to file a program complaint, write to the address below or if you require alternative means of communication for program information (e.g., Braille, large print, audiotope, etc.) please contact USDA's TARGET Center at (202) 720-2600 (voice and TDD). Individuals who are deaf, hard of hearing, or have speech disabilities and wish to file either an EEO or program complaint, please contact USDA through the Federal Relay Service at (800) 877-8339 or (800) 845-6136 (in Spanish).

If you wish to file a Civil Rights program complaint of discrimination, complete the USDA Program Discrimination Complaint Form, found online at [http://www.ascr.usda.gov/complaint\\_filing\\_cust.html](http://www.ascr.usda.gov/complaint_filing_cust.html), or at any USDA office, or call (866) 632-9992 to request the form. You may also write a letter containing all of the information requested in the form. Send your completed complaint form or letter by mail to U.S. Department of Agriculture, Director, Office of Adjudication, 1400 Independence Avenue, S.W., Washington, D.C. 20250-9410, by fax (202) 690-7442 or email at [program.intake@usda.gov](mailto:program.intake@usda.gov). USDA is an equal opportunity provider and employer.

**Producer Farm Data Report****Crop Year:** 2019**Date:** 7/15/19 7:57 AM**Page:** 1

**DISCLAIMER:** This is data extracted from the web farm database. Because of potential messaging failures in MIDAS, this data is not guaranteed to be an accurate and complete representation of data contained the MIDAS system, which is the system of record for Farm Records.

## Producer Name and Address

SKIFTON, GERALD  
1376 HANSON VALLEY RD  
HOUSTON MN 55943-7265

## Recording County Office Name

Houston, Minnesota

Telephone: (507) 896-2472

	Number of Farms	Number of Tracts	Farmland	Cropland	DCP Cropland	CRP Cropland	Eff DCP Cropland				
	4	5	974.60	476.63	476.63	134.98	341.65				
State & County	Farm	Tract	Relationship to Farm Tract	Producer	Farmland	Cropland	DCP Cropland	CRP Cropland	Eff DCP Cropland	HEL Code	Wetland Code
Houston, MN	5274	790	Owner Owner	SKIFTON, GERALD SKIFTON, CHERYL	73.54	60.01	60.01	9.67	50.34	SA	DNC
Houston, MN	5482	1829	Owner/Operator Owner	SKIFTON, GERALD SKIFTON, CHERYL	141.76	62.45	62.45	15.98	46.47	DNC	DNC
		14952	Owner/Operator Owner	SKIFTON, GERALD SKIFTON, CHERYL	511.61	172.51	172.51	29.13	143.38	SA	DNC
Wabasha, MN	337	1332	Owner	SKIFTON, GERALD	169.26	142.1	142.1	80.2	61.9	SA	WL
Winona, MN	726	149	Operator Owner	SKIFTON, GERALD CLAUS, NEIL	78.43	39.56	39.56	0.0	39.56	SA	DNC

**HEL  
Codes**

SA = HEL: Sys Applied  
SNA = HEL: Sys Not Applied

SNR = HEL: Sys Not Required  
2YR = HEL: 2-yr Implement

DNC = Determination Not Complete  
N = Not HEL

**Wetland  
Codes**

WL = Wetland  
N = No Wetland

DNC = Determination Not Complete

## Aaron Lacher

---

**From:** Dave Walter <goosey10@hotmail.com>  
**Sent:** Thursday, October 10, 2019 8:11 AM  
**To:** Aaron Lacher; Core, Alyssa (BWSR); david.a.studenski@usace.army.mil; Brian Pogodzinski; Lehman, Nicole (DNR)  
**Subject:** FW: Gerry skifton WCA

fyi

---

**From:** Blackburn, Charlie - NRCS, Rochester, MN [mailto:charlie.blackburn@usda.gov]  
**Sent:** Wednesday, October 09, 2019 2:30 PM  
**To:** Dave Walter; Larson, Gary - NRCS, Caledonia, MN  
**Subject:** RE: Gerry skifton WCA

The tile line would start roughly at the start of the proposed waterway (~300' upstream of the start of the rock chute) and would run along one side of the proposed waterway. It would probably have to outlet ½ way down the chute portion of the rock chute. Without having run any numbers I'm thinking it would be a 6 inch dia. perforated tile. There was a substantial amount of seepage coming out of the center of the draw on monday that was not there when we surveyed or I would have proposed this earlier.  
Charlie.

---

**From:** Dave Walter <[goosey10@hotmail.com](mailto:goosey10@hotmail.com)>  
**Sent:** Wednesday, October 9, 2019 1:29 PM  
**To:** Blackburn, Charlie - NRCS, Rochester, MN <[charlie.blackburn@usda.gov](mailto:charlie.blackburn@usda.gov)>; Larson, Gary - NRCS, Caledonia, MN <[gary.larson2@usda.gov](mailto:gary.larson2@usda.gov)>  
**Subject:** Fwd: Gerry skifton WCA

Can you reply  
Thanks  
DW  
Sent from my Verizon, Samsung Galaxy smartphone  
Get [Outlook for Android](#)

---

**From:** Core, Alyssa (BWSR) <[alyssa.core@state.mn.us](mailto:alyssa.core@state.mn.us)>  
**Sent:** Wednesday, October 9, 2019, 8:31 AM  
**To:** Dave Walter  
**Subject:** RE: Gerry skifton WCA

Where would it be installed?

---

**From:** Dave Walter <[goosey10@hotmail.com](mailto:goosey10@hotmail.com)>  
**Sent:** Tuesday, October 08, 2019 8:22 AM  
**To:** Aaron Lacher <[Aaron.Lacher@co.houston.mn.us](mailto:Aaron.Lacher@co.houston.mn.us)>; Core, Alyssa (BWSR) <[alyssa.core@state.mn.us](mailto:alyssa.core@state.mn.us)>; [david.a.studenski@usace.army.mil](mailto:david.a.studenski@usace.army.mil); Brian Pogodzinski <[Brian.Pogodzinski@co.houston.mn.us](mailto:Brian.Pogodzinski@co.houston.mn.us)>; Lehman, Nicole (DNR) <[nicole.lehman@state.mn.us](mailto:nicole.lehman@state.mn.us)>  
**Subject:** Gerry skifton WCA

Hey TEP-

Slight change to Skifton's construction plans. The Conservation Engineering Technician Charlie Blackburn would like to install a perforated tile to help support the grassed waterway from gully erosion.

Would that be ok? This change does meet NRCS stand & specs.

Thanks  
dw

This electronic message contains information generated by the USDA solely for the intended recipients. Any unauthorized interception of this message or the use or disclosure of the information it contains may violate the law and subject the violator to civil or criminal penalties. If you believe you have received this message in error, please notify the sender and delete the email immediately.

## Aaron Lacher

---

**From:** Studenski, David A CIV USARMY CEMVP (USA) <david.a.studenski@usace.army.mil>  
**Sent:** Tuesday, October 8, 2019 4:50 PM  
**To:** Dave Walter; Aaron Lacher; Core, Alyssa (BWSR); Brian Pogodzinski; Lehman, Nicole (DNR)  
**Subject:** RE: Gerry skifton WCA (UNCLASSIFIED)

CLASSIFICATION: UNCLASSIFIED

The project still should qualify for the Corps of Engineers Nationwide Permit 18. Minor Discharges. The size and location of the tile may affect the potential that the wetland would be impacted permanently. If there is permanent wetland loss the water quality benefits may be adversely impacted. Further discussion in the application package should be provided to demonstrate that the project is still anticipated to result in no net loss of wetland function.

Sincerely,

David Studenski  
Lead Project Manager  
Regulatory Branch  
U.S. Army Corps of Engineers  
1114 South Oak Street  
La Crescent, MN 55947-1560  
(651) 290-5902  
FAX: (507) 895-4116

We are pleased to introduce our new paperless communication procedures in Minnesota. Requests for action (pre-application consultations, permit applications, requests for delineation concurrences, requests for jurisdictional determinations, and mitigation bank proposals) should be sent directly to the following email: [usace\\_requests\\_mn@usace.army.mil](mailto:usace_requests_mn@usace.army.mil). Please include the county name in the subject line of the email (e.g. Washington County). These changes will improve efficiency, reduce costs and reduce the environmental footprint. Additional information can be found in our public notice located here: <http://www.mvp.usace.army.mil/Missions/Regulatory.aspx>

-----Original Message-----

From: Dave Walter [mailto:[goosey10@hotmail.com](mailto:goosey10@hotmail.com)]  
Sent: Tuesday, October 8, 2019 8:22 AM  
To: Aaron Lacher <[Aaron.Lacher@co.houston.mn.us](mailto:Aaron.Lacher@co.houston.mn.us)>; Core, Alyssa (BWSR) <[alyssa.core@state.mn.us](mailto:alyssa.core@state.mn.us)>; Studenski, David A CIV USARMY CEMVP (USA) <david.a.studenski@usace.army.mil>; Brian Pogodzinski <[Brian.Pogodzinski@co.houston.mn.us](mailto:Brian.Pogodzinski@co.houston.mn.us)>; Lehman, Nicole (DNR) <[nicole.lehman@state.mn.us](mailto:nicole.lehman@state.mn.us)>  
Subject: [Non-DoD Source] Gerry skifton WCA

Hey TEP-

Slight change to Skifton's construction plans. The Conservation Engineering Technician Charlie Blackburn would like to install a perforated tile to help support the grassed waterway from gully erosion.

Would that be ok? This change does meet NRCS stand & specs.

Thanks

dw

CLASSIFICATION: UNCLASSIFIED



# HOUSTON COUNTY ENVIRONMENTAL SERVICES

Solid Waste • Recycling • Zoning  
304 South Marshall Street - Room 209, Caledonia, MN 55921  
Phone: (507) 725-5800 • Fax: (507) 725-5590



TEP Meeting  
Project: 26th Ave  
Date: 10/4/19

<u>Print Name</u>	<u>Organization</u>	<u>Signature</u>
Aaron Lacher	HCCo	
Jim Gardner	Houston County Environmental Services	
Brian Pomeroy	Houston County	
Alyssa Core	BWSR	
David Studenski	Corps of Engineers	
Dave Walter	Root River SWCD	



# Minnesota Wetland Conservation Act

## Notice of Decision

Local Government Unit (LGU) <b>Houston County</b>	Address <b>304 South Marshall Street, Room 209 Caledonia, Minnesota 55921</b>
--	--

### 1. PROJECT INFORMATION

Applicant Name <b>Gerold Skifton</b>	Project Name <b>Gerold Skifton Grade Stabilization</b>	Date of Application <b>October 7, 2019</b>	Application Number <b>0092</b>
<input checked="" type="checkbox"/> Attach site locator map.			

Type of Decision:

<input type="checkbox"/> Wetland Boundary or Type Sequencing	<input type="checkbox"/> No-Loss	<input checked="" type="checkbox"/> Exemption	<input type="checkbox"/>
<input type="checkbox"/> Replacement Plan	<input type="checkbox"/> Banking Plan		

Technical Evaluation Panel Findings and Recommendation (if any):

<input checked="" type="checkbox"/> Approve	<input type="checkbox"/> Approve with conditions	<input type="checkbox"/> Deny
Summary (or attach):		

### 2. LOCAL GOVERNMENT UNIT DECISION

Date of Decision: <b>11/14/2019</b>		
<input checked="" type="checkbox"/> Approved Denied	<input type="checkbox"/> Approved with conditions (include below)	<input type="checkbox"/>

LGU Findings and Conclusions (attach additional sheets as necessary):

The project qualifies for an exemption under M.R. 8420.0420, Subp. 2 C, impacts resulting from soil and water conservation projects.

For Replacement Plans using credits from the State Wetland Bank:

Bank Account #	Bank Service Area	County	Credits Approved for Withdrawal (sq. ft. or nearest .01 acre)
----------------	-------------------	--------	---

**Replacement Plan Approval Conditions.** In addition to any conditions specified by the LGU, the approval of a Wetland Replacement Plan is conditional upon the following:

- ☐ **Financial Assurance:** For project-specific replacement that is not in-advance, a financial assurance specified by the LGU must be submitted to the LGU in accordance with MN Rule 8420.0522, Subp. 9 (List amount and type in LGU Findings).
- ☐ **Deed Recording:** For project-specific replacement, evidence must be provided to the LGU that the BWSR “Declaration of Restrictions and Covenants” and “Consent to Replacement Wetland” forms have been filed with the county recorder’s office in which the replacement wetland is located.
- ☐ **Credit Withdrawal:** For replacement consisting of wetland bank credits, confirmation that BWSR has withdrawn the credits from the state wetland bank as specified in the approved replacement plan.

**Wetlands may not be impacted until all applicable conditions have been met!**

LGU Authorized Signature:

Signing and mailing of this completed form to the appropriate recipients in accordance with 8420.0255, Subp. 5 provides notice that a decision was made by the LGU under the Wetland Conservation Act as specified above. If additional details on the decision exist, they have been provided to the landowner and are available from the LGU upon request.		
Name <b>Jeff Babinski</b>	Title <b>County Administrator</b>	
Signature	Date	Phone Number and E-mail <b>507-725-5827</b>

THIS DECISION ONLY APPLIES TO THE MINNESOTA WETLAND CONSERVATION ACT. Additional approvals or permits from local, state, and federal agencies may be required. Check with all appropriate authorities before commencing work in or near wetlands.

Applicants proceed at their own risk if work authorized by this decision is started before the time period for appeal (30 days) has expired. If this decision is reversed or revised under appeal, the applicant may be responsible for restoring or replacing all wetland impacts.

This decision is valid for three years from the date of decision unless a longer period is advised by the TEP and specified in this notice of decision.

---

### 3. APPEAL OF THIS DECISION

Pursuant to MN Rule 8420.0905, any appeal of this decision can only be commenced by mailing a petition for appeal, including applicable fee, within thirty (30) calendar days of the date of the mailing of this Notice to the following as indicated:

Check one:

<input type="checkbox"/> Appeal of an LGU staff decision. Send petition and \$_____ fee (if applicable) to:	<input type="checkbox"/> Appeal of LGU governing body decision. Send petition and \$500 filing fee to: Executive Director Minnesota Board of Water and Soil Resources 520 Lafayette Road North St. Paul, MN 55155
---	---

### 4. LIST OF ADDRESSEES

<input checked="" type="checkbox"/> SWCD TEP member: <b>Dave Walter</b>
<input checked="" type="checkbox"/> BWSR TEP member: <b>Alyssa Core</b>
<input checked="" type="checkbox"/> LGU TEP member (if different than LGU Contact): <b>Aaron Lacher, Jim Gardner, and Brian Pogodzinski</b>
<input checked="" type="checkbox"/> DNR TEP member: <b>Nicole Lehman</b>
<input type="checkbox"/> DNR Regional Office (if different than DNR TEP member)
<input type="checkbox"/> WD or WMO (if applicable):
<input checked="" type="checkbox"/> Applicant and Landowner (if different)
<input type="checkbox"/> Members of the public who requested notice:
<input checked="" type="checkbox"/> Corps of Engineers Project Manager
<input type="checkbox"/> BWSR Wetland Bank Coordinator (wetland bank plan decisions only)

---

### 5. MAILING INFORMATION

➤ For a list of BWSR TEP representatives: [www.bwsr.state.mn.us/aboutbwsr/workareas/WCA\\_areas.pdf](http://www.bwsr.state.mn.us/aboutbwsr/workareas/WCA_areas.pdf)

➤ For a list of DNR TEP representatives: [www.bwsr.state.mn.us/wetlands/wca/DNR\\_TEP\\_contacts.pdf](http://www.bwsr.state.mn.us/wetlands/wca/DNR_TEP_contacts.pdf)

➤ Department of Natural Resources Regional Offices:

NW Region:	NE Region:	Central Region:	Southern Region:
Reg. Env. Assess. Ecol. Div. Ecol. Resources 2115 Birchmont Beach Rd. NE Bemidji, MN 56601	Reg. Env. Assess. Ecol. Div. Ecol. Resources 1201 E. Hwy. 2 Grand Rapids, MN 55744	Reg. Env. Assess. Ecol. Div. Ecol. Resources 1200 Warner Road St. Paul, MN 55106	Reg. Env. Assess. Ecol. Div. Ecol. Resources 261 Hwy. 15 South New Ulm, MN 56073

For a map of DNR Administrative Regions, see: [http://files.dnr.state.mn.us/aboutdnr/dnr\\_regions.pdf](http://files.dnr.state.mn.us/aboutdnr/dnr_regions.pdf)

➤ For a list of Corps of Project Managers: [www.mvp.usace.army.mil/regulatory/default.asp?pageid=687](http://www.mvp.usace.army.mil/regulatory/default.asp?pageid=687)  
or send to:

US Army Corps of Engineers  
St. Paul District, ATTN: OP-R  
180 Fifth St. East, Suite 700

St. Paul, MN 55101-1678

- For Wetland Bank Plan applications, also send a copy of the application to:
- Minnesota Board of Water and Soil Resources  
Wetland Bank Coordinator  
520 Lafayette Road North  
St. Paul, MN 55155

---

## 6. ATTACHMENTS

In addition to the site locator map, list any other attachments:

<input type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>

# Minnesota Wetland Conservation Act

## Technical Evaluation Panel Findings Report

Date(s) of Site Visit/Meeting: 10/4/2019 LGU: Houston County  
County: Houston LGU Contact: Aaron Lacher  
Project Name: Skifton Grade Stabilization Project Phone #: 507-725-5800  
Location of Project: T104 R6 S9 Email: aaron.lacher@co.houston.mn.us  
(attach map if possible) AL Address:

### TEP ATTENDEES:

LGU: Brian Pogodzinski, Aaron Lacher

SWCD: Dave Walter

BWSR: Alyssa Core

DNR: Nicole Lehman

### OTHER ATTENDEES:

Jim Gardner

### OTHER ATTENDEES:

### PROJECT DESCRIPTION AND PURPOSE OF MEETING:

Grade stabilization consisting of an inlet channel, rock chute, and outlet channel.

### TYPE OF MEETING: Check all applicable

☒ Office ☐ On-Site ☐ Phone Conference ☐ E-Mail ☐ Other \_\_\_\_\_

### TEP FINDINGS AND RECOMMENDATIONS <sup>1</sup>:

The project qualifies for an exemption under M.R. 8420.0420, Subp. 2, impacts resulting from soil and water conservation projects.

AL

### SIGNATURES

D. Walter  
SWCD Representative

11/18/19  
Date

Do not concur ☐

Alyssa Core  
BWSR Representative

11/15/2019  
Date

Do not concur ☐

<sup>1</sup> TEP Findings should be a meaningful concise summary detailing the project conditions, technical data, and what rules apply. The TEP recommendation should be clear, based on rule and best professional judgement.

*[Signature]*

LGU Representative

Do not concur

*11/15/18*

Date

☐

N/A

DNR Representative

Do not concur

Date

☐

<sup>1</sup> TEP Findings should be a meaningful concise summary detailing the project conditions, technical data, and what rules apply. The TEP recommendation should be clear, based on rule and best professional judgement.

## Aaron Lacher

---

**From:** Dave Walter <goosey10@hotmail.com>  
**Sent:** Monday, November 18, 2019 7:59 AM  
**To:** Core, Alyssa (BWSR); Brian Pogodzinski; Aaron Lacher; Dave Walter; David.A.Studenski (David.A.Studenski@usace.army.mil); Lehman, Nicole (DNR); Meghan Brown  
**Subject:** RE: TEP Notice of Decision - Skifton  
**Attachments:** scan.pdf

Signed copy attached

Hey Aaron you may want to put the letter "C" after subp.2.....and the project is just in section 9

DW

---

**From:** Core, Alyssa (BWSR) [mailto:[alyssa.core@state.mn.us](mailto:alyssa.core@state.mn.us)]  
**Sent:** Friday, November 15, 2019 2:39 PM  
**To:** Brian Pogodzinski; Aaron Lacher; Dave Walter; David.A.Studenski (David.A.Studenski@usace.army.mil); Lehman, Nicole (DNR); Meghan Brown  
**Subject:** RE: TEP Notice of Decision - Skifton

Signed copy attached.

Alyssa

---

**From:** Brian Pogodzinski <[Brian.Pogodzinski@co.houston.mn.us](mailto:Brian.Pogodzinski@co.houston.mn.us)>  
**Sent:** Friday, November 15, 2019 2:15 PM  
**To:** Aaron Lacher <[Aaron.Lacher@co.houston.mn.us](mailto:Aaron.Lacher@co.houston.mn.us)>; Core, Alyssa (BWSR) <[alyssa.core@state.mn.us](mailto:alyssa.core@state.mn.us)>; Dave Walter <[goosey10@hotmail.com](mailto:goosey10@hotmail.com)>; David.A.Studenski (<[David.A.Studenski@usace.army.mil](mailto:David.A.Studenski@usace.army.mil)>) <[David.A.Studenski@usace.army.mil](mailto:David.A.Studenski@usace.army.mil)>; Lehman, Nicole (DNR) <[nicole.lehman@state.mn.us](mailto:nicole.lehman@state.mn.us)>; Meghan Brown <[MEGHAN.J.BROWN@USACE.ARMY.MIL](mailto:MEGHAN.J.BROWN@USACE.ARMY.MIL)>  
**Subject:** RE: TEP Notice of Decision - Skifton

See attached

Brian K. Pogodzinski, P.E.  
Houston County Engineer

---

**From:** Aaron Lacher <[Aaron.Lacher@co.houston.mn.us](mailto:Aaron.Lacher@co.houston.mn.us)>  
**Sent:** Friday, November 15, 2019 12:45 PM  
**To:** Brian Pogodzinski <[Brian.Pogodzinski@co.houston.mn.us](mailto:Brian.Pogodzinski@co.houston.mn.us)>; Core, Alyssa (BWSR) (<[alyssa.core@state.mn.us](mailto:alyssa.core@state.mn.us)>) <[alyssa.core@state.mn.us](mailto:alyssa.core@state.mn.us)>; Dave Walter <[goosey10@hotmail.com](mailto:goosey10@hotmail.com)>; David.A.Studenski (<[David.A.Studenski@usace.army.mil](mailto:David.A.Studenski@usace.army.mil)>) <[David.A.Studenski@usace.army.mil](mailto:David.A.Studenski@usace.army.mil)>; Lehman, Nicole (DNR) <[nicole.lehman@state.mn.us](mailto:nicole.lehman@state.mn.us)>; Meghan Brown <[MEGHAN.J.BROWN@USACE.ARMY.MIL](mailto:MEGHAN.J.BROWN@USACE.ARMY.MIL)>  
**Subject:** TEP Notice of Decision - Skifton

All,

Please review, sign, and return.

# Minnesota Wetland Conservation Act

## Notice of Decision

Local Government Unit (LGU) <b>Houston County</b>	Address <b>304 South Marshall Street, Room 209 Caledonia, Minnesota 55921</b>
--	--

### 1. PROJECT INFORMATION

Applicant Name <b>Robyn Moore</b>	Project Name <b>Robyn Moore Drain Tile</b>	Date of Application <b>October 10, 2019</b>	Application Number <b>0093</b>
<input checked="" type="checkbox"/> Attach site locator map.			

Type of Decision:

<input type="checkbox"/> Wetland Boundary or Type Sequencing	<input type="checkbox"/> No-Loss	<input checked="" type="checkbox"/> Exemption	<input type="checkbox"/>
<input type="checkbox"/> Replacement Plan	<input type="checkbox"/> Banking Plan		

Technical Evaluation Panel Findings and Recommendation (if any):

<input checked="" type="checkbox"/> Approve	<input type="checkbox"/> Approve with conditions	<input type="checkbox"/> Deny
Summary (or attach):		

### 2. LOCAL GOVERNMENT UNIT DECISION

Date of Decision: <b>11/14/2019</b>		
<input checked="" type="checkbox"/> Approved Denied	<input type="checkbox"/> Approved with conditions (include below)	<input type="checkbox"/>

LGU Findings and Conclusions (attach additional sheets as necessary):



TEP viewed site and reviewed aerial images from 1980-1991. The TEP found that:

1. The purpose of the TEP panel on-site review of Robin Moore's property (PID 07-0203-001) in Jefferson Township on October 4, 2019 was to evaluate her proposal to install drainage tile within a filed.
2. The area was planted with annually seeded crops or was in a crop rotation seeding of pasture grass or legumes in six of the last ten years prior to January 1, 1991.
3. The proposed project qualifies for an exemption under Minnesota Rule 8420.0420 Subp. 2A.

For Replacement Plans using credits from the State Wetland Bank:

Bank Account #	Bank Service Area	County	Credits Approved for Withdrawal (sq. ft. or nearest .01 acre)
----------------	-------------------	--------	---

**Replacement Plan Approval Conditions.** In addition to any conditions specified by the LGU, the approval of a Wetland Replacement Plan is conditional upon the following:

- ☐ **Financial Assurance:** For project-specific replacement that is not in-advance, a financial assurance specified by the LGU must be submitted to the LGU in accordance with MN Rule 8420.0522, Subp. 9 (List amount and type in LGU Findings).
- ☐ **Deed Recording:** For project-specific replacement, evidence must be provided to the LGU that the BWSR "Declaration of Restrictions and Covenants" and "Consent to Replacement Wetland" forms have been filed with the county recorder's office in which the replacement wetland is located.
- ☐ **Credit Withdrawal:** For replacement consisting of wetland bank credits, confirmation that BWSR has withdrawn the credits from the state wetland bank as specified in the approved replacement plan.

**Wetlands may not be impacted until all applicable conditions have been met!**

LGU Authorized Signature:

Signing and mailing of this completed form to the appropriate recipients in accordance with 8420.0255, Subp. 5 provides notice that a decision was made by the LGU under the Wetland Conservation Act as specified above. If additional details on the decision exist, they have been provided to the landowner and are available from the LGU upon request.		
Name <b>Jeff Babinski</b>	Title <b>County Administrator</b>	
Signature	Date	Phone Number and E-mail <b>507-725-5827</b>

THIS DECISION ONLY APPLIES TO THE MINNESOTA WETLAND CONSERVATION ACT. Additional approvals or permits from local, state, and federal agencies may be required. Check with all appropriate authorities before commencing work in or near wetlands.

Applicants proceed at their own risk if work authorized by this decision is started before the time period for appeal (30 days) has expired. If this decision is reversed or revised under appeal, the applicant may be responsible for restoring or replacing all wetland impacts.

This decision is valid for three years from the date of decision unless a longer period is advised by the TEP and specified in this notice of decision.

---

### 3. APPEAL OF THIS DECISION

Pursuant to MN Rule 8420.0905, any appeal of this decision can only be commenced by mailing a petition for appeal, including applicable fee, within thirty (30) calendar days of the date of the mailing of this Notice to the following as indicated:

Check one:

<input type="checkbox"/> Appeal of an LGU staff decision. Send petition and \$_____ fee (if applicable) to:	<input type="checkbox"/> Appeal of LGU governing body decision. Send petition and \$500 filing fee to: Executive Director Minnesota Board of Water and Soil Resources 520 Lafayette Road North St. Paul, MN 55155
---	---

### 4. LIST OF ADDRESSEES

<input checked="" type="checkbox"/> SWCD TEP member: <b>Dave Walter</b>
<input checked="" type="checkbox"/> BWSR TEP member: <b>Alyssa Core</b>
<input checked="" type="checkbox"/> LGU TEP member (if different than LGU Contact): <b>Aaron Lacher, Jim Gardner, and Brian Pogodzinski</b>
<input checked="" type="checkbox"/> DNR TEP member: <b>Nicole Lehman</b>
<input type="checkbox"/> DNR Regional Office (if different than DNR TEP member)
<input type="checkbox"/> WD or WMO (if applicable):
<input checked="" type="checkbox"/> Applicant and Landowner (if different)
<input type="checkbox"/> Members of the public who requested notice:
<input checked="" type="checkbox"/> Corps of Engineers Project Manager
<input type="checkbox"/> BWSR Wetland Bank Coordinator (wetland bank plan decisions only)

---

### 5. MAILING INFORMATION

➤ For a list of BWSR TEP representatives: [www.bwsr.state.mn.us/aboutbwsr/workareas/WCA\\_areas.pdf](http://www.bwsr.state.mn.us/aboutbwsr/workareas/WCA_areas.pdf)

➤ For a list of DNR TEP representatives: [www.bwsr.state.mn.us/wetlands/wca/DNR\\_TEP\\_contacts.pdf](http://www.bwsr.state.mn.us/wetlands/wca/DNR_TEP_contacts.pdf)

➤ Department of Natural Resources Regional Offices:

NW Region:	NE Region:	Central Region:	Southern Region:
Reg. Env. Assess. Ecol. Div. Ecol. Resources 2115 Birchmont Beach Rd. NE Bemidji, MN 56601	Reg. Env. Assess. Ecol. Div. Ecol. Resources 1201 E. Hwy. 2 Grand Rapids, MN 55744	Reg. Env. Assess. Ecol. Div. Ecol. Resources 1200 Warner Road St. Paul, MN 55106	Reg. Env. Assess. Ecol. Div. Ecol. Resources 261 Hwy. 15 South New Ulm, MN 56073

For a map of DNR Administrative Regions, see: [http://files.dnr.state.mn.us/aboutdnr/dnr\\_regions.pdf](http://files.dnr.state.mn.us/aboutdnr/dnr_regions.pdf)

➤ For a list of Corps of Project Managers: [www.mvp.usace.army.mil/regulatory/default.asp?pageid=687](http://www.mvp.usace.army.mil/regulatory/default.asp?pageid=687)  
or send to:

US Army Corps of Engineers  
St. Paul District, ATTN: OP-R  
180 Fifth St. East, Suite 700

St. Paul, MN 55101-1678

- For Wetland Bank Plan applications, also send a copy of the application to:
- Minnesota Board of Water and Soil Resources  
Wetland Bank Coordinator  
520 Lafayette Road North  
St. Paul, MN 55155

---

## 6. ATTACHMENTS

In addition to the site locator map, list any other attachments:

<input type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>

# Joint Application Form for Activities Affecting Water Resources in Minnesota

This joint application form is the accepted means for initiating review of proposals that may affect a water resource (wetland, tributary, lake, etc.) in the State of Minnesota under state and federal regulatory programs. Applicants for Minnesota Department of Natural Resources (DNR) Public Waters permits **MUST** use the MPARS online permitting system for submitting applications to the DNR. Applicants can use the information entered into MPARS to substitute for completing parts of this joint application form (see the paragraph on MPARS at the end of the joint application form instructions for additional information). This form is only applicable to the water resource aspects of proposed projects under state and federal regulatory programs; other local applications and approvals may be required. Depending on the nature of the project and the location and type of water resources impacted, multiple authorizations may be required as different regulatory programs have different types of jurisdiction over different types of resources.

## Regulatory Review Structure

### Federal

The St. Paul District of the U.S. Army Corps of Engineers (Corps) is the federal agency that regulates discharges of dredged or fill material into waters of the United States (wetlands, tributaries, lakes, etc.) under Section 404 of the Clean Water Act (CWA) and regulates work in navigable waters under Section 10 of the Rivers and Harbors Act. Applications are assigned to Corps project managers who are responsible for implementing the Corps regulatory program within a particular geographic area.

### State

There are three state regulatory programs that regulate activities affecting water resources. The Wetland Conservation Act (WCA) regulates most activities affecting wetlands. It is administered by local government units (LGUs) which can be counties, townships, cities, watershed districts, watershed management organizations or state agencies (on state-owned land). The Minnesota DNR Division of Ecological and Water Resources issues permits for work in specially-designated public waters via the Public Waters Work Permit Program (DNR Public Waters Permits). The Minnesota Pollution Control Agency (MPCA) under Section 401 of the Clean Water Act certifies that discharges of dredged or fill material authorized by a federal permit or license comply with state water quality standards. One or more of these regulatory programs may be applicable to any one project.

## Required Information

Prior to submitting an application, applicants are **strongly encouraged** to seek input from the Corps Project Manager and LGU staff to identify regulatory issues and required application materials for their proposed project. Project proponents can request a pre-application consultation with the Corps and LGU to discuss their proposed project by providing the information required in Sections 1 through 5 of this joint application form to facilitate a meaningful discussion about their project. Many LGUs provide a venue (such as regularly scheduled technical evaluation panel meetings) for potential applicants to discuss their projects with multiple agencies prior to submitting an application. Contact information is provided below.

The following bullets outline the information generally required for several common types of determinations/authorizations.

- For delineation approvals and/or jurisdictional determinations, submit Parts 1, 2 and 5, and Attachment A.
- For activities involving CWA/WCA exemptions, WCA no-loss determinations, and activities not requiring mitigation, submit Parts 1 through 5, and Attachment B.
- For activities requiring compensatory mitigation/replacement plan, submit Parts 1 thru 5, and Attachments C and D.
- For local road authority activities that qualify for the state's local road wetland replacement program, submit Parts 1 through 5, and Attachments C, D (if applicable), and E to both the Corps and the LGU.

## Submission Instructions

Send the completed joint application form and all required attachments to:

**U.S Army Corps of Engineers.** Applications may be sent directly to the appropriate Corps Office. For a current listing of areas of responsibilities and contact information, visit the St. Paul District's website at:

<http://www.mvp.usace.army.mil/Missions/Regulatory.aspx> and select "Minnesota" from the contact Information box.

Alternatively, applications may be sent directly to the St. Paul District Headquarters and the Corps will forward them to the appropriate field office.

**Section 401 Water Quality Certification:** Applicants do not need to submit the joint application form to the MPCA unless specifically requested. The MPCA will request a copy of the completed joint application form directly from an applicant when they determine an individual 401 water quality certification is required for a proposed project.

**Wetland Conservation Act Local Government Unit:** Send to the appropriate Local Government Unit. If necessary, contact your county Soil and Water Conservation District (SWCD) office or visit the Board of Water and Soil Resources (BWSR) web site ([www.bwsr.state.mn.us](http://www.bwsr.state.mn.us)) to determine the appropriate LGU.

**DNR Public Waters Permitting:** In 2014 the DNR will begin using the Minnesota DNR Permitting and Reporting System (MPARS) for submission of Public Waters permit applications (<https://webapps11.dnr.state.mn.us/mpars/public/authentication/login>). Applicants for Public Waters permits **MUST** use the MPARS online permitting system for submitting applications to the DNR. To avoid duplication and to streamline the application process among the various resource agencies, applicants can use the information entered into MPARS to substitute for completing parts of this joint application form. The MPARS print/save function will provide the applicant with a copy of the Public Waters permit application which, at a minimum, will satisfy Parts one and two of this joint application. For certain types of activities, the MPARS application may also provide all of the necessary information required under Parts three and four of the joint application. However, it is the responsibility of the Applicant to make sure that the joint application contains all of the required information, including identification of all aquatic resources impacted by the project (see Part four of the joint application). After confirming that the MPARS application contains all of the required information in Parts one and two the Applicant may attach a copy to the joint application and fill in any missing information in the remainder of the joint application.

## PART ONE: Applicant Information

If applicant is an entity (company, government entity, partnership, etc.), an authorized contact person must be identified. If the applicant is using an agent (consultant, lawyer, or other third party) and has authorized them to act on their behalf, the agent's contact information must also be provided.

Applicant/Landowner Name: Robyn Moore  
 Mailing Address: 1262 Serenity Ridge Mesquite W.U. 89034  
 Phone: 952-374-9848  
 E-mail Address: ~~Robyn Moore~~  
 Robyn moore 59@ gmail . com

Authorized Contact (do not complete if same as above):

Mailing Address:

Phone:

E-mail Address:

Agent Name: Douglas Weymiller  
 Mailing Address: 1444 Pink Tree Drive New Albin, IN 52160  
 Phone: 563-379-2213  
 E-mail Address: but 8166 @ yahoo , com

## PART TWO: Site Location Information

County: houston City/Township: Jefferson  
 Parcel ID and/or Address: 070203001  
 Legal Description (Section, Township, Range): 101 North 4 West Sec 30  
 Lat/Long (decimal degrees):  
 Attach a map showing the location of the site in relation to local streets, roads, highways.  
 Approximate size of site (acres) or if a linear project, length (feet):

If you know that your proposal will require an individual Permit from the U.S. Army Corps of Engineers, you must provide the names and addresses of all property owners adjacent to the project site. This information may be provided by attaching a list to your application or by using block 25 of the Application for Department of the Army permit which can be obtained at:

[http://www.mvp.usace.army.mil/Portals/57/docs/regulatory/RegulatoryDocs/engform\\_4345\\_2012oct.pdf](http://www.mvp.usace.army.mil/Portals/57/docs/regulatory/RegulatoryDocs/engform_4345_2012oct.pdf)

## PART THREE: General Project/Site Information

If this application is related to a delineation approval, exemption determination, jurisdictional determination, or other correspondence submitted **prior to** this application then describe that here and provide the Corps of Engineers project number.

Describe the project that is being proposed, the project purpose and need, and schedule for implementation and completion. The project description must fully describe the nature and scope of the proposed activity including a description of all project elements that effect aquatic resources (wetland, lake, tributary, etc.) and must also include plans and cross section or profile drawings showing the location, character, and dimensions of all proposed activities and aquatic resource impacts.

## PART FOUR: Aquatic Resource Impact<sup>1</sup> Summary

If your proposed project involves a direct or indirect impact to an aquatic resource (wetland, lake, tributary, etc.) identify each impact in the table below. Include all anticipated impacts, including those expected to be temporary. Attach an overhead view map, aerial photo, and/or drawing showing all of the aquatic resources in the project area and the location(s) of the proposed impacts. Label each aquatic resource on the map with a reference number or letter and identify the impacts in the following table.

Aquatic Resource ID (as noted on overhead view)	Aquatic Resource Type (wetland, lake, tributary etc.)	Type of Impact (fill, excavate, drain, or remove vegetation)	Duration of Impact Permanent (P) or Temporary (T) <sup>1</sup>	Size of Impact <sup>2</sup>	Overall Size of Aquatic Resource <sup>3</sup>	Existing Plant Community Type(s) in Impact Area <sup>4</sup>	County, Major Watershed #, and Bank Service Area # of Impact Area <sup>5</sup>
	Wetland	Drainage	Permanent	1.0			
	to	Drainage	Permanent	1.0			

<sup>1</sup>If impacts are temporary; enter the duration of the impacts in days next to the "T". For example, a project with a temporary access fill that would be removed after 220 days would be entered "T (220)".

<sup>2</sup>Impacts less than 0.01 acre should be reported in square feet. Impacts 0.01 acre or greater should be reported as acres and rounded to the nearest 0.01 acre. Tributary impacts must be reported in linear feet of impact and an area of impact by indicating first the linear feet of impact along the flowline of the stream followed by the area impact in parentheses). For example, a project that impacts 50 feet of a stream that is 6 feet wide would be reported as 50 ft (300 square feet).

<sup>3</sup>This is generally only applicable if you are applying for a de minimis exemption under MN Rules 8420.0420 Subp. 8, otherwise enter "N/A".

<sup>4</sup>Use *Wetland Plants and Plant Community Types of Minnesota and Wisconsin* 3<sup>rd</sup> Ed. as modified in MN Rules 8420.0405 Subp. 2.

<sup>5</sup>Refer to Major Watershed and Bank Service Area maps in MN Rules 8420.0522 Subp. 7.

If any of the above identified impacts have already occurred, identify which impacts they are and the circumstances associated with each:

## PART FIVE: Applicant Signature

☒ Check here if you are requesting a pre-application consultation with the Corps and LGU based on the information you have provided. Regulatory entities will not initiate a formal application review if this box is checked.

By signature below, I attest that the information in this application is complete and accurate. I further attest that I possess the authority to undertake the work described herein.

Signature:

9/11/19

Date:

I hereby authorize \_\_\_\_\_ to act on my behalf as my agent in the processing of this application and to furnish, upon request, supplemental information in support of this application.

<sup>1</sup> The term "impact" as used in this joint application form is a generic term used for disclosure purposes to identify activities that may require approval from one or more regulatory agencies. For purposes of this form it is not meant to indicate whether or not those activities may require mitigation/replacement.

## Attachment A

# Request for Delineation Review, Wetland Type Determination, or Jurisdictional Determination

By submission of the enclosed wetland delineation report, I am requesting that the U.S. Army Corps of Engineers, St. Paul District (Corps) and/or the Wetland Conservation Act Local Government Unit (LGU) provide me with the following (check all that apply):

☐ **Wetland Type Confirmation**

☐ **Delineation Concurrence.** Concurrence with a delineation is a written notification from the Corps and a decision from the LGU concurring, not concurring, or commenting on the boundaries of the aquatic resources delineated on the property. Delineation concurrences are generally valid for five years unless site conditions change. Under this request alone, the Corps will not address the jurisdictional status of the aquatic resources on the property, only the boundaries of the resources within the review area (including wetlands, tributaries, lakes, etc.).

☐ **Preliminary Jurisdictional Determination.** A preliminary jurisdictional determination (PJD) is a non-binding written indication from the Corps that waters, including wetlands, identified on a parcel may be waters of the United States. For purposes of computation of impacts and compensatory mitigation requirements, a permit decision made on the basis of a PJD will treat all waters and wetlands in the review area as if they are jurisdictional waters of the U.S. PJDs are advisory in nature and may not be appealed.

☐ **Approved Jurisdictional Determination.** An approved jurisdictional determination (AJD) is an official Corps determination that jurisdictional waters of the United States are either present or absent on the property. AJDs can generally be relied upon by the affected party for five years. An AJD may be appealed through the Corps administrative appeal process.

In order for the Corps and LGU to process your request, the wetland delineation must be prepared in accordance with the 1987 Corps of Engineers Wetland Delineation Manual, any approved Regional Supplements to the 1987 Manual, and the *Guidelines for Submitting Wetland Delineations in Minnesota* (2013).

<http://www.mvp.usace.army.mil/Missions/Regulatory/DelineationJDGuidance.aspx>



## **Attachment B**

### **Supporting Information for Applications Involving Exemptions, No Loss Determinations, and Activities Not Requiring Mitigation**

Complete this part *if* you maintain that the identified aquatic resource impacts in Part Four do not require wetland replacement/compensatory mitigation OR *if* you are seeking verification that the proposed water resource impacts are either exempt from replacement or are not under CWA/WCA jurisdiction.

Identify the specific exemption or no-loss provision for which you believe your project or site qualifies:

Provide a detailed explanation of how your project or site qualifies for the above. Be specific and provide and refer to attachments and exhibits that support your contention. Applicants should refer to rules (e.g. WCA rules), guidance documents (e.g. BWSR guidance, Corps guidance letters/public notices), and permit conditions (e.g. Corps General Permit conditions) to determine the necessary information to support the application. Applicants are strongly encouraged to contact the WCA LGU and Corps Project Manager prior to submitting an application if they are unsure of what type of information to provide:

## Attachment C

### Avoidance and Minimization

**Project Purpose, Need, and Requirements.** Clearly state the purpose of your project and need for your project. Also include a description of any specific requirements of the project as they relate to project location, project footprint, water management, and any other applicable requirements. Attach an overhead plan sheet showing all relevant features of the project (buildings, roads, etc.), aquatic resource features (impact areas noted) and construction details (grading plans, storm water management plans, etc.), referencing these as necessary:

**Avoidance.** Both the CWA and the WCA require that impacts to aquatic resources be avoided if practicable alternatives exist. Clearly describe all on-site measures considered to avoid impacts to aquatic resources and discuss at least two project alternatives that avoid all impacts to aquatic resources on the site. These alternatives may include alternative site plans, alternate sites, and/or not doing the project. Alternatives should be feasible and prudent (see MN Rules 8420.0520 Subp. 2 C). Applicants are encouraged to attach drawings and plans to support their analysis:

**Minimization.** Both the CWA and the WCA require that all unavoidable impacts to aquatic resources be minimized to the greatest extent practicable. Discuss all features of the proposed project that have been modified to minimize the impacts to water resources (see MN Rules 8420.0520 Subp. 4):

**Off-Site Alternatives.** An off-site alternatives analysis is not required for all permit applications. If you know that your proposal will require an individual permit (standard permit or letter of permission) from the U.S. Army Corps of Engineers, you may be required to provide an off-site alternatives analysis. The alternatives analysis is not required for a complete application but must be provided during the review process in order for the Corps to complete the evaluation of your application and reach a final decision. Applicants with questions about when an off-site alternatives analysis is required should contact their Corps Project Manager.

## Attachment D

### Replacement/Compensatory Mitigation

Complete this part *if* your application involves wetland replacement/compensatory mitigation not associated with the local road wetland replacement program. Applicants should consult Corps mitigation guidelines and WCA rules for requirements.

**Replacement/Compensatory Mitigation via Wetland Banking.** Complete this section if you are proposing to use credits from an existing wetland bank (with an account number in the State wetland banking system) for all or part of your replacement/compensatory mitigation requirements.

Wetland Bank Account #	County	Major Watershed #	Bank Service Area #	Credit Type (if applicable)	Number of Credits

Applicants should attach documentation indicating that they have contacted the wetland bank account owner and reached at least a tentative agreement to utilize the identified credits for the project. This documentation could be a signed purchase agreement, signed application for withdrawal of credits or some other correspondence indicating an agreement between the applicant and the bank owner. *However, applicants are advised not to enter into a binding agreement to purchase credits until the mitigation plan is approved by the Corps and LGU.*

**Project-Specific Replacement/Permittee Responsible Mitigation.** Complete this section if you are proposing to pursue actions (restoration, creation, preservation, etc.) to generate wetland replacement/compensatory mitigation credits for this proposed project.

WCA Action Eligible for Credit <sup>1</sup>	Corps Mitigation Compensation Technique <sup>2</sup>	Acres	Credit % Requested	Credits Anticipated <sup>3</sup>	County	Major Watershed #	Bank Service Area #

<sup>1</sup>Refer to the name and subpart number in MN Rule 8420.0526.

<sup>2</sup>Refer to the technique listed in *St. Paul District Policy for Wetland Compensatory Mitigation in Minnesota*.

<sup>3</sup>If WCA and Corps crediting differs, then enter both numbers and distinguish which is Corps and which is WCA.

Explain how each proposed action or technique will be completed (e.g. wetland hydrology will be restored by breaking the tile.....) and how the proposal meets the crediting criteria associated with it. Applicants should refer to the Corps mitigation policy language, WCA rule language, and all associated Corps and WCA guidance related to the action or technique:

Attach a site location map, soils map, recent aerial photograph, and any other maps to show the location and other relevant features of each wetland replacement/mitigation site. Discuss in detail existing vegetation, existing landscape features, land use (on and surrounding the site), existing soils, drainage systems (if present), and water sources and movement. Include a topographic map showing key features related to hydrology and water flow (inlets, outlets, ditches, pumps, etc.):

Project Name and/or Number:

Attach a map of the existing aquatic resources, associated delineation report, and any documentation of regulatory review or approval. Discuss as necessary:

For actions involving construction activities, attach construction plans and specifications with all relevant details. Discuss and provide documentation of a hydrologic and hydraulic analysis of the site to define existing conditions, predict project outcomes, identify specific project performance standards and avoid adverse offsite impacts. Plans and specifications should be prepared by a licensed engineer following standard engineering practices. Discuss anticipated construction sequence and timing:

For projects involving vegetation restoration, provide a vegetation establishment plan that includes information on site preparation, seed mixes and plant materials, seeding/planting plan (attach seeding/planting zone map), planting/seeding methods, vegetation maintenance, and an anticipated schedule of activities:

For projects involving construction or vegetation restoration, identify and discuss goals and specific outcomes that can be determined for credit allocation. Provide a proposed credit allocation table tied to outcomes:

Provide a five-year monitoring plan to address project outcomes and credit allocation:

Discuss and provide evidence of ownership or rights to conduct wetland replacement/mitigation on each site:

Quantify all proposed wetland credits and compare to wetland impacts to identify a proposed wetland replacement ratio. Discuss how this replacement ratio is consistent with Corps and WCA requirements:

By signature below, the applicant attests to the following (only required if application involves project-specific/permittee responsible replacement):

- All proposed replacement wetlands were not:
  - Previously restored or created under a prior approved replacement plan or permit
  - Drained or filled under an exemption during the previous 10 years
  - Restored with financial assistance from public conservation programs
  - Restored using private funds, other than landowner funds, unless the funds are paid back with interest to the individual or organization that funded the restoration and the individual or organization notifies the local government unit in writing that the restored wetland may be considered for replacement.
- The wetland will be replaced before or concurrent with the actual draining or filling of a wetland.
- An irrevocable bank letter of credit, performance bond, or other acceptable security will be provided to guarantee successful completion of the wetland replacement.
- Within 30 days of either receiving approval of this application or beginning work on the project, I will record the Declaration of Restrictions and Covenants on the deed for the property on which the replacement wetland(s) will be located and submit proof of such recording to the LGU and the Corps.

Applicant or Representative:

Title:

Signature: \_\_\_\_\_

Date:

## Attachment E

### Local Road Replacement Program Qualification

Complete this part *if* you are a local road authority (county highway department, city transportation department, etc.) seeking verification that your project (or a portion of your project) qualifies for the MN Local Government Road Wetland Replacement Program (LGRWRP). If portions of your project are not eligible for the LGRWRP, then Attachment D should be completed and attached to your application.

Discuss how your project is a repair, rehabilitation, reconstruction, or replacement of a currently serviceable road to meet state/federal design or safety standards/requirements. Applicants should identify the specific road deficiencies and how the project will rectify them. Attach supporting documents and information as applicable:

Provide a map, plan, and/or aerial photograph accurately depicting wetland boundaries within the project area. Attach associated delineation/determination report or otherwise explain the method(s) used to identify and delineate wetlands. Also attach and discuss any type of review or approval of wetland boundaries or other aspects of the project by a member or members of the local Technical Evaluation Panel (TEP) or Corps of Engineers:

In the table below, identify only the wetland impacts from Part 4 that the road authority has determined should qualify for the LGRWRP.

Wetland Impact ID (as noted on overhead view)	Type of Impact (fill, excavate, drain)	Size of Impact (square feet or acres to 0.01)	Existing Plant Community Type(s) in Impact Area <sup>1</sup>	County, Major Watershed #, and Bank Service Area # of Impact <sup>2</sup>

<sup>1</sup>Use *Wetland Plants and Plant Community Types of Minnesota and Wisconsin* 3<sup>rd</sup> Ed. as modified in MN Rules 8420.0405 Subp. 2.

<sup>2</sup>Refer to Major Watershed and Bank Service Area maps in MN Rules 8420.0522 Subp. 7.

Discuss the feasibility of providing onsite compensatory mitigation/replacement for important site-specific wetland functions:

Please note that under the MN Wetland Conservation Act, projects with less than 10,000 square feet of wetland impact are allowed to commence prior to submission of this notification so long as the notification is submitted within 30 days of the impact. The Clean Water Act has no such provision and requires that permits be obtained prior to any regulated discharges into water of the United States. To avoid potential unauthorized activities, road authorities must, at a minimum, provide a complete application to the Corps and receive a permit prior to commencing work.

By signature below, the road authority attests that they have followed the process in MN Rules 8420.0544 and have determined that the wetland impacts identified in Attachment D are eligible for the MN Local Government Road Wetland Replacement Program.

Road Authority Representative:

Title:

Signature: \_\_\_\_\_

Date:

**Technical Evaluation Panel Concurrence:**

Project Name and/or Number:

TEP member:

Representing:

Concur with road authority's determination of qualification for the local road wetland replacement program? ☐ Yes ☐ No

Signature: \_\_\_\_\_

Date:

TEP member:

Representing:

Concur with road authority's determination of qualification for the local road wetland replacement program? ☐ Yes ☐ No

Signature: \_\_\_\_\_

Date:

TEP member:

Representing:

Concur with road authority's determination of qualification for the local road wetland replacement program? ☐ Yes ☐ No

Signature: \_\_\_\_\_

Date:

TEP member:

Representing:

Concur with road authority's determination of qualification for the local road wetland replacement program? ☐ Yes ☐ No

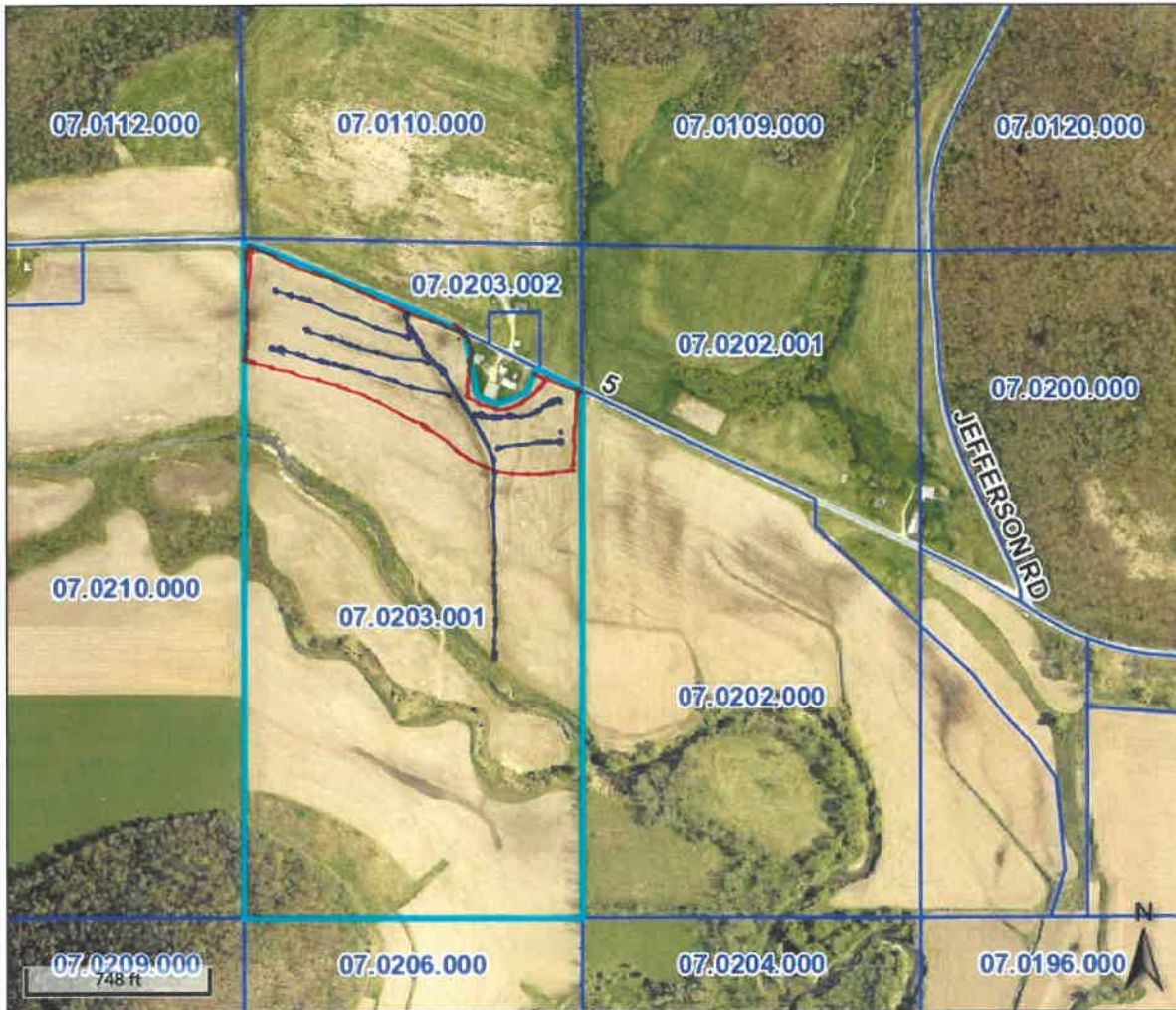
Signature: \_\_\_\_\_

Date:

Upon approval and signature by the TEP, application must be sent to: **Wetland Bank Administration  
Minnesota Board of Water & Soil Resources  
520 Lafayette Road North  
Saint Paul, MN 55155**

**Beacon**<sup>TM</sup>

Houston County, MN

**Overview****Legend**

- Corporate Limits
- Political Township
- Parcels
- Roads

<b>Parcel ID</b>	070203001	<b>Alternate ID</b>	n/a	<b>Owner Address</b>	MOORE,ROBYN
<b>Sec/Twp/Rng</b>	30-101-004	<b>Class</b>	101 - AGRICULTURAL		1262 SERENITY RIDGE CT
<b>Property Address</b>		<b>Acreage</b>	71		MESQUITE, NV 89034
<b>District</b>	JFSNT/SD299/FD8				
<b>Brief Tax Description</b>	Sect-30 Twp-101 Range-004 71.00 AC W1/2 NE1/4 EX 9A IN NW1/4 NE1/4 DOC #234144				
	(Note: Not to be used on legal documents)				

Date created: 9/11/2019

Last Data Uploaded: 9/10/2019 7:40:44 PM

Developed by **Schneider**  
GEOSPATIAL

Proposed Drain tile location.

Red box is area of the field that is to be drained

Aaron -

This note is to verify  
that I would like  
to convert my preliminary  
application with  
your department to  
a formal application.  
Enclosed is the \$100<sup>00</sup>  
fee required to do this.

Robyn Moore

1262 Serenity Ridge Court  
Mesquite NV 89034  
952-374-9848

robynmoore59@gmail.com



# Minnesota Wetland Conservation Act

## Notice of Application

Local Government Unit (LGU)

**Houston County**

Address

**304 South Marshall Street, Room 209  
Caledonia, MN 55921**

### 1. PROJECT INFORMATION

Applicant Name

**Robyn Moore**

Project Name

**Field Tile Drainage**

Date of

Application  
**October 10,  
2019**

Application

Number  
**0093**

Type of Application (check all that apply):

☐ Wetland Boundary or Type  
Sequencing

☐ No-Loss

☒ Exemption

☐

☐ Replacement Plan

☐ Banking Plan

Summary and description of proposed project (attach additional sheets as necessary):

Robyn Moore, the owner of parcel 07.0203.001, is having drainage issues in her field. The soils of her field are primarily hydric in many locations and prior to this land being farmed, this site was a wetland. Aerial images show this area was farmed 6 of the 10 years between 1981 and 1991 and was farmed 8 of the 10 previous years, this area is exempt from Minnesota's wetland regulations.

### 2. APPLICATION REVIEW AND DECISION

Signing and mailing of this completed form to the appropriate recipients in accordance with 8420.0255, Subp. 3 provides notice that an application was made to the LGU under the Wetland Conservation Act as specified above. A copy of the application is attached. Comments can be submitted to:

Name and Title of LGU Contact Person <b>Aaron Lacher Zoning Administrator</b>	Comments must be received by (minimum 15 business-day comment period): <b>November 6, 2019</b>
Address (if different than LGU) <b>304 South Marshall Street Room 209 Caledonia, MN 55921</b>	Date, time, and location of decision: <b>October 4, 2019 - TEP Site Visit</b>  <b>Decision to be made by County Board in the Houston County's Commissioner's Room. Date and time to be determined.</b>
Phone Number and E-mail Address <b>507-725-5800 aaron.lacher@co.houston.mn.us</b>	Decision-maker for this application: <input type="checkbox"/> Staff <input checked="" type="checkbox"/> Governing Board or Council

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

### 3. LIST OF ADDRESSEES

- ☒ SWCD TEP member: **Dave Walter**
- ☒ BWSR TEP member: **Alyssa Core**
- ☒ LGU TEP member (if different than LGU Contact): **Aaron Lacher, Jim Gardner, and Brian Pogodzinski**
- ☒ DNR TEP member: **Nicole Lehman**
- ☐ DNR Regional Office (if different than DNR TEP member)
- ☐ WD or WMO (if applicable):
- ☒ Applicant (notice only) and Landowner (if different)
- ☐ Members of the public who requested notice (notice only):
- 
- ☒ Corps of Engineers Project Manager (notice only)
- ☐ BWSR Wetland Bank Coordinator (wetland bank plan applications only)

### 4. MAILING INFORMATION

- For a list of BWSR TEP representatives: [www.bwsr.state.mn.us/contact/WCA\\_areas.pdf](http://www.bwsr.state.mn.us/contact/WCA_areas.pdf)
- For a list of DNR TEP representatives: [www.bwsr.state.mn.us/wetlands/wca/DNR\\_TEP\\_contacts.pdf](http://www.bwsr.state.mn.us/wetlands/wca/DNR_TEP_contacts.pdf)
- Department of Natural Resources Regional Offices:

<u>NW Region:</u>	<u>NE Region:</u>	<u>Central Region:</u>	<u>Southern Region:</u>
Reg. Env. Assess. Ecol. Div. Ecol. Resources 2115 Birchmont Beach Rd. NE Bemidji, MN 56601	Reg. Env. Assess. Ecol. Div. Ecol. Resources 1201 E. Hwy. 2 Grand Rapids, MN 55744	Reg. Env. Assess. Ecol. Div. Ecol. Resources 1200 Warner Road St. Paul, MN 55106	Reg. Env. Assess. Ecol. Div. Ecol. Resources 261 Hwy. 15 South New Ulm, MN 56073

For a map of DNR Administrative Regions, see: [http://files.dnr.state.mn.us/aboutdnr/dnr\\_regions.pdf](http://files.dnr.state.mn.us/aboutdnr/dnr_regions.pdf)

- For a list of Corps of Project Managers: [www.mvp.usace.army.mil/regulatory/default.asp?pageid=687](http://www.mvp.usace.army.mil/regulatory/default.asp?pageid=687)  
or send to:



US Army Corps of Engineers  
St. Paul District, ATTN: OP-R  
180 Fifth St. East, Suite 700  
St. Paul, MN 55101-1678

- For Wetland Bank Plan applications, also send a copy of the application to:  
Minnesota Board of Water and Soil Resources  
Wetland Bank Coordinator  
520 Lafayette Road North  
St. Paul, MN 55155

### 5. ATTACHMENTS

In addition to the application, list any other attachments:

- ☒ **Historical Aerial Images**
- ☐
- ☐
- ☐



# Minnesota Wetland Conservation Act

## Technical Evaluation Panel Findings Report

Date(s) of Site Visit/Meeting: 10/4/2019 LGU: Houston County  
County: Houston LGU Contact: Aaron Lacher  
Project Name: Robyn Moore Drain Tile Phone #: 507-725-5800  
Location of Project: PID 070203001 Email: aaron.lacher@co.houston.mn.us  
(attach map if possible) Address:

### TEP ATTENDEES:

LGU: Brian Pogodzinski, Aaron Lacher

SWCD: Dave Walter

BWSR: Alyssa Core

DNR: Nicole Lehman

### OTHER ATTENDEES:

Jim Gardner

David Studenski

Robyn Moore

Joe Tarvin

### OTHER ATTENDEES:

Douglas Weymiller

### PROJECT DESCRIPTION AND PURPOSE OF MEETING:

TEP met on site with applicant to view area and review historical aerial photographs.

### TYPE OF MEETING: Check all applicable

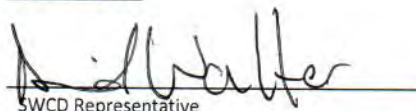
☐ Office ☒ On-Site ☐ Phone Conference ☐ E-Mail ☐ Other: \_\_\_\_\_

### TEP FINDINGS AND RECOMMENDATIONS <sup>1</sup>:

TEP viewed site and reviewed aerial images from 1980 - 1991. The TEP found that:

1. The area was planted with annually seeded crops or was in a crop rotation seeding of pasture grass or legumes in six of the last ten years prior to January 1, 1991.
2. The proposed project qualifies for an exemption under Minnesota Rule 8420.0420 Subp. 2A.

### SIGNATURES

  
SWCD Representative

10/15/19  
Date

\_\_\_\_\_  
BWSR Representative

\_\_\_\_\_  
Date

<sup>1</sup> TEP Findings should be a meaningful concise summary detailing the project conditions, technical data, and what rules apply. The TEP recommendation should be clear, based on rule and best professional judgement.

Do not concur

☐

Do not concur

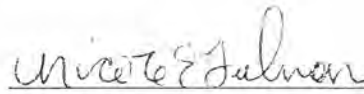
☐



10/14/19

LGU Representative

Date



10/14/19

DNR Representative

Date

Do not concur

☐

Do not concur

☐

<sup>1</sup> TEP Findings should be a meaningful concise summary detailing the project conditions, technical data, and what rules apply. The TEP recommendation should be clear, based on rule and best professional judgement.



# HOUSTON COUNTY ENVIRONMENTAL SERVICES

Solid Waste • Recycling • Zoning

304 South Marshall Street – Room 209, Caledonia, MN 55921

Phone: (507) 725-5800 • Fax: (507) 725-5590



October 8, 2019

Robyn Moore  
1262 Serenity Ridge CT  
Mesquite, NV 89034

Dear Robyn Moore,

This letter is intended to provide documentation of a Technical Evaluation Panel (TEP) meeting that occurred on property you own (PID 07-0203-001) in Jefferson Township on October 4, 2019. The purpose of the meeting was to evaluate your proposal to install drainage tile within a field. Houston County, MNDNR, BWSR, SWCD, and the Corps. of Engineers were represented. After viewing the site and review of applicable information, the consensus of the TEP was that your proposal qualifies for an exemption under 8420.0420 subpart 2A.

Respectfully,

*Aaron Lacher*

*This document has been electronically signed.*

Aaron Lacher  
Zoning Administrator  
Houston County

# Houston County Agenda Request Form

Date Submitted: November 7, 2019

BOARD DATE: November 12, 2019

Person requesting appointment with County Board: Brian Pogodzinski

**Issue:**

Board approval needed to approve the low bid for SAP 028-599-078 for the Lorenze Road project in Hokah Township.

**Attachments/Documentation for the Board's Review:**

Abstract for SAP 028-599-078 is attached. Not available for public until after the award.

**Justification:**

**Action Requested:**

Board approval to accept lowest responsible Bidder.

For County Use Only			
<b><u>Reviewed by:</u></b>	<input type="checkbox"/> County Auditor	<input type="checkbox"/> County Attorney	<input type="checkbox"/> Zoning Administrator
	<input type="checkbox"/> Finance Director	<input type="checkbox"/> County Engineer	<input type="checkbox"/> Environmental Services
	<input type="checkbox"/> IS Director	<input type="checkbox"/> Other (indicate dept)	
<b><u>Recommendation:</u></b>			
<b><u>Decision:</u></b>			

All agenda request forms must be submitted to the County Auditor by 4:00 p.m. on Monday in order to be considered for inclusion on the following week's agenda. The Board will review all requests and determine if the request will be heard at a County Board meeting.





# MCIT

## Minnesota Counties Intergovernmental Trust

100 Empire Drive, Suite 100, St. Paul, MN 55103-1885 • 651.209.6400 • 1.866.547.6516 • MCIT.org

### BOARD OF DIRECTORS

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Sherburne County  
Commissioner*

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Polk County  
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*Hubbard County  
Coordinator*

#### **Marcia Ward**

*Winona County  
Commissioner*

November 15, 2019

Donna Trehus  
Auditor/Treasurer  
Houston County  
304 S Marshall St Rm 112  
Caledonia, Minnesota 55921

### **RE: 2019 MCIT DIVIDEND PAYMENT**

Dear Donna Trehus:

The Minnesota Counties Intergovernmental Trust Board of Directors is pleased to provide Houston County with the following dividend. Your dividend totals \$74,125 and consists of \$59,494 attributable to your workers' compensation coverage and \$14,631 attributable to your property and casualty coverage.

In June of 2019, the MCIT Board of Directors declared a \$10 million dividend to members in good standing. This marks the 29<sup>th</sup> consecutive year MCIT has returned dividends to members and brings the total dividends paid to approximately \$345 million. The board annually evaluates the feasibility of providing a dividend. Their decision to return fund balance is the result of actuarial studies and related financial analysis.

The board of directors is pleased to provide a dividend this year but reminds members that past dividends are no guarantee of future distributions. Although driven largely by investment income, dividends are also influenced by operational expenses, which includes claim costs and the effectiveness of members to prevent losses. Workers' compensation claim development is impacted by increases in the cost of medical treatment, prescription medications and the addition of PTSD as a compensable illness. Property/casualty claim development is adversely impacted by claims involving jail suicides, inmate deaths not attributed to suicide and allegations of a failure to provide adequate medical treatment to inmates. These developments affected the cost of MCIT operations resulting in rate increases for coverage in 2020 in both divisions. Since the dividend announcement, we have also experienced significant changes in the terms and cost of property and casualty reinsurance.

The board is committed to conservative fiscal management of the program as a means to ensure the program remains fully funded. Your efforts to manage risk and support the work of MCIT will contribute to the fiscal health of MCIT.

Thank you for your hard work and participation in MCIT.

Sincerely,

Felix Schmiesing, Sherburne County Commissioner  
Trust Chair



# Houston County

## Agenda Request Form

This form is not intended for the general public. It is intended for use by county department heads, representatives of other governmental units or vendors/agencies who contract with Houston County. Members of the public may address the Board during the Public Comment Period. (See Policy for Public Comment Period).

Date Submitted: November 18, 2019 for November 26, 2019 Board Meeting

Person requesting appointment with County Board: Amelia Meiners

**Issue:**

Seeking approval to apply for two MDA Noxious Weed and Invasive Plant grants, one as the primary applicant for Houston Township to purchase a sprayer and the second to partner with Winona County to work on oriental bittersweet education, mapping and eradication.

**Attachments/Documentation for the Board's Review:**

Houston Township Spray Acquisition Application  
Regional Winona County Oriental Bittersweet Initiative and Letter of Support from Houston County

**Justification:**

**Action Requested:**

Approval to apply for grants.

For County Use Only						
<b><u>Reviewed by:</u></b>	<input type="checkbox"/>	County Auditor	<input type="checkbox"/>	County Attorney	<input type="checkbox"/>	Zoning Administrator
	<input type="checkbox"/>	Finance Director	<input type="checkbox"/>	County Engineer	<input type="checkbox"/>	Environmental Services
	<input type="checkbox"/>	IS Director	<input type="checkbox"/>	Other (indicate dept)	<input type="checkbox"/>	
<b><u>Recommendation:</u></b>						
<b><u>Decision:</u></b>						

All agenda request forms must be submitted to the County Auditor by 4:00 p.m. on Monday in order to be considered for inclusion on the following week's agenda. The Board will review all requests and determine if the request will be heard at a County Board meeting.

# Houston Township Sprayer Acquisition

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## *Noxious Weed and Invasive Plant Grant FY20*

### ***Houston County Environmental Services***

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Jeff Babinski

304 S Marshall St., Room 209

Caledonia, MN 55921

O: 507-725-5800

### ***Amelia Meiners***

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304 S Marshall St., Room 209

Caledonia, MN 55921

[amelia.meiners@co.houston.mn.us](mailto:amelia.meiners@co.houston.mn.us)

O: 507-725-5800

# Application Form

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## **Contact Information**

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### **Project Name\***

Houston Township Sprayer Acquisition

### **Name of Contact Person\***

Amelia Meiners

### **Organization name (County or local government name)\***

Houston County for Houston Township

### **Organization mailing address\***

304 S. Marshall St., Room 209

### **City\***

Caledonia

### **State (MN)**

### **ZIP\***

55921

### **County\***

Houston

### **Phone number\***

5077255800

### **Cell phone number**

### **Email\***

amelia.meiners@co.houston.mn.us

## Eligibility

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**Please confirm your eligibility by checking the appropriate boxes.\***

I am a County Ag Inspector/County Designated Employee OR my CAI/CDE has approved the application.  
I agree to submit records of infestations to EDDMapS and to use ISMTrack for treatment records.  
I agree that no work has started on the project nor will start until agreement is fully signed.

## Proposal Summary

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Review the Request for Proposals (RFP) before submitting your application. Details on the project levels may be found in the Grant Overview section and the Project Evaluation Profiles.

**What level are you applying for? (check one)\***

Level 1

**Award Amount Requested\***

\$5,000.00

**Number of Acres Targeted for Treatment\***

92

**The project must address one of the eight eligible purposes outlined in M.S. 18.90(a) listed below.\***

Check all that apply.

Protection of wildlife and fisheries biodiversity  
Educational activities

## Supplemental Questions

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**Targeted Population\***

Is the applicant or collaborating organization from a tribal nation, township, or county with a population under 10,000 residents?

Yes

**Have you received a previous Noxious Weed Grant from MDA?\***

No

If NO, skip to the next section.

**If YES: 1. Briefly describe your previous grant project. (Limit: 500 characters)***[Unanswered]***2. Is the project completed and final payment request submitted to MDA?**

No

**2. (a) If NO,**

Please write an update on the progress of your current grant project (Limit: 500 characters)

*[Unanswered]*

## ***Target Plants***

---

Please check all the species from this list you will be targeting:

**Targeted species on the Eradicate List**

Common teasel  
Cutleaf teasel  
Japanese hops  
Oriental bittersweet  
Palmer amaranth  
Poison hemlock

**Targeted species on the Control List**

Canada thistle  
Common barberry  
Common tansy  
Plumeless thistle  
Wild parsnip

**Targeted species on the Restricted List**

Common buckthorn  
Crown vetch  
Garlic mustard  
Glossy buckthorn  
Multiflora rose  
Wild carrot

**Targeted species on the Specially Regulated List**

Japanese knotweed  
Poison ivy

## Other targeted species (please list here)

### *Narrative Questions*

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Please give concise explanations for each section. Project timeline should start no earlier than March 15, 2020.

#### **Project justification (Limit: 5,000 characters)\***

What is the problem this application seeks to address?

For example: "Hennepin County has documented 20 acres infested with cutleaf teasel on private land." If the project includes a non-regulated terrestrial invasive plant(s), please provide evidence why it should be prioritized for this grant appropriation.

Wild parsnip, which is on the Control list, silently moved into the county a few years ago, but it wasn't until recent years that it started to get noticed. It began by taking over select right of way areas on township, county and state roadways, but went untreated long enough that the population has exploded and started to spread onto private land. Typically, a township's roadside vegetation management activity only consists of mowing. Those familiar with southeastern Minnesota should realize that the topography makes some areas difficult to manage with only mowing and in addition, if done at the wrong time will only result in cultivating this noxious weed. A few townships that have recognized that a different approach might be necessary have expressed that they struggle to find available commercial applicators, as there are a limited number of applicators and equipment available and their priority at that time of year is completing herbicide management in row crops. That is why Houston Township would like to purchase their own spraying equipment. The County purchased a new sprayer a couple of years ago and in just a short period, the County right of way areas have benefited greatly. They are unable to assist townships with treatments, however, the County Highway Department has worked with the township representatives to select the proposed equipment and develop an herbicide regimen.

Wild parsnip is an aggressively growing monocarpic, perennial native to Eurasia, forming rosettes in the first year followed by vegetative growth in subsequent years. It produces yellow blooms from June to mid-July, dying shortly after seed set which leaves seeds on standing dead plants in the middle of summer. This allows for easy seed dispersal as the dead plants are easily disturbed during late summer activity. Infestations start in disturbed areas such as along edges of roads, trails, pastures, forest and field margins and other idle lands. Wild parsnip invades slowly and when ignored, an established population will spread rapidly. This results in the formation of a dense monoculture that replaces native plant and animal habitat and reduces the quality of forage crops. Houston Township has a significant diversity of habitats bordering their right of ways including pastureland, state recreational lands, row crops, prairie and conservation plantings, and residential properties. In addition to the ecological threat, wild parsnip also presents a public health threat. Visitors from all over the Midwest come to the Houston area to recreate and enjoy our natural resources. Contact with sap from the plant causes phytophotodermatitis to both humans and livestock in addition to the plant being toxic if ingested by livestock.

Because seeds are viable for a number of years in the soil, eradication is only a realistic goal with consecutive treatments. Purchasing a sprayer will allow the township to treat for many years to come instead of relying on contractors and other methods such as mowing. The Houston Township Board will monitor for impacts and measure the distribution and density of wild parsnip after treatments.

There are a few other species mapped in or very close to Houston Township that will be indirectly targeted. These include common tansy, poison hemlock, common and cutleaf teasel, common and Japanese barberry, thistles, common and European buckthorn, garlic mustard, crown vetch, multiflora rose, wild carrot and Japanese knotweed. Houston County plans to survey the Houston Township roads prior to the first treatment in 2020 for early blooming species such as poison hemlock.

In addition, Houston County plans to conduct public outreach next spring on the public health and ecological threat of wild parsnip. The increased awareness will hopefully allow county landowners and users

to detect infestations and either seek help or work on their own to eradicate this nuisance quickly and effectively.

### **Objectives and deliverables (Limit: 5,000 characters)\***

What are the project objectives that will directly address the problem stated above? How will objectives be measured to determine the success of the project? Clearly state objectives; use statements that specifically describe the target plants you expect to address.

Example: Objective 1 – By December 30, 2019, treat 20 acres of cutleaf teasel in Hennepin County.

Objective 1 - By April 15, 2020, purchase equipment to target noxious weeds in the township right of way, targeting primarily wild parsnip, but potentially treating poison hemlock, common and cutleaf teasel, common tansy, garlic mustard, wild carrot, glossy and common buckthorn, multiflora rose, Japanese knotweed and Japanese barberry.

Objective 2 - By June 30, 2020, publish educational information on the public health threat of wild parsnip in the local newspapers and post fliers at businesses, nature centers, etc. to spread the word.

Objective 3 - By June 30, 2020, treat approximately 92 acres of right of way in Houston Township with a foliar application as prescribed.

Objective 4 - By October 1, 2020, treat approximately 92 acres of right of way in Houston Township with a foliar application as prescribed. The township will mow over the course of the summer as well.

### **Work plan (Limit: 7,000 characters)\***

Provide a step by step description of the grant project – how and when you will carry out each item or activity of your grant project. What actions will you take to address the problem stated above? Describe the specific activities that will achieve each of the objectives, deadlines for accomplishing each activity, and responsible parties.

Example: Activities – In partnership with townships and private landowners, identify infestations of cutleaf teasel in Hennepin County that need to be treated.

Who: John Johnson, Hennepin County Ag Inspector (By July 2019). Set up meetings with landowners adjacent to known cutleaf teasel infestations to discuss identifying, mapping, and management options

Who: John Johnson, Hennepin County Ag Inspector (By October 2019) Ensure completion of cutleaf teasel treatments

Who: John Johnson, Hennepin County Ag Inspector (By December 15, 2019). Submit invoices for reimbursement and final report to MDA, submit treatment records to ISMTrack

Houston Township and County Highway Department employees have been working together with chemical representatives to figure out what piece of equipment and herbicide regimen will best suit the needs of the township. This grant hopefully will allow equipment and herbicide acquisition to take place by April 15, 2020. The township will be able to start treatments then as soon as the plant is at an appropriate stage in May or June, followed up with mowing and then a fall application in September or October. Having a piece of equipment will allow them to spray at ideal times and not at the mercy of a contractor's availability, if they can even find one. The hope is that with increased landowner education on wild parsnip and other noxious weeds, along with the township's increased management activity, that private landowners will work to eradicate the infestations that have reached their property as well. Then with continued efforts over the next few years, infestations can be eradicated.

## Budget

### Budget narrative (Limit: 6,000 characters)\*

The budget narrative is a detailed description of each of the costs in the grant project per line item. A cost estimate is required for all Personnel; Equipment, Tools, Supplies, Herbicides; Education and Outreach Materials; Contracted Services; In-State Travel; Other.

Objective 1 - By April 15, 2020, purchase equipment to target noxious weeds in the township right of way, targeting primarily wild parsnip, but potentially treating poison hemlock, common and cutleaf teasel, common tansy, garlic mustard, wild carrot, glossy and common buckthorn, multiflora rose, Japanese knotweed and Japanese barberry.

The township has worked with the County Highway Department to choose a sprayer and formulate an effective herbicide regimen. Because the capital expense maximum is \$5,000 the township will cover any remaining expenses for the sprayer and chemicals in addition to supplying an employee and vehicle.

Objective 2 - By June 15, 2020, publish educational information on the public health threat of wild parsnip in the local newspapers and post fliers at related businesses, nature centers, etc.

Houston County plans to make outreach efforts via the local newspapers and posters in high traffic public areas such as the Houston Nature Center and Root River bike trail corridor to teach citizens how to identify wild parsnip and provide landowners options for treating and reducing the spread of infested areas.

Objective 3 - By June 30, 2020, treat approximately 92 acres of right of way in Houston Township for wild parsnip with a foliar application as prescribed.

Houston Township plans to treat every stretch of right of way. Early spring wild parsnip applications should include 2,4-D to the rosette stage in May or June. Poison hemlock might be moving into the area and will be a potential target species at this time as well as garlic mustard. Over the summer, Houston County will survey and map other species of concern along Houston Township roads that may have worked their way beyond the right of way, as a couple of species are found right on the borders with other townships. Individual landowner contacts will be made in the initial form of outreach if any dense infestations of noxious weeds are found on private property. These species include common tansy, common and cutleaf teasel, Japanese knotweed, oriental bittersweet, and poison hemlock. Species found in Houston County that may be inadvertently treated while focusing on wild parsnip are Japanese barberry, Japanese knotweed, wild carrot, multiflora rose, common and European buckthorn, crown vetch, garlic mustard, Canada and plumeless thistle. Mapped locations of these species are limited, but many are commonly found.

Objective 4 - By October 31, 2020, treat approximately 92 acres of right of way in Houston Township for wild parsnip with a foliar application as prescribed.

Fall applications will follow summer mowing efforts and will be completed in September or October. Township representatives will determine the impact that spraying has made on their right of ways by measuring the density of remaining plants/infestations. Plans will be made to continue applications in subsequent years.

### Budget table\*

The budget table is an overview of how grant funds will be spent by category. Create a budget table that includes grant funds requested. Upload a budget in the following format:

Category	Grant Request	In-Kind	Total
Personnel – number of hours @ wage rate			



Equipment, tools, supplies, herbicides ( <i>maximum \$5,000 for equipment purchases</i> )			
Education and outreach materials			
Contracted services			
In-state travel ( <i>mileage rate, per diem</i> )			
Other ( <i>please specify what the expense is for</i> )			

Houston Township Budget.xlsx

## LEVEL 2 APPLICANTS ONLY

This section is for **Level 2 applicants only**. Please read through the RFP to determine which level to apply for. Level 2 applicants must complete all of the previous sections in addition to this section.

### Regional Impact (Limit: 5,000 characters)

Describe how this project will provide significant impact to your region of the state. Include what entities you will collaborate with, what memos of understanding/agreement are in place, and how your project will achieve these goals.

### Memos of Understanding/Agreement and Letters of Support

Copies of MOUs/MOAs and Letters of Support are required for Level 2 applicants for collaborative, regional projects. The documents should state who will be the fiscal agent and have brief descriptions of what work will be accomplished. **Please combine all files and upload the MOUs/MOAs and Letters of Support here.**

Note: Each upload box can only take one document. The document may be a scan of several documents in one. For example, to upload three letters of support, scan all three of them at once, save to your computer, then upload the resulting document into one upload box.

## Certification

### I certify that: (Please type your name in the box)\*

- To the best of my knowledge and belief, the data in this application is true and correct and supporting documentation for the claims and assertions made within this application is available to the MDA for its review.
- I understand that submitting false or misleading information in connection with this application may result in the applicant being found ineligible for financial assistance under the Noxious Weed and Invasive Plant Grant Program. I further understand that receiving public funds as a consequence of false representations constitutes an act of fraud.
- I understand that MDA may conduct audits, check references, and conduct site inspections after grants are awarded and prior to dollars being disbursed.
- I understand that the data provided in this application is subject to the Minnesota Government Data Practices Act, and have read and understand the Data Privacy Notice contained herein. I verify all information supplied in this application is correct to the best of my knowledge.

## File Attachment Summary

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### ***Applicant File Uploads***

- Houston Township Budget.xlsx

Houston Township Budget			
Category	Grant Request	In-Kind	Total
Personnel - 20 hours @ \$20/hour	-	400.00	400.00
Equipments, tools, supplies, herbicides	5,000.00	3,864.30	8,864.30
Education and outreach materials	-	250.00	250.00
Contracted Services	-	-	-
In-state travel	-	-	-
Other: fuel	-	500.00	500.00
			<b>10,014.30</b>

**In-Kind Equipment, etc.:**

Additional sprayer cost	\$ 1,966.01
Herbicide	\$ 1,898.29

**\$ 3,864.30**