

June 26, 2020
BUFFER COMMITTEE
MEETING MINUTES

Present: President Linda Vavra, Board Managers Allen Wold, Scott Gillespie, John Kapphahn (by phone). Also present (by phone/Zoom): Attorney Lukas Croaker, Administrator Jamie Beyer, Technician Troy Fridgen, Grant SWCD Technician Jared House.

The purpose of the meeting was to discuss current parcel non-compliance statuses, a request from BWSR Representative Darren Mayers to join the BdSWD Buffer Committee, and next steps.

Wold motioned, seconded by Gillespie and carried unanimously, to approve minutes from October 17, 2019; December 19, 2019; February 10, 2020; March 4, 2020.

Administrator Beyer reported that:

- Wilkin County Cost-Share: Wilkin County SWCD seeded 31 acres of buffers across 8 drainage systems; 34 parcels in all. Cost share invoices will be sent within the next 3 weeks.
- Wilkin/Traverse JD #11: Seeding of the laterals is complete; buffers on the main channel will take place after construction. We have coordinated the easement paperwork with Ohnstad & Twichell, which was made much more difficult under the pandemic conditions, with notarized signatures required on many of the forms.
- Wilkin/Traverse JD #6: The buffers for this drainage system are solely in Wilkin County. We requested cost share dollars for next year's project, but Wilkin County SWCD staff denied the request and recommended that the District's buffer funds be used instead.

Engineer Technician Fridgen completed his annual drainage ditch inspections, which this year included Judicial Ditch #12. The inspection was conducted in May, and Fridgen did note that, at that time during and prior to planting season, there are many parcels without buffers. Board Manager Wold stated that he did not approve of the inspections. When committee members last met, it was the intention of the group to organize landowner meetings based on drainage systems – but under pandemic restrictions, that has been made impossible. Grant SWCD Technician House requested that his organization and the Bois de Sioux Watershed District send a joint letter offering technical assistance to install buffers or alternative practices. Board Manager Gillespie voiced concerns that alternative practices are not being applied consistently across the watershed district, varying by or within counties. Gillespie reiterated that alternative practices can be customized to individual situations and that local control was explicitly included in the Buffer Law. President Vavra relayed concerns whether Grant SWCD could handle assisting buffers on 50+ land parcels, and SWCD Technician House has made preliminary plans to have Grant County Highway assist their office and to send notices on a staggered basis.

Engineer Technician Fridgen inquired about how to deal with damage to buffers acquired through redeterminations. Board Manager Wold stated that these matters should be remanded directly to Attorney Lukas Croaker.

Technician House left the meeting.

Committee members discussed at length the merits of sending joint or independent letters, and from what entities. Grant County SWCD is responsible for determining compliance, but has no responsibility for enforcement. And, although the District is responsible for enforcement, ultimately, enforcement is turned over to the respective county attorney. COVID-19 has significantly slowed court proceedings as well, which increases court-associated costs. Committee members feel strongly that it is in the District's best interest to encourage voluntary soil loss initiatives instead of court-based activities.

Kappahn motioned, seconded by Wold, to authorize Attorney Lukas Croaker to work with Grant County Attorney Justin Anderson to craft a joint informational letter. Committee members requested a meeting to discuss alternative practices with Grant SWCD. Based on the outcomes, this approach may be repeated in Traverse and Wilkin Counties.

Committee members reviewed an information request from Buffer and Soil Loss Specialist Darren Mayers to join the District Buffer Committee. Committee members expressed a commitment to employ local control and to help landowners, and respectfully declined expanding committee membership at this time.

At the next meeting, committee members asked that buffer funds be presented by drainage system, and that prices for right of way signage be provided along with installation costs for every half mile, in the corners of parcels.

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