



**Blue Earth County**  
**Soil & Water Conservation District**

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May 21, 2018

Representative Paul Anderson, Agriculture Policy Chair  
369 State Office Building  
100 Rev. Dr. Martin Luther King Jr. Blvd  
St. Paul, MN 55155

Dear Chair Anderson,

This letter is in response to the testimony given on April 12, 2018 by Greg Mikkelson at the hearing that discussed the administrative penalty order proposed by the Board of Water and Soil Resources for buffers. Mr. Mikkelson made references that staff from our organization had been unable to issue a certification for his alternative practices as being compliant with the buffer law. He stated that he thought the employee was possibly scared to make the decision and feared his job was on the line.

For the record, Mr. Mikkelson came to our office and requested a review of his alternative practices on November 27, 2017. Staff told him a field visit would be completed in the spring when the buffer area was free from snow. He was informed that we couldn't address his request immediately because there were more time sensitive buffer-related tasks that needed to be completed first, such as issuing extensions for the buffers on public waters. His buffers would not be out of compliance until November 1, 2018. Staff contacted Mr. Mikkelson to inform him they were going out to check on his buffers on March 30, 2018. Upon review of his fields, the Blue Earth Soil and Water Conservation District Board of Supervisors processed his requests for certification of alternative practices at our May meeting.

We are confident in our staff to be able to use existing guidance to determine whether an alternative practice is equivalent to the required buffer strips. We have not struggled to interpret the law. There is sound science and calculations that can be used to make these determinations. Furthermore, we are confident in our election certificates to make the best decisions that we can and stand behind them.

Please don't hesitate to contact us if you have questions or concerns.

Sincerely,  
Blue Earth SWCD

Handwritten signature of Emily Javens in blue ink.

Emily Javens, Board Chair  
District 1

Handwritten signature of John Rollings in blue ink.

John Rollings, Vice Chair  
District 4

Handwritten signature of Carol Krosch in blue ink.

Carol Krosch, Secretary  
District 3

Handwritten signature of John Shanahan in blue ink.

John Shanahan, Treasurer  
District 2

Handwritten signature of Bill Gardner in blue ink.

Bill Gardner, Public Relations  
District 5

cc: Representative Jeff Backer, Agriculture Policy Committee Vice Chair  
Representative David Bly, Agriculture Policy Committee DFL Lead  
Representative Peggy Bennett, Agriculture Policy Committee Member  
Representative Brian Daniels, Agriculture Policy Committee Member  
Representative Clark Johnson, Agriculture Policy Committee Member  
Representative Mary Kunesh-Podein, Agriculture Policy Committee Member  
Representative Dale Lueck, Agriculture Policy Committee Member  
Representative Tim Mahoney, Agriculture Policy Committee Member  
Representative Carlos Mariani, Agriculture Policy Committee Member  
Representative Tim Miller, Agriculture Policy Committee Member  
Representative Jeremy Munson, Agriculture Policy Committee Member  
Representative Bud Nornes, Agriculture Policy Committee Member  
Representative Nels Pierson, Agriculture Policy Committee Member  
Representative Jeanne Poppe, Agriculture Policy Committee Member  
Representative John Poston, Agriculture Policy Committee Member  
Representative Duane Sauke, Agriculture Policy Committee Member  
Jerad Bach, Blue Earth Soil and Water Conservation District Manager  
LeAnn Buck, MN Association of Soil and Water Conservation Districts Executive Director