



Board of County Commissioners Agenda Request



Requested Meeting Date: March 12, 2024

Title of Item: Discretionary EAW - Gun Lake Family Campground

<input checked="" type="checkbox"/> REGULAR AGENDA <input type="checkbox"/> CONSENT AGENDA <input type="checkbox"/> INFORMATION ONLY	Action Requested: <input type="checkbox"/> Approve/Deny Motion <input checked="" type="checkbox"/> Adopt Resolution (attach draft) <i>*provide copy of hearing notice that was published</i>	<input type="checkbox"/> Direction Requested <input type="checkbox"/> Discussion Item <input type="checkbox"/> Hold Public Hearing*
Submitted by: Andrew Carlstrom		Department: Environmental Services
Presenter (Name and Title): Andrew Carlstrom, Environmental Services Director		Estimated Time Needed: 10 Minutes
Summary of Issue: <p>On February 12, 2024, the Minnesota Environmental Quality Board (EQB) received a Citizen's Petition requesting an Environmental Assessment Worksheet (EAW) for the proposed 9 camping site expansion for the Gun Lake Family Campground (GLFC). On February 13, 2024, the EQB determined that Aitkin County is the appropriate governmental unit to decide the need for an EAW. When a petition is filed, MN Rules 4410.1100 Subpart 5 directs EQB to designate a Responsible Government Unit (RGU) pursuant to MN Rules 4410.0500.</p> <p>The EAW Review Committee (which is an internal working group with no authority to decide or take action) met on February 20, 27 and March 6, 2024. The Committee reviewed and discussed the EAW Citizen Petition in order to determine and make a recommendation as to if the Gun Lake Family Campground 9 camping site expansion will create "significant environmental effect." At the March 6, 2024 EAW Review Committee Meeting the group discussed the findings of facts, reviewed the proposal, with finally the majority of the Committee recommending to "deny" the Citizen's Petition requesting GLFC complete an EAW. Upon approval or denial of County Board today, it will again go before the Planning Commission on March 18, 2024.</p> <p>Attached are the Findings of Fact and Resolution.</p>		
Alternatives, Options, Effects on Others/Comments: Motion to disregard EAW Review Committee recommendation and approve request for EAW.		
Recommended Action/Motion: Motion to approve denial of request for EAW and adopt resolution.		
Financial Impact: Is there a cost associated with this request? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No What is the total cost, with tax and shipping? \$ Is this budgeted? <input type="checkbox"/> Yes <input type="checkbox"/> No <i>Please Explain:</i>		

Legally binding agreements must have County Attorney approval prior to submission.

RESOLUTION TO DENY A CITIZEN'S PETITION REQUESTING AN EAW FOR THE PROPOSED GUN LAKE FAMILY CAMPGROUND

WHEREAS, a citizens petition requesting the preparation for an Environmental Assessment Worksheet (EAW) for the proposed commercial planned unit development of "Gun Lake Family Campground" was submitted by Nicole Massey with the Gun Lake Environmental Alliance on February 12, 2024 with 160 signatures. The petition was verified by the Minnesota Environmental Quality Board (EQB) and assigned to Aitkin County as the Responsible Governmental Unit (RGU) to decide on the need for an EAW on February 13, 2024; and

WHEREAS, no governmental approvals may be given to the project named in the petition, nor construction initiated, until the need for an EAW has been determined. Construction includes any activities which directly affect the environment, including the preparation of land. If the decision is to prepare an EAW, approval must be withheld until either a Negative Declaration of the need for an Environmental Impact Statement (EIS) is issued or an EIS is completed (per MN Rules 4410.3100); and

WHEREAS, Gun Lake Family Campground is a commercial planned unit development consisting of 22 recreational camping vehicle sites located in Tier 1 shoreland zoning on Gun Lake, which is classified as a Recreation Development Lake within Fleming Township, Aitkin County. The property address is listed as 43016 328th Place, Palisade MN (PID 08-0-027400). The developers, Mike and Jennifer Hagel, are proposing to expand the campground with 9 additional dependent campsites into Tier 2 and Tier 3 shoreland and add a toilet/shower facility, a children's playground, a volleyball court, a fenced dog park, and planting of new vegetation; and

WHEREAS, the project, as currently proposed, does not meet the mandatory threshold for an EAW according to MN Rules 4410.4300, and therefore the decision on the need for an EAW is subject to the discretion of the Responsible Governmental Unit (RGU) as per MN Rules 4410.1000 subpart 3, Item B.

Significant Environmental Impact Findings of the Aitkin County EAW Committee:

Findings against a Discretionary EAW:

Drastic Altering of Land Surfaces. According to the Site Plan received on March 5, 2024 from the proposer, the proposed total impervious surface coverage will be 9.43% of an allowed 25% and will have little or no significant environmental impact to Gun Lake. No material evidence has been presented to support the concern regarding impervious coverage and there is nothing unique about this project or this concern that cannot be addressed in the typical zoning process, by ongoing public regulatory authority, where environmental effects can be anticipated or controlled.

Permanent Conversion. In accordance with MN Rules 4410.0200 Subp. 57 it is the RGU's determination whether the proposal fits the definition. "Permanent conversion" means a change in use of agricultural, naturally vegetated, or forest lands that impairs the ability to convert the land back to its agricultural, natural, or forest capacity in the future. It does not include changes in management practices, such as conversion to parklands, open space, or natural areas. The revised site plan received on March 5, 2024 designates and permanently preserves a total of 50.2% open space and proposer has met this requirement. If warranted, this

proposed commercial campground could be converted and restored, and nothing impairs the ability to do this in the future.

Conversion of Forestland. During the creation of the campground and the alteration of the forest within Tier 1 shoreland, the owner complied within the regulations of the conditional use permit. The proposer has made every effort to retain the maximum amount of pine trees within original Tier 1-22 site campground, and as evidenced within the denial of the 2023 variance in which owner removed internal roadway in lieu of removing more trees. There is no alteration of forests within the current plan as proposal is located within Tier 2 and Tier 3 pasture lands. No material evidence has been presented that suggests that conversion of forestland to 22 campground sites will have potential for significant environmental effects or would impact the type, extent, or reversibility of environmental effects or have any cumulative potential effect on Gun Lake.

Potential Lake Users. Aitkin County Assessor's Office reports 150 parcels on Gun Lake with building values over zero. Expanding the current campground by 9 sites for a total of 31 seasonal sites could bring potential lake users to an overall increase of 21%, which is not a substantial increase to the users of Gun Lake. As part of the Conditional Use Permit process, the Aitkin County Planning Commission has the authority to attach conditions they deem necessary to protect health, safety and general welfare of the people and environment. Conditions regarding vegetation removal along the shoreline, number of mooring sites, solid waste disposal, sewage treatment, etc, can be placed on the permit if approved.

Impact of Additional 31 Users to Lake. The current campground entails approximately 1130 feet of a total 1610 feet of shoreline and total impervious surface coverage with 9 site expansion will be approximately 9.43% of an allowable 25% impervious surface coverage. Gun Lake has 292 acres of littoral (or shallow waters of 15 feet or less) of a total 711.9 total lake acres. Gun Lake has 8.68 miles of shoreline with an average depth of 18 feet and maximum depth of 44 feet. The summer seasonal impact of 31 additional users will have little or no significant environmental effects to Gun Lake, and the DNR Public Access is evidence of this. Insufficient material evidence exists that the lake users from a total of 31 campsites, may have potential for significant environmental effects.

Road. Fleming Township Board and the Palisade Fire Chief have expressed no concerns with the existence of the Gun Lake Family Campground in relation to this township road. There is nothing unique about the road concerns presented in the EAW Petition, and no material evidence has been provided that cannot be addressed in the typical zoning process, by ongoing public regulatory authority, where environmental effects can be anticipated and controlled, and by requirements established or conditions imposed in the CUP and PUD application process.

Water Quality. There is noted but minimal concern as to a significant environmental effect, as the proposed area is flat in elevation to lake, with ample vegetation to act as a buffer, minimizing water run-off. Concern has also been noted regarding the project obtaining, constructing, and complying with the required NPDES (National Pollutant Discharge Elimination System) permit due to the project location and topography. While there is no evidence that this concern is valid, obtaining, constructing, and complying with the NPDES permit will be a condition of the CUP. The Committee recommends the project proposer immediately engage with an engineering firm to determine location and size of the permanent storm water runoff facilities as it may impact the proposed project and the CUP (if issued). The project proposer has stated that "upon approval of the conditional permit, a Stormwater Pollution Protection Plan (SWPP) will be made, and a NPDES will be applied for the MPCA. The NPDES permit will be followed, and the construction site will be inspected by the County and/or the MPCA."

Effect on Wildlife. State agencies such as the DNR and MPCA participate in the zoning process, and the typical zoning process will give these agencies an opportunity to comment or raise concerns. The argument that wildlife species will be disturbed, displaced, and destroyed is unfounded. The potential habitat loss due to the project is minimal, and no different than during select logging operations when timber is trimmed or removed. There is no material evidence that this project is likely to have significant adverse effects on the overall population of any animal species.

Effect on Fish. No material evidence has been provided in support of impact to fish on Gun Lake. The DNR commented: Changes to the size structure of the Bluegill population occurred between 1990 and 2013 and were not influenced positively from the loss of the former resort on the lake. The likely driver of changes in fish populations are due to a lack of dissolved oxygen levels at deeper depths in the water column as a result of excess nutrient loading from the surrounding watershed areas, including especially agricultural sources. Ways to mitigate potential future losses of fish populations includes focusing on maintaining water quality by reducing nutrient loading through the implementation of sound stormwater management strategies and reducing any disturbances in the Shore Impact Zone (SIZ) through the use of shoreline buffers and stormwater management practices. Other strategies to mitigate impacts includes ensuring that proposed dockage and mooring locations are consolidated, centralized and dock access is in deep enough water to limit removal of emergent aquatic vegetation and turbidity (suspended sediments) increases.

Invasive Species. No material evidence has been provided in support of Gun Lake Family Campground contributing to the increase of the Aquatic Invasive Species (AIS) Curly-leaf Pondweed (CLP) on Gun Lake. The DNR commented: In general, the DNR has, and continues to, support efforts to control the spread of aquatic invasive species (AIS) such as curlyleaf pondweed and other species so long as its removal is consistent with approved permits for its removal through state-DNR processes. Efforts to reduce the spread of AIS in water bodies include following the practices outlined on this MN DNR webpage resource: [What you should do | Minnesota DNR \(state.mn.us\)](https://www.dnr.state.mn.us/aquatics/what_you_should_do.htm).

Mooring Sites. No material evidence that moorage has potential for significant environmental impacts has been presented, which would impact the type, extent or reversibility of environmental effects or have any cumulative potential effect on Gun Lake. Lakeshore ownership includes the riparian right of an owner of shore land property to wharf a boat or install a dock, and the typical zoning process will adequately address any dock concerns. The owner is limited to a maximum of 22 mooring sites and shall work with the DNR and Aitkin County on the placement of mooring sites 13-22 and actions shall be in accordance with Section 7.84 of the Shoreland Management Ordinance. The DNR commented: The placement of docks and mooring spaces in general may result in removal of floating leaf vegetation as well as rushes and other emergent vegetation near the shoreline through boat/propeller action. Shoreline vegetation tends to filter out nutrients from runoff and so the least amount of removal would be ideal in this situation. Any emergent vegetation removal requires an aquatic plant management (APM) permit from Minnesota DNR and as of yet, none has been issued (approved). After conferring with relevant specialists within MN DNR, the existing dock location appears to be an area that minimizes disturbances to both aquatic vegetation as well as wildlife that depend on riparian and near-shore habitat for breeding and survival. This is in comparison to the other available shoreline areas available to the campground and assuming the mooring spaces are concentrated, centralized, and are placed in deep enough water to avoid increased turbidity and emergent vegetation removal near-shore.

Sewer. The installation of septic holding tanks is an acceptable method for handling sewage. Not installing a drain field further protects groundwater. No evidence has been provided that this method of handling sewage has the potential environmental effects. Concerns regarding proposed infrastructure can be addressed in the typical zoning process, by ongoing public regulatory authority, where environmental effects can be anticipated and controlled, and by requirements established or conditions imposed in the CUP and PUD application process.

DNR Classified Sensitive Shoreland. As stated within the March 1, 2022 adopted Aitkin County Board Resolution to “Deny a Citizen’s Petition Requesting an EAW for the Proposed Gun Lake Family Campground”, Aitkin County has never designated Gun Lake as a “Sensitive Shoreland Area”. Thus, we have determined that Gun Lake shorelands are “nonsensitive shorelands”. DNR commented: Sensitive shoreline areas are places that contain unique or critical ecological habitat, and they provide important habitat for a variety of species, including species of greatest conservation need. When conducting a sensitive shoreline assessment for Gun Lake, areas that were identified as sensitive included sections of whole shoreline or whole bays were put into a more protective category should local governments (i.e., counties) wish to re-zone these areas into a more protective land use category with increased protections. While there are certainly features of sensitive shoreline attributes along the campground shoreline, the results of the sensitive shoreline study for Gun Lake

reveal (attached) that the shoreline of the campground is not located in designated/classified Sensitive Lakeshore. Nor is that particular shoreline proposed by DNR to be included in a more restrictive zoning classification with increased protections.

Impact to Wetlands. A wetland delineation completed in 2021 identified all wetland boundaries and all proposed expansions are outside the delineated wetlands. The property owner, Stormwater Pollution Prevention Plan (SWPPP) Designer, and Aitkin County shall ensure that any hydrological effects are addressed and that the project is in compliance with the Minnesota Wetland Conservation Act.

Lichen Habitat. DNR commented: While the benefits of lichen do indeed include, among other items, environmental filtering, there are no known rare threatened or endangered species of lichen known within the campground area. According to a plant ecologist within MN who reviewed the petition and map (exhibit 19) provided, any lichen populations present that may be impacted by the campground are unlikely to be of such a substantial size or concentration where its decline would result in a reduction in water quality or habitat loss for other wildlife.

NOW, THEREFORE BE IT RESOLVED, based on information submitted in the project application, on the written submissions, and given all of the above findings, the project will not have the potential for significant environmental effects. Therefore Aitkin County, as the responsible government unit, denies the citizen’s petition for an EAW for the proposed commercial planned unit development of “Gun Lake Family Campground.”

FIVE MEMBERS PRESENT

All Members Voting xxx

**STATE OF MINNESOTA}
COUNTY OF AITKIN}**

I, Jessica Seibert, County Administrator, Aitkin County, Minnesota do hereby certify that I have compared the foregoing with the original resolution filed in the Administration Office of Aitkin County in Aitkin, Minnesota as stated in the minutes of the proceedings of said Board on the 12th day of March 2024 and that the same is a true and correct copy of the whole thereof.

Witness my hand and seal this 12th day of March 2024

Jessica Seibert
County Administrator