

LEGISLATIVE-CITIZEN COMMISSION ON MINNESOTA RESOURCES

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Susan Thornton, Director

MINUTES

Thursday, June 11, 2015

9:00 a.m. – 4:00 p.m.

Basement State Office Building

St. Paul, MN 55155

Members Present: Jeff Broberg, Sen. Gary Dahms, William Faber, Nancy Gibson, Rep. Tom Hackbarth, Bonnie Harper-Lore, Sen. John Hoffman, Rep. Denny McNamara, Norman Moody, Rep. John Persell, Sen. David Tomassoni, Rep. Paul Torkelson, Rep. Jean Wagenius, Sen. Torrey Westrom, Della Young

Staff Present: S. Thornton, M. McDonough, M. Banker, D. Griffith

Members Excused: Sen. Kari Dziedzic and Gary Lamppa

Co-Chair: Nancy Gibson

1. Approve the minutes for December 9, 2014

Co-Chair Nancy Gibson started the meeting at 9:15 a.m.

MOTION: Commissioner Torkelson moved to approve the minutes for December 9, 2014 – motion prevailed.

2. Members report potential conflicts of interest regarding today's business

MS 116P.09 Subd 6 Conflict of interest. A commission member, technical advisory committee member, a peer review panelist, or an employee of the commission may not participate in or vote on a decision of the commission, technical advisory committee, or peer review panel relating to an organization in which the member, panelist, or employee has either a direct or indirect personal financial interest. While serving on the commission, technical advisory committee, or peer review panel, or being an employee of the commission, a person shall avoid any potential conflict of interest.

Members reported no conflict of interest for today's meeting.

During discussions on Agenda Item #11, Della Young reported a conflict of interest on Line 38 – Subd. 08e "Metro Conservation Corridors Phase VII – Prairie, Forest, and Savannah Restoration", Friends of the Mississippi River on the spreadsheet titled "M.L. 2015: Chp. 76, Sec. 2 – Environment and Natural Resources Trust Fund Work Plan Approval".

3. Introduction of LCCMR members

Members introduced themselves.

4. LCCMR Business Items

- 2015 Legislative Session Report

- **H.F. 390 and S.F. 698 the Environment and Natural Resources Trust Fund (ENRTF) Bill – M.L. 2015, Chp. 76**
- **Review of other legislative action of interest**

Commissioner Torkelson gave an overview of the changes that occurred during the 2015 Legislative Session to the Environment and Natural Resources Trust Fund (ENRTF) Bill (H.F. 390

Jeff Broberg, Sen. Gary Dahms, Sen. Kari Dziedzic, William Faber, Nancy Gibson, Rep. Tom Hackbarth, Bonnie Harper-Lore, John Hoffman, Gary Lamppa, Rep. Denny McNamara, Norman Moody, Rep. John Persell, Sen. David Tomassoni, Rep. Paul Torkelson, Rep. Jean Wagenius, Sen. Torrey Westrom, Della Young

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and S.F. 698). Susan Thornton explained that more discussion of the 2015 legislative session outcomes will occur at the LCCMR meeting on June 25, 2015.

Commissioner Gibson asked if the new work plan for Trap Shooting was for schools. Ms. Thornton commented a work plan has not been received yet.

Susan Thornton explained the history of an Emerging Issues Account.

Commissioner Wagenius asked if it was constitutional to use LCCMR money for shooting ranges and whether a discussion happened during the 2015 legislative session with regard to adding a work plan for Trap Shooting. Commissioner Wagenius would like to have an overview of the constitution for new members. Members agreed to add the discussion to the agenda for the LCCMR meeting on June 25, 2015. Commissioner Westrom suggested House and Senate research may have some information regarding the constitutional issue of the Trap Shooting appropriation addition to the ENRTF bill during the 2015 Legislative Session.

- **Review LCCMR Executive Committee Election process (see Agenda Item # 5)**

Susan Thornton reviewed the process for LCCMR Executive Committee Election.

- **Overview of the Biennial Report submitted January 15, 2015**

Susan Thornton stated the Biennial Report was completed on January 15 and available at www.lccmr.leg.mn.

- **Review LCCMR 2015 calendar**

Members reviewed the calendar.

- **Update on LCCMR 2016 ENRTF Request for Proposals (RFP)**

Susan Thornton stated there were 185 proposals received and the proposals will be available online by mid-July.

5. **Election of Executive Committee (Procedures attached)**

- **3 Co-Chairs (House/Senate/Non-legislative)**

- **3 Co- Vice Chairs (House/Senate/Non-legislative)**

Co-Chair Gibson started the process for elections. Commissioner Moody nominated Nancy Gibson for non-legislative Co-Chair. Commissioner Dahms nominated Sen. David Tomassoni for Senate Co-Chair. Commissioner McNamara nominated Rep. Tom Hackbarth for House Co-Chair. Commissioner Broberg nominated Rep. John Persell for House Co-Chair.

MOTION: Commissioner Moody moved to elect Nancy Gibson for non-legislative Co-Chair and Sen. David Tomassoni for Senate Co-Chair – motion prevailed.

Commissioner McNamara recommended waiting for absent members before voting on the contested House Co-Chair. Members agreed to move to Agenda Item #6 to give absent members some time to arrive at the meeting.

6. **Amendment request and update on M.L. 2014, Chp. 226, Sec. 2, Subd. 5m, “Moose Decline and Air Temperatures in Northeastern Minnesota”, Mike Larson, MN DNR, \$600,000. Project due to be completed: 6/30/2017**

Related ENRTF funded moose projects:

- **M.L. 2014, Chp. 226, Sec. 2, Subd. 05l, “Impacts of Forest Quality on Declining Minnesota Moose”, James Forester, U of MN, \$300,000 - project due to be completed 6/30/2017**

- **M.L. 2013, Chp. 52, Sec. 2, Subd. 04g, “Moose Habitat Restoration in Northeastern Minnesota”, Ron Moen, U of MN - NRRI, \$200,000 - project due to be completed 6/30/2016**

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- **M.L. 2011, First Special Session, Chp. 2, Art. 3, Sec. 2, Subd. 03f, “Determining Causes of Mortality in Moose Populations”, Michelle, Carstensen, MN DNR, \$600,000 - project due to be completed 6/30/2015**

Susan Thornton gave an overview of the Governors executive order and history of the work plan.

Mike Larson (MN DNR), Mr. Glenn Del Giudice (MN DNR), Michelle Carstensen (MN DNR) provided an overview of their work plans relating to moose collaring. Mike Larson reviewed his work plan for M.L. 2014, Chp. 226, Sec. 2, Subd. 5m, “Moose Decline and Air Temperatures in Northeastern Minnesota” and their requested amendments.

MOTION: Commissioner Faber moved to approve the amendment request for M.L. 2011, First Special Session, Chp. 2, Art. 3, Sec. 2, Subd. 03f “Determining Causes of Mortality in Moose Populations – motion prevailed.

Members returned to Agenda Item #5 to continue elections.

Members voted by ballot to select a House Co-Chair. Final vote: Rep. John Persell – 9 votes and Rep. Tom Hackbarth – 6 votes. LCCMR members elected Rep. John Persell as the House Co-Chair.

Commissioner Moody nominated Jeff Broberg for non-legislative Vice Co-Chair. Commissioner Tomassoni nominated Sen. Gary Dahms for Senate Vice Co-Chair.

MOTION: Commissioner Westrom moved to elect Jeff Broberg for non-legislative Vice Co-Chair and Sen. Gary Dahms for Senate Vice Co-Chair – motion prevailed.

Commissioner Hackbarth moved to have Rep. Paul Torkelson as House Vice Co-Chair.

MOTION: Commissioner Hoffman moved to approve Rep. Paul Torkelson as House Vice Co-Chair – motion prevailed.

7. Dakota County amendment request to amend acquisition list to include fee-title acquisition in addition to acquisition of conservation easements, Dakota County

- **M.L. 2013, Chp. 52, Sec. 2, Subd. 04d2.6/3.7, “MeCC7 Dakota County Lakeshore and Riparian Protection”, \$368,000, Dakota County**

Georg Fischer and Lisa West (Dakota County) provided an overview of their amendment request for M.L. 2013, Chp. 52, Sec. 2, Subd. 04d2.6/3.7, “MeCC7 Dakota County Lakeshore and Riparian Protection”.

MOTION: Commissioner Moody moved to approve the amendment request for M.L. 2013, Chp. 52, Sec. 2, Subd. 04d2.6/3.7, “MeCC7 Dakota County Lakeshore and Riparian Protection”, \$368,000, Dakota County – motion prevailed.

8. DNR request for partial release of Brainerd Lakes Conservation Easement (see letter dated March 13, 2015). Action required per M.S. 116P.15, DNR.

- **M.L. 2003, Chp. 128, Art. 1, Sec. 9, Subd. 05a, “Restoring Minnesota’s Fish and Wildlife Habitat Corridors Phase II Habitat Corridors Partnership”, \$145,000, MN DNR**

Richard Peterson and Susan Damon (MN DNR) provided an overview of their request for partial release of Brainerd Lakes Conservation Easement.

MOTION: Commissioner Moody moved to approve the partial release of Brainerd Lakes Conservation Easement from M.L. 2003, Chp. 128, Art. 1, Sec. 9, Subd. 05a “Restoring Minnesota’s Fish and Wildlife Habitat Corridors Phase II Habitat Corridors Partnership” – motion prevailed.

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9. DNR request for DNR lease for water drainage on ENRTF funded land. Action required per M.S. 116P.15, DNR

- M.L. 2008, Chp. 367, Sec. 2, Subd. 03c4a "HCP V - Critical Lands Conservation Initiative (4a)", Pheasants Forever, \$350,000, DNR (subsequently transferred to DNR)

Pat Rivers and Gerry Johnson (MN DNR) provided an overview of their request for DNR lease for water drainage on ENRTF funded land.

MOTION: Commissioner Dahms moved to approve the DNR request for DNR lease for water drainage on ENRTF funded land from M.L. 2008, Chp. 367, Sec. 2, Subd. 03c4a "HCP V – Critical Lands Conservation Initiative (4a)" and directing LCCMR staff and DNR staff to work on the net income issue – motion prevailed.

10. Discussion and Overview of Wildlife and Avian Flu – U of M Raptor Center and College of Veterinary Medicine – Dr. Juli Ponder

Dr. Juli Ponder and Dr. Pat Redig (U of MN) provided an overview of Wildlife and Avian Flu. Michelle Carstensen (MN DNR) discussed the DNR's role in the surveillance for Avian Flu and answered members questions.

11. M.L. 2015, Chp. 76, ENRTF work plan approval

M.L. 2015 ENRTF work plan approval and action. Proposed work plans, as available, can be viewed at <http://www.lccmr.leg.mn>

- A. Appropriations with no changes from LCCMR recommendation – Staff recommend consent approval. Approval M.L.2015 ENRTF work plans – Consent agenda spreadsheet with consent recommendations and specific project requirements needing LCCMR action with approval. Spreadsheet Lines 1 to 45.**

Criteria for Consent Agenda: No legislative changes, identified staff issues or proposed changes from the proposal.

- o **Any member may designate any work program for hearing, thus removing it from Consent Agenda. Approval will then be scheduled for a later date.**

Susan Thornton reviewed the spreadsheet titled "'M.L. 2015: Chp. 76, Sec. 2 – Environment and Natural Resources Trust Fund Work Plan Approval".

MOTION: Commissioner Wagenius moved to adopt Lines 1-45 on the spreadsheet titled "M.L. 2015: Chp. 76, Sec. 2 – Environment and Natural Resources Trust Fund Work Plan" with the contingency that the notes are incorporated into the approval conditions – motion prevailed.

- B. Appropriations needing LCCMR review prior to approval due to various factors – for consideration on 6/11/15. (See spreadsheet notes) Spreadsheet Lines 46 to 57.**

MOTION: Commissioner Wagenius moved to adopt Line 47, 48, 49, 51, 52, 53, 54, and 56 on the spreadsheet titled "M.L. 2015: Chp. 76, Sec. 2 – Environment and Natural Resources Trust Fund Work Plan" with the contingency that the notes are incorporated into the approval conditions with the exception of Line 55 - M.L. 2015, Chp. 76, Sec. 2, Subd. 09e, "Metro Conservation Corridors Phase VIII – Coordination and Mapping and Conservation Easements, Kris Larson, Minnesota Land Trust, \$515,000 be moved to the LCCMR meeting on June 25, 2015 to have a discussion on conservation easement language in regards to how the easement will protect the water as required in ENRTF session law riders - motion prevailed.

Commissioner Wagenius requested a review of all of the appropriations for conservation easements to review easement language on water quality provisions.

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1. Presentation:

Review for approval - M.L. 2015, Chp. 76, Sec. 2, Subd. 09k, "Conservation Easement Assessment and Valuation System Development", Bonnie Keeler, U of MN, \$250,000 (LCCMR Dec. 2014 Action) Spreadsheet Line 57

Bonnie Keeler provided an overview of M.L. 2015, Chp. 76, Sec. 2, Subd. 09k, "Conservation Easement Assessment and Valuation System Development", Bonnie Keeler, U of MN, \$250,000.

MOTION: Commissioner Faber moved to approve M.L. 2015, Chp. 76, Sec. 2, Subd. 09k, "Conservation Easement Assessment and Valuation System Development", Bonnie Keeler, U of MN, \$250,000 – motion prevailed.

2. Presentation:

Update on M.L. 2014, Chp. 312, Sec. 8, "Invasive Terrestrial Plants and Pests Center", Rob Venette, U of MN, \$1,450,000 and review for approval M.L. 2015, Chp. 76, Sec. 2, Subd. 06a, "Minnesota Invasive Terrestrial Species Research Center", Rob Venette, U of MN, \$5,000,000 (Review Priorities and Progress) Spreadsheet Line 50

This presentation will be heard at the LCCMR meeting on June 25, 2015.

3. Review for Approval – see spreadsheet comments

- M.L. 2015, Chp. 76, Sec. 2, Subd. 03e, "Updating the National Wetland Inventory for Minnesota – Phase V", Steve Kloiber, MN DNR, \$1,500,000 – Line 47
- M.L. 2015, Chp. 76, Sec. 2, Subd. 03h, "Reintroduction and Interpretation of Bison in Minnesota State Parks", Edward Quinn, MN DNR, \$600,000 – Line 48
- M.L. 2015, Chp. 76, Sec. 2, Subd. 03i, "Endangered Bats, White-Nose Syndrome, and Forest Habitat", Richard Baker, MN DNR, \$1,250,000 – Line 49
- M.L. 2015, Chp. 76, Sec. 2, Subd. 08g, "Minnesota State University Moorhead Prairie and Riparian Restoration and Monitoring", Brian Wisenden, Moorhead State University, \$527,000 – Line 51
- M.L. 2015, Chp. 76, Sec. 2, Subd. 09a, "State Parks and State Trails Land Acquisition", Jennifer Christie, MN DNR, \$1,500,000 – Line 52
- M.L. 2015, Chp. 76, Sec. 2, Subd. 09b, "Metropolitan Regional Park System Land Acquisition – Phase IV", Jan Youngquist, Metropolitan Council, \$1,000,000 – Line 53
- M.L. 2015, Chp. 76, Sec. 2, Subd. 09c, "SNA Acquisition, Restoration, Enhancement and Public Engagement", Peggy Booth, MN DNR, \$4,000,000 – Line 54
- M.L. 2015, Chp. 76, Sec. 2, Subd. 09e, "Metro Conservation Corridors Phase VIII – Coordination and Mapping and Conservation Easements, Kris Larson, Minnesota Land Trust, \$515,000 – Line 55
- M.L. 2015, Chp. 76, Sec. 2, Subd. 09g, "Metro Conservation Corridors Phase VIII – Priority Expansion of Minnesota Valley National Wildlife Refuge", Deborah Loon, Minnesota Valley National Wildlife Refuge Trust Inc., \$500,000 – Line 56

C. Appropriations needing LCCMR review prior to approval due to various factors – to be called in for presentations on 6/25/15. Staff recommended LCCMR work plan review (not on consent agenda). To be scheduled on June 25, 2015 or later. Spreadsheet Lines 58 to 65.

- M.L. 2015, Chp. 76, Sec. 2, Subd. 3b, "County Geologic Atlas – Part B", Jan Falteisek, MN DNR, \$2,000,000 (Update needed on progress) – Line 59

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- M.L. 2015, Chp. 76, Sec. 2, Subd. 3c, “Minnesota Biological Survey”, Bruce Carlson, MN DNR, \$2,450,000 (“Direct and Necessary” LCCMR action) – Line 60
 - M.L. 2015, Chp. 76, Sec. 2, Subd. 3k, “Movement and Seasonal Habitat Use of Minnesota Elk”, Gino D’Angelo, MN DNR, \$200,000 (Member request to review proposed research) – Line 61
 - M.L. 2015, Chp. 76, Sec. 2, Subd. 04d, “Preventing Phosphorous from Entering Water Resources through Drain Tiles”, Kenneth Valentas, U of MN, \$505,000 (LCCMR Action July 2014) – Line 62
 - M.L. 2015, Chp. 76, Sec. 2, Subd. 09d, “Native Prairie Stewardship and Prairie Bank Easement Acquisition”, MN DNR, \$3,325,000 (Review Easement monitoring and enforcement account and allocation) – Line 63
 - M.L. 2015, Chp. 76, Sec. 2, Subd. 09f, “Metro Conservation Corridors – Phase VIII Strategic Lands Protection”, Robert McGillivray, The Trust for Public Land, \$750,000 (Review current reporting status and proposed acquisition) – Line 64
 - M.L. 2015, Chp. 76, Sec. 2, Subd 09j, “Multi-benefit Watershed Scale Conservation on North Central Lakes”, Dan Steward (BWSR) and Lindsey Ketchel (Leech Lake Area Watershed Foundation), \$896,000 (Review Easement monitoring and enforcement account and allocation) – Line 65
- D. Appropriation with plan to be reviewed at later date or on June 25, 2015 – to be determined. Spreadsheet Lines 66 to 69.**
- M.L. 2015, Chp. 76, Sec. 2, Subd. 05a, “Trap Shooting Sports Facility”, MN DNR, \$132,000 (New – added by Legislature) – Line 67
 - M.L. 2015, Chp. 76, Sec. 2, Subd. 08h, “Improving Community Forests Through Citizen Engagement”, Ken Holman, MN DNR, \$800,000 (Legislative change of lead agency from MPCA to MN DNR) – Line 68
 - M.L. 2015, Chp. 76, Sec. 2, Subd. 10, “Emerging Issues Account”, \$1,000,000, (LCCMR Procedures attached – New Legislative addition) – Line 69

Susan reviewed the remaining proposals not yet approved and explained why they will be heard tentatively at the meeting on June 25, 2015.

12. Other business

- **Next LCCMR Site Visit date - June 16-17, 2015 – Southeast Minnesota**
- **Next LCCMR meeting date – June 25, 2015**

Commissioner Faber requested review of the response to the Dec. 2014 LCCMR request to Outdoor Heritage Council (LSOHC) regarding cost sharing of “Conservation Easement Assessment and Valuation System Development”, U of MN, \$250,000 at the LCCMR meeting on June 25, 2015.

Also, members mentioned a desire to review knowledge gaps needing to be studied such as blue green algae and viruses in drinking water.

Members reviewed the agenda for June 16-17 site visit to southeast Minnesota.

13. Adjourn

The meeting adjourned at 2:50 p.m.

