



LEGISLATIVE-CITIZEN COMMISSION ON MINNESOTA RESOURCES

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Becca Nash, Director

MINUTES (corrected: April 14, 2023)

Tuesday, August 30, 2022

Time: 9:30 AM to 3:00 PM

Location: In-Person, Room 120, Minnesota State Capitol, 75 Rev. Dr. Martin Luther King Jr. Blvd., St. Paul, MN 55155

Members Present: Rep. Patty Acomb, Rita Albrecht, Sen. Gary Dahms, Sen. Kari Dziedzic, William Faber, Nancy Gibson, Rep. Rick Hansen, Sen. Fong Hawj, Shona Langseth, Rep. Dale Lueck, Seth Moore, Rep. Kelly Morrison, Jeremy Peichel, Michael Reese, Rep. Tama Theis, Sen. Torrey Westrom

Staff Present: B. Nash, M. Varien, C. Layfield, M. Campana, D. Griffith

Members Excused: Sen. Bill Ingebrigtsen

Members Absent:

Co-Chair: Rep. Rick Hansen

Chair Hansen called the meeting to order at 9:30 a.m.

Chair Hansen asked for roll call. Diana Griffith took roll call for attendance. There were 12 members present at the time of roll call, and nine were needed for a quorum.

Member	Y	N	Member	Y	N
Commissioner Acomb - Rep	X		Commissioner Langseth	X	
Commissioner Albrecht	X		Commissioner Lueck - Rep	X	
Commissioner Dahms - Sen	X		Commissioner Moore	X	
Commissioner Dziedzic - Sen	absent		Commissioner Morrison – Rep	X	
Commissioner Faber	X		Commissioner Peichel	X	
Commissioner Gibson	X		Commissioner Reese	X	
Commissioner Hansen – Rep	X		Commissioner Theis – Rep	absent	
Commissioner Hawj – Sen	absent		Commissioner Westrom – Sen	absent	
Commissioner Ingebrigtsen – Sen	excused				

1. Approve the minutes for August 16, 2022, and August 17, 2022

MOTION: Commissioner Faber moved to approve the minutes for August 16, 2022, and August 17, 2022 – motion prevailed.

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

Members reported the following conflicts of interest:

Agenda Item: 02b

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Proposal ID	First Name	Last Name	Project Title	Organization	Members with Conflict of Interest
2023-081	Kent	Skaar	Minnesota State Trails Development	MN DNR, State Parks and Trails Division	Jeremy Peichel
2023-148	Shelby	Kok	Acquisition of State Parks and Trails In-holdings	MN DNR, State Parks and Trails Division	Jeremy Peichel
2023-169	Jacob	Haus	Efficacy of Urban Archery Hunting to Manage Deer	Minnesota State Colleges and Universities, Bemidji State University	Rita Albrecht

3. Director’s report

Director Nash provided an update on the following: 2022 work plan approvals, emerging issues account, administrative budget, and holding an executive meeting in November.

4. Action: Conveyance of interests in land acquired with ENRTF funds, M.L. 2017, Chp. 96, Sec. 2, Subd. 9i “Land Acquisition for Voyageurs National Park Crane Lake Visitors Center,” Jim Janssen, Town of Crane Lake

Michael Varien provided an overview of the documents included in the meeting packet and posted online. Members discussed.

Commissioner Theis joined the meeting.

Commissioner Hawj joined the meeting.

Commissioner Westrom joined the meeting.

Commissioner Dzedzic joined the meeting.

Jeff Anderson, Township of Crane Lake, provided comments regarding the Town of Crane Lake request.

Roy Christenson, Attorney, provided comments regarding the Town of Crane Lake request.

Jim Janssen, Town Board of Crane Lake, provided comments regarding the Town of Crane Lake request.

MOTION: Commissioner Gibson moved to deny the Town of Crane Lake’s request to convey to a neighboring property owner ~~0.1 acres~~ 0.12 acres of land, a road access easement, and ~~an approximate 15’ wide~~ a 19’ wide dock access easement in exchange for the neighboring property owner to convey to the Town of Crane Lake the neighbor’s 1/15th common elements ownership interest in the land acquired with M.L. 2017, Chp. 96, Sec. 2, Subd. 9i “Land Acquisition for Voyageurs National Park Crane Lake Visitors Center”, Town of Crane Lake.

Members discussed.

Commissioner Gibson withdrew her motion.

MOTION: Commissioner Gibson moved to delay approving the conveyance to a future meeting so questions could be answered.

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AMENDMENT: Commissioner Dahms amended Commissioner Gibson’s motion to approve the Town of Crane Lake’s request to convey to a neighboring property owner ~~0.1 acres~~ 0.12 acres of land, a road access easement, and ~~an approximate 15’ wide~~ a 19’ wide dock access easement in exchange for the neighboring property owner to convey to the Town of Crane Lake the neighbor’s 1/15th common elements ownership interest in the land acquired with M.L. 2017, Chp. 96, Sec. 2, Subd. 9i “Land Acquisition for Voyageurs National Park Crane Lake Visitors Center”, Town of Crane Lake and to have them come back in December to report on progress of the covenant – Commissioner Gibson accepted the amendment.

RENEWED MOTION: Commissioner Gibson renewed her motion as amended to approve the Town of Crane Lake’s request to convey to a neighboring property owner ~~0.1 acres~~ 0.12 acres of land, a road access easement, and ~~an approximate 15’ wide~~ a 19’ wide dock access easement in exchange for the neighboring property owner to convey to the Town of Crane Lake the neighbor’s 1/15th common elements ownership interest in the land acquired with M.L. 2017, Chp. 96, Sec. 2, Subd. 9i “Land Acquisition for Voyageurs National Park Crane Lake Visitors Center”, Town of Crane Lake and to have them come back in December to report back on progress of the covenant – motion prevailed (15 Yes / 0 No / 2 Excused).

Member	Y	N	Member	Y	N
Commissioner Acomb - Rep	X		Commissioner Langseth	X	
Commissioner Albrecht	X		Commissioner Lueck - Rep	X	
Commissioner Dahms - Sen	X		Commissioner Moore	excused	
Commissioner Dziedzic - Sen	X		Commissioner Morrison – Rep	X	
Commissioner Faber	X		Commissioner Peichel	X	
Commissioner Gibson	X		Commissioner Reese	X	
Commissioner Hansen – Rep	X		Commissioner Theis – Rep	X	
Commissioner Hawj – Sen	X		Commissioner Westrom – Sen	X	
Commissioner Ingebrigtsen – Sen	excused				

5. Action: 2022 Legislative Adds – Presentations and work plan approvals

a. Work plan for 2022-305: Developing Markets for Continuous Living Cover Crops, Margaret Wagner, Minnesota Department of Agriculture

Margaret Wagner gave a presentation for ID: 2022-305 “Developing Markets for Continuous Living Cover Crops”. Members discussed.

MOTION: Commissioner Faber moved to approve M.L. 2022, Chp. 94, Sec. 2, Subd. 10k “Developing Markets for Continuous Living Cover Crop, Minnesota Department of Agriculture (ID: 2022-305) – motion prevailed (15 Yes / 0 No / 2 Excused).

Member	Y	N	Member	Y	N
Commissioner Acomb - Rep	X		Commissioner Langseth	X	
Commissioner Albrecht	X		Commissioner Lueck - Rep	X	
Commissioner Dahms - Sen	X		Commissioner Moore	excused	
Commissioner Dziedzic - Sen	X		Commissioner Morrison – Rep	X	

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Commissioner Faber	X		Commissioner Peichel	X	
Commissioner Gibson	X		Commissioner Reese	X	
Commissioner Hansen – Rep	X		Commissioner Theis – Rep	X	
Commissioner Hawj – Sen	X		Commissioner Westrom – Sen	X	
Commissioner Ingebrigtsen – Sen	excused				

b. Work plan for 2022-303: Forever Green, Mitch Hunter, U of MN

Mitch Hunter gave a presentation for ID: 2022-303 “Forever Green”. Members discussed.

Commissioner Reese declared a conflict of interest.

MOTION: Commissioner Peichel moved to approve M.L. 2022, Chp. 94, Sec. 2, Subd. 10i “Forever Green”, U of MN (ID: 2022-303) – motion prevailed (14 Yes / 0 No / 2 Excused / 1 Abstained).

Member	Y	N	Member	Y	N
Commissioner Acomb - Rep	X		Commissioner Langseth	X	
Commissioner Albrecht	X		Commissioner Lueck - Rep	X	
Commissioner Dahms - Sen	X		Commissioner Moore	excused	
Commissioner Dziedzic - Sen	X		Commissioner Morrison – Rep	X	
Commissioner Faber	X		Commissioner Peichel	X	
Commissioner Gibson	X		Commissioner Reese	abstained	
Commissioner Hansen – Rep	X		Commissioner Theis – Rep	X	
Commissioner Hawj – Sen	X		Commissioner Westrom – Sen	X	
Commissioner Ingebrigtsen – Sen	excused				

c. Work plan for 2022-294: Chronic Wasting Disease Prion Soil Research, Tiffany Wolf, U of MN

Tiffany Wolf, Dr. Peter Larson, and Marc Schwabenlander, U of MN, gave a presentation for ID: 2022-294 “Chronic Wasting Disease Prion Soil Research”. Members discussed.

MOTION: Commissioner Lueck moved to approve M.L. 2022, Chp. 94, Sec. 2, Subd. 03n “Chronic Wasting Disease Prion Soil Research”, U of MN (ID: 2022-294) – motion prevailed (14 Yes / 0 No / 3 Excused).

Member	Y	N	Member	Y	N
Commissioner Acomb - Rep	X		Commissioner Langseth	X	
Commissioner Albrecht	X		Commissioner Lueck - Rep	X	
Commissioner Dahms - Sen	X		Commissioner Moore	X	
Commissioner Dziedzic - Sen	excused		Commissioner Morrison – Rep	X	
Commissioner Faber	X		Commissioner Peichel	X	

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Commissioner Gibson	X		Commissioner Reese	X	
Commissioner Hansen – Rep	X		Commissioner Theis – Rep	X	
Commissioner Hawj – Sen	excused		Commissioner Westrom – Sen	X	
Commissioner Ingebrigtsen – Sen	excused				

d. Work plan for 2022-296: Leaded Gasoline Contamination Analysis, Tariq Al-Rifai, City of Paynesville

Tariq Al-Rifai gave a presentation for ID: 2022-296 “Leaded Gasoline Contamination Analysis”. Members discussed.

MOTION: Commissioner Dahms moved to approve M.L. 2022, Chp. 94, Sec. 2, Subd. 10b “Leaded Gasoline Contamination Analysis”, City of Paynesville (ID: 2022-296) – motion prevailed (15 Yes / 0 No / 2 Excused).

Member	Y	N	Member	Y	N
Commissioner Acomb - Rep	X		Commissioner Langseth	X	
Commissioner Albrecht	X		Commissioner Lueck - Rep	X	
Commissioner Dahms - Sen	X		Commissioner Moore	X	
Commissioner Dziedzic - Sen	X		Commissioner Morrison – Rep	X	
Commissioner Faber	X		Commissioner Peichel	X	
Commissioner Gibson	X		Commissioner Reese	X	
Commissioner Hansen – Rep	X		Commissioner Theis – Rep	X	
Commissioner Hawj – Sen	excused		Commissioner Westrom – Sen	X	
Commissioner Ingebrigtsen – Sen	excused				

6. Action: Subcommittee Capital Projects Report

Director Nash and Mike Campana provided an overview of the report developed from the Subcommittee on Capital Projects.

MOTION: Commissioner Albrecht moved to approve the report titled, “Capital Projects Funded from the Environment and Natural Resources Trust Fund – Report to the Legislature – FOR LCCMR CONSIDERATION”, dated August 26, 2022 – motion prevailed (12 Yes / 3 No / 2 Excused).

Member	Y	N	Member	Y	N
Commissioner Acomb - Rep	X		Commissioner Langseth	X	
Commissioner Albrecht	X		Commissioner Lueck - Rep	X	
Commissioner Dahms - Sen		X	Commissioner Moore	X	
Commissioner Dziedzic - Sen	X		Commissioner Morrison – Rep	X	
Commissioner Faber	X		Commissioner Peichel	X	
Commissioner Gibson	X		Commissioner Reese		X

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Commissioner Hansen – Rep	X		Commissioner Theis – Rep	X	
Commissioner Hawj – Sen	excused		Commissioner Westrom – Sen		X
Commissioner Ingebrigtsen – Sen	excused				

MOTION: Commissioner Albrecht moved to approve the items under Recommendations to the Commission in the memo titled, “Subcommittee on Capital Projects Recommendations”, dated August 26, 2022:

- A. Resolution for Fiscal Agents - Expand the current requirement for non-state entities to submit a resolution or documentation of support for a project to also apply to fiscal agents.
- B. Operational Funding - Incorporate into the requirement for a resolution or documentation of support from nonstate entities that operational funding has also been committed.
- C. Construction Assurances - Evidence that a recipient of funding for a capital construction project has in place appropriate assurances from contractors, including but not limited to, fixed price contracts or performance bonds, that construction will be completed in a manner consistent with the approved work plan and design.
- D. Confirmation of Satisfactory Completion - Evidence that ENRTF-funded capital construction projects have been successfully inspected or approved by appropriate entities. Prior to receiving final payment, a recipient of money appropriated from the trust fund for a capital construction project must provide satisfactory evidence that all work requiring inspection by municipal or other governmental authorities having jurisdiction has been inspected and approved by the applicable authorities and that all required certificates of occupancy or similar approvals have been issued.

Existing requirements for recycling of construction and demolition waste are referenced in the LCCMR request for proposals (RFP). In addition, new or existing requirements adopted or identified during the capital project review process would also be referenced in the LCCMR request for proposals (RFP) to ensure that applicants are aware of requirements related to capital construction projects and that the commission receives sufficient information to assess capital construction projects during the proposal review, selection, and recommendation process.

Revisit and review capital project requirements in 4 years.

Effective date: These recommendations would be fully operationalized by the next RFP round.

- motion prevailed (12 Yes / 3 No / 2 Excused).

Member	Y	N	Member	Y	N
Commissioner Acomb - Rep	X		Commissioner Langseth	X	
Commissioner Albrecht	X		Commissioner Lueck - Rep	X	
Commissioner Dahms - Sen		X	Commissioner Moore	X	
Commissioner Dziedzic - Sen	X		Commissioner Morrison – Rep	X	
Commissioner Faber	X		Commissioner Peichel	X	
Commissioner Gibson	X		Commissioner Reese		X
Commissioner Hansen – Rep	X		Commissioner Theis – Rep	X	
Commissioner Hawj – Sen	excused		Commissioner Westrom – Sen		X
Commissioner Ingebrigtsen – Sen	excused				

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- 7. **Action:** Proposal Allocation Recommendations for the Environment and Natural Resources Trust Fund for FY24

Director Nash provided an overview of the memo. A handout titled “Members 2023 RFP LCCMR Proposal Allocation Options” was provided to members and posted.

Members discussed.

Members recessed at 12:18 p.m. and reconvened at 12:50 p.m.

- 8. **(Cont’d) Action: Proposal Allocation Recommendations for the Environment and Natural Resources Trust Fund for FY24**

MOTION: Commissioner Gibson moved from the spreadsheet titled “Members 2023 RFP LCCMR Proposal Allocations Initial Agreement as of 8/26/22” on Line 29, ID: 2023-074 “Sinking and Suspended Microplastic Particles in Lake Superior” to use the current dollars available from the Great Lakes Protection Account and any remaining balance will be funded from ENRTF – motion prevailed (14 Yes / 0 No / 3 Excused).

Member	Y	N	Member	Y	N
Commissioner Acomb - Rep	X		Commissioner Langseth	X	
Commissioner Albrecht	X		Commissioner Lueck - Rep	X	
Commissioner Dahms - Sen	X		Commissioner Moore	X	
Commissioner Dziedzic - Sen	X		Commissioner Morrison – Rep	X	
Commissioner Faber	X		Commissioner Peichel	X	
Commissioner Gibson	X		Commissioner Reese	X	
Commissioner Hansen – Rep	X		Commissioner Theis – Rep	X	
Commissioner Hawj – Sen	excused		Commissioner Westrom – Sen	excused	
Commissioner Ingebrigtsen – Sen	excused				

Members continued discussions.

MOTION: Commissioner Acomb moved to approve the following from the memo titled “Results of Members ENRTF 2023 (FY24) Evaluation #2 + Options for Allocation Action”:

1. Option C: Reducing \$1,072,000 proportionally from the proposals on lines 89 and above that less than 12 members selected, subject to the small project exception and \$200,000 floor for other projects. This would be an approximate 13% reduction from the average allocation amount for these proposals.
2. Reduce an additional \$625,000 from the two proposals selected by 8 members (2023-092 and 2023-213) proportionately (\$261,000 and \$364,000, respectively) to reach the funding levels for these projects presented in Option A.
3. Move remaining dollars into an Emerging Issues Account.

AMENDMENT: Commissioner Reese amended Commissioner Acomb motion to add from the spreadsheet titled “Members 2023 RFP LCCMR Proposal Allocations Initial Agreement as of 8/26/22” Line 91, ID:2023-182

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“Cover Crops: Rooting for Sustainable Cropping in Minnesota” at \$200K and reduce emerging issues account – motion did not prevail (4 Yes, 11 No, 2 Excused).

Member	Y	N	Member	Y	N
Commissioner Acomb - Rep		X	Commissioner Langseth		X
Commissioner Albrecht		X	Commissioner Lueck - Rep	X	
Commissioner Dahms - Sen	X		Commissioner Moore		X
Commissioner Dzedzic - Sen		X	Commissioner Morrison – Rep		X
Commissioner Faber		X	Commissioner Peichel		X
Commissioner Gibson		X	Commissioner Reese	X	
Commissioner Hansen – Rep		X	Commissioner Theis – Rep	X	
Commissioner Hawj – Sen		X	Commissioner Westrom – Sen	excused	
Commissioner Ingebrigtsen – Sen	excused				

RENEWED MOTION: Commissioner Acomb renewed her motion to approve the following from the memo titled “Results of Members ENRTF 2023 (FY24) Evaluation #2 + Options for Allocation Action”:

1. Option C: Reducing \$1,072,000 proportionally from the proposals on lines 89 and above that less than 12 members selected, subject to the small project exception and \$200,000 floor for other projects. This would be an approximate 13% reduction from the average allocation amount for these proposals.
2. Reduce an additional \$625,000 from the two proposals selected by 8 members (2023-092 and 2023-213) proportionately (\$261,000 and \$364,000, respectively) to reach the funding levels for these projects presented in Option A.
3. Move remaining dollars into an Emerging Issues Account.

SUBSTITUTE MOTION: Commissioner Dahms moved to *substitute* Commissioner Acomb’s motion with a motion to approve the following from the memo titled “Results of Members ENRTF 2023 (FY24) Evaluation #2 + Options for Allocation Action”:

1. Reduce an additional \$1,072,000 from the two proposals selected by 8 members (2023-092 and 2023-213) proportionately (\$448,000 from 2023-092 and \$624,000 from 2023-213), as described in Option A of the memo.
2. Reduce approximately \$650,000 proportionately from proposals initially allocated over \$3,000,000, affecting the following 4 proposals:
 - a. Line 10, ID: 2023-039 “Local Parks, Trails and Natural Areas Grant Program”
 - b. Line 18, ID: 2023-176 “Developing Research-Based Solutions to Minnesota’s AIS Problems”
 - c. Line 50, ID: 2023-081 “Minnesota State Trails Development”
 - d. Line 77, ID: 2023-148 “Acquisition of State Parks and Trails In-holdings”.
3. Remaining dollars will go into an Emerging Issues Account.

-Motion prevailed (15 Yes / 1 No / 1 Excused).

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Member	Y	N	Member	Y	N
Commissioner Acomb - Rep		X	Commissioner Langseth	X	
Commissioner Albrecht	X		Commissioner Lueck - Rep	X	
Commissioner Dahms - Sen	X		Commissioner Moore	X	
Commissioner Dziedzic - Sen	X		Commissioner Morrison – Rep	X	
Commissioner Faber	X		Commissioner Peichel	X	
Commissioner Gibson	X		Commissioner Reese	X	
Commissioner Hansen – Rep	X		Commissioner Theis – Rep	X	
Commissioner Hawj – Sen	X		Commissioner Westrom – Sen	X	
Commissioner Ingebrigtsen – Sen	excused				

MOTION: Commissioner Lueck moved from the spreadsheet titled “Members 2023 RFP LCCMR Proposal Allocations Initial Agreement as of 8/26/22” to make a formal recommendation to fund proposals on lines 89 and above at their compiled allocation amount with the following adjustments:

1. Reduce an additional \$1,072,000 from the two proposals selected by 8 members (2023-092 and 2023-213) proportionately (\$448,000 from 2023-092 and \$624,000 from 2023-213), as described in Option A of the memo.
2. Reduce approximately \$650,000 proportionately from proposals initially allocated over \$3,000,000, affecting the following 4 proposals:
 - a. Line 10, ID: 2023-039 “Local Parks, Trails and Natural Areas Grant Program”
 - b. Line 18, ID: 2023-176 “Developing Research-Based Solutions to Minnesota’s AIS Problems”
 - c. Line 50, ID: 2023-081 “Minnesota State Trails Development”
 - d. Line 77, ID: 2023-148 “Acquisition of State Parks and Trails In-holdings”.
3. Remaining dollars will go into an Emerging Issues Account.

Furthermore, to direct staff to develop draft bill language for review by the commission and to allow staff to make small dollar amount and technical changes as needed to correct any errors.

(13 Yes / 3 No / 1 Excused).

Member	Y	N	Member	Y	N
Commissioner Acomb - Rep	X		Commissioner Langseth	X	
Commissioner Albrecht	X		Commissioner Lueck - Rep	X	
Commissioner Dahms - Sen		X	Commissioner Moore	X	
Commissioner Dziedzic - Sen	X		Commissioner Morrison – Rep	X	
Commissioner Faber	X		Commissioner Peichel	X	
Commissioner Gibson	X		Commissioner Reese		X

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Commissioner Hansen – Rep	X		Commissioner Theis – Rep	X	
Commissioner Hawj – Sen	X		Commissioner Westrom – Sen		X
Commissioner Ingebrigtsen – Sen	excused				

9. LCCMR Other Business

There was no other business.

10. Public Testimony

There was no public testimony.

11. Adjourn

Meeting adjourned at 1:56 p.m.