



**LEGISLATIVE-CITIZEN COMMISSION ON MINNESOTA RESOURCES**

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Becca Nash, Director

**MINUTES**

**Monday, April 24, 2023**

**Time: 8:30 AM to 10:00 AM**

**Location: HYBRID: Room G-3, Minnesota State Capitol, 75 Rev. Dr. Martin Luther King Jr. Blvd., St. Paul, MN 55155 and through electronic means ([YouTube](#))**

**Members Present:** Rep. Patty Acomb, Rita Albrecht, Rep. Jeff Backer, William Faber, Nancy Gibson, Sen. Steve Green, Rep. Rick Hansen, Sen. Foug Hawj, Rep. Athena Hollins, Shona Langseth, Seth Moore, Sen. Kelly Morrison, Jeremy Peichel, Michael Reese

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

**Members Excused:** Sen. Kari Dziedzic, Sen. Torrey Westrom

**Members Absent:** Rep. Josh Heintzeman

**Co-Chair: Sen. Foug Hawj**

Chair Hawj called the meeting to order at 8:32 a.m.

**1. [00:02:02] Roll call attendance**

Chair Hawj asked for a 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 Heintzeman – Rep	absent	
Commissioner Albrecht	X		Commissioner Hollins – Rep	X	
Commissioner Backer – Rep	X		Commissioner Langseth	X	
Commissioner Dziedzic - Sen	excused		Commissioner Moore	absent	
Commissioner Faber	X		Commissioner Morrison – Sen	absent	
Commissioner Gibson	X		Commissioner Peichel	X	
Commissioner Green - Sen	X		Commissioner Reese	X	
Commissioner Hansen – Rep	X		Commissioner Westrom – Sen	excused	
Commissioner Hawj – Sen	X				

**2. [00:03:49] Minutes**

Commissioner Moore joined the meeting.

**a. Approve the minutes for March 21, 2023**

**AGENDA ITEM: 02**

Rep. Patty Acomb, Rita Albrecht, Rep. Jeff Backer, Sen. Kari Dziedzic, William Faber, Nancy Gibson, Sen. Steve Green, Rep. Rick Hansen, Rep. Josh Heintzeman, Rep. Athena Hollins, Sen. Foug Hawj, Shona Langseth, Seth Moore, Sen. Kelly Morrison, Jeremy Peichel, Michael Reese, Sen. Torrey Westrom

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### **b. Correct minutes from August 30, 2022**

MOTION: Commissioner Hansen moved to approve the minutes for March 21, 2023, and the corrected minutes for August 30, 2022 – motion prevailed.

### **3. [00:05:24] Members report potential conflicts of interest regarding today's business**

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

### **4. [00:06:04] Director's report**

Commissioner Morrison joined the meeting.

Director Nash provided an update on the legislative status of LCCMR-and ENRTF-related bills, including the ENRTF constitutional amendment bill. Ms. Nash noted Rick Heller would like to provide public testimony at the end of the meeting.

### **5. [00:08:39] Information: Presentations from recently- completed projects**

#### **a. M.L. 2019, First Special Session, Chp. 4, Art. 2, Sec. 2, Subd. 03i - Den Boxes for Fishers and other Nesting Wildlife, U of MN – Duluth NRRI, Michael Joyce, \$190,000**

Michael Joyce (U of MN – Duluth NRRI) provided a presentation on his project and answered questions from members.

#### **b. M.L. 2018, Chp. 214, Sec. 2, Subd. 04g - Characterize Unregulated Contaminants in Source Water and Drinking Water, Minnesota Department of Health, Stephen Robertson, \$1,000,000**

Stephen Robertson (MDH) and Jane de Lambert (MDH) provided a presentation on their project and answered questions from members.

### **6. [00:50:50] Update: Rights exchange, environmental remediation, and restrictive covenant, Jim Janssen - Town of Crane Lake, Jennifer Force – SEH, and Jeff Anderson**

**M.L. 2017, Chp. 96, Sec. 2, Subd. 9i - Land Acquisition for Voyageurs National Park Crane Lake Visitors Center, \$950,000**

**M.L. 2021, First Special Session, Chp. 6, Art. 5, Sec. 2, Subd. 09s - Crane Lake Voyageurs National Park Campground, \$3,100,000**

**M.L. 2021, First Special Session, Chp. 6, Art. 6, Sec. 2, Subd. 09n - Voyageurs National Park Crane Lake Visitors Center Project, \$2,700,000**

Michael Varien provided an informational update of the history of the Town of Crane Lake's project and explained no action was needed by members.

Jeff Anderson (Lobbyist and Consultant with Town of Crane Lake), Jim Janssen (Town of Crane Lake), Jason Chopp (SEH), Jennifer Force (SEH), Donna Visco (St. Louis County) and John Sathers (St. Louis County) provided an update of the rights exchange, environmental remediation, and restrictive covenant. Members discussed.

### **7. [1:01:13] Action: LCCMR operational procedures modifications**

Director Nash provided an overview of the modifications to the operational procedures. Members discussed.

MOTION: Commissioner Albrecht moved to approve the modifications to the operation procedures.

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AMENDMENT: Commissioner Peichel moved to amend Commissioner Albrecht’s motion to add the following bullet in the section titled ‘Conflict of Interest to be Managed through Procedures’ under Item I.C.5.b:

"• Serving as a legislator for the district where a proposed capital project or local impact proposal is sited."

– motion did not prevail (0 Yes / 13 No)

Member	Y	N	Member	Y	N
Commissioner Acomb - Rep	excused		Commissioner Heintzeman – Rep	absent	
Commissioner Albrecht		X	Commissioner Hollins – Rep		X
Commissioner Backer – Rep		X	Commissioner Langseth		X
Commissioner Dziedzic - Sen	excused		Commissioner Moore		X
Commissioner Faber		X	Commissioner Morrison – Sen		X
Commissioner Gibson		X	Commissioner Peichel		X
Commissioner Green - Sen		X	Commissioner Reese		X
Commissioner Hansen – Rep		X	Commissioner Westrom – Sen	excused	
Commissioner Hawj – Sen		X			

RENEWED MOTION: Commissioner Albrecht renewed her motion to approve the modifications to the operation procedures – motion prevailed (13 Yes / 0 No).

Member	Y	N	Member	Y	N
Commissioner Acomb - Rep	excused		Commissioner Heintzeman – Rep	absent	
Commissioner Albrecht	X		Commissioner Hollins – Rep	X	
Commissioner Backer – Rep	X		Commissioner Langseth	X	
Commissioner Dziedzic - Sen	excused		Commissioner Moore	X	
Commissioner Faber	X		Commissioner Morrison – Sen	X	
Commissioner Gibson	X		Commissioner Peichel	X	
Commissioner Green - Sen	X		Commissioner Reese	X	
Commissioner Hansen – Rep	X		Commissioner Westrom – Sen	excused	
Commissioner Hawj – Sen	X				

**8. [1:15:07] Action: Proposal evaluation/selection process for 2024 LCCMR recommendations**

Director Nash explained that 218 proposals were received requesting a total of approximately \$176 million. Ms. Nash explained the process used last year for the proposal evaluation / selection process. Ms. Nash discussed the memo in meeting packets. Members discussed.

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MOTION: Commissioner Hansen moved that for the 2024 RFP, the LCCMR adopt the Evaluation #1 and Selection process from the memo on “Proposal evaluation and decision-making process for 2024 LCCMR recommendations”, dated April 20, 2023:

1. *Members receive proposals along with staff scores and comments related to the proposals’ fit with RFP priorities, law, policy, and the 10 LCCMR-adopted evaluation criteria.*
2. *Members individually evaluate and select their top third of proposals (Evaluation #1).*
3. *Staff aggregate members’ selections and sort proposals in high to low order by number of members selecting.*
4. *The top 80 proposals are invited for presentations and additional consideration for funding. If the 80 cut-off falls in the middle of a group of proposals selected by the same number of members, the cut-off is moved up or down to either fully include or fully exclude the group, whichever results in a number closer to 80.*
5. *The House, Senate, and Citizen member groups each select up to three (3) additional proposals for presentation, resulting in possibly nine (9) more proposals being added to presentations.*

– motion prevailed (13 Yes / 0 No).

<b>Member</b>	<b>Y</b>	<b>N</b>	<b>Member</b>	<b>Y</b>	<b>N</b>
Commissioner Acomb - Rep	excused		Commissioner Heintzeman – Rep	absent	
Commissioner Albrecht	X		Commissioner Hollins – Rep	X	
Commissioner Backer – Rep	X		Commissioner Langseth	X	
Commissioner Dziedzic - Sen	excused		Commissioner Moore	X	
Commissioner Faber	X		Commissioner Morrison – Sen	X	
Commissioner Gibson	X		Commissioner Peichel	X	
Commissioner Green - Sen	X		Commissioner Reese	X	
Commissioner Hansen – Rep	X		Commissioner Westrom – Sen	excused	
Commissioner Hawj – Sen	X				

MOTION: Commissioner Gibson moved that for the 2024 RFP, the LCCMR adopt the same process for Evaluation #2, Compilation, and Initial Agreement as conducted last year and described in the memo on “Proposal evaluation and decision-making process for 2024 LCCMR recommendations”, dated April 20, 2023:

***Evaluation #2 and compiled results***

*In the previous RFP cycle, members came to agreement prior to presentations on how Evaluation #2 would be conducted, and how the compiled Evaluation #2 results would be used for making recommendations.*

*Evaluation #2 entailed each member allocating the available ENRTF dollars to their proposals of choice, using the 10 LCCMR-adopted evaluation criteria. Allocating funds to a proposal indicated that the member was supporting funding for that proposal. The member also indicated what funding level they believed was appropriate for that proposal. When a member had allocated all the funds available, their evaluation was complete. The following conditions applied to Evaluation #2:*

1. *No more than the requested amount may be allocated to a proposal.*
2. *Only the full requested amount may be allocated to a proposal in Category H (Small Projects; proposals for \$200,000 or less).*

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3. Allocations for all other proposals may not be less than \$200,000. That is, no proposal requesting more than \$200,000 may be allocated funds at a level less than \$200,000.
4. There will be a \$250,000 buffer for mistakes made during the allocation process. If the buffer is not needed in the end, the commission may either allocate it to another proposal or to the Emerging Issues Account.
5. Allocations will be rounded to the nearest \$1,000.
6. Members may allocate available ENRTF dollars to the Emerging Issues Account or to Legislative Discretion (i.e., ENRTF dollars for legislature to solely determine how to appropriate).
7. The LCCMR admin budget, LCC Legacy Website, and DNR Contract will be included in the recommendations at the requested amount.

Staff compiled members’ Evaluation #2 results into a report that was used for allocation decisions. The compiled results showed the number of members allocating funds to a proposal and the average amount allocated by those allocating funds to that proposal (note: blanks/non-allocations were not included in the allocation average calculation). In other words, if a proposal received a funding allocation from a member, it was considered support for funding by that member. The proposals were ranked high to low according to the number of members supporting funding.

**Initial Agreement on Recommendations**

Prior to presentations, members decided that an initial agreement on a recommendation package would be created by going down the list of compiled Evaluation #2 results, ranked high to low, until the total amount available for appropriation had been “spent” based on the average allocation amounts. In the event of funds running out in the middle of a group of proposals supported by an equal number of members, the cut-off would be handled the same way as at the “selections” step associated with Evaluation #1, where the tied proposals would all be included or all be excluded, whichever resulted in an initial agreement closest to the total amount available. This may result in an over- or under-allocation.

Members opted not to have a pre-determined process to guide the reconciliation of an over- or under-allocation resulting from the initial agreement. Instead, they requested staff provide some options for their consideration and then decided on an approach at the allocations meeting itself once the results of the initial agreement were available.

– motion prevailed (13 Yes / 0 No).

Member	Y	N	Member	Y	N
Commissioner Acomb - Rep	excused		Commissioner Heintzeman – Rep	absent	
Commissioner Albrecht	X		Commissioner Hollins – Rep	X	
Commissioner Backer – Rep	X		Commissioner Langseth	X	
Commissioner Dziedzic - Sen	excused		Commissioner Moore	X	
Commissioner Faber	X		Commissioner Morrison – Sen	X	
Commissioner Gibson	X		Commissioner Peichel	X	
Commissioner Green - Sen	X		Commissioner Reese	X	
Commissioner Hansen – Rep	X		Commissioner Westrom – Sen	excused	
Commissioner Hawj – Sen	X				

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### 9. [1:37:27] Action: Site Visits Fall 2023

- Option 1 (Sept 19-21)
- Option 2 (Sept 26-28)

Director Nash stated a survey would be sent to members.

### 10. LCCMR Other Business

There was no other business.

### 11. Public Testimony

Director Nash stated staff would work with Mr. Heller to secure written testimony in lieu of oral testimony.

### 12. Adjourn

Meeting adjourned at 10:10 am.