

**LEGISLATIVE-CITIZEN COMMISSION ON MINNESOTA RESOURCES  
MINUTES**

Friday, January 5, 2007  
8:30 a.m. to 12:00 p.m.  
Veterans Service Building  
Room: Vets B – 5<sup>th</sup> Floor  
20 West 12<sup>th</sup> Street  
St. Paul, MN 55155

(Directions to Vets Service Bldg: [link to Capitol campus map](#))

Co-Chair: Rep. Kathy Tingelstad

Commission Members Present: Sen. Ellen Anderson, Al Berner, Jeffrey Broberg, Rep. Lyndon Carlson, Sen. Dennis Frederickson, Nancy Gibson, David Hartwell, John Herman, John Hunt, Mary Mueller, Rep. Dennis Ozment, Sen. Pat Pariseau, Rep. Kathy Tingelstad, Sen. Jim Vickerman, Rep. Jean Wagenius.

Staff Present: Dir. J. Velin, S. Thornton, M. McDonough, D. Griffith

Excused Absence: Sen. Satveer Chaudhary

**1. Approve agenda**

Co-Chair Rep. Kathy Tingelstad called the meeting to order at 8:40 a.m.

Commissioner Clark Dyrud gave a welcome to the commission and explained briefly about the Veterans Service Building and the work being done on the building.

**2. Approve minutes of December 13, 14 and 15, 19, 2006 – Co-Chair signs approved minutes**

Jim Vickerman moved to approve the minutes from December 13, 14 and 19, 2006 – motion prevailed.

Jim Vickerman moved to approve the minutes from December 15, 2006 and correct from Thursday to Friday – motion prevailed.

**3. Update on appointments to LCCMR**

John Velin and Rep. Kathy Tingelstad discussed that no members have been appointed and the previous legislative members will continue to serve until successors are appointed.

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

No potential conflicts were reported.

00:10:57

**5. Review and approve final appropriation language of LCCMR recommendations for 2007 legislative bill drafting, including time-only extensions for five 2005 projects**

Nancy Gibson asked about the Emerging Issues Account. John Velin explained because there were so few pass thru appropriations being recommended this year the money for contracts administration could be reduced to \$40,000 and the \$160,000 that is

left from contracts administration could be an opportunity to create an Emerging Issues Account.

John Velin explained that the next step is to send the language to the House and Senate counsel and the Revisor for bill drafting.

Al Berner asked about the number of years for each project. John Velin explained that it was for two years unless the appropriation paragraph for a project stated otherwise.

00:42:09

John Velin discussed the phrase in the language regarding "*appropriations must be matched by non-state funds as identified in the approved work program and spent concurrent with the trust fund*". This is to ensure that the program managers will be providing the matches (leveraged nonstate funds) that were listed in their work program. Members discussed the various aspects of evaluating proposed leveraged funds and requiring them in the work program.

01:10:45

Jean Wagenius proposed new language for Serial Number 1 "Forest Legacy Conservation Easements" for consideration. Jean Wagenius handout called "LCCMR Forest Legacy Conservation Easements" dated 1/03/07:

*\$2,000,000 is appropriated from the trust fund to the commissioner of natural resources to acquire permanent working forest conservation easements on private forestland in northern Minnesota, the Mississippi blufflands and other areas identified through the state forest legacy program. Priority shall be given to private land within existing forest boundaries. Easements acquired must have a sustainable forestry practice management plan that includes:*

- *Implementation of site level forest management guidelines;*
- *A method for landowner compliance and regular and timely reporting to the commissioner;*
- *A vegetative plan to keep out invasive species in the area under easement; and a requirement to plant species only, if natural tree or other plant regeneration doesn't occur.*

*Annually, the commission must (1) report to the commission on the amount spent per acre and totally in acquiring easements, (2) the number of acres within each easement area, and (3) supply copies of the easements.*

*This appropriation must be matched by nonstate funds as identified in the approved work program and spent concurrent with the trust fund.*

Jean Wagenius moved to replace the language for Serial Number 1, "Forest Legacy Conservation Easements".

Jeff Broberg suggested the wording should be changed on bullet number three from "*A vegetative plan to keep out invasive species in the area under easement; and a requirement to plant native species only, if natural tree or other plant regeneration doesn't occur*" to the following language "*A vegetative plan to addressing the threat of*

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*invasive species in the area under easement; and a requirement to plant native species only, if natural tree or other plant regeneration doesn't occur".*

01:25:40

Al Berner suggested the wording change to *"invasive species that endangers the integrity of the native stands in the area under easement; and..."*.

Jean Wagenius suggested the wording change to *"A vegetative plan to control invasive species sufficient to maintain the integrity of the native stands in the area under easement; and..."*.

Rep. Dennis Ozment asked to be recognized. He stated that since he was no longer Chair of House Environment Finance he does not believe he is a current member of the Commission. He wished to express his appreciation for being able to be a member for approximately 12 years. He stated that he had asked the Speaker not to reappoint him. He would be available to assist in any activities in the future and wished the members success. Members thanked him for his service on the LCMR and LCCMR.

01:31:00

Jean Wagenius temporarily withdrew her motion.

Dennis Frederickson moved the package of recommendations dated 01/03/07 5:19 p.m. be recommended to the legislature – see action later

Jean Wagenius moved to replace the language for Serial Number 1, "Forest Legacy Conservation Easements" to the sheet Jean Wagenius handed out called "LCCMR Forest Legacy Conservation Easements dated 1/03/07 with the amendment to change bullet 3 from *"A vegetative plan to keep..."* to the following language *"A vegetative plan to control invasive species sufficient to maintain integrity of native plant communities in the area under easement; and a requirement to plant native species only, if natural tree or other plant regeneration doesn't occur"*

John Herman discussed having a sustainable forestry plan for each easement.

Richard Peterson – DNR Forestry, Forest Legacy Coordinator was asked to testify on the discussion. Mr. Peterson stated that easements have forest stewardship plans or natural resource plans. Mr. Peterson stated that the plans in place are site specific. Mr. Peterson also spoke to questions about access, restrictions, and landowners willingness to comply with certain restrictions in the easements.

01:53:35

Dennis Frederickson asked if each easement is approved by site and if the Attorney General reviews each easement. Mr. Peterson said each easement is site specific and is reviewed by the Attorney General.

Mr. Peterson recommended reviewing the State of Maine forest easement program. He believes their easement program is very well written.

There was discussion about reviewing Maine's and New York's easement programs and minimum standards for easements.

02:01:38

Dennis Frederickson suggested and discussed language to be put into the language for Forest Conservation Easements.

On page 2 of the draft language for Serial Number 1, Forest Legacy Conservation Easements. The last sentence in the first paragraph be changed from "Any easements acquired must have..." to "Any easement acquired must have a sustainable forestry practice management plan which will be reviewed before approval of the work program. Then in the next sentence delete "match" and insert "leverage" and in the next sentence delete "spent concurrent with the trust fund".

Jean Wagenius explained that this language change is only for the \$2,000,000 (Serial Number 1, Forest Legacy Conservation Easements) not for everything, but that this discussion on easements does need to be discussed in the future for the long-term. Jean Wagenius said she would like to see the following: implementation, methods for complying, and vegetative in the management plan.

Ellen Anderson suggested that the following amendment could be stated in the bill – "No funds shall be allocated for "Forest Legacy" until the LCCMR establishes minimum standards for these easements including implementation, compliance and address invasive species issues. The DNR would have to come back to the LCCMR with their minimum standards.

02:07:04

Al Berner asked about forest boundaries. Jean Wagenius clarified that it is meant to be state forest boundaries.

Nancy Gibson asked if there could be a separate committee to discuss easement standards for future funding.

Jean Wagenius withdrew her motion and replaced it with the following language below to be drafted as appropriate to amend Serial Number 1, Forest Legacy Conservation Easements:

*Insert before "priority to acquiring easements in or adjacent state forest boundaries".*

*Before these dollars are expanded*

1. *The DNR shall report back with proposed minimum standards for forest legacy easements include by June 1, 2007*
2. *The LCCMR shall consider standards for approval by June 30, 2007.*

*In addition, members requested a letter be drafted to DNR for this request and that DNR be requested to specifically address these issues and provide an overview of the easement programs in Maine and New York.*

- a. *Implementation*
- b. *Compliance*
- c. *Invasive species management*
- d. *Access (public)*
- e. *Replanting*
- f. *Riparian protection*
- g. *Protection of endangered species*
- h. *Other site specific conservation values*
- i. *Level of allowed development*
- j. *Cost/price "return" of dollars spent*

Motion prevailed.

**Action Item (LCCMR staff): Prepare a letter from the Commission to the DNR with the request for the Forest Legacy Easement Program.**

02:35:30

David Hartwell moved to amend the title for Serial Number 61 from "Bioenergy Plantings Targeted to Improve Water Quality" to "Pyrolysis Pilot Project" – motion prevailed.

David Hartwell moved to amend Serial Number 27, Field Guide for Evaluating Vegetation of Restored Wetlands by adding "This wetland guide will be available free of charge on the web for downloading along with the 2,000 free paper copies." – motion prevailed.

John Velin discussed the Emerging Issues Account. John Hunt asked if this account expires. John Velin explained that this money must be spent by June 30, 2009. Mary Mueller asked if this money could be spent next year. John Velin explained that it could be spent next year as an allocation.

Jeff Broberg moved to amend Subd. 9 Project Requirements including Al Berner's and Ellen Anderson's suggestion from "*It is a condition of acceptance of the appropriations in this section that any agency or entity receiving the appropriation must (1) comply with Minnesota Statutes, chapter 116P, (2) vegetation planted must be native to Minnesota and preferably of the local ecotype, unless expressly approved in the work program, and (3) in any acquisition of land, priority must be given to lands with high quality natural resources or conservation lands that provide natural buffers to water resources*" to the following language "It is a condition of acceptance of the appropriations in this section that any agency or entity receiving the appropriation must (1) comply with Minnesota Statutes, chapter 116P, (2) vegetation planted must be of native ecotypes to Minnesota and preferably of the local ecotype and (3) in any acquisition of land or interest in land, priority must be given to lands with high quality natural resources or conservation lands that provide natural buffers to water resources" – motion prevailed.

03:02:30

Dennis Frederickson moved to amend Subd. 12. Purchase of Recycled and Recyclable Materials from "*A political subdivision, public or private corporation, or other entity that receives an appropriation in this section must use the appropriation in compliance with Minnesota Statutes, sections 16B.121 and 16B.122, requiring the purchased of recycled, repairable, and durable materials; the purchase of uncoated paper stock; and the use of soy-based ink, the same as if it were a state agency*" to the following language "A political subdivision, public or private corporation, or other entity that receives an appropriation in this section must use the appropriation in compliance with Minnesota Statutes, sections 16B.121 and 16B.122, requiring the purchased of recycled, repairable, and durable materials; the purchase of uncoated paper stock; and the use of soy-based ink." – motion prevailed.

03:04:30

Dennis Frederickson moved to amend Section 2 Subd. 5 Section (b) from "*For legislative members of the commission, enforcement of this subdivision shall be governed by section 3.055, subdivision 2. For nonlegislative members of the commission, a technical advisory committee, or a peer review panel, enforcement of this subdivision shall be governed by section 13D.06.*" to the following language "For legislative members of the commission, enforcement of this subdivision shall be governed by section 3.055,

subdivision 2. For nonlegislative members of the commission enforcement of this subdivision shall be governed by section 13D.06, Subdivisions 1 and 2."

John Herman moved to add the following addition to the final appropriation package after Subd. 1 after paragraph 1:

*"A binding contract for acquisition of a real property interest entered into by June 30, 2009 and closed not later than June 30, 2010 shall meet this expenditure completion requirement. This expenditure completion requirement may be extended in an approved work plan by not more than one year. If a project receives a federal grant, the appropriation for the project shall be extended to equal the federal grant period.*

*With respect to every appropriation for acquisition of a real property interest, the work plan shall identify available non-state leverage funds and a plan for utilization of such funds to maximize the benefit of the Trust Fund allocation. Any work program that proposes materially less leverage than the project proposal shall be brought to the LCCMR for review, and approval or disapproval. The final report of each project shall identify all leveraged funds obtained. Leveraged funds shall be spent concurrently with Trust Fund appropriations to the extent possible."*

Also, with adding the above language delete in each individual section references to match requirements.

Members further discussed the wording. John Herman agreed with incorporating Dennis Frederickson suggested change for paragraph 2. Paragraph 2 is changed from:

*With respect to every appropriation for acquisition of a real property interest, the work plan shall identify available non-state leverage funds and a plan for utilization of such funds to maximize the benefit of the Trust Fund allocation. Any work program that proposes materially less leverage than the project proposal shall be brought to the LCCMR for review, and approval or disapproval. The final report of each project shall identify all leveraged funds obtained. Leveraged funds shall be spent concurrently with Trust Fund appropriations to the extent possible."* to *"The work plan for every appropriation for acquisition of a real property interest shall identify available non-state leverage funds and a plan for expenditure of the funds to maximize the benefit of the Trust Fund allocation. Any work program that proposes materially less leverage than the project proposal shall be brought to the LCCMR for review, and approval or disapproval. The final report of each project shall identify all leveraged funds obtained. Leveraged funds shall be spent concurrently with Trust Fund appropriations to the extent possible."*

Motion prevailed.

03:32:48

Kathy Tingelstad moved to amend SN17 Innovative Springshed Mapping for Trout Stream Management from "\$270,000 is from the trust fund to the University of Minnesota to identify and delineate supply areas, springsheds, for springs serving as coldwater sources for modern and historic trout streams and assess the impacts from development." to the following language "\$270,000 is from the trust fund to the University of Minnesota to identify and delineate supply areas, springsheds, for springs

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servicing as coldwater sources for modern and historic trout streams and assess the impacts from development and groundwater appropriation." – motion prevailed

David Hartwell moved to amend Subd. 10. Match Requirements to only the following two appropriations Serial Number 11, Metropolitan Regional Park System Land Acquisition and Serial Number 62, Land Retirement Effects on Minnesota River Basin Streams and then delete Subd. 10 Match Requirements. The language to be added would be –  
"Unless specifically authorized, appropriations in this section that must be matched and for which the match has not been committed by December 31, 2007, are canceled, and in-kind contributions may not be counted as matching funds".

David Hartwell withdrew his motion and changed his motion to add Subd. 10. Match Requirements to the following two programs Serial Number 11, Metropolitan regional Park System Land Acquisition and Serial Number 62, Land Retirement Effects on Minnesota River Basin Streams and then delete Subd. 10 Match Requirements and add the following language to SN11 Metropolitan Regional Park System Land Acquisition and Serial Number 62, Land Retirement Effects on Minnesota River Basin Streams –  
"Unless specifically authorized, appropriations in this section that must be matched and for which the match has not been committed by December 31, 2007, are canceled, and in-kind contributions may not be counted as matching funds." - motion prevailed

Dennis Frederickson moved to approve the final recommendations to the Legislature and that Senate / House Counsel be instructed to adjust and make appropriate grammatical, punctuation, and phrasing changes to the language for the bill – motion prevailed. Unanimous voice vote (14 members).

**6. Review and approve biennial report (M.S. 116P, Subd. 7) template for submission by January 15, 2007**

Lyndon Carlson moved to adopt the January 15, 2007 Biennial Report outline – motion prevailed

**7. Tentative calendar/plans for LCCMR in 2007**

John Velin discussed meeting late on a Friday in January or February to solicit ideas on future activities.

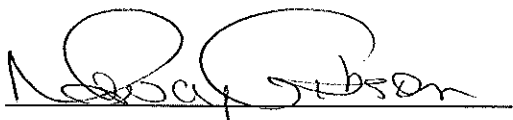
David Hartwell suggested that there should be a meeting without agenda action items to discuss future priorities.

Several members expressed that with the Legislative session beginning it would be difficult to meet until May (after the Legislature adjourns).

**8. Adjourn**

Meeting adjourned at 12:40 p.m.

Respectfully submitted,



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