

John Velin, Director

**LEGISLATIVE-CITIZEN COMMISSION ON MINNESOTA RESOURCES**

**MINUTES**

**Monday, October 29, 2007**

**8:30 a.m. – 5:00 p.m.**

**Room 5, State Office Bldg**

**100 Rev. Dr. Martin Luther King Jr. Blvd.**

**St. Paul, MN 55155**

**Monday, October 29, 2007**

**Co-Chair: Sen. Jim Vickerman**

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

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

Excused: Sen. Satveer Chaudhary, Rep. Tom Rukavina

Sen. Dennis Frederickson called the meeting to order at 8:50 a.m.

**1. Approve agenda for LCCMR meeting**

John Hunt moved to approve the agenda for Oct. 29 & 30 – motion prevailed.

**2. Members approve the minutes for October 22, 2007**

Sen. Dennis Frederickson moved to approve the minutes for Oct. 22, 2007 – motion prevailed.

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

David Hartwell reported a potential conflict of interest with Proposal Line #81 titled "The MN Breeding Bird Atlas" (Audubon Minnesota). He is on the National Advisory Board.

Nancy Gibson reported a potential conflict of interest with Proposal Line #85 titled "Wildlife Disease Surveillance: Emerging Disease Assessment System" (U of M - Raptor Center). She is a volunteer at the Raptor Center.

Rep. Lyndon Carlson explained he is a member of the Northwest YMCA Advisory Board and does not think he has a conflict of interest with Proposal Line #114 titled "Bertram Chain of Lakes Acquisition" in which Wright County seeks to acquire land from the YMCA but he wanted it on the record.

**4. Consider a work program change for Outstate Habitat Corridors M.L. 2005, 1<sup>st</sup> Special Session, Chp. 1, Art 2, Sec.11, Subd. 5(a) in the Coordination and Mapping Result - Matt Holland**

John Velin explained the amendment to the Commission.

David Hartwell moved to approved the work program change for Outstate Habitat Corridors M.L. 2005, 1<sup>st</sup> Special Session, Chp. 1, Art. 2, Sec. 11, Subd. 5(a) in the Coordination and Mapping Result – motion prevailed.

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### 5. Consider advice of counsel on the use of the Environment and Natural Resources Trust Fund for bonding in Proposal Line #104 titled "Public Land for Minnesotans"

- Peter Wattson (Senate Counsel) and Peter Sausen (Dept. of Finance) -

Peter Wattson began the discussion. Mr. Wattson said the LCCMR would need to get counsel from the General Attorney's Office or the law firm of Dorsey & Whitney. Peter Sausen agreed with Mr. Wattson's opinion. With regard to binding future legislators with legislation today, language would need to be added that states this is binding for future appropriations. However, future legislatures could change the law to not pay this debt and then it would have to be paid by the general fund. Sen. Ellen Anderson asked if this money would affect the 3 % cap. Peter Sausen said in his opinion it would not affect the 3 % cap. Sen. Ellen Anderson asked if the legislature in the future changed the law to not fund this appropriation through the Trust Fund, would it then affect the 3% cap. Mr. Sausen said it would then affect the 3% cap. Rep. Lyndon Carlson asked about the 1/3 debt service required for the U of M. Mr. Sausen said the 1/3 is included in the 3% cap and 2/3 is not. Rep. Jean Wagenius explained the proposed constitutional amendment for dedicated funding for the environment and the issue was discussed whether debt service was part of the language and the fact that it was recommended not to include in the language. Sen. Ellen Anderson asked about MN Constitution, Article XI Appropriations and Finances, Sec. 7 Bonds where it states "...The legislature by law may appropriate funds from any source to the state bond fund...". Mr. Wattson said that it would cover appropriations made from the trunk highway fund and another example would be the user finance to pay off debt service. Mr. Sausen needs to get information regarding whether or not the Environment and Natural Resources Trust Fund can pay for debt service. Mr. Sausen will make sure the LCCMR gets an answer as soon as it is ready.

Bob Meier (Assistant Commissioner DNR) presented testimony. Mr. Meier discussed that they are in the process of crafting some language that the LCCMR could use if the LCCMR recommends using the trust fund proceeds for bonding. Mr. Meier also handed out some responses to previous questions. Rep. Lyndon Carlson discussed that as a member of the Capital Investment Committee, he wanted to know what are DNR's list of priorities for requesting money from bonding. Rep. Carlson asked about Lake Vermillion State Park Development being a priority 3 on their list. Mr. Meier said that they are broken down in specific priority categories. Rep. Lyndon Carlson asked about Statewide Asset Preservation being given a priority 4 when other state agencies have asset preservation as a priority 1. Sen. Ellen Anderson asked about the development cost for Lake Vermillion State Park. Mr. Meier said he would provide the LCCMR with the detailed development breakout.

David Hartwell asked the DNR that if Lake Vermillion State Park was funded in this request would they commit to not come back again for this type of request. Bob Meier could not commit that the DNR would never asked again. Rep. Jean Wagenius asked about the outstanding total of asset preservation need for the state parks. Bob Meier said he would get the LCCMR that information. Nancy Gibson asked about the DNR bonding bill maybe being for acquisition instead of development this year. Bob Meier said there is a need for development on this land.

Al Berner asked about forest fragmentation that would occur as a result of their development plans. Mr. Meier said they haven't begun their development plans yet.

### 6. Discuss implications of annual funding cycles with respect to duration of projects, efficiency in conducting projects, impacts on project managers, impacts and efficiencies on Commission processes

John Velin discussed the handout in the packet regarding the types of projects funded and the length of time required to accomplish elements of those projects.

Rep. Lyndon Carlson discussed the issue of soft or hard dollars (i.e. U of M) for reassuring potential researchers or others have more security than just one year. Susan Thornton explained that a lot of projects from the U of M often list a professor but the dollars are intended for a grad student or post doc team.

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7. **Discuss the package of 2008 proposals presented to develop overall impressions and a high level vision of the recommended package**

8. **2008 Revenue estimate – Susan Thornton**

Susan Thornton informed members that there is \$22,866,000 from the trust fund is available for appropriation in fiscal year 2009. Susan explained that the Great Lakes Protection Account has \$86,449 available for appropriation but it has to be used in the Lakes Superior Basin and is subject to the requirements of M.S. 116Q. If this account is not spent in fiscal year 2009 it will still be available for future appropriation.

9. **2008 proposal recommendations**

- Discuss which proposals to recommend to the Legislature for 2008
- Discuss any specific needs or ideas for riders or other legislative action

John Velin explained the Yellow sheet titled "2008 LCCMR Members Final Scores – Sorted by Highest Average % (All Members Scores)" and the green sheet titled "2008 LCCMR Members Final Scores – Sorted by Proposal Line #".

David Hartwell proposed to drop the bottom 25 scoring proposals and start discussion on the remainder of proposals.

John Velin explained that there still will be an option to change the appropriation recommendation on Jan. 15, 2008 if program managers do not feel they are receiving an amount that will allow them to actually still do the project.

David Hartwell moved to drop everything under 34.4% proposals and start discussion on the merits of each project and add Proposal Line # 42 and Proposal Line # 124 – motion prevailed.

Members agreed to discuss each proposal without consideration of the dollar amount.

John Hunt asked for some clarification or guidance about moving proposals for appropriation. Susan Thornton clarified the issue of super majority under M.S. 116P.05 Subd. 2, reads "DUTIES...Approval of the recommended legislative bill requires an affirmative vote of at least 12 (of 17) members of the commission."

Members asked for a breakdown of the total \$ in regard to the motion by David Hartwell. The Total \$ Requested changed to \$53,926,520 instead of \$78,872,981 by this motion.

Break for lunch returned at 1:00 p.m.

Discussion continued on the proposals remaining.

Proposal Line # 98 titled "MN Habitat Conservation Partnership".

Proposal Line # 116 titled "Conservation Partners/Environmental Partnerships Matching Grant Program".

Proposal Line # 8 titled "Accelerated Prairie Management, Survey, and Evaluation".

Proposal Line # 64 titled "Accelerating Plans for Integrated Control of the Common Carp".

Proposal Line # 94 titled "Metro Conservation Corridors".

Proposal Line # 109 titled "Conservation Easement Stewardship and Enforcement Program Plan – DNR". Members discussed that they need to track their time to see how much time is needed to review each easement and that they need to make sure that they only need to review the easement once instead of having to review again and again. The easements should be mapped into a system that can be used by the public or other state agencies. Staff was directed to develop rider language if the project was recommended.

Proposal Line # 108 titled "Conservation Easement Stewardship, Oversight and Maintenance – Phase I". Members discussed there should be coordination between Proposal Line #108 and #109 if they were recommended for funding.

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Proposal Line # 120 titled "Metropolitan Regional Park System Land Acquisition".

Proposal Line # 73 titled "Soil Surveys: Their Completion and Web-based Delivery".

Proposal Line # 100 titled "MN River Valley Green Corridor". It was discussed if recommended for funding that there should be some rider language that a large portion of the funding should go toward acquisition not administration.

Proposal Line # 57 titled "Southeast MN Showcase Stream Restoration Projects".

Proposal Line # 72 titled "Updating the National Wetlands Inventory for MN".

Proposal Line # 53 titled "Intra-Lake Zoning to Protect Sensitive Lakeshore Areas".

Proposal Line # 84 titled "Restorable Wetlands Inventory".

Proposal Line # 5 titled "Prairie Ecosystem Restoration Project". Mary Mueller said there should be a rider stating the money from any sale of seeds should be returned to the Environmental and Natural Resources Trust Fund.

Proposal Line # 89 titled "Coordinated Natural Resources Data and Data Distribution Plan".

Proposal Line # 81 titled "The MN Breeding Bird Atlas".

Proposal Line # 99 titled "Preserving Avon Hills Landscape".

Proposal Line # 114 titled "Bertram Chain of Lakes Acquisition".

Proposal Line # 55 titled "Demonstrating Replicable Physical and Biological Monitoring of Streams".

Proposal Line # 129 titled "Waters of MN: Television/Outreach Documentary on Watersheds".

Proposal Line # 60 titled "Martin County Open Ditch Riparian Initiative".

Proposal Line # 79 titled "South-central Minnesota Groundwater Dynamics for Conservation and Protection".

Proposal Line # 117 titled "County Trail Systems for Recreation & Environmental Awareness".

Proposal Line # 92 titled "State of Minnesota Land Consolidation Revolving Fund".

Proposal Line # --- titled "Emerging Issues Account". Rep. Kathy Tingelstad said that there should be some money in the Emerging Issues Account. Jeff Broberg would like to see more clarification as to what the criteria would be.

Proposal Line # 12 titled "Climate Change, CO2, and Prairie/Forest Production".

Proposal Line # 130 titled "The Future of Energy and Minnesota's Water Resources".

Proposal Line # 122 titled "Local Water Management Matching Challenge Grants".

Proposal Line # 65 titled "Novel Barrier Technologies for Invasive Species of Fish".

Proposal Line # 85 titled "Wildlife Disease Surveillance: Emerging Disease Assessment System".

Proposal Line # 74 titled "Updating Precipitation Intensities for Runoff Estimation and Infrastructure Designs".

Proposal Line # 95 titled "Integrating Vermillion River Corridor Resource Protection and Funding".

Proposal Line # 104 titled "Public Land for Minnesotans". Members discussed the merits and legal issues related to cash versus providing bonding debt service as proposed. Nancy Gibson asked about writing a resolution asking the bonding committee to provide funding. Rep. Kathy Tingelstad requested staff to provide a breakdown of the different sections in this project and their funding history.

Proposal Line # 9 titled "Best Practices for Native Prairie Management".

Proposal Line # 13 titled "Biofuel Production and Wildlife Conservation in Working Prairies".

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Proposal Line # 27 titled "Perfluorochemical Fingerprinting: Characterizing Non-point Perfluorochemical Sources".

Proposal Line # 29 titled "Testing Pesticides and Degradates in Public Drinking Water".


Proposal Line # 33 titled "Install Riparian Buffers in the Whitewater River Watershed"

Proposal Line # 124 titled "Global Warming - Reducing Carbon Footprint of Minnesota Schools".

Proposal Line # 42 titled "Land Use, Nutrients, Rough Fish, and Minnesota Wetlands".

Meeting recessed at 5:15 p.m. until October 30, 2007 at 8:30 a.m.

Respectfully submitted,



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