

Susan Thornton, Director

MINUTES

Tues., June 16, 2009

9:00 a.m. to 3:30 p.m.

Room 112 Capitol

St. Paul, MN 55155

Members Present: Sen. Ellen Anderson, Al Berner, Jeff Broberg, Rep. Lyndon Carlson, Sen. Satveer Chaudhary, Sen. Dennis Frederickson, Nancy Gibson, John Herman, Rep. Larry Howes, Norman Moody, Mary Mueller, Sen. Pat Pariseau, Rep. Ron Shimanski, Sen. Jim Vickerman, Rep. Jean Wagenius, Elizabeth Wilkens

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

Members Absent: Rep. Tom Rukavina

Co-Vice Chair: Nancy Gibson

1. Welcome and Introductions of new and returning members

Nancy Gibson called the meeting to order at 9:10 a.m. Members introduced themselves and members welcomed the new LCCMR members – Elizabeth Wilkens, Norman Moody, Rep. Ron Shimanski and Rep. Larry Howes.

2. Recognition of and thank you to outgoing LCCMR member – John Hunt

Nancy Gibson recognized John Hunt for his service on the LCCMR for the past two years.

3. Approve agenda for LCCMR meeting for June 16

Staff called members attention to the last 2 pages of the minutes summarizing the Jan. 16, 2009 discussion about future goals for the Trust Fund and work of the LCCMR.

MOTION: Sen. Jim Vickerman moved approval of the agenda for today's meeting – motion prevailed.

4. Approve minutes for January 16, 2009

MOTION: Jeff Broberg moved approval of the minutes for January 16, 2009 – motion prevailed.

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

Per the LCCMR Operating Procedures on Conflict of Interest, Jeff Broberg spoke to a letter addressed to the Co-Chairs of the LCCMR dated June 15, 2009 regarding a conflict of interest on the following three 2010 proposals because he has previously consulted on

them: (1) Project Manager – Deborah Swackhamer (U of M) titled “Understanding Sources of Aquatic Contaminants of Emerging Concern”; (2) Project Manager – Phil Wheeler (Olmsted County) titled “Identity/Protect Southeastern Minnesota Rare Groundwater-Fed Wetlands”; and (3) Project Manager – Rob Keehn (City of Lake City) titled “Hok-Si-La Trail Extension”.

Norman Moody spoke to a conflict of interest on the 2010 Proposal “Residential Environmental Learning Centers (RELCs) Sustainable Energy Project. Mr. Moody is on the Deep Portage ELC Board and they are a partner on the proposal. He will send a letter to the Commission as required in the LCCMR procedures.

6. a. 2009 Legislative Session Report of related Environment and Natural Resources funding and policy – Member discussion

Susan Thornton reviewed the 2009 Session report and discussed changes to the LCCMR recommendations including the veto of two projects (5a / 7a) by the Governor. In addition, members discussed Subd. 11 – Project requirements changes adopted in conference committee regarding seed source and the ability to do a biennial funding process. Legislative members relayed issues raised during the legislative session on the LCCMR recommendations, especially related to acquisition.

Sen. Jim Vickerman asked “What happens to the vetoed dollars?”. Susan Thornton explained the dollars could be recommended in the 2010 legislative session, but must be encumbered by the end of fiscal year 2010. Sen. Dennis Frederickson said “the money should be discussed as the members are reviewing 2010 proposals”. Susan Thornton responded to members inquiry that there is \$25.6 million available from the Environment and Natural Resources Trust Fund available for fiscal year 2011 (2010 recommendations).

Members discussed the issue and how to define supplanting. Sen. Ellen Anderson explained that the issue of supplanting is still unclear regarding what supplant actually means. Rep. Jean Wagenius requested that a House Research memo discussing “supplanting” be distributed to members.

Rep. Lyndon Carlson suggested a memo be drafted to members about constitutionally dedicated funds.

Rep. Jean Wagenius requested the list of counties with a no net gain public lands policy.

b. Discussion of 2009 LCCMR Recommendations and the Legislative Process

7. 2009 Peer Review of Research Recommendations, per M.S. 116P.08 Subd. 6 - LCCMR Staff

Michael McDonough explained the Peer Review process and the books presented today. Susan Thornton explained that Peer Review has been in statute since the beginning of the Trust Fund in 1991. Sen. Satveer Chaudhary asked if we could schedule presentations on completed research projects. Members concurred that this was a good idea and would discuss how to schedule it as agenda item #10.

8. 2009 Work program approval – consider adoption of proposed consent list

Proposed work programs can be viewed after June 11 at: <http://www.lccmr.leg.mn>

Any member can request a work program be removed from the consent agenda and a presentation will be scheduled

Susan Thornton explained that the consent agenda is the list of work programs recommended by the LCCMR and approved by the 2009 Legislature. The consent agenda has more information in column format on Proposed Non-state Leverage, State Classified, Easements, Equipment over \$3,500, and additional staff comments. As part of the work program approval all state classified staff must be explicitly approved by the LCCMR as part of the work program approval. Staff is recommending approval of the consent agenda pages 1 – 4 because the intent of the LCCMR is clear and no major changes of concern are in the work programs listed. The remaining work programs will be before the commission on June 24 for review and approval. There are no staff concerns about the remaining work programs but they are still being revised by the project managers.

MOTION: Sen. Jim Vickerman moved to approve the staff recommended consent agenda pages 1 – 4 totaling \$22.7 million – motion prevailed.

9. Discuss process for election of Executive Committee (co-chairs and vice co-chairs) (Tentative: Elections to take place on June 24) – See LCCMR adopted Operating Procedures

Susan Thornton explained that the Commission approved new guidelines regarding elections which was approved in the Operating Procedures on September 23, 2008. Susan Thornton discussed the process of the optional use of a proxy for elections. Ms. Thornton explained any member may select another member to vote for them if they are not able to attend the elections (see memo attached dated June 16, 2009 outlining the process). Rep. Lyndon Carlson indicated that he attended the Executive Committee discussion on the Election procedures and felt it was important for the election of the Executive Committee to be by the entire LCCMR and that all members will nominate and vote on all co-chair and co-vice chair positions.

10. Review 2009 schedule including site visit, issue seminar ideas and future discussion with other committees and councils on funding coordination

There was consensus that the meeting dates listed in the memo dated May 5, 2009 in the meeting packet under Agenda Item 10 with the exception of changing the dates of October 6 and 7, 2009 to Tuesday, October 13, 2009 and Wednesday, October 14, 2009 are confirmed.

Members discussed meeting with the Lessard-Sams Outdoor Heritage Council in the next few months. Nancy Gibson and Sen. Ellen Anderson discussed ideas as to how a meeting could be scheduled for a facilitated discussion between the LCCMR and the Lessard-Sams Outdoor Heritage Council. Susan Thornton said she would discuss meeting dates with Bill Becker (Interim Director of the Lessard-Sams Outdoor Heritage Council) including the idea of a facilitator as suggested by members. Sen. Dennis Frederickson suggested that there should be an agenda with the Lessard-Sames Outdoor

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Heritage Council before the meeting takes place. Sen. Frederickson suggested some concepts to consider for a meeting agenda including the missions of the Trust Fund and the Heritage Fund might be parallel, have overlap, or be divergent. He also discussed they should talk about how to share information and have open communication. Another suggestion was to invite senate and house counsel to discuss the constitutional intent of the Trust Fund and the Heritage Fund. It was suggested that an Executive Committee meeting could be scheduled to discuss a meeting agenda.

Members also talked about coordination with the Clean Water Fund and the Parks and Trails Fund. A variety of formats were discussed, including options to hear from various stakeholders on priorities.

Research Projects - Members agreed to have research project presentations added to current meeting dates instead of adding another day.

Staff was requested to send the revised schedule to the House and Senate Capitol Investment Committees to avoid a conflict in the scheduling.

11. a. **Request for Conservation Easement conveyance from appropriations in M.L. 2005, First Special Session, Chp. 1, Art. 2, Sec. 11, Subd. 5a, "Minnesota Habitat Corridors Partnership - Phase III" and M.L. 2007, Chp. 30, Sec. 2, Subd. 4b, "Minnesota Habitat Corridors Partnership - Phase IV" as required in M.S. 116P.15 Land Acquisition Restrictions (Ducks Unlimited, Robert Usgaard)**

Susan Thornton explained that this potential conveyance extinguishment Ducks Unlimited proposes to the commission that they would provide reimbursement for the extinguishment of a portion of the easement necessitated by Grant County road easement actions. See attached Ducks Unlimited letter dated June 5, 2009.

MOTION: Sen. Dennis Frederickson moved to approve the Conservation Easement conveyance from appropriations in M.L. 2005, First Special Session, Chp. 1, Art. 2, Sec. 11, Subd. 5a "Minnesota Habitat Corridors Partnership – Phase III" and M.L. 2007, Chp. 30, Sec. 2, Subd. 4b, "Minnesota Habitat Corridors Partnership – Phase IV" as required in M.S. 116P.15 Land Acquisition Restrictions as proposed in the Ducks Unlimited letter of June 5, 2009. This approval requests that Ducks Unlimited through the Wetland American Trust request the prorata compensation received by the Langs from Grant County (\$4,044) for reimbursement to the Environment and Natural Resources Trust Fund by Ducks Unlimited for the extinguishment for a portion of the easement - motion prevailed.

- b. **Request for Acquisition conveyance from appropriation in M.L. 2007, Chp. 30, Sec. 2, Subd. 4b, "Minnesota Habitat Corridors Partnership - Phase IV" to U.S. Fish and Wildlife Service as required in M.S. 116P.15 Land Acquisition Restrictions (Pheasants Forever, Matt Holland and Ron Leathers)**

Susan Thornton explained this item will be heard on June 24, 2009 because Pheasants Forever was not available today.

Other discussion – Norman Moody requested that there be more discussion of the conveyance issues by the LCCMR. Rep. Jean Wagenius requested that there be

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presentations and discussions on what due diligence the commission should undertake in the review of conservation easements for funding.

12. Update on proposals received for 2010 – LCCMR Staff

A summary of the 2010 Proposals was handed out.

13. Other business to be scheduled (as needed)

Shelley Shreffler discussed the site visit being held on Wednesday, June 17, 2009.

Meeting adjourned at 2:00 p.m.

Respectfully submitted,

Mary J. Mueller