

Susan Thornton, Director

MINUTES

Thursday, November 18, 2010

9:30 a.m. – 4:00 p.m.

Room 5, State Office Building

St. Paul, MN 55155

Members Present: Sen. Ellen Anderson, Jeff Broberg, Rep. Lyndon Carlson, Sen. Satveer Chaudhary, Tom Cook, Sen. Dennis Frederickson, Nancy Gibson, John Herman, Rep. Larry Howes, Norman Moody, 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 Excused: Al Berner and Rep. Tom Rukavina

Co-Chair: Rep. Jean Wagenius

1. Approve agenda for LCCMR meeting for November 18, 2010

Commissioner Wagenius called the meeting to order at 9:45 a.m.

MOTION: Commissioner Gibson and Moody moved to approve the agenda for the meeting on November 18, 2010 – motion prevailed.

2. Members approve minutes for September 29, 2010

MOTION: Commissioner Moody moved to approve the minutes for Executive Committee meeting on September 29, 2010 – motion prevailed.

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

At this time, members reported no conflicts of interest for today's meeting. However, during the meeting two members reported a conflict that are reflected in the minutes.

4. LCCMR FY2012-2013 Administrative Budget – Executive Committee Report

Susan Thornton presented the LCCMR administrative budget and relayed the LCCMR Executive Committee action to adopt a recommendation for the LCCMR FY2012-2013 Administrative Budget at \$591,000 for each year of FY2012-2013 biennium. This is reduced from the current \$625,000 each year for the current biennium and originally proposed for FY2012-2013.

Susan Thornton stated that the LCCMR administrative budget was reduced 7.5 percent from what was presented in July 2010 due to changing to a biennial cycle with fewer meetings, no staff salary increases and other budgetary adjustments. Ms. Thornton reviewed the list of ongoing projects with members and noted there are approximately 396 active projects. Ms. Thornton suggested members review the list of projects and provide any recommendations to staff regarding projects for which they may be interested in receiving more information.

Commissioner Howes asked staff to compile what the budgetary impacts would be if the House removed per diem and housing allowance during the interim.

5. FY2012-2013 Proposal Review

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a. Contract Management 2011 Proposal - Wayne Sames, DNR and Denise Anderson, DNR

Susan Thornton started the discussion regarding contract management for non state agency projects in which DNR is charged to be the fiscal agent. DNR now proposes to bill contract services at \$60,000/hr. The original recommended dollar place holder was tentatively set at \$165,000 in the July allocations and has now been proposed by DNR at \$234,600. DNR said historically the budget was for one full-time person but in essence there were at times multiple people contributing time into this position.

Members asked the DNR if they would provide cost coding on this appropriation. Mr. Sames and Ms. Anderson agreed that there would be cost coding done for this appropriation.

Commissioner Wagenius stated that the DNR needed to be sufficiently funded to ensure contract management would be completed thoroughly and the appropriation recipients would receive efficient service.

MOTION: Commissioner Herman moved to approve the Contracts Management at \$165,000 plus to carryforward the remaining estimate of \$15,000 from M.L. 2009, Chp. 143, Sec. 2, Subd. 8a "Contract Management" for a total recommendation of \$180,000 – motion withdrawn.

MOTION: Commissioner Howes moved to approve the revised proposal for Contract Management at \$220,000 and to be paid quarterly on a reimbursement basis including the \$15,000 from M.L. 2009, Chp. 143, Sec. 2, Subd. 8a "Contract Management" for a total of \$235,000 – motion prevailed.

Commissioner Wagenius indicated the Contract Management proposed appropriation would be discussed further to work out the details.

b. Federal Land and Water Conservation Fund (LAWCON) 2011 Proposal, DNR

Wayne Sames (DNR) and Ron Potter (DNR) reviewed the history of the LAWCON program.

MOTION: Commissioner Frederickson moved to approve the LAWCON proposal at \$750,000 with the agreement that the project manager will come back to the commission with a list of projects before expenditures – motion prevailed.

6. Shoreline Regulations and Jurisdiction (Presenters: Paul Radomski, DNR; Peder Otterson, DNR; Tom Hovey, DNR; and John Sumption, Retired Cass County Director of Environmental Services)

Tom Cook asked how phosphorus runoff from shoreland lots compared to runoff from the city of Bemidji into Lake Bemidji and agricultural lands with 50 foot buffers. Paul Radomski will provide that information.

7. Gulf Oil Spill and Minnesota Migrating Birds – Follow up from September 29, 2010 discussion including funding options for consideration

Mike Banker provided members an overview of the "Gulf Oil Spill Impacts on Minnesota's Migratory Bird Species" staff analysis. Rich Baker (DNR) and Carrol Henderson (DNR) presented a proposal for \$250,000. The goals of the activities in this proposal will be 1) to determine if population levels of loons and pelicans experience statistically significant declines in 2011 and 2012 that could be attributable to the oil spill and 2) if other impacts like chemical contamination of tissues, eggs, or blood of those species has occurred due to petroleum or oil dispersants. These pollutants could potentially affect the behavior, migratory abilities, reproductive success, or longevity of the affected birds.

MOTION: Commissioner Gibson moved to recommend the proposal at \$250,000 presented today for adoption – motion prevailed.

Members recessed until 1:00 p.m. and Item 8 was moved to begin at 1:00 p.m.

8. LCCMR ID: 104-D (Subd. 4i) "Metro Conservation Corridors" and LCCMR ID: 106-D (Subd. 4j) "Habitat Conservation Partnership" revised 2011 proposals

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Commissioner Herman reminded members of his conflict of interest stated on June 21, 2010 regarding Subd. 4, paragraph (i) "Metropolitan Conservation Corridors (MeCC) – Phase VI" and Subd. 4, paragraph (j) "Habitat Conservation Partnership (HCP) – Phase VII" and that he would recuse himself from the discussion and vote.

Shelley Shreffler provided a summary of the revised proposals. Sarah Strommen (Minnesota Land Trust), Joe Pavelko (Pheasants Forever), Al Singer (Dakota County), Jon Schneider (Ducks Unlimited, Inc.), and Tom Lewanski (Friends of the Mississippi River) spoke to members questions regarding the revised proposals.

Members asked about:

- (1) If there was evaluation of the effectiveness of streambank restoration related to flooding.
- (2) Data gathering, mapping and how they can be used to effectively track effectiveness of restoration on flooding impacts. How the information was shared. Sarah Strommen said that the MeCC group would look into this but Joe Pavelko said that the HCP group will not be able to do this at the present time.
- (3) The evaluation of BMP's and if the data was available.
- (4) Invasive species management on conservation easements.
- (5) How conservation easements address runoff and keeping water on the land.

Project managers discussed various elements of easements and how they are managed and enforced.

9. Review Appropriation Language for FY12-13 Environment and Natural Resources Trust Fund Recommendations (1:15 p.m.)

Susan Thornton reviewed the draft language and spoke to items of information.

MOTION: Commissioner Frederickson moved to insert in Subd. 4, paragraph (b) "State Parks and Trails Land Acquisition" on Line 177 after "parks." the words "State Park" because this appropriation is for both State Parks and Trails and this sentence is specifically for State Parks. Line 177 now reads "parks. State Park land acquired with this appropriation..." – motion prevailed.

MOTION: Commissioner Frederickson moved to insert in Subd. 4, paragraph (f) "LaSalle Lake Scientific and Natural Area Acquisition" on Line 214 after "5," the words "on LaSalle Lake". Line 214 now reads "subdivision 5, on LaSalle Lake adjacent to the Upper ..." – motion prevailed.

MOTION: Commissioner Frederickson moved to replace in Subd. 4, paragraph (i) "Metropolitan Conservation Corridors (MeCC)" on Line 246 the word "important" with "priority". Line 246 now reads "...for planning, restoring, and protecting priority natural areas" – motion prevailed.

MOTION: Commissioner Gibson moved to approve the dollars on the attached yellow sheet titled "Subd. 4i – Metropolitan Conservation Corridors (MeCC) – Phase VI" and the attached blue sheet titled "Subd. 4j – Habitat Conservation Partnership (HCP) – Phase VII" to be inserted into the LCCMR Appropriation Language for FY2012-2013 – motion prevailed.

Members requested staff to follow up on the discussion in Item #8 and develop an overview on issues related to conservation easements at the next LCCMR meeting.

MOTION: Commissioner Frederickson moved to add the word "habitable" in Subd. 4, paragraph (i) "Metropolitan Conservation Corridors (MeCC) – Phase VI" on Line 252 and in Subd. 5, paragraph (j) "Habitat Conservation Partnership (HCP) – Phase VII" on Line 280. Line 252 now reads "work program. This appropriation may not be used for the purchase of habitable residential structures,

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unless" and Line 280 now reads "purchase of habitable residential structures, unless expressly approved in the work program. All conservation" – motion prevailed.

MOTION: Commissioner Anderson moved to replace lines 311-312 with the following language for Subd. 4, paragraph (n) regarding the Gulf Oil Spill and Migratory Birds with the following:

(n) Gulf Oil Spill Impacts on Minnesota's Migratory Bird Species
\$125,000 the first year and \$125,000 the second year are from the trust fund to the commissioner of natural resources in cooperation with and for agreements with the United States Geological Survey, the University of Minnesota, and North Dakota State University to assess the impacts of the Gulf oil spill on migratory populations of common loons and American white pelicans in Minnesota and to share the information with the public and other related efforts. Expenses for management of contracted services incurred for this appropriation will be paid from Subdivision 9 (b). This appropriation is available until June 30, 2014, by which time the project must be completed and final products delivered.

- motion prevailed.

Commissioner Vickerman reminded members of his conflict of interest stated on June 29, 2010 regarding Subd. 4, paragraph (f) "LaSalle Lake Scientific and Natural Area Acquisition. Commissioner Vickerman recused himself from the discussion and vote.

MOTION: Commissioner Moody moved to revise Subd. 9, paragraph (a) "Legislative-Citizen Commission on Minnesota Resources (LCCMR)" dollars on Line 571 from "\$625,000" each year to "\$591,000" each year – motion prevailed.

MOTION: Commissioner Moody moved to replace for Subd. 9, paragraph (b) lines 576-577 with the following language regarding DNR Contract Management:

\$110,000 the first year and \$110,000 the second is appropriated to the Legislative-Citizen Commission on Minnesota Resources to contract with the commissioner of the department of natural resources to provide contract fiscal services for the agreements specified in this section. The contract management services must be done on a reimbursement basis.

- motion prevailed.

Members discussed that this was possible due to the reduction of the LCCMR Administration budget by \$68,000 and the reduction of \$43,000 in Subd. 5, paragraph (f) "Mississippi River Water Quality Assessment" as proposed by the project manager (Michael Sadowsky). The DNR has a total of \$235,000 available for this appropriation including the \$15,000 carryforward from their M.L. 2009, Chp. 143, Sec. 2, Subd. 8a "Contract Administration".

Susan Thornton called attention to the language agreed upon in Subd. 4, paragraph (n) "Gulf Oil Spill Impacts on Minnesota's Migratory Bird Species" that indicates that "expenses for management of contracted services incurred for this appropriation will be paid from Subdivision 9 (b)".

MOTION: Commissioner Wagenius moved to add the following language to Subd. 12 Project Requirements and renumber appropriately:

(e) Any entity receiving an appropriation in this section for restoration activities must provide an initial restoration evaluation at the completion of the appropriation and an evaluation three years beyond the completion of the expenditure. Restorations must be evaluated relative to the stated goals and standards in the restoration plan, current science, and, when applicable, to the Board of Water and Soil Resources' native vegetation establishment and enhancement guidelines. The evaluation shall determine if the restorations are meeting planned goals, any problems with the

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implementation of the restorations, and if necessary, recommendations on improving restorations. The evaluation shall be focused on improving future restorations.

- motion prevailed.

Members began a discussion regarding the issue of county board approval regarding land acquisition with the Trust Fund for lands to be transferred or conveyed to DNR for WMA's and SNA's. The consensus was to continue this discussion with DNR at the LCCMR meeting on December 8, 2010.

MOTION: Commissioner Gibson moved adoption of the appropriation language for FY2012-2013 Environment and Natural Resources Trust Fund Recommendations as amended and with the understanding that they would also discuss the county board approval process on December 8, 2010 – motion prevailed (adopted by voice vote unanimously with 14 members present).

Member present for this motion were: Sen. Ellen Anderson, Jeff Broberg, Rep. Lyndon Carlson, Sen. Satveer Chaudhary, Tom Cook, Sen. Dennis Frederickson, Nancy Gibson, John Herman, Rep. Larry Howes, Norman Moody, Sen. Pat Pariseau, Rep. Ron Shimanski, Sen. Jim Vickerman, Rep. Jean Wagenius and Elizabeth Wilkens.

Members requested staff to draft a letter to the new University of Minnesota president regarding the issue of the U of MN commitment to academic freedom.

10. Biennial Report and Strategic Plan (with continued discussion and action at December 8, 2010 meeting) (3:30 p.m.)

Susan Thornton discussed the Biennial Report due January 15, 2011 and that the Biennial Report will be acted on at the December 8, 2010 LCCMR meeting.

11. Work Program Approval – Consent Agenda (3:45 p.m.)

M.L. 2010, Chp. 362, Sec. 2, Subd. 4f – 2n/4f “HCP Phase VI Supplemental – Campaign for Conservation” The Nature Conservancy

MOTION: Commissioner Broberg moved to approve the work program M.L. 2010, Chp. 362, Sec. 2, Subd. 4f-2n/4f “HCP Phase VI Supplemental – Campaign for Conservation”. The starting date for expenditures is contingent on either the completion of the 2009 appropriation or approval of a plan by LCCMR staff to transition to 2010. – motion prevailed.

12. Other Business

Commissioner Wilkens asked staff to set up a discussion with the DNR regarding the criteria used for the sale of DNR lands.

13. Adjourn (4:00 p.m.)

Meeting adjourned at 4:00 p.m.

Respectfully submitted,

