

Susan Thornton, Director

**MINUTES**

**August 11, 2011**

**8:45 a.m. – 3:00 p.m.**

**Room 5, State Office Building**

**St. Paul, MN 55155**

Members Present: Jeff Broberg, Tom Cook, Sen. Al DeKruif, Nancy Gibson, John Herman, Sen. Linda Higgins, Sen. Bill Ingebrigtsen, Rep. Denny McNamara, Norman Moody, Sen. Gen Olson, Rep. Ron Shimanski, Elizabeth Wilkens

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

Members Absent: Al Berner, Rep. David Dill, Rep. Tom Hackbarth, Rep. Tom Rukavina, Sen. Rod Skoe

**Co-Chair: Sen. Gen Olson**

**1. Approve agenda for LCCMR meeting for August 11, 2011**

Co-Chair Olson called the meeting to order at 9:04 a.m.

MOTION: Commissioner Moody moved approval of the agenda for August 11, 2011 – motion prevailed.

**2. Members approve minutes for June 23, 2011**

MOTION: Commissioner Broberg moved approval of the minutes for June 23, 2011 – motion prevailed.

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

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

Later during the meeting, Commissioner Gibson stated that she is on the Board of the Belwin Conservancy. Minnesota Land Trust (MLT), is a part of the Metro Conservation Corridors (M.L. 2011, Subd.4i3.2) and she doesn't know if MLT is proposing any easements there.

Commissioner Herman stated he had a conflict with Minnesota Valley Wildlife Refuge Trust (M.L. 2011, Subd. 4i2.6/3.3 and 4j4h) because they are a client of his law firm Faegre and Benson.

**4. Session Report – M.L. 2011, 1<sup>st</sup> Special Session, Chp. 2, Art.3 "Environment and Natural Resources Trust Fund Appropriations"**

Susan Thornton discussed the updated session report related to the 2011 Legislative Special Session calling attention to the new changes which occurred in legislation since the LCCMR meeting on June 23, 2011 session report of the regular 2011 Legislative Session.

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Members requested more information on Subd. 4a "State Park and Recreation Area Operations and Improvements", Subd. 9b "Chronic Wasting Disease and Animal Health", and Subd. 9c "Aquatic Invasive Species". Members were informed by Susan Thornton that Commissioner Landwehr would be providing an overview today under Agenda Item 7.

In addition, Susan Thornton mentioned that the session report did not include bonding and there was an appropriation "Lake Vermilion State Park Development" for \$8,000,000 in the Special Session Bonding Bill, Chapter 12, First Special Session, Sec. 5, Subd. 5.

*Subd. 5. Lake Vermilion State Park Development* \$8,000,000  
*For predesign, design, and construction of infrastructure at Lake Vermilion State Park.*

Commissioner Ingebrigtsen asked staff how many dollars went to acquisition in the 2011 Trust Fund appropriations in Chapter 2, First Special Session, Art. 3. Staff provided a summary later in the day. Susan explained for M.L. 2011 that Terrestrial and Aquatic Habitat Acquisition is approximately \$12.6 million and Parks and Trails acquisition is approximately \$6.4 million. (See Attachment #1)

**5. M.L. 2011 Environment and Natural Resources Trust Fund Work Plan approval – Discussion and Action**

Proposed Work Plans, as available, can be viewed at <http://www.lccmr.leg.mn>

- a) **Work Plan Presentations (Note: there will be brief presentation and Q & A scheduled for 9 work plans with fee title or conservation easement acquisition lists needing approval.)**

Time	Work Plan	\$	Organization	Presenter
<b>Fee Title</b>				
9:15 a.m.	MeCC VI – Priority Expansion and Restoration MN Valley NW Refuge (2.6/3.3)	\$600,000	MN Valley National Wildlife Refuge Trust, Inc.	Deborah Loon Charlie Blair
	HCP VII - Priority Acquisition, MN Valley Wetland Management District (4h)	\$400,000		
9:30 a.m.	MeCC VI – TPL’s Critical Land Protection Program (3.1)	\$500,000	The Trust for Public Land (TPL)	Susan Schmidt
	HCP VII – TPL’s Critical Lands Protection Program (4c)	\$490,000		
9:45 a.m.	HCP VII – WMA/WPA Acquisition beyond Boundaries (4a)	\$430,000	Pheasants Forever, Inc.	Joe Pavelko
<b>Easements</b>				
10:00 a.m.	MeCC VI – Protect Significant Habitat by Acquiring Conservation Easements (3.2)	\$400,000	Minnesota Land Trust	Sarah Strommen
	HCP VII – Shoreland Protection Program (3a)	\$450,000		
10:20 a.m.	MeCC VI – Dakota County Riparian and Lakeshore Protection (2.7/3.7)	\$1,035,000	Dakota County	Al Singer
10:30 a.m.	HCP VII – Shallow Lake Conservation Easements (3c) – Including update on DU Monitoring & Enforcement Fund	\$500,000	Ducks Unlimited, Inc.	Jon Schneider

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- b) **Action: Consider adoption of 1) acquisition-related work plans presented (contingent on ML 2010 appropriation expended or plan to transition to ML 2011 appropriation approved by LCCMR) and 2) proposed staff recommended consent list\* – to be posted**  
\*Any member can request a work plan be removed from the consent list and a presentation scheduled.

Deborah Loon, MN Valley National Wildlife Refuge Trust, Inc., and Chairlie Blair, Refuge Manager for MN Vlealey National Wildlife Refuge Trust, Inc. presented an overview of "MeCC VI – Priority Expansion and Restoration MN Valley NW Refuge (4i2.6/3.3)", \$600,000 and "HCP VII - Priority Acquisition, MN Valley Wetland Management District (4j4h)", \$400,000.

Commisisoner DeKruif asked about MN Valley National Wildlife Refuge Trust, Inc. acquisitions and snowmobile trails.

Susan Schmidt, Trust for Public Land (TPL) presented for Becca Nash and Robert McGillvray an overview of "MeCC VI – TPL's Critical Land Protection Program (4i3.1)", \$500,000 and "HCP VII – TPL's Critical Lands Protection Program (4j4c)", \$490,000.

Joe Pavelko, Pheasants Forever, presented an overview of "HCP VII – WMA/WPA Acquisition beyond Boundaries (4j4a)", \$430,000.

Sarah Strommen, Minnesota Land Trust (MLT), presented an overview of "MeCC VI – Protect Significant Habitat by Acquiring Conservation Easements (4i3.2)", \$400,000 and "HCP VII – Shoreland Protection Program (4j3a)", \$450,000.

After Sarah Strommen's presentation the LCCMR meeting went to Agenda Items 6 and 7 and completed the remaining two presentations after Agenda Item 7.

6. **Issue Seminar: Minnesota Air Quality and Other Issues**  
**MPCA overview and discussion of air quality issues and other related future issues before the MPCA (Presenter: MPCA Commissioner Paul Aasen)**

Commissioner Paul Aasen presented "New EPA Air Quality Regulations". After the presentation, Commissioner Herman suggested LCCMR considered in its new Request for Proposal (RFP) an item he framed as "Creative Regulatory Analysis Regarding Air Quality".

7. **DNR Commissioner Tom Landwehr discussion of new appropriations, direct expenditures, and reporting**

Commissioner Landwehr said he wanted to talk to the Commission about cost recovery on what is direct and necessary expenditures as stated in M.L. 2011, First Special Session, Chp. 2, Art. 3, Sec. 2. Commissioner Landwehr said he also wanted to talk about the Commission's preference for reporting on Subd. 4a "State Park and Recreation Area Operations and Improvements", Subd. 9b "Chronic Wasting Disease and Animal Health", and Subd. 9c "Aquatic Invasive Species". He asked if LCCMR members wanted a presentation, a written report or both.

After discussions, Co-Chair Olson stated that members consensus was for a written report and a presentation to be given potentially at the next LCCMR meeting on September 27, 2011.

Commissioner Gibson stated that she would like to make sure that they were provided outcomes and

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that the LCCMR would receive credit for the expenditures. It was also agreed that DNR would come back with a plan to account for expenditures and financial data.

Commissioner Landwehr indicated that the LSOHC had agreed to a DNR plan and had provided a detailed financial spreadsheet on direct and necessary expenses for the Outdoor Heritage Fund.

Commissioner Landwehr and members discussed the coverage of workman’s compensation without conclusion.

Members moved back to Agenda Item 5.

Al Singer, Dakota County, presented an overview of “MeCC VI – Dakota County Riparian and Lakeshore Protection (4i2.7/3.7)”, \$1,035,000

Jon Schneider, Duck Unlimited, Inc. (DU) presented an overview of “HCP VII – Shallow Lake Conservation Easements (4j3c)”, \$500,000.

**8. Action: Work Plan overview for approval for projects in M.L. 2011, 1<sup>st</sup> Special Session, Chapter 2, Article 3 – Tentative\*\***

Work Plan	\$	Organization	Presenter
Subd. 3p “Species of Concern; Investigations” (Part A – “MN Common Loons & American White Pelicans)	\$500,000 (Part A - \$250,000)	DNR	Carrol Henderson
Subd. 10b “Contract Management” - pending	\$175,000	DNR	Marcia Honold

\*\*Work Plans may be added or removed as they become available.

Proposed - LCCMR Meetings on September 27- 28, 2011 Action: Work Plan overview for approval for projects in M.L. 2011, 1 <sup>st</sup> Special Session, Chapter 2, Article 3			
Work Plan	\$	Organization	Presenter
Subd. 3p “Species of Concern; Investigations” (Part B – “Breeding Bird Atlas”)	\$500,000 (Part B - \$250,000)	DNR / Audubon Minnesota	Mark Martell Carrol Henderson
Subd. 8c “Experiential Environmental Education for Urban Youth”	\$200,000	Hennepin County	Mary Karius
Subd. 9a “Minnesota Conservation Apprentice Academy”	\$200,000	BWSR	Steve Woods
Subd. 9d “Reinvest in Minnesota Wetlands Reserve Acquisition and Restoration Program Partnership”	\$1,645,000	BWSR	Julie Blackburn

Proposed - LCCMR Meetings on September 27- 28, 2011 Overview by DNR			
Work Plan	\$	Organization	Presenter
Subd. 4a “State Park and	\$3,627,000	DNR	TBD

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Recreation Area Operations and Improvements"			
Subd. 4s "Land and Water Conservation Account (LAWCON) Federal Reimbursement"	\$750,000	DNR	Ron Potter Stan Linnell
Subd. 9b "Chronic Wasting Disease and Animal Health"	\$1,200,000	DNR	TBD
Subd. 9c "Aquatic Invasive Species"	\$5,690,000	DNR	TBD

Carrol Henderson, DNR and Rich Baker, DNR presented an overview of Subd. 3p "Species of Concern; Investigations" (Part A – "MN Common Loons & American White Pelicans), \$500,000 (Part A - \$250,000).

Subd. 10b "Contract Management", \$175,000, was removed from today's agenda at DNR's request. Members discussed extensively concerns about getting new contracts issued in a timely fashion to assure reimbursement to nonstate agencies and that this work plan was the equivalent of a contract between LCCMR and DNR for fiscal management of these appropriations as assigned. There was concern expressed that the contracts might be delayed pending approval of this work plan. Mike Banker stated that he had been assured by DNR that there was sufficient money in the carryforward to begin implementation of the new contracts and they would not be held up pending approval of the new money.

MOTION: Higgins moved lines 2 through 24 of the spreadsheet titled "M.L. 2011, 1st Special Session, Chapter 2, Article 3 - Environment and Natural Resources Trust Fund Appropriations Work Plan Approval List - LCCMR Meeting August 11, 2011" with the staff contingency notes and with the exception of the lines that had titles on them.

Before approval members discussed the need to have additional information on the conservation easement lists and the acquisition lists presented be provided to staff for review before final closings. Commissioner Broberg and Commissioner Gibson indicated that they wanted to work with staff on how the various requirements in session law are implemented.

Members further discussed issues of conservation easements using the Environment and Natural Resources Trust Fund (ENRTF). Commissioner Moody brought up concern about the purchase of conservation easements and the percentage of appraised value that was being paid without any public access and that it appears that they are buying down acquisition.

Commissioner Gibson reiterated she wants to work with staff.

Commissioner Cook says it appears to be a high level of administration and staffing costs for the return of the easements and fee title acquisition and that it is important that local cities be coordinated with and consulted on conservation easements because of circumstances where the proposed easements are in conflict with local park plans.

In Subd. 4j3c "HCP VII – Shallow Lake Conservation Easements (3c)", Ducks Unlimited, there was concern the project list appears to be paying private hunt clubs for easements that do not provide public access.

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Members requested that this discussion be written up and provided as guidance to the organizations and project managers. (See Attachment #2)

MOTION: Higgins renewed her motion to move lines 2 through 24 of the spreadsheet titled "M.L. 2011, 1st Special Session, Chapter 2, Article 3 - Environment and Natural Resources Trust Fund Appropriations Work Plan Approval List - LCCMR Meeting August 11, 2011" (See Attachment #3) with the staff contingency notes and with the exception of the lines that had titles on them – motion prevailed.

**9. Discuss topics for future issue seminars and project review**

Members discussed the results of their evaluation and voting on topics related to Agenda Item 11.

**10. Review 2011 RFP priorities and criteria**

There was no in-depth discussion at this time. Members were asked by staff to provide any feedback for staff to provide to other members.

**11. Discuss the 2011 calendar activities**

Members discussed the calendar and confirmed the next LCCMR meeting(s) would be September 27 - 28 and which activities should be completed. It was decided Sept. 27 would be a business meeting / issue seminars and September 28 would consist of Metro area site visits on issue seminar topics.

**12. Other business - Next scheduled LCCMR Meeting: September 27 and 28, 2011**

**13. Adjourn**

Meeting adjourned at 3:30 p.m.

