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Susan Thornton, Director

**MINUTES**

**February 10, 2012**

**9:15 a.m. – 12:00 p.m.**

**Room 5, State Office Building**

**St. Paul, MN 55155**

Members Present: Al Berner, Jeff Broberg, Sen. Al Dekruif, Nancy Gibson, Rep. Tom Hackbarth, John Herman, Sen. Linda Higgins, Rep. Denny McNamara, Norman Moody, Sen. Gen Olson, Rep. Ron Shimanski, Sen. Rod Skoe

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

Members Absent: Tom Cook, Sen. Gary Dahms, Rep. David Dill, Rep. Tom Rukavina, Elizabeth Wilkens

**Co-Chair: Rep. Tom Hackbarth**

**1. Approve agenda for LCCMR meeting for February 10, 2012**

Co-Chair Hackbarth called the meeting to order at 9:35 a.m.

MOTION: Commissioner Shimanski moved approval of the agenda for February 10, 2012 – motion prevailed.

**2. Members approve minutes for December 7, 2011**

MOTION: Commissioner McNamara moved approval of the minutes for December 7, 2011 – motion prevailed.

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

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

**4. Report from the LCCMR Executive Committee meeting of February 10, 2012**

Members reviewed the three motions that were adopted at the LCCMR Executive Committee Meeting.

1. That the LCCMR advise the LCC that the personnel matters of employment and performance of the executive director are private matters that should be handled in closed meetings by the executive committee and they would schedule a performance review with the LCCMR Director and move forward to the full LCCMR meeting
2. All of the letters received by the LCCMR Executive Committee concerning the LCC dismissal of the Executive Director shall be immediately copied and provided to the full LCCMR for review at the February 10, 2012 full LCCMR meeting

## LEGISLATIVE-CITIZEN COMMISSION ON MINNESOTA RESOURCES

3. That the attempted dismissal of the LCCMR Executive Director by the Legislative Coordinating Commission (LCC) represents inappropriate interference with the LCCMR's Statutory powers, duties and function and the LCC actions to interfere with the hiring, firing and direction of the LCCMR are policy matters, not personnel matters. This interference requires immediate public action by the LCCMR to protect the autonomy and function of the LCCMR and the Environment and Natural Resources Trust Fund. This motion directs the LCCMR Executive Committee to immediately write to the LCC Executive Director and the LCC informing them that inappropriate interference has occurred and request that the LCC take positive action to assure the autonomy, function and stability of the LCCMR will be preserved and protected without inappropriate LCC interference. The letter should state that the LCCMR is an autonomous quasi-Legislative body whose statutory duties are designed to assure a long-term, consistent and stable program, free from outside interference. The letter shall state that LCCMR functions under M.S. 116P and the procedures adopted in accordance with this statute give the LCCMR sole responsibility for the Executive Director and for the direction of the LCCMR. AMENDMENT: Commissioner Gibson moved to amend the motion to include to have the letter sent by Feb. 20, 2012

5. **Update on ML 2006, ML 2008, ML 2009, ML 2010 final reports received and final expenditures (LCCMR Staff)**

Susan Thornton reminded members there was some follow-up to the LCCMR meeting on December 7, 2011.

Susan Thornton reviewed the final reports on appropriations that have been reviewed by LCCMR staff in the past year. She explained as of June 30, 2011 there were a total of 62 appropriations ending from the ENRTF totaling \$23,202,000 and approximately \$1,228,398 (5.2%) would be returned to the corpus of the Environment and Natural Resources Trust Fund.

Commissioner Broberg asked if there could be any actions taken to use the money. Susan Thornton explained that the money is from the previous biennium and the appropriations have expired and any balances are to be returned to the Trust Fund.

Members discussed the return of money from Ducks Unlimited. Susan Thornton said she will request an update again from the DNR and MMB on the status of the money.

6. **Update on current work plan updates received and amendments received/approved (LCCMR Staff)**

Susan Thornton reviewed the work plan updates received between February 2011 and January 2012 and amendments received/approved administratively by LCCMR staff. Members asked about the reporting dates. Ms. Thornton explained that the project managers select their own reporting dates (twice each year) to accommodate their work schedule.

7. **Discuss proposal review and selection process for the ENRTF 2012-2013 RFP issued December 12, 2011**

Mike Banker explained the process used by members for the last RFP in May/June 2011. Members concurred that it worked smoothly and they should use the same process. Members also discussed the peer review process and the desire for technical review prior to their review process.

Commissioner Higgins started the discussion on invasive species. She asked members for their interest in giving substantial monies towards invasive species for the 2012-2013 RFP this year.

## LEGISLATIVE-CITIZEN COMMISSION ON MINNESOTA RESOURCES

Susan Thornton recommended making a public statement about the additional guidance to proposers responding to the Request for Proposal (RFP) regarding an emphasis on invasive species.

Members supported stating an emphasis for this RFP on invasive species and providing this additional guidance to the public as soon as possible. Members also discussed clarifying the specific area of invasive species.

Commissioner Gibson noted that the Environment and Natural Resources Trust Fund has been funding invasive species since 1991 and it is not an issue that the LCCMR has not been addressing.

MOTION: Commissioner Higgins moved to have staff post publicly on the website and send out the increased emphasis on invasive species, particularly Asian carp and other aquatic invasive species for this Request for Proposal (RFP). Staff were directed to draft the text as discussed. – motion prevailed.

**8. DNR request to amend appropriation language: M.L. 2010, Chp. 362, Sec. 2, Subd. 07c “Linking Habitat Restoration to Bioenergy and Local Economies”, \$600,000, Barb Spears, DNR – Completion Date: 06/30/2013 (DNR)**

Bob Meier, DNR, reviewed the appropriation language for M.L. 2010, Chp. 362, Sec. 2, Subd. 07c “Linking Habitat Restoration to Bioenergy and Local Economies”.

MOTION: Commissioner Higgins moved to recommend to the 2012 legislature an amendment to the appropriation language for M.L. 2010, Chp. 362, Sec. 2, Subd. 07c “Linking Habitat Restoration to Bioenergy and Local Economies to the following language:

“\$600,000 is from the trust fund to the commissioner of natural resources to restore high quality native habitats and expand market opportunities for utilizing postharvest restoration as a using the woody byproduct material for bioenergy source or other products. The commissioner may provide grants or otherwise transfer some or all of these funds to other public or private entities to accomplish these purposes. The commissioner may sell the material from public or private property to any viable market, provided that all of the proceeds are spent to further the purposes of this appropriation. This appropriation is available until June 30, 2013, by which time the project must be completed and final products delivered.”

- motion prevailed.

**9. Recommendation to 2012 legislature on ENRTF requested extensions of appropriation availability (LCCMR Staff):**

- M.L. 2009, Chp. 143, Sec. 2, Subd. 04c “Metropolitan Regional Park System Acquisition”, \$1,290,000, Arne Stefferud, Metropolitan Council  
Current Completion Date: 06/30/2012 Proposed Completion Date: 06/30/2014

- M.L. 2009, Chp. 143, Sec. 2, Subd. 05c “Cooperative Habitat Research in Deep Lakes”, \$825,000, Donald Pereira, DNR  
Current Completion Date: 06/30/2012 Proposed Completion Date: 06/30/2013

Bob Meier, DNR, explained the request for extension for M.L. 2009, Chp. 143, Sec. 2, Subd. 05c “Cooperative Habitat Research in Deep Lakes”.

- M.L. 2009, Chp. 143, Sec. 2, Subd. 06d “Controlling the Movement of Invasive Fish Species”, \$300,000, Vaughan Voller, U of MN  
Current Completion Date: 06/30/2012 Proposed Completion Date: 6/30/2013

LEGISLATIVE-CITIZEN COMMISSION ON MINNESOTA RESOURCES

- M.L. 2011, 1<sup>st</sup> Special Session, Chp. 2, Art. 3, Sec. 2, Subd. 09a "Minnesota Conservation Apprenticeship Academy", \$200,000, Steve Woods, BWSR  
Current Completion Date: 06/30/2014 Proposed Completion Date: 06/30/2015

Susan Thornton reviewed the requests for extensions of the availability of the appropriations.

MOTION: Commissioner Broberg moved to recommend to the 2012 legislature the following ENRTF extensions:

- (a) The availability of the appropriation for the following projects is extended to June 30, 2013:
  - (1) Laws 2009, chapter 143, section 2, subdivision 5, paragraph (c), Cooperative Habitat Research in Deep Lakes; and
  - (2) Laws 2009, chapter 143, section 2, subdivision 6, paragraph (d), Controlling the Movement of Invasive Fish Species.
- (b) The availability of the appropriation for the following project is extended to June 30, 2014:
  - (1) Laws 2009, chapter 143, section 2, subdivision 4, paragraph (c), Metropolitan Regional Park System Acquisition.
- (c) The availability of the appropriation for the following project is extended to June 30, 2015:
  - (1) Laws 2011, first special session, chapter 2, article 3, section 2, subdivision 9, paragraph (a), Minnesota Conservation Apprenticeship Academy.

- motion prevailed

10. LCCMR 2012 Calendar

11. Other business

12. Adjourn

Meeting adjourned at 11:10 a.m.

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