

Susan Thornton, Director

MINUTES

Tuesday, June 25, 2013

8:30 a.m. – 3:00 p.m.

State Office Building, Room 5

St. Paul, MN 55155

Members Present: Jeff Broberg, Tom Cook, Sen. Gary Dahms, Sen. Kari Dziedzic, William Faber, Nancy Gibson, Bonnie Harper-Lore, John Herman, Sen. John Hoffman, Rep. Leon Lillie, Norman Moody, Rep. John Persell, Sen. David Tomassoni, Rep. Paul Torkelson, Sen. Torrey Westrom, Rep. Jean Wagenius

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

Members Absent: Rep. Dan Fabian

Co-Chair: Rep. Jean Wagenius

1. Approve agenda for LCCMR meeting for June 25, 2013

Co-Chair Wagenius called the meeting to order at 8:45 a.m.

MOTION: Commissioner Torkelson moved to approve the agenda for June 25, 2013 – motion prevailed.

2. Approve the minutes for June 11, 2013

MOTION: Commissioner Torkelson moved to approve the minutes for June 11, 2013 – motion prevailed.

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

MS 116P.09 Subd 6 Conflict of interest. A commission member, technical advisory committee member, a peer review panelist, or an employee of the commission may not participate in or vote on a decision of the commission, technical advisory committee, or peer review panel relating to an organization in which the member, panelist, or employee has either a direct or indirect personal financial interest. While serving on the commission, technical advisory committee, or peer review panel, or being an employee of the commission, a person shall avoid any potential conflict of interest.

Commissioner Faber reported a conflict of interest for Item #10 - Amendment request to M.L. 2011, First Special Session, Chp. 2, Art. 3, Sec. 2, Subd. 04j4c "HCP VII – TPLs Critical Lands Protection Program (4c)" to modify ENRTF acquisition list to add in Upper Cullen Lake. He is currently the chair of the Crow Wing County Land and Forestry Advisory Committee.

Commissioner Herman reported a conflict of interest for Item #10 - Amendment request to M.L. 2011, First Special Session, Chp. 2, Art. 3, Sec. 2, Subd. 04j4c "HCP VII – TPLs Critical Lands Protection Program (4c)" to modify ENRTF acquisition list to add in Upper Cullen Lake. He is a member of the Trust for Public Land (TPL) Advisory Board.

Commissioner Herman reported a conflict of interest for M.L. 2013, Chp. 52, Sec. 2, Subd. 04d3.3 "MeCC VII - 3.3: Priority Expansion of Minnesota Valley National Wildlife Refuge" because they are a client at Faegre, Baker and Daniels.

4. MN State Lottery overview

Edwin Van Petten and Don Feeney (MN State Lottery) presented an overview of the Minnesota State Lottery.

Co-Chair Wagenius asked for a chart going back about 10 years regarding the unclaimed prize monies.

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5. State Board of Investment Overview of Environment and Natural Resources Trust Fund

Howard Bicker presented an overview of the Environment and Natural Resources Trust Fund responsibilities of the State Board of Investment.

6. a. DNR response to LCCMR Co-chair letter of May 21, 2013 regarding allocation of "direct and necessary" expenditures for M.L. 2013 appropriations - Dave Schad, Deputy Commissioner DNR

Dave Schad, Deputy Commissioner DNR, gave an overview of proposed "direct and necessary" expenses related to ENRTF appropriation to DNR.

b. Overview of LCCMR Responsibilities and Processes

Susan Thornton handed out "ENRTF LCCMR Funding Recommendation Process for M.L. 2014 Recommendations".

7. 2013-2014 Calendar and July Site Visit

Members reviewed the agenda for the site visit scheduled on July 17-18, 2013 to North Central Minnesota.

8. Continuation of 6/11/2013 Agenda - Amendment request to M.L. 2011, First Special Session, Chp. 2, Art. 3, Sec. 2, Subd. 04c "Metropolitan Regional Park System Acquisition" to modify ENRTF acquisition list to add Camp Kingswood property to adopted work plan - Arne Stefferud, Metropolitan Council and Jonathan Vlaming, Three Rivers Park District

NOTE: Requires affirmative vote of 12 members

- Camp Kingswood property to be acquired has a conservation easements that were funded by ENRTF in M.L. 2009, Chp. 143, Sec. 2, Subd. 04f3.2 & M.L. 2010, Chp. 362, Sec. 2, Subd. 04g3.2 for a total of \$172,500, Minnesota Land Trust and M.L. 2001, First Special Session, Chp. 2, Sec. 14, Subd. 04g "Metro Greenways", DNR Metro Greenways
- M.S. 116P.18 Lands in Public Domain

Arne Stefferud, Metropolitan Council and Margie Dahlof (Three Rivers Park District) requested adding the Camp Kingswood property onto their acquisition list for M.L. 2011, First Special Session, Chp. 2, Art. 3, Sec. 2, Subd. 04c "Metropolitan Regional Park System Acquisition.

MOTION: Commissioner Gibson moved to approve adding Camp Kingswood to the acquisition list to M.L. 2011, First Special Session, Chp. 2, Art. 3, Sec. 2, Subd. 04c "Metropolitan Regional Park System Acquisition" to allow the fee title purchase for this parcel – motion prevailed (16 ayes).

9. Continuation of 6/11/2013 Agenda - Partial easement conveyance approval requested for Camp Kingswood property in M.L. 2001, First Special Session, Chp. 2, Sec. 14, Subd. 04g "Metro Greenways", MN DNR as required by M.S. 116P.15, DNR - Jodi Dehn, Realty Supervisor, Division of Lands and Minerals

Three Rivers Park District and the DNR requested that the LCCMR approve partial release of the conservation easement for Camp Kingswood property that was purchased with funds from in M.L. 2001, First Special Session, Chp. 2, Sec. 14, Subd. 04g "Metro Greenways." The request was made to accommodate future regional trail development through the property consistent with the approved regional trail plan. As required by M.S. 116P.15 the request for the approval of the release of a portion of the previous conservation easement was brought before and approved by the LCCMR at the June 25, 2013 LCCMR meeting.

In regard to the release of the portion the conservation easement it was determined by the DNR that the state should be paid back \$17,800 for the partial release of the easement. The

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Environment and Natural Resources Trust Fund (ENRTF) will be paid back proportional to its original investment in the purchase of the easement which was 28.4%. The proportional amount to be paid to the ENRTF is \$4,414.40.

MOTION: Commissioner Torkelson moved to approve conveyance as proposed by DNR to Three Rivers Park District for a trail – motion prevailed (no opposition).

10. **Continuation of 6/11/2013 Agenda - Amendment request to M.L. 2011, First Special Session, Chp. 2, Art. 3, Sec. 2, Subd. 04j4c "HCP VII – TPLs Critical Lands Protection Program (4c)" to modify ENRTF acquisition list to add in Upper Cullen Lake, Crow Wing County and to allow the land to be conveyed to Crow Wing County instead of the MN DNR. The adopted work plan requires acquisitions to be conveyed to DNR - Robert McGillivray, The Trust for Public Land**

- **M.S. 116P.10 Royalties, Copyrights, Patents, and Sale of Products and Assets**

Susan Schmidt, The Trust for Public Land and Jacob Frei, Crow Wing County, requested to add Upper Cullen Lake to their acquisition list and to have Crow Wing County be the owner instead of DNR.

Co-Chair Wagenius said the tax assessment given by Susan Schmidt (\$900,000) is very different than what House Research has given at ~\$300,000.

MOTION: Commissioner Tomassoni moved to approve adding Upper Cullen Lake to the acquisition list to M.L. 2011, First Special Session, Chp. 2, Art. 3, Sec. 2, Subd. 04j4c "HCP VII – TPLs Critical Lands Protection Program (4c)" and conveying Upper Cullen Lake acquisition from M.L. 2011, First Special Session, Chp. 2, Art. 3, Sec. 2, Subd. 04j4c "HCP VII – TPLs Critical Lands Protection Program (4c)" to Crow Wing County – motion prevailed.

11. **M.L. 2013 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>**

- **Work Plan Approval List - LCCMR Meeting June 25, 2013 – Spreadsheet line number (See Attachment #1)**

Line 41 - Subd. 08b, "Contract Management", MN DNR, Amanda Graeber, \$135,000

Amanda Graeber, DNR, presented a brief summary of the work plan M.L. 2013, Chp. 52, Sec. 2, Subd. 08b "Contract Management".

MOTION: Commissioner Hoffman moved to approve the work plan for M.L. 2013, Chp. 52, Sec. 2, Subd. 08b "Contract Management" – motion prevailed.

New - Line 40 - Subd. 04I, "Restoration Evaluation", U of MN, Sue Galatowitsch, \$200,000

Sue Galatowitsch, U of MN, presented a brief summary of the work plan M.L. 2013, Chp. 52, Sec. 2, Subd. 04I "Restoration Evaluation".

MOTION: Commissioner Gibson moved to approve the work plan for M.L. 2013, Chp. 52, Sec. 2, Subd. 04I "Restoration Evaluation" with a caveat to have an update at a future LCCMR meeting – motion prevailed.

Line 44 - Subd. 06a, "An Aquatic Invasive Species Research Center", U of MN, Peter Sorensen, \$8,700,000

Mike Banker, LCCMR staff, provided a brief update. He explained that presently the work plan is broken down into 11 subprojects with some of the subprojects not starting for a year or more. He explained they do not have a detailed breakdown for years 3-6 so the budget will be set two years at a time. Every two years they will give an update to the full commission and staff will work

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closely with Peter Sorensen for minor adjustments needed within the subprojects. Each subproject will have its own work plan and detailed budget.

Peter Sorensen, U of MN, answered questions by members regarding the work plan M.L. 013, Chp. 52, Sec. 2, Subd. 06a "An Aquatic Invasive Species Research Center".

MOTION: Commissioner Moody moved to approve the work plan for M.L. 2013, Chp. 52, Sec. 2, Subd. 06a "An Aquatic Invasive Species Research Center" – motion prevailed.

Acquisition Fee Title - Line 34 - Subd. 04d3.3 "MeCC VII - 3.3: Priority Expansion of Minnesota Valley National Wildlife Refuge", Minnesota Valley National Wildlife Refuge Trust Inc, Deborah Loon, \$400,000

Deb Loon, MN Valley National Wildlife Refuge Trust Inc., presented a brief summary of the work plan M.L. 2013, Chp. 52, Sec. 2, Subd. 04d3.3 "MeCC VII - 3.3: Priority Expansion of Minnesota Valley National Wildlife Refuge".

MOTION: Commissioner Moody moved to approve the work plan and acquisition list for M.L. 2013, Chp. 52, Sec. 2, Subd. 04d3.3 "MeCC VII - 3.3: Priority Expansion of Minnesota Valley National Wildlife Refuge" – motion prevailed.

Acquisition Conservation Easements - Line 36 – Subd. 04d2.6/3.7 "MeCC VII - 2.6 & 3.7: Dakota County Lakeshore and Riparian Protection", Dakota County, Al Singer, \$368,000

Al Singer, Dakota County, presented a brief summary of the work plan M.L. 2013, Chp. 52, Sec. 2, Subd. 04d2.6/3.7 "MeCC VII - 2.6 & 3.7: Dakota County Lakeshore and Riparian Protection".

MOTION: Commissioner Broberg moved to approve the work plan and acquisition list for M.L. 2013, Chp. 52, Sec. 2, Subd. 04d2.6/3.7 "MeCC VII - 2.6 & 3.7: Dakota County Lakeshore and Riparian Protection" – motion prevailed.

Acquisition Conservation Easements - Line 37 – Subd. 04d3.2, "MeCC VII - 3.2: Protect Significant Habitat by Acquiring Conservation Easements", Minnesota Land Trust, John Curry, \$300,000

Kris Larson and John Curry, MN Land Trust, presented a brief summary of the work plan M.L. 2013, Chp. 52, Sec. 2, Subd. 04d3.2 "MeCC VII - 3.2: Protect Significant Habitat by Acquiring Conservation Easements".

MOTION: Commissioner Torkelson moved to approve the work plan and acquisition list for M.L. 2013, Chp. 52, Sec. 2, Subd. 04d3.2 "MeCC VII - 3.2: Protect Significant Habitat by Acquiring Conservation Easements" – motion prevailed.

Acquisition Conservation Easements - Line 38 - Subd. 04j, "Preserving the Avon Hills Landscape - Phase II", Saint Johns Arboretum and University, Thomas Kroll, \$722,000

Kris Larson and John Curry, MLT, presented a brief summary of the work plan M.L. 2013, Chp. 52, Sec. 2, Subd. 04j "Preserving the Avon Hills Landscape - Phase II".

MOTION: Commissioner Herman moved to approve the work plan for M.L. 2013, Chp. 52, Sec. 2, Subd. 04j "Preserving the Avon Hills Landscape - Phase II" – motion prevailed.

Line 43 - Subd. 05d, "Southern Minnesota Lakes Restoration", Le Sueur SWCD, Lauren Klement (Michael Schultz), \$463,000

Susan Thornton, LCCMR staff, explained to members that if this work plan would have been ready on June 11 staff would have recommended consent approval.

MOTION: Commissioner Moody moved to approve M.L. 2013, Chp. 52, Sec. 2, Subd. 05d "Southern Minnesota Lakes Restoration" – motion prevailed.

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Lines 46 – 55 – DNR Appropriations awaiting additional budget information on “direct and necessary” expenses in order to comply with ML 2013 session law per 05/22/13 letter to DNR Commissioner from LCCMR Co-Chairs

MOTION: Commissioner Moody moved to approve Lines 46-55 on the spreadsheet (recommended consent agenda) titled “M.L. 2013, Chapter 52, Section 2 – Environment and Natural Resources Trust Fund Appropriations Work Plan Approval List – LCCMR Meeting June 25, 2013” as modified from the dollars on the letter dated 5/22/2013 – motion prevailed.

- Decide on work plans (if any) to be scheduled for review or presentation at a later date

Commissioner Harper-Lore would like follow up on M.L. 2013, Chp. 52, Sec. 2, Subd. 06c “Improving Emerald Ash Borer Detection Efficacy for Control”. Commissioner Gibson would like to hear about M.L. 2013, Chp. 52, Sec. 2, Subd. 04i “Conservation Grazing to Improve Wildlife Habitat on Wildlife Management Areas”.

12. Other business (as needed)

13. Adjourn

MOTION: Commissioner Faber moved to adjourn for the day – motion prevailed.

Meeting adjourned at 3:05 p.m.

Paul