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Susan Thornton, Director

**MINUTES**

**Wednesday, December 2, 2015**  
**9:00 a.m. – 4:00 p.m.**  
**State Office Building, Room 5**  
**St. Paul, MN 55155**

**Members Present:** Jeff Broberg, Sen. Gary Dahms, Sen. Kari Dziedzic, William Faber, Nancy Gibson, Bonnie Harper-Lore, Gary Lamppa, Rep. Denny McNamara, Norman Moody, Rep. John Persell, Sen. David Tomassoni, Rep. Paul Torkelson, Rep. Jean Wagenius, Sen. Torrey Westrom, Della Young

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

**Members Excused:** Rep. Tom Hackbarth, Sen. John Hoffman

**Co-Chair: Sen. David Tomassoni**

**1. Approve the minutes for October 20, 2015**

Co-Chair Tomassoni started the meeting at 9:10 a.m.

MOTION (00:00:22): Commissioner Gibson moved to approve the minutes for October 20, 2015 – motion prevailed.

**2. 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.

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

Susan Thornton reviewed the meeting packets and mentioned that a summary packet of all members Conflict of Interest reported for the 2016 (FY17) Environment and Natural Resources Trust Fund (ENRTF) proposals is on file and will be appended to the December 2<sup>nd</sup> minutes. (Attachment #1).

**3. Carver County request to convey land acquired with ENRTF funds, in Lake Waconia Regional Park, to the DNR for a public boat access. LCCMR approval is required for land conveyances according to M.S 116P.15 LAND RESTRICTIONS. ENRTF funding was from M.L. 2011, First Special Session, Chp. 2, Art. 3, Sec. 2, Subd. 04c "Metropolitan Regional Park System Acquisition" – Presenters: Marty Walsh (Carver County) and Emmet Mullin (Metropolitan Council)**

Marty Walsh (Carver County), Emmet Mullin and Jan Youngquist (Metropolitan Council) gave a presentation on Carver County request to sell land acquired with ENRTF funds, in Lake Waconia Regional Park, to the DNR for a public boat access.

Co-Chair Tomassoni stated that in the materials for Item 3 on page one it states that the county will pay back \$356,020 but the correct amount is on page 5 at \$347,620. (See Attachment #2) Commissioner McNamara asked if the monies returned could be reallocated to build the access on the lake. Susan Thornton explained that according to statute (M.S 116P.15 LAND RESTRICTIONS)

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the monies are to be paid to the corpus of the Environment and Natural Resources Trust Fund or be used for the purchase of land of equal or greater value.

Members requested that the staff consult with the House and Senate research staff regarding options for the dollars to be used to build the boat access.

MOTION: Commissioner Moody moved to approve Carver County request to convey land acquired with ENRTF funds, in Lake Waconia Regional Park, to the DNR for a public boat access - M.L. 2011, First Special Session, Chp. 2, Art. 3, Sec. 2, Subd. 04c "Metropolitan Regional Park System Acquisition". Co-Chair Tomassoni tabled the agenda item while staff determines whether or not it is possible to reallocate the monies instead of repaying the Environment and Natural Resources Trust Fund.

#### **4. Discuss DNR Direct and Necessary for ML2016 Environment and Natural Resources Trust Fund Proposals – Presenter: Barb Juelich (DNR)**

Barb Juelich (DNR) gave a presentation on DNR's Direct and Necessary for M.L. 2016 Environment and Natural Resources Trust Fund Proposals.

Commissioner Harper-Lore requested the total DNR Direct and Necessary dollars in the 2016 proposals be provided at the next LCCMR meeting on December 10.

(01:52:00) Members reverted back to the agenda Item #3. Co-Chair Tomassoni explained to members that the monies have to be returned to the corpus of the Environment and Natural Resources Trust Fund and asked Commissioner Moody if he wanted to renew his motion.

RENEWED MOTION (01:52:03): Commissioner Moody renewed his motion to move to approve Carver County request to convey land acquired with ENRTF funds, in Lake Waconia Regional Park, to the DNR for a public boat access - M.L. 2011, First Special Session, Chp. 2, Art. 3, Sec. 2, Subd. 04c "Metropolitan Regional Park System Acquisition" – motion prevailed.

#### **5. Review for adoption LCCMR Appropriations Bill for the 2016 MN Legislative Session Funding Recommendations from the Environment and Natural Resources Trust Fund (ENRTF)**

- **ENRTF Draft Appropriations Bill for M.L. 2016 (FY2017) including items requiring members attention related to recommended appropriations**
- **M.L. 2016 ENRTF Recommendations Spreadsheet (FY2017)**

Susan Thornton reviewed the materials for LCCMR Appropriations Bill for the 2016 MN Legislative Session.

Staff handed out three sheets: (1) M.L. 2016 LCCMR Recommendations Potential Technical Changes to draft Language for Consideration (white sheet); (2) LCCMR funding recommendations for 2016 (FY2017) – Scenario A – Draft (12-1-15) (yellow sheet); and (3) LCCMR funding recommendations for 2016 (FY2017) – Scenario B – Draft (12-1-15) (green sheet).

Staff reminded members as of the LCCMR meeting on October 20 members recommended \$45,402,000 so there is a remaining balance of \$935,000 to be allocated.

MOTION (02:31:20): Commissioner Wagenius moved the handout titled "M.L. 2016 LCCMR Recommendations Potential Technical Changes to draft Language for Consideration" – motion prevailed. (See Attachment #3)

MOTION (02:33:08): Commissioner Broberg moved the LCCMR Appropriations Bill language with staff directed to make technical changes including:

- ENRTF ID: 180-G (Subd. 09e) "Wilder Forest Acquisition" by adding the following language "This appropriation is not subject to Minnesota Statutes, section 116P.10"
- ENRTF ID: 181-G (Subd. 09f) "Lincoln Pipestone Rural Water System Acquisition for Well Head Protection" by adding the draft language included in the draft paragraph "Land outside of the

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well head protection area may be acquired from willing sellers to facilitate Internal Revenue Code 1031 land exchanges for land within the wellhead protection area. M.S. 116P.15 land restrictions shall be on the lands put in to public ownership within the well head protection area through either direct purchase or land exchange”

– motion prevailed.

Members recessed at 11:50 a.m. and reconvened at 12:35 p.m and moved to Agenda Item #6 to discuss the Emerging Issues Account (02:38:55).

MOTION (02:55:10): Commissioner Moody moved on the spreadsheet titled “LCCMR funding recommendations for 2016 (FY2017) – Scenario A – Draft (12-1-15)” allocating additional dollars from the Environment and Natural Resources Trust Fund 2016 Recommendations to the following:

- ENRTF ID: 001-A (Subd. 03e) “Completing the National Wetland Inventory Update for Minnesota”, DNR, Steve Kloiber increase by \$300,000 for a total recommendation of \$1,500,000
  - ENRTF ID: 047-B (Subd. 04j) “Innovative Assessment of Minnesota’s Surface Waters from Space”, U of MN, Jacques Finlay increase by \$95,000 for a total recommendation of \$345,000
  - ENRTF ID: 154-F (Subd. 8c) “Seeding between the Lines: Permanent Habitat Within”, Science Museum of Minnesota, Shawn Schottler increase by \$20,000 for a total recommendation of \$179,000
  - LCCMR Data Management System for \$75,000
- motion prevailed.

### **6. Emerging Issues Account Procedure and Issue Discussion – M.L. 2015, Chp. 76, Sec. 2, Subd. 10, “Emerging Issues Account”, \$1,000,000**

Members started discussions on the Emerging Issues Account.

MOTION (02:59:45): Commissioner Dahms moved on the spreadsheet titled “LCCMR funding recommendations for 2016 (FY2017) – Scenario A – Draft (12-1-15)” allocating dollars from the Emerging Issues Account to the following:

- ENRTF ID: 037-B (Subd. 04a) “Tracking and Preventing Harmful Algal Blooms”, Science Museum of Minnesota, Dan Engstrom for \$93,000
- ENRTF ID: 038-B (Subd. 04b) “Increasing Harmful Algal Blooms in Minnesota Lakes”, U of MN, Miki Hondzo for \$71,000 for a total of \$164,000 from the Emerging Issues Account and the rest of the Emerging Issue Account would be set aside for Avian Flu responses if needed.

AMENDMENT: Commissioner Wagenius moved to amend Commissioner Dahms motion to move ENRTF ID: 037-B (Subd. 04a) “Tracking and Preventing Harmful Algal Blooms”, Science Museum of Minnesota, Dan Engstrom for \$93,000 and ENRTF ID: 038-B (Subd. 04b) “Increasing Harmful Algal Blooms in Minnesota Lakes”, U of MN, Miki Hondzo for \$71,000 from the Emerging Issues Account and split an additional \$336,000 from the emerging issues account between ENRTF ID: 037-B and ENRTF ID: 038-B and increase ENRTF ID: 174-G (Subd. 09a) “State Parks and State Trails Land Acquisition”, DNR, Jennifer Christie increase by \$336,000 plus the \$445,000 on the spreadsheet for a total of \$781,000 from the Environment and Natural Resources Trust Fund 2016 Recommendations. Commissioner Dahms did not accept amendment.

RENEWED MOTION: Commissioner Dahms renewed his motion to move on the spreadsheet titled “LCCMR funding recommendations for 2016 (FY2017) – Scenario A – Draft (12-1-15)” allocating dollars from the Emerging Issues Account to the following:

- ENRTF ID: 037-B (Subd. 04a) “Tracking and Preventing Harmful Algal Blooms”, Science Museum of Minnesota, Dan Engstrom for \$93,000

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- ENRTF ID: 038-B (Subd. 04b) "Increasing Harmful Algal Blooms in Minnesota Lakes", U of MN, Miki Hondzo for \$71,000 for a total of \$164,000 from the Emerging Issues Account and the rest of the Emerging Issue Account would be set aside for Avian Flu responses if needed.
- motion prevailed.

MOTION (03:21:21): Commissioner Moody moved on the spreadsheet titled "LCCMR funding recommendations for 2016 (FY2017) – Scenario A – Draft (12-1-15)" allocating additional dollars from the Environment and Natural Resources Trust Fund 2016 Recommendations to the following: ENRTF ID: 174-G (Subd. 09a) "State Parks and State Trails Land Acquisition", DNR, Jennifer Christie increase by \$445,000 for a total recommendation of \$2,445,000.

Commissioner Wagenius suggested designating the \$445,000 specifically for State Parks and Trails along the MN River. Commissioner Moody accepted Commissioner Wagenius suggestion.

RENEWED MOTION: Commissioner Moody renewed his motion to move from the spreadsheet titled "LCCMR funding recommendations for 2016 (FY2017) – Scenario A – Draft (12-1-15)" regarding allocating additional dollars from the Environment and Natural Resources Trust Fund 2016 Recommendations the following: ENRTF ID: 174-G (Subd. 09a) "State Parks and State Trails Land Acquisition", DNR, Jennifer Christie increase by \$445,000 for a total recommendation of \$2,445,000 and the \$445,000 is designated specifically for the State Parks and Trails along the MN River – motion prevailed.

MOTION (03:24:06): Co-Chair Tomassoni moved to adopt the ENRTF Draft Appropriations Bill for M.L. 2016 to the 2016 MN Legislative Session Funding Recommendations the FY17 Environment and Natural Resources Trust Fund as amended. The staff are requested to make any grammatical, stylistic and technical changes as needed – motion prevailed (unanimous – 13 members present).

### **7. Environmental Quality Board 2015 Water Policy Plan – Presenters: Anna Henderson and Erik Dahl (EQB)**

Anna Henderson and Erik Dahl (EQB) gave a presentation on the Environmental Quality Board 2015 Water Policy Plan. Members discussed.

Commissioner Wagenius requested the pesticide appendix from the 2015 Water Policy Plan.

### **8. Begin Discussion FY18 LCCMR 2017 ENRTF Request for Proposal (RFP)**

Members discussed and gave staff the following suggestions:

- Under the water and air topic areas, add "New techniques that can result in significant measurable prevention of air and water contamination"
- Economic study of the ecosystem services studies
- Effectively engage an aging population in natural resources
- Environmental health issues – what are the impacts
- Under the Environmental Education Issue area consider opportunities for teachers to work with students

### **9. Review LCCMR 2016 Calendar**

Staff handed out a corrected calendar for 2016. Members discussed and suggested moving the dates at the end of June to June 27, 28 and 29 instead of June 28, 29, and 30 to avoid the 4<sup>th</sup> of July weekend.

### **10. Other business (as needed)**

- **Next steps in the process**
- **Next meeting Thursday, December 10, 2015**

Commissioner McNamara requested updates on the AIS Center funding at the next meeting.

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Commissioner Young asked about letters received by email from Rep. Daudt and Greg Hubinger. Co-Chair Tomassoni said it was the intent to take those up at a future LCCMR Executive Committee meeting.

**11. Adjourn**

The meeting adjourned at 2:50 p.m.



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