

NORTHERN COUNTIES LAND USE COORDINATING BOARD
Minutes
Monday, February 2, 2012
Northome, Minnesota

Call to Order: The meeting of the Northern Counties Land Use Coordinating Board was called to order at 9:35 a.m. by Chair Brian McBride with the following in attendance. (All actions of the Board were supported unanimously unless otherwise indicated.)

Member Counties Present:

Commissioner Brian Napstad, Aitkin County
Commissioner Brian McBride, Koochiching County
Commissioner Wade Pavleck, Koochiching County
Commissioner Rich Sve, Lake County
Commissioner Todd Beckel, Lake of the Woods County
Commissioner Jack Swanson, Roseau County
Commissioner Mike Forsman, St. Louis County
Commissioner Steve Raukar, St. Louis County

Others Present:

Capt. Jim Dunn, Department of Natural Resources ENF
Bob Lessard, Department of Natural Resources
Lori Dowling, Department of Natural Resources, NWR1
Craig Engwall, Department of Natural Resources, NE
Bob Tammen, Soudan
Pat Tammen, Soudan
Douglas Skrief, NCLUCB Staff

Administrative Actions:

1. Approval of Agenda with the following additions:

- a. State: Wetlands and Land Values with Conservation Easement (Napstad)
- b. State: PILT (Beckel)
- c. Federal: Voyageurs National Park land acquisition (McBride)
- d. NCLUCB : ITV meetings of the board (Swanson)
m. Raukar s. Forsman

2. Approval of Minutes: January 5, 2012, with the correction that election of officers be referred to as "unanimous."

m. Swanson s. Napstad

3-4. Financial Report and Bills:

The income and expenditures sheets reflected a general account balance of \$101,635.33 and a Land Use Conflict Management balance of \$15,005.28. The total accounts balance, after payment of approved expenses of \$358.04, was \$116,640.61.

m. Raukar s. Beckel

Bills: Administrative expenses for Douglas Skrief at \$654.85
Web hosting North Star Interactive at \$729.17
Room rental and refreshments 2/2/12 Kootasca Senior Center \$55.00
m. Forsman s. Napstad

Correspondence: 1. The Chair announced invitations were sent to DNR Commissioner Landwehr and Bob Lessard to attend a joint meeting with the Natural Resources board during the AMC conference in March, with a time and place to be determined. Invitations may also be sent to legislators, including Senator Bill

Ingebrigtsen and Rep. Denny McNamara. Discussion followed regarding making most effective contact with legislators during the conference, whether visiting offices as a group or having committee chairs, such as those of Natural Resources and Revenue, attend the joint meeting. The agenda may be adjusted as per those who attend. The approaching of federal agencies about concerns such as wetlands may be most effective after enlisting support of state officials. Comms. McBride and Beckel will discuss the matter.

2. Invoices for 2012 dues were sent to counties.

ISSUES OF DISCUSSION

LOCAL

1. Beaver control issues –Mr. Engwall and Ms. Dowling reported that in preference to a “beaver summit,” a meeting with the Board was preferable as a first step. The DNR can issue a general permit to a county with, in effect, a boilerplate plan. Comm. Swanson interjected that the desire of his county is to control beavers to mitigate damage locally and to avoid negative impacts, such as ticketing of trappers who might take beaver out of season. Mr. Engwall responded that it is a matter of having a plan in place. Ms. Dowling agreed that immediate concerns most regard the DNR and counties. She introduced Capt. Jim Dunn.

Capt. Dunn divided beaver control into three areas: private landowners; local governmental units; and road authorities. The DNR would prefer to maximize recreational taking of beaver during a trapping season. During the last legislative session, authority was expanded to road authorities to protect road infrastructure – removing beaver and a lodge within 300 feet of a road with permission of a local conservation officer. Historically, permission has been given for needed control. Some counties have created a model program, zoning their county and putting out for bid to trappers control within the zones. The DNR has permitted those trappers. The cost is kept low and the DNR is aware of the trapping.

Permits to take beaver along roadways may be given to individual trappers and to an employee of the county or to the road authority which chooses their own trapper and provides the trapper a letter of authority which is copied to the DNR. Private landowners may request a permit as circumstances arise. Road authorities may be more proactive within a permitting plan, a plan that may be resubmitted annually. Another alternative is a bounty program that includes a process of accountability of legal taking, standards and data.

Comm. Beckel asked if there is a cheaper alternative to protect timber and personal property, such as allowing deer hunters to shoot beaver. He pointed out that legislation now allows dynamiting of lodges. Capt. Dunn pointed out that the DNR is still subject to the Fish and Game Law, making opportunistic taking problematic; notably it is not legal to take beaver with a rifle. Road authorities can only take by trapping. Private landowners have more latitude to protect property. Sen. Lessard recalled the outcry of trappers to a proposal to take by firearms.

Counties are landowners, but perhaps not a “private” landowner, Capt. Dunn noted in response to questions. The goal is to ensure accountability from those taking, under law.

Comm. Swanson pointed to legislation MS 97B.661 in which the DNR commissioner may remove beaver from state land if requested by a county. The option has not been exercised, Capt. Dunn noted. Comm. Beckel noted how counties have worked with the DNR towards control in cases where high value timber in Con-Con lands was threatened.

Comm. Swanson agreed that if a permit for local control is relatively easy to obtain, then the issue is addressable. The DNR would willingly confer with counties to develop a plan. A single plan may work for multiple counties, added Mr. Engwall, as long as it includes accountability and inclusion of RCOs. Comm. Swanson recommended a boilerplate plan. The individual county would indicate special needs and provide names of trappers and the numbers of beaver taken. Comm. Raukar suggested a boilerplate be available from the DNR Commissioner accessible by county land commissioners when needed.

Comm. Napstad pointed to the issues of a deficit of available trappers, low value of pelts and landmasses too large to realize actual control; perhaps a bounty program is necessary. Capt. Dunn responded that the recent legislation allows the road authority to establish a bounty program within a county. It is not a cost share program. BWSR has shown interest in getting funding to support a bounty program. There are only two requirements: to work with the BWSR and the section of Wildlife in developing a program of control that includes monitoring and lawfully permitted taking. Roseau County pays \$30 and Kittson County \$40 for each beaver, noted Comm. Swanson. Lake of the Woods now allocates \$38,000 to beaver control, added Comm. Beckel, through a bidding process; a boilerplate might

allow any licensed trapper to take. Sen. Lessard argued against the use of the term “bounty” as it is interpreted at the legislative level as equating “beaver” with “vermin”. A better term might be “management tool” or “management fee”.

Comm. Swanson noted that Roseau County would be willing to pay for control. Comm. Napstad suggested that if BWSR is able to fund a control program then legislators might be approached to encourage funding it. Lake of the Woods and Beltrami Counties have developed control plans. Capt. Dunn supported a zoning process, with contracts, that has controls built in over a bounty process that needs controls added. Comm. Beckel and Swanson encouraged involving county engineers. Comm. Swanson warned against adding layers to a process that worked – with the exception of the permitting. A plan would have a permitting component, and, if desired, a bounty addendum. A draft could be prepared which the road authorities and county engineers could develop further.

Comm. Swanson moved that the Administrator assemble a draft plan by combining existing plans. m. Swanson s. Napstad

Discussion following included support for a common plan that may be used at the state level to encourage funding of a control program. MRCC, added Comm. Pavleck, may be included in the discussion once a plan is developed. Sen. Lessard suggested that consideration might be made of beginning with counties other than St. Louis County with its Duluth constituency.

2. Intermediate Timber Sales - Comm. Raukar recounted a request of member counties to consider whether legislation might be sought to provide counties the authority to conduct “intermediate” timber sales under terms similar to those that the State enjoys. This local control issue would be to improve the opportunity for local loggers to access public timber and better survive. This was discussed at the AMC conference and at NCLUCB. Fourteen counties manage timber; six carry out intermediate sales under implied authority. Some counties have expressed concern that it is not an issue to raise. In 2010, legislative change increased the number of minimum employees of a bidder from 25 to 30 – not perhaps in the interest of individual loggers. A question was raised at the last meeting of the Board as to whether statute does or does not allow counties to hold sales. There is not a prohibition in county statutes but state law may not allow. There may be a risk in inquiring into the issue, suggested Mr. Engwall; there is no DNR view.

The issue, recalled Comm. Forsman, was brought to St. Louis County’s County Attorney, who held that intermediate sales are not to be allowed. Koochiching and Lake Counties hold such sales. Comm. Napstad questioned the term “intermediate” which refers to sales limited to loggers of a certain size. Sen. Lessard informed the Board that in the 1970s a request to distinguish large from small loggers resulted in the choice of “intermediate,” for which he takes responsibility. Aitkin County once allowed intermediate sales but discontinued them after legislation disallowed them; the county does hold “interim” sales that because of the relatively small size and types of lots allows small loggers opportunities to bid. The Aitkin County Land commissioner recommends limits on the basis of volume rather than dollar amount. Statute reads as “lots of 3,000 cords or less,” commented Comm. Raukar. Clarity would be needed on this issue.

Comm. Pavleck reported that Koochiching County developed its own program to support small loggers nearly 18 years ago. There have been no issues with the State. The Northome area is an example of a location where small loggers are able to bid. Perhaps there is an option for counties to make sales fit to their needs.

Comm. Forsman noted that the St. Louis County Land Commissioner feels that small loggers are served when they are able to pick up, at the opening bid amount, small sales left on the table after an auction. Small loggers are supported, loggers important to getting county wood to mills, keeping jobs in the county and helping the economy. Comm. Pavleck added that “small loggers” are protected by the limited number of sales in Koochiching County. Comm. Beckel suggested calling those affected “family loggers.” Perhaps AMC might include this as a proposal.

Comm. Raukar spoke to creating a level playing field. He had spoken with Scott Dane of the area contract logging association who indicated the group would not be in opposition to giving counties the same authority as the state and giving them authority for setting the minimum number of employees. Large companies might not be interested in the success of small loggers, he added. He would like county boards to provide a yea or nay opinion. Private landowners may be interested in survival of small loggers to maintain their own property.

Comm. Raukar summed up the issue by asking for legislation that would lower the minimum number of employees and give counties the authority to set the size of sales. This would be a tool in the box, for which Comm. Forsman gave support as long as raising the issue would not jeopardize other counties’ current practices; he added that counting employees is sometimes difficult.

Comm. Pavleck recalled that Koochiching County brought in stakeholders and set practice at the grassroots level; there has been no issue. He is willing to look into it. Comm. Sve reported that Lake County has been doing it for ten years with a 25, now 30, employee limit; there has been no push back. Comm. Raukar argued that statutory change is necessary and that a global view is needed to clear up the issue. Ms. Dowling suggested that the Minnesota Forest Industries be contacted. Comm. Beckel suggested that member counties might provide a broad statement of support of small loggers, encouraging their remaining in the county.

STATE

1. Wetland Mitigation – Comm. Napstad provided an overview of problems with the Wetland Conservation Act for northern Minnesota. Some legislative initiatives are not addressing larger issues. An example is the meetings of Technical Evaluation Panels at which, technically, no quorum is required. A list of such issues is being assembled to be brought to BWSR.

Legislation to double the size of exemptions has been proposed, though this does not address issues of northeast Minnesota's abundance of wetlands where purchased credits can reduce tax base, while, meanwhile, flooding problems in the Red River Valley cannot be addressed acre-for-acre. Comm. Tom Landwehr has supported addressing issues at an agency level. Comm Napstad has explained to BWSR Executive Director Jaschke that benefits of mitigation are negligible on flooding, water quality and wildlife. In addition, the Army Corps of Engineers can veto a proposed mitigation. Mr. Jaschke has approached the Corps and the DNR's Land and Minerals department and has held a multi-agency meeting. At a January meeting the Corps asked for more federal partners to be present, such as the EPA and Fish and Wildlife. The Corps is apparently in no hurry. From a Minnesota conservation wildlife management perspective a proposed adjustment could address a number of relevant issues. Sen. Lessard suggested bringing in other entities, including special interest groups, and demonstrate harm to game from current rules, for example, in southwest Minnesota. Comm. Beckel agreed that state agencies are sometimes weak partners due to the ultimate size and longevity of the federal agencies. He pointed to projects being held up by federal agencies in Board counties. Comm. Napstad recalled the strong position taken by Mr. Jaschke. Multiple agencies will be included in upcoming conversations, including state agency representatives – providing a better opportunity for pushing the issue than the Board may have on its own.

2. PILT – Comm. Beckel reported that he and Commissioner Sve would be discussing PILT in the DNR offices on February 3 in response to a legislative request of the DNR to report on the topic. He requested input of other commissioners.

3. Land Values – Comm. Napstad recounted that the Aitken County Board had a closed meeting on the issue of a conservation easement allowed to Blandin Paper, priced at \$36 million in public and \$9 in private funds, in northern Aitkin, Koochiching and Itasca Counties. Blandin is contesting the valuation of the land. This would have impact on county tax bases, placing a potential burden on residents. Comm. Napstad has asked for presence of the Department of Revenue for guidance as to impact of easements on value.

Mr. Engwall added that there is not guidance on the issue. County assessors have traditionally had authority and have let current value stand since the land remains forested. Itasca has been challenged on valuation before easement. A state policy level discussion is also needed.

Counties might speak with their own assessors. Comm. Sve after discussion with the Lake County assessor recommended all assessors be on the same page; sales of easement lands have borne up initial values. Discussion included examples of increases in land value of parcels contiguous to easement lands.

NATIONAL

1. Wolf Delisting – Capt. Dunn shared a handout on 2012 Minnesota Wolf Season Recommendations that included a quota of 400 with one taken per licensed hunter or trapper with a total of 6,000 \$4 licenses issued by lottery. Comm. Swanson reported on a DNR open forum in which it was suggested that skilled trappers would be needed to approach quota totals. Capt. Dunn related that the first year may be seen as one in which information is gathered, cautiously monitoring the harvest to protect from overharvest and a return to Federal management. Carcasses of tagged wolves will be collected for research. Nuisance wolves that are taken are always the property of the State. Pro-wolf interests may buy up licenses, suggested Comm. McBride. Mr. Engwall underscored the DNR Commissioner's cautious approach in order

to find a balance. The northwestern part of the state would like to see assignment of licenses to locals, suggested Comm. Swanson. Two zones in the state provide a distinction on restrictions. The Legislature may weigh in and make changes to the DNR proposal, reported Ms. Dowling, adding that the wolf is to be seen as a trophy and not vermin. Nuisance animals' pelts would be kept for the state for research and educational purposes. A statewide survey will be held to determine numbers. The goal is to keep the numbers at 2,100 to 2,500.

Comm. Napstad asked for a clarification of "immediate threat" as it may leave room for interpretation by Conservation Officers. Capt. Dunn reviewed a scenario in which a landowner perceives a threat, takes the animal and reports it to the DNR; if the story, after investigation, makes sense it will be accepted. John Hart of the USDA has told Ms. Dowling that he did not know of a circumstance in which there was a wolf in the presence of livestock or domestic animals when the decision was not in favor of the landowner.

2. Voyageurs National Park – Comm. McBride noted proposed legislation sponsored by Voyageurs National Park that would reassign 33 islands now under the management of the Bureau of Land Management to VNP ownership. Most of the islands are in St. Louis County. Koochiching County is identifying all islands as to state, federal or unknown ownership. Koochiching will fight to have these lands under county control.

NCLUCB

1. ITV Meetings of NCLUCB - Comm. Swanson recommended ITV meetings. A reduced number of sites might be best to start with. Lake of the Woods, St. Louis County and the DNR might be sites. The May meeting may be an opportune time to experiment with distance meeting.

Adjournment at 12:18 p.m.

m. Pavleck s. Beckel

Next meeting March 1, 2012, 9:30 a.m. Chisholm
Minutes by Douglas Skrief