

Northern Counties Land Use Coordinating Board  
Meeting in Conjunction with AMC Legislative Conference

St. Cloud, MN

December 9, 2014

Minutes

**Call to Order:** the meeting was called to order at 9:00 a.m. by Chairman Rich Sve.

**NCLCUB members present:** Garry Gamble, Rich Sve, Todd Miller, Buck Nordlof, Don Jensen, Skip Swanson, Brian McBride, Brian Napstad, Anne Marcotte, Steve Raukar, Jack Swanson

**Other participants:** Jerry Dahl, Mahnommen County; Tom Hanson, Lake of the Woods County; Rob Ecklund, Koochiching County; Gary Kiesow, Marshall County; Joe Vene, Beltrami County; John Ongaro, St. Louis County, Lori Dowling-Hanson, DNR; Pat Henderson, ARDC; John Chell, NCLUCB secretary.

**Administrative Actions:**

Additions to the agenda: Napstad: Environment and Natural Resources Policy Committee; Miller: county perspective in MRCC on the Permit to Mine issue.

Action on the minutes of Nov. 6, 2014: m-Napstad, s-Miller

**Financial Report:**

General Fund: \$ 121,621.48

Accnts Payable: \$ 804.156

m-Gamble, s-McBride

Commissioner Napstad noted the changes in the House of Representatives approach to Natural Resource issues for the 2015 Session. In previous legislative sessions legislation relevant to NCLUCB was primarily handled in the Environment and Natural Resources Policy Committee. With the Republicans assuming a majority position in the House, they have reorganized several of the standing committees. Legislation affecting natural resources and environment will now be heard in the Mining and Outdoor Recreation Policy committee. Members of that committee include: Anderson, M; Anzelc; Considine; Cornish; Dill; Hertaus; Johnson,B; Kiel; Lucero; McNamara; Melin; Metsa; and Yarusso.

Commissioner Miller discussed a recent MRCC meeting in which the Permit to Mine issue was reviewed. Miller stated that counties should have a role since we are currently unable to provide local input to the permit to mine process. Members added the following points:

- o If we are not the designated RGU how do we provide our perspective?
- o County staff currently give wetland credit assessments for local projects not involving mining, couldn't they do the same for mining related developments?

- o Mining permits appear to provide a more lenient approach to credit assessments.
- o Mining in the Lake Superior watershed focuses mitigation on BSA 1 and 2 combined due to the lack of mitigation/restoration sites available.
- o If sites are unavailable and mitigation in another BSA or in-lieu fees are not allowed, we must find some other option such stream bank restoration etc .
- o While the Clean Water Council may advocate for expanded buffer zones for mitigation, expanded buffers may be of concern to affected counties.
- o Environmental groups are under the illusion that mitigation is actually occurring in BSA 1. (note: in discussing this issue with the Aitkin County environmental manager, she stated that two of the major mining projects are developing mitigation sites in Aitkin County—approximately 120 to 130 miles from the location of their mines.)

Commissioner Napstad discussed the Payment in Lieu(PIL) option. He stated that the PIL must certainly be preferable to restorations in low value wetlands. BWSR does have high priority restoration sites mapped but we need more specific mapping to define priority mitigation sites in the state that could be the target for PIL funds. And the credit ratios should reflect the priority restoration needs by providing incentives to mitigate in the high priority areas outside the project affected watershed.

Commissioner Swanson asked: who will determine the high priority sites? Ans: BWSR.

Commissioner Miller stated that he liked the progress being made on specific language for revision of the Wetland Conservation Act. Stating that the current system is not working, he indicated that counties must have a greater “say” in the direction of wetland policies. In addition, since changes to the WCA will probably take place over several legislative sessions and agencies will be establishing operating rules and regulations, there will need to be a permanent work group representing the counties as we move along. Napstad agreed stating that the legislature will probably authorize rulemaking by relevant agencies and the counties will have to be heavily involved in that process.

Commissioner Jensen noted that he sat next to the representative from the Fish and Wildlife Alliance at the last BWSR wetland workgroup meeting and had the impression that they would be willing to consider some of the alternatives we have been discussing.

St. Louis County lobbyist, John Ongaro, discussed the upcoming legislative session. John emphasized the opportunity that the last election represented for rural counties. Both parties now recognize the importance that rural voters represent in maintaining or regaining legislative majorities in both houses. The Senate in particular will be looking for a “rural policy agenda” to support their positions.

Transportation: not optimistic. Republicans are opposed to an increase in the gas tax. While there may be an opportunity for some increase in funding through a bonding bill, that is not a solution to our transportation infrastructure needs.

Local Gov't Aid: some discussion about transferring some LGA to transportation.

Tax forfeit land revenues: League of Minnesota Cities is promoting a change in the allocation process for Tax Forfeit Land reimbursements. They believe they should have access to the fund prior to distribution for their land management costs. In addition, the cities want to ensure that all assessments be paid to the city before any forfeit land is sold within their jurisdiction. Commissioner Marcotte stated that she did not think the cities generally had any significant costs associated with the sale of timber or preparation of tax forfeit lands for sale.

Ongaro endorsed the idea of asking the Legislative Auditor to initiate a program analysis on wetland management and regulation stating the the Office of the Legislative Auditor is both professional and objective.

Commissioner Swanson noted that Representative Fabian is considering introducing a bill to require a not net loss of tax base for public land acquisitions. In an active discussion, Commissioners made the following points:

Governor would probably such a bill.

AMC is considering a policy resolution supporting county approval for public land purchases.

Most northern counties have public lands that do not fit into a management plan.

Should the counties have, or even want to have, some level of authority to veto third party land sales?

Process could involve a divestiture of other less desirable public lands prior to an acquisition.

How much land does the state need?

Motion to support the AMC position introduced by Commissioner Jensen. Seconded by Miller. Further discussion resulted in a deferment of the motion until the AMC resolution is confirmed on December 18<sup>th</sup>.

Commissioner Sve noted that the Class 1 air quality petition by the Fond du Lac tribe is ongoing. MPCA has sent a lengthy and detailed set of questions to the Band. Ongaro stated that the designation process in Michigan resulted in 14 years of appeals and stalled development. Commissioners asked for further information at upcoming meetings and what is the intent of this initiative?

Meeting adjourned at 11:15 a.m.

