

Northern Counties Land Use Coordinating Board

Oct. 2, 2014

Minnesota Discovery Center, Chisholm, MN

Board Meeting Minutes

Call to Order: The meeting was called to order by Chairman Rich Sve at 9:40 a.m.

NCLUCB members present: Don Jensen, Wayne Skoe, Brian Napstad, Rich Sve, Todd Miller, Garry Gamble, Wade Pavleck, Steve Raukar, Buck Nordlof, Mike Forsman

Others present: Bob Lessard, DNR; John Chell, NCLUCB secretary.

Administrative Actions:

1. Additions to the agenda: DNR land acquisition policy, Fond du Lac air quality designation.

Agenda approve: M-Miller, S-Jensen

2. Action on the minutes of Sept. 3, 2014: M- Pavleck, S-Gamble
3. Financial Report: General Fund: \$123,643.69
 - a. Professional Services and Expenses: \$ 976.26

Approve Finance Report: M-Raukar, S-Sve

- b. Audit and Report to Office of State Auditor: Contract with Colleen Hoffman, CPA, Thief River Falls. M-Raukar, S-Jensen.

Wetland Legislation Initiative

Commissioner Gamble stated that the BWSR initiative to draft language was taking too long. NCLUCB needs to do more to move the process along. Other states are an example of progressive legislation.

Commissioner Napstad cited a recent meeting with stakeholder groups in Cloquet at which priority items for potential legislation were given consensus priority rankings and BWSR stated that there would be a need for a long term group to guide statutory modifications over several legislative sessions. It was clear at the stakeholder meeting that environmental interests would oppose out of watershed mitigation and an in-lieu fee alternative. Napstad also reviewed the history of NCLUCB involvement in this issue concluding with the AMC meeting in Alexandria. At that meeting, NCLUCB members indicated their frustration with the slow progress of legislative language to Weirens of the BWSR. Dave clearly delivered that message to BWSR leadership. The Cloquet meeting reflected a renewed sense of urgency, but there are still too many issue areas..21 specific proposals for legislative changes. NCLUCB must narrow our focus to the priority issues: Siting, In-lieu Fees, and De Minimus. The environmental

stakeholder representatives were assuming that mitigation was occurring primarily within affected watersheds. But they did not know that over 15,000 acres in Aitkin County alone were tied up in mitigation projects. Mitigation is clearly not focused in watersheds where the original disturbance occurred...even though most of the participants thought differently.

Within the Siting component the identification of critical mitigation sites is essential and the ability to provide incentives to mitigate at those sites is necessary.

Commissioner Pavleck indicated that Rep. Dill is looking toward NCLUCB for support and could actually become the House Natural Resources chair next session.

Commissioner Napstad: the goal of the BWSR group is to produce language by the end of November.

Commissioner Miller: we need to ensure that wetland credits will be available in the in-lieu process in a reliable and well defined manner.

Commissioner Gamble: we still have to define the role of NCLUCB in this process.

Commissioner Sve: we should consider sending a letter to legislators outlining our position.

Commissioner Jensen: who will be carrying the bill? Skoe in Senate and Erickson in the House.

Commissioner Pavleck: 30 years ago groups like Ducks Unlimited had a great vision for how the Wetland Conservation Act would restore prairie potholes and create habitat. They must really be disappointed with how the program developed.

Commissioner Jensen: the exemptions in the farm bill cannot be affected by this legislation.

Commissioner Skoe: MFI and MTPA are very concerned about regulations of very small bogs.

Waters of the U.S.

Commissioner Sve discussed this issue with Rep. Nolan's aide. Got the impression that there was a lot of political wrangling in Washington regarding the EPA/Corps draft regulations.

Commissioner Gamble stated that he had sent a letter to Nolan requesting the consideration of impacts on Northern Minnesota and the need for a more inclusive process. Nolan's response does not build the confidence and trust that he will effectively push for a better process. Commissioner Skoe indicated that after the vote on the bill, the Koochiching County Board called Nolan and did express their concern regarding his vote on H.R. 5078. Gamble indicated that he thought the 70 page Waters of the U.S. draft regulations of a case of massive overreach. Commissioner Miller noted that 16 county governments in the West wrote an excellent critique of the draft regulations and would circulate their comments.

Commissioner Sve asked members if they wanted to invite Nolan to a future NCLUCB meeting to discuss this issue. Commissioner Raukar stated that H.R. 5078 had no chance of passage in the Senate and that there may be other issues involved of which we are unaware.

Commissioner Gamble responded that it is imperative that we respond and set out our position on this critical issue. Gamble noted that this issue was a principle reason for Oberstar's loss of his House seat. Sve indicated that he has had several constituents and township officials express concern regarding the Waters of the U.S. regulations.

Commissioner Napstad moved and Commissioner Gamble seconded drafting a letter to Nolan.

Commissioner Miller stated that he viewed the EPA's outreach process as superficial and that the federal agencies had a strategy to force this regulatory package while going through the motions in terms of considering local views.

Commissioner Forsman noted that county engineers submit every project and build in several months for regulatory review on their projects because they cannot determine which projects will receive Corps of Engineers review. Commissioner Gamble noted that several projects of which he was aware took 2-3 years to receive federal permits.

Commissioner Jensen stated that MnDot employees are now helping the Corps office with permit review due to the volume and inability of the Corps to act in a timely manner.

Commissioner Raukar that we talk to Nolan's local aide to discuss our concerns.

Commissioner Jensen asked that the draft letter be circulated to all members before issuing. Commissioner Miller suggested that a thank you letter be sent to Rep. Peterson and that an additional letter be sent to Senators Franken and Klobuchar outlining NCLUCB positions. Commissioner Gamble volunteered to draft the Nolan and Senate letters. Forsman motion to issue the letters and Jensen seconded. Carried.

One Watershed/One Plan

Commissioner Sve noted that Cook and Lake Counties are moving forward with their pilot project on the Lake Superior North watershed. Advisory and policy committees are being established. Commissioner Gamble stated that the process will change how water management will work at the local level. The workplan will be fairly general and the plan writing will be contracted out.

Commissioner Napstad indicated that some counties are requesting an extension for their County Water Plan citing the MPCA's Watershed Restoration and Protection Strategy (WRAP) process and the One Watershed/One Plan initiative as justification. BWSR will have to have a very good reason to deny a requested extension.

Roundtable

Commissioner Jensen discussed DNR land acquisition. The county wishes to sell tax forfeit land to achieve a no net loss for some lands DNR is purchasing for a WMA. But the state cannot reimburse the county under PILT at the acquired land rate due to state law. Since the county sold 600 acres to offset the WMA purchase of 900 private acres, there is a net loss of revenue to the county. If the state could make PILT payments at the acquired land rate, the discrepancy would be reduced.

Jensen also noted that if a private party donates land to the state as a charitable gift or a conservation easement, tax base is lost and there is nothing we can do. Sve stated that Lake County does suggest to the state that they not accept the gift.

Napstad asked how a county could legally intervene in a private transaction between the state and a private landowner? He did believe there is any legal basis for intervention.

(Several commissioners suggested the topic of No Net Loss of Tax Base as a discussion topic for a future meeting.)

Commissioner Sve discussed a meeting in Cloquet regarding the Fon du Lac Band petition to become a Class 1 air quality region for their tribal lands. Several members spoke to the significance of this action. A Class 1 determination would represent a serious regulatory threat to the major industries and communities of the region. There was general agreement that existing tribal facilities and infrastructure makes the possibility of a Class 1 determination remote at best...but that the process should be monitored by affected counties.

Meeting adjourned at 12 p.m.