

Northern Counties Land Use Coordinating Board

August 7, 2014

Northome, MN

Board Meeting Minutes

Call to Order: the NCLUCB meeting was called to order at 9:35 a.m. by Chairman Rich Sve.

NCLUCB Members Present: Brian Napstad, Skip Swanson, Don Jensen, Mike Forsman, Todd Miller, Garry Gamble, Rich Sve, Wade Pavleck, Anne Marcotte.

Others Present: Wayne Skoe, Bob Tammen, Pat Tammen, Greg Nelson (DNR), Bob Lessard (DNR), John Chell (secretary) , Rep. Roger Erickson.

Administrative Actions:

Additions to the agenda and agenda approval: Added: Napstad-Snowmobile trails near airports. Approval: M-Gamble, S-Miller.

Financial Report approved: M-Jensen, S-Miller including \$55.00 to the Kootasca Senior Center of Northome for meeting space rental.

Announcement: Dave Weirens , BWSR representative is ill and will not be participating in the August 7 meeting.

NCLUCB Policy Issues Follow-up:

Wetland Conservation Act legislation: Commissioner Sve noted that the wetland legislation work group is asking for 4 to 6 priorities for wetland legislation recommendations. Commissioner Napstad indicated that there are two primary areas for legislative revisions: mechanics and language. The idea is to work over the summer to develop language for the Joint Legislative Committee. But the dilemma is the mechanics: agencies report to the governor not the legislature, so who drafts this bill? There is no executive order assigning responsibility for draft legislation. So who is authorized to write the bill and what are we trying to change?

Rep. Erickson asked how do you want to interact? There appear to be four influential groups: Agencies, mining companies, environmental groups and the Corps of Engineers. "My primary interest is the impact of wetland legislation on farmland preservation, but effective changes could be instrumental in improving prairie pothole habitat.

Commissioner Gamble stated that everyone agrees to the need for change, but Ideology is trumping the process. Commissioner Miller asked if 'in-lieu' provisions were still being considered. Erickson indicated that both statewide and in watershed alternatives were still on the legislative agenda from his viewpoint.

Commissioner Miller summarized previous NCLUCB discussions by stating it appears NCLUCB thinking has evolved to preferring to focus mitigation within the affected watershed while western counties prefer a statewide option for mitigation so that flood control projects could benefit from mitigation alternatives.

Commissioner Forsman stated that the environmental groups are about 25% against taconite mining and 100% against non-ferrous mining. To the degree that the environmental community interprets this legislation as helpful to the mining industry, they will strongly oppose passage. Commissioner Napstad indicated that it would be "dangerous" to tie this legislative effort to the mining industry. Rep. Erickson emphasized that this legislation will not affect mining one way or the other and that it would be better to "keep mining out of this". Forsman countered that our goal is clean water and we can do that by creating wetlands or identifying alternative projects. Commissioner Gamble cautioned that "if we are perceived as favoring a particular industry, the integrity is removed from the process and we want an honorable process."

Commissioner Pavleck stated that the individual homeowner is left out and not considered. The regulatory process is too complicated and complicated regulations are the environmental groups best friend.

Commissioner Jensen wondered if BWSR should be writing the legislation as opposed to some other more objective organization. But Rep. Erickson indicated that it was too late to change.

Commissioner Marcotte asked if NCLUCB could contract with someone to draft language that reflected our concerns and goals. Marcotte suggested that NCLUCB could use some of the \$124,000 in the general fund to produce a draft. Rep. Erickson's advice was to "wait until we see a draft from BWSR. Commissioner Napstad agreed stating that most legislators will rely on an agency opinion and we can try to mark up any bill that comes out.

Commissioner Gamble indicated that being a part of the conversation is more important than independently drafting legislation: "there is more strength working through the process." Commissioner Marcotte suggested that we could still produce a supportive document or powerpoint that articulates the problems with the current legislation and how the proposed changes would improve environmental management. Commissioner Napstad stated that the process is underway and we should wait until a draft is ready.

Waters of the U.S. Commissioner Gamble indicated that letters to Congress are coming in from rural counties and that it is really helpful that opposition is coming from groups like NACO, RCC, NCLUCB and similar groups throughout the nation. Specific

statutory language is working its way through congressional committees to prevent implementation of the “waters of the U.S.” regulations.

AIS Commissioner Marcotte noted that there is a workshop in Alexandria on the 21st of August and an AMC teleconference on the Aquatic Invasive Species legislation. Commissioner Miller indicated that Roseau received one half of their allotted funds, but that is just for this year and full payments will be distributed in 2015. Commissioner Forsman stated that any county taking these funds is making a mistake and that he would like to sign over St. Louis Co’s allocation to the regional DNR office. Since they are the ones with the expertise, they should take responsibility for the program. Commissioner Skoe asked whether in the long term, these AIS programs will be discretionary or mandatory for the counties.

One Watershed/One Plan: Chairman Sve indicated that there are now five pilot programs. Commissioner Gamble suggested that the Cook Co./Lake Co. pilot would be discussed at the next NCLUCB meeting.

County Roundtable: Commissioner Napstad described a rezoning request adjacent to the McGregor airport. During the planning commission discussions, it was discovered that a snowmobile trail running through airport property was in violation of FAA regulations merely by occupying airport property. The location of the trail with respect to any protective zone designations was not material. Commissioner Gamble noted that the Cook Co. airport expansion required \$55,000 in wetland mitigation.

Next Meeting: Wednesday, Sept. 3, in Alexandria in conjunction with the AMC Policy Conference.