

**NORTHERN COUNTIES LAND USE COORDINATING BOARD**  
**Minutes**  
**Thursday, May 1, 2008**  
**Iron Range Resource Center, Chisholm, MN**

Call to Order: The meeting was called to order at 9:37 a.m. by Chairman Fink with the following in attendance. (All actions of the Board were supported unanimously unless otherwise indicated.)

Member Counties Present:

Commissioner Brian Napstad, Aitkin  
Commissioner Wade Pavleck, Koochiching  
Commissioner Scott Larson, Lake  
Commissioner Todd Beckel, Lake of the Woods  
Commissioner Ken Moorman, Lake of the Woods  
Commissioner Dennis Fink, St. Louis  
Commissioner Mike Forsman, St. Louis  
Commissioner Steve Raukar, St. Louis

Counties Not Represented:

Pennington County  
Roseau County

Others Present:

Craig Engwall, Department of Natural Resources  
Kristin Larsen (resident, St. Louis County)  
Elanne Palcich (resident, St. Louis County)  
Bob Tammen (resident, St. Louis County)  
Douglas Skrief, NCLUCB Staff

Introductions

Agenda Additions

- 1) Comm. Napstad, 70-mile ATV Trail in Aitkin, under Local
- 2) Comm. Napstad, ROPE, under State
- 3) Mr. Engwall, additions to Forest Fragmentation and Shoreland Issues, under State

Administrative Actions

1. Approval of Minutes:

March 8, 2008 meeting

m. Beckel s. Larson

2. Financial Report:

The Treasurer reported a general fund balance of \$76,885.28. The Land Use Conflict Management balance is \$15,005.28. Expenses of \$1,369.60 were made for professional services. Total accounts balance: \$90,520.96.

3. Bills: The Executive Director submitted an invoice for \$1383.05 for Professional Services and expenses.

The State Auditor submitted an invoice for \$3,872.00 for an audit for 2005-2006.

m. Napstad s: Forsman

The Chair in discussion reviewed the hours spent by Auditor staff. The Treasurer noted that the Mississippi Headwaters Board was charged a similar amount by an external auditor.

4. Status of Land Use Conflict Management Fund

The Chair reported that the St. Louis County internal auditor has suggested waiting until the next audit to combine the General and the Land Use Conflict Management accounts.

Correspondence

Notification of Marshall County's termination of membership has been sent to member counties. Comm. Beckel will ask Roseau County to submit a formal termination notice, as recorded in that county's board minutes.

A request for an extension of the Canada Lynx habitat comment period was sent by the Chair and the Executive Director to the Fish and Wildlife Service. The Director will prepare a rough draft of comments for the reopened comment period that will coincide with the economic impact analysis comment period.

The Director was directed to forward and report on email and other notices and correspondence.

The Chair reported that the Association of Minnesota Counties has sent notice calling all candidates for seats on the AMC Executive Committee and encouraged putting Northern Minnesota names forward to retain representation from the region.

## Discussion Issues

### LOCAL

#### 1) Shoreland Standards: Planning Committee

Comm. Napstad and Comm. Pavleck attended, as NCLUCB representatives, the first organizational meeting of the Shoreland Standards Planning Policy Committee in Monticello on March 27. Twenty-nine committee members represented a broad spectrum of Minnesota – including six commissioners, four DNR staff, land developers, realtors, and legal specialists with a range of concerns.

Various committees built into the planning process may predict an eventual ordinance segmented to address various regions of the state. Twelve months may be spent identifying issues and six codifying them in a draft ordinance, followed by about a dozen statewide hearings and public input – listed on the DNR website.

There is a public input period open until May 20 on what an ordinance should look like – which, Mr. Engwall noted, was somewhat artificial as a deadline as there will also be three geographically determined meetings in his district alone: in Duluth, Virginia and International Falls.

The Chair asked for input to himself and the Director so they might forward information that they feel might need comment from Board members.

Comm. Pavleck noted that more specific information will come out of the next meeting; issues concerning commissioners may include: set backs, ISTS along shorelines, buffer zones, docks, riprap, etc. A critical issue in agricultural areas will be ditches; development will be a similar issue in northern Minnesota. Chairman Fink noted that agricultural and silvacultural issues might be further complicated by EPA and Army Corps positions that rely on the Clean Water Act.

The Board directed the Director to publicize with press releases the participation of the NCLUCB in policy formation and similar processes, including the Shorelands Standards planning committee.

m: by Forsman, s: by Beckel.

Comm. Forsman will mention the Shoreland Standards planning process during his address to the Vermilion Sportsman's Club.

Question was made by Comm. Raukar on support of resolutions by individual county boards. The Chair cited Bylaws demanding county approval of NCLUCB positions. Information alone can be distributed without vote approval. Comm. Pavleck noted the intertwining of Shoreland and WACA issues and the need of publicizing such processes.

The Director was instructed to put BWSR Executive Director John Jaschke on the interested parties list.

The Chair will have discussion with Mr. Engwall on the signing of the Cloquet Forest agreement.

2) Aitkin and Itasca County ATV Trail: Comm. Napstad reported on a state grant-funded, two-phase, 70-mile ATV trail using the Soo Line road as its backbone. Remote loops have been prioritized. The trail is to be ecologically sensitive and to be enforced properly. Hearings called attention to a salamander protected in Solana State Forest; the trail will be rerouted as a result and also invasive earthworm impacts will be mitigated. Law enforcement has been involved with signage and public education. Economic impact is also being considered. ATV-user traffic may help struggling communities maintain businesses.

The Board discussed impact of high gas prices on ATV use. Non-motorized use is available on the 70-mile trail.

In a related matter, Mr. Engwall reported that crossing wetlands on lease lands in Koochiching and east Itasca counties is an issue. While the DNR Commissioner can exempt private landowners for ten years, forest certification may be impacted. Comm. Pavleck reported that the tourism industry is interested in possible exemptions for use of non-oxygenated 87 gas.

## **STATE**

1) **Forest Fragmentation**: Mr. Engwall reviewed the impact of fragmentation, or parceling, of forests as lands are treated more as investment properties than working forests. The State, in *Forests for the Future*, through fee and easement, may obtain development rights and preserve public access. Tax base impacts and other ramifications follow. Itasca County is researching PILT-type payments. Being sought is a balance between best use of the timber supply and public ownership.

Of \$9 million requested of the legislature for bonding of Phase II of Forest Capital Partners conservation easement project, \$3 million is funded with a potential \$7 million coming from federal sources in the next two years. Program acquisition targets identify between 270,000 to 500,000 acres vulnerable to parcelization. Timberland is currently a target of investment funds, leading to speculation.

In related matters, Comm. Forsman reported diminished private infrastructure in the timber industry as loggers pull out of the business; the public is unaware of the disappearing infrastructure and the difficulty in rebuilding it. Comm. Pavleck reported that economic interests of investors in land are being met and that wetland credits on easement properties are being pursued. The Chair encouraged watching legislative progress on Cap and Trade issues. Comm. Larson reported that Lake County is in conversation with a private purchaser of 40,000 acres.

2) **Forest Roads**: Mr. Engwall reported a process in which forest road access is being reviewed. Hubbard, Cook and Lake County have reviewed county forests roads that have existed for decades but have not been entered on real property records. The DNR is in the process of mapping these roads, letting people comment in public meetings, and notifying owners. The process has gone well to date.

The Chair called attention to jurisdictional questions on prescriptive easements and keeping roads open to the public. HR2477 allows local units of government to claim roads built through federal lands. Mr. Engwall noted that this has been a controversial topic in Itasca County. Comm. Pavleck noted that Koochiching has called on prescriptive use precedents in regards to use of roads on property recently purchased by Forest Capital.

## **FEDERAL**

1) **Lynx Critical Habitat Designation**: The Chair distributed a notice from the Minnesota Center for Environmental Advocacy that includes comments in support of expansion of lynx habitat; a DNR comment letter to the Fish and Wildlife Service; Resolutions from Cook and Koochiching Counties in opposition; an Arrowhead Counties Association resolution; a paper by Terry Stone on the proposed habitat; and a Minnesota Mining comment letter including comment on economic costs.

NCLUCB has not responded with comment but requested an extension of the period. A public hearing with the FWS will be held in Cook County at 7 p.m. on May 20.

Comm. Forsman noted that Duluth Metal has purchased property in proposed habitat and mining potential is a reality. Comm. Pavleck noted that Koochiching County is concerned with economic impact, especially without a comprehensive plan. The DNR, according to Mr. Engwall, has, in response to a court ruling on trapping policy that “incidental take” has resulted in too many lynx takings, has submitted an application to the FWS for a permit.

The Chair directed the Director to draft a comment letter and for members to submit information.

2) **Regional Haze Plan**: The MPCA announced a new public comment opportunity on the proposed State Implementation Plan on May 7 by conference call. The Director reported that there had been changes made to the SIP in response to comments and that the changes are reflected on the MPCA website. The deadline for comment is May 16.

The Chair announced a New York Times article predicting a global cooling period, which may be relevant to upcoming NACo meetings on climate change.

3) **Clean Water Restoration Act**: The Chair noted that on April 9 and 16 federal Senate Hearings were held on the Clean Water Restoration Act. Comm. Robert Cope responded for NACo. Don Munks from Washington State reported. Comm. Brett Halsey of Wisconsin responded in favor of changes. Rep. Oberstar has been open to suggested changes and comments. The NACo committee continues its work, focusing especially on increased clarity and understanding of the issues and definitions and on an equal partnership between the state and the federal levels rather than a hierarchy.

4) Schools and Counties Coalition: The Chair announced that a meeting in Reno, Nevada, in April addressed the reauthorization of the Safety Net Bill. This is the eighth year of a six-year appropriation. The Treasury Department pays counties that are restricted from producing forest products as a result of the Endangered Species Act. The law allowed that from 1985-1999 the average of the highest three years of income from forests would be paid to counties. The uncoupling of the forests from the money is an issue as is reauthorization of the bill. Bill Hansel testified on behalf of NACo that the WIR states are encouraging reauthorization. St. Louis and Cook Counties did not use the highest producing years but take 25 percent payments.

5) Reservoir Operating Procedures Evaluation Comm. Napstad reported that the Army Corps has addressed area organizations about how it has developed computer models that look at the changing of reservoir levels together with subsequent physical and economic impacts. Draft recommendations on changing reservoirs elicited strong concern and more is expected. In the NCLUCB area there is not a group to deal with the issues. Recreational tourism, fisheries, tribal interests, and utilities are concerns. A presentation is being held May 16 at the Mississippi Headwaters Board in Cass County. Aitkin County is the only NCLUCB county obviously affected.

The Director was directed to distribute the Executive Summary to members and to get the project manager to address the Board.

#### **OTHER**

Bovine Tuberculosis: Comm. Beckel noted that eradication of deer herds and a deer feeding ban are now being supported. A bill for \$6 million passed the House April 17 and the Senate on April 28 for herd buy out, management and control. The USDA, the Board of Animal Health and the DNR are all working on the issue.

Comm. Beckel also called attention to a White Tail Deer and Elk Management Plan by the DNR which addresses how many animals are to be allowed in an area. A shift in the informal definition of hunting is being noticed, from taking animals to observing them; how this relates to management is being considered.

NCLUCB Distance Meeting: The Chair raised the possibility of telecommuting for some meetings. Discussion included notice of DNR video facilities in Bemidji and Grand Rapids and audio-only options, Distribution of handouts and the need to participate during a full agenda may be obstacles. The director was instructed to work with the Chair on options.

Meeting adjourned at 12:05 p.m.

Next Meeting Date and Location

**April meeting: June 5, 2008, 9:30 a.m. Senior Center, Northome, MN.**

Respectfully submitted by Douglas Skrief, Administrator and Exec. Dir.