

**NORTHERN COUNTIES LAND USE COORDINATING BOARD**  
**Minutes**  
**Thursday, September 3, 2009**  
**Iron Range Resource Reclamation Classroom, Chisholm, Minnesota**

Call to Order: The meeting was called to order at 9:35 a.m. by Vice Chairman Napstad with the following in attendance. (All actions of the Board were supported unanimously unless otherwise indicated.)

All Member Counties Present:

Commissioner Brian Napstad, Aitkin  
Commissioner Jim Johnson, Cook  
Commissioner Kevin Adee, Koochiching  
Commissioner Charles C. Lepper, Koochiching  
Commissioner Rich Sve, Lake  
Commissioner Steve Raukar, St. Louis  
Commissioner Mike Forsman, St. Louis

Others Present:

Mike Carroll, Department of Natural Resources  
Craig Engwall, Department of Natural Resources  
Elanne Palcich, Chisholm resident  
Bob Tammen, Soudan resident  
Pat Tammen, Soudan resident  
Douglas Skrief, NCLUCB Staff

Administrative Actions

1. Approval of the agenda with the following additions:

- 1) Aitkin County wetland banking (local)
- 2) Annual BWSR Summer Tour (state)  
m. Johnson s. Lepper

2. Approval of Minutes: August 6, 2009 meeting

m. Lepper s. Sve

3-4. Financial Report and Bills:

Treasurer Raukar moved to accept a reported general account balance of \$83,628.31 and a Land Use Conflict Management balance of \$15,005.28. Total accounts balance, after payment of approved expenses: \$98,633.59.

The Executive Director submitted an invoice for \$688.60 for one month of professional services and expense reimbursement.

m. Raukar s. Johnson

Correspondence

1. The Director noted that dues notices had been sent to the clerks of member county boards to be billed in January.

Discussion Issues

LOCAL

1. Aitkin County Plasma Gasification: Vice Chair Napstad recalled that interests in Aitkin County have been examining a potential plant to dispose of waste and to heat and dry peat. The county has examined potential amendment of the county's solid waste ordinance to include the disposal of hazardous waste – of which there are many levels. Public concern was voiced, including voices from the Community Action Leadership Program (CALP) asking to open up the ordinance. On the day the board addressed the issue television cameras, pickets and a packed boardroom greeted commissioners. Letters to the Editor and newspaper articles and letters to commissioners, mostly opposed, arrived. A public input meeting for

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Saturday, Sept. 26 was scheduled. The plant operator, a local resident and Chairman of Aitkin Plasma, LLC, sent the county a letter saying because of the overwhelming opposition and financial risks he is requesting his application to change the ordinance be withdrawn. The county board has not received a formal letter of withdrawal from CALP which initiated the process. The board has not decided whether or not to proceed.

Mr. Carroll asked if there had been education. The Vice Chair replied that a couple letters to the board encouraged education on the ramifications rather than dismissing out of hand the option. More is to be understood. Mr. Carroll suggested it is a good opportunity for the MPCA to educate the public. Siting of the facility, added the Vice Chair, in a peat bog next to a water table might not be an allowable option anyway. He cited, pointing to the type of financial concerns facing a local government, a bio-diesel manufacturer who stepped back from a plant project after a city bonded \$2 million for sewage and water to the site. Comm. Lepper noted that Koochiching County's proposed plant might handle tires and perhaps electronic waste and that the technology can handle it. Comm. Adee added that handling hazardous waste is not out of the question yet in Koochiching. Further discussion noted the potential for the federal government to use large tracts for hazardous disposal. Comm. Johnson noted the current bind of not being able to dispose of septic waste on federal land in Cook County. Comm. Sve asked if this is a "Not in my backyard" issue for Aitkin. For now it may be, replied the Vice Chair, until it might become a statewide issue due to its effect on the Mississippi River watershed.

2. Wetland Banking in Aitkin County: Vice Chair Napstad recalled that 15,000 acres in Aitkin County have been considered for wetland banking. In a tract near the city of Aitkin, a request has been made to enroll 427.5 acres on a 1:1 basis. The local TEP recognized the Exceptional Natural Resource Value (ENRV) of the land and awarded credits for a buffer, but the remainder of the land is a hayfield and not appropriate for 1:1 credits overall. The TEP denied the 1:1 overall accreditation. The Aitkin County Board on appeal supported the TEP. The party appealed again and BWSR agreed to hear the appeal. Exec. Dir. John Jaschke explained that BWSR has to accept the appeal as it could not be denied on malicious, frivolous or delay of process grounds. Because Aitkin County, not against appeal processes per se, only gets \$30,000 annually for enforcement of WCA and Shoreland management, the costs of the appeal are substantial. In addition, various counties may interpret an ENRV differently. Counties can set a fee schedule to handle wetland applications. The Aitkin County Board has set a temporary moratorium on wetland banking applications. It will define ENRV and critical wildlife habitat for itself. A more carefully defined ordinance will be drafted. There is little guidance on ENRV from BWSR, he explained. Statewide rules definitions are problematic.

Mr. Carroll, noting the DNR has many guidelines, asked if this would hold up applications. The Vice Chair noted that most are longer-term processes, adding his concern for landowners being burdened, especially those sensitive developers in line with WCA. Mr. Carroll urged consideration of con-con land proximity. A recent BWSR board meeting included discussion of the difference between northern and southern Minnesota. Aitkin County will review the fee structure to recover costs and set its own definitions.

## STATE

1. Legislative Auditor Land Asset Review: Mr. Carroll reported on pressure from both legislative caucuses for the Legislative Auditor to conduct a land asset review, in part due to interest from 23 northwestern counties concerned about state and trust lands. Mr. Engwall added that they would be spending two to three months to prepare a report by autumn, addressing such questions as the DNR's management of easements and whether there are management plans. While it is a programmatic review, interest is being focused on parcels. Counties are being interviewed, including Marshall, Roseau, Aitkin, and Lake of the Woods. Some legislators have inspected the Ontario system, where 25 companies lease and manage the land; the question arises as to whether the state should lease and manage to private entities or counties. One issue is the different standards at county, state and federal levels. Management of consolidated blocks might be of benefit. Ontario, unlike Minnesota, has tracts in the hundreds of thousands of acres. And the length of management periods may dissuade some consumer interest in re-bidding. Local papers will announce local meetings of auditors and legislators. Counties may want to pay attention to the meeting schedules.

2. Annual BWSR Summer Tour: The Vice Chair reported on the Board of Water and Soil Resources summer tour in the Winona area. BWSR played a significant role in the area after August, 2008, floods called the 1000-year "perfect storm" in an agricultural area not prepared to retain soil and protect water. The effect of cost-share dollars was evident. Local residents were very thankful for the presence of BWSR. Aquifers were polluted along with unsealed wells. The Army Corps is involved, along with the

DNR, in restoring islands and the flyways of “Pool Eight”, at a cost of some \$14 million annually. SWCDs in the southern agricultural areas of the state are very aggressive in going after cost share and grant dollars.

#### FEDERAL

1. NACo Cap and Trade resolution: A letter was forwarded to the Board written by Alan Gardner, commissioner, Washington County, Utah, seeking support for a National Association of Counties resolution on cap and trade that would delay for further study of financial and environmental impact any related legislation. The matter was tabled for lack of information and education on the matter and it was suggested individual counties should inquire as to their own role in regulation. Policy is a down the road from data collection. Discussion included expressions of skepticism regarding climate change and of rises in utility costs.

2. New Land Port of Entry Hearings: Comm. Lepper relayed information about an Environmental Impact Statement request for comments and public meetings concerning a new port of entry at International Falls which Koochiching County will likely support. A \$30 million project with a 2014 completion projected, the facility would have ten lanes, secured roads and various amenities. Routing is being channeled near the downtown. The bridge to Canada is privately owned. Increased enforcement of the border now includes 30 Border Patrol officers. Drone airplane surveillance was noted, as well as its assistance to the DNR for arson investigations and emergency response.

3. National Water & Conservation Alliance formed: Comm. Sve had forwarded a communication from the NWCA on its formation to combat the Clean Water Restoration Act. The information, seen as somewhat biased, was discussed by the North Shore Management Board, NACo has weighed in on the issue, noted the Vice Chair. The communication can be found as part of the information included on the NWCA website, noted the Director.

4. Environmental Impact Statement on Gunflint Snowmobile Trail: Mr. Engwall clarified a Federal Register entry distributed to members on an EIS proposed for a snowmobile re-route on the Gunflint Trail. The re-route brought up issues of noise as it is outside but near the Boundary Waters Canoe Area Wilderness. The federal Forest Service agreed an EIS was necessary, and it is currently out for scoping. The DNR will provide a letter, inclusive of other issues. Comm. Johnson noted that the Cook County Board filed a letter that the proposed trail makes the most sense as alternatives would go through more sensitive lands with drainage to area lakes and where available passages are too narrow. There will be room for later comment. Noise boundaries are at issue, added Mr. Engwall, and the state does have related laws. Comm. Forsman related the issue to Trout River and Trout Lake Portage and the levels of noise of different machines; he recalled Congressman Oberstar’s efforts prior to the opening of two of three portages to motorized use.

5. Carcieri vs. Salazar Decision: The Director distributed materials from the Wisconsin Law Journal and the Cornell Law School briefly outlining the background to the Supreme Court decision in Carcieri, Governor of Rhode Island v. Salazar, Secretary of the Interior in which the Secretary of the Interior has no authority to place land in trust for Indian tribes unless the tribes were federally recognized in 1934. Some future complications of this decision were pointed out as in the Wisconsin Law article.

#### ADDITIONAL

1. Wind Energy Guidelines: Mr. Carroll reported that probably in early 2010 draft guidelines for wind energy development will be available for discussion. This may entail some emergency response reorganization. He is interested in county contacts on the matter. The Vice Chair reported that Aitkin County has a tower ordinance, though a recent government tower has been installed outside the ordinance. He encouraged pre-notification on wind towers so as to consider adjacent properties and buffers. Higher towers may be in the future, added Mr. Carroll, as technology changes and Minnesota’s potential is utilized. Mr. Tammen noted news of federal stimulus funds - in lieu of future tax breaks - aimed at an already completed wind project and encouraged counties to garner such funds as available.

2. Cook County Energy Project: Comm. Johnson reported that Cook County is exploring a biomass project for Grand Marais to produce 750 KWs which would provide economic stimulus for loggers while cutting dependency on imported oil.

3. Polymet Environmental Impact Statement: Mr. Engwall reported that he would report at the next meeting on the Polymet EIS in Hoyt Lakes. An open house on the matter recently attracted 1200 people.

#### Motion to Adjourn

m. Raukar s. Forsman

Meeting adjourned at 11:35 a.m.

**Next meeting: October 1, 2009, 9:30 a.m. KOOTASCA Senior Center, Northome, MN**

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