

Division of Ecological and Water Resources

Commissioner's Advisory Committee (CAC) on Natural Heritage

Minutes/Meeting Notes

SCIENTIFIC AND NATURAL AREA, MINNESOTA BIOLOGICAL SURVEY, TERRESTRIAL INVASIVE SPECIES & NONGAME WILDLIFE
PROGRAMS AND CONSERVATION MANAGEMENT & RARE RESOURCES UNIT

April 5, 2019

10:30 am – 3:15 pm at the DNR Headquarters, 500 Lafayette Road, Lobby Conference Room, St. Paul, MN

Attendance

Members Present: Nancy Braker – CHAIR; Alyssa Alness, Kristen Blann, Kevin Brennan, Tom Casey, Jeannette Eller Watland, Peg Furshong, Kathryn Keller-Miller, Linda Kingery, Sarah Malick-Wahls, John Pearson, John Schladweiler, Christopher Smith, and Mike Spry

Members absent: Robyn Ceurvorst, Jaxon Lane, and Angela Smith

DNR staff present: (all or part of the meeting) Rich Baker, Bruce Carlson, B.J. Carre (note-taker), Steve Colvin, Melissa Driscoll, Doug Norris, Jane Norris, Cynthia Osmundson, Ann Pierce, Jess Richards, Kelly Randall, Judy Schulte, and Laura Van Riper.

Call to Order & CAC Business

Call to Order

- Chair Nancy Braker called the meeting to order.
- Chair Nancy Braker apologized for the fact that Minutes/Meeting Notes for December 5, 2018 were not sent out. She handed out paper copies of the Minutes/Meeting Notes and asked everyone to review them over the lunch break.
- Chair Nancy Braker introduced Chris Smith, a new CAC member. Participants introduced themselves.

CAC Member Spotlight

Kevin Brennan gave an overview of his professional career.

- Grew up with nine siblings on a farm halfway between Fargo and Grand Forks ND.
- He graduated with a BS in Fish Wildlife Management from UND Grand Forks.
- Spent his entire career with USFWS at five different field stations focused mainly on Prairie Wetland/Grassland Environments

- Devils Lake WMD and Sullys Hill NGP – Wetland and Grassland acquisition, management of Buffalo and Elk herds.
- Kirwin NWR, KS – Migratory waterfowl habitat - Whooping Crane stop-over in spring and fall
- J. Clark Salyer NWR & WMD, ND – Wetland and grassland acquisition, restoration, management and protection. Managed large (2000+ acre) marshes. Involved in major flooding events.
- Crescent Lake NWR, NE; in the Nebraska Sandhills – Major prescribed and wildfire program. All NWR staff was housed on site. He raised his three kids there, where they attended a one-room schoolhouse.
- Fergus Falls WMD, ND 1986 – 2011 (Retired) - Wetlands and prairie grasslands acquisition, restoration, and management. - Partnerships with hundreds of federal, state and local agencies as well as NGO's.
 - Established Prairie Wetlands Learning Center (4th and 5th graders spend one half of every day outside on the prairie and wetland ecosystems of the WMD. – ***bringing children outside adds to their education*** – Would like CAC to visit this facility.

Highlights of his Conservation Career:

- Visiting the tundra outside Churchill, Manitoba
- Serving on National Task Forces
- Working in the NWR system across the U.S. (spent a few months at the Minnesota Valley NWR)
- Received the NWR Manager of the Year Award (2008)

Quote from Kevin Brennan: *“Although we talk about programs and policies and hope for broad sweeping conservation actions, I have found, in the end, conservation most often boils down to one or two people carrying out an individual activity on the landscape, whether it be plugging a drainage ditch, seeding grass, removing an invasive plant, counting a living organism, working with a landowner to sign an easement or teaching a single child to identify a bobolink.”*

CAC Business

- There are four new CAC members: Chris Smith was present, the other three (Robyn Ceurvorst, Jaxon Lane, and Angela Smith) were absent.
- Approval of minutes of December 5, 2018 meeting will be delayed until after lunch so everyone has a chance to look them over.
- The scope of CAC Meeting Minutes was discussed. Nancy Braker would prefer the minutes capture the topics and any final decisions or resolutions made and not be a detailed word-for-word record of the meeting.
 - Pros for detailed minutes included: They're great when you miss a meeting. We are a public body; therefore, the public should have access to our discussions. New people can get a better sense of the history of the group
 - Pros for more summarized minutes included: Greater incentive not to miss a meeting. More detailed = more chance for error. Members can be more open, honest and frank; detailed minutes could dampen enthusiasm for sharing
 - **Decision:** Minutes will now capture the general impression of a topic (not be verbatim) and record final decisions and/or resolutions.
- Election of Vice Chair for 2019: Mike Spry was nominated at the December Mtg. – Motion was made (Linda Kingery) and seconded (Kevin Brennan) that Mike Spry be elected Vice Chair for 2019.
 - **Vote:** Unanimous 'Yes'.

CAC Subcommittee Reports

Peatland Conservation/Ramsar Subcommittee: Linda Kingery – The subcommittee has not met but will follow up with Glacial Ridge NWR. John Pearson mentioned there is an SNA near there (Agassiz Dunes SNA).

SNA Recreational Use-Research Implications Subcommittee:

- **Nancy Braker:** Should this subcommittee transition into one focused on long term monitoring?
- **Judy Schulte:** SNA will have a long term monitoring plan. Up until now there has been a short ad hoc semi-monthly meeting. Still waiting for the hiring of an SNA Supervisor. A subcommittee would be valuable. It could tie into MBS's EMN, Nongame and other monitoring efforts. Who would be on the subcommittee...CAC members? DNR Staff from SNA or other programs? Other external members?
 - **Decisions:** A subcommittee chair to follow up with Judy Schulte is needed. - Kristen Blann volunteered to be Subcommittee Chair – She wants to learn more about MBS EMN - Nancy Braker will put MBS EMN on the Agenda (August) - Nancy will circulate work already done by the old subcommittee.
- **Tom Casey:** Has a copy of a 2017 letter sent to the Commissioner on this topic; CAC never received a response. At what point do we ask for a moratorium on SNA development for recreational users? CAC should have an opportunity to know about changes in uses before they happen.
- **Discussion:** SNA puts information on changes in recreational uses of SNA's on the SNA Website. There is a 2-week (minimum) warning before a Public Hearing. With CAC meeting only every 8 weeks, we could miss this 2-week window. How can we make sure CAC is informed in a timely way?
 - **Decision:** Judy Schulte will ask Ann Pierce and Steve Colvin to send all CAC members an email as soon as a Public Hearing is scheduled (2-week minimum).

Lead Tackle Impact on Loons Subcommittee: Sarah Malick-Wahls

- Commissioner's response to our letter: It is not within the DNR Commissioner's powers to make a blanket rule banning lead tackle statewide. The Chief of Fisheries can make rules only for specific bodies of water. CAC did not receive a response from either the Chief of Fisheries or the Fishing Opening Coord. to our letters. A blanket rule requires Legislative Action.
- There is a Bill (Omnibus 2209, Sec 35) up for a vote tomorrow (April 4) that would require nontoxic shot for taking small game. (This bill is the same as one proposed a couple of years ago, which the NRA opposed and the DNR withdrew before it had a chance to be put to a vote.)
- Do we want to pursue pushing for a legislative change? According to our Charter, we cannot propose regulations directly to the Legislature, we can only act as advisors to the DNR Commissioner.
 - **Decisions:** Recommend that the Commissioner support the legislation requiring nontoxic shot; add nontoxic lead tackle and ammunition as well. Other groups may be in a position to pursue this issue more effectively than CAC. Peg Furshong offered to contact Minnesota Center for Environmental Advocacy and see if they are interested in the issue.

Legislation Committee: Tom Casey

Chair Nancy Braker: Tom needs one or two more committee members to help on this Committee.

HF 2209 – The House Omnibus Environment Bill, and the SF 845 – the Omnibus Senate Environmental Bill. There are many topics within these bills that were extensively discussed.

Chair Nancy Braker: Letters to the Commissioner are best if limited in scope. Which of these topics can we benefit the most? The following topics and recommendations were proposed to be addressed in a letter to the Commissioner.

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- **Commercial Trade & Harvest of Turtles:** The DNR was neutral on this. We need to recommend the DNR come out for these changes which restricts the commercial sale of turtles.
- **ENRTF Allocations:** We support allocations for the DNR's Ecological and Water Resources Division, specifically for the Minnesota Biological Survey, the Native Bee Survey, Nongame Wildlife Program Acceleration, SNA program, and Native Prairie Bank Conservation Easements and Landowner Assistance.
- **National Loon Center in Cross Lake (Cost of \$4 Million):** We recommend against funding this from the ENRTF. Agreement that we are not against the idea of a Loon Center per se but it should not be paid for from the ENRTF. Certain aspects of the project are troubling such as the addition of boat and fishing docks and boardwalks that may impact loon nesting or use of the lake. The project would provide space for the local Chamber of Commerce, other offices and multi-purpose rooms for the community which may not be appropriate use of the ENRTF. Additionally, any future income from the Center is not specifically designated for Loon conservation.
- **Listing of the Rusty Patch Bumble Bee as Endangered:** This species should be listed however, we want to follow the normal process for listing, this would set a bad precedent. We also want to recommend more DNR funding so the listing process can occur more rapidly (every three years as by statutory requirement).
- **Ditch and Roadway Exemption from the MN Endangered Species Law:** This expands the current narrow exemption to the widest possible area of public road right of way, allowing work to take place with no requirement to determine if rare plants are present prior to work that might destroy their populations.

Decision: There was a motion made (John Schladweiler) and seconded (John Pearson) that we write a letter to the Commissioner to address the issues outlined above. Vote was yes from everyone except for Linda Kingery, who abstained.

Meet & Greet: Jess Richards, Assistant Commissioner – EWR and Lands & Minerals. Previously, he was the Director of Lands & Minerals; before that worked at the MPCA. Questions and responses listed below.

- Chair Nancy Braker: How can we best hear from and communicate to the commissioner?
 - A bit chaotic right now; wait a couple of months.
 - CAC should determine their most important topics, communicate them to Anne Pierce and Steve Colvin, who can then bring them to the Commissioner
- Kevin Brennan: Name two or three issues the DNR is dealing with in this session?
 - Budget – the Governor's budget is supportive of the DNR
 - Water Legislation – how we manage water property rights
 - Chronic Wasting Disease (CWD)
 - Endangered Species (while it's not on the legislative front):
 - How do we *prevent* species from being listed in the first place?
 - Endangered Species Op. Order
 - Economic incentives (Forestry)
- Tom Casey: Glad to learn that the Commissioner want to engage more with the public and stakeholders.
 - Commissioner is interested in public engagement, even where the law does not require it
 - Tribal Engagement, for example with Line 3 (Enbridge)
 - (Mini) Round Tables in communities around the state

- Tom Casey: What about Land Sales – should we engage more (we haven't in the past)
 - The DNR is trying to be more transparent with the counties

School Trust Land and How It Relates to the SNA program efforts: Presentation by Melissa Driscoll

Four Issues with School Trust Land:

1. Process to condemn School Trust Land is over 10 years old, very challenging and does not work
2. All the values of School Trust Land must be purchased; SNA typically pays for only the surface value (not timber or mineral value)
3. Bob Meyer introduced a bill to lease the surface of the land - this could be a game-changer
 - a. How do we raise funds for this?
 - b. Statute (School Trust Land) would need to be changed to allow leasing
4. "It's Complicated" - Example: Little Mantrap Lake – In the works since 2014. While it has advanced (thanks to DNR Minerals) still no legal access.

2019 Legislature Topics: Steve Colvin and Ann Pierce

Steve Colvin

- DNR received the CAC letter on Ginseng
 - 2017 - DNR proposed changes to Ginseng Law; did not pass
 - 2018 – All policy stuff was vetoed
 - 2019 – Budget Issues - New Commissioners' Office hasn't listed their priorities - Ginseng will be in the conversation
 - Temporal Cycle for Legislation
 - Mid-May – start thinking of proposals for 2020
 - July – Aug – send proposals to Commissioners' Office
 - 'Cone-of-Silence' – Commissioners cannot discuss anything
 - Sept – Oct – Commissioners decide what to send on to the Governor
 - Jan – Governor unveils his policy proposals

Action: August CAC Meeting, all our proposals for 2020 Legislation must be ready to fit into the cycle

Ann Pierce

- **Wild Rice - New Governor is trying to bring more voices to the table – get info from both the DNR's aquatic invasive species task force report and the Tribal Nation's report. - Legislative Proposal for a Wild Rice Commission – DNR is trying to vet the process.**
- **Turtle Bill – DNR was not involved; not all sides were consulted.**
- **ETS Roadside Bill – trying to clean up language between the original statute and the new law.**
- **No Fen Bill – that's good news.**
- **School Trust Leasing idea (Melissa Driscoll discussed) is being received favorably.**
- **Rusty Patch Bumble Bee – reiterated our earlier discussion for Steve and Ann**
 - **We want the legislature to follow the ETS listing process.**
 - **We want more resources so the listing process happens more frequently.**
- **Privatization of Waters**

Steve Colvin

- **Water Transfer Bill – Irrigator's Association Bill – 3rd year we've seen this proposal: When land changes hands – water permits can change hands as well – DNR often makes modifications in the permit at that time. The Bill says the DNR has no right to make those modifications. – Water is treated as a commodity.**

Action: Tom Casey requested that the CAC chair be sent the precise names and section numbers for all of those bill proposals within the Omnibus Bill.

Endangered Species Op-Order: Rich Baker. Tom Casey had asked for an update on this.

- Op. Orders must be signed by the Commissioner. They direct the entire agency on how to proceed. We already have Climate Change, Invasive Species, and other Op. Orders
- Lee Pfannmueller & Brad Moore tried for four years (without success) to get an E.S. Op. Order.
- Forest Certification Process brought the Op. Order back again in 2018.
- It's an *internal* document – we do not solicit external input or review.
- “Conservation of State Listed Species”
 - Must take into account all three of the DNR's missions
 - Directs the work of the staff to enhance the status of T&E and special concern species, not just avoid take. Brings home idea that we need to work to avoid listing species and do things to help de-list species.

Procedures for the following:

1. Documents: permits, leases, grants... (not timber sales) – controls our part of this.
 2. School Trust Land and University Trust – allows us to develop management guidelines to avoid more species being added to the list.
 3. Address all other DNR lands
 4. Caveats – Water Permits already have laws.
- We got stalled in November 2018 because we tried doing this in two different ‘parts’: First Policy and then Implementation. Now, everything is contained within a single Op. Order.
 - Currently have 20 tasks divided into eight working groups, including Management Guidelines, Listed Species Leads, Surveys, Information Management
 - Interim Guidance (EWR only) – until the Op. Order is signed we cannot tell other divisions to follow the policy – can share the info with other division and hope they step up
 - Jane Norris – trying to focus on a few Special Concern Species
 - Deadline – End of 2019 calendar year – Hoping to be finished by fall 2019.

Approve minutes of December 5, 2018 meeting: Chair Nancy Braker

- Corrections:
 - Nancy Braker was not in attendance – should not be noted in discussions
 - Correct name spellings of people and species:
 - Laura **Van Ripper** (not Van Ripper)
 - **Alyssa** Alness (not Alysse)
 - **Norway** maple (not Amur maple)
 - **Pearson** (not Peterson)

Minutes were Approved, With Changes

DNR Program Outreach-Marketing Subcommittee: John Pearson

- 50th Anniversary of the SNA Program - All CAC Members are encouraged to participate in events occurring throughout 2019 (handout). Get there early, introduce yourself to Event Organizers and make certain you are introduced and have an opportunity to explain what we do.
- Be proactively supportive (Like, Friend, Facebook, Selfies, #snap50, share...
- Check the SNA Website as more events will be added. Subscribe to DNR Newsletter.

SNA Program: Kelly Randall

- Outreach for SNA's 50th Anniversary –posters available – website – Nature Notes – 50 Events – Bio-blitzes – Seed Collection - Trying to get Commissioners out to an SNA this year – stay tuned
- Flood Plain and Rivers Programs are also celebrating their 50th anniversaries
- Kelly Randall will be attending the Masters Naturalist Conference – He'll Guide a Tour and give a presentation of the 50th Anniversary of the SNA Program

Restitution Bond Schedule: John Schladweiler

- Three handouts
 - MN Statutes Authorizing Commissioner to Set Restitution Values (MS 97A.341)
 - Minnesota's List of Endangered and Threatened Animal Species
 - Draft CAC letter to the Commissioner
- Statutes setting Restitution Values need to be revised – there are no values assigned to reptiles, amphibians, nongame animals, or plants
- Some federally listed species are not state listed – DNR Commissioner can add these species to the Restitution Values list
- \$100,000/year comes in from restitution – Up to the discretion of each Conservation Enforcement Officer to assign a \$ amount.
- **Discussion:** This is not currently on DNR radar **except** that plants are not included – We'd like input both EWR and Wildlife, which takes time
- **Decision:** Cynthia will solicit input from her staff (both EWR and Wildlife) – Need before the June Meeting so letter can be approved or altered. We hope to finalize and approve the letter at the June Meeting. Tom Casey asks that Nancy sends him a copy of the letter as he will not be at June Meeting.

June 12 CAC Meeting – Field Trip to Duluth area SNAs

- There is a draft schedule for the day. CAC members request that the details for the trip are sent out as soon as possible.

DNR Program Updates

Minnesota Biological Survey (MBS) – Bruce Carlson

- Currently pivoting from Data Management/Analysis to the Field Season – will send list of staff and projects by region (Excel Spreadsheet) by next CAC Meeting
- LCCMR Handout – We are part of four proposals
 - Continuation of MBS
 - Continuation of EMN
 - Wild Bee Surveys in MN Forest Habitats
 - Minnesota's Imperiled Bats - Protecting the Survivors (with DNR Parks)
- BioWAP – Just beginning the process – team of supervisors and managers – will be finished in June – Stay tuned – will present final decision at August CAC Meeting
- Natural Heritage Program received a Proclamation from the Gov. in 1979 (Perpich). Shall we approach the Gov. (Walz) for a new one?

Nongame Wildlife - Cynthia Osmundson

- Just back from Washington D.C. where she met with both Senators and all House Representatives (except District 1). - Current administration cuts state wildlife grants by 50%. - Solicited signatures for a

letter to the Department of the Interior. Support was almost 100% - Only Jim Hagedorn and Tom Emmer (he will not work against it) did not sign.

- State of MN currently gets \$900,000 to 1 Million in grants, which we match with other funds. Dedicated funding for species of greatest need from oil and gas money - 26 Million for MN – would be a game changer
- The [Final Restoration Plan for Loon Conservation](#) in MN using Deepwater Horizon Settlement funds was released in mid-March, 2019. The plan includes acquisition of important loon habitat, deployment and monitoring the use of artificial loon nest platforms, working with lake associations to develop loon management plans for target lakes, and efforts to reduce the use of lead tackle. Approx. 7.5 Million; may arrive this summer
- Focusing on Grants & Funding, Promotion & Communication – Would love to have a “Friends of Non-Game Wildlife Group” Friends Page

Terrestrial Invasive Species - [Laura Van Riper](#)

- Invasive Species Advisory Council – State Plan for IS – will be updated – most complete list of IS
- If Emerald Ash Borer is deregulated (no news yet), **then** State will step up and regulate at some level.
- The non-native subspecies of common reed (*Phragmites australis ssp australis*) is regulated as a restricted noxious weed by the Minnesota Department of Agriculture. It is up for re-review this year. The U of MN has been studying distribution and management options for the past several years and has now posted information on their [MnPhrag website](#). U of MN, DNR, MPCA, and MDA are discussing guidance to the wastewater treatment facilities in Minnesota that use non-native Phragmites in their dewatering facilities.

Wetland Monitoring Program – Jane Norris for Doug Norris

- Funding for 20 sites from EPA
- Funding from LCCMR would add 40 monitoring wells

Conservation Management & Rare Resources and SNA Program - Jane Norris

- Lowland Conifer Stands???
- Loon Survey – MN United Soccer gave a donation – used to improve electronic interface and administrative back-end of the survey, roll-out will be in May – also purchased dry-bags with MN United logo to give out to Volunteers as a ‘Thank-You’. – We can and will go back and ask for money again – Perhaps an Educational Kiosk (on loons) at the new soccer stadium (Allianz Field).

SNA Program - Judy Schulte

- Database for storing and tracking management info is being updated – Handout (includes acres burned, fenced, etc.)
- Hiring – Reg. 3 SNA Supervisor; two Acquisition & Management Spec., Fergus Falls; Temp. (3-yr) Prairie Acquisition Specialist for Prairie Bank acres; Temp. (1-yr) Property Reports; SNA Unit Supv. (not posted). – Judy’s interim role as SNA Unit Supv. Expires in May – position will not be filled by then. – Have been understaffed for a while.
- Status on Prairie Smoke Dunes parking lot request – no answer from the County yet.

SNA Program Acquisitions – Melissa Driscoll

- Handout on School Trust Projects & Issues
- Handout – Current Acquisitions – contains non-public info so Tom Casey will keep and shred
- We need to address resiliency to climate change
- We also sell parcels that don’t have SNA values (Whitney Island parcel) – there aren’t many of these
- LQP confounds Prairie Bank and RIM programs (goes way back).
- Reg. 1, 2, & 3 require **early** county contact. Region 4 PB specialist will soon be added.

Closing Business

Chair. Nancy Braker:

- Expense Form for CAC Reimbursement for June Field Trip – make certain you are on the DNR Vendor list.
- Chris Smith will do Volunteer Spotlight at June Meeting
- Agenda Items for June Meeting: Restitution Values; Go over 'list of potential presentations to CAC' from last years' June and August meetings; SNA 50th Anniversary events; Include CAC Charter in minutes of April Meeting.
- Agenda Items for August Meeting: Review CAC Charter (expires Nov., must be approved Oct. meeting), CAC Charter Committee: Nancy Braker, Tom Casey, and DNR Staff (Judy Schulte); Long Term Monitoring & Rec Use: Kristen Blann; MBS EMN; Legislative Agenda: Tom Casey

Open Time for Public Comment

No members of the public had comments at this time.

The meeting was adjourned at 3:15 pm