



Minutes/Meeting Notes: Commissioner's Advisory Committee (CAC) on Natural Heritage

August 7, 2019

Attendance

Members Present: Mike Spry – Acting Chair; Kristen Blann, Kevin Brennan, John Casey, Kathryn Keller-Miller, Linda Kingery, Jaxon Lane, Sarah Malick-Wahls, Tom Pearson, John Schladweiler, and Christopher Smith

Members absent: Alyssa Alness, Nancy Braker, Robyn Ceurvorst, Peg Furshong, Angela Smith, and Jeanette Eller Watland

DNR staff present: Steve Colvin, Melissa Driscoll, Jane Norris, Kelly Randall, Molly Roske, Jan Shaw Wolff, Judy Schulte, and Hannah Texler

Guests present: Bob Meier, MNDNR Assistant Commissioner

Call to Order/Introductions/Overview of Meeting Agenda & Purpose

- Acting Chair Mike Spry called the meeting to order
- Acting Chair introduced Jaxon Lane, new CAC member; and Jan Shaw Wolff, new Ecosystem Management and Protection Services (EMPS) Section Manager
- CAC Members and DNR Staff introduced themselves
- Jan Shaw Wolff introduced Molly Roske, new SNA Program Supervisor
- Mike passed 'Thank You' cards for retiring CAC members Gary Burdorf and David Remucal around the table for everyone to sign.
- Bob Meier, Assistant Commissioner will be stopping by to discuss Restitution and the DNR's Legislative Agenda

CAC Business

- **Approve minutes of June 12, 2019 meeting**

John Schladweiler made the motion, seconded by Kevin Brennan, to **approve the minutes of the June 12, 2019 CAC meeting.** Motion carried unanimously.

- **CAC Member Spotlight – Jaxon Lane**

Jaxon Lane has just started attending Century College where he plans to major in either biology or ecology. He has always been into wildlife and nature is looking to gain professional experience in those fields soon.

- **CAC Subcommittee Reports**

- **Peatland Conservation/Ramsar Subcommittee -- Linda Kingery**
 - Mike and Linda spoke with Sparky Stensas about putting an application for Sax-Zim Bog in to RAMSAR; they referred him to Doug Norris.
 - Question: Are we dropping the Red Lake effort? No, we have decided that community support is critical. We need a good example with a champion first; then we can proceed with Red Lake.
- **SNA Long Term Monitoring Subcommittee – Kristen Blann**
 - Judy & Kristen decided it was wise to wait for the new SNA Program Supervisor.
 - July has set up monthly meetings starting in the fall and running through winter.
- **Lead Tackle Impact on Loons Subcommittee – Sarah Malick-Wahls**
 - This subcommittee has not been active since the correspondence with Commissioner Landwehr in December
 - Decision was made to re-start this effort now that we have a new administration and now that the lead shot moratorium has expired
 - We need to work through the chain of command and not go directly to the Commissioner
 - We could get Carrol Henderson and the MOU involved. Carrol is now the MOU Conservation Committee Chair and would be a good Champion for us.
 - Is there a Legislative or Administrative solution?
 - The DNR response to the CAC letter was that the DNR could only take action on specific waterbodies – not across the entire state. Lake-specific could be ‘all lakes with Loons’, in which case the DNR could take action.
 - Tom Casey is willing to draft a new letter to the DNR.
- **Legislation Subcommittee – Tom Casey**

Quoting from the Minnesota Environmental Partnership (MEP) Legislative Wrap-Up 2019: *“...the results from the 2019 state legislature short change the seriousness of the issues on almost every count....”, “...fighting to keep the status quo means we aren’t making needed forward progress”.*

 - Wins:
 - Pass a legislative fix to the Environment and Natural Resources Trust Fund (ENTRF) raid on 2018
 - Losses:
 - Removing from protection all endangered plant species in the entire public road right-of-way (Bill Passed)
 - Jeopardizing native species by delaying land conversion in Sand Dunes State Forest (proposal passed by the Senate but did NOT become law).
 - A 2010 DNR push to restore native communities (mostly Oak Savanna and Oak Barrens) in Sand Dunes State Forest was delayed by a legislative moratorium that just expired. About \$75,000 remains for this project.

- Lead shot moratorium has expired. We can now move forward on lead shot and lead tackle.
- Turtles: Last session, the DNR took a neutral stance on ending the commercial harvest of turtles. This session, we want the DNR to take a firm stand on ending the commercial harvest of turtles.
- Endangered Species – for additional funding.
- National Loon Center \$4 million (second highest ask) passed, even though we were opposed.
 - We should ask the LCCMR to NOT approve the Loon Center’s work plan
 - We could go to the Loon Center and ask that they NOT take ENTRF \$\$ for their ‘Loon-doggle’
- Rusty Patch Bumblebee:
 - The RPBB was nominated as endangered. We did not support this legislation and it did not pass.
 - A bill was introduced to make the RPBB the state bee. We supported this legislation and it did pass.
- Reinstating the Pollution Control Agency Citizens’ Board: passed the House but not the Senate. We should work on this again this year.
- Steve Colvin on the Legislative Timeline:
 - Budget is set every other year; EWR will be asking for more ETS funding in 2021
 - Friday (August 9, 2019) EWR’s final policy proposals are due
- **How do we get in front of the legislative process?**
 - Immediately, Tom Casey will draft a letter to the Commissioner:
 - Repeal the Roadway exemption for ETS plants
 - Repeal the ‘Ignorance is Bliss’ exemption for ETS plants
 - Move forward on administrative petitions to ban lead tackle and lead shot.
- **Outreach Advisory Subcommittee – John Pearson**
 - SNA 50th Anniversary – *Kelly Randall*
 - Special Newsletter will include an interview of the SNA Programs first Supervisor, Jerry Jensen, and its latest Supervisor, Molly Roske.
 - No progress on the Governor or Commissioner taking part in the festivities.
 - SNA 50th Anniversary posters will be given out at the State Fair
 - There are still upcoming events – check out the website.
 - David Meier (MCC intern with SNA) came up with the idea of stickers
 - Talk up events in your area! Plenty of opportunities to get involved!
 - Kelly Randall agreed to send CAC SNA Nature Notes directly.

Bob Meier, DNR Legislative Commissioner – Restitution & the DNR’s Legislative Agenda

- **Legislative Priorities**
 - CAC needs to get its legislative priorities to Bob by Monday, August 12. The Commissioner’s office will be putting together its list of legislative priorities to present to the Governor Thursday, August 15.
 - At the end of October, the DNR starts drafting language for legislation. CAC (Tom Casey) and Bob need to meet ASAP to coordinate CAC efforts with the Commissioner’s office.
 - Tom Casey and Mike Spry will write a letter outlining CAC’s priorities. Mike Spry, as Vice Chair will deliver it before the August 12 deadline.

- **Removing protection for all endangered plant species in the public road right-of-way**
 - Bob has a meeting with MNDOT in August. The Commissioner's office want to rebuild relationships and discuss mitigation.
 - He wishes he had engaged with CAC sooner.
- **Spring 2020 for 2021 Session**
 - CAC (John Pearson) would like the DNR to share its priorities with CAC. Bob wants to share as much as possible.
 - Restitution may be put off to 2021 (though that is not what Bob wants).
 - Steve Colvin - restitution has two parts
 - Statutory change is required to **add plant species to the restitution list**
 - Regulatory change to **change the restitution values**. (May need statutory change too).
- **County Approval for Land Acquisition**
 - Commissioner's office will be meeting with Lac Qui Parle County
 - LQP County expects us to take them to court – the DNR wants to exhaust all other venues first. Again, the Commissioner wants to build relationships/partnerships.
- **Office of School Trust Lands**
 - School Trust Lands are required to have 10 – 25 year management plan
 - The DNR has a white paper of our land assets (1/2 are School Trust Lands).
 - Get this on CAC radar; the Commissioner's office wants CAC's input.
- **Money for Acquisition**
 - More \$\$ for acquisition comes from ENTRF and LCCMR than from General Fund & Bonding. Can you please explain the bonding process?
 - Bob – Even after 25 years...no, I cannot. You can see the DNR's \$\$ ask on the MMB website.
 - Tom - Ideally, ENTf and LCCMR \$\$ would be used to **supplement** rather than **supplant or substitute** acquisition \$\$ coming from the General Fund or Bonding. Bob assures us this is a priority for the Commissioner's office as well.

Other CAC Business

- **Follow-up on restitution letter & other EWR legislative priorities – Steve Colvin**
 - Restitution letter
 - Bob Meier warned that the Restitution issue might be put off to 2021 (though that is not what he wants).
 - Steve Colvin – Restitution has two paths
 - Statutory change – adding plant species to the list
 - Regulatory change – change the values for restitution (may also be statutory).
 - Prairie Smoke Dunes road issue – 'finding of facts' is in the Commissioner's office – it ought to be completed shortly.
 - Preliminary conversations on a Legislative Proposal to protect **prairie**. There is a precedent for protecting natural communities – Calcareous Fen Law.
- **White-tailed Deer Feeding in the Moose Zone – Sarah Malick-Wahls**
 - **See Hand-out**
 - Originally, White-tailed Deer populations and Moose populations did not overlap. They do now.
 - The DNR just finished rewriting its Deer Management Plan and the zones were redrawn: Perhaps we don't necessarily need as many deer in the Moose zone.'
 - Does CAC want to get involved in this? It **is** within our purview.
 - CAC prefers public outreach and education rather than legislation.

- Eventually, chronic wasting disease (CWD) will require legislation – we could wait until then.
- Steve suggested we invite someone from Wildlife come make a presentation to CAC about the impacts of deer populations on Moose as well as forest songbirds.

DNR Program Updates

▪ Welcome new SNA Program Supervisor – Jan Shaw Wolff

- Judy Schulte received a DNR Commissioner's Award as Acting SNA Supervisor for the past year.
APPLAUSE
- Jan introduced Molly Roske, newly hired SNA Program Supervisor, who said a few words.
- Jan asked Judy for her parting thoughts. *"I'm not parting!" "So proud of our program. Everybody across the state stepped up. We have amazing staff – they all live and breathe our program"*.
- CAC presented Molly Roske with a Welcome Card (RPBB photo by T. Casey)
- SNA has recently filled two new positions:
 - Three-year Temp. Position; working out of Ortonville; 100% acquisitions for Prairie Bank. We had \$1.3 million unspent at the end of last year
 - One-year Temp. Position; working out of CO; Conservation Easement Steward; writing baseline and annual property reports. Mel started this; new hire will work on backlog.

▪ Brief Select Program Updates

- **Minnesota Biological Survey – Hannah Texler**
 - LCCMR EMN Proposal - \$1.5 million ask, we received \$800,000; EMN is currently run out of CO; we proposed regional EMN offices in Duluth & Bemidji; still looking for more \$\$ to make that happen; Really difficult to sell long term monitoring to the legislature
- **Forest Management – Steve Colvin**
 - 360,000 acres of forest have met the criteria for 'Lowland Conifer Old-Growth' designation; EWR has met with the School Trust Land folks and MN Tribes; EWR will have a proposal out for public review by the end of 2019; EWR will have the final proposal ready for the legislature by spring 2020.
 - Forestry product goals – annual stand review is complete
 - EWR (Ann Pierce) has developed an Opp. Order on Management of School Trust Land
 - Looking for guidance on specific communities and species
 - We have a fiduciary responsibility to School Trust Land
 - We'll need to recompense School Trust Lands for lowland conifer forest (White Cedar Swamp, Black Ash Swamp...) old-growth
 - Emily Peters, Forest Ecologist is working with Forestry. Recommend that CAC invite her to give a presentation at the October meeting.
 - New legislation pass that allows SNA to lease the surface of School Trust Land – not certain how it will work; Melissa has identified some tracts.
- **Conservation Management & Rare Resources – Jane Norris**
 - E.S. Opp. Order was brought to the previous Commissioner; we were given 20 tasks to address before it could be signed; we are making progress; by the end of 2019 it should be ready for the Commissioner's signature
- **SNA Program**
 - Natural Areas Conservation Conference is being held in Duluth (Fall 2021)

- Core Team: K. Randall, J. Schulte, M. Roske, AB VanNingen, A. Hess, T. Westbrook, B. Carlson
- Project Team: Sarah Malick-Wahls is currently participating through USFS; is anyone from CAC interested in participating or shall Sarah represent CAC as well as USFS?

CAC Charter Review – *Mike Spry*

- CAC Charter expires November 2019; new Charter must be ratified and voted at October 2019 CAC Meeting
- Committee: Mike Spry, John Pearson, Tom Casey
- Discussion on CAC Charter, John Pearson took notes. The Committee will draft a new Charter and circulate it before the Oct. meeting. CAC must ratify the new Charter at the Oct. meeting.

Priorities for the Upcoming Legislative Session

- Tom Casey made the motion, seconded by Jaxon Lane, the legislature **repeal the Road Right-of-Way Exemption and the Ignorance is Bliss Exemption under the E.S. law.** Motion passed (Chris Smith abstained).
- Kevin Brennan made the motion, Kathryn Keller-Miller seconded, the legislature **bans commercial turtle harvesting and places limits on recreational turtle harvesting.** Motion passed, Chris Smith will get language on CAC's recommendation to Tom Casey.
- Tom Casey made the motion, Chris Smith seconded, the DNR **support legislation banning both lead shot and lead tackle.** Motion passed.
- Linda Kingery made the motion, John Schladweiler seconded, the DNR **support either existing or enhanced roadside mowing and haying permits** (to benefit pollinators & wildlife). Motion passed (Chris Smith abstained).

Next Meeting/Next Steps

- **Date of next meeting: October 2, 2019**
- **Proposed Focus Topics for Oct 2, 2019 Meeting**
 - Charter
 - Emily Peters, Forest Ecologist – Presentation
 - CAC Member Spotlight – Angela Smith
 - Absent Oct. Meeting: Kathryn Keller-Miller and John (S. or P.?)
 - Mission drift for SNA Program – Incompatible uses in Commissioner's Orders (*Tom C.*)
 - DNR Program Updates – How are they working?
 - Some prefer we take a deeper dive on a topic.
 - Could do a DNR Staff Spotlight – like we do CAC Member Spotlight
 - Move DNR Updates to the beginning of the meeting
 - December 4, 2019 Meeting
 - The following members' terms end Dec. 2019: Kevin Brennan, Linda Kingery, and Alyssa Alness.
 - New CAC members will be coming on board

- Wildlife presentation on deer browse
- Enforcement presentation
 - Restitution
 - Priorities
 - Case Study

Adjourn – 3:00 pm