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

October 2, 2019

Attendance

Members Present: Nancy Braker – Chair, Kristen Blann, Kevin Brennan, Tom Casey, Peg Furshong, Linda Kingery, John Pearson, Angela Smith, Christopher Smith, Mike Spry – Vice-Chair, Jeanette Eller Watland

Members absent: Alyssa Alness, Robyn Ceurvorst, Kathryn Keller-Miller, Jaxon Lane, Sarah Malick-Wahls, and John Schladweiler

DNR staff present: Steve Colvin, Ann Pierce, Jan Shaw Wolff, Jane Norris, Molly Roske, Laura Van Riper, and Emily Peters

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

- Nancy Braker, Committee Chair, called the meeting to order at 10:30 AM.
- CAC Members and DNR Staff around the table introduced themselves
- Emily Peters, MNDNR Forest Ecologist will be making a presentation on Forest Management
- Nancy Braker, Committee Chair, asks if there are any additions to the proposed CAC Meeting agenda
    - **Motion made by Peg Furshong and seconded by Linda Kingery to accept the agenda as written.**
    - ***Motion carried unanimously***

CAC Business

- Approve the Minutes - *Handout: Draft Minutes of August 7, 2019 CAC Meeting*
    - Corrections to the Minutes: Names: ***Tom*** Casey (not John Casey)
    - **Motion made by Kevin Brennan and seconded by Mike Spry to approve the corrected minutes of the August 7, 2019 CAC Meeting.**
    - **Motion carried unanimously**.

CAC Member Spotlight: *Angela (Angie) Smith*

I am currently the Director of Natural Resources at Three Rivers Park District since January 2016 when I first moved to the Twin Cities areas. I am originally from the eastern shore of Maryland and got my undergrad degree in Zoology/pre-veterinary medicine from North Carolina State University. I went to Togo, West Africa for two years to serve as a Rural Community Development volunteer in the Peace Corps. Upon my return to the States and following several years of culture shock and wandering, I returned to school and got my Masters in Environmental Science/Ecology from Indiana University's School of Public and Environmental Affairs. I have worked in Natural Resources Management at the municipal (Bloomington, IN Parks and Recreation), federal (U.S. Army Corps of Engineers), and now at a regional level with Three Rivers Park District. I am very much a generalist and tend to come at my role from a systems-thinking and strategic planning perspective. I do not consider myself a subject-matter-expert at any one thing but have knowledge across many different areas. My 'other' job is as a Civil Affairs Officer in the U.S. Army Reserves, which I have been in for the past 14 years in a few different roles. I value being a lifelong learner and appreciate opportunities to advance and grow in both my personal and professional worlds. I look forward to serving on CAC, working with other professionals interested in natural resources protection and management, and engaging with others to help support MNDNR achieve its goals.

Angie missed the August CAC meeting because she was backpacking on Isle Royale. She loves Minnesota and hopes to call it home.

CAC Subcommittee Reports

- **Peatland Conservation/Ramsar Subcommittee --** *Linda Kingery*
    - **Ramsar Convention on Wetlands of International Importance especially as Waterfowl Habitat (named for the city of Ramsar, Iran, where the Convention was signed in 1971).**
        - **There are no Ramsar Sites in MN (WI has several)**
        - **USFWS is the conduit for Ramsar applications in the U.S.**
        - **Requires strong local community support for the designation (besides being an ecologically strong candidate).**
    - **Sax-Zim Bog is MN's first attempt at getting a Ramsar Site and the local community around Sax-Zim Bog is on board**
        - **Linda has been in touch with Sparky Stensas (head of Friends of Sax-Zim Bog); who has been in touch with Doug Norris, EWR Wetlands Program Coordinator**
        - **Sparky Stensas intends to hire a contractor to prepare the application for Ramsar**
    - **Linda Kingery's term ends in December – Is the Ramsar Subcommittee still necessary?**
        - **Nancy Braker asks that before our next meeting, everyone consider their interest in taking over this post.**
        - **Whomever is interested can meet with Linda to get the subcommittee files and meet Sparky Stensas**
    - **The subcommittee was originally interested in getting the Red Lake Peatland designated, but it lacked strong local support. The next application can come from anywhere in the state.**
- **SNA Long-Term Monitoring Subcommittee –** ***Kristen Blann***
    - **Focus of the Subcommittee when it began (4 years ago) was Monitoring Impacts from Use of SNAs; then came the effort to complete the MBS Strategic Plan**

    - **Now our Subcommittee wants to gain an understanding of what Long Term Monitoring EWR is doing *and* update our recommendations**
    - **All CAC members will receive a copy of the subcommittee's 'old' recommendations *and* info on current EWR Monitoring projects before the next CAC meeting (Dec. 4, 2019)**
    - **Nancy Braker suggests a presentation on SNA-MBS monitoring projects as a future agenda item**
- **Lead Tackle Impact on Loons Subcommittee – *Sarah Malick-Wahls - see below under DNR Program Updates***
- **Legislation Subcommittee – *Tom Casey* – *Handout: Aug. 9, 2019 letter to Bob Meier, DNR Asst. Comm.***
    - The Minnesota Environmental Partnership(MEP) is still working on initiatives for this session
    - Repeal 'ditch and right-of-way' exemption to Minnesota endangered species law
        - Bob Meier, DNR Legislative Commissioner, has yet to schedule a planned meeting with Tom Casey.
        - Delay may be because DNR's legal counsel is still looking at the legislative language and the DNR is short two counsels.
    - MNDNR 2019 Legislative Summary is not yet online – please notify CAC when it is online
- **Outreach Advisory Subcommittee – *John Pearson***
    - Our compliments to Kelly Randall and all the great work SNA did on the 50th Anniversary of SNA
        - NatureNotes had both great history and immediacy; solid social media presence
        - MPR and the Minneapolis Star Tribune both did articles on the anniversary

Other CAC business

- **Vice-chair nomination process –** *Nancy Braker, Chair*
    - December 4, 2019 CAC Meeting - Nomination by committee members ***or*** self-nomination
    - February 5, 2020 CAC Meeting – We Vote
    - Eligible CAC members - two-year commitment – 1st year, Vice-chair; 2nd year
        - Kristen Blann
        - Tom Casey
        - Robyn Ceurvorst
        - Kathryn Keller-Miller
        - Jaxon Lane
        - Sarah Malick-Wahls
        - John Pearson
        - Angela Smith
        - Chris Smith
        - Jennifer Eller Watland

DNR Program Updates

- **Response from Commissioner Strommen on CAC's September 11 letter re: Non-toxic Fishing Tackle and Non-toxic Ammunition - *Steve Colvin, EWR Director* –** *Handouts: Letter of support and background material for the Friends of Minnesota Scientific and Natural Areas Petition for Adoption of Rules Requiring Non-toxic Fishing Tackle and Non-toxic Ammunition*
- Late August 2019 the DNR received a petition from the Friends of Minnesota Scientific and Natural Areas for Adoption of Rules Requiring Non-toxic Fishing Tackle and Non-toxic Ammunition. We have 60 days to reply.
- Discussion of the CAC's concerns instead of the petition specifically
    - MPCA (up until the late 2000s) ran a campaign called **"*Get the Lead Out*"**. MPCA will be receiving funding ($1.2 million) to re-up this program
        - Targeting anglers, retailers and communities in loon areas - Not targeting manufacturers
    - What could/should State be doing?
        - Last year we tried rule making on WMAs only – strong opposition
    - Who is the opposition?
        - Ammunition manufacturers and hunters
        - Stores want what's cheapest on the shelves
    - Regulations/Rule Making Process needs support. Who might support the Rule?
        - Pheasants Forever, Ducks Unlimited, TNC…
    - CA has banned lead-free tackle/ammunition. How did they do it? What can we learn from them? Other states have partial bans.
    - Need to educate all levels: consumers, sellers, and manufacturers (manufacturers make what people ask for)
    - Kevin: We need to pick a precise issue – document damage to loon populations and the precise location of those populations – key lakes
    - Mike: enlist help of Lake Associations
    - Kristen: post info at boat access points
    - Steve: coordinate our efforts with MPCA's "*Get the Lead Out*" program
    - John P.: incentivize non-toxic tackle
    - Steve: MPCA has found that cost isn't the only value anglers have – concentrate on other shared values
    - Nancy: see if we can get private landowners to require non-toxic ammunition for hunters to have access to their land for hunting
    - Peg – give cheaper hunting/fishing licenses for hunters/anglers that use non-toxic tackle/ammo
    - Peg – how can we incentivize retailers?
        - Retailers only require licenses to sell minnows.
        - We can supply educational materials
    - Chris: Regulation is necessary; outreach and education is not enough.
    - Nancy: Where is the $$ from BP being spent?
        - Jane: in addition to the funds going to MPCA, MNDNR will receive $4.8 million for lake shore land acquisition, working with lake associations, loon friendly conservation practices, and nesting platforms
        - Ann – the $$ is rigidly specified
    - Nancy: coordinate education w/MPCA and Lake Associations
    - Angela: Gun Clubs ***require*** lead ammo because manufacturers fund Gun Clubs
        - Peg: Gun Clubs also get funding from LCCMR

- Chris: The military is talking about switching to non-lead ammo because of the cost of remediation; Arden Hills is a Federal Super-Fund Site.
  - DNR needs to quantify natural resource injury to get a settlement
  - Can we go after Gun Clubs for remediation?
- Next Steps for this Committee – Tom C.
  - This discussion is the first step in the rule-making process.
  - If you're putting lead into DNR protected waters – rules/remediation
  - Gun Clubs – approach Varsity Shooting Leagues Assoc.
  - In 30 days, we can get an update from DNR

Presentation by Emily Peters, DNR Forest Ecologist: Introduction to DNR Forest Management & EWR's Role – *Handout: DNR Forest Management Overview – Power Point presentation*

- Emily's position is in the Conservation Management and Rare Resources unit in the Ecosystem Management Protection Section within the Division of Ecological and Water Resources. A major area of responsibility is ***Forest Management Policy Development.***
- PowerPoint Presentation delivered and is included in the handouts in PDF file format.
- Questions:
  - Site-level management: Example of recent conflict: Blanding's Turtle (T)
    - Decision made to restrict timber harvest Oct 1 – April 30 and July 15 – August 7. This allowed harvest over the summer months, which is not normally allowed.
  - Public engagement opportunities; Annual stand exam lists
    - Chris: Can CAC participate in exams?
    - Chris: There are annual stand additions – some add-ons are sold before the comment period and the comments are not taken seriously.
    - Chris: Need to consider loss of species value versus loss of a couple hundred dollars of forest industry value.
    - SNA gives a list of proposed SNA's to Forest every year, before the annual stand exam lists are made
    - Tom C: does Forestry send information on interesting sites to SNA?
    - Ann: There is a process of how possible SNA's are considered:
      - Nothing comes from Wildlife (WMA's) or Forestry (forest land)
      - Before a decision is made to cut, EWR flags SNA's and Rare Species
      - Steve: Evaluation for SNA's happens ***before*** being put into the timber pool. Mostly MBS staff (sometimes SNA staff) rank NPCs.
    - Annual stand exams lists are made only on land the state ***already*** owns.
    - We are trying to push the whole system to work in a more ecologically sustainable way (while acknowledging there is gap between environmental protection and forestry), as opposed to just locking up select 'gems'.
  - Challenges; Timber industry stakeholders are more involved and politically active than environmental advocates
    - Over the last couple of years, DNR has met once or twice with environmental stakeholders.
    - Division of Forestry has quarterly, day-long meetings with Forest Industry
  - Nancy, not sure Chris's question about 'How to engage?' has been answered.
    - Is there an opportunity for engagement in FSC/FSI Annual Audits?

- Ann: Auditors come to the state for one week and they do want to hear from external (non-DNR) stakeholders.
- Peg: How do we, as stakeholders, get invited?
- Ann: You need to go directly to the auditors and 'sign-up'.
- Peg: I'd like to know precisely how interested parties get on the Auditor's list to be informed/invited. I'd like to circulate the info to other stakeholders.

CAC Charter Review and Final Approval

- **Nancy thanked the CAC Charter Review Committee: Mike Spry, Tom Casey, and John Pearson.**
- **Current Charter expires in November; therefore, our goal is to approve the new Charter today.**
- **Nancy went through the entire document paragraph by paragraph**
- ***Handout: Review of Charter*, additions in red deletions in ~~red strikethrough~~.**
  - **I. Purpose and Scope; Desired outcomes; article 1. – no discussion on changes**
  - **I. Purpose and Scope; Desired outcomes; article 4. – After discussion on the word '~~terrestrial~~', decided to accept the change as written.**
  - **II. Audience and Affected Staff – no discussion on changes**
  - **IV. Membership –**
    - **Jan: In the past, CAC has weighed in on qualification of individual applicants. More recently this approach changed due to privacy and consistency practices. Certain fields of information on the application are public and others are non-public. Also, CAC was apparently the only agency advisory committee allowed this level of access and input. Recommends that CAC offer categories of particular qualifications and backgrounds of interest to compose a well-rounded committee, such as gender, geographic representation, diversity, expertise as input up front.**
    - **Nancy: We can look at the current list of CAC Members and see what gaps we would like to fill. We can also suggest particular candidates.**
    - **Linda: Are 'desired characteristics' posted on the application itself? Perhaps it's best for us to recruit candidates ourselves.**
    - **Jan: Our DNR data practices compliance office asked us to consider the business need** for collecting some of the demographic information on this application, such as gender, age, and race/ethnicity. Are there other ways to achieve wide representation without collecting this data? This is a topic worth pursuing in future application processes.
    - **Peg: Indicate on the application that travel expenses are provided (to increase outstate participation).**
    - **Jan: Also, indicate the opportunity to participate remotely (Skype).**
    - **Media release and announcement for the application process will occur in mid-October.**
  - **V. Meeting Schedule**
    - The Committee will conduct six regular, in-person Committee meetings per year;
      - Peg: Do we want to be precise about **six** meetings…**in person**?
        - *Later in the Charter, it states that we can cancel meetings.*
        - *We can amend the charter at any time (not just when expiring).*
      - Nancy: Let's strike the words "*in person*".
  - **VI. Major Milestones; Section 1.**

        - Kevin: I'm uncomfortable with "*…including proposed SNA acquisitions…*" we should not be holding up the SNA acquisition process.
        - Tom: We ought to be informed up front on SNA acquisitions – one of our core missions is oversight of SNA
        - Nancy: Two different roles: being a sounding board versus discussion on individual parcels.
        - Kevin: originally, CAC had more expertise than the DNR – that's no longer true
        - Chris: CAC will not slow down an already slow process. More important to have input on activities allowed on SNAs.
        - Peg concerned by a tension within the committee. There's an increase in micro managing and distrust creeping into the emails lately – does not want CAC moving in this direction – wants big picture plans and policies.
        - Kevin: What's the DNR's opinion on CAC reviewing proposed SNA acquisitions?
        - Jan: *"I do not speak for the whole DNR, but can offer my own thoughts."* The DNR has people in new positions under a new Governor (Commissioner's office, Steve, Ann, Jan, Molly) and I am eager to advance our work from a collective vision. I am more interested in the BIG PICTURE and effective ways to engage citizens and better promote SNAs. It is important to reflect on the tremendous progress that has been achieved in the past 50 years as we celebrate the anniversary in 2019, and imagine the next 50-year vision for SNAs. How does that inform and inspire our focus over the next five to ten years?
        - Peg suggests: Make two sentences and strike " *before they are launched*":
        - John P.: strike everything after the word "*programs*". Kevin: While he wants to acknowledge Tom Casey's concerns on ***what*** SNA is acquiring, he does not want it addressed specifically in the Charter.
    - VII. **Roles and Responsibilities** – no discussion on changes
- **Motion made by Tom Casey and seconded by Chris Smith that we accept the CAC Charter as presented today.**
    - Discussion:
        - Linda and Chris: Make it into two sentences, one long sentence is hard to keep track of.
        - Angela: Strike everything after the word "*programs*".
    - Nancy: We need to vote on the motion or amend the motion.
- **Motion made by Mike Spry and seconded by Kevin Brennan to amend the motion to:**
    - **Delete the words "*in person*" on page 3, first paragraph of V. Meeting Schedule.**
    - **Put a period after the word "*programs*" and strike everything that follows on page 3, VI. Major Milestones, section 1.**
        - Discussion:
            - *Tom C.: If you are deleting the second sentence in section 1, then I'm opposed. Would like clarification: did you want to move the second sentence to the agenda?*
            - *John: SNA acquisition could always be added to the agenda.*
- **Nancy calls the question: amended motion carried.**
- **Motion made by Kevin Brennan and seconded by Linda Kingery to approve the amended CAC Charter.**
    - Discussion:
        - Peg: Is there a place in the Charter to address Tom Casey's concerns?
        - Tom C.: Yes, but if not there, I will address it in the handout: Legislative Purpose Unfulfilled: *Minnesota Scientific and Natural Area Commissioner's Orders- 2011-2019*.

- Linda: Would assume SNA acquisition will be brought up every meeting during SNA Updates.

- **Nancy calls the question: motion carried.**

Application process and schedule for new member recruitment, input on expertise

- **Jan: Proposed timeline for new applicant process**
  - **Press release published Thursday, October 11, 2019**
    - **Three vacancies**
    - **CAC can help with verbiage**
  - **Deadline for application Monday, November 11, 2019**
  - **Review applications and submit recommendations to CO, December, 2019**
  - **Appointment letters issued early January, 2020**
- **Did someone from SNA call current members (once they made the short-list) directly to discuss workload and job responsibilities and is this a good idea?**
- **Jan: What types of applicants would best round-out the committee?**
  - **Reps from northern MN though it's more difficult for them logistically**
  - **Reps from west-central MN**
  - **Who is leaving?**
    - ***Kevin Brennan and Linda Kingery***
    - ***Allyssa Alness was appointed to fill someone else's term and is interested in re-applying.***
  - **Peg: a one-page pdf document with links that explain all the programs would be helpful.**
- **The Committee informs the appointment process by suggesting desired characteristics of new members and by reaching out to potential applicants.**
- **How about a personal testimonial from a CAC Member(s) in the Media announcement? Kevin and Linda (both leaving CAC in December) were nominated and accepted.**
- **Kevin: We are heavy in academics. We want folks "*from all walks of life*"**
- **Kristen: Also a diversity of background and communities. Emphasize the possibility to participate by Skype and mileage reimbursement.**
- **Angie: Solicit participation from people of color and Tribal representation**
- **Jan has reached out to Bob Meier on how to reach out to Tribal Communities**
- **Peg: Only environmental NGOs are currently represented on CAC. Use MEP list as reference, it includes other NGO's, not just environmental.**
- **Kevin: Remember not only what CAC members bring to the Committee, but also what they bring back to their communities (environment, education, social justice…).**

SNA Program Mission Drift

- ***Handout: Legislative Purpose Unfulfilled: Minnesota Scientific and Natural Area Commissioner's Orders – 2011-2019.***
  - **Red font indicates incompatible uses that took place under the last administration**

    - **Some Commissioner's Designation Orders are still pending.**
- **Tom C. He does not want this trend to continue. CAC can discuss points #3 and #4 (page 11) later. Today's motion is to get in front of point #1 (page 10).**
- **Motion made by Tom Casey, seconded by Chris Smith, that CAC be allowed the opportunity to review and comment on:**
    - **All proposed SNAs (new or expanded) prior to submittal to the county boards;**
    - **All proposed changes in use within an SNA; and**
    - **Any proposed sale or de-designation of an SNA, whether whole, or in part.**
- **Discussion**
    - **Angie: How often are these (incompatible) uses for management purposes?**
    - **Tom C. If it is specifically for management purposes, then it is specifically stated "*only for management purposes*".**
    - **Tom: Hunting deer for CWD is a good thing.**
    - **Nancy: Why and how were these exceptions made? It would be premature to send the Commissioner a letter without knowing more.**
    - **Kristen: Can we defer the motion until a later date?**
    - **Nancy: No, we'd need to vote "*No*" and bring the motion up again later.**
    - **Chris: This is not adversarial. We want to be of help to the Department.**
    - **Kristen: I just want more time to consider what we're asking for.**
    - **Peg: Can we send this document to SNA staff and get Nancy's questions answered? Then we can make a more informed decision.**
    - **Tom C.: This motion has nothing to do with what has been done in the past. Just want to vote on the #1 Part of the motion.**
    - **Nancy calls the question: motion failed**
    - **Nancy will have SNA staff answer her earlier question.**

Next Meeting/Next Steps

- Next CAC Meeting is December 4, 2019
- Proposed Focus Topics
    - White-tailed Deer Feeding– Sarah Malick-Wahls
    - Conservation of State-Listed Species Operational Order – Jan Shaw Wolff – 30 minutes
    - Restitution – John Schladweiler and Chris Smith
    - SNA Program Mission Drift – Tom Casey and DNR staff
    - Legislative Agenda – Ann Pierce, Bob Meier
    - Long-Term Monitoring – Kristen Blann
- Since Restitution could require legislative action, we need to keep it on the December agenda
- Chris – would like to get a copy of the ETS Op-Order before the December Meeting
- Nancy and Jan will set the next agenda based on the availability and timing of actors/actions.

Open Time –for public Comment

No members of the public present.

Meeting Adjourned at 3:00PM.