MINUTES

SEPTEMBER 17: JOINT ENVIRONMENT & NATURAL RESOURCES AND TRANSPORTATION & INFRASTRUCTURE POLICY COMMITTEE MEETING

I. Call to Order
Committee co-chairs Commissioner Rich Sve and Commissioner John Okeson called the meeting of the Joint Environment and Natural Resources and Transportation and Infrastructure Policy Committees to order at 2:00 PM and welcomed members and guests to the meeting. Members and guests introduced themselves and recited the pledge of allegiance.

II. Waters of the U.S. (WOTUS)
NACo Legislative Director Deborah Cox and Commissioner Victoria Reinhardt led a discussion on the new WOTUS rule that took effect at the end of August. Members of the joint committee
discussed sending a letter to Attorney General Swanson to ask her to add Minnesota to the list of states challenging the EPA/Army Corps rule and agreed to discuss again the following day in individual policy committees to potentially take action on the issue.

III. State Assumption of Section 404 and Wetland Conservation Act Changes
Dave Weirens, Board of Water and Soil Resources Assistant Director, gave an update on the Section 404 Assumption Study and changes to the Wetland Conservation Act (WCA) and the rulemaking going along with the WCA changes.

IV. Proposed updates to DNR Shoreland Model Ordinances
Dan Petrik, Department of Natural Resources Land Use Specialist, presented the DNR’s proposal to update the Shoreland Model Ordinances. Mr. Petrik stressed that it is not a rulemaking effort. Members voiced concerns about the need (or lack there of) for this ordinance update.

V. Implementation of the New Buffer Law
John Jaschke, Executive Director of BWSR, and Sarah Strommen, DNR Assistant Commissioner, provided an overview of the new Minnesota buffer law and how it will be implemented. Many questions were asked about the mapping process and how the new buffer law will correlate with current shoreland rules.

VI. Adjourn for the day
The joint committee adjourned for the day at 4:15 PM.

SEPTEMBER 18: ENVIRONMENT & NATURAL RESOURCES POLICY COMMITTEE MEETING

I. Call to Order and Approval of Minutes
Chair Rich Sve called the meeting to order at 8:30 AM. Commissioner Drew Campbell made a motion to approve the March 2015 Minutes. The motion was seconded by Commissioner Roger Imdieke and approved by the members.

II. Permitting Authority of Large Solar Facilities and Potential Legislation
Suzanne Steinhauer, Department of Commerce Environmental Review Officer, gave an overview of current solar permitting laws and discussed the Solar Work Group and Department of Commerce’s proposal to change the threshold for permitting authority. Current law requires local permitting up to 50 MW and the state permits facilities generating greater than 50 MW. The new proposal would change the threshold to allow local zoning to permit up to 10 MW, with the option to create an ordinance to permit up to 25 MW. Under the new proposal, the state would have jurisdiction for all facilities generating greater than 25MW. It is estimated that 5-10 acres of land is needed to generate 1 MW of solar energy.

III. 2016 Platform Discussion
AMC Staff Jennifer Berquam explained the process for amending the committee platform and setting priorities for 2016.
Chris Pence, MACPZA President and Crow Wing County Land Services Supervisor, presented proposed changes to the MACPZA platform and discussed priority items for the upcoming session.

Jennifer Berquam asked the committee for feedback on the Department of Commerce’s proposal to change solar siting thresholds – consensus from the committee was there was not much concern with the proposed changes. One member did express great concern with last year’s tax proposal to change/remove the wind and solar production tax.

John Helmers, SWAA President and Olmsted County Environmental Resources Director, presented proposed changes to the SWAA platform and discussed priority items for the upcoming year.

Commissioner Todd Johnson presented a new platform idea relating to trapping on public lands. The following language was presented to the committee as a starting point: “AMC supports the immediate need for safe trapping laws during upland game hunting seasons (such as pheasant, grouse, and waterfowl), that must apply to all public lands open to public hunting in order to restore the safety of upland game hunting in Minnesota.” The committee discussed the concept and agreed the language needed to be changed. Commissioner Todd Johnson made a motion to adopt the concept for addition to the agenda and to work on language for the next meeting in December. Commissioner Tim Gabrielson seconded the motion. Discussion took place regarding the formation of a workgroup rather than legislative efforts and that this could be a rather divisive issue. Commissioner Todd Johnson withdrew his motion. Commissioner Victoria Reinhardt moved that the committee bring back the platform issue regarding safe trapping practices at the December ENRPC meeting. Commissioner Barry Nelson seconded the motion and it passed. Commissioner Todd Johnson will work with Jennifer Berquam on language and bring new language to the December ENRPC meeting for discussion.

Commissioner Victoria Reinhardt presented a platform idea on behalf of Hennepin County: “AMC supports initiatives that provide funding for local efforts to plan and respond to the loss of trees due to invasive pests.” Commissioner Reinhardt moved the platform item be adopted with one change (add the word “state” after “provide” and before “funding”). The motion was seconded by Commissioner Luke Johnson. A voice vote, and then a division, was called and the motion did not prevail by a vote of 11 yeas and 13 nos. Chair Sve asked AMC staff to change the platform heading from “Noxious and Invasive Plant Management” to “Noxious and Invasive Species Management”.

Chair Sve asked for any other suggested changes to the platform. Commissioner Joe Vene mentioned his concern with timber harvest and federal protection of the long-eared bat. It was pointed out that the issue is currently in the AMC Legislative Platform.

Commissioner Todd Miller raised consistency issues with two of the current platform items: “In order to help maintain the tax base, AMC supports a policy that any acquisition or exchange of land by the state or federal government must gain approval of the county board. This includes lands acquired through purchase, environmental land trust, gifting or other means.” And “AMC
supports requiring federal and state agencies to formally notify and solicit county input prior to all proposed land acquisitions.” Committee discussion took place and no formal action was taken.

Commissioner Brian Napstad led a discussion on the Federal 111D rule – Clean Power Plant Plan.

Chair Sve and AMC Staff Jennifer Berquam led a discussion on selecting priority items.

Commissioner Duane Bakke made a motion to keep the two priorities from last year’s list. Commissioner Kevin Maurer seconded the motion and it was approved. The priority language is as follows:

**Electronic-Waste Program Updates:** AMC supports amending the electronics recycling law to increase manufacturer provided and funded, convenient, electronics recycling services throughout Minnesota, thereby assuring that the burden for managing discarded electronic products does not fall on local government.

**Subdivision Review and Approval:** Current Minnesota Statute prohibits, in cities and townships, the recording of land transfers where the parcels/lots do not comply with adopted subdivision regulations. AMC supports amending Statute with similar language that would provide Counties the same authority of subdivision review and approval prior to the recording of land transfers to ensure that resulting lots are in compliance with County standards.

Commissioner Victoria Reinhardt made a motion to add the following as a third priority item: “AMC supports allocating 100 percent of the revenue generated by the Solid Waste Management Tax to state and county product stewardship, household hazardous waste, and other waste management activities.” Commissioner Vern Massie seconded the motion and it was adopted.

Commissioner Luke Johnson would like to add an item to the platform regarding the closed landfill program. He will work with Jennifer Berquam and bring the platform idea to the ENRPC meeting in December for further discussion.

Commissioner Garry Gamble made a motion requesting the AMC Board to write a letter on behalf of AMC to Attorney General Swanson encouraging her to add Minnesota to the list of states challenging the EPA/Army Corps new WOTUS Rule that took effect at the end of August.

**IV. Adjourn**
Commissioner Kevin Maurer made a motion for the meeting to adjourn. Commissioner Paul Thiede seconded the motion and the committee adjourned at 11:45 AM.