I. Call to Order
Chair Randy Kramer called the Committee on Environment & Natural Resources to order at 1:07 PM and welcomed members and guests. A round of introductions were made and the Pledge of
Allegiance was recited. Commissioner Luke Johnson made a motion to approve the minutes from March 1, 2018. Commissioner Victoria Reinhardt seconded the motion. **Motion carried.**

### II. Buffer and Soil Loss Update

Tom Gile, Buffer and Soil Loss Coordinator with the Board of Water and Soil Resources (BWSR), provided an update on the Minnesota Buffer Law and county ordinances as well as informing the committee that BWSR is not moving forward with the soil loss rulemaking effort at this time. More details will follow on soil loss, potentially at the December policy committee meeting.

### III. Update and Discussion on Public Drainage System Topics

Jim Sehl, Assistant Regional Director with the Department of Natural Resources (DNR), Nathan Kestner, Regional Director with the DNR, John Kolb, Partner with the Rinke Noonan Law Firm, and Jennifer Berquam, AMC Policy Analyst, provided an update and led a discussion on the following topics relevant to drainage authorities:

- Guidance on Public Waters Authority over Work Done in Public Drainage Systems
- Reestablishment of Drainage System Records
- Potential legislative recommendations from the Drainage Work Group

### IV. Recyclable Materials Markets and Opportunities for Market Development

Wayne Gjerde, Recycling Market Development Coordinator with the Minnesota Pollution Control Agency (MPCA), provided an update on current recycling markets and trends as well as opportunities to expand these markets.

### V. Aggregate Task Force Recommendations

John Cunningham, Executive Director of the Minnesota Aggregate and Ready-Mix Association, and Heather Ahrends, Mineral Potential Manager with the DNR, presented the recommendations from the Aggregate Task Force and discussed aggregate mapping and tools for counties to protect aggregate resources for future use.

### VI. Committee recessed and will reconvene at 8:30 AM on 9/14/18

### VII. Call to Order – 9/14/18

Chair Randy Kramer called the Environment and Natural Resources Policy Committee back to order at 8:34 AM. The Pledge of Allegiance was recited.

### VIII. Affiliate Group Presentations on Legislative Priorities

Kari Oldfield, Local Public Health Director, presented on behalf of the Local Public Health Association (LPHA) and provided an overview of the goals of their organization and environmental health priorities. These priorities include point of sale compliance inspections for subsurface sewage treatment systems, policies and funding that will ensure safe and reliable drinking water and maximizing the collection and safe disposal of unwanted prescription and over-the-counter medicines.

Zach Fjestad, Otter Tail County Assistant Solid Waste Director, presented the 2019 legislative priorities on behalf of the Solid Waste Administrators Association. These priorities include
recyclable materials market development, demolition debris landfill permitting, and 100% of the solid waste management tax (SWMT) dedicated to county SCORE funding.

Dave Rush, Becker County Planning and Zoning Administrator, presented the 2019 legislative priorities on behalf of the Minnesota Association of County Planning and Zoning Administrators (MACPZA). Their priorities include increased funding and reduced reporting for natural resources block grant (NRBG) funding and consistent requirements for SSTS training.

Jennifer Berquam, AMC Staff, presented on behalf of the County Land Commissioners. They are not going into 2019 with legislative priorities but will continue to discuss the issue of cleaning up blighted, tax-forfeited lands and forest inventory.

Jennifer Berquam, AMC Staff, presented the 2019 legislative priorities on behalf of the Minnesota Association of County Feedlot Officers (MACFO). These priorities include an increase to the base appropriation for delegated counties, funding for online training, and more efficient data systems/MPCA support.

IX. Request for Committee Feedback
AMC staff asked for feedback from committee members on the following topics:

- Soil loss – committee members supported maintaining a voluntary program for soil loss.
- Assessing/valuing conservation lands – Mark Peterson, Cass County Assessor and President of the Minnesota Assessors Association, discussed legislation introduced last session to change Minnesota Statutes 273.117 which guides how assessors value conservation easements. The legislation did not pass last year, but we expect the issue to be back. Mr. Peterson explained the rationale for the current law and shared that the county assessors support the law in current form.

  Commissioner Duane Bakke made a motion to recommend AMC support current law (MS 273.117). Commissioner Paul Gerde seconded the motion. **Motion carried.**

- Onsite burning of municipal solid waste – the committee discussed the policy issue of burn barrels and exemptions under current law. The committee examined language currently in the SWAA platform and concluded that part of their platform position on burn barrels is not compliant with AMC’s guiding principle for local control. *(The position in the SWAA platform reads: This initiative should be implemented at the state level, and not left to each county to decide).* The ENRPC recommends that SWAA change their platform to address this inconsistency.

X. Platform Review
AMC staff asked for feedback from committee members on the following issues in the platform that haven’t been discussed for a few years (are these items still issues/relevant):

- AMC supports the legislative effort to develop and fund a statewide high-resolution Digital Elevation Model.
The Committee discussed and recommends this policy remain in the platform.

- AMC opposed the inclusion of the northern long-eared bat on the endangered species list by the US Fish and Wildlife Service. As currently drafted, AMC is concerned about potential negative outcomes specific to the forest industry and current forest management efforts.

The Committee discussed and recommends this policy remain in the platform. AMC staff will reach out to County Land Commissioners to determine if language should be updated. ¹

- AMC supports efforts by the United States Fish and Wildlife Service (USFWS) to down list or remove the Topeka Shiner Minnow from the endangered species program. While this effort is underway, AMC requests that the USFWS exempt public works projects from current restrictions where the Topeka Shiner Minnow is present.

The Committee discussed and recommends this policy remain in the platform.

- AMC supports adding additional definition of 'repair' and 'minor repair' to Minnesota Statute 103E.

The Committee discussed and recommends this policy remain in the platform.

- AMC supports changing Minnesota Statute 103E.705 to allow for the bidding requirement to be raised from $1000 to $5000 per mile of open ditch in the ditch system.

The Committee discussed and recommends this policy remain in the platform.

- AMC supports full funding for the delegation of the NPDES Phase II storm water program to counties that are best able to review, permit, monitor and enforce these requirements.

The Committee discussed and recommends this policy remain in the platform at this time. AMC staff will discuss the issue with MACPZA to determine if the language is current.²

XI. Recommended Technical Changes to the Platform
AMC staff brought forward recommended technical changes to the platform for the Committee to consider:

- Insert “d” in title of “Closed Landfill Program” under Solid Waste Management (typo)

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¹ AMC Staff reached out to the President of the Association of County Land Commissioners who indicated this is still a current issue. As it stands now, the Northern Long-eared bat (NLEB) is listed as threatened by the US Fish and Wildlife Service. From recent population surveys that are being conducted by many different entities, all indications show a drastic decline in numbers of NLEB and a few other bat species. Given this survey data, it’s likely not a matter of if, but when it gets listed as endangered. When that happens any impacts to the habitat will require a US Fish and Wildlife approved habitat conservation plan (the details of which are unknown at this time) and could have negative impacts on the forest industry/forest management, highway road projects, and overall commerce within Counties.

² AMC Staff discussed this issue with the MACPZA Executive Board who recommends keeping the language in the platform as is.
• Change title to “Organized Collection/Inverse Condemnation” under Solid Waste Management

• Change title to “Landfill Capacity and Certificate of Need” under Solid Waste Management

• Change title to “Permitting of Construction and Demolition Debris Land Disposal Facilities” under Solid Waste Management

• Strike “solely” under Solid Waste Management, Product Stewardship (first bullet)

• Under Solid Waste Management, SCORE, strike “Legislature” and insert “State” and combine “land filled” to “landfilled”.

• Strike second bullet under Solid Waste Management, Waste to Energy (this statement was included here by mistake and is duplicative of the Waste Pesticide Funding resolution).

Commissioner Charlie Borrell made a motion to consider the changes as recommended for formal approval at the December policy committee meeting. Commissioner Luke Johnson seconded the motion. **Motion carried.**

XII. **New Platform Resolutions**

The Committee discussed and considered items in this section for inclusion in the platform. These motions are not the final step to adopt and include policy positions for the 2019 AMC Legislative Platform – formal adoption will take place at the December Environment and Natural Resources Policy Committee, and then will need to be approved by the Policy Coordinating Committee and the AMC Assembly. The motions in this section are the first approval of policy positions that should be formally discussed and approved during the December meeting. Additional policy positions may still be considered by the Committee and shall be provided to AMC staff, in writing, prior to October 8, 2018.

• **WATER: Buffer Law Implementation**
  
  *AMC supports maintaining voluntary enforcement of the buffer law and soil loss regulations.*

  The committee discussed this policy position. Commissioner Victoria Reinhardt recommended the language be changed to read: *AMC supports maintaining the local option for enforcement of the buffer law and soil loss regulations.*

  Commissioner Charlie Borrell made a motion to consider this language for addition to the platform at the December policy committee meeting. Commissioner Gary Peterson seconded the motion. **Motion carried.**

• Commissioner Duane Bakke made a motion directing AMC staff to draft language for consideration at the December policy committee meeting regarding ability of counties to withdraw from enforcing the buffer law if the Riparian Protection Aid is no longer provided. Commissioner Charlie Borrell seconded the motion. **Motion carried.**
• WATER: State Assumption of the Federal 404 Permit Program

AMC supports state assumption of the federal 404 permit program to increase efficiencies associated with local infrastructure projects.

The committee discussed this policy position. Commissioner Victoria Reinhardt recommended the language be amended to read: **AMC supports state assumption, in collaboration with local government, of the federal 404 permit program to increase efficiencies associated with local infrastructure projects.** Commissioner Reinhardt made a motion to consider this language for addition to the platform at the December policy committee meeting. Commissioner Rich Sve seconded the motion. **Motion carried.**

• WATER: Aquatic Invasive Species

Commissioner Jim Stratton, who represents AMC on the Statewide Aquatic Invasive Species Advisory Committee (along with Commissioner Paul Thiede), presented the draft 2019 legislative priorities of the AIS Advisory Committee.

Commissioner Jim Stratton made a motion to consider the following language for inclusion in the platform at the December policy committee meeting: **AMC supports maintaining legislative funding for the AIS Prevention Aid to counties.** Commissioner Victoria Reinhardt seconded the motion. **Motion carried.**

• WATER: Drainage

  o **AMC supports changes to drainage law that clarify the drainage authority is vested with jurisdiction over property rights acquired for 16.5-foot ditch buffer strips.**
  o **AMC supports changes to drainage law that enables 26 percent of benefited landowners, or owners of 26 percent of the benefited lands, to petition for a redetermination of benefits in order to update benefited areas, similar to the current petition process for ditch repairs and maintenance.**
  o **AMC supports clarifying current law that drainage authorities, including counties, may hire outside legal counsel.**
  o **AMC supports modifications to the AgBMP Loan Program to allow drainage authorities to act as the borrower on behalf of landowners in the public ditch system.**
  o **AMC supports legislation to provide drainage authorities the option to apportion ditch repair and maintenance costs through a runoff and sediment delivery method.**

The committee discussed these recommendations and also discussed them in more depth the prior day when John Kolb, Rinke Noonan, was present and provided feedback from a drainage attorney’s perspective. Commissioner Victoria Reinhardt made a motion to consider the five drainage related policies for inclusion in the platform during the December policy committee meeting. Commissioner Paul Drotos seconded the motion. **Motion carried.**

• SOLID WASTE MANAGEMENT: Market Development

**AMC supports coordinated statewide market development for materials recoverable from waste, including efforts to create commodity markets for material otherwise found in waste.**
AMC supports state economic development funding to support businesses that use recovered materials.

Discussion took place and Commissioner Jim Stratton made a motion to consider this language for addition to the AMC platform during the December policy committee meeting. The motion was seconded by Commissioner Luke Johnson. Motion carried.

• TAX & FINANCE: Taxing Authority
AMC opposes expanding taxing authority to soil and water conservation districts.

Committee members discussing SWCD funding and weighed adding this policy to the platform. Members opted not to add anything to the platform at this time and will instead review any potential proposals for SWCD funding at future meetings.

• WATERSHED DISTRICT MANAGERS: Elected vs. Appointed

Commissioner Jack Swanson (Roseau Co.) asked the Chair if members would discuss the policy that watershed district managers be elected rather than appointed by the county board. Members discussed the issue and opted not to recommend any changes at this time.

• AGGREGATE RESOURCES: Funding for Mapping of Aggregate Resources

Committee members discussed mapping aggregate resources and whether AMC should support state funding of the mapping process. They opted not to add anything to the platform on aggregate resources.

• TAX CREDIT FOR BUFFER ACRES

Chair Kramer was asked for input on whether AMC would support previous legislative proposals seeking a tax credit for acres required to be buffered. The committee discussed the issue and had several questions. The committee concluded more information was needed and opted to take no position.

XIII. 2019 ENRPC Priorities Discussion and Selection

Members of the committee identified three items to recommend as priorities from the Environment and Natural Resources Policy Committee (each policy committee can have no more than 3):

• AMC supports state assumption, in collaboration with local government, of the federal section 404 permit program to increase efficiencies associated with local infrastructure projects.

• AMC supports funding to counties to reimburse costs associated with the cleanup of blighted, tax-forfeited properties.
AMC supports coordinated statewide market development for materials recoverable from waste, including efforts to create commodity markets for material otherwise found in waste. AMC supports state economic development funding to support businesses that use recovered materials.

Commissioner Luke Johnson made a motion to approve these three items as the priorities of the Environment and Natural Resources Policy Committee for 2019. Commissioner Chuck Horsager seconded the motion. **Motion carried.**

**XIV. Other business**
Commissioner Luke Johnson asked the committee to recommend the AMC Board weigh in with the Public Utilities Commission to have a reasonable definition and limit for turbine noise (pertaining to the Minneapolis Star Tribune article dated 9/13/18 and titled “Wind industry says Minnesota pollution control stance will stifle its growth: Minnesota pollution control regulators say background noise should be considered”.


**XV. Adjourn**
A motion was made and seconded to adjourn the meeting. The Environment and Natural Resources Policy Committee adjourned at 11:37 AM.

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3 AMC Staff reached out to Public Utilities Commission (PUC) staff and a PUC Commissioner for more information on this issue. The article shared by Commissioner Johnson references a wind development project in Freeborn County. The project was contested and the MPCA offered an opinion that the total noise threshold of the project is too high (for possibly the first time, they have interpreted a noise limit to include not just the noise from the turbines, but all background noise as well, including natural wind and road traffic). In this case, the developer agreed that it could work within the noise limits the MPCA suggested and the PUC approved the wind project referenced in the Star Tribune Article. The PUC Commissioner I spoke with emphasized that the MPCA only provides guidance and the PUC has the ultimate authority to grant or deny permits and permit conditions for these types of projects. He also mentioned the MPCA clarified that their opinion on this case is not the precedent that will be used going forward. The PUC Commissioner recommends that AMC monitor this issue, but that action is not necessary now. He noted the PUC is aware of the concerns relating to the MPCA opinion and will continue to monitor the issue also. The AMC Board was briefed on this issue by Chair Kramer and AMC Staff at the December 2nd Board Meeting.