TENTATIVE AGENDA

Thursday, September 13: Environment & Natural Resources Policy Committee
Meeting Room: Vermillion

1:00 PM CALL TO ORDER - Commissioner Randy Kramer, Chair
  • Welcome & Introductions
  • Pledge of Allegiance
  • Approval of Minutes from March 1, 2018

1:05 PM BUFFER & SOIL LOSS UPDATE
  Tom Gile, Buffer and Soil Loss Coordinator with the Board of Water and Soil Resources, will provide an update on the Minnesota Buffer Law and county ordinances as well as an update on the status of soil loss rulemaking.

1:35 PM UPDATE & DISCUSSION ON PUBLIC DRAINAGE SYSTEM TOPICS
  Staff from the Department of Natural Resources and John Kolb, Partner with the Rinke Noonan Law firm, and Jennifer Berquam, AMC Policy Analyst, will provide an update and lead 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

2:30 PM BREAK

2:45 PM RECYCLABLE MATERIALS MARKETS & OPPORTUNITIES FOR MARKET DEVELOPMENT
  Staff from the Minnesota Pollution Control Agency will provide an update on current recyclable materials markets and trends as well as discuss opportunities to grow and expand these markets.

3:15 PM AGGREGATE TASK FORCE RECOMMENDATIONS
  Fred Conigan, Executive Director of the Aggregate and Ready Mix Association of Minnesota will present recommendations from the Aggregate Task Force and potential legislative proposals for 2019.

4:00 PM ADJOURN FOR THE DAY
**Friday, September 14: Environment & Natural Resources Policy Committee**

**Meeting Room:** Vermillion

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**8:30 AM**  
**CALL TO ORDER** - Commissioner Randy Kramer, Chair

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**8:35 AM**  
**AFFILIATE GROUP PRESENTATIONS ON LEGISLATIVE PRIORITIES**
- Minnesota Association of County Feedlot Officers
- Solid Waste Administrators Association
- Minnesota Association of County Planning and Zoning Administrators
- Minnesota Association of County Land Commissioners
- Local Public Health Association of Minnesota – Environmental Health Division

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**9:30 AM**  
**2018 PLATFORM DISCUSSION** - Chair Kramer and Jennifer Berquam, AMC Staff
- Overview of Policy Development Process
- Discussion of Proposed Resolutions and Platform Changes

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**11:00 AM**  
**2018 ENRPC PRIORITIES DISCUSSION AND SELECTION**
- Up to three priorities will be selected

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**11:30 AM**  
**ADJOURN**

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PLEASE SILENCE YOUR CELL PHONE DURING THE MEETING.
AMC unites Minnesota’s counties to achieve public service excellence.

AMC strives to preserve local control so that counties have the flexibility to address the most pressing needs of their communities.

AMC supports state budget solutions that avoid adding or shifting a disproportionate burden to counties through cost shifts, cost shares and unfunded mandates.

AMC believes that funding for county-administered services should be commensurate with the level of service or results deemed acceptable.
Land Use Planning and Regulation

AMC supports sustainable and balanced management of the state’s environmental and natural resources through effective enhancement of local, state, and federal governance.

Animal Agriculture County Permitting Programs

- AMC supports the voluntary enforcement of state standards by counties with county authority to be more restrictive than state standards.
- AMC supports increased state funding for counties that elected to be delegated within the Pollution Control Agency feedlot program.
- AMC supports the ability of counties to withdraw from the county feedlot delegation agreement in the event the funding level declines below what is necessary to administer the program.
- AMC supports a statutory definition of feedlot capacity as "permitted capacity."
- AMC recognizes the need to provide assistance to feedlot producers correcting their feedlots and supports raising the eligibility limit for the feedlot cost share from 300 animal units to 999 animal unit facilities that are not large concentrated animal feeding operations.

Comprehensive Planning and Zoning

- AMC supports local governments’ ability to balance the rights of private landowners with the interests of the public through the fundamental authority local units of government have to protect the public health, safety and welfare of citizens.
- AMC supports legislative efforts that do not reduce, or interfere with the ability of counties to carry out land-use activities such as zoning, planning, and the permitting of development.
- AMC supports the legislative effort to develop and fund a statewide high-resolution Digital Elevation Model.

Environmental Review

- AMC supports a statutory clarification of the definition of "cumulative potential effects".
- AMC supports maintaining the existing EAW decision criteria in EQB rules.
- AMC opposes any effort to require a “cumulative impacts” analysis as part of the EAW process, or as part of the shoreland review process.
- AMC supports efforts to revise the EAW and EIS process rather than creating new thresholds to trigger the necessity of undergoing an EAW or EIS.
- AMC supports a thoughtful and balanced approach to issues that impact environmental protection and economic development efforts. AMC shall work to ensure that county perspectives are included in the state’s response to the Fond du Lac Band of Lake Superior Chippewa’s application to the Environmental Protection Agency for Class 1 Air Quality designation.
- AMC supports requiring project/site specific meetings for the purpose of gathering public testimony be held in the project/site county or within sixty miles of the project/site location.

Federal Endangered Species Act

- 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.

Noxious and Invasive Species Management

- AMC supports requiring the Minnesota Department of Transportation, railroad authorities and other state and federal agencies to control and fund the timely eradication of noxious weeds on their lands and rights-of-way.
AMC supports fully funding state and federal efforts to carry out activities to eradicate invasive plants and other species in a timely manner.

AMC supports increased state activities to educate and assist residents and local governments in their efforts to control invasive species.

AMC supports legislation providing state funding to aid counties for planning and response to the loss of trees due to Emerald Ash Borer and other invasive pests and pathogens.

**County Park Funding**

AMC supports adequate state and federal funding to counties for the acquisition, maintenance and operation of county parks, open space and recreational lands.

AMC supports adequate state and federal funding for the development of county parks, open space, and recreational lands, except in a county with 50 percent or more public land ownership. Those counties could elect to participate in this funding using the dollars received for ongoing maintenance, upkeep, or their capital improvements benefiting existing county-owned parks, trails and recreational facilities.

**Public Land Management**

AMC supports fully funding the beaver damage control grant program under Minnesota Statute 103F.950 to provide grants to local units of government.

AMC supports funding to counties to reimburse costs associated with the cleanup of blighted, tax-forfeited properties.

AMC supports state and federal funding to effectively manage and maintain all state and federally owned lands.

AMC supports the Minnesota Department of Natural Resources Strategic Land Asset Management (SLAM) concept and the involvement of counties in the development of land management goals and strategies.

AMC supports requiring that county boards be notified of, and allowed to comment on, applications for state-funded acquisition projects that are proposed in the county.

AMC supports maximizing the greatest level of public value and benefit when private lands are acquired with state funds. These lands shall provide multiple uses and are best identified with local government participation throughout the acquisition process.

AMC opposes efforts to alter or remove the local approval process for the establishment or expansion of wildlife management areas (WMAs).

AMC opposes the creation of buffer areas through restrictions on local ordinances or other methods that may negatively impact adjoining property owners.

AMC supports more effective laws to reduce the frequency and severity of accidental dog trapping incidents.

**Rulemaking**

AMC opposes opening the shore land rules for rulemaking until the DNR and the local governments responsible for implementing the rule agree to the scope of potential rule changes.

**Small Community Systems**

AMC supports increased funding to bring more small community septic systems into compliance.

**Subsurface Sewage Treatment Systems (SSTS)**

AMC supports a statewide initiative to require individual sewage treatment systems to be inspected and disclosed prior to the sale or transfer of property.

AMC supports county-based efforts to develop an inventory of the compliance status of all SSTS’ in the county.

AMC supports establishing a statewide database of best practices that local government use to administer and educate the public concerning SSTS systems.

AMC supports ongoing state-funded financial assistance programs for homeowners. These programs should include financial assistance for low-income SSTS owners who are unable to fund system upgrade or replacement without this support, including funding counties to establish revolving loan and other financial assistance programs.
AMC supports state funding for county implementation of the state SSTS program at a level commensurate with county costs to do so.

AMC supports county authority to adopt an SSTS component of the county water management plan.

**Township Zoning**

- AMC supports efforts to clarify the zoning relationship between counties and townships.
- AMC supports a requirement for townships that choose to adopt zoning ordinances to perform all zoning activities and to carry out the enforcement of the zoning ordinances.

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**Solid Waste Management**

AMC supports development of local priorities and the provision of cost-effective, efficient, and environmentally sound waste management practices.

**Close Landfill Program**

- AMC supports full funding and preservation of the closed landfill program (CLP), including both the Closed Landfill Investment Fund (CLIF) and the Metropolitan Landfill Contingency Action Trust (MLCAT). Additionally, AMC supports prohibiting the use of these funds for non-landfill related uses, in accordance with Minnesota Statutes 115B.39-115B.444, in order to generate a sufficient fund balance to address the needs of closed landfills throughout Minnesota in the future.

**Electronic Waste**

- AMC supports legislation to require all public electric generation utilities, cooperative electric associations, and municipal electric utilities to establish an industry-funded system for recycling spent fluorescent and high intensity discharge lamps from households.
- AMC supports amending the electronic recycling law to increase manufacturer provided and funded, convenient electronics recycling services throughout Minnesota, thereby assuring the burden for managing discarded electronic products does not fall on local government.

**Inverse Condemnation**

- AMC opposes “inverse condemnation” legislation that would restrict the ability of local governments to implement organized waste collection.

**Landfill Capacity**

- AMC supports the Minnesota Pollution Control Agency working collaboratively with counties on landfill capacity and Certificate of Need.

**Onsite Burning of Municipal Solid Waste**

- AMC encourages the Minnesota Pollution Control Agency to continue efforts to educate Minnesota residents on the issues associated with onsite burning.
- AMC supports a state level initiative to correct inconsistencies in statutes governing on-site Municipal Solid Waste (household garbage) burning activities.

**Permitting of Demolition Land Disposal Facilities**

- AMC supports requiring the Minnesota Pollution Control Agency (MPCA) to issue, and/or reissue, all demolition land disposal facility permits in accordance with the MPCA’s 2005 Guidance Document until such guidelines are otherwise modified by new Rule or Statute.

**Product Stewardship**

- AMC supports product stewardship among manufacturers, retailers and consumers, with an emphasis on industry through an Extended Producer Responsibility framework approach, which creates effective producer-led reduction,
reuse and recycling programs, to deal with a product's lifecycle impacts from design through end-of-life management, without relying solely on state and local governments.

AMC supports maximizing the collection and safe disposal of unwanted prescription and over-the-counter medicines through an internalized pharmaceutical manufacturer financing mechanism that covers the costs of collection, transportation and hazardous waste disposal, and that does not rely on state and local government funding.

**Recycling Definition - Glass**

AMC supports the use of crushed glass in the construction of roads and in the construction and operation of MSW landfills; this use is considered recycling and included in SCORE goals.

**Select Committee on Recycling and Environment (SCORE) Funding**

AMC supports increased SCORE funding to counties to administer the recycling programs mandated by the Legislature and reduce the amount of material that is land filled.

**Solid Waste Financing**

AMC supports increased capital assistance project funding.

**Solid Waste Management Tax**

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.

**Solid Waste Processing Credit**

AMC supports reinstating the state solid waste processing credit to counties that process waste at waste to energy or compost facilities.

**Waste Assurance**

AMC supports legislation to streamline the waste designation process to more effectively exercise the waste assurance tools provided to counties, while retaining the integrity of the public input process.

**Waste Pesticide Funding**

AMC supports a fully funded state-wide program to implement comprehensive and accessible disposal of agricultural and residential waste pesticides.

**Waste to Energy**

AMC supports the Minnesota Pollution Control Agency working collaboratively with counties on the permitting of new or expansion of existing waste to energy processing facilities.

AMC supports a fully funded state-wide program to implement comprehensive and accessible disposal of agricultural and residential waste pesticides.

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**Water**

AMC supports efforts to protect and improve the quality of ground and surface water in Minnesota.

**Aquatic Invasive Species**

AMC supports the strengthening of Aquatic Invasive Species programs, which are funded by state license fees, the state General Fund, and other state funding sources.

AMC supports effective restrictions on infested waters, including the use of temporary controls, increased fines and stringent penalties.

AMC supports increased financial and technical support from the State in response to newly identified and potential infestations and continuing management of all known infestations to reduce the risk of spread.

AMC supports increased State enforcement and/or increased funding for local enforcement of State Laws to prevent the spread of AIS.
AMC supports regional cooperation and partnerships in prevention and management of AIS.

**Buffer Law Implementation**
- AMC supports lands within required buffer areas be allowed to enroll and re-enroll in federal and state conservation programs such as CRP and CCRP or others.
- AMC supports on-going state funding for counties that affirm jurisdiction of the Minnesota buffer program.

**Drainage**
- AMC supports drainage law that ensures the ability of counties to maintain drainage systems.
- AMC supports requiring the state to fund the costs of drainage management activities that are the result of state mandates.
- AMC supports adding additional definition of 'repair' and 'minor repair' to Minnesota Statute 103E.
- 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.

**Drinking Water**
- AMC supports efforts to monitor and protect the quality of drinking water supplies in the state.

**Federal Endangered Species Act**
- 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.

**Impaired Waters**
- AMC supports initiatives to restore Minnesota's impaired waters that:
  - Fund preservation and protection programs to prevent waters from becoming impaired;
  - Fund diverse efforts to restore and protect water resources at the local level;
  - Build upon existing programs;
  - Provide significant opportunities for local governments and citizens to participate in decision-making processes;
  - Are funded through federal and state revenue sources; and
  - Work to prevent the pollution of lakes and rivers.
- AMC supports restoring and increasing state financial support for county water management planning.

**One Watershed, One Plan: Implementation**
- AMC supports funding from the Clean Water Fund for implementation grants to local governments who have collaborated and completed a comprehensive water plan through the One Watershed One Plan process.

**Storm Water Management**
- 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.

**Wetlands**
- AMC supports generating additional state-owned wetland banking credits through applicable state programs to be available for use by counties for local road projects.
- AMC supports modifications to the Wetlands Conservation Act (WCA), which will enhance mitigation projects statewide, by emphasizing the public value of projects rather than the size or location of projects.
- AMC supports the creation of an in-lieu fee program, administered by BWSR, that allows maximum public value for wetland mitigation projects.
- AMC supports including data from all wetland restorations or creations in the wetland replacement reporting.
- AMC opposes changes to WCA exemptions and administrative procedures without complete data to justify the changes.
- AMC supports maintaining wetland de minimis exemption amounts and simplifying its application.
AMC opposes WCA rule changes that require landowners to report exempt activities to the county.

**Water Basin Organizations**

AMC opposes the mandatory membership of an individual watershed to be part of a water basin organization.

**Water Resource Service Delivery**

AMC supports county flexibility regarding the delivery of services to conserve land and water resources.