



Lessard-Sams Outdoor Heritage Council
The State of Minnesota

State Office Building, Room G95 100 Dr. Rev. Martin Luther King Jr. Blvd. Saint Paul, Minnesota 55155

February 5, 2014

Dale Kurschner, Editor in Chief
Twin Cities Business
MSP Communications
220 S. 6th St. , Suite 500
Minneapolis, MN 55402

Dear Mr. Kurschner,

The Twin Cities Business (TCB) February 2014 story titled, "MN Legacy Amendment: Whose Legacy Is It?" frames the wrong question. The reporting uses innuendo but provides little to support the idea that the Clean Water, Land and Legacy Amendment funds are not being spent wisely. In doing so, TCB does a disservice to readers and largely discredits the critical conservation work being undertaken as a result of this historic constitutional amendment.

The article correctly points out that Pheasants Forever (PF), has received a large portion of the Outdoor Heritage Fund (OHF) appropriations to-date; however TCB ignores the mission of PF and falsely charges that PF is "buying hundreds of acres of land....to keep it perpetually out of the hands of developers and agribusiness." PF is dedicated to conservation benefitting all wildlife dependent on healthy ecosystems. A broad assortment of wildlife, not just pheasants benefit from the habitat protection, improvements and conservation minded land management practices funding that PF has received from OHF. This is why they the Lessard-Sams Outdoor Heritage Council has recommended appropriations to the legislature and the legislature and the Governor has approved of these appropriations to PF for its habitat work.

The purpose of the outdoor heritage fund is quite simply to restore, protect and enhance habitat for fish game and wildlife; not one dime has been spent to impede the business community. More over virtually every OHF funded acquisition, restoration, and enhancement generates income in the private sector. Studies by the University of Minnesota Duluth's Labovitz School of Business have determined significant private sector primary and secondary benefits. For example, analyzing Minnesota Laws 2010, the economists concluded the recommended OHF expenditures, approximately \$58.14 million, would result in an economic output of \$85.7 million and create 561.5 jobs.

Moreover, TCB presents a provincial, simplistic view of the relationship between public land acquisition and local units of government. The Office of the Legislative Auditor in March 2010 (Natural Resource Land) reported that the “state’s payment of payments in lieu of taxes for acquired natural resource land was higher than the overall county-town property tax rate for most counties for taxes payable in 2009.” Additionally, conservation organizations work closely with local government when acquiring land. While these organizations are not bound to do so most consult with counties as part of their best practices and work on community relations. Over the 25 year span of the amendment, estimates are \$2 million will be added to the state’s PILT liability. TCB mentions the projected acquisition but fails to report the important fact that the lion’s share of land acquisition is by conservation easement. These easements incur no PILT liability. The land remains in private hands and fee owners continue to pay property taxes.

All conservation work undertaken with Outdoor Heritage Funds is done through complex and sophisticated partnerships. The appropriation language ensures that organizations like PF are working in the public interest by vesting the contractual relationship with the DNR: the appropriation is directed to the “commissioner of natural resources for an agreement with Pheasants Forever to acquire lands in fee for wildlife management purposes.” For non-state partners, the stated purpose is critical, as all legislatively approved costs incurred are reimbursed basis; there is absolutely no incentive to acquire lands that are not public priorities for habitat management agencies. If the wrong land is bought the agency responsible won’t accept it and the non-state partner will not be reimbursed. A careful reading of non-state recipient budgets demonstrates that they are not aggrandizing their organizations with legacy funds, but rather that they have a remarkable degree of efficiency and cost-effectiveness in conservation work and deserve to be part of the solution. Lands acquired in fee must be a strategic priority of and buttressed with statewide conservation planning. Moreover lands acquired in fee must be restored or enhanced to level suitable for public use prior to conveyance to the federal or state systems. There is no added resource management burden.

All acquisitions of land paid for with outdoor heritage funds must be strategic, contribute to robust habitat complexes, and be aligned with major habitat conservation plans. The goal of PF and other entities that work in the prairie regions of Minnesota is to ensure healthy habitat not for pheasants but for all wildlife, whether it be songbirds, butterflies, or pollinators. Additionally, a bounty of other outcomes associated with these acquisitions can be documented, such as measurable erosion prevention, chemical uptake and groundwater recharge. This is important: each and every program manager must submit for legislative approval a plan measuring outcomes consistent with the OHF’s constitutional objectives. To simply cite acres or funding is to portray the impact of the amendment in its most simplistic form. The Lessard-Sams Council is recommending funding for public works to improve habitat in a meaningful way, building corridors and complexes of permanently protected lands, restoring critical riparian areas, and enhancing existing public grasslands, forests, and aquatic habitat.

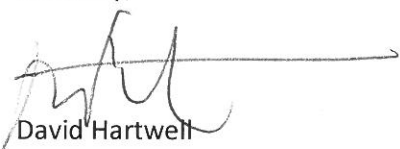
TCB charges that the legacy appropriation process is “opaque” and alludes to conflict of interest involving members of the council. To assert that a conflict is in play by a council member voting to recommend the legislature fund a request impugns the integrity of the legislative and executive branches. *The council has no power to appropriate. The council makes recommendations to the legislature.* The legislature and the governor may change those recommendations. Both branches have

made changes to the council's recommendations, but never due to a council member's conflict of interest. Furthermore the Office of the Legislative Auditor has examined this issue. After saying concern about conflicts was ongoing and observing that the amendment's genesis and purpose ties the use of the funds and work of the amendment to non-government organizations, the auditor then said: "...we accept that there is value to the state in having people on Legacy-related groups who are knowledgeable about and committed to the public purposes supported by the Legacy Amendment." This makes it all the more important to keep the recommendation process in the sunshine. The council meets the state's strictest provisions for public meetings (Ch. 13D Open Meeting Law.) At every meeting of the Lessard-Sams Outdoor Heritage Council members must attest to and cite a conflict of interest and those findings are posted on the council's website.

Unlike the TCB story, a bona fide critical review of the first five years of the Clean Water, Land and Legacy amendment should have looked carefully at each of the four funds rather than concentrate on the one fund with the most information readily available. Sadly, this article lazily and irresponsibly took appropriations to PF, a purposeful and constitutional example of OHF uses and attempted to make a case for systemic misuse of the amendment, with no factual support of the charges.

I would welcome the opportunity to meet with you to discuss our concerns and to engage in a more robust review of the outdoor heritage fund appropriations to date.

Sincerely,

A handwritten signature in dark ink, appearing to read 'David Hartwell', with a long horizontal line extending to the right.

David Hartwell
Chair, Lessard-Sams Outdoor Heritage Council
763-201-6556

C: Member and staff, Lessard-Sams Outdoor Heritage Council