

**Joint Meeting**  
**Legislative-Citizen Commission on Minnesota Resources and the Lessard-Sams**  
**Outdoor Heritage Council**  
**July 14, 2009**

**Meeting Notes**

*Meeting purpose: Joint meeting for the Commission and Council members to meet and discuss possible areas of communication and coordination between the two bodies for the benefit of Minnesota's environment and natural resources.*

*Meeting objective: To engage the members in a discussion of areas of focus, identify common areas, and brainstorm possible options for coordination. Purpose is to get ideas on table not to settle issues. Members see areas of commonality, differences and recognition of need to coordinate.*

**Meeting Facilitated and notes provided by:** Charlie Petersen, Management Analysis and Development, Minnesota Management and Budget

**Members Present:**

LCCMR: Sen. Ellen Anderson, Al Berner, Jeff Broberg, Rep. Lyndon Carlson, Sen. Satveer Chaudhary, Sen. Dennis Frederickson, Nancy Gibson, John Herman, Rep. Larry Howes, Norman Moody, Mary Mueller, Sen. Pat Pariseau, Rep. Ron Shimanski, Sen. Jim Vickerman, Rep. Jean Wagenius, Elizabeth Wilkens

LSOHC: Sen. Ellen Anderson, Lester Bensch, James Cox, Rick Hansen, David Hartwell, Mike Kilgore, Darby Nelson, Bob Schroeder

LCCMR and LSOHC Staff Present: S. Thornton, Bill Becker, M. McDonough, M. Banker, D. Griffith

Members Absent: Rep. Larry Howes (LCCMR), Rep. Tom Rukavina (LCCMR), Wayne Enger (LSOHC), Bob Gunther (LSOHC), and Scott Rall (LSOHC)

**Introductions**

**One thing that makes you proud to be on the Commission or Council**

- Our citizens of MN who voted heavily for ETF and Legacy Amendment.
- The quality of individuals on the council.
- Our state and the incredible diversity of places and people's commitment to the environment.
- Being entrusted to spend these conservation dollars wisely.
- It is an honor to be on the council. We have a great group. We are all working to leave something important for future generations.
- The folks sitting in the chairs around us, the staff who help us with these difficult jobs.
- The quality of education and inspiration teachers give to others to be good environmentalists.
- Be a voice for production agriculture. Agriculturists are also environmentalists.
- Proud to be part of a group that works to improve our environment.
- Worked with Sen. Lessard to get amendment passed and proud to ensure constitution dedication is enforced. "When old men plant trees."

- Proud we still have something to save.
- Proud of the recipients and of all the applications we receive.
- Proud to be Minnesotan, they want to protect the environment.
- Proud of all the things written down already.
- My district overwhelming supported the amendments; 4th precinct was 80% in support.
- Addicted to upland bird hunting. Proud of heroes who supported my appointment.
- Proud of lots of things on the list. But also to be from a state that values its resources and also all these people from different perspectives, but we all work so hard to make it happen.
- Proud to be in a position to protect the things we care about.
- Proud of the ideas that come to committee and the staff.
- That senators would entrust me to serve on this committee.
- Want my great grandson to enjoy hunting and fishing like I did.
- The strong support of MN citizens for the environment by support of two constitutional amendments.
- First year recommendations. We followed the constitution and intent of people of MN.

## **Review of constitution and statutes for the Environment and Natural Resources Trust Fund and the Outdoor Heritage Fund**

### **See Attachment #1**

LCCMR – Legislative-Citizen Commission on Minnesota Resources  
 ETF – Environment and Natural Resources Trust Fund  
 LSOHC – Lessard-Sams Outdoor Heritage Council

### **Discussion on similarities and differences of the funds**

#### **A. What are the key values in each constitutional purpose?**

1. In spite of similar language, the Environment and Natural Resources Trust Fund (ETF) is viewed as having a much broader purpose, that includes baseline data gathering for long-term planning, scientific research: cutting edge and practical application, demonstration, acquisition, energy research and development projects. Much broader mandate than LSOHC where funding is used for habitat acquisition. (LCCMR)
2. Education.
3. Emerging issues money given to Board of Water and Soil Resources (BWSR) to look at CRP lands that LSOHC could buy, in hopes that it will help the LSOHC. Example of LCCMR providing research to LSOHC with its deeper pockets to acquire. (LCCMR)
4. Acquired land must remain open to access for hunting and fishing, unless legislation says otherwise. (LSOHC)
5. What happens if you buy shoreland for fishing but can't hunt on it due to homes nearby? (LCCMR)
6. Ran into this with aquatic management acquisitions. DNR commissioner can close some AMA lands. (LSOHC)
7. On that same issue, about access, unless otherwise provided by law. Lots of laws prohibit fishing and hunting. Does local ordinance come into play? (LCCMR)
8. Response - This point may be litigated. AMA must be open to hunting and fishing if they have capacity. What constitutes applicable other laws: some disagreement. I think a general law or specific law will close it down. I read it narrowly. So no local ordinance would apply. (Senate Research)
9. Does that preclude a city from coming in with a specific request? (LCCMR)

10. Response - No, they can make a specific request. Cities restrict discharge, not hunting. (Senate Research)
11. It is unique to have constitutional amendments that took ten years to hash out and many authors. Trying to interpret legislative intent would be a nightmare. When I explain it to people, yes hunting and fishing needs to be available unless any government authority restricts it. No clear answer. (LCCMR - LSOHC)
12. The ETF, we do have much greater flexibility in the land we can buy. There will be some properties that don't fit Outdoor Heritage Fund or Parks and Trails funding, like the arboretum. If LSOHC sees something fabulous but can't buy, tell us. (LCCMR)
13. Both funds provide critical habitat for wide diversity of wildlife. (LCCMR)
14. I'd like to ask staff and Sen. Anderson about legislative intent. You don't go back ten years on intent, instead look at the bill that was passed and when it was passed. If a bill wasn't passed, then there's no legislative intent. (LCCMR)
15. Both funds: make good investments, well thought out and good returns. (LCCMR)
16. The way both are written, we have to pick specific different types of territories, but both are intended to be all encompassing, border to border. (LCCMR - LSOHC)
17. LCCMR has specifically air, but we also target wetlands, forests. (LCCMR)
18. Both funds talk about money appropriated by law. Neither commission nor council has the authority to spend. (LSOHC)
19. To add to a previous point, we are narrowly focused on fish, game and wildlife. (LSOHC)
20. Term "other natural resources" in LCCMR, it is defined broadly. Legacy Amendment captures historical properties in the cultural piece, but historic properties are also defined as natural resources for the ETF in M.S. 116P. (LCCMR)
21. Quantity piece: more of wetlands, but also quality piece is important to both funds. (LSOHC)
22. Besides trails, I love arts. That is what sold quite a bit of this. (LCCMR)
23. LSOHC has provision to spend money by ecological regions and sub-regions. (LCCMR)
24. Additional values not explicitly stated. These groups proposing become springboards in other forums. We can't fund them all but by application that makes them known to others (idea generator). (LCCMR)
25. The most important value: they are in our constitution. Outdoor Heritage: key word only. To add to a previous point, program to encourage local conservation activities. (LSOHC)
26. Shared value: we do many projects that provide multiple benefits. Critical habitats provide water benefits and education benefits. Carbon credits. (LCCMR)
27. Relates to an earlier comment: leverage, how much other money is brought to the table. If we give you a dollar, can you come up with another dollar? (LCCMR)
28. Both dedications have a term limit. (LSOHC)
29. On ETF, the term is how long the lottery feeds it. The ETF continues in perpetuity. LSOHC money expires at the end. (LCCMR)

**B. What are the key areas of focus for you?**

1. The basic data and science that we can provide that allows us to make wise decisions. (LCCMR)
2. Land asset management and outdoor and environmental education. (LCCMR)
3. Making sure the future is better than it is now. (LCCMR - LSOHC)
4. Balance between the various charges we have and balancing geographically for benefits all over the state. (LSOHC)
5. I'm concerned because in my area there's been the push for SWCDs to push for being the all power to tell you what to do with your land. (LCCMR)
6. Prioritize along with the balancing. (LSOHC)

7. Parks and trails, but I want balance, the whole state. (LCCMR)
8. I agree with previous statements, balance is a high priority, geographically and across all environmental needs. (LCCMR)
9. Critical habitat. (LSOHC)
10. Prevent fragmentation in critical habitat in wildlife corridors. (LCCMR)
11. Making investments where conservation needs are the greatest. (LSOHC)
12. Make decision on five things: 1) trying to get leverage: economic or make something happen; 2) protect areas under immediate threat; 3) buy rare and ignored (i.e. rock outcroppings in Minnesota; 4) best practices, demo and 5) research- things only LCCMR can do. (LCCMR)
13. Constitution clarifies focus, hard to decide but protection by acquisition. We will never have another chance on some of these properties. If we don't get it now, we never will. (LSOHC)
14. Accountability: do they do what they say they are going to do. Auditability. (LSOHC)
15. Environmental education that is proactive rather than reactive. That allows the next generation to be proactive. We shouldn't be using money to have to fix the problems. (LCCMR)
16. Best return on investment. (LCCMR)
17. Diverse habitat types. Discussion at LCCMR on tree diseases. (LCCMR)
18. Increase our focus to define the targets more specifically, like shallow lakes, that USGS is doing. Look at geological opportunity. Protect before it is destroyed. Define target more specifically, focus on where we are going to get best return by looking at geographical opportunity. (LSOHC)
19. Timeliness. I'm glad to see we are both on a one year time cycle. If land is cheap, let's get it. But may not lead to equal opportunity all over, but it will work out in the end. (LCCMR)
20. Water as the giver of life. (LCCMR)
21. Research, no place else in the legislative process for research. Research is our venture capital for the future. (LCCMR)
22. To ensure that there is clearly defined mission and avoid mission drift, be faithful to the Constitution. (LSOHC)

**C. Where do you see areas of common focus between the two funds?**

1. Critical habitat. We look at land and water protection. Our number one priority, to ensure ecosystem integrity. (LCCMR)
2. Our council has not been given authority for research, but some of the LCCMR plans, we'd like to see that and be able to implement. The two complement each other. (LSOHC)
3. Common focus: both in the business of protecting. But protecting requires knowledge. For example the rock outcrop issue: if we didn't do the research, we couldn't have protected it. LSOHC is being too narrow. If you don't have a map of the resources, how do you protect? (LCCMR)
4. Both funds mention fish and wildlife specifically, in terms of protecting conserving and enhancing. (LCCMR - LSOHC)
5. Recreation, defined in a lot of different terms. (LCCMR)
6. The access and use by the public for recreation. Both funds have an important element of that. Getting outside. (LCCMR)
7. Clean, drinkable water, quality and quantity, because it is short in some parts of the state. (LCCMR)
8. Critical habitat implies protecting the state's biology. Be explicit not implicit. Protect state's biological heritage, the plants. (LCCMR)
9. LCCMR and LSOHC have an interest in base resource – conservation of the land. (LCCMR)
10. Be ecologically based, what was said earlier: critical habitats and communities. (LCCMR)
11. Restoration of critical habitat. (LCCMR)
12. Pleased to hear someone from LSOHC to speak about quality. That is an emerging area. (LCCMR)

13. Enhancement is in both LCCMR and LSOHC. If you have a piece of property, adding outlying areas, very close to restoration. (LCCMR)
14. Enhancement is the most interesting word. It opens up to so much more. Where do you do the baseline research for county biological survey? Enhancement allows you to do more. As LSOHC gets further into restoration, it could rely on LCCMR research, or support best practices because LSOHC has more money. (LCCMR)
15. Add to the previous definition of enhancement, the notion of diversity. (LCCMR)
16. Was talking about ecological decision making, that we understand the land and make decisions on ecological information. (LCCMR)
17. Shouldn't we talk about the interesting thing? I would say the LSOHC focus is to buy land and easements. LCCMR focus has been much more bifurcated with research and best practices, with some land acquisition. We've had some hot discussions whether we would do more research to help LSOHC make decisions. But some on LCCMR would say we would supplant if we move away from our historic focus on land purchases. (LCCMR)
18. LCCMR does protection and restoration. What percent is restoration? (LCCMR)
19. Response - 65% has been lately restoration. (LCCMR Staff)
20. Point of clarification. I hear that LSOHC is focused on protection here and in other places. We had one large project for acquisition. Take out that one project and we have more money in restoration. (LSOHC)
21. Restoration is a type of protection. If you don't restore, then you could lose them forever.
22. Rather than a common focus, I'd say a common interest. We should tell the public where we are common. LSOHC had some project proposals better for the LCCMR. We have a common interest in making sure public understand the differences. Don't write down all the words, because that expands our mission. It doesn't serve the public interest to be everything for everybody. (LSOHC)

#### **D. Where do you see differences?**

1. A comment was made on LCCMR's broad focus. Research and application is not mission of LSOHC. What we do with the Outdoor Heritage Fund follows what we learn from research, whoever funds it. We rely on the professionals' judgment and the research they have done. Not LSOHC role to make determination of best approach. We rely on the professionals. (LSOHC)
2. LCCMR doesn't acquire land; you don't hold title to lands. You are relying on the professionals just as LSOHC does. Certainly LCCMR funds research that results in recommendations for professionals to employ. (LSOHC)
3. This comment briefly touched on it. LSOHC cannot deal with education. LCCMR can. I plead with LCCMR folks to take education seriously. LSOHC will put lots of money into land and restoration, but it will be wasted if behavioral changes don't happen, in the long haul. A significant need that we can't touch. (LSOHC)
4. I'm not seeing those differences, having problems. It's pulled out of thin air: which fund can do research. The funds have the same language. I'm having real trouble if we can't agree on the language we are reading. (LCCMR - LSOHC)
5. A brief history lesson. When ETF was established, this was a sportsmen driven group to have money on preservation, enhancement and protecting resources. The public's perception, right or wrong, is that LCCMR has deviated from the goal to the point where they are not getting the biggest investment for their dollar back into the natural resources. This is the prime reason why the Outdoor Heritage Fund was funded, because sportspeople did not believe enough money was going to the environment. That is why the very, very important word in the OHC was the word "only." "Spent only to restore, protect and enhance wetlands, forests, prairies, habitat for game, fish and wildlife." That is the main difference in the generality from the LCCMR to specificity of OHC. That is what the public perceives. (LSOHC)
6. LCCMR does have a thorough peer review process for research. (LCCMR)

7. We are making things up that it doesn't say. The whole state voted not just the hunting and fishing groups. I don't agree with the previous statement that LCCMR was not giving adequate funds to environment. Hook and bully crowd is what I'm hearing. (LCCMR)
8. In the ETF constitution amendment, there are broad areas of what the funding is intended for. To understand, you need to know what the citizens understood when voting for it and what the authors said of the intent. If you go back and read or listen to Sen. Moe and Rep. Munger, you will hear them talk about environmental education and other areas that are not specifically detailed in the constitutional amendment. That is where it comes from because that is what the authors said. That it is for the broad scope of environmental issues. (LCCMR)
9. When we look at the LSOHC and LCCMR in 20 to 30 years, who will be the people protecting and preventing further degradation? That is what environmental education does; it sets up a system of future protection. Not a stretch to say protection includes outreach and education. That is what I look at in each proposal: how will they protect and prevent for the next generation. (LCCMR)
10. When LCCMR restores a piece of land or water body it is open to public, available for hunting and fishing, bird watching, berry picking and also environmental education. I don't see them as different. If focus of LSOHC is to purchase and restore. Making it available for hunting and fishing also makes it available for other use and water quality. (LCCMR)
11. Looking at the ETF statute, LCCMR has a much broader charge. (LCCMR)
12. Reacting to people's comments that the LSOHC can't be used for education: narrowing ourselves by starting out. We may reach that conclusion. But that is not prohibited for those purposes. (LCCMR - LSOHC)
13. Need clarity for the public. Agreements over the definitions will change. But we need clarity on the definitions for the public. (LCCMR)
14. Do you think the public is satisfied to performance of LCCMR? (LSOHC)
15. Response: I don't know a lot about public opinion, but I hear a lot of misconceptions. At one time I was one of those critics, saying there was mission drift. LCCMR funds energy. Ten years ago we didn't see that as environmental protection. The public is driving that, they give input through the RFP. (LCCMR)
16. There was a sense of dissatisfaction from some, not that LCCMR wasn't spending the money appropriately, but that there wasn't enough of it on land acquisition. Maybe 40-50 percent of the dollars on various types of lands. Some of us didn't think it went very far. Some of us also thought that we didn't know enough about conservation and what worked. So we thought be more aggressive on research and dovetail with LSOHC and Parks and Trails, which spent lot of their money on maintenance and education. LCCMR is also talking about whether we are supplanting our land acquisition. We shift things around. LSOHC will do land acquisition on an unprecedented scale. Could LCCMR spend less on acquisition and increase research to help both LSOHC and LCCMR? I voted for the amendment because people wanted stable funding for arts, buying land for protection, recreational land, and water quality. No one disagrees you have a mandate to buy land. How can we best leverage the dollars? (LCCMR)
17. Public didn't realize we aren't getting all the Lottery money. That is where people were sold down the river: all profits of lottery were to go to ETF. (LCCMR)
18. LCCMR really does want more places to recreate and hunt. But that said, I'll be teaching a class at camp. If we don't do the education, we won't have future hunters. We need land where the education institutions are and restore wetlands where the people can see it. Ag lands can have wetlands on them. All kinds of things that can be done. (LCCMR)
19. The legislature has asked the LSOHC to create a 25 and 10 year plan that will be guide. (LSOHC)
20. An earlier comment said that the language is basically the same. ETF has education language that LSOHC has nothing comparable. Yes, protection can encompass lots of things. But then you get an inch deep and a mile wide. If we go down that path, then we will end up with a whole lot less of conservation on the land. (LSOHC)

### **Key differences identified:**

- Research and inventory
- Environmental education
- The broad intent and where the terms come from, a difference of opinion and understanding of where the terms come from.
- History; LCCMR has a sense of history and getting into operational details. LSOHC has much shorter history, a lot shorter time frame for things to evolve or not evolve, for the cement to harden.

### **Ideas of areas to communication and coordinate**

#### **What ideas of areas do you see where the two entities could coordinate and communicate with each other for the benefit of the public and Minnesota resources?**

1. As previously mentioned, Council is developing a framework for 25 years plus year plan. As we get into this, we will see if we are achieving the goals. This is a great opportunity for us to work together. We want to tell public if we are getting to the point where we want to be. (LSOHC)
2. Because the LCCMR funds data collection and research, perhaps meet together to hear the results from the presenters, rather than have them present twice. (LCCMR)
3. As it relates to making the best decision, professionals may need new inventory. LCCMR could fund that through our RFP. (LCCMR)
4. When LCCMR looks at the additional information. What works? For example, people ask how much spent in MN River Basin and that we don't see any changes. Need to retest to see what works and what doesn't work. (LCCMR)
5. During the intense review of projects from stakeholders, some of them were clearly outside the scope of constitutional intent. But rather than have them drop off to oblivion, have another channel for them. (LSOHC)
6. Have a common website for the two entities so public can figure out which fund can help. Some people have a hard time figuring out what is available. (LCCMR)
7. From a practical standpoint, when Council reviews projects, would have been great to work with LCCMR to have two sets of money for big projects like RIM. (LSOHC)
8. The new website already created in statute. (LCCMR)
9. From a backward perspective: If there are lands that LSOHC wants to protect, they come to LCCMR to see if these lands are worth protecting. What sort of data or priority list is on these projects? (LCCMR)
10. Like these ideas but I fear we will be perpetually out of sync. We need to figure out how the years are going to work. It could create a lot of work for applicants. (LCCMR)
11. An early advocate for this kind of meeting: Communication was a big concern of mine. Gave us an opportunity to get to know each other. But set time aside at future meetings to discuss how we communicate and coordinate. Also at staff level and with the legislative committees and division chairs where legislation goes through. (LCCMR)
12. Good for each group to know what each are doing. LCCMR discussed this morning Scientific and Natural Areas and where they fit. If they don't fit with LSOHC and they drop out, who makes sure they don't get left behind? If we don't coordinate ourselves, then the legislative committees will have to do it, the overlaps and the omissions. Once LSOHC gets strategic plan in place, then we should communicate with LCCMR. We need to try to stay connected, so it's not thrown back to legislature. (LCCMR - LSOHC)
13. Legislators do not see these funds as silos the way members might. All four funds could contribute to different parts of a big project. (LCCMR)

### **Is there an obvious opportunity?**

- Common scheduling.
- Policy issues to work together on such as PILT payments and review the Legislative Auditors study on PILT.
- Address tails in legislation.
- Make sure we are in sync on what we are doing, areas of emphasis, requests for proposals.
- There is a lot of synergy. But also we need to maintain autonomy.

### **Is there value in follow-up meeting?**

- To review LSOHC strategic plan.
- Get updates at each other's meetings and attend each other's meetings.
- Know what the other is interested in funding.

### **Agreed areas of focus for communication and coordination**

- Focus on policy issues - PILT
- Scheduling
- Keeping autonomy

**Meet again in early 2010** – after LSOHC has completed strategic plan and proposal review

Question:

Should we coordinate with the Clean Water Council?

Conversation: By law, they don't officially recommend the Clean Water Legacy dollars. By law, they were to focus on TMDLs, on the clean up portion. The Clean Water Legacy and Parks and Trails funds go through the regular budget process of the Governor and the legislature. The Clean Water Council role is statutorily different than LCCMR and LSOHC.

**Adjourn**