

## Lessard-Sams Outdoor Heritage Council

**MEMO:**        **Agenda Item #5b**

**DATE:**         January 7, 2016

**SUBJECT:**     **Information** - Draft OHF Bill Language - FA 09, Protecting Forest Wildlife Habitat in the Wild Rice River Watershed (Subd. 3(j) in draft bill)

**PRESENTER:**   Mark Johnson, Director, LSOHC

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### **Background:**

Regarding the draft bill language:

At the December 3, 2015 council meeting, councilor David Hartwell moved to approve the council's allocation recommendations with the inclusion of additive language to project FA 09, Protecting Forest Wildlife Habitat in the Wild Rice River Watershed. The motion passed with a vote of 9:3.

For the council's reference, the appropriation language is on page 12, lines 12.8-12.28 of the Revisor's draft bill language that is in your packets. Lines 12.17-12.28 in particular include the additive language.

The current additive language, as well as the White Earth Nation representative's suggested language and the "verbatim" motion language are also printed on the reverse side of this memo.

Members should notice that the "Original proposed additional language" listed in the bill draft is not verbatim and as such should be reviewed by the council to make sure it conveys the council's intent.

### **Discussion:**

To provide clarity for staff with regard to the council's intent, staff asks for council discussion of the following three items:

1. Review and discussion of the language variations listed on the back of this page.
2. In the December meeting motion, the White Earth Nation and DNR are directed to collaborate to create a special hunting zone for the property. At least one member emphasizes that it would be primary and preemptory to release of grant monies. As such, any land acquisition would be required to occur subsequent to creation of a hunting zone. Is this the intent of the council?
3. With #1 in mind, it would seem that continued ownership of the land by the White Earth Nation would also be conditional upon continued successful implementation of the management plan and that failure to do so would result in reversion of ownership of the land from Trust land being held for the White Earth Nation to ownership by the State of Minnesota. Is this the intent of the council?

Staff requests council guidance with respect to the above as it may relate to draft accomplishment plan language.

**Suggested Action: Advisory discussion only.**

**(Bill & motion language printed on reverse of this page)**

## **Appropriation Language: (j) Protecting Forest Wildlife Habitat in the Wild Rice River Watershed**

\$2,188,000 in the second year is to the commissioner of natural resources for an agreement with the White Earth Nation to acquire lands in fee in Clearwater County to be managed for wildlife habitat purposes. A list of proposed land acquisitions must be provided as part of the required accomplishment plan.

**Original proposed additional language:** The White Earth Nation, in cooperation with the commissioner of natural resources, shall create a jointly agreed upon management plan for all lands acquired with this appropriation to include a single management unit where White Earth Nation tribal hunting, trapping, fishing, and gathering seasons and bag limits will be utilized for tribal and nontribal members alike. The management plan must be provided as part of the required accomplishment plan.

**WEN proposed additional language:** The Commissioner of natural resources may establish a special zone on the properties acquired by White Earth Nation under this grant in which the hunting, fishing, trapping, and gathering seasons and limits for non-tribal members coincide with those for tribal members.

**Verbatim motion from Audio Part II: (01:50:45 & 02:06:35)** “The motion is to move the package with the amendment that the White Earth Band and the DNR create a special single hunting zone on this property that is based upon White Earth Band’s tribal hunting, fishing, trapping, gathering seasons and limits.”

**“Verbatim” language if utilized as “additional language”:** “The White Earth Band and the commissioner of natural resources shall create a special single hunting zone on lands acquired with this appropriation that is based upon White Earth Band’s tribal hunting, fishing, trapping, and gathering seasons and limits.”

### **Points of interest:**

- A typed transcript of the December 3, 2015 council meeting Audio Part II will be provided to council members at the January 7, 2016 meeting.
- David Hartwell (01:53:50) “The tribe would have the rights to limit these properties for their own members and therefore for non-members, should they choose. We’re not mandating that they keep the hunting season open for a long time, but if they do it for tribal members they are going to do it for non-tribal members. They can choose, I would assume, to take a specific piece of property and limit how much gathering of wild rice there is. We are not taking that right away. We are simply saying it is going to equal for everyone if you want to do this.”
- Barry Tilley (02:01:00) – “What Member Hartwell proposes, as a condition to the grant, is the direct grant does not occur unless that special zone being created by the DNR for the remainder of the state is adopted.”
- Ron Schara (02:10:00) “So as I understand it, WEB would set their seasons and DNR would match those or they can discuss it amongst themselves and come up with a matching season that would apply to both the band members and the no-band members. Is that everybody’s understanding?” (Audible indications of agreement heard on tape from non-identified members). “I like it.”
- Hartwell motion to forward the package as amended passes on a roll-call vote of 9:3 (02:14:40).