

MINUTES
Lessard-Sams Outdoor Heritage Council (LSOHC)
May 24, 2023
Hybrid Meeting – State Capitol 120/ Zoom, pursuant to MS 13D

Call to Order: Chair David Hartwell called the meeting to order at 8:40am.

Members Present

David Hartwell (Chair)
Ron Schara (Vice Chair)
Rep. John Burkel
Dudley Edmondson
Kristin Eggerling
Sen. Foug Hawj
Mark Holsten
Rep. Leon Lillie
Ashley Peters
Tom Saxhaug
Jamie Swenson

Members Absent

Sen. Andrew Lang

A quorum was present.

1. Review and Approve Agenda: Councilmember Kristin Eggerling made a motion to amend the agenda moving item number six - Executive Officer Elections – after item number seven – Review & Adoption of Council Operating Procedures – as changes made to the operating procedures would have a potential effect on the elections, and approve the agenda as amended – **Motion Prevailed**

2. Review and Approve Minutes: Councilmember Tom Saxhaug made a motion to approve the minutes from January 27, 2023 – **Motion Prevailed**

3. Conflicts of Interest Reported: No new conflicts of interest were reported by Councilmembers. Previous reports of conflicts still stand.

4. Chair's Comments: Chair Hartwell announced to the Council that the ML 2023 Legacy Omnibus bill had been passed and signed into law and thanked the legislative members of the Council for their work on the bill throughout the session. Chair Hartwell also alerted councilmembers to a proposed site visit fieldtrip in June.

5. Executive Director's Report: Executive Director Mark Johnson gave reports to the Council on several recent events that he and/or Assistant Director Joe Pavelko had attended – including Pheasants Unlimited Pheasant Fest, an invasive carp symposium hosted by MN DNR and the University of Minnesota, and a meet the grant makers online forum hosted by the Grantsmanship Center. Mr. Johnson noted that a recorded version of the Grantsmanship Center panel will be available online soon. Mr. Johnson also gave the Council an update on a meeting with MN DNR's Lands and Minerals division and drew the Council's attention to an issue brought by Dakota County regarding the accidental placement of a LSOHC Notice of Funding Restriction (NOFR) on land not purchased with OHF funds. Mr. Johnson informed the Council County legal staff will be removing the erroneous NOFR. Mr. Johnson

then gave general overview of the ML 2023 legislative session and Legacy Omnibus bill and asked Sen. Foug and Rep. Leon Lillie to provide additional information, which they did. Assistant Director Pavelko provide information to the Council on two proposed tours – one in June and one in August. Council discussion followed.

6. Review & Adoption of Council Operating Procedures update: Chair Hartwell noted several changes he and Vice Chair Ron Schara proposed to the Council’s operating procedures:

- Elimination of the requirement that officers equally represent each appointing authority.
- Elimination of the executive committee.

Director Johson noted that additional proposed changes include technical and grammatical corrections, changes made to bring the operating procedures in line with current law, and update job descriptions for executive officers.

Action: Councilmember Eggerling made a motion to approve the revised Council operating Procedures as presented.

A roll call vote was taken.

AYE:

Hartwell
Schara
Rep. Burkel
Edmondson
Eggerling
Sen. Hawj
Holsten
Rep. Lillie
Peters
Saxhaug
Swenson

NAY:

ABSENT:

Sen. Lang

11 AYES, 0 NAYS, 1 ABSENT – **Motion Prevailed**

7. Executive Officer Elections: Executive Director Mark Johnson presided over the election of Council officers.

Action: Councilmember Ashley Peters made a motion to nominate David Hartwell for the position of Council Chair. Mr. Hartwell accepted the nomination.

No other nominations were made for the position of Chair.

A roll call vote was taken.

AYE:
Hartwell
Schara
Rep. Burkel
Edmondson
Eggerling
Sen. Hawj
Holsten
Rep. Lillie
Peters
Saxhaug
Swenson

NAY:

ABSENT:
Sen. Lang

11 AYES, 0 NAYS, 1 ABSENT – **Motion Prevailed**

Action: Councilmember Eggerling made a motion to nominate Ashley Peters for the position of Council Vice Chair. Ms. Peters accepted the nomination.

No other nominations were made for the position of Vice Chair.

A roll call vote was taken.

AYE:
Hartwell
Schara
Rep. Burkel
Edmondson
Eggerling
Sen. Hawj
Holsten
Rep. Lillie
Peters
Saxhaug
Swenson

NAY:

ABSENT:
Sen. Lang

11 AYES, 0 NAYS, 1 ABSENT – **Motion Prevailed**

Action: Chair Hartwell made a motion to nominate Kristin Eggerling for the position of Council Secretary. Ms. Eggerling accepted the nomination.

No other nominations were made for the position of Secretary.

A roll call vote was taken.

AYE:
Hartwell
Schara
Rep. Burkel
Edmondson
Eggerling
Sen. Hawj
Holsten
Rep. Lillie
Peters
Saxhaug
Swenson

NAY:

ABSENT:
Sen. Lang

11 AYES, 0 NAYS, 1 ABSENT – **Motion Prevailed**

Action: Councilmember Peters made a motion to nominate Jamie Swenson for the position of Council Treasurer. Ms. Swenson accepted the nomination.

No other nominations were made for the position of Treasurer.

A roll call vote was taken.

AYE:
Hartwell
Schara
Rep. Burkel
Edmondson
Eggerling
Sen. Hawj
Holsten
Rep. Lillie
Peters
Saxhaug
Swenson

NAY:

ABSENT:
Sen. Lang

11 AYES, 0 NAYS, 1 ABSENT – **Motion Prevailed**

Action: Rep. Lillie made a motion to nominate Rep. John Burke for the position of Council Legislative Member. Rep. Burkel did not accept the nomination. Rep. Lillie withdrew his nomination. **Motion Withdrawn**

Rep. Burkel made a motion to nominate Rep. Lillie for the position of Council Legislative Member. Rep. Lillie did not accept the nomination. Rep. Burkel withdrew his nomination. **Motion Withdrawn**

Rep. Lillie made a motion to nominate Sen. Andrew Lang for the position of Council Legislative Member. Sen. Lang was absent and unable to formally accept or deny the nomination.

No other nominations were made for the position of Legislative Member.

A roll call vote was taken.

AYE:

Hartwell

Schara

Rep. Burkel

Edmondson

Eggerling

Sen. Hawj

Holsten

Rep. Lillie

Peters

Saxhaug

Swenson

NAY:

ABSENT:

Sen. Lang

11 AYES, 0 NAYS, 1 ABSENT – **Motion Prevailed**

8. Extensions for Availability of Funds and Personnel/DSS related budgets: Executive Director Johnson gave the Council an overview of the history and current procedures regarding extension requests and Personnel/Direct Support Services budget increase requests. Council discussion followed.

Action: Councilmember Ron Schara made a motion to approve the recommended motion from staff and the Chair and Vice Chair, which is as follows:

- Appropriation extension requests will only be considered with delineated extraordinary circumstances related to weather or unforeseen last-minute circumstances.
- Appropriation extension requests must be submitted for Council review no later than the Council's November meeting to provide necessary time for Council consideration and potential bill language inclusion.
- Extension requests must be accompanied by a well-defined plan toward project completion that provides the Council with confidence in project success.
- Appropriation extension amendments should not include an increase in personnel or DSS.
- The Council will hear all amendments for Personnel and/or DSS budget line-item increases in instances where that appropriation's cumulative Personnel and/or DSS budget line(s) have exceeded/will exceed 10% of the originally approved respective budget lines. Such amendments should not be approved if they exceed 10% unless the shift is to enable of shift of work to/from a contractor instead of employees for the same work. It is the Council's presumption that proposals it reviews are well vetted and will be carried out according to the budget and work plan upon which the Council recommended/approved the proposal.

A roll call vote was taken.

AYE:

Hartwell
Schara
Rep. Burkel
Edmondson
Eggerling
Sen. Hawj
Holsten
Peters
Saxhaug
Swenson

NAY:

ABSENT:

Sen. Lang
Rep. Lillie

10 AYES, 0 NAYS, 2 ABSENT – **Motion Prevailed**

9. Accomplishment Plan Amendment – ML 2020, Ch. 104, Art. 1, Sec. 2, Subd. 5(b) – Metro Big Rivers

Phase 10: Assistant Director Pavelko gave the Council an overview of an Accomplishment Plan amendment related to the Metro Big Rivers Phase 10 project. Deb Loon with the MN Valley National Wildlife Refuge Trust, and Vicki Sherry with the US Fish and Wildlife Service provided additional information. Council discussion followed.

Action: Councilmember Jamie Swenson made a motion to approve the MN Valley Trust portion of the accomplishment plan amendment, shifting remaining fee title acquisition funds to contracts to allow the use of \$801,000 for restoration and enhancement activities on existing protected parcels, with the understanding the budget numbers currently showing up incorrectly due to a system error would be adjusted to reflect the correct amounts.

A roll call vote was taken.

AYE:

Hartwell
Schara
Rep. Burkel
Edmondson
Eggerling
Sen. Hawj
Holsten
Peters
Saxhaug
Swenson

NAY:

ABSENT:

Sen. Lang
Rep. Lillie

10 AYES, 0 NAYS, 2 ABSENT – **Motion Prevailed**

10. Accomplishment Plan Amendment – shifting of funds from Conservation Easement budget line to Fee-Title budget line: Wayne Ostlie with MN Land Trust and Kathy DonCarlos with Northern Waters Land Trust presented several accomplishment plan amendments related to:

- Fisheries Habitat Protection on Strategic North-Central MN Lakes, Phase 7 (ML 2021, First Sp. Session, Ch. 1, Art. 1, Sec. 2, subd. 5(d))
- Fisheries Habitat Protection on Strategic North-Central MN Lakes, Phase 8 (ML 2022, Ch. 77, Art. 1, Sec. 2, subd. 5(l))
- Fisheries Habitat Protection on Strategic North-Central MN Lakes, Phase 9 (Ch. 40, Art. 1, Sec. 2, Subd. 5(g))
- Protecting MN Lakes of Outstanding Biological Significance, Phase 2 (Ch. 40, Art. 1, Sec. 2, Subd. 5(f))

Council discussion followed.

Action: Vice Chair Peters made a motion to approve the amendments allowing the Minnesota Land Trust to acquire lands in fee with PILT for priority parcels near Mantrap Lake in Hubbard County, MN. The Mantrap Lake parcels identified within the above referenced appropriations must be owned and managed in perpetuity by the MN DNR as a Wildlife Management Area and/or Aquatic Management Area. If a different owner, other than MN DNR, is identified as the processes moves forward, then MN Land Trust and Northern Waters Land Trust need to come back to the Council for approval.

A roll call vote was taken.

AYE:

Hartwell
Schara
Rep. Burkel
Edmondson
Eggerling
Sen. Hawj
Holsten
Peters
Saxhaug
Swenson

NAY:

ABSENT:

Sen. Lang
Rep. Lillie

10 AYES, 0 NAYS, 2 ABSENT – **Motion Prevailed**

11. Conservation Partners Legacy (CPL) Grants – Legislative Requirements Implementation: David Stein, Acting State Program Administrator for the Conservation Partners Legacy Grants program with MN DNR gave an overview of recent CPL funding rounds and planned implementation of new legislative requirements recently passed in the ML 2023 Legacy Omnibus bill. Council discussion followed.

12. Conservation Considerations – A conversation with the MN DNR: Commissioner Sarah Strommen with MN DNR gave the Council an overview of DNR’s current conservation considerations, and how Outdoor Heritage Funds are currently being use/could be used in the future to supplement the work that DNR is doing around these considerations. Council discussion followed.

13. Public Comments: Chair Hartwell noted that no public comments had been submitted to the Council.

The meeting was adjourned at 11:41am.

APPROVED:

David Hartwell, Chair

Date

Kristin Eggerling, Secretary

Date