

**MINUTES**  
**Lessard-Sams Outdoor Heritage Council (LSOHC)**  
**October 5, 2023**  
**Hybrid Meeting – MN State Capitol 120/ Zoom, pursuant to MS 13D**

**Call to Order:** Chair David Hartwell called the meeting to order at 8:35am.

**Members Present**

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

**Members Absent**

NONE

A quorum was present.

**1. Conflicts of Interest Reported:** Chair Hartwell declared a conflict of interest with the ML 2024/FY 2025 American Bird Conservancy proposal and stated that he had not voted on or included that specific project in his allocation recommendations.

**2. Chair's Comments:** Chair Hartwell informed Councilmembers that Vice Chair Ashely Peters had recently been offered, and accepted, a job with the US Fish and Wildlife Service. Chair Hartwell noted that because the new position Vice Chair Peters had accepted presented a conflict of interest with a significant number of current and potential future proposals, Vice Chair Peters had made the decision to submit a formal resignation to the Council, which had been accepted. Chair Hartwell also noted that the Governor's office had been notified of the vacancy and the opening had been posted on the MN Secretary of State's website.

**3. Review and Approve Agenda:** Councilmember Tom Saxhaug made a motion to amend the agenda by moving item number eight, Easement Acquisition of Parcel with Partial Existing Protection, ahead of item number six, Chairs' Recommendation and Allocation Selection and approve the agenda as amended – **Motion Prevailed**

**4. Review and Approve Minutes:** Acting Vice Chair Kristin Eggerling made a motion to approve the minutes from August 29, 2023 and August 30, 2023 – **Motion Prevailed**

**5. Executive Director's Report:** Executive Director Mark Johnson drew the Council's attention to an update regarding the Restorations Evaluation program provided by Jason Moeckel, Section Manager, Ecological and Water Resources with MN DNR. Mr. Johnson also informed the Council that the 2022 Restoration Evaluations Report had recently been released and noted the intent to have Restoration Evaluations staff provide a presentation for the Council at a future meeting. Mr. Johnson also expressed

his thanks to those who had attended the September habitat tour in NW Minnesota and provided an overview of the tour.

**6. Easement Acquisition of Parcel with Partial Existing Protection - ML 2022, Ch. 104, Art. 1, Sec. 2, Subd. 5(h) – Hennepin County Habitat Conservation Program , Phase II and ML 2023, Ch. 40, Art. 1, Sec. 2, Subd 5(a) – Hennepin County Habitat Conservation Program, Phase III:** Wayne Ostlie, Director of Land Protection with Minnesota Land Trust and Terry Jeffery, District Administrator with Riley Purgatory Bluff Creek Watershed District presented a conservation easement acquisition request pertaining to a parcel with existing protection. Council discussion followed.

**Action:** Acting Vice Chair Eggerling made a motion to approve the conservation easement acquisition request as presented.

A roll call vote was taken.

AYE:

Hartwell

Rep. Burkel

Edmondson

Eggerling

Holsten

Sen. Lang

Rep. Lillie

Saxhaug

Schara

Swenson

NAY:

ABSENT:

Sen. Hawj

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

**7. Recommendation and Allocation Selection:** Chair Hartwell walked Councilmembers through the Chairs' Allocation Recommendation package, assembled by himself and Acting Vice Chair Eggerling, currently before the Council.

**Action:** Councilmember Saxhaug made a motion to put the current Chairs' Recommendation package on the table for discussion with the understanding that:

- Funding for biochar equipment requested by Great River Greening would come only from the Anoka Sand Plain Habitat Conservation – Phase 9 program (HRE01).
- Funding for the St. Louis River Restoration Initiative – Phase 11 program (HRE05) would only be used to fund work in estuary itself.
- Any additional funds made available with the December or February forecast would first be used to fully fund the Conservation Partners Legacy Grants program (CPL), and second to fully fund the Minnesota Heritage Forest Transition to Public Ownership program (FA01). Additional funds remaining after the full funding of those two projects would then be held back to be used for ML25/FY26 recommendations.

Council discussion followed.

**Action:** Rep. John Burkel made a motion to amend the Chairs' Recommendation by moving \$518,000 from the Conservation Partners Legacy Grants Program (CPL) to Lake Alice – Fergus Falls (WRE05).

Continued Council discussion followed.

A roll call vote was taken.

AYE:	NAY:	ABSENT:
Rep. Burkel	Hartwell	Sen. Hawj
Edmondson	Eggerling	
Sen. Lang	Holsten	
Rep. Lillie	Saxhaug	
	Schara	
	Swenson	

4 AYES, 6 NAYS, 1 ABSENT – **Motion Did Not Prevail**

Continued Council discussion followed.

**8. Public Comments:** Chad Reese with the Institute for Justice provided testimony to the Council regarding Roseau Lake Rehabilitation: Phase II (HRE07).

**7. Recommendation and Allocation Selection (cont.):** Continued Council discussion.

**Action:** Councilmember Mark Holsten made a motion to shift the \$1.9 million currently allocated to the Owamniyomni Native Landscape & River Restoration (St. Anthony Falls) program (HRE09) to the Conservation Partners Legacy Grants program (CPL).

Continued Council discussion followed.

**Action:** Councilmember Holsten withdrew his motion.

**Action:** Councilmember Hosten made a motion to fund Owamniyomni Native Landscape & River Restoration (St. Anthony Falls) program (HRE09) at the \$500,000 level, with the restriction that the funding only be used for habitat restoration and move the remainder of the original \$1.9 million funding allocation to the Conservation Partners Legacy Grants program (CPL).

A roll call vote was taken.

AYE:	NAY:	ABSENT:
Hartwell	Rep. Burkel	Sen. Hawj
Eggerling	Edmondson	
Holsten	Sen. Lang	
Saxhaug	Rep. Lillie	
Schara		
Swenson		

6 AYES, 4 NAYS, 1 ABSENT – **Motion Prevailed**

Continued Council discussion followed.

**Action:** Councilmember Jamie Swenson made a motion to proportionally decrease funding recommendations to all programs should a deficit be shown by either the December or February forecast.

Continued Council discussion followed.

**Action:** Councilmember Swenson withdrew her motion.

Continued Council discussion followed.

**Action:** Councilmember Saxhaug made a motion to approve the Chairs' proposal, as now amended.

A roll call vote was taken.

AYE:	NAY:	ABSENT:
Hartwell	Rep. Burkel	Sen. Hawj
Eggerling	Edmondson	
Holsten	Sen. Lang	
Saxhaug	Rep. Lillie	
Schara		
Swenson		

6 AYES, 4 NAYS, 1 ABSENT – **Motion Did Not Prevailed (9 votes needed)**

Continued Council discussion followed.

**Action:** Councilmember Holsten made a motion to reconsider Rep. Burkel's original motion to move \$518,000 from the Conservation Partners Legacy Grants Program (CPL) to fund Lake Alice – Fergus Falls (WRE05).

**Action:** Councilmember Holsten withdrew his motion.

Continued Council discussion followed.

**Action:** Rep. Leon Lillie made a motion to revert to the program funding levels in the original Chairs' proposal prior to amendment, including \$1.9 million for Owamniyomni Native Landscape & River Restoration (St. Anthony Falls) program (HRE09), with the addition of two new amendments:

- \$500,000 shifted from the Conservation Partners Legacy Grants program (CPL) to Lake Alice – Fergus Falls (WRE05).
- \$1 million shifted from the Minnesota Heritage Forest Transition to Public Ownership program (FA01) to the Shakopee Creek: Headwaters Restored, Species and Land Protected program (HA09).

Continued Council discussion followed.

**Action:** Rep Lillie amended his previous motion to remove the funding amendment for Shakopee Creek: Headwaters Restored, Species and Land Protected program (HA09) and to specify that use of funding for the Owamni Native Landscape & River Restoration (St. Anthony Falls) program (HRE09) be limited to grading, creation of oak savanna, and aquatic habitat restoration.

Final motion was as follows:

- Accept all funding levels in the Chairs' Proposal as originally submitted, with the exception of \$500,000 shifted from the Conservation Partners Legacy Grants program (CPL) to Lake Alice – Fergus Falls (WRE05).
- Use of funding for the Owamni Native Landscape & River Restoration (St. Anthony Falls) program (HRE09) is limited to grading, creation of oak savanna, and aquatic habitat restoration.
- Funding for biochar equipment requested by Great River Greening may come only from the Anoka Sand Plain Habitat Conservation – Phase 9 program (HRE01).
- Funding for the St. Louis River Restoration Initiative – Phase 11 program (HRE05) may only be used to fund work in estuary itself.
- Any additional funds made available with the December or February forecast will first be used to fully fund the Conservation Partners Legacy Grants program (CPL), and second to fully fund the Minnesota Heritage Forest Transition to Public Ownership program (FA01). Additional funds remaining after the full funding of those two projects will be held back to be used for ML25/FY26 recommendation cycle.

A roll call vote was taken.

AYE:

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

NAY:

ABSENT:

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

**9. Council Officer positions ascension during vacancies:** Chair Hartwell noted that the Council had 90 days, per Council operating procedures, to fill the vacant Vice Chair position and asked the Council their preference regarding voting at the current meeting vs. a future meeting. Council discussion followed. A consensus was reached that the Council would revisit the issue at the November meeting.

**8. Public Comments (cont.):** Chair Hartwell noted that no additional comments, beyond those already heard regarding Roseau Lake Rehabilitation: Phase II (HRE07), had been submitted.

The meeting was adjourned at 11:22am.

APPROVED:

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David Hartwell, Chair

Date

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Kristin Eggerling, Secretary

Date