

**MINUTES**  
**Lessard-Sams Outdoor Heritage Council (LSOHC)**  
**March 26, 2024**  
**Remote Meeting – Zoom, pursuant to MS 13D**

**Call to Order:** Chair David Hartwell called the meeting to order at 11:00am.

**Members Present**

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

**Members Absent**

A quorum was present.

**1. Review and Approve Agenda:** Councilmember Tom Saxhaug made a motion to approve the agenda – **Motion Prevailed**

**2. Review and Approve Minutes:** Councilmember Mark Holsten made a motion to approve the minutes from January 10, 2024 – **Motion Prevailed**

**3. Conflicts of Interest Reported:** Councilmember Holsten reported a perceived conflict of interest with the Mississippi River Invasive Carp Deterrents and Management proposal and stated that he would not be participating in the evaluation of that proposal. Vice Chair Ron Schara also reported a perceived conflict of interest with the Mississippi River Invasive Carp Deterrents and Management proposal and stated that he would not be participating in the evaluation of that proposal.

**4. Chair's Comments:** Chair Hartwell gave members an overview of reasons for the meeting noted that the meeting would move quickly due to the number of items to be addressed.

**5. Executive Director's Report:** Executive Director Mark Johnson noted that both Council staff and legislators for the city of Rochester had received correspondence from residents of that city who were opposed to the Silver Lake Dam Fish Passage Modification project, which is part of the current ML24 funding recommendations package before the legislature. Mr. Johnson noted that he had spoken with both Rochester mayor Kim Norton and the city administrator Alison Zelms and both conveyed that the Silver Lake Dam Fish Passage Modification was a city sanctioned project. Mr. Johnson noted that Mayor Norton, City Administrator Zelms, and City Council President Brooke Carlson had provided a letter of support for the project which could be found in member's meeting packets, along with other supplemental information. Council discussion followed.

**6. Appropriation Extension Request - ML 2019, 1st Sp. Session, Ch.2, Art. 1, Sec. 2, subd, 5(o) – Restoring the Upper Mississippi River at Lake Pepin:** Assistant Director Joe Pavelko presented a request from Lake Pepin Legacy Alliance to extend the ML 2019, 1st Sp. Session, Ch.2, Art. 1, Sec. 2, subd, 5(o) – Restoring the Upper Mississippi River at Lake Pepin program until June 30, 2028. It was noted by Mr. Pavelko that there had been a lack of timely/accurate reporting on the grant thus far and reported that staff had spoken with Lake Pepin Legacy Alliance regarding the issues. Mr. Pavelko indicated that LSOHC staff felt confident that the identified issues could be remedied moving forward and outlined staff recommendations for achieving this. Mr. Pavelko also noted for the record that the problems were not with the type of project, or the work being done on the ground, but with reporting and contract requirements.

**Action:** Councilmember Saxhaug made a motion to approve the extension of the availability of the ML 2019, 1st Sp. Session, Ch.2, Art. 1, Sec. 2, subd, 5(o) – Restoring the Upper Mississippi River at Lake Pepin appropriation until June 30, 2028, with the following requirements:

- Lake Pepin Legacy Alliance submit all necessary documentation to come back into compliance with DNR Grants Management.
- Quarterly reconciliation reports of all receipts and overall project progress are submitted to LSOHC and DNR until project completion.

If Lake Pepin Legacy Alliance fails to perform the above requirements, the LSOHC encourages DNR Contracts Management to terminate the Outdoor Heritage Fund grant contract with Lake Pepin Legacy Alliance.

A roll call vote was taken.

AYE:

Hartwell

Schara

Rep. Burkel

Edmondson

Eggerling

Sen. Hawj

Holsten

Sen. Lang

Rep. Lillie

Saxhaug

Swenson

NAY:

ABSENT:

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

**7. February Fiscal Forecast Results and Review:** Ryan Merz, Executive Budget Officer with Minnesota Management and Budget, and Josh Riesen, Director of Policy and Budget in the environment area with Minnesota Management provided the Council with information on the Outdoor Heritage Fund balance increase published as part of the February 2024 forecast. Council discussion followed.

**8. Additional Funding Recommendations – Mississippi River Invasive Carp Deterrents and**

**Management:** Katie Smith, Director of the Ecological and Water Resources Division with MN DNR, Amy McGovern, Aquatic Invasive Species Program Supervisor with US Fish and Wildlife Service, Rob Simmonds, Aquatic Invasive Species Program Assistant with US Fish and Wildlife Service, Aaron Woldt, Assistant Regional Director, Fish and Aquatic Conservation, Midwest Region 3 with the US Fish and Wildlife Service, Michelle Prosser, St. Paul District project manager with the US Army Corps of Engineers, and Mark Gaikowski, Deputy Regional Director for Science of the Midcontinent Region with US Geological Survey presented the Mississippi River Invasive Carp Deterrents and Management proposal to the Council. Council discussion followed.

**Action:** Rep. Leon Lillie made a motion to approve a recommendation by the Council for appropriation of \$12.1 million to the commissioner of natural resources, for an agreement with the US Fish & Wildlife Service, for a pilot project to design, construct, operate, maintain, and evaluate a structural deterrent for invasive carp at Lock & Dam #5 on the Mississippi River to protect Minnesota’s aquatic habitat through an adaptive management approach. Council staff are directed to work with legal staff to draft exact language for the appropriation. A set of detailed accomplishment plans must be submitted to, and approved by, the Lessard-Sams Outdoor Heritage Council prior to the release of funds. These accomplishment plans are to come before the Council in phases as follows:

- Phase 1 AP – Cooperative agreement between agencies, including a timeline with benchmarks to track project progress
- Phase 2 AP – Project scoping
- Phase 3 AP – Permitting
- Phase 4 AP – Installation

The Accomplishment Plan for each phase must be approved by the Council in order for the project to move forward with that phase.

Continued Council discussion followed.

A roll call vote was taken.

AYE:  
Hartwell  
Rep. Burkel  
Edmondson  
Eggerling  
Sen. Hawj  
Sen. Lang  
Rep. Lillie  
Saxhaug  
Swenson

NAY:

ABSENT:

ABSTAIN:  
Holsten  
Schara

9 AYES, 0 NAYS, 0 ABSENT, 2 ABSTAIN – **Motion Prevailed**

**9. Public Comments:** Greg Genz with Friends of Pool Two provided testimony to the Council regarding the Mississippi River Invasive Carp Deterrents and Management proposal. Dave Morrill with Friends of Silver Lake provided testimony to the Council regarding the Silver Lake Dam Fish Passage Modification project currently included in the ML24 appropriation recommendations before the legislature.

Continued Council discussion followed.

The meeting was adjourned at 12:29pm.

APPROVED:

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David Hartwell, Chair

Date

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Kristin Eggerling, Secretary

Date