

Lessard Outdoor Heritage Council (LOHC)
Monday, February 9, 2009
Room 550 N, State Office Building
8:00 a.m. – 12:00 noon
Meeting Summary

Members Present: Michael Kilgore, Chair, Darby Nelson, David Hartwell, Representative Rick Hansen, Wayne Enger, Senator Bill Ingebrigtsen, Representative Bob Gunther, James Cox, Bob Schroeder, Scott Rall, Senator Ellen Anderson, and Acting Executive Director Bill Becker

1. Call to Order

Chair Kilgore called the meeting to order at 8:00 a.m. A quorum was present.

2. Review and Approve Agenda

David Hartwell moved to approve the February 9 meeting agenda. **Motion prevailed.**

3. Approve January 26, 2009 Minutes

Darby Nelson moved approval of the January 26, 2009 meeting minutes as submitted. **Motion prevailed.**

4. Legislative Update

Senator Anderson stated that her bill (Senate File 119) should pass on the Senate floor today. She did express concern with the Council conducting all-day meetings on Mondays due to legislative session and standing committees in the afternoon. Bill Becker was directed to poll the Council to see if there is a better day to meet.

Representative Hansen reported that his bill H.F. 18, which appropriates \$150,000 from the Water Recreation Account for administrative expenses related to the Council operations, will be considered tomorrow in the House E&NR committee. He then reviewed H.F. 345, a bill he has introduced and that which pertains to use of the Heritage Fund.

Council members expressed concern with not having any knowledge of or the ability to provide input on this bill. For the future, members encouraged legislators to discuss draft legislation before introducing.

5. Conservation Partners Grant Program Committee Update

Scott Rall, Chair reported that the committee met yesterday. To date, it has consensus on two items: 1) recommend this program be funded at \$6,000,000, half allocated to small projects up to \$125,000 and half allocated to projects in the \$125,000-\$400,000 range, and 2) grantees can use their in-kind services as match. The committee also agrees that it would like to see the dollars distributed geographically across the state. The committee will bring its final recommendations to the Council for consideration in March.

6. Public Testimony

Don McMillan, President, Minnesota Outdoor Heritage Association congratulated members and offered his assistance in carrying out the Council's responsibilities. He urged members to be loyal to the Council and not operate independently and pledged to relay accurate information to our member groups.

Kevin Ausland, Minnesota Deer Hunters Association asked the Council to consider the needs of wildlife for habitat such as thermal cover, food plots sources, etc. when giving consideration to prairie proposals.

Willard Barnett, representing Capable Partners expressed his support for a project that the Council will consider that would purchase a parcel of land near a WMA that would accommodate hunting for disabled hunters.

7. Legislative Audits and Outside Audits

Jim Nobles, Legislative Auditor and Cecile Ferkul, Deputy Legislative Auditor provided advice to the Council on administering the LOHC funds. The Auditor's Office recommends being proactive with respect to the state auditing requirements for organizations that receive state dollars and establishing expectations for reporting how the dollars were spent. The Legislative Auditor is available to assist with reviewing/defining the Council's fiscal accountability plan.

8. Council Recommendation Process Discussion

Bill Becker reviewed the Council's process and schedule for developing FY 2010 appropriation recommendations from the Outdoor Heritage Fund. Each member was asked to sign/file a conflict of interest form for the day's hearing. It was noted that the general ground rule for voting will mean a majority vote of the eligible LOHC members, not the entirety.

It was noted that Council members should reserve March 30 on their calendar as an added meeting date if it is needed to conclude work prior to the April 1 deadline.

Mr. Schroeder acknowledged that the Council has a constitutional obligation to only consider projects that will supplement not replace customary or regular funding. Thus, for today's meeting, the Council will assume that the projects presented are consistent with the constitution.

At 9:55 a.m., Rep. Hansen moved to excuse Senators Anderson and Ingebrigtsen for session. **Motion prevailed.**

David Hartwell declared a conflict of interest with respect to the Belwin Conservancy proposal being considered today.

Prairie Protection, Enhancement, and Restoration in Minnesota (Collaborative Presentation)

Tom Landwehr, Assistant State Director, The Nature Conservancy presented an overview of the process used to develop a portfolio of high priority projects that present measurable, on the ground conservation activities. He then introduced each of the partners as they came forward to present their proposal.

Following is a brief description of each proposal as presented and any requests for additional information as identified by Council members. For more detail on each proposal, please go to the LOHC website.

#1. Larry Gillette, Wildlife Manager, Three Rivers Park District stated its proposal for \$2,200,000 to purchase 100 acres of upland habitat and restore to native prairie in the Murphy Hanrehan Park

Reserve. The parcel is for sale now and would complement 400 acres of restored prairie just to the east in the park reserve.

It was noted that Three Rivers Park District should consider presenting this proposal to the legislature for appropriation from the Parks and Trails fund.

#2. Wayne Ostlie, Great River Greening stated its proposal for \$1,700,000 to acquire fee title and conservation easements on 500-1000 acres of private land within and buffering priority oak savanna complexes in the Sand Plains.

Follow-up questions from Council:

What are you going to do to ensure the procurement of the easements? Do they have money in perpetuity to manage over time? Please provide a list of who's going to get what and do what and clarify the proposed budget.

#3. Brad Cobb, Green Corridor Legacy Program stated its proposal for \$4,800,000 is to acquire 1200 acres of fee simple title (large block acquisitions for expansion of current public lands) from willing and supportive landowners in several southeastern Minnesota counties. We've targeted six parcels, but it could be as few as three.

Question from Council:

Please provide information on how you would get the restoration work completed if LOHC funds were not available?

#4, Jim Leach, Refuge Manager, US Fish & Wildlife Service stated its proposal for \$2,000,000 to protect approximately 650 acres of native prairie through fee title acquisition or 2000 acres through the purchase of habitat easements or a combination of both fee title and easement acquisition in the Northern Tallgrass Prairie National Wildlife Refuge in western Minnesota.

At 11:10 a.m., Chair Kilgore noted that Senator Anderson rejoined the Council meeting. She commented that her legislation appropriating funds for Council business passed the Senate.

Question from Council:

Mr. Leach was asked to provide more detail on the formula that is used to establish the federal revenue sharing for federal land holdings in Minnesota.

#5. Jane Prohaska, Executive Director, Minnesota Land Trust stated its proposal for \$690,000 to acquire four to six conservation easements on 300-500 acres of properties with native prairie, oak savanna and grasslands in the bluffland areas of the state. This proposal is time sensitive relative to the ability for the landowners to maximize the tax benefits available until the end of the fiscal year.

#6. Bob McGillivray, The Trust for Public Land, stated its proposal for \$800,000 for acquisition of 200 acres dominated by grassland in Olmstead County that would be protected as a wildlife management area. The willing seller has already sold 500 acres at a significant discount and there is a window of opportunity to purchase this additional 200 acres, again at a significant discount. The needed restoration for this parcel is high on DNR's priority list.

#7, 17 & 18. Matt Holland, Pheasants Forever presented three proposals. The first is for \$3,000,000 to protect and initially restore 1,200 acres of grassland and associated wetland, riparian and other habitat through fee-title purchase to donate as state wildlife management areas. The second proposal is for \$200,000 to complete initial restoration of 950 acres of grassland and associated wetland, riparian or other habitat. PF has identified 1,100 acres for grassland restoration in eight counties. The third proposal is for \$800,000 to enhance or manage 3,250 acres of grassland habitat with vendors on permanently protected lands. PF has identified over 5,300 acres for grassland enhancement in 13 counties.

Question from Council:

Please clarify whether this enhancement work could be contracted out, rather than purchasing equipment.

#8. John VonDeLinde, Hennepin County Parks Director of Parks and Recreation stated its proposal for \$3,800,000 (Phase 1) to purchase 550 acres along the Rum River and Cedar Creek. This acquisition would make an excellent conservation area for fishing on the Rum River and Cedar Creek. The first phase focuses on the land acquisition because there is a willing seller interested in a quick sale. The second phase will be the restoration of approximately 390 acres to prairie/grassland.

Greg Knopff, Senate Counsel clarified that the intent of the constitutional amendment was that funds appropriated from this account for acquisition, enhancement and protection would be protected in perpetuity for hunting and fishing. With that stated, acquisitions would be open to hunting and fishing unless the legislature specifically restricts it in the appropriation language.

At 12:00 noon, Representative Hansen noted that Senator Ingebrigtsen has returned to the Council meeting.

There was a motion to excuse Representative Hansen. **Motion prevailed.**

Question from Council:

Please provide clarity on hunting opportunities in accordance with the constitutional amendment and address any reasons, such as public safety, etc. in your response.

#9 and #13. Dennis Simon, DNR Wildlife Manager stated its first proposal is for \$5,600,000 to acquire 1,760 acres of the highest ranked, quality prairie to state wildlife management areas primarily prairie parkland region. The second proposal is for \$1,700,000 to accelerate the restoration, enhancement and management of approximately 7,350 acres of native prairie vegetation on public WMAs primarily in the Prairie Parkland Region.

Council request:

In the future, proposals should include a map identifying the location of the proposals.

Bill Becker will clarify the rules for use of contractors on the preferred vendor list.

#10. Peggy Booth, DNR SNA Supervisor stated its proposal for \$280,000 for SNA and Native Prairie Bank Restoration and Enhancement on sites located in non-metro areas of western and southern Minnesota. The projects include 110 acres of prairie and savanna reconstruction, 170 acres for woody

encroachment removal on native prairie, 1,000 acres of prescribed burning, and 250 acres of other prairie management.

#11. Adam Robbins, St. Paul Parks and Recreation stated its proposal for \$217,000 on 33 acres of prairie and savanna habitat for restoration on land parcels located within the Mississippi River Critical Area and the Upper Mississippi River National Wildlife Refuge Important Bird Area.

#12. Jeff Perry, Anoka County stated its proposal for \$500,000 for restoration and \$500,000 for public access development is the second phase to restore approximately 390 acres to a prairie/grassland habitat and access development along the Rum River and Cedar Creek.

Council members inquired whether the presenters considered submitting their proposals to the legislature for consideration from the parks & trails fund, also established under the constitutional amendment. Senator Anderson commented that the Council should consider any proposals that relate to a genuine habitat improvement as long as it meets our criteria.

#15. John Alt, Washington County Parks stated its request for \$285,000 to restore and enhance 325 acres to diverse prairie/savanna environments throughout Washington County.

#16. John Moriarty, Ramsey County Parks and Recreation Department stated its proposal for \$259,000 to restore 128 acres of prairie in Battle Creek Regional Park and Rice Creek Regional Trail.

At 12:40 p.m., Senator Anderson moved to excuse Representative Hansen and Gunther to attend session. **Motion prevailed.**

#19. David Smith, Brandenburg Prairie Foundation stated its request for \$250,000 for enhanced restoration of 808 acres of the Touch the Sky Prairie Unit of the Northern Tallgrass Prairie National Wildlife Refuge located in Rock County in southwest Minnesota.

#20. Ed Quinn, DNR Parks and Trails stated its request for \$290,000 to accelerate prairie restoration in two state parks. The proposal consists of 292 acres of prairie reconstructed within Afton and Wild River state parks.

Mr. Landwehr closed by stating that he has certification from all the partners on meeting criteria established, but did not bring it the meeting. He also agreed to request each partner to forward maps of their proposals.

Mr. Kilgore thanked Mr. Landwehr for volunteering to coordinate this collaborative approach. It involved a lot of work and the Council is indebted to you for your work.

Wetland Conservation Priority Reports

#21. John VonDeLinde, Anoka County Parks presented its proposal for \$2.25 million for a fee simple acquisition for protection of 304 acres of wetland-type habitat and creek corridor along the Rice Creek. The proposal would largely complete the acquisition of a 20-mile corridor of diverse, high quality habitat.

#22. Jeff Broberg, Vice President, McGhie and Betts Environmental Services and Barry Drazkowski, Director, GeoSpatial Services, St. Mary's University presented a proposal for \$618,700 for detailed mapping, ground truthing, soil mapping and landowner outreach and survey in Olmsted County and a second phase for additional southeastern counties.

This proposal purpose would provide scientific research to better understand how to protect and enhance our habitats.

The Council consensus was that this proposal does not meet the constitutional charge of the fund and would be better suited for recommending to the LCCMR.

Ryan Heiniger, Coordinator for the Wetland Collaborative introduced the background and highlighted the process to develop this comprehensive proposal that has a great deal of urgency and is geographically situated.

Harvey Nelson briefly highlighted the history of national, state and regional wetland issues. Dennis Simon highlighted the strategic long-term goals for wetland restoration, protection, and enhancement as identified through completed plans.

At 1:35 p.m., Representative Hansen returned to the Council meeting.

#23. Bob McGillivray, The Trust for Public Land stated its proposal for \$6.5 million to acquire fee simple title to three parcels that would be permanently protected and are currently at high risk of development. The locations include a 400 acre parcel in Kandioyhi County, a 70 acre (fen) in Scott County, and a 200 acre parcel in Ottertail County.

#24. Jane Prohaska, Minnesota Land Trust stated its proposal for \$750,000 to complete 6-8 new conservation easements on 500-700 acres of important wetland and upland habitat within the edge of the prairie critical landscape. Our easements restrict development to protect all the conservation values on the site. Public use is by permission from the landowner.

#25 Kevin Lines, BWSR and Tim Kohler, NRCS stated their unique request of \$23,000,000 from the Heritage Fund to, in turn, leverage an additional \$33,000,000 of federal WRP funding during the next year. The RIM program and WRP programs have successfully enrolled 10,000 acres a year. These premier programs together could restore and enhance 12,000 acres of wetlands and give priority to the prairie pothole joint venture area. About 2/3 thirds of enrollees allow non-family members to hunt on their land with permission.

#26. Brad Nylan, Minnesota Waterfowl Association stated three proposals. The first is for \$100,000 to leverage another \$100,000 from NRCS to expand our current operation (one additional employee) to protect and restore priority wetland in the Prairie Pothole Joint Venture Area of Minnesota. #27. Mr. Nylan stated its second proposal for \$328,000 for preparation (engineering survey data for three WMAs and plans and specifications for future wetland restoration structures and access development. #28. Mr. Nyland stated its third proposal is for fee tile purchases of two parcels of land to roundout WMAs in Becker and Ottertail counties.

#29. Dennis Simon, DNR Wildlife Manager stated its three proposals. The first is for \$8,060,000 for fee title acquisition of some of the priority parcels that will include 3,000 acres of new WMA. #30. The second proposal for \$41,000 is to accelerate wild rice lake assessments and follow-up treatments. #31. The third proposal includes shallow lakes assessments for \$1,450,000 for an additional 70 basins and in basin management on 10 shallow lakes within WMAs.

#32. John Schneider, Ducks Unlimited has three components. Its focus is on shallow lakes. The proposal is for \$28,000,000 for restoration projects on 18 shallow lakes. #33. The second proposal is for \$1.6 million to secure permanent conservation easements on 500 acres of unprotected shoreland on six lakes. #34. The third proposal is for \$900,000 to acquire and permanently protect one or more tracts to protect 150 acres of uplands and 40 acres of wetlands on shallow lakes.

#35. Deb Loon, Minnesota Valley National Wildlife Refuge Trust, Inc. stated its proposal for acquisition of 80 acres, restoration of 1,055 acres and enhancement of 49 acres wetland/upland habitat in the Blue Earth and Sibley counties.

#36. Joe Pavelko, Friends of the Minnesota Valley stated its proposal restore and enhance 657 acres of wetland and associated grasslands on WPAs within the Minnesota Valley Wetland Management District.

#37. Jim Leach, USFWS stated its proposal for a fee title project to accelerate acquisition of 1200 acres of grassland and wetland as wetland production areas in western and southern Minnesota.

#38. Sheldon Myerchin, USFWS Fish and Wildlife Partners Program stated its proposal for accelerating the technical and financial assistance program to landowners to restore or enhance wetland and upland wildlife habitat.

#39. Roger Ustipak, Cook Waterfowl Foundation, stated its proposal for funds that would be used for valuable lands that are offered for sale by auction because they need a quick sale.

The chair stated that the Council will seek counsel on whether we can appropriate state monies for use at auction sales versus the current state process for purchasing lands.

#40. John Roeschlein, Bois de Sioux Watershed District stated its proposal for funding to acquire lands needed to develop pools that will provide the wetland benefits of the project for the Redpath Project. This project is a large flood control project that will restore riparian wetlands to the area and provide spawning habitat for Northern Pike.

#41. Mr. Roeschlein, also stated a request for the North Ottawa Impoundment Project for \$3,000,000 to complete the phase of this project. This completed project will create wetland habitat benefits.

#42. John Elholm, Washington County stated its proposal for \$332,000 for restoration of a wetland complex in Lake Elmo Park Reserve.

#43. Matt Holland, Pheasants Forever, stated its proposal for \$163,000 for wetland and associated upland restoration/enhancement on public lands.

The Council thanked Mr. Heiniger for his efforts and requested that he meet with his collaborative to provide a priority ranking of the proposals presented today. He was also asked to gather maps and a detailed budget for each proposal and submit to Bill Becker within the next two weeks.

Council Discussion

Mr. Schroeder moved to recommend the Rochester proposal be forwarded to LCCMR for consideration as it does not meet our criteria. **Motion prevailed.** Representative Hansen abstained.

The Council also discussed how to consider habitat projects that are part of a parks system. This policy discussion will continue. It was noted that all things being equal, the Council will give preference to proposals that will be open for public hunting opportunities. They also discussed whether they will give geographic distribution to the funds. No decision was made.

Adjourn

Mr. Nelson moved to adjourn the meeting. **Motion prevailed.**

APPROVED:

Mike Kilgore, Chair

Date

Darby Nelson, Secretary

Date