

Lessard Outdoor Heritage Council (LOHC)  
Thursday, May 21, 2009  
Room 300S, State Office Building  
1:00 p.m. – 4:00 p.m.  
Meeting Summary

Members Present: Michael Kilgore, Chair, Lester Bensch, Darby Nelson, Representative Rick Hansen, Wayne Enger, Bob Schroeder, Scott Rall, Senator Ellen Anderson, and Acting Executive Director Bill Becker, Greg Knopff

Not present: David Hartwell, Jim Cox, Senator Bill Ingebrigtsen, Representative Bob Gunther

**1. Call to Order**

Chair Kilgore called the meeting to order at 1:00 p.m. A quorum was present.

**2. Review and Approve Agenda**

A motion was made to approve the May 21 meeting agenda, with the addition of one agenda item (a discussion on permanent easements). **Motion prevailed.**

**3. Approve March 23, 2009 Minutes**

A motion was made to approve the March 23, 2009 meeting minutes as submitted. **Motion prevailed.**

**4. Legislative Update (Review of Conference Committee Report)**

Bill Becker reviewed the H.F. 1231 Conference Committee Report, noting that the Council's recommendations were all funded as submitted with a few minor changes. The significant additions and/or changes are highlighted below.

*Subd, 5.a. Outdoor Heritage Conservation Partners Grant Program.* For a variety of reasons, the Minnesota House was not comfortable with the National Fish and Wildlife Foundation administering the grant program as recommended by the Council. As a compromise, the legislature felt it best for DNR to administer this appropriation as a pilot project for one year. There is support for creating a Minnesota-based fish and wildlife foundation.

In response to a concern from the chair, Gregg Knopff recommended the Council not interpret the language too narrowly concerning the timing of the submittal of the report. As a condition of DNR operating the program this year, the legislature wants a report by next legislative session, not necessarily before the grants can begin being distributed.

*Subd 6.c. Lessard Outdoor Heritage Council Site Visit Exception.* This provision ensures that the Council conduct its tours/meetings in an open manner, but remain pragmatic while traveling. The Council will post its meeting dates and tours on the LOHC website and identify any stops where the public are welcome to participate in the tour and discussion.

*Sec. 3,* amends the organic act for the Lessard Outdoor Heritage Council. The Legislative Coordinating Commission (LCC) will now provide staff support to the Council. The Council will provide input on the hiring of staff. Bob Schroeder will work with Greg Hubinger to identify a hiring plan. The staff hired will be employees of the legislative branch of government.

*Sec. 4, Subd. 3* states the Council shall make recommendations on appropriations of money from the fund that are consistent with the law and will achieve the outcomes of existing natural resource plans, including the Minnesota Statewide Conservation and Preservation Plan.

*Sec. 5, Subd. 6. Audit.* The statutes had-called for an independent auditor, however, this section directs the audit will be conducted by the legislative auditor on the effectiveness of our programs in achieving the constitutional amendment. The issue of funding is a topic for the Council to consider before next session. Representative Hansen stated there was some intent relating to all four funds to have fee for service, and we will revisit that. It was noted, however, there is nothing to audit right now.

*Sec. 7, Appropriation; Forest Protection Reserve.* This is a new appropriation for a project that the Council reviewed, but did not recommend. This section was written for the threat and presence of plant pests, but its initial intent is to use funds for the eradication of the emerald ash borer. Senator Anderson stated the appropriation is limited to publicly owned lands or permanently protected lands by a conservation easement and does include the metro area. The Department of Agriculture has stated that it will follow all the requirements in Section 2.

*Sec. 8, Revisor's Instruction.* This section replaces any reference to the Lessard Outdoor Heritage Council with the Lessard-Sams Outdoor Heritage Council. This is an acknowledgement of the work of Senator Sams with respect to the passage of the constitutional amendment.

*Article 5, Governance; General Provisions, Sec. 1* states the definitions of enhance, protect and restore in section 84.02 apply to all funds appropriated under all amendment funds. *Sec. 2, Subd. 10* states the LCC shall develop a public website, and *Sec. 3* amends DNR statutes to add three definitions in the context of ecological values and eco systems.

Bill noted the testimony on the House and Senate floors concerning the definitions for enhance, protect and restore. There is a difference in these definitions from the ones we used to make our recommendations to the 2009 legislature. As a clarification, it was stated by Representative Murphy and Senator Pogemiller that the Council could continue to use its more restrictive definitions in the upcoming round (2010). The new definitions will apply in later rounds.

*Sec. 8, Legislative Guide.* This will be an important joint endeavor. The guide shall include principles to guide future expenditures from each of the four funds, desired outcomes for the expenditures, a general statement applicable to later years for these funds, and consideration of financial methods, such as revolving loan funds that may be used in future appropriations.

*Sec. 9* requires the development of a 25-year strategic plan for the expenditures that will be recommended from the funds, allowing for broad public input. The plan must be based on ecological sections and subsections established by DNR, on current science and achieve balance across all ecological sections within the state.

*Sec. 10 Logo,* requires the State Board of Arts to sponsor a contest for selecting the design of a logo to use on signage for projects receiving money from all funds.

Mike Kilgore stated that, as yet, the bill has not been signed into law. Once signed, it is effective July 1, 2009. He thanked the Council members for stewarding our legislation through the legislative process, noting that there are always a few rough patches the first year.

##### **5. Public Comments**

Mike Kilgore stated that the Council has asked the leaders of the four collaboratives for their lessons learned on the first year process (what worked well, what didn't and recommended changes).

Tom Landwehr, The Nature Conservancy congratulated the Council on its accomplishment with respect to H.F. 1231. The work that will be done on behalf of conservation is outstanding. That being said, he stated that the collaborative process is not the model he would encourage the Council to follow in the future.

He recommends a different process that includes using the strategic framework from existing plans to identify clear priorities, a scoring system based on a list of criteria, using geographic boundaries to set goals, and allowing adequate time for proposal development. He also highlighted improvements to make collaboration easier and steps to open the process widely. In conclusion, keep the process simple and you will keep more partners willing to work with you.

He also recommended taking action on policy recommendations on the following: PILT via land income, handle funding requests that extend beyond one year, and better provide bonding capability.

There was concurrence from Council members that the state needs to examine and reform PILT. It was noted that there was an enormous amount of discussion on this during the past legislative session, and the Legislative Auditor is currently gathering the data necessary to consider PILT.

Susan Schmidt, Trust for Public Land thanked the Council for the opportunity to share her thoughts on the past year's process. Items of the process that worked included having a guidance document in writing, encouraging the use of great resource plans, involving stakeholders, the use of non-government organizations to help with information gathering, and the help provided by DNR staff to each collaborative.

She recommended the process be improved to include more time for proposal development and more clarity of the definitions and number of criteria (almost too many). She encouraged the Council to think about the tension between criteria referred to as shovel ready and programs (by their nature a string of projects). Also, prioritizing and weighing criteria would be helpful. The direction and thinking about the strategic issues for habitat improvement projects that may have limited access for hunting is extremely important (SNAs). The Council needs to address the interrelationship between the four funds. Finally, she recommends the Council take the opportunity to go on tours to see the habitat.

Jane Prohaska, Minnesota Land Trust expressed support for the comments stated by the two previous speakers. She also noted that a longer time frame for proposal development will provide the ability to engage the local units of governments, an important component to the success of these efforts.

Ryan Heiniger, MN/WI Ducks Unlimited echoed the others with a round of applause and appreciation. He commented that organizing priorities by habitat type misses some of the components in relation to doing landscape conservation work on an ecological level. Proposals could be organize and judged

without a scoring system by establishing tiers within wetlands, prairies, forests, etc. to restore, protect and enhance. He recommends the Council could fund proposals one year at a time, but give an intent to fund in years 2 and 3.

Bill Becker noted that Brad Cobb, Green Corridor Consulting, Inc. and Henry Offelen, MCEA submitted written comments for the Council's consideration.

Greg Kwally, representing Anglers for Habitat, encouraged Council to broaden its scope to look at projects below the surface of the water and take its meetings outstate to meet with constituents.

Kevin Lines, BWSR, informed the Council that based on its funding recommendation, it has begun a Phase 2 RIM signup and NRCS, its partner, has requested \$13 million matching dollars from the federal government. He reiterated that he recommends the Council look hard at how we can leverage huge amounts of federal dollars when funding future projects. Further, the Council should consider that it will require additional technical assistance capacity to sustain this level of effort over the next 25 years.

#### **6. Strategic Planning for the Outdoor Heritage Fund (Steve Hobbs & Jean Coleman)**

Mike Kilgore stated that the Council has asked Steve Hobbs, Belwin Conservancy (*A 50-year Vision: Conservation for Minnesota's Future*) and Jean Coleman, University of Minnesota (*Minnesota Statewide Conservation and Preservation Plan*) to provide their thoughts and wisdom concerning the Council's 25-year strategic planning effort.

Steve and Jean both stated that they believe the 50-year vision gives specific and workable strategies to address many of the needs and objectives identified in the LCCMR-funded Minnesota Statewide Conservation and Preservation Plan. Both agreed that these two efforts will serve as a useful starting point for the development of the Council's long-range strategic plan. They agreed to work with Bill Becker to develop a proposal for consideration over the summer.

#### **7. Discussion of process for developing FY 2011 Recommendations**

Mike Kilgore led a discussion among Council members on their input for developing our 2011 guidance document. The executive committee will meet soon, consider the input presented at this meeting and then develop a draft document for the Council's consideration. The chair asked members for input on whether we organize our criteria for proposal requests by ecological region or by natural resource.

Rick Hansen recommended that we ensure our process is well publicized in advance and open to all the public to avoid any perception that our recommendations for funding are a done deal.

Wayne Enger recommended the Council clearly state what its funding priorities, and the public will rally around those to develop proposals.

Ellen Anderson commented that over the long run, she believes the Council needs to focus on the eco regions as there is a lot of support for that concept. She would like the Council to conduct a public forum in each of the eco regions to hear what are the unique features and needs of those areas and use that information to help us recommend our priorities for funding.

Bob Schroeder commented that the more we invest in articulating our requirements, the more we will get an outcome that people have confidence in. By September 1, we outreach to the public being very

clear about what we are asking for. The legislature will use the regions of the state and overlay that with the constitution and activities that can take place.

Darby Nelson expressed support for Mr. Schroeder's comments. Our criteria should mesh the four resource areas with appropriate eco regions.

### **8. Conservation Easements**

The Council held a discussion on permanent conservation easements and their future tax liability. It was noted that this discussion has very broad ranging solutions and is beyond the scope of this Council. The legislature is considering an overall discussion of land issues and has recommended a new category for conservation lands.

### **9. Other Council Business**

Bill Becker reviewed potential calendar dates for summer tours. Consensus from council members was that any outstate tours/meetings be mindful of travel costs and have a clear purpose and outcomes.

A motion was made to adjourn. **Motion prevailed.**

APPROVED:

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Mike Kilgore, Chair

Date

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Darby Nelson, Secretary

Date