

**Lessard Outdoor Heritage Council
Meeting Summary
June 16, 2009**

Present: Les Bensch, Scott Rall, Wayne Enger, Jim Cox, Bob Schroeder, Darby Nelson, David Hartwell, Senator Bill Ingebrigtsen, Representative Bob Gunther, Senator Tom Saxhaug for Senator Ellen Anderson, Mike Kilgore (Chair)

Excused: Representative Rick Hansen

Staff present: Bill Becker, Acting Executive Director, Greg Knopff, Senate Council.

Review and Approve Agenda

David Hartwell moved to approve the agenda. Chair Kilgore offered a friendly amendment to add a Chair's Report following approval of the May 21, Minutes. Hartwell accepted. Motion passed.

Approval May 21, 2009 of Minutes

Jim Cox moved approval of the minutes. Staff reported an error in the summary pointed out by Representative Rick Hansen. On page 2 paragraph 2, the draft minutes erroneously attributed the recommendation of an independent auditor to the Council. This has been corrected to accurately attribute the reference to an independent auditor to M.S. 97A.056. Motion passed.

Chair's Report

Clean Water Council Meeting: Chair Kilgore reported on a meeting he and Councilors Cox and Schroeder attended with the Clean Water Council (CWC). Opportunities for interaction between the LOHC and the CWC were discussed at that meeting. The two councils talked about recently appropriated projects with overlap. A joint field trip was discussed as a possible future activity.

Bob Schroeder reported there was conversation about working together in the future to identify projects with overlap, so as to avoid the possibility that such projects would fall through the cracks.

Jim Cox added that the two bodies discussed developing parallel tracks.

Staff was tasked to see if there are opportunities to meet with the Clean Water Council in the future, perhaps as early as September.

Staff was also asked to see if the LOHC could meet with the Legislative-Citizen Commission on Minnesota Resources (LCCMR) in the near future. The LOHC – LCCMR meeting could be executive committee to executive committee or full body to full body.

David Hartwell asked if the discussion with the Clean Water Council covered grass buffer strips. Chair Kilgore responded that there was some discussion of buffers.

Bill Ingebrigtsen asked about the make-up of the CWC. Councilor Schroeder said the council was made up of agency heads or their representatives, citizens and legislators. The CWC was established in 2006. Greg Knopff added that local government was also represented on the CWC

Jim Cox asked if there were any hunting or fishing groups on the CWC. Greg Knopff said there were not.

Temporary Designee for Senator Anderson: Chair Kilgore welcomed Senator Tom Saxhaug, representing Senator Ellen Anderson, under the provisions of M.S. 2009, Section 97A.056, Subdivision 2(d), providing the authority for the chair of the Senate and House environmental finance bodies to designate a person to fulfill their duties.

Election of Officers: Chair Kilgore announced that new officers would be elected at the July meeting. Terms of office will be one year, after which all subsequent terms will be two years.

Personnel Update

Bob Schroeder announced the Council has to permanently fill the Executive Director position. The Legislative Coordinating Committee (LCC) has approved posting the position. Following LCC procedures the LCC will establish a screening committee to select candidates from among applicants. Candidates will be interviewed by four members of the Council who will select a single candidate to recommend to the Council for the position of Executive Director.

David Hartwell asked about the process to follow to select the selection committee. Greg Knopff suggested the LCC might be best to select L-SOHC members to sit on an interview committee. David Hartwell asked that the process be so arranged so as to allow private interviews for a recommendation to the Council. The Council will publicly ratify the recommendation.

Administrative Budget Update

Staff reviewed the proposed fiscal year 2010 budget and asked Council members if they had any advice for LCC, which is the recipient of the appropriation for LOHC administration. Bob Schroeder pointed out that the budget includes money for facilitators for the LOHC process. Councilor Cox asked about the duties of the project analyst. Bill Becker replied that the position is the primary content assistant to the Executive Director. Bob Schroeder said that an interagency agreement between LCC and DNR is being worked on, to continue DNR services in the initial weeks of FY 10. When the interagency agreement is finalized a line needs to be added to the budget. Bob Schroeder added that the new Executive Director may change the budget. Chair Kilgore asked that the suggested budget be submitted to the LCC by staff, by letter.

Approve Accomplishment Plans for 2009 Appropriations

Staff explained that the Council uses the accomplishment plans as the major tool to see that its recommendations, as appropriated, achieve the results envisioned. It is a key document for transparency and accountability. The accomplishment plan will fulfill much of the reporting called for in House File 1231.

Chair Kilgore asked members to identify any accomplishment plan they had questions or concerns about, and the council would discuss those. David Hartwell asked about the missing Emerald Ash Borer accomplishment plan. Jim Cox asked about the missing Waterfowl Production Area Acquisition accomplishment plan. Bill Becker said the Emerald Ash Borer and Waterfowl Production Area Acquisition accomplishment plans would be taken up at a future meeting once proposed accomplishment plans have been received.

Bob Schroeder asked that a letter memorializing the approved accomplishment plans be sent to the program managers, appropriate commissioners, including the Commissioner of Finance.

Council and staff discussed cash flow and provisions to accommodate cash needs.

Council members set aside the following accomplishment plans for further discussion:

- Rum River - Cedar Creek Initiative
- Green Corridor Legacy Program
- Cold Water River and Stream Restoration, Protection and Enhancement
- Fountain Lake Fish Barriers
- Accelerated Wildlife Management Area Acquisition
- Accelerated Shallow Lake Restorations and Enhancements

Rum River Cedar Creek Acquisition: Les Bensch questioned the value of the project due to price per acre and the potential for neighboring development to limit hunting in the future. Greg Knopff pointed out that the 500-foot limit of discharge does not apply to public land and that the Minnesota Constitution requires the land be open to taking of fish and game during the open season. It was pointed out that this appropriation was passed by the legislature and signed into law by the Governor and the Council has no authority to re-evaluate it. The Council's authority is to make certain the Accomplishment Plan implements the law. Wayne Enger moved to approve the accomplishment plan as written. Motion passed.

Green Corridor Legacy: Bob Schroeder questioned the administrative costs for two acquisitions. Schroeder requested more specificity on the use of the funds. Brad Cobb testified that the questions about administrative expenses for contracts and personnel had been addressed in an earlier e-mail. Cobb also noted that there was a conference call identifying that up to 5% of the appropriation could be used for administration and only direct costs could be reimbursed. Chair Kilgore asked about the status of the appraisals on the two parcels. He then questioned the amount of administrative time dedicated to two acquisitions. Cobb explained that the Southwest Initiative Foundation costs included oversight of the grant and the purchases, administration of staff for the grant, and independent audit of the project. Bob Schroeder asked that we do a little homework on the project. The Chair asked staff to get a benchmark cost estimate for administration of two land purchases that are at similar stages of the acquisition process. David Hartwell moved to lay the accomplishment plan on the table. Schroeder asked Cobb if laying the accomplishment plan on the table would cause irreparable harm. Cobb testified no. The project accomplishment plan was laid over for future consideration.

Cold Water Fisheries Restoration: Bob Schroeder questioned the pump and pipe expenditure in the Lawndale projects. Staff laid out the question before the Council, "that the pump was not a direct restoration but necessary to stop the neighboring land owner from appropriating from the stream, and therefore enabling the restoration to go forward." Chair Kilgore suggested the pump and pipe be taken from the leverage funds provided by Trout Unlimited. Councilor Enger pointed out that appropriations permits are permissive and may be canceled at any time by the state. Staff suggested the following amendment to the accomplishment plan on page 81. To the second to the last sentence in the detail for Lawndale, amend the sentence ending in "via a well pump

upgrade and pipe” by adding the phrase “..., using leverage funds.” Wayne Enger moved to approve the accomplishment plan as amended above. Motion passed. Trout Unlimited was asked to come back to the Council if this change is a problem.

Fountain Lake Project: Bob Schroeder pointed out that the accomplishment plan appeared to include fish stocking, which he opined as probably unconstitutional. Bill Becker noted that the appropriation is, by law, only for the fish barriers and that the money can only be used on fish barriers and costs direct to installation of fish barriers. Staff suggested the accomplishment plan be amended to eliminate all reference to stocking.

Councilor Schroeder noted that the feasibility study noted in the accomplishments had already been done and this money was not for a feasibility study. Chair Kilgore asked that all reference to feasibility studies be removed on page 105. David Hartwell moved to approve the accomplishment plan as amended above. Motion passed.

Accelerated Wildlife Management Area Acquisition: David Hartwell questioned the year 2010 (\$55,000) and 2011 (\$20,000) budget items. Dave Schad, Director of Fish and Wildlife testified that these costs were for professional services and are quite low. He said typically these costs run 5%. David Hartwell moved approval of the accomplishment plan. Motion passed.

Accelerated Shallow Lake Enhancement: David Hartwell asked about the personnel budget item on page 58. Jon Schneider testified that the budget item covers engineering staff to engineer eight shallow lake projects across the state, including project managers. The contract budget does not include engineering. David Hartwell moved to approval of the Accelerated Shallow Lake Enhancement accomplishment plans and that remainder of the accomplishment plans in the packet not yet addressed. Motion passed.

Lessard-Sams Conservation Partner’s Grants Program Update

Dave Schad, Director of the Department of Natural Resources Division of Fish and Wildlife presented the Conservation Partner’s Grants Program accomplishment plan. Scott Rall, moved that the accomplishment plan be approved with the following amendment: on page 4 amend the paragraph 1 ending in “...funding level. “with the following: before the period add the phrase “, with an objective of granting fifty percent of the funds to projects above and below \$125,000.” It was also agreed to amend the milestones on page seven to add reports to the Council in July and August and quarterly thereafter. Motion passed.

Public Comment

Gloria Stevenson discussed a project at Valley Point Park.

Dr. Greg Hoch discussed Prairie and Prairie Wetlands importance.

Garry Leaf discussed the need for long range planning and urged the use of the DNR as a facilitator to assemble the plans. Use data and information at the source.

John Lindquist, President Christina-Ina Lake Association encouraged restoration and protection of shallow lakes and grasslands.

