

**Meeting Summary
Lessard –Sams Outdoor Heritage Council
University Center Rochester
Rochester, MN
August 13, 2009**

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

Staff present: Bill Becker, Acting Executive Director, Greg Knopff, Senate Council, Janelle Taylor, House Council, Greg Hubinger, Director, Legislative Coordinating Commission.

Chair Kilgore called the meeting to order at 9:45.

Review and Approve Agenda

Chair Kilgore reviewed the agenda. He requested that future agendas be circulated in draft form to all members a week and a half before a meeting for members to comment on, request additional items, and identify action items. Changes need to be in to the executive director four days prior to the meeting in order to meet the Open Meeting Law requirements. Representative Hansen asked that the Council send out press releases noting the public input period prior to upcoming meetings. David Hartwell moved to approve the agenda. Motion passed.

Approval of July 15, 2009 Minutes

Bob Schroeder moved approval of the minutes. Motion passed.

Executive Director's Report

The Acting Executive Director reported that he has spent much of the time since the last meeting working on the 25 year plan, including attending all planning meetings to date. He reviewed the tour stops for the day. Regarding the LCCMR/L-SOHC joint meeting report the executive director pointed out that the credit for the final report goes to Susan Thornton of LCCMR. Mr. Becker discussed the invitations to members to attend game fair and pointed out this event poses complications from the perspective of the Open Meeting Law. A quorum may not be on the stage at once. Representative Hansen pointed out for the record that the invitation did not go out to all members. After discussion it became apparent that a general invitation was issued.

Personnel Committee Report – Action Item

Greg Hubinger stepped in as Director of the Legislative Coordinating Commission, sponsor of the search for L-SOHC's Executive Director. Bob Schroeder described the search for a permanent executive director for the Council. Greg Hubinger described the contents of a memo on legislative hiring authored by House Council, Mark Shepard. He pointed out that Shepard's August 10, 2009 memo identified the Data Practices Act as the guideline for the legislature's handling of private data, although the legislature is not subject to the act. Mr. Schroeder thanked the individuals who applied for the position. He announced that after reviewing the candidates the Legislative Coordinating Commission's Selection Committee recommends Bill Becker to be the permanent executive director. Schroeder described the reasoning of the committee members, Hansen, Anderson and Kilgore expressed agreement with the decision. Personnel Committee Chair Schroeder noted that the Personnel Committee voted unanimously for Mr. Becker. Mr. Becker was given the opportunity to speak to the Council. He thanked the council and made a part of the record a twenty-year-old contemporaneous uncased gun

violation and open beer violation. Senator Anderson and Chair Kilgore re-enforced the hiring process's neutrality and design toward ensuring an even playing field for all candidates. Bob Schroeder made the motion to recommend Mr. Becker for the position of Lessard-Sam Outdoor Heritage Council Executive Director. The motion passed unanimously.

Representative Hansen moved that the chair send thank you notes to all candidates. Motion passed.

Approve Accomplishment Plan for 2009 Appropriations

Green Corridors Legacy

Brad Cobb, Green Corridor Consulting, Nancy Fashing, Southwest Initiative Foundation, Loren Kardall, Green Corridor Board. The program managers presented a revised accomplishment plan accompanied by a resolution from the Redwood County Board, a detailed description of administrative costs and a letter of support from the Minnesota Department of Natural Resources. Mr. Cobb stated the new accomplishment plan only contemplates purchasing lands without permanent conservation easements and that administrative fees are reduced by half to \$38,500. Mr. Cobb did ask the Council to review its policy regarding purchasing land with permanent conservation easements in place.

David Hartwell moved adoption of the Green Corridors Legacy Accomplishment Plan. Darby Nelson expressed appreciation that the administrative costs had been reduced. Les Bensch agreed that the council will need to address its policy regarding purchasing land with permanent conservation easements.

In response to questions Ms. Fasching and Mr. Cobb affirmed:

- 1) that administrative costs were to be charged on a billable hour base, not to exceed \$38,500,
- 2) that Mr. Cobb would not ask reimbursement from the Outdoor Heritage Fund for Mr. Cobb's expenses, and
- 3) that all lands purchased with this appropriation will be free of permanent conservation easements.

Reinvest in Minnesota Wetlands Reserve Program Acquisition and Restoration

John Jaschke, Director of the Board of Water and Soil Resources introduced Kevin Lines (BWSR) and Tim Kohler (NRCS) who provided an overview of the accomplishment plan. Mr. Lines testified that 232 applications for 19,000 acres of application at a cost of \$70,000,000 were received. BWSR and NRCS selected 115 applications for funding with OHF and bonding dollars. The projects protect 12,310 acres of habitat. Mr. Lines further pointed out that the OHF dollars fund 70 projects protecting 7,791 acres. OHF dollars fund 346 wetlands restorations restoring 3,624 acres and 4,167 acres of associated native grassland restorations.

Mr. Kohler testified that the OHF recommendation of nine million dollars was instrumental in the decision by the federal government to send twenty-three million dollars to Minnesota for the NRCS Wetland Restoration Protection.

Chair Kilgore asked when restoration activity would begin. Mr. Lines testified there would not likely be earth turned until next spring. This fall engineering and planning work would be done in preparation for spring work.

Mr. Kohler testified that it is NRCS' responsibility to ensure the project remains whole during the first thirty years, after which the state is responsible in perpetuity. The state conducts a stewardship visit every three years.

Chair Kilgore asked about coordination with PCA or other entities charged with addressing basins with TMDL findings. Mr. Lines passed around the WRP scoring sheet developed for Outdoor Heritage Fund supported projects. He testified that ten percent of the project score was based on water quality. The majority of the score is based on wildlife values. Hydrologic function was also a part of the scoring process. Mr. Lines said the OHF supported projects are concentrated in the Prairie Pothole Joint Venture area. Scott Rall asked if the ranking included the landowner's willingness to enroll uplands associated with wetlands is in the scoring criteria. Kohler indicated size and upland to wetland ratio were included in the evaluation and in the technical standards for restoration. Bob Schroeder asked about the use of the \$905,000 not dedicated to land acquisition. Kevin Lines testified that the money was for implementation of the projects and the full amount was going to be used.

Representative Hansen moved approval of the accomplishment plan.

Wayne Enger asked if there were any easement grantors who wanted to break the permanent easement to avoid the consequences of tax policy. Kohler and Lines responded that the program is designed to encourage applicants to be aware of the financial benefits and costs of permanent easements. Bob Schroeder asked if, on a practical basis, grantor of a conservation easement to NRCS/BWSR could void the easement. Lines and Kohler said no, that the easement can't be removed from the land and that the disenchanted owner's remedy is to sell the land.

Senator Anderson returned to the ranking system, pointing out that the system resulted in the prairie pothole area receiving most of the projects because of the weight of wildlife values in the region. Senator Anderson asked the witnesses to state that southern and eastern Minnesota did not receive projects because the program's science base says the wildlife value of the east and the south is significantly lower than that of the prairie pothole region.

Mr. Lines pointed out that the projects not funded were of high value, but not as high as the ones funded.

Senator Anderson restated the question, referring to the criteria used and pointing out that the criteria give the projects in western Minnesota more wildlife value because of their location. There must be some basis for that determination, and a basis is important because the criteria penalize higher cost acquisition and restoration. This works against the eastern portion of the state. Mr. Kohler stated that the highest wildlife value, according to current science, derives from projects in the prairie pothole area because of historic drainage patterns, however NRCS and BWSR have recently asked the technical committee to reassess the eastern portions of the state. Senator Anderson asked why there are so few wetland restoration applications from the southeast portion of Minnesota and whether Southeastern Minnesota residents didn't apply because they suspected they would fair poorly in the evaluation. Mr. Jaschke said it was because there were fewer drained wetlands in that area of the state. Jaschke further testified that there was science behind the wildlife potential data that support the geographic differences. He has asked the technical committee to prepare a description of that science in layman's language and he would follow up by sending that to the Council. Jaschke testified that the NRCS requires project cost normalized against marginal wildlife benefit as a component of the ranking. Representative Hansen pointed out that there are \$25,000,000 in bonding for

Southeast Minnesota wetland restorations to mitigate future flooding. The competition for these funds had different criteria favoring Southeastern Minnesota. Mr. Lines testified that we have obligated all the bonding money and met all the criteria for these funds. Jaschke replied yes except the \$500,000 for the Red River Valley.

Les Bensch asked if Conservation Reserve Program land in the transition zone was penalized. Kohler stated that if the CRP is planted into trees under CRP rules there was a penalty. If trees exist on other CRP land they are removed to solve predator roost problems.

Darby Nelson asked about the possibility to include ranking points for willingness to allow hunting on a easement applicant's land. Mr. Jaschke replied that they couldn't pay for something that wasn't in the easement so that would not be possible.

Hartwell renewed his motion. Motion passed

L-SOHC Strategic Plan Development Update Planning Project

Judy Grew of Minnesota Management and Budget, Management Analysis and Development Division presented results to date of the strategic planning sessions providing input to the L-SOHC's strategic planning. To date, four of the five planned sessions have been held.

Ms. Grew pointed out that the project's vision included all funds, not just Outdoor Heritage Fund proceeds and that the professionals are asked to be realistic. They are asked to provide a 25, 1, 5, and 10 year spatial targets for restoring, enhancing and protecting constitutionally defined natural resources, priority criteria for land protection targets and priority actions for restoration and enhancement.

Findings include a desire for opportunistic, nimble programs. Willing landowners are difficult to find and require personal engagement for extended periods of time. Research to guide programs and invasive species are shared concerns.

Following the conservation professionals meeting public meetings are held. They have lasted from one to two hours.

Senator Anderson said she had heard, at the metro meeting from scientists, that our method is quite one-dimensional, concentrating on quantity of resource rather than the quality of the resource is important. Anderson asked that the sessions return qualitative information as well. She expressed concern that the process provides qualitative scientific information along with quantitative data.

Darby Nelson recounted his experience at the sessions he had attended. He pointed out that the scientists are adverse to putting numbers on the table because numbers depend on circumstances. He also said the constitutional silos trouble the scientists and would prefer to work with a natural system approach.

Judy Grew added that the conservation professionals in the metro area meeting were reluctant to deal in imprecise numbers. Some people worked very hard on coming up with numbers, but the silo approach is frustrating. Judy Grew also suggested that the larger the area the more difficult it is. She did say that qualitative information arising in the course of the quantitative discussion was recorded and will be reported.

Bob Schroeder asked if the sessions had an occasional or constant discussion of fish, game and wildlife. Judy Grew characterized the discussion as constant. He then asked if we are on time and within budget. Ms. Grew said they were on time and may be over budget due to a larger than expected turnout for meetings.

LCCMR/L-SOHC Joint Meeting Debrief

Laid over to next meeting.

Field Trip

Mark Ebbers, Department of Natural Resources (DNR) and Jane Prohaska, Minnesota Land Trust presented an overview of the day's field activities. Ian Chisholm, DNR Ecological Services, Jeff Hastings, Trout Unlimited, and Hanna Tessler, DNR Ecological Services provided mini seminars on the field trip topics of stream restoration and prairies. Jeff Broberg (McGhie & Betts Environmental Services, Inc) and Jaime Edwards (DNR - Ecological Services).

APPROVED:

Mike Kilgore, Chair Date

Darby Nelson, Secretary Date