

Lessard-Sams Outdoor Heritage Council (LSOHC)
Thursday, November 12, 2009
Room 5, State Office Building
Meeting Summary

Members Present: Chair Michael Kilgore, David Hartwell, Representative Rick Hansen, Representative Bob Gunther, James Cox, Wayne Enger, Scott Rall, and Senator Ellen Anderson

Absent: Lester Bensch, Darby Nelson, Senator Bill Ingebrigtsen

Call to order – Chair

Chair Kilgore called the meeting to order at 9:05 a.m. A quorum was present.

Review and approve agenda

Motion by Council member Hartwell to approve the agenda as presented. Motion passed.

Approval of October 19, 2009, minutes

Motion by Council member Hartwell to approve the minutes of October 19, 2009. No changes were noted. Motion passed.

Executive Director's report

Bill Becker provided an update on hiring of the program manager. Second interviews are scheduled. It is proposed to make an offer by next week with the individual hopefully being on board by the hearing dates.

Mr. Becker reminded members to complete a conflict of interest form that will be on file for the record.

Mr. Becker informed members of the revised web page that is in legislative format. The site is still in progress as the files brought over from DNR need to be converted. All proposals are on the web site, individual member proposal scores will be posted by Monday. The hearing schedule will also be posted when determined. Staff will be arranging for photo headshots of members and posting a bio on the site as well.

Council member Cox asked about the responsibilities of the new hire. Mr. Becker stated that this position would be assisting with proposal and planning process, monitor progress of projects, and assisting with communications.

Forest Legacy Update – Dick Peterson

Chair Kilgore reminded members that this project was given \$18 million in FY2010 as well as FY2011. Richard Peterson, MN DNR - Forest Legacy Program Coordinator, provided a handout to members and presented an update on this program and stated that the program is on schedule. Lands acquired through this program are open to the public for use and are noted on the DNR web site. There are plans to indicate signs on the main road/entry to the lands. Chair Kilgore reminded members of the matching funds for this program, nearly \$7 million from Blandin Foundation. Each property acquired will have a baseline report assembled. This report will include various species counts, tables, maps, photography that is 2 years or newer, and inventory of vegetation. These reports are important to provide a foundation for monitoring the land over time.

Members asked about ATV trails and the monitoring of permanent deer stands on the property. Although the photography does not get into that detail, Mr. Peterson stated that there are trails currently on old logging roads and that Blandin has not allow permanent deer stands in the past.

Council member Hansen asked Mr. Peterson if the land was being offered for sale by UPM Kymenee. Mr. Peterson replied "Not to my knowledge."

Council member Cox asked that if the property changes ownership, might the new owners negotiate changes to this easement. Mr. Peterson stated that there is an amendment process, however, this is not likely and would be an exception, not a rule.

Report: FY 10 and 11 Appropriation – Clean Water Legacy Fund, Parks and Trails Fund, Arts and Cultural Heritage Fund

Mr. Becker reminded members that no appropriation from these funds is going through the legislature this session, as both years have already been appropriated.

Dan Mueller, Senate Fiscal Analyst reviewed a handout provided for members that outlined appropriations for various dedicated funding programs. He stated in the review of that document that very little has gone out yet and sales tax is running about 2% lower than anticipated for FY10.

Members asked questions on specific projects. Members also discussed conservation buffers. Members questioned what was specifically in law as it related to different types of buffers. Members discussed whether the Council is purchasing permanent easements where buffer laws should be enforced? Shoreland rules apply in some cases. Members agreed that this should be a topic for a future meeting.

Report: ETF Recommendation - Susan Thornton

Mr. Becker stated that it was important for the Commission to come before the Council for an update on their process, priorities, and commission recommendations. Susan Thornton, Director of Legislative Citizen Commission on MN Resources emphasized that coordination between the Commission and Council is important and that Mr. Becker had presented the Council's Call for Requests to the Commission prior to their allocation of funds.

Ms. Thornton had a handout for members that outlined the Commission priorities, process and projects being recommended for funding from the Environment Natural Resource Trust Fund. She also briefly went through a handful of summaries provided to members on specific projects that on proposals that the Council might be interested in that coordinates with properties that were published in the Call for Request.

Chair Kilgore discussed ways in which the LSOHC and LCCMR might work together going forward. It was suggested that some joint meetings, especially informational sessions, might be coordinated. Council member Cox mentioned that it might be helpful to have an inventory of the studies that LCCMR has funded. Ms. Thornton mentioned that the LCCMR web site does have each project abstract listed, however said organizing them by issues might be part of the new constitutionally dedicated web site.

Report: Update on Small Grants Program – Leslie Tannahill

Leslie Tannahill provided a handout for members on the 129 proposal that the DNR received totaling \$16.6 million. She stated that the on-line process seemed to work smoothly. Members asked questions relating to the quality of the projects, duplication of possible applications, projects being divided out by LSOHC sections. Ms. Tannahill stated that the projects have not been evaluated as of yet. She said that during the evaluation process, they would pay attention to any duplicates received. She also stated that the Council sections were not part of the DNR database. Ms. Tannahill explained the process in reviewing the proposals. The proposals will be divided into advisory committees, by topic area, with internal and external people serving as experts.

Discussion item - Acquiring Fee Title Underneath Permanent Easements

Mr. Becker read the following statement that was agreed to with leadership and the executive committee.

“BACKGROUND: The Council has reviewed one accomplishment plan (Green Corridors) that proposed to buy the fee title underneath land with permanent conservation easements. The Council withheld approval of that accomplishment plan in part because the acquisition provided no additional protection to the habitat protected by the permanent conservation easement. After the program manager substituted acquisition targets with no associated permanent conservation easements the Council approved the plan.

Subsequently the F.Y. 2011 Draft Call for Requests, distributed to the council on September 15, 2009, proposed that the Call exclude requests to purchase land with permanent conservation easements. The Call prohibited this through minimum criterion 21, “Propose acquiring in fee only land without other permanent protection.” This minimum criterion was inadvertently deleted from the draft Call for Requests on the evening of September 15, 2009 and never considered by the Council.

ISSUE: The denial of the first request to buy fee title to land protected by a permanent conservation easement, along with the publication of the September 15th Draft Call restricting acquiring land with other permanent protection, and the restriction’s overnight disappearance has created uncertainty among recipients of fiscal year 2010 appropriations and individuals involved in the fiscal year 2011 recommendations.

Therefore it is useful to set forth the impact of the council’s actions and inadvertent deletion of criterion 21 on the existing appropriations and the upcoming recommendations as follows:

SOLUTION: For existing appropriations the Council will consider proposals to acquire fee title to land protected by a permanent conservation easement on a case-by-case basis as amendments to approved accomplishment plans. The amendment should demonstrate that the fee title acquisition adds protection, or is necessary for restoration, or enhancement

For upcoming recommendations, because the approved Call did not contain minimum criteria prohibiting recommending purchase of fee title to land protected by a permanent conservation easement, the Council may consider recommending requests containing reference to purchases of fee underneath easements. In summary, the council will judge all requests containing easement acquisition on a level playing field with those that do not.”

Chair Kilgore stated that this criteria omission might affect up to 5 proposals. Although members didn’t want to restrict themselves with specific language, it was agreed it is not a wise use of money if the Council is purchasing land already protected by law. Council member Hartwell suggested building a culture of philanthropy where projects find other resources for the easement portion. Members agreed the Council should not make a practice of approving purchasing of land under permanent easement. Members agreed to evaluate any future request for acquiring land with a permanent conservation easement on a case-by-case basis, with the criteria being whether the acquisition provides additional protection or affords habitat restoration or enhancement that would otherwise not be possible absent the acquisition.

Report on Proposal Ranking by LSOHC Members

Ms. Smith provided a review on the evaluation criteria used by members in evaluating the funding request for hearings. There were three questions asked for each project: 1) Does the project meet all of the minimum criteria? Members answered yes or no to this question. 2) Does the project meet all of the statewide criteria? and 3) Does this project meet all of the regional priority criteria? Members scored each of the last two questions on a sliding scale of 1 (doesn’t address priorities) to 5 (fully meets priorities). Member’s scores were summed and divided by the number of members scoring that project. Those scores were listed high to low and presented to members (list attached to minutes)

Motion by Council member Rall to accept the 24 proposals listed in rank order on the first page of the summary sheet (attachment) starting with proposal #8 and ending with proposal #15 as the first subset of programs to call in for hearings.

Rep. Rick Hansen wanted a note for the record that project # 1, 550 Acre Land Acquisition along the Run River and Cedar Creek in Anoka County, would be providing an update, not a hearing, as it was agreed last year to commit to fund phase 2. Greg Knopff noted that the FY10 appropriation language stated that, "This is the first of two planned appropriations for this acquisition." Chair Kilgore agreed that this will be noted for the record.

Chair Kilgore recognized Council member Cox's request to give members a chance to further explain projects that may not have made the "top 24".

Rep. Rick Hansen asked members if they had questions about #23 – Riparian and Lakeshore Protection, Restoration and Access in Dakota County. He emphasized the local match on this project and also reminded members of the site visit this summer. Council member Hartwell stated that seeing a project site is not a reason for funding it or for it receiving a hearing and requested that, to the extent possible field trip examination of potential projects be avoided in the future.

Motion by Rep. Hansen to amend the previous motion to include a hearing for project # 23.

Motion by Council member Cox to include project #39 for inclusion in the hearing schedule.

Motion by Rep. Hansen to include the top 26 projects for a hearing for the December 8 and 9th, as #23 and #39 have the same numerical ranking. Motion unanimously adopted.

Chair Kilgore reminded members that the November 23rd hearing date is cancelled.

Public comment on priority uses of the Outdoor Heritage Fund

No public comments.

Adjournment

Chair Kilgore adjourned the meeting at 11:55 a.m.

APPROVED:

Mike Kilgore, Chair Date

Darby Nelson, Secretary Date