

**Lessard-Sams Outdoor Heritage Council Meeting**  
**Meeting Summary**  
**July 31, 2017**

**Members Present**

Bob Anderson, Chair  
David Hartwell  
Jamie Swenson  
Julie Blackburn

Denny McNamara  
Ron Schara  
Rep. Leon Lille  
Rep. Dan Fabian

Barry Tilley  
Sen. Andrew Lang  
Jane Kingston

**Members Absent**

Sen. David Tomassoni

**Call to Order:** Call to order at 8:04 a.m. A quorum was present.

**Chair's Welcome and Comments**

Chair Anderson opened by welcoming new member Senator Andrew Lang. Senator Lang briefly introduced himself to the Council.

**Review and Approve Agenda**

Motion by Mr. Hartwell to approve the agenda for June 29, 2017 as presented. **Motion adopted.**

**Review and Approve Minutes – June 29, 2017**

Motion by Ms. Kingston to approve the minutes. **Motion adopted.**

**Conflicts of Interest:**

Member David Hartwell noted a Conflict of Interest with ML 2018 / FY 2019 proposal PA 10: Protect and Restore MN IBAs within the Tallgrass Aspen Parklands. He will recuse himself from any decision on that individual proposal.

**(00:03:55) Executive Director's Report**

Executive Director Mark Johnson reported on recent staff activities. Staff was given a tour of the Belwin Conservancy by Council member David Hartwell. Mr. Hartwell extended an invitation to Council members to tour Belwin. Mr. Johnson also noted going to the Hampton Woods WMA dedication ceremony in Dakota County, MN.

Mr. Johnson reminded Council members of the meeting attendance policy and provided an overview of meeting call-in procedures.

Mr. Johnson summarized a request for Council consent received from the MN Department of Natural Resources (DNR) concerning a request by Minnesota Power to acquire a transmission line easement for the Great Northern Transmission Line over conservation easement lands in Itasca and Koochiching Counties. The conservation easements were granted by Blandin Paper Company and Meriwether Minnesota Land & Timber. Council members discussed the route of the transmission line and impact the transmissions line would have on habitat at length.

Rep. Fabian pointed out Minnesota Power held meetings to gather public comment and noted the impact a different route would have on the community. Chair Anderson echoed Rep. Fabian's comments and added that counties have been working with Minnesota Power on deciding where the transmission should go.

Mr. McNamara questioned if there would be compensation for the transmission line easement and asked what effect the transmission line easement would have on the current conservation easement. Dick Peterson, Forest Legacy Coordinator, MN Department of Natural Resources (MN DNR), explained that Minnesota Power has presented an appraisal for the lands which is currently under review by the MN DNR. The state is entitled to a proportional share of approximately .41 of the compensation for the Blandin easement. Compensation for the Meriwether easement would go to The Nature Conservancy. Mr. Peterson added that the state's easement would still be in effect however, it would be subordinate to the power line easement.

Mr. Tilley asked if the Council could communicate to Minnesota Power that they would like Minnesota Power to readdress the transmission line route. Motion by Ms. Kingston to notify Minnesota Power to stay to the edge of the easement to minimize the impact of the lands within the easement. Mr. Hartwell asked to add a friendly addition that the Council ask Blandin to use money to buy new lands and not put the funds back into the Outdoor Heritage Fund. Members discussed the motion, forest fragmentation and the impact of the transmission line on habitat.

Chair Anderson called Ms. Kingston's motion to send a letter to Minnesota Power to stay to the edge of the easement to minimize the impact of the lands within the easement. Ms. Kingston amended the motion to have the transmission line go along roadways. Chair Anderson called division on the vote. **Motion adopted (7 – yes, 4 – no).**

Motion by Mr. McNamara to approve the conveyance. **Motion adopted.**

Mr. Johnson announced a change in the public lodging limit. The Legislative Coordinating Commission passed a resolution to increase the public lodging limit to \$150 effective July 1, 2017. The lodging limit total includes taxes and fees.

At the June 29, 2017 Council meeting, the Council directed staff to review and revise language to a question required of all acquisition proposals within the Request for Funding. Subsequent to the July 31, 2017 meeting, the revised text will be sent to all ML 2018/FY 2019 proposal applicants whose applications contain an acquisition component. Staff will compile and supply replies to Council members prior to the August hearings.

Mr. Johnson reminded Council members they have received an invitation from the MN Department of Natural Resources to attend the La Salle Lake Recreation Area celebration taking place on August 12, 2017.

Mr. Johnson noted that the Council calendar had a 1pm start time for the September 28, 2017 meeting. Council members discussed and decided on an 8am start time for the September 28, 2017 Council meeting.

**(00:46:47) Action: Approval to Purchase – ML 2015, First Sp. Session, Ch. 2, Art. 1, Sec. 2, Subd. 3(b) Southeast Minnesota Protection and Restoration, Phase III**

Rich Biske, Freshwater Conservation Program Director, The Nature Conservancy (TNC), provided an overview of the request before the Council. Mr. Biske explained TNC is seeking approval to purchase a tract of a wildlife management area that includes a trout stream easement.

Motion by Ms. Blackburn to approve the fee title acquisition. **Motion adopted.**

**(00:49:26) Presentation: Open Meeting Law, MS 13D and 97.A056 Subd.5**



Deborah Dyson, House Research Staff, opened with a brief video overview of the Open Meeting Law. The Open Meeting Law requires all public body meetings be open to the public. Ms. Dyson recapped information from the video noting key takeaways applicable to the LSOHC.

Ms. Dyson answered Council member's questions relating to Open Meeting Law oversight, what to do if a violation occurs, and special meetings. Mr. Schara pointed out that the video said the Open Meeting Law applied to state agencies and questioned if an agency would be in violation of the Open Meeting Law if its staff held meetings closed to the public. Ms. Dyson said she would look into Mr. Schara's question.

**(01:09:52) Presentation: Update/Overview of Conservation Partners Legacy Grants Program**

Jessica Lee, CPL Program Coordinator, MN DNR, provided an overview of the Conservation Partners Legacy (CPL) grants program noting key accomplishments. Ms. Lee pointed out the three different grant cycles (traditional, ECP, and metro) and provided a summary of each.

Mr. McNamara noted that CPL grants can be used on private lands but the grantee must be a nonprofit. Ms. Lee clarified that if a CPL grant is used on private land, the land must be protected by a permanent conservation easement.

**(01:18:08) Presentation: OHF Outcomes Measurements**

Council member Julie Blackburn opened with an overview of the OHF Outcomes Measurements initiative noting this was the first phase in a multiphase process. Ms. Blackburn introduced Mike Harley, Executive Director, and Ellen Gibson, Senior Program Director, with the Environmental Initiative.

Ms. Gibson provided an overview of Environmental Initiative and their role in the OHF Outcomes Measurements process. The focus of the process was on the aggregate impact of the OHF. Ms. Gibson summarized the Workgroup's process and pointed Council members to the recommendations outlined in the report and handout provided.

Mr. Harley spoke to the high level messages and themes that emerged from the process. In fulfilling a Council directive, the Workgroup decided the primary outcomes be aligned with the constitutional language. The Workgroup acknowledge other, secondary, outcomes people might value such as the ecological, economic, and social benefits. The Workgroup recommended that primary outcomes be the focus of reporting but noted the importance of conveying secondary benefits.

Mr. Harley summarized limitations the Workgroup encountered. The Workgroup determined development in datasets would be needed to accurately represent the impact of the OHF. Mr. Harley welcomed Workgroup members present and invited Gary Botzek, Executive Director with MN Conservation Federation, up to share his experience.

Ms. Blackburn asked Council to accept the report and allow staff to move forward in initiating Phase II. Chair Anderson noted taking Ms. Blackburn's request as a split motion. Members discussed the process, outcomes, and recommendations. Motion by Ms. Blackburn to accept the Minnesota's Outdoor Heritage Fund: A Process to Define Outcomes and Impacts final report. **Motion adopted.**

Motion by Ms. Blackburn to allow staff to initiate an RFP for Phase II of the Outcomes and Measurements. **Motion adopted.**

**(02:04:17) Presentation/Discussion: Land Protection in Northern Counties**

Chair Anderson welcomed Commissioners Swanson of Roseau County, Sve of Lake County, and Rukavina of St. Louis County. Rep. Fabian provided a brief introduction and yielded the remaining time to the Commissioners.

Commissioner Sve opened by acknowledging the value of public lands, noting public lands should continue to serve the public into the future; however, in order for communities to be sustainable there needs to be a balance in ownership. Commissioner Sve pointed out the high amount of land publicly owned in northern counties. When private lands are purchased and transferred into public ownership there are adverse tax implications counties are forced to reconcile. Commissioner Swanson encouraged strategic landownership, pointed out the high percentage of publicly owned lands in northern Minnesota, and suggested future acquisitions be in counties with lower public ownership. The Commissioners indicated counties would like the Council to encourage applicants to work with local governments and seek government approval.

Mr. Tilley mentioned that private lands purchased with OHF dollars and put into public ownership are purchased from willing sellers and questioned how the Commissioners prevent private land owners from selling their land without infringing on the landowner's property rights. Commissioner Sve acknowledged Mr. Tilley's concern and noted that informing a private landowner of the tax implications should be part of the conversation.

Ms. Blackburn asked the commissioners if they have taken steps to identify and protect areas within their counties with high habitat value. Commissioner Sve indicated that counties try to identify and protect sensitive and high habitat value land but counties also need to take development into account.

Commissioner Rukavina referenced ML 2017 Ch. 91, Art. 1, Sec. 2, Subd. 3(g) Bushman Lake which indicated in their proposal that local government approval would be sought. Mr. McNamara questioned if the Council should seek a legal opinion regarding if local government approval was in fact sought, and requested clarification on who will own the mineral rights. Council members discussed the mineral rights. Motion by Mr. McNamara to seek legal opinion on whether the applicant sought local government approval as stated in the proposal for Bushman Lake. Mr. Hartwell reminded Council members this project was discussed and the accomplishment plan was approved at the June 29, 2017 Council meeting, and discouraged opening it back up for discussion. Mr. McNamara withdrew the motion.

**(03:48:29) Discussion: Proposal Evaluations and Hearing Selection**

Ms. Enfield outlined the process for selecting proposals for hearings. Council members discussed which proposals to hear and the length of each proposal presentation. Motion by Mr. Hartwell to have 20 minute presentations over 2 days and hear all proposals with the exception of O1: DNR Contracts Management and O2: Restoration Evaluations. **Motion adopted.**

Proposal hearings will take place August 23 – 24, 2017.

**(04:12:12) Opportunity for Public to Address the Council**


No public testimony was heard.

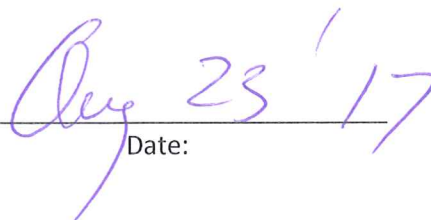
Meeting adjourned at 12:48 p.m.

APPROVED:

  
Bob Anderson, Chair

  
Date:

  
Ron Schara, Secretary

  
Date: