

Lessard-Sams Outdoor Heritage Council
Meeting Summary
August 11, 2015

Members Present

Bob Anderson, Chair	Jane Kingston	Ron Schara
Julie Blackburn	Rep. Denny McNamara	Barry Tilley
David Hartwell	Susan Olson	Elizabeth Wilkens
Sen. Bill Ingebrigtsen	Sen. Tom Saxhaug	

Members Absent: Rep. David Dill

Call to Order: Call to order at 11:05 a.m. A quorum was present.

Remembrances of Council Member Rep. David Dill were offered.

Review and Approve Agenda

Motion by Mr. Hartwell to approve the agenda for August 11, 2015 as presented. Motion adopted.

Review and Approve Minutes – June 23rd, 2015

Motion by Rep. McNamara to approve the minutes as presented. Motion adopted.

Conflicts of Interest:

(00:10:35) Ms. Blackburn related a possible perceived conflict of interest (COI) with Pheasants Forever reported on her Lessard-Sams Outdoor Heritage Council (LSOHC) COI disclosure form. Greg Knopff offered his assessment that the issue would not constitute a COI.

(00:12:55) Mr. Hartwell reported a COI with a request for funding from the National Audubon Society (ML16/FY 17 proposal FRE01, Floodplain Forest Enhancement - Mississippi River - Phase 2), disclosed on his LSOHC COI disclosure form. He will not score the project in the Council ranking processes, and will not participate in related conversations.

(00:13:14) Ms. Kingston related a possible perceived COI with ML16/FY17 proposal HA05, Restoring Duluth's Coldwater Streams, reported via her LSOHC COI disclosure form.

(00:14:23) Executive Director's Report

Executive Director Mark Johnson offered a staffing update. Temporary Commission Assistant Jacki Livingston's last day will be August 13th. Commission Assistant Amanda Brazee will be returning August 25th. The staff welcomes Joe Pavelko, new Assistant Director of the LSOHC.

Chair Bob Anderson and Mr. Johnson met with Crow Wing County staff and commissioners on August 5, 2015 regarding the Mississippi Northwoods Habitat Complex Protection (ML 2012, Ch. 264, Art. 1, Sec. 2, Subd. 3(b)). The County will be providing a letter of response to the Council at the October 6, 2015 Council meeting addressing Members' concerns and providing updates on progress. Chair Anderson offered additional information about the project.

Mr. Johnson requested feedback on possible locations for holding a Council outside the Twin Cities metro area.

Mr. Johnson invited Mr. Knopff to summarize an analysis he prepared with Janelle Taylor regarding ML 16/FY17 Funding Proposal FA08, Forest Habitat Protection Revolving Account.

Mr. Johnson reported that neither House nor Senate legal analysts identified any legal obstacles to ML15/FY16 Funding Proposal FA02, Protecting Forest Wildlife Habitat in the Wild Rice River Watershed, being resubmitted for ML16/FY17 as FA09, Protecting Forest Wildlife Habitat in the Wild Rice River Watershed.

Mr. Johnson informed Members that the Speaker's Office will appoint a new member to fill the late Rep. David Dill's assignment on the Council.

LSOHC Project Analyst Manager Sandy Smith provided a status update on ongoing project progress and funds spent to date.

(00:35:25) Presentation: CPL Monitoring and Results

Jessica Lee outlined the CPL grants monitoring process and results thus far. Members discussed the process.

(00:51:12) Discussion: Council CPL Liaison

Ms. Kingston recommended the Council maintain a high level of familiarity with the CPL program via the Council liaison position. She suggested a review of the language in Council Operating Procedures regarding the liaison role with the help of staff, and possible modifications.

Ms. Olson offered a point of procedure: according to the June 23, 2015 meeting minutes, the Council should re-hear Amendment 2 "Deletion of the Conservation Partners Legacy Liaison Position" to the Council Operating Procedures. Amendment 2 was tabled at the June 23rd meeting.

(00:54:50) Motion by Ms. Kingston to bring Amendment 2 back before the Council. Motion adopted.

(00:55:27) Motion by Ms. Kingston to retain the CPL Liaison position and modify language with the help of staff regarding the role in the Council Operating Procedures. Motion adopted.

(00:56:30) Action: ML 2009, Ch. 172, Art. 1, Sec. 2, Subd. 3 Forest for the Future OHF Land Conveyance per MS 97A.056 Subd. 15

Richard Peterson offered testimony regarding a bridge replacement project in St. Louis County. Members discussed the issue.

(00:59:06) Motion by Sen. Saxhaug to approve conversion as presented and direct the deposit of proceeds into the Outdoor Heritage Fund.

Rep. McNamara asked for clarification of policy allowing staff to approve minor land operations. Mr. Johnson responded that the Council has, in the past, requested all land conveyances come before them. Mr. Knopff offered further considerations for the Council including their ability to delegate authority to staff in certain instances. Rep. McNamara suggested changing procedures to set a value threshold under which staff might approve minor land operations. Members discussed the issue.

(01:08:40) Motion adopted.

(01:09:03) Discussion: Overview of Tax Court Finding (Blandin vs. Counties)

Chris Kleman, Legislative Analyst, House Research Department, offered testimony on Tax Court findings regarding Blandin vs. Counties. Sen. Saxhaug suggested that Sen. Rod Skoe, Chair of the Senate Tax Committee, attend a future meeting to clarify the 2013 change in law stating that future conservation easements which require parcels not be subdivided should be ignored by assessors for evaluation purposes. Sen. Ingebrigtsen seconded inviting Sen. Skoe. No action was taken by the Council.

(01:30:15) Recess for 35 minutes

(01:30:53) Chair Bob Anderson gavels to return from recess

(01:31:37) Action: Advancement of Funds, ML 2015, First Sp. Session, Ch. 2, Art. 1, Sec. 2, Subd. 5(e), Sand Hill River Fish Passage

Dan Wilkins, Sand Hill River Watershed District, Jamison Wendel, DNR and Aaron Snyder, US Army Corps of Engineers (USACE), provided testimony regarding funding implications of partnering with the USACE on LSOHC projects. At issue specifically is the USACE's policy of requiring project funds be in hand before beginning bidding procedures. As LSOHC funds are disbursed via a reimbursement process, the Sand Hill River Watershed District requested an advance of \$990,000 allowing the USACE's bidding process to open in time to meet a deadline of the end of the federal fiscal year, September 30.

(01:35:59) Motion by Ms. Blackburn to approve the \$990,000 advance of funds to meet the federal match and move project forward. Members discussed the issue.

(01:51:04) Mr. Hartwell offered an amendment to the motion stipulating that the advanced funds be kept in a separate account and be accompanied by a statement of the reason for the advancement.

(01:51:34) Motion amended to approve \$990,000 advancement of funds to be kept in separate account and be accompanied by a statement of the reason for the advancement.

(01:56:00) Motion adopted.

(01:56:45) Presentation: Forest Harvest Economics

Dr. Mike Kilgore, University of Minnesota, Department of Forest Resources, presented information on Minnesota forest resources, industry, and economics. Members discussed Dr. Kilgore's presentation. Dr. Kilgore's was asked if despite the changing economics of timbering in Minnesota, was there ever a time where timber had no value. He answered that he thought there was not likely a circumstance where timber did not have some economic value.

(02:36:55) Presentation: DNR Farming Practices

Dr. Greg Hoch, DNR, Prairie Restoration Supervisor, presented information on food plots on DNR lands and farming practices. Members discussed the issues.

(03:10:22) Presentation: DNR Water Retention Project Proposals

Jason Garms, DNR Agricultural Program Liaison provided an update on DNR Water Retention Project Proposals.

(03:16:04) Discussion: ML16/FY17 Proposal Evaluations

Mr. Hartwell suggested hearing all proposals, excluding O1, Contract Management and O2, Restoration Evaluations, and shortening the hearings from 3 to 2 days. Members concurred. Mr. Hartwell asked whether any proposals were submitted by entities with delinquent reports from prior projects. Ms. Wilkens asked for clarification on the status of a BWSR Final Report. Ms. Smith confirmed that Final Reports are due November 1, 2015, unless federal funds are involved in which case Final Reports are not due until their federal funds are exhausted.

All proposals will receive a hearing in September. Format will be 2 days of hearings held on September 1 and 2. Each proposal will be given 20 minutes, 10 minutes of presentation, 10 minutes for questions and answers from Members.

(03:26:42) Opportunity for Public to Address the Council

No public comment was heard.

Adjourn 3:23 PM

APPROVED:

Bob Anderson, Chair

Date:



David Hartwell, Secretary

9/2/15
Date: