

Lessard-Sams Outdoor Heritage Council (LSOHC)
Thursday, January 7, 2010
Room 5, State Office Building
Meeting Summary

Members Present:

Chair Michael Kilgore
Les Bensch
Ryan Bronson
Jim Cox

Wayne Enger
Rep. Bob Gunther
Rep. Rick Hansen
David Hartwell

Sen. Bill Ingebrigtsen
Darby Nelson
Scott Rall

Members Absent: Sen. Ellen Anderson

Call to order – Chair

Chair Kilgore called the meeting to order at 8:21 a.m. A quorum was present.

Review and approve agenda

Motion by L. Bensch to approve the agenda as presented. Motion passed.

Review and approve minutes from December 8 & 9, 2009 and December 15, 2009

Motion by D. Hartwell to approve the minutes of December 8 and 9, 2009 as presented. Motion passed.
Motion by W. Enger to approve the minutes of December 15, 2009 as presented. Motion passed.

Executive Director's report

Mr. Becker reviewed the analysis of the appropriations bill. He noted that these reports summarize information from the preliminary accomplishment reports. Staff is still working with managers to clarify information, so future reports will have slight changes as information is received. Ben Bagdon was recognized for his work in putting together the reports. The reports, once in final form, will be posted on the web site for the public.

D. Hartwell noted a concern with the personnel expenses of the proposal 9, Green Corridor Legacy Program. He thought this was high as the parcels to purchase have already been identified. Members discussed the staff expenses of various proposals. Members want managers to clarify that Outdoor Heritage Funds are not being used to back-fill salaries. Discussion continued about the intent of the fund being used for the hiring of staff versus contract services. Rep Hansen spoke to the importance of knowing the intent before we appropriate money and not wait until the accomplishment plan process.

Kevin Lines, BWSR was asked to the table to answer questions. He clarified the personnel budget as presented in his plan and that those are the costs over a three year period.

Jon Schneider, Ducks Unlimited, clarified that his staff costs were also over a two year period of time. He clarified that the biologists listed in the plan are for 2 fulltime, master degreed and certified according to federal standards. He also clarified for Rep. Hansen that some of the parcels in the project are already identified, others have not been identified as of yet.

There was a request from Sen. Bill Ingebrigtsen to identify the number of counties with projects from this appropriation. Staff said that would be part of the final analysis.

Treasurer's report - Admin Budget Approval

D. Hartwell reviewed the FY2011 Administrative Budget. Mr. Hartwell informed council that the budget before them reflects a reduction of \$46,000 in contingency that was deleted from the budget presented to the Executive Committee per the recommendation of staff. Staff answered questions posed by members. Motion by S. Rall to adopt the budget as presented. Motion by Rep Hansen to amend the motion to reduce the budget by \$87,000 to a total \$600,000 with the reduction coming from meeting expenses, office expenses, and the encumbrance of the consultant expenses for this fiscal year. Motion to amend the

budget adopted. Motion to adopt the budget at \$600,000 adopted.

Amendment to achievement plan - Fee under Easement Purchase for Waterfowl Protection Area Acceleration

Matt Holland, Pheasants Forever, gave members an overview of the amendment request. The request consisted of two parts: 1) the approval of additional properties to the list, both to existing WMA's, as projects fall off the list, (I'm not sure what you are trying to say here) the addition of these parcels will enable to program to achieve its accomplishments in a timely manner and 2) permission to purchase a parcel that includes a RIM easement in-holding. He stated that Pelican Lake has been identified as a high priority parcel identified by DNR and USFWS, is threatened due to development and is supported by Wright County commissioners.

Kevin Lines, BWSR, explained to members what happens to a RIM easement if it is bought out in a fee title. Nothing changes as far as the state holding a permanent easement and this protection would not be released due to the changes; the, state would like to retain this and not let it go (what, the easement?)because future changes are uncertain. He stated that this is not a common practice and has only happened in 28 situations.

Mr. Holland answered questions posed by members stating that this is a solid willing seller. Members discussed the value of the parcel with and without the easement portion. Mr. Holland stated that the appraised value of the property with or without the easement would not be considerably different. Mr. Becker stated that the value of the easement then would be zero, and Mr. Holland state no, it would be just the opposite. Members discussed whether this is double paying for the same property, once for the easement and again for the parcel sale. Policy implications were discussed.

Motion by W. Enger to approve the accomplishment plan amendment, including the addition of parcels of consideration as well as the Fee under Easement Purchase, including the RIM easement in-holding for Waterfowl Protection Area Acceleration with a note for the record that this is a isolated situation and that it is not something that is typically done.

Greg Knopff mentioned to members that the state paid a percentage of the estimated value of tillable acres in the township of the easement value. The council might want to consider subtracting the percentage of that value off of the total parcel purchase, so that the state would not be double paying for the property. W. Enger accepted that as a friendly amendment to his motion.

Motion on the table was clarified by Mr. Becker: Motion to approve the amendment with the condition it is an isolated incident and should not be considered practice or precedent and that the easement acre compensation shall not exceed the percentage paid off the assessed market value of the tillable acres in the township of the eased property.

J. Cox emphasized the importance of this parcel being in the metro area and should be given a higher priority than other locations; the development pressures need to be considered; and that the Council should consider these requests on a case- by- case basis..

R. Bronson said it might be important to wait and get more accurate information from the appraiser. He also emphasized the importance of this as a policy setting decision and that the Council should not get involved in the micromanagement of the project. He also stated that appraisers work on a precedent situation so the focus should be on getting an accurate appraisal.

Mr. Holland emphasized that sellers see a fair market value figure and expect they are getting paid close to that dollar amount. Members discussed who benefits from the value increase of the easement portion at the time of sale.

W. Enger stated that he wants his motion to stand as originally stated without the percentage taken into consideration. Motion to adopt the amendment, stating that this is an isolated incident and should not be considered practice or precedent, to the accomplishment plan amendment including the addition of parcels for consideration as well as the Fee under Easement Purchase, including the RIM easement in-holding for Waterfowl Protection Area Acceleration. A roll call was requested.

Motion is adopted on a vote of 8-3.

1:19:00 Review and adopt final appropriation language

Mr. Becker reviewed the language with members stating that the language should be amended due to previous discussion and motions at this meeting: 1) Total appropriation amount \$59,027,000 to \$58,940,000 and 2) due to reduction on page 10, Subd 6(i) from \$687,000 to \$600,000.

Motion by D. Hartwell to approve and forward to the legislature for approval with the changes noted by Mr. Becker.

J. Cox passed out an amendment to 5(i) Outdoor Heritage Conservation Partners Grant Program. The amendment is as follows:

(i) Outdoor Heritage Conservation Partners Grant Program

\$4,386,000 in fiscal year 2011 is to the commissioner of natural resources for a pilot program to provide competitive, matching grants of up to \$400,000 to local, regional, state, and national organizations, including government that have a history or charter that demonstrates that on an annual basis they actively raise money for local conservation or habitat projects, for enhancement, restoration, or protection of forests, wetlands, prairies, and habitat for fish, game, or wildlife in Minnesota. Up to 4 percent . . .

Members discussed the amendment, the meaning of history, what is the length of time that is considered history, what is the definition of actively raising money, the intent of the grant program and who should receive the money. Statue 97A.056 was read as it applies to this program. Rep. Hansen stated that it should not matter who gets the money, if they are accomplishing the intentions of constitutional amendment and that resource protection is being accomplished..

D. Hartwell made a suggestion to change the Cox amendment to: “. . . competitive, matching grants of up to \$400,000 to local, regional, state, and national organizations, including government have a history or charter that demonstrates that on an annual basis they actively raise money receive private contributions for local conservation or habitat projects, for enhancement, restoration, or protection of forests, wetlands, prairies, and habitat for fish, game, or wildlife in Minnesota. Up to 4 percent . . . “

Members discussed the importance of the results, not who does the work. Requiring organizations to raise a portion of the money encourages long term philanthropy of conservation.

Greg Knopff provided a suggestion to the amendment:

(i) Outdoor Heritage Conservation Partners Grant Program

\$4,386,000 in fiscal year 2011 is to the commissioner of natural resources for a pilot program to provide competitive, matching grants of up to \$400,000 to local, regional, state, and national organizations, including government for enhancement, restoration, or protection of forests, wetlands, prairies, and habitat for fish, game, or wildlife in Minnesota. The Commissioner of Natural Resources shall give priority to organizations that have a history or charter to receive private contributions for local conservation or habitat projects. Up to 4 percent of this appropriation may be used by the commissioner of natural resources for administering the grant program. Grantees may acquire land or interests in land.. . .

J. Cox agreed to amend his motion per the recommendation of Greg Knopff. Motion adopted.

Rep. Hansen questioned the tracts of land that are being considered in program 4(b) Protect Key Industrial Forest Land Tracts in Central Minnesota. He questioned the acquisition prioritization of the

parcels; whether, Potlach is to provide a donation toward the purchase, and whether these parcels provide access to currently owned public parcels for management purposes. Members discussed the “no net-loss” policy in the county. Staff copied the accomplishment plan for members to view the maps provided in the accomplishment plan.

Motion by Rep. Hansen to reduce 4(b) Protect Key Industrial Forest Land Tracts in Central Minnesota appropriation amount to \$200,000. Motion was not adopted.

Motion by D. Nelson to amend 5(f) Anoka Sand Plain Restoration and Enhancement as follows:

\$747,000 in fiscal year 2011 is to the commissioner of natural resources for an agreement with Great River Greening or its successor to restore and enhance habitat on ~~state~~ public property in the Anoka Sand Plain in Anoka, Chisago, Isanti, Benton, Washington, Morrison, and Sherburne counties. All restorations must comply with subdivision 9, paragraph (b).

The Chair passed the gavel to J. Cox stating that as a University of Minnesota employee he is abstaining from discussion or voting on this amendment, as one of the properties is owned by the University of Minnesota.

Mr. Nelson stated that the word “state” limits some of the projects in the program that was presented. Motion adopted. It was noted for the record that Chair Kilgore abstained from voting.

Motion renewed by D. Hartwell to adopt the appropriation language for recommendation to the legislature with the amendments adopted. Roll call vote: 10 yes, 1 abstain. Motion adopted.

Reconsideration of Accomplishment Plan Amendment

Motion by S. Rall to reconsider the Pheasant Forever accomplishment plan amendment presented earlier. Motion to reconsider adopted.

Motion by S. Rall to approve the additions to the project lists, but to table the fee under easement purchase for WPA until a clearer understanding of the value of the easement as it relates to the value of the parcel can be define by the appraiser and reported back to the Council. Motion adopted.

Public comment on priority uses of the Outdoor Heritage Fund

No comments

Adjournment

Chair Kilgore adjourned the meeting at 10:58 a.m.

APPROVED:

Mike Kilgore, Chair

Date

Darby Nelson, Secretary

Date