

**Lessard - Sams Outdoor Heritage Council
December 15, 2010
Room 5, State Office Building
Meeting Summary**

Members Present:

Chair Michael Kilgore
Les Bensch
Ryan Bronson
Jim Cox

Sen. Lisa Fobbe
Rep. Rick Hansen
Rep. Bob Gunther (phone)
David Hartwell

Sen. Bill Ingebrigtsen
Darby Nelson
Scott Rall

Members Absent: Wayne Enger

Call to order

Chair Kilgore called the meeting to order at 8:36 a.m. A quorum was present.

Review and approve agenda

Motion by D. Hartwell to approve the agenda as presented. Motion adopted.

Review and approve summary of December 6, 2010

Motion by D. Hartwell to approve the summary as presented. Motion adopted.

Executive Director's Report

Staff continued working on draft appropriation language and reminded members of a 2011 schedule in members packets. R. Bronson requested to amend the schedule as the January 18th date is a conflict for himself, L. Bensch and D. Hartwell. Members discussed and agreed to move the date to February 11th in the afternoon.

Accomplishment Plan Amendment Approval (cash advance) (9:07), ML 2010, Chapter 361, Article 1, Sec. 2, Subd 5(f): Anoka Sand Plain Restoration and Enhancement

Deb Karasov, Director of Great River Greening, stated they were requesting an amendment to the accomplishment plan for the purpose of a cash advance as noted on page 12 of the amendment. She informed members that the work was best accomplished when the ground is frozen and needs to begin this winter in order to finish the project within the 3 year timeframe. This part of the project has 75% going to vendors for contracts and there is an anticipated an overlap of invoices thus causing a cash flow problem. It would be a burden to small businesses if asked to extend over 60 days and tapping a line of credit line charged at 1% plus prime. Wayne Sames, DNR, addressed how the department would deal with this advance, if approved by the Council. Mr. Sames stated it is not a problem to accommodate this request and the department has done this in the past. When asked how soon check can be processed, he stated usually within a week, if all of the paperwork is in order.

Motion by Rep. Hansen to approve the accomplishment amendment allowing for a cash advance through June 30, 2011 and report back at the February meeting on the progress and process. Motion adopted.

Action: Approve LSOHC 25 Year Funding Framework (30:07)

Judy Grew, MMB, Management Analysis and Development, presented the final framework. Judy addressed the public comments that addressed the aquatic habitat portion of the estate. Ms. Grew pointed out other substantive changes as outlined on a handout. She also presented language be considered for adoption to address the public comments on aquatic habitat.

Staff recommend that the 25 Year Framework be modified to move text currently found in Appendix E on publicly protected aquatic habitat to page 14 of the document. The text is below with a minor edit.

“While it is the best available statewide data source for the scope of this framework and the time available to create it, it is important to note some caveats and assumptions regarding the use of the PWI for protected aquatic habitat:

Although the State owns public waters and their associated lake bottoms and vegetation, protection of aquatic habitat is not assured for a couple of significant reasons:

All public waters exist within a watershed and the condition of *water quality habitat* is greatly influenced by land use practices within that watershed. Regardless of what activities occur within the wetted perimeter of a given lake or stream, legally authorized activities and legacy land uses occurring on adjacent lands or those within the overall watershed may negatively impact water quality habitat of the aquatic conservation estate. Water quality habitat can best be thought of as oxygenated water although other parameters, for example turbidity and chemical ions such as chlorine, are important as well.

Permanent protection of *physical habitat* within the aquatic conservation estate is not necessarily assured by the Public Water designation. The destruction of aquatic habitat is authorized in statute and rule, which is a significant difference from the terrestrial protected lands. Destruction of habitat can occur through directed activities that reduce or remove habitat (e.g., aquatic plant control, sand blankets, dredging, surface water appropriation) or indirect activities that have a similar end result (e.g., boating activities, shading by docks, groundwater withdrawals). Some destruction of habitat is authorized only by permit while other aspects are allowed by rule or statutory exemption”.

L. Bensch suggested a page be included to track future changes going forward.

Motion by D. Hartwell to approve the final 25-year funding framework as amended including the clarifying language on protected waters (inserted above). Motion adopted.

Chair Kilgore gave special recognition to Ms. Grew and her team’s work on this project.

November Forecast Detail Update (47:42)

Mary Robison, MN Management and Budget, provided up a handout outlining the specific fund statement for the Outdoor Heritage Fund. D. Hartwell stated that the increase in the revenue and the reserves is greater than anticipated by about \$2 million. Greg Knopff pointed out that the difference between the blue sheet and Ms. Robinson handout. The difference is carryforward out two years verses the carryforward to the next year on the blue sheet. Chair Kilgore clarified again with Ms. Robison the importance of a reserve between 5-10 percent.

Final Approval of FY12-13 Administrative Budget (1:08:27)

Mr. Becker stated that the budget document included a line for FY13 as well.

Motion by S. Rall to approve the administrative budget as presented. Members discussed the budget. Motion by J. Cox to increase the professional/technical line from \$90,000 to \$150,000 each year for the purpose of including outreach activities in the budget. J. Cox stated that he thought the budget was very lean and that members had discussed doing outreach at several meetings. Rep. Hansen stated that

in a time of economic crisis to take money away from a potential on-the-ground projects to fund an activity with an unknown cost was not in the best interest of the tax payer.

D. Nelson questioned what the additional money be used for and that a request for bid might be necessary prior to making this additional allocation. Members discussed the public information plan for the fund.

S. Rall offers a friendly amendment increase the budget amount an additional \$60,000 for a total of \$210,000 each fiscal year for public relations for Conservation Grants Program as well.

Rep. Hansen request a role call vote on this motion.

Members asked question about the LCCMR budget and their communication position. Shelly Shreffler was asked to testify on this issue. She stated that although the communications position is a full time position, the position performs other tasks as well.

R. Bronson asked members if they would consider increasing other appropriations as well, not just the administrative budget.

J. Cox motion, including an amendment by S. Rall to increase the professional technical services from \$90,000 per year to \$210,000 per year with the intent to do a communications/marketing outreach plan for the Outdoor Heritage Fund and Conservation Partners Grant Program.

Les Bensch - yes	Sen. Lisa Fobbe - yes	Sen. Bill Ingebrigtsen - yes
Ryan Bronson - yes	Rep. Bob Gunther - absent	Michael Kilgore - no
Jim Cox - yes	Rep. Rick Hansen - no	Darby Nelson - no
Wayne Enger – absent	David Hartwell - no	Scott Rall - yes

6-yes / 4-no Motion adopted.

S. Rall motion to adopt the administrative budget at \$591,000 per fiscal year.

Les Bensch - yes	Sen. Lisa Fobbe - yes	Sen. Bill Ingebrigtsen - yes
Ryan Bronson - yes	Rep. Bob Gunther - absent	Michael Kilgore - yes
Jim Cox - yes	Rep. Rick Hansen - no	Darby Nelson - yes
Wayne Enger – absent	David Hartwell - yes	Scott Rall - yes

9-yes / 1-no Motion adopted.

Final Approval of ML 2011/FY 2012 Appropriation Language (1:51:43)

Heather Koop reviewed the bill appropriation by appropriation highlighting the changes from the motions at the following meeting.

(2:14:11) Motion by Sen. Fobbe to reconsider the J. Cox motion to increase the professional/technical services budget item by \$120,000.

Les Bensch - no
 Ryan Bronson - no
 Jim Cox - no
 Wayne Enger – absent

Sen. Lisa Fobbe - yes
 Rep. Bob Gunther - no
 Rep. Rick Hansen - yes
 David Hartwell - yes

Sen. Bill Ingebrigtsen - no
 Michael Kilgore - yes
 Darby Nelson - yes
 Scott Rall - no

5-yes / 6-no. Motion to reconsider is NOT adopted.

(2:16:28) Motion by S. Rall to adopt the appropriations bill as presented. Members discussed the language and amendments were offered.

Motion by R. Bronson (p. 8) 4(b) Accelerating Shallow Lakes and Wetlands Restoration and Enhancement, Phase 3 increase funding to \$1,176,000 to include design for Marsh Lake restoration. Members discussed this project. Members questioned, based on the November forecast, how much additional money does the Council have to appropriate to make a 5% reserve mark. Ms. Robison stated, based on a 5% reserve, the Council could appropriate an additional \$5.5 million to a total appropriation of \$92 million based on the current figures. Rep. Hansen stated his opposition to this process of increasing appropriation amounts at this point that the wrong precedence is being set. Grant Wilson, DNR, addressed questions about the Marsh Lake Restoration project.

Les Bensch - no
 Ryan Bronson - yes
 Jim Cox - no
 Wayne Enger – absent

Sen. Lisa Fobbe - no
 Rep. Bob Gunther - no
 Rep. Rick Hansen - no
 David Hartwell - no

Sen. Bill Ingebrigtsen - yes
 Michael Kilgore - no
 Darby Nelson - no
 Scott Rall - no

2-yes / 9-no Motion NOT adopted.

Motion by S. Rall (p. 12) to change 5(g) Conservation Partners Grants administrative money from \$279,000 to \$319,000 for personnel costs and other administrative costs which would help to re-instate outstate meetings to help small clubs with grant writing assistance.

Les Bensch - yes
 Ryan Bronson - yes
 Jim Cox - yes
 Wayne Enger – absent

Sen. Lisa Fobbe - yes
 Rep. Bob Gunther - yes
 Rep. Rick Hansen - yes
 David Hartwell - yes

Sen. Bill Ingebrigtsen - yes
 Michael Kilgore - yes
 Darby Nelson - yes
 Scott Rall - yes

11-yes / 0-no Motion adopted.

(2:40:01) Motion by D. Hartwell (p. 21) to change Subdivision 15 with the following language as provided in a handout.

Subd. 15. Easement Monitoring and Enforcement Requirements

Money appropriated in this section for easement monitoring and enforcement may be spent only on activities included in an easement monitoring and enforcement plan contained within the accomplishment plan. Money received for monitoring and enforcement, including earnings on the money received, shall be kept in a monitoring and enforcement fund held by the organization and dedicated to monitoring and enforcing conservation easements within Minnesota. Within 120 days after the close of the entity's fiscal year, an entity receiving appropriations of easement monitoring and enforcement must provide an annual financial report to the council on the easement monitoring and enforcement account as specified in the accomplishment plan. Money appropriated in this section for monitoring and enforcement of easements and earnings on the money appropriated shall revert to the state if:

- (1) The easement transfers to the state under subdivision 13;

(2) The holder of the easement fails to file an annual report and then fails to cure that default within 30 days of notification of the ~~state default; of the default by the state;~~ or

(3) The holder of the easement fails to comply with the terms of the monitoring and enforcement plan contained within the accomplishment plan and fails to cure that default within 90 days of notification of the default by the state.

Mr. Hartwell spoke to the safety for the funds to be co-mingled and that it allows more flexibility. Greg Knopff suggested a few minor changes noted above by strike-out and underline. Changes were accepted by D. Hartwell.

Les Bensch - yes
Ryan Bronson - yes
Jim Cox - yes
Wayne Enger – absent

Sen. Lisa Fobbe - yes
Rep. Bob Gunther - yes
Rep. Rick Hansen - yes
David Hartwell - yes

Sen. Bill Ingebrigtsen - yes
Michael Kilgore - yes
Darby Nelson - yes
Scott Rall - yes

11-yes / 0-no Motion adopted.

(3:06:33) Motion by J. Cox (p. 3) to amend 2(e) Minnesota Prairie Recovery Project, Phase 2 as noted below.

Acquisitions, restorations, and enhancements must be within two existing and ~~the two~~ additional pilot focus areas contained in the accomplishment plan, Laws of Minnesota 2010, Ch. 261, Art.I, Sect. 2, Subd. 2(f).

Les Bensch - yes
Ryan Bronson - yes
Jim Cox - yes
Wayne Enger – absent

Sen. Lisa Fobbe - yes
Rep. Bob Gunther - yes
Rep. Rick Hansen - yes
David Hartwell - yes

Sen. Bill Ingebrigtsen - yes
Michael Kilgore - yes
Darby Nelson - yes
Scott Rall - yes

11-yes / 0-no Motion adopted.

(3:09:39) Motion by Rep. Hansen (p. 23) delete amendment to 97A.056. He stated that he felt that this went beyond the appropriation recommendations that the council is charged with into policy making arena.

Les Bensch - no
Ryan Bronson - no
Jim Cox - no
Wayne Enger – absent

Sen. Lisa Fobbe - yes
Rep. Bob Gunther - no
Rep. Rick Hansen - yes
David Hartwell - yes

Sen. Bill Ingebrigtsen - yes
Michael Kilgore - no
Darby Nelson - no
Scott Rall - no

4-yes / 7-no Motion NOT adopted.

(3:13:58) Motion by R. Bronson (p. 2) 2(c) Minnesota Buffers for Wildlife and Water to increase funding to \$2,500,000.

Les Bensch - no
Ryan Bronson - yes
Jim Cox - no
Wayne Enger - absent

Sen. Lisa Fobbe - no
Rep. Bob Gunther - no
Rep. Rick Hansen - yes
David Hartwell - no

Sen. Bill Ingebrigtsen - no
Michael Kilgore - no
Darby Nelson - no
Scott Rall - no

2-yes / 9-no Motion NOT adopted.

(3:16:40) Motion by R. Bronson (p. 14) 6(b) to reverse the funding for the administrative budget from \$591,000 back to \$471,000 restoring the professional/technical services back to \$90,000.

Les Bensch - no
 Ryan Bronson - yes
 Jim Cox - no
 Wayne Enger - absent

Sen. Lisa Fobbe - yes
 Rep. Bob Gunther - yes
 Rep. Rick Hansen - yes
 David Hartwell - yes

Sen. Bill Ingebrigtsen - no
 Michael Kilgore - yes
 Darby Nelson - yes
 Scott Rall - no

7-yes / 4-no Motion adopted.

Motion by S. Rall to adopt the final bill as amended.

Les Bensch - yes
 Ryan Bronson - yes
 Jim Cox - yes
 Wayne Enger - absent

Sen. Lisa Fobbe - yes
 Rep. Bob Gunther - yes
 Rep. Rick Hansen - no
 David Hartwell - yes

Sen. Bill Ingebrigtsen - yes
 Michael Kilgore - yes
 Darby Nelson - yes
 Scott Rall - yes

10-yes / 1-no Motion adopted.

Public comment on priority uses of the Outdoor Heritage Fund

None

Adjournment

Chair Kilgore adjourned the meeting at 12:03 p.m. (3:22:11)

APPROVED:

David Hartwell, Acting Chair

Date