



Lessard-Sams Outdoor Heritage Council
The State of Minnesota

State Office Building, Room G95 100 Dr. Rev. Martin Luther King Jr. Blvd. Saint Paul, Minnesota 55155

January 26, 2015

Daniel Stenseng, Chairman
Neal Illies, Vice Chair
Clearwater County Commissioners
213 Main Ave. North
Bagley, MN 56621

Re: ML 2015, Subd 3(a), Protecting Forest Wildlife Habitat in the Wild Rice River Watershed

Dear Chairman Stenseng and Vice Chairman Illies:

We have received your letter to the Lessard-Sams Outdoor Heritage Council (Council) dated January 9, 2015 outlining your concerns regarding the White Earth Nation's funding request, "Protecting Forest Wildlife Habitat in the Wild Rice River Watershed". Your letter has been forwarded to all members of the Council.

With respect to your request that the Council "not to approve this request" or to "make further recommendations to the House not to approve the funding," you should know that at its October 7, 2015 meeting, the Council recommended \$2,188,000 in funding to acquire in fee high-priority natural resources lands located in Clearwater County as part of the overall 2016 funding recommendations forwarded to the legislature. The Council's recommendations for appropriations were sent to the House and Senate in early January as required by law.

With the aforementioned in mind, allow me to address some of your other concerns. First, under the Laws of Minnesota 2014 (Chapter 256), outdoor heritage funds were appropriated for a similar project presented by the Fond du Lac Band of Lake Superior Chippewa for the acquisition of lands within the St. Louis River watershed. In conjunction with the DNR, which administers the pass-through appropriations, a contract was developed that specifically addressed many of the issues identified in your letter. The Council and legislature were satisfied that the constitutional and statutory requirements, as well as the intents and purposes of the outdoor heritage fund, were met and the conditions of its approval can be enforced. It is the Council's intent and expectation that the White Earth Nation's project recommendation will have the same contract specifications and outcome.

Second, as due diligence required of all funded recommendations, applicants must attest to a number of legal stipulations. Most importantly for land acquisitions, the constitution requires that "**Land acquired**

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by fee with money deposited in the outdoor heritage fund under this section must be open to the public taking of fish and game during the open season unless otherwise provided by law. (Article XI, Section 15 MN Constitution).” This stipulation has been agreed to by the White Earth Nation. As is their legal right upon lands held in trust for the Band, the Band has stated their intent to limit the taking of wolves. Additionally, the Band’s application states “The Conservation Project Area will be open to public hunting and fishing to tribal and non-tribal members. Since the Conservation Project area is within the boundaries of White Earth Reservation and would be tribally-owned, there is no wolf hunting on the properties in accordance with White Earth Nation hunting regulations.”

Third, the White Earth Band intends to file a trust application for the property with the U.S. Department of the Interior. The trust application will include the requirement that a Notice of Funding Restriction (NOFR) be placed on the property. The NOFR states, ***“This interest in real property shall be administered in accordance with the terms, conditions, and purposes of the grant agreement controlling the acquisition of the property. The interest in real property, or any portion of the interest in real property, shall not be sold, transferred, pledged, or otherwise disposed of or further encumbered without obtaining the prior written approval of the Lessard-Sams Outdoor Heritage Council or its successor. The ownership of the interest in real property transfers to the state if: (1) the holder of the interest in real property fails to comply with the terms and conditions of the grant agreement or accomplishment plan; or (2) restrictions are placed on the land that preclude its use for the intended purpose as specified in the appropriation.”*** This NOFR language is placed on all lands acquired with outdoor heritage funding and is a key mechanism the state has to ensure that the lands from this project, just as with any other projects funded with funds from the Legacy amendment, will be conserved in perpetuity per the intended purpose and stipulations.

I hope this letter is helpful to your understanding of the Council’s recommendation of this project as well as the ongoing legislative appropriation process.

Sincerely,



Mark Wm. Johnson
Executive Director
Lessard-Sams Outdoor Heritage Council

Cc: Arlen Syverson, District #1 Commissioner
Dean Newland, District #2 Commissioner
John Nelson, District #4 Commissioner
State Representative Steve Green, District 2B
State Representative Dave Hancock, District 2A
Heather Koop, Assistant Director, LSOHC
Members, LSOHC