

Minutes of a Meeting of the Outdoor Heritage Advisory Board
Held on December 3, 2018 at 8:30 a.m.
DMR Conference Room, 1000 E Calgary
Bismarck, ND

Present: Jim Melchior, OHF Advisory Board Chairman
Randy Bina, OHF Advisory Board
Joshua DeMorrett, OHF Advisory Board
Tyler Dokken, OHF Advisory Board
Carolyn Godfread, OHF Advisory Board
Bob Kuylen, OHF Advisory Board
Daryl Lies, OHF Advisory Board
Wade Moser, OHF Advisory Board
Kent Reiersen, OHF Advisory Board
Patricia Stockdill, OHF Advisory Board
Terry Steinwand, OHF Advisory Board
Rhonda Kelsch, OHF Advisory Board
Melissa Baker, OHF Advisory Board
Tom Claeys, OHF Advisory Board

Also

Present: A complete list of attendees is available in the Commission files

Chairman Jim Melchior called the meeting of the Outdoor Heritage Fund Advisory Board (“Board”) to order at 8:30 a.m. with a quorum being present. He stated the meeting is being live audio broadcasted over the internet and encouraged the members to use their microphones.

Chairman Melchior noted that Tom Hutchens and Jay Elkin were not able to attend. No additions or deletions were made to the agenda.

It was moved by Mr. Kuylen and seconded by Mr. Moser to approve the August 27, 2018 minutes as presented. The motion carried unanimously.

Ms. Fine provided a financial summary as follows.

Outdoor Heritage Fund (294)
Financial Report - Cash Balance
2017-2019 Biennium
December 3, 2018 Outdoor Heritage Fund Advisory Board Meeting

	Cash Balance
July 1, 2017 Balance	\$ 26,787,635.95
Interest Revenue through October 31, 2018	\$ 32,068.96
Revenues through October 31, 2018	\$ 10,799,176.90
Grant Expenditures through October 31, 2018	\$ (3,934,141.62)
Administrative Expenditures through October 31, 2018	\$ (96,117.31)
	\$ 33,588,622.88
Outstanding Administrative Expenses	\$ (53,882.69)
Outstanding Project Commitments as of October 31, 2018	\$ (20,447,317.78)
Balance	\$ 3,087,422.41

54-17.8-02 North Dakota Outdoor Heritage Fund – Continuing appropriation

There is created a North Dakota Outdoor Heritage Fund that is governed by the Commission. Any money deposited in the Fund is appropriated on a continuing basis to the Commission for the purposes of this chapter. Interest earned by the Fund must be credited to the Fund. The Commission shall keep accurate records of all financial transactions performed under this chapter.

57-51-15. Outdoor Heritage Fund - Deposits.

The tax revenue collected under this chapter equal to one percent of the gross value at the well of the oil and one-fifth of the tax on gas must be deposited with the State Treasurer. The State Treasurer shall allocate the funding in the following order: ...

(e) (1) For the period beginning September 1, 2017, and ending August 31, 2019, the state treasurer shall allocate eight percent of the amount available under this subsection to the North Dakota outdoor heritage fund, but not in an amount exceeding ten million dollars per biennium. For purposes of this paragraph, "biennium" means the period beginning September first of each odd-numbered calendar year and ending August thirty-first of the following odd-numbered calendar year.

(2) After August 31, 2019, the state treasurer shall allocate eight percent of the amount available under this subsection to the North Dakota outdoor heritage fund, but not in an amount exceeding twenty million dollars per fiscal year.

Administrative Discussion

Ms. Pfennig stated the Industrial Commission did approve the recommendations of the Board which includes the following:

- Construction and refurbishment of indoor/outdoor ice rinks, athletic courts, sports fields, and other substantially similar facilities are ineligible for funding unless there are exceptional circumstances.

Additionally, infrastructure that is not part of a comprehensive conservation plan is ineligible for funding. This clarifies that other infrastructure must meet the same criteria that buildings are required to meet.

The Commission also adopted a goal that a minimum of 15% of the funding received per biennium be given priority for recreation projects. Regarding the 2017-2019 biennium, 15% of revenues equates to \$1.6 million. Considering the recreational awards already given, a total of \$213,800 remains to be awarded in the biennium towards Directive D.

Mr. Melchior stated the 15% goal is approximate to what the Board has approved since the Outdoor Heritage Fund's inception.

There was discussion that while recreation is an eligible activity, projects should have a conservation component. In the case of buildings and other infrastructure, projects should be part of a larger comprehensive conservation plan.

In response to a question, Mr. Melchior stated the Water Commission Board approved a grant in McLean County in which 75% of the costs will be covered by a Water Commission grant. If OHF provides a significant portion of the 25%, the project is funded almost completely by State funds. The Water Commission will be addressing the issue.

Mr. Melchior called on the first applicant to make their ten-minute presentation.

13-09 (C) ND Natural Resources Trust: Dakota Skipper Habitat Restoration/Enhancement Partnership (\$897,250)

Project Summary: Partner with landlords to restore and enhance Dakota Skipper habitat by providing cost share on grazing system improvements, native grass/forb seeding in areas near the Dakota Access Pipeline. Mr. Keith Trego and Mr. Jed Rider gave a presentation (A copy of the PowerPoint presentation is available in Commission files.)

In response to questions, the applicant(s) stated:

- Restoration of the Dakota Access pipeline structure is sufficient overall.

Mr. Melchior stated according to the law that any activity that would interrupt, disrupt or prevent activities associated with surface coal mining operations, extraction activities or oil and gas operations/infrastructure development are not eligible and typically pipelines are co-located. Would this project interfere with future pipelines that want to parallel existing lines?

- Mr. Trego stated the contracts will not prevent any developments from occurring.

Mr. Lies asked what the restrictions are from a federal level of the list of threatened and endangered species from the US Fish & Wildlife Service (US F&WS). If the habitat is established, will the federal government make it difficult for other development? The private lands should not be impacted by the US F&WS.

- Mr. Trego stated that private land conservation efforts will be not be impacted by US F&WS.
- Mr. Steinwand responded that only critical habitat could be impacted by the US F&WS and these areas are not considered critical habitat.

In response to questions, the applicant(s) stated:

- Beef production has doubled from same acreage since implementation of rotational grazing system along with increase in wildlife and diversity in forbs.
- Incentives are viewed as useful and with the success experienced by these programs, questions arise as to why more ranchers are not utilizing these methods.
- If a specific way of ranching has worked, it is difficult to change.

13-11 (C) ND Natural Resources Trust: ND Grassland Restoration Project (\$104,500)

Project Summary: Assist landowners with cost-share to plant grass and collectively work on a management plan to maximize wildlife benefits and agricultural production. The seeded acres will be used for three main purposes: 1.) Livestock grazing, in which a rotational grazing plan will incorporate a grazing and resting/recovery period. 2.) Hay land with a haying date after July 15th. 3.) Habitat, seeded specifically for wildlife conservation. The goal is to restore 2,000 acres of grassland. Mr. Terry Allbee and Mr. Scott McLoy gave a presentation (A copy of the PowerPoint presentation is available in Commission files.)

In response to questions, the applicant(s) stated:

- The Trust will oversee compliance of the grant proposal which includes monitoring the seeding and grazing management plans.
- The Trust will provide technical guidance in devising the grazing management plans.
- The timeframe is a ten-year agreement with landowners.
- Regarding a clause for noxious weeds, there are management guidelines included in the plan to help with control, but no requirement. The majority are working lands which tend to control weeds more efficiently.
- An example of specialized project implementation includes hiring contracted services for cultural resources.

- The average mix includes between 15-20 species with 5-6 species for hay land, but it can go up to 40 to build soil health.
- Access for sportsmen is not required but encouraged.
- The US F&WS tries to understand every program available to more effectively answer questions from the landowner.
- Regarding the funding of similar programs through two separate applications, it is the result of geographic location. This project would be statewide.

13-16 (C) Hettinger County Water Resource Board: Karey Dam Rehabilitation Project (\$180,000)

Project Summary: Remove an existing dangerous dam and replace it with an engineered and constructed rock and boulder ramp at a reduced crest height. This will improve river connectivity, fish passage, and fish habitat. Mr. Don Urlacher and Mr. Mandar Nangare gave a presentation (A copy of the PowerPoint presentation is available in Commission files.)

In response to questions, the applicant(s) stated:

- State Water Commission has provided 75% cost share for final design, but not construction. The request for construction costs will be considered on December 7th. The US F&WS has provided a verbal commitment.
- Even though it is private property, there is open access. The dam is 15 feet high and there is no fish passage upstream. Fish are located below the dam down to the Missouri River.
- The function of the dam is to provide flood control and irrigation for the city of New England, which holds the irrigation rights, but have not developed due to the condition of the dam. Mott could have flooding issues if the dam is removed.
- No dollars have been received from the city of New England, but there has been a verbal commitment with a goal of obtaining between \$30,000-40,000.
- The water storage behind the dam is 100-acre feet. The permit held by the city of New England will no longer be valid if the dam storage amount is changed. The city has been working with the State Water Commission to secure a permit.
- The origination of the Cannonball River starts at Amidon. Removal of the existing structure would make watering cattle difficult and result in downstream sedimentation.

13-17 (C) Benson County Water Resource Board (WRB): Bouret Dam Rehabilitation Project (\$98,000)

Project Summary: Remove an existing dangerous dam and replace it with an engineered rock ramp. This will improve river connectivity, fish passage, and fish habitat. Mr. Ken Hoffert, Mr. Brian Maddock, and Ms. Julie Beckstrand gave a presentation (A copy of the PowerPoint presentation is available in Commission files.)

In response to questions, the applicant(s) stated:

- The project has been approved for funding the design, but not construction by the State Water Commission.
- A \$30,000 cap on the project was approved by the Benson County WRB. The budget shows \$60,750 obtained through local contributions and assessments by landowners.
- The location is on private property and there is no easement, but an established access is allowed for recreational purposes.
- Livestock located north rely on the dam for water.
- Recreational usage has dissipated due to the poor state of the dam.
- The existing dam will be two feet lower, but with deterioration the dam will only be lowered by one foot.

- Water is pumped out of a Devils Lake outlet. The west end outlet directly affects the amount of flow to the dam which has increased erosion.
- The rocks needed for the dam are available in the area which will help minimize cost.
- Devils Lake will stop pumping at an elevation of 1,446 feet and current elevation is at 1,448. The dam will eventually collapse which will affect pumping from the west end of Devils Lake.

Mr. Ron Koth, Barr Engineering, stated the rock ramp functions through a series of low steps. Each step is less than one foot which allows native fishes to ascend the streams. The first elevation of rocks is set at the crest elevation and ramps are added in a step-down fashion to maintain a 3% slope with low elevation drops. The existing condition of the dam allows for a 10 foot drop.

Eddy County has rebuilt the Sheyenne and Warwick Dams on each side and included fish passages, so the Bouret Dam is acting as a bottleneck for the fish. Reconstruction for the Sheyenne Dam was funded through the State Water Commission. The OHF funded the Warwick Dam.

13-13 (D) Theodore Roosevelt Medora Foundation: Rough Rider Adventure Park (\$430,000)

Project Summary: Installation of a zipline over the Badlands, along with native grasses and vegetation plantings that provide education regarding native ND botany. Ms. Joslyn Tooz and Ms. Kaelee Knoll gave a presentation (A copy of the PowerPoint presentation is available in Commission files.)

In response to questions, the applicant(s) stated:

- The trail is being designed by JLG architects and will utilize whatever is recommended.
- The \$40,000 requested for irrigation is strictly for the park area located near the motel. The trail system was proposed after the application was submitted which is why no money was proposed for trails in the budget.
- The project will be completed in phases with Phase 1 consisting of implementation of the zip line by next summer. Phase 2 will consist of the pools and trail systems.
- Plans are to come back to the Board for Phase 2 funding of the trail systems.

Board members had concern regarding the planting outline because there are a few species listed that are not native to western ND. The applicant stated JLG architects provided an overall list of plants used by the Company in its various projects. The list will then be provided to a Soil Conservation group in Dickinson for final selection based upon which species require the lowest irrigation and will be better able to withstand the elements. Ms. Godfread noted that with a proper selection of native species, irrigation would not be needed.

13-15 (D) City of Dickinson: Crooked Crane Trail Phase 2 (\$1,200,000)

Project Summary: Construction of a 1.6 mile shared-use path that will connect the 1.8 mile Phase 1 fitness trail to: a fishing pier at Patterson Lake, a portion of trail along Dickinson Dike, fishing pier and boat launch at Dickinson Dike, Turtle Park, and a shared use path within city limits. Mr. Craig Kubas gave a presentation (A copy of the PowerPoint presentation is available in Commission files.)

In response to questions, the applicant(s) stated:

- Currently there is no parking at State Avenue for parking or a trail head, but there is at the dike.
- The trail will consist of concrete to minimize maintenance and increase sustainability which will be maintained by the Park District.
- The city believes the two rail requirements have been resolved but have not received formal approval by BNSF.
- Approximately half of the trail will be in a BNSF right of way via an easement.

- Other phases of the project are planned, but it is unlikely the additional phases will go before the OHF Board.
- Children currently use the highway to ride their bikes to go fishing. The trail would eliminate this safety issue and allow safer access to the lake.
- The conservation component is to maintain these recreational areas in perpetuity and will be a natural corridor around the lake.
- Currently there is a directive stating various areas around the lake, approximately 2,000 acres, will be owned by the Dickinson Park District who will then oversee conservation for recreational purposes.
- Half of the property is owned by BNSF and half is owned by Dickinson Park District.
- No formal data has been obtained from Dickinson residents regarding utilization of trails, but a trail committee was formed which comprised a few local citizens.
- Currently the Bureau of Reclamation owns the land. Legislation states the Bureau will deed the land directly to a governmental agency. The homeowners will have to purchase their lots.
- Working with KLJ on elimination of the BNSF crossing which should be completed by year end.
- Most likely the Park District will own the land after the legislation has been finalized and then devise a master plan.
- Currently, there are approximately 50 residential areas on the south side of the lake.

Ms. Baker stated the State Comprehensive Outdoor Recreation Plan (SCORP) identifies trails and open spaces as primary needs for this region.

13-14 (D) United Prairie: Prairie to the People (\$51,628)

Project Summary: Help 200 schools and 60 municipalities create low maintenance educational plots as well as restore a 2-acre prairie at Valley City State University. Pocket Prairie plots are small, low-maintenance, highly diverse prairie sites in high traffic public spaces. Mr. John DeVries gave a presentation (A copy of the PowerPoint presentation is available in Commission files.)

In response to questions, the applicant(s) stated:

- Both schools and cities have expressed interest in the program, including Davies High School in West Fargo and the City of Enderlin.
- A large source of funding for the United Prairie includes contracted tree removal in Minnesota, program services with harvested seed, and hosting various fundraisers.

13-06 (D) Turtle Mountain Band of Chippewa (TMBCI): Sky Chief Park Fishing Dock Project (\$74,000)

Project Summary: Purchase and installation of 3 handicapped accessible fishing docks. Mr. Lyle Poitra, Mr. Desjarlais, and Mr. Les Thompson gave a presentation (A copy of the handout is available in Commission files.)

In response to questions, the applicant(s) stated:

- All the docks will be going into new sites on the four lakes and none will be replacements.
- The TMBCI has both reservation land and trust land which is off the reservation.
- The existing docks are well utilized.
- Signs will be posted acknowledging funding provided by OHF.
- The docks are open to the public which includes non-reservation members.

13-07 (D) Hunter Arthur Joint Park Board JPA: Northern Cass Pass (\$103,125)

Project Summary: Paving of trail. Mr. Barry Johnson gave a presentation (A copy of the PowerPoint presentation is available in Commission files.)

In response to questions, the applicant(s) stated:

- The two park districts in Hunter and Arthur provide for maintenance of the trail which is budgeted.
- The trail is used by a local school for cross country and numerous members of the community.
- The trail is nonmotorized and is closed for the winter.
- Through a yearly vision inspection of the bridges, no degradation was noted.

13-01 (D) Bottineau County: Lake Metigoshe Narrows Improvements (\$143,561)

Project Summary: Extend the viewing area into the Lake Metigoshe by adding 10,000 cubic yards of fill and riprap and developing a graveled parking area. This will provide increased and safer access that is open to the public free of charge. Mr. Jeff Beyer gave a presentation (A copy of the handout is available in Commission files.)

In response to questions, the applicant(s) stated:

- The water area will be filled in to increase surface area. The other areas with longer parking spots will be restricted to vehicles for sightseeing purposes and boat trailers.
- The decision was made to create additional surface area by filling in the water area because cabins and docks are located on each side of the existing parking area.

13-02 (D) Devils Lake Park District: Creel Bay Dock & Boat Slip (\$55,000)

Project Summary: Add a floating dock, boat slips, and a gangway on the east side of Creel Bay on Devils Lake next to the golf course along with removal of dead trees along the shoreline. Mr. Terry Wallace gave a presentation.

In response to questions, the applicant(s) stated:

- There would not be a fee for the slips, but the boats would not be allowed to be stored overnight.
- Activities include golfing and sitting on the patio of the new clubhouse overlooking the lake.
- The Park District owns the golf course.
- If the lake went down, there could be an access point to park and unload boats.
- The golf course stays busy, but having direct access to the clubhouse would increase usage.
- There are three public boat ramps within a 5 to 10-mile radius.

13-18 (D) LaMoure Lions: Sunset Park Revitalization Project (\$10,000)

Project Summary: Purchase of playground equipment to develop a new play area at Sunset Park as part of a multiphase plan. Ms. Caroline Homan and Ms. Beth Delabarre gave a presentation (A copy of the PowerPoint presentation is available in Commission files.)

In response to questions, the applicant(s) stated:

- The walking path goes directly into the park so there is no ramp that individuals would need to navigate. The equipment is designed to meet ADA playground compliance requirements. The goal is to give park access to all residents of LaMoure.

Mr. Melchior stated the matching funds demonstrate support within the community for the project.

13-08 (A) Tri-Cities JDA: Schatz Point Fishing Pier (\$42,500)

Project Summary: Installation of a handicap accessible fishing pier that would offer the public opportunities to access depths of 18' regardless of abilities or financial means. Ms. Shannon Wangsvick gave a presentation (A copy of the PowerPoint presentation is available in Commission files.)

In response to questions, the applicant(s) stated:

- Maintenance personnel would be responsible for annual maintenance and putting the dock in around April (dependent on weather) and taking it out in the fall.
- The location of the pier was selected to provide shelter from weather and allow access to deeper levels of water.
- There are no plans to put electricity in the area. Currently, there is a playground. The goal is to keep the area useable and accessible for all.
- Lake Tschida was not included in the current federal legislation

13-12 (A) City of Powers Lake: Powers Lake Pier Improvement (\$120,046)

Project Summary: Installation of a concrete retaining wall to eliminate the erosion that is occurring on the fishing pier that was installed in the 1970s. Mr. Kenny MacDonald and Mr. Arlo Griesbach gave a presentation (A copy of the PowerPoint presentation is available in Commission files.)

In response to questions, the applicant(s) stated:

- The reason for the concrete wall versus a pier that could be put out into the water is that it is an existing location.
- All matching funds will come from the City of Powers Lake with in-kind coming from equipment usage, site preparation, and reseeding.
- No application has been submitted to the Game & Fish Department for a pier.
- Regarding the issue of a concrete reinforcement structure not being able to withstand ice movement, the concrete can be mixed to accommodate lateral ice forces according to the engineer.

13-03 (B) Steele County WRD: Lake Tobiason Improvements (\$86,000)

Project Summary: Replace inlet pipe and diversion rock structure, along with four outlet pipes at Lake Tobiason. Mr. Tor Bergstrom and Mr. Lyndon Pease gave a presentation (A copy of the PowerPoint presentation is available in Commission files.)

In response to questions, the applicant(s) stated:

- One of the local landowners owns the café and has contributed to the project.

13-04 (B) Pheasants Forever: North Central Soil Health & Habitat (\$52,500)

Project Summary: Work with 10-20 growers over 3 years to impact 3,250 grower designated salt impacted acres from annual crop production and establish deep rooted salt tolerant perennial vegetation. The use of cover crops on adjacent acres will be an additional practice to further promote soil health and salinity management. Workshops will also be held. Ms. Rachel Bush gave a presentation (A copy of the PowerPoint presentation is available in Commission files.)

In response to questions, the applicant(s) stated:

- The incentive payments from Pheasants Forever will be one lump sum with a five-year commitment.
- The cover crop will not have any restrictions. The perennial cover will have a use restriction that it will not be able to be hayed until midsummer which is part of the reason for the incentive payment.
- Based on performance in the southeastern quadrant of the state, the number of acres will vary. There is a limited budget which will impact the project.
- The 14 growers currently interested in the program manage approximately 50,000 acres and the project will cover 750 perennial acres which will enable selection of the most prime areas.
- Perennial cover can replace the weeds.

- Over time, the strategy will enable other plants to fill in and grow both in the highly impacted saline acres and outward.
- Examples of cover crop species that may be used AC Saltlander, Garrison creeping foxtail, or wheat grass varieties (tall, green, and western) all of which have a high tolerance to salinity. Examples of perennial plant species or forbs that may be used include sweet clover, alfalfa, or a dense nesting cover type mix. The goal is to use what is addressing the need and filling the site.
- The hope is that after the five-year period is over, the landowners will maintain the area which takes time to develop. This is why there is also an educational component to the project through NDSU extension.
- The NDSU Extension has provided a verbal commitment, but no formal letter.

13-05 (B) Walsh County 3 Rivers SCD: Walsh Windbreak Initiative (WWI) (\$135,000)

Project Summary: Assist landowners with windbreak renovation and support efforts to restore functioning windbreaks to the Walsh County area. Ms. Sarah Johnston and Mr. Julius Wangler gave a presentation (A copy of the PowerPoint presentation is available in Commission files.)

In response to questions, the applicant(s) stated:

- 2kk is a conservation tree and shrub group and the soils have high carbonates which can affect tree growth. Soils are investigated to determine if it is a 2kk designation. If a specific tree is doing well, it may be utilized which is determined by the NRCS.
- The 2kk issue is part of the reason services from the Soil Conservation District through OHF or the Forest Service have not been sought. Prior applications submitted by former employees were not accepted due to non-compliance with NRCS specifications regarding 2kk. Individuals wishing to plant new shelter belts could be referred to statewide OHF programs through the Forest Service or Soil Conservation District. Sometimes there is an issue of landowners not wanting to plant the approved trees. More could be done to promote the existing statewide programs.
- Under the current statewide programs, individuals are signed up for the program before the works begins. The program consists of two phases which are the removal and re-plant. Through the Forest Service, individuals are not eligible for the re-plant and through the NRCS, non-cattle ranchers do not rank high for implementing a windbreak around the yard.

Mr. Kuylen and Ms. Kelsch clarified that homesteads are eligible for the program, regardless of if there is cattle located on the property. Ms. Kelsch noted if documentation is provided to a review committee to plant a different species, those trees will be approved.

Ms. Johnston stated that as an organization they make it a practice to recommend partners' programs to others. However, because of the issues specific to their county, they feel it is important to have a soil conservation program within their own county to provide better leadership.

The question was raised that this application could be construed as allowing people to plant what they want instead of focusing on what has been proven to grow in these areas. There was discussion regarding the fact that previous applications submitted to the statewide program had the opportunity to provide follow-up response and none was provided. The OHF has funded the statewide tree planting program which has been very successful and the local county SCDs should be supporting the overall program. Ms. Johnston explained the prior applications were completed by staff who are no longer employed. She stated that she appreciated that there is a statewide process for all soil conservation districts. The 2kk issue was addressed at the Soil Conservation District Convention for all districts to consider and they are committed to following the 2kk specifications.

13-10 (B) Ducks Unlimited: Cover Crop & Livestock Integration Project (CCLIP) II (\$1,250,790)

Project Summary: Provide cost share for implementation of livestock fencing & water, and cover crop seed costs. Mr. Tanner Gue gave a presentation (A copy of the PowerPoint presentation is available in Commission files.)

In response to questions, the applicant(s) stated:

- The anticipated cropland consists of 10,560 cropland acres and 3,500 grassland acres. The portable windbreak panels will not be funded through OHF.
- Ducks Unlimited will be monitoring the contracts and have the necessary staff to ensure compliance along with partners such as field biologists.
- A total of 60% of electrical hookup costs will be covered so landowners can access water for cattle. The goal is to find the most affordable route which in some cases may be solar power.
- The next report for the previously OHF funded CCLIP project is due on December 31st, 2018 at which point a request for funding will occur. Over 60% of the funds have been obligated for Phase 1.

Ms. Kelsch clarified that if a landowner has a contract with NRCS, once the project is finished it is no longer a valid contract. Although, there is a lifespan on the practices. The contract is in force until the project is finalized, not the length of the project lifespan.

13-19 (B) Audubon Dakota: Central Coteau Prairie Management Toolbox (\$669,175)

Project Summary: Provide landowners with financial and/or technical assistance to promote conservation practices on approximately 2,700 acres of grazing lands, prairie enhancement and restoration on 750 acres, and control invasive species on 600 acres. Partner in-kind match will control invasive species on 9,000 additional acres. Counties include Burleigh, McLean, and Sheridan. Ms. Sarah Hewitt and Mr. Marshal Johnson gave a presentation. (A copy of the PowerPoint presentation is available in Commission files.)

In response to questions, the applicant(s) stated:

- If the landowner has invasive species that threaten forage quality, it will be covered 100% by OHF with no cost share.
- Out of the three ranches listed, Davis and Williams are owned by the Nature Conservancy and the Coteau ranch is owned by Ducks Unlimited which will have the same funding requirements of 60/40. No funds will be spent on the Davis Ranch which is where the invasive species match is coming from and Williams will be using grant dollars for fencing.
- The \$73,000 in labor will be paid to Prairie Restoration Labor which is the contractor. There is no specified contractor; it is dependent on the situation. Labor will be for grass seeding which consists of the drill rental and operation fees.
- Funds from the local county weed board have not been sought.
- If funding was provided for invasive species, the applicant is open to a contingency that landowners would provide 40% of the costs.
- Approximately 30-40% would be for perimeter fencing because CRP acres are being targeted.

Upon completion of all the presentations, Chairman Melchior opened the meeting for public comment on any of the projects. No comments were provided.

There was general discussion by the OHF Advisory Board on Grant Round 13 applications as follows:

13-09 (C) ND Natural Resources Trust: Dakota Skipper Habitat Restoration/Enhancement Partnership (\$897,250)

- The fact that the pipeline is willing to donate money to this project is appreciated. However, there are concerns that this initiative is directed towards only one species with one goal. Would prefer if the project was directed at habitat across the entire state.
- The project could be changed to Grassland Habitat Restoration/Enhancement Partnership and just focus on targeted areas along the pipeline.
- This is still targeted to creating habitat for the Dakota Skipper. Lignite has had to mitigate for habitat disruption. They have satisfied the lignite industry's concern by taking out certain counties. However, there is still concern with the law which states that these funds cannot be used for activities that could interfere with surface mining.
- There was no assurance that the law would prohibit oil and gas development because of this restoration work.
- No law change was involved with this project. It is a habitat enhancement and Dakota Access was still able to complete the project through mitigation efforts.
- The issue is that habitat will be created that someone in the future will have to pay to mitigate.
- Any habitat project funded could potentially interfere with future oil and gas development. The Trust did state no interference would occur as long as all specifications are met.
- When the issue first came out, there was discussion about stopping private landowners from grazing if the species became endangered. This will be creating habitat which could potentially interfere with oil development rights.
- When there is conducive habitat, it mitigates the endangered issue and reduces probability in the first place.
- Increasing or improving habitat should result in fewer restrictions.
- Approving this project is identifying the Dakota Skipper as a critical species. As a result, years later when the pipeline needs to be re-opened there could be issues because the area was already identified as critical habitat.
- Well sites would not be located on a right of way.
- Concern that we are lending credibility to identifying the Dakota Skipper as a critical habitat by providing state funds.

13-11 (C) ND Natural Resources Trust: ND Grassland Restoration Project (\$104,500)

- One issue is that if the \$4,500 is not needed for cultural resources, it will go to staff which wasn't well justified. If the project is funded in full, there should be a restriction regarding cultural resource work because it was not fully justified.
- The \$4,500 could also be used for outside consultants versus staff.

13-16 (C) Hettinger County Water Resource Board: Karey Dam Rehabilitation Project (\$180,000)

- Two of the projects presented will be discussed at the next State Water Commission meeting so perhaps the Board should wait until that meeting to receive better guidelines and direction.
- The actual local match on this project is only 5%.
- The conservation component to this project is not strong; it pertains more to a safety issue and there is no easement for public access.
- If the river is dropped 15 feet, it will create problems for those using the water for cattle which will then create a conservation issue.
- By not solving the current problem, a new problem could result.
- Numerous projects have been funded to keep cattle away from water so funding this project to keep cattle in a riparian area seems inconsistent with prior funded projects.

13-17 (C) Benson County Water Resource Board: Bouret Dam Rehabilitation Project (\$98,000)

- The project is similar to the Karey Dam Rehabilitation project, but it is not holding back as much water.
- Similar to the prior project, the conservation component to this project is not strong.
- The local match is small.
- This project is on the Sheyenne River which is one of the projects where funding is provided to keep cattle away from water.

13-13 (D) Theodore Roosevelt Medora Foundation: Rough Rider Adventure Park (\$430,000)

- There is support for the trail and it is in a great location, but the zip line is not a good fit with the directives of the OHF.
- There were concerns over the planting pertaining to the landscaping around the hotel with non-native species that would require irrigation.

13-15 (D) City of Dickinson: Crooked Crane Trail Phase 2 (\$1,200,000)

- Thought the trail would be natural and not concrete. Also, there seems to be numerous issues with the railroad.
- All of the trails are well used and there are some trails that are mowed. It removes the safety issue with children riding their bikes along the highway to go fishing at the lake. The conservation component is that the trail provides a way for individuals to spend time at the lake.
- According to the statewide data, trails are listed as a need in our communities. Regarding people with disabilities, a paved trail provides access to all individuals. The project is providing access to the lake which is a conservation area.
- Currently, approximately \$2M has been spent on accessibility for 1.6 miles of trail and the local contribution is at the minimum level.
- One member who lives in Dickinson has seen the benefits of the trail firsthand and fully supports the project.
- The first phase that was funded involved an appropriate conservation component and it was indicated there would be additional phases. This is an add-on to the project. As a stand-alone project, the conservation component is not strong, but it is part of a larger project.
- Because the trail is so close to the railroad, concrete is required to minimize maintenance issues.
- Due to the closeness of the trail to the railroad track, it will wash out with gravel. This is a high impacted area and the funds will be used to benefit a community that produces the funds.

13-14 (D) United Prairie: Prairie to the People (\$51,628)

- The presenter has passion, but the project does not strongly meet any of the OHF directives. Two thirds of the budget is salary, staff, and travel expenses. The purpose of the project is education which is typically not funded.
- The project has to do with educating the public about the prairie outside which is needed.
- It was unclear what the size of the plots would be. There would be more interest in a city lot compared to a container.

13-06 (D) Turtle Mountain Band of Chippewa: Sky Chief Park Fishing Dock Project (\$74,000)

- The project does contain a conservation plan.

13-07 (D) Hunter Arthur Joint Park Board JPA: Northern Cass Pass (\$103,125)

- Between 6 to 7 miles of the trail has already been paved so there was concern that the project was eligible since work has already started.

- Approximately half of the trail has already been paved, so the request for funding is to pave the remaining half of the trail.
- A total of 1.6 miles of trail remains to be paved.
- The project was already funded, but now the applicant(s) have returned to request additional money.
- If money was available, the plan was to pave the entire trail for more user access.
- The application for the prior project stated that the ultimate goal was to construct a hard surface trail with an estimated total project cost of \$2.2M. Phase 1 of the project was funded.

13-01 (D) Bottineau County: Lake Metigoshe Narrows Improvements (\$143,561)

- No discussion.

13-02 (D) Devils Lake Park District: Creel Bay Dock & Boat Slip (\$55,000)

- No discussion.

13-18 (D) LaMoure Lions: Sunset Park Revitalization Project (\$10,000)

- Clarification was provided on playgrounds which limits state funds to \$10,000 for playground equipment and a specific percentage of OHF dollars can be spent on playgrounds.
- This project has a large community buy-in and is a good way of meeting the goal for Directive D.
- This project will enable children to enjoy being outdoors.
- Parks build community, and this is a great example.
- This project is the first phase of various park improvements.

13-08 (A) Tri-Cities JDA: Schatz Point Fishing Pier (\$42,500)

- A lot of work is being done to improve this area which is being accessed by many users; it is also in a good location.
- The project focus is to keep the area more natural and primitive which is a positive.
- It also allows users access to deeper waters for better fish selection.

13-12 (A) City of Powers Lake: Powers Lake Pier Improvement (\$120,046)

- The solution presented may not be the best option and will limit fishing opportunities. A portable pier may be the better option which can be moved indoors during inclement weather.
- The cost of the project would be substantial and would only allow access to a low level of water.
- The application becomes part of the contract and cannot be changed. The best option is to provide feedback to the applicant for a following grant round.
- This pier is located at the end of Main Street and may be more of a gathering versus fishing place with the picnic tables. Concrete is not the best option due to ice pushing against it in the winter.
- A better option may be to do a floating pier with riprap to prevent erosion. The pier could be longer to reach the deeper waters.

13-03 (B) Steele County WRD: Lake Tobiason Improvements (\$86,000)

- If this project is funded, the primary directive should be changed from B to C because it does not pertain to farming and ranching.
- The applicant(s) should be commended for the local support obtained for this project and showing that community members are utilizing the lake for various activities.

13-04 (B) Pheasants Forever: North Central Soil Health & Habitat (\$52,500)

- This project has additional benefits which include the attainment of knowledge regarding which plants are more sustainable in high salinity areas. There is an expense associated with a trial and error approach which tends to hold producers back from attempting to try and resolve the issue.
- Although the project does include incentive payments, the applicant(s) are not including those costs in the proposed funding which is appreciated by the Board members.
- The purpose of the project is to improve landowners' property and productivity and, as a result, should not receive incentive payments.
- The incentive payments are being paid through a private versus government organization which is part of the free market. If a private organization wants to provide incentive payments to achieve results, that option should be allowed.
- Landowners have not attempted to fix the issue because there is not enough data on what works. If the project finds success, others with similar issues will follow suit.

13-05 (B) Walsh County 3 Rivers SCD: Walsh Windbreak Initiative (WWI) (\$135,000)

- If the OHF is going to establish a statewide assistance program, those funds should be utilized. In the past, there were issues with the employees of the applicant expressing resistance to responding and following the state requirements. This a great project, but it needs to go through the system already funded.
- If the project is funded, there should be a stipulation that guidelines established under the current program are followed.
- If the OHF funds individual SCD projects, the statewide plan might discontinue.
- The statewide plan has many benefits such as reducing the paperwork and time for counties.
- Feedback from the statewide tree program and Forest Service program for the reclaiming of shelter belts has all been positive.
- To apply for the statewide program, there is a minimum total cost of \$3,000 with reimbursement around \$1,800.
- From the pictures, a lot of loss was sustained in Walsh County and the hope is that assistance can be received through the statewide program.
- The Forest Service does have a statewide conservation tree planting program that goes through the NDCDA and a windbreak renovation program the goes through the ND Forest Service. It is obvious from the photos there have been some catastrophic losses. The project could be locally led while using training and support provided by the Forest Service. Although there have been prior problems, the necessary changes are being made and the Forest Service has no current issues with the Walsh SCD. The Forest Service supports the conservation needs in Walsh County.
- The Forest Service would still be willing to provide the training and support if the funding came from the statewide program.
- The deadline of December 15th could be extended, but the trees need to be ordered shortly after the deadline. Even if an extension was granted by the consensus of the Board, it would depend on if there were any trees left.
- The project duration is 3.5 years so the tree planting would not be fully completed within a year.
- If the project is rejected, the Board could ask the statewide program to grant an extension.

Ms. Kelsch stated it was decided at the state convention for 2019 planting considerations to have an application deadline of December 15th with approximately \$1.3M available for funding.

Mr. Claeys noted that Cass County SCD in round 11 did receive a standalone project for conservation tree planting. Regarding details of the project, the cost share was more, but the deadlines were not obtainable. The project was also not for areas around housing, but only for shelter belts and riparian areas.

13-10 (B) Ducks Unlimited: Cover Crop & Livestock Integration Project II (\$1,250,790)

- Electrical hook-ups should not be used to finance a new residence, barn or feed lot location.
- If approved by the Board, a stipulation could be added that the most cost-effective hookups are used.

13-19 (B) Audubon Dakota: Central Coteau Prairie Management Toolbox (\$669,175)

- There was concern that the invasive species would be funded at 100% leaving other costs to be used as an offset. A stipulation could be added requiring NRCS standards to be used. The applicant indicated openness to a 60/40% cost share regarding the invasive species issue.
- The use of the terms “invasive species” and “noxious weeds” should not be used interchangeably. The only noxious tree in ND is the Salt Cedar and places where trees encroach are considered invasive. The concern is over providing funding to individual landowners to control noxious weeds which the Century Code states is the landowners’ responsibility.
- Cost share is available at the county for weed control and approval of the project could result in funding in excess of 100% of the cost.
- OHF has rejected prior applications involving noxious weeds in the past to avoid setting a precedent. The issue is valid, but OHF is not the proper source to assist with the issue.

Chairman Melchior asked the voting Board members to complete all scoring sheets and turn them in to Ms. Fine and Ms. Pfennig. A total of ten Board members are present so a minimum of six voting members need to recommend some level of funding in order for the application to be considered for funding.

Ms. Fine noted that Patricia Stockdill, Joshua DeMorrett, and Tyler Dokken have a conflict of interest.

Chairman Melchior listed the eight applications that received less than six votes for funding which include application numbers 16, 17, 13, 14, 1, 2, 12, and 5.

It was moved by Mr. Moser and seconded by Mr. Bina that the following applications not be recommended to the Industrial Commission for Grant Round 13 funding:

13-16 (C) Hettinger County Water Resource Board: Karey Dam Rehabilitation Project (\$180,000)

13-17 (C) Benson County Water Resource Board: Bouret Dam Rehabilitation Project (\$98,000)

13-13 (D) Theodore Roosevelt Medora Foundation: Rough Rider Adventure Park (\$430,000)

13-14 (D) United Prairie: Prairie to the People (\$51,628)

13-01 (D) Bottineau County: Lake Metigoshe Narrows Improvements (\$143,561)

13-02 (D) Devils Lake Park District: Creel Bay Dock & Boat Slip (\$55,000)

13-12 (A) City of Powers Lake: Powers Lake Pier Improvement (\$120,046)

13-05 (B) Walsh County 3 Rivers SCD: Walsh Windbreak Initiative (WWI) (\$135,000)

On a roll call vote, Bina, DeMorrett, Dokken, Godfread, Kuylen, Lies, Melchior, Moser, Reierison and Stockdill voted yes, no one voted nay. The motion carried unanimously.

13-09 (C) ND Natural Resources Trust: Dakota Skipper Habitat Restoration/Enhancement Partnership (\$897,250)

It was moved by Ms. Stockdill and seconded by Mr. Reiersen that the Dakota Skipper Habitat Restoration/Enhancement Partnership submitted by the ND Natural Resources Trust be recommended to the Industrial Commission for Outdoor Heritage Fund funding in the amount of \$897,250.

There was a request that a stipulation excluding Mercer, Oliver, Morton, and McLean counties be added to the motion.

Although the efforts of Dakota Access are acknowledged, a precedence could be set by using state money to fund this project which could result in future development implications.

Everyone agrees on the positive aspects of creating diversity with this project. However, agriculture remains the number one industry within the state. Approving this project will validate the message to various stakeholder groups that the Dakota Skipper habitat was threatened. It also validates federal overreach. If a company wants to provide funds to protect habitat, it should be used without the intention of asking the state to participate.

One concern is that creating Dakota Skipper habitat will someday in the future prevent or disrupt surface mining activities.

While other members recognized the concerns, some felt it should be viewed as habitat enhancement in western ND to an area impacted by energy development with a cooperative partner in the industry. The focus should be on enhancing existing and not creating new habitat which will in turn provide education that the Dakota Skipper is not an endangered species. North Dakota needs to be proactive versus reactive regarding endangered species issues.

On a roll call vote, Bina, Dokken, Godfread, Reiersen and Stockdill voted yes, and DeMorrett, Kuylen, Lies, Melchior, Moser voted nay. The motion failed.

It was suggested that the applicant should come back during the next grant round and remove Dakota Skipper from the title. The title should state something regarding a habitat restoration project without focusing on an individual species.

13-11 (C) ND Natural Resources Trust: ND Grassland Restoration Project (\$104,500)

It was moved by Mr. Kuylen and seconded by Ms. Godfread that the ND Grassland Restoration Project submitted by the ND Natural Resources Trust be recommended to the Industrial Commission for Outdoor Heritage Fund funding in the amount of \$104,500 with the stipulation that the \$4,500 for cultural resource reviews may only be used for that purpose and not staffing. On a roll call vote, Bina, DeMorrett, Dokken, Godfread, Kuylen, Lies, Melchior, Moser, Reiersen and Stockdill voted yes, no one voted nay. The motion carried unanimously.

13-15 (D) City of Dickinson: Crooked Crane Trail Phase 2 (\$1,200,000)

It was moved by Mr. Bina and seconded by Mr. DeMorrett that Crooked Crane Trail Phase 2 submitted by the City of Dickinson be recommended to the Industrial Commission for Outdoor Heritage Fund funding in the amount of \$1,200,000.

There is support for the project, but some members felt that the local match needs to be higher.

Others noted that current policy only requires a 25% match, and that has been met at the local level.

It was moved by Mr. Lies and seconded by Mr. Reiersen to amend the funding amount to \$600,000. On a roll call vote, Dokken, Lies, Moser, Reiersen and Stockdill voted yes, and Bina, DeMorrett, Godfread, Kuylen, and Melchior voted nay. The motion on the amendment failed.

On a roll call vote, Bina, DeMorrett, Dokken, Godfread, Kuylen, Melchior, and Moser voted yes, and Lies, Reiersen and Stockdill voted nay. The motion carried.

13-06 (D) Turtle Mountain Band of Chippewa: Sky Chief Park Fishing Dock Project (\$74,000)

It was moved by Mr. Moser and seconded by Mr. Lies that the Sky Chief Park Fishing Dock Project submitted by the Turtle Mountain Band of Chippewa be recommended to the Industrial Commission for Outdoor Heritage Fund funding in the amount of \$74,000. On a roll call vote, Bina, DeMorrett, Dokken, Godfread, Kuylen, Lies, Melchior, Moser, Reiersen and Stockdill voted yes, no one voted nay. The motion carried unanimously.

13-07 (D) Hunter Arthur Joint Park Board JPA: Northern Cass Pass (\$103,125)

It was moved by Mr. Bina and seconded by Ms. Godfread that Northern Cass Pass submitted by Hunter Arthur Joint Park Board JPA be recommended to the Industrial Commission for Outdoor Heritage Fund funding in the amount of \$103,125.

It was noted that this could be construed as an already started versus phased project. The OHF already funded the base for the prep-work of this project. Paving the base would be considered part of the same project already funded by OHF. Previously, started projects were declined for funding.

Ms. Baker clarified the project has received several rounds of federal recreation grants because it is considered a phased project. Only a limited amount of money is available each round. A total of six grants have already been received and this money will be used to finalize the project.

It was stated that because our policies state that projects that have already commenced require a finding of exceptional circumstances. It was determined that the Chair needs to rule if the project has already started.

Chairman Melchior stated the pictures depict a project that is two-thirds complete, so a finding of exceptional circumstance would need to be provided by the Board.

A similar application was submitted during grant round 7 to pave the concrete for a different dollar amount which was not approved.

Ms. Fine provided clarification on one project commenced before the grant application submission where there was a finding of exceptional circumstance. The project was regarding the addition of a parking lot which was not initially funded by the OHF.

One member requested clarification on a commenced versus phased project. If a project is phased, the application should state what will be completed in each phase and it should not be a continuation of any prior phases.

Mr. Bina noted that moving forward we need clarification of what will be considered a phased project. Mr. DeMorrett stated that the Sunset Park project is a good example of a phased project. All phases have been clearly outlined from the beginning, and the phases in which OHF funds will be pursued is delineated.

Chairman Melchior ruled the motion out of order as the project is already in process. If the Board determines that the inability of the project to find proper funds to complete an existing phase creates an exceptional circumstance, it would need to be voted upon.

It was moved by Mr. Moser and seconded by Mr. Lies that the project not be forwarded to the Commission for approval as it has already been started and there is no exceptional circumstance. On a roll call vote, DeMorrett, Dokken, Kuylen, Lies, Melchior, and Moser voted yes, and Bina, Godfread, Reiersen and Stockdill voted nay. The motion carried.

13-18 (D) LaMoure Lions: Sunset Park Revitalization Project (\$10,000)

It was moved by Mr. Moser and seconded by Mr. Kuylen that the Sunset Park Revitalization Project submitted by the LaMoure Lions be recommended to the Industrial Commission for Outdoor Heritage Fund funding in the amount of \$10,000. On a roll call vote, Bina, DeMorrett, Dokken, Godfread, Kuylen, Lies, Melchior, Moser, Reiersen and Stockdill voted yes, no one voted nay. The motion carried unanimously.

13-08 (A) Tri-Cities JDA: Schatz Point Fishing Pier (\$42,500)

It was moved by Mr. DeMorrett and seconded by Mr. Lies that the Schatz Point Fishing Pier submitted by the Tri-Cities JDA be recommended to the Industrial Commission for Outdoor Heritage Fund funding in the amount of \$42,500. On a roll call vote, Bina, DeMorrett, Dokken, Godfread, Kuylen, Lies, Melchior, Moser, Reiersen and Stockdill voted yes, no one voted nay. The motion carried unanimously.

13-03 (B) Steele County WRD: Lake Tobiason Improvements (\$86,000)

It was moved by Mr. Lies and seconded by Mr. DeMorrett that the Lake Tobiason Improvements Project submitted by the Steele County WRB be recommended to the Industrial Commission for Outdoor Heritage Fund funding in the amount of \$86,000. On a roll call vote, Bina, DeMorrett, Dokken, Godfread, Kuylen, Lies, Melchior, Moser, Reiersen and Stockdill voted yes, no one voted nay. The motion carried unanimously.

13-04 (B) Pheasants Forever: North Central Soil Health & Habitat (\$52,500)

It was moved by Mr. Lies and seconded by Ms. Godfread that the North Central Soil Health & Habitat submitted by Pheasants Forever be recommended to the Industrial Commission for Outdoor Heritage Fund funding in the amount of \$52,500.

Ms. Stockdill declared a conflict of interest.

On a roll call vote, Bina, DeMorrett, Dokken, Godfread, Kuylen, Lies, Melchior, Moser, Reierson and Stockdill voted yes, no one voted nay. The motion carried unanimously.

13-10 (B) Ducks Unlimited: Cover Crop & Livestock Integration Project II (\$1,250,790)

It was moved by Mr. Kuylen and seconded by Ms. Godfread that the Cover Crop & Livestock Integration Project II submitted by Ducks Unlimited be recommended to the Industrial Commission for Outdoor Heritage Fund funding in the amount of \$1,250,790 with the stipulation that NRCS standards are followed in regard to boundary fences. On a roll call vote, Bina, DeMorrett, Dokken, Godfread, Kuylen, Lies, Melchior, Moser, Reierson and Stockdill voted yes, no one voted nay. The motion carried unanimously.

13-19 (B) Audubon Dakota: Central Coteau Prairie Management Toolbox (\$669,175)

It was moved by Mr. Moser and seconded by Mr. Kuylen that the Central Coteau Prairie Management Toolbox submitted by Audubon Dakota be recommended to the Industrial Commission for Outdoor Heritage Fund funding in the amount of \$529,874 with the stipulations that NRCS standards are followed for boundary fences and no funds are used for invasive species. On a roll call vote, Bina, DeMorrett, Dokken, Godfread, Kuylen, Melchior, Moser, Reierson and Stockdill voted yes, Lies voted nay. The motion carried.

Summary Report on Projects

Ms. Pfennig provided a brief report on recently finished projects. This included the following awards:

- Flaxton Playground
- Velva Wildlife Club
- Devils Lake Access Improvements
- Sheyenne River Sedimentation Reduction Project Phase II
- The Fargo Project: World Garden Commons

Ms. Fine provided a list of projects that are still in progress to show the current funding level.

Other Business

The Measure 1 Constitutional Amendment was passed which raises questions regarding individuals serving on Boards.

Ms. Tara Brander, Assistant Attorney General, from the Attorney General's office was present to answer any questions the Board had about impacts of Measure 1 which consists of four sections. It is not self-enacting and requires the Legislature to take action. Laws and rules have to be implemented within two years. The measure depends on what the Legislature determines it means when the laws and rules are made. Until that time, there is nothing that can be done to determine compliance with this measure. The AG's office is working to keep up-to-date on this measure and will share that knowledge once it is obtained.

Chairman Melchoir asked for clarification on the determination of who falls under the measure and if that takes effect 60 days after it is passed. The Legislature will determine who will be impacted by this measure, but more than likely public officials will be excluded from the measure.

If you are a state official acting in your official capacity, you are protected by the Risk Management Fund and the AG's office.

The law states a person cannot be both a public official and lobbyist and being a lobbyist is what pays voluntary members to serve on Boards. The anticipation is that it would only pertain to registered lobbyists.

Official capacity pertains to the roles assigned to each Board member and how they are acting.

If you are appointed to a Board that is a state entity, you are considered an agent of the state.

All formal opinion requests should be submitted to Ms. Brander by December 31, 2018.

The North Dakota Legislature cannot repeal this measure because it is a Constitutional Amendment.

Attachment D

Ms. Pfennig stated the North Dakota Petroleum Council (NDPC) has submitted a request to amend a previously approved project, #10-116 – Planting for the Future. The NDPC has recently formed a nonprofit foundation with the intention to run all educational and charitable programs through the foundation. As a result, a no-cost amendment to the award is requested naming the North Dakota Petroleum Foundation as the recipient instead of the NDPC.

Mr. DeMorrett and Mr. Dokken noted a conflict of interest.

It was moved by Mr. Lies and seconded by Mr. Kuylen that the request submitted by North Dakota Petroleum Council to amend the original OHF grant award #10-116, Planting for the Future: Tree Habitat Program, to name the North Dakota Petroleum Foundation as the recipient be recommended to the Industrial Commission for approval. On a roll call vote, Bina, DeMorrett, Dokken, Godfreed, Kuylen, Lies, Melchior, Moser, Reiersen and Stockdill voted yes, no one voted nay. The motion carried unanimously.

Mr. Moser thanked Mr. Larry Kotchman for his years of service on the Board. His expertise was incredibly beneficial, and he has been a great resource to the Board.

It was moved by Mr. Moser and seconded by Mr. DeMorrett that that the following Resolution of Appreciation be approved, and that staff present the Resolution to Mr. Larry Kotchman on behalf of the Advisory Board.

**OUTDOOR HERITAGE FUND ADVISORY BOARD
Resolution of Appreciation**

Whereas, Larry A. Kotchman, State Forester, was appointed by Governor Jack Dalrymple to serve on the Outdoor Heritage Fund Advisory Board in 2013 as an ex-officio member; and

Whereas, Larry provided valuable input and was a key participant in the development of the Outdoor Heritage Fund program and application process, and

Whereas, Larry went “above and beyond” when analyzing applications including site visits and providing technical advice and counsel to the Board and the Industrial Commission that was very beneficial and helpful in the decision-making process; and

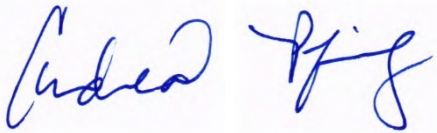
Whereas, Larry has retired after 43 years of service to the State of North Dakota (with 32 years as State Forester) to relax and enjoy more time with his wife, Alice, and family,

Now, therefore, the Outdoor Heritage Fund Advisory Board hereby thanks Larry for his five years of service to the Outdoor Heritage Fund Program and to the citizens of North Dakota and wishes Larry the very best in his retirement.

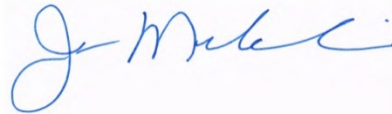
The motion carried unanimously.

The next application deadline is May 1, 2019.

With no further business, Chairman Melchior adjourned the meeting at 5:18 p.m.



Recording Secretary



Jim Melchior, Chairman