Minutes of a Meeting of the Outdoor Heritage Fund Advisory Board
Held on May 14, 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
Jay Elkin, OHF Advisory Board
Carolyn Godfread, OHF Advisory Board
Daryl Lies, OHF Advisory Board
Wade Moser, OHF Advisory Board
Kent Reierson, OHF Advisory Board
Patricia Stockdill, OHF Advisory Board
Terry Steinwand, OHF Advisory Board
Rhonda Kelsch, OHF Advisory Board
Melissa Baker, OHF Advisory Board
Larry Kotchman, 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.

No additions or deletions were made to the agenda.

It was moved by Mr. Lies and seconded by Mr. Moser to approve the June 26, and November 30, 2017 minutes as presented. The motion carried unanimously.

Ms. Fine presented the revised financial report summary as follows:

Outdoor Heritage Fund (294)
Financial Statement - Cash Balance
2013-2015 Biennium

<table>
<thead>
<tr>
<th>July 1, 2013 Balance</th>
<th>$ 0.00</th>
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<tbody>
<tr>
<td>Interest Revenue through June 30, 2015</td>
<td>$ 8,181.72</td>
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<tr>
<td>Revenues through June 30, 2015</td>
<td>$18,641,972.92</td>
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<td>Grant Expenditures through June 30, 2015</td>
<td>$(2,386,247.96)</td>
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<tr>
<td>Administrative Expenditures through June 30, 2015</td>
<td>$( 90,034.88)</td>
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<tr>
<td><strong>Cash Balance</strong></td>
<td><strong>$16,173,871.80</strong></td>
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Outdoor Heritage Fund (294)
Financial Report - Cash Balance
2015-2017 Biennium

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<th>July 1, 2015 Balance</th>
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<td>Interest Revenue through June 30, 2017</td>
<td>$ 20,511.34</td>
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<td>Revenues through June 30, 2017</td>
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<td>Grant Expenditures through June 30, 2017</td>
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<td>Administrative Expenditures through June 30, 2017</td>
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<tr>
<td><strong>Cash Balance</strong></td>
<td><strong>$26,787,635.95</strong></td>
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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.

First 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 who shall:

(f) Credit 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 in a state fiscal year and not in an amount exceeding forty million dollars per biennium; …

Outdoor Heritage Fund (294)
Financial Report - Cash Balance

2017-2019 Biennium
May 14, 2018 OHF Advisory Board Meeting

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
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<tr>
<td>July 1, 2017 Balance</td>
<td>$ 26,787,635.95</td>
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<tr>
<td>Interest Revenue through March 31, 2018</td>
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<td>Revenues through April 11, 2018</td>
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<td>Grant Expenditures through March 31, 2018</td>
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<td>Administrative Expenditures through March 31, 2018</td>
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<td><strong>Total</strong></td>
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<td>Outstanding Administrative Expenses</td>
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<td>Outstanding Project Commitments as of March 31, 2018</td>
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<tr>
<td><strong>Balance</strong></td>
<td><strong>$ 17,082,792.70</strong></td>
</tr>
</tbody>
</table>

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.

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.

Ms. Fine noted that because of a recent deposit to the Fund, the information has changed. A revised copy was provided that shows that the balance of the Fund is $33.9 million. There is $17 million available for funding. The remaining amount allowable for the biennium has been deposited. The only other income for the remainder of the biennium will be interest income. This is on average $1500-$2000 per month. Sufficient funds are available if the Board would recommend funding for all of the proposals being presented today.
Ms. Fine stated that as of March 1, 2018, Ms. Andrea Pfennig became the Industrial Commission Deputy Executive Director. She is here in a new role today. She also took the lead on reviewing all the applications and other duties this OHF round. She appreciated having Ms. Pfennig’s assistance.

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

GR11-19 (D) ND Parks and Recreation Dept.: Sheyenne River Water Trail Development, $8,700 – Project summary: Improve accessibility and informational materials for canoeing on Sheyenne River. Mr. Matt Gardner gave a presentation. (A copy of the Power Point presentation is available in Commission files.) In response to questions, he stated:

- Every five years the Department does a State Comprehensive Outdoor Recreation Plan (SCORP) and examines non consumptive resources – recreation which is based toward camping and hiking but does not include hunting or fishing. This information might be helpful for the Board in making their decisions regarding recreation applications.
- He hasn’t interacted with the landowners on this specific project, but in general landowners are open to it. Hopefully, accurate information for the individuals using the water trail would improve the situation for landowners as with the right information people would know where they can and can’t go.
- The amount of time it takes to travel the entire distance varies based on the flow/current – sixty miles would be a day for the whole thing. However, that is the advantage of having a few put in - take out spots; if people want to go for a few hours or all day they can. No one would be required or forced to camp along the trail.

GR11-01 (D) Morton County Parks: Graner Park Bank Stabilization Phase 2, $104,033 – Project summary: Stabilization and reinforcement of the Missouri River bank at Graner Park. Mr. Tim Nielsen provided a presentation. (A copy of the handout is available in the Commission files.) In response to questions, he stated:

- The Corp of Engineers now requires fractured rock.
- The last picture is a 2:1 slope. A person may have a bit of difficulty navigating the slope in the first 6 months but after the rock settles it doesn’t pose a problem. He has had no reports of accidents on the slope that was previously done.

GR11-10 (D) Bismarck Parks and Recreation: Atkinson Nature Park Improvements, $21,830 – Project summary: Improvements including: hiking trail, interpretive program, overlook area, parking for access, and eradication of invasive species. Mr. Dave Mayer gave a presentation. (A copy of the Power Point presentation is available in Commission files.) Mr. Mayer noted a few changes in the application. The proposed parking lot location has been moved to the south about 200 - 300 feet to accommodate the horse club. The budget has been adjusted to reflect this change.

In response to questions, Mr. Mayer stated the following:

- The existing trail is a cleared dirt path. The natural earth is a sandy loam. The new east/west connection would be the same, cleared of vegetation with markers.
- This area is open to the city bow hunt. Users are educated through the Bismarck Police Dept. The public is made aware of this as well.
- The land was donated to the Park District approximately 40 years ago. He noted that leafy spurge is being attacked right now through a variety of methods, including a beetle. The beetle approach has been used for a number of years. He noted that the beetles are not always successful and the Park recently hired a full time employee to specifically attacked weeds and invasive species.

presentation. (A copy of the Power Point presentation is available in the Commission files.) She introduced Josh Walski, Elly DesLaurers, Ron Merritt, Shannon Straight, and Dave Mayer as project partners who were there in support of the project. She noted that while sites for Grand Forks have not been selected, the city has committed 100 acres.

Mr. Walski noted that this project is very important to Minot to restore areas impacted by the 2011 flood. The Minot Park District anticipates saving significant funds by this project. Mr. Dave Mayer noted that the proposed area in Bismarck also was impacted by the 2011 flood and they are trying to establish new trees. A pollinator park in Zonta would be easily accessible by others.

GR11-13 (C) ND Natural Resources Trust/Dunn County SCD: Bakken Development & Working Lands Program, $2,170,000 – Project summary: The goals of the project are to 1.) create and enhance working agricultural lands and wildlife habitat near energy sites as well as throughout the broader landscape; 2.) create urban nature/interpretive sites, and 3.) coordinate and facilitate energy site reclamation where no current responsible party exists. Mr. Jesse Beckers gave a presentation. (A copy of the Power Point presentation is available in the Commission files.) He noted that these funds would be in the Bakken area. OHF funds would be used for developments outside of the Department of Mineral Resources (DMR) requirements.

Mr. Daryl Dukart with the Badlands Advisory Group and Dunn County Commissioner, noted that this project brings a lot of stakeholders together to make things happen. A significant number of acres that are covered in weeds could be reclaimed and have other uses.

In response to questions, Mr. Beckers stated the following:
- He does have a further budget breakdown regarding the $450,000 expense.
- The trails in Watford City would be on developed property and city property.
- OHF funds would be used in situations where there is no 3rd party involved.

Mr. Lynn Helms, DMR Director, stated that the sites that have been identified are legacy oil & gas sites that would be appropriate for the reclamation fund. DMR’s contribution would be to ensure that the wellsite and road are reclaimed and contamination is cleaned up. This would be an opportunity to cover the surrounding land and make it a larger recreation area. Otherwise, it takes years for the site to blend in to the rest of the landscape.

In response to a question, Mr. Helms said that it wouldn’t be a problem to add a contingency that OHF funds may not be used for reclamation of the well site.

In response to questions, Mr. Beckers stated:
- There is a budget breakdown regarding the $450,000 for trails available.
- The pollinator gardens will include plugs and mixture seeding. It will be a natural landscape.
- Pollinating shrubs will be used in the hummingbird garden.
- The $50,000 best management practice would involve a 3-4 year incentive payment.
- Fencing is part of this, but it is also part of a larger project.
- The funds from DMR are being used for a required use, but it would be leveraged to cover a larger landscape.
- Part of the land for the trails is on private property, but the city owns a right-of-way for the trails.

Mr. Helms noted that instead of hiring their own contractors, they would be working with the partners’ contractors. This is a very different approach from the past.

GR11-05 (C) Audubon Dakota: Stutsman County Prairie Management Toolbox, $943,489 – Project summary: Mr. Marshall Johnson and Mr. Dustin Krueger gave a presentation. (A copy of the Power Point presentation is available in Commission files.)
Mr. Dustin Krueger, Watershed Coordinator for Stutsman County, noted that EQIP guidelines will be followed in all fencing and water projects.

In response to questions, Mr. Johnson stated the following:
- Half of the lake shore is private property. The majority of the land in which projects will take place is private landowners. The remaining portion of the project is Audubon Dakota’s property, which will be grazed by a private rancher.
- Audubon Dakota will pay 40% of the improvements on their land.
- The perimeter and boundary fencing will be a mix with the majority being boundary fencing. The projects have not been selected so there may be some changes.
- $213/acre came from SCD office, local Arrow Wood Wildlife Management coordinator and brought together an average cost around that.
- The cattle guards are required in Rose Townships on section lines.
- Costs above NRCS standards will be offset by Audubon Dakota.
- Audubon Dakota property is open to hunting and hiking.
- Private landowners are encouraged to participate in PLOTS.
- Approximately 30% participate in PLOTS in Grand Forks currently, this number is expected to increase.
- If perimeter fencing is excluded, it would make it very difficult for landowners.

GR11-02 (C) National Wild Turkey Federation: NWTF Northern Plains Riparian Restoration Initiative, $45,000 – Project summary: Estimate 9 riparian restoration projects on 2,700 acres. Roger Collins gave a presentation. (A copy of the Power Point presentation is available in Commission files.)

In response to questions, Mr. Collins stated the following:
- Specific locations cannot be identified until the RFP process has been completed. On average, they get 3-5 very good, qualified applications per year.
- OHF would be a small partner in this project. NWTF would contribute $15,000.
- Project partners would include EQIP, PLOTS, and private landowners.

At 10:05 a.m. the Board took a break and reconvened at 10:25 a.m.

GR11-17 (C) ND Natural Resources Trust: Dakota Skipper Habitat Enhancement Project, $897,250 – Project summary: Protect, enhance and restore Dakota Skipper habitat within and near the DAPL corridor. Mr. David Dewald, North Dakota Wildlife Federation, gave a presentation (A copy of the Power Point presentation is available in Commission files.)

In response to questions, Mr. Dewald stated the following:
- This should make development of oil, gas, coal, etc. easier. The more Skippers that we have, the less regulations that are needed.
- Two projects are located in McKenzie County and are designated as critical habitat areas.
- The Dakota Access commitment is to be used within Dakota Skipper habitat in certain counties. (Williams, Mountrail, McKenzie, Dunn, Mercer, Morton, Emmons counties)
- If required, they would limit funds to Dunn & McKenzie counties. ND Wildlife Federation’s funds are also limited to those counties.
- Dakota Access provided a voluntary donation based on a recommendation from the U.S. Fish and Wildlife Service.
• The type of fencing will depend on landowners. The expectation is that the majority of boundary fencing will already be in place. Excluding boundary fencing would not be a major detriment to the project.

GR11-14 (C) Cass County SCD: Cass County Windbreak & Wildlife Planting Initiative, $50,000 – Project summary: Provide financial assistance to establish windbreak, wildlife & riparian tree plantings. Mr. Eric Dahl gave a presentation. (A copy of the Power Point presentation is available in Commission files.)

In response to questions, Mr. Dahl stated the following:
• Cass County SCD has used the Statewide Initiative in the past. The staff is in the field and it is difficult to coordinate with the application deadlines. The 60/40 split is not enough incentive for landowners.
• The length of the contract is 5 years. This could be lengthened.

GR11-18 (B) Wells County SCD: Middle Sheyenne River Watershed Project, $54,816 – Project summary: Improve Sheyenne watershed through two grazing management plans and one field windbreak planting. Mr. Dave Frison gave a presentation. (A copy of the Power Point presentation is available in Commission files.) He noted that one landowner has backed out of the project. The budget has been revised with a requested amount of $38,040 accordingly.

In response to questions, Mr. Frison stated the following:
• The Grazing Management #2 described in the application is being cancelled.
• The 24,867 feet of boundary fencing is included in the project area.

GR11-06 (B) Steele County WRD: Lake Tobiason Improvements, $109,200 – Project summary: Replace the inlet pipe and diversion structure, along with 4 outlet pipes. Mr. Lyndon Pease gave a presentation. (A copy of the Power Point presentation is available in Commission files.)

In response to questions, he stated the following:
• The structure of the dam is a township road. Technically, the county would be responsible for a portion of the costs.
• The match is $53,000. The county does support the project, but will have difficulties providing funding.
• The lake is 45-50 acres.
• The area around the lake is owned privately, but there is a public access point.
• A local landowner removed the rock structure.
• The maximum depth of the lake is 35 feet.
• The lake would not need to be drained in order to complete the repairs.
• The culverts would need to go through the road. Five culverts would be replaced.
• They would prefer to do concrete culverts instead of metal pipe, but will bid it out both ways.
• The rock diversion was on private property. An easement would be put on the land in the future.
• The landowner does not own the river. It is not a navigable river, so he technically owns the land underneath the creek. It comes back to a permitting issue. The Water Board is trying to act in good faith with all the landowners.
• The easement has not been acquired from the landowner. The support of the landowner is unclear.

Mr. Steinwand stated that Lake Tobiason is on the inactive list. They haven’t stocked it for a number of years.
GR11-07 (B) North McHenry SCD: McHenry County Conservation Program, $250,000 – Project summary: Assist with the installations of 20-25 grazing systems and complete 3-5 grass plantings, impacting a total of 12,000 acres. Mr. Denver Goodman gave a presentation.

In response to questions, he stated the following:

- Public hunting would be encouraged. PLOTS would be encouraged but not required.
- The soil health would improve which would improve habitat for wildlife.

GR11-08 (B) Walsh County WRD: Walsh County Drain 22 Outlet Stabilization Project, $80,365.70 – Project summary: Stabilization of the outlet of Drain 22 into the Red River. Mr. Zach Herman gave a presentation. (A copy of the Power Point presentation is available in Commission files.)

In response to questions, Mr. Herman stated the following:

- Without the project, the erosion will continue to happen at those two outlets.
- This project itself will not increase the amount of water to the river, it will only reduce erosion.
- The amount of drains on the Red River is unknown.
- It is unclear why riprap was not installed. This was established a number of years ago.
- When the county approves a legal drain, a tax district is set up for maintenance. The district reformed the assessment to go through the entire system. This is being added to the current system. Moving forward, this system will have the authority to maintain it.
- It appears that they added a legal drain with no outlet.

GR11-16 (B) ND Natural Resources Trust: Working Grassland Partnership Phase III, $396,850 – Project summary: This will extend the WGP to cover an additional 28 counties, thereby including the whole state in cost share for best management practices. Ms. Kathy Kirschman gave a presentation. (A copy of the Power Point presentation is available in Commission files.) She introduced Mr. Jerry Doan, a local producer, and Tanner Gue, Ducks Unlimited, as partners in support of the project.

In response to questions, Ms. Kirschman stated:

- Approximately 25%-40% of the participating acres enroll in PLOTS. This number will be increasing.
- New boundary fences will be allowed.
- Lease payments play a key role in incentivizing participation. Repurposing lease payments for boundary fencing would limit the effectiveness of the program.
- The lease payment doesn’t drive the decision to participate but it does play a role. There are no other programs that provide cost share for perimeter fence. This is the only program that can help a landowner bring expired CRP acres back into production.
- The lease payment is upfront and helps landowner cover costs of fencing and water projects until reimbursement is received.

In response to questions, Mr. Gue stated that cattle are a great tool in revitalizing CRP. This project addresses that by adding cross fences, increasing stock densities as well as rest recovery periods on grassland. This is the only program that provides cost share for perimeter fencing.

At 11:56 a.m. the Board took a lunch break and reconvened at 12:30 p.m.

GR11-09 (D) Jamestown Park & Recreational Foundation: Public Accessible Sensory Garden, $33,000 – Project summary: Create an accessible sensory garden including trees, plants, kiosk, crushed concrete pad, walking path, water feature, and seating areas. Ms. Paulette Ritter, Ms. Mary Ritter, and Ms. Joan Morris gave a presentation. (A copy of the Power Point presentation is available in Commission files.)
In response to questions, they stated the following:

- Medium planters and larger planters are still available for naming rights. The rest have been sold out, showing good community engagement.
- The fountain is in phase II. Water features provide sight and sound needs. The fountain is required because the site does not have a natural water feature. It will be circulating. Park and Rec will maintain the water feature. It will be rectangular, it is a water wall approximately 6 ft. tall and 4 ft. wide.
- No one has volunteered to pay for the fountain as a naming right.

GR11-03 (D) Izaak Walton League St. John Chapter #1: Picnic Shelter and Camp Kitchen/Boat Docking Area & Beach, $18,406 – Project summary: Picnic shelter with small kitchen area, new docking system, clean up shoreline and added sand for beach on Lake Upsilon. Ms. Kay Haas gave a presentation.

GR11-21 (D) Riding for Dreams Equine Assisted Activities & Therapies: Riding for Dreams Riding & Hiking Trail, $10,000 – Project summary: Create a 1/2 mile sensory trail for walking and riding horse. Ms. Laurie Bischoff and Ms. Stacey Erdman gave a presentation. (A copy of the Power Point presentation is available in Commission files.)

In response to questions, they stated the following:

- The trail would be accessible to everyone. Dogs would not be allowed during class. There will be set hours for the public.
- A ramp system and other adaptive equipment is utilized for individuals in wheelchairs. The capabilities of the rider determine the number of people that provide assistance.

GR11-15 (D) Voices for Lake Oahe (VFLO): Cattail Bay Fish Cleaning Station, $22,237.50 – Project summary: New fish cleaning station. Doug Vanderden, Tony Splonskowski gave a presentation. (A copy of the Power Point presentation is available in Commission files.) They noted that the Corps has agreed to the project; they haven’t determined a location yet. An archeological survey will be required. The Corps has no funding for this project. They could possibly prepare the site.

In response to questions, they stated the following:

- This does not include a fish grinder at this time.
- The Corps will be responsible for waste removal. They will pay for maintenance and utility expenses.
- VFLO does not have a Comprehensive Conservation Plan, but it does have a list of improvements that they would like to see done.
- The old fish cleaning station will be taken down and utilized elsewhere.


GR11-12 (D) Hankinson Park District: Baseball Field Project, $197,920 – Project summary: New baseball field in Hankinson. No presentation was given; however, a handout was provided. (A copy of the handout is available in Commission files.)

GR11-11 (C) American Bird Conservancy: Birds, Herds, & Stewards Phase II: Sustainable Working Lands for the Future, $11,902 – Project summary: Native seeding and fencing practices not funded by USDA programs. No presentation was given.
Upon completion of all the presentations, Chairman Melchior opened the meeting for public comment on any of the projects.

Mr. David Streyle with North American Coal made comments on behalf of the Lignite Energy Council. He noted that N.D.C.C. § 54-17.8-03.2c prohibits using OHF funds for any activity that would interfere, disrupt, or prevent activities associated with surface coal mining operations; sand, gravel, or scoria extraction activities; oil and gas operations; or other energy facility or infrastructure development. Leases within Morton County and Mercer County are currently in place for lignite. North American Coal requested that Morton and Mercer counties to be removed from the project.

Mr. Brad Erickson from North American Coal stated that they currently have surface leases in Morton and Mercer counties to mine the coal and use it for other purposes including conveyor systems, railroad tracks, power and communication lines, etc. next to or over the pipeline. Currently, there is not any mining through the pipeline, but in the future an agreement to move the pipeline could be made. If the pipeline is moved through the habitat, it could create additional problems.

In response to a question, Mr. Streyle stated that they are trying to prevent conflicts because surface disruption may occur where habitat would have been created through this project. The PSC may determine that those activities shouldn’t take place because it would disrupt the habitat. While the organization currently has permits in place, the permits are approved on a five year basis. Creating habitat could create permitting issues in the future.

In response to a question, Mr. Streyle stated that if there were areas restricted that were broad enough, it would be okay to just restrict certain areas. The Lignite Energy Council does not have a problem with the project, they have concerns about the project location. They could reclaim additional areas; however, it should not be the industry’s obligation.

Mr. Melchior stated that he believes the law was written in this manner in order to avoid increased liabilities for mining and other industries.

Mr. Streyle stated that the intent was to not create more burdens for energy development, but rather to allow for conservation development where it makes sense.

Ms. Godfread noted that Morton and Mercer counties are not prime Skipper habitat. She noted that we will lose significant flexibility if it moves to the endangered list.

Mr. Streyle stated that they do not have an issue with the project as a whole, they have an issue with the project being located in Morton and Mercer counties. If those two counties were removed from the project, North American Coal would not have an issue with it moving forward.

Ms. Godfread stated that she didn’t think it would be detrimental to the project to remove those two counties from the project.

Mr. Kuylen noted that US Fish and Wildlife originally were not going to allow cattle to graze land ranchers owned because it included Dakota Skipper habitat. This could become an issue for oil companies as well. He noted that habitat improvement is not being done on federal land at federal expense.

Chairman Melchior thanked all the applicants for coming and making their presentations.

Mr. Steinwand provided a summary of PLOTS acres enrolled or enhanced via OHF grants as of May 2018. He noted that currently only approximately 63,000 acres of PLOTS contracts that can be attributed
to the Outdoor Heritage Fund. That number is based on OHF awards through part of Grant Round 10. Approximately 27,000 acres of the Working Grassland Partnership projects are accessing PLOTS. However, this does not include all of Phase II of the project. He does expect this number to increase with the completion of Phase II.

There was general discussion by the OHF Advisory Board on the Grant Round 11 application as follows:

**GR11-19 (D) ND Parks and Recreation Dept.: Sheyenne River Water Trail Development, $8,700** – Comments included:
- This provides a lot of bang for the buck.
- The project is very unique. Trails are what people in ND want.
- Like the project but have concern about what some of the funds would be used for. Would like to shift the budget slightly.
- This shows a proof of concept that other groups would like to do.

**GR11-01 (D) Morton County Parks: Graner Park Bank Stabilization Phase 2, $104,033** - No comments.

**GR11-10 (D) Bismarck Parks and Rec: Atkinson Nature Park Improvements, $21,830** – Comments included:
- Bismarck Parks and Rec was complimented for meeting with the horse group and finding solutions to concerns.
- This is a diverse bottomland habitat. It is so close to Bismarck; it will be accessible to many.
- This goes beyond invasive species by having a well thought plan for native tree species and restoration after the flood.

**GR11-20 (D) Audubon Dakota: Urban Woods and Prairies Initiative Expansion, $545,550** – Comments included:
- There are some travel and administration fees in the budget, which should be excluded from the budget.
- The seeding and fencing costs are high.
- This is a proactive approach for flood recovery to make places usable for residents and create habitat for wildlife.
- A contingency prohibiting use of funds for administration expenses would eliminate the problem.

**GR11-13 (C) ND Natural Resources Trust/Dunn County SCD: Bakken Development & Working Lands Program, $2,170,000** - Comments included:
- I have concern about the large amounts going to project design and construction ($450,000), energy site reclamation ($350,000.) These are just lump sums without a lot of detail as to where the dollars are actually going. They show $50,000 for grassland incentive payments. We’ve avoided incentive payments from OHF dollars.
- It is a lot of money with a lot of partners working together in an area where OHF funds are generated. If we’re asking people to do something to benefit the public, they should be compensated for it.
- They’re taking land away from production and the incentive would be for a short time to establish the grass.
- I think they provided lump sums because they will be working with so many sites. It is nice to see so many partners working together.
- There is a lot of need out there. The need for reclamation is because of developers that left. The oil and gas industry is why we have the OHF money in the first place.
• Agree, there is a need and the landscape reflects it. This fund should not be used for reclamation. Mr. Helms clarified that OHF money would be used to enhance the sites, not reclaim them. I think we should stipulate that the funds cannot be used for reclamation.
• This is a new way for agencies to work together, and may be a good model for the future.

GR11-05 (C) Audubon Dakota: Stutsman County Prairie Management Toolbox, $943,489 - Comments included:
• Perimeter fencing was a concern for many. However, I tend to favor perimeter fencing when it means the difference between grassland or cropland. I’d like to see this funded fully.
• The rate for the fencing is too high. It is well above the NRCS standards. Barbed wire multi-strand on a per foot basis is valued at $1.31. That includes supplies and labor. I think we need to adjust the budget to be more in line with NRCS and EQIP.
• The applicant indicated that they would be willing to follow NRCS standards.
• The seeding cost seems very high. What is the NRCS standard?
• NRCS standards for native standard is $250.59, wildlife pollinator multispecies is $247.28. That includes seeding, labor, everything.
• I don’t think we should entertain applications that come in that much over NRCS standards.
• Maybe it should be on our application. Then we wouldn’t need to worry about it every time.
• The previous application from Dakota Audubon also had high numbers compared to NRCS standards.
• To establish NRCS rates, they randomly collect receipts from the Northern Plains region and take and average based on the location with an economist making adjustments. Sometimes the NRCS rates are slightly different from 319 rates set by the State Health Dept.
• The rates are normally consistent statewide.
• The applicant might have more varieties included which would drive up costs. We might not want to limit applicants to a certain number of varieties.
• It can vary based on soil and percentage of pollinators, and the number of native grasses in the mix.
• It seems that there is more variability in the labor expenses than the seed costs.
• It was noted that at the time of application, the costs were estimates. Applicants can’t go over that number, but oftentimes may come in under.

GR11-02 (C) National Wild Turkey Federation: NWTF Northern Plains Riparian Restoration Initiative, $45,000 – Comments included:
• Game & Fish has partnered with them for years on similar projects. This is a good project.

GR11-17 (C) ND Natural Resources Trust: Dakota Skipper Habitat Enhancement Project, $897,250 - Comments included:
• I have concerns about the Endangered Species Act in general. How do we know that it is really threatened? We don’t get credit for good management practices. If we spend this much money on habitat for the Dakota Skipper, we are acknowledging a problem that we may not have.
• Better grassland benefits the cows and provides a better return. The two counties that the LRC is concerned about can easily be removed from the project. The Dakota Skipper is not the only one that will benefit.
• This would be endorsing an issue if we fund this project.
• A change in policy requires requests for species to be on the endangered species list to be run through the state. I don’t think this says that this is a problem, I think it says that we’re doing everything we can to prevent this from being on the Endangered Species List.
• This should be done on public land where it won’t interfere with future development.
GR11-14 (C) Cass County SCD: Cass County Windbreak & Wildlife Planting Initiative, $50,000 - Comments included:

- We funded a statewide initiative. Until we expend the money we’ve allotted for the statewide program, we shouldn’t fund more.
- We could have a mix of both local and statewide approaches. They haven’t applied very often and have a different cost share. We will use all of our money, there is a huge demand.
- We could require them to have a 60/40 cost share.
- The more trees we can get in the ground, the better.
- A statewide approach provides a uniform cost share rate, a consistent mechanism for delivering funds, etc.
- The State Association of Soil Conservation Districts does intend to apply for new funds once the funds for the statewide initiative are spent. However, if the strategy is to allow each SCD to apply on their own, then maybe not. Encourage block plantings, but also need to work with landowner desires.

GR11-18 (B) Wells County SCD: Middle Sheyenne River Watershed Project, $54,816 - A revised budget was made available to the members.

GR11-06 (B) Steele County WRD: Lake Tobiason Improvements, $109,200 – Comments included:

- This is a small lake and is not the best fishing lake.
- I question the depth of the lake.
- No commitment from the county is an issue. This is a county road, they should get funding from the county and come back.

GR11-07 (B) North McHenry SCD: McHenry County Conservation Program, $250,000 - Comments included:

- Submersible pumps can be removed and would be property, which we don’t fund.

GR11-08 (B) Walsh County WRD: Walsh County Drain 22 Outlet Stabilization Project, $80,365.70 - Comments included:

- Concern regarding construction administration and contingencies.
- This is a county authorized drain that is assessed.
- There is not a conservation component to this project. This is maintenance.

GR11-16 (B) ND Natural Resources Trust: Working Grassland Partnership Phase III, $396,850 - Comments included:

- It appears that a fair amount of these lands are going into PLOTS.

GR11-09 (D) Jamestown Park & Recreational Foundation: Public Accessible Sensory Garden, $33,000 - No comments.

GR11-03 (D) Izaak Walton League St. John Chapter #1: Picnic Shelter and Camp Kitchen/Boat Docking Area & Beach, $18,406 - Comments included:

- This is private property that can be rented out.
- It has a building in the project without a comprehensive plan.
- Game and Fish would likely not fund a request because it is private property.

GR11-21 (D) Riding for Dreams Equine Assisted Activities & Therapies: Riding for Dreams Riding & Hiking Trail, $10,000 - No comments.

GR11-15 (D) Voices for Lake Oahe: Cattail Bay Fish Cleaning Station, $22,237.50 - Comments included:
• This is a good project, but it does count as a building.
• The shelter could be excluded.
• Would like to see the project include a grinder.
• It does cost more money for the holding tank, and the wells fill up.
• They will need permits to dig.
• Game and Fish has given verbal agreement for a table.

GR11-04 (D) Pembina Gorge Foundation: Expanded Recreation Project - Mountain Bike Terrain Park on Frost Fire Park Ski & Snowboard Mountain - New Chair Lift Request, $1,307,168 - Comments included:
• Pembina Gorge is a great place, but it does not meet any of the directives.
• There is not a conservation component.
• Agree that there is not a conservation component, but this is important to that corridor of the state.
• It is a nice project, but it is a struggle to find the conservation.
• The conservation component depends on the scale with which it is viewed. If you look at the larger project, it will meet the requirements. It is the hub of the Pembina Gorge trail system. This is one piece of a larger conservation project.
• From a technical standpoint, it does meet directive D. There’s public access. It benefits many people. There are far more positives than negatives.
• It is difficult to see a conservation component to this. Access to the public at $30-$40 a ticket is tricky.
• They received $500,000 from the Community Development Block Grant fund in 2017.
• The type of recreation that is being developed in this project is part of the Parks and Recreation State Comprehensive Outdoor Recreation Plan and also is a key component of the Pembina Gorge Recreation Area Plan.

GR11-12 (D) Hankinson Park District: Baseball Field Project, $197,920 - No discussion.

GR11-11 (C) American Bird Conservancy: Birds, Herds, & Stewards Phase II: Sustainable Working Lands for the Future, $11,902 - Comments included:
• Much of this is administrative costs, which would not be eligible.

Chairman Melchior asked the voting Board members to complete their scoring sheets and turn them in to Ms. Fine and Ms. Pfennig.

Ms. Fine noted Mr. Bina had a conflict of interest on GR11-10 – Atkinson Nature Park Improvements.

The summary of the scoring was distributed and Chairman Melchior asked each member to check their numbers to make sure they were correct. Mr. DeMorrett, Mr. Bina, and Chairman Melchior had corrections.

Chairman Melchior listed the 7 projects (Projects 3, 6, 8 11, 12, 15, and 17) that had received six or more zeros for funding.

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 11 funding:

GR11-03 (D) Izaak Walton League St. John Chapter #1: Picnic Shelter and Camp Kitchen/Boat Docking Area & Beach, $18,406
GR11-06 (B) Steele County WRD: Lake Tobiason Improvements, $109,200
GR11-08 (B) Walsh County WRD: Walsh County Drain 22 Outlet Stabilization Project, $80,365.70
GR11-11 (C) American Bird Conservancy: Birds, Herds, & Stewards Phase II: Sustainable Working Lands for the Future, $11,902
GR11-12 (D) Hankinson Park District: Baseball Field Project, $197,920
GR11-15 (D) Voices for Lake Oahe: Cattail Bay Fish Cleaning Station, $22,237.50
GR11-17 (C) ND Natural Resources Trust: Dakota Skipper Habitat Enhancement Project, $897,250

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

It was moved by Ms. Godfread and seconded by Mr. Bina that Sheyenne River Water Trail Development submitted by ND Parks and Recreation Dept. be recommended to the Industrial Commission for Outdoor Heritage Fund funding in the amount of $8,700 (Application GR11-19).

Mr. Moser asked for clarification on what is being provided for in the maps and information category. He suggested that we pay for more of the trailhead or other expenses.

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

It was moved by Mr. Bina and seconded by Mr. Kuylen that Graner Park Bank Stabilization Phase 2 submitted by Morton County Parks be recommended to the Industrial Commission for Outdoor Heritage Fund funding in the amount of $104,033 (Application GR11-01). On a roll call vote, Bina, DeMorrett, Dokken, Elkin, Godfread, Hutchens, Kuylen, Lies, Melchior, Moser, Reierson and Stockdill voted yes, no one voted nay. The motion carried unanimously.

It was moved by Ms. Godfread and seconded by Mr. Dokken that Atkinson Nature Park Improvements submitted by Bismarck Parks and Recreation District be recommended to the Industrial Commission for Outdoor Heritage Fund funding in the amount of $21,830 (Application GR11-10). On a roll call vote, Bina, DeMorrett, Dokken, Elkin, Godfread, Hutchens, Kuylen, Lies, Melchior, Moser, Reierson and Stockdill voted yes, no one voted nay. The motion carried unanimously.

It was moved by Mr. Moser and seconded by Mr. Kuylen that Urban Woods and Prairies Initiative Expansion submitted by Audubon Dakota be recommended to the Industrial Commission for Outdoor Heritage Fund funding in the amount of $530,000, with the contingency that no OHF funds are used for administrative costs (Application GR11-20). On a roll call vote, Bina, DeMorrett, Dokken, Elkin, Godfread, Hutchens, Kuylen, Lies, Melchior, Moser, and Stockdill voted yes, and Reierson voted nay. The motion carried.

It was moved by Mr. DeMorrett and seconded by Ms. Stockdill that Bakken Development & Working Lands Program submitted by ND Natural Resources Trust/Dunn County SCD be recommended to the Industrial Commission for funding in the amount of $2,170,000 (Application GR11-13).

It was moved by Mr. Kuylen and seconded by Mr. Hutchens to amend the motion to stipulate that OHF funds not be used for site reclamation purposes. On a roll call vote, Bina, DeMorrett, Dokken, Elkin, Godfread, Hutchens, Kuylen, Lies, Melchior, Moser, Reierson and Stockdill voted yes, no one voted nay. The motion carried unanimously.

It was moved by Mr. DeMorrett and seconded by Ms. Stockdill that Bakken Development & Working Lands Program submitted by ND Natural Resources Trust/Dunn County SCD be recommended to the Industrial Commission for funding in the amount of $2,170,000 (Application
GR11-13) with the condition that OHF funds not be used for site reclamation purposes. On a roll call vote, Bina, DeMorrett, Dokken, Elkin, Godfread, Hutchens, Kuylen, Lies, Melchior, Reierson, and Stockdill voted yes, and Moser voted nay. The motion carried.

It was moved by Mr. Hutchens and seconded by Ms. Godfread that Stutsman County Prairie Management Toolbox submitted by Audubon Dakota be recommended to the Industrial Commission for funding in the amount of $943,489 (Application GR11-05).

It was noted that costs for seeding exceeded the NRCS guidelines. Also the majority of the fencing in the project was going to be a perimeter fence. Perimeter fencing will make or break many of the projects. Dr. Hutchens stated that he would like to see that portion of the project left intact. This project includes costs that far exceed NRCS guidelines for fencing. Should we fund this fully?

It was noted that there would be discussion later on in the meeting regarding the application form being changed to address the amount allowed for fencing, seeding, etc. costs. Should funding be awarded for projects where costs exceed NRCS guidelines?

In regards to this grant round, it was pointed out that there were other applications that were above the standard as well. We need to be consistent for this grant round.

It was moved by Mr. Moser and seconded by Mr. Lies to amend the motion to stipulate that cost share guidelines be consistent with NRCS cost guidelines.

Clarification was requested regarding what is meant by consistency. Is it referring to the price structure? It was stated that it was intended that the cost share rate and what we would fund be consistent. In a previous round, an application was denied because the fencing was exorbitant. This application has $1.80 for the fence and $2 per foot to construct it. NRCS is $1.31 per foot for the whole thing. This needs to be addressed. This wasn’t based on a bid; it was a budget estimate. We need more clarity in the application, but we also need to be consistent until we have written guidelines for applicants to follow. If the costs are under budget, the funds will be returned.

It was pointed out that in the prior application the applicant stated they would adhere to NRCS guidelines. This application does not do that and this motion would be consistent with what was approved on the previous application.

On a roll call vote, DeMorrett, Dokken, Elkin, Kuylen, Lies, Moser, voted yes, and Bina, Godfread, Hutchens, Melchior, Reierson, and Stockdill voted nay. The motion failed for lack of majority.

It was moved by Mr. Lies and seconded by Mr. DeMorrett to amend the motion to limit the award to $700,000. On a roll call vote, DeMorrett, Dokken, Elkin, Kuylen, Lies, and Moser voted yes, and Bina, Godfread, Hutchens, Melchior, Reierson, and Stockdill voted nay. The motion failed for lack of majority.

On a roll call vote of the original motion, Bina, Dokken, Godfread, Hutchens, Melchior, Reierson, and Stockdill voted yes and DeMorrett, Elkin, Kuylen, Lies, and Moser voted nay. The motion carried.

It was moved by Mr. Kuylen and seconded by Mr. Elkin that NWTF Northern Plains Riparian Restoration Initiative, submitted by National Wild Turkey Federation be recommended to the Industrial Commission for funding in the amount of $45,000 (Application GR11-02). On a roll call vote, Bina, DeMorrett, Dokken, Elkin, Godfread, Hutchens, Kuylen, Moser, Reierson, and Stockdill voted yes and Lies and Melchior voted nay. The motion carried.
It was moved by Mr. Bina and seconded by Mr. Kuylen that Cass County Windbreak & Wildlife Planting Initiative, submitted by Cass County Soil Conservation District be recommended to the Industrial Commission for funding in the amount of $50,000 (Application GR11-14).

It was noted that because the OHF has already funded a statewide program, this could be viewed as working against our own program as well as setting a precedent. If the Statewide Initiative would like to adjust the percentages, that can be adjusted at a future meeting. Having every other soil conservation district (SCD) apply individually is much less effective than having a statewide effort.

There was agreement that the statewide effort is a good program. This is supported by the fact that they are going to utilize all of the funds awarded. This is an area of the state that is deeply in need of this type of project, and a low amount of funds. If we see several applications from separate SCDs, it could be addressed at a future date.

Consistency is a concern. The statewide program offers a consistent cost share and delivery mechanism. We don’t allow 319 funds to offset the 40% match, why should this be different by allowing the SCDs to offset the landowner match.

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

It was moved by Mr. Kuylen and seconded by Mr. Dokken that Middle Sheyenne River Watershed Project, submitted by Wells County Soil Conservation District be recommended to the Industrial Commission for funding in the amount of $38,040 (Application GR11-18). On a roll call vote, Bina, DeMorrett, Dokken, Elkin, Godfread, Hutchens, Kuylen, Moser, Melchior, Reierson, and Stockdill voted yes and Lies voted nay. The motion carried.

It was moved by Ms. Godfread and seconded by Mr. Elkin that McHenry County Conservation Program, submitted by North McHenry Soil Conservation District be recommended to the Industrial Commission for funding in the amount of $250,000 (Application GR11-07). On a roll call vote, Bina, DeMorrett, Dokken, Elkin, Godfread, Hutchens, Kuylen, Moser, Melchior, Reierson and Stockdill voted yes, no one voted nay. The motion carried unanimously.

It was moved by Mr. Kuylen and seconded by Ms. Stockdill that Working Grassland Partnership Phase III, submitted by ND Natural Resources Trust be recommended to the Industrial Commission for funding in the amount of $396,850 (Application GR11-16). On a roll call vote, Bina, DeMorrett, Elkin, Godfread, Hutchens, Kuylen, Melchior, Reierson, and Stockdill voted yes and Dokken, Lies, and Moser voted nay. The motion carried.

It was moved by Mr. Bina and seconded by Mr. Hutchens that Public Accessible Sensory Garden, submitted by Jamestown Park & Recreational Foundation be recommended to the Industrial Commission for funding in the amount of $33,000 (Application GR11-09). On a roll call vote, Bina, DeMorrett, Dokken, Elkin, Godfread, Hutchens, Kuylen, Lies, Reierson, and Stockdill voted yes and Moser and Melchior voted nay. The motion carried.

It was moved by Mr. Kuylen and seconded by Mr. Moser that Riding for Dreams Riding & Hiking Trail, submitted by Riding for Dreams Equine Assisted Activities & Therapies be recommended to the Industrial Commission for funding in the amount of $10,000 (Application GR11-21). On a roll call vote, Bina, DeMorrett, Dokken, Elkin, Godfread, Hutchens, Kuylen, Lies, Moser, Melchior, and Stockdill voted yes and Reierson voted nay. The motion carried.

It was moved by Mr. Kuylen and seconded by Mr. Elkin that Expanded Recreation Project - Mountain Bike Terrain Park on Frost Fire Park Ski & Snowboard Mountain - New Chair Lift
Request, submitted by Pembina Gorge Foundation be recommended to the Industrial Commission for funding in the amount of $1,307,168 (Application GR11-04).

There was discussion with some individuals indicating their discomfort with funding this at the full level. Some felt that this did not meet any of the directives and struggled to find the conservation component. If the entire project was being considered with a comprehensive plan, there would most likely be pieces of the project that would be a better fit and more geared towards conservation.

Comments included the following:

- It is difficult to find a directive that this fits. This is clearing forest, installing a major piece of equipment, and charging people a fee to utilize it. This application does not clearly explain how it will conserve natural areas for recreation. This is not a parks and rec board. We aren’t developing recreation in North Dakota. If we fund this, why not softball fields, pools, etc. All of those things are outside. It’s a great project that is great for the development of North Dakota; it just doesn’t fit the Outdoor Heritage Fund.
- There are other things they are doing that will fit better with this program. There could be other avenues to pursue for this piece of their project.
- This could be viewed the same way as athletic fields. The difference is that baseball fields are free with open access. This charges a fee. This is a great business for the community and belongs in the business world. We should not spend state tax dollars on this if we won’t spend money on a baseball field.
- It’s a stretch for me. This isn’t open to the public.
- I like this program. Mountain bike trails are a new trend. You won’t be able to ride bike by deer and elk on a softball diamond. Softball diamonds aren’t free either. You have to pay to get into softball tournament. You have to pay a fee to maintain the equipment. It’s good for the area; it will attract people to North Dakota. There are a few things that might not fit, but we’ve done that before. We funded a building for the bowmen. We’ve done a playground. Recreation is different to everyone. This equipment can be used year round; it’s not just for skiing.
- It isn’t about what we like to do. Our obligation is to follow the law. The law says that it should be used for conservation. This does not conserve a natural area for recreation.


Ms. Fine asked for the scoring sheets to be turned back in.

Ms. Pfennig presented historical information regarding applications that were received for softball diamonds, athletic complexes, ice rinks, basketball courts that were not funded. She asked if the Board wants to consider funding these types of projects. If not, it may be beneficial to state that on the application to be clear for applicants.

She also noted that we received an application for $500 this round. The applicant withdrew the application. She asked if the Board would like to set a minimum threshold for applications of $2,500 moving forward. Historical information was provided regarding the request amounts for applications that have been received. Prior to the $500 application, the lowest amount requested was $3,000. Because of this, $2,500 may be a good level that would not hinder applicants.

It was noted that during this grant round several applications were submitted with errors. They were given the opportunity to correct their application and resubmit. Some applications needed to make corrections 4 or 5 times, which was inefficient and made it difficult to maintain a schedule. She recommended only allowing applicants one opportunity to make revisions after the submission deadline.
Ms. Pfennig presented draft revisions to the following documents:

- Application Process Document,
- Review, Scoring, and Approval Process, and
- Application Form.

(A copy of the documents with the proposed changes is attached as Attachment A.)

She noted that a fillable pdf has been created for the application form as well. Her goal is to shift to the fillable pdf. In addition to the proposed changes, she suggested adding the following:

- Please list the counties that would be impacted by your project.
- Note: Costs for seeding, fencing, pipelines, wells, and cover crops cannot exceed NRCS Field Office Tech Guide without justification.

Ms. Fine noted that this would be a recommendation to the Industrial Commission regarding changes to the application since the application reflects the program’s policies. The most significant of the proposed changes is the language regarding athletic complexes, basketball courts, softball diamonds, and ice rinks as well as the language stating that applications must request a minimum of $2,500.

In discussion, it was noted that it would be good to be clearer regarding sports facilities. However, there was concern that something would be left out. Is there a more general term we can use? Will athletic complexes suffice? Sports fields may be a better term. Perhaps “indoor and outdoor sports fields, ice rinks, etc.” It would be hard to cover everything. Skate parks could be considered a play area. It may be a good idea to add “indoor/outdoor athletic courts and sports fields.” It still comes down to the Board having a discussion. It would be good to define it and be clear to applicants.

Chairman Melchior asked for input regarding funding limits for perimeter fencing and cross fencing vs. perimeter fencing. Do we want to fund them application by application or do we want standards on the application? It was noted that NRCS won’t fund perimeter fencing, unless you have expiring CRP land or if you’re bringing crop land into grazing land.

There was agreement that there needs to be consistency regarding fencing. When it comes to perimeter fence, we need to decide one way or another to be consistent. Applicants may model their application on a previously funded application only to be denied because we are not being consistent.

A guideline that requires applicants to follow NRCS standards with regard to fencing would be a good way to determine perimeter fencing. In the example today, the perimeter fencing was going around expired CRP and it would have qualified.

How do we determine if a project will move forward without funding for perimeter fencing? There was concern that applicants could be coached to state that their project will not go forward unless perimeter fencing is included. At some point, landowners should be responsible for improvements to their property.

Some felt that cross fencing was appropriate, but perimeter fencing needed to have a greater cost share than 60%. Clarification was requested regarding the NRCS standards.

Ms. Kelsch provided the following information:

Limitations & Clarifications

1. Boundary or property line fences may be eligible if expiring CRP lands provide new grazing land.
2. Land where production system is changed to grazed land.
3. Permanent single strand electric fencing is only eligible when used for cross fencing purposes.
4. Replacement of an existing fencing is not eligible except in the case of fences impacted by agricultural waste design.

Many felt that utilizing these guidelines could provide the clarification needed while also allowing flexibility. It was agreed that language should be put on the application. We can link to the NRCS website so that updates are automatic.

The next item discussed was requiring applications to request $2,500 or more. It was noted that a small amount can have a big impact on a community. However, there are significant administrative costs associated with each application and subsequent contracts. The applicant also incurs expenses writing the application and traveling to Bismarck for the meeting. Perhaps we could not allow applications less than $2,500 to give an oral presentation. Playground equipment is a type of project in which the $2,500 threshold makes sense. Due to legislative requirements, a $10,000 playground project would have a request of $2,500.

It was noted that because there are significant expenses associated processing applications and contracts, it is important to be prudent with our resources.

It was moved by Mr. Kuylen and seconded by Mr. Moser that the following revisions to the following documents: Application Form, Application Process, and Review, Scoring, and Approval Process be recommended to the Industrial Commission. (A copy of the documents along with proposed revisions is included as Attachment A.) On a roll call vote, Bina, DeMorrett, Dokken, Elkin, Godfread, Hutchens, Kuylen, Lies, Melchiior, Moser, Reierson and Stockdill voted yes, no one voted nay. The motion carried unanimously.

Mr. Bina stated that we now gone through 11 grant rounds. He requested reconsideration of buildings and playgrounds. The definition of buildings excludes fish cleaning projects, restrooms, etc. We could put a cap on the portion that we would provide, but there are good conservation projects that would be greatly benefitted and utilized by the public if restrooms were available. There is also a great need for playgrounds.

In response to a question, Ms. Fine stated that the playground limitation is in statute and would require legislative changes. The limitation on buildings and the requirement of a Comprehensive Conservation Plan is in statute. However, the definition of a building was recommended by the Advisory Board and adopted by the Industrial Commission.

Mr. Bina suggested that if the Board is amenable, legislative changes could be sought.

Ms. Pfennig provided a summary on the projects along with a density map of project locations. (A copy of the density map is available in Commission files.) Ms. Pfennig thanked Mr. Brock Wahl for providing the GIS formatting of the map. To date, $32.4 million has been awarded with total project costs of over $108 million. There have been 117 projects awarded funding. Of those, 54 are still active. Since the last meeting 7 projects submitted their final report. Saving the Minot Retrievers Club finished and had a returned commitment of $51,000. North Dakota Parks & Recreation completed a project with a returned commitment of $27,185. The Tolna Bay Boat Ramp project was also completed and returned. $5,000. She reminded the Board that all project reports are available on the website.

In response to a question, Ms. Fin stated that OHF has funded activities in all 53 counties. She noted that statewide projects were not included on the density map.

In response to a question, Ms. Fine stated that October 1, 2018 is the next application deadline. We will try to have the meeting before the legislative session begins.
It was moved by Mr. DeMorret and seconded by Mr. Hutchens to adjourn the meeting. The motion carried.

With no further business, Chairman Melchior adjourned the meeting at 5:34 p.m.

Jim Melchior, Chairman

Recording Secretary
Application Process

**Step One**
Submission of application. Applications are submitted. Application deadlines will be posted on the Outdoor Heritage Fund website at [http://www.nd.gov/ndic/outdoor-infopage.htm](http://www.nd.gov/ndic/outdoor-infopage.htm). Applicants are strongly encouraged to submit applications prior to the deadline for staff review in order ensure that proposals will be complete when submitted on deadline date.

**Step Two**
Review of application by staff to make sure the application is complete. Staff conducts an initial review. This review does not involve analysis of the application but rather just a look to make sure all the blanks are filled in and all the information required is provided. If an application is incomplete, staff will notify the applicant of what is missing and the applicant will have an opportunity to make the correction and resubmit the application within three (3) business days. After the submission deadline, applicants will have one opportunity to make revisions and resubmit. Applications that are incomplete or fall under the “Exemptions” list may be rejected at the staff level.

**Step Three**
All applications will be posted to the Outdoor Heritage Fund website. A notice will be sent to the OHF Advisory Board notifying them when the applications have been posted and providing them with a list of the applications. If an OHF Advisory Board member has a technical question about an application they should forward their question(s) to Industrial Commission staff as soon as possible so the Technical Committee can deal with the question.

**Step Four**
Review of applications by the Technical Committee. The Technical Committee consists of the four ex-officio members of the OHF Advisory Board – Game and Fish Department, State Forester, Soil Conservation, Parks and Recreation. These individuals will utilize staff within their offices to complete the reviews. It is the desire of the OHF Advisory Board that the same individual from those offices complete the reviews. It was, however, indicated that if the Technical Committee members do not have the expertise available within their offices to provide the technical expertise needed to review an application, they could may reach out to other entities that have that expertise.

The review conducted by the Technical Committee will only be on the technical/scientific components. The Technical Committee will look at all applications and provide comments on the technical aspects of the applications. They will not be scoring the applications. They are also asked to provide an executive summary of the application and answer the following two questions: 1) Does this application meet the requirements of the law? and 2) Does the application satisfactorily deal with the scientific aspects of the project (if applicable)?.

**Step Five**
Review of applications by the OHF Advisory Board will meet to consider the proposals. Applicants will have the opportunity to provide a 10 minute This will include an oral presentation, by the applicant of their application. Each applicant will be allowed 10 minutes to present their application. The oral presentation is strongly encouraged. An applicants can, however, can elect decide not to make an oral presentation.
The OHF Advisory Board will then have an opportunity to discuss the applications and then do their scoring of the applications.

Adopted by the OHF Advisory Board: October 17, 2013
Adopted by the Industrial Commission: October 22, 2013
Outdoor Heritage Fund (OHF) Advisory Board
Review, Scoring and Approval Process

Review Process:
1. The OHF Advisory Board (Board) members will review all applications prior to the meeting—and submit any questions to the Technical Committee. It will be up to each Board member as to whether they want to do some preliminary scoring.
2. Technical Committee will meet to provide technical review of all applications.
3. Each applicant will be given an opportunity to make a 10-minute oral presentation of their application. That will be followed by a period of time for Q & A with the Board members.
4. Following that Q & A the Advisory Board will have a time for discussion between the Board members only. If needed a Board member may ask for clarification if something is unclear about the application from the applicant.
5. The Board members will complete their scoring of the application using the Scoring Form.
6. Then the Board will hear from the next applicant and go through the same process for each application.
7. After hearing all the applications the Board members will have an opportunity to review their scoring and if they need to make adjustments they can do so.

Scoring Process:
7. The Scoring Form is used by each Board member to score the application on the application’s own merits. Each Board member will use their own judgment as to whether the application meets the intent of the directives. Prior to finalizing their scores for each application, Board members will have:
   • the comments from the Technical Committee regarding the technical aspects of the application;
   • heard an oral presentation (if the applicant chooses to make a ten-minute presentation);
   • an opportunity to question the applicant;
   • an opportunity to participate in a discussion with the other Board members about the application.
8. Then, using the score from the Scoring Form for each application, the Board members will then proceed to the next step in the process, filling out the Funding Ranking Form. During this step each Board member, using the Scoring Form as a tool, will determine the amount of funding that should be awarded for each application.
9. The Funding Ranking Form will then be collected and tabulated by staff.

Approval Process:
10. The tabulation of the Funding Ranking Form will be distributed to the Board. The Board will then have an opportunity to discuss that information. It will be during this discussion the Board members may want to ask questions of other Board members about an application. Even though the ex-officio members will not be involved in the scoring process they will be available to answer any technical questions that may come up regarding the application. Applications that do not receive a recommendation for funding at some level by a majority of the Board members present will be compiled into a separate list. A motion may be made to remove those applications from further consideration. Board members can ask for an application from that list to be pulled out and considered separately.
11. Following this discussion, Board members will then need to make a motion on each of the remaining applications individually as to whether the application should be recommended to the Industrial Commission and at what funding level. There will be a roll call vote(s) on each application. If the Board votes to fund more projects than there is funding, then the Board will need to go back through all the applications that have been recommended for funding and adjust the dollar award amounts until they get to the amount that is available.
12. The Board list of recommended projects will then be forwarded to the Industrial Commission for the Commission’s consideration.
Outdoor Heritage Fund Grant Application

Instructions
After completing the form, applications and supporting documentation may be submitted by mail to North Dakota Industrial Commission, ATTN: Outdoor Heritage Fund Program, State Capitol – Fourteenth Floor, 600 East Boulevard Ave. Dept. 405, Bismarck, ND 58505 or by e-mail to outdoorheritage@nd.gov. It is preferred that both a hard copy and electronic copy are submitted.

You are not limited to the spacing provided, except in those instances where there is a limit on the number of words. If you need additional space, please indicate that on the application form, answer the question on a separate page, and include with your submission.

The application and all attachments must be received or postmarked by the application deadline. You will be sent a confirmation by e-mail of receipt of your application. You may submit your application at any time prior to the application deadline. Applicants are strongly encouraged to submit applications prior to the deadline for staff review in order ensure that proposals will be complete when submitted on deadline date. Incomplete applications may not be considered for funding.

Please review the back of this form to determine project eligibility, definitions, budget criteria, and statutory requirements.

Project Name
Name of Organization
Federal Tax ID#
Contact Person/Title
Address
City
State
Zip Code
E-mail Address
Web Site Address (Optional)
Phone
Fax # (if available)
List names of co-applicants if this is a joint proposal
MAJOR Directive:
Choose only one response

- **Directive A.** Providing access to private and public lands for sportsmen, including projects that create fish and wildlife habitat and provide access for sportsmen;

- **Directive B.** Improving, maintaining and restoring water quality, soil conditions, plant diversity, animal systems and by supporting other practices of stewardship to enhance farming and ranching;

- **Directive C.** Developing, enhancing, conserving and restoring wildlife and fish habitat on private and public lands; and

- **Directive D.** Conserving natural areas and creating other areas for recreation through the establishment and development of parks and other recreation areas.

Additional Directive:
Choose all that apply

- **Directive A.**
- **Directive B.**
- **Directive C.**
- **Directive D.**

Type of organization:

- State Agency
- Political Subdivision
- Tribal Entity
- Tax-exempt, nonprofit corporation.

Abstract/Executive Summary.
Summarize the project, including its objectives, expected results, duration, total project costs and participants. *(no more than 500 words)*

Project Duration:
Indicate the intended schedule for drawing down OHF funds.

Amount of Grant request:  $
Total Project Costs: $ 
Note: in-kind and indirect costs can be used for matching funds.

Amount of Matching Funds: $ 
**A minimum of 25% Match Funding is required.** Indicate if the matching funds will be in-kind, indirect or cash. Please provide verification that these matching funds are available for your project. Note that effective as of July 1, 2015 no State General Fund dollars can be used for a match unless funding was legislatively appropriated for that purpose.

<table>
<thead>
<tr>
<th>Amount of Match</th>
<th>Funding Source</th>
<th>Type of Match</th>
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</thead>
<tbody>
<tr>
<td>$</td>
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<td>Cash</td>
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<td>In-Kind</td>
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<tr>
<td>$</td>
<td></td>
<td>Indirect</td>
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</tbody>
</table>

**Certifications**

☐ I certify that this application has been made with the support of the governing body and chief executive of my organization.

☐ I certify that if awarded grant funding none of the funding will be used for any of the exemptions noted in the back of this application.

**Narrative**

**Organization Information – Briefly summarize your organization’s history, mission, current programs and activities.**
Include an overview of your organizational structure, including board, staff and volunteer involvement. (no more than 300 words)
Purpose of Grant – Describe the proposed project identifying how the project will meet the specific directive(s) of the Outdoor Heritage Fund Program

Identify project goals, strategies and benefits and your timetable for implementation. Include information about the need for the project and whether there is urgency for funding. Indicate if this is a new project or if it is replacing funding that is no longer available to your organization. Identify any innovative features or processes of your project. Note: if your proposal provides funding to an individual, the names of the recipients must be reported to the Industrial Commission/Outdoor Heritage Fund. These names will be disclosed upon request.

For tree/shrub/grass plantings: provide a planting plan describing the site design, planting methods, number of trees/shrubs by species and stock size, grass species and future maintenance. A statement certifying that the applicant will adhere to USDA-NRCS tree/shrub/grass planting specifications along with the name of the governmental entity designing the planting may be substituted for a planting plan.

For projects including Section 319 funding: provide in detail the specific best management practices that will be implemented and the specific projects for which you are seeking funding.

For projects including fencing: A minimum cost share of 40% by the recipient is preferred. Include detailed information on the type of fencing to be installed, whether funding is requested for boundary fencing, new or replacement of existing fencing, and/or cross fencing.

Is this project part of a Comprehensive Conservation Plan? ☐ Yes ☐ No
If yes, provide a copy with the application.

Note: Projects involving buildings will only be considered if part of a Comprehensive Conservation Plan. Please refer to the “Definitions” section at the back of the form for more details.

Management of Project – Provide a description of how you will manage and oversee the project to ensure it is carried out on schedule and in a manner that best ensures its objectives will be met.

Include a brief background and work experience for those managing the project.

Evaluation – Describe your plan to document progress and results.

Please be specific on the methods you will utilize to measure success. Note that regular reporting, final evaluation and expenditure reports will be required for every grant awarded.

Financial Information

Project Budget – Use the table below to provide an itemized list of project expenses and describe the matching funds being utilized for this project.

Indicate if the matching funds are in the form of cash, indirect costs or in-kind services. The budget should identify all other committed funding sources and the amount of funding from each source.
**minimum of 25% match funding is required.** An application will be scored higher the greater the amount of match funding provided. (See Scoring Form.)

Certain values have been identified for in-kind services as detailed under “Budget Information” at the back of this form. Refer to that section and utilize these values in identifying your matching funds. **NOTE: No indirect costs will be funded. Supporting documentation for project expenses, including bids, must be included or application will be considered incomplete.**

<table>
<thead>
<tr>
<th>Project Expense</th>
<th>OHF Request</th>
<th>Applicant’s Match Share (Cash)</th>
<th>Applicant’s Match Share (In-Kind)</th>
<th>Applicant’s Match Share (Indirect)</th>
<th>Other Project Sponsor’s Share</th>
<th>Total Each Project Expense</th>
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<td><strong>Total Costs</strong></td>
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<td><strong>$</strong></td>
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</tbody>
</table>

**Budget Narrative – Use the space below to provide additional detail regarding project expenses.**

**Sustainability – Indicate how the project will be funded or sustained in future years.**
Include information on the sustainability of this project after OHF funds have been expended and whether the sustainability will be in the form of ongoing management or additional funding from a different source.

**Partial Funding – Indicate how the project will be affected if less funding is available than that requested.**

**Partnership Recognition - If you are a successful recipient of Outdoor Heritage Fund dollars, how would you recognize the Outdoor Heritage Fund partnership?** *There must be signage at the location of the project acknowledging OHF funding when appropriate.*

**Awarding of Grants - Review the appropriate sample contract for your organization on the website at [http://www.nd.gov/ndic/outdoor-infopage.htm](http://www.nd.gov/ndic/outdoor-infopage.htm).**

Can you meet all the provisions of the sample contract? ☐ Yes ☐ No
If there are provisions in that contract that your organization is unable to meet, please indicate below what those provisions would be:
ABOUT OHF:
The purpose of the North Dakota Outdoor Heritage Fund is to provide funding to state agencies, tribal governments, political subdivisions, and nonprofit organizations, with higher priority given to projects that enhance conservation practices in this state by:

Directive A. Providing access to private and public lands for sportsmen, including projects that create fish and wildlife habitat and provide access for sportsmen;

Directive B. Improving, maintaining and restoring water quality, soil conditions, plant diversity, animal systems and by supporting other practices of stewardship to enhance farming and ranching;

Directive C. Developing, enhancing, conserving and restoring wildlife and fish habitat on private and public lands; and

Directive D. Conserving natural areas and creating other areas for recreation through the establishment and development of parks and other recreation areas.

EXEMPTIONS
Outdoor Heritage Fund grants may not be used to finance the following:

- Litigation;
- Lobbying activities;
- Any activity that would interfere, disrupt, or prevent activities associated with surface coal mining operations; sand, gravel, or scoria extraction activities; oil and gas operations; or other energy facility or infrastructure development;
- The acquisition of land or to encumber any land for a term longer than twenty years; or
- Projects outside this state or projects that are beyond the scope of defined activities that fulfill the purposes of Chapter 54-17.8 of the North Dakota Century Code.

OHF funds may not be used, except after a finding of exceptional circumstances by the Industrial Commission, to finance:

- A completed project or project commenced before the grant application is submitted;
- A feasibility or research study;
- Maintenance costs;
- A paving project for a road or parking lot;
- A swimming pool or aquatic park;
- Personal property that is not affixed to the land;
- Playground equipment, except that grant funds may be provided for up to 25% of the cost of the equipment not exceeding $10,000 per project and all playground equipment grants may not exceed 5% of the total grants per year (see Definitions/Clarifications for how this will be calculated);
- Staffing or outside consultants except for costs for staffing or an outside consultant to design and implement an approved project based on the documented need of the applicant and the expenditures may not exceed 5% of the grant to a grantee if the grant exceeds $250,000 and expenditures may not exceed 10% of the grant to a grantee if the grant is $250,000 or less (see Definitions/Clarifications for how this will be calculated);
• A building except for a building that is included as part of a comprehensive conservation plan for a new or expanded recreational project (see Definitions/Clarifications for definition of comprehensive conservation plan and new or expanded recreational project); or
• A project in which the applicant is not directly involved in the execution and completion of the project.

In addition to those specific items in law that are ineligible for funding, in the absence of a finding of exceptional circumstances by the Industrial Commission, the following projects will NOT receive consideration for funding:
• Construction or refurbishment of: ice rinks, basketball courts, and baseball/softball diamonds (including lighting.)
• Projects not meeting a minimum funding request of $2,500.

**Budget Information**

In-kind services used to match the request for Outdoor Heritage Fund dollars shall be valued as follows:

- **Labor costs** $15.00 an hour
- **Land costs** Average rent costs for the county as shown in the most recent publication of the USDA, National Agricultural Statistics Services, North Dakota Field Office
- **Permanent Equipment** Any equipment purchased must be listed separately with documentation showing actual cost. (For example: playground equipment)
- **Equipment usage** Actual documentation
- **Seed & Seedlings** Actual documentation
- **Transportation** Mileage at federal rate
- **Supplies & materials** Actual documentation

More categories will be added as we better understand the types of applications that will be submitted. We will use as our basis for these standards other State and Federal programs that have established rates. For example, the North Dakota Nonpoint Source Pollution Management Program has established rates. If your project includes work that has an established rate under another State Program, please use those rates and note your source.

**Definitions/Clarifications:**

**Building** - Defined as “A structure with a roof either with walls or without walls and is attached to the ground in a permanent nature.”

**Comprehensive Conservation Plan** - Defined as “A detailed plan that has been formally adopted by the governing board which includes goals and objectives—both short and long term, must show how this building will enhance the overall conservation goals of the project and the protection or preservation of wildlife and fish habitat or natural areas.” This does not need to be a complex multi-page document. It could be included as part of the application or be an attachment.

**New and Expanded Recreational Project** means that the proposed building cannot be a replacement of a current building. The proposed building must also be related to either a new or expanded recreational project—either an expansion in land or an expansion of an existing building or in the opportunities for recreation at the project site.

**Playground equipment calculation** - Only the actual costs of the playground equipment (a bid or invoice showing the amount of the equipment costs must be provided) - cannot include freight or installation or surface materials or removal of old equipment, etc.
Staffing/Outside Consultants Costs - If you are requesting OHF funding for staffing or for an outside consultant, you must provide information in your application on the need for OHF funding to cover these costs. For example, if you are an entity that has engineering staff you must explain why you don’t have sufficient staff to do the work or if specific expertise is needed or whatever the reason is for your entity to retain an outside consultant. If it is a request for reimbursement for staff time then a written explanation is required in the application of why OHF funding is needed to pay for the costs of that staff member(s)’ time. The budget form must reflect on a separate line item the specific amount that is being requested for staffing and/or the hiring of an outside consultant. This separate line item will then be used to make the calculation of 5% or 10% as outlined in the law. Note that the calculation will be made on the grant less the costs for the consultant or staff.

Scoring of Grants

Oral Presentation. Please note that you will be given an opportunity to make a ten-minute Oral Presentation at a meeting of the Outdoor Heritage Fund Advisory Board. These presentations are strongly encouraged.

Open Record. Please note that your application and any attachments will be open records as defined by law and will be posted on the Industrial Commission/Outdoor Heritage Fund website.

All applications will be scored by the Outdoor Heritage Fund Advisory Board after your ten-minute oral presentation. The ranking form that will be used by the Board is available on the website at [http://www.nd.gov/ndic/outdoor-infopage.htm](http://www.nd.gov/ndic/outdoor-infopage.htm).

Awarding of Grants

All decisions on requests will be reported to applicants no later than 30 days after Industrial Commission consideration. The Commission can set a limit on duration of an offer on each application or if there isn’t a specific date indicated in the application for implementation of the project, then the applicant has until the next Outdoor Heritage Fund Advisory Board regular meeting to sign the contract and get the project underway or the commitment for funding will be terminated and the applicant may resubmit for funding. Applicants whose proposals have been approved will receive a contract outlining the terms and conditions of the grant.

Responsibility of Recipient

The recipient of any grant from the Industrial Commission must use the funds awarded for the specific purpose described in the grant application and in accordance with the contract. The recipient cannot use any of the funds for the purposes stated under Exemptions on the first page of this application.

If you have any questions about the application or have trouble submitting the application, please contact Andrea Pfennig at 701-328-3786 or apfennig@nd.gov.

Revised: May 14, 2018