

Program Title: Porter Creek Conservation Area

**Request for Funding Form
Lessard-Sams Outdoor Heritage Council
Fiscal Year 2011**

Program or Project Title: **#39 Porter Creek Conservation Area**

Date: November 2, 2009

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| | Council Funding Request | Out-Year Projections of Needs | | |
|---------------------------------|--|--------------------------------------|----------------|----------------|
| Funds Requested (\$000s) | FY 2011 | FY 2012 | FY 2013 | FY 2014 |
| Outdoor Heritage Fund | \$4,150,000 | 0 | 0 | 0 |

A. Summary

Acquire 317 acres of highly erodible tilled land, wetland, woods, and Porter Creek from willing sellers for restoration and reuse as habitat lands, lakeshore access for fishing, taking of game, and biomass production. Acquisition and subsequent restoration to prairie, oak savanna, and oak woodland will result in multiple benefits for water quality, game, non-game and documented rare wildlife species and native plant communities. The site lies within Scott County's Natural Area Corridor, and is a part of a planned 2,665 acre publicly owned (state and county) habitat hub connecting four shallow lakes (Bradshaw, Lennon, St. Catherine's, MacMahon and potentially Cynthia) and hundreds of acres of wetlands, forests and grasslands. Various biological data sets and scientific studies informed the creation of the Scott County Natural Areas Corridor and guided this project proposal.

Once acquired, Scott County is proposing to either transfer ownership to the Minnesota DNR to be incorporated into the Bradshaw Lakes Wildlife Management Area complex, or retain ownership and operate the lands as a hunting, fishing, and habitat area in partnership with the DNR. This project presents a unique opportunity to protect and restore significant

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amounts of contiguous natural lands for habitat, while providing additional hunting opportunities in the rural Metropolitan Area.

B. Background Information

1. What is the problem or opportunity being addressed?

This project, located in Cedar Lake Township in Scott County, would entail fee-title acquisition and restoration of approximately 317 acres of land. The lands, consisting of woodlands, wetlands, lake shore, stream, and highly erodible agricultural lands are within the county's identified natural area corridors, adjacent to Doyle-Kennefick Regional Park (900 acres), and link four shallow-water lakes. The majority of the land is bank owned with the remainder available from willing sellers. The project is "shovel ready".

2. What action will be taken?

Acquisition of 317 acres of land for conservation, habitat protection, and hunting and fishing. The current agricultural uses throughout the site would be converted to native prairie biomass production sites for KODA Energy, a biomass power plant in Shakopee that is operated in partnership between the Shakopee Mdewakanton Sioux Community and Rahr Malting.

3. Who will take action and when?

Scott County will handle the acquisition process in January-June 2010. Once acquired, Scott County will lead the effort to convey the property to the Minnesota DNR for incorporation into the Bradshaw Lakes Wildlife Management Area, or alternatively, retain ownership and operate the lands as a hunting, fishing, and habitat area in partnership with the DNR.

Scott County will also lead conversion of the land from current agriculture use to native prairie for habitat and biomass production. Scott County will work with the Scott Soil and Water Conservation District, the Scott Watershed Management Organization, and the Shakopee Mdewakanton Sioux Community on the restoration. It is expected that conversion would begin after agriculture crops are harvested in Fall 2010 and continue through 2011, with ongoing management thereafter.

It is anticipated that the lands would be open for hunting beginning in Fall 2011.

4. How will you coordinate this program with the other Constitutional Funding?

Future Constitutional Amendment funding from the Parks and Trails fund will likely accelerate acquisition of adjacent natural resource based lands in Doyle-Kennefick Regional Park.

5. What specific habitat changes will occur if this item is funded? Be specific about and list multiple benefits if they exist.

- 317 acres of privately owned lands will be converted to public ownership for conservation, habitat, and the public taking of fish and game.

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- 185 acres of agriculture use will be converted to prairie and oak savanna for habitat.
- Lands will be managed either solely by, or in partnership with, the Minnesota DNR as a Wildlife Management Area.

6. When do you expect to see these habitat changes?

- Changes would begin with the acquisition in the first half of 2010, conversion to native prairie in late 2010 through 2011, and open for hunting in the fall of 2011.

7. Will your Outdoor Heritage Fund dollar request complete the planned accomplishments?

☒ **X** **YES** ☐ **NO**

If not, how will you finance completion?

8. How will you pay for the maintenance of the accomplishments?

Ongoing maintenance of the land will be paid for by revenue generated from biomass production, and supported by general operating budgets of Scott County and potentially the Minnesota DNR.

9. How does this action directly restore, enhance, or protect prairies, wetlands, forests or habitat for fish, game, and wildlife?

- Acquisition of 317 acres of privately owned lands converted to public ownership for conservation, habitat, and the public taking of fish and game.
- Conversion of 185 acres of agriculture lands to native prairie.

10. If you are restoring or enhancing property, is the activity on permanently protected land?

☒ **X** **YES** ☐ **NO**

If yes briefly describe the kind of protection.

Lands acquired will be in public ownership and protected in perpetuity.

11. How will you ensure transparency and provide information about your work and use of Outdoor Heritage Fund dollars.

All work on this project will be reviewed and approved by the Scott County Board of Commissioners through its regular open meeting process. Scott County will use its web site, quarterly county-wide newsletter, and local media to inform and update its residents and other interested parties on the status of the project. Scott County will account for and track funding in a specially designated account for straightforward reporting and transparency.

12. Why will this strategy work?

This strategy will work for the following reasons:

- Scott County has established a clear direction for natural resource conservation and protection in its 2030 Comprehensive Plan.

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- The site is available for acquisition from willing sellers, with a significant portion of the site bank-owned.
- The site is at the hub of significant habitat sites, including four shallow-water lakes, a 900 acre regional park, and 736 acre Bradshaw Lakes WMA.
- The project involves important partners, including the Minnesota DNR, local sportsmen, the Shakopee Mdewakanton Sioux Community, the Scott County Soil and Water Conservation District, the Scott Watershed Management Organization, and KODA Energy.
- Scott County is committed to the principals and priorities action established by the Lessard-Sams Outdoor Heritage Council.
- Scott County has a track record of effective delivery of programs.

13. Who might make decisions that assist or work against achieving the expected impact program?

Scott County has identified several partners what would provide support for this initiative, including:

- **Minnesota DNR**
The Minnesota DNR's Area Wildlife Manager, Diana Regenscheid, supports this acquisition. Ms. Regenscheid has consulted with DNR management and indicates that if this project is funded, the DNR would actively pursue supporting Scott County's efforts to convey the lands to the DNR to be incorporated into its Wildlife Management Area program.
- **New Market Sportsmen Club**
The New Market Sportsmen Club is active in southeast Scott County where this property is located. The Club has supported other conservation efforts in the area.
- **Scott Soil and Water Conservation District**
The Soil and Water Conservation District would be a partner in conversion of the lands from agriculture to native prairie, and provide funding support for other restoration activities. The Soil and Water Conservation District is also leading the study of effective biomass production.
- **Scott Watershed Management Organization**
The Scott WMO provides local funding assistance to land owners and the Soil and Water Conservation District for restoration activities.
- **Shakopee Mdewakanton Sioux Community/KODA Energy**
The Shakopee Mdewakanton Sioux Community (SMSC) has started a significant native prairie conversion effort on Community owned lands to provide biomass for the KODA Energy production plant. Scott County would work with the SMSC and KODA Energy on the proposed conversion to native prairie.

Opposition for this initiative could come from individuals or organizations concerned about more land coming off the tax rolls. However, this project proposes to incorporate portions of the land in revenue-producing biomass production, which retains its taxable status. In addition, if the lands are conveyed to the Minnesota DNR

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for incorporation into the Wildlife Management Area program, the DNR makes payments in lieu of taxes.

14. If this is acquisition of land, has the local government formally approved the acquisition?

☒ **YES**

☐ **NO**

The Scott County Board approved submitting the funding request and supports the project as proposed. County Board policy requires the Board to formally approve receipt of all funding, should this proposal be selected.

15. If this is fee simple acquisition of land, is the land free of any other permanent protection such as a conservation easement?

☒ **YES**

☐ **NO**

16. If this is an easement acquisition, will the eased land be open for public use?

Not applicable. Proposed fee title acquisition.

☐ **YES**

☐ **NO**

If Yes what kind of use?

17. If easement acquisition, will the easement be a permanent conservation easement as described in MS 2009, Chapter 84C.01, specifically protecting the natural resource values of real property forever?

Not applicable. Proposed fee title acquisition.

☐ **YES**

☐ **NO**

18. If you are proposing funding for a new or ongoing program how long into the future do you expect this program to operate?

This acquisition would be a perpetual acquisition.

_____ **Years**

19. Which planning sections will you work in? Check all that apply in the list below.

_____ Northern Forest

_____ Forest/Prairie Transition

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_____ Southeast Forest

_____ Prairie

___X___ Metropolitan Urbanizing Area

20. Does the request address an urgent conservation opportunity that will be lost if not immediately funded?

___X___ YES

_____ NO

If yes, please explain.

185 acres of the total 317 acres is under control of Premier Banks as a result of a failed residential development effort. Premier Banks is actively marketing this property. The opportunity to acquire the property is immediate, and at a reasonable value. This opportunity will not likely be available again as the land has approved residential development rights.

The remaining land consists of two additional privately-owned parcels, 69 acres and 40 acres. Both private land owners have indicated a strong desire to sell. If this initiative is not funded, this land will likely be conveyed to another private property owner in the near future.

21. Does the request restore and/or enhance habitat on existing state-owned Wildlife or Aquatic Management Areas or Scientific and Natural Areas?

___X___ YES

_____ NO

If Yes, list the names of the AMAs, WMAs and/or SNAs and the acres to be restored and/or enhanced.

This land is approximately 0.5 miles from the Bradshaw Lakes Wildlife Management Area. Once acquired, Scott County is proposing to either transfer ownership to the Minnesota DNR to be incorporated into the Bradshaw Lakes Wildlife Management Area complex, or retain ownership and operate the lands as a hunting, fishing, and habitat area in partnership with the DNR.

22. Is this request based on assessment through a science based strategic planning and evaluation model similar to the United States Fish and Wildlife Service's Strategic Habitat Conservation model?

___X___ YES

_____ NO

If yes explain the model briefly.

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Protection of the Porter Creek Conservation Area is a strategic landscape-conservation decision. It is a result of a strategic conservation planning process recently undertaken by Scott County that grew out of a community interest in a comprehensive approach to preserving natural areas, improving water resources, providing habitat connectivity and protecting scenic views.

The process was science based and publicly inclusive and resulted in the identification of a Natural Areas Corridor system for Scott County. The Porter Creek Conservation Area lies within and adjacent to the Natural Areas Corridor and is contiguous with extensive publicly owned natural areas also within the Natural Areas Corridor.

The Natural Area Corridors were mapped using a model based on numerous biological datasets and biological and social criteria developed by county natural resources staff, professional ecologists and a citizen advisory team.

Scott County conservation initiatives, funding, and partnerships are targeted based on the Natural Area Corridors map and process. Land protection through acquisition is one of several tools developed to facilitate the protection of lands within the corridor for multiple conservation benefits.

23. Explain the scientific foundation for your project, and the benefits it will produce.

The general concept of protecting the Porter Creek Conservation Area emerged as a result of the Scott County Natural Area Corridors project (a science-based strategic planning process for conserving natural lands in Scott County). With property foreclosure providing a possible opportunity for permanent protection, the site was more closely examined and research into the benefits that would come about with its permanent protection was undertaken.

A review of biological data sets, studies and considerable consultation with area wildlife managers, the Scott Watershed Management Organization and Scott Soil and Water Conservation District formed the scientific rationale for this project.

The site contains 317 acres of cultivated lands, grassland, savanna, wetland and forested habitat and is a part of a larger habitat hub of 2,665 acres connected through corridors. The planned restoration of the site's land cover to prairie, oak savanna, wetlands and oak forest in the context of the larger habitat complex will directly benefit game species such as deer, turkey, and waterfowl by providing food, shelter and connected natural lands. Non-game wildlife as well as rare wildlife species will also benefit. Documented rare wildlife species (MnDNR Natural Heritage Database) adjacent and nearby the site include Blanding's Turtles, Sandhill Crane (inferred nesting), and Bald Eagle (two nests), each species of which will directly benefit from the protection and restoration of prairie, oak savanna, wetland and oak forest habitat.

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Significant streambank and wetland uplands are located at the Porter Creek Conservation Area; the protection and restoration of which will improve water resources. Recent geomorphology studies by the Scott Watershed Management Organization identify significant damage to stream banks caused by an over-capacity of water moving through the system. The studies prioritize the capture of water where it falls and the slowing of the water across the landscape as key implementation strategies. The protection and restoration of wetland buffers are identified as important methods to accomplish these strategies.

Biological Data Sets and Studies:

- Minnesota Department of Natural Resources (MnDNR) Natural Heritage Database
- MnDNR's County Biological Survey Maps
- MnDNR's Sites of Ecological Significance Maps
- MnDNR's Sites of Biological Significance
- MnDNR's Metro Conservation Corridors Maps
- National Wetlands Inventory
- Scott Soil and Water Conservation District Wetland Inventory
- Minnesota Land Cover Classification System Inventory for Scott County
- Local wildlife surveys
- Scott Watershed Management Organization geomorphology studies

24. How do you set priorities? *(Be sure to list the criteria you use and the weight you give each one.)*

The criteria used to prioritize land acquisition for conservation and habitat protection are:

- **Location** in relation to the Scott County Natural Area Corridors
- **Adjacency** to other important natural resource and habitat lands
- Extent of **natural resource benefit** expected from the acquisition
- **Availability** (willing seller)
- Ability to form **partnerships** to help ensure the project is a success

The Porter Creek Conservation Area meets all five criteria. The extent that a site meets each of these criteria largely determines its priority for the County, with priority also being influenced by funding capacity, community support and other acquisition opportunities.

C. Relationship to the *Minnesota Conservation and Preservation Plan* and Other Published Resource Management Plans

Scott County's approach to natural resource protection planning is not unlike that described in the Minnesota Statewide Conservation and Preservation Plan's 'Integrated Planning' strategic area. The County's 2030 Comprehensive Land Use Plan started with broad review of challenges, the underlying focus of which was the state of natural resources within the County. This conservation-based community planning focus resulted in the development of the Scott County Natural Area

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Corridors as a prominent tool of the plan and directly influenced innovative land use zoning based on scientific data, such as ground water resources.

The Plan ranks Cedar Lake Township (project location) high in terms of having vulnerable key habitat, and scores it moderately on the 'Integrated terrestrial value score' (Figures H16 and H7; Minnesota Statewide Conservation and Preservation Plan, pp. 53 and 44). The proposed project is in-line with many of the plan's recommendations, including several key habitat recommendations:

- Habitat Recommendation 1: Protecting priority land habitats
- Habitat Recommendation 2: Protecting critical shorelands of lakes and streams, especially to shallow lakes
- Habitat Recommendation 3: Improve connectivity and access to out
- Habitat Recommendation 4: Restore and protect shallow lakes
- Habitat Recommendation 5: Restore land, wetlands and wetland associated watersheds
- Habitat Recommendation 7: Keep water on the landscape

The project site also supports recommended actions of Minnesota's Comprehensive Wildlife Conservation Strategy: Tomorrow's Habitat for the Wild and Rare. The project falls within the Big Woods Ecological Subsection. Five of the ten management challenges and responding priority conservation actions for the Big Woods subsection Goal 1 (Stablize and increase SGCN populations) are served by the proposed protection of the Porter Creek Conservation Area, including managing various habitats to enhance Species of Greatest Conservation Need values. Goal three (Enhance people's appreciation and enjoyment of SGCN) can be uniquely implemented this site because of its location adjacent to a Metro regional park planned to focus on land conservation and education oriented towards wildlife, habitats, rare species and hunting and fishing.

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D. Budget

| Budget Item | Fiscal Year 11 | Fiscal Year 12 | Fiscal Year 13 |
|--------------------------|----------------|----------------|----------------|
| Personnel | 10,000 | 19,000 | |
| Contracts | | | |
| Equipment/Tools/Supplies | | | |
| Fee Acquisition | \$4,121,000 | | |
| Easement Acquisition | | | |
| Easement Stewardship | | | |
| Professional Services | | | |
| Travel | | | |
| Additional Budget Items | | | |
| TOTAL | 4,131,000 | 19,000 | |

E. Personnel Details *In the space below list the names, titles and anticipated program funds to be paid by this recommendation. If you will need to fill a position just list the title and amount.*

| Title | Name | Amount. |
|--------------------------|------------------|----------------|
| Program Manager | Mark Themig | 14,500 |
| Natural Resource Planner | Patricia Freeman | 14,500 |

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F. All Leverage In the table below list the sources and amounts of leverage you anticipate by fiscal year you anticipate receiving it. Include state and non-state leverage.

| Source of Leverage | Fiscal Year 11 | Fiscal Year 12 | Fiscal Year 13 |
|--------------------------------------|----------------|----------------|----------------|
| Soil and Water Conservation District | 35,000 | 50,000 | 5,000 |
| Watershed Management Organization | 15,000 | 30,000 | 5,000 |
| KODA Energy/SMSC | 50,000 | 50,000 | 5,000 |
| | | | |
| | | | |
| | | | |
| | | | |
| TOTAL | 100,000 | 130,000 | 15,000 |

G. Outcomes:

- 1) In the first table below, quantify the outcomes you plan to achieve with the recommended funds.
- 2) In the second table show list the sections where outcomes will occur.
- 3) In the third table, allocate your recommended funds to each cell with outcomes listed in table 1.
- 4) In the fourth table show the leverage to be applied to each cell with outcomes listed in table 1. and
- 5) If you have any outcomes listed in the "protect" row in table 1, account for them according to the type of acquisition and PILT status in table 5

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| Table 1 Accomplish- ments | Wetlands | Prairies | Forests | Habitats for Fish, Game and Wildlife |
|--|-----------------|------------------|----------------|---|
| Restore | | <i>184 acres</i> | | |
| Protect | | | | <i>Total Site: 317 acres</i> |
| Enhance | <i>57 acres</i> | | | |

| Table 2 Sections Impacted and Impact Quantifier | Wetlands | Prairies | Forests | Habitats for Fish, Game and Wildlife |
|--|-----------------|-----------------|----------------|---|
| Restore | | | | |
| Protect | | | | |
| Enhance | | | | |

| Table 3 Recommend Fund Allocation | Wetlands | Prairies | Forests | Habitats for Fish, Game and Wildlife |
|--|-----------------|-----------------|----------------|---|
| Restore | | | | |
| Protect | | | | <i>4,150,000</i> |
| Enhance | | | | |

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| Table 4 Leverage \$ | Wetlands | Prairies | Forests | Habitats for Fish, Game and Wildlife |
|------------------------------------|-----------------|-----------------|----------------|---|
| Restore | | 170,000 | | |
| Protect | | | | Total Leverage: 245,000 |
| Enhance | 75,000 | | | |

| Table 5 Acquisition Data | Wetlands | Prairies | Forests | Habitats for Fish, Game and Wildlife |
|---|-----------------|-----------------|----------------|---|
| Acquired in Fee with State PILT Liability | | | | See note* |
| Acquired in Fee without State PILT Liability | | | | 317 acres |
| Permanent Easement | | | | |

*Note: If land is ultimately conveyed to DNR, PILT liability would occur. However, revenue from biomass production would off-set financial liability.

H. Accomplishment Time Table Using the headings below, include a clear statement of how much of what is being accomplished and when. Attach a map showing where accomplishments are anticipated. Accomplishments should clearly restore, enhance or protect forests, wetlands, prairies and habitat for fish, game and wildlife.

| Milestone | Date | Measure |
|--|-------------|--------------------|
| Acquisition for Habitat | 6/30/2010 | Recording Deeds |
| Planning for Restoration and Enhancement | 12/31/2010 | Completion of Plan |
| Restoration and Enhancement Activities | 12/31/2011 | Completion |
| Monitoring | Ongoing | |

I. Relationship to Your Current Budget

This project would fund the acquisition and is supplemental to existing budgets. Scott County is not able to fund this acquisition without this support.

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J. How Will the Habitat Improvements Be Sustained?

Habitat improvements will be sustained through active management of the site, either by Scott County or in partnership with the Minnesota DNR. Management activities will be funded through revenue generated in biomass production.

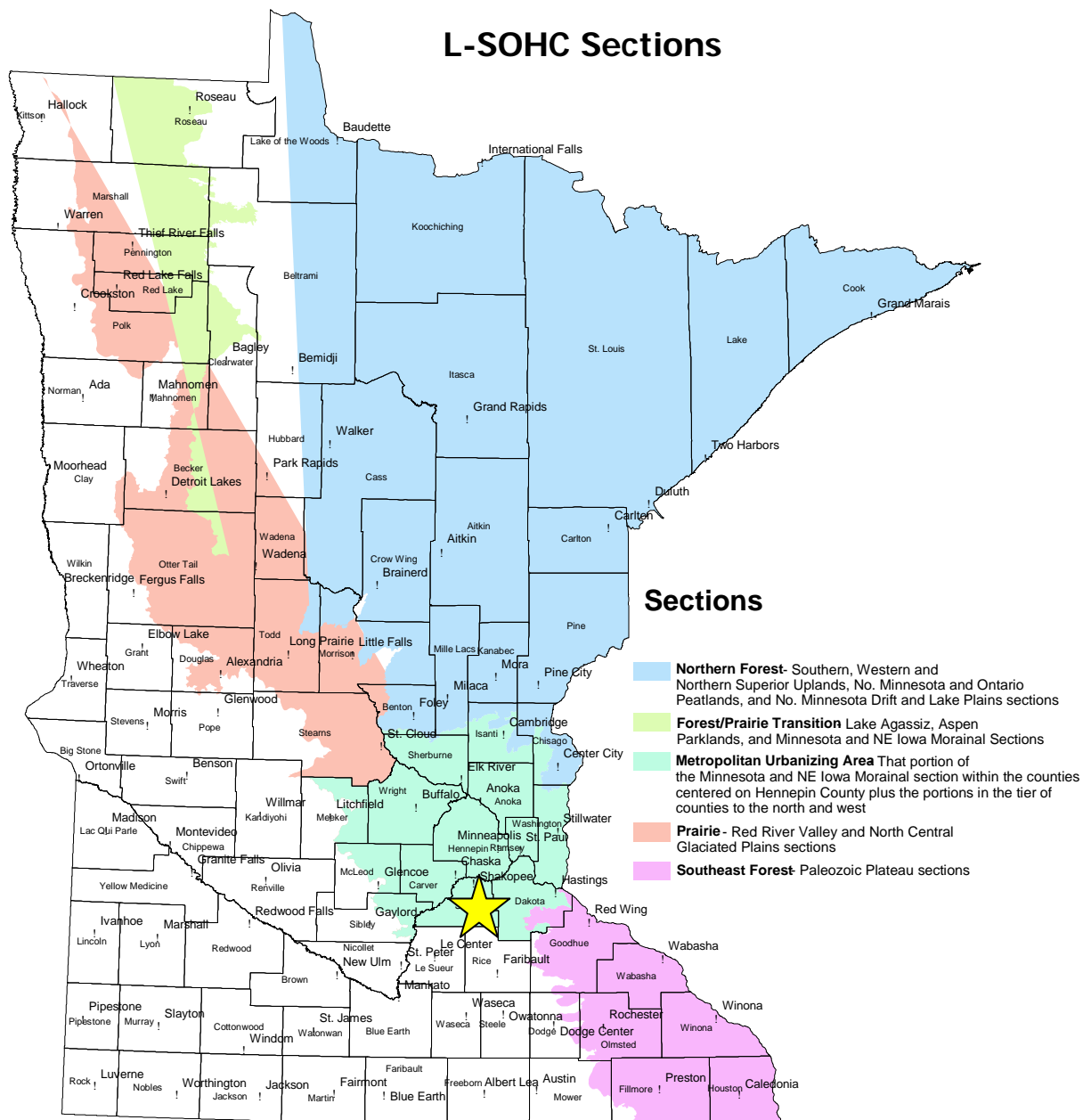
K. Attach a list of your projects listing their county location and edit the map of Minnesota on the next page to show each project as a symbol.

Double left click to bring up the map editor. Symbols should be on the left side of the pop-up banner at the top of your screen or at the bottom left depending on your software.

If you can't bring up the interactive map editor follow these instructions:

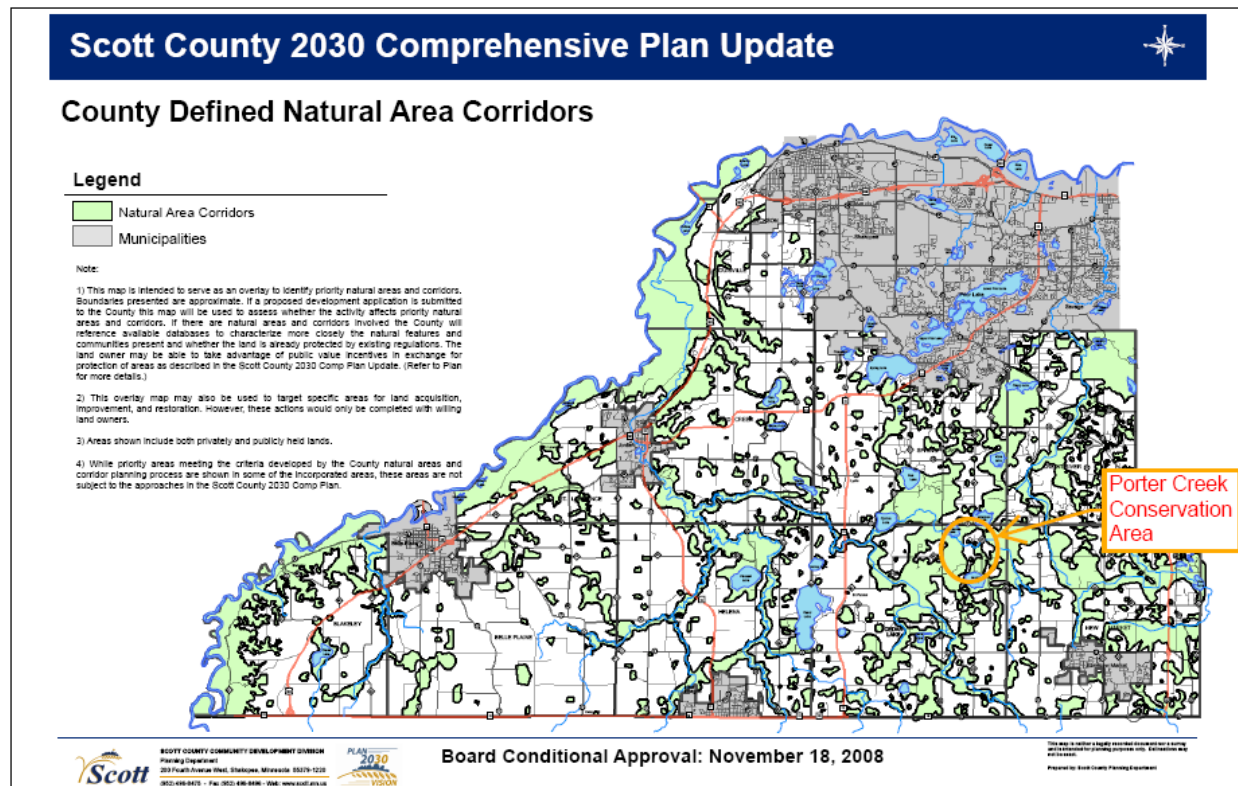
1. Make a paper copy of the map,
2. By hand place symbols on the map corresponding to the location of the projects in your proposal,
3. Scan the marked map to a pdf, and
4. Insert the marked pdf map as the last page in your submission.

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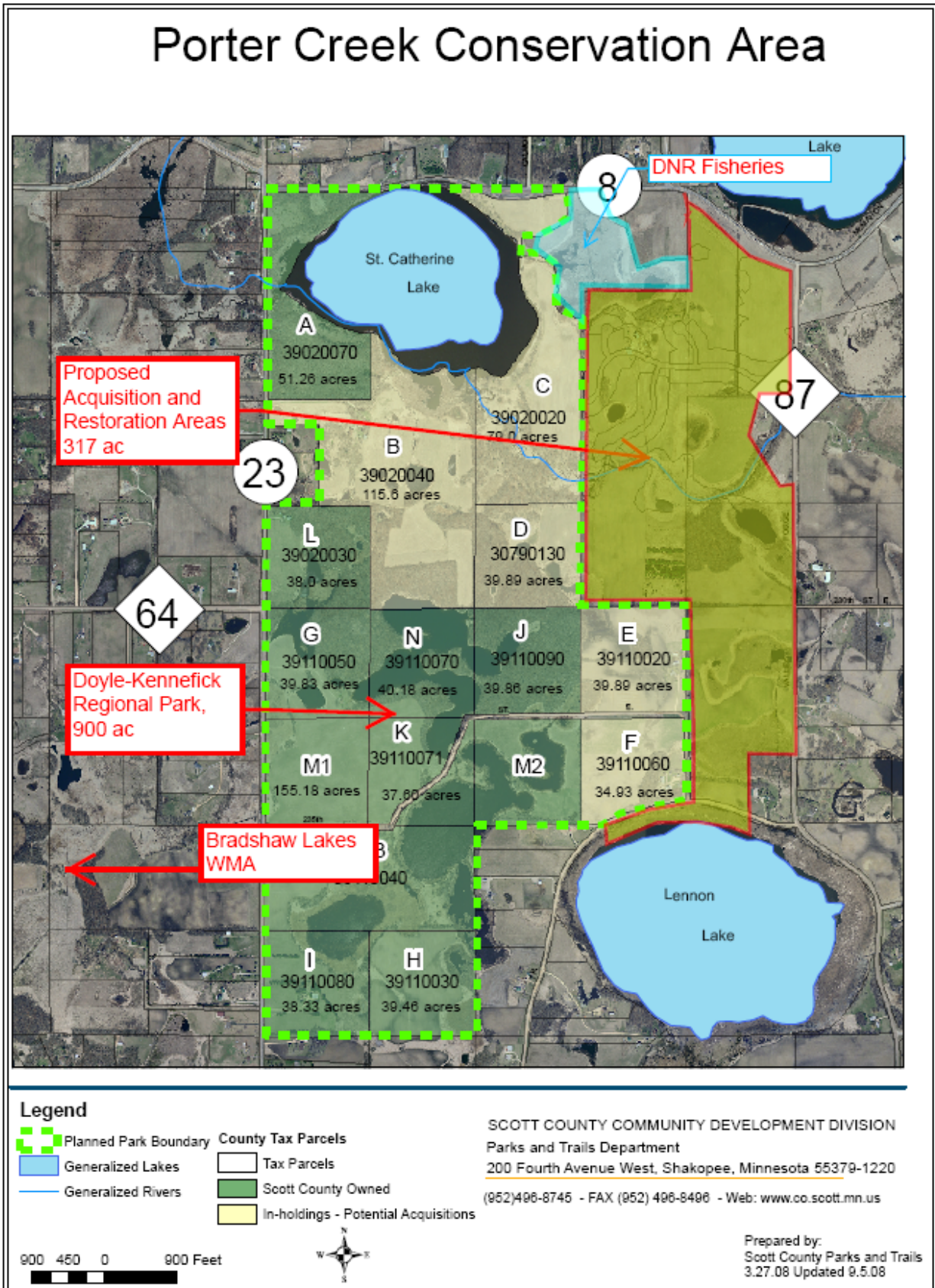


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