

Lessard-Sams Outdoor Heritage Council

Laws of Minnesota 2012 Accomplishment Plan

Date: 10/24/11

Program Title: Riparian and Lakeshore Protection/Management in Dakota County

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Funds Recommended: \$480,000

Legislative Citation: ML 2012, Ch. X, Art. X, Sec. X, Subd. 5 (c):

Abstract:

This project will acquire 174 acres of conservation easements along the Mississippi, Cannon and Vermillion Rivers and Marcott Lakes and restore and enhance 40 acres within associated habitat corridors.

Program Narrative

Design and Scope of Work

The long history of settlement and long-accepted agricultural land use practices have resulted in the loss, degradation and fragmentation of our natural resource systems. In Dakota County, only three percent of the pre-settlement plant communities remain. Despite increased public awareness of water quality issues and improvement methods, as well as multi-agency efforts to assist landowners in protecting the environment, nearly every river, stream and lake in the County that has been monitored is officially impaired in some fashion. The County has a wealth of high quality soils and a vibrant agricultural economy, and with recently high commodity prices, the pressure to plant corn and soybeans from fence row to fence row has never been greater. Under even conservative scenarios, the potential changes that could be wrought by climate change need to be considered. This combination of large-scale impacts and trends must be approached comprehensively, long-term and collaboratively if we are to maintain and improve our natural resource heritage and its many associated benefits. At the same time, there are tremendous opportunities to proactively and successfully address these challenges. The downturn in the economy has halted residential development for now and significantly lowered land prices. Sound plans have been developed and adopted which collectively focus on protecting and improving our natural infrastructure.

The scale and scope of this project is both significant and viable. It encompasses some of the best natural resource features found in the metropolitan region across a combination of urban,

suburban and rural landscapes. It takes a sound fiscal and prescriptive ecological system-approach to conservation, while attempting to balance the interest, rights and responsibilities of private landowners with the public's concerns about water and habitat quality, outdoor recreation, and climate change.

The County has an excellent track record of working effectively with a wide variety of agencies, jurisdictions and organizations including the Natural Resources Conservation Service, MN Department of Natural Resources, Soil and Water Conservation District, Vermillion River Watershed Joint Powers Organization, Cannon River Watershed Partners, Friends of the Mississippi River, Trout Unlimited and others. The County has been implementing its Farmland and Natural Areas Program (FNAP) for the past eight years with two years of planning, public outreach and participation prior to its inception. Through the FNAP, the County has developed program policy and practices to acquire, monitor and administer 57 current conservation easements totaling 6,000 acres with many other easement projects underway. In association with these easements, the County develops and implements short- and long-term natural resource management and restoration plans.

The recently completed LCCMR-funded Vermillion River Corridor Plan provides the basis for land protection for riparian systems. The plan integrates and prioritizes the combined protection and improvement of water quality, wildlife habitat and appropriate outdoor recreational opportunities. A system of established criteria including reducing non-point pollution; improving stream channel, floodplain and wetland functions; ecological quality and size; length of shoreline; proximity to other protected land; landowner commitment to current and future stewardship; cost and leveraged funds; improving appropriate outdoor recreational opportunities; and other considerations will be used to evaluate and rank projects. See Attachment D: Evaluation Criteria. The easements do not require public access, but projects including public access receive higher scores. In addition, payment for public access easements, similar to the DNR Angler Access Easement Program, will be available to landowners. Easements will be written in a way so as to not preclude public trails at a future date and to reflect future changes in demographics and local land use. A similar plan and criteria system is being developed for the north Cannon River system. A technical staff team from the County's Park and Open Space and Water Resources Departments and the Dakota County SWCD will review and rank projects and forwards recommendations to the County Board for approval.

The most significant and expensive easement is part of the 250-acre Marcott Lakes project in Inver Grove Heights. This project involves multiple landowners, phases and funding sources including Dakota County, Environment and Natural Resource Trust Fund, Outdoor Heritage Fund, and landowner donation. The remainder of the acquisition projects will involve riparian buffers on private property along the Mississippi River, Cannon River (including Dutch, Mud, Chub, Darden and Pine Creeks, and Trout Brook) and Vermillion Rivers (including the North, Middle and South Creeks, the South Branch and their tributaries). GIS and outreach efforts have and will continue to identify critical and willing landowners interested in protecting and managing important parcels as part of the County's comprehensive initiative to provide protected vegetative buffers along all rivers and streams.

Easement values for projects in cities or with an estimated cost exceeding \$50,000 will be based upon an independent, fair market appraisal. Due to the lack of comparables for small riparian easements in the metro region and increased staff and financial efficiency, a formula based on rural agricultural tax assessed value and variably adjusted according to regulatory conditions, floodplain, amount of cultivated land taken out of production, and vegetation types

will be used to determine per acre easement value. Updated aerial photography and Minnesota Land Cover Classification System data, official FEMA floodplain boundaries, and site visits will be used to determine the following respective acreage components of each easement:

- Agricultural Land - within and outside of 50 feet from shoreline
- Woodlands - within and outside of 100-year floodplain
- Fields and wetlands - within and outside of 100-year floodplain

These acreages will then be multiplied by the relevant valuation amount to determine the value of each respective component to produce the overall easement value. Payment for public access will be based upon \$5/foot for stream length or lakeshore within the easement. This process was reviewed and approved by the County Attorney's Office, County Assessor's Office, County Administration, and the County Board of Commissioners. In addition, the process was reviewed by three independent appraisers and their comments were integrated within the approach. See Attachment E: Valuation Formula.

Phase I Environmental Assessments will be completed for all projects and all solid waste will have to be removed as a condition of participation. Easements are surveyed by the County Surveyor's Office and the resulting information is used for legal documents and boundary markers. Baseline Property Reports, referenced in the easement deed, are reviewed and signed by the landowner and the County and completed prior to acquisition. All information is entered into a land management data base. As previously adopted by the County Board, the County's standard practice is to annually monitor each easement. A combination of remotely reviewing the easement using available technology and then scheduling a site visit is used for determining easement compliance. Each written monitoring report is reviewed and signed by the landowner and the County and is then entered into the data base.

All easements require the joint development of a Natural Resource Management Plan (NRMP) by the landowner(s) and the County. A Landowner Agreement is then developed between the two parties identifying the NRMP priorities, activities, responsibilities, costs and schedule. For some riparian easements, it will mean restoring currently cultivated areas using a variety of native species depending upon site conditions, habitat potential, strategic corridor interconnectivity, and opportunities to increase ecological resiliency. For other easements, it will be a combination of protecting and managing the current vegetation and restoring cultivated portions of the site with native species. In still other sites, the project will permanently protect and enhance the shoreline, riparian zone and associated uplands and wetlands. This project has direct benefits to fish, game and wildlife beyond the increased and interconnected terrestrial habitat. Working with landowners to increase and improve buffers and better manage drain tile will reduce runoff containing excess nutrients, chemicals and warm water. The resulting water quality improvements will enhance the entire aquatic ecosystem.

Depending upon the completion of easements, restoration and activities would occur on easements acquired early in this funding period. Other natural resource restoration and enhancement would take place on previously protected properties along rivers and streams.

The results of all of these efforts have led to wide-spread alignment and support for riparian easements that can accomplish multiple benefits while compensating and protecting private landowners. The Dakota County Board of Commissioners approved the submission of the "Riparian and Lakeshore Protection/Management in Dakota County" proposal by Resolution No. 11-337 on July 12, 2011. The proposed acquisitions will take place in as many as eight cities

and twelve townships. While these local jurisdictions have been very involved in the numerous land conservation planning processes that have been completed, there is a very high degree of alignment between these plans and the most recently approved local comprehensive plans, and they have been directly involved in and supported previous County land protection projects from willing landowners, they have not formally approved specific acquisition at this time.

Planning

This proposal is based on a number of scientifically-based assessments. At a higher level, there is wide agreement that taking a watershed, point/non-point pollution approach to management is the only way to truly protect and improve stream health, and that well designed vegetated buffers can effectively provide a variety of other benefits. There is also a wealth of documentation on the importance of contiguous ecological corridors to ensure the ecological viability of plant and animal communities.

LSOHC's Metro Urbanizing Vision and Priorities

2. Protect habitat corridors, with emphasis on the Minnesota, Mississippi and St. Croix Rivers.
 - A network of natural habitats will connect, making corridors for wildlife species in greatest need of conservation
3. Enhance and restore coldwater fishery systems
 - High quality habitat (streams, rivers and lakes protected by vegetative buffers along riparian areas, aquatic indicators...mussels, fish populations)
4. Protect, enhance and restore riparian and littoral habitats on lakes to benefit game and non-game fish species.

State

A. Conservation and Preservation Plan

1. Under Habitat Action, this project directly addresses the following actions:
 - H 1 Protect priority land habitats identified in a variety of plans
 - H 2 Protect critical shoreline of streams and lakes
 - H 5 Restore land, wetlands and wetland associated watersheds
 - H 7 Keep water on the landscape by increasing, restoring and enhancing shoreline vegetation and promoting best practices on other lands
2. Under Land Use Action, this project directly addresses the following actions:
 - LU 2 Support local and regional conservation-based community planning by providing funding in recognition of leadership and excellence
 - LU 3 Ensure protection of water resources in urban areas Dakota County contains significant amount of the metro regions groundwater drinking water supply
 - LU 4 As much as possible, transition renewable fuel feedstock to perennial crops. A component of the conversion of conventional agricultural land is to grow perennial biofuels that also provides wildlife habitat
 - LU 6 Reduce streambank erosion through peak-flow reduction. This project is but one of a series of strategies to reduce runoff.

B. A Fifty-Year Vision: Conservation for Minnesota's Future

1. Under Land and Habitat, this project directly addresses the following actions:

- Project is based on a very finely focused natural resource inventories and scientifically-identified ecological stressors
- 2. Under Lakes, Rivers Wetlands and Streams, this project directly addresses the following:
 - Monitoring has already been completed and waters have been listed as impaired by the MPCA. We are awaiting the TMDL for Lake Pepin before being able to proceed with individual TMDLs.
 - Have already undertaken a systematic inventory of private septic systems offering incentives and mandates for repairs.
 - The easement is part of an overall strategy to provide incentives for stabilizing and restoring identified streambank issues and encourage a variety of best management practices on agricultural, rural and commercial lands

Regional

The primary framework for land conservation in the metropolitan urbanizing section is the individual focus areas developed through the collaborative Metro Conservation Corridors Initiative. All of the proposed projects are located within the Vermillion River, the Lower Mississippi River or the Chub Lake/Cannon River Focus Areas. Specifically, this project is designed to protect, connect and enhance extensive habitat corridors and enhance and restore cold water fishery systems. This includes protection and enhance of a “trophy” trout stream within the region and providing a sport fishing opportunity for the population center of the state.

Local

Dakota County was the first entity to complete the Minnesota Land Cover Classification System which became the basis for the development of the County’s Farmland and Natural Areas Protection Plan. The Vermillion River Watershed Joint Powers Organization has conducted in-depth, cutting edge scientific studies along the river to help focus the type and location of projects. Each of the individual township and city comprehensive plans includes desired protection for these riparian and shoreline areas.

Relationship to Other Constitutional Funds

This request is based on three primary initiatives funded through the Environment and Natural Resources (ENR) Trust Fund: In 1998, Dakota County received ENR Trust funds to conduct an assessment which lead to the development and implementation of the \$20 million Farmland and Natural Areas Program. ENR Trust funds have support the collaborative efforts of the Metro Conservation Corridor partners which has protected and restored habitat in the County since 2002. More recently, ENR Trust Funds helped support the Vermillion River Corridor Plan which provides the planning and design basis for this request. The two initial phases of the comprehensive initiative to protect all rivers and streams and undeveloped lakeshore in the County has been financially supported with FY10 and FY11 Outdoor Heritage Funds.

Relationship to Current Organizational Budget

Dakota County has an active land conservation initiative and dedicated budget for acquiring private in-holdings within regional parks, developing multi-purpose greenways and protecting natural areas and working lands. In addition, numerous Parks and Open Space, Water Resources, GIS, Survey, Financial Services, and other County staff are involved in assisting with these efforts. The riparian and lakeshore corridor initiative complements and accelerates these comprehensive efforts. Although some level of County resources is and would be committed to this work, current levels of County resources does not allow the County to work on

all of the projects described in the Accomplishment Plan. The full cost of acquiring and managing the additional easements acres is not included in current or future budgets. The availability of the Outdoor Heritage Funds has allowed the retention of existing staff to continue working on conservation projects despite increasing pressures to reduce budgets.

Sustainability and Maintenance

All acquisition will be in the form of permanent conservation easements on private land. Project selection and implementation is designed to achieve maximum conservation benefits with both short- and long-term fiscal efficiency. By focusing on easements on private property, management responsibilities remain with private landowners creating less of a burden on the County. Natural Resource Management Plans (NRMP) are required for every easement. The NRMP is designed to identify issues, priorities, costs, responsibilities, and methodologies for protecting and improving the natural resources. A representative NRMP example is included as an attachment. Additional Landowner Agreements describe roles and responsibilities for all parties in carrying out the management (restoration, maintenance, and or enhancement) activities. The County will provide initial restoration assistance with long-term management of the respective easements being the responsibility of the landowners. This approach engages and encourages the landowner to address the most important issues up front to reduce long-term costs. Moreover, the initial relationship-building, the NRMP, strategic assistance, and subsequent monitoring will provide opportunities to share updated natural resource information and best management practices with landowners and achieve a higher likelihood of stewardship. This comprehensive watershed and corridor approach will provide the best opportunity to effectively protect these community assets and public investments.

The County has a well-established easement and natural resource monitoring system to ensure compliance to the easement terms and to identify needed adjustments to the NRMP. The County Attorney's office is committed to enforcing all easements. The County is currently undertaking a comprehensive study to establish a dedicated stewardship fund to ensure that there are adequate funds available to monitor these investments in perpetuity. As a first step, the County Board is including a new line item in the proposed 2012 Capital Improvement Program budget to monitor and manage easements.

Outcomes

The integrated and comprehensive approach of this long-term initiative is designed to achieve multiple public benefits with efficient strategic investments of funding and other resources. By carefully focusing on the first 150 feet and adjacent natural areas of rivers and streams, negative impacts of non-point water pollution, including sedimentation can be minimized. The existence of baseline information should allow agencies to determine the effectiveness of these investments over time. By having a critical mass of contiguous riparian and upland habitat, the overall quality and condition of wildlife habitat for a variety of wildlife species will be greatly improved because of increased size, quality, connectivity, management, and resiliency. This should result in healthier, more sustainable, naturally reproducing trout and other wildlife populations in many of the river and stream sections included in the project area.

Land protection and management will have positive outcomes on individual landowners, neighbors, local residents, tourists, and others. Increased close-to-home opportunities for becoming more aware and knowledgeable while enjoying the natural environment should positively impact attitudes and behavior. This can result in landowners exhibiting better stewardship of their own properties or supporting the efforts of agencies and organizations involved in natural resource protection and management. This can also provide a critical guide for more sustainable future development that will take place over time.

The Marcott Lakes project is protecting a large, very high quality natural resource area in a developing suburb. The project also provides a land base and foundation for an environmental and outdoor skills facility where people of all ages will have a very convenient location to learn about a host of hunting, fishing, camping, and other skills.

Accomplishment Timeline

Activity	Milestone	Date completed
Easement Acquisition	174 acres	June 30, 2015
Habitat Restoration	40 acres	June 30, 2016

Attachments

- A. Budget
- B. Proposed Outcome Tables
- C. Parcel List
- D. Scoring Criteria
- E. Buffer easement Valuation Formula

Attachment A. Budget Spreadsheet

Name of Proposal:	Riparian and Lakeshore Protection/Management in Dakota County
Legislative Citation:	ML 2011, Ch. X, Art. X, Sec. X, Subd. X (x):
Date:	10/24/2011

[Link HERE to definitions of the budget items below.](#)

Total Amount of Request \$ 480,000 *From page 1 on the funding form.*

Personnel

Position breakdown here	FTE	Over # of years	Anticipated Cash		Cash Leverage Source	Total
			LSOHC Request	Leverage		
<i>Project Manager</i>	0.1	2	\$	16,000	\$	16,000
<i>Real Estate Specialist</i>	0.1	2	\$	12,000	\$	12,000
<i>Natural Resource Specialist</i>	0.05		\$	6,000	\$	6,000
Total	0.25		\$	-	\$	-
			\$	34,000	\$	34,000

Budget and Cash Leverage *(All your LSOHC Request Funds must be direct to and necessary for program outcomes.)*

Please describe how you intend to spend the requested funds.

Budget Item	LSOHC Request	Anticipated Cash		Cash Leverage Source	Total
		Leverage			
Personnel - auto entered from above	\$ -	\$ 34,000		\$ -	\$ 34,000
Contracts				\$ -	
Fee Acquisition w/ PILT <i>(breakout in table 7)</i>				\$ -	
Fee Acquisition w/o PILT <i>(breakout in table 7)</i>				\$ -	
Easement Acquisition	\$ 460,000	\$ 460,000		<i>County, Watershed</i>	\$ 920,000
Easement Stewardship	\$ 20,000	\$ 20,000		<i>County, Watershed</i>	\$ 40,000
Travel (in-state)				\$ -	
Professional Services				\$ -	
Direct Support Services				\$ -	
DNR Land Acquisition Costs				\$ -	
Other				\$ -	
Capital Equipment <i>(auto entered from below)</i>				\$ -	
Other Equipment/Tools				\$ -	
Supplies/Materials				\$ -	
	\$ 480,000	\$ 514,000		\$ -	\$ 994,000

Capital Equipment *(single items over \$10,000 - auto entered into table above)*

Item Name	LSOHC Request	Leverage
<i>None</i>		
Total	-	-

Attachment B. Output Tables

Name of Proposal:	Riparian and Lakeshore Protection/Management in Dakota County
Legislative Citation:	ML 2011, Ch. X, Art. X, Sec. X, Subd. X (x):
Date:	10.24/2011

Table 1. Acres by Resource Type

Describe the scope of the project in acres (use conversion above if needed)

	Wetlands	Prairies	Forest	Habitats	Total
Restore				40	40
Protect Fee					0
Protect Easement				174	174
Protect Other					0
Enhance					0
Total	0	0	0	0	214

Total Acres (sum of Total column)	214	<i>These two cells should be the same figure.</i>
Total Acres (sum of Total row)	214	

Table 2. Total Requested Funding by Resource Type

	Wetlands	Prairies	Forest	Habitats	Total
Restore				\$ 20,000	\$ 20,000
Protect Fee					\$ -
Protect Easement				\$ 460,000	\$ 460,000
Protect Other					\$ -
Enhance					\$ -
Total	\$ -	\$ -	\$ -	\$ 480,000	\$ 480,000

Total Dollars (sum of Total column)	\$ 480,000	<i>These two cells should be the same figure.</i>
Total Dollars (sum of Total row)	\$ 480,000	

Check to make sure this amount is the same as the Funding Request Amount on page 1 of Main Funding Form.

Table 3. Acres within each Ecological Section

	Metro/Urban	Forest/Prairie	SE Forest	Prairie	Northern Forest	Total
Restore	30		10			40
Protect Fee						0
Protect Easement	134		40			174
Protect Other						0
Enhance						0
Total	164	0	50	0	0	214

Total Acres (sum of Total column)	214	<i>These three cells should be the same figure.</i>
Total Acres (sum of Total row)	214	
Total Acres from Table 1.	214	

Table 4. Total Requested Funding within each Ecological Section

	Metro/Urban	Forest/Prairie	SE Forest	Prairie	Northern Forest	Total
Restore	\$ 15,000		\$ 5,000			\$ 20,000

Attachment B. Output Tables

Protect Fee						
Protect Easement	\$ 410,000		\$ 50,000			\$ 460,000
Protect Other						\$ -
Enhance						\$ -
Total	\$ 425,000	\$ -	\$ 55,000	\$ -	\$ -	

Total Dollars (sum of Total column) \$ 480,000 *These two cells should be the same figure.*
 Total Dollars (sum of Total row) \$ 480,000
 Check to make sure these amounts are the same as the Funding Request Amount on page 1 of Main Funding Form.

Table 5. Target Lake/Stream/River Miles

miles of Lakes / Streams / Rivers Shoreline

Table 6. Acquisition by PILT Status (enter information in acres)

	Wetlands	Prairies	Forests	Habitats	Total
Acquired in Fee with State PILT Liability					
Acquired in Fee w/o State PILT Liability					
Permanent Easement <i>NO State PILT Liability</i>					
	0	0	0	0	

Table 7. Estimated Value of Land Acquisition by PILT Status (enter information in dollars)

	Wetlands	Prairies	Forests	Habitats	Total	
Acquired in Fee with State PILT Liability					\$ -	\$ -
Acquired in Fee w/o State PILT Liability					\$ -	\$ -
Permanent Easement <i>NO State PILT Liability</i>				\$ 460,000	\$ 460,000	
	\$ -	\$ -	\$ -	\$ 460,000		

FYI: should match total in budget table that is auto entered below

Attachment C. Parcel List

Name of Proposal: Riparian and Lakeshore Protection/Management in Dakota County
Legislative Citation: ML 2011, Ch. X, Art. X, Sec. X, Subd. X (x):
Date: 10/24/2011

Parcel Name	County	Township (25-258)	Range (01-51)	Direction	Section (01 thru 36)	TRDS	# of acres	Budgetary Estimate	Description	Activity PF=Protect Fee PE=Protect Easement PO=Protect Other R=Restore E=Enhance	If Easement, what is the easement cost as a % of the fee acquisition?	Any existing protection? (yes/no)	Open to hunting and fishing? (yes/no)
Marcott Lakes- Lindberg	Dakota	27	22	2	20	2722220	14	\$200,000	<i>lakeshore</i>	P			
Vermillion River Headwaters	Dakota	113	20	2	9	1132029	30	60,000	riparian				
South, Middle and North Creek	Dakota	114	19	2	29	11419229	30	60,000	riparian				
Vermillion River Main Stem	Dakota	113	19	2	1	1131921	20	40,000	riparian				
Vermillion River South Branch	Dakota	114	18	2	15	11418215	10	20,000	riparian				
Chub, Dutch and Mud Creeks	Dakota	112	19	2	17	11219217	30	30,000	riparian				
Cannon River	Dakota	112	19	2	14/15	11219214/15	30	30,000	riparian				
Pine and Darden Creeks	Dakota	112	18	2	1	1121821	5	10,000	riparian				
Trout Brook	Dakota	113	17	2	26	11317226	5	10,000	riparian				