

# Lessard-Sams Outdoor Heritage Council Laws of Minnesota 2013 Accomplishment Plan

**Date: October 28, 2012**

**Program or Project Title:** Shallow Lake & Wetland Protection Program - Phase III

**Funds Recommended: \$3,530,000**

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**Legislative Citation:** (to be completed when signed by Governor)

**County Locations:** Big Stone, Freeborn, Le Sueur, Meeker, and Stearns.

## **Ecological Planning Regions:**

- Forest / Prairie Transition
- Prairie

## **Activity Type:**

- Restore
- Protect in Fee

## **Priority Resources Addressed by Activity:**

- Wetlands
- Prairie

## **Abstract:**

Ducks Unlimited will purchase and restore prairie land on shallow lakes and large wetlands, and land on state Wildlife Management Areas adjacent to or containing shallow lakes and large wetlands of importance to waterfowl, for future transfer to Minnesota DNR.

## **Activity Detail**

## Design and Scope of Work:

This land acquisition and restoration program helps implement Minnesota's Prairie Conservation Plan. In the Prairie Section of Minnesota, 90% of our prairie wetlands have been drained and most native prairie uplands lost to agriculture. The wetland basins that remain are often large, deep wetlands and shallow lakes that now receive heavy runoff and drainage from the intensively cultivated landscape that surrounds them. Forty-seven shallow lakes have been legally designated for active wildlife management purposes (water level draw-downs and surface use restrictions) by Minnesota DNR, whereas others are actively managed via flowage easements or public land ownership. Hundreds of other basins are surrounded in whole or part by state Wildlife Management Areas (WMA) or federal Waterfowl Production Areas (WPA). Landscape drainage, intensive cultivation of the prairie landscape, and invasive fish such as carp has degraded these remaining wetlands and shallow lakes into turbid waters which provide only limited habitat benefit to migrating and brood-rearing waterfowl and other wetland-dependent wildlife, and poor quality outdoor recreational opportunities for Minnesota duck hunters.

To remedy, DU partners with Minnesota DNR and U.S. Fish & Wildlife Service managers to actively manage shallow lakes and wetlands through temporary water level draw-downs to consolidate sediments and nutrients, reduce and remove invasive fish, improve water clarity, and enhance the aquatic ecology in some shallow lake and large wetland basins under their control. DU actively supports these efforts by providing bio-engineering technical assistance and delivering water control structures through other OHF appropriations. To compliment those management efforts, this program strives to buffer our remaining shallow lakes and wetlands with native prairie grass, and restore and protect the lands immediately surrounding them as agriculture intensifies and pressures to convert idle land into row-crop production grow. Many private lands adjacent to our remaining wetlands and shallow lakes contain unbroken patches of native prairie or are restored cropland enrolled in the USDA's short-term Conservation Reserve Program (CRP), but remain vulnerable to conversion back to agriculture due to rising row-crop and land prices and therefore need permanent protection. Other lands are intensively cultivated right up to the edge of shallow lakes and wetlands, or to the edge of state WMAs containing such basins, and need to be restored and permanently protected. Thus, public land acquisition and restoration is a critical component of shallow lake and wetland conservation in Minnesota, especially in the prairie portion of the state where wetland complexes are critical for both breeding and migrating ducks. Also, many shallow lake and large wetland basins with management potential (and those partially drained with restoration potential) have only limited or no public land on them, which limits the ability of Minnesota DNR to restore and actively manage them - thus public land acquisition is needed to give wildlife agencies land control on basins in need of improvement for wildlife and to provide public access, and active management and protection of shallow lakes and wetlands is identified as a priority action in all major conservation plans in Minnesota.

This program is Phase 3 of a Ducks Unlimited public land acquisition and restoration program to acquire and restore land on shallow lakes and wetlands, and land adjoining state WMAs (or federal WPAs) containing large wetland and shallow lakes. Acquisition of these lands will be for public ownership and land management

to further buffer these basins and create wetland complexes, restore and preserve prairie uplands and small wetlands around shallow lakes and WMAs, protect investments in shallow lake management, and make new shallow lake enhancement or wetland restoration projects possible. DU will acquire (and restore where needed) approximately 400 acres of land on shallow lakes and land on WMAs containing large wetlands and shallow lakes, or land required to restore large wetlands, in the Prairie and Forest-Prairie Sections. DU field staff will work with DNR area wildlife managers and private landowners to identify tracts of land for sale on shallow lakes and on public lands containing large wetlands, and DU will obtain written approval that DNR will accept a tract before lands are purchased for the state. Because lands often come up for sale on short notice and because DNR area wildlife staff are not always aware of all pending land sales in their large work areas, DU land protection staff will work with DNR field staff through this grant to find priority tracts for sale and amend them into our parcel list.

Tracts prioritized for acquisition by DU for DNR will include shoreland adjacent to shallow lake or large wetland, tracts adjoining existing state WMA lands that contain or adjoin shallow lakes and large wetlands of importance to waterfowl, tracts that make large wetland restorations and shallow lake enhancements possible, and tracts that provide public access or installation of water control structures on shallow lakes to be managed by DNR. Tracts to be acquired will be reviewed and approved by DNR Wildlife.

In cases where short-term DU land management is possible and where weed control, taxes, and other land ownership costs can be paid with proceeds from CRP rental contracts or limited haying/grazing leases, DU may elect to temporarily hold and manage one or more tracts acquired before transferring to the DNR to temporarily alleviate the state of land management costs and PILT liability while restoring the site and allowing for public use and demonstration of OHF habitat accomplishments (media tours, youth hunting events, etc). During this time, DU will restore and manage the land for wildlife habitat, pay all taxes in full, and make the land open for public hunting, fishing, and other forms of compatible public uses in partnership with DNR. Grant funds will pay for land, appraisals, surveys, closing costs, restoration, and DU staff and in-state travel costs to conduct outreach to landowners, research, identify, purchase, land, and to and staff/travel and other costs to restore, manage, and transfer land to DNR. Budget reallocations up to 10% will not require an amendment to the pending Accomplishment Plan as per guidance from LSOHC staff.

## Planning

### **MN State-wide Conservation Plan Priorities:**

- H1 Protect priority land habitats
- H2 Protect critical shoreland of streams and lakes
- H3 Improve connectivity and access to recreation
- H4 Restore and protect shallow lakes
- H5 Restore land, wetlands and wetland-associated watersheds
- H6 Protect and restore critical in-water habitat of lakes and streams

- H7 Keep water on the landscape

### **Plans Addressed:**

- A Vision for Wildlife and Its Use -- Goals and Outcomes 2006-2012
- Ducks Unlimited Living Lakes Initiative
- Grassland Bird Conservation Area
- Long Range Duck Recovery Plan
- Long Range Plan for the Ring-Necked Pheasant in MN
- Managing Minnesota's Shallow Lakes for Waterfowl and Wildlife
- Minnesota DNR Nongame Wildlife Plans
- Minnesota Prairie Conservation Plan
- Minnesota's Wildlife Management Area Acquisition - The Next 50 Years
- North American Waterbird Conservation Plan
- North American Waterfowl Management Plan
- Northern Plains Prairie Potholes Regional Shorebird Conservation Plan
- Northern Tallgrass Prairie Habitat Preservation Area (HPA) Final Environmental Impact Statement
- Outdoor Heritage Fund: A 25 Year Framework
- Partners in Flight Conservation Plans for States and Physiographic Regions
- Partners in Flight Grassland Bird Plan
- State Comprehensive Outdoor Recreation Plan
- Tomorrow's Habitat for the Wild and Rare
- U.S. Fish and Wildlife Service Strategic Habitat Conservation Model
- U.S. Prairie Pothole Joint Venture Plan
- Upper Mississippi River and Great Lakes Region Projects Joint Ventures Plan

### **LSOHC Statewide Priorities:**

- Are ongoing, successful, transparent and accountable programs addressing actions and targets of one or more of the ecological sections
- Produce multiple enduring conservation benefits
- Are able to leverage effort and/or other funds to supplement any OHF appropriation
- Allow public access. This comes into play when all other things about the request are approximately equal
- Address conservation opportunities that will be lost if not immediately acted on
- Restore or enhance habitat on state-owned WMAs, AMAs, SNAs, and state forests
- Use a science-based strategic planning and evaluation model to guide protection, restoration and enhancement, similar to the United States Fish and Wildlife Service's Strategic Habitat Conservation model
- Address wildlife species of greatest conservation need, Minnesota County Biological Survey data, and rare, threatened and endangered species inventories in land and water decisions, as well as permanent solutions to aquatic invasive species
- Provide Minnesotans with greater public access to outdoor environments with hunting, fishing and other outdoor recreation opportunities
- Ensures activities for "protecting, restoring and enhancing" are coordinated among agencies, non profits and others while doing this important work
- Target unique Minnesota landscapes that have historical value to fish and

wildlife

### **LSOHC Prairie Section Priorities:**

- Protect, enhance, or restore existing wetland/upland complexes, or convert agricultural lands to new wetland/upland habitat complexes
- Protect, enhance, and restore remnant native prairie, Big Woods forests, and oak savanna
- Convert agricultural land to wetland/upland to protect, enhance, or restore existing habitat complexes, such as WMAs
- Restore or enhance habitat on public lands
- Protect, restore, and enhance shallow lakes
- Protect expiring CRP lands
- Protect, enhance, and restore migratory habitat for waterfowl and related species, so as to increase migratory and breeding success

### **LSOHC Forest Prairie Transition Section Priorities:**

- Protect, enhance, and restore wild rice wetlands, shallow lakes, wetland/grassland complexes, aspen parklands, and shoreland that provide critical habitat for game and nongame wildlife
- Protect, enhance, and restore rare native remnant prairie
- Protect, enhance, and restore migratory habitat for waterfowl and related species, so as to increase migratory and breeding success

### **Relationship to Other Constitutional Funds:**

- Environmental and Natural Resource Trust Fund

Interest in protecting Minnesota's wetland and shallow lake habitats has resulted in numerous initiatives and a variety of funding sources, including the Environmental and Natural Resource Trust Fund and Clean Water Fund. The work from this proposal will complement the goals of other funds, although project selection in this effort will be based primarily on wildlife habitat benefits and use of other state constitutional funds is not anticipated. This work simply complements the habitat and clean water goals of those funds.

### **Accelerates or Supplements Current Efforts:**

This proposal represents Phase 3 of Ducks Unlimited's ongoing land protection efforts to purchase and restore land on shallow lakes and WMAs containing large wetlands to protect the state's prairie wetland resources and protect native and restored prairie (including CRP lands) in the Prairie and Transition Sections. DU received and spent \$450,000 from OHF on prairie land acquisition on shallow lakes in 2009, and is currently spending \$2.6 million on several prairie land acquisitions from a 2010 OHF appropriation to be completed by June 2013. Thus, DU will be in need of prairie land acquisition funding in July 2013 when this request would commence. This request accelerates our current efforts with a more aggressive budget that will make more shallow lake protections and wetland restorations

possible, and help initiate more shallow lake enhancement projects by providing Minnesota DNR with public land investments on key shallow lakes. Funding of this request will allow DU to proactively find willing seller landowners for DNR to consider, and work with them to appraise and purchase land on key shallow lakes and wetlands with acquisition funding in hand so land deals can be closed in a timely manner and be restored during the grant period.

## **Sustainability and Maintenance:**

The state's Duck Recovery Plan calls for the improvement and protection of 1,800 shallow lakes. Lands will be acquired and restored by DU, and eventually transferred to the Minnesota DNR for long-term public land ownership and management.. Lands will be purchased, restored, and held short-term by DU and managed for wildlife habitat and will be open to compatible public uses during which time DU will pay all taxes and incur all management and maintenance expense for the state. Cost of short-term DU ownership and management of lands (including taxes) will be paid through CRP rental payments or short-term cropping, grazing, and haying leases. Lands may become part of state WMA land management system during short-term DU land ownership prior to formal final transfer to DNR. This will allow DU to showcase the excellent wildlife habitat accomplishments achieved through the support of the Outdoor Heritage Fund and Lessard-Sams Outdoor Heritage Council made possible by the Legacy Amendment, highlight outdoor recreation and public hunting opportunities these lands provide, and promote the public benefits of public prairie land acquisitions while paying taxes in full and incurring all land management and maintenance costs for the state.

*Will local government approval be sought prior to acquisition?* - **No**

County Board notification of land acquired by DU will be made after land has been acquired by DU, including our intent to pay taxes in full during DU ownership and our intent to eventually transfer land acquired to Minnesota DNR or U.S. FWS. As per our policy, DU will pay all taxes owed during short-term DU ownership of lands we purchase.

*Is the land you plan to acquire free of any other permanent protection?* - **Yes**

*Is this land open for hunting and fishing?* - **Yes**

Land acquired by DU with OHF funds will be open to public use and recreation, including hunting and fishing, according to local and state regulations, and unless otherwise prohibited by law.

Is the activity on permanently protected land and/or public waters per MS 103G.005, Subd. 15? - **Yes (WMA, WPA)**

## Accomplishment Timeline

Activity	Approximate Date Completed
Acquire 400 acres in fee-title.	June 30, 2017
Restore portions of the acres purchased, as necessary.	June 30, 2017

## Outcomes

### Programs in forest-prairie transition region:

- Protected, restored, and enhanced nesting and migratory habitat for waterfowl, upland birds, and species of greatest conservation need
- Wetland and upland complexes will consist of native prairies, restored prairies, quality grasslands, and restored shallow lakes and wetlands
- Water is kept on the land

### Programs in prairie region:

- Core areas protected with highly biologically diverse wetlands and plant communities, including native prairie, Big Woods, and oak savanna
- Expiring CRP lands are permanently protected
- Improved condition of habitat on public lands
- Increased participation of private landowners in habitat projects
- Protected, restored, and enhanced habitat for waterfowl, upland birds, and species of greatest conservation need
- Protected, restored, and enhanced shallow lakes and wetlands
- Remnant native prairies and wetlands are permanently protected and are part of large complexes of restored prairie, grasslands, and large and small wetlands
- Water is kept on the land

## Budget Spreadsheet

*Budget reallocations up to 10% do not require an amendment to the Accomplishment Plan*

Total Amount of Request: \$3,530,000

### Budget and Cash Leverage

Budget Name	LSOHC Request	Anticipated Cash Leverage	Cash Leverage Source	Total
Personnel	\$200,000	\$100,000		\$300,000
Contracts	\$250,000	\$0		\$250,000
Fee Acquisition w/ PILT	\$3,000,000	\$0		\$3,000,000
Fee Acquisition w/o PILT	\$0	\$0		\$0
Easement Acquisition	\$0	\$0		\$0
Easement Stewardship	\$0	\$0		\$0
Travel (in-state)	\$20,000	\$0		\$20,000
Professional Services	\$20,000	\$0		\$20,000
Direct Support Services	\$0	\$0		\$0
DNR Land Acquisition Costs	\$30,000	\$0		\$30,000
Capital Equipment	\$0	\$0		\$0
Other Equipment/Tools	\$0	\$0		\$0
Supplies/Materials	\$0	\$0		\$0
DNR IDP	\$10,000	\$0		\$10,000
<b>Total</b>	<b>\$3,530,000</b>	<b>\$100,000</b>	-	<b>\$3,630,000</b>



Personnel

<b>Position</b>	<b>FTE</b>	<b>Over # of years</b>	<b>LSOHC Request</b>	<b>Anticipated Cash Leverage</b>	<b>Cash Leverage Source</b>	<b>Total</b>
Land Protection Specialist	1.00	2.00	\$100,000	\$50,000	DU - Private	\$150,000
Conservation Program Manager	0.60	2.00	\$60,000	\$30,000	DU - Private	\$90,000
Engineer	0.20	2.00	\$20,000	\$10,000		\$30,000
Surveyor	0.05	2.00	\$5,000	\$2,500		\$7,500
Construction Manager	0.05	2.00	\$5,000	\$2,500		\$7,500
Draftsman	0.05	2.00	\$5,000	\$2,500		\$7,500
Biologist	0.05	2.00	\$5,000	\$2,500		\$7,500
<b>Total</b>	<b>2.00</b>	<b>14.00</b>	<b>\$200,000</b>	<b>\$100,000</b>	<b>-</b>	<b>\$300,000</b>

## Output Tables

Table 1. Acres by Resource Type

Type	Wetlands	Prairies	Forest	Habitats	Total
Restore	0	0	0	0	0
Protect in Fee with State PILT Liability	50	350	0	0	400
Protect in Fee W/O State PILT Liability	0	0	0	0	0
Protect in Easement	0	0	0	0	0
Enhance	0	0	0	0	0
Total	50	350	0	0	400

Table 2. Total Requested Funding by Resource Type

Type	Wetlands	Prairies	Forest	Habitats	Total
Restore	\$0	\$0	\$0	\$0	\$0
Protect in Fee with State PILT Liability	\$530,000	\$3,000,000	\$0	\$0	\$3,530,000
Protect in Fee W/O State PILT Liability	\$0	\$0	\$0	\$0	\$0
Protect in Easement	\$0	\$0	\$0	\$0	\$0
Enhance	\$0	\$0	\$0	\$0	\$0
Total	\$530,000	\$3,000,000	\$0	\$0	\$3,530,000

Table 3. Acres within each Ecological Section

Type	Metro/Urban	Forest/Prairie	SE Forest	Prairie	Northern Forest	Total
Restore	0	0	0	0	0	0
Protect in Fee with State PILT Liability	0	100	0	300	0	400
Protect in Fee W/O State PILT Liability	0	0	0	0	0	0
Protect in Easement	0	0	0	0	0	0
Enhance	0	0	0	0	0	0
Total	0	100	0	300	0	400

Table 4. Total Requested Funding within each Ecological Section

Type	Metro/Urban	Forest/Prairie	SE Forest	Prairie	Northern Forest	Total
Restore	\$0	\$0	\$0	\$0	\$0	\$0
Protect in Fee with State PILT Liability	\$0	\$1,000,000	\$0	\$2,530,000	\$0	\$3,530,000
Protect in Fee W/O State PILT Liability	\$0	\$0	\$0	\$0	\$0	\$0
Protect in Easement	\$0	\$0	\$0	\$0	\$0	\$0
Enhance	\$0	\$0	\$0	\$0	\$0	\$0
<b>Total</b>	<b>\$0</b>	<b>\$1,000,000</b>	<b>\$0</b>	<b>\$2,530,000</b>	<b>\$0</b>	<b>\$3,530,000</b>

Table 5. Target Lake/Stream/River Miles

0 miles

## Parcel List

*For restoration and enhancement programs ONLY: Managers may add, delete, and substitute projects on this parcel list based upon need, readiness, cost, opportunity, and/or urgency so long as the substitute parcel/project forwards the constitutional objectives of this program in the Project Scope table of this accomplishment plan. The final accomplishment plan report will include the final parcel list.*

### Section 1 - Restore / Enhance Parcel List

No parcels with an activity type restore or enhance.

### Section 2 - Protect Parcel List

#### Big Stone

Name	TRDS	Acres	Est Cost	Existing Protection?	Hunting?	Fishing?
LQP WMA - Marsh Lake	12044215	25	\$187,500	No	Full	Full

#### Freeborn

Name	TRDS	Acres	Est Cost	Existing Protection?	Hunting?	Fishing?
Magaksica WMA	10222213	10	\$75,000	No	Full	Full
Magaksica WMA	10222211	10	\$75,000	No	Full	Full

#### Le Sueur

Name	TRDS	Acres	Est Cost	Existing Protection?	Hunting?	Fishing?
Diamond Lake WMA	11023221	20	\$150,000	No	Full	Full
Diamond Lake WMA	11023222	10	\$75,000	No	Full	Full
Montgomery WMA	11123224	50	\$375,000	No	Full	Full

#### Meeker

Name	TRDS	Acres	Est Cost	Existing Protection?	Hunting?	Fishing?
Thoen Lake WMA	11931219	50	\$375,000	No	Full	Full
Thoen Lake WMA	11931230	50	\$375,000	No	Full	Full

Stearns

<b>Name</b>	<b>TRDS</b>	<b>Acres</b>	<b>Est Cost</b>	<b>Existing Protection?</b>	<b>Hunting?</b>	<b>Fishing?</b>
Crow Lake	12335225	25	\$187,500	No	Full	Full
Fish Lake WMA	12335233	40	\$300,000	No	Full	Full

**Section 2a - Protect Parcel with Bldgs**

No parcels with an activity type protect and has buildings.

**Section 3 - Other Parcel Activity**

No parcels with an other activity type.