

# Lessard-Sams Outdoor Heritage Council Laws of Minnesota 2014 Accomplishment Plan

**Date:** October 24, 2013

**Program or Project Title:** Habitat Protection/Restoration in Dakota County-Phase 5

**Funds Recommended:** \$ 1,190,000

**Manager's Name:** Al Singer

**Title:**

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**Legislative Citation:**

**Appropriation Language:**

**County Locations:** Dakota

**Ecological Planning Regions:**

- Metro / Urban

**Activity Type:**

- Enhance
- Protect in Easement
- Protect in Fee
- Restore

**Priority Resources Addressed by Activity:**

- Forest
- Habitat
- Prairie
- Wetlands

## Abstract:

This project will protect 135 acres through a combination of conservation easement and fee title acquisition, restore 178 acres and enhance 157 acres of wildlife habitat within the Vermillion River Focus Area in central Dakota County.

## Design and Scope of Work:

### I. Overview

The long history of agricultural and urban/suburban development in Dakota County has resulted in the significant loss, degradation and fragmentation of our natural systems to where less than three percent of the pre-settlement plant communities remain. In response, the County developed the Farmland and Natural Areas

Program (FNAP) in 2003. This program, which used best available technology, collaborative planning and partnerships and focused on multiple benefits, led to the successful passage of a \$20 million bond referendum.

Over the past ten years, a total of 123 projects have been completed or are in varying stages of completion that have/will protect over 11,000 acres with a market value of nearly \$80 million. The program has greatly increased the political support and capacity within the County and has greatly increased County credibility among landowners and partners, such as the Natural Resources Conservation Service, Minnesota 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 Pheasants Forever.

## II. Vermillion River Corridor Plan

FNAP subsequently inspired development of the Vermillion River Corridor Plan, which used a comprehensive approach to protecting and improving wildlife habitat and water quality while increasing opportunities for recreation along a diverse, multi-jurisdictional corridor. Over 220 people participated in the planning process and these efforts reduced property rights issues and led to widespread support for riparian conservation easements that can accomplish multiple public benefits, while compensating private landowners.

Projects are evaluated based on established criteria, including habitat quality and size; reducing non-point pollution; improving stream channel, floodplain and wetland functions; length of shoreline; proximity to other protected land; landowner commitment to stewardship; cost and leveraged funds; and improving recreational opportunities. Easements do not require public access, but projects including public access receive higher scores. Easements do not preclude providing public trails at a future date and reflect the principle of being able to adapt to future changes in demographics and local land use. A technical staff team reviews and ranks projects, then forwards recommendations to the County Board for approval.

Through this project the County will acquire riparian conservation easements on approximately 125 acres along the Vermillion River to improve wildlife habitat and water quality and acquire approximately 10 acres in fee title to provide public access to the Vermillion River.

## III. Determining the Value of Riparian Conservation Easements

Easement values for projects in cities or exceeding \$50,000 are based upon an independent, fair market appraisal. For other projects, due to the lack of comparable sales for riparian easements in the metro region and to increase program efficiency, a formula based on rural agricultural tax assessed value and adjusted according to regulatory conditions, floodplain, amount of cultivated land taken out of production, and vegetation types is used to determine the per-acre easement value. Aerial photography, Minnesota Land Cover Classification System data, FEMA floodplain boundaries, and site visits are used to determine the following acreage components of each easement:

- Land with a recent cultivation history between 50 and 150 feet from the shoreline
- Woodlands within and outside of 100-year floodplain
- Grasslands and Wetlands within and outside of 100-year floodplain

The respective acreages are multiplied by the relevant valuation to produce the overall easement value. Payment for public access is based upon \$5/foot of shoreline within the easement.

Phase I Environmental Assessments are completed for all projects and all solid waste has to be removed as a condition of participation. The County surveys the easements and the resulting information is used for legal documents and establishing boundaries. Baseline Property Reports, referenced in the easement deed, are reviewed and signed by the landowner and the County prior to acquisition. All easements require 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 priorities, activities, responsibilities, costs, and schedule for restoration/enhancement activities. Easements are monitored annually.

## IV. Restoration and Enhancement at Whitetail Woods-Vermillion Highlands

The largest, highest quality natural area within the Vermillion River Corridor is Vermillion Highlands. The 437-acre Whitetail Woods-Vermillion Highlands Habitat Project site is owned by Dakota County and is part of a larger landscape of protected lands encompassing more than 4,000 acres, including the adjacent Vermillion River WMA and AMA and the Vermillion Highlands Research, Recreation and Wildlife Management Area. This project will restore or enhance the following habitat types at the site:

- Tallgrass Prairie: Restore 141 acres of cropland and degraded meadows to tallgrass prairie to supplement an ongoing 20-acre prairie restoration. Enhance 10 acres of previously planted areas. A diverse seed mix will be used that includes more than 60 species of grasses, sedges, and forbs.
- Oak Savanna: Restore 37 acres of former savanna for wildlife habitat and erosion control. Diverse oak species (including swamp white oak and northern pin oak), hazelnut, chokeberry, nannyberry, and shade-tolerant grasses and sedges will be planted.
- Conifer Forest: Enhance 30 acres by removing box elder and Siberian elm and planting a mixture of white pine and oaks to enhance wildlife habitat.
- Upland Hardwood Forest: Enhance 46 acres of degraded forest by planting oak, sugar maple, red maple, basswood, and hickory.
- Lowland Hardwood Forest: Enhance 10 Acres by removing invasive species and planting native black willows, basswoods and maples.
- Wetlands: Enhance 61 acres by planting dogwood, willows and high-bush cranberry.
- 1.25 miles of lake shoreline within the adjacent oak savanna and wetland will be further enhanced by planting nannyberry and swamp white oak.

This site currently supports populations of Blanding turtle, eagle, sandhill crane, deer, eastern cottontail, wild fur-bearing game (fox, coyote, mink, and beaver), wild turkey, pheasant, wood duck, and other waterfowl. Restoration and enhancement activities will increase the populations of these and many other species, which will augment populations on the adjacent wildlife and aquatic management areas. In addition, the project will result in more diverse populations of non-game species. Baseline populations will be determined to monitor changes to selected wildlife populations over time.

## 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:

- Minnesota DNR AMA Acquisition Plan
- Minnesota DNR Strategic Conservation Agenda
- Minnesota Sustainability Framework
- Minnesota's Wildlife Management Area Acquisition - The Next 50 Years
- Outdoor Heritage Fund: A 25 Year Framework

### LSOHC Statewide Priorities:

- Address Minnesota landscapes that have historical value to fish and wildlife, 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 long-term or permanent solutions to aquatic invasive species
- Are ongoing, successful, transparent and accountable programs addressing actions and targets of one or more of the ecological sections
- Attempts to ensure conservation benefits are broadly distributed across the LSOHC sections
- Ensures activities for "protecting, restoring and enhancing" are coordinated among agencies, non profits and

others while doing this important work; provides the most cost-effective use of financial resources; and where possible takes into consideration the value of local outreach, education, and community engagement to sustain project outcomes

- Leverage effort and/or other funds to supplement any OHF appropriation
- Produce multiple enduring conservation benefits
- Provide Minnesotans with greater public access to outdoor environments with hunting, fishing and other outdoor recreation opportunities
- Restore or enhance habitat on permanently protected land
- 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

### **LSOHC Metro Urban Section Priorities:**

- Protect, enhance, and restore remnant native prairie, Big Woods forests, and oak savanna with an emphasis on areas with high biological diversity
- Protect habitat corridors, with emphasis on the Minnesota, Mississippi, and St. Croix rivers (bluff to floodplain)
- Enhance and restore coldwater fisheries systems
- Protect, enhance, and restore riparian and littoral habitats on lakes to benefit game and nongame fish species

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

- Environmental and Natural Resource Trust Fund
- Parks and Trails Fund

Past investments of the Environment and Natural Resources Trust Fund (ENRTF) provided Dakota County with the opportunity to develop the Farmland and Natural Area Protection Plan and the Vermillion River Corridor Plan which provided the foundation for a comprehensive and integrated countywide land conservation vision and priorities and implementation strategies. The initial funding led to the successful passage of a \$20 million bond referendum in 2002 that has resulted in 123 conservation projects that have been completed or are in varying stages of completion that have/will protect over 11,000 acres and 57 miles of shoreline with an estimated fair market value of nearly \$80 million.

Current ENRTF allocations include habitat areas along the Vermillion River that are included in this proposal.

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

The County has been undertaking an ambitious and award-winning, long-term approach to land conservation for the last ten years. The key components to this successful approach has been to develop inclusive and excellent plans, effectively use technology, rely on strategic collaboration, treat landowners fairly, and have committed local funds available to match non-County funds. This proposal will allow the County to not only continue implementing its long-term, integrated land conservation vision, but significantly accelerates habitat improvements in one of the largest, high quality natural areas in the metro region. The County and the State have already spent tens of millions of dollars to protect the Vermillion Highlands. While limited habitat improvements are underway, it will be much more cost-effective to undertake a large scale restoration and enhancement that will benefit greater numbers and types of wildlife sooner while also providing enhanced hunting opportunities on adjacent lands. Numbers of landowners have expressed interest in protecting their land along the Vermillion River, but it often takes years for final decisions to be made. Having an ongoing source of funds will allow the County to take advantage of these important land protection opportunities.

## **Sustainability and Maintenance:**

The majority of the land protection work will occur on private lands and is designed to achieve maximum conservation benefits with both short- and long-term fiscal efficiency. By primarily focusing on easements on private property, management responsibilities remain with private landowners creating less of a burden on the County. Moreover, the relationship-building, developing and implementing 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 increased private stewardship. This

comprehensive wildlife habitat and water quality approach will provide the best opportunity to effectively protect these community assets and past public investments. By comprehensively and intensely restoring and enhancing priority habitat areas within the Vermillion Highlands complex, this project will be a cost-effective way of creating and sustaining more resilient landscapes that will provide multiple public benefits and likely require lower future management costs. The County has a dedicated fund within its five-year capital improvement program for monitoring easements. The County is developing a comprehensive Stewardsip Plan to establish natural resource management goals, policies, standards, and practices for both public and private lands that will provide the foundation for maintaining and even expanding current and future efforts.

### **Government Approval:**

*Will local government approval be sought prior to acquisition? - **Yes***

### **Permanent Protection:**

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

### **Hunting and Fishing Plan:**

*Is this land open for hunting and fishing? - **No***

### **Public Use:**

*Will the eased land be open for public use? - **Yes***

No Description for Public Use Listed

### **Permanent Protection:**

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

### **Permanent Protection:**

*Is the activity on permanently protected land and/or public waters per MS 103G.005, Subd. 15? - **Yes (Private Land, County/Municipal, Public Waters)***

## Accomplishment Timeline

Activity	Approximate Date Completed
Fee Title Acquisition	12/31/2016
Easement Acquisition	12/31/2016
Habitat Restoration	12/31/2016
Habitat Enhancement	12/31/2016

## Outcomes

### Programs in metropolitan urbanizing region:

- A network of natural land and riparian habitats will connect corridors for wildlife and species in greatest conservation need *This is a long-term goal that depends on protection, restoration and enhancement of contiguous habitat. Although the number of acres is an important metric, protecting and managing priority lands has to be focused and strategic. The Vermillion River Corridor Plan provides that foundation for this public and private investment. The amount and type of protected and managed land will be compiled and evaluated annually for quantifying wildlife, water quality and outdoor recreational improvements and use.*
- Core areas protected with highly biologically diverse wetlands and plant communities, including native prairie, Big Woods, and oak savanna *Most of the high quality habitat of the Vermillion Highlands complex is now protected, but there are still key areas to protect. The challenge is to improve and diversify the plant communities to create a more diverse and resilient landscape. Species diversity will be monitored to guide management activities. Most of the land along the Vermillion River will remain privately owned, but it is critical to create additional public access to the river and to protect and manage these lands.*
- Game lakes are significant contributors of waterfowl, due to efforts to protect uplands adjacent to game lakes *Population of young and adult waterfowl will be monitored annually on the lake located within the Vermillion Highlands complex.*

# Budget Spreadsheet

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

**Total Amount of Request: \$ 1190000**

## Budget and Cash Leverage

Budget Name	LSOHC Request	Anticipated Leverage	Leverage Source	Total
Personnel	\$0	\$0		\$0
Contracts	\$800,000	\$80,000		\$880,000
Fee Acquisition w/ PILT	\$0	\$0		\$0
Fee Acquisition w/o PILT	\$45,000	\$25,000		\$70,000
Easement Acquisition	\$310,000	\$155,000		\$465,000
Easement Stewardship	\$15,000	\$15,000		\$30,000
Travel	\$0	\$0		\$0
Professional Services	\$20,000	\$0		\$20,000
Direct Support Services	\$0	\$0		\$0
DNR Land Acquisition Costs	\$0	\$0		\$0
Capital Equipment	\$0	\$0		\$0
Other Equipment/Tools	\$0	\$0		\$0
Supplies/Materials	\$0	\$0		\$0
DNR IDP	\$0	\$0		\$0
<b>Total</b>	<b>\$1,190,000</b>	<b>\$275,000</b>		<b>\$1,465,000</b>

## Output Tables

**Table 1. Acres by Resource Type**

Type	Wetlands	Prairies	Forest	Habitats	Total
Restore	0	178	0	0	178
Protect in Fee with State PILT Liability	0	0	0	0	0
Protect in Fee W/O State PILT Liability	0	0	0	10	10
Protect in Easement	0	0	0	125	125
Enhance	61	10	86	0	157
Total	61	188	86	135	470

**Table 1b. How many of these Prairie acres are Native Prairie?**

Type	Native Prairie
Restore	0
Protect in Fee with State PILT Liability	0
Protect in Fee W/O State PILT Liability	0
Protect in Easement	0
Enhance	0
Total	0

**Table 2. Total Requested Funding by Resource Type**

Type	Wetlands	Prairies	Forest	Habitats	Total
Restore	\$0	\$421,000	\$0	\$0	\$421,000
Protect in Fee with State PILT Liability	\$0	\$0	\$0	\$0	\$0
Protect in Fee W/O State PILT Liability	\$0	\$0	\$0	\$45,000	\$45,000
Protect in Easement	\$0	\$0	\$0	\$345,000	\$345,000
Enhance	\$154,000	\$10,000	\$215,000	\$0	\$379,000
Total	\$154,000	\$431,000	\$215,000	\$390,000	\$1,190,000

**Table 3. Acres within each Ecological Section**

Type	Metro Urban	Forest Prairie	SE Forest	Prairie	N Forest	Total
Restore	178	0	0	0	0	178
Protect in Fee with State PILT Liability	0	0	0	0	0	0
Protect in Fee W/O State PILT Liability	10	0	0	0	0	10
Protect in Easement	125	0	0	0	0	125
Enhance	157	0	0	0	0	157
Total	470	0	0	0	0	470

**Table 4. Total Requested Funding within each Ecological Section**

Type	Metro Urban	Forest Prairie	SE Forest	Prairie	N Forest	Total
Restore	\$421,000	\$0	\$0	\$0	\$0	\$421,000
Protect in Fee with State PILT Liability	\$0	\$0	\$0	\$0	\$0	\$0
Protect in Fee W/O State PILT Liability	\$45,000	\$0	\$0	\$0	\$0	\$45,000
Protect in Easement	\$345,000	\$0	\$0	\$0	\$0	\$345,000
Enhance	\$379,000	\$0	\$0	\$0	\$0	\$379,000
Total	\$1,190,000	\$0	\$0	\$0	\$0	\$1,190,000

**Table 5. Target Lake/Stream/River Miles**

5 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

Dakota

Name	TRDS	Acres	Est Cost	Existing Protection?
Whitetail Woods	11419215	128	\$310,000	Yes
Whitetail Woods	11419210	50	\$125,000	Yes
Whitetail Woods	11419215	105	\$247,500	Yes
Whitetail Woods	11419210	63	\$117,500	Yes

### Section 2 - Protect Parcel List

Dakota

Name	TRDS	Acres	Est Cost	Existing Protection?	Hunting?	Fishing?
Vermillion River Focus Area	11418212	51	\$146,600	No	No	No
Vermillion River Focus Area	11418221	16	\$46,000	No	No	No
Vermillion River Focus Area	11420236	23	\$66,100	No	No	No
Vermillion River Focus Area	11420235	12	\$34,500	No	No	No
Vermillion River Fous Area	11417207	18	\$51,800	No	No	No

### 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.