

Lessard-Sams Outdoor Heritage Council

Agenda Item Memo

DATE: July 9, 2013

SUBJECT: ML 2010, Ch. 361, Art. 1, Sec. 2, Subd. 2(d) Northern Tallgrass Prairie National Wildlife Refuge Program, Ph. II – Consent from Council to Purchase Land Covered by State Owned Easement

Background:

The Nature Conservancy's Northern Tallgrass Prairie program is seeking permission to acquire an easement over a parcel of land (Onstad property aka Pope Co. #1) that currently has a state dam flowage easement on it dating from 1967. The flowage easement covers approximately half of the property and provides for the state (DNR) "...to erect and maintain a public dam structure for control and conservation of waters flowing over and across the property." TNC would like to place a conservation easement on the land as it will provide additional protection because a conservation easement prohibits building improvements, plowing, working and cropping wetlands and native prairie. All these activities are permitted under the flowage easement. The conservation easement will be held by the United States Fish and Wildlife Service (USFWS).

The DNR area wildlife manager agrees that the additional protection will enhance the dam's periodic drawdown of an adjacent wetland to improve bird habitat.

MS 97A.056, subdivision 9 Lands in the Public Domain states,
"Money appropriated from the outdoor heritage fund shall not be used to purchase any land in fee title or a permanent conservation easement if the land in question is fully or partially owned by the state of Minnesota or a political subdivision of the state, unless: (1) the purchase creates additional direct benefit to protect, restore, or enhance the state's wetlands, prairies, forests, or habitat for fish, game, and wildlife; and (2) the purchase is approved by an affirmative vote of at least nine members of the council."

Given the statute, the council must vote to approve the conservation easement acquisition for TNC to proceed. The question before the council is whether the conservation easement provides direct benefits in the form of habitat protection, restoration, or enhancement supplemental to the flowage easement.

Suggested Motion:

"I move to approve the acquisition of the Onstad property (Pope Co. #1) as described under the ML 2010, Ch. 361, Art. 1, Sec. 2, Subd. 2d Northern Tallgrass Prairie National Wildlife Refuge Program, Ph. II. Approval is based on the additional direct benefits of protection of native prairie from building improvements and cropping provided by the conservation easement."

Suggested Procedure:

Place the motion before the Council for discussion and amendment. Members question project manager as needed. Council may amend and vote on motion as needed.

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