

Lessard-Sams Outdoor Heritage Council

MEMO: **Agenda Item #6**

DATE: October 6, 2015

SUBJECT: Council Operating Procedures Amendment – Land Acquisition Restrictions – Minor Conversions or Conveyances

PRESENTER: LSOHC Staff

Suggested Motion:

Motion by Councilmember X to approve the amended council operating procedures as presented and also require that all approved minor conversion or conveyance requests be reported at the most immediate council meeting following the approval.

Background:

At the August 11, 2015 LSOHC meeting council members discussed the current council operating procedures for approving minor conversions or conveyances. Staff explained that traditionally all conversion or conveyance requests, irrespective of size or costs, have been brought to the council for approval. This process has been followed in large part due to the fact that the OHF process was relatively new and unproven. To reduce risk exposure, council and staff have traditionally erred on the side of caution.

As the Council process and OHF funded programs continue to evolve and mature, it has become clear that many conveyances and conversions are truly minor and can be approved administratively by the Executive Director with minimal risk exposure. It was noted during the discussion that current council operating procedures already allows the Executive Director “the discretion to approve applications for minor conversions or conveyances and report minor approvals to the council and the proposed replacement plans.” Staff believes the existing language within the council operating procedures adequately addresses the issue.

However, the proposed amendment to the council operating procedures would require Council Members, in addition to the chairs and ranking minority members of the committees with jurisdiction over the Outdoor Heritage Fund, notification 15 business days before issuing such approval. This requirement would allow a council member to review the proposed conversion or conveyance prior to official approval.

Additional Information:

Audio from the August 11, 2015 meeting specific to this topic can be found at minute: 56:26.

http://www.lsohc.leg.mn/media/2015/08_11_2015.MP3

Current Council Operating Procedures:

DRAFT COUNCIL OPERATING PROCEDURES AMENDMENT

Section 1., D. Operations

8. Land Acquisition Restrictions – Council Process

1. Duties of Land Holders

Holders of an interest in real property must submit a written application to alter land at least 60 days prior to a proposed change occurring. The application will describe the land being altered, the parties involved and any replacement plans.

2. Council Process

- a. **Minor conversions or conveyances.** The executive director of the L-SOHC is granted the discretion to approve applications for minor conversions or conveyances and report minor approvals to the council and the proposed replacement plans. Council members and the chairs and ranking minority members of the committees with jurisdiction over the Outdoor Heritage Fund must be notified 15 business days before issuing such approval.
 - b. **Condemnations.** The executive director will notify council members and the chairs and ranking minority members of the committees with jurisdiction over the Outdoor Heritage Fund upon learning of condemnation of Outdoor Heritage Fund property. In the case of condemnation, the condemnation process will proceed without council consideration. Following the completion of the condemnation proceedings, the condemned party will notify the council of the settlement terms and replacement plans. The council may a) accept the replacement plans; or b) instruct the condemned party to deposit the state's share of the proceeds of condemnation in the Outdoor Heritage Fund.
 - c. **All Other Conversions or Alterations.** In the case of major conversions or conveyances, the executive director will forward the application to the council for review and approval and notify the chairs and ranking minority members of the committees with jurisdiction over the Outdoor Heritage Fund that the council will consider of the alteration and any replacement plans at the next meeting of the council 15 business days from the date of notification.
3. **Replacement Plans and Recordation.** The council must consider and approve the alteration or conveyance and any replacement as a whole. The replacement plan must include an appraisal of the land to be altered or conveyed and if appropriate, an appraisal of the land to be replaced for the altered or conveyed land. The replacement plan must meet the following criteria: (1) the interest is at least equal in fair market value, as certified by the commissioner of natural resources, to the interest being replaced; and (2) the interest is in a reasonably equivalent location and has a reasonably equivalent useful conservation purpose compared to the interest being replaced, taking into consideration all effects from fragmentation of the whole habitat. The applicant must complete the replacement plan and makes notice of funding restriction to the appropriate local government office or repay the Outdoor Heritage Fund within one calendar year of decision.
 4. **Non-Approval.** If the action is not approved, LSOHC will provide applicant an explanation for decision, including, incomplete information, inappropriate exchange, lack of timely notification, and/or improper land use alteration.