

# Lessard-Sams Outdoor Heritage Council

**MEMO:**            **Agenda Item #6**  
**DATE:**            September 29, 2016  
**SUBJECT:**        Easement Working Group Member Selection  
**PRESENTER:**     Joe Pavelko, Assistant Director, LSOHC

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## **Suggested Procedure:**

Chair appoints interested council members to an LSOHC Easement Working Group (EWG), including a chair. Newly appointed EWG members must select dates for 2 meetings to be held in early October and early November, 2016. Council staff will work with the working group chair to develop meeting agendas that will include informational presentations from easement programs.

## **Background:**

Conservation easements have been integral to the success of the Outdoor Heritage Fund (OHF) over the last 8 years. On average, the council has recommended 31% of the OHF be spent on conservation easements to date, or more than \$220 million to permanently protect approximately 230,000 acres. According to staff analysis, published in the 2016 *Land Acquisition Report*, approximately 427,000-442,000 acres may be acquired by 2034, assuming similar rates of acquisition. Clearly conservation easements will continue to be a pillar of wildlife conservation, and conservation easements have the potential to play an even more prominent role in the future of the OHF.

Conservation easements are not all created equal, by design. After recent months of intense council discussion on the Dakota County easement, the council directed staff to facilitate an EWG to review OHF conservation easements and assess whether they are meeting the requirements and priorities of the OHF, and report back to the council.

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Legal guidance under 97A.056 regarding easement acquisitions is as follows:

- A. (Subd.9) "Lands in public domain. 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."
- B. (Subd.13b) "(b) All conservation easements acquired with money appropriated from the outdoor heritage fund must:
  - (1) be permanent;
  - (2) specify the parties to the easement;
  - (3) specify all of the provisions of an agreement that are permanent;
  - (4) specify the habitat types and location being protected;

- (5) where appropriate for conservation or water protection outcomes, require the grantor to employ practices retaining water on the eased land as long as practicable;
  - (6) specify the responsibilities of the parties for habitat enhancement and restoration and the associated costs of these activities;
  - (7) be sent to the office of the Lessard-Sams Outdoor Heritage Council;
  - (8) include a long-term stewardship plan and identify the sources and amount of funding for monitoring and enforcing the easement agreement; and
  - (9) identify the parties responsible for monitoring and enforcing the easement agreement.
- C. Also outlined in 97A.056 are “Transaction cost documentation reporting” (subd. 13(e)), “Land acquisition restrictions” (subd.15), “Real property interest reporting” (subd.16), and “Easement monitoring and enforcement requirements” (sub.17) are.