

# Lessard-Sams Outdoor Heritage Council

## Laws of Minnesota 2018 Accomplishment Plan



**Date:** October 15, 2019

**Program or Project Title:** DNR Trout Stream Conservation Easements

**Funds Recommended:** \$ 642,000

**Manager's Name:** Martin Jennings

**Title:** Fisheries Habitat Program Manager

**Organization:** Minnesota Department of Natural Resources

**Address:** 500 Lafayette Road

**City:** St Paul, MN 55155

**Office Number:** 651-259-5176

**Email:** martin.jennings@state.mn.us

**Legislative Citation:** ML 2018, Ch. 208, Art. 1, Sec. 2, subd 5(d)

**Appropriation Language:** \$642,000 the second year is to the commissioner of natural resources to acquire land in permanent conservation easements to protect trout stream aquatic habitat. Up to \$52,500 is for establishing a monitoring and enforcement fund as approved in the accomplishment plan and subject to Minnesota Statutes, section 97A.056, subdivision 17. A list of permanent conservation easements must be provided as part of the required accomplishment plan.

**County Locations:** Carlton, Fillmore, Goodhue, Houston, Lake, Olmsted, St. Louis, Wabasha, and Winona.

**Eco regions in which work will take place:**

- Northern Forest
- Southeast Forest

**Activity types:**

- Protect in Easement

**Priority resources addressed by activity:**

- Habitat

### Abstract:

We propose a programmatic approach to achieve prioritized aquatic habitat protection for trout streams across Minnesota, but emphasizing Southeast and Northeast Minnesota. We propose to protect 5 miles of trout streams with permanent conservation easements on private land. Protected lands will be designated as Aquatic Management Areas (AMA's) administered by the Minnesota DNR Division of Fish and Wildlife.

### Design and scope of work:

Trout fishing in Minnesota is enjoyed by thousands of anglers, with recent sales of trout stamps at record high levels. The MNDNR Section of Fisheries administers a conservation easement program that has strong stakeholder support, and protects the habitat that is the foundation of our successful trout management program. Over 90% of our conservation easements protect trout streams. In addition to protecting the riparian corridor of trout streams, easements provide access for the angling public, and also provide access for restoration and enhancement projects. We propose a programmatic approach to achieve prioritized aquatic habitat protection for trout streams across Minnesota, but emphasizing Southeast and Northeast Minnesota. We propose to protect 5 miles of trout streams with permanent conservation easements on private land. Protected lands will be designated as Aquatic Management Areas (AMA's) administered by the Minnesota DNR Division of Fish and Wildlife.

The dollar value of trout stream conservation easements is set by formula. Specifically, trout stream easement payments are calculated using a formula that relies on the length of stream being placed under easement and the area of the easement footprint. The length of the stream easement in feet (length is measured in GIS from a current aerial photo) is multiplied by \$5 per foot. The area of the easement footprint is also measured in GIS. The area in acres is multiplied by the average per acre estimated market value of Agricultural, Rural Vacant, and Managed Forest Land within the township where the easement lies. Estimated market value and total acres by land type for every township in the state are supplied by the Department of Revenue and revised annually. So, easement price is calculated as (feet of stream under easement x \$5) + (acres of easement footprint x \$ average market value/acre within that township).

Trout stream conservation easement acquisition is based on multiple criteria as described in the proposal attachment. Criteria include fishery quality, rare natural features and other ecological attributes, potential to link with existing easements to increase protected corridors, and the need for access to conduct habitat restoration and enhancement projects. Scoring criteria to prioritize easements will also include the percentage of easement value that the landowner is willing to donate. Please refer to the attachments for details. Estimates of acres and miles protected are based on recent values for easements, and assume full price.

## **How does the request address MN habitats that have: historical value to fish and wildlife, wildlife species of greatest conservation need, MN County Biological Survey data, and/or rare, threatened and endangered species inventories:**

The focus of the protection work in this proposal is trout streams and the riparian corridor. Although benefits to fisheries are a primary consideration of the program, riparian areas are also important to game and nongame wildlife, including species of greatest conservation need. We will use a scoring system that takes into account multiple considerations including presence of species of greatest conservation need. Some criteria, such as the potential to expand corridors and protected areas benefit many species. The scoring system is described in more detail in the attachments.

The use of scoring criteria allow a programmatic approach that fairly evaluates candidate parcels without eliminating the potential for protection in any geographic region. Because species distribution is not uniform across the state, species benefitting from conservation easements will vary across regions. SCGN's that depend on aquatic and riparian habitat include several turtle species, common mudpuppy, two frog species, and several species of waterfowl and shorebirds.

## **Describe the science based planning and evaluation model used:**

The scoring criteria include linking with existing easements to expand protected riparian corridors. The scoring criteria also award points to parcels with rare natural features identified in the MBS GIS layer.

## **Which sections of the Minnesota Statewide Conservation and Preservation Plan are applicable to this program:**

- H2 Protect critical shoreland of streams and lakes
- H3 Improve connectivity and access to recreation

## **Which other plans are addressed in this program:**

- Minnesota DNR AMA Acquisition Plan
- Minnesota DNR Fish Habitat Strategic Plan

## **Which LSOHC section priorities are addressed in this program:**

### **Northern Forest:**

- Protect shoreland and restore or enhance critical habitat on wild rice lakes, shallow lakes, cold water lakes, streams and rivers, and spawning areas

### **Southeast Forest:**

- Protect, enhance, and restore habitat for fish, game, and nongame wildlife in rivers, cold-water streams, and associated upland habitat

## **Relationship to other funds:**

- Not Listed

## How does this program include leverage in funds or other effort to supplement any OHF appropriation:

Scoring criteria to rank candidate parcels include points for landowner donation of partial value. Among parcels of similar ecological value, those with leverage from landowner donation will be favored.

## Per MS 97A.056, Subd. 24, Any state agency or organization requesting a direct appropriation from the OHF must inform the LSOHC at the time of the request for funding is made, whether the request is supplanting or is a substitution for any previous funding that was not from a legacy fund and was used for the same purpose:

This request supplements existing sources of funding by accomplishing work that would not have been implemented but for the appropriation, or accomplishing work at a level not attainable but for the appropriation.

## Describe the source and amount of non-OHF money spent for this work in the past:

Not Listed

## How will you sustain and/or maintain this work after the Outdoor Heritage Funds are expended:

The request includes funds to deposit in the Easement Stewardship Account, an interest-bearing account authorized in MS 84.69. Funds will support easement monitoring to be conducted following DNR Operational Order 128 and Division of Fish and Wildlife Easement Monitoring Guidance.

## Explain the things you will do in the future to maintain project outcomes:

Not Listed

## Activity Details:

If funded, this program will meet all applicable criteria set forth in MS 97A.056 - **Yes**

Will there be planting of corn or any crop on OHF land purchased or restored in this program - **No**

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

Trout stream conservation easements are open to anglers making their way along the streambank for the purpose of fishing.

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

Who will manage the easement?

**Minnesota DNR, Division of Fish and Wildlife.**

Who will be the easement holder?

**Minnesota DNR**

Are there currently trails or roads on any of the acquisitions on the parcel list - **No**

Will new trails or roads be developed or improved as a result of the OHF acquisition - **No**

## Accomplishment Timeline:

Activity	Approximate Date Completed
Identify parcels with willing sellers of easements on priority streams	Fall of 20 19
Rank parcels based on DNR prioritization criteria	Fall of 20 19
Complete purchase of easements	June, 2021
Baseline easement monitoring	June, 2021

**Date of Final Report Submission:** 12/1/2021

## Federal Funding:

Do you anticipate federal funds as a match for this program - **No**

## Outcomes:

### Programs in the northern forest region:

- Improved aquatic habitat indicators *Acquired easements will be monitored by DNR staff following standard protocols. Monitoring will document compliance with terms of easement agreement.*

### Programs in southeast forest region:

- Rivers, streams, and surrounding vegetation provide corridors of habitat *Acquired easements will be monitored by DNR staff following standard protocols. Monitoring will document compliance with terms of easement agreement.*

# Budget Spreadsheet

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

**How will this program accommodate the reduced appropriation recommendation from the original proposed requested amount**

Easement acquisition is programmatic and scaleable. The reduction in funding changes the proposed level of protection from 25 miles of trout streams to 5 miles of trout streams.

**Total Amount of Request: \$ 642000**

**Budget and Cash Leverage**

BudgetName	LSOHC Request	Anticipated Leverage	Leverage Source	Total
Personnel	\$0	\$0		\$0
Contracts	\$0	\$0		\$0
Fee Acquisition w/ PILT	\$0	\$0		\$0
Fee Acquisition w/o PILT	\$0	\$0		\$0
Easement Acquisition	\$525,000	\$0		\$525,000
Easement Stewardship	\$52,500	\$0		\$52,500
Travel	\$0	\$0		\$0
Professional Services	\$52,500	\$0		\$52,500
Direct Support Services	\$2,500	\$0		\$2,500
DNR Land Acquisition Costs	\$0	\$0		\$0
Capital Equipment	\$0	\$0		\$0
Other Equipment/Tools	\$0	\$0		\$0
Supplies/Materials	\$9,500	\$0		\$9,500
DNR IDP	\$0	\$0		\$0
Total	\$642,000	\$0		\$642,000

Amount of Request: \$642,000

Amount of Leverage: \$0

Leverage as a percent of the Request: 0.00%

DSS + Personnel: \$2,500

As a % of the total request: 0.39%

**How did you determine which portions of the Direct Support Services of your shared support services is direct to this program:**

DNR uses a standard calculator developed by Administrative staff to determine costs.

**Describe and explain leverage source and confirmation of funds:**

Not Listed

**What is the cost per easement for stewardship and explain how that amount is calculated?**

Not Listed

## Output Tables

**Table 1a. Acres by Resource Type**

Type	Wetlands	Prairies	Forest	Habitats	Total
Restore	0	0	0	0	0
Protect in Fee with State PILT Liability	0	0	0	0	0
Protect in Fee W/O State PILT Liability	0	0	0	0	0
Protect in Easement	0	0	0	62	62
Enhance	0	0	0	0	0
Total	0	0	0	62	62

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

Type	Wetlands	Prairies	Forest	Habitats	Total
Restore	\$0	\$0	\$0	\$0	\$0
Protect in Fee with State PILT Liability	\$0	\$0	\$0	\$0	\$0
Protect in Fee W/O State PILT Liability	\$0	\$0	\$0	\$0	\$0
Protect in Easement	\$0	\$0	\$0	\$642,000	\$642,000
Enhance	\$0	\$0	\$0	\$0	\$0
Total	\$0	\$0	\$0	\$642,000	\$642,000

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

Type	Metro Urban	ForestPrairie	SE Forest	Prairie	N Forest	Total
Restore	0	0	0	0	0	0
Protect in Fee with State PILT Liability	0	0	0	0	0	0
Protect in Fee W/O State PILT Liability	0	0	0	0	0	0
Protect in Easement	0	0	37	0	25	62
Enhance	0	0	0	0	0	0
Total	0	0	37	0	25	62

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

Type	Metro Urban	ForestPrairie	SE Forest	Prairie	N Forest	Total
Restore	\$0	\$0	\$0	\$0	\$0	\$0
Protect in Fee with State PILT Liability	\$0	\$0	\$0	\$0	\$0	\$0
Protect in Fee W/O State PILT Liability	\$0	\$0	\$0	\$0	\$0	\$0
Protect in Easement	\$0	\$0	\$385,200	\$0	\$256,800	\$642,000
Enhance	\$0	\$0	\$0	\$0	\$0	\$0
Total	\$0	\$0	\$385,200	\$0	\$256,800	\$642,000

**Table 5. Average Cost per Acre by Resource Type**

Type	Wetlands	Prairies	Forest	Habitats
Restore	\$0	\$0	\$0	\$0
Protect in Fee with State PILT Liability	\$0	\$0	\$0	\$0
Protect in Fee W/O State PILT Liability	\$0	\$0	\$0	\$0
Protect in Easement	\$0	\$0	\$0	\$10,355
Enhance	\$0	\$0	\$0	\$0

**Table 6. Average Cost per Acre by Ecological Section**

Type	Metro/Urban	Forest/Prairie	SE Forest	Prairie	Northern Forest
Restore	\$0	\$0	\$0	\$0	\$0
Protect in Fee with State PILT Liability	\$0	\$0	\$0	\$0	\$0
Protect in Fee W/O State PILT Liability	\$0	\$0	\$0	\$0	\$0
Protect in Easement	\$0	\$0	\$10 411	\$0	\$10 272
Enhance	\$0	\$0	\$0	\$0	\$0

*Automatic system calculation / not entered by managers*

**Target Lake/Stream/River Feet or Miles**

5 miles of trout stream

## 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

#### Carlton

Name	TRDS	Acres	Est Cost	Existing Protection?	Hunting?	Fishing?
Blackho of River	04717210	12	\$40,000	No	No	Full
Blackho of River	04717210	40	\$125,000	No	No	Full
Silver Creek	04617214	3	\$15,000	No	No	Full

#### Fillmore

Name	TRDS	Acres	Est Cost	Existing Protection?	Hunting?	Fishing?
Bear Creek	10312206	3	\$25,000	No	No	Full
Bear Creek	10312206	5	\$40,000	No	No	Full
Camp Creek	10210220	8	\$60,000	No	No	Full
Camp Creek	10210229	7	\$50,000	No	No	Full
Lost Creek	10212216	2	\$10,000	No	No	Full
Lost Creek	10412215	3	\$25,000	No	No	Full
Lost Creek	10412215	28	\$165,000	No	No	Full
Middle Branch Root River	10412226	14	\$100,000	No	No	Full
Rice Creek	10411233	45	\$250,000	No	No	Full
South Branch Root River	10310228	10	\$90,000	No	No	Full
Spring Valley Creek	10312217	45	\$250,000	No	No	Full
Spring Valley Creek	10313226	55	\$300,000	No	No	Full
Spring Valley Ct creek tract 15	10312219	3	\$25,000	No	No	Full
Vesta Creek	10208210	3	\$15,300	No	No	Full
Vesta Creek	10208210	7	\$30,000	No	No	Full
Watson Creek	10310220	4	\$20,000	No	No	Full
Wisel Creek	10108206	4	\$20,000	No	No	Full
Wisel Creek	10208229	1	\$10,000	No	No	Full

#### Goodhue

Name	TRDS	Acres	Est Cost	Existing Protection?	Hunting?	Fishing?
Bullard Creek	11214202	8	\$50,000	No	No	Full
Hay Creek	11215224	22	\$150,000	No	No	Full

#### Houston

Name	TRDS	Acres	Est Cost	Existing Protection?	Hunting?	Fishing?
Looney Creek	10406202	8	\$50,000	Yes	No	Full
Silver Creek	10406211	9	\$55,000	No	No	Full
West Beaver Creek	10206219	18	\$130,000	No	No	Full
West Beaver Creek	10206230	3	\$25,000	No	No	Full
West Beaver Creek	10206230	5	\$35,000	No	No	Full
Winnebago Creek	10105217	10	\$50,000	No	No	Full

#### Lake

Name	TRDS	Acres	Est Cost	Existing Protection?	Hunting?	Fishing?
Stewart River	05311214	115	\$250,000	No	No	Full

#### Olmsted

Name	TRDS	Acres	Est Cost	Existing Protection?	Hunting?	Fishing?
Middle Branch Whitewater	10611202	50	\$250,000	No	No	Full



St. Louis

Name	TRDS	Acres	Est Cost	Existing Protection?	Hunting?	Fishing?
Chester Creek	05014216	5	\$20,000	No	No	Full
Lester River	05113217	3	\$20,000	No	No	Full
Mission Creek tract 1	04915230	24	\$80,000	No	No	Full

Wabasha

Name	TRDS	Acres	Est Cost	Existing Protection?	Hunting?	Fishing?
East Indian Creek	10610226	5	\$25,000	No	No	Full
East Indian Creek	10910227	50	\$250,000	No	No	Full
Gilbert Creek	11113201	15	\$75,000	No	No	Full
Mazeppa Creek	11014230	15	\$75,000	No	No	Full
Mazeppa Creek	11014232	35	\$250,000	No	No	Full
North Fork Zumbro River	10914206	4	\$30,000	No	No	Full
North Fork Zumbro River	11014231	8	\$60,000	No	No	Full
North Forrk Zumbro River	10914210	10	\$60,000	No	No	Full
Spring Creek	11215206	3	\$15,000	No	No	Full

Winona

Name	TRDS	Acres	Est Cost	Existing Protection?	Hunting?	Fishing?
Cedar Valley Creek	10606214	4	\$30,000	No	No	Full
Garvin Brook	10708234	5	\$30,000	No	No	Full
Little Pickwick	10605219	10	\$68,000	No	No	Full
Little Pickwick	10605232	6	\$30,000	No	No	Full
Little Pickwick Creek	10606213	18	\$100,000	No	No	Full
Pickwick Creek	10606213	15	\$80,000	No	No	Full
Pickwick Creek	10606226	10	\$55,000	No	No	Full
Pine New Hartford	10505232	16	\$90,000	No	No	Full
Rollingstone Creek	10708213	2	\$10,000	No	No	Full
Rush Creek	10609235	10	\$80,000	No	No	Full
Rush Creek tract 9	10509201	9	\$65,000	No	No	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.

## Completed Parcel: Looney Creek

# of Total Acres:	8
County:	Houston
Township:	104
Range:	06
Direction:	2
Section:	02
# of Acres: Wetlands/Upland:	
# of Acres: Forest:	
# of Acres: Prairie/Grassland:	
Amount of Shoreline:	2823 (Linear Feet)
Name of Adjacent Body of Water (if applicable):	Silver Creek
Has there been signage erected at the site:	Yes
Total cost of Restoration/Enhancement:	\$50,000
Annual Reporting Organization Name:	Minnesota Department of Natural Resources
Annual Reporting Manager Name:	Martin Jennings
Annual Reporting Address:	500 Lafayette Road
Annual Reporting City:	St Paul
Annual Reporting State:	MN
Annual Reporting Zip:	55155
Annual Reporting Email:	martin.jennings@state.mn.us
Annual Reporting Phone:	651-259-5176
Purchase Date:	May 01, 2019
Purchase Price:	\$44,309
Professional Service Costs:	\$7,730
Total Project Cost:	\$44,309
Easement Holder Organization Name:	DNR
Easement Holder Manager Name:	DNR
Easement Holder Address:	500 Lafayette Rd
Easement Holder City:	St. Paul
Easement Holder State:	MN
Easement Holder Zip:	55155
Easement Holder Email:	martin.jennings@state.mn.us
Easement Holder Phone:	651-259-5176
Responsible Organization Name:	Minnesota Department of Natural Resources
Responsible Manager Name:	DNR
Responsible Address:	500 Lafayette Rd
Responsible City:	St. Paul
Responsible State:	MN
Responsible Zip:	55155
Responsible Email:	martin.jennings@state.mn.us
Responsible Phone:	651-259-5176
Underlying Fee Owner:	James Gilmer

## Completed Parcel: Rush Creek

<b># of Total Acres:</b>	10
<b>County:</b>	Winona
<b>Township:</b>	10 6
<b>Range:</b>	0 9
<b>Direction:</b>	2
<b>Section:</b>	35
<b># of Acres: Wetlands/Upland:</b>	
<b># of Acres: Forest:</b>	
<b># of Acres: Prairie/Grassland:</b>	
<b>Amount of Shoreline:</b>	2985 (Linear Feet)
<b>Name of Adjacent Body of Water (if applicable):</b>	Rush Creek
<b>Has there been signage erected at the site:</b>	Yes
<b>Total cost of Restoration/Enhancement:</b>	\$80,000
<b>Annual Reporting Organization Name:</b>	Minnesota Department of Natural Resources
<b>Annual Reporting Manager Name:</b>	Martin Jennings
<b>Annual Reporting Address:</b>	500 Lafayette Road
<b>Annual Reporting City:</b>	St Paul
<b>Annual Reporting State:</b>	MN
<b>Annual Reporting Zip:</b>	55155
<b>Annual Reporting Email:</b>	martin.jennings@state.mn.us
<b>Annual Reporting Phone:</b>	651-259-5176
<b>Purchase Date:</b>	April 24, 2019
<b>Purchase Price:</b>	\$17,034
<b>Professional Service Costs:</b>	\$6,939
<b>Easement Holder Organization Name:</b>	MN DNR
<b>Easement Holder Manager Name:</b>	Martin Jennings
<b>Easement Holder Address:</b>	500 Lafayette Rd
<b>Easement Holder City:</b>	St. Paul
<b>Easement Holder State:</b>	MN
<b>Easement Holder Zip:</b>	55155
<b>Easement Holder Email:</b>	martin.jennings@state.mn.us
<b>Easement Holder Phone:</b>	651-259-5176
<b>Responsible Organization Name:</b>	Minnesota Department of Natural Resources
<b>Responsible Manager Name:</b>	Martin Jennings
<b>Responsible Address:</b>	500 Lafayette Road
<b>Responsible City:</b>	St Paul
<b>Responsible State:</b>	MN
<b>Responsible Zip:</b>	55155
<b>Responsible Email:</b>	martin.jennings@state.mn.us
<b>Responsible Phone:</b>	651-259-5176
<b>Underlying Fee Owner:</b>	Joseph Finely

# Parcel Map

