



Lessard-Sams Outdoor Heritage Council

DNR Trout Stream Conservation Easements - Phase 3 Laws of Minnesota 2023 Accomplishment Plan

General Information

Date: 11/01/2023

Project Title: DNR Trout Stream Conservation Easements - Phase 3

Funds Recommended: \$1,043,000

Legislative Citation: ML 2023, Ch. 40, Art. 1, Sec. 2, subd. 5(i)

Appropriation Language: \$1,043,000 the first year is to the commissioner of natural resources to acquire land in permanent conservation easements to protect trout-stream aquatic habitat. Of this amount, up to \$120,000 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.

Manager Information

Manager's Name: Rick Walsh

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Location Information

County Location(s): Winona, Mower, Houston, Fillmore and St. Louis.

Eco regions in which work will take place:

- Northern Forest
- Southeast Forest
- Prairie

Activity types:

- Protect in Easement

Priority resources addressed by activity:

- Habitat

Narrative

Abstract

We propose a programmatic approach to achieve prioritized aquatic habitat protection for trout streams in Minnesota, with an emphasis on Southeast and Northeast Minnesota. We propose to protect approximately 130 acres and 8 miles of trout stream corridor 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. 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. Most trout streams are found in Southeast and Northeast Minnesota, but conservation opportunities in other areas of the state will be evaluated by scoring and ranking candidate parcels as they become available.

The current parcel list, upon which accomplishment plan goals are based would protect 8 miles of trout streams and approximately 130 acres 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 described in M.S.84.0272 subd. 2. The formula uses 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 foot print 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 foot print x average market value/acre within that township).

Scoring and ranking candidate parcels for trout stream conservation easement acquisition is based on multiple criteria. 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 with potential to improve the fishery. Please refer to the attachments for details.

The current parcel list is based on parcels meeting a minimum scoring threshold and with landowners expressing an interest in selling an easement. The proposal includes the cost of easements, professional services to complete the transactions, and a deposit to the Easement Stewardship Account to cover future costs of stewardship. The proposal can be scaled by dropping lower scoring parcels.

How does the plan address habitats that have significant value for wildlife species of greatest conservation need, and/or threatened or endangered species, and list targeted species?

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 (SGCN). We will use a scoring system that takes into account multiple considerations including Minnesota Biological Survey sites of biodiversity significance. Some scoring criteria, such as the potential to expand corridors and protected areas benefit many species. The scoring system is described in more detail in the attachment.

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 how the plan uses science-based targeting that leverages or expands corridors and complexes, reduces fragmentation or protects areas identified in the MN County Biological Survey:

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 two sections of the Minnesota Statewide Conservation and Preservation Plan are most applicable to this project?

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

Which two other plans are addressed in this program?

- Other : MN DNR Fisheries Habitat Strategic Plan
- Strategic Plan for Coldwater Resources Management in Southeastern Minnesota

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

Outcomes

Programs in the northern forest region:

- Other ~ MN DNR conducts scheduled monitoring inspections of all conservation easements. Fish populations and habitat conditions are also assessed on a regular basis. These activities allow us to ensure easement terms are being followed, as well as identify the need for habitat improvement/restoration.

Programs in prairie region:

- Other ~ MN DNR conducts scheduled monitoring inspections of all conservation easements. Fish populations and habitat conditions are also assessed on a regular basis. These activities allow us to ensure easement terms are being followed, as well as identify the need for habitat improvement/restoration.

Programs in southeast forest region:

- Rivers, streams, and surrounding vegetation provide corridors of habitat ~ MN DNR conducts scheduled monitoring inspections of all conservation easements. Fish populations and habitat conditions are also assessed on a regular basis. These activities allow us to ensure easement terms are being followed, as well as identify the need for habitat improvement/restoration.

Does this program include leveraged funding?

No

Per MS 97A.056, Subd. 24, Please explain 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.

OHF funding accelerates trout stream acquisition work beyond what is possible with other funding sources. It does not supplant or substitute other program funds.

Non-OHF Appropriations

Year	Source	Amount
2017-2021	Trout and Salmon Account (Trout Stamp)	\$200,000
2017-2021	RIM Critical Habitat Match	\$270,000

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 Guidelines.

Actions to Maintain Project Outcomes

Year	Source of Funds	Step 1	Step 2	Step 3
2023	OHF appropriation (this proposal)	baseline easement report	Future monitoring per MNDNR guidelines	-

Provide an assessment of how your program celebrates cultural diversity or reaches diverse communities in Minnesota, including reaching low- and moderate-income households:

DNR’s OHF projects aim to serve all Minnesotans. At the same time, we are bringing more focus in all our work to BIPOC and diverse communities. The Minnesota DNR has adopted advancing diversity, equity and inclusion (DEI) as a key priority in its 2020-22 strategic plan. The plan focuses on increasing the cultural competence of our staff, creating a workforce that is reflective of Minnesota, continuing to strengthen tribal consultation and building partnerships with diverse communities.

The OHF funds high quality habitat projects that provide ecosystem services like clean water and carbon sequestration that support environmental justice. OHF also supports public access and recreational opportunities on these lands. OHF projects and outcomes benefit BIPOC and diverse communities through recreational opportunities that are close-to-home, culturally responsive and accessible to Minnesotans with disabilities.

The DNR has diversity, equity and inclusion strategies that benefit all OHF projects:

- Multilingual and culturally specific hunting and fishing education programs take place on public lands.
- All hiring is equal opportunity, affirmative action, and veteran-friendly. Contracting seeks out Targeted Group, Economically Disadvantaged and Veteran-Owned businesses.
- Public engagement seeks out BIPOC voices and involves diverse communities. Outreach and marketing of projects has this focus as well.
- Partnerships are at the center of all projects. Tribes in particular are consulted in all pertinent areas of the DNR's work, under EO 19-24.

Activity Details

Requirements

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

Yes

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

Yes

Who will manage the easement?

MN Department of Natural Resources

Who will be the easement holder?

MN Department of Natural Resources

What is the anticipated number of easements (range is fine) you plan to accomplish with this appropriation?

10 to 15

Land Use

Will there be planting of any crop on OHF land purchased or restored in this program?

No

Will the eased land be open for public use?

Yes

Describe the expected public use:

In addition to the conservation terms of the easements, access is provided for angling; other public activities are not allowed without landowner permission.

Are there currently trails or roads on any of the proposed acquisitions?

No

Will new trails or roads be developed or improved as a result of the OHF acquisition?

No

Will the acquired parcels be restored or enhanced within this appropriation?

No

The easement terms include access for restoration and enhancement work. Although no work specific to the parcel list is currently planned or funded, future work may be done by DNR or partner organizations using funding from various sources, including OHF.

Will the land that you acquire (fee or easement) be restored or enhanced within this program's funding and availability?

No

Explain how, when, and source of the R/E work:

The easement terms include access for restoration and enhancement work. Although no work specific to the parcel list is currently planned or funded, future work may be done by DNR or partner organizations using funding from various sources, including OHF.

Timeline

Activity Name	Estimated Completion Date
monitoring and enforcement	ongoing, no end date
complete baseline easement reports	spring 2026
complete acquisitions	spring 2026
final parcel scores and ranks, initiate acquisitions	July 2023

Date of Final Report Submission: 11/01/2027

Availability of Appropriation: Subd. 7. Availability of Appropriation

(a) Money appropriated in this section may not be spent on activities unless they are directly related to and necessary for a specific appropriation and are specified in the accomplishment plan approved by the Lessard-Sams Outdoor Heritage Council. Money appropriated in this section must not be spent on indirect costs or other institutional overhead charges that are not directly related to and necessary for a specific appropriation. Money appropriated to acquire land in fee may be used to restore, enhance, and provide for public use of the land acquired with the appropriation. Public-use facilities must have a minimal impact on habitat in acquired lands.

(b) Money appropriated in this section is available as follows:

- (1) money appropriated for acquiring real property is available until June 30, 2027;
- (2) money appropriated for restoring and enhancing land acquired with an appropriation in this act is available for four years after the acquisition date with a maximum end date of June 30, 2031;
- (3) money appropriated for restoring or enhancing other land is available until June 30, 2028;
- (4) notwithstanding clauses (1) to (3), money appropriated for a project that receives at least 15 percent of its funding from federal funds is available until a date sufficient to match the availability of federal funding to a maximum of six years if the federal funding was confirmed and included in the original approved draft accomplishment plan; and
- (5) money appropriated for other projects is available until the end of the fiscal year in which it is appropriated.

Budget

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

Totals

Item	Funding Request	Leverage	Leverage Source	Total
Personnel	-	-	-	-
Contracts	-	-	-	-
Fee Acquisition w/ PILT	-	-	-	-
Fee Acquisition w/o PILT	-	-	-	-
Easement Acquisition	\$773,000	-	-	\$773,000
Easement Stewardship	\$120,000	-	-	\$120,000
Travel	-	-	-	-
Professional Services	\$150,000	-	-	\$150,000
Direct Support Services	-	-	-	-
DNR Land Acquisition Costs	-	-	-	-
Capital Equipment	-	-	-	-
Other Equipment/Tools	-	-	-	-
Supplies/Materials	-	-	-	-
DNR IDP	-	-	-	-
Grand Total	\$1,043,000	-	-	\$1,043,000

Amount of Request: \$1,043,000

Amount of Leverage: -

Leverage as a percent of the Request: 0.0%

DSS + Personnel: -

As a % of the total request: 0.0%

Easement Stewardship: \$120,000

As a % of the Easement Acquisition: 15.52%

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

Planned goals and spending have been reduced proportionately based on the ratio of proposed to recommended funding.

Easement Stewardship

What is the number of easements anticipated, cost per easement for stewardship, and explain how that amount is calculated?

We anticipate acquiring 10 to 15 easements. Average amount to be contributed to the Easement Stewardship account is \$8,000 per easement. This figure comes from a standardized calculator.

Federal Funds

Do you anticipate federal funds as a match for this program?

No

Output Tables**Acres by Resource Type (Table 1)**

Type	Wetland	Prairie	Forest	Habitat	Total Acres
Restore	-	-	-	-	-
Protect in Fee with State PILT Liability	-	-	-	-	-
Protect in Fee w/o State PILT Liability	-	-	-	-	-
Protect in Easement	-	-	-	130	130
Enhance	-	-	-	-	-
Total	-	-	-	130	130

Total Requested Funding by Resource Type (Table 2)

Type	Wetland	Prairie	Forest	Habitat	Total Funding
Restore	-	-	-	-	-
Protect in Fee with State PILT Liability	-	-	-	-	-
Protect in Fee w/o State PILT Liability	-	-	-	-	-
Protect in Easement	-	-	-	\$1,043,000	\$1,043,000
Enhance	-	-	-	-	-
Total	-	-	-	\$1,043,000	\$1,043,000

Acres within each Ecological Section (Table 3)

Type	Metro/Urban	Forest/Prairie	SE Forest	Prairie	N. Forest	Total Acres
Restore	-	-	-	-	-	-
Protect in Fee with State PILT Liability	-	-	-	-	-	-
Protect in Fee w/o State PILT Liability	-	-	-	-	-	-
Protect in Easement	-	-	75	20	35	130
Enhance	-	-	-	-	-	-
Total	-	-	75	20	35	130

Total Requested Funding within each Ecological Section (Table 4)

Type	Metro/Urban	Forest/Prairie	SE Forest	Prairie	N. Forest	Total Funding
Restore	-	-	-	-	-	-
Protect in Fee with State PILT Liability	-	-	-	-	-	-
Protect in Fee w/o State PILT Liability	-	-	-	-	-	-
Protect in Easement	-	-	\$620,000	\$150,000	\$273,000	\$1,043,000
Enhance	-	-	-	-	-	-
Total	-	-	\$620,000	\$150,000	\$273,000	\$1,043,000

Average Cost per Acre by Resource Type (Table 5)

Type	Wetland	Prairie	Forest	Habitat
Restore	-	-	-	-
Protect in Fee with State PILT Liability	-	-	-	-
Protect in Fee w/o State PILT Liability	-	-	-	-
Protect in Easement	-	-	-	\$8,023
Enhance	-	-	-	-

Average Cost per Acre by Ecological Section (Table 6)

Type	Metro/Urban	Forest/Prairie	SE Forest	Prairie	N. Forest
Restore	-	-	-	-	-
Protect in Fee with State PILT Liability	-	-	-	-	-

Protect in Fee w/o State PILT Liability	-	-	-	-	-
Protect in Easement	-	-	\$8,266	\$7,500	\$7,800
Enhance	-	-	-	-	-

Target Lake/Stream/River Feet or Miles

8 miles

Parcels

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.

Parcel Information

Sign-up Criteria?

No

Explain the process used to identify, prioritize, and select the parcels on your list:

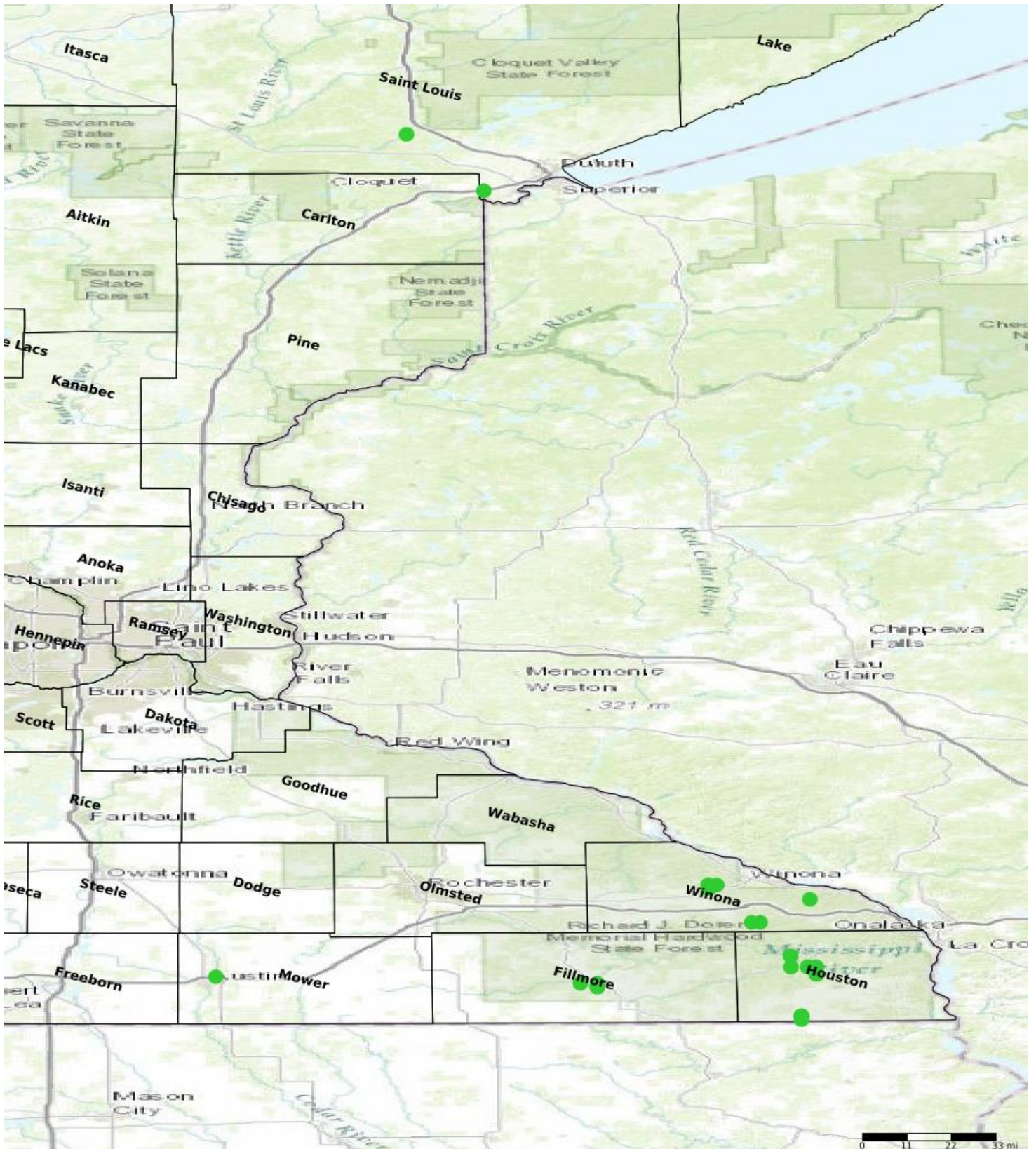
Potential easements are identified by local DNR staff based on conversations with willing landowners.

Prioritization is based on a standardized scoring system. The scoring sheet is attached to this accomplishment plan. Selection of easements is also based on available funding.

Easement Parcels

Name	County	TRDS	Acres	Est Cost	Existing Protection
Camp Creek	Fillmore	10210217	14	\$97,000	No
Willow Creek	Fillmore	10211212	13	\$89,000	No
Camp Creek	Fillmore	10210217	10	\$76,000	No
Camp Creek	Fillmore	10210208	11	\$78,000	No
Badger Creek	Houston	10306221	1	\$10,000	No
Badger Creek	Houston	10306222	6	\$38,000	No
Badger Creek	Houston	10306221	7	\$43,000	No
Badger Creek	Houston	10306234	1	\$7,000	No
Badger Creek	Houston	10306234	3	\$23,000	No
Bee Creek	Houston	10106229	1	\$10,000	No
Bee Creek	Houston	10106229	1	\$14,000	No
Bee Creek	Houston	10106232	1	\$7,000	No
Thompson Creek	Houston	10306206	2	\$22,000	No
Beaver Creek	Houston	10306219	25	\$150,000	No
Bee Creek	Houston	10106229	1	\$11,000	No
Wolf Creek	Mower	10318235	17	\$150,000	No
Chalberg Creek	St. Louis	05117210	10	\$29,000	No
Mission Creek	St. Louis	04915230	25	\$82,000	No
Money Creek	Winona	10507220	17	\$125,000	No
Garvin Brook	Winona	10708234	3	\$24,000	No
Garvin Brook	Winona	10708233	5	\$38,000	No
Garvin Brook	Winona	10708233	1	\$12,000	No
Garvin Brook	Winona	10708233	1	\$9,000	No
Garvin Brook	Winona	10608204	1	\$8,000	No
Garvin Brook	Winona	10708233	2	\$20,000	No
Garvin Brook	Winona	10608204	1	\$9,000	No
Garvin Brook	Winona	10608204	1	\$10,000	No
Money Creek	Winona	10507221	9	\$65,000	No
Cedar Valley Creek	Winona	10606221	3	\$30,000	No

Parcel Map



- Protect in Easement
- ▲ Protect in Fee with PILT
- Protect in Fee W/O PILT
- ★ Restore
- ✕ Enhance
- ⊕ Other