

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 LSOHC 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 at least 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 the alteration and any replacement plans at the next meeting of the council at least 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.