

Lessard-Sams Outdoor Heritage Council

MEMO: **Agenda Item #9**

DATE: November 15, 2018

SUBJECT: ML 2016, Ch. 172, Art. 1, Sec. 2, Subd. 3(d) – SE MN Protection and Restoration Phase 4
ML 2017, Ch. 91, Art. 1, Sec. 2, Subd 3(c) - SE MN Protection and Restoration Phase 5
ML 2018, Ch. 208, Art. 1, Sec. 2, Subd 3(c) - SE MN Protection and Restoration Phase 6

PRESENTER: Rich Biske, Freshwater Conservation Program Director, The Nature Conservancy

Suggested Motion:

Motion to approve/deny the request by TNC to proceed with the 946 acre fee title acquisition (Root River – Schueler) in Winona County and Filmore County along Rush Creek and tributaries with the ML 16, 17, 18 appropriation from the SE MN Protection and Restoration programs. An affirmative vote of 9 members is required.

Per MS 97A.056, Subd. 9, Lands in the 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.

Background:

The Nature Conservancy (TNC) is in the process of a fee title acquisition in Winona County (305 acres) and Filmore County (641 acres) along Rush Creek and its tributaries with the ML 16, 17, 18 appropriation from the SE MN Protection and Restoration programs.

At issue with the acquisition is an existing trout stream access angler easement held by the State of MN and also a 40.5 acre Native Prairie Bank Easement. Due to these two State-held easements, this parcel would need approval under 97A.056, subd. 9.

The existing NPB easement (with an existing ENTRF NORF) was taken into account in the appraisal. The supplemental benefits of acquiring in fee-title the entire property are provided in the attached letter.

Attachments:

- September 26, 2018 letter from Rich Biske, Freshwater Conservation Program Director, TNC, with attachments (parcel map, NPB easement and access easement)