

## Lessard-Sams Outdoor Heritage Council

**MEMO:** Agenda Item #10

**DATE:** December 10, 2019

**SUBJECT:** Extension of Availability of Appropriation

ML 2016 5(j), Roseau Lake Rehabilitation (\$2,762,000 appropriation)

**PRESENTER:** Randy Prachar, MN DNR Area Wildlife Supervisor

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### **Suggested Motion:**

Motion by Councilmember X to approve/deny the legislative extension of appropriation availability for ML 2016 5(j), **Roseau Lake Rehabilitation** until June 30, 2022, to be included in the ML 2020 OHF recommendations bill.

### **Background Information** (provided by Sandy Smith)

- No acquisition money spent to date – acquisition portion of the program ended in June 2019, restoration/enhancement portion of the appropriation ends June 2021 or 5 years after the acquisition
- \$468,900 has been spent to date on professional services (engineering, cultural and wetland delineation surveys etc) requirements needed prior to “moving dirt”
- Manager is requesting an extension until June 30, 2022 to complete the entire appropriation

The project manager was contacted after the August 2019 Status Update period regarding \$770,000 in unspent acquisition funds and inquired if binding agreements were in place. LSOHC Council Members were informed of the possible turn back of money at the August 7, 2019 meeting as part of the Status Update report.

Attached is a memo from the manager with details on the extension request.

### **Language for the appropriation bill:**

Subd X. Carryforwards

- (a) The availability of the appropriation in Laws 2016, Ch. 172, Art. 1, Sec. 2, Subd. 5, paragraph (j) for Roseau Lake Rehabilitation is extended to June 30, 2022.

## Memo

**Date:** 10/31/2019

**To:** Lessard-Sams Outdoor Heritage Council

**From:** Randy Prachar, Wildlife Area Supervisor, Roseau River WMA

### **RE: Extension Request, Roseau Lake Rehabilitation project, ML16-5j**

#### Summary of Request:

- The project received \$2.763 million in funding from the council for ML16 (see subpart 5j).
- There have been numerous project delays caused by the complex nature of this large project. Among the reasons for delays are: large and complex wetland mitigation requirements, considerable citizen outreach efforts, avoidance of known archaeological sites on the old lakeshore, siting of project infrastructure, development of operating plans that satisfy the project goals for both wildlife habitat and flood damage reduction, etc. These delays have affected subsequent steps, such as acquisition/easement within the project footprint. Acquisition/easement funds totaling \$770,000 were not spent by the June 30, 2019 deadline for use of such funds. The project has progressed and now has at least two willing sellers identified for the acquisition funds.
- \$770,000 was allocated from the total appropriation for acquisition/easement of properties within the footprint of the project. The DNR seeks restoration of those funds and further requests an extension for *all* remaining project funds (R/E as well as acquisition) to June 30, 2022

#### **Project Background**

The Roseau Lake Rehabilitation project will restore shallow marsh conditions during spring and summer to Roseau Lake, which was drained better than a century ago to promote agriculture. This will improve production of wetland wildlife (in particular, waterfowl) within Roseau Lake WMA while also improving fish habitat on the adjacent Roseau River. Fall migratory stopover habitat for ducks and waterfowl hunting opportunities will also improve with the project.

The project is very large and complex to manage. All of its issues are super-sized compared to most projects. For instance, the mitigation for wetland impacts alone is in the neighborhood of 200 acres. There are a limited number of opportunities to find a site where 200 acres of mitigation may be accomplished. We have identified such a site that is associated with a nearby state forest and scientific and natural area. A sound wetland restoration project that satisfies the ecological rigor needed on these lands and meets the mitigation requirements of the applicable regulatory agencies is a difficult balance to achieve. Similar challenges have been present to the project team in the area of citizen participation, known archaeological sites on the old lakeshore,

siting of project infrastructure, development of operating plans, etc. Layered over all of this is that the project must provide substantial flood damage reduction benefits if it is going to proceed at all.

The good news is that we are working through many of these complex issues. The project team has identified substantial common ground between the objectives of wildlife habitat and flood damage reduction; a final alignment of infrastructure has been developed; a viable wetland mitigation project has been identified and is working toward approval by the Army Corps of Engineers and BWSR; an operating plan for the project is in draft stage of completion; landowners whose land would be affected have been approached regarding acquisition/easement; and a final version of the project’s environmental assessment is in the works. Making certain that all of these various efforts come together in the required sequence has been a challenge.

### **Extension Request and Rationale**

The DNR has not been able to acquire land needed for the project because other steps in the project process have taken longer than anticipated. Thus, the \$770,000 set aside for acquisition/easement that was to be spent by June 30, 2019 was not committed to any particular properties. The DNR would seek to have these funds restored for acquisition. Two willing sellers of properties needed for project development have been recently identified. These lands total 290 acres. Inquiries into another parcel or two are also underway. Because the project is large and complicated, we would request that the timeline for all funding (R/E as well as acquisition) be extended to June 30, 2022.

\$2,763,000 was appropriated in the original allocation. \$468,900 of a planned \$500,000 of this appropriation has been spent to date on professional services (primarily engineering) related to project development. \$770,000 was targeted for acquisition in fee and/or easement. The remainder (\$1.493 million) is set aside for restoration/enhancement. Neither the acquisition nor the restoration/enhancement funds have been spent to date.

<b>Project Fund Allocation</b>	<b>Restoration/Enhancement</b>	<b>Acquisition/Easement</b>	<b>Professional Services</b>
Original	\$1,493,000	\$770,000	\$500,000
Spent to date	\$0	\$0	\$468,900