



Lessard-Sams Outdoor Heritage Council
The State of Minnesota

State Office Building, Room G95 100 Dr. Rev. Martin Luther King Jr. Blvd. Saint Paul, Minnesota 55155

April 10, 2020

Sen. Bill Ingebrigtsen
Minnesota Senate
Minnesota Senate Bldg., Room 3207
95 University Avenue W.
St. Paul, MN 55155

Rep. Rick Hansen
Minnesota House of Representatives
407 State Office Building
100 Rev. Dr. Martin Luther King Jr. Blvd.
Saint Paul, MN 55155

Sen. Carrie Rudd
Minnesota Senate
Minnesota Senate Bldg., Room 3233
95 University Avenue W.
St. Paul, MN 55155

Rep. Leon Lillie
Minnesota House of Representatives
367 State Office Building
100 Rev. Dr. Martin Luther King Jr. Blvd.
Saint Paul, MN 55155

Pursuant to M.S. 97A.056, Subdivision 15, this letter notifies you that the Lessard-Sams Outdoor Heritage Council has received notice from the Minnesota Department of Natural Resources (MN DNR) concerning the requested conversion of wildlife lands to road right-of-way and a conveyance of a permanent road easement to Nicollet County. The state interest in the land was purchased by the Swan Lake Wildlife Association with Outdoor Heritage Funds (ML 2009, Ch. 172, Art. 1, Sec. 2, Subd. 2(d)) and Ducks Unlimited with Outdoor Heritage Funds (ML 2013, Ch. 137, Art. 1, Sec. 2, Subd. 4(c)).

The attached email from Jay Johnson, MN DNR Land Acquisition Supervisor, describes the action.

Pursuant to statute and the council's approved operating procedures, and in the absence of disapproval by leadership or the council by May 1, 2020, I will approve the conveyance and forward notification to Mr. Johnson of the MN DNR so the conveyance can take place.

Please contact me if you have questions regarding this matter. I will withhold final approval until close of business May 1, 2020 to hear from you, if you have concerns.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Mark Wm. Johnson'.

Mark Wm. Johnson
Executive Director
Lessard-Sams Outdoor Heritage Council

cc: Sen. Chris Eaton, Sen. David Tomassoni, Rep. Josh Heintzeman, Rep. Dan Fabian
Mr. Jay Johnson, Members of the LSOHC

Attachment: Email and supporting materials from Jay Johnson

From: [Johnson, Jay \(DNR\)](#)
To: [Mark Johnson](#)
Cc: [Joe Pavelko](#); [Wilder, Kelly \(DNR\)](#)
Subject: Nicollet County Public Works application for temporary and permanent easements for widening of CSAH 12 through OHF funded properties in Swan Lake WMA (Courtland Unit)
Date: Thursday, March 19, 2020 10:56:29 AM
Attachments: [MAP Final Biological Report Outline Easements CSAH12 ECOU101168.pdf](#)
[Final Biological Assesment CSAH12 Area 3 Courtland Central Nicollet Cty.docx](#)
[Nicollet CSAH 12 Easements OHF land.msg](#)
[Nicollet County Public Works easement app.pdf](#)

Mark:

Nicollet County has submitted an application for a road construction project that impacts portions of the Swan Lake WMA (Courtland Unit). This project requires the issuing of both temporary and permanent easements. I've attached their application.

Land previously acquired with OHF funding is impacted by this proposed road construction. Please see the two areas that are labeled as "OHF Area 3" on the attached map. The total OHF funded acres impacted are as follows: Temporary easement = 1.113. Permanent easement = 1.706.

We have completed a Biological Assessment and Section 106 Cultural and Heritage Resources Review for the project as it relates to the OHF funded portions impacted, and I've attached that documentation for your review.

Since easements are considered a conveyance of an interest in the land, we are required to seek approval from LSOHC prior to DNR approval.

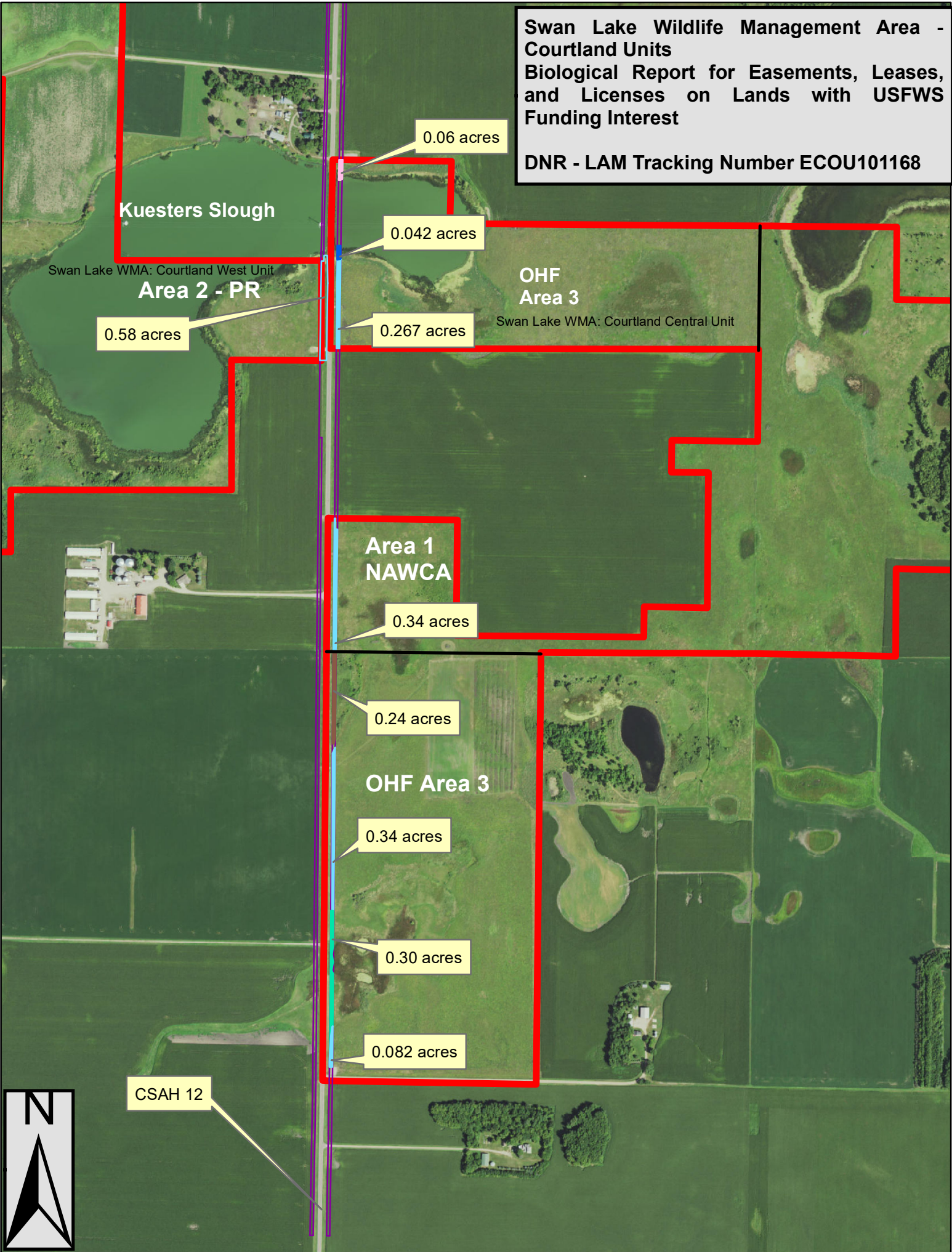
By this e-mail I'm requesting LSOHC review and approval.

Please let me know if you require additional information or documentation.

Thanks in advance for your assistance.

Jay

Swan Lake Wildlife Management Area - Courtland Units
Biological Report for Easements, Leases, and Licenses on Lands with USFWS Funding Interest
DNR - LAM Tracking Number ECOU101168



Biological Report Outline for Easements, Leases and Licenses on Lands with USFWS Funding Interest

DNR Lands and Minerals Tracking Number: ECOU101168

Name & Number of State Unit: Swan Lake Wildlife Management Area (WMA).

1. Project location (including legal description):

Area 1: Part of the Southwest $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ in Township 110, Range 29, Section 32, all in Nicollet County, Minnesota. Impacting 0.364 acres in permanent easements and 0.015 acres in temporary easements. See attached maps.

Area 2: Part of the Northeast $\frac{1}{4}$ of the Northeast $\frac{1}{3}$ in Township 110, Range 29, Section 31, all in Nicollet County, Minnesota. Impacting 0.417 acres in temporary easements. See attached maps.

Area 3: Parts of the Southwest $\frac{1}{4}$ of the Southwest $\frac{1}{4}$ in Township 110, Range 29, Section 29, the Northwest $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ in Township 110, Range 29, Section 32, the Northwest $\frac{1}{4}$ of the Southwest $\frac{1}{4}$ in Township 110, Range 29, Section 32 and the Southwest $\frac{1}{4}$ of the Southwest $\frac{1}{4}$ in Township 110, Range 29, Section 32 all in Nicollet County, Minnesota. Impacting 1.706 acres in permanent easements and 1.113 acres in temporary easements. See attached maps.

2. Description of project: This project serves to expand the existing permanent easements by 20 feet along some section of the existing roadway and provide 4 temporary easement locations during the construction period.

Area 1: Expansion of permanent easement area by 20 feet along the existing road and a 20 x 75.28 feet temporary easement on the northerly part of the area adjacent to the proposed permanent easement acquisition area. Impacting 0.364 acres in permanent easements and 0.015 acres in temporary easements.

Area 2: A 17 to 22 feet temporary easement parallel to the existing permanent easement along the existing road in the Northeast $\frac{1}{4}$ of the Northeast $\frac{1}{3}$ in Township 110, Range 29, Section 31.

Area 3: Expansion of permanent easement area by 20 feet along the existing road, a 20 x 70 feet temporary easement in the Northwest $\frac{1}{4}$ of the Southwest $\frac{1}{4}$ in Township 110, Range 29, Section 32 and a 20 to 30 feet easement parallel to the proposed permanent easement expansion area in the Southwest $\frac{1}{4}$ of the Southwest $\frac{1}{4}$ in Township 110, Range 29, Section 29 and the Northwest $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ in Township 110, Range 29, Section 32.

3. Wildlife or fish habitat description:

Cover types on project areas	Before Acres	After Acres
Restored/Planted Tall Grass Prairie	78.91	78.22
Temporary Flooded Graminoid Vegetation	10.57	10.27
Saturated Grassland with Sparse Shrubs	2.51	2.27
Semi-permanently Flooded Emergent Vegetation	1.22	1.18
Seasonally Flooded Emergent Vegetation	7.64	7.58

4. Wildlife/fish use and values (before and after) including any impacts to any state or federal Threatened, Endangered, Proposed, Candidate or Special Concern species be impacted? If they may be impacted please describe how.

Impacts to wildlife use of the easement will be minimal as the total area impacted is only 1.33 acres. While the proposed easement area was delineated into 5 separate cover types, cool season non-native grass species have degraded most of the area adjacent to the existing right-of-way to the point that it is not attractive habitat for most wildlife. A review of the Natural Heritage Database indicates no recent observations of rare or endangered species are present, with most plant observations dating back to the late 1800s. The only vertebrate species listed, the King Rail, was observed in 1948.

5. Describe short-term vs. long-term benefits of project:

This project is important for the local community in terms of both safety and efficiency. Persistent high water in the basin spanned by CSAH 12 had created dangerous travel conditions for some time prior to the County closing the road as the water rose well above the roadway. CSAH 12 is an important route for vehicles travelling between US Hwy 14 to the South and CSAH 5 to the north. Emergency response services have also been impacted, with longer response times caused by forced detours to less improved gravel roads. For the DNR, this road closure has led to limited and difficult access for users of public land. Our ability to access these sites for management has also been curtailed. Upon completion public access will once again be available via safe roads with reconstructed entrances to parking lots, and our staff will again be able to safely transport equipment and personnel to these units.

6. Describe potential short and long-term adverse effects of project:

Improving roadways often leads to increased traffic and higher speeds. When this occurs on roads adjacent to wildlife management areas, there is reasonable concern for an increase in vehicle-wildlife

collisions. In the case of this project however, any increase in potential for wildlife related collisions is minimized by the very small area impacted by the easement, as well as the increase in visibility to be expected by routine maintenance mowing of the easement forming the shoulder of the roadway. There will obviously be a short term disturbance effect during construction from heavy machinery use and human activity, but this should be limited to the roadway area and not extend into the interior of the WMA.

7. Describe any impacts to wetlands or floodplains:

The expansion of the roadway crossing of Kuesters Slough (Area 3- North OHF) will be the greatest wetland impact of this project, and the loss of this wetland habitat in that area is unfortunate. Currently this area is cover typed as open water habitat, and the total easement area will be about .44 acres. This is a very small percentage of the total open water area in this wetland basin. The overall impact to fish and wildlife habitat should be negligible. On the Area 3 – South OHF unit, the total area to be included in new easements is .96 acres. Of this, there will be 0.33 acres of permanent impact to ditch Type 2/6 wetlands within the new easement area. Total permanent wetland impacts along this area, including the existing right of way, will be 1.29 acres. Again, this is a very small percentage of the existing wetland habitat of this type on the WMA. This project will have a negligible effect on wetland resources within this area as well.

8. Are there alternate ways of accomplishing this project? Do you feel these alternatives are viable? Explain.

This project is necessary because the Kuesters Slough wetland does not have an outlet at an elevation compatible with current land use. With increased precipitation and extensive farm drainage, there is simply nowhere for the water to go, and the result has been a steady increase in the size and depth of the wetland. Nicollet County was faced with the decision of either abandoning or relocating CSAH 12, or rebuilding the crossing. Rerouting around the basin was determined to be too expensive and disruptive, and the road is too important to local travel patterns to abandon. This left the County with the options of bridging the basin or raising the existing roadway. A bridge was also considered too expensive. When left with the option of raising the existing roadway, it was apparent that the base will need to be made wider in order to support the weight of the increased height. Once this decision was made, the project was expanded to include the upgrade of the entire roadway north and south of the basin. Given the small amount of land area that will be impacted by these upgrades, this portion of the project and the easements that will be required do not create significant impacts to the Wildlife Area.

9. Compensation or mitigative measures requested:

During the wetland review process, changes to the county's original design were requested to ensure that both sides of the wetland would remain connected. This request has been incorporated into the plans. This review assumes standard wetland permitting procedures have addressed the loss or

alteration of wetland resources. Our office has had discussions with Nicollet County on plans to relocate field entrances to ensure that parking lots will remain accessible to the public. We do ask that where possible native, local genotype prairie seed be used to revegetate disturbed areas adjacent to the WMA.

10. What requirements would you want to see on the easement, lease, or license? (e.g. type of equipment, reseeding, time of year, etc.). It's not necessary to repeat requirements in standard DNR terms and conditions. – Separately communicate these requirements to LAM through regional review process.

Standard easement language will suffice for this project. We ask that during construction the Nicollet County Engineer keep us informed of any need to travel on or disturb any sites outside of the requested easements.

Review completed by:

Name (printed): Stein Innvaer

Title: Area Wildlife Supervisor

Email: stein.innvaer@state.mn.us

Phone: 507-225-3572

From: [Magner, Mike \(DNR\)](#)
To: [Murkowski, Adam \(DNR\)](#)
Cc: [Johnson, Jay \(DNR\)](#)
Subject: Nicollet CSAH 12 Easements, OHF land
Date: Friday, February 7, 2020 8:45:03 AM

The following proposal was recently reviewed:

Provide 1.706-acres permanent easement and 1.113-acres temporary easement for CSAH 12 reconstruction in the Swan Lake WMA
T110N R29W S29/32, Nicollet County

Project documentation related to the application for a CSAH 12 construction easement in the Swan Lake WMA was recently reviewed for potential effects to cultural and historic resources under The Minnesota Field Archaeology Act and the Minnesota Historic Sites Act (Minnesota Statute 138). The MnDOT Cultural Resources Unit conducted a cultural resource survey of the entire CSAH 12 construction corridor in 2019, concluding that the proposed construction would not affect historic or archaeological properties. Inasmuch as these investigations have demonstrated that there are no known or suspected archaeological or historic sites within the requested easements, it is recommended that DNR grant the requested easements.

- Mike Magner
DNR Forestry / Fish & Wildlife Archaeologist
DNR Forestry Resource Assessment Office
483 Peterson Road
Grand Rapids, MN 55744

Phone: 218-322-2513

Minnesota Department of Natural Resources



Division of Lands and Minerals Southern Region

Value Determination Report (Easement)

Easement #: ECOU101168 **OHF** **Grantee Name:** Nicollet County
County: Nicollet
Valuation Date: 3/30/2020

In order to establish a per acre value, I have searched the following resources:

- Current per acre land rate from the County Assessor
- County estimated market value
- Sale information in the immediate and surrounding townships
- Minnesota Land Economics website
- Other: provided by the county engineer

A. The determined per acre value is: approximately \$1,500/acre for non-productive land, \$3,250/acre for DNR prairie, and \$5,250/acre for DNR water

B. Easement area from the application:
Total temporary easement acres: 1.11 acres
Total permanent easement acres: 1.70 acres

C. Base value calculation by forty:

Temporary

Parcel 15 - .45 acres SWSW 29-110-29 Nicollet Co. - \$5250/ac. @ 50% = \$2625 x .45 ac. = \$1,181.25
Parcel 15 - .63 acres NWNW 32-110-29 Nicollet Co. - \$1500/ac. @ 50% = \$ 750 x .63 ac. =\$ 472.50
Parcel 19 - .03 acres NWSW 32-110-29 Nicollet Co. - \$3250/ac. @ 50% = \$1625 x .03 ac. =\$ 48.75

Permanent

Parcel 15 - .19 acres SWSW 29-110-29 Nicollet Co. - \$5250/ac. x .19 ac. = \$ 997.50
Parcel 15 - .37 acres NWNW 32-110-29 Nicollet Co. - \$2623/ac. x .37 ac. = \$ 970.51
Parcel 19 - .57 acres NWSW 32-110-29 Nicollet Co. - \$3250/ac. x .57 ac. = \$1,852.50
Parcel 19 - .57 acres SWSW 32-110-29 Nicollet Co. - \$1928/ac. x .57 ac. = \$1,098.96

D. Timber damage

None

Estimate provided by Forestry staff:

Species: Cords: \$

Easement #: ECOU101168 **OHF Grantee Name:** Nicollet County

E. Other: **N/A**

MONITORING FEE:

Monitoring Fee Schedule: Hours x \$109 -

TOTAL COMPENSATION:

Easement Fee: \$6621.97

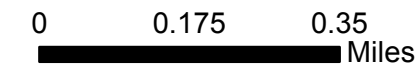
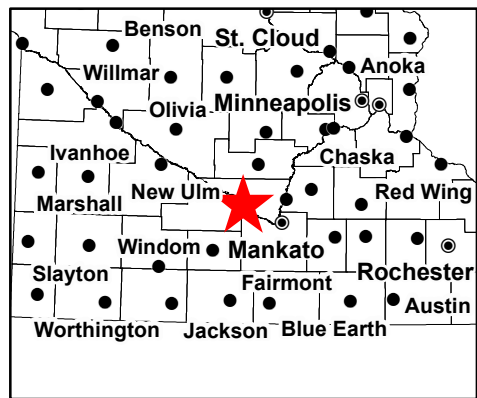
Monitoring Fee:

Total Compensation: \$6621.97

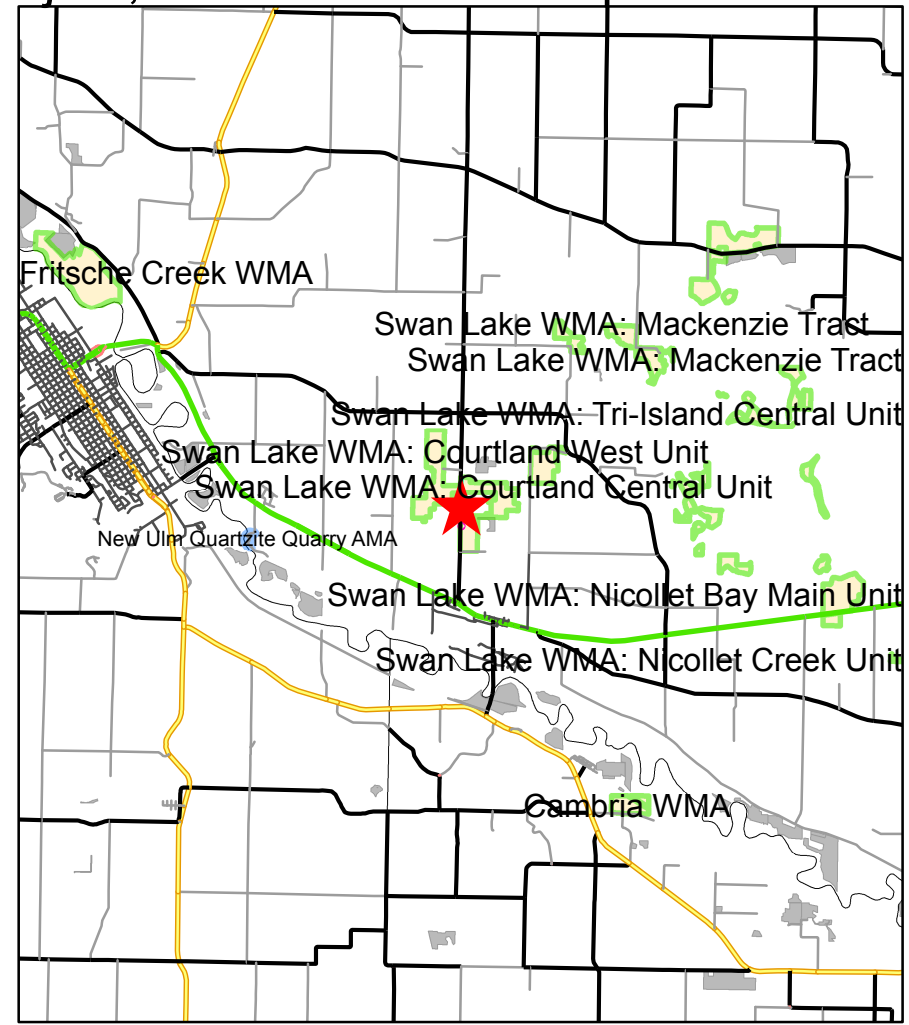
This Value Determination Report prepared by: Karla Ihns

Swan Lake WMA, T: 110, R: 29, S: 31, 32 - Nicollet County

Nicollet County, Hwy 12 Road Project, ~3.165 Acres of Impact



- TempEase_1of4
- Perm_Easement
- New Easement Area
- State AMAs
- Native Prairie
- Restorable Wetlands
- State WMA Boundaries
- County Boundaries



- TempEase_2of4
- TempEase_3of4
- TempEase_4of4
- Interstate Trunk Highway
- U.S. Trunk Highway
- MN Trunk Highway
- County Highway
- Municipal Road
- Township or Other Road
- Ramp

mn DEPARTMENT OF NATURAL RESOURCES

Note: This map shows the approximate relative location of property boundaries and other features but was not prepared by a professional land surveyor. This map is provided for informational purposes only and may not be sufficient or appropriate for legal, engineering, or surveying purposes.