

## Lessard-Sams Outdoor Heritage Council

**MEMO:** Agenda Item #11 (A)

**DATE:** March 12, 2021

**SUBJECT:** Extension of Availability of Appropriation  
Mustinka River Fish and Wildlife Habitat Corridor appropriation

**PRESENTER:** Jamie Beyer, Administrator of Bois de Sioux Watershed

### Information Provided by the Project Manager:

See attached letter of extension request from the Red River Watershed Management Board and 3 letters of support.

### Staff Notes:

This appropriation received an extension in ML 2018 until June 30, 2022. This would be a second request for extension to 2025.

*( 9/28/2017 Council [agenda memo](#) regarding the ML 2018 extension.)*

This is not considered a COVID related extension.

OHF monies in this program are slotted for restoration/enhancement contracts. The most recent status update submitted showed no money spent to date. The manager reported that the “watershed district will complete 100% of design plans, specifications and permitting in 2021. Funding from LSOHC will be used solely for construction. We continue to apply for and seek additional sources of funding.”

All land, where restoration will occur, has been acquired in fee with NO eminent domain. In addition, landowners supported the sale of good corn and soybean land, not marginal land, in support of this important project. Local support is strong. Permitting could not occur until all of the land was acquired, permitting will be completed in 2021, with construction starting in 2022 with additional sources of funding still being sought out.

### Status Update Summaries (since Council approved extension in ML 18):

7-8-2020 - We have three parcels left to acquire before permitting can be finalized. We have signed purchase agreements with three landowners, and are awaiting closing procedures. Project permitting activities continue, as we work with our regional DNR to finalize design concepts.

1-14-2020 - We have four parcels left to acquire before permitting can be finalized. We have reached tentative agreements with two landowners, and will be meeting with a third landowner within the next 8 weeks to negotiate a land purchase. A landowner of the fourth parcel has ordered an appraisal; we

are awaiting the results. Project permitting activities continue, as we work with our regional DNR to finalize design concepts.

7-30-2019 - The Bois de Sioux Watershed District continues to progress through the final stages of project development. At the request of the DNR, the District revisited the design of the inlet structure to improve fish passage. The inlet structure design concept has subsequently been finalized. Along this by-pass corridor there is one parcel remaining to be purchased. The Bois de Sioux Watershed authorized an updated appraisal of the property which has been completed. The District intends to acquire this property by the end of 2019. The District is currently completing final plans and specifications for the project with an anticipated completion date of December 2019. Final permitting will occur during the first quarter of 2020 and construction is anticipated to begin in the fall of 2020.

7-24-2018 - The Bois de Sioux Watershed District is working through the final plans and obtaining the necessary permits for construction. Along this by-pass corridor there is one parcel remaining to be purchased. In January 2018 the Bois de Sioux Watershed authorized another appraisal of the property to work toward acquiring the property. This process will occur simultaneously to obtaining final permits so that construction will be able to follow soon after. Funding from this Lessard Sams grant will be used solely for construction. This construction is anticipated to begin during the Summer 2019

1-11-2018 - The Bois de Sioux Watershed District is working through the final plans and obtaining the necessary permits for construction. Along this by-pass corridor there is one parcel remaining to be purchased. Recently the Bois de Sioux Watershed authorized another appraisal of the property to work toward acquiring the property. This process will occur simultaneously to obtaining final permits so that construction will be able to follow soon after. Funding from this Lessard Sams grant will be used solely for construction. This construction is anticipated to begin during the Fall of 2018.

**Note from Chair Hartwell & Vice Chair Schara:**

The Chair and Vice Chair have reviewed this request with staff. While they understand these projects sometimes take more time than expected, a request to extend the project as long as the proposer suggests indicates the proposer was not prepared to accomplish the project as proposed and that there is perhaps an issue of urgency to get this accomplished. There are many other projects that have requested funds and completed projects on time getting the funds to work quickly on schedule. The Chair and Vice Chair recommend an extension to June 30, 2024.

**Suggested Motion:**

Motion by Councilmember X to approve the legislative extension of appropriation availability for ML2014, Ch. 254, Art. Q, Sec. 2, Subd 5(e) Mustinka River Fish and Wildlife Habitat Corridor Rehabilitation - \$2,440,000 to June 30, 2024.