

## Lessard-Sams Outdoor Heritage Council

**MEMO:** Agenda Item #9  
**DATE:** March 12, 2021  
**SUBJECT:** Acquisition of Parcels with Existing Partial State / Federal Ownership  
**PRESENTER:** Joe Pavelko, Assistant Director (Program managers will be available for questions.)

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### Summary:

Pheasants Forever, Ducks Unlimited, and MN Land Trust are requesting Council review and approval for acquisition several parcels that currently have partial protection via conservation easements to portions of the parcels. MS97A.056, subd. 9, and current LSOHC procedures, require Council approval to allow acquisition of such parcels. Details of the appropriations, parcels, and easements are provided within the accompanying spreadsheet.

### Suggested Motion:

Motion to approve/deny the acquisition of presented parcels with existing partial state / federal ownership. 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:

In light of the previous discussion of Subd. 9 during the December and January Council meetings, and in accordance with 97A.056, Subd. 9, DU, PF & MLT project managers have brought forward parcels with existing partial state/federal ownership for the Council to review and approve for acquisition. For approval, these parcels need at least 9 affirmative votes of the Council to comply with the Subd. 9 requirements.

Attached is a spreadsheet that includes the specific details for each parcel. Staff has reviewed the parcel list and is recommending that Council approve the parcels. Historically these parcels would likely not come before the Council for approval because the partners have used other funds to acquire the existing state/federal ownership (easements). In light of new interpretation of Subd. 9, and an abundance of caution, staff currently requires that program managers get approval for these parcels from the Council. Until the ML97A.056, Subd. 9 language is revised, this process will be followed by LSOHC into the future.

**Attachments:** Spreadsheet indicating appropriation, parcel name & location, and additional information.