



To: Lessard Sams Outdoor Heritage Council

From: Annie Johnson, Grants Manager & Conservation Specialist, Northern Waters Land Trust

Date: May 3, 2021

RE: Fee Title Acquisition on Property with Stream Access Easement

Northern Waters Land Trust (NWLT) is working on a fee title acquisition in Hubbard County through the Fisheries Habitat Protection on Strategic North Central Minnesota Lakes -Phase VI grant (ML 2020, Ch. 104, Art. 1, Sec. 2, subd 5(d)). This acquisition will include approximately 657 acres of land along the Kabekona River, which is a 17-mile naturally reproducing brook trout stream that flows into Kabekona Lake. This river is home to a variety of wildlife such as osprey, trumpeter swan, American black bear, river otter, and bobcat.¹

This 657 acre parcel is currently owned by The Conservation Fund (TCF). TCF purchased approximately 72,000 acres of land including this parcel from PotlatchDeltic in October 2020. Their intention is to keep these Potlatch lands from being further divided and to retain working forests in northern Minnesota. Their goal is to have these lands transferred into public ownership within ten years.

NWLT first met with TCF staff in December 2020 to express interest in helping to protect these properties. NWLT discussed with DNR Forestry and TCF specific protection opportunities that meet the Clean Water Critical Habitat project (i.e., Outdoor Heritage Fund - Fisheries Habitat Protection on Strategic North Central Minnesota Lakes) that protects land within tullibee refuge watersheds in Aitkin, Cass, Crow Wing, and Hubbard Counties. Department of Natural Resources (DNR) Forestry received Hubbard County approval in 2019 to acquire this Kabekona River complex, which is directly adjacent to Hubbard County land (see Fig. 1). NWLT's intention is to purchase this complex and convey it to the State of Minnesota, Department of Natural Resources – Forestry.

In late March 2021 NWLT learned about a stream access easement for the portion of the Kabekona River flowing through the complex. This easement runs 60' on either side of the Kabekona River for 1.6 miles and allows for public use and access of the corridor for fishing purposes only and allows the DNR access for habitat improvement. This trout stream easement covers 22.9 acres of the proposed 657 acre acquisition/conveyance or 3.5 percent of the total acreage. Historically, the DNR has controlled beavers

¹ "Protecting Water Quality in Kabekona Lake," November 7, 2019. <https://mnland.org/2019/11/07/protecting-water-quality-in-kabekona-lake/>.

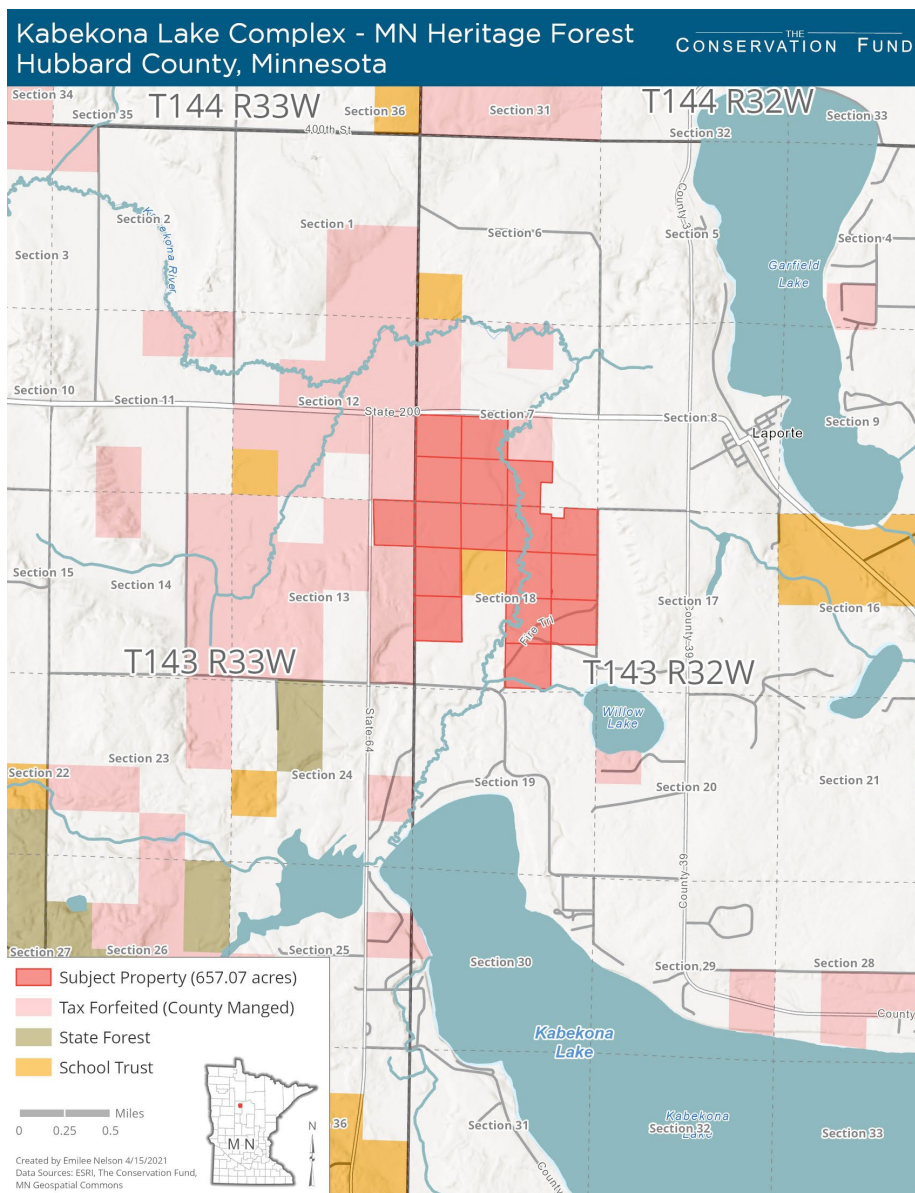
on the river to avoid impoundments and warming water temperatures. No additional habitat work is planned or necessary at this time.

The conservation benefits provided with this fee title acquisition and conveyance to DNR Forestry enhances the prior State of Minnesota investment in the trout stream access corridor. The public ownership of the complex provides fish and wildlife habitat as well as public recreational benefits. The protection of this complex especially benefits the trout stream and Kabekona Lake, a tullibee refuge lake, by protecting water quality and temperature in these vulnerable cold-water systems.

The appraisal of the proposed fee title acquisition will take into consideration any impacts of the State's trout stream access easement to the value of the property.

The Northern Waters Land Trust requests approval by the Lessard Sams Outdoor Heritage Council of the proposed fee title acquisition on Kabekona River.

Figure 1: Kabekona River complex, 657 acre parcel.



G&F 3066

A 156245

E A S E M E N T

THIS INDENTURE, Made this 17th day of November, 1980, between POTLATCH CORPORATION, a corporation under the laws of the State of Delaware, party of the first part, and STATE OF MINNESOTA, a sovereign body, party of the second part,

WITNESSETH, That the said party of the first part, in consideration of the sum of ONE THOUSAND SIX HUNDRED SEVENTY AND NO/100 (\$1,670.00) DOLLARS, to it in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged, does hereby Grant, Bargain, Sell, Quit Claim, and Convey a perpetual easement, in land lying and being in the County of Hubbard and State of Minnesota, described as follows, to-wit:

TRACT I:

A strip of land lying in:

The Northeast Quarter of the Northwest Quarter (NE 1/4 NW 1/4) of Section Thirteen (13), Town-~~NOP~~ship One Hundred Forty-three (143) North, Range Thirty-three (33) West.

The Southeast Quarter of the Southwest Quarter (SE 1/4 SW 1/4) of Section Six (6), Township ~~NOP~~One Hundred Forty-three (143) North, Range Thirty-two (32) West.

The North Half of the Northeast Quarter of the Northeast Quarter (N 1/2 NE 1/4 NE 1/4) of Section ~~NOP~~Seven (7), Township One Hundred Forty-three (143) North, Range Thirty-two (32) West.

The East Half of the Southwest Quarter (E 1/2 SW 1/4) 0414, 0417 and the Southwest Quarter of the Southeast Quarter (SW 1/4 SE 1/4) of Section Seven (7), Township One 0418 Hundred Forty-three (143) North, Range Thirty-two (32) West.

The East Half (E 1/2) of Section Eighteen (18), 0420, 0421, 0422, 0423, 0427, 0429, Township One Hundred Forty-three (143) North, Range 0430 Thirty-two (32) West.

Said strip being from the center line of the bed of the Kabekona River extending to the right and to the left looking downstream, to the natural ordinary high water mark of said River.

TRACT II:

Also a strip of land 60 feet in width from said ordinary high water mark of said River lying to the right, and a strip of land 60 feet in width from said ordinary high water mark of said River lying to the left and both being contiguous, adjacent to and parallel with the above described Tract I.

THE PURPOSE AND INTENT OF THIS EASEMENT IS TO:

1. Permit the development of fish habitat in the above described area, including tree planting, fencing, erosion control,

installation of instream structures, posting of signs, and such other improvements as are deemed necessary.

2. Permit angling by the public in the above described area.

ALSO, unto the party of the second part, its successors and assigns, ingress and egress to and from said River at any point over and across all the described premises of which the strip in Tract I is a part, by employees of said party of the second part for fish management purposes, compatible with current use. Established access routes shall be used whenever feasible.

FURTHER COVENANTING, THE PARTY OF THE FIRST PART, FOR ITSELF, ITS SUCCESSORS AND ASSIGNS:

A. Shall not place or erect any structure or building in the easement area without prior written approval of the party of the second part.

B. Agree to cooperate in the maintenance and enhancement of fishing in the above described area by doing no excavating, filling, dumping, burning or changing of the River course, without prior written approval of the party of the second part. A change in the River course also requires a special permit issued by the Division of Waters of the Department of Natural Resources.

THE PARTY OF THE FIRST PART RESERVES TO ITSELF, ITS SUCCESSORS AND ASSIGNS:

The right to use the land in Tracts I and II, including the right of angling in said River and the right to use the water in said River for domestic purposes, including watering cattle and other stock, consistent with the rights and privileges granted in this easement.

The right to use the land above described for all purposes deemed necessary or desirable in connection with forest protection, administration, and management, including but not limited to timber harvesting and reforestation.

TO HAVE AND TO HOLD THE SAME, to the State, its successors and assigns, as long as the described premises are used for the purposes described herein, or until otherwise terminated by mutual consent.

IN TESTIMONY WHEREOF, the said party of the first part has caused these presents to be executed in its corporate name by its Vice President and its Assistant Secretary and its corporate seal to be hereunto affixed the day and year first above written.

POTLATCH CORPORATION

EXEMPT FROM STATE DEED TAX
Laws 1971, Chapter 835.

By [Signature]
Its Vice President

By [Signature]
Its Assistant Secretary



STATE OF ARKANSAS }
COUNTY OF Bradley } ss.

The foregoing instrument was acknowledged before me
this 17 day of November, 1980, by R. V. Warner,
its Vice President, and by C. T. O'Neal, its
Assistant Secretary, of POTLATCH CORPORATION, a Delaware
corporation, on behalf of the corporation.



Mary Sue Reep
Notary Public, Bradley County, AR
My commission expires July 1, 1981

156245

COUNTY RECORDER
STATE OF MINNESOTA

COUNTY OF Hubbard

I hereby certify that the within in-
strument was filed in this office for record
on the 9th day of
December A.D. 19 80
at 8:30 o'clock A. M., and was duly
recorded in Book 143 of Deeds
on Page 855

Charles A. Brecken
County Recorder

By _____
Deputy

MICRO FILMED ABSTRACT NO: 5466
MARGINED INDEXED TRACTED

This instrument was drafted by
BRUCE A. SPECKTOR
Special Assistant Attorney General
Box 38 Centennial Office Building
St. Paul, Minnesota 55155