Lessard-Sams Outdoor Heritage Council

MEMO: **Agenda Item #9**

DATE: January 27, 2023

SUBJECT: Acquisition of Parcels with Existing Partial State / Federal Ownership – ML2021, First Special Session, Ch. 1, Art. 1, Sec. 2, subd. 5(b) – Metro Big Rivers, Phase XI (St. Croix River – Arnold Parcel)

PRESENTER: Wayne Ostile, MN Land Trust

Suggested Motion:

Motion by Member XX to approve/deny the acquisition of presented parcel with existing partial state / federal ownership. An affirmative vote of 9 members is required.

Background:

Per State Statute 97A.056, Subd. 9, the Council must approve the acquisition of a parcel with existing protection if OHF funds will be used to acquire the parcel. ***An affirmative vote of at least 9 members is required.***

97A.056, subd. 9 reads as follows:

> Subd. 9.**Lands in public domain.**
>
> (a) 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 state of Minnesota or a political subdivision of the state owns the land in fee or if the land is wholly or partially subject to a conservation easement.
>
> (b) Paragraph (a) does not apply if:
>
> (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 the purchase is approved by an affirmative vote of at least nine members of the council; or
>
> (2) the purchase is for land that is partially subject to a conservation easement and no money appropriated from the outdoor heritage fund is used to pay the purchase price for the portion of land that is subject to the easement. Nothing in this clause prohibits the use of money appropriated from the outdoor heritage fund to pay for costs and other expenses associated with the acquisition of the land as part of the larger acquisition.
>
> (c) For purposes of this subdivision, "conservation easement" means a conservation easement as defined in section 84C.01.

Attachments: MN Land Trust Project Description and Maps