

Lessard-Sams Outdoor Heritage Council

MEMO: Agenda Item #6
DATE: June 21, 2023
SUBJECT: Land Exchange – Roseau Lake Rehabilitation Project
ML 2016, Ch. 172, Art. 1, Sec. 2, subd. 5(j) – Roseau Lake Rehabilitation
PRESENTER: Randy Prachar, Area Wildlife Supervisor, MN DNR

Suggested Motion:

Motion by Member XX to approve/deny the land exchange project related to the Roseau Lake Rehabilitation project in accordance with M.S. 97A.056, subd. 15.

Background:

Council reviewed and approved the conceptual details of this land exchange project at the December 9, 2021 Council meeting. Final details of the land exchange project are now complete and DNR is requesting official approval in accordance with M.S. 97A.056, subd. 15. Approval of the exchange will allow the DNR to obtain a parcel within the WMA more desirable for management and public use while removing a parcel that is not easily managed or accessed by the DNR or the public.

General Details of the Land Exchange:

15.1 Acres of OHF funded DNR Lands valued at \$10,600 will be exchanged with 15.1 Acres of non-OHF lands valued at \$10,600. Specific details on the parcels and valuation can be found in the attached documents.

Subd. 15. Land acquisition restrictions.

(a) An interest in real property, including, but not limited to, an easement or fee title, that is acquired with money appropriated from the outdoor heritage fund must be used in perpetuity or for the specific term of an easement interest for the purpose for which the appropriation was made. The ownership of the interest in real property transfers to the state if:

(1) the holder of the interest in real property fails to comply with the terms and conditions of the grant agreement or accomplishment plan; or

(2) restrictions are placed on the land that preclude its use for the intended purpose as specified in the appropriation.

(b) A recipient of funding that acquires an interest in real property subject to this subdivision may not alter the intended use of the interest in real property or convey any interest in the real property acquired with the appropriation without the prior review and approval of the Lessard-Sams Outdoor Heritage Council or its successor. The council shall notify the chairs and ranking minority members of the legislative committees and divisions with jurisdiction over the outdoor heritage fund at least 15 business days before approval under this paragraph. The council shall

establish procedures to review requests from recipients to alter the use of or convey an interest in real property. These procedures shall allow for the replacement of the interest in real property with another interest in real property meeting the following criteria:

(1) the interest must be at least equal in fair market value, as certified by the commissioner of natural resources, to the interest being replaced; and

(2) the interest must be in a reasonably equivalent location and have a reasonably equivalent useful conservation purpose compared to the interest being replaced, taking into consideration all effects from fragmentation of the whole habitat.

(c) A recipient of funding who acquires an interest in real property under paragraph (a) must separately record a notice of funding restrictions in the appropriate local government office where the conveyance of the interest in real property is filed. The notice of funding agreement must contain:

(1) a legal description of the interest in real property covered by the funding agreement;

(2) a reference to the underlying funding agreement;

(3) a reference to this section; and

(4) the following statement: "This interest in real property shall be administered in accordance with the terms, conditions, and purposes of the grant agreement controlling the acquisition of the property. The interest in real property, or any portion of the interest in real property, shall not be sold, transferred, pledged, or otherwise disposed of or further encumbered without obtaining the prior written approval of the Lessard-Sams Outdoor Heritage Council or its successor. The ownership of the interest in real property transfers to the state if: (1) the holder of the interest in real property fails to comply with the terms and conditions of the grant agreement or accomplishment plan; or (2) restrictions are placed on the land that preclude its use for the intended purpose as specified in the appropriation."

Attachments:

- DNR Appraisal
- DNR Draft Land Description
- DNR Map
- December 9, 2021 Meeting Materials:
 - Roseau Lake Rehabilitation Project AP
 - Land Exchange Eligibility Document