

Lessard-Sams Outdoor Heritage Council

MEMO: **Agenda Item #5 (Tuesday, 8/29)**

DATE: Tuesday, August 29, 2023

SUBJECT: Report of Action – Condemnation notice, Conveyance/Conversion request

PRESENTER: Mark Johnson, Executive Director

Suggested Procedure:

Condemnations - In accordance with LSOHC's Operating Procedures and statutory requirements, upon learning of a condemnation proceeding regarding an OHF acquired interest, the Executive Director is to report such notification to the Council and to legislative leadership.

Conveyances/Conversions - In accordance with LSOHC's Operating Procedures and statutory requirements, The Executive Director may provide approval for minor conveyances/conversions on behalf of the Council. The Executive Director reports the planned approval to the Council and notifies Legislative Leadership of the pending action. As always, the Council has the right to overrule the Director. Legislative Leadership has 15 business days to voice any objections they may have to the pending approval.

Background:

LSOHC has received one notification of condemnation proceedings and three requests for conveyance/conversion regarding OHF acquired lands.

Condemnation:

1. BWSR and LSOHC have received notice of condemnation proceedings regarding lands along a portion of State Highway 93 (South of Henderson MN). MN DOT is planning to improve a stretch of Hwy 93 due to nearly annual impassability from flooding of the Minnesota River. OHF's interest is in a BWSR RIM easement on an adjacent parcel. BWSR & LSOHC staff are awaiting additional details. Legislative Leadership will be notified once further details are received.

Conveyance/conversion:

1. Regarding a Trust For Public Lands (TPL) acquisition with OHF appropriation ML22 Ch. 77, Art. 1, Sec. 2, Subd (5h), DNR is requesting TPL to dispose of an unneeded access easement on the OHF parcel prior to transfer to DNR as a WMA. Removal is requested to clean up the title and since the easement is unnecessary due to good access via an adjacent road.
2. Regarding a Minnesota DNR acquisition with ML 2014, Ch. 256, Art. 1, Sec. 2, Subd. 3(b) Outdoor Heritage Funds. The DNR has requested approval for two conveyances on parcels acquired with OHF monies within String Lake WMA in Cottonwood County.
 - a. The first conveyance regards a permanent easement request from the Joint Drainage Authority of Cottonwood & Jackson Counties to reroute (shorten) drainage tile and abandon another tile section on String Lake WMA. Habitat will be fully restored and the tile footprint on the WMA will be reduced. No compensation to OHF anticipated.

- b. The second conveyance is very similar and regards a permanent easement request from the Cottonwood County Drainage Authority to reroute (shorten) drainage tile and abandon another section of tile on String Lake WMA. Habitat will be fully restored and the tile footprint on the WMA will be reduced. No compensation to OHF anticipated.

Since all three of the preceding conversion/conveyance requests are noncontroversial, barring objection by the Council or Legislative leadership, LSOHC's Executive Director will provide approval in accordance with LSOHC operating procedures and statutory guidelines.

Attachments:

- Condemnation Waiver of Service
- TPL Medford WMA Easement Release Request
- DNR String Lake WMA request materials
 - Joint Drainage Authority Application
 - Joint Drainage Easement Biological Assessment
 - Joint Drainage Easement Summary
 - Cottonwood County Drainage Authority Application
 - Cottonwood Drainage Easement Summary
 - Cottonwood Drainage Easement Biological Assessment