

Lessard-Sams Outdoor Heritage Council

MEMO: **Agenda Item #8**
DATE: October 5, 2023
SUBJECT: Conservation Easement Acquisition of Parcel with Existing Protection
 ML 2022, Ch. 104, Art. 1, Sec. 2, Subd. 5(h) – Hennepin County Habitat Conservation
 Program, Phase II
 ML 2023, Ch. 40, Art. 1, Sec. 2, Subd 5(a) – Hennepin County Habitat Conservation
 Program, Phase III

PRESENTER: Wayne Ostlie, Minnesota Land Trust

Suggested Motion:

Move approval of the conservation easement acquisition parcel as presented. (An affirmative vote of at least nine members of the Council is required.)

Background:

The Minnesota Land Trust (MLT) is seeking approval from the Council to allow the use of OHF funding to acquire a conservation easement on a parcel that will be owned and protected in perpetuity by the Riley Purgatory Bluff Creek Watershed District. This is a unique situation in that the watershed district does not yet own the parcel, but wants assurance that once the Watershed does acquire in fee MLT will be able to acquire the conservation easement.

MS 97A.056, Subd. 9 states:

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](#).

Minnesota Land Trust's Rationale and Description of the Property:

"The 28-acre subject property is located on the bluffs of the Minnesota River in Eden Prairie. The property is significant ecologically, filling in a missing piece needed for a continuous green corridor from the Minnesota River to Lake Riley in Hennepin County. The property lies within the DNR's 2008 Regional Ecological Corridor planning map, and is located immediately adjacent to the 60-acre Prairie Bluff Conservation Area managed by Hennepin County and the City of Eden Prairie. The property lies within a DNR site of biodiversity significance, contains native dry prairie, and is considered a high potential zone for rusty patch bumblebee.

The property has been slated for development, with a plat for 50 single-family homes approved by the City of Eden Prairie; a permit for development expires in August 2024. The current landowner has made the property available for purchase by the Riley Purgatory Bluff Creek Watershed District under an expedited timeline. The Watershed District is expected to enter into an agreement to purchase the property shortly. Due to the expected price of the fee acquisition, the Watershed District has approached Hennepin County and Minnesota Land Trust to assist with the acquisition and protection of this property.

Due to the expedited timeline, the Watershed District will acquire the property first, followed by a conservation easement co-held by Minnesota Land Trust and Hennepin County in line with State acquisition guidelines. We are asking the Council to approve this project as presented."

Attachments:

- ML2020 and ML2023 Accomplishment Plans
- Map of Subject Parcel
- Picture of Subject Parcel