

Lessard-Sams Outdoor Heritage Council

MEMO: Agenda Item #7

DATE: December 7, 2023

SUBJECT: Acquisition of Parcel with Existing Protection

M.L. 2022, Regular Session, Chapter 77, Article 1, Section 2, Subdivision 5(d) – Southeast Minnesota Protection and Restoration, Phase 10

M.L. 2023, Regular Session, Chapter 40, Article 1, Section 2, Subdivision 5(e) – Southeast Minnesota Protection and Restoration, Phase 11

PRESENTER: David Ruff, Conservation Program Manager, The Nature Conservancy

Suggested Motion:

Motion by Member XX to approve the fee title acquisition of previously protected land as presented. (An affirmative vote of at least nine members of the Council is required.)

Suggested Procedure:

The Council must determine if the proposed acquisition meets the statutory requirements of MS 97A.056, Subd. 9, and if so, whether the Council feels the acquisition provides sufficient additional habitat benefit to demand approval.

Background:

The Nature Conservancy is seeking approval from the Council to allow the use of OHF funding to acquire in fee a 162-acre parcel in Houston County, MN. The parcel is protected by an Outdoor Heritage Funded Minnesota Land Trust conservation easement that was acquired in 2014 for \$105,000.00 (ML2013, Regular Session, Chapter 137, Article 1, Section 2, Subdivision 5(c) – Root River Protection and Restoration). The Nature Conservancy estimates an acquisition cost of \$750,000. The memo from The Nature Conservancy fully describes the proposed acquisition.

MS 97A.056, Subd. 9 states:

(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:

- Memo from The Nature Conservancy
- Minnesota Land Trust Easement Document
- Aerial Map
- Biodiversity Map
- Conservation Lands Map