

## Lessard-Sams Outdoor Heritage Council

**MEMO:** Agenda Item #7

**DATE:** May 22, 2024

**SUBJECT:** Acquisition of Parcel with Existing Permanent Protection

M.L. 2022, Regular Session, Chapter 77, Article 1, Section 2, Subdivision 5(d) –  
Metro Big Rivers, Phase 12

M.L. 2023, Regular Session, Chapter 40, Article 1, Section 2, Subdivision 5(j) –  
Metro Big Rivers, Phase 13

**PRESENTER:** Deb Loon, Executive Director, MN Valley National Wildlife Refuge Trust

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### **Suggested Motion:**

Motion by Member XX to approve the fee title acquisition of 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 Minnesota Valley National Wildlife Refuge Trust is seeking approval from the Council to allow the use of OHF funding to acquire in fee a 59 acre parcel from Scott County located along State Highway 169 southwest of Jordan, MN. As part of a potential highway improvement project with Scott County, MN Department of Transportation, and private landowners, these parcels are now available for permanent protection which will expand the St. Lawrence Unit of the Minnesota Valley National Wildlife Refuge. Scott County now owns the subject parcels which requires approval from the Council for acquisition per MS 97A.056, Subd. 9. The Trust estimates an acquisition cost of \$700,000.

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:**

- Request Memo from MN Valley National Wildlife Refuge Trust with Aerial Map
- Metro Big Rivers, Phase 12 Accomplishment Plan
- Metro Big Rivers, Phase 13 Accomplishment Plan