



June 20, 2024

Mark Johnson  
Executive Director  
658 Cedar St.  
Centennial Office Building, First Floor  
St. Paul, MN 55155

Dear Executive Director Johnson:

I'm writing today regarding the June 12, 2024 meeting of the Lessard-Sams Outdoor Heritage Council and the Council's action on agenda item #9 related to the Keystone Woods WMA. First and foremost, I want to thank the Council for its support of the acquisition of the Keystone Woods WMA property as well as the support for Minnesota DNR's use of federal conservation programs to leverage match for state dollars.

I also want to clarify that Minnesota DNR's request, as noted in my opening testimony, was for the Council's understanding and support of our use of the federal Land and Water Conservation Fund (LWCF) program. We did not request Council approval because we don't believe any approval is required for this administrative action. Therefore, we interpret the Council's vote as a demonstration of the requested understanding and support and not any kind of approval.

We fully understand and acknowledge that M.S. 97A.056, Subd. 15 (b) requires that 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." This subdivision, however, does not apply to the placement of a LWCF funding encumbrance on a portion of the Keystone Woods WMA because that encumbrance is not an interest in real property.

Similar to other public funding restrictions, Section 6(f)(3) of the LWCF Act contains strong provisions designed to protect federal investments and the amount of land available for public recreation. The Act recognizes that changes over time may require changes to individual pieces of the "national recreation estate." LWCF encumbrances do not involve in interests in real property, but instead ensure that the value of the federal investment in public outdoor recreation is maintained through common sense and rigorous replacement provisions outlined in the Code of Federal Regulations.

We appreciate the Council's interest in understanding the intersection of state and federal funding and we respect the Council's role in decisions affecting lands acquired with the Outdoor Heritage Fund. In this particular case, however, because there is no interest in real property being conveyed, DNR does not believe the LSOHC has an approval role. We do believe it was a good discussion of the issues and again, we appreciate the Council's understanding and support of the agency's decision.

Sincerely,

A handwritten signature in blue ink, appearing to read "Dave Olfelt". The signature is fluid and cursive, written in a professional style.

Dave Olfelt  
Fish and Wildlife Division Director

Cc Sarah Strommen, Commissioner  
Ann Pierce, Parks and Trails Director