

Date: 09/16/2024

To: Lessard-Sams Outdoor Heritage Council

From: Sharon Doucette, Easement Section Manager

RE: Request to Acquire Land in Easement with Existing Protection

The Minnesota Board of Water and Soil Resources (BWSR) has the opportunity to secure a perpetual conservation easement along the Middle Fork of the Crow River utilizing [M.L. 2022 RIM Grasslands Reserve, Phase IV](#) funds. The Middle Fork of the Crow River joins the North Fork of the Crow River, which is designated under Minnesota's Wild and Scenic Rivers Act (Minnesota Statute (MS) [§103F.301 – 103F.35](#)) with a recreational river classification (Minnesota Rule [6105.0060](#)). This 27.5-acre property is located in Meeker County approximately 6-miles southwest of Eden Valley, MN. It consists of 25.5-acres of heavily grazed remnant prairie and 2-acres of public water and is adjacent to an existing 73.3-acre perpetual conservation easement.

The acreage has been subject to a perpetual conservation easement through the United States Department of Agriculture Farmers Home Administration (FmHA) since 1994. Through the FmHA easement, the landowner retains the right to "carry on farming practices such as grazing, hay cutting, plowing, working and cropping the easement area without further degradation of floodplain values."

The terms of the state's Reinvest in Minnesota (RIM) Reserve program conservation easement are more restrictive than the terms of the FmHA conservation easement and would prohibit production of agricultural crops and restrict haying and grazing to only be allowed as a grassland management technique with an approved haying or grazing plan.

The current conservation easement does not guarantee habitat for fish, game, and wildlife. Acquiring a RIM conservation easement on this 27.5-acre property would provide perpetual protection of the current remnant prairie, guaranteeing habitat for a wide range of grassland dependent wildlife.

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 MS [§84C.01](#).

Enclosure: Map of Proposed Acquisition