

Lessard-Sams Outdoor Heritage Council

MEMO: Agenda Item #8
DATE: June 12, 2024
SUBJECT: Request of OHF Conversion / Conveyance – ML 2019, First Special Session, Ch. 2, Art. 1, Sec. 2, Subd. 5(p) – Conservation Partners Legacy Grant Program, Phase 11
PRESENTER: Mark Westphal, Land Commissioner, Carlton County Land Department

Suggested Motion:

Motion by Member XX to approve the non-motorized North Country Trail Access Easement (conveyance) as presented.

Background:

Carlton County and the North Country Trail Association are requesting to record an access easement to further connect and complete the North Country National Scenic Trail (NCNST). The NCNST is approximately 4,800 miles long and spans across eight states. The proposed trail easement covers approximately 2.7 acres (5,900 linear feet, 20 feet in width) and will be managed for year-round non-motorized foot travel. The original parcel was acquired by Pheasants Forever using Conservation Partners Legacy Grant dollars and has since been transferred to Carlton County to be owned and managed in perpetuity by Carlton County as county forest lands.

Suggested Procedure:

1. Council should review requirements for conversion and conveyances of OHF interests in acquired lands.
2. Council should review presented information and ask questions as deemed necessary.
3. Council should vote and direct Council staff to notify legislative leadership if approved by Council.

M.S. 97A.056, Subd. 15 requires that all conversions and conveyances of OHF interests in acquired lands must be approved by the Council and “shall notify the chairs and ranking minority members of the legislative committees and divisions with jurisdiction over the outdoor heritage fund at least 15 business days before approval.”

From 97A.056...

Subd. 15. Land acquisition restrictions.

(a) An interest in real property, including, but not limited to, an easement or fee title, that is acquired with money appropriated from the outdoor heritage fund must be used in perpetuity or for the specific term of an easement interest for the purpose for which the appropriation was made. The ownership of the interest in real property transfers to the state if:

(1) the holder of the interest in real property fails to comply with the terms and conditions of the grant agreement or accomplishment plan; or

(2) restrictions are placed on the land that preclude its use for the intended purpose as specified in the appropriation.

(b) 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. The council shall notify the chairs and ranking minority members of the legislative committees and divisions with jurisdiction over the outdoor heritage fund at least 15 business days before approval under this paragraph. The council shall establish procedures to review requests from recipients to alter the use of or convey an interest in real property. These procedures shall allow for the replacement of the interest in real property with another interest in real property meeting the following criteria:

(1) the interest must be at least equal in fair market value, as certified by the commissioner of natural resources, to the interest being replaced; and

(2) the interest must be in a reasonably equivalent location and have a reasonably equivalent useful conservation purpose compared to the interest being replaced, taking into consideration all effects from fragmentation of the whole habitat.

(c) A recipient of funding who acquires an interest in real property under paragraph (a) must separately record a notice of funding restrictions in the appropriate local government office where the conveyance of the interest in real property is filed. The notice of funding agreement must contain:

(1) a legal description of the interest in real property covered by the funding agreement;

(2) a reference to the underlying funding agreement;

(3) a reference to this section; and

(4) the following statement: "This interest in real property shall be administered in accordance with the terms, conditions, and purposes of the grant agreement controlling the acquisition of the property. The interest in real property, or any portion of the interest in real property, shall not be sold, transferred, pledged, or otherwise disposed of or further encumbered without obtaining the prior written approval of the Lessard-Sams Outdoor Heritage Council or its successor. The ownership of the interest in real property transfers to the state if:

(1) the holder of the interest in real property fails to comply with the terms and conditions of the grant agreement or accomplishment plan; or (2) restrictions are placed on the land that preclude its use for the intended purpose as specified in the appropriation."

Attachments:

- Email correspondence from Carlton County
- Survey
- Map
- Draft Access Easement