

Lessard-Sams Outdoor Heritage Council

MEMO: Agenda Item #9

DATE: May 28, 2025

SUBJECT: Request for Conversion/Conveyance – Additional Permanent Conservation Easement Encumbrance --- ML2021, First Sp. Session, Ch. 1, Art. 1, Sec. 2, subd. 5(h) – MNDNR Trout Stream Conservation Easements – Houston County, MN
Acquisition of Existing Protected Lands -- ML2021, First Sp. Session, Ch. 1, Art. 1, Sec. 2, subd. 3(a) – Southeast Minnesota Protection and Restoration, Phase 9

PRESENTER: Wayne Ostlie, Director of Land Protection, MLT
Rick Walsh, Land Acquisition Consultant, MNDNR

Suggested Motion:

Motion by Member XX to approve/deny the recording of the proposed OHF funded Minnesota Land Trust conservation easement on top of the existing OHF funded MN DNR trout stream easement per 97A.056, subd. 15.

Motion by Member XX to approve/deny Minnesota Land Trust the use of Outdoor Heritage Funds for the acquisition of existing permanently protected lands per 97A.056, subd. 9.

Background:

The Minnesota Department of Natural Resources acquired a permanent trout stream easement on the subject property in 2024 utilizing OHF dollars from their ML2021, First Sp. Session, Ch. 1, Art. 1, Sec. 2, subd. 5(h) – MNDNR Trout Stream Conservation Easements, appropriation. MLT is requesting to acquire a conservation easement on a larger portion of the property which includes the existing DNR trout stream easement. Per 97A.056, the MNDNR must get permission from the Council (majority vote) to allow the additional encumbrance of the OHF funded trout stream easement.

97A.056, subd. 15(c):

(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."

MLT will acquire the conservation easement in conformance with the appraisal requirements in Attachment E and will account for the value of the existing DNR trout stream easement. Minnesota Land Trust is seeking approval to use Outdoor Heritage Funds (ML2021, First Sp. Session, Ch. 1, Art. 1, Sec. 2, subd. 3(a) – Southeast Minnesota Protection and Restoration, Phase 9) to acquire the existing permanently protected lands per 97A.056, subd. 9.

97A.056, subd. 9. Lands in public domain.

(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](#).

Details of the subject parcel can be found in Minnesota Land Trust's memo.

Suggested Procedure:

Councilmembers discuss the request and approve/deny the request as presented.

Attachments:

- MLT Memo outlining request
- ML2021 DNR [Trout Stream Easement Accomplishment Plan](#)
- ML 2021 [Southeast Minnesota Protection and Restoration, Phase 9 Accomplishment Plan](#)