

# Minnesota Department of Natural Resources

Division of Fish and Wildlife  
Land Acquisition Unit  
500 Lafayette Road  
St. Paul, MN 55155



January 27, 2015

Susan Thornton  
Director, LCCMR  
Room 65, State Office Building  
100 Rev. Dr. Martin Luther King Jr. Blvd.  
St. Paul, MN 55155

Dear Ms. Thornton,

As you may remember from our email correspondence, MN DNR has received application for a tile line outlet lease at the Rice Lake WMA, Faribault County, Minnesota. The intent of this letter is to provide you with sufficient information regarding the lease request, property acquisition, grant specifics and answers to questions you forwarded in your email of November 17, 2014.

On December 30, 2009, Pheasants Forever acquired fee title to a 27-acre parcel of land at Rice Lake in Faribault County, Township 104, Range 27, Section 21. Total acquisition cost for the property was \$130,000 with \$59,750 coming from the Environmental and Natural Resources Trust Fund (ENRTF). The ENRTF dollars were secured by Pheasants Forever from the Minnesota Habitat Conservation Partnership – Phase V Project (ML 2008, Chapter 367, Section 2, Subd. 03c). In a commonly practiced transaction, Pheasants Forever later gifted the parcel to the State of Minnesota (September 16, 2011) and the parcel became part of the MN DNR Rice Lake Wildlife Management Area.

Late last year MN DNR received an application for a tile line lease. The property identified in the request is located on the Rice Lake WMA – Wahe Tract. This is the parcel MN DNR received from Pheasants Forever via a grant described above.

MN DNR receives numerous such requests for tile line leases each year. Many of these are denied when the Area Manager determines the proposed action would have negative impacts to the property it would impact. However, when the requested action will have, in the opinion of the Area Manager, no significant impacts to the management area, it is approved. We have a long history of requesting approval from the USFWS for easements, leases and licenses on land with federal nexus. As this lease is the first request on land secured with ENRTF dollars we are seeking a review and approval from LCCMR for this proposal and seeking an acceptable process to address this type of request in the future.

In this particular instance, the applicant proposing the tile line lease actually contacted the Area Wildlife Manager prior to submitting the lease application. The applicant, who owns the property immediately to the west, had the option to outlet the tile on the property line but instead approached the Area Manager to discuss a more suitable and stable outlet. If the tile line were to be outlet on the property line it would become a significant management issue due to wetness. The property line areas are often access routes for heavy equipment as well as firebreaks during prescribed burning. Long term, ruts and weed problems can develop because of the constant disturbance of management activities. In the words of the Area Manager, it is an advantage to us to take the line into the Wildlife Area property further to outlet to avoid these management challenges (see Biological Report Outline). It is for these reasons we believe this project will not alter the intended use of the acquisition.

In your communication you ask if the DNR is proposing to reimburse the ENRTF the price of the tile line lease. Unfortunately, the short answer is no. All proceeds from easements, leases and licenses on state Wildlife and Fisheries lands are deposited in the MN DNR Game and Fish Fund (per state statute). It would take legislative action to change or modify that process. As the lease fee is relatively small (\$500), I am not certain it is worth the time and effort to seek the required legislation. It may serve as consolation to know these funds are used to help fund the costs of numerous management activities on our Wildlife Management Areas.

You also requested documentation relative to the history of the acquisition and the specifics of the appropriation and purchase. Included in this request will be the following:

- 2008 Project Abstract
- 2008 – Phase V Habitat Conservation Partnership Final Report
- Recorded Warranty Deed – Wahe to Pheasants Forever
- Recorded Warranty Deed – Pheasants Forever to MN DNR
- Tile Line Biological Assessment

It is my hope that we have provided you with information sufficient for your review and decision. If you have additional questions, please contact me at once.

Thank you in advance.

Sincerely,



Gerald J Johnson  
Land Acquisition Coordinator  
MN DNR-Fish & Wildlife