

# UNIVERSITY OF MINNESOTA

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*Minnesota Landscape Arboretum*

June 9, 2025

Michael Lind Varien, Assistant Director  
Legislative-Citizen Commission on Minnesota Resources (LCCMR)  
Centennial Office Building, 1st Floor  
658 Cedar Street  
St. Paul, Minnesota 55155  
*Delivered via email:* [Michael.Varien@lccmr.mn.gov](mailto:Michael.Varien@lccmr.mn.gov)

RE: University of Minnesota Landscape Arboretum  
Lake Tamarack Environment and Natural Resources Trust Fund (ENRTF) Appropriation  
Request for a Conservation Easement

Dear Mr. Varien and the LCCMR Staff,

As per 2024 Minnesota State Statute “116P.15 Capital Construction and Land Acquisition; Restrictions”, the University of Minnesota (“University” or “UMN”) is seeking approval from the Legislative-Citizen Commission on Minnesota Resources (“LCCMR”) for a conservation easement to be placed on Lake Tamarack land at the University of Minnesota Landscape Arboretum (“Arboretum”) acquired with Environment and Natural Resources Trust Fund (“ENRTF”) and Lessard Sams Outdoor Heritage Council (“LSOHC”) funding.

Please find the following information to support this request:

**1. Citation for the appropriation with which the original Tamarack property interest was acquired**

- M.L. 2013, Chp. 52, Sec. 2, Subd. 04e.

**2. Original purchase price, acres, and funds used for the Tamarack acquisition**

- \$2,000,000 of ENRTF funds were used to purchase the 78-acre area surrounding Lake Tamarack in fee title. The total purchase was \$4,312,500. The land is held by the Board of Regents of the University of Minnesota. Funds came from both public and private sources, including the ENRTF, the LSOHC, and the Minnesota Landscape Arboretum Foundation in 2014.

**3. The initial intended use of the Tamarack property**

- Intended use for the original 78-acre acquisition included protection of Lake Tamarack water quality; protection of wildlife habitat; protection and restoration of native woodland, upland meadow, and wetlands; and additional educational, recreational, and research opportunities. Land conservancy in the face of development pressure from surrounding communities, which continues today, was among the primary purposes for the Arboretum’s Lake Tamarack property acquisition.

**4. Explanation of why the conservation easement is needed**

- Minnesota State Highway 5 is being expanded from a two (2) lane undivided highway to a four (4) lane divided highway (“the project”) immediately adjacent to the University of Minnesota Landscape Arboretum. The State Highway 5 expansion is funded by a combination of federal, state, county and city sources and Carver County is leading the project in collaboration with MnDOT and the impacted cities. As a result of the State Highway 5 expansion impacts, the project is required to restore and protect ten (10) acres of land for habitat through a conservation easement in support of the rusty patched bumble bee, a listed federally endangered species known to the area. Based on site conditions and habitat needs of the rusty patched bumble bee, a conservation easement through the Minnesota Board of Water & Soil Resources (BWSR) is being proposed on approximately eight (8) acres of the original 78-acre property acquired in part with ENRFT funds and the other two (2) acres is proposed on the abutting new 26 acres being added to the Arboretum Lake Tamarack property. The project would fund the restoration work including enhancement to increase forbs and reduce invasives and long-term management in existing grassland and woodland habitats required by the rusty patched bumblebee. The Arboretum would be responsible for management of this ten (10) acre easement with long-term funding support put in place through the project.
- The University is also seeking LSOHC’s approval for overlay of the Minnesota Board of Water & Soil Resources (BWSR) easement.

**5. What is the impact on the intended use of the Tamarack property?**

- Restoration and enhancement work has already been performed on certain portions of the 78 acres and management has been ongoing since the acquisition. However, the BWSR easement would not restrict the original intent of the OHF/ ENRFT acquisition to restore, protect, and enhance priority natural resources. The proposed BWSR easement would offer additional protection for the rusty patched bumble bee to provide food, nesting areas, and overwintering sites to support their survival, and survival of other wildlife as well. The restoration work in this ten (10) acre area identified for the conservation easement will focus on improving ecological functions to the landscape to benefit RPBB and provide needed habitat to complete their life cycle.

**6. Is there any proposed payment for the conservation easement? How much and how was this determined?**

- The Reinvest in Minnesota (“RIM”) easement requires a \$16,000 fee that is established and administered by BWSR for monitoring of the site. Program intent is to protect valuable natural resources to benefit habitat and water quality. The project lead, Carver County would fund the RIM easement fee, the enhancement work, and the long-term management to increase forbs and reduce invasives in existing grassland and woodland habitats required by the rusty patched bumblebee. The Arboretum would be responsible for management of the ten (10) acre easement with long-term funding support put in place through the project.

**7. A description of the proposed easement with intended use of the land subject to the conservation easement**

- The BWSR easement would not restrict the original intent of the OHF/ ENRTF acquisition to restore, protect, and enhance priority natural resources. The proposed BWSR easement would offer additional protection for the rusty patched bumble bee to provide food, nesting areas, and overwintering sites to support their survival, and survival of other wildlife as well. Wetlands are excluded from the conservation easement area as they are not suitable for RPBB habitat.

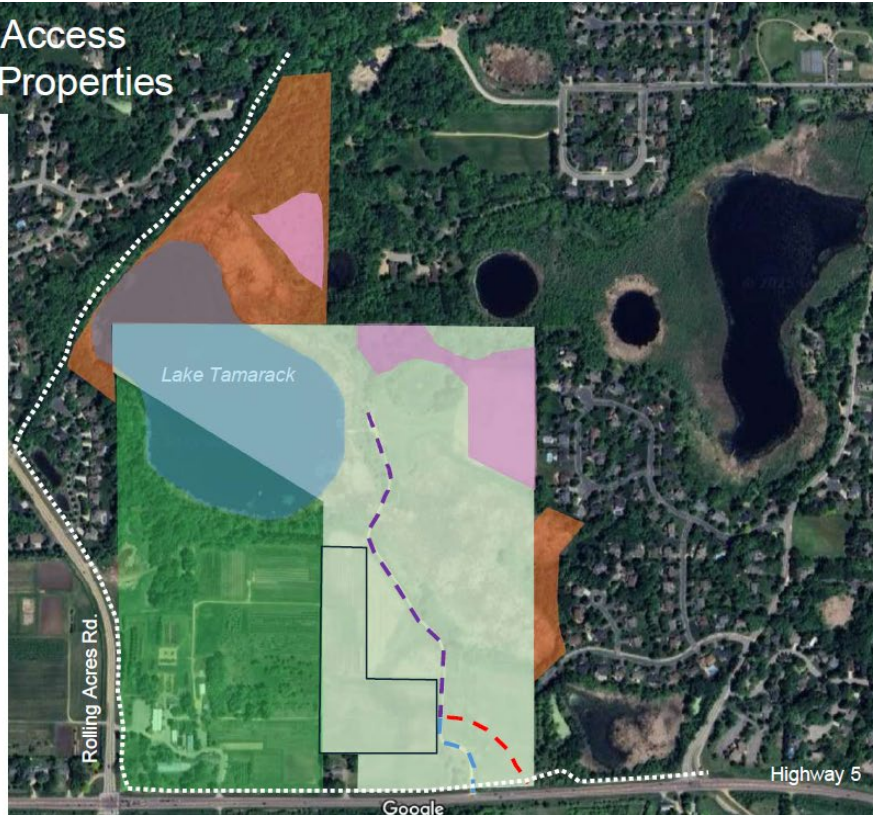
**8. Aerial maps and description of the Tamarack property, showing and documenting the area that would be subject to the easement.**

- The restoration site is located on the edge of the Big Woods which includes southern dry-mesic oak forest and southern mesic maple-basswood forest. A combination of hydric and non-hydric soils exist within the proposed easement. The easement will exclude any aquatic resources and restore only suitable RPBB foraging and overwintering/ nesting habitat.
- See map below for the proposed ten-acre RPBB habitat restoration site, which requires a BWSR conservation easement (shown in pink). Construction of this site will meet U.S. Fish and Wildlife Service (USFWS) mitigation requirements for impacts to RPBB habitat. The restoration includes 6.7 acres of open grassland foraging habitat which has had a history of farming and 3.3 acres of wooded overwintering/ nesting habitat which has never been farmed.

# Proposed Land Additions & Access Changes to Lake Tamarack Properties

## Legend

- 1907 UMN Fruit Breeding Farm Acquisition (54 acres)
- 2013 LCCMR/LSOHC Supported Lake Tamarack Acquisition (78 acres) - includes 10 acres added to UMN research fields for breeding programs as part of the funding agreement (see black outline)
- 2025 Pending Acquisition of New Conservation/Public Access Lands (26.8 acres) - Drainage and Utility easements will be maintained on .61 acres by the City of Victoria
- Proposed 10-acre RPBB Habitat Restoration Site - would require conservation easement through MN Board of Water & Soil Resources
- Existing Highway 5 Regional Bike Trail
- Section of existing gravel access road to remain
- Section of existing gravel access to be eliminated and restored
- New gravel access connecting to new Public Underpass Access & Regional Trail



Area shown in pink indicates proposed BWSR easement for RPBB habitat restoration

NTS N^





Draft conservation easement outlined in red (image courtesy of Bolton & Menk, May 2025) NTS N^

**9. Additional applicable information as it relates to the rusty patched bumble bee (*Bombus affinis*) mitigation e.g. USFWS determination letter or letter confirming easement satisfies mitigation requirement.**

- The USFWS has verbally agreed to the conservation easement boundary depicted in the draft conservation easement represented above. A formal letter of concurrence is unavailable until the final mitigation plan is approved, anticipated to occur in early July 2025.

Thank you for your consideration. Please contact me with any questions.

Sincerely,

Andrew Gapinski, Executive Director  
University of Minnesota Landscape Arboretum

Cc: Jon Dostal, Director of Transactions, Planning, Space, and Real Estate