

Memo for the November 19, 2025 Legislative-Citizen Commission on Minnesota Resources Meeting

DATE of MEMO: November 12, 2025

AGENDA ITEM: 6c, Potential Policy Revisions for Consideration

SUBJECT: DNR Commissioner approval required for land acquisitions

Issue

M.S. 116P.17 requires an entity acquiring land with ENRTF funding to receive written approval from the Commissioner of the Department of Natural Resources (DNR) before the land is acquired. Exceptions to this requirement are for conservation easements to be held by the Board of Water and Soil Resources (BWSR), metropolitan regional recreation open space system acquisitions with funding through the Metropolitan Council, and when the specific acquisition is named in the appropriation.

The statute requires the DNR Commissioner to approve the acquisition if it is “a high priority” for the commissioner and if it meets objectives and criteria identified in the applicable acquisition plan for the intended management status of the property or if the land is otherwise identified by the commissioner as a high priority.

The DNR has questioned whether it is appropriate for the DNR to evaluate the priority of land being acquired by local units of government, non-profits, and other state agencies, (i.e., when the land is not funded by nor will it be managed by the DNR). This requirement has also created confusion and significant timing delays with some projects.

Recent examples of projects with land acquisitions requiring DNR pre-approval include:

- 2019-257, “Preserving Avon Hills with Reverse Bidding Easements,” Saint John’s University
- 2020-065, “Turning Back to Rivers: Environmental and Recreational Protection,” Trust for Public Land
- 2020-068, “Whiskey Creek & Mississippi River Water Quality/Habitat/Recreation,” Mississippi Headwaters Board
- 2023-032, “Wannigan Regional Park Land Acquisition,” City of Frazee

The LCCMR may wish to consider if changes to this statute are warranted.

History of this requirement

This requirement for DNR approval of acquisitions (116P.17) was added to statute in 2010 and originally only applied to lands acquired for conveyance to the DNR for management. In 2013, the statute stipulating restrictions on acquired land (116P.15) was revised so that an interest in real property transfers to the state if the interest holder fails to comply with the terms of the project or if restrictions are placed on the land that prevent it from being used as intended. At the same time, the requirement for DNR approval of acquisitions was expanded to include all land acquisitions, regardless of proposed ownership, except for BWSR easements. In 2014, an exception was added to 116P.17 for acquisitions specifically identified in appropriation law. In 2017, an additional exception was added for certain metropolitan regional open space acquisitions.

LCCMR review of land acquisitions

Information about potential land to be acquired, as well as how the land was selected, is collected through the proposal process for LCCMR member review. In addition to providing information about the overall project opportunity/need, solution, and outcomes, the LCCMR’s application for funding from the ENRTF requires land acquisition applicants to:

- Describe their criteria and decision-making process used to rank and prioritize the proposed land(s) for acquisition.
- List and provide copies of all adopted state, regional, or local natural resource plans in which the lands included in the parcel list are identified for the acquisition purposes proposed.
- Provide a parcel list that includes a description of the site significance.

- Confirm the lands to be acquired are not already in public ownership.
- Confirm that county board approval will be obtained for lands conveyed to the state.

The information provided by the applicants is located in the subtabs under the Acquisition and Restoration Page (Tab 8) of the proposal reviewed by LCCMR members before recommendations as well as on the work plan approved by LCCMR members following legislative funding. Changes to specific parcels may also be made through an amendment process after work plan approval by the LCCMR.

Other DNR review of land acquisitions

All non-state land acquisitions funded by the ENRTF must follow a set of land acquisition procedures and technical standards that are maintained by the DNR. These procedures and standards relate to such things as appraisals, surveys, and environmental contamination screening. DNR Grant Unit staff conduct reviews to ensure the funding recipient complies with these requirements. This review is separate from the written DNR Commissioner approval being discussed elsewhere in this memo.

Options

If the LCCMR believes the DNR Commissioner approval of acquisitions as required in 116P.17 is necessary and appropriate, LCCMR can take no action or consider recommending the Legislature revise the statute to require this DNR Commissioner approval step be completed no later than 30 days prior to acquisition rather than 10 days. If LCCMR determines the DNR Commissioner approval of acquisition is not needed or appropriate, options include recommending the Legislature retire this statute or revert it to the previous scope of only applying to lands to be acquired by the DNR. LCCMR recommendations to the Legislature require 11 affirmative votes.

Full Statute Text

2025 M.S. 116P.17 ACQUIRING LANDS OR INTEREST IN LANDS; COMMISSIONER APPROVAL, Subdivision 1.

Commissioner approval

(a) A recipient of an appropriation from the trust fund who acquires an interest in real property must receive written approval from the commissioner of natural resources prior to the acquisition, if the interest is acquired in whole or in part with the appropriation. A recipient must request the commissioner's approval at least ten business days before the proposed acquisition. When a recipient requests approval under this subdivision, the recipient must simultaneously submit the same information to the commission. Conservation easements to be held by the Board of Water and Soil Resources, acquisitions of land in the metropolitan regional recreation open space systems as defined under section [473.351, subdivision 1](#), with appropriations to the Metropolitan Council, and acquisitions specifically identified in appropriation laws are not subject to commissioner approval under this section.

(b) The commissioner shall approve acquisitions under this section only when the interest in real property:

(1) is identified as a high priority by the commissioner and meets the objectives and criteria identified in the applicable acquisition plan for the intended management status of the property; or

(2) is otherwise identified by the commissioner as a priority for state financing.

Sample Motion

Member _____ moves to recommend to the Legislature statute 116P.17 be revised to [remove the requirement for DNR approval of acquisitions /only apply to DNR acquisitions/revise the deadline for approval] and to request staff prepare draft bill language for this purpose. (Requires 11 affirmative votes).