



Environment and Natural Resources Trust Fund (ENRTF) M.L. 2013 Work Plan

Date of Status Update Report: May 20, 2013

Date of Next Status Update Report: February 1, 2014

Date of Work Plan Approval: June 25, 2013

Project Completion Date: June 30, 2016

Is this an amendment request? No

PROJECT TITLE: MeCC7: Dakota County Lakeshore and Riparian Protection

Project Manager: Alan Singer

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Location: Area immediately surrounding Marcott Lakes in Inver Grove Heights in northern Dakota County

Total ENRTF Project Budget:	ENRTF Appropriation:	\$368,000
	Amount Spent:	\$0
	Balance:	\$368,000

Legal Citation: M.L. 2013, Chp. 52, Sec. 2, Subd. 04d2.6/3.7

Appropriation Language:

\$2,000,000 the first year is from the trust fund for the acceleration of agency programs and cooperative agreements. Of this appropriation, \$10,000 is to the commissioner of natural resources for agency programs and \$1,990,000 is to the commissioner of natural resources for agreements as follows: \$304,000 with Friends of the Mississippi River; \$368,000 with Dakota County; \$208,000 with Great River Greening; \$310,000 with Minnesota Land Trust; \$400,000 with Minnesota Valley National Wildlife Refuge Trust, Inc.; and \$400,000 with the Trust for Public Land for planning, restoring, and protecting priority natural areas in the metropolitan area, as defined under Minnesota Statutes, section 473.121, subdivision 2, and portions of the surrounding counties, through contracted services, technical assistance, conservation easements, and fee title acquisition. Land acquired with this appropriation must be sufficiently improved to meet at least minimum management standards, as determined by the commissioner of natural resources. Expenditures are limited to the identified project corridor areas as defined in the work plan. This appropriation may not be used for the purchase of habitable residential structures, unless expressly approved in the work plan. All conservation easements must be perpetual and have a natural resource management plan. Any land acquired in fee title by the commissioner of natural resources with money from this appropriation must be designated as an outdoor recreation unit under Minnesota Statutes, section 86A.07. The commissioner may similarly designate any lands acquired in less than fee title. A list of proposed restorations and fee title and easement acquisitions must be provided as part of the required work plan. Lands that would require payments in lieu of taxes under Minnesota Statutes, section 97A.061 or 477A.12, shall not be acquired with money from this appropriation. Up to \$54,000 is for use by Minnesota Land Trust in a monitoring and enforcement fund as approved in the work plan and subject to subdivision 16. An entity that acquires a conservation easement with appropriations from the trust fund must have a long-term stewardship plan for the easement and a fund established for monitoring and enforcing the agreement. Money appropriated from the trust fund for easement acquisition may be used to establish a monitoring, management, and enforcement fund as approved in the work plan. An annual financial report is required for any monitoring, management, and enforcement fund established, including expenditures from the fund. This appropriation is available until June 30, 2016, by which time the project must be completed and final products delivered.

I. PROJECT TITLE: MeCC7: Dakota County Lakeshore and Riparian Protection

II. PROJECT STATEMENT:

The long history of settlement and long-accepted agricultural land use has resulted in the loss, degradation and fragmentation of our natural resource systems. In Dakota County, only 3% of the pre-settlement plant communities remain. Despite, increased public awareness of water quality issues and improvement methods and multi-agency efforts to assist landowners most of the natural areas throughout the County have been negatively impacted. In recent decades, the County has experienced tremendous residential development. That development is attracted to the remaining natural features - especially lakes and rivers.

Since 2003 Dakota County has embarked on an ambitious program to protect farmland and natural areas through the voter-approved \$20 million dollar Farmland and Natural Areas Program. Since the program began the County is on track to have completed over 95 projects protecting over 9,700 acres with an estimated value of \$80 million. The County has an excellent track record of working effectively with a wide variety of agencies, jurisdictions and organizations and has the capacity to acquire and manage conservation easements and implement increased natural resource stewardship.

This project will acquire an estimated 27-acre conservation easement along Marcott Lakes in Inver Grove Heights. This area is part of a series of lakes and high quality wooded and grass uplands totaling over 250 acres with over 121 acres already protected. The highest quality lake is over 50 feet deep with 25- to 30-foot visibility depth and within 20 minutes of driving time from the state capitol. Approximately 40 acres will be restored and enhanced within the project area based on an already completed Natural Resource Management Plan. The scale and scope of this project is both feasible and significant. It encompasses some of the best natural resource features found in the metropolitan region.

III. PROJECT STATUS UPDATES:

Project Status as of February 1, 2014:

Project Status as of August 1, 2014:

Project Status as of February 1, 2015:

Project Status as of August 1, 2015:

Project Status as of February 1, 2016:

Project Status as of June 30, 2016:

IV. PROJECT ACTIVITIES AND OUTCOMES:

ACTIVITY 1: Acquire Conservation Easement on 27 acres

Description:

This project will help acquire an estimated 27 acres of shoreland and contiguous upland to ensure that the natural resource values of the lakes and surrounding upland of the Marcott Lakes natural area in Inver Grove Heights are permanently protected. Over 121 acres of this 250-acre, high quality natural area have now been protected with conservation easements.

Work on the Marcott Lakes area began in 2008 when it was submitted for consideration through the Farmland and Natural Areas Program (FNAP). The Farmland and Natural Area Protection Plan became the foundational basis for the program and can be reviewed at:

<http://www.co.dakota.mn.us/Environment/LandConservation/History/Documents/FNAPPlan.pdf> Established

criteria such as size, ecological quality, location, unique characteristics and financial considerations were used to evaluate all submitted projects. The Marcott Lakes project was the highest ranked project for that application round. Subsequently, the scoring criteria were revised to place more of an emphasis on location including the following components: Priority Natural Area (PNA), Open Space Corridor, Natural Area Conservation Zone (assemblages of PNA's), Non-riparian Greenways, Water Adjacency, (Sub)urban Land Use, and Adjacency to Previously Protected Land; Financial Considerations; Stewardship; Public Access; and Unique Qualities/Other Considerations. The criteria can be reviewed at:

<http://www.co.dakota.mn.us/Environment/LandConservation/ApplicationProcess/Documents/FNAPGuidelines.pdf>

The Marcott Lakes project was re-scored and again emerged as the highest ranked project. Originally, a Citizen Advisory Committee (CAC) recommended projects for consideration by the County Board of Commissioners. In 2012, the CAC was dissolved as a partial result of the Board adopting more objective scoring criteria. Currently, a diverse County staff committee reviews and recommends projects for Board consideration.

All provisions of Dakota County easements are perpetual and include standard requirements to minimize negative impacts to both surface and groundwater quality and quantity. In part, these are addressed adaptively through required Natural Resource Management Plan which are updated every five years.

The County will provide a draft template of the easement for review and approval by LCCMR staff and that written approval from the DNR Commissioner will be obtained from the DNR commissioner prior to closing per 116P.17.

Dakota County has established a monitoring and enforcement plan that is predicated on the concept of good initial documentation, and avoiding problems through proactive interactions with landowners. There are several elements to the this plan

The easement is surveyed by the Dakota County Surveyor's Office. The resulting information will be used for determining legal descriptions for all legal and project documents.

A baseline Property Report will be completed immediately prior to the acquisition of each easement. This written report documents the condition of the easement through photographs and written descriptions and is the basis for an annual monitoring report. The Property Report is reviewed and signed by the landowner and the County's Land Conservation Manager prior to closing and is referenced in the easement deed. The landowner and County each retain a copy of the Property Report. The County electronically scans and stores its copy in an existing land data base. Property Reports are updated every five years.

At least once per year, a review of the easement will be conducted by a County staff member or contracted/ designated representative. The initial step is to remotely review the property using annually updated and detailed aerial photography. The landowner is then contacted to determine if there have been any changes to the property or easement, answer any questions, request permission to visit the easement, and invited to accompany the person conducting the site visit. During the site visit, GPS is used to verify easement boundaries, notes and photos are taken as appropriate and a written, annual monitoring report is completed. If there are no issues or concerns, two copies of the completed report are sent to the landowner for review and signature. A signed report is submitted to the County's Land Conservation Manager for review and signature. The monitoring report is then electronically scanned and stored in the land data base.

If provisions of the easement are being violated, or if some other issue is discerned, the County notifies the landowner according to the procedures described in the easement deed. Attempts will be made to have the landowner voluntarily resolve any issue to the satisfaction of the County. However, if the issue significantly violates or compromises the intent and requirements of the easement, legal action will be taken by the County Attorney's Office (CAO) to uphold the terms of the easement.

Currently, the County estimates the annual cost to monitor each easement at \$2,500. This cost is based primarily on staff time required to complete the aforementioned activities, which is partially minimized by existing technological capabilities, and minimal travel expenses. This cost does not reflect potential legal costs and litigation since these activities are included in the general responsibilities of the CAO.

The adopted 2013-2017 County Capital Improvement Budget includes a separate \$365,000 line item dedicated to monitoring existing and new easements.

Summary Budget Information for Activity 1:

ENRTF Budget: \$328,000
Amount Spent: \$0
Balance: \$323,000

Activity Completion Date:

Outcome	Completion Date	Budget
1. 27 acres protected through a perpetual conservation easement	June 30, 2015	\$328,000

Project Status as of February 1, 2014:

Project Status as of August 1, 2014:

Project Status as of February 1, 2015:

Project Status as of August 1, 2015:

Project Status as of February 1, 2016:

Project Status as of June 30, 2016:

Final Report Summary:

ACTIVITY 2: Restoration of 40 Acres

Description:

Approximately 40 acres of the protected natural area surrounding Marcott Lakes in Inver Grove Heights will be restored and/or enhanced according to Natural Resource Management Plan(s) jointly developed and approved by landowners and Dakota County. The standard NRMP describes the ecological context for the site, current conditions, prioritized recommendations for restoring and or enhancing plant communities/preferred habitat, and methodologies to achieve mutual goals and outcomes. A detailed Landowner Agreement is jointly developed, describing priority activities, responsibilities, of respective parties, cash or in-kind contributions, and schedule. Easement deed language requires completion of the final NRMP within six months of closing. A preliminary NRMP has been completed for a large portion of the area. Evaluation of the NRMP implementation is included in the annual monitoring activities.

In general, the primary responsibility for on-going management activities is the responsibility of the landowner. However, the County's approach is to provide significant financial and technical assistance to the landowner over the short-term with diminishing County involvement over time. At the same time, it is in the County's and greater public's interest to ensure that the intent of this public investment is met over the long-term. It is anticipated that private, County, future state Environment and Natural Resources Trust Funds, Outdoor Heritage Trust Funds and other funding sources will be used to enhance and manage the larger property.

Summary Budget Information for Activity 2:

ENRTF Budget: \$40,000
Amount Spent: \$0

Balance: \$40,000

Activity Completion Date:

Outcome	Completion Date	Budget
1. 40 acres restored and/or enhanced	June 30, 2016	\$40,000

Project Status as of February 1, 2014:

Project Status as of August 1, 2014:

Project Status as of February 1, 2015:

Project Status as of August 1, 2015:

Project Status as of February 1, 2016:

Project Status as of June 30, 2016:

Final Report Summary:

V. DISSEMINATION:

Description:

The County has a well-established Communications Department that effectively utilizes print and electronic media and has already been involved in previous newspaper articles involving aspects of this project. In addition, the County will more prominently feature land conservation projects on its soon-to-be-revised County web-site. The County also installs signs for easement projects and has an agreement with the landowner to develop prominent signage to describe the natural area and funding partners.

An associated and important element of this project is creating the physical site for the Darvan Acres Outdoor Skills and Environmental Education Center. This non-profit organization will have a growing role in the local community and region and provides a terrific opportunity to inform people about the Environment and Natural Resources Trust Fund.

Project Status as of February 1, 2014:

Project Status as of August 1, 2014:

Project Status as of February 1, 2015:

Project Status as of August 1, 2015:

Project Status as of February 1, 2016:

Project Status as of June 30, 2016:

Final Report Summary:

VI. PROJECT BUDGET SUMMARY:

A. ENRTF Budget:

Budget Category	\$ Amount	Explanation
Easement Acquisition:	\$320,000	One to three conservation easements
Restoration and Enhancement	\$40,000	Removal of invasive species, conversion of agricultural land (pasture and cultivated fields) and shoreline restoration
Professional Services for Acquisition:	\$8,000	Appraisal and closing costs
TOTAL ENRTF BUDGET:	\$368,000	

B. Other Funds:

Source of Funds	\$ Amount Proposed	\$ Amount Spent	Use of Other Funds
Non-state			
County	\$275,000	\$0	<i>Matching funds</i>
Landowner Donation	\$55,000	\$0	
State			
Outdoor Heritage Funds	\$1,200,000	\$0	Matching funds
TOTAL OTHER FUNDS:	\$1,530,000	\$0	

VII. PROJECT STRATEGY:

A. Project Partners: The County has worked with the Friends of the Mississippi River to develop the Resource Management Plan for the area. The City of Inver Grove Heights is also involved.

B. Project Impact and Long-term Strategy:

It is amazing that an area of this size and quality is still available for protection in a first ring suburb in close proximity to the State Capitol. The land protection phase is critical to the planned development of the Darvan Actres Outdoor Skills and Environmental Education Center planned for the property. Nearly \$60,000 of landowner resources have already been expended to improve natural resource features. Programs and plans are already underway that will make this a regionally significant educational destination.

C. Spending History:

Funding Source	M.L. 2007 or FY08	M.L. 2008 or FY09	M.L. 2009 or FY10	M.L. 2010 or FY11	M.L. 2011 or FY12-13
ENRTF		\$509,965			\$1,097,000

VIII. ACQUISITION LIST:

The 116-acre Grannis property consists of multiple parcels with different family ownership. Various factors such as cost and other available funding will determine the actual parcels where this specific funding will be used.

IX. MAP: See Attached

X. RESEARCH ADDENDUM: NA

XI. REPORTING REQUIREMENTS:

Periodic work plan status update reports will be submitted not later than February 1, 2014; August 1, 2014; February 1, 2015; August 1, 2015; February 1, 2016; and June 30, 2016. A final report and associated products will be submitted between June 30 and August 15, 2016 as requested by the LCCMR.

Environment and Natural Resources Trust Fund
M.L. 2013 Acquisition/Restoration List

Project Title: MeCC7: Dakota County Lakeshore and Riparian Protection
Project Manager Name: Alan Singer
M.L. 2013 ENRTF Appropriation: \$368,000

#	Acquisition or Restoration Parcel Name	Geographic Coordinates		Estimated Cost	Estimated Annual PILT Liabilities	County	Ecological Significance	Activity Description	# of Acres	# of Shoreline Miles	Type of Landowner	Proposed Fee Title or Easement Holder (if applicable)	Status
		Latitude	Longitude										
1	Marcott Lakes	44°48'58.355"N	93°4'3.402"W	\$368,000	\$0	Dakota	High quality lakes and upland	Easement acquisition	27 est.	0.7	Private	Dakota County	Acquisition may include one or portions of additional parcels
2													
3													
4													
5													
6													
7													
8													
9													
10													
NOTES:													

Attachment A: Budget Detail for M.L. 2013 Environment and Natural Resources Trust Fund Projects								
Project Title: MeCC7: Dakota County Lakeshore and Riparian Protection								
Legal Citation: M.L. 2013, Chp. 52, Sec. 2, Subd. 04d2.6/3.7								
Project Manager: Alan Singer								
M.L. 2013 ENRTF Appropriation: \$368,000								
Project Length and Completion Date: June 30, 2016								
Date of Update: May 20, 2013								
ENVIRONMENT AND NATURAL RESOURCES TRUST FUND BUDGET	Activity 1 Budget	Amount Spent	Balance	Activity 2 Budget	Amount Spent	Balance	TOTAL BUDGET	TOTAL BALANCE
BUDGET ITEM	<i>Easement Acquisition</i>			<i>Habitat Restoration and Enhancement</i>				
Professional/Technical/Service Contracts Contracts will be for undetermined private companies and/or non-profit organizations to implement priority restoration/enhancement activities on land already or soon to be protected by an easement.				40,000	0	40,000	40,000	40,000
Easement Acquisition: One to three parcels totaling 32 acres held by Dakota County	320,000	0	320,000				320,000	320,000
Professional Services for Acquisition Appraisal and closing costs	8,000	0	8,000				8,000	8,000
COLUMN TOTAL	\$323,000	\$0	\$323,000	\$45,000	\$0	\$45,000	\$368,000	\$368,000

Marcott Lakes Land Protection Concept

