

Date of Report: September 18, 2000  
 Date of Next Program Update: March 31, 2001  
 Date of Work Plan Approval: September 2000  
 Project Completion Date: June 30, 2001

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**BONDING/LCMR Work Program**

**I. Project Title: RIM-Fisheries Land Acquisition**

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**Total Biennial Project Budget:** *Amounts in thousands*

<u>Fund</u>	<u>Year</u>	<u>Approp Liquid</u>	<u>Encumb</u>	<u>Balance</u>	
Eagle Creek Acquisition (Bond)	1995	1,500	1,500	0	0
RIM-Accelerate Fisheries Acquisition (ETF)	1997	567	567	0	0
Stream Protection & Restoration (Bond)	1998	500	492	0	8
<b>Grand Total</b>			2,559	0	8

**A. Legal Citations:**

1995 Appropriations

1. M.L. 1995 1SS, Chapter 2, Section 5 Subd. 3. \$1,500,000 (Bond).

This appropriation is to protect the state-designated trout stream named Eagle Creek by acquiring portions of the creek and adjacent springs, seeps, wetlands, and other lands necessary to protect the creek.

1997 Appropriation

2. M.L. 1997, Chapter 220, Section 15, Subd. 17m. \$567,000.

This appropriation is from the trust fund to the commissioner of natural resources to accelerate the reinvest in Minnesota resources program to acquire land adjacent to lake and streams to provide for angler and management access or protection of critical habitat, including access for nonboat owners and urban users. This appropriation is available until June 30, 2000, at which time the project must be completed and final products delivered, unless an earlier date is specified in the work program

1998 Appropriation

3. M.L. 1998, Chapter 404, Sec. 7, Subd. 17. \$1,000,000 (Bond)

Stream Protection and Restoration. For the acquisition of easements and aquatic management areas on streams for fisheries management purposes and stream restoration on portions of the Whitewater River and Sandy River. (Of the total appropriation, the agency has allocated \$500,000 for fisheries acquisition in this work program and \$500,000 for steam restoration in the RIM-Fisheries Improvement work program.)

**B. Matching Funds: None**

## II. Project Summary and Results

This program exists to acquire aquatic management areas which include both easements and fee title on lakes and streams. Historically, the fisheries acquisition program focused primarily on easements along trout streams to provide angler access, environmental protection of the riparian zone, and access for DNR personnel and constituent cooperators to do habitat improvement projects. DNR fisheries has acquired over 200 miles of trout stream easements since 1975, but approximately 995 miles lack access. The fisheries acquisition program was broadened as a result of changes made by the 1992 legislature to the Outdoor Recreation Act (M.S. 86A.05; subd. 14). These changes resulted in increased interest in fee title acquisition of riparian zones that provide critical fisheries habitat along lakes and streams. While these types of acquisitions may provide angler access, their primary purpose is to protect critical aquatic habitat. Acquisition of trout stream easements will continue to be an important part of the fisheries acquisition program, however fee title acquisition of riparian zones for habitat protection is expected to increase in the future. The long range goal for fisheries acquisition is 1200 miles of stream and lakeshore. The 1995 Special Session bonding will be used to continue acquisition on Eagle Creek, Scott County. The 1997 ETF funds will be used to continue purchase of high priority parcels along lakes and streams. The 1998 bonding appropriation will be used to acquire high priority parcels along streams. To date, the 1995 Special Session bonding and the 1997 ETF funds have been liquidated. The 1998 bonding monies are being used to help acquire the final parcel associated with Eagle Creek in Scott Co.

## III. Work Project Results 3/31/99-3/31/00:

The following parcels were purchased during this period with the identified funds:

### Eagle Creek Acquisition 1995 (Bonding):

The remaining \$118,000 dollars in this account were used to help acquire the Scott Co. Parcel 1 associated with Eagle Creek. The remaining dollars needed to acquire this parcel are coming from the Stream Protection and Restoration 1998 Bonding.

### RIM-Accelerate Fisheries Acquisition 1997 (ETF)

All parcels have been acquired and the monies are zeroed out.

### Stream Protection and Restoration 1998 (Bond)

<u>Project</u>	<u>County</u>	<u>Parcel</u>	<u>Acres</u>	<u>Miles</u>	<u>Cost</u>
Eagle Creek AMA	Scott	1	51.90	n/a	\$490,000

One parcel is still being processed for acquisition.

## IV. Outline of Project Results:

### Acquisition priority and process

Acquisition priorities are based on professional judgement of field managers. These staff consider a number of factors when proposing the purchase of a parcel(s). Initially, for a project to be eligible, it must meet one or more of the following criteria described in M.S. 86A.05, subd. 14 (AMA component of Outdoor Recreation Act, M.S. 86A.05):

- does the parcel(s) provide angler or management access?
- does the parcel(s) protect fish spawning, rearing or other unique habitat?
- is critical shoreline habitat protected?
- does the parcel(s) protect aquatic wildlife feeding and nesting areas?

• does the parcel(s) provide a site for research on natural history?

Field staff then consider the relative importance of a project by considering the following criteria used to evaluate critical natural habitat under Minnesota Rule 6210.0400, subp. 1:

- is the threat of habitat destruction likely if the parcel(s) is not purchased?
- what is the amount of this habitat available particularly in respect to projected losses?
- is the parcel(s) within or adjacent to an existing management unit or other existing state lands or waters?

These criteria are considered to assign the relative ranking of a project. Field managers apply professional judgement to insure rankings are realistic particularly when evaluating a number of proposed acquisitions. Proposed projects are submitted for inclusion on a statewide database.

Priority acquisitions are identified on a project unit map. Within this area, parcel ownerships and estimated costs for acquisitions are listed. After the initial acquisition proposal for a lake or stream is approved, Fisheries representatives contact individual landowners to determine willingness to sell an easement or fee title interest in their property. If a landowner is not willing to sell, he/she may be contacted at future dates to determine potential ownership. Periodically, a landowner contacts the Fisheries Section regarding DNR interest to purchase land. This may also occur when other landowners have informed neighbors of the acquisition program. Because the program is dependant on willing sellers, flexibility is necessary to acquire property when an opportunity is presented. This may result in parcel proposals from sites of lower priority.

Questions often arise as to why fisheries does not prioritize individual acquisition projects and systematically work down the priority list. In order to understand the process used for fisheries acquisition it is important to recognize some of the unique aspects of the program:

- Fisheries acquisition consists primarily of relatively small parcels.
- The Fisheries Section has no staff directed specifically at acquisition; therefore, administrative tasks associated with acquisition are accomplished by personnel with many other job duties.
- Many of the landowners adjacent to desired parcels have been contacted multiple times and continued contacts would be unproductive.
- Willing sellers often become available on short notice with changes in land ownership or an individual's financial status.

A typical fisheries acquisition appropriation of \$300,000 to \$500,000 would allow the purchase of 10 to 15 parcels. If the Fisheries Section tried to develop a prioritized list of 10 to 15 parcels before requesting an appropriation, it would take a lot of directed staff effort to identify the most likely willing sellers on the top parcels. More importantly, once the appropriation was made unforeseen opportunities would undoubtedly arise to purchase important parcels not included on the list.

Instead of a short prioritized list, the Fisheries Section uses the aforementioned criteria to identify the most valuable acquisition sites statewide. Fisheries then targets their acquisition effort and dollars at parcels contained on this list. This process has enabled the Fisheries Section to concentrate their limited resources on the high quality parcels and take advantage of opportunities that arise on short notice, all with a minimum of effort by fisheries staff.

Acquisition goals and accomplishments

Eagle Creek Acquisition 1995 (Bonding) (\$1,500,000): Acquire 1.5 miles of riparian lands along Eagle Creek, Scott County.

<u>Project</u>	<u>County</u>	<u>Parcel</u>	<u>Acres</u>	<u>Miles</u>	<u>Cost</u>	<u>Balance</u>
Eagle Creek AMA	Scott	8	18.3	0.52	\$523,000	
Eagle Creek AMA	Scott	8a	0.62	0.01	\$ 68,000	
Eagle Creek AMA	Scott	2	55.5	0.53	\$727,000	
Eagle Creek AMA	Scott	1			\$118,000	

Professional services (for listed and other parcels in progress) \$ 64,000

Total Expended: \$1,500,000  
 Balance to be expended: \$ 0  
 Total Programmed: \$1,500,000

RIM-Accelerate Fisheries Acquisition 1997 (ETF)(\$567,000): Project goal is to acquire 10.5 miles of riparian lands along lakes and streams for angler access and critical habitat protection.

<u>Project</u>	<u>County</u>	<u>Parcel</u>	<u>Acres</u>	<u>Miles</u>	<u>Cost</u>	<u>Balance</u>
Ahrensfield Creek AMA	Winona	6	8.1	0.51	\$ 13,000	
Ahrensfield Creek AMA	Winona	5	22.0	1.38	\$ 35,000	
Flowage Lake AMA	Aitkin	1	23.2	0.27	\$345,000	
Upper Mission Lk AMA	Crow Wing	1	2.6	0.12	\$ 22,000	
Long Creek AMA	Wabasha	8	23.4	1.46	\$ 41,000	
Pine Creek FMA	Winona	11	14.0	0.88	\$ 31,000	
Miller Creek FMA	Wabasha	9	0.6	0.03	\$ 1,000	
Spring Creek FMA	Goodhue	7	4.3	0.27	\$ 20,000	

Professional services (for listed and other parcels in progress) \$ 59,000 \$ 0

Total Expended: \$ 567,000  
 Balance to be expended: \$ 0  
 Total Programmed: \$ 567,000

Stream Protection and Restoration 1998 (Bond) (\$500,000 of the total appropriation of \$1,000,000, remaining \$500,000 will be spent on stream restoration): Project goal is to acquire about 10 miles of riparian lands along streams for angler access and critical habitat protection.

<u>Project</u>	<u>County</u>	<u>Parcel</u>	<u>Acres</u>	<u>Miles</u>	<u>Cost</u>	<u>Balance</u>
Eagle Creek AMA	Scott	1	51.9		\$492,365	

Total Expended: \$ 492,365  
 Balance to be expended: \$ 7,635  
 Total Programmed: \$ 500,000

The Eagle Creek AMA Parcel 1 acquisition has been purchased, but additional bills are expected

for processing the paperwork associated with this purchase.

**V. Dissemination**

Land acquired for angler access and habitat protection will be posted.

**VI. Context:**

**A. Significance:**

Stream angling and management have received increasing attention in recent years. To provide additional angling opportunities, access needs to be secured for anglers and fisheries management to restore and improve fish habitats. Trout streams are considered precious by the public and are highly vulnerable to degradation. Easements provide angler access as well as perpetual protection of the riparian zone. Easements also provide access for DNR personnel and constituent cooperators to participate in habitat improvement projects. Minnesota has 2600 miles of trout streams, of which 1000 miles run through private lands. With more than 200 miles of easements secured, an ongoing program of acquisition is necessary to meet long-term goals.

The Fisheries Section's program of purchasing trout stream easements has complemented the Department's water access program for 20 years. The Trails and Waterways Unit purchases sites (less than 7 acres) on lakes and streams for boating access (86A.05 subd 9). Trout streams are small and narrow and usually not well suited for boating. Stream easements are intended for shorefishing where the angler walks the stream to fishing sites.

The 1992 Legislature authorized Aquatic Management Areas (AMA's) as part of the Outdoor Recreation System. Fisheries acquisition goals were expanded beyond trout stream easements in the FY 94/95 LCMR work plan to include warmwater stream easements and Aquatic Management Areas (AMA's). AMA's may include stream easements (trout and warmwater), lakeshore, or other critical habitats like springs, spawning areas, fish barrier development sites, fish passage sites, or threatened or endangered species habitat.

The Fisheries Section has acquired over 216 miles of trout stream easements, 3.61 miles of AMA's on lakes, 0.6 miles of AMA's on warmwater streams, and 0.3 miles of easements on warmwater streams.

**B. Time:**

Eagle Creek (1995 Bonding) funds will be expended by June 30, 1999. The 1997 Trust Fund balance is anticipated to be expended by December 31, 1999. The 1998 bonding appropriation is anticipated to be spent by June 30, 2001.

**C. Budget Context:**

Other Funding sources for fisheries acquisition

	<u>July 1995-June 1997</u>	<u>July 1997-June 1999</u>	<u>July 1999-June 2001</u>
G&F Fund	\$ 100,000	\$100,000	\$100,000
Other state	\$ 47,000	0	0
<u>CH Match</u>	<u>\$1,143,000</u>	<u>0</u>	<u>0</u>
Total	\$1,290,000	\$100,000	\$100,000

Budget:

Stream Protection and Restoration - 1998 bonding

Acquisition	\$400,000
Professional Services	100,000
Total	\$500,000

The Section of Fisheries annually spends about \$30,000 to \$100,000 in fishing license and trout and salmon stamp dollars for this activity. Additional estimated needs for this activity through fiscal year 2005 are: \$ 632,000 (current appropriation balances); and \$6,000,000 (capital bonding targets).

**VII. Cooperation**

In conjunction with the program managers, Area Fisheries personnel coordinate with other divisions, counties, federal agencies and private nonprofit groups involved in the acquisition projects noted.

**VIII. Ecological classification location:**

Statewide (see attached map)

**IX. Reporting requirements**

Progress reports for this work program will be submitted on March 31, 2001 . The final work program report will be submitted by June 30, 2001, or by the completion date as set in the appropriation.