



# Board of County Commissioners Agenda Request

**4A**  
Agenda Item #

**Requested Meeting Date:** April 11, 2023

**Title of Item:** Northern Waters Land Trust Support Letter

<input checked="" type="checkbox"/> REGULAR AGENDA <input type="checkbox"/> CONSENT AGENDA <input type="checkbox"/> INFORMATION ONLY	<b>Action Requested:</b> <input checked="" type="checkbox"/> Approve/Deny Motion <input type="checkbox"/> Adopt Resolution (attach draft) <i>*provide copy of hearing notice that was published</i>	<input type="checkbox"/> Direction Requested <input type="checkbox"/> Discussion Item <input type="checkbox"/> Hold Public Hearing*
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<b>Submitted by:</b> DJ Thompson	<b>Department:</b> Land
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<b>Presenter (Name and Title):</b> DJ Thompson, Land Commissioner	<b>Estimated Time Needed:</b> 5 Minutes
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**Summary of Issue:**

At the March 14 Board meeting, this topic was discussed with some follow-up questions. Here are a few more things to consider:

- Northern Waters Land Trust (NWLTL) was contacted and stated they are working with 14 counties and tribes as well as the DNR.
- Although not required as they are a non-taxable entity, The Conservation Fund (TCF) is currently paying taxes. This could change if property is retained by TCF or acquired and retained by NWLTL as both are non-taxable entities.
- The nearest improved road is over a mile from these parcels.
- Deed restrictions - "Acquired properties shall not be sold, transferred, pledged, or otherwise disposed of or further encumbered without obtaining the prior written approval of the Lessard-Sams Outdoor Heritage Council or its successor." Others are included, see attached.

**Alternatives, Options, Effects on Others/Comments:**

**Recommended Action/Motion:**  
Sign letter of support for Northern Waters Land Trust proposal to acquire then transfer land to Aitkin County.

**Financial Impact:**

Is there a cost associated with this request?       Yes       No

What is the total cost, with tax and shipping? \$ There is no direct cost.

Is this budgeted?       Yes       No      Please Explain:



## AITKIN COUNTY ADMINISTRATION

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Aitkin County Government Center  
307 2<sup>nd</sup> Street NW, Room 310  
Aitkin, MN 56431

jessica.seibert@co.aitkin.mn.us  
Phone: 218-927-3093  
Fax: 218-927-7374

April 11, 2023

Northern Waters Land Trust  
Kathy DonCarlos  
Land Conservation Coordinator  
P.O. Box 124  
800 Minnesota Ave. W  
Walker, MN. 56484

Dear Ms. DonCarlos,

This is to confirm Aitkin County Board of Commissioners supports the Northern Waters Land Trust (NWLTL) work to acquire eight (8) parcels of land currently owned by The Conservation Fund in Spalding Township, Aitkin County.

NWLTL will be submitting a grant proposal to the Outdoor Heritage Fund on behalf of counties and tribal governments for this purchase. It is understood between Aitkin County and the NWLTL that once acquired, these lands will be transferred to the county for permanent conservation management and protection.

Sincerely,

J. Mark Wedel  
County Board Chair

contract by reference. These documents may be located at [http://www.dnr.state.mn.us/grants/habitat/cpl/land\\_acqisition.html](http://www.dnr.state.mn.us/grants/habitat/cpl/land_acqisition.html).

(f) For all projects involving acquisitions to be conveyed to the DNR, a "Use of Funds Letter" allowing the State to utilize all designated DNR Land Acquisition Costs (per Work Plan) is incorporated into this grant contract as Attachment B.

**4.11 Land Acquisition Restrictions.**

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- (a) An interest in real property, including but not limited to an easement or fee title, must be used in perpetuity or for the specific term of an easement interest for the purpose for which the grant was made.
  - (b) A recipient of funding who acquires an interest in real property subject to this subdivision may not alter the intended use of the interest in real property or convey any interest in the real property acquired with the grant without the prior review and approval of the Lessard-Sams Outdoor Heritage Council or its successor. The council shall notify the chairs and ranking minority members of the legislative committees and divisions with jurisdiction over the outdoor heritage fund at least 15 business days before approval under this paragraph. The council shall establish procedures to review requests from recipients to alter the use of or convey an interest in real property. These procedures shall allow for the replacement of the interest in real property with another interest in real property meeting the following criteria:
    - i. the interest is at least equal in fair market value, as certified by the Commissioner of Natural Resources, to the interest being replaced; and
    - ii. the interest is in a reasonably equivalent location and has a reasonably equivalent useful conservation purpose compared to the interest being replaced.
  - (c) A recipient of funding must separately record a notice of funding restrictions in the appropriate local government office where the conveyance of the interest in real property is filed. The notice of funding must contain:
    - i. a legal description of the interest in real property covered by the funding contract;
    - ii. a reference to the underlying funding contract;
    - iii. a reference to the Minnesota Statute § 97A.056 (Subd. 15 Land Acquisition Restrictions);
    - iv. the following statement: "This interest in real property shall be administered in accordance with the terms, conditions, and purposes of the grant contract controlling the acquisition of the property. The interest in real property, or any portion of the interest in real property, shall not be sold, transferred, pledged, or otherwise disposed of or further encumbered without obtaining the prior written approval of the L-SOHC or its successor. The ownership of the interest in real property shall transfer to the state if: (1) the holder of the interest in real property fails to comply with the terms and conditions of the grant contract or accomplishment plan\*; or (2) restrictions are placed on the land that precludes its use for the intended purpose as specified in the appropriation." [ \*referred to as the Work Plan within the CPL grant program ]

**4.12 Real Property Interest Report. For all fee-title and easement acquisitions:**

By December 1 each year following acquisition, Grantees must submit annual reports on the status of the real property to the L-SOHC or its successor in a form determined by the L-SOHC. If lands are acquired by fee with money from the outdoor heritage fund, the real property interest report must include a verification of the status of the hunting and fishing management plan for the lands acquired by fee. The responsibility for reporting under this Section may be transferred by the Grantee to another person or entity that holds the interest in the real property. To complete the transfer of reporting responsibility, the Grantee must:

- (a) inform the person to whom the responsibility is transferred of that person's reporting responsibility;
- (b) inform the person to whom the responsibility is transferred of the property restrictions under Section 4.8, Land Acquisition Restrictions;
- (c) provide written notice to the L-SOHC of the transfer of reporting responsibility, including contact information for the person to whom the responsibility is transferred. Before the transfer, the