

**Program Title: Riparian and Lakeshore Protection, Restoration and Access in Dakota County**

**Request for Funding Form  
Lessard-Sams Outdoor Heritage Council  
Fiscal Year 2011**

**Program or Project Title:** #23 Riparian and Lakeshore Protection, Restoration and Access in Dakota County

**Date:** October 30, 2009

**Manager's Name:** Alan Singer  
**Title:** Dakota County Land Conservation Manager  
**Mailing Address:** 14955 Galaxie Avenue, Apple Valley, MN 55124  
**Telephone:** 952-891-7001  
**Fax:** 952-891-7031  
**E-Mail:** al.singer@co.dakota.mn.us  
**Web Site:** www.co.dakota.mn.us

Funds Requested (\$000s)	Council Funding Request	Out-Year Projections of Needs		
		FY 2012	FY 2013	FY 2014
		<i>For programs that may want to request OHF funds in future recommendation rounds, complete the columns below. One time requests enter zeros in all 3 fiscal years</i>		
	<b>FY 2011</b>			
Outdoor Heritage Fund	6,500,000	0	0	6,500,000

**A. Summary**

The goal of this project is to work with willing landowners to establish permanent conservation easements totaling 2,400 acres along the Vermillion River and including North, Middle and South Creeks, South Branch and their tributaries; the Cannon River and its primary tributaries within Dakota County (Dutch, Mud, Chub, Darden and Pine Creeks, and Trout Brook); acquire permanent easements on 112 acres along Marcott Lake in Inver Grove Heights, Lake Marion in Lakeville, and Chub Lake in Eureka Township; and provide shoreline habitat and public access improvements on Thompson Lake in West St. Paul, Spring Lake in Nininger Township, and Lake Byllesby in Randolph Township. For project locations, see Attachment B.

**B. Background Information**

**What is the problem or opportunity being addressed?**

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The long history of settlement and long-accepted agricultural land use practices have resulted in the loss, degradation and fragmentation of our natural resource systems. In Dakota County, only three percent of the pre-settlement plant communities remain. Despite increased public awareness of water quality issues and improvement methods, as well as multi-agency efforts to assist landowners in protecting the environment, nearly every river, stream and lake in the County that has been monitored is officially impaired in some fashion. According to Metropolitan Council data, between 1970 and 2005, Dakota County lost more than 7,500 acres of non-urbanized land (undeveloped, agricultural, steeply sloped or wetland); added 3,592 acres for major four-lane highways and nearly tripled its residential acreage from 20,150 to 58,455. Not coincidentally, this new development is attracted to the remaining natural features - especially lakes and rivers. Yet, most of this land is privately owned and does not provide close-to-home public access for most residents to hunt, fish or enjoy other outdoor recreational activities. The county has a wealth of high quality soils and a vibrant agricultural economy, and with recently high commodity prices, the pressure to plant corn and soybeans fence row to fence row has never been greater. Under even conservative scenarios, the potential changes that could be wrought by climate change need to be considered. This combination of large-scale impacts and trends must be approached comprehensively, long-term and collaboratively if we are to maintain and improve our natural resource heritage and its many associated benefits.

At the same time, there are tremendous opportunities to proactively and successfully address these challenges. The downturn in the economy has halted residential development for now and significantly lowered land prices. Sound plans have been developed and adopted which collectively focus on protecting and improving our natural infrastructure. The county has an excellent track record of working effectively with a wide variety of agencies, jurisdictions and organizations and has assembled information and practices to acquire and administer conservation easements and implement short- and long-term natural resource management and restoration. There will likely be legislation and business practices associated with providing more sustainable biomass production and carbon sequestering which could provide non-traditional resources to these conservation efforts.

The scale and scope of this project is both doable and significant. It encompasses some of the best natural resource features found in the metropolitan region across a combination of urban, suburban and rural landscapes. It takes a sound fiscal and ecological systems approach to conservation, while attempting to balance the interests, rights and responsibilities of private landowners with the public's concerns about water and habitat quality, outdoor recreation and climate change.

### **What action will be taken?**

A tremendous amount of related data identifying high-value resources has already been assembled and reviewed. Current information about all riparian parcels will be refined, analyzed and aggregated. Parcel/project evaluation criteria and easement compensation formulas will be finalized. Landowner outreach will be initiated with the

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focus on the highest priority parcels. Additional real estate/natural resource staff will be hired/contracted. Negotiations with willing landowners will be completed. Permanent riparian and lakeshore conservation easements will be acquired. Development of natural resource management plans and work plans for each parcel will be completed. Plan implementation will be dependent upon when the easement acquisition is completed and site characteristics. For example, easements acquired during year three of this three-year project phase will not allow sufficient time to initiate management/restoration activities. Management plans and easement compliance will be monitored on an annual basis.

### **Who will take action and when?**

Dakota County, in partnership with the Vermillion River Watershed Joint Powers Organization, Cannon River Partnership, Dakota County Soil and Water Conservation District, the Natural Resources Conservation Service, Friends of the Mississippi River, Trout Unlimited, and others will continue to work together in a coordinated fashion to implement this project at multiple locations throughout the county. If the project is recommended for funding by the LSOHC, specific program processes will be developed during the first half of 2010 to ensure that the implementation infrastructure is in place to contact landowners in July 2010.

### **How will you coordinate this program with the other Constitutional Funding?**

Significant efforts have already been made internally within the County Water Resources Department, Parks and Open Space Department, and Historical Society to review all Constitutional funding programs and develop a set of strategic, appropriate and prioritized project proposals. The County has also communicated with state agencies, other local government jurisdictions, and non-profit organizations to ensure a coordinated approach to project proposals and implementation from the other Constitutional Funding sources, including the Legislative-Citizen Commission on Minnesota Resources. For example, the county is working with the Board of Water and Soil Resources to identify lands that may currently be in CRP to utilize Clean Water Funds to ensure permanent protection of these lands. Finally, as a result of a solid history of leading and assisting with land conservation efforts with multiple partners and funding sources, the County has the administrative and financial process in place to assure effective and accountable use of these public funds.

### **What specific habitat changes will occur if this item is funded? Be specific about and list multiple benefits if they exist.**

Habitat quantity and quality will increase. All landowners with properties in the project area will be contacted and provided an opportunity to discuss their land, natural resource and management practices. Even if the landowner chooses not to initially participate, positive habitat changes can occur. For the landowners that do participate, the easement will require the development of an individual natural resource management plan that will guide the enhancement of existing vegetation or restoration



**How does this action directly restore, enhance, or protect prairies, wetlands, forests or habitat for fish, game, and wildlife?**

All proposed easements include a Natural Resource Management Plan. For some riparian easements, it will mean restoring currently cultivated areas using a variety of native species depending upon site conditions, habitat potential, strategic corridor interconnectivity, and opportunities to increase ecological resiliency. For other easements, it will be a combination of protecting and managing the current vegetation and restoring cultivated portions of the site with native species. In still other sites, the project will permanently protect and enhance the shoreline, riparian zone and associated uplands and wetlands. This project has direct benefits to fish, game and wildlife beyond the increased and interconnected terrestrial habitat. Working with landowners to increase and improve buffers and better manage drain tiles will reduce runoff containing excess nutrients, chemicals and warm water. The resulting water quality improvements will enhance the entire aquatic ecosystem.

The lakeshore easements will prevent residential development, improve shoreland and upland natural resource management and prevent point- and non-point pollution.

**If you are restoring or enhancing property, is the activity on permanently protected land?**

**YES**                       **NO**

**If yes, briefly describe the kind of protection.**

Permanent conservation easements will be placed on private lands prior to restoration/enhancement activities. In a few strategic locations, restoration may also take place on a variety of public lands such as transportation right-of-way or city parkland.

**How will you ensure transparency and provide information about your work and use of Outdoor Heritage Fund dollars.**

Dakota County has a long history of land protection and management of conservation lands since the 1960's with the development of the regional park system. More recently, the County initiated the Farmland and Natural Areas Program (FNAP) in 2003 to protect and manage land outside of the regional park system. Since the program's inception, fee title or permanent easements have been acquired from willing sellers of over 6,000 acres. The County has utilized an outreach and open application process and the involvement of an appointed citizen Advisory Committee (AC) to evaluate projects based upon an established criteria system. The AC then forwards its recommendations to the County Board of Commissioners for preliminary and final approval. All AC and County Board meetings are open to the public. The County, through its Communications Department, has also included updated information about these land conservation efforts on its website. There has been consistent and significant proactive and reactive media attention paid to FNAP since its inception.

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These internal and external communications have served to heighten people's awareness and provide transparency to the process and decisions.

### **When do you expect to see these changes?**

Within one year of this project, there will be a significant number of acquired easements with individual management plans in varying stages of implementation. Initial easement restoration will be dependent upon the time of year the easement was acquired, and whether corn or soy beans were planted within the cultivated areas. (Note: It is far more effective to begin restoration after a year of soybeans rather than corn so restoration is sometimes postponed for one growing season.) This project is designed to address less than 25% of the overall corridor during this phase. As a result, completing the habitat corridor and bringing positive changes to the overall stream health will take many years.

### **Why will this strategy work?**

The voluntary nature of this project strikes the balance between public benefits (wildlife habitat, water quality, compatible outdoor recreation, climate change) and individual landowner interests, rights and concerns. High quality planning, sound science, and community involvement has prepared an excellent foundation with which to proceed. The past five years of success through the Farmland and Natural Areas Program has created an atmosphere of credibility and trust with landowners, effective administrative capability, and the tools and techniques to increase the amount of shoreline protection from zero to 36 miles. The Vermillion River Joint Powers Organization has identified the establishment of buffers as a high priority through its Watershed Planning efforts. This approach has been identified as a key means of protecting the water resource locally, regionally and nationally and is especially important where the water of concern is sensitive to surrounding land use/ management practices. The VRWJPO is fully in support of this effort.

### **Who might make decisions that assist or work against achieving the expected impact program?**

The groundwork for these conservation efforts was initiated in 1998 with the development of the Farmland and Natural Areas Protection Plan. This planning effort was a collaborative effort between agencies and non-profit organizations that included 70+ meetings with landowners and other interested parties to share information and seek input. With the adoption of the plan in 2002, passage of the \$20 million bond referendum and subsequent inception of the Farmland and Natural Areas Program (FNAP) in 2003, land conservation efforts have occurred throughout the County. There were initial concerns expressed by the Twin Cities Realtors Association that these land protection efforts would conflict with their efforts, but direct meetings and actual results fully reduced those concerns. All local governments have been supportive. Even initially skeptical, non-supportive landowners have subsequently applied to the program. More recently, the public processes involving the development of a new

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County park system plan, local comprehensive plan updates, and adoption of watershed standards have been completed and this project aligns very closely with those approved plans. There has been a small group of local private property rights advocates who voiced strong concerns that providing required buffers and easements without receiving compensation constituted a non-constitutional taking. However, this project very directly and satisfactorily addresses those concerns. Although it is difficult to anticipate all situations, we do not anticipate any concerted efforts working against this project.

**If this is acquisition of land, has the local government formally approved the acquisition?**

YES  NO

The Dakota County Board of Commissioners approved the submission of this proposal by Resolution No. 09-549 on October 20, 2010. The proposed acquisitions will take place in as many as eight cities and twelve townships. While these local jurisdictions have been very supportive of previous County easement acquisitions from willing landowners and for projects that match approved local plans, they have not formally approved any specific acquisition at this point. Our intention is to discuss this project at the Dakota Township Officers meeting in March 2010 to elicit comments and concerns. This proposal will also be discussed during an early 2010 meeting with all city managers within the county. Any project involving current or future city land will be approved by the respective city staff or council prior to any expenditure within those jurisdictions.

**If this is fee simple acquisition of land, is the land free of any other permanent protection such as a conservation easement?**

YES  NO

**If this is an easement acquisition, will the eased land be open for public use?**

YES  NO

**If so, what kind of use?**

We are anticipating the completion of hundreds of easements during this phase. With this large number of projects, there will be a mix of easements with and without public access. One of the key components of this initiative is to use the DNR's angler easement program as a component of the tiered approach to the riparian easements. We also anticipate that many landowners will voluntarily allow hunting. Finally, the easement language will not preclude the future construction of a recreational trail as surrounding land use changes in the future.

**If easement acquisition, will the easement be a permanent conservation easement as described in MS 2009, Chapter 84C.01, specifically protecting the natural resource values of real property forever?**

**YES**

**NO**

**If you are proposing funding for a new or ongoing program how long into the future do you expect this program to operate? 12 Years**

If we are successful in achieving nearly all of the goals of this first, three-year phase, and if we maintain the same staffing capacity, and target similar goals in future three-year funding cycles, we anticipate that this riparian and lakeshore easement and restoration project can be completed over four funding cycles.

**1. Which planning sections will you work in? Check all that apply in the list below.**

**Northern Forest**

**Forest/Prairie Transition**

**Southeast Forest**

**Prairie**

**Metropolitan Urbanizing Area**

**2. Does the request address an urgent conservation opportunity that will be lost if not immediately funded?**

**YES**

**NO**

**If yes, please explain.**

Although not every proposed easement acquisition could be classified as urgent, it is critical to begin comprehensive implementation of this habitat protection and restoration initiative. Significant portions of the Vermillion and Cannon Rivers and their tributaries have already been designated as being impaired. Extensive research and planning has been undertaken to determine the causes and recommended solutions. It is important to begin implementing one of the most effective actions to protect and improve the integrity and diversity of these important freshwater streams – continuous, multi-purpose buffers. During this time when a significant amount of habitat is being removed from CRP, real estate development has stalled and land prices are declining, accelerating inter-generational land transfer is anticipated to take place in the next few years, local water plans have been approved, and program capability



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economic, legal, and political considerations over the needs for ecological function. Fischer and Fischenich of the United States Army Corps of Engineers published a summary of recommended widths of buffer zones and corridors based on water quality, aquatic vegetation and wildlife habitat needs. Their guidelines identify ranges of widths from 5 to 30 meters (15 to 100 feet) for water quality, 10 to 20 meters (33 to 66 feet) for streambank stabilization, 20 to 150 meters (66 to 500 feet) for flood attenuation, and 30 to 500 meters (100 to 1600 feet) for habitat. Mayer, Reynolds, McCutchen and Canfield performed a review of buffers in regard to nitrogen removal in which they concluded that: "Based on current studies, riparian buffers of various types are effective at reducing nitrogen in riparian zones, especially nitrogen flowing in the subsurface. Buffers generally are more effective where soil type, hydrology, and biogeochemistry are conducive to microbial denitrification and plant uptake. While some narrow buffers (1 to 15 meters) removed nitrogen, wider buffers (>50 meters) more consistently removed significant portions of nitrogen probably by providing more area for root uptake of nitrogen or more sites for denitrification."

The benefits include:

- Permanent protection and better management of existing wildlife habitat
- Creation of additional wildlife habitat by restoring cultivated land to native vegetation
- Ecological connectivity/Reduced fragmentation
- Water quality improvements due to buffering
- Streambank stabilization
- Shading to reduce increases to trout stream water temperature
- More Best Management Practices on land outside of easements through new landowner relationships
- Increased public access for fishing and other recreational activities
- Environmental clean-up of waste sites
- Potential biomass production sites
- Carbon sequestering

**6. How do you set priorities? (Be sure to list the criteria you use and the weight you give each one.)**

The following criteria have been used for evaluating natural area projects by the Farmland and Natural Areas Program:

- |  |               |
|--|---------------|
| A. City/Township Support   | 0 – 5 points  |
| B. Size of Area  | 0 – 10 points |
| C. Ecological Quality<br>(type and condition of plant communities, shape, proximity to other natural areas, and presence of special species) | 0 – 15 points |
| D. Water Quality Benefits  | 0 – 5 points  |
| E. Leveraged, non- County Resources  | 0 – 10 points |

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F. Project Partners/Readiness	0 – 5 points
G. Landowner Donation	0 – 15 points
H. Proximity to Protected Areas	0 – 10 points
I. Level of Threat	0 – 5 points
J. Restoration/Stewardship Potential	0 – 5 points
K. Public Access Allowed	0 – 10 points
L. Unique Characteristics	0 – 5 points

It is likely that these criteria will be modified to reflect the riparian corridor focus of the projects. The emphasis will likely be on B., C., D., E., G., H., J., and K.

**C. Relationship to the *Minnesota Conservation and Preservation Plan* and Other Published Resource Management Plans**

The Dakota County Riparian and Lakeshore Protection Project is based upon the strategic framework outlined in the Minnesota Conservation and Preservation Plan. The County has worked very effectively with federal, state, regional and local agencies and jurisdictions, as well as a host of organizations to develop and adopt integrated plans that advance conservation goals. From a regional perspective, the Metro Greenprint and the Metropolitan Conservation Corridors acknowledged the existence and importance of the same rivers, lakes and streams targeted in this project. The County's Comprehensive Plan and the award-winning Farmland and Natural Areas Protection Plan are very good examples of local conservation-based community planning. The Farmland and Natural Areas Program and the nearly completed Vermillion River Corridor Plan have used available data and incorporated many perspectives in developing acquisition priorities and creative approaches. Instead of acquiring fee title of entire parcels, this project utilizes easements on strategically important areas. This project focuses on the nexus of land and water protection and restoration, critical riparian areas and shoreland of rivers, lakes and streams some of which have been minimally degraded such as Trout Brook with naturally reproducing brook trout and Marcott Lakes with sechi disk readings of 20 feet.

While working with willing private landowners, the project is also incorporating a goal of improving short- and long-term public connectivity and access to outdoor recreation. Although much of this area is currently rural, it is likely that development will occur along the habitat and water corridors. By protecting these corridors now, options for recreational use within the corridors will be protected. These proposed corridors are already significantly impacted by agriculture, residential land use and other forms of economic development. By working cooperatively with landowners, this project has the ability to increase the use of best management practices across this diverse landscape and thereby providing multiple benefits for a more sustainable quality of life.

**D. Budget**

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<b>Budget Item</b>	<b>Fiscal Year 11</b>	<b>Fiscal Year 12</b>	<b>Fiscal Year 13</b>
<b>Personnel</b>	\$80,000	\$80,000	\$80,000
<b>Contracts</b>	\$40,000	\$40,000	\$40,000
<b>Equipment/Tools/Supplies</b>	\$20,000	\$10,000	\$10,000
<b>Fee Acquisition</b>	\$0	\$0	\$0
<b>Easement Acquisition</b>	\$800,000	\$1,800,000	\$2,650,000
<b>Easement Stewardship</b>	\$100,000	\$260,000	\$380,000
<b>Professional Services</b>	\$20,000	\$15,000	\$15,000
<b>Travel</b>	\$0	\$0	\$0
<b>Additional Budget Items</b>	\$10,000	\$50,000	\$0
<b>TOTAL</b>	<b>\$1,070,000</b>	<b>\$2,255,000</b>	<b>\$3,175,000</b>

**E. Personnel Details** *In the space below list the names, titles and anticipated program funds to be paid by this recommendation. If you will need to fill a position just list the title and amount.*

<b>Title</b>		<b>Amount.</b>
Real Estate Specialist	1.0 FTE for three years	\$80,000/year or \$240,000
Natural Resource Specialist	.6 FTE for three years	\$40,000/year or \$120,000

**F. All Leverage** *In the table below list the sources and amounts of leverage you anticipate by fiscal year you anticipate receiving it. Include state and non-state leverage.*

<b>Source of Non-State Leverage</b>	<b>Fiscal Year 11</b>	<b>Fiscal Year 12</b>	<b>Fiscal Year 13</b>
<b>Landowner Donation</b>	\$100,000	\$720,000	\$450,000
<b>Dakota County</b>			
<b>FNAP:</b>	\$300,000	\$250,000	

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<b>In-kind:</b>	\$225,000	\$225,000	\$225,000
<b>Other:</b>	\$30,000		
<b>Vermillion River Watershed Joint Powers Organization</b>	\$153,000	\$200,000	\$200,000
<b>City of Lakeville</b>	\$800,000		
<b>TOTAL</b>	\$1,608,000	\$1,395,000	\$875,000

**G. Outcomes:**

- 1) *In the first table below, quantify the outcomes you plan to achieve with the recommended funds.*
- 2) *In the second table, list the sections where outcomes will occur.*
- 3) *In the third table, allocate your recommended funds to each cell with outcomes listed in table 1.*
- 4) *In the fourth table show the leverage to be applied to each cell with outcomes listed in table 1. and*
- 5) *If you have any outcomes listed in the “protect” row in table 1, account for them according to the type of acquisition and PILT status in table 5*

<b>Table 1 Accomplishments</b>	<b>Wetlands</b>	<b>Prairies</b>	<b>Forests</b>	<b>Habitats for Fish, Game and Wildlife</b>
<b>Restore</b>				400 acres
<b>Protect</b>				2,496 acres
<b>Enhance</b>				200 acres

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Table 2 Sections Impacted and Impact Quantifier				Habitats for Fish, Game and Wildlife
	Wetlands	Prairies	Forests	
Restore				400 acres
Protect				2,496 acres
Enhance				200 acres

Table 3 Recommend Fund Allocation				Habitats for Fish, Game and Wildlife
	Wetlands	Prairies	Forests	
Restore				\$460,000
Protect				\$5,250,000
Enhance				\$340,000

Table 4 Leverage \$				Habitats for Fish, Game and Wildlife
	Wetlands	Prairies	Forests	
Restore				\$480,000
Protect				\$3,295,000
Enhance				\$153,000

Table 5 Acquisition Data				Habitats for Fish, Game and Wildlife
	Wetlands	Prairies	Forests	
Acquired in Fee with State PILT Liability	0	0	0	0
Acquired in Fee without State PILT Liability	0	0	0	0
Permanent Easement	0*	0*	0*	2,496 acres* This protected area will be a combination of wetlands, prairie and forest.

**H. Accomplishment Time Table** Using the headings below, include a clear statement of how much of what is being accomplished and when. Attach a map showing where accomplishments are

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anticipated. Accomplishments should clearly restore, enhance or protect forests, wetlands, prairies and habitat for fish, game and wildlife.

Milestone	Date	Measure
• Develop Evaluation Criteria and Program Guidelines	6/30/2010	Adopted Guidelines
• Begin landowner outreach	6/30/2010	Communication Plan
• Hire/contract for new staff	6/30/2010	Employed staff
• Begin Landowner meetings	7/15/2010	Meetings
• Individual project submission	7/30/2010	Project submission
• Preliminary approval by Advisory Committee	9/30/2010	Project list
• Easement valuation and negotiations	11/30/2010	Tentative agreements
• Final project reviewed and recommended by Advisory Committee	1/15/2011	AC recommendations
• Projects approval by County Board	2/15/2011	Board resolution
• Complete Title Work, Environmental Assessment, Survey, Property Report, and Natural Resource Management Plan	5/15/2011	Approved documents
• Acquire Easement	5/30/2011	Closings
• Begin NRMP implementation	ongoing	On the ground work
• Monitor easement and NRMP	annually	Reports

### I. Relationship to Your Current Budget?

The County, through FNAP, is currently working on 31 land protection projects outside of the regional park system with an estimated land value of \$21.2 million. The County's direct financial contribution to these projects is \$5 million which will entirely deplete the fund balance of the \$20 million bond referendum approved in 2002. An additional \$1 million resulting from a 2009 LSOHC recommendation and \$3.7 million of federal Farm and Ranchlands Protection Program funds have also been allocated to the County for land protection and restoration purposes. The County also received \$509,965 of Environment and Natural Resource Trust Funds, as recommended by the LCCMR in 2007, for acquisition and restoration of strategic properties within the Vermillion River Corridor. The annual \$360,000 operating budget includes three County staff and contractual assistance from the Dakota County Soil and Water Conservation District but does not include an additional 2.0 FTE for County personnel assisting with environmental assessments, survey, mapping, legal advice, support services, etc. The Vermillion River Watershed Joint Powers organization is including a total of \$553,000 of its annual Capital Improvements Program budget (nearly 40% of estimated total annual CIP) in support of this project.

### J. How Will the Habitat Improvements Be Sustained?

All acquisition will be in the form of permanent conservation easements on private land. Each of the easements will require the development of individual Natural Resource Management Plans (NRMP) that will assess current conditions and recommend prioritized restoration activities. Associated Work Plans between the landowners and the County will also be developed as part of the negotiations and cited in the easement deed. The County will provide initial restoration assistance with long-term management of the respective easements being the responsibility of the landowners. As with all

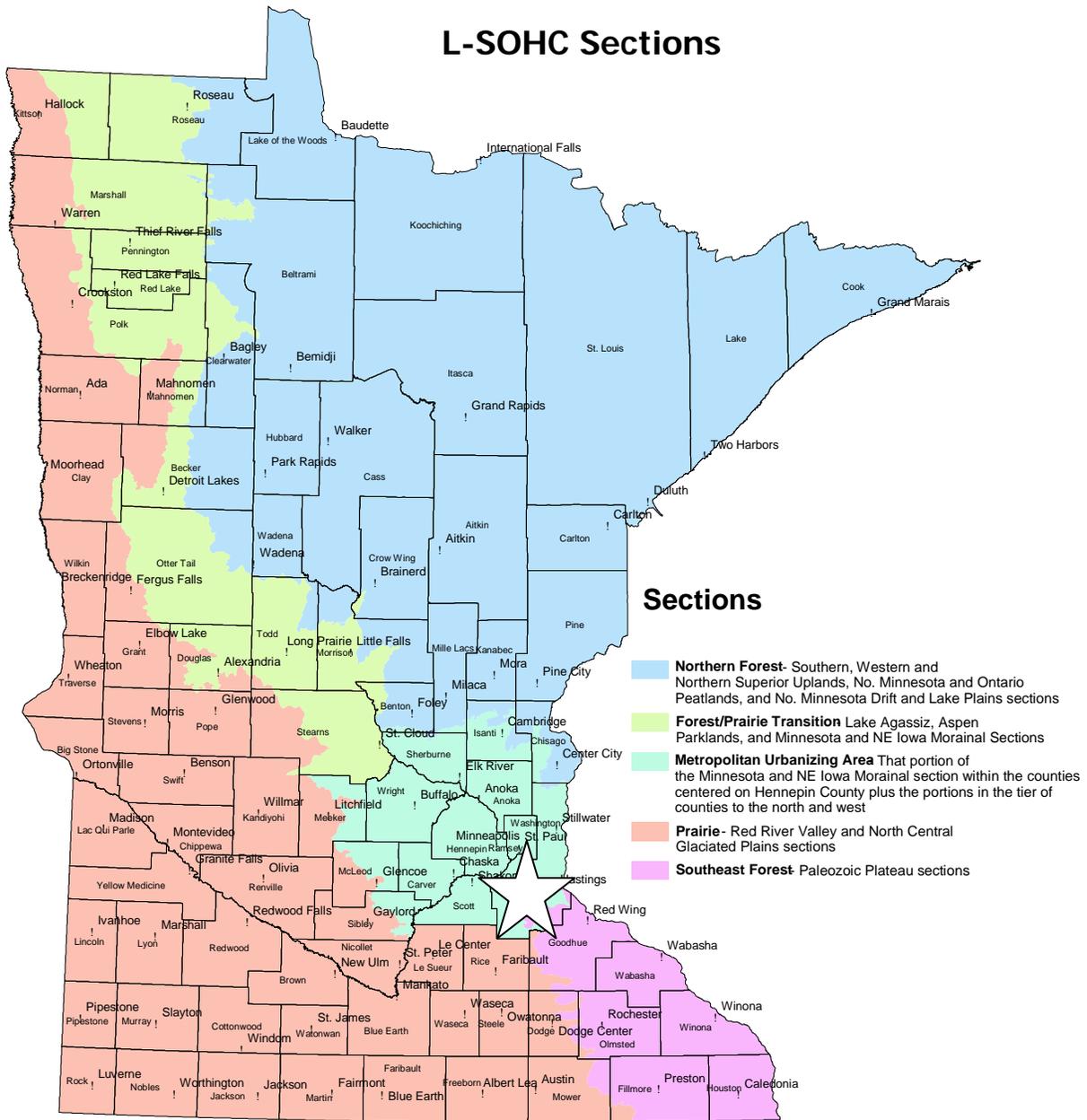
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private lands, it will be up to the current and future landowners to uphold their responsibilities. However, we believe this initial relationship-building, the NRMP, strategic assistance, and subsequent monitoring will provide opportunities to share updated natural resource information and best management practices with landowners and a higher likelihood of stewardship. This comprehensive watershed and corridor approach will provide the best opportunity to effectively protect this community asset and public investment.

**K. Attach a list of your projects listing their county location and edit the map of Minnesota on the next page to show each project as a symbol.**

The LSOHC Section map has been edited to show the general location of the projects. Since the proposal includes multiple individual projects throughout Dakota County, a second map is attached to show the locations of all rivers, streams and lakes where the proposed projects will occur.

## L-SOHC Sections



## L-SOHC Request for Funding Form

