

**SENATE
STATE OF MINNESOTA
NINETIETH SESSION**

S.F. No. 4041

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DATE
04/26/2018

D-PG
8385 Introduction and first reading
Referred to Environment and Natural Resources Finance

OFFICIAL STATUS

1.1 A bill for an act
1.2 relating to natural resources; modifying provisions for leasing state lands; providing
1.3 for sales and conveyance of interests in public lands; appropriating money for
1.4 natural resources; amending Minnesota Statutes 2016, section 92.502; Laws 2017,
1.5 chapter 93, article 2, section 155, subdivision 4.

1.6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.7 **ARTICLE 1**

1.8 **NATURAL RESOURCES APPROPRIATIONS**

1.9 Section 1. NATURAL RESOURCES APPROPRIATIONS.

1.10 The sums shown in the columns marked "Appropriations" are added to the appropriations
1.11 in Laws 2017, chapter 93, article 1, to the agencies and for the purposes specified in this
1.12 article. The appropriations are from the general fund, or another named fund, and are
1.13 available for the fiscal years indicated for each purpose. The figures "2018" and "2019"
1.14 used in this article mean that the appropriations listed under them are available for the fiscal
1.15 year ending June 30, 2018, or June 30, 2019, respectively. "The first year" is fiscal year
1.16 2018. "The second year" is fiscal year 2019. "The biennium" is fiscal years 2018 and 2019.
1.17 Appropriations for the fiscal year ending June 30, 2018, are effective the day following
1.18 final enactment.

1.19	<u>APPROPRIATIONS</u>
1.20	<u>Available for the Year</u>
1.21	<u>Ending June 30</u>
1.22	<u>2018</u> <u>2019</u>

1.23 Sec. 2. NATURAL RESOURCES

2.1	<u>Subdivision 1. Total Appropriation</u>		<u>\$</u>	<u>-0-</u>	<u>\$</u>	<u>2,879,000</u>
2.2	<u>Appropriations by Fund</u>					
2.3		<u>2018</u>		<u>2019</u>		
2.4	<u>General</u>	<u>-0-</u>		<u>2,560,000</u>		
2.5	<u>Natural Resources</u>	<u>-0-</u>		<u>319,000</u>		
2.6	<u>The amounts that may be spent for each</u>					
2.7	<u>purpose are specified in the following</u>					
2.8	<u>subdivisions.</u>					
2.9	<u>Subd. 2. Land and Mineral Resources</u>					
2.10	<u>Management</u>			<u>-0-</u>		<u>319,000</u>
2.11	<u>\$319,000 the second year is from the mineral</u>					
2.12	<u>management account in the natural resources</u>					
2.13	<u>fund for environmental research relating to</u>					
2.14	<u>mine permitting.</u>					
2.15	<u>Subd. 3. Forest Management</u>			<u>-0-</u>		<u>1,000,000</u>
2.16	<u>\$1,000,000 the second year is for forest</u>					
2.17	<u>inventory.</u>					
2.18	<u>Subd. 4. Fish and Wildlife Management</u>			<u>-0-</u>		<u>1,352,000</u>
2.19	<u>\$1,352,000 the second year is for wildlife</u>					
2.20	<u>disease surveillance and response. This is a</u>					
2.21	<u>onetime appropriation.</u>					
2.22	<u>Subd. 5. Enforcement</u>			<u>-0-</u>		<u>208,000</u>
2.23	<u>\$208,000 the second year is for response to</u>					
2.24	<u>escaped animals from cervidae farms. This is</u>					
2.25	<u>a onetime appropriation.</u>					
2.26	<u>Sec. 3. BOARD OF WATER AND SOIL</u>					
2.27	<u>RESOURCES</u>		<u>\$</u>	<u>133,000</u>	<u>\$</u>	<u>294,000</u>
2.28	<u>\$133,000 the first year and \$294,000 the</u>					
2.29	<u>second year are for agency operational</u>					
2.30	<u>adjustments to pay for costs related to the</u>					
2.31	<u>reinvest in Minnesota and local roads bonding</u>					
2.32	<u>projects, rent increases, and retirement</u>					
2.33	<u>payouts.</u>					

3.1 **ARTICLE 2**

3.2 **STATE LANDS**

3.3 Section 1. Minnesota Statutes 2016, section 92.502, is amended to read:

3.4 **92.502 LEASE OF TAX-FORFEITED AND STATE LANDS.**

3.5 (a) Notwithstanding section 282.04 or other law to the contrary, St. Louis County may
3.6 enter a 30-year lease of tax-forfeited land for a wind energy project.

3.7 (b) The commissioner of natural resources may enter a 30-year lease of land administered
3.8 by the commissioner for a wind energy project.

3.9 (c) The commissioner of natural resources may enter a 30-year lease of land administered
3.10 by the commissioner for recreational trails and facilities.

3.11 Sec. 2. Laws 2017, chapter 93, article 2, section 155, subdivision 4, is amended to read:

3.12 Subd. 4. **Township road.** If the commissioner of natural resources finds that any portion
3.13 of 233rd Avenue within the Sand Dunes State Forest is not owned by the township, the
3.14 commissioner must convey an easement over and across state-owned lands administered
3.15 by the commissioner to the township under Minnesota Statutes, section 84.63, for the width
3.16 of 233rd Avenue. Notwithstanding the requirements for paying fees and market value under
3.17 Minnesota Statutes, section 84.63, the commissioner must convey easements to the township
3.18 at no cost for existing roads currently maintained by the township across state-owned land
3.19 administered by the commissioner and located in Sections 15, 17, 20, 29, and 35, Township
3.20 34 North, Range 27 West, Sherburne County, if the township lacks easements for such
3.21 roads. In addition, notwithstanding the requirements for paying fees and market value under
3.22 Minnesota Statutes, section 84.63, the commissioner must convey an easement to the
3.23 township at no cost for the existing road maintained by the township legally described as
3.24 the North 33 feet of the Northeast Quarter of the Southeast Quarter, Section 36, Township
3.25 34 North, Range 27 West, Sherburne County, if the township lacks an easement for such
3.26 road. The commissioner may make necessary changes to the legal description to correct
3.27 errors and ensure accuracy.

3.28 Sec. 3. **PRIVATE SALE OF SURPLUS STATE LAND; CHISAGO COUNTY.**

3.29 (a) Notwithstanding Minnesota Statutes, sections 94.09 and 94.10, the commissioner of
3.30 natural resources may sell by private sale the surplus land that is described in paragraph (c).

4.1 (b) The commissioner may make necessary changes to the legal description to correct
4.2 errors and ensure accuracy.

4.3 (c) The land that may be sold is located in Chisago County and is described as: that part
4.4 of the Southwest Quarter of the Southwest Quarter of Section 21, Township 35 North, Range
4.5 19 West, described as follows: beginning at the southeast corner of said Southwest Quarter
4.6 of the Southwest Quarter; thence West 19 rods; thence northeasterly in a straight line 23
4.7 rods to the east line of said Southwest Quarter of the Southwest Quarter; thence South 17
4.8 rods to the place of beginning.

4.9 (d) The Department of Natural Resources has determined that the land is not needed for
4.10 natural resource purposes and that the state's land management interests would best be
4.11 served if the land was returned to private ownership.

4.12 **Sec. 4. PRIVATE SALE OF SURPLUS STATE LAND; MAHNOMEN COUNTY.**

4.13 (a) Notwithstanding Minnesota Statutes, sections 94.09 and 94.10, the commissioner of
4.14 natural resources may sell by private sale the surplus land that is described in paragraph (c).

4.15 (b) The commissioner may make necessary changes to the legal description to correct
4.16 errors and ensure accuracy.

4.17 (c) The land that may be sold is located in Mahnomen County and is described as: the
4.18 Northeast Quarter of the Northeast Quarter, Section 19, Township 143 North, Range 39
4.19 West, Mahnomen County, Minnesota. Subject to existing road easements, containing 40
4.20 acres, more or less.

4.21 (d) The Department of Natural Resources has determined that the land is not needed for
4.22 natural resource purposes and that the state's land management interests would best be
4.23 served if the land was conveyed to a federally recognized Indian tribe for land consolidation
4.24 purposes.

4.25 **Sec. 5. PUBLIC SALE OF SURPLUS STATE LAND BORDERING PUBLIC**
4.26 **WATER; RICE COUNTY.**

4.27 (a) Notwithstanding Minnesota Statutes, section 92.45, the commissioner of natural
4.28 resources may sell by public sale the surplus land bordering public water that is described
4.29 in paragraph (c).

4.30 (b) The commissioner may make necessary changes to the legal description to correct
4.31 errors and ensure accuracy.

5.1 (c) The land that may be sold is located in Rice County and is described as: that part of
5.2 Government Lot 4, Section 36, Township 110 North, Range 22 West, lying southerly of
5.3 the following described line:

5.4 Commencing at the southeast corner of said Government Lot 4; thence on an assumed
5.5 bearing of North 03 degrees 11 minutes 56 seconds East along the east line of said
5.6 Government Lot 4 a distance of 66.09 feet to the southeast corner of Whitney Shores,
5.7 according to the plat on file and of record in the Rice County Recorder's Office, and the
5.8 point of beginning of the line to be described; thence North 89 degrees 50 minutes 56
5.9 seconds West along the south line of said plat 541.16 feet; thence continuing North 89
5.10 degrees 50 minutes 56 seconds West 535.96 feet; thence North 66 degrees 49 minutes
5.11 48 seconds West 255 feet, more or less, to the water's edge of Cedar Lake and there
5.12 terminating.

5.13 Subject to the following:

5.14 (1) ingress and egress to the property is limited to Geneva Avenue only; and

5.15 (2) the public road as shown on the plat of Whitney Shores in not extended to cross the
5.16 property.

5.17 (d) The land borders Cedar Lake and is not contiguous to other state lands. The
5.18 Department of Natural Resources has determined that the land is not needed for natural
5.19 resource purposes and that the state's land management interests would best be served if
5.20 the land was returned to private ownership.

5.21 **Sec. 6. PRIVATE SALE OF SURPLUS STATE LAND; ST. LOUIS COUNTY.**

5.22 (a) Notwithstanding Minnesota Statutes, sections 94.09 and 94.10, the commissioner of
5.23 natural resources may sell by private sale to a political subdivision the surplus land that is
5.24 described in paragraph (c).

5.25 (b) The commissioner may sell the land at no cost. The commissioner may make
5.26 necessary changes to the legal description to correct errors and ensure accuracy.

5.27 (c) The land that may be sold is located in St. Louis County and is described as:

5.28 (1) that part of the Northeast Quarter of the Northeast Quarter of Section 29, Township
5.29 62, Range 15, St. Louis County, Minnesota, that lies southwesterly of McKinley Park Road;
5.30 and

5.31 (2) that part of the Northeast Quarter of the Northeast Quarter of Section 29, Township
5.32 62, Range 15, St. Louis County, Minnesota, that lies northwesterly of Miettunen Plat Road.

6.1 (d) The Department of Natural Resources has determined that the land is not needed for
6.2 natural resource purposes and that the state's land management interests would best be
6.3 served if the land was conveyed to a local unit of government.

6.4 **Sec. 7. CONVEYANCE OF TOWNSHIP LANDS TO STATE; ST. LOUIS COUNTY.**

6.5 (a) Notwithstanding any law to the contrary, Breitung Township in St. Louis County
6.6 may transfer to the state of Minnesota at no cost lands in St. Louis County described as
6.7 follows:

6.8 (1) that part of the Northwest Quarter of the Northeast Quarter of Section 29, Township
6.9 62, Range 15, St. Louis County, Minnesota, that lies southeasterly of Miettunen Plat Road
6.10 and northeasterly of McKinley Park Road; and

6.11 (2) that part of the Northwest Quarter of the Southwest Quarter of Section 28, Township
6.12 62, Range 15, St. Louis County, Minnesota, that lies easterly of McKinley Park Road.

6.13 (b) Breitung Township may make necessary changes to the legal description to correct
6.14 errors and ensure accuracy.

6.15 **Sec. 8. GRANT OF EASEMENT TO TOWNSHIP.**

6.16 (a) The commissioner of natural resources must convey to the township under Minnesota
6.17 Statutes, section 84.63, an easement over and across the state-owned lands administered by
6.18 the commissioner described in paragraph (c). Notwithstanding the requirements for paying
6.19 fees and market value under Minnesota Statutes, section 84.63, the commissioner must
6.20 convey the easement to the township at no cost.

6.21 (b) The commissioner may make necessary changes to the legal description to correct
6.22 errors and ensure accuracy.

6.23 (c) The land over which the easement is granted is located in Otter Tail County and is
6.24 described as: a strip of land lying in Government Lot 1, Section 1, Township 136 North,
6.25 Range 43 West, said strip of land being 66 feet in width, lying 33 feet on each side of the
6.26 centerline described as follows:

6.27 Commencing at the southeast corner of the Northeast Quarter of Section 1, Township
6.28 136 North, Range 43 West of the Fifth Principal Meridian, Otter Tail County, Minnesota;
6.29 thence on a bearing based on the 1983 Otter Tail County Coordinate System (1996
6.30 Adjustment), of North 00 degrees 43 minutes 06 seconds West, a distance of 1,319.32
6.31 feet to the southeast corner of Government Lot 1 of said Section 1 and the point of
6.32 beginning of the centerline to be described; thence North 00 degrees 42 minutes 22

7.1 seconds West, a distance of 43.08 feet; thence northerly and northwesterly a distance
7.2 of 801.02 feet along a tangential curve concave to the southwest, said curve having a
7.3 radius of 734.24 feet and a central angle of 62 degrees 30 minutes 25 seconds; thence
7.4 North 63 degrees 12 minutes 47 seconds West, tangent to last described curve, a distance
7.5 of 610.21 feet; thence northwesterly and northerly a distance of 441.31 feet along a
7.6 tangential curve concave to the northeast, said curve having a radius of 400.00 feet and
7.7 a central angle of 63 degrees 12 minutes 47 seconds; thence North 00 degrees 00 minutes
7.8 00 seconds East, tangent to last described curve, a distance of 110.93 feet, more or less,
7.9 to the intersection with the north line of the Northeast Quarter of said Section 1, distant
7.10 1,428.38 feet, more or less, easterly of the north quarter corner of said Section 1 and
7.11 said centerline there terminating.

7.12 (d) The easement is needed by the township because an existing township road must be
7.13 vacated for the Department of Natural Resources to construct a new public water access on
7.14 Lake Lizzie.

APPENDIX
Article locations in SF4041-0

ARTICLE 1 NATURAL RESOURCES APPROPRIATIONS..... Page.Ln 1.7
ARTICLE 2 STATE LANDS..... Page.Ln 3.1