

Aitkin County Board of Commissioners  
Request for County Board Action/Agenda Item Cover Sheet



To: Chairperson, Aitkin County Board of Commissioners Date: 8-21-13

Via: Patrick Wussow, County Administrator

From: Patrick Wussow, County Administrator

Title of Item:

MN DNR Request to Acquire Property

Requested Meeting Date: 8-27-13 Estimated Presentation Time: \_\_\_\_\_

Presenter: Patrick Wussow, County Administrator

**Type of Action Requested** (check all that apply)

- For info only, no action requested
- For discussion with possible action
- Let/Award Bid or Quote (attach copy of basic bid/quote specs or summary of complex specs, each bid/quote received & bid/quote comparison)
- Approve/adopt proposal by motion
- Authorize filling vacant staff position
- Request to schedule public hearing or sale
- Request by member of the public to be heard
- Item should be addressed in closed session under MN Statute \_\_\_\_\_
- Approve under Consent Agenda
- Adopt Ordinance Revision
- Approve/adopt proposal by resolution (attach draft resolution)
- Other (please list) \_\_\_\_\_

**Fiscal Impact** (check all that apply)

- Is this item in the current approved budget? Yes \_\_\_\_\_ No \_\_\_\_\_ (attach explanation)
- What type of expenditure is this?  Operating  Capital  Other (attach explanation)
- Revenue line account # that funds this item is: \_\_\_\_\_
- Expenditure line account # for this item is: \_\_\_\_\_

**Staffing Impact** (Any yes answer requires a review by Human Resources Manager before going to the board)

- Duties of a department employee(s) may be materially affected.  Yes  No
- Applicable job description(s) may require revision.  Yes  No
- Item may impact a bargaining unit agreement or county work policy.  Yes  No
- Item may change the department's authorized staffing level.  Yes  No



**Supporting Attachment(s)**

- Memorandum Summary of Item
- Copy of applicable county policy and/or ordinance (excerpts acceptable)
- Copy of applicable state/federal statute/regulation (excerpts acceptable)
- Copy of applicable contract and/or agreement
- Original bid spec or quote request (excluding complex construction projects)
- Bids/quotes received (excluding complex construction projects, provide comparison worksheet)
- Bid/quote comparison worksheet
- Draft County Board resolution
- Plat approval check-list and supporting documents
- Copy of previous minutes related to this issue
- Other supporting document(s) (please list) \_\_\_\_\_

**Provide (1) copy of supporting documentation NO LATER THAN Wednesday at Noon to make the Board's agenda for the following Tuesday. (If your packet contains colored copies, please provide (4) paper copies of supporting documentation as we do not have a color printer or copier.) Items WILL NOT be placed on the Board agenda unless complete documentation is provided for the Board packets.**

# AITKIN COUNTY ADMINISTRATION

**Aitkin County Courthouse**  
217 Second Street N.W. Room 130  
Aitkin, MN 56431  
218-927-7276  
Fax: 218-927-7374

**TO: Aitkin County Board of Commissioners**

**FROM: Patrick Wussow, Aitkin County Administrator**

**RE: MN DNR Request to Acquire an Additional 762 Acres of Land in Fleming Township to Enlarge Gun Lake State Wildlife Management Area**

**DATE: August 21, 2013**

Please review the attached letter from the Department of Natural Resources which in summary requests that the County Board "approve or disapprove the proposed acquisition" in Fleming Township. The parcel that the MN DNR is proposing to acquire is 762 acres of land in Section 4 and 5 of Fleming Township. Pheasants Forever, Inc. will be buying the land and in turn sell it to the MN DNR.

Staff has contacted Dave Kanz, MN DNR Acting Area Wildlife Supervisor and asked that he clarify if the DNR is required to follow MN Statute 97A.145 or if they are creating a "good working relationship" as their letter of August 6, 2013 is unclear if the DNR in this situation is required to have County Board approval or disapproval. We have been informed that additional information will be provided before and at the meeting with the County Board.

Mn Statutes 97A.145 (attached) identifies that the Aitkin County SWCD is to advise the County Board "on drainage and flood control and the best utilization and capability of the land." The SWCD discussed the issue at their August 20<sup>th</sup> Board meeting, a copy of their comments is attached.

Staff attended the Fleming Township Board meeting on August 14<sup>th</sup> when the Supervisors discussed the issue. Their official position is that they are neutral as they understand the issues and realize that they have no official authority.

Finally, staff is attaching a 2013 Field Progress report that relates to sharp-tail grouse and was discussed at the Fleming Township meeting. Emails are also included relating to the purchase price of the land and possible PILT payments.

The Board will need to determine if they are in favor of this project.

If you have questions, please contact me.

August 6, 2013

Aitkin County Commissioners  
217 2nd St NW  
Aitkin, MN 56431

Dear Commissioners,

Mr. Dennis Thompson and Mr. Timothy Thompson (Thompson Farms) have informed us of their desire to sell 762 acres of land in Sections 4 and 5 of Fleming Township to Pheasants Forever, Inc (see attached). Subsequently, Pheasants Forever, Inc. will then sell the subject property to the MN Department of Natural Resources (DNR) Section of Wildlife to become a part of the Gun Lake State Wildlife Management Area (WMA). We hope to acquire this property because it meets our criteria for development of a quality WMA and has, we believe, public support in the Aitkin County community.

In an effort to build on the good working relationship that the DNR has with county governments throughout the State, the DNR will be notifying county governments on all pending donations and acquisitions of land or easements for WMA purposes. For lands purchased by the DNR for WMA purposes, we will continue the requirement under Minnesota Statutes 97A.145 to obtain county board approval. As with all of our WMAs, this new addition will fall under the "in-lieu-of-tax" county tax payment schedule. With your approval, we are hopeful to add this land to our WMA system.

Acquiring this parcel will allow DNR to manage the Gun Lake WMA for the benefit of sharp-tailed grouse, ring-necked pheasants, turkey, and deer, while providing additional hunting, trapping, and wildlife viewing opportunities for the general public and Aitkin County residents.

If you have any questions, please feel free to contact me. Pheasants Forever and I will be in attendance at your next board meeting. We look forward to discussing this opportunity with you. Thank you for allowing us time on your agenda.

Sincerely,

A handwritten signature in black ink, appearing to read "Dave Kanz". The signature is fluid and cursive, written over a light blue horizontal line.

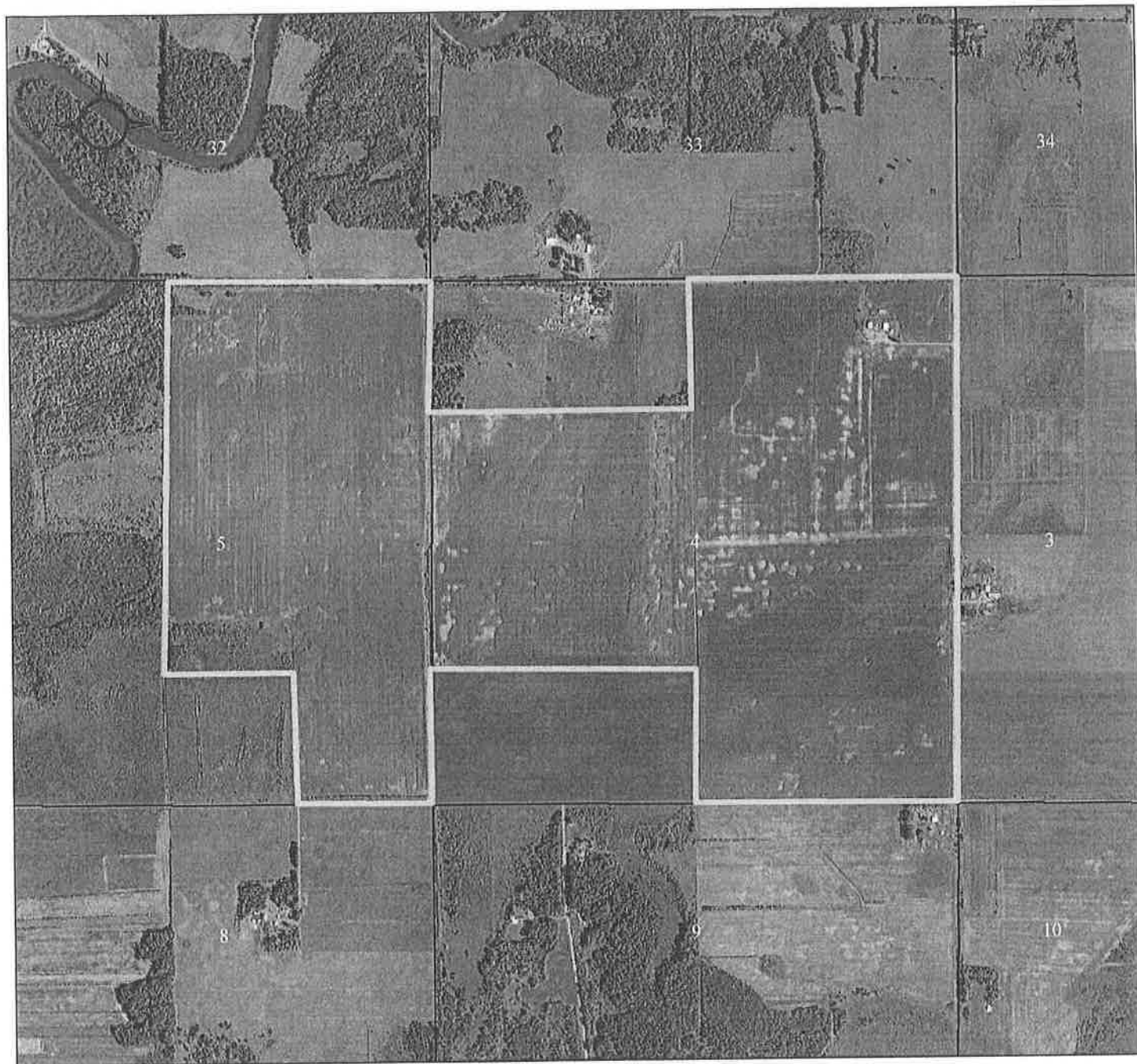
Dave Kanz, MN DNR Acting Area Wildlife Supervisor  
218-927-6915

cc: Jeff Lightfoot— MN DNR Regional Wildlife Manager  
Kim Hennings—MN DNR Wildlife Land Acquisition Coordinator  
Joe Pavelko – PF MN Director of Conservation

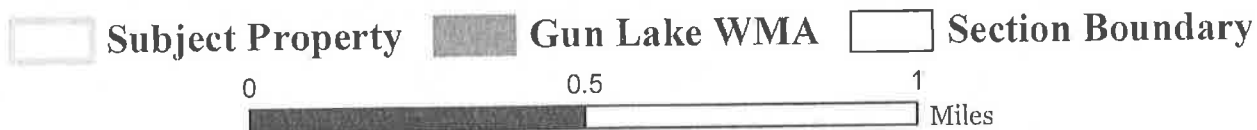
# Northeastern Minnesota Sharp-tailed Grouse Habitat Partnership



## Gun Lake WMA Addition 760 Acres



### Fleming Township, Aitkin County, MN



## 2012 Minnesota Statutes

### 97A.145 WETLANDS FOR WILDLIFE.

Subdivision 1. **Acquisition; generally.** (a) The commissioner or the commissioner of administration may acquire wetlands and bordering areas, including marshes, ponds, small lakes, and stream bottoms for water conservation relating to wildlife development. The lands that are acquired may be developed for wildlife, recreation, and public hunting. The wetlands may be acquired by gift, lease, purchase, or exchange of state lands.

(b) The commissioner may also acquire land owned by the state and tax-forfeited land that is suitable for wildlife development. The wetlands may not be acquired unless public access by right-of-way or easement from a public road is also acquired or available. In acquiring wetlands under this section the commissioner shall assign highest priority to type 3 and 4 wetlands, as defined in United States Fish and Wildlife Service Circular No. 39 (1971 edition), that are public waters. Lands purchased or leased under this section may not be used to produce crops unless needed for wildlife. The commissioner may designate, by written order published in the State Register, land acquired under this section as a wildlife management area for purposes of the outdoor recreation system. Designations of wildlife management areas are exempt from the rulemaking provisions of chapter 14 and section 14.386 does not apply.

Subd. 2. **Acquisition procedure.** (a) Lands purchased or leased under this section must be acquired in accordance with this subdivision.

(b) The commissioner must notify the county board and the town officers where the land is located and furnish them a description of the land to be acquired. The county board must approve or disapprove the proposed acquisition within 90 days after being notified. The commissioner may extend the time up to 30 days. The soil and water conservation district supervisors shall counsel the county board on drainage and flood control and the best utilization and capability of the land.

(c) If the county board approves the acquisition within the prescribed time, the commissioner may acquire the land.

(d) If the county board disapproves the acquisition, it must state valid reasons. The commissioner may not purchase or lease the land if the county board disapproves the acquisition and states its reasons within the prescribed time period. The landowner or the commissioner may appeal the disapproval to the district court having jurisdiction where the land is located.

(e) The commissioner or the owner of the land may submit the proposed acquisition to the Land Exchange Board if: (1) the county board does not give reason for disapproval, or does not approve or disapprove the acquisition within the prescribed time period; or (2) the court finds that the disapproval is arbitrary and capricious, or that the reasons stated for disapproval are invalid.

(f) The Land Exchange Board must conduct a hearing and make a decision on the acquisition within 60 days after receiving the proposal. The Land Exchange Board must give notice of the hearing to the county board, the commissioner, the landowner, and other interested parties. The Land Exchange Board must consider the interests of the county, the state, and the landowner in determining whether the acquisition is in the public interest. If a majority of the Land Exchange Board members approves the acquisition, the commissioner may acquire the land. If a majority disapproves, the commissioner may not purchase or lease the land.

Subd. 3. **Management.** If a drainage outlet is petitioned and drainage proceedings are conducted under the Drainage Code, chapter 103E, the commissioner should not interfere with or unnecessarily delay the proceedings.

**History:** 1986 c 386 art 1 s 28; 1990 c 391 art 10 s 3; 2004 c 221 s 40

## **Habitat selection, nest success, and survival of female sharp-tailed grouse in relation to management of open landscapes in Minnesota**

Primary Investigator:  
Lindsey M. Shartell, Ph.D.  
Forest Habitat Assessment Biologist  
Forest Wildlife Habitat Team  
MN DNR Division of Fish and Wildlife

### **2013 FIELD SEASON PROGRESS REPORT**

August 19, 2013

During the spring of 2013, sharp-tailed grouse were trapped at five lek sites within the east-central sharptail range (Figure 1). Sharp-tailed grouse were captured using walk-in funnel traps and drift fences placed across the center of active lek sites. Traps were monitored beginning in late March when males were observed displaying at lek sites, however lek attendance by females (hens) occurred later than expected, peaking in early May. A total of 19 hens were trapped and radio-collared at sites in Aitkin (3 leks, 14 hens) and St. Louis (2 leks, 5 hens) counties from 1 May through 13 May 2013. In addition, one male was radio-collared at each lek site. All radio-collared sharptails were fitted with necklace style radio transmitters (ATS Model A3960) equipped with a 12-hour mortality sensor. Radio-collared grouse were located at minimum two times per week using truck mounted omni-directional antennas (ATS) and hand-held 2-element antennas (Telonics RA-23K) in combination with portable receivers (ATS R2000).

Throughout the breeding season, a total of 408 locations were obtained for 19 hen and 5 male radio-collared grouse. From 19 radio-collared hens, we were able to locate 17 first nests and 2 second nests. Nests were likely initiated by all hens in the study, however first nests were not able to be located for two hens, one of which was suspected to have initiated a nest that was lost in a prescribed fire on 24 May 2013. This hen initiated a second nest, as did one other hen that lost her first nest to depredation.

Of 19 total nest attempts, 14 successfully hatched at least one egg (74% nest success). The remaining five nests were lost to depredation, four of which were determined to be mammalian. Clutch size ranged from 10 to 13 eggs, with a mean clutch size of 11.3 (n=12 nests). Mean hatch for successful nests was 8.8 eggs, and ranged from 1 to 13 successfully hatched eggs.

Hen survival during the nesting period was high, with no hen mortality occurring prior to nest depredation or hatch. Two hens died during the potential re-nesting period following nest depredation. Following hatch brood survival was low, with only 4 broods (29% of successful nests) remaining at 30 days post-hatch, and only 3 broods (21% of successful nests) remaining at 50 days post-hatch. Hen mortality likely contributed to this, with 6 hens dying while actively brood rearing. Of the three remaining broods, all are at Gun Lake, and brood size ranges from 2 to 7, with a total of 13 juveniles observed. Mortality during the brooding period (approximately 1 July – 15 August) was high for all hens, with a mortality rate of 67% for hens with broods (n=9 hens) and 50% for hens that were unsuccessful nesting or previously lost broods (n=8 hens). Thus hen survival across the entire breeding season was 37% (63% mortality). Male survival over this same period was 80% (20% mortality, n=5 males). Cause of mortality was identified in

3 cases as avian and in 2 cases as mammalian predation. Differences in success and survival rates were observed among study sites (Table 1), however this data will require further analysis.

Habitat assessment plots were measured at nest sites, random non-nest sites, and brood rearing sites. Management history surrounding lek sites is currently being compiled. Analysis of habitat and management data will take place following a second season of trapping and tracking in 2014.

Table 1. Comparison of success and survival rates at study sites.

Study Site	Nest Success	Brood Success	Hen Survival
Sax (n=3)	100%	0%	0%
Simek (n=2)	100%	0%	50%
Rono (n=4)	50%	0%	0%
Sherman (n=4)	75%	0%	25%
Gun Lake (n=6)	67%	50%	83%

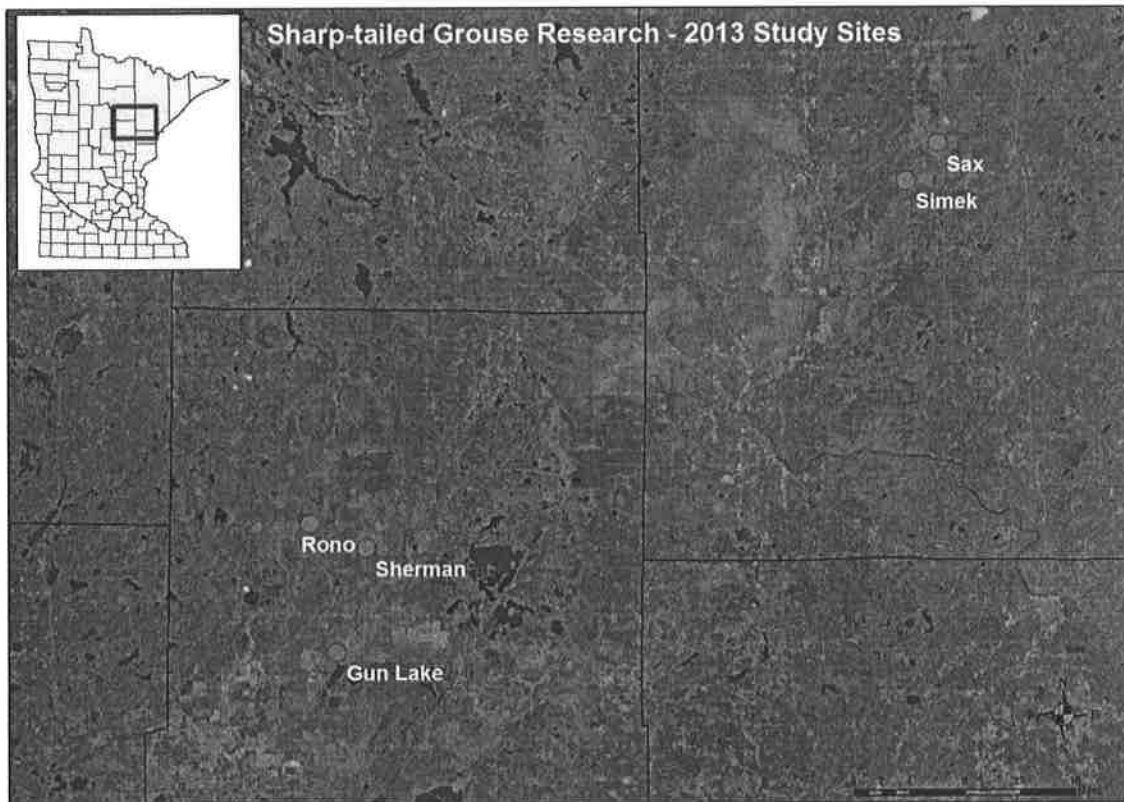


Figure 1. Study sites located in Aitkin and St. Louis counties, in the east-central portion of the sharp-tailed grouse range.

## Sue Bingham

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**From:** Patrick Wussow [patrick.wussow@co.aitkin.mn.us]  
**Sent:** Tuesday, August 06, 2013 3:46 PM  
**To:** 'Kanz, David J (DNR)'  
**Cc:** 'Sue Bingham'  
**Subject:** RE: County Board agenda

Dave

Statute 97A.145 identifies that the Aitkin County SWCD is to "counsel" the County Board on drainage and flood control and best utilization and capability of the land. I spoke with the SWCD staff and they could have their Board review the parcel of land and provide us with comments by August 21, which would allow County staff to include those comments in the report to the County Board at their August 27<sup>th</sup> regular meeting.

At this time, assuming all reports are received from SWCD on the 21<sup>st</sup> or before, your item will be reviewed by the County Board on August 27<sup>th</sup> at 10:00 a.m. in the County Board room. I also note that 97A.145 provides the County Board 90 days to approve or disapprove the acquisition after being notified, which starts with your notification today.

Please contact me if you have questions, but again at this time the item will not be discussed until August 27<sup>th</sup>.

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**From:** Kanz, David J (DNR) [mailto:david.kanz@state.mn.us]  
**Sent:** Tuesday, August 06, 2013 3:07 PM  
**To:** Patrick Wussow  
**Cc:** Lightfoot, Jeff (DNR); Aarhus-Ward, Angela (DNR); Provost, Jodie (DNR); [jpavelko@pheasantsforever.org](mailto:jpavelko@pheasantsforever.org); Hennings, Kim R (DNR)  
**Subject:** RE: County Board agenda

Here are current calculations based on what Joe Pavelko found out.

Current Taxes - \$4,502  
PILT Payments – (based on \$2,363,000 appraised value) \$17,715

Please let me know if you need additional information.

Dave

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**From:** Patrick Wussow [mailto:patrick.wussow@co.aitkin.mn.us]  
**Sent:** Tuesday, August 06, 2013 2:49 PM  
**To:** Kanz, David J (DNR)  
**Cc:** Lightfoot, Jeff (DNR); Aarhus-Ward, Angela (DNR); Provost, Jodie (DNR); [jpavelko@pheasantsforever.org](mailto:jpavelko@pheasantsforever.org); Hennings, Kim R (DNR)  
**Subject:** RE: County Board agenda

Dave:

Additional information is necessary. The Board will want to know what the PILT payment will be in relation to the current taxes. Will you be able to provide that by noon tomorrow?

Patrick Wussow  
Aitkin County Administrator



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**From:** Kanz, David J (DNR) [<mailto:david.kanz@state.mn.us>]

**Sent:** Tuesday, August 06, 2013 2:43 PM

**To:** [patrick.wussow@co.aitkin.mn.us](mailto:patrick.wussow@co.aitkin.mn.us)

**Cc:** Lightfoot, Jeff (DNR); Aarhus-Ward, Angela (DNR); Provost, Jodie (DNR); [jpavelko@pheasantsforever.org](mailto:jpavelko@pheasantsforever.org); Hennings, Kim R (DNR)

**Subject:** County Board agenda

Pat,

Attached is our request to come to the County Board to seek approval for a new addition to the Gun Lake WMA. Please let us know when we are the agenda. We look forward to working with you.

Sincerely,

Dave Kanz  
Acting Area Wildlife Manager  
Aitkin/ Brainerd  
1200 Minnesota Avenue South  
Aitkin, MN 56431  
218-927-6915 x 251