

Friends of Minnesota Scientific and Natural Areas

A Minnesota Non-profit, Tax-Exempt Corporation
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March 11, 2016

Peggy Booth
SNA Program Supervisor
Minnesota Department of Natural Resources
500 Lafayette Road
St. Paul, MN 55155

VIA E-MAIL AND U.S. MAIL
peggy.booth@state.mn.us

Re: Proposed SNA – River Warren Outcrops

Dear Peggy,

On behalf of Friends of Minnesota Scientific and Natural Areas (FMSNA), I thank you for informing our organization about the proposed acquisition of River Warren Outcrops SNA. As stated in my previous correspondence, our organization was very excited about this new addition to the SNA Program.

However, facts have come to light that have changed our minds. Instead, FMSNA respectfully requests that this parcel **not be included in the SNA program** for the following reasons:

1. The Minnesota DNR's "Evaluation using SNA Candidate Site Evaluation Guide" (8/16/13) provides a low score (42 out of 100 possible points) for this parcel:
 - a. Lack of rare species, except for prickly pear ("also represented on other SNAs"), normally found on rock outcrop communities of this type in the area.
 - b. Quality sites for the plant communities found on this site are currently adequately protected elsewhere in the Minnesota River Valley as SNAs.
 - c. Management issues are inevitable. A horse trail, allowed up to 8,540 feet (1.6 miles) on an 89-acre SNA, will probably result in erosion, introduction of exotic species, and new trails that users develop every time a tree falls across an existing trail, etc. Allowing horse trails sets a bad precedent for future SNA acquisitions.
 - d. The lack of public access to the site. (The parcel only touches a corner of Highway 15.) Someone would have to purchase adjacent land at the road to provide access for DNR equipment, public parking, etc.
2. There is a land-locked private woodlot, enclosed by the proposed SNA, with only river access. It is likely that the landowner will petition for and receive legal access, resulting in additional damage to the proposed SNA's ecological integrity.
3. The negotiated "Reserved Easement" is not sufficient to protect the site. Inevitable monitoring and enforcement issues will diminish precious SNA funds.

Moreover, the 10-year grace period before the easement could be extinguished, for failure to perform any trail maintenance, is much too generous. (See paragraph 6 of hard copy given to me during our meeting on March 3, 2016.) I also note that the electronic version of the “Reserved Easement”, subsequently e-mailed to me, does not contain any right to extinguish the easement for lack of trail maintenance or breach of the Horse Trail Management Plan. The right to extinguish the easement is reserved only for instances when the easement holder fails to assign the easement within 25 years. In either case, the DNR lacks an adequate remedy for non-performance.

The “Reserved Easement” also allows assignment to a public entity without the DNR’s consent. This would further burden taxpayers with horse trail issues.

4. The acquisition legislation does not specifically designate this parcel for acquisition. [See Chapter 2, Article 3, Section 2, Subd. 4(g), 2011 First Special Session Laws; Chapter 226, Section 2, Subd. 19(6), 2014 Session Laws; and Chapter 76, Section 2, Subd. 19(3), 2015 Session Laws.]

5. The Upper Minnesota River Valley Citizen Advisory Committee Report (2013) does not mention acquisition of any parcel as an SNA, nor does the Report designate this parcel for acquisition.

6. Chapter 290, Section 65, 2014 Session Laws directs the DNR to develop a “... master plan to conserve the natural and cultural resources of the Minnesota River Valley area in Redwood and Renville Counties ...” The legislation does not require acquisition of an SNA.

7. It is our understanding that a third-party non-profit organization, Redwood Area Communities Foundation, worked with local horse riding groups and others to receive public money to negotiate the acquisition from a landowner who desired to retain horseback riding. It is our understanding that the non-profit organization was only too willing to encourage horseback riding. This is poor public policy and detracts from the mission of the SNA program, as stated on your website: “Scientific & Natural Areas (SNAs) preserve natural features and rare resources of exceptional scientific and educational value. Please note: SNAs are free and open to you for nature observation and education, but are not meant for intensive recreational activities.”

In conclusion, Friends of Minnesota Scientific and Natural Areas respectfully requests that: (1) this parcel not be acquired as an SNA; and (2) the tax dollars allocated for this parcel be reallocated. We are willing to work with the Minnesota DNR in their legislative efforts to effectuate this outcome should you request this. If the acquisition of this parcel by the DNR is still viewed as desirable by the Department and local partners, we suggest that the parcel be acquired and managed by Parks and Trails, as the expected use and resources present seem to best fit their mission. Another possible state land classification is a “wildlife management area”, given that it is across the river from Cedar Rock Wildlife Management Area.

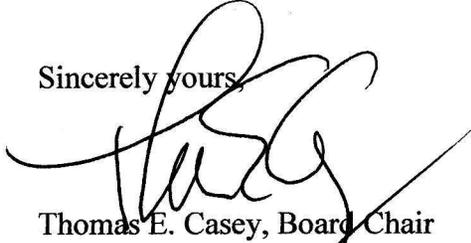
In the spirit of our data request/communication understanding, I will suspend a subsequent Government Data Practices Act request under the assumption that you will provide us with timely updates for this project. Also, please provide a copy of: (1) the “... agreement with Redwood Area Communities Foundation to acquire lands ...” as more fully stated in

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Chapter 2, Article 3, Section 2, Subd. 4(g), 2011 Legislative Special Session; (2) the signed purchase agreement, including any exhibits; and (3) a copy of the horse trail map.

Thank you for your kind attention and reply.

Sincerely yours,



Thomas E. Casey, Board Chair
Friends of Minnesota Scientific and Natural Areas

cc: Tom Landwehr, Commissioner, MN DNR
Luke Skinner, Director, Division of Ecological and Water Resources, MN DNR
Board of Directors - FMSNA

P.S. - In the event that this parcel is acquired as an SNA, the Designation Order should be revised as follows:

- a. Hunting should be limited to deer hunting by archery - and only when biologically necessary to maintain or improve ecological conditions.
- b. Adding nothing to the ecological integrity to the site, fishing should not be allowed, particularly when non-toxic fishing tackle is not required. Sand bars and sandy or gravelly banks are used by turtles to lay eggs. Concentrated fishing at these locations often attracts animals, such as raccoons, that prey upon turtle eggs.
- c. Dogs add nothing to the ecological integrity of the site and should not be allowed for any purpose, except as service animals.
- d. The proposed non-motorized trail near the road, if there must be one at all, should be an interpretive trail. In the alternative, the portion of the parcel proposed for a trail should be excluded from the SNA and administered by the DNR Division of Parks and Trails.