



Friends of Minnesota Scientific & Natural Areas

www.snafriends.org

April 22, 2019

Dan Ruitter
MN Department of Natural Resources
21371 State Highway 15
New Ulm, MN 56073

VIA E-MAIL AND U.S. MAIL
Dan.Ruitter@state.mn.us

Re: Whitney Island Scientific and Natural Area - Proposal to sell ~2.4 acres of SNA

Dear Mr. Ruitter:

On behalf of Friends of Minnesota Scientific and Natural Areas (FMSNA), I attended the April 16, 2019 public hearing in Faribault, Minnesota regarding the DNR's proposal to sell approximately 2.4 acres of Whitney Island Scientific and Natural Area (SNA). After the April 16th public hearing, Mr. Gary Leech, property owner to the immediate north, kindly took me on a tour of the SNA, accessed through the south side of his driveway. Subsequent to my visit with Mr. Leech, I also accessed the SNA from Geneva Avenue.

Based on the information obtained at the public hearing, my site visit, and other relevant information, FMSNA **strongly requests that the subject property not be sold**, for the following reasons:

1. **No biological survey; no rational basis for sale.** As staff stated during the April 16th meeting, **there is no evidence** in the record as to when a biological survey was accomplished.

There is **no biological survey** available to indicate what will be lost as a result of the sale.

Furthermore, there is **no evidence** in the record that anything has changed since the SNA was established in 1996. The conservation values that warranted the establishment of the SNA continue to exist.

Consequently, there is no rational basis for selling the SNA, other than that it is alleged. "The 2.4-acre parcel is not known to contain native plant communities or rare species. The parcel does not contribute to the goals of the SNA Program."

2. **Loss of natural resources and a portion of the "Big Wood Heritage Forest."** A site visit confirmed that **there are native plants and animals on the property**. Native trees exist, including eastern red cedars along the shoreland of Cedar Lake. When I walked into the

SNA from the Geneva Avenue side, there was a very loud “chorus” of boreal chorus frogs (*Pseudacris maculata* Agassiz, 1850) in the wetland area of the SNA.

Moreover, on June 15, 2005, the entire SNA was designated a “Big Woods Heritage Forest.” A portion of this “Big Woods Heritage Forest” would be lost if the property was sold.

3. Even if there are no native plant communities or rare species, **the land fulfills the following goals** of the program:

“The legislature has provided for creation and establishment of scientific and natural areas for the purpose of preserving, protecting, and managing lands or waters possessing **inherent natural values**, including soils, waters, or sediments, sites of scientific value, habitats of rare or endangered species of plants and animals, **places** of historic or prehistoric interest and **scenic beauty**, and areas uniquely suitable for teaching natural history and conservation.” (Minn. Rule 6136.0100; emphasis added.)

In other words, the parcel does not have to have rare species. It can be an SNA for its “inherent natural values”, its “scenic beauty” and a place to “teach natural history and conservation.” This parcel fulfills these goals. Again, there is no documentation that anything has changed since the parcel was established as an SNA in 1996.

4. **Shoreland protection.** The SNA protects the shoreland and steep slope from erosion.

5. **Loss of scenic view.** The DNR Guide to Minnesota Scientific and Natural Areas (2nd Edition, 1999, states: “... the SNA includes a strip of shoreland along the east side of Cedar Lake, providing a vantage point from which to view the island.”

6. There is **no written policy** or standards, vetted by public comment, that provide a basis for the sale of SNAs. Therefore, the sale appears arbitrary and can be seen to bow to public pressure to reduce Minnesota’s public land base.

7. **Set adverse precedent.** A sale of this land may set a precedent leading, to selling off more parcels and further loss of state lands. This is a threat to the acres under SNA protection in particular and to the broader threat to state owned lands state-wide.

8. **Island and shoreland parcel accepted without hesitation.** Two of our board members formerly worked in the SNA program. Both affirmed that the island and shoreland parcels of the SNA were accepted without hesitation.

9. **Sale proceeds are minimal and difficult to track.** The proceeds from this sale, should it go forward, should be transferred to an SNA account and be available for SNA acquisitions or management, to avoid a financial loss to the SNA Program. Staff mentioned during the April 16th meeting that is a possibility. However, it is difficult to ensure that the sale proceeds would not just be a substitute for usual acquisition funds.

Furthermore, the direct and indirect costs of sale, combined with the costs of purchasing

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another parcel, would substantially diminish the sale proceeds. As one of our board members mentioned to me, the net sale proceeds would amount to “chicken feed.”

10. **Retain conservation easement, if sold.** In the event the property is sold, please retain a conservation easement on the parcel, to protect that portion of the lake shore from development or vegetation removal. This acreage is currently supporting a deciduous woodland which is essentially protected by SNA designation from destruction.

11. **A deed restriction requires access from Geneva Avenue only.** The deed conveying the property to the DNR (recorded March 6, 1996 as document no. 406701) contains a restriction: “Ingress and egress to the property shall be limited to Geneva Avenue only.” Thus, **the entire length of the parcel would be adversely affected** if the property was sold to a developer, who would likely attempt to build a home near the water’s edge.

In summary, **the SNA should not be sold.** The national resource values that justified the SNA designation in 1996 still exist.

Thank you in advance for your reply.

Sincerely yours,

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

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