

MEMORANDUM

TO: EQB Members

FROM: Jon Larsen, EQB staff

DATE: March 9, 2006

RE: Agricultural Preserve Notice of Intent

THIS ITEM IS PROVIDED FOR INFORMATION ONLY. This is not an agenda item for the March EQB Board meeting.

On February 21, 2006 the EQB received a Notice of Intent from the Department of Transportation, stating its intent to take (by permanent wetland easement) a parcel of land in Minnetrista, Hennepin County, which is enrolled in the Metropolitan Agricultural Preserves Act program. Normally, an agency or unit of government taking a parcel of land by eminent domain action must make this Notice of Intent to the EQB before initiating the action. Such a taking is usually, in effect, an early termination of the enrollment of such land in the voluntary Ag Preserve program. It usually represents a conversion of farm lands to some purpose of nonagricultural, more intensive development. In this case MNDOT is using the land as wetland replacement for a nearby highway project. The land will be allowed to revert (or be restored to) to its former wetland status by eliminating the drainage system (drain tiles) that allowed it to be tilled for crop production. This parcel covers approximately 27 acres out of about 150 acres that are enrolled in Ag Preserve.

Wetlands are classified as an agricultural use "when accompanying land in agricultural use". In this case, the rest of the 150 acre parcel would remain in agricultural use. The Department of Transportation is currently consulting with the Department of Agriculture (which has policy interests in the Ag Preserve programs statewide) to review the options that MNDOT has in acquiring such a wetland easement without abrogating the terms of enrollment. Transfer of interest from the landowner to MNDOT may not affect the Ag Preserve status of the land involved to the extent that a Notice of Intent is required.

If it appears appropriate to take such a wetland action without the need for a Notice of Intent, this item may be a moot issue and would not appear before the Board. If after consultation between MNDOT and the Department of Agriculture the Notice of Intent is judged necessary, we will bring this item before the Board at its April meeting for review.