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www.eqb.state.mn.us

MINNESOTA ENVIRONMENTAL QUALITY BOARD

Wednesday, January 15, 2013

Meeting Location: University of Minnesota St. Paul Campus

**Rm 335 Borlaug Hall
1991 Upper Buford Circle
St. Paul, Minnesota, 55108
1:00 p.m. – 4:00 p.m.**

>> *note location of this meeting* <<

AGENDA

- I. *Adoption of Consent Agenda
Proposed Agenda for January 15, 2013 Board Meeting
November Meeting Minutes
- II. Introductions
- III. Chair's Report
- IV. Executive Director's Report
- V. **Eminent Domain in Metropolitan Agricultural Preserves per Minn. Stat. 473H,
Mississippi River Regional Trail in Spring Lake Park Reserve, Dakota County
- VI. Next Generation Environmental Congress Update
- VII. Review of Environmental and Sustainability Initiatives on the St Paul Campus,
Hosted by the College of Food, Agricultural, and Natural Resource Sciences
 - A. Review of the Regional Sustainable Development Partnerships (RSDP) Program
 - B. The Value of Citizen-Scientists-An Example
 - C. Report on the Twin Cities Household Ecosystem Project (TCHEP)
 - D. Update on Priorities and Future Plans for the Minnesota Aquatic Invasive Species
Research Center (MAISRC)

* Items requiring discussion may be removed from the Consent Agenda

**Denotes a decision item

VIII. Adjourn

Note: Items on the agenda are preliminary until the agenda is approved by the board.

This agenda and schedule may be made available in other formats, such as Braille, large type or audiotape, upon request. People with disabilities should contact Elizabeth Tegdesch, Board Administrator, as soon as possible to request an accommodation (e.g., sign language interpreter) to participate in these meetings.



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Meeting Location: University of Minnesota St. Paul Campus

Rm 335 Borlaug Hall
1991 Upper Buford Circle
St. Paul, Minnesota, 55108
1:00 p.m. – 4:00 p.m.

ANNOTATED AGENDA

General

This month's meeting will take place at the *University of Minnesota St. Paul Campus*. *Note the address above*. Parking will be available in the gated public parking lot outside the west entrance of the Borlaug Building. The meeting will begin at 1:00 p.m.

I. *Adoption of Consent Agenda

Proposed Agenda for, January 15, 2014 Board Meeting
November 20, 2013 Meeting Minutes

II. Introductions

III. Chair's Report

IV. Executive Director's Report

V. **Eminent Domain in Metropolitan Agricultural Preserves per Minn. Stat. 473H, Mississippi River Regional Trail in Spring Lake Park Reserve, Dakota County

Presenter: Jeff Smyser, AICP
EQB Policy Programs Lead, 651-757-2279

Materials enclosed: Resolution and Findings, Conclusion, and Order
2030 Regional Framework Planning Areas Map
Dakota County Comprehensive Plan 2030 Land Use Plan
Trail System Map, Mississippi River Regional Trail
Regional Location Map
Project Area and Eminent Domain Properties Map

* Items requiring discussion may be removed from the Consent Agenda

**Denotes a Decision Item

Cover Letter and Notice of Intent
Nininger Township Resolutions, Planning Commission and Town Board

Issue before the Board: Whether or not a proposed eminent domain action might have an unreasonable effect on agriculture and agricultural resources.

Background:

Dakota County requests removal of approximately 76.7 acres of land from the Metropolitan Agricultural Preserves Program within the Spring Lake Park Reserve. Removal of this agricultural preserve land will facilitate the completion of the Mississippi River Regional Trail and thus promote the completion of the master plan for Spring Lake Park Reserve. (Note: The attached maps are extracted from a variety of different documents, so figure numbers on the maps are not in sequence in this report.)

Discussion:

All local comprehensive plans in the Metropolitan Area must include an open space component and must be approved by the Metropolitan Council. The Metropolitan Regional Recreation Open Space System was established in response to state legislation and Dakota County is one of ten implementing agencies. The Metropolitan Council's 2030 Framework Planning Areas map includes Spring Lake Park Reserve as Regional Park. Spring Lake Park Reserve has been included in Dakota County's and Nininger Township's comprehensive plans and updates since the Park Reserve was established by the Metropolitan Council as part of the Metropolitan Regional Recreation Open Space System.

Since creation of the Spring Lake Park Reserve, the County has acquired nearly 76 percent of the 1,160 acres within the approved Park Reserve boundary. In 1999, the County Board approved the plan that established a 27-mile long regional trail corridor between the cities of South St. Paul and Hastings.

In 2008, the County adopted a revised park system master plan, which included regional parks and park reserves, as well as an inter-connected, multi-purpose greenway system that would improve wildlife habitat and water quality while enhancing recreational experiences. The Mississippi River Regional Trail is a critical component of this plan.

Nineteen miles of the Mississippi River Regional Trail have been completed. A segment of 3.7 miles in the City of Rosemount and Nininger Township was planned, designed, and ready for construction but an issue with the Union Pacific Railroad significantly delayed the process. This caused the County to forfeit significant federal funding. That segment is currently being redesigned and the County will be seeking federal matching funds.

The subject of the current eminent domain action is the last remaining 4.3-mile segment of the Trail, located within Spring Lake Park Reserve. After a technical and public review process involving multiple alignment options, the County Board selected the final alignment of the two remaining unconstructed portions of the Trail in May 2013. The selected alignment includes approximately 3,350 feet on the Sorg Trust property. Nininger Township supported the

proposed interior alignment as opposed to an alternate route.

Dakota County requests removal of approximately 76.7 acres of land from the Metropolitan Agricultural Preserves Program within the Spring Lake Park Reserve. Removal of this agricultural preserve land will facilitate the completion of the Mississippi River Regional Trail and thus promote the completion of the master plan for Spring Lake Park Reserve.

William and Marion Sorg Co-Trustees (Sorg Trust) own four tax parcels totaling 95.1 acres of land within the approved Park Reserve boundary as part of their larger property and farming operation. The Sorg Trust property completely bisects the Park Reserve. Approximately 76.7 acres of this property contains high quality forest, steep ravines, springs, 1,750 feet of Spring Lake shoreline, and archaeological sites.

Approximately 18.8 acres are used primarily as pasture for a dairy herd. As proposed, the boundary of the Spring Lake Park Reserve would be amended to remove these 18.8 acres from the Spring Lake Park Reserve to allow it to continue to be used for agricultural purposes.

The proposed acquisition boundaries have been designed to permanently protect the high quality natural and archaeological resources and exclude the land being used for agricultural purposes. With the exception of the paved regional trail and planned soft-surface hiking trails, no other development is planned for this property.

Dakota County states that this request to remove 76.7 acres from the Metropolitan Agricultural Preserves Program does not diminish the Dakota County Board of Commissioners' strong commitment to preserve agricultural land: over 5,600 acres of actively farmed or grazed land is permanently protected by agricultural conservation easements.

Staff Recommendation:

Staff recommends approval of the Findings and Conclusions and Order that no action need be taken by the Board.

VI. Next Generation Environmental Congress Update

Presenter: Natalie Hoidal, Student, University of Minnesota-Morris

Issue before the Board: Young people involved with the planning and implementation of Minnesota's Next Generation Environmental Congress will give an update on continuing activities.

VII. Review of Environmental and Sustainability Initiatives on the St Paul Campus, Hosted by the College of Food, Agricultural, and Natural Resource Sciences

A. Review of the Regional Sustainable Development Partnerships (RSDP) Program

Presenter: Dr. Kathy Draeger, Statewide Director (email: draeg001@umn.edu)

Background:

The U of M Regional Sustainable Development Partnerships(RSDP): Formed by the Minnesota Legislature in 1997, the RSDP bring together local, community-based talent and resources with University of Minnesota knowledge and seed funding to drive sustainability in four areas: agriculture and local foods, tourism and resilient communities, natural resources, and clean energy. The Partnerships' initiatives are citizen led and highly collaborative, and the organization consists of five regions in Greater Minnesota and a statewide office charged with building resilient and sustainable communities.

More information at (<http://www1.extension.umn.edu/rsdp/>)

B. The Value of Citizen-Scientists-An Example

Presenter: Dr. Karen Oberhauser, White House Champion of Change Scientist, Founder, "Monarchs in the Classroom" Program (email: oberh001@umn.edu)

Background:

Citizen-scientists are of great value to the state of Minnesota in monitoring the natural environment, collecting valuable data, amplifying educational opportunities for young studies, and assisting in scientific investigations. Both the Monarch Lara Monitoring Project and the Monarchs in the Classroom program are high quality examples of the benefits of citizen-scientists. More information at (<http://www.monarchlab.org/>)

C. Report on the Twin Cities Household Ecosystem Project (TCHEP)

Presenter: Dr. Kristen Nelson, Professor in the Department of Forest Resources (email: nelso468@umn.edu)

Background:

Despite advancements in technology toward energy efficiency in recent decades, energy use and carbon emissions per capita have remained relatively static. We consume up to 15 percent more material goods than in 1970. Little has been done to understand the household movements of elements that contribute to pollution and how individual choices influence those elements. The TCHEP provided a rich data source for our understanding how household choices affect the cycling of nitrogen, phosphorus, and carbon in the Twin Cities area. More information at: (http://www.cfans.umn.edu/Solutions/Winter2011/Household_Pollution/index.htm)

D. Update on Priorities and Future Plans for the Minnesota Aquatic Invasive Species Research Center (MAISRC)

Presenter: Dr. Peter Sorensen, Director (email: soren003@umn.edu)

Background:

Minnesota's lakes and streams are increasingly threatened by aquatic invasive species. In 2012 the Minnesota Legislature appropriated funds to create an Aquatic Invasive Species Cooperative Research Center at the University of Minnesota to work in collaboration with the DNR-Commissioner. The Center's mission is to develop biologically and economically viable solutions to control key aquatic invasive species affecting Minnesota's waters.

VIII. Adjourn

**MINNESOTA ENVIRONMENTAL QUALITY BOARD
MEETING MINUTES**

**Wednesday, November 20, 2013
MPCA Room Board Room, 520 Lafayette Road, St. Paul**

EQB Members Present: Dave Frederickson, Katie Clark Sieben, Julie Goehring, Kate Knuth, Brian Napstad, Mike Rothman, John Saxhaug, John Stine, Erik Tomlinson, Charlie Zelle, Spencer Cronk, Kristin Duncanson, Tom Landwehr, Dr. Ed Ehlinger, Sandy Rummel (Met Council)

EQB Members Absent: None

Staff Present: Will Seuffert (EQB), Jeff Smyser (EQB), Kate Frantz (EQB), Beth Tegdesch (MPCA for EQB), Leah Hedman (Attorney General's office)

Chair Dave Frederickson called the meeting to order at 1:08 p.m.

I. Adoption of Consent Agenda and Minutes

A motion to adopt the Consent Agenda and approve the October 16, 2013, meeting minutes was made and seconded.

II. Introductions

III. Chair's Report

Chair Dave Frederickson welcomed Sandy Rummel, from the Metropolitan Council, as the newest "ex-officio" member of the EQB. She currently chairs the Met Council's Environment Committee, represents the Council on the Clean Water Council and at the Metropolitan Energy Policy Coalition; she previously served one term in the Minnesota Senate, was a member of the Senate Environmental Committee. Holds a doctorate in leadership policy and administration from the University of St. Thomas and was an adjunct faculty member there for six years. Sandy also served nine years on the White Bear Lake School Board, and was Chair of the East Metro Integration School District for the last five years.

Governor's Institute on Community Design (GICD) made a recommendation that we reach out to the Metropolitan Council.

IV. Executive Director's Report

Will Seuffert thanked the commissioners and the staff that helped set up and facilitate the listening sessions on silica sand in southern Minnesota in late October in St. Charles, Wabasha, and Mankato. They were well attended and very productive.

Minnesota is one of four states that will be participating in a National Governor's Association project; the Clean Energy and Economic Development Policy Academy. They will work with us and provide technical assistance and resources through a yearlong effort to weave together our clean energy policies and build an economic development strategy. We will be working with NGA to help scope this project. There will be a more thorough presentation as we get more details. Will thanks DEED and the Department of Commerce for their hard work in getting this moving.

Staffing update: Denise Leezer accepted the Project Manager position for the EIS for the Minnesota Sands project in SE Minnesota, and Megan Eischen accepted the Communications Specialist position. We will be interviewing for three more positions and hope to have them filled by the end of the year.

The December Board meeting will not be a full board meeting; the Silica Sand Subcommittee will meet to look at the draft model standards. In January, the EQB we will work closely with Professor Mark Seeley about doing a field trip and possibly having the Board meeting at the U of M. Details will follow.

V. Briefing on Climate Adaptation – Interagency Climate Adaptation Team (ICAT)

Presenters: Dr. Mark Seeley, University of Minnesota
State agency representatives from ICAT
Coordinator: Paul Moss, MPCA

Dr. Seeley gave a presentation on Minnesota’s changing climate features, but highlighted only three of those features: changing temperatures, changing water vapor, and changing moisture variability.

Paul Moss and state agency representatives from ICAT gave a briefing on climate change adaptation, state agency activities, and opportunities for interagency and collaborative action.

ICAT has recently prepared a report which describes climate trends and impacts, summarizes agency responses, and describes opportunities for interagency and collaborative action on climate adaptation. ICAT currently includes representatives from the following departments and agencies: Agriculture, Commerce, Health, Natural Resources, Pollution Control, Public Safety, Transportation, Water and Soil Resources, and Metropolitan Council.

VI. Establishment of Climate Change Subcommittee

Presenter: Ellen Anderson, Senior Advisor to the Governor on Energy and the Environment

Staff recommends the approval of the resolution establishing the Climate Change Subcommittee. A motion was made and seconded on the resolution. There was discussion on the resolution and a motion was made on the amendment to add the Department of Health to the subcommittee, and was seconded. Motion carries on the amendment. A roll call vote was taken, and the motion prevails.

**RESOLUTION OF THE
MINNESOTA ENVIRONMENTAL QUALITY BOARD
Establishing an Environmental Quality Board Subcommittee for Climate Change Planning**

WHEREAS, operating procedures for the Environmental Quality Board (EQB or the Board) were adopted as Minnesota Rules 4405, under the authority of Minnesota Statutes sections 14.06, 116C.66, 116D.04, 116G.04, and 216E.16; and

WHEREAS, Minn. Rules 4405.0800 states the EQB “may establish citizen or interdepartmental task forces or subcommittees to aid in performing its duties;” and

WHEREAS, Minn. Rules 4405.0800, subpart 1, requires that the EQB specify the charge, duration, size, membership, meeting notice requirements, and other procedures to be followed by the subcommittee; and

WHEREAS, Minn. Stat. §116C.04, directs the Board to “determine which environmental problems of interdepartmental concern to state government” it shall consider. The Board’s responsibility is to initiate interdepartmental investigations into those matters it determines are in need of study. The Board shall “review programs of state agencies that significantly affect the environment and coordinate those it determines are interdepartmental in nature, and insure agency compliance with state environmental policy.”

WHEREAS, Minn. Stat. §216H.02 states it is “the goal of the state to reduce statewide greenhouse gas emissions across all sectors producing those emissions to a level at least 15 percent below 2005 levels by 2015, to a level at least 30 percent below 2005 levels by 2025, and to a level at least 80 percent below 2005 levels by 2050...” Meeting these goals is an issue of interdepartmental concern.

WHEREAS, in accordance with Governor Dayton’s Executive Order 11-32, the EQB organized and hosted the Minnesota Environmental Congress in March 2013. In addition, the EQB held six Citizen Forums in winter 2012 across Minnesota to discuss the current state of Minnesota’s environment. Members of the public from a wide variety of perspectives consistently recommended, among other things, the EQB study and initiate a plan of action to meet the greenhouse gas reduction goals in Minn. Stat. §216H.02.

WHEREAS, in May and June 2013, the Board participated in two days of strategic planning, facilitated by the Governor’s Institute on Community Design. The result of the planning meeting included a 9-page report containing nine recommendations. The second recommendation was to “establish the EQB as the central point for implementing and tracking the State’s climate change efforts.”

NOW, THEREFORE, BE IT RESOLVED, that the Minnesota Environmental Quality Board hereby establishes a Climate Change Planning Subcommittee (the Subcommittee).

BE IT FURTHER RESOLVED, that the Subcommittee shall consist of the Commissioners of the Minnesota Pollution Control Agency, Minnesota Department of Commerce, Department of Health, and two EQB citizen members.

BE IT FURTHER RESOLVED, that the Subcommittee shall provide guidance to staff from the Board’s nine state agencies and the Metropolitan Council as they compile a framework and plan to address climate change mitigation and adaptation.

BE IT FURTHER RESOLVED, that in accordance with Minn. Rules 4405.0600, subp. 1 and 4405.0800, subp. 4, all meetings of the Subcommittee are open to the public and notice of the time, place, and matters to be considered will be posted as established in Minn. R. 4405.0600, subp. 2, Minn. R. 4405.0800, subp. 1 and on the EQB website.

VII. GreenStep Cities

Presenters: Rolf Nordstrom, Executive Director, Great Plains Institute
Craig Johnson, League of Minnesota Cities
Lissa Pawlisch, Director, Clean Energy Resource Teams (CERTS)

GreenStep Cities is a free and voluntary program that provides a simple pathway to help cities achieve their sustainability goals through implementation of best practices focused on cost savings, energy use reduction, and innovation.

The issue before the Board was “How can state agencies use the GreenStep Cities best practice framework and city contacts as a vehicle for delivering more integrated, coordinated sustainability assistance to communities?”

The presenters gave an overview of the GreenStep Cities, their best practices and agency sustainability programs in GreenStep best practices.

VIII. Silica Sand Update

Presenter: Jeff Smyser

Staff provided\ updates on the silica sand projects:

- § model standards and criteria
- § library of local government ordinances and permits
- § rulemaking for silica sand topics
- § multi-county EIS

IX. Adjourn

**RESOLUTION OF THE
MINNESOTA ENVIRONMENTAL QUALITY BOARD**

Regarding the Notice of Intent to Terminate Enrollment Status in the Metropolitan Agricultural Preserves for Certain Lands in Nininger Township, Dakota County, by Dakota County for the Purpose of Facilitating Completion of the Mississippi River Regional Trail and the Master Plan for Spring Lake Park Reserve.

BE IT RESOLVED, that the Minnesota Environmental Quality Board approves and adopts the Findings of Fact, Conclusions and Order that no further action is required on the Notice of Intent to Terminate Enrollment Status in the Metropolitan Agricultural Preserves for Certain Lands in Nininger Township, Dakota County, by Dakota County to Facilitate Completion of the Mississippi River Regional Trail and the Master Plan for Spring Lake Park Reserve; and

BE IT FURTHER RESOLVED, that David J. Frederickson, Chair of the Board, is authorized to sign the adopted Findings of Fact, Conclusions and Order.

**STATE OF MINNESOTA
ENVIRONMENTAL QUALITY BOARD**

In the Matter of the Notice of Intent to Terminate Enrollment Status in the Metropolitan Agricultural Preserves for Certain Lands in Nininger Township, Dakota County; by Dakota County to Facilitate Completion of the Mississippi River Regional Trail and the Master Plan for Spring Lake Park Reserve.

FINDINGS OF FACT,
CONCLUSIONS AND
ORDER

The above-captioned matter came before the Minnesota Environmental Quality Board (EQB) at a regular meeting on January 15, 2014, pursuant to a Notice of Intent by Dakota County to cause early termination in enrollment in the Metropolitan Agricultural Preserves of approximately 77 acres in Nininger Township by eminent domain action, for the purpose of securing a site for a public trail within Spring Lake Regional Park.

Based upon all of the proceedings herein, the Minnesota Environmental Quality Board makes the following:

FINDINGS OF FACT

1. The EQB received a Notice of Intent from Dakota County on December 24, 2013, notifying the EQB of the intent of Dakota County to take by eminent domain approximately 77 acres of land in Nininger Township, Dakota County. This 77 acres of land are enrolled in the Metropolitan Agricultural Preserves under Minnesota Statutes Chapter 473H.
2. The Metropolitan Agricultural Preserves program under Minnesota Statutes Chapter 473H gives the landowner certain tax relief and protections in exchange for using the land for agricultural purposes through enrollment of the land into an Agricultural Preserves covenant. Enrollment is for at least eight years and continues indefinitely, or until eight years after the landowner applies for termination of the Agricultural Preserves status.
3. The purpose of the Dakota County action is to terminate the land's Agricultural Preserve status to facilitate the completion of the Mississippi River Regional Trail and completion of the master plan for Spring Lake Park Reserve.
4. Metropolitan Regional Recreation Open Space System established in accordance with Minnesota Statutes 473.147. Dakota County is one of ten implementing agencies and Spring Lake Park Reserve is a designated element of the Metropolitan Regional Recreation Open Space System.

5. The Metropolitan Council's 2030 Framework Planning Areas map includes Spring Lake Park Reserve as Regional Park.
6. Spring Lake Park Reserve has been included in Dakota County's and Nininger Township's comprehensive plans and updates since the Park Reserve was established by the Metropolitan Council as part of the Metropolitan Regional Recreation Open Space System.
7. Minnesota Statutes, Section 473H.15, reads:

473H.15 EMINENT DOMAIN ACTIONS.

Subdivision 1. Follow procedures here. Any agency of the state, any public benefit corporation, any local, county or regional unit of government, or any other entity possessing powers of eminent domain under chapter 117, shall follow the procedures contained in this section before (1) acquiring any land or easement having a gross area over ten acres in size within agricultural preserves; or (2) advancing a grant, loan, interest subsidy or other funds for the construction of dwellings, commercial or industrial facilities, or water or sewer facilities that could be used to serve nonfarm structures within agricultural preserves.

Subd. 2. Notice of intent to EQB. At least 60 days prior to an action described in subdivision 1, notice of intent shall be filed with the Environmental Quality Board containing information and in the manner and form required by the Environmental Quality Board. The notice of intent shall contain a report justifying the proposed action, including an evaluation of alternatives which would not require acquisition within agricultural preserves.

Subd. 3. EQB review. The Environmental Quality Board, in consultation with affected units of government, shall review the proposed action to determine the effect of the action on the preservation and enhancement of agriculture and agricultural resources within the preserves and the relationship to local and regional comprehensive plans.

Subd. 4. EQB order. If the Environmental Quality Board finds that the proposed action might have an unreasonable effect on an agricultural preserve or preserves, the Environmental Quality Board shall issue an order within the 60-day period for the party to desist from such action for an additional 60-day period.

Subd. 5. Hearing. During the additional 60-day period, the Environmental Quality Board shall hold a public hearing concerning the proposed action at a place within the affected preserve or otherwise easily accessible to the

preserve upon notice in a newspaper having a general circulation within the area of the preserves, and individual notice, in writing, to the municipalities whose territory encompasses the preserves, the agency, corporation or government proposing to take the action, and any public agency having the power of review of or approval of the action, in a manner conducive to the wide dissemination of the findings to the public.

Subd. 6. Joint review. The review process required in this section may be conducted jointly with any other environmental impact review conducted by the Environmental Quality Board.

Subd. 7. AG may sue to enjoin. The Environmental Quality Board may request the attorney general to bring an action to enjoin any agency, corporation or government from violating the provisions of this section.

Subd. 8. Does not apply to emergency. This section shall not apply to an emergency project which is immediately necessary for the protection of life and property.

Subd. 9. EQB suspension. The Environmental Quality Board shall be empowered to suspend any eminent domain action for up to one year which it determines to be contrary to the purposes of sections 473H.02 to 473H.17 and for which it determines there are feasible and prudent alternatives which have less negative impact on the agricultural preserves.

Subd. 10. When agricultural preserve ends. The agricultural preserve designation and all benefits and limitations accruing through sections 473H.02 to 473H.17 for the preserve and the restrictive covenant for that portion of the preserve taken, shall cease on the date the final certificate is filed with the court administrator of district court in accordance with section 117.205.

8. The EQB finds that an entity with eminent domain authority given to it under Minnesota Statutes chapter 117 may terminate Agricultural Preserves status of land that it desires to acquire by following the procedures set out in Minnesota Statutes 473H.15.
9. The EQB finds that the proposed action by Dakota County affects a parcel greater than 10 acres in size and is subject to EQB review under Minnesota Statutes section 473H.15.
10. The EQB finds that the EQB has a duty under Chapter 473H.15, subdivision 3, to review the proposed action to determine the effect of the action on the preservation and enhancement of agriculture and agricultural resources within the preserves and the relationship to local and regional comprehensive plans.

11. The EQB finds that the EQB is empowered to suspend any eminent domain action for up to one year which it determines to be contrary to the purposes of sections 473H.02 to 473H.17 and for which it determines there are feasible and prudent alternatives which have less negative impact on agricultural preserves.
12. The EQB finds that the Notice of Intent and the included report show that:
 - a. approximately 76.7 acres across are intended to be removed from Metropolitan Agricultural Preserves status;
 - b. no cropland is affected;
 - c. the proposed acquisition boundaries have been designed to permanently protect high quality natural and archaeological resources and exclude the land being used for agricultural purposes;
 - d. the boundary of the regional park reserve is proposed to be moved so that approximately 18.8 acres currently used for pasture will no longer be within the regional park reserve, which will allow continued use of the acreage as pasture;
 - e. Dakota County received comments from the public on the trail at open house events on March 6, 2013, and April 17, 2013;
 - f. the purpose of Dakota County in securing this site for a trail in a regional park is supported by the Dakota County Comprehensive Plan and the Spring Lake Park Reserve Master Plan, part of the Metropolitan Regional Recreation Open Space System.
13. EQB finds that the Notice of Intent contains a report that justifies the proposed action and there are no feasible and prudent alternatives which have less negative impact on the agricultural preserves.

Based on the foregoing Findings of Fact, the Minnesota Environmental Quality Board makes the following:

CONCLUSIONS OF LAW

1. Any of the foregoing Findings of Fact more properly designated as Conclusions of Law are hereby adopted as such.
2. The EQB has jurisdiction over the subject matter of this proceeding pursuant to Minnesota Statutes chapter 473H.

3. The EQB finds that the proposed action does not have an unreasonable effect on the preservation and enhancement of agriculture and agricultural resources and is consistent with local and regional comprehensive plans.
4. The EQB concludes, based upon examination of the Notice of Intent and the report contained therein that the action is consistent with the aims of the Metropolitan Agricultural Preserves.
5. The EQB concludes it has no need to take further action.

Based on the Findings of Fact, Conclusions and the entire record of this proceeding, the Minnesota Environmental Quality Board hereby makes the following:

ORDER

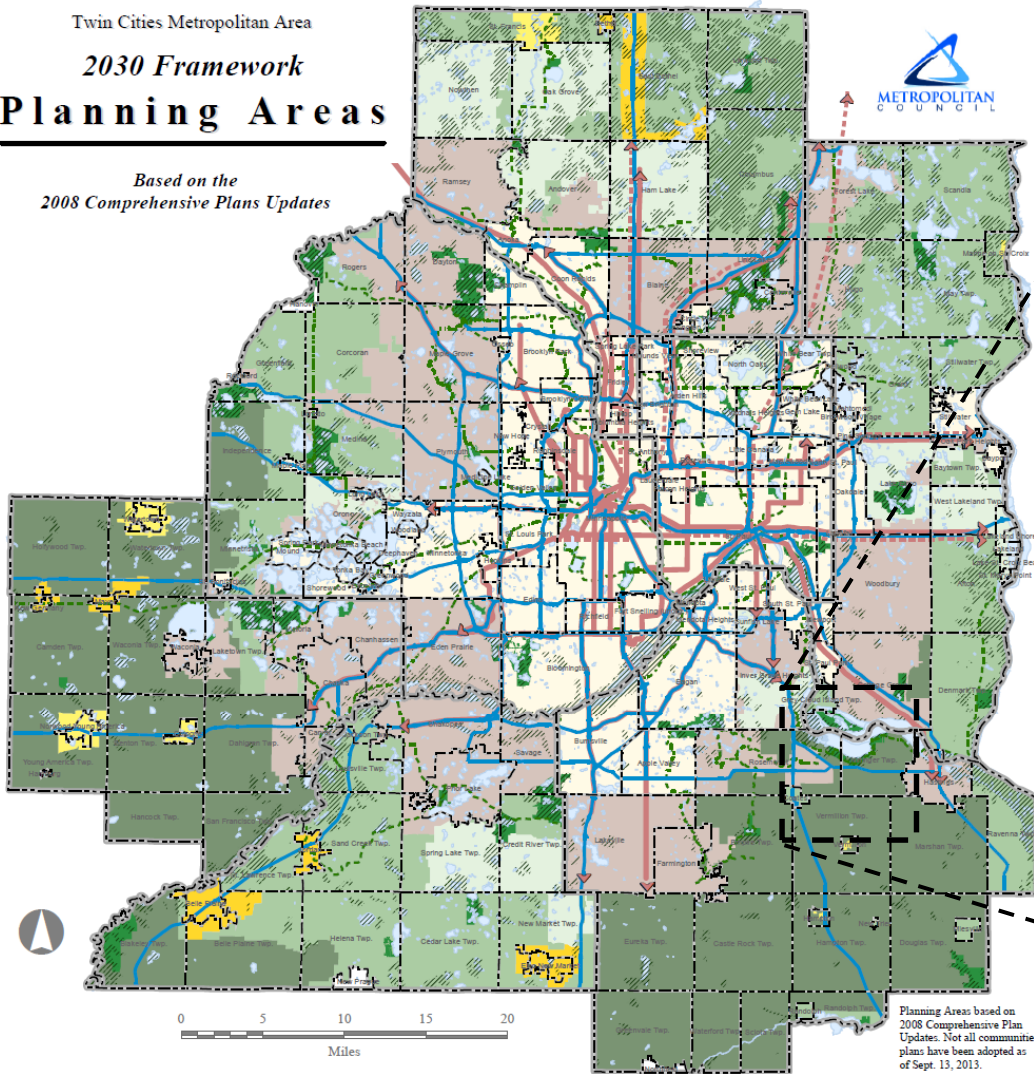
In the matter of the Notice of Intent to terminate enrollment status in the Metropolitan Agricultural Preserves for approximately 77 acres of land in Nininger Township, Dakota County to facilitate completion of the Mississippi River Regional Trail and the Master Plan for Spring Lake Park Reserve, the EQB hereby affirms no action need be taken in this matter.

Approved and adopted this 15th day of January, 2014.

David J. Frederickson, Chair
Minnesota Environmental Quality Board

Twin Cities Metropolitan Area
**2030 Framework
 Planning Areas**

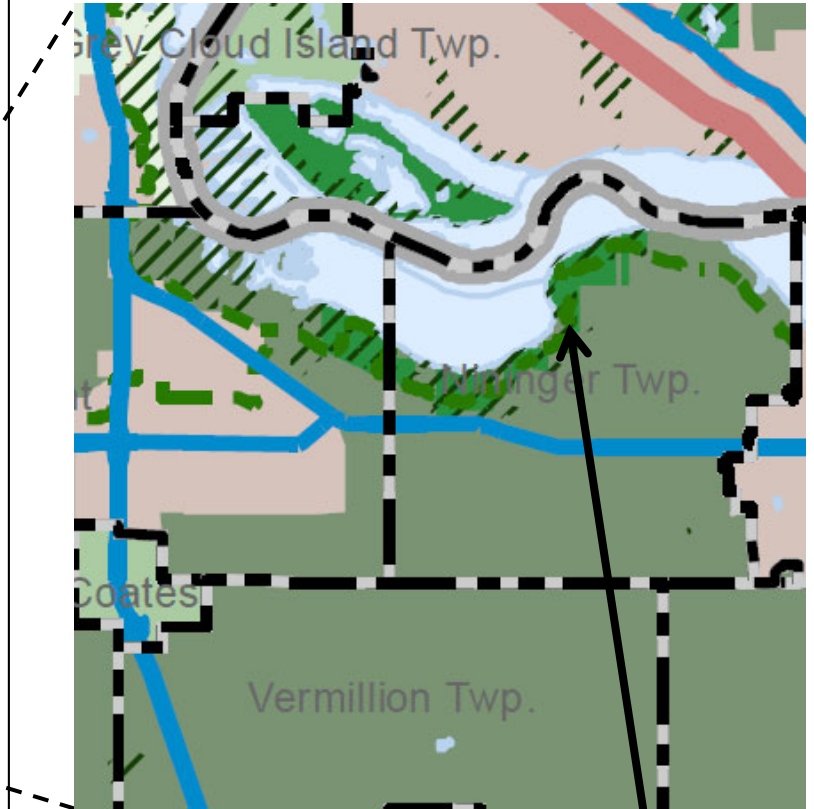
Based on the
 2008 Comprehensive Plans Updates



Planning Areas based on
 2008 Comprehensive Plan
 Updates. Not all communities'
 plans have been adopted as
 of Sept. 15, 2013.

NOTE: Please refer to the Comprehensive Plans Composite map or the Regional Systems maps for the most recent information. These maps are available at the Metropolitan Council Data Center (651) 602-1140.

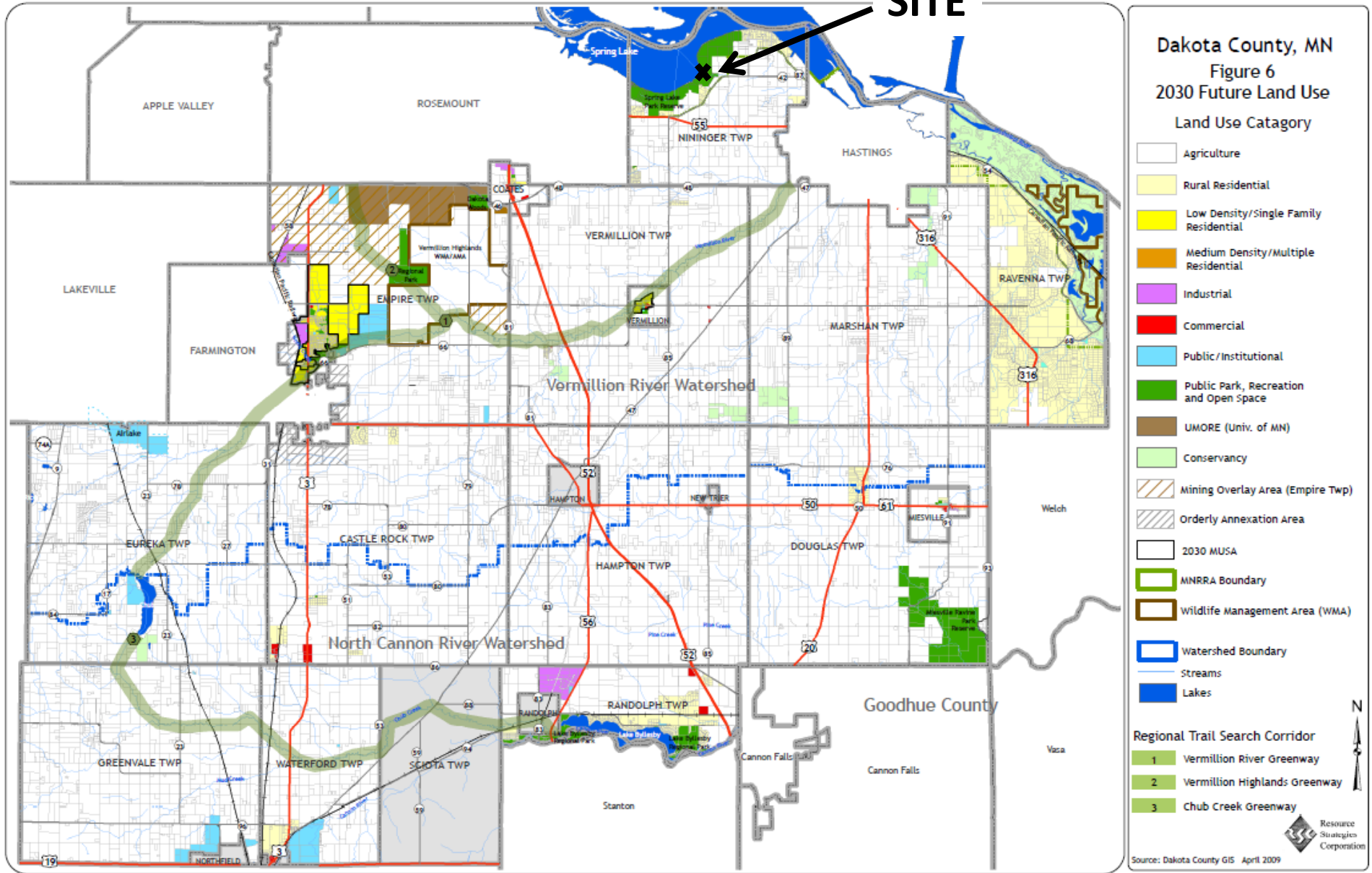
Geographic Planning Areas		Additional Information	
Urban Planning Areas	Rural Planning Areas	Regional Natural Resource Areas (includes Terrestrial and Wetland Areas)	Regional Trail
Developing Area	Rural Center	2030 Transitways	Principal Arterial
Developed Area	Rural Growth Center	Regional Park	Open Water
	Agricultural		
	Diversified Rural		
	Rural Residential		



SITE

DAKOTA COUNTY COMPREHENSIVE PLAN

SITE



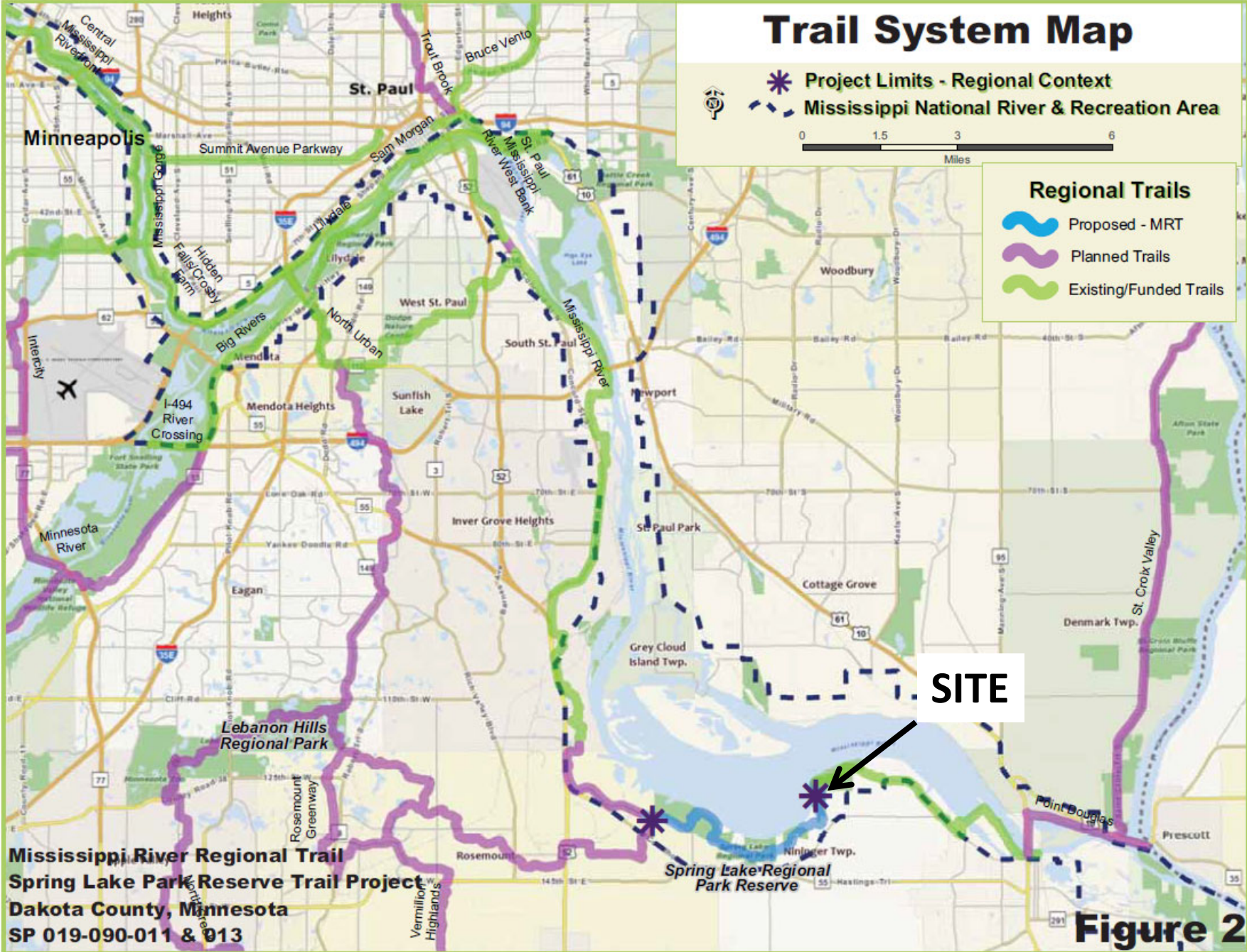
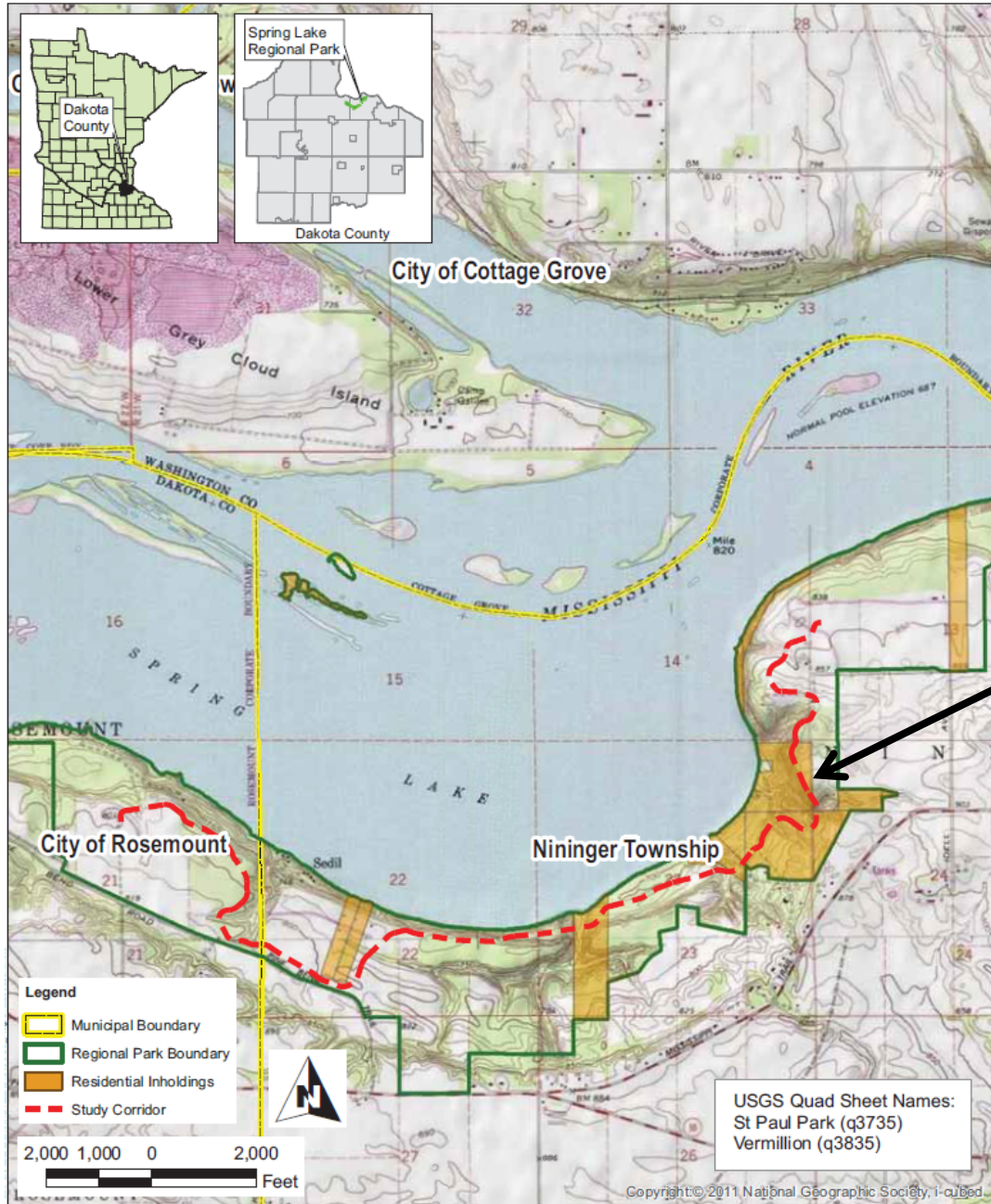


Figure 2

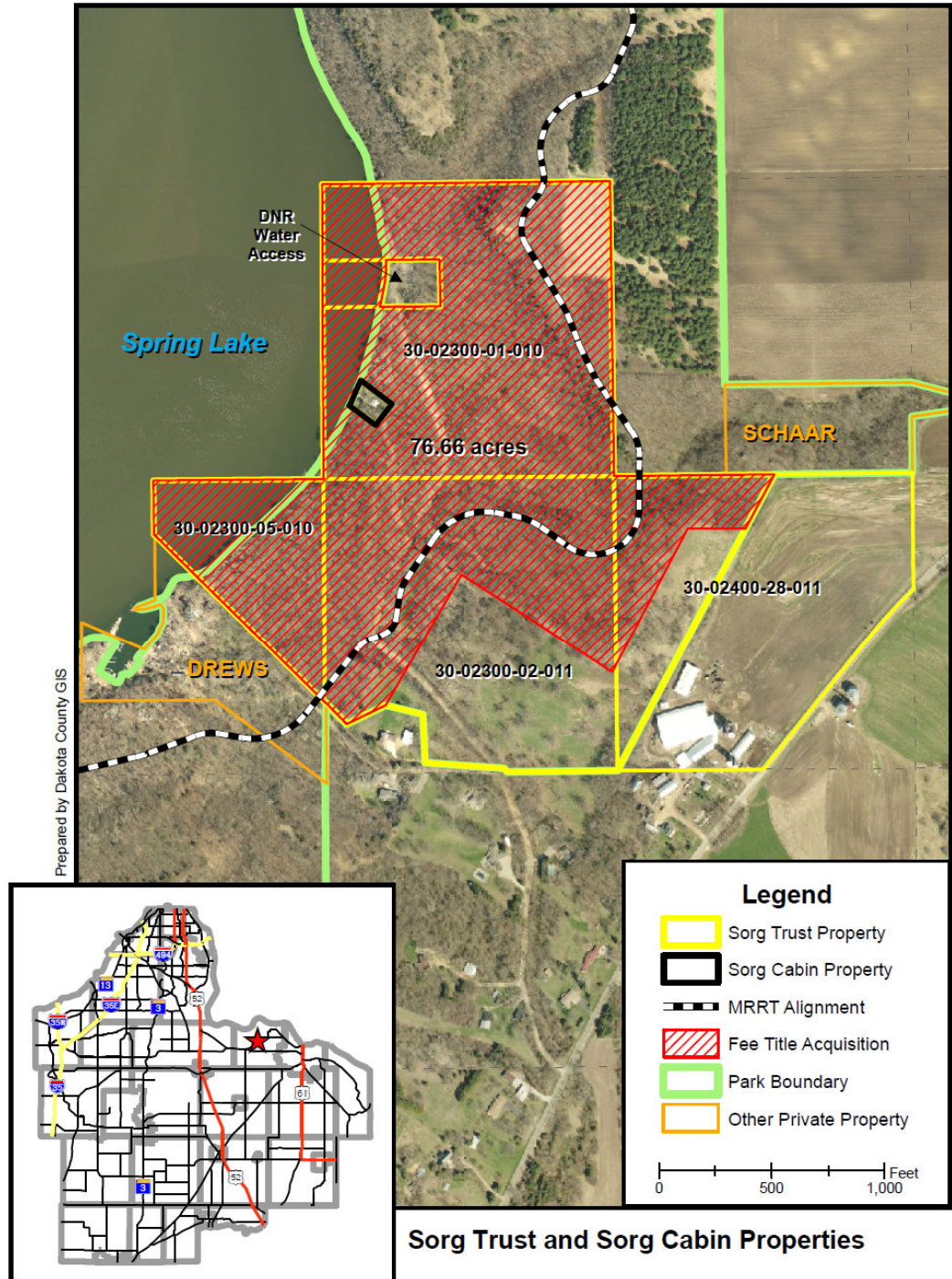


SITE

	<p>3535 VADNAIS CENTER DR. ST. PAUL, MN 55110 PHONE: (651) 490-2000 FAX: (888) 308-8166 T/F: (800) 325-2055 www.sehinc.com</p>	<p>Project: DAKOT 124622 Print Date: 11/7/2013 Map by: MSS Projection: UTM, Zone 15, NAD 83, m Source: USGS 7.5 Min. Topo, MNDOT, and SEH Inc.</p>	<p>Regional Location Map Mississippi River Regional Trail Spring Lake Park Reserve Trail Project Dakota County, Minnesota SP 019-090-011 & 13</p>	<p>Figure 1</p>
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This map is neither a legally recorded map nor a survey map and is not intended to be used as one. This map is a compilation of records, information, and data gathered from various sources listed on this map and is to be used for reference purposes only. SEH does not warrant that the Geographic Information System (GIS) Data used to prepare this map are error free, and SEH does not represent that the GIS Data can be used for navigational, tracking, or any other purpose requiring accurate measurement of distance or direction or precision in the depiction of geographic features. The user of this map understands that SEH shall not be liable for any consequences arising out of the use of this map or its data.

Project Area and Eminent Domain Properties



December 24, 2013

Jeff Smyser
Environmental Quality Board
520 Lafayette Road North
St. Paul, MN 55155

RE Notice of Intent to the Environmental Quality Board

Dear Mr. Smyser:

Enclosed is a Notice of Intent, as required by Minnesota Statute Chapter 473H.15, that Dakota County requests removal of approximately 76.7 acres of land from the Metropolitan Agricultural Preserves (MAP) Program on land owned by William and Marion Sorg Co-Trustees (Sorg Trust) in Nininger Township, Dakota County. Dakota County intends to acquire the 76.7 acres by "quick take" condemnation.

Removal of this agricultural preserve land will facilitate the completion of the master plan for Spring Lake Park Reserve (SLPR) and completion of the Mississippi River Regional Trail (MRRT). SLPR was established by Dakota County and the Metropolitan Council as part of the metropolitan regional park system with the initial acquisition of 292 acres in 1973. Since that time, the County has acquired an additional 586.5 acres or nearly 76 percent of the 1,160 acres within the approved SLPR boundary. SLPR has consistently been included in the County and Nininger Township comprehensive plans since 1980. In 1999, the County Board approved the MRRT development plan that established a 27-mile long regional trail corridor between the cities of South St. Paul and Hastings. Nineteen miles of the MRRT have been completed and design plans for the remaining 4.3 miles are approaching finalization.

William and Marion Sorg Co-Trustees (Sorg Trust) own four tax parcels totaling 95.1 acres of land within the approved SLPR boundary as part of their larger property and farming operation in Nininger Township. The Sorg Trust property completely bisects SPLR. Approximately 76.7 acres of this property contains high quality forest, steep ravines, springs, 1,750 feet of Spring Lake shoreline, and archaeological sites. Approximately 18.8 acres are used primarily as pasture for their dairy herd. The affected Sorg Trust parcels, as well as most of their other parcels, previously enrolled in Green Acres, were enrolled in the MAP Program on March 15, 2011.

The County has had on-going discussions with the property owners and their legal representatives about acquiring their property over the decades, and more recently, about the location of the MRRT. After an extensive technical and public review process, the County Board selected the final alignment of the two remaining unconstructed portions of the MRRT on May 21, 2013. The selected alignment includes approximately 3,350 feet on the Sorg Trust property.

Due to deadlines associated with significant federal funding for the MRRT, the Dakota County Board of Commissioners authorized acquisition and “quick take” condemnation of 76.7 acres of land owned by the Sorg Trust for the purpose of advancing the SLPR Master Plan and constructing a portion of the MRRT by Resolution No. 13-601 on November 5, 2013.

Acquisition of the 76.7 acres will not negatively impact agricultural use. The proposed acquisition boundaries have been carefully designed to permanently protect the high quality natural and archaeological resources and exclude the land being used for agricultural purposes. With the exception of the paved regional trail and planned soft-surface hiking trails, no other development is planned for this property. As proposed, the SLPR boundary would be amended to exclude the majority of the Sorg Trust property currently used for agricultural purposes.

Dakota County’s request to remove 76.7 acres of non-agricultural land from the MAP Program to provide for greater natural resource protection and public use does not diminish the Dakota County Board of Commissioners strong commitment to preserve agricultural land. The County is the state leader in protecting farmland. Since the inception of the citizen-funded Farmland and Natural Areas Program, over 5,600 acres of actively farmed or grazed land is permanently protected by agricultural conservation easements.

Dakota County would appreciate if the Environmental Quality Board (EQB) could expeditiously review this request and permit the 76.7± acres to be removed from the MAP Program.

In retrospect, this project request may have been avoided if private land was not eligible for enrollment in the MAP Program if is identified/included as a park or other public facility in an adopted local or government comprehensive plan. Perhaps the EQB could review this issue for potential legislative action.

If you have any questions regarding this request, please call me at 952-891-7001 or email at al.singer@co.dakota.mn.us.

Thank you for your consideration.

Sincerely,

Alan Singer,
Land Conservation Manger
Dakota County 14955 Galaxie Avenue
Apple Valley, MN 55124

Metropolitan Agricultural Preserves Program

Notice of Intent to the Environmental Quality Board as Required by MN Statute 473H.15

A. Project Identification

1. **Name of project:** Acquisition of the Sorg Trust property in Spring Lake Park Reserve

2. **Responsible entity – Check one and give name**

state agency:

local, county or regional unit of government: Dakota County

public benefit corporation

Another entity possessing powers of eminent domain

Contact person and telephone: Alan Singer 952-891-7001

3. **Reason for filing notice of intent – check one:**

acquisition of land or easement ten acres gross or more within a metropolitan agriculture preserve.

grant, loan, interest subsidy or other funds to construct residential, commercial or industrial facilities, or water or sewer facilities which serve non-farm structures within a metropolitan agricultural preserve.

B. Location

1. Portions of the NE ¼ of Section 23 and portions of the SW ¼ of Section 24, Township 115 Range 18, County of Dakota, Nininger Township

2. **Attach map showing project boundaries.** See enclosed map (Exhibit A)

C. Site Characteristics

1. **Date on which site was enrolled in the Metropolitan Agricultural Preserve Program:** March 15, 2011

2. **Acreage of site:** 76.7 acres to be acquired by Dakota County
Is the site within a Metropolitan Agricultural Preserve? Yes, the entire site is included.
If not, specify the percentage within the preserve. NA

3. **Provide any of the following if known:**

a. **SCS capability classes of site:**

- Class I – few limitations restricting their use
- Class II - moderate limitations: reduce choice of plants, or requires moderate conservation practices
- Class III – severe limitations; reduce choice of plants, or requires special conservation practices, or both
- Class IV - severe limitations; reduce choice of plants, or require very careful management, or both
- Class V - soils not likely to erode, but have limitations
- Class VI - severe limitations making them generally unsuitable for cultivation
- Class VII - very severe limitations making them generally unsuitable for cultivation

b. **SCS soil capabilities and classifications of site:** See attached map (Exhibit B)

	<u>Class</u>	<u>Percentage</u>
7B Hubbard sandy loam, 1 to 6 percent slopes	IV	8
7C Hubbard sandy loam, 6 to 12 percent slopes	VI	7
7D Hubbard sandy loam, 12 to 18 percent slopes	VII	4
27B Dickinson sandy loam, 2 to 6 percent slopes	II	1
39 B Wadena loam, 2 to 6 percent slopes	II	3
39 C Wadena loam, 6 to 12 percent slopes	III	2
39 D Wadena loam, 12 to 18 percent slopes	IV	3
411B Waukegan silt loam 1 to 6 percent slopes	II	2
611 D Hawick loamy sand, 1 to 6 percent slopes	VI	13
611 E Hawick loamy sand, 6 to 12 percent slopes	VII	2
611 F Hawick loamy sand, 12 to 18 percent slopes	VII	38
1898F Etter-Brodale complex, 25 to 60 percent slopes	VII	5
Water	---	12

c. **Agricultural usages over the last five years:** Pasture along some margins.

d. **Percentage of site in the following:**

cropland 0 wetland 0 (type) _____
 grassland 4 brush _____
 woodland 94 other 2 specify: township road

e. Other notable natural or human features (including drainage systems):

Natural: Steep wooded ravines , natural springs , 1,750 feet of shoreland along Spring Lake

Human: 2,050 feet of a minimum maintenance township road (Hilary Path) bisects most of the property. The property surrounds a 1.5 acre public water access owned and managed by the Department of Natural Resources.

Archaeological remnants have been discovered and catalogued from the property.

D. Consistency with local and regional comprehensive plans

1. Is the project consistent with local comprehensive plans? Please explain.

Yes. Spring Lake Park Reserve (SLPR) has been included in Dakota County's and Nininger Township's comprehensive plans and updates since the park was established by the Metropolitan Council (MC) as part of the Twin Cities metropolitan regional park system in 1973. The township has referenced SLPR as exceeding its park and recreation needs given the nature and population of the township. The township historically and continues to highly value agricultural use. (See link to Exhibit C: County Comprehensive Plan and Exhibit D: Nininger Township Comprehensive Plan.)

There have been several SLPR master plan updates over the decades. The most recent SLPR master plan was completed in 2003 after an extensive technical and public review process. The park boundaries were maintained and acquisition of the Sorg Trust property was included as the highest acquisition priority to permanently protect and manage natural and archaeological resources, provide public access to 1,750 feet of Spring Lake and to accommodate the future Mississippi River Regional Trail (MRRT). Private properties within the approved park boundaries have been noted in both the County and township comprehensive plans. (See link to Exhibit E: SLPR Master Plan)

In 1999, the County Board approved the MRRT development plan that established a 27-mile long regional trail corridor between the cities of South St. Paul and Hastings. Specific trail locations were not determined at that time. Over time, various segments were planned, designed and constructed. The township stated its' preference in its 'comprehensive plan for the MRRT alignment to utilize public right of way along County or township roads to the extent possible to minimize impacts to private property.

In 2008, the County adopted a revised park system master plan, which included regional parks and park reserves, as well as an inter-connected, multi-purpose greenway system that would improve wildlife habitat and water quality while enhancing recreational experiences. The MRRT is a critical component of this plan. (See link to Exhibit F: Map of MRRT).

Nineteen miles of the MRRT have now been completed. 3.7 miles of the MRRT in the City of Rosemount and Nininger Township were planned and designed and ready for construction until an issue with the Union Pacific Railroad significantly delayed the process causing the County to forfeit significant federal funding. This segment is currently being redesigned and the County will be seeking federal matching funds. The last remaining 4.3-mile segment of the MRRT is located within SLPR. After an extensive technical and public review process involving multiple alignment options, the County Board selected the final alignment of the two remaining unconstructed portions of the MRRT on May 21, 2013. The selected alignment includes approximately 3,350 feet on the Sorg Trust property. The township supported the interior SLPR alignment as opposed to an alternate route along the southern perimeter of SLPR.

Has the plan been or will it be amended to allow for this project? Please explain.

Yes. The existing SLPR boundary will have to be amended to remove approximately 18.8 acres of the Sorg Trust property from the current approved boundary.

2. **Is the project included in the adopted five-year capital improvement program (CIP) plan/budget, if one exists?** Yes. Both the acquisition and trail development components are included in the recently approved 2014-2018 Dakota County Operations Management – Parks CIP budget.
3. **Is the project consistent with regional plans?** Yes. All local comprehensive plans must be approved by the Metropolitan Council (MC). Both the County and Nininger Township have approved plans. The regional parks system was established in 1974, in response to state legislation, of which Dakota County is one of ten implementing agencies. All regional park and regional trail/greenway master plans and boundaries must be approved by the MC. All current regional park related plans have been approved by the MC.
4. **Attach copies of relevant sections of the local comprehensive plans to this notice.** See Exhibits C and D County Comprehensive Plan and Nininger Comprehensive Plan

E. Project Description

Describe the project to be constructed on the site, emphasizing aspects which may affect agricultural activities or the agricultural nature of the preserve. Include ancillary facilities such as parking areas utilities and roadways. Include site plans or diagrams as appropriate.

The 76.7 acres is part of the larger 95.1-acre Sorg Trust property that is part of a large dairy operation. Extensive farm related buildings are located immediately to the east of the SLPR boundary and project area. Approximately 21 acres of the larger property is used for seasonal pasture by the dairy herd. The majority of the site is too steep or contains soils not suitable for cultivation or pasture. High quality timber was harvested from the site by the landowners during the 1980s and 1990s.

As proposed, a new park boundary would be created that removes approximately 18.8 acres of the Sorg Trust property from SLPR that is currently used for pasture. There would be approximately a two-acre reduction of existing pasture to provide further buffer and erosion protection for the steep slopes and ravines, while also providing a potential soft surface, public hiking trail and County management access to the area. The final boundary would be established in consultation with the landowner and fencing would be installed. The township is generally supportive of altering the SLPR boundary to retain the property needed for public purposes, but not using land that could be retained for private ownership and potential agricultural use.

The Sorg Trust property contains high quality woodlands, archaeological sites and 1,750 feet of Spring Lake shoreline. The property currently bisects SLPR - preventing park users from being able to travel from one end of the park to the other. Approximately 2,050 feet of a minimum maintenance township road (Hilary Path), primarily serving a small, DNR public water access, is located within the Sorg Trust property. With County acquisition of a former resort area in the western portion of the SLPR in 2012, the County and the DNR are currently working on a plan to relocate this public water access to the new site to provide a safer and better facility for boaters. The County acquired a historic shoreland property contiguous with the north boundary of the Sorg Trust property in 2013. Hilary Path provided access to this parcel. It is likely that the portion of Hilary Path located within the proposed Sorg Trust property acquisition would be converted from a township road to a park road.

The MRRT will be the primary new development on the acquired property. Approximately 3,350 feet of 10-foot wide bituminous trail will be constructed within the acquired property. The trail must maintain Federal Highway Administration compliant

grades (generally less than five percent.) This poses a very difficult engineering challenge given the steep topography and ravines, and the necessity to accommodate 130 feet of elevation change. Staff has walked the entire route marking individual trees to minimize removal and other ecological impacts to the degree practical. A 220-foot-long bridge is proposed for a steep ravine. Other portions of the trail will require as much as 50 feet of rock excavation from the limestone bluff to accommodate grade and other requirements. It is estimated that 8.3 acres of the property will be impacted by the trail construction project. For specifics about the proposed regional trail, please refer to Exhibit G: MINNESOTA DEPARTMENT OF TRANSPORTATION and DAKOTA COUNTY PROJECT MEMORANDUM and SECTION 4(F) EVALUATION: MISSISSIPPI RIVER REGIONAL TRAIL PROJECT IN SPRING LAKE PARK RESERVE - Schaar's Bluff Gathering Center/Trailhead on the east to the Lower SLPR Trailhead (Archery Facility) on the west.

F. Past or Current Environmental Review

If state environmental review pursuant to EQB rules or any federal environmental review has occurred for the project, describe the review and any alternatives examined.

Since this project is an independent bikeway/walkway project, it is covered by the bikeway/walkway Negative Declarations statement. No significant social, economic, or environmental impacts are anticipated with this project. The County believes the project is acceptable and consistent with the designated use of the Section 4(f) property and that all possible planning to minimize harm has been accomplished in the final location and current design of the facility.

Extensive environmental review has been undertaken as part of project planning and it was a key criterion for the County Board's final alignment selection. Research on site history and cultural legacy was undertaken to comply with Section 106 of the National Historic Preservation Act of 1966. Native American Cultural evidence (lithic scatter) was discovered in areas outside of the Sorg Trust property and a mitigation plan was developed and approved. The Endangered Species Act of 1973 was considered and a determination of "No Effect" was made by MNDOT. A search of environmental data bases and site visits were made and based on these findings a Phase I Environmental Site Assessment for Hazardous Materials is not recommended. The Farmland Protection Policy Act of 1981 was reviewed. The prospective loss of up to two acres of pasture does not require any action. The project will not have a significant impact on air quality, highway traffic or construction noise. No wetlands or floodplains are affected. The trail design, construction standards and BMPs required for this project should meet local and state requirements for protecting water quality. There are no environmental justice concerns.

Staff of the DNR Natural Heritage and Non-Game Research Program were consulted. Two state-listed species of concern, *American ginseng* and *Kitten-tails* have been documented in the project area. A botanical survey was conducted and *American ginseng* was found, but not *Kitten-tails*. More broadly, small patches of degraded Dry Bedrock Bluff Prairie does exist in the limestone bluff areas proposed for excavation and some negative impact will occur. Except for the fact that this land was recently enrolled in the MAP Program, and requires review by the Environmental Quality Board, this project does not require state environmental review under Minnesota Rules, Part 4410.4600, Subd. 14D. For additional environmental considerations see Exhibit H: Excerpts from Section 4(f) Report.)

G. Justification for Project and Evaluation of Alternatives

By statute (40A 122, Subd. 2), this notice of intent must include a report justifying the proposed action, including evaluation of alternatives which would not require acquisition within agricultural preserves.

The regional park system was established to protect the highest quality representative natural landscapes in the Twin Cities metropolitan area. Due to its stunning views, high quality natural resources as an example of Mississippi River bluffland and archaeological history, this area was proposed as a state park at one time. SLPR and the boundary was established in 1973 that included private property. Discussions have occurred with all of the property owners within the park reserve boundary and substantial efforts over those decades have resulted in willing sellers conveying their property to the County for inclusion in SLPR. The SLPR boundary has been maintained during the public review and approval process associated with master plan updates with the latest occurring in 2003. Since then, four properties have been acquired with seven private properties remaining within SLPR.

In 1999, the Dakota County Board of Commissioners and the Metropolitan Council adopted the Mississippi River Regional Trail Development Corridor from South St. Paul to Hastings. The length and location of the corridor through fully developed suburbs, heavily industrialized zones and rugged terrain, while attempting to maintain close proximity and views of the Mississippi River, has been challenging. Substantial progress has been made in planning, designing, conducting public review, securing approval, and constructing several trail segments, now totaling 19 miles.

In 2011, Dakota County secured significant federal funding to complete the last remaining segments of the MRRT in Nininger Township. With planned eastern terminus of the of the next constructed segment of the MRRT in the western portion of SLPR and the western terminus of the constructed trail in the eastern portion of SLPR, the focus of

the remaining 4.3 mile trail alignment was within SLPR. The option of leaving SLPR and utilizing public right-of-way and impacting significant amounts of private property along County Road 42 was determined to not meet the intent and goals of the MRRT Master Plan, SLPR Master Plan, County Greenway Guidelines, and the federal grant requirements.

SLPR's challenging terrain, cultural and natural resources, and recent land acquisitions required staff to identify and evaluate multiple alignments and variations along the river, in the middle portion and along the southern perimeter of the park reserve.

Staff and consultants had difficulty in choosing the most feasible alternative due to design challenges and the location of the trails in an archaeologically sensitive area with elevation changes across the entire corridor ranging from 695 to 880 feet. Balancing the need to reduce ecological and private property impacts, providing a high quality and safe recreational experience, meeting federal guidelines, and minimizing costs resulted in the selection of the final MRRT alignment by the County Board on May 21, 2013.

All options of the MRRT alignment affected the Sorg Trust property since the property bisected the park reserve. There were three primary options that were studied: a shoreline route, an upland route and a middle route. The shoreland route was not feasible to the amount of elevation that would have to be traversed to reach the existing visitor center and eastern trail segment. This location would have significantly impacted the potential future residential development for the property and the trail easement would have been very costly without the added benefit of protecting the shoreland and associated natural and cultural resources. The upland route would have been in very close proximity to the existing farm buildings and the landowners believed that it would have effectively severed the use of the pasture area for their dairy herd. The severance damages of the trail easement to the dairy operation would have been very high and not lead to any additional land protection as recommended in the master plan.

The middle route was selected as providing the best balance of the aforementioned evaluation criteria. It provided the most viable option to:

- to achieve the overall SLPR vision by acquiring the most significant land for multiple public benefits at the fairest price
- minimize agricultural impacts to the landowner
- allow the MRRT project to proceed while meeting federal timelines

H. Effect on the Normal Agricultural Use of the Land

State whether the project will interfere with, preclude the use of, or in any way prevent the continued use of the land, or the practical use of farm equipment, irrigation systems and other facilities normally associated with farming at this site. Will mitigative measures be adopted to overcome any interferences?

As mentioned previously, this project will have minimal physical impact to the agricultural use of the property enrolled in the preserve. The acquisition is carefully designed to:

- allow continued use of the best pasture areas for the existing farming operation and not impact the number of animal units the land can sustain,
- remove the critical pasture area from the approved park boundary, thus giving great assurances to the landowner that the agricultural use of the property can continue,
- provide additional environmental protection for sensitive natural resource areas along the edges of the agricultural use areas.

No mitigation is required.

Certification:

I hereby acknowledge that the information contained in this document is true to the best of my knowledge.

Signature: _____

Date: _____

Name: Alan Singer

Title: Land Conservation Manager

NININGER TOWNSHIP PLANNING COMMISSION

RESOLUTION

May 6, 2013

In considering the various alternative route options presented by Dakota County Transportation Department for the Mississippi River Regional Trail as it passes through Nininger Township, the Planning Commission reviewed the impact of each route on our Comprehensive Plan mandate to preserve the Township's rural character and agricultural base.

Accordingly, the Commission concluded that both Segment 1 options appear to be acceptable, but that the upland route would be preferred because of its lower cost. In addition the Township would agree to vacate portions of Fischer Avenue not serving private property.

In Segment 2, option 2A would be preferred and recommended because it would not impact the rural character of the Township from the viewpoint of highway traffic, and would provide users of the trail with a more pastoral view of the river and wildlife. It would also avoid conflict with existing or planned development of non-park land.

In Segment 3, a location using a portion of Hilary Path is preferred so that the Township could abandon a high maintenance portion of that road and thus have a positive economic impact on the Township. The trail should avoid interfering with the Nancy Drew house, while traversing that tract. Hilary Path would also provide an emergency access road to the Trail.

Accordingly, on motion duly seconded, it was RESOLVED:

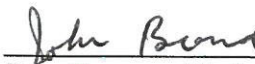
That the Planning Commission recommend to the Nininger Township Board of Supervisors that they adopt the findings of the Planning Commission, and recommend to Dakota County that the preferred route of the Regional Trail is Segment 1B, Segment 2A, and in Segment 3, a route using portions of Hilary Path and avoiding interference with the residence structure on the property owned by Nancy Drew.

All ayes.

Further resolved, that the aforesaid resolution be formally adopted and conveyed to the Town Board immediately, without further review.


Secretary

Attest:


John Bremer, Chair

NININGER TOWNSHIP

May 6, 2013

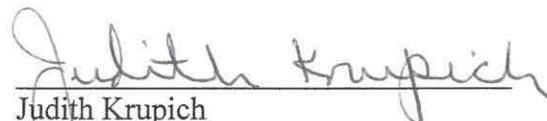
A special meeting of the Nininger Township Board of Supervisors was called to order at 9:01 p.m. on May 6, 2013, the purpose of which was to consider Mississippi River Regional Trail route options. The Clerk read the published Notice of Meeting which had been published according to law.

The following members were present: Robert Rotty, Karen Bremer, Howard Bauer, and Clerk, Judith Krupich.

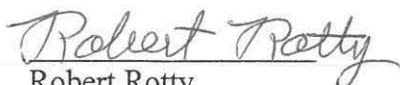
The members had all attended the Nininger Township Planning Commission Meeting of even date and heard the presentations concerning the Mississippi River Regional Trail. The Commission presented its resolution and recommendations to the Board, which were considered.

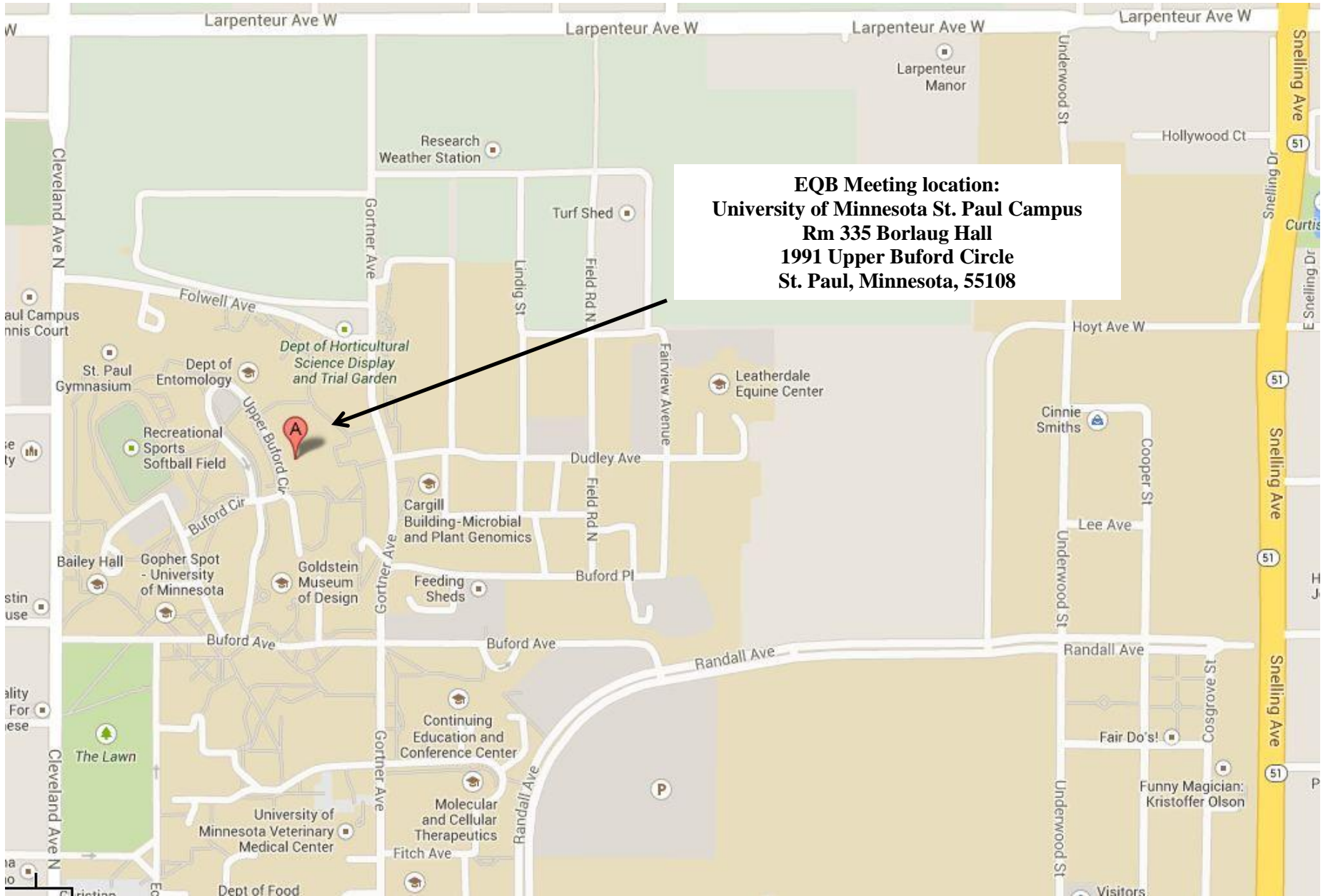
Upon motion Karen Bremer 2nd Howard Bauer, it was resolved to accept the findings of the Planning Commission and adopt the same. Further resolved that the Resolution of the Planning Commission as to trail location appears to be consistent with its findings and it is therefore also accepted.

Accordingly, the Board recommends to Dakota County that it designate Segment 1B, Segment 2A, and in Segment 3, a route using portions of Hilary Path and avoiding interference with the residence structure on the property owned by Nancy Drew, as the preferred Trail route.


Judith Krupich
Nininger Township Clerk/Treasurer

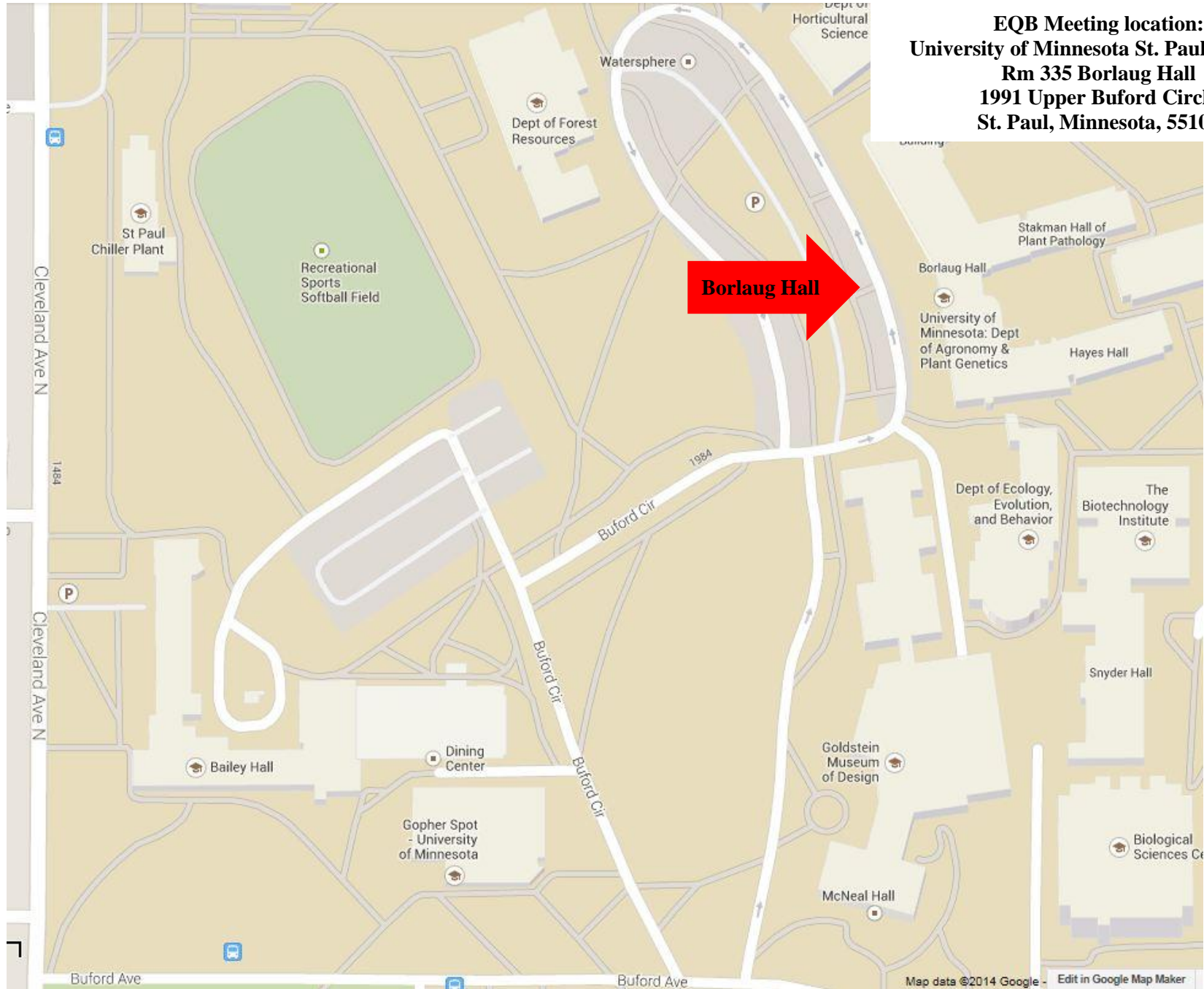
Attest:


Robert Rotty
Chairman of Nininger Township Board of Supervisors



**EQB Meeting location:
University of Minnesota St. Paul Campus
Rm 335 Borlaug Hall
1991 Upper Buford Circle
St. Paul, Minnesota, 55108**

detail



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University of Minnesota St. Paul Campus
Rm 335 Borlaug Hall
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