

LAND EXCHANGE BOARD

Meeting Agenda

December 1, 2021



LAND EXCHANGE BOARD AGENDA

Wednesday, 10:00 a.m., December 1, 2021

TAB

- Minutes of the August 25, 2021 meeting 1

- Public Hearing – Baxter WMA land acquisition proposal.....2

- EXB10019 3
Request for approval of exchange between St. Louis County and
Blaine Olson and Seth Olson

- EXB10020 4
Request for approval of expedited exchange between St. Louis County and
the City of Ely

- U.S. Fish and Wildlife Service 5
Request for approval of certified easement acquisition

TAB 1

August 25, 2021

Meeting Minutes

**MINNESOTA LAND EXCHANGE BOARD
MINUTES**

The Minnesota Land Exchange Board met via conference call on Wednesday, August 25, 2021 at 10:00 a.m. Board members Governor Tim Walz, Attorney General Keith Ellison, and State Auditor Julie Blaha were present. Danielle Kepford represented the U.S. Fish and Wildlife Service.

1. The minutes of the May 25, 2021 Land Exchange Board meeting were considered and unanimously approved.

2. The DNR recommended final approval of Land Exchange A10014 between The Conservation Fund and the State of Minnesota. The Conservation Fund is acting on behalf of Coe College for the exchange. The exchange will consolidate land holdings for the State of Minnesota. Coe College will acquire land it has leased from the state since 1977 for their continued use as a Wilderness Field Station.

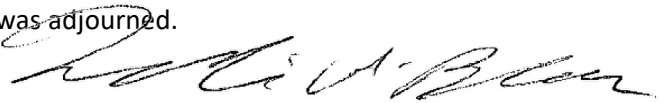
3. The U.S. Fish and Wildlife Service requested that they be authorized to purchase 97.28 acres of fee title. The acquisitions had the certification of the respective County Boards.

The request was considered and unanimously approved by the Board.

4. The U.S. Fish and Wildlife Service requested that they be authorized to purchase 0.80 acres of flowage easements and 992.94 acres of habitat easements. The acquisitions had the certification of the respective County Boards.

The request was considered and unanimously approved by the Board.

There being no further business, the meeting was adjourned.



Julie Blaha
State Auditor and Secretary
of the Land Exchange Board

TAB 2

Public Hearing – Baxter WMA

Minnesota DNR Request for Approval of Fee Title Acquisition in Lac qui Parle County

The Minnesota Department of Natural Resources (DNR) is asking the Land Exchange Board to approve the DNR's acquisition in fee title of an 80-acre parcel of land in Lac qui Parle County to be used for an expansion of the Baxter Wildlife Management Area ("Baxter WMA"). The landowner supports the agency in this request.

The DNR is required to seek county board approval for acquisition of wildlife management areas pursuant to Minn. Stat. § 97A.145, subd. 2, and the Lac qui Parle County Board disapproved this proposed acquisition on February 19, 2019. Subsequently, the landowner, Jo's Family Farms, LLC, and the company owner, Phillip Sonstegard, appealed the county board's decision to the Lac qui Parle County District Court, which ruled on April 26, 2021, that the county board's disapproval was arbitrary and capricious and its reasons stated for the disapproval were invalid.

Maps of the parcel (labeled "Sonstegard Property") and surrounding area are attached as Exhibit A (A001 & A002). Copies of portions of the district court record (Stipulation and Exhibits 1-6) and the court Order dated April 26, 2021 are attached as Exhibit B (B001 through B065).

Legal Authority

The legal authority for bringing this matter to the Land Exchange Board is Minnesota Statutes, section 97A.145, subdivision 2(e) & (f) (2020). Section 97A.145, subdivision 2(e) authorizes the Commissioner or the owner of the land to bring a proposed acquisition to the Land Exchange Board if the district court having jurisdiction where the land is located finds "that the [the county board's] disapproval [of the proposed acquisition] is arbitrary and capricious, or the reasons stated for the disapproval are invalid."

Minnesota Statutes, section 97A.145, subdivision 2(f) outlines the Land Exchange Board's process should the Commissioner or owner of the land make such an acquisition proposal:

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.

The Parcel

The 80-acre parcel at issue is legally described as:

The South Half of the Southwest Quarter of Section 4, Township 117 North, Range 42 West, Lac qui Parle County, Minnesota.

B052, Finding of Fact (hereinafter "Finding") 1.

The parcel is located two miles southwest from Lac qui Parle Village, and is adjacent to the east unit of the 266-acre Baxter WMA, and in close proximity to the west unit of the WMA. A001; B053, Finding 5. It

is 1.9 miles from a Prairie Core Area¹ and is close to numerous protected lands, including the Lac qui Parle WMA, Lac qui Parle State Park, and Reinvest in Minnesota (RIM) conservation easements. A002.

The parcel is owned by Jo's Family Farms, a Minnesota limited liability company, which is, in turn, owned by Phillip Sonstegard. B001. (Jo's Family Farms, LLC, and Phillip Sonstegard are hereinafter collectively referred to as "Sonstegard"). Sonstegard purchased the parcel in 2011. B008.

The parcel consists of 59 acres of row crops, 18.5 acres of wetlands, two acres of right of way and a .5 acre radio tower site. B006; see also A001.

At the time Sonstegard purchased the parcel, it was in the federal Conservation Reserve Program (CRP). Sonstegard rented out the parcel between 2012 and 2014 and then started farming it in 2015. B008. The parcel is the only land Sonstegard owns in Lac qui Parle County. It is further away from other fields he manages and is more difficult to manage/farm than any other field he owns. B008; see also B019-B021.

The parcel "is considered marginal farmland, susceptible to flooding or wet conditions, and when farmed it is significantly below average for production of crop in the area." B003; B053, Finding 4. Sonstegard had problems in 2016 with standing water at harvest time. In 2018 and 2019, he attempted to plant corn, but had to plant soybeans instead because the parcel was too wet to plant corn. B008; B020-B022. "The average soybean yield on the 'farmable' acres on the subject parcel in the years 2015 to 2019 was 73% of the average soybean yield in Lac qui Parle County (38.25/52.00)." B055, Finding 18.

If the DNR acquired the parcel, it would be added to the adjacent Baxter WMA. B006.

Statutory Authorization to Purchase, Funding for Acquisition and State Environmental Policy

Two sections of Minnesota Statutes authorize the DNR to acquire a parcel such as this one. First, Minnesota Statutes, section 97A.135, subdivision 1, which pertains to the acquisition of wildlife lands, provides: "The commissioner [of natural resources] . . . shall acquire and improve land for public hunting, game refuges, and food and cover planting. The land may be acquired by a gift, lease, easement, purchase, or condemnation." (Emphasis added.) Second, Minnesota Statutes, section 97A.145 provides that "[t]he commissioner . . . 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."

The DNR would use part of a 2019 appropriation from the Outdoor Heritage Fund² to acquire the parcel from Sonstegard. The appropriation was for \$2,519,000 for the DNR to acquire in fee title and restore and enhance lands for wildlife management areas and to acquire lands in fee title for scientific and natural

¹ A Minnesota Prairie Core Area is defined in the Minnesota Prairie Conservation Plan as "An area composed of at least 10,000 acres that retains at least some of the features of a functioning prairie system. At least 15% of the area is grassland, with a substantial portion being native prairie. Prairie core areas often contain other natural communities, including wetlands, aquatic systems, savannas, shrublands and a minor component of forest." [mn prairie conservation plan.pdf](https://files.dnr.state.mn.us/eco/mcbs/mn_prairie_conservation_plan.pdf) (https://files.dnr.state.mn.us/eco/mcbs/mn_prairie_conservation_plan.pdf), p. 25.

² The Outdoor Heritage Fund was created through adoption of the Legacy Amendment to the Minnesota Constitution on November 4, 2008. The Legacy Amendment increased the sales and use tax rate and dedicated 33 percent of the receipts from the tax increase for deposit in the Outdoor Heritage Fund. The Legacy Amendment provides that these funds "may be spent only to restore, protect, and enhance wetlands, prairies, forests, and habitat for fish, game, and wildlife." Minn. Const., Art. XI, § 15.

areas. 2019 Minn. Laws, 1st Special Session, Ch. 2, Art. 1, § 2, subd. 2(a). The parcel is part of the Accomplishment Plan that was approved by the Lessard-Sams Outdoor Heritage Council for the appropriation. Accomplishment Plan - DNR WMA and SNA Acquisition, Phase XI (https://www.isohc.leg.mn/FY2020/accomp_plans/2a.pdf), see p. 12, referencing Baxter WMA Tr 6.

Minnesota Statutes, section 116D.02 contains a declaration of the State of Minnesota's environmental policy:

The legislature, recognizing the profound impact of human activity on the interrelations of all components of the natural environment, particularly the profound influences of population growth, high density urbanization, industrial expansion, resources exploitation, and new and expanding technological advances and recognizing further the critical importance of restoring and maintaining environmental quality to the overall welfare and development of human beings, declares that it is the continuing policy of the state government, in cooperation with federal and local governments, and other concerned public and private organizations, to use all practicable means and measures, including financial and technical assistance, in a manner calculated to foster and promote the general welfare, to create and maintain conditions under which human beings and nature can exist in productive harmony, and fulfill the social, economic, and other requirements of present and future generations of the state's people.

Procedural History

The DNR is required to obtain county board approval for wildlife management lands acquired under authority of Minnesota Statutes, section 97A.145.³ Section 97A.145, subdivision 2(a)-(e) sets forth the process for obtaining county board approval:

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

³ There is no parallel requirement under Minnesota Statutes, section 97A.135.

(2) the court finds that the disapproval is arbitrary and capricious, or that the reasons stated for disapproval are invalid.

On November 21, 2018, Curt Vacek, DNR Appleton Area Wildlife Supervisor, notified the Lac qui Parle County Board that the DNR had optioned the parcel and would be seeking county board approval for the acquisition. Vacek's letter stated that he would be attending the December 18, 2018 county board meeting to discuss the acquisition. B006.

The county board again met with Vacek on Feb. 5, 2019, and Vacek gave reasons why the board should approve the acquisition. B054, Finding 11 & B034-B037.

As of February 14, 2019, the county board had not made a decision about the request to approve the acquisition, and the DNR South Region Director, on behalf of the Commissioner, granted a single 30-day extension per Minnesota Statutes, section 97A.145, subd. 2(b). B040.

On February 19, 2019, the DNR appeared before the county board to seek approval for the acquisition. See B053, Finding 8. The county board moved to decline the approval, B053, Finding 8, and subsequently issued a resolution disapproving the proposed sale of the property to the DNR, along with a document providing nine reasons for its disapproval. B042-B049.

Following the county board's decision, Sonstegard requested that the Land Exchange Board consider the matter.⁴ The DNR's General Counsel informed Sonstegard's attorney that the Land Exchange Board did not have jurisdiction at that time and that Sonstegard's remedy would be to appeal the county board's decision to the district court. B051.

Sonstegard appealed the county board's decision to the district court in accordance with Minnesota Statutes, section 97A.145, subdivision 2.

On appeal, the parties stipulated to the facts of the case and to the entry of six exhibits, including the county board's resolution and nine written reasons for disapproving the acquisition, into the record. B052, Order p. 1; see also B001-B051.

On April 26, 2021, the court issued its Order. The court made Findings of Fact based on the parties' stipulation and on the exhibits and made the following Conclusions of Law:

1. The disapproval of the Lac Qui Parle County Board of the proposed sale from Plaintiff to the DNR was arbitrary and capricious.
2. The county's reasons stated for the disapproval are invalid.

B056.

In a Memorandum attached to its Order, the court explained the rationale for its decision. B057-B065. The court relied largely on a Minnesota Supreme Court case, *Kasch v. Clearwater County*, 289 N.W. 2d 148 (Minn. 1980). In *Kasch*, the Supreme Court considered a county board's refusal to act on a proposed DNR acquisition under Minnesota Statutes, section 97.481, the precursor to Minnesota Statutes, section 97A.145. The Supreme Court determined that the county's refusal to act was arbitrary and remanded the matter to the board to approve or disapprove the sale.

In this matter, the court determined that although Minnesota Statutes, section 97A.145 replaced section 97.481 and added some consequences for a county board's failure to act, the Supreme Court's

⁴ Sonstegard's attorney contacted DNR's Land Exchange Coordinator about placing the matter on the Land Exchange Board's agenda, and the DNR's General Counsel responded on the Land Exchange Coordinator's behalf.

determination in *Kasch* of the county board's role in approving or disapproving a sale was still binding precedent:

We conclude that the requirement in section 97.481 that land sales to the DNR be approved by the county board was included to give county boards an opportunity to consider local concerns affected by sales to the DNR that may outweigh the state policies advanced by the statute, not to give the board an unlimited veto power over such sales. Thus, unless a valid local interest is threatened by a proposed sale, a county board must, as an agency of the state, approve those sales to the DNR that advance established state policies.

Kasch, 289 N.W.2d at 152.

The court analyzed each of the county's nine reasons for disapproving the acquisition in light of *Kasch*, and held that none of the county's cited reasons were a valid basis to disapprove the acquisition. B060-B065.

Finally, the court stated that its Order was "not an approval of the sale of the property to the DNR" and that that decision was "up to the Land Exchange Board." B065.

The county did not appeal the district court's judgment to the Minnesota Court of Appeals and the time for appeal has expired.⁵

Acquisition of the Parcel is in the Public Interest

The DNR's acquisition of the parcel is in the public interest.

First, the DNR's acquisition of the parcel would have significant environmental benefits. The DNR would manage the property "to protect the existing wetlands and reestablish perennial upland cover in the form of native grasses and flowers—for the intended benefit of providing habitat—primarily for nesting grassland birds and pollinators—two groups of wildlife that have seen significant population declines in recent decades." B036. The parcel's location adjacent to an existing wildlife management area and in close proximity to other protected lands would expand this habitat complex. See A002. Habitat complexes are increasingly critical toward maintaining viable wildlife populations, especially in the face of continued habitat fragmentation and loss and climate change stressors. Moreover, the DNR's proposed management of the parcel would be "aimed at improving surface and aquifer waters through soil stabilization and filtration." B036. This would benefit the Lac qui Parle River Watershed.⁶

Second, the DNR's acquisition of the parcel would provide high quality recreational lands for public use. B036. According to a recent survey, Minnesota hunters rely on and want more public lands. The survey showed that Lac qui Parle County is "the most popular county destination in the state for pheasant and waterfowl hunters relying on those public lands. And, it is second only to Kandiyohi County with deer hunters." B036.

⁵ Under the Minnesota Rules of Civil Appellate Procedure, Rule 104.01, an appeal may be filed within 60 days after entry of the judgment. The judgment in this matter was entered on April 26, 2021. Accordingly, the county needed to file an appeal on or before June 25, 2021.

⁶ In a 2018 report on the Lac qui Parle River Watershed, the MPCA noted "significantly degraded water quality and biological communities throughout the watershed. Overall, scores of biological communities in this watershed were resoundingly poor; not a single general use stream in the Lac qui Parle River Watershed fully supported aquatic life use." [Lac qui Parle River Watershed Monitoring and Assessment Report](https://www.pca.state.mn.us/sites/default/files/wq-ws3-07020003b.pdf) (<https://www.pca.state.mn.us/sites/default/files/wq-ws3-07020003b.pdf>); see also B038.

Third, acquisition of the parcel aligns with state policy, as expressed by the Legislature, and with the will of Minnesota's voters. The acquisition aligns with the mandate in Minnesota Statutes, section 97A.135, subdivision 1 that the Commissioner of Natural Resources "acquire and improve land for public hunting, game refuges, and food and cover planting." Acquisition of the parcel also aligns with the Commissioner's authority under Minnesota Statutes, section 97A.145 to acquire "wetlands and bordering areas . . . for water conservation relating to wildlife development" and to develop the lands "for wildlife, recreation, and public hunting." Further, acquisition and restoration of the parcel is consistent with the state's environmental policy, which recognizes "the critical importance of restoring and maintaining environmental quality to the overall welfare and development of human beings." Minn. Stat. § 116D.02.

The parcel is part of an approved Lessard-Sams Outdoor Heritage Council project to acquire and restore lands for wildlife management areas. The Outdoor Heritage Fund would pay for acquisition of the parcel. Passage of Legacy Amendment to the Minnesota Constitution, which created the Outdoor Heritage Fund through a tax increase, evidences strong public support for acquisitions such as this one.

Fourth, acquisition of the parcel should not negatively impact county, township⁷ and school district revenues, as loss of taxes from the transfer of the parcel from private to public ownership would be offset by the state's payment in lieu of taxes (PILT).⁸ In fact, calculations in the court record show that PILT payments for this parcel would exceed tax revenues. B006; B056, Finding 19, B064-B065.

Finally, it is in the public interest to protect Sonstegard's rights as a real property owner. Among the significant rights of a real property owner is the right to sell the property. Sonstegard has owned the parcel for 10 years. He purchased parcel for farming, but concluded, after problems with standing water and wet conditions, and low crop yields, that it is poor farmland. Sonstegard wishes to sell the property to the DNR for use as part of a wildlife management area. He entered into an option (purchase agreement) with the DNR in 2018 for that purpose. Sonstegard has already expended significant time and personal resources by bringing an appeal to the district court to challenge the county board's disapproval of the acquisition. Disapproval of the acquisition would infringe upon his rights as a property owner.

Conclusion

For the foregoing reasons, the Commissioner of Natural Resources respectfully requests that the Land Exchange Board determine that the DNR's acquisition of the parcel is in the public interest and approve the acquisition.

⁷ The township raised no concerns with DNR's proposed acquisition of the parcel. B036.

⁸ If the state acquires this parcel, it will be eligible for a "wildlife management land" payment in lieu of taxes. Minn. Stat. § 477A.11, subd. 8. Wildlife management land payments are distributed among the county, township and school district as if they were a tax on the land. Minn. Stat. § 477A.14, subd. 3(a).

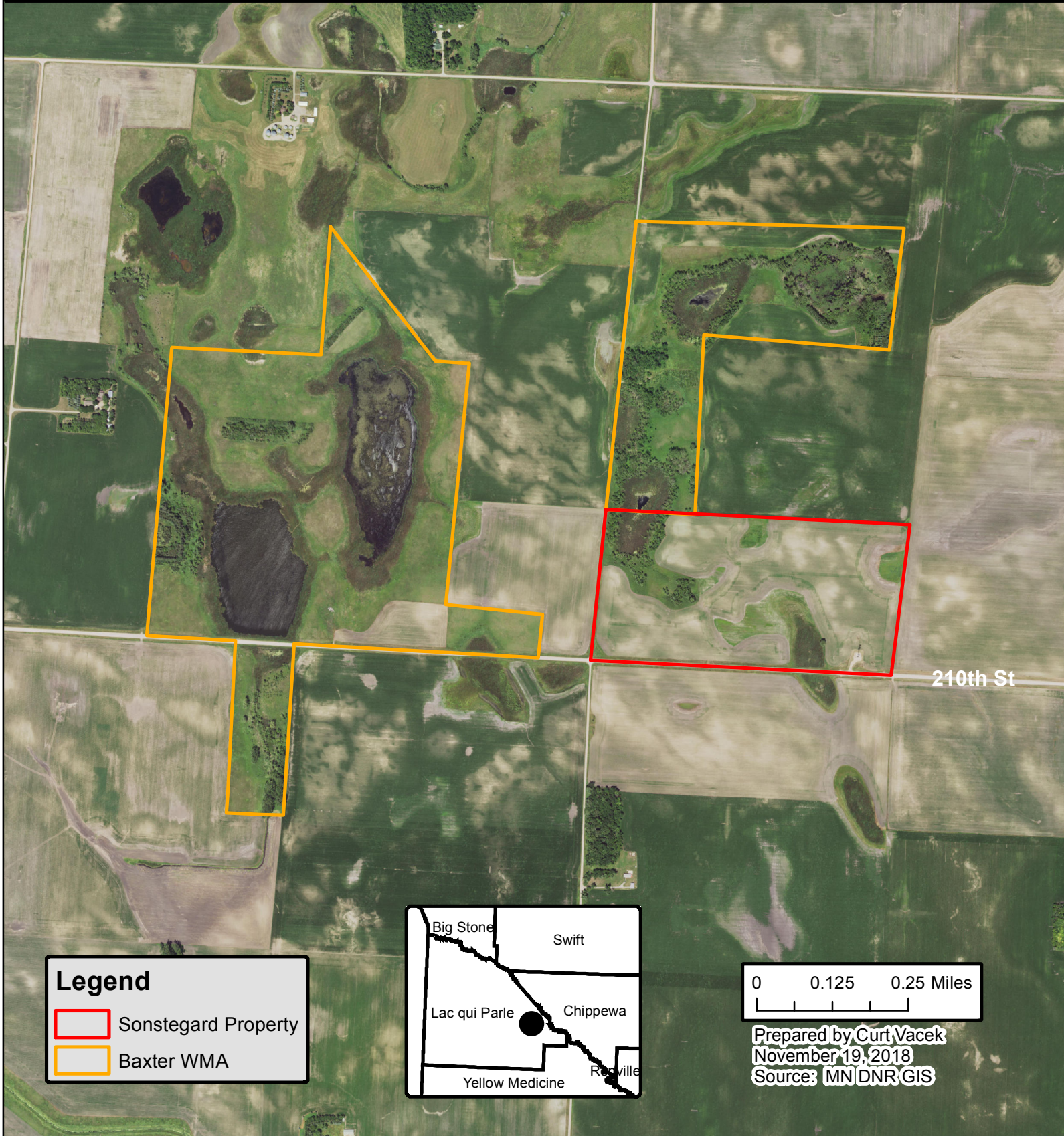
Exhibit A



Baxter Wildlife Management Area Sonstegard Tract 6



80 acres - S 1/2 of SW 1/4, Section 4, T117N-R42W
Baxter Township, Lac qui Parle County
(2 miles SW of Lac qui Parle Village)





Baxter Wildlife Management Area Sonstegard Tract 6



80 acres - S 1/2 of SW 1/4, Section 4, T117N-R42W
Baxter Township, Lac qui Parle County
(2 miles SW of Lac qui Parle Village)

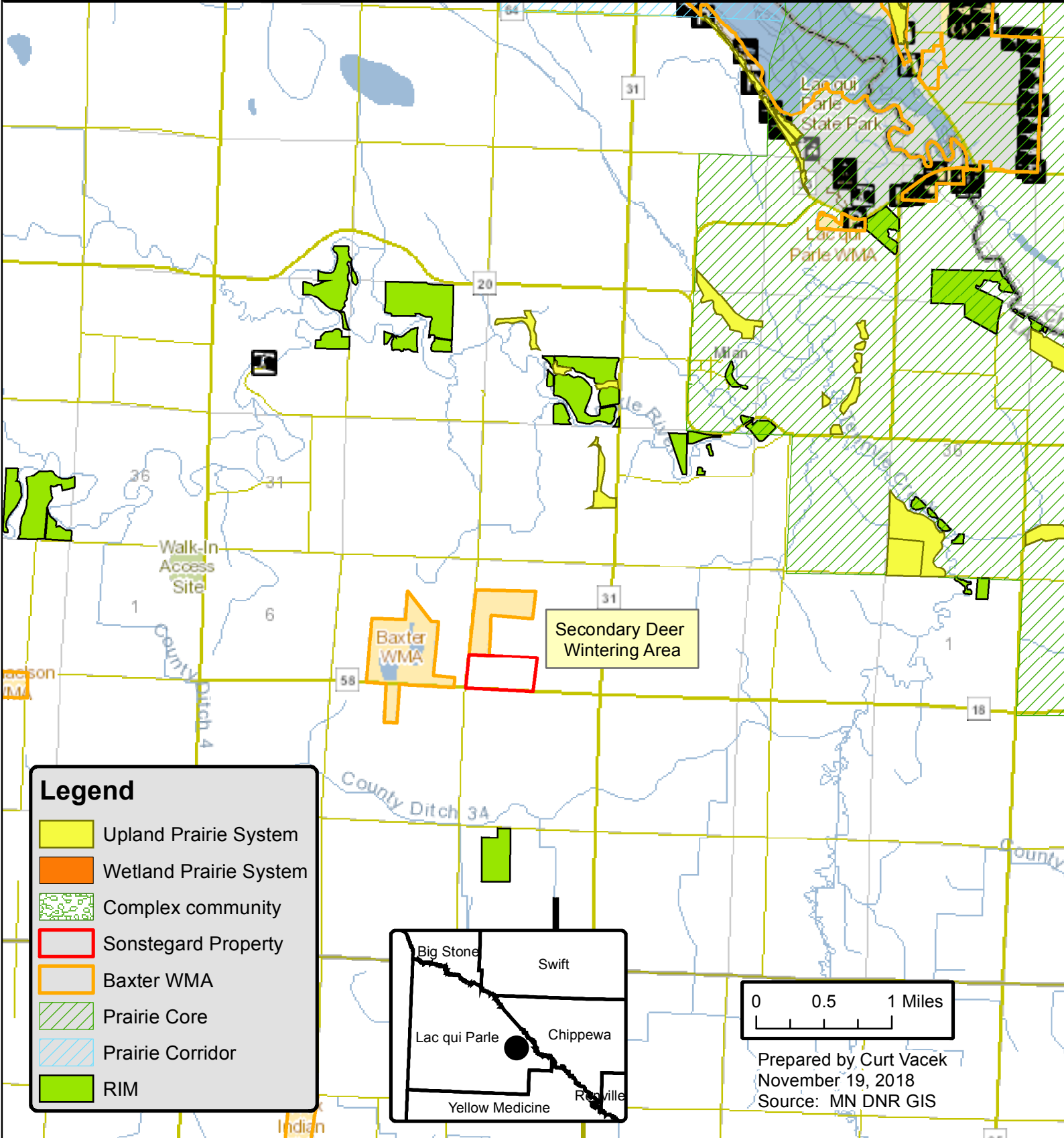


Exhibit B

STATE OF MINNESOTA

DISTRICT COURT

COUNTY OF LAC QUI PARLE

EIGHTH JUDICIAL DISTRICT
Court File Number:37-CV-20-30
Case Type: Declaratory Judgment
Judge Assigned: Thomas W. Von
Hon

Jo's Family Farm's, LLC, Phillip Sonstegard,
Plaintiff,

vs.

STIPULATION

Lac Qui Parle County,
Defendant.

The parties hereby stipulate to the following Stipulated Facts and Procedural History of the Sale to be reflected as the record in the above matter:

STIPULATED FACTS

The Plaintiff and Defendant hereby stipulate that the following facts are stipulated to be used as if the matter had gone to trial:

This matter involves real estate located in Lac Qui Parle County; Minnesota described as follows:

South half of the Southwest Quarter (S ½ SW¼), Section 4, Township 117 North, Range 42 West.

and the owner of the property described above is, Jo's Family Farms LLC and said company is owned by Phillip Sonstegard, hereinafter referred to as "Seller".

Defendant is Lac qui Parle County, acting through its Board of Commissioners, hereinafter referred to as the Defendant.

The plaintiff in the above-captioned matter was notified that the Minnesota Department of Natural Resources was exercising its option to purchase the land described in paragraph one. See attached Exhibit 1.

The property in controversy is considered marginal farmland, susceptible to flooding or wet conditions, and when farmed it is significantly below average for production of crop in the area. See Attached Exhibit 2.

The property in controversy also borders on another piece of land owned by the DNR, which also met the DNR standards when it was purchased.

To date, Plaintiff has already invested significant time and money for the sale of the Property which is further compounded by the delay.

The property is still under the purchase agreement, but a closing date has not been set pending a decision on this matter.

At their February 19, 2019, meeting, a representative of the DNR appeared before the Defendant to advise the Defendant of the pending purchase, describe the land in question, and to seek local approval. After much discussion, together with its known previous position on the acquisition of land within the County by the DNR, the Defendant motioned to decline approval of the purchase of the property. See attached Exhibit 3 for the Defendant's motion and supporting findings.

The Land Exchange Board decided to take no formal action because it lacked jurisdiction of the matter.

PROCEDURAL HISTORY OF THE SALE

On November 21, 2018 the Department of Natural Resources (hereinafter referred to DNR) put the county on notice that the DNR had exercised its option to purchase the land. The DNR sought approval of the purchase of the land pursuant to MN Stat. 97.481 from Defendant. See attached Exhibit 1.

February 5, 2019 the Defendant met with DNR specialist and the DNR specialist pointed out the reasons why the sale should be approved. See attached Exhibit 3.

On February 14, 2019 the DNR granted a 30-day extension to the Defendant to give reasons why the land sale had been disapproved. See attached Exhibit 4.


On February 19, 2019 the Defendant passed a resolution disapproving of the sale but the Defendant failed to approve the sale of land. See attached Exhibit 5.

The DNR (Land Exchange Board) in a letter from the DNR to legal counsel for the Plaintiff dated October 17, 2019 notified plaintiff that the Land Exchange Board cannot reach a decision or approve the sale because in this particular case the legislature gave the board the power to act only when:

1. the County board does not give reason for disapproval, or
2. the County board does not approve or disapprove the acquisition within the prescribed time.

This action was commenced and all parties to the sale stand ready to comply with the court's decision. See attached Exhibit 6.

Dated: January 27, 2021


Ronald R. Frauenshuh, Jr.
Attorney for Plaintiff
129 N.W. 2nd St.
Ortonville, MN 56278

Dated: 1/27/21

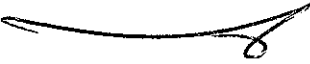

Richard G. Stulz
Lac qui Parle County Attorney
214 6th Avenue
Madison, MN 56256

EXHIBIT 1

 **DEPARTMENT OF
NATURAL RESOURCES**

Appleton Area Wildlife Office
14040 20th Street NW
Watson, MN 56295
320-734-4451

November 21, 2018

Lac qui Parle County Commissioners
600 6th St, Suite 6
Madison, MN 56256

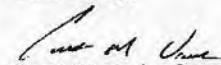
Dear Commissioners:

The Minnesota Department of Natural Resources (MN DNR) has optioned land in Lac qui Parle County described as the South Half of the Southwest Quarter (S½ of SW¼) of Section Four (4), Township One Hundred Seventeen (117) North, Range Forty-Two (42) West.

- Property ID #08-0024-000
- 80 acres; 59 row crop, 18.5 wetland, 2.0 ROW, 0.5 radio tower.
- Crop soils primarily Sverdrup sandy loams (MN Crop Production Index = 49).
- Currently owned by Jo's Family Farms LLC c/o Sonstegard Foods Co., Inc.
- Classified as Commercial Non-Homesteaded Ag.
- This land will become part of the Baxter Wildlife Management Area, providing additional public hunting and recreational opportunities.
- MN DNR Appleton Wildlife will convert the cropland to native grasses and forbs.
- 2018 Estimated Market Value for this property was \$259,400.00
- 2018 taxes for this parcel were set at \$1,556.00.
- The State's PILT (payment in lieu of taxes) is estimated at \$1,945.50.

I'm seeking County Board approval for a resolution allowing MN DNR to purchase this property. I will be attending the December 18th County Board Meeting at 1:45 PM to discuss this acquisition.

Sincerely,



Curt Vacek, Area Wildlife Supervisor

EXHIBIT 2

MN-109 Schuelke Farm						
Lac Qui Parle County	Total Acres =		80			
Baxter Township	Tillable Acres =		71			
Farm History						
Farm purchased 4.11.11. Rented out from 2012 - 2014						
	<u>2015</u>	<u>2016</u>	<u>2017</u>	<u>2018</u>	<u>2019</u>	<u>2020</u>
Farmable Acres	54	61	54	54	54	54
Crop Planted	Beans	Corn	Beans	Beans	Beans	Beans
Crop Attempted to Plant	Beans	Corn	Beans	Corn	Corn	Beans
Yield	43	178	42	39	29	N/A
Comments:						
- 2016 - There was 3 to 5 acres of standing water at harvest						
- 2018 - Beans on beans , too wet to plant corn						
- 2019 - Beans on beans on beans, too wet to plant corn						
- This parcel is our only field owned in Lac Qui Parle county. Further away from other fields that we manage. More difficult to manage/farm than any other field we own. Poor soils overall.						
- We produce on average 220 bushel corn and 65 bushel beans on our land as a whole						
- Was originally in CRP when we purchased the ground, 10 acres of wetlands and another 10 to 15 acres that commonly have standing water issues						



United States Department of Agriculture
National Agricultural Statistics Service



Minnesota Ag News – 2019 Soybean County Estimates

Minnesota Field Office - 375 Jackson St Ste 610 - St. Paul, MN 55101 (651) 728-3113
fax (855) 271-9802 - www.nass.usda.gov

Cooperating with the Minnesota Department of Agriculture

February 20, 2020

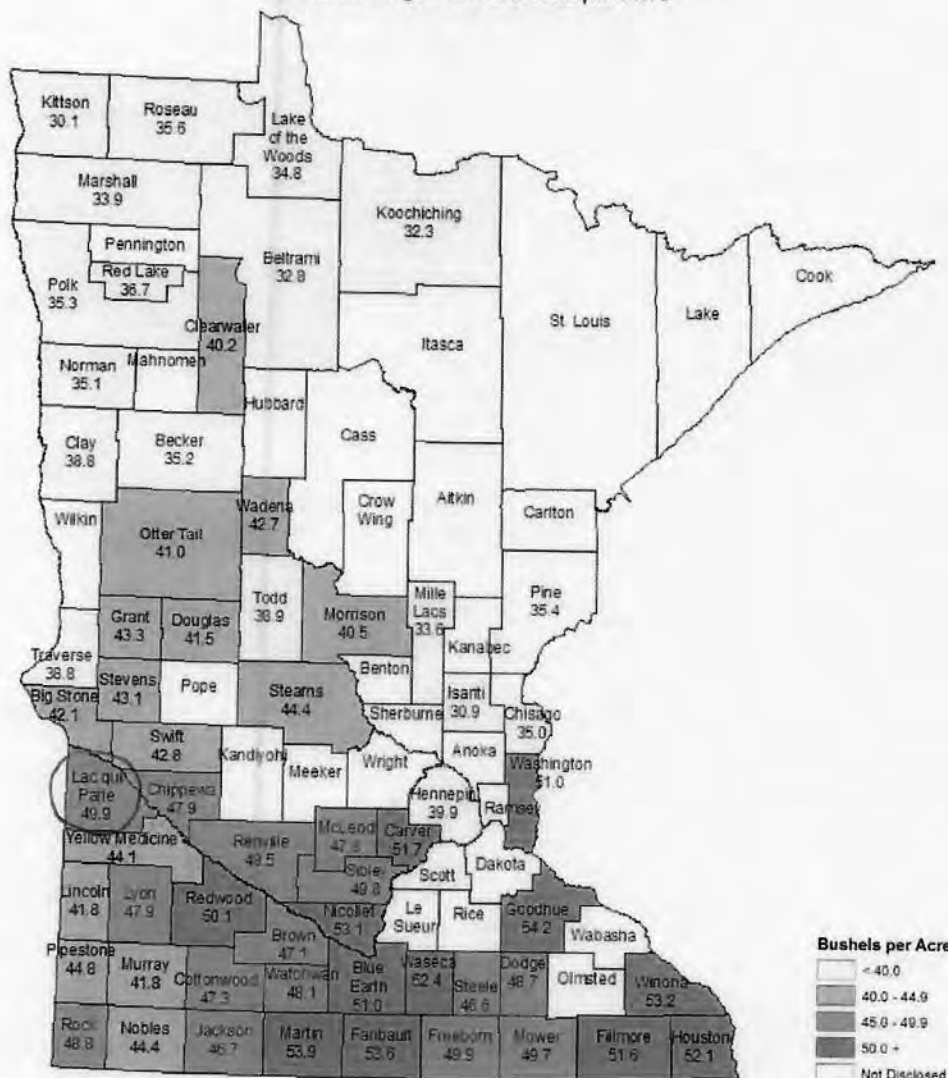
Media Contact: Dan Loftus

In 2019, five counties recorded total production over 8.00 million bushels of soybeans, led by Polk County, with 9.82 million bushels according to the USDA's National Agricultural Statistics Service. Redwood (9.63 million), Renville (8.84 million), Faribault (8.58 million) and Marshall (8.27 million) also topped the 8.00 million bushel threshold.

Two districts had yields averaging over 50.0 bushels per acre, led by the Southeast District, where yields averaged 51.1 bushels per acre. This was followed by the South Central District, where yields averaged 50.6 bushels per acre. Statewide, 12 counties averaged at least 50.0 bushels per acre, with Goodhue County recording the highest yield in the State, at 54.2 bushels per acre. Martin (53.9), Faribault (53.6), Winona (53.2), and Nicollet (53.1) rounded out the top five yields.

Yields are derived from production divided by area harvested. Only published estimates were considered in rankings of districts and counties.

Soybean Yield – Minnesota: 2019 State Average: 44.0 Bushels per Acre



USDA is an equal opportunity provider and employer.

Soybeans for Beans, Area Planted, Harvested, Yield and Production – Minnesota by County: 2018-2019

County and district	Area planted		Area harvested		Yield		Production	
	2018	2019	2018	2019	2018	2019	2018	2019
	(acres)	(acres)	(acres)	(acres)	(bushels)	(bushels)	(bushels)	(bushels)
Becker	77,000	73,000	76,400	72,400	44.5	35.2	3,401,000	2,549,000
Clay	184,500	165,500	183,100	164,500	45.6	38.8	8,343,000	6,379,000
Clearwater	24,200	21,100	24,000	20,800	39.3	40.2	944,000	837,000
Kitson	130,000	118,000	128,800	116,400	31.5	30.1	4,061,000	3,507,000
Marshall	259,000	252,500	255,000	244,000	34.0	33.9	8,712,000	8,266,000
Norman	—	157,500	—	156,600	—	35.1	—	5,504,000
Polk	286,500	282,000	284,500	278,000	42.7	35.3	12,153,000	9,821,000
Red Lake	80,700	80,700	80,100	79,900	38.0	36.7	3,043,000	2,935,000
Roseau	162,000	153,500	159,800	147,300	33.9	35.6	5,419,000	5,250,000
Combined counties	348,100	168,200	345,300	167,100	40.5	34.8	13,993,000	5,817,000
Northwest	1,552,000	1,472,000	1,538,000	1,447,000	39.1	35.2	60,069,000	50,865,000
Beltrami	—	21,700	—	21,400	—	32.8	—	701,000
Koochiching	—	3,500	—	3,370	—	32.3	—	109,000
Lake of the Woods	—	23,800	—	23,300	—	34.8	—	812,000
Combined counties	—	5,300	—	5,230	—	34.6	—	181,000
Northwest	—	54,300	—	53,300	—	33.8	—	1,803,000
Northeast	—	700	—	600	—	35.0	—	21,000
Big Stone	115,000	103,000	113,800	101,000	51.5	42.1	5,858,000	4,253,000
Chippewa	102,000	86,200	100,000	85,600	52.6	47.9	5,255,000	4,102,000
Douglas	—	70,200	—	69,700	—	41.5	—	2,895,000
Grant	—	92,500	—	91,600	—	43.3	—	3,967,000
Lac qui Parle	176,000	143,000	174,200	141,100	55.8	49.9	9,726,000	7,047,000
Otter Tail	176,500	151,500	174,800	150,300	44.3	41.0	7,738,000	6,162,000
Pope	93,300	—	92,400	—	50.8	—	4,693,000	—
Stevens	106,500	93,000	105,500	92,300	51.2	43.1	5,402,000	3,982,000
Swift	129,000	105,000	127,700	104,200	53.8	42.8	6,858,000	4,459,000
Traverse	149,000	121,500	147,500	120,600	51.9	38.8	7,657,000	4,680,000
Wilkin	166,000	—	164,400	—	46.0	—	7,564,000	—
Yellow Medicine	166,500	129,000	166,900	127,600	53.0	44.1	8,946,000	5,625,000
Combined counties	191,200	223,100	188,800	221,000	50.6	40.8	9,560,000	9,017,000
West Central	1,573,000	1,318,000	1,556,000	1,305,000	50.9	43.1	79,167,000	56,189,000
Benton	37,600	—	36,600	—	45.6	—	1,668,000	—
Carver	41,000	38,900	40,500	38,400	54.5	51.7	2,209,000	1,984,000
Kandiyohi	107,000	—	105,800	—	53.8	—	5,702,000	—
McLeod	94,000	81,000	93,000	80,200	50.3	47.8	4,681,000	3,832,000
Morrison	39,000	32,900	37,600	31,900	44.6	40.5	1,678,000	1,293,000
Renville	189,000	181,500	196,800	178,600	54.3	49.5	10,678,000	8,835,000
Sibley	118,500	108,500	116,700	107,600	54.6	49.8	6,376,000	5,360,000
Stearns	117,500	98,900	116,300	96,000	50.8	44.4	5,909,000	4,355,000
Todd	—	48,400	—	47,900	—	38.9	—	1,861,000
Wadena	—	9,600	—	9,400	—	42.7	—	401,000
Combined counties	311,400	327,300	308,600	323,000	49.4	40.8	15,134,000	13,194,000
Central	1,065,000	927,900	1,050,000	915,000	51.5	44.9	54,035,000	41,115,000
Aitkin	5,900	—	5,840	—	28.6	—	167,000	—
Anoka	5,100	—	5,030	—	31.6	—	159,000	—
Chisago	28,400	19,000	28,200	18,800	37.3	35.0	1,051,000	658,000
Hennepin	12,600	11,700	12,500	11,300	49.2	39.9	615,000	451,000
Isanti	28,800	23,300	27,900	22,100	36.7	30.9	1,024,000	682,000
Kanabec	16,500	—	16,300	—	38.3	—	624,000	—
Miller	—	13,500	—	13,300	—	33.6	—	447,000
Pine	—	14,700	—	14,500	—	35.4	—	513,000
Washington	14,200	12,300	14,100	12,100	49.4	51.0	696,000	617,000
Combined counties	43,500	26,500	42,930	26,000	41.1	33.2	1,765,000	862,000
East Central	155,000	121,000	152,800	118,100	39.9	35.8	6,101,000	4,230,000
Cottonwood	154,500	142,500	152,200	141,100	51.8	47.3	7,891,000	6,680,000
Jackson	178,000	157,000	173,500	155,700	49.3	46.7	8,556,000	7,271,000
Lincoln	—	73,900	—	73,000	—	41.8	—	3,048,000
Lyon	150,000	118,000	145,200	117,200	53.8	47.9	7,816,000	5,619,000
Murray	171,500	148,000	167,500	146,900	49.9	41.8	8,360,000	6,144,000
Nobles	177,500	153,000	174,900	151,700	49.4	44.4	8,642,000	6,741,000
Pipestone	—	76,100	—	74,600	—	44.8	—	3,340,000
Redwood	211,000	195,000	208,000	192,300	50.3	50.1	10,472,000	9,625,000
Rock	109,500	91,500	108,300	90,500	55.6	48.8	6,023,000	4,416,000
Combined counties	207,000	(X)	204,400	(X)	52.0	(X)	10,637,000	(X)
Southwest	1,359,000	1,194,000	1,334,000	1,143,000	51.3	46.3	68,397,000	52,884,000
Blue Earth	167,500	155,000	165,400	153,800	52.9	51.0	8,742,000	7,840,000
Brown	126,500	119,000	125,100	117,500	51.9	47.1	6,498,000	5,532,000
Faribault	182,000	181,500	177,900	160,200	51.9	53.6	9,235,000	8,583,000
Freeborn	154,500	138,000	152,500	136,900	51.8	49.9	7,902,000	6,832,000
Le Sueur	82,000	—	81,200	—	50.4	—	4,096,000	—
Martin	163,000	139,000	159,800	138,000	49.8	53.9	7,964,000	7,433,000
Nicollet	87,600	76,900	86,700	76,200	53.4	53.1	4,627,000	4,043,000
Rice	74,000	—	73,100	—	55.8	—	4,076,000	—
Steele	80,600	74,600	78,800	74,000	53.7	46.6	4,233,000	3,445,000
Waseca	86,800	83,500	85,900	82,800	58.9	52.4	5,057,000	4,336,000
Watsonwan	101,500	96,400	99,600	95,600	52.5	48.1	5,225,000	4,595,000
Combined counties	(X)	148,100	(X)	147,000	(X)	48.7	(X)	7,152,000
South Central	1,306,000	1,192,000	1,286,000	1,182,000	52.6	50.6	67,655,000	59,791,000
Dakota	49,000	—	48,500	—	51.8	—	2,514,000	—
Dodge	88,600	88,000	87,900	87,400	57.4	48.7	5,043,000	4,255,000
Fillmore	98,800	87,200	98,000	86,600	53.4	51.6	5,230,000	4,466,000
Goodhue	101,500	87,900	100,600	87,400	56.2	54.2	5,649,000	4,735,000
Houston	—	26,100	—	25,500	—	52.1	—	1,329,000
Mower	156,000	146,500	154,700	145,400	56.5	49.7	8,747,000	7,232,000
Olmsted	74,500	—	73,800	—	54.9	—	4,054,000	—
Wabasha	43,700	—	43,300	—	57.3	—	2,479,000	—
Winona	—	29,700	—	29,400	—	53.2	—	1,563,000
Combined counties	65,900	145,600	65,200	144,300	53.7	51.3	3,499,000	7,402,000
Southeast	678,000	611,000	672,000	606,000	55.4	51.1	37,215,000	30,982,000
Combined districts	62,900	(X)	61,200	(X)	36.1	(X)	2,211,000	(X)
Minnesota	7,750,000	6,850,000	7,650,000	6,770,000	49.0	44.0	374,850,000	297,680,000

(X) Not applicable.

— Data does not meet publication standards but is published in "Combined counties", "Combined districts", or represents zero.

County Estimates can be found on QuickStats at quickstats.nass.usda.gov.



United States Department of Agriculture
National Agricultural Statistics Service



Minnesota Ag News – 2018 Soybean County Estimates

Minnesota Field Office · 375 Jackson St. Ste 610 · St. Paul, MN 55101 (651) 728-3113
fax (855) 271-9802 · www.nass.usda.gov

Cooperating with the Minnesota Department of Agriculture

March 21, 2019

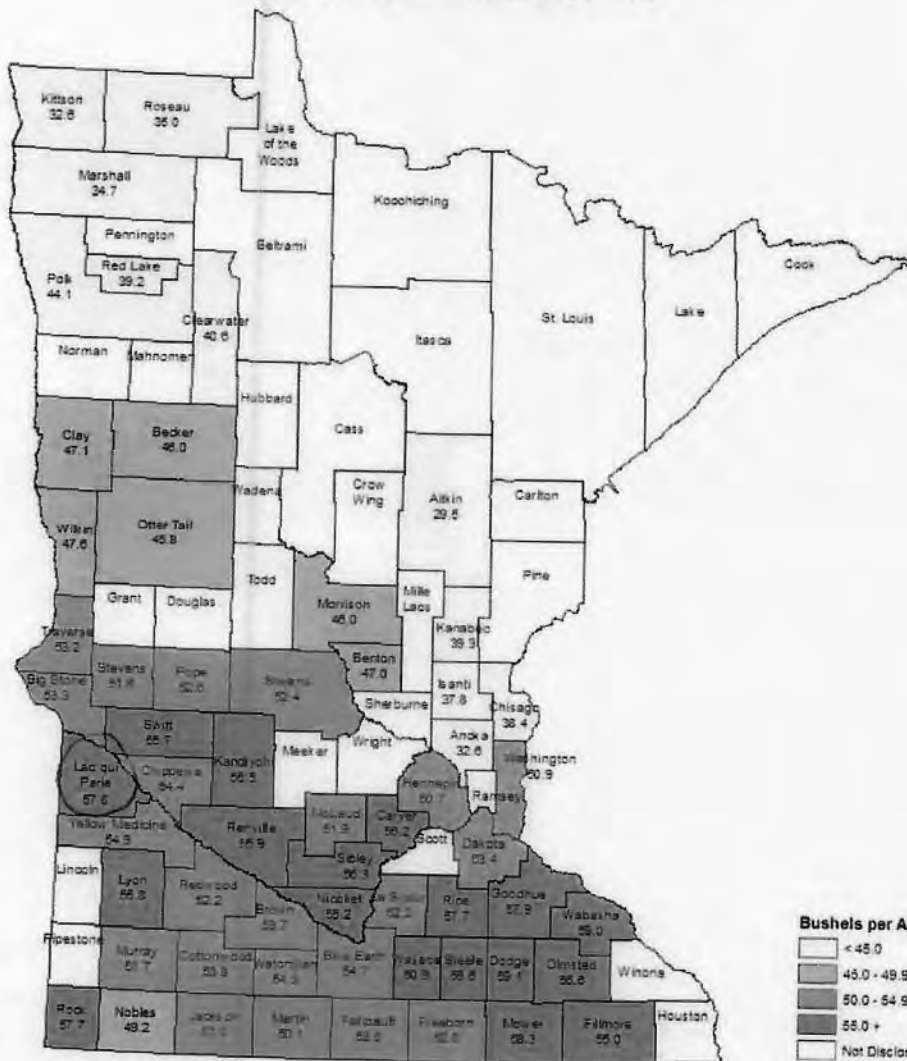
Media Contact: Dan Loftus

In 2018, four counties recorded total production over 10 million bushels of soybeans, led by Polk County, with 12.6 million bushels according to the USDA's National Agricultural Statistics Service. Renville (11.1 million), Redwood (11.0 million) and Lac qui Parle (10.1 million) also topped the 10 million bushel threshold. Faribault County (9.63 million) rounded out the top five highest production counties.

Five districts had yields averaging over 50 bushels per acre, led by the Southeast District, where yields averaged 57.1 bushels per acre. This was followed by the South Central District (54.2) and the Central District (53.0). Statewide, 18 counties averaged at least 55 bushels per acre, with Waseca County recording the highest yield in the State, at 60.9 bushels per acre. Dodge (59.1), Wabasha (59.0), Mower (58.3), and Goodhue (57.9) rounded out the top five yields.

Yields are derived from production divided by area harvested. Only published estimates were considered in rankings of districts and counties.

Soybean Yield – Minnesota: 2018 State Average: 50.5 Bushels per Acre



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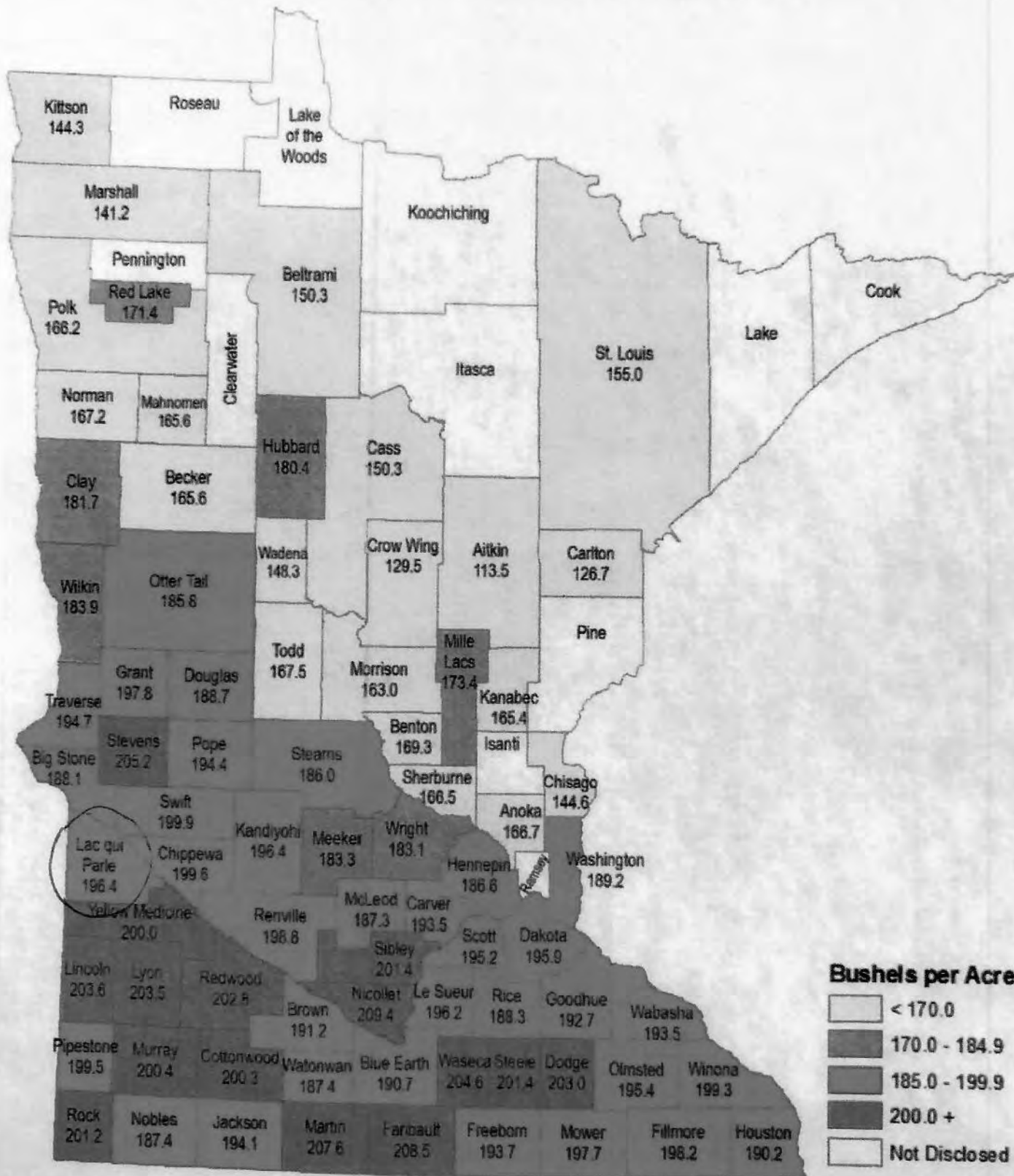
Soybeans for Beans, Area Planted, Harvested, Yield and Production – Minnesota by County: 2017-2018
[Some county/district data does not meet publication standards. However, this unpublished data is included in "Combined counties/Combined districts".]

County and district	Area planted		Area harvested		Yield		Production	
	2017	2018	2017	2018	2017	2018	2017	2018
	(acres)	(acres)	(acres)	(acres)	(bushels)	(bushels)	(bushels)	(bushels)
Becker	84,000	77,400	83,400	76,900	38.0	46.0	3,166,000	3,535,000
Clay	189,500	185,500	188,300	184,300	41.1	47.1	7,741,000	8,672,000
Cleanwater	23,000	24,300	22,700	24,100	32.4	40.6	735,000	979,000
Kittson	161,500	131,000	160,400	129,900	35.2	32.6	5,642,000	4,230,000
Mahnomen	70,800	-	69,500	-	37.4	-	2,600,000	-
Marshall	314,000	281,000	311,000	258,500	29.7	34.7	9,228,000	8,978,000
Norman	207,500	-	206,000	-	36.6	-	7,530,000	-
Pennington	142,000	-	141,100	-	25.7	-	3,628,000	-
Polk	326,000	288,000	324,000	286,500	38.4	44.1	12,433,000	12,639,000
Red Lake	92,700	81,200	92,100	80,700	38.6	39.2	3,553,000	3,165,000
Roseau	202,000	183,000	200,500	160,900	28.4	35.0	5,690,000	5,635,000
Combined counties	(NA)	350,600	(NA)	348,200	(NA)	41.8	(NA)	14,556,000
Northwest	1,813,000	1,562,000	1,799,000	1,550,000	34.4	40.3	61,946,000	62,390,000
Big Stone	113,500	115,500	112,700	114,500	45.5	53.3	5,132,000	6,101,000
Chippewa	110,000	102,900	109,300	100,600	49.8	54.4	5,442,000	5,472,000
Douglas	73,400	-	72,700	-	40.2	-	2,923,000	-
Grant	123,000	-	122,100	-	46.7	-	5,696,000	-
Lac qui Parle	178,500	177,000	177,400	175,400	49.1	57.8	8,716,000	10,137,000
Otter Tail	172,000	177,500	170,900	176,000	42.1	45.8	7,190,000	8,066,000
Pope	86,100	93,900	85,400	93,100	46.1	52.6	3,933,000	4,895,000
Stevens	113,000	107,500	112,200	106,600	46.4	51.6	5,203,000	5,499,000
Swift	132,500	130,000	131,600	128,900	46.3	55.7	6,091,000	7,177,000
Traverse	153,000	150,000	152,100	148,700	46.0	53.2	6,999,000	7,908,000
Wilkin	175,500	167,500	174,300	166,100	39.3	47.6	6,850,000	7,912,000
Yellow Medicine	173,500	170,000	172,300	168,600	52.7	54.9	9,079,000	9,250,000
Combined counties	(NA)	192,600	(NA)	190,500	(NA)	51.7	(NA)	9,853,000
West Central	1,604,000	1,584,000	1,593,000	1,589,000	46.0	52.4	73,254,000	82,270,000
Benton	36,100	37,700	35,900	36,700	40.6	47.0	1,456,000	1,724,000
Carver	45,800	41,200	45,400	40,700	53.5	56.2	2,429,000	2,288,000
Kandiyohi	110,000	108,000	109,300	107,000	47.3	55.5	5,185,000	5,937,000
McLeod	93,400	94,700	92,200	93,800	48.9	51.9	4,511,000	4,865,000
Meeker	102,000	-	101,400	-	46.5	-	4,716,000	-
Morrison	39,300	39,100	39,000	37,700	40.3	46.0	1,570,000	1,734,000
Renville	230,000	200,500	228,500	198,600	52.5	55.9	11,996,000	11,104,000
Scott	32,100	-	31,700	-	52.7	-	1,672,000	-
Sibley	122,000	119,500	121,200	117,800	54.6	56.3	6,617,000	6,632,000
Stearns	108,500	118,000	107,800	116,900	49.1	52.4	5,289,000	6,120,000
Todd	58,200	-	57,800	-	36.8	-	2,116,000	-
Wright	78,000	-	77,400	-	49.3	-	3,817,000	-
Combined counties	32,600	313,300	32,400	308,800	44.8	50.9	1,450,000	15,708,000
Central	1,088,000	1,072,000	1,080,000	1,058,000	48.9	53.0	52,604,000	56,112,000
Aitkin	7,700	5,900	7,470	5,840	30.5	29.5	228,000	172,000
Anoka	4,100	5,100	4,090	5,030	35.5	32.6	145,000	164,000
Chisago	29,000	28,500	28,900	28,300	37.3	38.4	1,077,000	1,087,000
Crow Wing	4,200	-	4,160	-	40.9	-	170,000	-
Hennepin	15,700	12,700	15,600	12,600	45.7	50.7	713,000	639,000
Isanti	32,000	29,000	31,800	28,100	36.8	37.8	1,171,000	1,063,000
Kanabec	-	16,500	-	16,300	-	39.3	-	641,000
Mille Lacs	20,300	-	20,100	-	36.4	-	-	-
Washington	14,700	14,200	14,600	14,100	47.7	50.9	731,000	-
Combined counties	35,300	43,600	34,580	43,030	36.3	42.4	696,000	718,000
East Central	163,000	155,500	161,400	153,300	38.3	41.1	6,189,000	6,308,000
Cottonwood	163,500	155,500	162,500	153,400	56.5	53.8	9,175,000	8,246,000
Jackson	171,500	179,500	170,400	175,200	55.9	51.0	9,533,000	8,927,000
Lincoln	106,000	-	105,300	-	47.6	-	5,013,000	-
Lyon	158,500	151,000	154,600	146,400	50.3	55.8	7,775,000	7,175,000
Murray	168,000	172,500	164,600	168,700	54.5	51.7	8,954,000	8,171,000
Nobles	176,000	178,500	174,900	176,200	53.2	49.2	9,304,000	8,673,000
Pipestone	91,500	-	90,900	-	53.7	-	4,877,000	-
Redwood	210,500	212,500	209,000	210,000	55.1	52.2	11,518,000	10,962,000
Rock	112,500	110,000	111,800	109,000	58.7	57.7	6,558,000	6,285,000
Combined counties	(NA)	208,500	(NA)	206,100	(NA)	53.7	(NA)	11,077,000
Southwest	1,354,000	1,368,000	1,344,000	1,345,000	54.1	52.8	72,717,000	71,070,000
Blue Earth	178,500	168,500	177,400	166,700	58.0	54.7	10,289,000	9,114,000
Brown	132,500	125,500	131,700	124,300	54.8	53.7	7,215,000	6,678,000
Faribault	171,500	183,500	170,400	179,700	59.4	53.6	10,114,000	9,631,000
Freeborn	154,500	155,500	153,500	153,800	56.0	53.6	8,592,000	8,242,000
Le Sueur	100,500	82,500	99,900	81,800	55.5	52.2	5,547,000	4,268,000
Martin	167,500	164,000	166,500	161,100	59.6	50.1	9,922,000	8,068,000
Nicollet	86,500	83,200	85,700	87,400	58.9	55.2	4,879,000	4,824,000
Rice	73,900	74,400	73,400	73,600	53.5	57.7	3,925,000	4,244,000
Steele	87,100	81,100	86,600	79,400	55.9	55.6	4,837,000	4,411,000
Waseca	90,000	87,300	89,300	86,500	56.9	60.9	5,077,000	5,268,000
Watsonwan	105,500	102,500	105,600	100,700	60.9	54.3	6,433,000	5,464,000
South Central	1,349,000	1,313,000	1,340,000	1,295,000	57.3	54.2	76,830,000	70,212,000
Dakota	53,800	49,400	53,400	49,000	52.5	53.4	2,801,000	2,618,000
Dodge	94,400	89,300	93,800	88,700	54.9	59.1	5,146,000	5,245,000
Fillmore	100,000	99,700	99,400	99,000	54.3	55.0	5,397,000	5,445,000
Goodhue	105,000	102,000	104,000	101,300	56.0	57.9	5,826,000	5,862,000
Houston	32,100	-	31,900	-	53.4	-	1,705,000	-
Mower	163,000	157,000	162,000	156,000	55.6	58.3	9,011,000	9,090,000
Olmsted	79,400	75,100	78,800	74,500	55.7	56.6	4,392,000	4,218,000
Wabasha	42,100	44,000	41,800	43,700	54.4	59.0	2,273,000	2,579,000
Winona	33,200	-	32,900	-	52.8	-	1,736,000	-
Combined counties	(NA)	66,500	(NA)	65,800	(NA)	55.3	(NA)	3,639,000
Southeast	703,000	683,000	698,000	678,000	54.9	57.1	38,287,000	38,696,000
Combined districts	76,000	62,500	74,600	61,700	30.1	37.2	2,248,000	2,297,000
State Total	8,150,000	7,800,000	8,090,000	7,710,000	47.5	50.5	384,275,000	389,355,000

- Data does not meet publication standards but is published in "Combined counties" or "Combined districts", or represents zero.
(NA) Not applicable.

Corn for Grain Yield – Minnesota: 2016

State Average: 193.0 Bushels per Acre



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nassrfourm@nass.usda.gov
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Minnesota AgriView

Vol 16-05

March 2, 2016

NORTH AMERICAN POTATOES

IN THIS ISSUE

*North American
Potatoes
Row Crops County
Estimates*

This publication is the result of a joint effort by Statistics Canada and USDA's National Agricultural Statistics Service (NASS) to publish potato production for both countries in one report. United States 2015 fall potato production was released January 12, 2016 and Canadian production was released January 22, 2016.

The 2015 fall potato production for the United States and Canada combined is estimated at 510 million cwt, up 1 percent from 2014. The United States fall potato production is estimated at 405 million cwt, up slightly from last year. Canada's potato growers harvested 105 million cwt, up 5 percent from 2014.

Fall Potatoes: Area Planted, Harvested, Yield, Total Production, Utilized Production, Price, and Farm Value, United States, 2006-2015

[Blank cells indicate estimation period has not yet begun.]

Crop year	Area Planted (1,000 acres)	Area Harvested (1,000 acres)	Yield per Acre (cwt)	Total Production (1,000 cwt)	Utilized Production 1/ (1,000 cwt)	Price per cwt (dollars)	Value of Sales 2/ (1,000 dollars)
2006	995.7	984.0	406	399,176	370,797	6.67	2,448,546
2007	1,007.8	993.2	410	406,800	378,518	7.04	2,636,885
2008	931.1	922.0	411	378,588	353,635	8.49	2,967,871
2009	936.7	917.2	429	393,544	365,559	7.62	2,751,550
2010	895.3	882.7	416	366,781	343,386	8.79	2,984,771
2011	959.2	941.0	416	391,570	364,845	8.87	3,201,310
2012	1,007.8	994.9	422	420,030	392,275	8.05	3,131,956
2013	939.3	930.5	425	395,275	370,975	9.05	3,320,712
2014	938.4	931.1	434	403,703	377,762	8.35	3,113,990
2015	944.6	937.7	431	404,513			

1. Includes potatoes sold and used on farm where grown for human consumption, seed, and livestock feed. 2. Includes value of potatoes sold.
Source: National Agricultural Statistics Service.

Potatoes: Area Planted, Harvested, Yield, Total Production, Utilized Production, Price, and Farm Value, Canada, 2006-2015

[Blank cells indicate estimation period has not yet begun.]

Crop year	Area Planted (1,000 acres)	Area Harvested (1,000 acres)	Yield per Acre (cwt)	Total Production (1,000 cwt)	Utilized Production 1/ (1,000 cwt)	Price per cwt 2/ (dollars)	Value of Sales 2/ 3/ (1,000 dollars)
2006	401.9	391.0	287.1	112,241	107,926	7.64	824,897
2007	399.2	395.2	278.3	109,982	106,510	8.94	952,719
2008	379.9	373.4	277.3	103,560	99,950	10.13	1,012,381
2009	369.9	359.7	280.4	100,859	96,812	10.78	1,043,196
2010	357.0	344.0	282.4	97,153	93,355	11.68	1,090,680
2011	360.5	348.8	264.8	92,372	89,085	12.10	1,086,795
2012	373.2	367.1	274.4	100,741	94,578	11.84	1,120,019
2013	356.1	351.8	291.0	102,383	(NA)	(NA)	(NA)
2014	346.8	342.4	293.9	100,654	(NA)	(NA)	(NA)
2015	348.8	343.4	306.8	105,382			

(NA) Not available. 1. Includes potatoes sold and used on farm where grown for human consumption, seed, and livestock feed. 2. Converted to United States dollars. 3. Includes value of potatoes sold and used on farm where grown for human consumption, seed, and livestock feed.

Source: Agriculture Division, Statistics Canada

ROW CROPS COUNTY ESTIMATES

In 2015, 56 counties produced record high soybean yields. Five counties produced over 10 million bushels of soybeans, led by Renville with 11.9 million bushels. Redwood (11.4 million), Faribault (10.2 million), Polk (10.1 million), and Blue Earth (10.1 million) also topped 10 million bushels.

Three districts averaged over 55 bushels per acre, led by the South Central District, where yields averaged 59.2 bushels per acre. The Southeast District (57.1) and the Southwest District (55.3) also topped 55 bushels per acre. The 3 northern districts averaged less than 40 bushels per acre. Producers in the Northwest District averaged just 35.5 bushels per acre. Statewide, 5 counties averaged over 60 bushels per acre, with Martin County recording the highest yield in the State, at 61.7 bushels per acre. Faribault (61.3), Dodge (60.6), Nicollet (60.1) and Waseca (60.1) also topped 60 bushels per acre.

Soybeans for Beans: Area Planted, Harvested, Yield and Production, Minnesota by County, 2015

[Some county/district data does not meet publication standards. However, this unpublished data is included in "other counties/other districts".]

County and District	Area Planted	Area Harvested	Yield	Production	County and District	Area Planted	Area Harvested	Yield	Production
	(acres)	(acres)	(bushels)	(bushels)		(acres)	(acres)	(bushels)	(bushels)
Clay.....	182,000	181,000	40.6	7,345,000	Cottonwood.....	158,500	157,600	56.8	8,944,000
Kittson.....	132,000	131,300	31.8	4,175,000	Jackson.....	168,500	167,500	56.7	9,493,000
Mahnomen.....	64,000	63,600	37.2	2,365,000	Lyon.....	163,500	162,500	54.7	8,888,000
Marshall.....	250,000	247,500	32.4	8,030,000	Murray.....	165,500	164,500	55.4	9,117,000
Norman.....	185,000	184,000	40.0	7,353,000	Nobles.....	174,000	173,000	57.1	9,875,000
Pennington.....	120,000	119,400	35.2	4,207,000	Redwood.....	211,000	209,500	54.5	11,422,000
Polk.....	285,500	284,000	35.6	10,116,000	Rock.....	107,500	106,600	58.2	6,202,000
Red Lake.....	83,300	82,900	35.5	2,942,000	Other Counties.....	193,500	191,800	50.9	9,763,000
Roseau.....	144,500	143,200	30.9	4,422,000	Southwest.....	1,342,000	1,333,000	55.3	73,704,000
Other Counties.....	97,700	97,100	35.8	3,480,000	Blue Earth.....	169,500	168,400	59.8	10,074,000
Northwest.....	1,544,000	1,534,000	35.5	54,435,000	Brown.....	129,500	128,400	56.5	7,258,000
Big Stone.....	116,000	115,500	46.9	5,422,000	Faribault.....	168,000	167,100	61.3	10,239,000
Chippewa.....	107,500	107,100	50.3	5,388,000	Freeborn.....	150,000	149,200	58.6	8,750,000
Douglas.....	68,900	68,600	47.4	3,254,000	Le Sueur.....	93,200	92,700	56.2	5,213,000
Grant.....	122,500	121,900	47.4	5,776,000	Martin.....	158,500	157,600	61.7	9,728,000
Lac Qui Parle.....	181,000	177,500	50.5	8,969,000	Nicollet.....	82,200	81,700	60.1	4,910,000
Otter Tail.....	154,000	152,900	43.9	6,708,000	Rice.....	69,500	68,900	56.8	3,914,000
Pope.....	84,600	83,900	49.5	4,154,000	Steele.....	78,800	78,300	58.0	4,544,000
Stevens.....	112,000	111,600	47.3	5,284,000	Waseca.....	83,300	82,800	60.1	4,978,000
Swift.....	138,000	137,500	49.6	6,823,000	Watsonwan.....	103,500	102,900	59.0	6,075,000
Traverse.....	155,500	154,900	45.6	7,066,000	South Central..	1,286,000	1,278,000	59.2	75,683,000
Wilkin.....	164,500	163,800	40.2	6,584,000	Dakota.....	47,800	47,300	53.9	2,550,000
Yellow Medicine.....	176,500	175,800	53.1	9,340,000	Dodge.....	93,800	93,100	60.6	5,640,000
West Central....	1,581,000	1,571,000	47.6	74,768,000	Fillmore.....	95,000	94,300	56.3	5,310,000
Benton.....	33,100	32,900	47.3	1,557,000	Goodhue.....	95,500	94,800	58.1	5,511,000
Carver.....	42,600	42,200	58.5	2,468,000	Mower.....	161,500	160,400	58.2	9,343,000
Kandiyohi.....	104,000	103,400	54.0	5,581,000	Olmsted.....	77,500	77,000	54.5	4,198,000
McLeod.....	83,900	83,200	52.5	4,366,000	Winona.....	31,200	30,900	55.9	1,728,000
Meeker.....	94,100	93,500	51.0	4,764,000	Other Counties.....	70,700	70,200	55.4	3,890,000
Morrison.....	29,400	29,200	51.0	1,488,000	Southeast.....	673,000	668,000	57.1	38,170,000
Renville.....	216,000	215,000	55.3	11,881,000	Other Districts..	52,000	51,600	37.3	1,927,000
Scott.....	27,300	27,100	57.9	1,568,000	State Total.....	7,600,000	7,550,000	50.0	377,500,000
Sibley.....	113,000	112,400	55.7	6,258,000					
Stearns.....	95,100	94,600	52.4	4,959,000					
Todd.....	47,500	47,200	47.8	2,256,000					
Wright.....	69,500	69,100	55.6	3,840,000					
Other Counties.....	24,500	24,200	49.2	1,191,000					
Central.....	980,000	974,000	53.6	52,177,000					
Aitkin.....	6,100	6,000	32.0	192,000					
Anoka.....	4,100	4,000	42.5	170,000					
Chisago.....	26,100	25,400	45.8	1,164,000					
Hennepin.....	14,900	14,800	54.8	811,000					
Isanti.....	26,600	26,500	43.8	1,161,000					
Mille Lacs.....	17,300	17,200	48.3	830,000					
Pine.....	16,300	16,200	49.1	795,000					
Washington.....	14,000	13,900	53.6	745,000					
Other Counties.....	16,600	16,400	46.8	768,000					
East Central....	142,000	140,400	47.3	6,636,000					

The South Central District in Minnesota was the largest corn producing district in Minnesota in 2015 with 321 million bushels. Renville County was the largest corn producing county with 51.6 million bushels. Redwood, Martin, Faribault, and Nobles rounded out the top five.

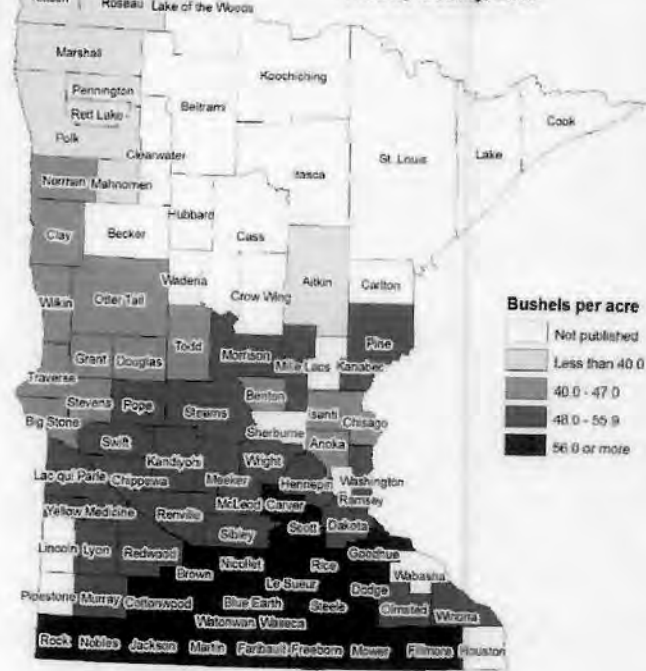
Faribault led all counties with a county-wide average yield of 207.4 bushels per acre. Nicollet (206.8), Watonwan (206.1), Dodge (204.0), and Martin (203.4) Counties rounded out the top five. Thirteen counties surpassed the 200 bushel per acre yield mark.

Corn: Area Planted For All Purposes, Area Harvested for Grain, Yield and Production, Minnesota by County, 2015
[Some county/district data does not meet publication standards. However, this unpublished data is included in "other counties/other districts".]

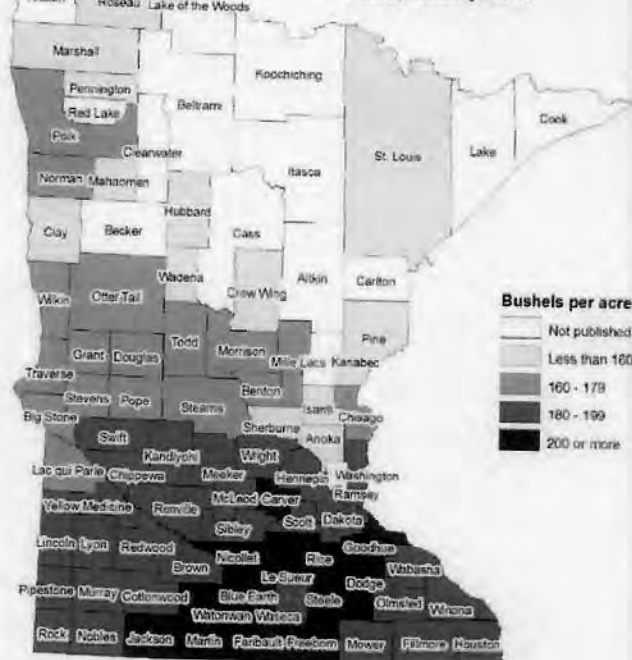
County and District	Area Planted for all Purposes	Area Harvested for Grain	Yield	Production	County and District	Area Planted for all Purposes	Area Harvested for Grain	Yield	Production
	(acres)	(acres)	(bushels)	(bushels)		(acres)	(acres)	(bushels)	(bushels)
Clay	119,500	116,300	156.5	18,197,000	Anoka	7,500	7,410	132.1	979,000
Mahnomen	37,200	36,200	146.6	5,307,000	Chisago	28,000	24,400	173.1	4,224,000
Marshall	35,100	33,700	141.2	4,757,000	Crow Wing	10,400	8,450	114.9	971,000
Norman	86,400	85,500	161.3	13,791,000	Hennepin	13,800	13,100	198.5	2,601,000
Pennington	11,500	11,300	130.9	1,479,000	Isanti	33,800	33,300	157.7	5,250,000
Polk	67,700	66,800	160.7	10,734,000	Mille Lacs	22,000	19,300	171.4	3,308,000
Roseau	11,500	7,300	122.7	896,000	Pine	20,100	13,300	158.3	2,106,000
Other counties ..	92,100	69,400	149.5	10,373,000	Washington	18,700	17,900	192.6	3,448,000
Northwest	461,000	426,500	153.7	65,534,000	Other counties ..	16,700	14,540	157.4	2,288,000
Hubbard	8,400	6,530	154.7	1,010,000	East Central ...	171,000	151,700	166.0	25,175,000
Other counties ..	15,100	10,070	149.9	1,509,000	Cottonwood	183,500	180,200	199.5	35,956,000
North Central ..	23,500	16,600	151.7	2,519,000	Jackson	187,000	184,300	200.9	37,032,000
St. Louis	500	200	115.0	23,000	Lincoln	117,500	113,500	180.7	20,507,000
Other counties ..	(NA)	(NA)	(NA)	(NA)	Lyon	186,000	179,600	193.3	34,716,000
Northeast	500	200	115.0	23,000	Murray	186,500	181,800	199.5	36,261,000
Big Stone	92,600	90,800	173.7	15,773,000	Nobles	218,500	202,500	193.5	39,187,000
Chippewa	146,500	143,800	193.5	27,826,000	Pipestone	113,000	91,400	191.9	17,536,000
Douglas	61,900	56,300	177.8	10,010,000	Redwood	234,000	229,000	197.6	45,246,000
Grant	120,000	117,900	176.0	20,751,000	Rock	146,000	136,700	198.8	27,171,000
Lac Qui Parle ...	175,500	169,000	175.2	29,602,000	Southwest	1,572,000	1,499,000	195.9	293,612,000
Otter Tail	164,000	147,700	172.6	25,498,000	Blue Earth	194,000	190,100	201.4	38,292,000
Pope	106,000	99,200	177.9	17,649,000	Brown	158,500	150,800	189.0	28,498,000
Stevens	147,000	126,200	179.9	22,703,000	Faribault	214,000	210,500	207.4	43,668,000
Swift	180,000	173,400	181.8	31,531,000	Freeborn	195,000	191,500	201.8	38,640,000
Traverse	133,000	130,400	175.9	22,936,000	Le Sueur	95,000	91,600	201.2	18,426,000
Wilkin	102,500	100,200	168.4	16,878,000	Martin	225,500	222,000	203.4	45,153,000
Yellow Medicine	193,000	181,100	187.3	33,925,000	Nicollet	116,000	107,300	206.8	22,194,000
West Central ...	1,622,000	1,536,000	179.1	275,082,000	Rice	87,500	83,100	201.1	16,709,000
Benton	59,700	48,100	167.3	8,047,000	Steele	112,000	108,500	201.4	21,847,000
Carver	60,200	57,300	200.2	11,470,000	Waseca	112,000	109,400	199.2	21,797,000
Kandiyohi	161,500	154,300	185.5	28,625,000	Watonwan	128,500	126,200	206.1	26,009,000
Mcleod	114,000	111,900	192.0	21,480,000	South Central .	1,638,000	1,591,000	201.9	321,233,000
Meeker	122,500	112,800	185.7	20,946,000	Dakota	89,000	86,400	199.5	17,238,000
Morrison	102,500	83,900	171.8	14,418,000	Dodge	120,000	115,500	204.0	23,567,000
Renville	272,500	270,500	190.8	51,621,000	Fillmore	181,500	165,700	192.0	31,821,000
Scott	35,700	34,400	191.5	6,586,000	Goodhue	155,500	146,500	202.4	29,654,000
Sherburne	28,000	27,400	117.8	3,228,000	Houston	60,000	50,500	185.3	9,360,000
Sibley	155,000	147,900	185.9	27,493,000	Mower	200,000	195,800	198.7	38,914,000
Stearns	217,500	159,800	171.9	27,466,000	Olmsted	122,500	115,400	184.9	21,336,000
Todd	77,300	65,300	160.6	10,490,000	Wabasha	92,500	77,100	188.5	14,537,000
Wadena	22,600	17,800	136.2	2,424,000	Winona	80,000	61,100	186.5	11,395,000
Wright	82,000	73,600	183.5	13,506,000	Southeast	1,101,000	1,014,000	195.1	197,822,000
Central	1,511,000	1,365,000	181.5	247,800,000	Minnesota	8,100,000	7,600,000	188.0	1,428,800,000

(NA) Not applicable.

**SOYBEANS
Yield by County, 2015**



**CORN FOR GRAIN
Yield by County, 2015**



In 2015, the Northwest District was the largest oil sunflower producing district in Minnesota with 106.1 million pounds, up 102 percent from 2014. The West Central District produced 11.1 million pounds of oil sunflowers. The total oil sunflower production for Minnesota was 123.8 million pounds, a 90 percent increase from last year.

In the Northwest District, the yield increased 170 pounds from the previous year to 1,640 pounds per acre for oil sunflowers. At the state level, the yield was 1,650 pounds per acre, a 14 percent increase from 2014.

Minnesota produced 42.3 million pounds of non-oil sunflowers, up 87 percent from 2014. Yield increased 240 pounds from last year to 1,800 pounds per acre.

Oil Sunflowers: Area Planted, Harvested, Yield and Production, Minnesota, 2015

County and District	Area Planted	Area Harvested	Yield ¹	Production
	(acres)	(acres)	(pounds)	(1,000 pounds)
Kitson	12,600	12,400	1,880	23,270
Roseau	12,500	12,200	1,370	16,700
Other Counties ...	40,800	40,100	1,650	66,080
Northwest	65,900	64,700	1,640	106,050
Central	2,000	1,900	1,410	2,670
Otter Tail	1,500	1,450	2,300	3,340
Stevens	1,100	1,100	1,690	1,860
Other Counties ...	3,800	3,150	1,870	5,890
West Central	6,400	5,700	1,950	11,090
Other Districts ..	2,700	2,700	1,460	3,940
Minnesota	77,000	75,000	1,650	123,750

Non-Oil Sunflowers: Area Planted, Harvested, Yield and Production, Minnesota, 2015

State	Area Planted	Area Harvested	Yield	Production
	(acres)	(acres)	(pounds)	(1,000 pounds)
Marshall	2,100	2,050	1,420	2,920
Norman	3,100	3,050	2,440	7,430
Other Counties ...	11,300	11,100	1,690	18,730
Northwest	16,500	16,200	1,800	29,080
Other Districts ..	7,500	7,300	1,810	13,220
Minnesota	24,000	23,500	1,800	42,300

¹ Yield per harvested acre is derived and published to the nearest ten pounds.

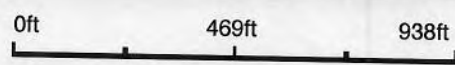
¹ Yield per harvested acre is derived and published to the nearest ten pounds.

Aerial Map



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Map Center: 44.967042, -95.936523



4-117N-42W
Lac Qui Parle County
Minnesota



8/27/2019

Maps Provided By:

 CUSTOMIZED ONLINE MAPPING
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Field borders provided by Farm Service Agency as of 5/21/2008.

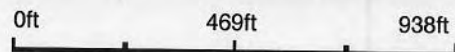
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Aerial Map



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Map Center: 44.967042, -95.936530



4-117N-42W
Lac Qui Parle County
Minnesota



8/27/2019

Maps Provided By:

 CUSTOMIZED ONLINE MAPPING
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Field borders provided by Farm Service Agency as of 5/21/2008

MN-109 Schuelke Farm
Lac Qui Parle County
Baxter Township
Farm History

Total Acres = 80
Tillable Acres = 71

Farm purchased 4.11.11. Rented out from 2012 - 2014

	<u>2015</u>	<u>2016</u>	<u>2017</u>	<u>2018</u>	<u>2019</u>	<u>2020</u>
Farmable Acres	54	61	54	54	54	54
Crop Planted	Beans	Corn	Beans	Beans	Beans	Beans
Crop Attempted to Plant	Beans	Corn	Beans	Corn	Corn	Beans
Yield	43	178	42	39	29	N/A
Yield % Compared to Avg Total	65%	81%	68%	64%	47%	N/A
Yield % Compared to County Avg	84%	91%	86%	67%	58%	N/A
Yield Avg - Our total farm operation						
Avg Corn Yield	N/A	220	N/A	N/A	N/A	N/A
Avg Bean Yield	66	N/A	62	61	62	N/A
Yield Avg - LQP County wide						
Avg Corn Yield	N/A	196	N/A	N/A	N/A	N/A
Avg Bean Yield	51	N/A	49	58	50	N/A

Other Comments:

- 2016 - There was 3 to 5 acres of standing water at harvest per farm manager
- 2018 - Beans on beans, too wet to plant corn per farm manager
- 2019 - Beans on beans on beans, too wet to plant corn per farm manager
- This parcel is our only field owned in Lac Qui Parle county. Further away from other fields that we manage. More difficult to manage/farm than any other field we own. Poor soils overall.
- Was originally in CRP when we purchased the ground, 10 acres of wetlands and another 10 to 15 acres that commonly have standing water issues
- See Soil Maps from M-109 - we look at productivity index when purchasing new farmland. See M-109 vs other farms that were purchased near by. Now a days we don't purchase any farmland under a 90 productivity index score.

*** comparing M-109 yields to company avg. yields. This farm struggles to compare with our other field aver**
*** comparing M-109 yields to county avg. yields. This farm doesn't keep up with county averages that have t**

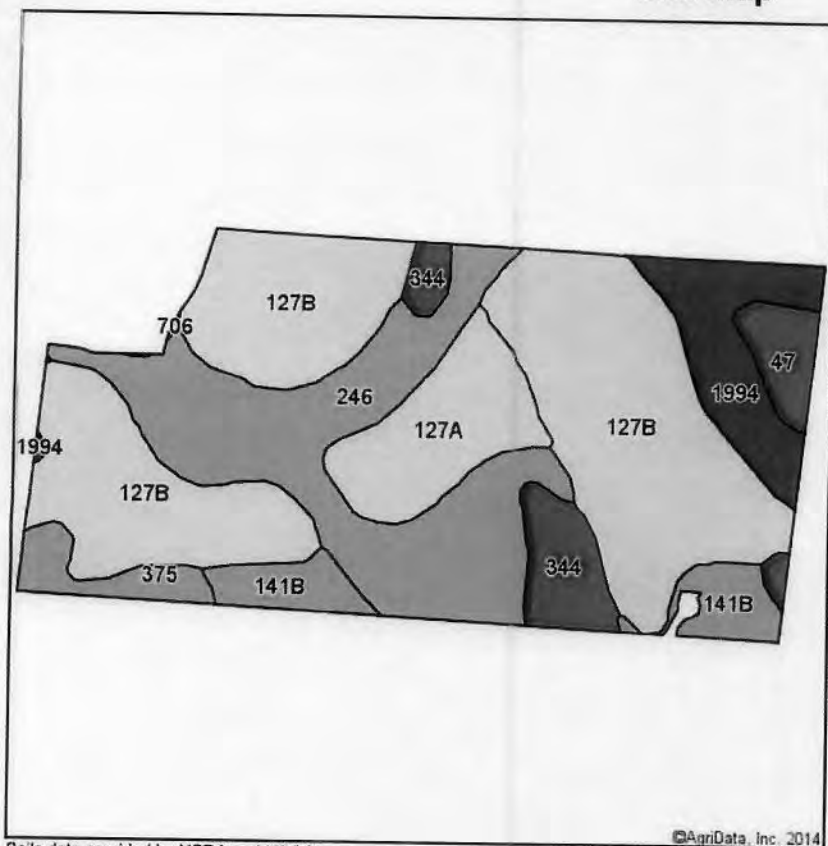
ages.
even lower expectations.

M-109

Soil Map



State: **Minnesota**
 County: **Lac Qui Parle**
 Location: **4-117N-42W**
 Township: **Baxter**
 Acres: **71.21**
 Date: **1/20/2014**



Soils data provided by USDA and NRCS.

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Maps Provided By:

 CUSTOMIZED ONLINE MAPPING
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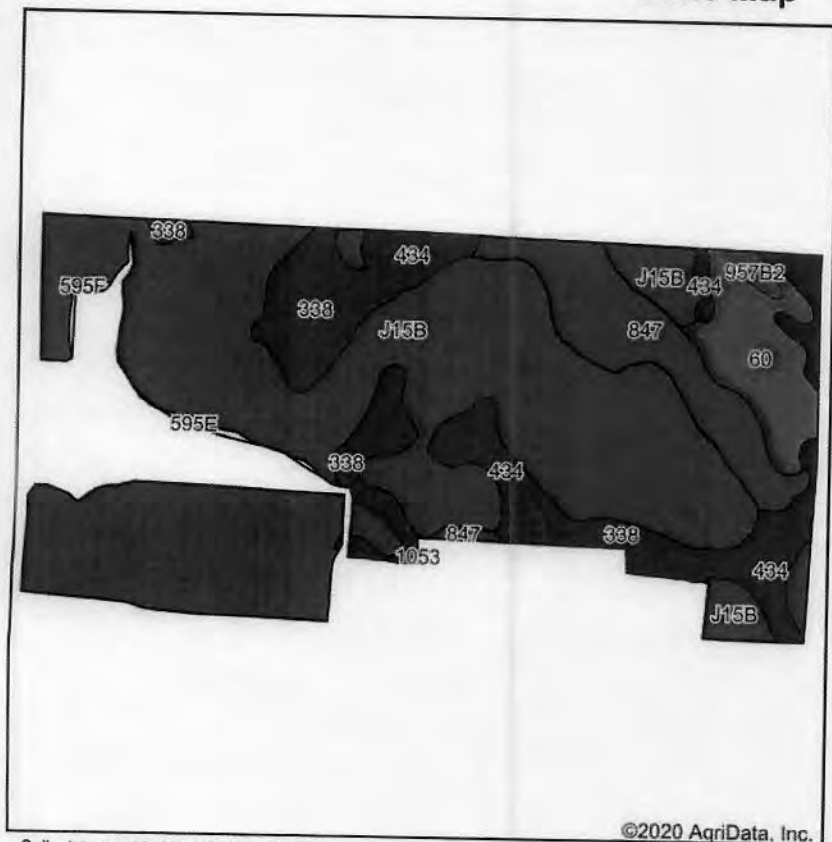
Code	Soil Description	Acres	Percent of field	PI Legend	Non-Irr Class	Productivity Index	Bromegrass alfalfa hay	Corn	Oats	Soybeans	Spring wheat
127B	Sverdrup sandy loam, 2 to 6 percent slopes	31.98	44.9%		IIIe	49	2.3	83	59	25	43
246	Marysland loam	16.66	23.4%		IIw	65	2.8	111	66	33	48
127A	Sverdrup sandy loam, 0 to 2 percent slopes	6.22	8.7%		IIIs	52	3	88	70	26	52
1994	Embsen sandy loam	5.32	7.5%		IIs	93	4.3	158	79	47	58
141B	Egeland sandy loam, 2 to 6 percent slopes	3.60	5.1%		IIe	68	3.6	116	73	34	55
344	Quam silty clay loam	3.44	4.8%		IIIw	88	3.4	150	72	44	53
47	Colvin silty clay loam	2.08	2.9%		IIw	89	3.9	151	76	45	56
375	Forada loam	1.91	2.7%		IIw	65	3.4	111	73	33	55
Weighted Average						60.7	2.8	103.2	65.3	30.8	47.9

Area Symbol: MN073, Soil Area Version: 12, Established: 5/31/2012 3:47:04 PM

Field borders provided by Farm Service Agency as of 5/21/2008. Aerial photography provided by Aerial Photography Field Office.

M-25

Soils Map



State: **Minnesota**
 County: **Chippewa**
 Location: **28-118N-41W**
 Township: **Tunberg**
 Acres: **251.49**
 Date: **7/31/2020**



Soils data provided by USDA and NRCS.

Area Symbol: MN023, Soil Area Version: 23

Code	Soil Description	Acres	Percent of field	PI Legend	Non-Irr Class *c	Range Production (lbs/acre/yr)	Productivity Index	Corn	Soybeans	*n NCGPI Soybeans
J15B	Eckman silt loam, 1 to 6 percent slopes	160.30	63.7%		Ile	3554	94			70
338	Waubay silty clay loam	26.70	10.6%		I	0	99	176	50	76
434	Perella silty clay loam	23.90	9.5%		Ilw	0	95	169	48	79
847	Colvin-Spicer silty clay loams	22.69	9.0%		Ilw	0	90	159	45	86
60	Glyndon silt loam	15.39	6.1%		Ils	0	89	158	45	69
957B2	Rothsay-Zell complex, 3 to 6 percent slopes, eroded	1.23	0.5%		Ile	0	86	153	47	48
595F	Belview loam, 22 to 40 percent slopes	0.68	0.3%		Vlle	0	14			19
595E	Belview loam, 16 to 30 percent slopes	0.60	0.2%		Vle	0	17			53
Weighted Average						2265.3	93.5	59.5	16.9	*n 72.6

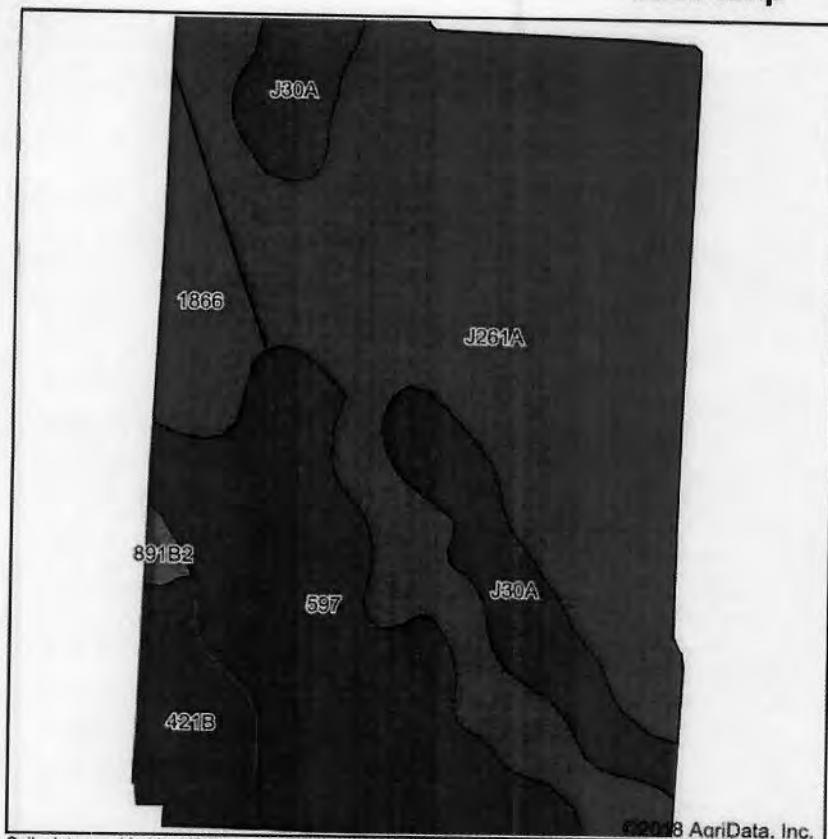
*n: The aggregation method is "Weighted Average using all components"

*c: Using Capabilities Class Dominant Condition Aggregation Method

Soils data provided by USDA and NRCS.

Soils Map

M-103



State: **Minnesota**
 County: **Chippewa**
 Location: **22-117N-39W**
 Township: **Leenthrop**
 Acres: **224.41**
 Date: **8/17/2018**

Maps Provided By

 CUSTOMER'S ONLINE MAPPING SERVICE
 © AgriData, Inc. 2019 www.AgriDataInc.com



Soils data provided by USDA and NRCS.

Area Symbol: MN023, Soil Area Version: 20

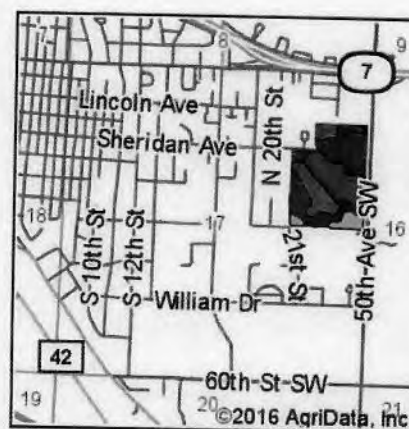
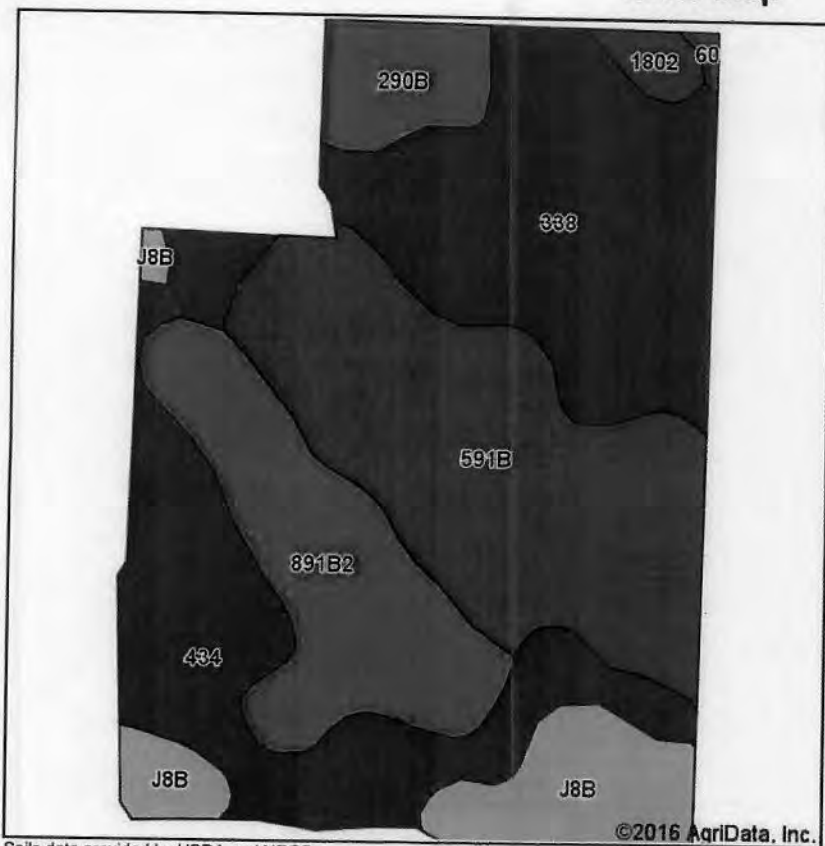
Code	Soil Description	Acres	Percent of field	PI Legend	Non-Irr Class *c	Range Production (lbs/acre/yr)	Productivity Index	Corn	Soybeans	NCCPI Soybeans
J251A	Perella-Colvin complex, 0 to 2 percent slopes	125.86	56.1%		llw	0	93	162	51	75
597	Tara silty clay loam	49.80	22.2%		l	0	99	176	50	79
J30A	Tara silt loam, 1 to 3 percent slopes	23.82	10.6%		le	4541	99			78
421B	Amiret loam, 2 to 6 percent slopes	11.95	5.3%		lle	0	98			81
1866	Perella-Colvin silty clays	11.77	5.2%		llw	0	93	165	46	65
891B2	Doland-Swanlake complex, 3 to 6 percent slopes, eroded	1.21	0.5%		lle	0	87	155	43	66
Weighted Average						482	95.2	139.4	42.3	76

*c: Using Capabilities Class Dominant Condition Aggregation Method

Soils data provided by USDA and NRCS.

Soils Map

M-105



State: **Minnesota**
 County: **Chippewa**
 Location: **17-117N-40W**
 Township: **Montevideo**
 Acres: **46.46**
 Date: **3/14/2016**



Area Symbol: MN023, Soil Area Version: 18

Code	Soil Description	Acres	Percent of field	PI Legend	Non-Irr Class *c	Range Production (lbs/acre/yr)	Productivity Index	Corn	Soybeans
591B	Doland silt loam, 2 to 6 percent slopes	12.53	27.0%		Ile	0	90	160	45
338	Waubay silty clay loam	11.47	24.7%		I	0	99	176	50
434	Perella silty clay loam	8.51	18.3%		IIw	0	95	169	48
891B2	Doland-Swanlake complex, 3 to 6 percent slopes, eroded	7.14	15.4%		Ile	0	87	155	43
J8B	Egeland sandy loam, 2 to 6 percent slopes	4.01	8.6%		IIIe	3367	*m 68		
290B	Rothsay loam, 2 to 6 percent slopes	2.08	4.5%		Ile	0	86	153	43
1802	Spicer-Quam silty clay loams	0.60	1.3%		IIIw	0	90	160	45
60	Glyndon silt loam	0.12	0.3%		IIs	0	89	158	45
Weighted Average						290.6	*m 90.6	150.7	42.5

Area Symbol: MN023, Soil Area Version: 18

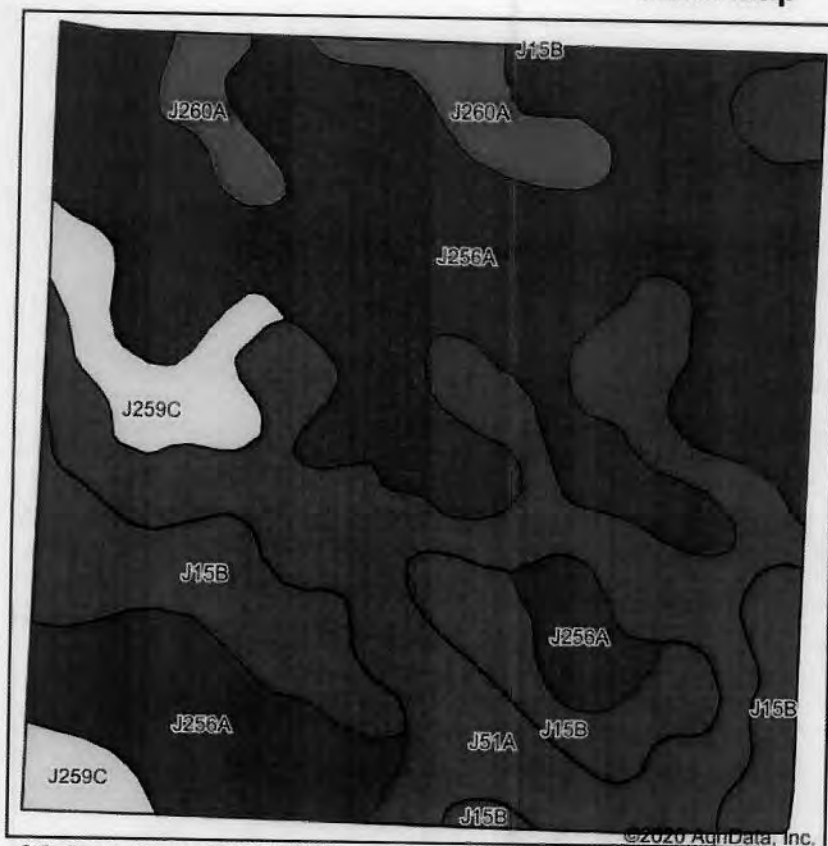
*m: Productivity index updated on 3/14/2016

*c: Using Capabilities Class Dominant Condition Aggregation Method

Soils data provided by USDA and NRCS.

M-111

Soils Map



State: **Minnesota**
 County: **Chippewa**
 Location: **18-118N-40W**
 Township: **Rosewood**
 Acres: **154.48**
 Date: **7/31/2020**



Soils data provided by USDA and NRCS.

Area Symbol: MN023, Soil Area Version: 23

Code	Soil Description	Acres	Percent of field	PI Legend	Non-Irr Class *c	Range Production (lbs/acre/yr)	Productivity Index	Com	Soybeans	*n NCCPI Soybeans
J256A	Waubay silty clay loam, 1 to 3 percent slopes	76.32	49.4%		Is	0	99	172	54	67
J51A	Bearden-Quam, depressional, complex, 0 to 2 percent slopes	40.99	26.5%		IIs	0	91	159	50	74
J15B	Eckman silt loam, 1 to 6 percent slopes	21.14	13.7%		Ile	3554	94			70
J259C	Buse-Doland complex, 6 to 12 percent slopes	8.36	5.4%		IIle	0	75	131	41	52
J260A	Colvin-Quam complex, depressional, 0 to 1 percent slopes	7.67	5.0%		IIlw	0	86	150	47	74
Weighted Average						486.4	94.2	141.7	44.5	*n 68.8

*n: The aggregation method is "Weighted Average using all components"
 *c: Using Capabilities Class Dominant Condition Aggregation Method
 Soils data provided by USDA and NRCS.

REPORT OF COMMODITIES

FARM SUMMARY

Original: _____

Revision: _____

Cropland: 71.20

Farmland: 80.00

NOTE: The authority for collecting the following information is Pub.L 107-76. This authority allows for the collection of information without prior OMB approval mandated by the Paperwork Reduction Act of 1995. The data will be used to determine eligibility for assistance. Furnishing the data is voluntary, however, without it assistance cannot be provided. The data may be furnished to any agency responsible for enforcing the provisions of the Act.

Planting Period	Crop/Commodity	Variety/Type	Intended Use	Irrigation Practice	Reporting Unit	Reported Quantity	Share	Crop/Commodity	Variety/Type	Share	Crop/Commodity	Variety/Type	Share	Crop/Commodity	Variety/Type	Reported Quantity	Determined Quantity
	CRP		23	N	A	71.20	100.00	CRP									0.00

GARY D SONSTEGARD

OPERATOR'S CERTIFICATION: I certify to the best of my knowledge and belief that the acreage of crops and land uses listed herein are true and correct, and that all required crops and land uses have been reported for the farm as applicable. The signing of this form gives FSA representatives authorization to enter and inspect crops and land uses on the above identified land. A signature date (the date the producer signs the FSA-578) will also be captured.

Operator's Signature (By)

Date

This program or activity will be conducted on a nondiscriminatory basis without regard to race, color, religion, national origin, sex, age, marital status, or disability.

REPORT OF COMMODITIES FARM SUMMARY

PROGRAM YEAR: 2012

DATE: 09/25/2019
PAGE: 1

Original: _____
Revision: _____
Cropland: 71.20
Farmland: 80.00

Lac qui Parle, Minnesota
FSA - 578 (09-13-16)
Farm Number: 8534
Operator Name and Address
GARY D SONSTEGARD
7030 30TH ST SW
MONTEVIDEO, MN 56265-3132

NOTE: The authority for collecting the following information is Pub.L. 107-76. This authority allows for the collection of information without prior OMB approval mandated by the Paperwork Reduction Act of 1995. The data will be used to determine eligibility for assistance. Furnishing the data is voluntary, however, without it assistance cannot be provided. The data may be furnished to any agency responsible for enforcing the provisions of the Act.

Planting Period	Crop/Commodity	Variety/Type	Intended Use	Irrigation Practice	Reporting Unit	Reported Quantity	Share	Crop/Commodity	Variety/Type	Share	Intended Use	Irrigation Practice	Reporting Unit	Reported Quantity	Determined Quantity
01	CRP		23	N	A	71.20	100.00	CRP							0.00

OPERATOR'S CERTIFICATION: I certify to the best of my knowledge and belief that the acreage of crops and land uses listed herein are true and correct, and that all required crops and land uses have been reported for the farm as applicable. The signing of this form gives FSA representatives authorization to enter and inspect crops and land uses on the above identified land. A signature date (the date the producer signs the FSA-578) will also be captured.

Operator's Signature (By) _____ Date _____
This program or activity will be conducted on a nondiscriminatory basis without regard to race, color, religion, national origin, sex, age, marital status, or disability.

REPORT OF COMMODITIES FARM SUMMARY

PROGRAM YEAR: 2013
DATE: 09/25/2019
PAGE: 1

Original: _____
Revision: _____
Cropland: 71.21
Farmland: 76.10

Lac qui Parle, Minnesota
FSA - 578 (09-13-16)
Farm Number: 8534
Operator Name and Address
GARY D SONSTEGARD
7030 30TH ST SW
MONTEVIDEO, MN 56265-3132

NOTE: The authority for collecting the following information is Pub.L. 107-76. This authority allows for the collection of information without prior OMB approval mandated by the Paperwork Reduction Act of 1995. The data will be used to determine eligibility for assistance. Furnishing the data is voluntary, however, without it assistance cannot be provided. The data may be furnished to any agency responsible for enforcing the provisions of the Act.

Planting Period	Crop/Commodity	Variety/Type	Intended Use	Irrigation Practice	Reporting Unit	Share	Crop/Commodity	Variety/Type	Share	Crop/Commodity	Variety/Type	Share	Irrigation Practice	Reporting Unit	Reported Quantity	Determined Quantity
01	SOYBN	COM	GR	N	A	100.00	SOYBN	COM	100.00						71.21	0.00

CERTIFICATION: I certify to the best of my knowledge and belief that the acreage of crops/commodities and land uses listed herein are true and correct and that all required crops/commodities and land uses have been reported for the farm as applicable. Absent any different or contrary prior subsequent certification filed by any producer for any crop for which NAP coverage has been purchased, I certify that the applicable crop, type, land uses on the above identified land. A signature date (the date the producer signs the FSA-578) will also be captured.

Operator's Signature (By) _____ Date _____

This program or activity will be conducted on a nondiscriminatory basis without regard to race, color, religion, national origin, sex, age, marital status, or disability.

REPORT OF COMMODITIES FARM SUMMARY

PROGRAM YEAR: 2014
DATE: 09/25/2019
PAGE: 1

Original: _____
Revision: _____
Cropland: 64.64
Farmland: 76.11

Lac qui Parle, Minnesota
FSA - 578 (09-13-16)
Farm Number: 8534
Operator Name and Address
GARY D SONSTEGARD
7030 30TH ST SW
MONTEVIDEO, MN 56265-3132

NOTE: The authority for collecting the following information is Pub.L 107-76. This authority allows for the collection of information without prior OMB approval mandated by the Paperwork Reduction Act of 1995. The data will be used to determine eligibility for assistance. Furnishing the data is voluntary, however, without it assistance cannot be provided. The data may be furnished to any agency responsible for enforcing the provisions of the Act.

Planting Period	Crop/Commodity	Variety/Type	Share	Crop/Commodity	Variety/Type	Share	Crop/Commodity	Variety/Type	Share	Crop/Commodity	Variety/Type	Share	Reporting Unit	Reported Quantity	Determined Quantity
01	CORN	YEL	50.00	CORN	YEL	50.00	CORN	YEL	50.00	CORN	YEL	50.00	A	64.64	0.00

CERTIFICATION: I certify to the best of my knowledge and belief that the acreage of crops/commodities and land uses listed herein are true and correct and that all required crops/commodities and land uses have been reported for the farm as applicable. Absent any different or contrary prior subsequent certification filed by any producer for any crop for which NAP coverage has been purchased, I certify that the applicable crop, type, land uses on the above identified land. A signature date (the date the producer signs the FSA-578) will also be captured.

Operator's Signature (By) _____ Date _____

This program or activity will be conducted on a nondiscriminatory basis without regard to race, color, religion, national origin, sex, age, marital status, or disability.

REPORT OF COMMODITIES FARM SUMMARY

PROGRAM YEAR: 2015

DATE: 09/25/2019
PAGE: 1

Original: _____
Revision: _____
Cropland: 64.64
Farmland: 76.11

Lac qui Parle, Minnesota
FSA - 578 (09-13-16)

Farm Number: 8534

Operator Name and Address

GARY D SONSTEGARD
7030 30TH ST SW
MONTEVIDEO, MN 56265-3132

NOTE: The following statement is made in accordance with the Privacy Act of 1974 (5 USC 552a - as amended). The authority for requesting the information identified on this form is 7 CFR Part 718, the Farm Security and Rural Investment Act of 2002 (Pub L. 107-171), and the Agricultural Act of 2014 (Pub. L. 113-79). The information will be used to collect producer certification of the report of acreage of crops/commodities and land use data which is needed in order to determine producer eligibility to participate in and receive benefits under FSA programs. The information collected on the form may be disclosed to other Federal, State, Local government agencies, Tribal agencies, and nongovernmental entities that have been authorized access to the information by statute or regulation and/or as described in applicable Routine Uses identified in the System of Records Notice for USDA/FSA-2, Farm Records File (Automated) and USDA/FSA-14, Applicant/Borrower. Providing the requested information is voluntary. However, failure to furnish the requested information may result in a denial of the producer's request to participate in and receive benefits under FSA programs. According to the Paperwork Reduction Act of 1995, an agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 0560-0175. The time required to complete this information collection is estimated to average 30 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. The provisions of criminal and civil fraud, privacy, and other statutes may be applicable to the information provided. **RETURN THIS COMPLETED FORM TO YOUR COUNTY FSA OFFICE.**

Planting Period	Crop/Commodity	Variety/Type	Share	Crop/Commodity	Variety/Type	Share	Planting Period	Crop/Commodity	Variety/Type	Share	Reporting Unit	Reporting Unit	Reported Quantity	Determined Quantity
01	FALOW		100.00	FALOW		100.00	01	SOYBN	COM	GR	N	A	61.00	0.00

CERTIFICATION: I certify to the best of my knowledge and belief that the acreage of crops/commodities and land uses listed herein are true and correct and that all required crops/commodities and land uses have been reported for the farm as applicable. Absent any different or contrary prior subsequent certification filed by any producer for any crop for which NAP coverage has been purchased, I certify that the applicable crop, type, practice, and intended use is not planted if it is not included on the Report of Commodities for this crop year. The signing of this form gives FSA representatives authorization to enter and inspect crops/commodities and land uses on the above identified land. A signature date (the date the producer signs the FSA-578) will also be captured.

Operator's Signature (By) _____ Date _____

In accordance with Federal civil rights law and U.S. Department of Agriculture (USDA) civil rights regulations and policies, the USDA, its Agencies, offices, and employees, and institutions participating in or administering USDA programs are prohibited from discriminating based on race, color, national origin, religion, sex, gender identity (including gender expression), sexual orientation, disability, age, marital status, family/parental status, income derived from a public assistance program, political beliefs, or reprisal or retaliation for prior civil rights activity, in any program or activity conducted or funded by USDA (not all bases apply to all programs). Remedies and complaint filing deadlines vary by program or incident. Persons with disabilities who require alternative means of communication for program information (e.g., Braille, large print, audiotape, American Sign Language, etc.) should contact the responsible Agency or USDA's TARGET Center at (202) 720-2600 (voice and TTY) or contact USDA through the Federal Relay Service at (800) 877-8339. Additionally, program information may be made available in languages other than English. To file a program discrimination complaint, complete the USDA Program Discrimination Complaint Form, AD-3027, found online at http://www.ascr.usda.gov/complaint_filing_cust.html and at any USDA office or write a letter addressed to USDA and provide the information requested in the form. To request a copy of the complaint form, call (866) 632-9992. Submit your completed form or letter to USDA by: (1) mail: U.S. Department of Agriculture Office of the Assistant Secretary for Civil Rights 1400 Independence Avenue, SW Washington, D.C. 20250-9410; (2) fax: (202) 690-7442; or (3) email: program.intake@usda.gov. USDA is an equal opportunity provider, employer, and lender.

EXHIBIT 3

February 5, 2019 - Baxter T6 and Gollnick T11 County Board presentation.

Curt Vacek - Appleton Area Wildlife Supervisor

Commissioners. Good Morning.

As you're aware, I'm here today to petition for two potential land acquisitions by the DNR. I gather you've all received the letters and maps?

Briefly - one is an 80 acre tract currently owned by Jo's Family Farms, adjacent to the Baxter WMA (in Baxter Township) and the other is a 158 acre tract owned by James Wodrich, this tract is tied to the Gollnick WMA in Mehurin Township.

Seeing as these are completely separate transactions, each involving their own landowners and circumstances, I hope you don't mind if we consider one, and then move to the second?

Thank you.

In the last few weeks I've done some research into the county approval process. One of the questions I've asked myself and have been asked by others is "Why does the DNR, as a state agency, even need County approval for land acquisitions?" The simple answer is because it's the law - specifically statute 97.481 "Acquisitions of Wildlife Lands" which was enacted in 1978. The more difficult question is "What was the intent of that law and how must it be applied?"

I want to cite a case heard by the Minnesota Supreme Court in 1980 in which private landowners sued Clearwater County when the county failed to act on an acquisition petitioned by the DNR (it's known as Paul E. Kasch et al v. Clearwater County). That is basically where we are right now - you have a DNR land acquisition before you that you have not taken action to either approve or disapprove. In the Clearwater case, the MN Supreme Court established a few things I think are very relevant and I hope this insight will help us move things forward. To be clear, some of the verbiage is quite pointed, these are not my words, but those taken straight from the case summary:

- 1) *The stated purpose of 97.481 is to ensure, through state ownership, that wetlands and wildlife lands are preserved and properly developed.*
 - a. *It is one of several statutes that establish a strong policy of managing Minnesota's natural resources in an environmentally responsible way and is consistent with,*

and advances, the broad objectives of Statute 116D entitled "State Environmental Policy".

- i. *116D.02 states "The legislature declares that it is the continuing policy of state government, in cooperation with federal and local governments, to use all practicable means to create and maintain conditions under which man and nature can exist in productive harmony." So, in this case, we are bound to work cooperatively toward that end.*
 - ii. *More specifically 116D 2(J) provides that the state may preserve important existing natural habitats of rare and endangered species of plants, wildlife, and fish, and provide for the wise use of our remaining areas of natural habitation, including necessary protective measures where appropriate.*
- 2) *As an agency of the state, the county board must discharge its duty under 97.481 in a manner that is consistent with the state policy of acquiring and preserving wetlands and wildlife lands.*
 - 3) *The summary goes on to explain - Counties are distinct legal entities organized as subordinate agencies of state government. Counties do not exist exclusively for the common benefit of their citizens but, as subordinate agencies of the state are responsible for exercising some of its functions. Thus, while counties may have unlimited discretion in certain areas, when a county board is acting pursuant to a state statute (as you are today), it must do so in a way that is consistent with the objectives of the statute AND other announced state policies, namely those I covered above.*
 - a. *With that, the court stated specifically "As a political subdivision of the state, the county has a greater duty than does a private individual to see that legislative policy is carried out. As a creature of the state deriving its sovereignty from the state, the county should play a leadership role in carrying out legislative policy."*

Now, I'm not sure how your counsel interprets all that, but I believe what this all boils down to is that when you are considering these land sales, by default of law, your primary objective is to consider - on behalf of the state - how these specific transactions could improve environmental conditions in the state. And only when you know of extenuating circumstances that would outweigh those environmental benefits, should you consider disapproving the sale.

Some of you obviously have concerns with the DNR, the US Fish and Wildlife Services, or perpetual land protections of any kind. You might be upset with the CD 24 situation, or feel outdoor recreation is not that important to the local economy, or that landowners should not have the right to sale to whomever they want, or believe the DNR makes life

difficult for others, and while we can be trusted now, we might not be trusted in the future. I don't want to dismiss any of those issues, as they are very concerning to me, and I'd be happy to address them more at another time. But, for now, I believe our task at hand is to consider the land in question and discuss any extenuating circumstances (the state may not be aware of) that would outweigh all of the environmental policies mentioned above. Again, under 97.481, when considering land acquisitions by the state from private individuals, you are acting as an agency of the state in upholding those policies. You do not have unfettered discretion to disapprove these sales.

Reviewing the Baxter parcel:

- If the state takes ownership of this property it will be managed to protect the existing wetlands, and re-establish perennial upland cover in the form of native grasses and flowers - for the intended benefit of providing habitat - primarily for nesting grassland birds and pollinators - two groups of wildlife that have seen significant population declines in recent decades. This management is also aimed at improving surface and aquifer waters through soil stabilization and filtration.
- Ownership would also provide high quality recreational lands while adding to the diversity and aesthetics in this county. And, speaking of recreation - a recent survey found a vast majority of MN hunters rely on public lands, and they want more. It also showed, LqP is the most popular county destination in the state for pheasant and waterfowl hunters relying on those public lands. And, it is second only to Kandiyohi County with deer hunters.
- The local township raised no concerns, and in fact when I initially mentioned it to one township official, their response was "I can't see there being any issues with this one."
- PILT to the county would be 25% above the current taxes.
- The highway department stated there were no drainage issues here that would threaten any roads.
- The chair for the LqP-Yellowbank watershed district mentioned a downstream issue on private land, but also acknowledged no drainage concerns specific to this parcel.
- The point was brought up that this tract should go to a young farmer and not the DNR. Let's remember, the previous landowners put this land into CRP for a reason. Then, when the CRP was set to expire, rather than trying to farm it again, they put it up for sale. The DNR was interested in the tract at that time, but it was purchased by Mr. Sonstegard. Now Mr. Sonstegard's operation has determined farming this field is not financially sound, and as such wishes to sale the land. Could it continue to be farmed? Sure, but the fact both the previous and current farming operations have made decisions to divest this property because they deem it poor farm ground, should be a clear indication farming this

- ground does not outweigh the environmental benefits that could be had if the remaining habitat was preserved and the rest restored and enhanced.
- Again, several other issues were aired in December, but I don't believe any were specific to this parcel. So, I ask that you consider the time and effort already invested by the state and Mr. Sonstgard to try to make this transaction happen. Most importantly I ask you to embrace that leadership role expected of county governments and acknowledge the obvious environmental benefits to this transaction, and unless there are extenuating issues I'm not aware of, that warrant all of us spending more time and funds on this, I hope you will move to approve this sale.

Other Misc Talking Points if they come up:


- These WMA's are everyone's, DNR Wildlife is only responsible for the management, and that management is dictated by many state statutes, policies and guidelines. Citizens should take pride in that ownership.
- MPCA 2018 Water Quality Assessment Report for the LqP-Yellowbank Watershed
 - Essentially every drop of surface water is impaired to the point that fish, insect and vegetation populations are all impacted.
 - As a land manager in this county, I take this personally and it will drive me to do more to change that trend. I hope you feel the same way and we can work together on this.
- Are staff from WD and County Hwy asked to review these sites strictly to see what the potential issues might be, or are they trying to ascertain the potential environmental benefits? It seems apparent from the dialogue that they are not even considering the environmental benefits.
 - When I say "environmental benefits" I'm generally referring to conservation, wildlife habitats, water quality, flood control.
- Counties and DNR can work together to improve water quality with focused efforts. Instead of spending money on improving drainage capacity and sending water downstream faster, use funds to compensate landowners for wetland restorations higher up in the catchments/watersheds to slow water down and make it less problematic downstream. Sediment basins further downstream as well.
- Rate of acquisition quite slow.
 - DNR currently owns 4% of land base in LqP.
 - Acquiring ~128 acres/year since 2000. At that rate, it'd take 39 years to increase our land base just one %
 - Interestingly, since the CWLLA of 2008, the rate is only 94 acres/year. If that continues, it'd take us 53 years to get just 1%.
 - Let's not forget, most of that would be marginal ground that, with improved conservation, could play a key role in reversing water quality trends.
 - With that I'd hope that the county and watershed district would actually support and encourage faster action - whether it by via acquisitions, easements or significant farm bill programs.
- Proponent of a Working Lands philosophy.

EXHIBIT 4

**m DEPARTMENT OF
NATURAL RESOURCES**

Office of the Regional Director
South Region Headquarters
21371 State Highway 15
New Ulm MN 56073

February 14, 2019

TO: Lac qui Parle County Commissioners
FR: Scott W. Roemhildt, MN DNR South Region Director 
RE: 30-day extension on determination of Sonstegard Parcel/Baxter Wildlife Management Area

On behalf of Sarah Strommen, Commissioner of the Minnesota Department of Natural Resources, I grant a single 30-day extension to the 90-day window for action on an acquisition, to the Lac qui Parle County Commissioners, pursuant to Minnesota Statute 97A.145, Subd. 2.

This extension pertains to the 80-acre parcel identified as Sonstegard parcel/Baxter Wildlife Management Area, in the event the scheduled Feb. 19, 2019, county commissioners meeting is cancelled due to weather or otherwise postponed.

###

EXHIBIT 5

**Lac qui Parle County
Board of County Commissioners
Review of Proposed State Land Acquisition**

In accordance with Minnesota Statutes 97A.145, Subd. 2, the Commissioner of the Department of Natural Resources on November 21, 2018 provided the county board with a description of lands to be acquired by the State of Minnesota for water, forestry, wildlife, and natural plant community conservation purposes.

Lands to be acquired are described as follows:

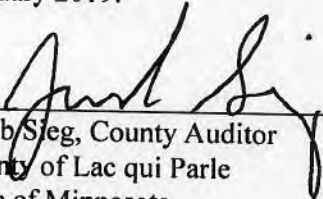
*South Half of the Southwest Quarter (S½ of SW¼) of Section Four (4),
Township One Hundred Seventeen (117) North, Range Forty-Two (42) West.*

IT IS HEREBY RESOLVED, by the Board of County Commissioners of Lac qui Parle County on February 19, 2019 that the State's proposed acquisition of the attached described property be disapproved.

If applicable, reasons for disapproval: See attached.

This resolution was presented by Commissioner Patzer, seconded by Commissioner Maatz. Upon vote, Commissioners Patzer, Marihart, Brehmer, and Maatz voted in favor; Commissioner Bothun voted against. The resolution was duly adopted.

I, Jacob Sieg, County Auditor of the County of Lac qui Parle, State of Minnesota, certify that the foregoing resolution is a true and correct excerpt of the minutes of the Board of County Commissioners, County of Lac qui Parle, State of Minnesota held at Madison, Minnesota, on the 19th day of February 2019.



Jacob Sieg, County Auditor
County of Lac qui Parle
State of Minnesota



Lac qui Parle County

Board of Commissioners

600 6th Street, Suite 6
Madison, MN 56256

Phone: 320-598-7444

Fax: 320-598-3125

Roy Marihart, Board Chair

Reasons for Disapproval of Proposed State Land Acquisition: Baxter T6

Introduction

The Lac qui Parle County Board of Commissioners are denying the State of Minnesota's proposed acquisition of an 80-acre parcel located in Section 4 of Baxter Township. This document explains the process by which the Board arrived at this decision.

Consideration: Rate of State Acquisitions of Real Estate

For the last several years, there has been a growing concern in Lac qui Parle County regarding the perceived escalating rate of acquisitions and the corresponding reduction of agricultural production acres resulting from acquisitions as well as other conservation programs of the state (Department of Natural Resources, or DNR) and federal government (U.S. Fish and Wildlife Service, or FWS)

State ownership of land is nothing new for Lac qui Parle County – the #1 and #2 landowners have long been DNR and FWS, respectively. However, past funding for these acquisitions was limited to state appropriations and other controlled revenue streams. This limited funding provided a healthy balance between conservation-driven interests (DNR and FWS) and the economically-driven private landowners.

The balance was disrupted when public funding limitations were effectively removed in 2008 through the Clean Water, Land and Legacy Amendment. The Amendment led to the creation of the Outdoor Heritage Fund and the Lessard-Sams Outdoor Heritage Council, which introduced a new acquisition funding stream. DNR and FWS now had access to hundreds of millions of taxpayer dollars with which to pursue additional acres with only the narrow and singular focus of conservation in mind.

Since 2010, the DNR has received over \$1 billion from the Amendment – more than twice as much as any other state agency. To add context to this figure, Lac qui Parle County has an area of 768 square miles valued at \$2.3 billion. At \$5,000 per acre, this gives the DNR buying power for 20,000 acres per year. These calculations don't include additional millions that are being granted to FWS or non-profit entities such as Pheasants Forever, which uses the money to also buy land which is then donated to the DNR. The result is that tens of thousands of acres per year are being converted from private ownership to government ownership.

In the years since the passage of the Amendment, the citizens of Lac qui Parle County have seen markedly increased government acquisition of property. Representatives from the DNR and FWS are the most frequent outside guests at County Board meetings, appearing to request additional acquisition certifications on a regular basis. From 2008 through 2018, the DNR acreages reported on PILT payment documentation increased in nine of eleven years:

DNR WMA PILT Acres in Lac qui Parle County			
Start	11,596		
2008	932		
2009	80		
2010	-	Total Add'l Acres Since 2008:	1,896
2011	205		
2012	-	Avg Add'l Acres per Year:	172
2013	60		
2014	156	% Increase since 2008:	16%
2015	50		
2016	73		
2017	158		
2018	182		
Total	13,491		

The above figures only reflect fee title acquisitions by the DNR, and do not include additional acres purchased by FWS or non-profit organizations receiving Amendment funding. These figures also do not include acres that are becoming permanently usage-restricted by perpetual easements procured by the DNR and FWS.

Conclusion: The rate of acquisition is increasing by both the DNR and FWS, fueled by a massive influx of available funding. Furthermore, the Board finds that this proposed acquisition should not be evaluated as a single transaction but instead part of a larger expanding pattern.

Consideration: Public Benefit of Conservation Land Usage Practices

An argument considered by the Board in favor of continued acquisitions is that the DNR and FWS will be able to advance environmental protection efforts. These acquisitions allow for restoration of native prairies and other habitats that are home to many species of wildlife and vegetation. The acquisitions also allow for implementation of practices that will improve water quality.

The following table shows the acres that are currently being used for conservation practices in Lac qui Parle County and compared to the State of Minnesota as a whole:

Conservation Practice Acres Summary per MN BWSR**						
** Does not include private conservation lands						
	Lac qui Parle County Only			Entire State of Minnesota		
	2014	2016	2018	2014	2016	2018
CRP & Continuous CRP	22,161	21,697	24,312	1,214,793	1,085,608	1,131,693
CREP	7,819	7,819	7,819	107,167	107,164	107,497
RIM & RIM WRP	1,160	1,393	1,393	130,908	156,792	168,815
WRP	-	-	-	72,668	76,347	76,808
USF&W	17,297	17,863	18,142	627,598	639,785	650,954
DNR WMA	22,746	22,746	23,159	1,178,148	1,192,432	1,207,769
Total Conservation Acres	71,183	71,518	74,825	3,331,282	3,258,128	3,343,536
Total Land Acres	498,310	498,310	498,310	53,993,362	53,993,362	53,993,362
Acres in Conservation as % of Total Land						
	Lac qui Parle County Only			Entire State of Minnesota		
	2014	2016	2018	2014	2016	2018
CRP	4.4%	4.4%	4.9%	2.2%	2.0%	2.1%
CREP	1.6%	1.6%	1.6%	0.2%	0.2%	0.2%
RIM & RIM WRP	0.2%	0.3%	0.3%	0.2%	0.3%	0.3%
WRP	0.0%	0.0%	0.0%	0.1%	0.1%	0.1%
USF&W	3.5%	3.6%	3.6%	1.2%	1.2%	1.2%
DNR WMA	4.6%	4.6%	4.6%	2.2%	2.2%	2.2%
Total Conservation Acres	14.3%	14.4%	15.0%	6.2%	6.0%	6.2%

The above table shows that Lac qui Parle County contains 0.92% of the 54 million acres that make up the State of Minnesota. However, the County's 75,000 conservation acres is 2.24% of the 3.3 million statewide. LqP is already using over 15% of its land toward conservation programs, which is nearly 2.5 times larger than the state average. LqP has 233% of the state average in CRP, 800% the state average in CREP, 300% of the state average in FWS, and 209% of the state average in DNR WMA's. Again, these figures only reflect the acreages that are measurable with easily accessible data – they do not include land restricted by permanent easements, acres recently converted to vegetative buffer strips, or any other land that is being voluntarily used for conservation practices under private ownership.

Conclusion: Conservation goals are indeed valuable and important to the citizens of Lac qui Parle County, and each area of the state should play a role in the collective effort to address Minnesota's environmental challenges. The Board finds that the acreage in LqP County being used toward conservation programs is already surpassing the rest of the state, and LqP County is clearly doing its part. Therefore, it does not appear that this acquisition is critically necessary toward achieving these conservation goals.

Consideration: Impact of Government Land Acquisition on the Local Economy

An argument considered by the Board in favor of this acquisition is the benefit to the local economy from increased visitors to the area. Many WMA's are open to public hunting, and visitors will therefore bring economic activity in the area. Moreover, it is beneficial to provide an alternative source of commerce that isn't driven by agriculture.

County visitors may stay in a local hotel, buy supper at a local restaurant, and buy fuel at a local gas station. Certainly, this economic activity is helpful to our region. However, agriculture is the singularly dominant force in Lac qui Parle County's local economy and the economy of the surrounding region. There is not a single local business in Lac qui Parle County that is sustained solely by hunting or tourism, but one would be hard-pressed to find a single business that isn't heavily dependent upon the agriculture economy.

The total inputs invested in each acre of farm land, as well as the revenues derived from that land, can reach beyond \$1,000 per acre. This is before accounting for the exponential effect of those dollars being spent and re-spent in the County's communities and around the state. The commerce generated by agricultural production sustains innumerable local businesses, both directly and indirectly. Not only a source of family income for the County's farmers, the ag economy dollars then flow through to the owners (and employees) of implement dealerships, grocery stores, banks, insurance agencies, pharmacies, and auto dealerships. Moreover, our non-agricultural families need local service providers such as electricians, carpenters, plumbers, mechanics, and welders – many of which would not have a feasible business model without the agricultural sector. Schools and hospitals, our largest single employers providing access to critical services, rely on a strong ag economy in order to survive.

Conclusion: Land is the resource that is critical to this region's economy, and it is true that the land will generate economic activity whether it is being used as a WMA or for farming. The question is how the economic impact of additional DNR-owned land compares to the impact of land that is privately owned. The Board finds that privately-owned land is significantly more valuable to the local economy as compared to land that is owned by the DNR. Given that the rate of DNR and FWS acquisitions is increasing, and that this ownership is effectively irreversible, the Board finds that the local economy of Lac qui Parle County is suffering permanent and cumulative damage with each completed DNR acquisition.

Consideration: Population Loss is Exacerbated by Government Land Acquisitions

Population loss is Lac qui Parle County's biggest problem – the County has lost an average of 10% its population with each census since 1940. County residents need jobs, agriculture is a primary provider of jobs, and land is the primary input needed for agriculture.

The accessibility of public land is important to quality of life, and it is true that the outdoor recreation opportunities made possible through WMA's can incentivize people to move to Lac qui Parle County. The accessibility of WMA's is also a benefit to those already living in LqP County.

Conclusion: the availability of outdoor recreation land is already abundant in LqP County, and Commissioners don't receive numerous comments supporting additional DNR acquisitions. However, Commissioners do receive numerous comments from citizens concerned about the effects of increasing government land acquisitions. The Board finds that continued government land acquisitions,

particularly those which take ag land out of production, are a factor that will lead to additional population loss.

Consideration: Government Land Acquisitions are Permanent

When the DNR acquires land, there is a perception that these acquisitions are permanent. Historical practices indicate that once DNR buys land, it has no intention of ever re-selling it. Under private ownership, a landowner must be able to handle perpetual costs like taxes, insurance, and maintenance, and must consider the utility of the property against those expenses. The resources of the DNR far exceed the financial capability of any private owner, and the DNR is exempted from the concerns of opportunity costs – the value of the property if it were used for an alternate purpose.

Proponents of the acquisition state that this is a benefit, because it ensures that the land will be used for future generations for the public purpose of conservation. The counterargument to this premise is that converting land to government ownership is instead an inflexible restriction being placed on future generations. The Board must consider whether this acquisition, and the land's subsequent singular use for conservation purposes, represents the highest and best use of these acres for a period that is best described as "forever."

Conclusion: DNR acquisitions are permanent and essentially irreversible. There may be some unforeseen circumstance, a problem that cannot even be considered in 2019, for which usage of this land for conservation purposes is not in the best interests of the public. If the DNR finds that today's best usage is conservation, then this could be accomplished through another means, such as a temporary easement. The permanence of the acquisition exacerbates the other potential problems described in this document.

Consideration: Marginal Agricultural Value of the Property

The DNR has claimed that the land proposed for acquisition has marginal agricultural value and is therefore unsuitable for row crop production. The current owner of the property has stated that the revenues currently being generated by the property are insufficient compared to the costs of ownership and operation for ag production purposes.

The County does not have access to financial records to determine whether the property is operating at a loss. However, a loss is determined by the operating and management decisions made by the owner. In this case, the owner is serving as a landlord and not actively participating in the farming operation. Property tax records indicate an owner's address in Sioux Falls, SD.

A counterargument provided during Board discussion was that "marginal land" is highly subjective. A landowner that is able to minimize operating costs through means such as personal labor, using older equipment, and other decisions could foreseeably generate net income on this property. Moreover, "marginal" properties such as these can be very attractive to those prospective farm operators who cannot afford top-quality land and are therefore pursuing properties such as this with lower barriers to entry.

Conclusion: The Board finds that the subjective measurement of this property as financially feasible for agricultural use is such that this argument is rendered invalid.

Consideration: Rights of Private Landowners

An argument in favor of the acquisition is that private landowners have a right to sell their property to whomever they want.

Conclusion: The Board believes that this argument is valid, and is the most important factor of the ones supporting certification of the acquisition. Individual commissioners (current and past) have stated their belief that this argument is more important than any other in this matter.

Consideration: Loss of Tax Base

An argument against the acquisition is that state-owned land is exempt from property taxes and therefore a transition to state ownership is damaging to the County's tax base.

The DNR provides an annual Payment-in-lieu-of-tax (PILT) to Lac qui Parle County. PILT is intended to replace the lost tax base resulting from the exemption of DNR property. The payment is based on a statutory formula, and the statute also requires the County to distribute that payment to each unique taxing authority that would otherwise receive a share of the property tax revenue derived from the parcel.

A review by the County Auditor-Treasurer-Coordinator indicates that PILT is sufficient to replace the impact of the lost tax base in most cases. Based on an assessed 2018 market value of \$276,900 and classification as non-homestead ag land, the total 2019 tax due for this parcel will be \$1,398. The PILT formula of 0.75% of this value would yield a PILT payment of \$2,077, which is \$679 greater. However, the recent voter-approved referendum for Dawson-Boyd school district has not yet taken effect, and the preliminary estimate is that the tax on this parcel will increase enough such that the PILT may be deficient.

Conclusion: The Board finds that DNR PILT is often sufficient, but sometimes deficient, to replace the lost tax base as a result of the future exemption of this parcel from property taxes.

Consideration: Public Feedback

The Board considered feedback from many individuals as part of this decision. The matter came before the Board on three separate occasions, and on two of those occasions there were numerous members of the public present. In addition, individual Commissioners were contacted by members of the public outside of the Board meetings.

Conclusion: Those in favor of acquisition appear to be limited to the current/former employees of the DNR and the individual landowner that stands to benefit directly from the cash proceeds of the sale. All remaining feedback indicates that the citizens of Lac qui Parle County appear to be overwhelmingly against certification of this acquisition.

Final Conclusion

During Board meeting discussion, a representative of the DNR indicated that the County is merely an administrative arm of the state and therefore the County should comply with the DNR's wishes to acquire this parcel simply because the DNR is effectively "the state." This argument is invalid on the basis that County Commissioners are elected by the voters of the County for the express purpose of adjudicating matters that are not otherwise dictated by higher rule. By comparison, none of the DNR's 3,000 employees has been elected into employment.

The statute governing DNR land acquisitions requires County Board certification but does not explicitly state the criteria under which an acquisition should be certified by the County Board. Therefore, state legislators obviously believed that locally elected County Commissioners are capable of making an informed decision in this matter based on their independent assessment of the factors deemed important.

It is certainly understandable that the DNR's purchase offer submitted to the owner of this parcel is advantageous from a financial perspective. However, as County Commissioners the duties of governance require prioritization of the collective public interest over the wants of individual constituents.

During final deliberations, Commissioner Bothun indicated that he believed that the rights of private landowners are more important than any other factor being considered. During the vote on the resolution to not certify the acquisition, Commissioner Bothun was the sole dissenting vote.

Commissioners Brehmer, Patzer, Maatz, and Marihart believe that, after considering all of the above factors, the proposed acquisition of this parcel in Baxter Township is not in the collective best interests of the citizens of Lac qui Parle County. All four voted in favor of the resolution to not certify the acquisition.

EXHIBIT 6

**m DEPARTMENT OF
NATURAL RESOURCES**

October 17, 2019

Kirk Schnitker, Attorney
Schnitker Law Office, P.A.
1330 81st Ave NE
Spring Lake Park, MN 55432

Re: Proposed State Land Acquisition: Baxter T6

Dear Mr. Schnitker:

We received your October 10, 2019 letter requesting that the proposed DNR acquisition of your client's property be submitted for consideration to the Land Exchange Board due to the Lac qui County Board's disapproval of the acquisition.

Under Minn. Stat. sec. 97A.145, subd. 2(e)(1), a landowner may only submit a proposed acquisition directly to the Land Exchange Board, without first appealing to the district court, in two circumstances:

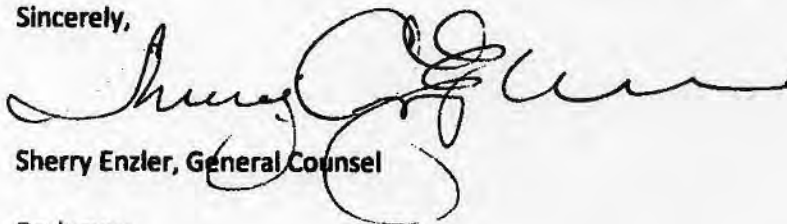
1. The county board does not give reason for disapproval, or
2. The county board does not approve or disapprove the acquisition within the prescribed time period.

The DNR granted the Lac qui County Board a 30-day extension to the 90-day period required for board action under Minn. Stat. sec. 97A.125, subd. 2(b) to make its decision about DNR's acquisition of your client's property. (See enclosed February 14, 2019 memo to Lac qui Parle County Commissioners). The County Board made a timely decision on February 19, 2019. The County Board also gave reasons for its disapproval. Accordingly, the Land Exchange Board does not have jurisdiction to consider the matter at this time.

Mr. Sonstegard's remedy under section 97A.125, subd. 2 is to appeal the matter to district court. Should the district court find that "the disapproval is arbitrary and capricious" or that the County Board's "reasons stated for disapproval are invalid," he would then be authorized to submit the matter to the Land Exchange Board under Minn. Stat. sec. 97A.145, subd. 2(e)(2). Under those circumstances the Land Exchange Board would be required to conduct a hearing and make a decision on the acquisition within 60 days after receiving the proposal.

Should you have any questions, please feel free to contact me.

Sincerely,



Sherry Enzler, General Counsel

Enclosure

cc: Joseph Henderson

STATE OF MINNESOTA
COUNTY OF LAC QUI PARLE

IN DISTRICT COURT
EIGHTH JUDICIAL DISTRICT

Court File: 37-CV-20-30

Jo's Family Farm's, LLC, Phillip Sonstegard,

Plaintiffs,

ORDER

v.

Lac qui Parle County,
Defendant.

The above-entitled matter came before the Court on January 27, 2021, for a hearing via ZOOM. On May 13, 2020, the parties advised the Court that the facts are not disputed and that the issue to be decided is a purely legal one. The parties were to file a stipulation of facts and briefs. The parties filed briefs, but no stipulation of facts. The hearing on January 27, 2021, was scheduled by the Court because the record was incomplete.

On January 27, 2021, the parties filed a stipulation of facts and confirmed that the record includes Exhibits 1-6.

Based on the documents submitted, the arguments of counsel, and the entire Court file herein, the Court makes the following:

FINDINGS OF FACT¹

1. This matter involves real estate located in Lac Qui Parle County, Minnesota, described as follows: South half of the Southwest Quarter (5 1/2 SW14),- Section 4, Township 117 North, Range 42 West. - and the owner of the property described above is Jo's

¹ Findings 1 – 14 are taken directly from the parties' stipulation. Factual findings 15–19 are found in the exhibits submitted. Neither party offered testimony. A written statement, rather than a transcript or detailed meeting minutes, contains the board's reasons for disapproving the proposed sale.

Family Farm's, LLC, and said company is owned by Phillip Sonstegard, hereinafter referred to as "Seller".

2. Defendant is Lac qui Parle County, acting through its Board of Commissioners, hereinafter referred to as the Defendant.
3. The plaintiff in the above-captioned matter was notified that the Minnesota Department of Natural Resources was exercising its option to purchase the land described in paragraph one.
4. The property in controversy is considered marginal farmland, susceptible to flooding or wet conditions, and when farmed it is significantly below average for production of crop in the area.
5. The property in controversy also borders on another piece of land owned by the DNR, which also met the DNR standards when it was purchased.
6. To date, Plaintiff has already invested significant time and money for the sale of the Property which is further compounded by the delay.
7. The property is still under the purchase agreement, but closing date has not been set pending a decision on this matter.
8. At their February 19, 2019, meeting, a representative of the DNR appeared before the Defendant to advise the Defendant of the pending purchase, describe the land in question, and to seek local approval. After much discussion, together with its known previous position on the acquisition of land within the County by the DNR, the Defendant motioned to decline approval of the purchase of the property.
9. The Land Exchange Board decided to take no formal action because it lacked jurisdiction of the matter.

10. On November 2, 2018 the Department of Natural Resources (hereinafter referred to DNR) put the county on notice that the DNR had exercised its option to purchase the land. The DNR sought approval of the purchase of the land pursuant to MN Stat. 97.481 [*sic*] from Defendant.
11. On February 5, 2019 the Defendant met with DNR specialist and the DNR specialist pointed out the reasons why the sale should be approved.
12. On February 14, 2019 the DNR granted a 30-day extension to the Defendant to give reasons why the land sale had been disapproved.
13. On February 19, 2019 the Defendant passed a resolution disapproving of the sale but the Defendant failed to approve the sale of land.
14. The DNR (Land Exchange Board) in a letter. from the DNR to legal counsel for the Plaintiff dated October 17, 2019 notified plaintiff that the Land Exchange Board cannot reach a decision or approve the sale because in this particular case the legislature gave the board the power to act only when: (1) the County board does not give reason for disapproval, or (2) the County board does not approve or disapprove the acquisition within the prescribed time.
15. The DNR identified the conservation benefits of the transaction and provided information about any economic impact. Exhibit 3 is a summary of Appleton Area Wildlife Supervisor Curt Vacek's presentation to the county board.
16. The Lac qui Parle County Board in a 4-1 vote disapproved the proposed sale. The Board based its decision on these stated reasons: (a) too much land is converted to conservation land in Minnesota generally and in Lac qui Parle County in particular; (b) the percentage of land placed into conservation uses in Lac qui Parle is significantly

greater than the percentage of such land throughout Minnesota, and this acquisition is not “critically necessary” to achieve conservation goals; (c) “privately-owned land is significantly more valuable to the local economy as compared to land that is owned by the DNR;” (d) “continued government [agricultural] land acquisitions... are a factor that will lead to additional population loss;” (e) the board discredited Plaintiffs’ assertion that the land is not suitable for agricultural production; (f) DNR acquisition of farmland is irreversible; (g) private landowners should have the right to sell to whomever they wish; (h) the payment in lieu of taxes may fall short of tax revenues in the future; (i) public opinion weighs against the sale. Exhibit 5 is the Board’s statement of reasons.

17. In 2018, the DNR owned 4.6 percent of land in Lac qui Parle County and 2.2 percent of land throughout Minnesota. In 2018, 15.0 percent of land in Lac qui Parle County and 6.2 percent of land in Minnesota was owned by public conservation entities or subject to state or federal conservation easements. (Exhibit 5.) The rate of acquisition of land has averaged 128 acres per year since 2000. (Exhibit 3.)

18. The property in question has poor production. It is an 80-acre parcel and 71 acres are designated as “tillable.” However, only 54 of the 71 acres were “farmable” in the years 2015 to 2020. Crop yields on the “farmable” acres are below average yields for the operators’ other farm land and below average yields for all farms in Lac qui Parle County. The average soybean yield on the “farmable” acres on the subject parcel in the years 2015 to 2019 was 73% of the average soybean yield in Lac qui Parle County (38.25/52.00).


19. The tax due on the parcel is \$1,398.00 for year 2019. The payment in lieu of taxes is \$2,077. Tax calculations are subject to change and for this parcel a school referendum in an unknown amount will increase the taxes due.

CONCLUSIONS OF LAW

1. The disapproval of the Lac qui Parle County Board of the proposed sale from Plaintiff to the DNR was arbitrary and capricious.
2. The reasons stated for the disapproval are invalid.

ORDER

1. The Conclusions of Law above constitute the Judgment of this Court.
2. Let Judgment be entered.

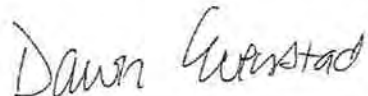

Thomas Van Hon
District Court Judge

Van Hon, Thomas
(Judge)
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JUDGMENT

I hereby certify that the above Conclusions of Law constitute the Judgment and Decree of this Court.

COURT ADMINISTRATOR

By: 
Deputy

Filed in District Court
State of Minnesota
April 26, 2021

MEMORANDUM

Minnesota Statutes § 97A.145, entitled “Wetlands for Wildlife,” provides authority for the state to acquire property for conservation purposes. The statute mandates the following procedure for acquisition:

“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.**

(Emphasis supplied.)

Arbitrary and Capricious

A decision is arbitrary and capricious if “it represents the agency’s will and not its judgment.” *In re Minnesota Power*, 807 N.W.2d 484, 490 (Minn. Ct. App. 2011) (quoting *Petition of Ottetail Power Co.*, 417 N.W.2d 677, 680 (Minn. Ct. App. 1988)). A decision is also arbitrary

and capricious if the governmental body “relied on factors the legislature never intended it to consider, if it entirely failed to consider an important aspect of the problem, if it offered an explanation for the decision that runs counter to the evidence, or if the decision is so implausible that it could not be ascribed to a difference in view or the result of agency expertise.” *Pope County Mothers v. Minn. Pollution Control Agency*, 594 N.W.2d 233, 236 (Minn. Ct. App. 1999). “[A] prima facie case of arbitrariness exists if the [municipality’s] decision is not accompanied by findings to show that its action was reached upon a consideration of the facts and was based upon reason rather than the mere individual whim of the members.” *Crystal Beach Bay Ass’n, Island View Route, Int’l Falls v. Koochiching Cnty.*, 243 N.W.2d 40, 42 (1976) (quotations omitted).

“If a contesting party demonstrates that there is no rational basis relating to the promotion of the public health, safety, morals, or general welfare, or that the act is arbitrary and capricious, [the court] may override such an action.” *Id.* (citing *State, by Rochester Ass’n of Neighborhoods v. City of Rochester*, 268 N.W.2d 885, 888 (Minn.1978); *Almquist v. Town of Marshan*, 245 N.W.2d 819, 825–26 (1976)). A reviewing court will reverse the decision of a governmental body “where there is ‘a combination of danger signals [that] suggest the agency has not taken a hard look at the salient problems and has not genuinely engaged in reasoned decision-making.’” *Pope County Mothers v. Minn. Pollution Control Agency*, 594 N.W.2d 233, 236 (Minn. Ct. App. 1999) (quoting *Reserve Mining Co. v. Herbst*, 256 N.W.2d 808, 825 (Minn. 1977)).

The Minnesota Supreme Court has considered Minnesota Statutes section 97.481 in light of a county board’s decision to disapprove a proposed DNR purchase of property. *Kasch v. Clearwater Cty.*, 289 N.W.2d 148, 152 (Minn. 1980). Section 97.481 is a prior version of section 97A.145, and had no standards or consequences for failure to act. The board in *Kasch* refused to act on a proposed sale to the DNR and refused to give reasons for not acting on the request. The

Court found that the county's refusal to act and refusal to provide reasons for its decision to be arbitrary. The case was remanded to the district court to direct the county board to approve or disapprove the sale. Section 97.481 was replaced by section 97A.145, but the new statute also did not provide standards for approving or disapproving a sale, other than to state the reasons for disapproval must be both "valid" and not "arbitrary and capricious." The *Kasch* court's determination of the role of county boards in approving or disapproving a sale, therefore, remains binding precedent, despite enactment of the new statute:

We conclude that the requirement in § 97.481 that land sales to the DNR be approved by the county board was included to give county boards an opportunity to consider local concerns affected by sales to the DNR that may outweigh the state policies advanced by the statute, not to give the board an unlimited veto power over such sales. Thus, unless a valid local interest is threatened by a proposed sale, a county board must, as an agency of the state, approve those sales to the DNR that advance established state policies. While it is impossible to foresee all of the circumstances that would justify a county board's disapproval of a proposed sale to the DNR, a sale may be inappropriate where a board determines, for example, that the land to be sold is not suitable for wildlife development, or that wildlife development does not constitute the best utilization of the land, or that the proposed use is inconsistent with proper drainage and flood control. *Kasch* at 152.

The Lac qui Parle County Board of Commissioners identified nine reasons for disapproving the proposed sale of land by Plaintiffs to the DNR. Reasons for Disapproval of Proposed State Land Acquisition: Baxter T6 (Exhibit 5). The statement is more akin to an analysis of factors considered by the Board. Some factors weigh in favor of approval, and some against. In the end, the Board disapproved the sale because it found the ongoing transfer of Lac qui Parle County farm land from crop production to conservation use to be contrary to best interests of people who live in Lac qui Parle County. Following the logic of the Board of Commissioners, any land capable of producing crops should be excluded from sale to the DNR. The Board weighed most of the factors or considerations in support of disapproval, even if the evidence did not support the conclusion.

First, the Board found that too much land is converted to conservation land in Minnesota generally and Lac qui Parle County in particular. The Board stated that historically “limited funding provided a healthy balance between conservation-driven interests (DNR and FWS) and the economically-driven private landowners.” The Board lamented that the Clean Water, Land and Legacy Amendment provided the “DNR and FWS [with] access to hundreds of millions of taxpayer dollars with which to pursue additional acres with only the narrow and singular focus of conservation in mind.” Following the directive in *Kasch*, however, disapproving this sale because too much land is placed in conservation programs is tantamount to “unlimited veto power” over such sales. County boards are required to, “as an agency of the state, approve those sales to the DNR that advance established state policies.” The Lac qui Parle County Board may be absolutely correct that “a massive influx of available funding” may place too many acres into conservation programs, but this is a political question that has been determined at the state and federal levels. A county board in this instance cannot substitute its judgment for that of the state on matters of conservation policy.² The *Kasch* court identified examples of “valid local interests,” but the placement of land in conservation programs, generally, and the availability of funding to do so, is not a “valid local interest.”

Second, the Board found that the percentage of land placed into conservation uses in Lac qui Parle County is significantly greater than the percentage of such land throughout Minnesota, and this acquisition is not “critically necessary” to achieve conservation goals. In short, the Board determined that “Lac qui Parle County is clearly doing its part [to contribute to conservation practices].” In 2018, the DNR owned 4.6 percent of land in Lac qui Parle County and 2.2 percent

² As long as the county board has authority to act, judicial review of action of a political subdivision requires the Court to examine the record and decide whether the decision is supported by evidence in the record. If there is evidence in the record to support the decision, the Court must affirm the decision even if the Court would have decided the question differently. The Court cannot go outside the record to find evidence to support a different result.

of land throughout Minnesota. In 2018, 15.0 percent of land in Lac qui Parle County and 6.2 percent of land in Minnesota was owned by all public conservation entities or subject to state or federal conservation easements.³ The rate of DNR acquisition of land since 2000 averages 128 acres per year. There is no information in the record whether the acquisitions in the previous two decades were under section 97A.145 and subject to county board review. Consequently, there is no information in the record about the history of approvals and disapprovals by the Board under section 97A.145, subd. 2. Like the previous reason for disapproval, this reason is based on the acquisition of land by the DNR generally, rather than the acquisition of this particular parcel. If the Lac qui Parle County Board denies every proposed sale of a parcel except those “critical” to advancing conservation goals, the County is substituting its judgment for that of the state on the issue of placement of land in conservation programs.

Third, the Board determined that “privately-owned land is significantly more valuable to the local economy as compared to land that is owned by the DNR.” The Board compared the value of agricultural property to the value of conservation property to the local economy. The analysis provided by the Board was anecdotal, not empirical, and applies to all proposed acquisitions of property with any capability of agricultural production. The finding is not specific to the parcel in the current proposed acquisition. This is not a “valid local interest” under the *Kasch* decision. The Board stated that “Lac qui Parle County is suffering permanent and cumulative damage with each completed DNR acquisition.” However, the Board does not have “unlimited veto power” over acquisitions, even if this is true. The Board can disapprove a specific proposed acquisition that

³ There is no evidence in the record to explain why Lac qui Parle County has a greater proportion of its land in conservation uses. The Court notes that under special legislation, the Lac qui Parle Water Control Project, authorized acquisition of lands for the maintenance and operation of the project. Minnesota Statutes, section 84.154, subd. 3. The statute further states “These lands, which consist of 22,000 acres, more or less, located in the north and east edge of Lac qui Parle County and portions of the south and west edges of Chippewa, Swift and Big Stone Counties, shall be used and developed as a game refuge and public hunting grounds as the commissioner of natural resources may designate and shall include all state-owned lands acquired pursuant to the provisions of law above stated.”

would have a particular economic impact on the local economy, but there is no evidence in the record to suggest that the transfer of Plaintiffs' land to the state will threaten a valid local interest.

Fourth, the Board determined that "continued government [agricultural] land acquisitions... are a factor that will lead to additional population loss." Like the previous reason for disapproval, this reason applies to all proposed acquisitions and not to the particular acquisition in question. Like the previous reason, the Board could disapprove a specific proposed acquisition that would have a particular impact on population.

Fifth, the Board determined that the acquisition of private land for conservation purposes is irreversible. The finding is inaccurate. The DNR has the authority to sell and exchange land. The Board's statement suggests that the DNR does not sell land after it has been acquired: "Historical practices indicate that once the DNR buys land, it has no intention of ever re-selling it." If this factor were a proper consideration for the Board, the factual inquiry should be on whether land acquired by the DNR is sold when circumstances change so that it is proper to do, not on the "intention" of the DNR.⁴ The basis for this finding is anecdotal speculative rather than empirical. The decision whether it is good policy to place land into conservation programs does not belong to the county. Under *Kasch*, the County's concern in approving or disapproving a proposed sale under section 97.145 is whether a valid local interest is threatened by a proposed sale.

Sixth, the Board determined that the land may have greater value for agricultural production than asserted by the plaintiffs. The Board discredited Plaintiffs' assertion that the land is not suitable for agricultural production because it found that the degree of productivity varies

⁴ The Board's statement suggests the DNR would not "reverse" a transaction but cites no examples of it failing to do so: "...converting land to government ownership is instead an inflexible restriction being placed on future generations. ... There may be some unforeseen circumstance, a problem that cannot even be considered in 2019, for which usage of this land for conservation purposes is not in the best interest of the public." (Emphasis original.)

from farmer to farmer: “[M]arginal land’ is highly subjective. A landowner that is able to minimize operating costs through means such as personal labor, using older equipment, and other decisions could foreseeably generate net income on this property. Moreover, ‘marginal’ properties such as these can be very attractive to those prospective farm operators who cannot afford top-quality land and are therefore pursuing properties such as this with lower barriers to entry.” The court in *Kasch* offered examples for when a proposed sale may be subject to county board disapproval: “for example, that the land to be sold is not suitable for wildlife development, or that *wildlife development does not constitute the best utilization of the land*, or that the proposed use is inconsistent with proper drainage and flood control.” (Emphasis supplied.) The record establishes that the property in question has poor production. The parties agree on this in their stipulation of facts. It is an 80-acre parcel and 71 acres are designated as “tillable.” However, only 54 of the 71 acres were “farmable” in the years 2015 to 2020. Crop yields for soybeans on the “farmable” acres are 73% of average yields for all farms in Lac qui Parle County. The Board’s determination that the best utilization of this specific parcel is as farm land for those who want to enter farming is consistent with the Board’s concerns about declining population and the advantages to maintaining agriculture to the local economy. Under *Kasch*, whether conservation practices are the best utilization of the land is a proper concern for a county board in approving or disapproving a proposed sale under the statute.⁵ This analysis is the heart of this case. In determining whether the Board acted arbitrarily, the Court does not weigh the credibility of evidence or substitute its judgment for that of the governing body, but instead reviews the record to determine whether there is support in it for the governing body’s decision. *Billy Graham Evangelistic Assn. v. City of*

⁵ The Lac qui Parle County Board did not specifically state that the property’s best use was for farming. Instead the Board’s findings rejected the Plaintiffs’ and the DNR’s argument that the poor production capability of the land supports approval of the sale. The Board’s statement of reasons however supports an inference that the disapproval was based on this reason.

Minneapolis, 667 N.W.2d 117 (Minn. 2003). The record overall is very limited. No detailed minutes or transcript of meetings was provided to the Court. The record does not indicate whether Mr. Vacek's four-page statement and one-page talking points (Exhibit 3) or the farm land information (Exhibit 2) was considered by the Board. The Board concluded that farming was a better utilization of this land—despite its poor agricultural quality—than permitting the land to be used for conservation purposes, but significant gaps in the record do not permit the Court to determine whether this is an accurate assessment. For example, the following questions remain unanswered: Did the Board know the production history of the property? Was the Board aware that the property was earlier placed in a conservation reserve program easement? What are the operating costs and market prices used by the Board to determine whether a farmer using older equipment and personal labor could generate net income on this property? How many farmers seek this type of “marginal” land? How many acres of similar land are available in the county? What is the annual rent on this “marginal” parcel? What is the annual return on investment that makes the utilization of the property as farm property its best use? (\$1.00? 1% of value?, 6%?, 10%?, some other rate of return?). The Board's determination was not accompanied by factual findings to support its action, and in the absence of facts, the Board's decision is arbitrary.

Seventh, the Board found that private landowners should have the right to sell to whomever they wish. This consideration is unrelated to the approval process because like declining population and general economic effect, it is not a “valid local interest [promoted] by the proposed sale.”

Eighth, the Board found that the payment in lieu of taxes (PITL) for the parcel may fall short of tax revenues in the future. The PITL is greater than the current taxes by \$679.00. The

Board speculated that taxes would increase because of a school referendum in an unknown amount. This reason is unsupported by the record.

Ninth, the Board determined that local public opinion weighs against the sale. This is not a valid local interest threatened by the proposed sale.

Validity of Stated Reasons for Disapproval

For the reasons set forth above, the Court finds the reasons for disapproval invalid. The Court distinguishes between the meaning of the word “valid” for purposes of section 97A.1145 and its meaning in ordinary terms. The statute refers to reasons for disapproval that are outside the scope of a county board’s review under section 97A.145 or are unsupported by the evidence. Declining population and the transfer of land from farm production to conservation use unquestionably have an effect on the local citizens and the local economy. But banning the transfer of all agricultural property from private ownership to conservation purposes is not a policy determination afforded to the counties under the statute. When considering local interests in a proposed acquisition, such as suitability for wildlife, the best utilization of the land, or drainage and flood control, a county board must carefully consider the characteristics of a particular parcel to determine whether the sale threatens those interests.

Conclusion

The Court’s Order is not an approval of the sale of the property to the DNR. That is up to the Land Exchange Board. The Court has simply applied the rule set forth in *Kasch* to the Lac qui Parle County Board’s action in this case. The statute contains a procedure to submit the question of acquisition of property to the Land Exchange Board if a court finds that the county Board’s disapproval is arbitrary and capricious or if the stated reasons are invalid. Because the Court has done so, Plaintiffs may submit the proposed acquisition to the Land Exchange Board.

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Notices of Hearing

STATE OF MINNESOTA
LAND EXCHANGE BOARD

**Minnesota DNR Request for Approval of Fee
Title Acquisition in Lac qui Parle County**

NOTICE OF HEARING

TO: Sarah Strommen, Commissioner of Natural Resources; Jess Richards, Assistant
Commissioner of Natural Resources

YOU ARE HEREBY NOTIFIED that the Land Exchange Board will hold a hearing on **December 1, 2021 at 10:00 a.m.** pursuant to Minnesota Statutes, section 97A.145, subdivision 2(f) to consider whether to approve the acquisition by the State of Minnesota, Department of Natural Resources (DNR) of an 80-acre parcel of land owned by Jo's Family Farms, LLC, and legally described as:

The South Half of the Southwest Quarter of Section 4, Township 117 North, Range 42 West, Lac qui Parle County, Minnesota.

The Land Exchange Board's hearing will be held electronically and will be live-streamed via YouTube. A link to view the hearing will be posted at the DNR's land exchange web page:

https://www.dnr.state.mn.us/lands_minerals/landexchange/board.html

The DNR's submission of the proposed acquisition to the Land Exchange Board follows the Lac qui Parle County Board's February 19, 2019 denial of the proposed acquisition and an April 26, 2021 decision of the Lac qui Parle County District Court in *Jo's Family Farms, LLC, Phillip Sonstegard v. Lac qui Parle County*, District Court, Eighth Judicial District, Court File: 37-CV-20-30, that the Board's decision was arbitrary and capricious and that its reasons stated for disapproval were invalid. The DNR's written request for approval of the acquisition is posted at:

https://www.dnr.state.mn.us/lands_minerals/landexchange/board.html

You may speak before the Land Exchange Board for up to 15 minutes. A link for you to participate in the hearing will be provided to you.

Any party who needs an accommodation for a disability in order to participate in this hearing process may request one. Examples of reasonable accommodations include an interpreter, or Braille or large-print materials. To arrange for an accommodation contact landexchange.DNR@state.mn.us or call 651-259-5377.

Dated this 9th day of November, 2021.

Katherine Giel Digitally signed by Katherine Giel
Date: 2021.11.09 15:02:17 -06'00'

Katherine Giel, Land Exchange Coordinator

STATE OF MINNESOTA
LAND EXCHANGE BOARD

**Minnesota DNR Request for Approval of
Fee Title Acquisition in Lac qui Parle County**

NOTICE OF HEARING

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If you wish to make public comment or to submit written materials about this matter for the Land Exchange Board's consideration, you must fill out the attached Request to Make Public Comment Form and submit it, along with any written materials, to the Minnesota Land Exchange Board via email at landexchange.DNR@state.mn.us, no later than 5:00 p.m. Central Time five business days before the date of the hearing.

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Dated this 9th day of November, 2021.

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Date: 2021.11.09 15:02:17 -06'00'

Katherine Giel, Land Exchange Coordinator

STATE OF MINNESOTA
LAND EXCHANGE BOARD

**Minnesota DNR Request for Approval of Fee
Title Acquisition in Lac qui Parle County**

NOTICE OF HEARING

TO: Lac qui Parle County Board, c/o Todd Patzer, Chair

YOU ARE HEREBY NOTIFIED that the Land Exchange Board will hold a hearing on **December 1, 2021 at 10:00 a.m.** pursuant to Minnesota Statutes, section 97A.145, subdivision 2(f) to consider whether to approve the acquisition by the State of Minnesota, Department of Natural Resources (DNR) of an 80-acre parcel of land owned by Jo's Family Farms, LLC, and legally described as:

The South Half of the Southwest Quarter of Section 4, Township 117 North, Range 42 West, Lac qui Parle County, Minnesota.

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Dated this 9th day of November, 2021.

Katherine Giel Digitally signed by Katherine Giel
Date: 2021.11.09 15:02:17 -06'00'

Katherine Giel, Land Exchange Coordinator

List of Contacts for Public Notices – Baxter WMA – Lac qui Parle County

Sent/Emailed	Name
11/9/2021	Lac qui Parle County Board: Todd Patzer, Deron Brehmer, John Maatz, Ben Bothun, Stacy Tufto
11/10/2021	Jo's Family Farms, LLC & Phillip Sonstegard
11/10/2021	Richard (Dick) Olson, Baxter Twp Clerk
11/10/2021	Baxter Township
11/10/2021	Pheasants Forever
11/10/2021	Ducks Unlimited
11/10/2021	The Nature Conservancy
11/10/2021	Back Country Hunters and Anglers
11/10/2021	Minnesota Outdoor Heritage Alliance (MOHA)
11/10/2021	Clean Up the River Environment (CURE)
11/10/2021	Joe Duggan (Pheasants Forever)

Written Comments to Land Exchange Board



Minnesota Outdoor Heritage Alliance

Date: November 22, 2021

To: State of Minnesota Land Exchange Board Members

Case: Minnesota DNR Request for Approval of Fee Title Acquisition in Lac qui Parle County

The Minnesota Outdoor Heritage Alliance supports the request by the Minnesota DNR to acquire the public land in Lac qui Parle County in this hearing. Minnesota's public lands are vital to the state's economy, its wildlife, fish and its people. Minnesota's public lands ensure the democracy of hunting, fishing, trapping and outdoor recreation access for everyone. Access is one of the biggest issues facing sportsmen and women today and is the number one reason given by hunters and angler who have left their respective pursuits. The vetting process for Minnesota DNR land acquisition is thorough with more willing landowners wishing to sell them land than there are funds for. This particular acquisition fits the mission of the Minnesota DNR to provide public access to lands, improve water quality and provide habitat. Lac qui Parle County's attempt to make this mission more difficult does not follow state law. The Minnesota Outdoor Heritage Alliance supports a positive outcome to this hearing.

Sincerely,

David Carlson, President
Minnesota Outdoor Heritage Alliance

Minnesota Conservation Federation: Commentary Submission for
December 1st Land Exchange Board Meeting

Contact Info:

Brad Gausman- Executive Director
brad@mncf.org
Minnesota Conservation Federation
542 Snelling Ave S #104
St Paul MN 55116

Description / Summary of the Comment you or each person in your group wishes to make:

The Minnesota Conservation Federation is in full support of the MN DNR acquiring the described parcel that is being offered by the current owner, by Jo's Family Farms, LLC.

An increase in public lands that are available for hunting and recreation by the general public are an important piece of the quality of life for the residents of Minnesota. Throughout our state the amount of public lands available is not evenly distributed and those who reside in the Southwest portion of the state have fewer options for public land access than other areas of the state. For this reason it is especially important that when available lands are offered by a willing seller that our state agencies are able to take advantage of the opportunity to acquire these valuable public lands. Furthermore, due to the intense agricultural practices seen in the area of our state where this parcel lies, the acquisition of public lands are even more critical if we are serious about enhancing habitat for wildlife and the economic activity that follows in the wake of available public access and abundant wildlife.

In this case we see that there is a willing seller (by Jo's Family Farms, LLC) and a willing buyer (MN DNR). There is no reason that the county land board should be able to derail the wishes of a private landowner to sell or donate their land as they see fit.

The addition of this 80 acres parcel will enhance opportunities for recreation and wildlife habitat. We ask that this board approved the MN DNR's planned acquisition of the parcel in question

The Land Exchange Board will decide if the acquisition of new public lands in Lac qui Parle County is to be finalized. We ask that they decide to support a willing seller in their quest to enhance the opportunity for wildlife habitat and public land access in Southwest Minnesota.



November 20, 2021

RE: Minnesota DNR Baxter State Wildlife Management Area, Lac Qui Parle County, MN

Dear Honorable Members of Minnesota's Land Exchange Board:

Ducks Unlimited (DU) is the largest wetlands conservation organization in Minnesota with 49,182 resident members and a habitat conservation footprint of over 233,000 acres since 1984. Our mission is to conserve wetlands, prairies, and associated habitats for both waterfowl and people alike, and we achieve our mission to protect, restore, and enhance wetlands and prairies through partnerships with local government, state and federal conservation agencies, and with conservation-minded private landowners.

With that in mind, and on behalf of our 49,182 members in Minnesota, I write to provide Ducks Unlimited's support for the Minnesota Department of Natural Resources' (DNR) acquisition of 80 acres adjacent to the Baxter State Wildlife Management Area (WMA) near Dawson, Minnesota in Lac Qui Parle County from willing-seller private landowner Jo's Family Farms, LLC.

To meet the goals of state and national conservation plans such as Minnesota's Prairie Conservation Plan, Minnesota Long-range Duck Recovery Plan, and the North American Waterfowl Management Plan, it is imperative that the Minnesota DNR and non-profit conservation organizations such as Ducks Unlimited maintain the ability to work with willing-seller private landowners to strategically purchase key parcels of private land to create and enhance habitat complexes for wildlife and for public outdoor recreational use. Many State WMAs are small patches of wildlife habitat in a fragmented prairie pothole regional landscape in dire need of enlargement and restoration to provide functioning habitat complexes to support wildlife populations of both game and non-game wildlife. Minnesota voters approved the Clean Water, Land, and Legacy Amendment in 2008 in large part to help address this urgent habitat need.

Baxter State WMA and the proposed acquisition of 80 acres of land from willing-seller Joe's Family Farms, LLC is a perfect example. The existing 187-acre Baxter State WMA is relatively small and comprised of two small patches of prairie and wetlands separated by private agricultural land that currently is too small and fragmented to significantly benefit breeding waterfowl and other wildlife. The proposed acquisition of the 80 acres from willing-seller Jo's Family Farms, LLC will enlarge the size of this wildlife habitat area to make it more functional, and will allow Minnesota DNR to restore marginal cropland back to native prairie and wetlands to help meet our state and national collective conservation goals to benefit both wildlife and the residents of Minnesota.

Thanks for your consideration of our conservation concerns and perspectives, and we look forward to continued opportunities to help Minnesota DNR meet our shared conservation objectives in the future.

Sincerely,

Scott V. Christensen, Minnesota State Chairman - Ducks Unlimited
506 S. Donnelly Avenue, Litchfield, MN 55355
(320) 221-0164; schristensen@mnducksvolunteer.org; schristensen_du@outlook.com

Comments received from: Diane Borgendale – November 23, 2021

2007 E Sheridan Ave, Montevideo, MN 56265

320-226-6318 or diane.borgendale@gmail.com

As a property owner in Lac qui Parle County (LQP & Baxter Townships) I am in favor of the sale of the Phil Sonstegard property to the DNR for a WMA. This would be a good use of a marginal piece of land for wildlife and pollinator habitat and the watershed. Hunting is a large part of what LQP is known for, every year I have hunters approach me about hunting on my land. This would only add to the availability of public land accessible to more hunters.

I also support the sale of this property to the DNR because, as a landowner, I think I should be able to sell my property to whomever I wish without county government interference.

Anne Borgendale comment for Land Exchange Board hearing December 1

RE: Minnesota DNR Request for Approval of Fee Title Acquisition in Lac qui Parle County

I support the sale of the Phil Sonstegard property to the MN DNR to expand the Baxter WMA. I co-own land near the property in question and reside in Lac qui Parle Township as well. There is no shortage of cultivated land in LQP County, most of which is productive cropland. 95% of land in the county is privately owned, and according to the 2017 USDA Census of Agriculture, 89% of LQP County is cultivated.

All residents see a benefit when marginal farmland is returned to a more natural state. It provides more habitat to both game and non-game wildlife, birds, and pollinators. This habitat is vital as the tallgrass prairie and “prairie potholes” that once covered the county are now virtually non-existent. An expanded WMA also provides more public hunting land, adding to LQP’s reputation as a desired waterfowl and pheasant hunting destination. The rivers and streams in LQP County are tributaries of the Minnesota River, which has well-documented water quality issues. Expanding the WMA would help to hold more water on the land and aid in filtering water. These all provide monetary and non-monetary benefits to people in LQP County.

Selling the land to the DNR would not be a financial burden on the county. LQP County would continue to receive revenue from the land as Payments in Lieu of Taxes, which will actually be higher than the property tax currently paid on the land.

Finally, as an LQP County landowner, I also want the ability to sell property without interference from the county government—especially when the sale benefits the local community and the county.

Comments received from: Gene Tokheim – November 23, 2021

gene.tokheim@gmail.com

I am a land owner in Baxter township and pay taxes in Lac qui Parle County. I am also a life-long hunter and support the selling of land to the D.N.R. It enriches all of our lives, whether you are a hunter or not. Hunting also brings tourism to the area and lots of income from tax dollars.



ERAN SANDQUIST
State Coordinator - MN
410 Lincoln Ave South (Box 91)
South Haven, MN 55382

Cell: (763) 242-1273
Office: (320) 236-7755
Email: esandquist@pheasantsforever.org

November 24, 2021

RE: State Wildlife Management Area, Lac Qui Parle County, MN

Dear Minnesota Land Exchange Board:

Pheasants Forever (PF) is a grassroots, volunteer, membership-based national conservation organization with a mission to conserve pheasants, quail, and other wildlife through habitat improvements, public access, education, and conservation advocacy. Our members represent a diverse group of hunters, farmers, ranchers, landowners, conservation enthusiasts, and wildlife officials. The common thread shared by our supporters is the desire to make a positive difference for wildlife by conserving or creating habitat.

PF originated and is still headquartered here in Minnesota, and we are proud to boast 23,000 members in the state, the largest collection of supporters in the country. We are also proud to report that Pheasants Forever spends more than \$15 million annually to achieve our mission in the Land of 10,000 Lakes. Since 1982, Pheasants Forever has helped permanently protect 429 properties encompassing 59,000 acres of public land habitat in our great state.

Public lands are a critical component of Minnesota's identity, wildlife habitat, and outdoor heritage, and I write on behalf of Minnesota Pheasants Forever and our membership to support the Minnesota Department of Natural Resources' (DNR) acquisition of 80-acres adjacent to Baxter State Wildlife Management Area (WMA) in Lac Qui Parle County.

We offer this support for the following reasons; (1) protecting this as a WMA fits into multiple state and national conservation plans such as Minnesota's Pheasant Action Plan, Prairie Conservation Plan, WMA Acquisition Plan, and the National Wild Pheasant Conservation Plan (2) it is part of the conservation community's collective effort to strategically rebuild grassland and wetland habitat complexes in Minnesota's Prairie Pothole Region., (3) restoration of this parcel will increase productivity and resiliency of adjacent habitat, and (4) the proposed acquisition is between a willing buyer and willing seller.

Thanks for your consideration of this critical project in western Minnesota.

Sincerely,

Eran Sandquist
State Coordinator, Pheasants Forever Inc.

Comments received from: Brian and Janine Wojtalewicz – November 12, 2021

Hi, I grew up a farm boy, and for over 40 years we've lived and raised our family on our country home within sight of Lac Qui Parle lake. Over those years, and especially within the last 5 years, we have seen from our yard lands that have been in pasture for long before we bought our home being ripped up for corn and beans. We've also seen restored prairie that existed for over a decade ripped up for the same reason. We have also sadly personally seen the downturn in numbers of bird and pollinator species in the fields around us. Our small yards have now become a small oasis out here. Even the burrowing mammals have taken a hit. I haven't seen a fox in years. The bone-headed forces are even fighting a few acres being restored for native species? We are disgusted. We really need more corn and beans for ethanol, animal feed and corn syrup? Take a look at the most recent article from the STarTribune. We are living in the midst of this terrible land degradation. PLEASE do at least a little to stop it.

<https://www.startribune.com/minnesota-s-disappearing-grasslands/600109345/>

Brian and Janine Wojtalewicz

2095 110th St. Sw

Appleton, Mn 56208

Cell: 320-760-8416

Baxter WMA Public Hearing

Speaker Name:	Group Name/Affiliation:	Request form Rcvd:
Philip Sonstegard	Landowner	11/15/2021
Kirk Schnitker	Attorney for Sonstegard's	11/11/2021
Greg Kvale	Mn Chapter of Backcountry Hunters	11/22/2021
Brian Wojtalewicz	Adjacent/local Landowner	11/12/2021
Todd Patzer	Lac qui Parle County Board Commissioner	11/23/2021

Written Statements:

Name:	Group Name/Affiliation:	Written Request Rcvd:
David Carlson	Minnesota Outdoor Heritage Alliance	11/22/2021
Brian Gausman	Minnesota Conservation Federation	11/23/2021
Scott Christensen	Ducks Unlimited	11/24/2021
Diane Borgendale	Adjacent landowner	11/23/2021
Anne Borgendale	Adjacent landowner	11/23/2021
Gene Tokheim	Adjacent landowner	11/23/2021
Eran Sandquist	Pheasants Forever	11/24/2021

TAB 3

Land Exchange B10019

Land Exchange # B10019

Final approval is recommended for Land Exchange # B10019 between St. Louis County and Blaine Olson and Seth Olson.

This exchange involves a 40 acre tax forfeited parcel for 80 acres of private land.

The tax forfeited valued at \$68,000 and the private land is valued at \$64,000. The private party has agreed to pay the \$4,000 difference in value.

If completed, the land exchange will consolidate tax forfeited land holdings and increase efficiencies in land management. This property has management and access appeal to the county. The tax forfeited land acquired by the Olson's will allow them to consolidate their land holdings.

The St. Louis County Board has approved this exchange. Resolutions are on file as evidence that all steps have been taken to comply with the law prior to submission to the Land Exchange Board for approval.

A public hearing was held on October 26, 2021, with no objections received. All county board resolutions are on file as evidence that all steps have been taken to comply with the law prior to submission to the Land Exchange Board for approval.

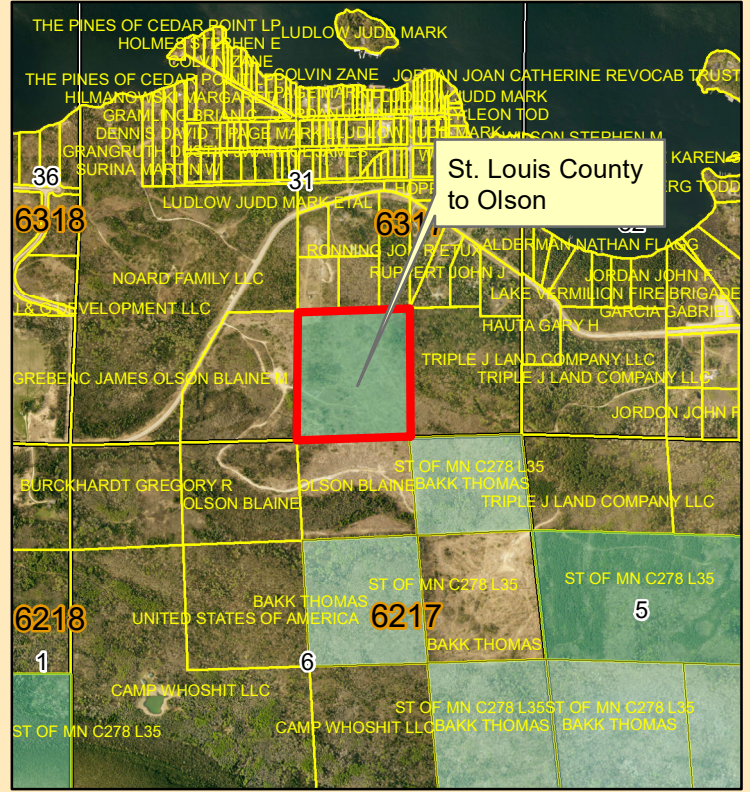
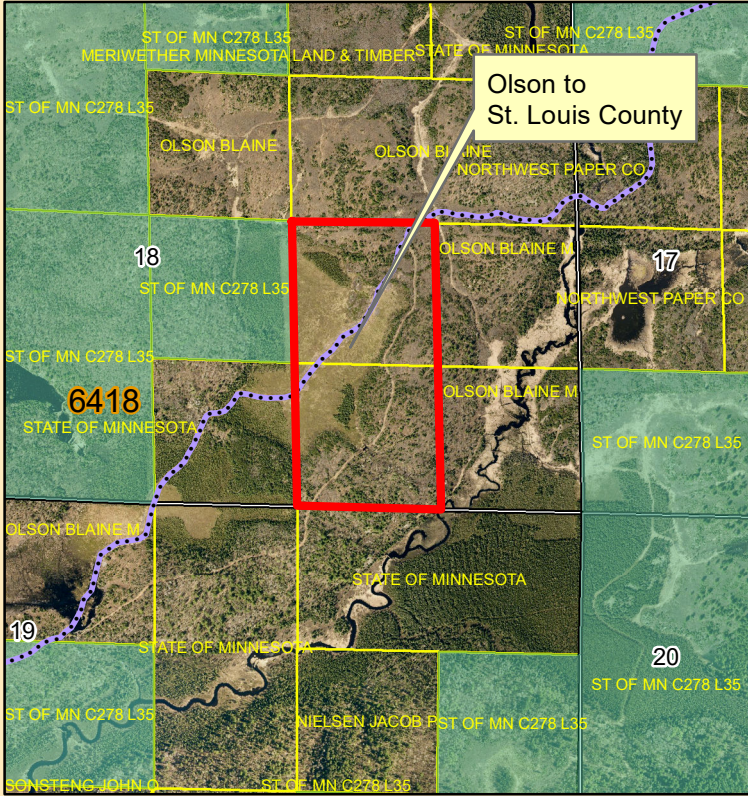
It is requested the Land Exchange Board approve this exchange subject to the approval of the title opinion by the Attorney General's Office.



St. Louis County Land and Minerals Department - Land Exchange

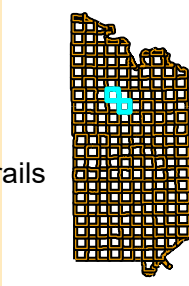
OFFERED PRIVATE LAND
 NW 1/4 of SE 1/4 and
 SW 1/4 of SE 1/4
 SECTION 18, T64N, R18W
 80 ACRES

STATE TAX FORFEITED LAND (CLASS "B")
 SW 1/4 of SE 1/4, SECTION 31, T63N, R17W
 40 ACRES



Legend

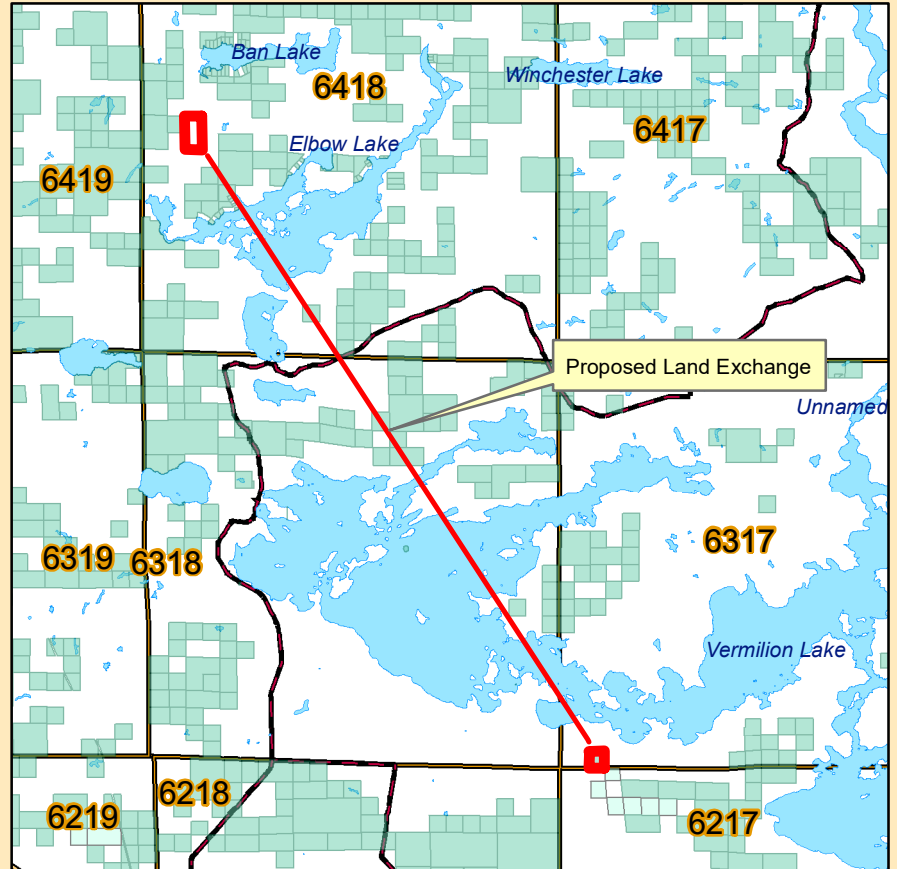
- State Tax Forfeited Land
- Water
- Area of Interest
- Snowmobile Trails



St. Louis County, Minnesota

This drawing is neither a legally recorded map nor a survey and is not intended to be used as such. This drawing is a compilation of recorded information and data located in various city, county, state and federal offices. St. Louis County is not responsible for any incorrectness herein.

**St. Louis County
 Land and Minerals Department**



Land Exchange: B10019
St. Louis County and Blaine Olson and Seth Olson

LAND EXCHANGE BOARD RESOLUTION

WHEREAS, Pursuant to Minnesota Statutes, Sec. 94.344, a proposal has been submitted to the County Board of St. Louis County, State of Minnesota, for the exchange of certain Class "B" lands owned by the State of Minnesota, for certain other lands owned by Blaine Olson and Seth Olson, and

WHEREAS, By its resolution, the Board of County Commissioners of St. Louis County, State of Minnesota, approved such exchange of Class "B" lands owned by the State of Minnesota, subject to conditions as fully set forth in said resolution, and,

WHEREAS, Upon all the files and records before it relating to such exchange and upon approval of the Commissioner of Natural Resources,

BE IT RESOLVED, That the Minnesota Land Exchange Board does hereby unanimously approve the proposal to exchange the following described lands being and lying in St. Louis County, to-wit:

See attached legal description

for the following described tax-forfeited Class "B" lands situated in the County of Aitkin, State of Minnesota:

See attached legal description

The Class B land is subject to the following conditions:

1. There shall be reserved to the state in said lands to be conveyed in exchange, all mineral and water power rights as provided by law;
2. Easements for rights-of-way for existing public roads and highway, telephone lines, power lines and railroads, if any;
3. Mineral rights outstanding of record in third parties, if any;
4. Approval of title by Attorney General's Office;
5. Blaine Olson and Seth Olson agree to pay the \$4,000 difference in value, and

BE IT FURTHER RESOLVED, That the Commissioner of Revenue is hereby authorized to execute such instruments of conveyance as may be necessary to consummate said exchange and the secretary of this Board is authorized to append to such instruments a certificate of unanimous approval by the Board.

Unanimously adopted by the Minnesota Land Exchange Board at its meeting held remotely via
on December 1, 2021.

Julie Blaha, State Auditor and Secretary
of the Minnesota Land Exchange Board

Legal Descriptions
EXB10019

Blaine Olson and Seth Olson

The West Half of the Southeast Quarter (W1/2 of SE1/4), Section Eighteen (18), Township Sixty-four (64), Range Eighteen (18), West of the Fourth Principal Meridian.

Excepting and reserving from this conveyance, all mineral and mineral rights, including gas and oil.

Tax Forfeited land

The Southwest Quarter of the Southeast Quarter (SW1/4 of SE1/4), Section Thirty-one (31), Township Sixty-three (63) North, Range Seventeen (17), West of the Fourth Principal Meridian.

TAB 4

Land Exchange B10020

Land Exchange # B10020

Final approval is recommended for Land Exchange # B10020 between St. Louis County (tax forfeited land) and the City of Ely.

This exchange project is under the authority of Minnesota Statutes, Sec. 94.3495. The purpose of the law is to expedite exchanges of land between the state or governmental subdivisions of the state. The Land Exchange Board approval is required of all the exchanges, but alternatives are authorized as to valuation of the lands and title work.

This project involves the exchange of 70.7 acres of county tax-forfeited land, valued at \$101,800 and 46.2 acres of fee owned land owned by the City of Ely, valued at \$112,900. County assessed values were utilized for the determination of land value and approved by the county board. Expedited exchanges under 100 acres to may have values within 20 percent. This exchange falls within those acceptable statutory parameters for valuation.

The land to be acquired by St. Louis County will consolidate tax forfeited ownership and improve timber management and forest recreational opportunities for the benefit of the taxpayers of St. Louis County.

The land to be acquired by the City of Ely will allow for the expansion of City boundaries and a planned redevelopment of the area.

The St. Louis County Board approved the expedited exchange project and land values on March 23, 2021.

Under Minnesota Statutes, Sec. 94.3495, title insurance was utilized to meet the examination of title requirement. Title commitments have been approved by St. Louis County. Resolutions are on file as evidence that all steps have been taken to comply with the law prior to submission to the Land Exchange Board for approval. Attorney General's Office review is not required under this statute.

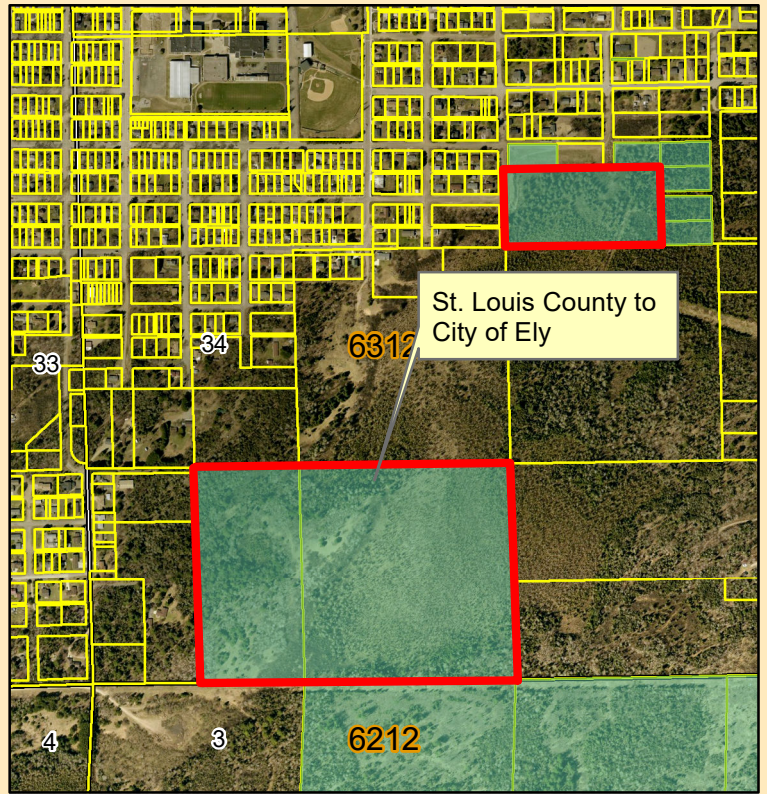
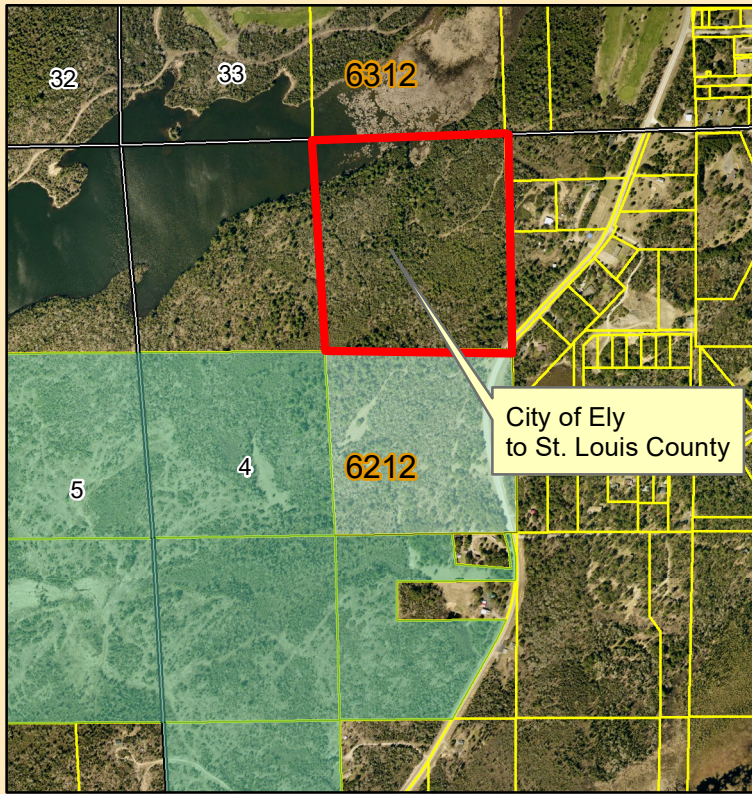
Resolutions are on file as evidence that all other steps have been taken to comply with the law prior to submission to the Land Exchange Board for approval.



St. Louis County Land and Minerals Department - Land Exchange

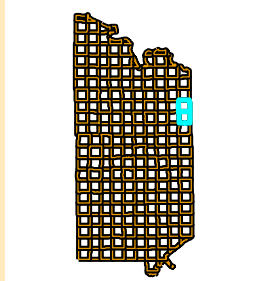
OFFERED CLASS 3 LAND (CITY of ELY)
 GOVERNMENT LOT 3, SECTION 4, T62N, R12W
 46.2 ACRES

STATE TAX FORFEITED LAND (CLASS 2)
 SE1/4 OF SW1/4, E1/2 OF SW1/4 OF SW1/4,
 OUTLOT A WHITES GARDEN TRACTS ELY
 SECTION 34, T63N, R12W
 70.7 ACRES



Legend

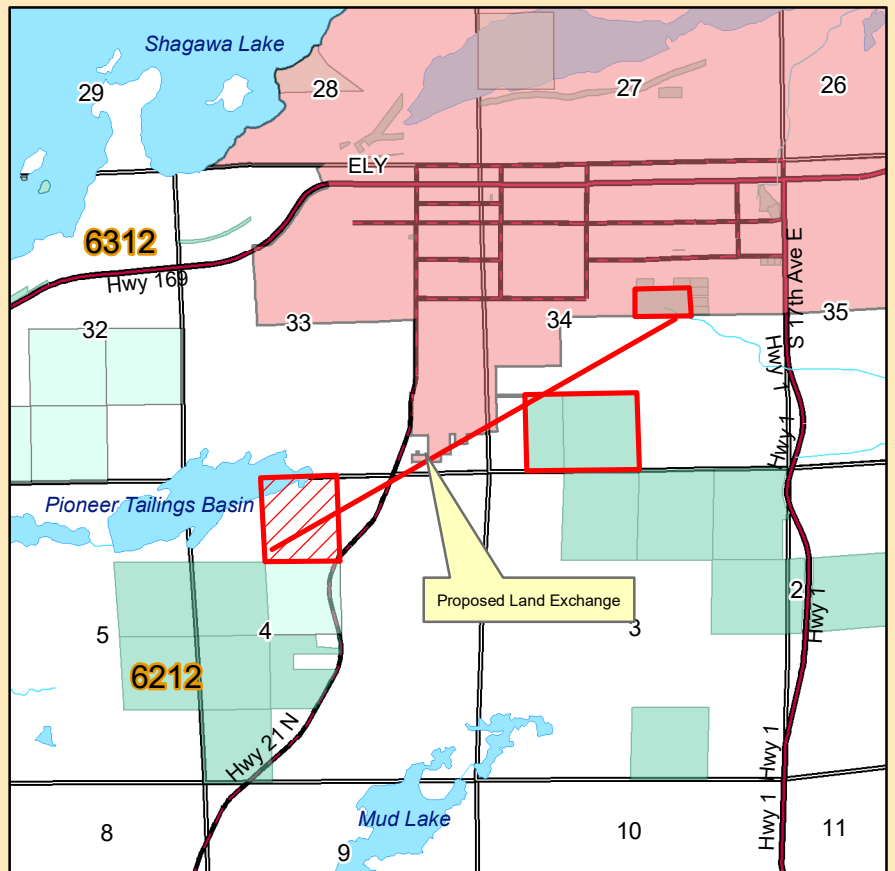
- State Tax Forfeited Land
- Water
- Area of Interest



St. Louis County, Minnesota

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**St. Louis County
 Land and Minerals Department**



Land Exchange: B10020
St. Louis County and the City of Ely

LAND EXCHANGE BOARD RESOLUTION

WHEREAS, Pursuant to Minnesota Statutes, Sec. 94.3495, a proposal has been submitted to the County Board of St. Louis County, State of Minnesota, for the exchange of certain Class "2" lands owned by the State of Minnesota, for certain Class "3" lands owned in fee by the City of Ely, and

WHEREAS, By its resolution, the Board of County Commissioners of St. Louis County, State of Minnesota, approved such exchange of Class "2" lands owned by the State of Minnesota, subject to conditions as fully set forth in said resolution, and,

WHEREAS, Upon all the files and records before it relating to such exchange and upon approval of the Commissioner of Natural Resources,

BE IT RESOLVED, That the Minnesota Land Exchange Board does hereby unanimously approve the proposal to exchange the following described lands being and lying in St. Louis County, to-wit:

See attached legal description

for the following described tax-forfeited Class "2" lands situated in the County of St. Louis, State of Minnesota:

See attached legal description

The Class 2 land is subject to the following conditions:

1. There shall be reserved to the state in said lands to be conveyed in exchange, all mineral and water power rights as provided by law;
2. Easements for rights-of-way for existing public roads and highway, telephone lines, power lines and railroads, if any;
3. Mineral rights outstanding of record in third parties, if any;

BE IT FURTHER RESOLVED, That the Commissioner of Revenue is hereby authorized to execute such instruments of conveyance as may be necessary to consummate said exchange and the secretary of this Board is authorized to append to such instruments a certificate of unanimous approval by the Board.

Unanimously adopted by the Minnesota Land Exchange Board at its meeting held remotely via conference call on December 1, 2021.

Julie Blaha, State Auditor and Secretary
of the Minnesota Land Exchange Board

Legal Descriptions
EXB10020

City of Ely

Lot 3, Section Four (4), Township Sixty-two (62) North, Range Twelve (12), West of the Fourth Principal Meridian.

Tax Forfeited land

The Southeast Quarter of the Southwest Quarter (SE1/4 of SW1/4), East Half of the Southwest Quarter of the Southwest Quarter (E1/2 of SW1/4 of SW1/4), Outlot A Whites Garden Tracts Ely, Section Thirty-four (34), Township Sixty-three (63) North, Range Twelve (12), West of the Fourth Principal Meridian.

TAB 5

USFWS Easement acquisitions

U.S. FISH AND WILDLIFE SERVICE EASEMENT ACQUISITION REQUEST

The U.S. Fish and Wildlife Service requests authorization to purchase 0.60 acres of wetland easements and 73.50 acres of habitat easements on private property in the counties listed below, under the authority of Section 4(c) of the Migratory Bird Hunting and Conservation Stamp Act of March 16, 1934 (48 Stat. 451), as amended, and in compliance with the provisions of the Wetlands Loan Act of 1961, as amended (16 U.S.C. 715k-3 – 715k-5). The Wetlands Loan Act of 1961 requires that no land shall be acquired with monies from the Migratory Bird Conservation Fund unless the acquisition has been approved by the Governor of the State or the appropriate State Agency. In Minnesota, approval is provided by the Land Exchange Board.

<u>County</u>	<u>Wetland Acres</u>	<u>Habitat Acres</u>	<u>Total Acres</u>
Douglas	0.60	73.50	74.10
Total Acres	0.60	73.50	

These tracts have been certified for acquisition by the respective county board. The location and legal descriptions of these acquisitions are depicted graphically on the attached county maps. Additional information about the individual acquisitions includes the following:

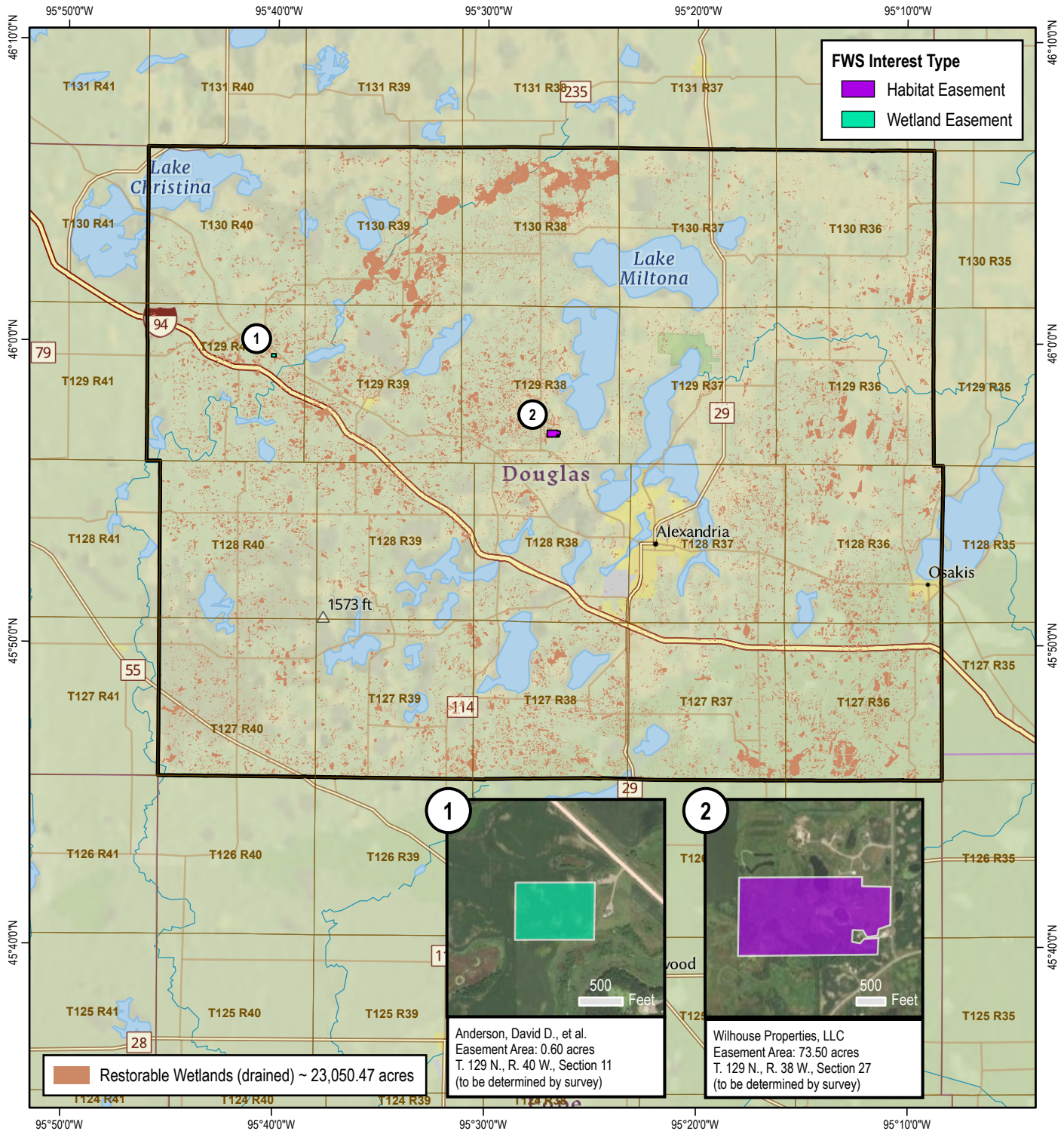
1. Mr. and Mrs. David D. Anderson, et al., have agreed to sell a 0.60 acre wetland easement that will provide additional waterfowl nesting habitat in Minnesota. The Douglas County Board certified this easement acquisition on October 5, 2021.
2. Mr. Keith Wilson of the Wilhouse Properties, LLC, has agreed to sell a 73.50 acre habitat easement for haying on private land that will provide additional waterfowl nesting habitat in Minnesota. The Douglas County Board certified this easement acquisition on October 5, 2021.



U.S. Fish & Wildlife Service

Land Exchange Board: Proposed Acquisition

Douglas County, Minnesota - Fergus Falls Wetland Management District

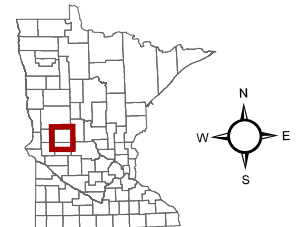
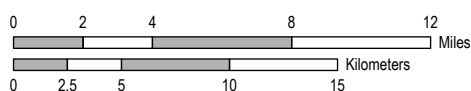


Notes:

Total Habitat Easement Area: 73.50 acres
Total Wetland Easement Area 0.60

Coordinate System: UTM Zone 15N, NAD 1983
Principal Meridian: 5th

1:350,000



Map Created: Thursday, September 30, 2021