

Appendix L: Refuge Mitigation Plan, Minnesota Valley National Wildlife Refuge

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Background

The expansion of the Minneapolis-St. Paul International Airport will directly impact the Long Meadow Lake and Blackdog Units of Minnesota Valley National Wildlife Refuge. Noise sensitive public use conducted on these units, such as environmental education, wildlife interpretation and bird watching will be significantly compromised upon the construction and use of a new north-south runway. Likewise, the value of our existing Visitor Center will be compromised as increased jet noise will influence outdoors activities associated with this facility.

In response to this, the Metropolitan Airports Commission, the Federal Aviation Administration, and the U.S. Fish and Wildlife Service entered into a Memorandum of Agreement in September 1998. Through this agreement, a mitigation package, which consisted of a cash settlement of \$26,090,000, will be used to offset the impacts of commercial flights over Refuge lands, programs, and activities.

On August 31, 2000, the Minnesota Valley National Wildlife Refuge Trust, Inc. was established to serve as the mitigation agent for the Metropolitan Airports Commission (MAC) and to administer the \$26,090,000. The Trust was created in accordance with a Funding Agreement dated September 14, 1999, and signed by the MAC and the following five “supporting organizations” – Friends of the Minnesota Valley, Minnesota River Basin Joint Powers Board, Minnesota Department of Natural Resources, Minnesota Waterfowl Association and National Audubon Society. Each supporting organization appoints a representative to serve on the Trust’s Board of Directors.

The primary purpose of the Trust, according to the Funding Agreement, is to “implement Airport Mitigation Projects, consistent with the mission and purpose of the Minnesota Valley National Wildlife Refuge as determined by the United States Fish and Wildlife Service.”

Until such time as all the mitigation projects are completed or within 15 years, whichever comes first, the Trust will expend the funds in accordance with the Funding Agreement between the MAC and the five supporting organizations of the Trust, which prescribes as follows:

“Mitigation activities to be accomplished by the (Trust) include but are not limited to:

- (1) acquisition of a minimum of 4,090 acres of lands within the area identified as appropriate, and making such lands available for Refuge environmental education and wildlife-dependent recreational opportunities either through donation to the United States to be administered by USFWS or its successor as part of the Refuge, or through a cooperative or other agreement for such use at no cost to the United States;
- (2) construction and development of a visitor and education center on the Rapid Lakes Unit or another suitable location approved by the USFWS or its successor for the Refuge; and

- (3) construction of visitor access, environmental education, and wildlife interpretive facilities at suitable locations approved by the USFWS or its successor on Refuge lands.”

This document will serve as the Refuge Mitigation Plan (Plan), as called for in the Funding Agreement. The individual components of this plan were originally derived from an assessment of damages that will occur to Refuge units once the new runway becomes operational. These damages were summarized in a letter sent to FAA and MAC from Regional Director William Hartwig in May 1997. Additional suggestions were also received as input for the Refuge’s Comprehensive Conservation Plan and many have been incorporated. Despite our best attempts to identify an array of appropriate mitigation projects, the Refuge and the Trust understand that it is impossible to gain a one-to-one replacement of the lost values on the Refuge lands impacted by the airport runway noise. The following list of mitigation projects, however, is our best collective attempt to compensate for the impacts that will occur to Refuge lands. As stated in the Funding Agreement, this Plan is subject to periodic review, and if deemed necessary, modification.

General Use of Mitigation Funds

The primary purpose of this Mitigation Plan is to set the general direction for the expenditure of Trust funds. In addition, it will provide long-term consistency to subsequent refuge managers and the Trust Board of Directors until such time as all components of the Plan have been completed

Land Acquisition and Habitat Restoration

Approximately 60 percent of the Trust assets, and earnings generated thereof, is intended to be spent on acquiring and restoring new lands for the Refuge within the Minnesota River Valley. Additional Refuge units will be identified and of these, no less than 4,090 additional acres will be acquired from willing sellers using these funds. It should be noted that mitigation funds cannot be used to acquire lands within the existing authorized Refuge boundary. An estimated 25 percent of funds designated for land acquisition may also be used to acquire high priority Waterfowl Production Areas (WPAs) within the watershed of the Minnesota River. Lands acquired as WPAs must have a direct linkage to the Minnesota River and serve to enhance and benefit wildlife species that inhabit the river. Where possible, however, all land acquisition funds will be leveraged with those of other programs such as WRP, CREP, and RIM to maximize the acreage made available for wildlife habitats as well as public use.

Public Use Facilities

Approximately 20 percent of the Trust assets, and earnings generated thereof, is intended to be spent on public use facilities such as an environmental education center, trails, wildlife interpretive sites, and associated support facilities. Some of these facilities will be constructed on existing Refuge lands and others will be placed on new lands acquired with mitigation funding.

Planning and Operations

Approximately 20 percent of the Trust assets, and earnings generated thereof, is intended to be spent on planning for new lands and facilities, the operation of the new

environmental education facilities, construction of support facilities, and the maintenance of new Refuge lands. It is expected that these funds will be invested for the long-term. In order to maintain its future purchasing power, an estimated 5 percent per year on average may be made available for planning and operations. As of 2002, up to \$250,000 of the Trust assets may be made available annually to the Service for these items. Under no circumstances, however, should funds from the Trust be used to replace or supplant the Refuge's existing operational funds.

Should the above framework and the accompanying mitigation projects prove to be unworkable or unrealistic once work is initiated, the Service, in consultation with the Trust, has the option of modifying this framework to meet changing needs.

Plan Implementation Process

Optimizing Trust Assets

The Trust and the Service together will strive to manage the pace of land acquisition and other major expenditures to optimize the use of the Trust's assets. The Trust will seek appreciation of the Trust's assets through prudent investment, closely watching project costs such as land values and, when possible, timing acquisitions to optimize returns. To the degree possible, the Service will cooperate with the Trust in meeting these objectives by spacing out the mitigation projects over the 15-year period beginning with the Trust's incorporation date (August 31, 2000).

Project Priority

The Service and the Trust will cooperate in determining priorities for the completion of mitigation projects through the preparation and submission of Refuge Mitigation Project Proposals by the Service. To the degree possible, the Service will notify the Trust at least 6 months in advance of any pending or proposed mitigation projects.

Project Approval

This Plan will be implemented through a process that depends upon significant cooperation and collaboration between the Trust and Service at all times. Consistent with the Funding Agreement, the Trust will not initiate any mitigation projects without prior approval of the Service. Similarly, the Service will not commit any Trust assets to a project or activity without the prior approval of the Trust Board of Directors. This process has already been established through the development and use of Refuge Mitigation Project Proposals.

Administration of Large and/or Complex Projects

Prior to the initiation of any large or complex mitigation projects, the Trust and the Service will enter into a cooperative agreement that will serve to articulate the respective roles and responsibilities of each party. This agreement will assign responsibilities for such items as project design, project and site management, progress reviews, insurance, bonding, and related contractual requirements.

Remaining Assets

Consistent with the Memorandum of Agreement and the subsequent Funding Agreement, any remaining assets following the successful completion of the Refuge Mitigation Plan are to be made available to the Service specifically for the benefit and use of Minnesota Valley National Wildlife Refuge. Following the completion of this Plan or 15 years from incorporation of the Trust, whichever comes first, the Service, in consultation with the Trust, will develop guidelines for the completion of any remaining mitigation projects and/or the long-term administration and use of the remaining Trust assets.

Specific Mitigation Projects

Land Acquisition

Refuge lands: As required by the Funding Agreement, a minimum of 4,090 additional Refuge acres will be acquired by the Trust for mitigation purposes. It is hoped that significantly more acreage can be acquired by the Trust, pending investment performance, ability to identify other sources of funds, the price and availability of land and other factors.

The Service has identified approximately 50,000 acres that are candidates for acquisition by the Trust, as noted on the attached maps. These lands include possible new Refuge units, plus lands that will serve to either connect existing units or lands that will serve to enhance the management of these units.

Waterfowl production areas: To fulfill its 4,090-acre minimum acreage requirement, the Trust may acquire up to 2,000 acres of fee lands to be managed as waterfowl production areas. As with Refuge lands, these units will provide quality wildlife dependent recreational opportunities including hunting, fishing, wildlife observation, wildlife photography, plus wildlife interpretation and environmental education. Due to the nature of the Service's Small Wetlands Acquisition Program, specific waterfowl production areas have not been identified at this time. As opportunities develop, these areas will be delineated and identified on all Refuge Mitigation Project Proposals prior to their submission to the Trust.

Habitat Restoration

Contracts, materials, and equipment: Mitigation funds may also be used to restore habitats on new Refuge lands, including waterfowl production areas. Items eligible for purchase under this category include restoration contracts, seed, fertilizer, herbicide, trees, saplings, acorns, cultural resource surveys, and associated materials. To a limited degree, equipment such as tractors, drills, and associated implements are eligible for purchase, rent, or contract where Refuge staff assume direct responsibility for habitat restoration.

Visitor/Education and Support Facilities

Rapids Lake Historic Home: This component of the mitigation plan will be addressed by converting the Rapids Lake historic home into an environmental education site. Included in this project will be the relocation of the structure out of the floodplain,

replacement of all utilities, and the development of office space in the upper story. Upon completion, the home will be used by school groups and others for programs and meetings. If needed, an annex to this home will be constructed to address any of the Refuge's environmental education or interpretive needs at this site.

If demand for additional environmental education facilities becomes apparent in the next 15 years, the Service, in consultation with the Trust, will assess the need to construct visitor education and support facilities at other locations. Under no circumstances, however, will new structures be built in communities where similar private or public environmental education facilities currently exist.

Interpretive Facilities

With the exception of trails and kiosks associated with the restoration of the Rapids Lake Historic Home and its use as an environmental education contact station, all of the nature trails, parking lots, and demonstration sites will be located on new Refuge lands or waterfowl production areas. The specific location of each of these facilities on these units is largely dependent upon the purchase of individual tracts. Once an adequate land base has been acquired, specific plans will be developed by the Refuge for locating parking lots, nature trails, and associated interpretive facilities.

Nature trails: No less than 5 linear miles of hiking trails or trails designated for hiking and bicycling will be constructed on new Refuge lands or waterfowl production areas or on existing Refuge lands outside the airport noise area. The primary purpose of these trails is to provide access to these lands by our visiting public.

Boardwalks and observation platforms: No less than 1,000 linear feet of accessible board walk and three observation platforms will be constructed at appropriate locations for the purpose of advancing the public's understanding of the Refuge, the Wetland Management District, and its fish and wildlife resources.

Parking lots and associated facilities: As new Refuge lands and waterfowl production areas are acquired, parking lots with appropriate kiosks, signs, and interpretive brochures will be constructed and/or developed. No less than one parking lot will be developed on each new unit.

Habitat management demonstration sites: Where appropriate, habitat management demonstration sites will be constructed. At a minimum, one water control structure and associated facilities will be installed and used as a demonstration site.

Funding for Planning and Operations

Additional Refuge staff: Up to four additional Refuge staff may be funded using mitigation funds. These staff will initially be put on board to plan for mitigation projects. As lands are acquired and facilities are constructed, these staff will assume habitat management, environmental education, and interpretive programming responsibilities.

Volunteer/intern dormitory: As an operational support facility, intern housing capable of hosting 16 individuals will be constructed on or near the Rapids Lake Unit. Individuals using this facility will support the Refuge's expanded environmental education and

wildlife interpretive programs, and help address the development and management of new Refuge lands. Both interns and volunteers will be housed in this facility.

Planning and operations: Within the mitigation fund expenditure guidelines set forth above, a limited amount of funds can be used first for costs associated with planning for mitigation projects, and upon completion, for the operations of the new facilities. Under no circumstances, however, should the mitigation fund be used to supplant existing operational funds for the Refuge.

Busing assistance for schools in need: Consistent with our plan to develop visitor/environmental education facilities is a realization that some of our target audiences (e.g., inner city school districts) are unable to participate in Refuge programs due to unmet transportation costs. We also realize that the relative costs of transportation will increase as we conduct a larger percentage of our outdoor programs on Refuge lands upstream and away from aircraft noise. With this in mind, a portion of the Trust funds may be expended each year to assist those schools that may otherwise not have the opportunity to visit the Refuge due to transportation costs.