RICK SNYDER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF NATURAL RESOURCES
LANSING

KEITH CREAGH
DIRECTOR

August 18, 2014

TO: Keith Creagh, Director

INFORMATION: Natural Resources Commission

Transaction: Release from a Farmland and Open Space Preservation Agreement Conservation Easement
Saginaw County
Conservation Easement File #73-PR2212-123199

Release: 3.05 acres

Description: Saginaw County, Spaulding Township, T11N, R04E, Section 2. At the intersection of M-13 and the Birch Run Drain.

Authority: Part 361 of Act 451, Public Acts of 1994, as amended.

Notice: This item will appear on the Department of Natural Resources (Department) September 2, 2014, calendar, and is eligible for approval on September 9, 2014.

Purpose: The Michigan Department of Agriculture and Rural Development (MDARD) received a request from the Michigan Department of Transportation (MDOT) to remove a 3.05-acre parcel from a permanent conservation easement in Saginaw County. The 3.05-acre parcel is needed for replacement of two bridges, one over the Flint River and the other over the Birch Run Drain.

The conservation easement was purchased by MDARD from Mr. John Leach on March 28, 2000. The conservation easement protects 243 acres of farmland from development while allowing for the continued farming of the land. The protected farm is located in Spaulding Township, Saginaw County.

An MDOT project has been proposed to replace the bridges on the Flint River as well as the Birch Run Drain outlet. The two bridges are located on M-13 and are relatively close together. The replacement of the bridges is necessary because they are deteriorating and the position and size of the bridges results in flooding and scouring of the river banks.

In order to improve the hydraulics of the two bridges, it is necessary to elevate the road surface six to eight feet and to increase the size of the Birch Run Drain Outlet Bridge. The property protected by the conservation easement is located on the west side of M-13. If the proposed bridge improvements were located within the existing M-13 right-of-way, three homes located east of M-13 would no longer be able to access M-13 because of the six to eight foot elevation increase

required for the project. Therefore, it is proposed to move the right-of-way for M-13 to the west, thereby encroaching on the conservation easement property. Moving the right-of-way to the west would result in the loss of 3.05 acres from the conservation easement.

Required Commission of Agriculture and Rural Development Approval and Department of Natural Resources (DNR) Approval
The Farmland and Open Space Preservation statute (Part 361) requires MDARD and DNR approval for the release of land from a conservation easement purchased by MDARD. The MDARD supports release of the easement.

Required Reimbursement to MDARD
An appraisal prepared for MDOT indicates the value of the development rights to be paid to MDARD for the removal of the 3.05 acres is $4,000. This money will be deposited into the Michigan Agricultural Preservation Fund. The MDOT is also required to reimburse MDARD for tax credits attributable to the 3.05-acre parcel that may have been taken under the Part 361 program going back seven years. That repayment amount is yet to be calculated.

Recommendation: It is recommended that the request for the release of the 3.05 acres be approved.

Russ Mason, Ph.D., Chief
Wildlife Division

William O'Neill, Chief
Forest Resources Division

James L. Dexter, Chief
Fisheries Division

Ronald A. Olson, Chief
Parks and Recreation Division

William E. Moritz, Ph.D.
Natural Resources Deputy

Mark H. Hoffman
Chief Administrative Officer

I approve the staff recommendations.

Keith Creagh
Director

Date Approved