



MINNESOTA LAND TRUST

April 5, 2021

Gary Eagles
Vice President, Development
North Oaks Company
5959 Centerville Road, Suite 200
North Oaks, MN 55127

Re: North Oaks (Agricultural Area) and North Oaks (Conservation Area)
Ramsey County
Project File ID #: 1999-157 and 1999-158
Wilkinson Lake Improvements – Preliminary Approval and Letter of Support

Dear Mr. Eagles:

Thank you for including the Minnesota Land Trust early in your process of designing possible plans to improve Wilkinson Lake's water quality. The Minnesota Pollution Control Agency (MPCA) has listed Wilkinson Lake as an impaired water for excess nutrients (phosphorus). We understand that the North Oaks Company is working with the Vadnais Lakes Area Watershed Management Organization (VLAWMO) to secure a Section 319 grant from the MPCA and the U.S. Environmental Protection Agency to address the water impairments at Wilkinson Lake and that you have engaged Barr Engineering to recommend early concept designs.

The Land Trust fully supports VLAWMO's application for 319 funding to improve the water quality at Wilkinson Lake and the sub watershed. The Land Trust also supports the efforts of North Oaks Company and its partners to remove Wilkinson Lake from the MPCA's impaired waters list.

We have reviewed the materials that Barr prepared for you, including technical memoranda and related figures dated February 18, 2021 and March 30, 2021. We understand that these plans are preliminary and conceptual and are subject to change. The concept plans show possible designs that could result in the creation new basins in upland areas to capture and treat stormwater, enlarged basins in existing wetlands, possible realignment and or filling of an agricultural drainage ditch, and the installation of water filtering apparatus. These impacts may take place within portions of your property that are protected by two Conservation Easements held by the Land Trust: the "Conservation Area" easement protecting 620 acres, including all of Wilkinson Lake, and

the “Agricultural Area” easement that protects 220 acres. Although each easement was granted to the Land Trust at the same time in 1999, the terms of each instrument differ, as discussed below. Both easements, however, state that they seek to protect the land’s natural and scenic qualities and its forested, riparian, and open space.

The focus of the Conservation Area Easement is to preserve and enhance wildlife habitat and water resources. Section 10 of this Easement states that the property owner may not alter existing bodies of water except for those activities designed to enhance wildlife habitats, to support scientific research purposes, or to retain storm water provided that the retention does not have a significant negative impact on the wildlife habitat. At this preliminary stage, we believe that Conservation Area Easement supports altering water bodies at the property, including the agricultural ditch that collects and discharges stormwater directly into Wilkinson Lake, because improving the quality of water of Wilkinson Lake will improve wildlife habitat. In addition, the project could improve scientific understanding of how best to attack water pollution.

The Agricultural Area Easement differs from the Conservation Area Easement. It states that the property owner may not alter existing bodies of water or water courses or construct new bodies of water or water courses except as reasonably required for activities or uses permitted by the terms of the Easement. The activities and uses permitted by the Agricultural Area Easement are primarily agricultural and recreational uses. The exceptions to this prohibition against altering water bodies that are found in the Conservation Area Easement do not appear in the Agricultural Easement.

Nonetheless, the Agricultural Area Easement specifically refers to a Property Report dated December 13, 1999. The Easement states that that Property Report outlines *proposed* activities on the Protected Land “to which the parties hereby consent.” Both the Land Trust and the North Oaks Company signed the Property Report. The Property Report is more permissive than the Easement itself and specifically allows alterations of “waterways, wetlands and lakeshore for the purpose of enhancing ... water habitat for native fish.” The Property Report also specifically allows the owner to “alter and/or maintain waterways ... to protect stream corridors for water quality and wildlife habitat purposes.” Reading the Agricultural Area Easement in conjunction with the more permissive provisions of the 1999 Property Report supports the proposed concepts outlined in Barr’s March 30, 2021 technical memorandum because these concepts are all designed to enhance water quality and wildlife habitat.

Again, we understand that the concept plans are preliminary and subject to change. This letter, thus, is also preliminary in nature. We look forward to continuing to work with North Oaks Company, VLAWMO, Barr, and other team members on this worthy project and we hope that our comments in this letter of support are helpful.

Mr. Gary Eagles, North Oaks Company
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Please don't hesitate to let me, Sue Steinwall, or Gini Breidenbach know if we can of any further assistance to you at this early stage. Thanks again for including us in your discussions.

Very Truly Yours,



Kris Larson
Executive Director

KL/SDS

cc: Don Pereira (via email)
Mark Houge (via email)
Gini Breidenbach (via email)