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State of Minnesota

HOUSE OF REPRESENTATIVES

EIGHTY-EIGHTH SESSION

H. F. No. 641

02/18/2013

Authored by Wagenius

04/08/2013

The bill was read for the first time and referred to the Committee on Environment, Natural Resources and Agriculture Finance

Adoption of Report: Pass as Amended and re-referred to the Committee on Legacy

1.1

A bill for an act

1.2

relating to natural resources; appropriating money from clean water fund and

1.3

parks and trails fund; providing for agricultural water quality certification;

1.4

modifying provisions for restoration evaluations; requiring use of certain

1.5

standards for public water access sites; establishing Greater Minnesota Regional

1.6

Parks and Trails Commission; extending previous appropriation; amending

1.7

Minnesota Statutes 2012, sections 10A.01, subdivision 35; 114D.50, subdivision

1.8

6; proposing coding for new law in Minnesota Statutes, chapters 17; 85.

1.9

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.10

ARTICLE 1

1.11

CLEAN WATER FUND

1.12

Section 1. CLEAN WATER FUND APPROPRIATIONS.

1.13

The sums shown in the columns marked "Appropriations" are appropriated to the

1.14

agencies and for the purposes specified in this article. The appropriations are from the

1.15

clean water fund and are available for the fiscal years indicated for allowable activities

1.16

under the Minnesota Constitution, article XI, section 15. The figures "2014" and "2015"

1.17

used in this article mean that the appropriations listed under them are available for the

1.18

fiscal year ending June 30, 2014, or June 30, 2015, respectively. "The first year" is fiscal

1.19

year 2014. "The second year" is fiscal year 2015. "The biennium" is fiscal years 2014

1.20

and 2015. The appropriations in this article are onetime.

1.21

1.22

1.23

1.24

<u>APPROPRIATIONS</u>	
<u>Available for the Year</u>	
<u>Ending June 30</u>	
<u>2014</u>	<u>2015</u>

1.25

Sec. 2. CLEAN WATER

- 2.1 Subdivision 1. **Total Appropriation** \$ 95,145,000 \$ 96,032,000
- 2.2 The amounts that may be spent for each
- 2.3 purpose are specified in the following
- 2.4 sections.
- 2.5 Subd. 2. **Availability of Appropriation**
- 2.6 Money appropriated in this article may not
- 2.7 be spent on activities unless they are directly
- 2.8 related to and necessary for a specific
- 2.9 appropriation and the recipient retains
- 2.10 documentation sufficient to justify the use of
- 2.11 the funds. Money appropriated in this article
- 2.12 must be spent in accordance with Minnesota
- 2.13 Management and Budget's Guidance to
- 2.14 Agencies on Legacy Fund Expenditure.
- 2.15 Notwithstanding Minnesota Statutes, section
- 2.16 16A.28, and unless otherwise specified in
- 2.17 this article, fiscal year 2014 appropriations
- 2.18 are available until June 30, 2015, and fiscal
- 2.19 year 2015 appropriations are available until
- 2.20 June 30, 2016. If a project receives federal
- 2.21 funds, the time period of the appropriation is
- 2.22 extended to equal the availability of federal
- 2.23 funding.
- 2.24 Sec. 3. **DEPARTMENT OF AGRICULTURE** \$ 7,895,000 \$ 7,895,000
- 2.25 (a) \$350,000 the first year and \$350,000 the
- 2.26 second year are to accelerate monitoring for
- 2.27 pesticides and pesticide degradates in surface
- 2.28 water and groundwater in areas vulnerable to
- 2.29 surface water impairments and groundwater
- 2.30 degradation and to use data collected to
- 2.31 improve pesticide use practices.
- 2.32 (b) \$3,110,000 the first year and \$3,110,000
- 2.33 the second year are to increase monitoring
- 2.34 and evaluate trends in the concentration of

3.1 nitrate in groundwater in areas vulnerable
3.2 to groundwater degradation, including a
3.3 substantial increase of monitoring of private
3.4 wells in cooperation with the commissioner
3.5 of health, monitoring for pesticides when
3.6 nitrate are detected, and promoting and
3.7 evaluating regional and crop-specific nutrient
3.8 best management practices to protect
3.9 groundwater from degradation. Of this
3.10 amount, \$75,000 is for accelerating the
3.11 update for the commercial manure applicator
3.12 manual. This amount is to be matched with
3.13 general funds. This appropriation is available
3.14 until June 30, 2016, when the commissioner
3.15 shall submit a report to the chairs and
3.16 ranking minority members of the senate and
3.17 house of representatives committees and
3.18 divisions with jurisdiction over agriculture
3.19 and environment and natural resources
3.20 policy and finance on the expenditure
3.21 of these funds, including the progress in
3.22 preventing groundwater degradation and
3.23 recommendations. By October 15, 2014, the
3.24 commissioner shall submit an interim report
3.25 to the chairs and ranking minority members
3.26 of the senate and house of representatives
3.27 committees and divisions with jurisdiction
3.28 over agriculture and environment and
3.29 natural resources policy and finance on
3.30 the expenditure of these funds, including
3.31 recommendations.
3.32 (c) \$100,000 the first year and \$100,000
3.33 the second year are for transfer to the
3.34 clean water agricultural best management
3.35 practices loan account and are available
3.36 for pass-through to local governments and

4.1 lenders for low-interest septic system loans
4.2 under Minnesota Statutes, section 17.117.

4.3 Any unencumbered balance that is not used
4.4 for pass-through to local governments does
4.5 not cancel at the end of the first year and is
4.6 available for the second year.

4.7 (d) \$1,500,000 the first year and \$1,500,000
4.8 the second year are for technical assistance,
4.9 including but not limited to small watershed
4.10 evaluation, edge of field monitoring,
4.11 assessment of stream channel characteristics,
4.12 terrain analysis, corn stalk testing, sediment
4.13 fingerprinting, and agronomic assessments,
4.14 all designed to establish advanced practices
4.15 for protecting lakes, rivers, and streams and
4.16 for protecting groundwater from degradation.
4.17 This appropriation is available until June 30,
4.18 2016.

4.19 (e) \$1,050,000 the first year and \$1,050,000
4.20 the second year are for research that could
4.21 pass peer review to protect water resources
4.22 from agricultural related contaminants,
4.23 including: pilot projects, including the
4.24 use of cover crops; development of best
4.25 management practices; and technical
4.26 assistance on proper implementation of best
4.27 management practices to protect and restore
4.28 surface water and protect groundwater from
4.29 degradation. This appropriation is available
4.30 until June 30, 2018.

4.31 (f) \$175,000 the first year and \$175,000 the
4.32 second year are for a research inventory
4.33 database containing water-related research
4.34 activities. Any information technology
4.35 development or support or costs necessary

5.1 for this research inventory database will be
5.2 incorporated into the agency's service level
5.3 agreement with and paid to the Office of
5.4 Enterprise Technology. This appropriation is
5.5 available until June 30, 2016.

5.6 (g) \$1,500,000 the first year and \$1,500,000
5.7 the second year are to implement a Minnesota
5.8 agricultural water quality certification
5.9 program. This appropriation is available
5.10 until June 30, 2018.

5.11 (h) \$110,000 the first year and \$110,000
5.12 the second year are for a regional irrigation
5.13 water quality specialist through the
5.14 University of Minnesota Extension Service
5.15 to accelerate efforts to provide guidance on
5.16 managing water and nitrogen fertilizer and
5.17 to provide assistance complying with permit
5.18 requirements, regulations, and other related
5.19 laws. By January 15, 2016, the commissioner
5.20 shall submit a report to the chairs and ranking
5.21 minority members of the senate and house
5.22 of representatives committees and divisions
5.23 with jurisdiction over agriculture and
5.24 environment and natural resources policy and
5.25 finance on the expenditure of these funds,
5.26 including recommendations.

5.27 Sec. 4. **PUBLIC FACILITIES AUTHORITY** **\$** **11,000,000** **\$** **11,000,000**

5.28 (a) \$9,000,000 the first year and \$9,000,000
5.29 the second year are for the total maximum
5.30 daily load grant program under Minnesota
5.31 Statutes, section 446A.073. This
5.32 appropriation is available until June 30, 2018.

5.33 (b) \$2,000,000 the first year and \$2,000,000
5.34 the second year are for small community

6.1 wastewater treatment grants and loans under
 6.2 Minnesota Statutes, section 446A.075. By
 6.3 January 15, 2014, the authority shall submit
 6.4 recommendations to the chairs and ranking
 6.5 minority members of the senate and house
 6.6 of representatives committees and divisions
 6.7 with jurisdiction over agriculture and
 6.8 environment and natural resources policy and
 6.9 finance on potential criteria that may be used
 6.10 to evaluate the option to buy out properties
 6.11 if it is more cost-effective than a proposed
 6.12 wastewater treatment system project. This
 6.13 appropriation is available until June 30, 2018.

6.14 (c) If there are any uncommitted funds at
 6.15 the end of each fiscal year under paragraph
 6.16 (a) or (b), the Public Facilities Authority
 6.17 may transfer the remaining funds to eligible
 6.18 projects under any of the programs listed
 6.19 in this section based on their priority rank
 6.20 on the Pollution Control Agency's project
 6.21 priority list.

6.22 **Sec. 5. POLLUTION CONTROL AGENCY \$ 30,315,000 \$ 30,265,000**

6.23 (a) \$7,000,000 the first year and \$7,000,000
 6.24 the second year are for completion of 20
 6.25 percent of the needed statewide assessments
 6.26 of surface water quality and trends.

6.27 (b) \$500,000 the first year and \$500,000
 6.28 the second year are to monitor and assess
 6.29 unregulated contaminants in surface water.
 6.30 By January 1, 2014, the commissioner shall
 6.31 submit an initial report to the chairs and
 6.32 ranking minority members of the house of
 6.33 representatives and senate committees and
 6.34 divisions with jurisdiction over environment
 6.35 and natural resources policy and finance on

7.1 unregulated contaminants, including steps
7.2 that should be taken to reduce the most
7.3 problematic contaminants.

7.4 (c) \$10,200,000 the first year and
7.5 \$10,200,000 the second year are to develop
7.6 watershed restoration and protection
7.7 strategies (WRAPS), which include: total
7.8 maximum daily load (TMDL) studies;
7.9 TMDL implementation plans for waters
7.10 listed on the United States Environmental
7.11 Protection Agency approved impaired waters
7.12 list in accordance with Minnesota Statutes,
7.13 chapter 114D; and setting reduction and
7.14 protection goals and a schedule for meeting
7.15 the goals. The agency shall complete an
7.16 average of ten percent of the TMDL's each
7.17 year over the biennium. Of this amount,
7.18 \$800,000 each year is for conducting interim
7.19 assessments of impaired waters five years
7.20 after the completion of a TMDL to determine
7.21 the progress made in achieving water quality
7.22 improvements. Following completion of
7.23 each interim assessment conducted with this
7.24 appropriation, the commissioner shall submit
7.25 the assessment to the chairs and ranking
7.26 minority members of the senate and house
7.27 of representatives committees and divisions
7.28 with jurisdiction over the environment and
7.29 natural resources policy and finance.

7.30 (d) \$1,250,000 the first year and \$1,250,000
7.31 the second year are for groundwater
7.32 assessment, including enhancing the
7.33 ambient monitoring network, modeling, and
7.34 evaluating trends, including the reassessment
7.35 of groundwater that was assessed ten to 15
7.36 years ago and found to be contaminated.

8.1 By January 15, 2016, the commissioner
8.2 shall submit a report with recommendations
8.3 for reducing or preventing groundwater
8.4 degradation from contaminants to the chairs
8.5 and ranking minority members of the senate
8.6 and house of representatives committees and
8.7 divisions with jurisdiction over environment
8.8 and natural resources policy and finance.

8.9 (e) \$750,000 the first year and \$750,000
8.10 the second year are for water quality
8.11 improvements in the lower St. Louis River
8.12 and Duluth harbor within the St. Louis River
8.13 System Area of Concern. This appropriation
8.14 must be matched at a rate of 65 percent
8.15 nonstate money to 35 percent state money.

8.16 (f) \$3,000,000 the first year and \$3,000,000
8.17 the second year are for the clean water
8.18 partnership program to provide grants to
8.19 protect and improve the lakes, basins, and
8.20 watersheds of the state and provide financial
8.21 and technical assistance. Priority shall be
8.22 given to projects preventing impairments and
8.23 degradation of lakes, rivers, streams, and
8.24 groundwater in accordance with Minnesota
8.25 Statutes, section 114D.20, subdivision 2,
8.26 clause (4). Any balance remaining in the first
8.27 year does not cancel and is available for the
8.28 second year.

8.29 (g) \$1,150,000 the first year and \$1,150,000
8.30 the second year are for TMDL research and
8.31 database development.

8.32 (h) \$1,000,000 the first year and \$1,000,000
8.33 the second year are to initiate development of
8.34 a multiagency watershed database reporting
8.35 portal. Of this amount, \$..... is for transfer

9.1 to the Minnesota Geospatial Office for
9.2 compiling and distributing surface water and
9.3 groundwater quality and quantity data.

9.4 (i) \$900,000 the first year and \$900,000
9.5 the second year are for national pollutant
9.6 discharge elimination system wastewater and
9.7 storm water TMDL implementation efforts.

9.8 (j) \$3,450,000 the first year and \$3,450,000
9.9 the second year are for grants to counties
9.10 with specific plans to significantly reduce
9.11 water pollution by reducing the number of
9.12 subsurface sewage treatment systems (SSTS)
9.13 that are an imminent threat to public health
9.14 or safety or are otherwise failing. Counties
9.15 with an ordinance in place that requires
9.16 an SSTS to be compliant with existing
9.17 standards upon property transfer and as a
9.18 condition of obtaining a building permit
9.19 shall be given priority for grants under this
9.20 paragraph. Of this amount, \$750,000 each
9.21 year is available to counties for grants to
9.22 low-income landowners in riparian areas
9.23 to address systems that pose an immediate
9.24 threat to public health or safety. A grant
9.25 awarded under this paragraph may not
9.26 exceed \$500,000. A county receiving a grant
9.27 under this paragraph must submit a report
9.28 to the agency listing the projects funded,
9.29 including an account of the expenditures.

9.30 (k) \$550,000 the first year and \$550,000
9.31 the second year are for water quality
9.32 monitoring in watersheds with participants
9.33 in the agricultural water quality certification
9.34 program and watersheds targeted by the
9.35 Board of Water and Soil Resources in

10.1 order to develop baseline surface water
10.2 quality information, including water quality
10.3 data from areas located downstream from
10.4 impacted areas.

10.5 (l) \$375,000 the first year and \$375,000 the
10.6 second year are for developing wastewater
10.7 treatment system designs and practices
10.8 and providing technical assistance. Of
10.9 this amount, \$145,000 each year is for
10.10 transfer to the Board of Regents of the
10.11 University of Minnesota to provide ongoing
10.12 support for design teams with scientific
10.13 and technical expertise pertaining to
10.14 wastewater management and treatment
10.15 that will include representatives from the
10.16 University of Minnesota, Pollution Control
10.17 Agency, and municipal wastewater utilities
10.18 and other wastewater engineering experts.
10.19 The design teams shall promote the use of
10.20 new technology, designs, and practices to
10.21 address existing and emerging wastewater
10.22 treatment challenges, including the treatment
10.23 of wastewater for reuse and the emergence
10.24 of new and other unregulated contaminants.
10.25 This appropriation is available until June 30,
10.26 2016.

10.27 (m) \$100,000 the first year and \$100,000 the
10.28 second year are for grants to the Red River
10.29 Watershed Management Board to enhance
10.30 and expand the existing water quality and
10.31 watershed monitoring river watch activities,
10.32 including groundwater, in the schools in
10.33 the Red River of the North Watershed. The
10.34 Red River Watershed Management Board
10.35 shall provide a report to the commissioner
10.36 and the chair and ranking minority members

11.1 of the senate and house of representatives
11.2 committees and divisions with jurisdiction
11.3 over environment and natural resources
11.4 finance and policy and the clean water fund
11.5 by February 15, 2015, on the expenditure of
11.6 these funds.

11.7 (n) \$50,000 the first year is for providing
11.8 technical assistance to local units of
11.9 government to address the impacts on
11.10 water quality from polycyclic aromatic
11.11 hydrocarbons resulting from the use of coal
11.12 tar products.

11.13 (o) \$40,000 the first year and \$40,000 the
11.14 second year are to support activities of the
11.15 Clean Water Council according to Minnesota
11.16 Statutes, section 114D.30, subdivision 1.

11.17 (p) Notwithstanding Minnesota Statutes,
11.18 section 16A.28, the appropriations
11.19 encumbered on or before June 30, 2015,
11.20 as grants or contracts in this section are
11.21 available until June 30, 2018.

11.22 **Sec. 6. DEPARTMENT OF NATURAL**
11.23 **RESOURCES**

\$ 14,460,000 \$ 14,075,000

11.24 (a) \$2,500,000 the first year and \$2,500,000
11.25 the second year are for stream flow
11.26 monitoring, including the installation of
11.27 additional monitoring gauges, and monitoring
11.28 necessary to determine the relationship
11.29 between stream flow and groundwater.

11.30 (b) \$1,300,000 the first year and \$1,300,000
11.31 the second year are for lake Index of
11.32 Biological Integrity (IBI) assessments.

11.33 (c) \$135,000 the first year and \$135,000
11.34 the second year are for assessing mercury

12.1 contamination of fish, including monitoring
12.2 to track the status of waters impaired by
12.3 mercury and mercury reduction efforts over
12.4 time.

12.5 (d) \$1,850,000 the first year and \$1,850,000
12.6 the second year are for developing targeted,
12.7 science-based watershed restoration and
12.8 protection strategies, including regional
12.9 technical assistance for TMDL plans and
12.10 development of a watershed assessment tool,
12.11 in cooperation with the commissioner of the
12.12 Pollution Control Agency. By January 15,
12.13 2016, the commissioner shall submit a report
12.14 to the chairs and ranking minority members
12.15 of the senate and house of representatives
12.16 committees and divisions with jurisdiction
12.17 over environment and natural resources
12.18 policy and finance providing the outcomes
12.19 to lakes, rivers, streams, and groundwater
12.20 achieved with this appropriation and
12.21 recommendations.

12.22 (e) \$1,500,000 the first year and \$1,500,000
12.23 the second year are for water supply planning,
12.24 aquifer protection, and monitoring activities.

12.25 (f) \$1,000,000 the first year and \$1,000,000
12.26 the second year are for technical assistance
12.27 to support local implementation of nonpoint
12.28 source restoration and protection activities,
12.29 including water quality protection in forested
12.30 watersheds.

12.31 (g) \$675,000 the first year and \$675,000
12.32 the second year are for applied research
12.33 and tools, including watershed hydrologic
12.34 modeling; maintaining and updating spatial
12.35 data for watershed boundaries, streams, and

- 13.1 water bodies and integrating high-resolution
13.2 digital elevation data; assessing effectiveness
13.3 of forestry best management practices for
13.4 water quality; and developing an ecological
13.5 monitoring database.
- 13.6 (h) \$615,000 the first year and \$615,000
13.7 the second year are for developing county
13.8 geologic atlases.
- 13.9 (i) \$85,000 the first year is to develop design
13.10 standards and best management practices
13.11 for public water access sites to maintain and
13.12 improve water quality by avoiding shoreline
13.13 erosion and runoff.
- 13.14 (j) \$3,500,000 the first year and \$3,500,000
13.15 the second year are for beginning to develop
13.16 and designate groundwater management
13.17 areas under Minnesota Statutes, section
13.18 103G.287, subdivision 4. The commissioner,
13.19 in consultation with the commissioners
13.20 of the Pollution Control Agency, health,
13.21 and agriculture, shall establish a uniform
13.22 statewide hydrogeologic mapping system
13.23 that will include designated groundwater
13.24 management areas. The mapping system
13.25 must include wellhead protection areas,
13.26 special well construction areas, groundwater
13.27 provinces, groundwater recharge areas, and
13.28 other designated or geographical areas related
13.29 to groundwater. This mapping system shall
13.30 be used to implement all groundwater-related
13.31 laws and for reporting and evaluations. This
13.32 appropriation is available until June 30, 2017.
- 13.33 (k) \$1,100,000 the first year and \$1,000,000
13.34 the second year are for grants to counties
13.35 and other local units of government that

14.1 have adopted advanced shoreland protection
14.2 measures. The grants awarded under this
14.3 paragraph shall be for \$100,000 and must be
14.4 used to restore and enhance riparian areas to
14.5 protect, enhance, and restore water quality in
14.6 lakes, rivers, and streams. Grant recipients
14.7 must submit a report to the commissioner on
14.8 the outcomes achieved with the grant. To
14.9 be eligible for a grant under this paragraph,
14.10 a county or other local unit of government
14.11 must have adopted an ordinance for the
14.12 subdivision, use, redevelopment, and
14.13 development of shoreland that has been
14.14 certified by the commissioner of natural
14.15 resources as having advanced shoreland
14.16 protection measures. The commissioner
14.17 shall only certify an ordinance that meets or
14.18 exceeds the following standards:

14.19 (1) requires new sewage treatment systems
14.20 to be set back at least 100 feet from the
14.21 ordinary high water level for recreational
14.22 development shorelands and 75 feet for
14.23 general development lake shorelands;

14.24 (2) requires redevelopment and new
14.25 development on shoreland to have at least
14.26 a 50-foot vegetative buffer. An access path
14.27 and recreational use area may be allowed;

14.28 (3) requires mitigation when any variance to
14.29 standards designed to protect lakes, rivers,
14.30 and streams is granted;

14.31 (4) requires best management practices to
14.32 be used to control storm water and sediment
14.33 when 3,000 or more square feet are disturbed
14.34 as part of a land alteration;

15.1 (5) includes other criteria developed by the
15.2 commissioner; and

15.3 (6) has been adopted by July 1, 2015.

15.4 The commissioner may certify an ordinance
15.5 that does not exceed all the standards in
15.6 clauses (1) to (5) if the commissioner
15.7 determines that the ordinance provides
15.8 significantly greater protection for both
15.9 waters and shoreland than those standards.

15.10 The commissioner of natural resources
15.11 may develop additional criteria for the
15.12 grants awarded under this paragraph. In
15.13 developing the criteria, the commissioner
15.14 shall consider the proposed changes to
15.15 the department's shoreland rules discussed
15.16 during the rulemaking process authorized
15.17 under Laws 2007, chapter 57, article 1,
15.18 section 4, subdivision 3. This appropriation
15.19 is available until spent.

15.20 (l) \$100,000 the first year is for preparing and
15.21 hosting groundwater management workshops
15.22 to provide an update on scientific, technical,
15.23 and other information regarding groundwater
15.24 sustainability, use, and best management
15.25 practices to groundwater management
15.26 professionals and mayors or their designees
15.27 in greater Minnesota.

15.28 (m) \$100,000 the first year is for preparing
15.29 and hosting, in consultation with the
15.30 Metropolitan Council, groundwater
15.31 management workshops to provide an update
15.32 on scientific, technical, and other information
15.33 regarding groundwater sustainability,
15.34 use, and best management practices to
15.35 groundwater management professionals and

16.1 mayors or their designees in the metropolitan
16.2 area.
16.3 (n) \$25,000 the first year is to the
16.4 commissioner of natural resources to
16.5 evaluate the water quality impacts of hard
16.6 rock aggregate mining on the headwaters
16.7 of the Minnesota River. The commissioner
16.8 must report to the chairs and ranking minority
16.9 members of the legislative committees with
16.10 jurisdiction over natural resources and local
16.11 government by February 15, 2014. Until
16.12 the commissioner reports to the legislature
16.13 the results of the commissioner's evaluation,
16.14 no new hard rock aggregate mining permit
16.15 may be issued for mining activity near the
16.16 headwaters of the Minnesota River. This
16.17 paragraph is effective the day following final
16.18 enactment.

16.19 **Sec. 7. BOARD OF WATER AND SOIL**
16.20 **RESOURCES**

\$ 22,648,000 \$ 24,470,000

16.21 (a) \$5,000,000 the first year and \$5,000,000
16.22 the second year are for grants to soil and water
16.23 conservation districts, watershed districts,
16.24 watershed management organizations, and
16.25 other joint powers organizations organized
16.26 for the management of water in a watershed
16.27 or subwatershed that have multiyear plans
16.28 that will result in a significant reduction in
16.29 water pollution in a selected subwatershed.
16.30 The grants may be used for the following
16.31 purposes: establishment of riparian buffers;
16.32 practices to store water for natural treatment
16.33 and infiltration, including rain gardens;
16.34 capturing storm water for reuse; stream
16.35 bank, shoreland, and ravine stabilization;

17.1 enforcement activities; and implementation
17.2 of best management practices for feedlots
17.3 within riparian areas and other practices
17.4 demonstrated to be most effective in
17.5 protecting, enhancing, and restoring water
17.6 quality in lakes, rivers, and streams and
17.7 protecting groundwater from degradation.
17.8 Grant recipients must provide a nonstate
17.9 cash match of at least 25 percent of the
17.10 total eligible project costs. Grant recipients
17.11 may use other legacy funds to supplement
17.12 projects funded under this paragraph. Prairie
17.13 restorations conducted with funds awarded
17.14 under this paragraph must include a diversity
17.15 of species, including species selected to
17.16 provide habitat for pollinators throughout the
17.17 growing season, and protect existing native
17.18 prairies from genetic contamination. Grants
17.19 awarded under this paragraph are available
17.20 for four years and priority shall be given
17.21 to the three to six best designed plans each
17.22 year. By January 15, 2016, the board shall
17.23 submit an interim report on the outcomes
17.24 achieved with this appropriation, including
17.25 recommendations, to the chairs and ranking
17.26 minority members of the senate and house
17.27 of representatives committees and divisions
17.28 with jurisdiction over environment and
17.29 natural resources policy and finance. This
17.30 appropriation is available until June 30, 2018.
17.31 (b) \$2,853,000 the first year and \$4,675,000
17.32 the second year are for grants for the
17.33 following purposes: establishment of
17.34 riparian buffers; practices to store water for
17.35 natural treatment and infiltration, including
17.36 rain gardens; capturing storm water for

18.1 reuse; stream bank, shoreland, and ravine
18.2 stabilization; enforcement activities; and
18.3 implementation of best management practices
18.4 for feedlots within riparian areas and other
18.5 practices demonstrated to be most effective
18.6 in protecting, enhancing, and restoring water
18.7 quality in lakes, rivers, and streams and
18.8 protecting groundwater from degradation.

18.9 (c) \$4,000,000 the first year and \$4,000,000
18.10 the second year are for targeted local
18.11 resource protection and enhancement grants
18.12 for projects and practices that exceed
18.13 current state standards for protection,
18.14 enhancement, and restoration of water
18.15 quality in lakes, rivers, and streams or that
18.16 protect groundwater from degradation.

18.17 (d) \$900,000 the first year and \$900,000 the
18.18 second year are to provide state oversight
18.19 and accountability, evaluate results, and
18.20 measure the value of conservation program
18.21 implementation by local governments,
18.22 including submission to the legislature
18.23 by March 1 each year an annual report
18.24 prepared by the board, in consultation with
18.25 the commissioners of natural resources,
18.26 health, agriculture, and the Pollution Control
18.27 Agency, detailing the recipients, projects
18.28 funded under this section, and the amount of
18.29 pollution reduced.

18.30 (e) \$1,700,000 the first year and \$1,700,000
18.31 the second year are for grants to local units
18.32 of government to ensure compliance with
18.33 Minnesota Statutes, chapter 103E, and
18.34 sections 103F.401 to 103F.455, including
18.35 enforcement efforts. Of this amount,

19.1 \$235,000 the first year is to update the
19.2 Minnesota Public Drainage Manual and the
19.3 Minnesota Public Drainage Law Overview
19.4 for Decision Makers and to provide outreach
19.5 to users.

19.6 (f) \$6,500,000 the first year and \$6,500,000
19.7 the second year are to purchase and restore
19.8 permanent conservation easements on
19.9 riparian buffers adjacent to lakes, rivers,
19.10 streams, and tributaries with a high risk of
19.11 becoming impaired or that are currently
19.12 impaired, to keep water on the land in order
19.13 to decrease sediment, pollutant, and nutrient
19.14 transport; reduce hydrologic impacts to
19.15 surface waters; and increase infiltration for
19.16 groundwater recharge. This appropriation
19.17 may be used for restoration of riparian
19.18 buffers protected by easements purchased
19.19 with this appropriation and for stream bank
19.20 restorations when the riparian buffers have
19.21 been restored. Prairie restorations conducted
19.22 with funds awarded under this paragraph
19.23 must include a diversity of species, including
19.24 species selected to provide habitat for
19.25 pollinators throughout the growing season,
19.26 and protect existing native prairies from
19.27 genetic contamination.

19.28 (g) \$1,400,000 the first year and \$1,400,000
19.29 the second year are for permanent
19.30 conservation easements on wellhead
19.31 protection areas under Minnesota Statutes,
19.32 section 103F.515, subdivision 2, paragraph
19.33 (d). Priority must be placed on land that
19.34 is located where the vulnerability of the
19.35 drinking water supply is designated as high
19.36 or very high by the commissioner of health.

20.1 (h) \$175,000 the first year and \$175,000 the
 20.2 second year are for a technical evaluation
 20.3 panel to conduct at least 20 restoration
 20.4 evaluations under Minnesota Statutes,
 20.5 section 114D.50, subdivision 6.

20.6 (i) \$120,000 the first year and \$120,000
 20.7 the second year are for grants to Area
 20.8 II Minnesota River Basin projects for
 20.9 floodplain management.

20.10 (j) The board shall contract for services
 20.11 with Conservation Corps Minnesota for
 20.12 restoration, maintenance, and other activities
 20.13 under this section for \$500,000 the first year
 20.14 and \$500,000 the second year.

20.15 (k) The board may adjust the technical and
 20.16 administrative assistance portion of the funds
 20.17 to leverage federal or other nonstate funds
 20.18 or to address oversight responsibilities or
 20.19 high-priority needs identified in local water
 20.20 management plans.

20.21 (l) The board shall require grantees to specify
 20.22 the outcomes that will be achieved by the
 20.23 grants prior to any grant awards and the
 20.24 board shall track the cumulative impacts
 20.25 and include those impacts in reports on the
 20.26 expenditure of clean water funds submitted
 20.27 to the legislature.

20.28 (m) The appropriations in this section are
 20.29 available until June 30, 2018. Returned grant
 20.30 funds are available until expended and shall
 20.31 be regranted consistent with the purposes of
 20.32 this section.

20.33 Sec. 8. DEPARTMENT OF HEALTH \$ 6,198,000 \$ 6,198,000

21.1 (a) \$1,300,000 the first year and \$1,300,000
21.2 the second year are for addressing public
21.3 health concerns related to contaminants
21.4 found in Minnesota drinking water for
21.5 which no health-based drinking water
21.6 standards exist, including accelerating the
21.7 development of health risk limits, including
21.8 triclosan, and improving the capacity of
21.9 the department's laboratory to analyze
21.10 unregulated contaminants.

21.11 (b) \$1,615,000 the first year and \$1,615,000
21.12 the second year are for protection of
21.13 groundwater and surface water drinking
21.14 water sources, including protection from
21.15 viruses.

21.16 (c) \$250,000 the first year and \$250,000 the
21.17 second year are for cost share assistance to
21.18 public and private well owners for up to 50
21.19 percent of the cost of sealing unused wells.

21.20 (d) \$390,000 the first year and \$390,000 the
21.21 second year are to update and expand the
21.22 County Well Index, in cooperation with the
21.23 commissioner of natural resources.

21.24 (e) \$325,000 the first year and \$325,000 the
21.25 second year are for studying the occurrence
21.26 and magnitude of contaminants in private
21.27 wells and developing guidance to ensure
21.28 that new well placement minimizes the
21.29 potential for risks, in cooperation with the
21.30 commissioner of agriculture.

21.31 (f) \$105,000 the first year and \$105,000 the
21.32 second year are for monitoring recreational
21.33 beaches on Lake Superior for pollutants that
21.34 may pose a public health risk and mitigating

22.1 sources of bacterial contamination that are
 22.2 identified.

22.3 (g) \$980,000 the first year and \$980,000 the
 22.4 second year are for a biomonitoring program
 22.5 that will focus on children and disadvantaged
 22.6 communities to provide data on disparities
 22.7 in pollutant exposure and other measures
 22.8 necessary to assist with water quality
 22.9 management and protection decision making.

22.10 (h) \$1,233,000 the first year and \$1,233,000
 22.11 the second year are for the development
 22.12 and implementation of a groundwater
 22.13 virus monitoring plan, including an
 22.14 epidemiological study to determine the
 22.15 association between groundwater virus
 22.16 concentration and community illness rates.

22.17 This appropriation is available until June 30,
 22.18 2017.

22.19 (i) Unless otherwise specified, the
 22.20 appropriations in this section are available
 22.21 until June 30, 2016.

22.22 Sec. 9. **METROPOLITAN COUNCIL** **\$** **2,000,000** **\$** **1,500,000**

22.23 (a) \$250,000 the first year and \$250,000 the
 22.24 second year are for grants or loans for local
 22.25 inflow and infiltration reduction programs
 22.26 addressing high priority areas in the
 22.27 metropolitan area, as defined in Minnesota
 22.28 Statutes, section 473.121, subdivision 2. This
 22.29 appropriation is available until expended.

22.30 (b) \$500,000 the first year is for an agreement
 22.31 with the United States Geological Survey to
 22.32 investigate groundwater and surface water
 22.33 interaction in and around White Bear Lake
 22.34 and surrounding northeast metropolitan

23.1 lakes, including seepage rate determinations,
 23.2 water quality of groundwater and surface
 23.3 water, isotope analyses, lake level analyses,
 23.4 water balance determination, and creation
 23.5 of a calibrated groundwater flow model.
 23.6 The council shall use the results to prepare
 23.7 guidance for other areas to use in addressing
 23.8 groundwater and surface water interaction
 23.9 issues. This is a onetime appropriation and is
 23.10 available until June 30, 2016.

23.11 (c) \$1,250,000 the first year and \$1,250,000
 23.12 the second year are for metropolitan regional
 23.13 groundwater planning to achieve water
 23.14 supply reliability and sustainability, including
 23.15 determination of a sustainable regional
 23.16 balance of surface water and groundwater, a
 23.17 feasibility assessment of potential solutions
 23.18 to rebalance regional water use and identify
 23.19 potential solutions to address emerging
 23.20 subregional water supply issues such as the
 23.21 northeast metro, and development of an
 23.22 implementation plan that addresses regional
 23.23 targets and timelines and defines short- and
 23.24 medium-term milestones for achieving the
 23.25 desirable surface water and groundwater
 23.26 regional balance. By January 15, 2014, the
 23.27 commissioner shall submit an interim report
 23.28 on the expenditure of this appropriation to
 23.29 the chairs and ranking minority members
 23.30 of the house of representatives and senate
 23.31 committees and divisions with jurisdiction
 23.32 over environment and natural resources
 23.33 finance and policy and the clean water fund.

23.34 Sec. 10. UNIVERSITY OF MINNESOTA \$ 615,000 \$ 615,000

24.1 \$615,000 the first year and \$615,000 the
24.2 second year are for developing county
24.3 geologic atlases. This appropriation is
24.4 available until June 30, 2018.

24.5 Sec. 11. **LEGISLATURE** **\$** **14,000** **\$** **14,000**

24.6 \$14,000 the first year and \$14,000 the second
24.7 year are for the Legislative Coordinating
24.8 Commission for the Web site required
24.9 in Minnesota Statutes, section 3.303,
24.10 subdivision 10, including detailed mapping.

24.11 Sec. 12. **[17.9891] PURPOSE.**

24.12 The commissioner, in consultation with the commissioner of natural resources,
24.13 commissioner of the Pollution Control Agency, and Board of Water and Soil Resources,
24.14 may implement a Minnesota agricultural water quality certification program whereby a
24.15 producer who demonstrates practices and management sufficient to protect water quality
24.16 is certified for up to ten years and presumed to be contributing the producer's share of
24.17 any targeted reduction of water pollutants during the certification period. The program
24.18 is voluntary. The program will first be piloted in selected watersheds across the state,
24.19 until such time as the commissioner, in consultation with the commissioner of natural
24.20 resources, commissioner of the Pollution Control Agency, and Board of Water and Soil
24.21 Resources, determines the program is ready for expansion.

24.22 Sec. 13. **[17.9892] DEFINITIONS.**

24.23 Subdivision 1. **Application.** The definitions in this section apply to sections
24.24 17.9891 to 17.993.

24.25 Subd. 2. **Technical assistance.** "Technical assistance" means professional, advisory,
24.26 or cost share assistance provided to individuals in order to achieve certification.

24.27 Subd. 3. **Certifying agent.** "Certifying agent" means a person who is authorized
24.28 by the commissioner to assess producers to determine whether a producer satisfies the
24.29 standards of the program.

24.30 Subd. 4. **Certification.** "Certification" means a producer has demonstrated
24.31 compliance with all applicable environmental rules and statutes for all of the producer's
24.32 owned and rented agricultural land and has achieved a satisfactory score through the
24.33 certification instrument as verified by a certifying agent.

25.1 Subd. 5. **Eligible land.** "Eligible land" means all acres of a producer's agricultural
25.2 operation, whether contiguous or not, that are under the effective control of the producer
25.3 at the time the producer enters into the program and that the producer operates with
25.4 equipment, labor, and management.

25.5 Subd. 6. **Effective control.** "Effective control" means possession of land by
25.6 ownership, written lease, or other legal agreement and authority to act as decision
25.7 maker for the day-to-day management of the operation at the time the producer achieves
25.8 certification and for the required certification period.

25.9 Subd. 7. **Program.** "Program" means the Minnesota agricultural water quality
25.10 certification program.

25.11 Sec. 14. **[17.9893] CERTIFICATION INSTRUMENT.**

25.12 The commissioner, in consultation with the commissioner of natural resources,
25.13 commissioner of the Pollution Control Agency, and Board of Water and Soil Resources,
25.14 shall develop an analytical instrument to assess the water quality practices and
25.15 management of agricultural operations. This instrument shall be used to certify that the
25.16 water quality practices and management of an agricultural operation are consistent with
25.17 state water quality goals and standards. The commissioner shall define a satisfactory score
25.18 for certification purposes. The certification instrument tool shall:

- 25.19 (1) integrate applicable existing regulatory requirements;
25.20 (2) utilize technology and prioritize ease of use;
25.21 (3) utilize a water quality index or score applicable to the landscape;
25.22 (4) incorporate a process for updates and revisions as practices, management, and
25.23 technology changes become established and approved; and
25.24 (5) comprehensively address water quality impacts.

25.25 Sec. 15. **[17.9894] CERTIFYING AGENT LICENSE.**

25.26 Subdivision 1. **License.** A person who offers certification services to producers
25.27 as part of the program must satisfy all criteria in subdivision 2 and be licensed by
25.28 the commissioner. A certifying agent is ineligible to provide certification services
25.29 to any producer to whom the certifying agent has also provided technical assistance.
25.30 Notwithstanding section 16A.1283, the commissioner may set license fees.

25.31 Subd. 2. **Certifying agent requirements.** In order to be licensed as a certifying
25.32 agent, a person must:

(1) be an agricultural conservation professional employed by the state of Minnesota, a soil and water conservation district, or the Natural Resources Conservation Service or a Minnesota certified crop advisor as recognized by the American Society of Agronomy;

(2) have passed a comprehensive exam, as set by the commissioner, evaluating knowledge of water quality, soil health, best farm management techniques, and the certification instrument; and

(3) maintain continuing education requirements as set by the commissioner.

Sec. 16. **[17.9895] DUTIES OF A CERTIFYING AGENT.**

Subdivision 1. **Duties.** A certifying agent shall conduct a formal certification assessment utilizing the certification instrument to determine whether a producer meets program criteria. If a producer satisfies all requirements, the certifying agent shall notify the commissioner of the producer's eligibility and request that the commissioner issue a certificate. All records and documents used in the assessment shall be compiled by the certifying agent and submitted to the commissioner.

Subd. 2. **Violations.** (a) In the event a certifying agent violates any provision of sections 17.9891 to 17.993 or an order of the commissioner, the commissioner may issue a written warning or a correction order and may suspend or revoke a license.

(b) If the commissioner suspends or revokes a license, the certifying agent has ten days from the date of suspension or revocation to appeal. If a certifying agent appeals, the commissioner shall hold an administrative hearing within 30 days of the suspension or revocation of the license, or longer by agreement of the parties, to determine whether the license is revoked or suspended. The commissioner shall issue an opinion within 30 days. If a person notifies the commissioner that the person intends to contest the commissioner's opinion, the Office of Administrative Hearings shall conduct a hearing in accordance with the applicable provisions of chapter 14 for hearings in contested cases.

Sec. 17. **[17.9896] CERTIFICATION PROCEDURES.**

Subdivision 1. **Producer duties.** A producer who seeks certification of eligible land shall conduct an initial assessment using the certification instrument, obtain technical assistance if necessary to achieve a satisfactory score on the certification instrument, and apply for certification from a licensed certifying agent.

Subd. 2. **Additional land.** Once certified, if a producer obtains effective control of additional agricultural land, the producer must notify a certifying agent and obtain certification of the additional land within one year in order to retain the producer's original certification.

27.1 Subd. 3. **Violations.** (a) The commissioner may revoke a certification if the
27.2 producer fails to obtain certification on any additional land for which the producer obtains
27.3 effective control.

27.4 (b) The commissioner may revoke a certification and seek reimbursement of any
27.5 monetary benefit a producer may have received due to certification from a producer who
27.6 fails to maintain certification criteria.

27.7 (c) If the commissioner revokes a certification, the producer has ten days from the
27.8 date of suspension or revocation to appeal. If a producer appeals, the commissioner shall
27.9 hold an administrative hearing within 30 days of the suspension or revocation of the
27.10 certification, or longer by agreement of the parties, to determine whether the certification
27.11 is revoked or suspended. The commissioner shall issue an opinion within 30 days. If the
27.12 producer notifies the commissioner that the producer intends to contest the commissioner's
27.13 opinion, the Office of Administrative Hearings shall conduct a hearing in accordance with
27.14 the applicable provisions of chapter 14 for hearings in contested cases.

27.15 Sec. 18. **[17.9897] CERTIFICATION CERTAINTY.**

27.16 (a) Once a producer is certified, the producer:

27.17 (1) retains certification for up to ten years from the date of certification if the
27.18 producer complies with the certification agreement, even if the producer does not comply
27.19 with new state water protection laws or rules that take effect during the certification period;

27.20 (2) is presumed to be meeting the producer's contribution to any targeted reduction
27.21 of pollutants during the certification period;

27.22 (3) is required to continue implementation of practices that maintain the producer's
27.23 certification; and

27.24 (4) is required to retain all records pertaining to certification.

27.25 (b) Paragraph (a) does not preclude enforcement of a local ordinance or rule by a
27.26 local unit of government.

27.27 Sec. 19. **[17.9898] AUDITS.**

27.28 The commissioner shall perform random audits of producers and certifying agents to
27.29 ensure compliance with the program. All producers and certifying agents shall cooperate
27.30 with the commissioner during these audits and provide all relevant documents to the
27.31 commissioner for inspection and copying. Any delay, obstruction, or refusal to cooperate
27.32 with the commissioner's audit or falsification of or failure to provide required data or
27.33 information is a violation subject to the provisions of section 17.9895, subdivision 2, or
27.34 17.9896, subdivision 3.

28.1 Sec. 20. **[17.9899] DATA.**

28.2 All data collected under the program that identifies a producer or a producer's
28.3 location are considered nonpublic data as defined in section 13.02, subdivision 9, or
28.4 private data on individuals as defined in section 13.02, subdivision 12. The commissioner
28.5 shall make available summary data of program outcomes on data classified as private
28.6 or nonpublic under this section.

28.7 Sec. 21. **[17.991] RULEMAKING.**

28.8 The commissioner may adopt rules to implement the program.

28.9 Sec. 22. **[17.992] REPORTS.**

28.10 The commissioner, in consultation with the commissioner of natural resources,
28.11 commissioner of the Pollution Control Agency, and Board of Water and Soil Resources,
28.12 shall issue a biennial report to the chairs and ranking minority members of the legislative
28.13 committees with jurisdiction over agricultural policy on the status of the program.

28.14 Sec. 23. **[17.993] FINANCIAL ASSISTANCE.**

28.15 The commissioner may use contributions from gifts or other state accounts, provided
28.16 that the purpose of the expenditure is consistent with the purpose of the accounts, for
28.17 grants, loans, or other financial assistance.

28.18 Sec. 24. Minnesota Statutes 2012, section 114D.50, subdivision 6, is amended to read:

28.19 Subd. 6. **Restoration evaluations.** The Board of Water and Soil Resources may
28.20 convene a technical evaluation panel comprised of five members, including one technical
28.21 representative from the Board of Water and Soil Resources, one technical representative
28.22 from the Department of Natural Resources, one technical expert from the University of
28.23 Minnesota or the Minnesota State Colleges and Universities, and two representatives
28.24 with expertise related to the project being evaluated. The board may add a technical
28.25 representative from a unit of federal or local government. The members of the technical
28.26 evaluation panel may not be associated with the restoration, may vary depending upon the
28.27 projects being reviewed, and shall avoid any potential conflicts of interest. Each year, the
28.28 board may assign a coordinator to identify a sample of ~~up to ten~~ habitat restoration projects
28.29 completed with clean water funding. The coordinator shall secure the restoration plans for
28.30 the projects specified and direct the technical evaluation panel to evaluate the restorations
28.31 relative to the law, current science, and the stated goals and standards in the restoration
28.32 plan and, when applicable, to the Board of Water and Soil Resources' native vegetation

establishment and enhancement guidelines. The coordinator shall summarize the findings of the panel and provide a report to the chairs of the respective house of representatives and senate policy and finance committees with jurisdiction over natural resources and spending from the clean water fund. The report shall determine if the restorations are meeting planned goals, any problems with the implementation of restorations, and, if necessary, recommendations on improving restorations. The report shall be focused on improving future restorations. Up to one-tenth of one percent of forecasted receipts from the clean water fund may be used for restoration evaluations under this section.

Sec. 25. **PUBLIC WATER ACCESS SITE DESIGN AND BEST MANAGEMENT PRACTICES.**

Beginning March 1, 2014, the commissioner of natural resources shall utilize the applicable design standards and best management practices developed under this article when designing and constructing new public water access sites and renovating existing sites. The commissioner shall make the design standards and best management practices developed under this article available on the Department of Natural Resources Web site and notify local units of government of the standards and practices.

ARTICLE 2

PARKS AND TRAILS FUND

Section 1. **PARKS AND TRAILS FUND APPROPRIATIONS.**

The sums shown in the columns marked "Appropriations" are appropriated to the agencies and for the purposes specified in this article. The appropriations are from the parks and trails fund and are available for the fiscal years indicated for each purpose. The figures "2014" and "2015" used in this article mean that the appropriations listed under them are available for the fiscal year ending June 30, 2014, or June 30, 2015, respectively. "The first year" is fiscal year 2014. "The second year" is fiscal year 2015. "The biennium" is fiscal years 2014 and 2015. All appropriations in this article are onetime.

<u>APPROPRIATIONS</u>			
<u>Available for the Year</u>			
<u>Ending June 30</u>			
	<u>2014</u>	<u>2015</u>	
Sec. 2. <u>PARKS AND TRAILS</u>			
Subdivision 1. <u>Total Appropriation</u>	<u>\$</u>	<u>41,611,000</u>	<u>\$ 41,880,000</u>

30.1 The amounts that may be spent for each
30.2 purpose are specified in the following
30.3 sections.

30.4 Subd. 2. **Availability of Appropriation**

30.5 Money appropriated in this article may not
30.6 be spent on activities unless they are directly
30.7 related to and necessary for a specific
30.8 appropriation and the recipient retains
30.9 documentation sufficient to justify the use of
30.10 the funds. Money appropriated in this article
30.11 must be spent in accordance with Minnesota
30.12 Management and Budget's Guidance to
30.13 Agencies on Legacy Fund Expenditure.
30.14 Notwithstanding Minnesota Statutes, section
30.15 16A.28, and unless otherwise specified in
30.16 this article, fiscal year 2014 appropriations
30.17 are available until June 30, 2015, and fiscal
30.18 year 2015 appropriations are available until
30.19 June 30, 2016. If a project receives federal
30.20 funds, the time period of the appropriation is
30.21 extended to equal the availability of federal
30.22 funding.

30.23 Sec. 3. **DEPARTMENT OF NATURAL**
30.24 **RESOURCES**

\$ 23,851,000 \$ 23,787,000

30.25 (a) \$7,975,000 the first year and \$5,695,000
30.26 the second year are for state parks and trails
30.27 projects. Of this amount:

30.28 (1) \$400,000 is for the Rat River Bridge on
30.29 the Arrowhead State Trail;

30.30 (2) \$250,000 is for the Brown's Creek
30.31 State Trail, including interpretive signs,
30.32 invasive species control, and regional trail
30.33 connections;

- 31.1 (3) \$300,000 is for a segment of the Central
31.2 Lakes State Trail from Fergus Falls to
31.3 Ashby/Lake Christina;
- 31.4 (4) \$500,000 is for the Hadley Bridge on the
31.5 Gateway State Trail;
- 31.6 (5) \$750,000 is for a segment of the
31.7 Gitchi-Gami State Trail from Beaver Bay to
31.8 West Road;
- 31.9 (6) \$850,000 is for the Steamboat Loop on
31.10 the Heartland State Trail;
- 31.11 (7) \$750,000 is for the Steamboat River
31.12 Bridge on the Heartland State Trail;
- 31.13 (8) \$400,000 is for the Fish Hook River Red
31.14 Bridge in Park Rapids on the Heartland State
31.15 Trail;
- 31.16 (9) \$20,000 is for a trail in Itasca State Park;
- 31.17 (10) \$200,000 is for a trail from Park Rapids
31.18 to Itasca State Park;
- 31.19 (11) \$300,000 is for acquisition of a trail
31.20 segment from Faribault to Dundas for the
31.21 Mill Towns State Trail;
- 31.22 (12) \$800,000 is for a bridge building over
31.23 the Cannon River in Faribault for the Mills
31.24 Town State Trail;
- 31.25 (13) \$300,000 is for a segment of the
31.26 Minnesota Valley State Trail from Shakopee
31.27 Memorial Park to Bloomington Ferry Bridge;
- 31.28 (14) \$2,500,000 is for a segment of
31.29 the Minnesota Valley State Trail from
31.30 Bloomington Ferry Bridge to Fort Snelling
31.31 State Park;

- 32.1 (15) \$300,000 is for the Moose Horn River
32.2 Bridge No. 1 on the Willard Munger State
32.3 Trail;
- 32.4 (16) \$75,000 is for the Paul Bunyan State
32.5 Trail near Clausen Avenue;
- 32.6 (17) \$500,000 is for a segment of the Paul
32.7 Bunyan State Trail from Crow Wing State
32.8 Park;
- 32.9 (18) \$75,000 is for interpretive signs on the
32.10 Root River State Trail;
- 32.11 (19) \$1,750,000 is for a segment of the Root
32.12 River State Trail from Whalen to Rushford;
- 32.13 (20) \$2,250,000 is for a segment of the
32.14 Sakatah Singing Hills State Trail from
32.15 Waterville to Mankato; and
- 32.16 (21) \$400,000 is for a segment of the
32.17 Shooting Star State Trail from Rose Creek
32.18 to Austin.
- 32.19 (b) \$1,549,000 the first year and \$1,549,000
32.20 the second year are for education and
32.21 interpretive services at state parks, recreation
32.22 areas, and trails.
- 32.23 (c) \$643,000 the first year and \$643,000
32.24 the second year are for outreach, including
32.25 enhanced, integrated, and accessible
32.26 Web-based information for park and trail
32.27 users; joint marketing and promotional
32.28 efforts for all parks and trails of regional
32.29 or statewide significance; and support of
32.30 activities of a parks and trails legacy advisory
32.31 committee.
- 32.32 (d) \$1,500,000 the first year is for acquisition
32.33 of land for Lake Bronson State Park, Sibley
32.34 State Park, and Minneopa State Park.

- 33.1 (e) \$1,000,000 the first year and \$2,140,000
33.2 the second year are for improvements at state
33.3 parks and state recreation areas, including a
33.4 new visitor center at Tettegouche State Park,
33.5 renewable energy improvements, and new
33.6 camper cabins.
- 33.7 (f) \$720,000 the second year is for
33.8 campground upgrades at Whitewater State
33.9 Park.
- 33.10 (g) \$1,933,000 the first year and \$3,934,000
33.11 the second year are for improvements at state
33.12 parks and state recreation areas, including
33.13 conversion of facilities to rental facilities,
33.14 replacement of vault toilets and fishing
33.15 piers, renewable energy improvements, and
33.16 accessibility improvements.
- 33.17 (h) \$829,000 the first year and \$830,000
33.18 the second year are for restoration and
33.19 enhancement activities at state parks and state
33.20 recreation areas, including invasive species
33.21 management on approximately 13,800 acres,
33.22 native plant restorations on approximately
33.23 1,800 acres, and implementation of best
33.24 management practices at approximately 50
33.25 public water access sites.
- 33.26 (i) \$4,925,000 the first year and \$4,938,000
33.27 the second year are for grants under
33.28 Minnesota Statutes, section 85.535, to
33.29 acquire, develop, improve, and restore
33.30 parks and trails of regional or statewide
33.31 significance outside of the metropolitan area,
33.32 as defined in Minnesota Statutes, section
33.33 473.121, subdivision 2. Up to 2.5 percent
33.34 of the total appropriation may be used for
33.35 administering the grants.

34.1 (j) \$3,497,000 the first year and \$3,338,000
34.2 the second year are for grants for parks and
34.3 trails of regional or statewide significance
34.4 outside of the metropolitan area. Of this
34.5 amount:

34.6 (1) \$1,338,000 is for development of
34.7 the Swedish Immigrant Trail, including
34.8 amenities in Taylors Falls connecting the
34.9 trail to Interstate State Park;

34.10 (2) \$75,000 is for rehabilitation of Sunrise
34.11 Prairie Trail;

34.12 (3) \$500,000 is for construction of the Lowell
34.13 to Lakewalk Trail in Duluth;

34.14 (4) \$250,000 is for the Mesabi Trail;

34.15 (5) \$920,000 is for extensions and
34.16 connections to the Rocori Trail;

34.17 (6) \$1,000,000 is for extensions and
34.18 connections to the Lake Wobegon Trail;

34.19 (7) \$100,000 is for the Beaver Bay Trail,
34.20 including trailhead amenities;

34.21 (8) \$468,000 is for extension of the Dakota
34.22 Rail Trail to Lester Prairie;

34.23 (9) \$1,000,000 is for the Red Wing
34.24 Riverfront;

34.25 (10) \$184,000 is for trail connections and
34.26 camping facilities in Aitkin County for
34.27 the Mississippi River parks and water trail
34.28 project; and

34.29 (11) \$1,000,000 is for trail enhancement,
34.30 land acquisition, and other improvements at
34.31 Sauk River Regional Park.

34.32 (k) The commissioner shall contract for
34.33 services with Conservation Corps Minnesota

35.1 for restoration, maintenance, and other
35.2 activities under this section for at least
35.3 \$2,000,000 the first year and \$2,000,000 the
35.4 second year. A recipient of a grant awarded
35.5 under this section must give consideration
35.6 to and make timely written contact with
35.7 Conservation Corps Minnesota for possible
35.8 use of the corps' services to contract for
35.9 restoration and enhancement services. For
35.10 projects with the potential to need historic
35.11 preservation services, the commissioner or
35.12 a recipient of a grant awarded under this
35.13 section must give consideration to and make
35.14 timely written contact with the Northern
35.15 Bedrock Conservation Corps for possible use
35.16 of the corps' services.

35.17 Sec. 4. **METROPOLITAN COUNCIL** **\$** **17,755,000** **\$** **18,088,000**

35.18 (a) \$17,755,000 the first year and \$18,088,000
35.19 the second year are for parks and trails of
35.20 regional or statewide significance in the
35.21 metropolitan area, distributed according to
35.22 paragraphs (b) to (k).

35.23 (b) \$1,490,000 the first year and \$1,541,000
35.24 the second year are for grants to Anoka
35.25 County for:

35.26 (1) a trail connection for Bunker Hills
35.27 Regional Park from Avocet Street;

35.28 (2) restoration, including erosion repair,
35.29 along Pleasure Creek and the Mississippi
35.30 River Regional Trail at the Coon Rapids
35.31 Dam Regional Park;

35.32 (3) a new playground and surfacing at Lake
35.33 George Regional Park;

- 36.1 (4) land acquisition for the Rice Creek Chain
36.2 of Lakes Park Reserve;
- 36.3 (5) improvements at Rice Creek Chain of
36.4 Lakes Park Reserve, including maintenance
36.5 shop rehabilitation, road and parking
36.6 construction, fencing, beach improvements,
36.7 and roof repairs;
- 36.8 (6) trail reconstruction under East River
36.9 Road on the Rice Creek Chain of Lakes Park
36.10 Reserve;
- 36.11 (7) contracts with Conservation Corps
36.12 Minnesota;
- 36.13 (8) a volunteer or resource coordinator
36.14 position;
- 36.15 (9) a landscape designer or architect;
- 36.16 (10) design, engineering, and construction of
36.17 the Central Anoka County Regional Trail;
- 36.18 (11) road rehabilitation at Lake George
36.19 Regional Park;
- 36.20 (12) reconstruction of a retaining wall on the
36.21 Mississippi River Regional Trail;
- 36.22 (13) a trail connection on the Mississippi
36.23 River Regional Trail to connect Mississippi
36.24 West Regional Park to the city of Ramsey;
- 36.25 (14) improvements of the Heritage
36.26 Laboratory/Day Camp at the Rice Creek
36.27 Chain of Lakes Park Reserve; and
- 36.28 (15) trail reconstruction on the Rice Creek
36.29 North Regional Trail from Lexington Avenue
36.30 to Golden Lake Elementary School.
- 36.31 (c) \$273,000 the first year and \$283,000
36.32 the second year are for grants to the city of

37.1 Bloomington to reconstruct parking lots at the
37.2 Hyland-Bush-Anderson Lakes Park Reserve.

37.3 (d) \$347,000 the first year and \$361,000 the
37.4 second year are for grants to Carver County
37.5 to connect the Minnesota River Bluffs
37.6 Regional Trail and Southwest Regional Trail
37.7 and for trail and bridge construction on the
37.8 Minnesota River Bluff Regional Trail.

37.9 (e) \$1,235,000 the first year and \$1,277,000
37.10 the second year are for grants to Dakota
37.11 County for:

37.12 (1) engineering to extend the Mississippi
37.13 River Regional Trail and Big Rivers Regional
37.14 Trails, including extensions to St. Paul, and
37.15 to provide a connection to Lilydale Regional
37.16 Trail;

37.17 (2) a trail connection for the Mississippi
37.18 River Regional Trail to connect St. Paul and
37.19 to construct a bridge over railroad tracks;

37.20 (3) engineering and construction of regional
37.21 trail segments throughout the county;

37.22 (4) engineering and construction of a bridge
37.23 and trails through the Minnesota Zoological
37.24 Garden on the North Creek Regional
37.25 Greenway; and

37.26 (5) resource management of the county's
37.27 park and trail system.

37.28 (f) \$5,595,000 the first year and \$5,256,000
37.29 the second are for grants to the Minneapolis
37.30 Park and Recreation Board for:

37.31 (1) design and construction of trail loops,
37.32 river access areas, landscapes, and storm
37.33 water management improvements at Above
37.34 the Falls Regional Park;

- 38.1 (2) land acquisition at Above the Falls
38.2 Regional Park;
- 38.3 (3) a master plan and trail design for Central
38.4 Mississippi Riverfront Regional Park;
- 38.5 (4) design and construction of outdoor
38.6 adventure recreational facilities in the
38.7 Central Riverfront;
- 38.8 (5) trail, path, and shoreline improvements
38.9 and play area rehabilitation at
38.10 Nokomis-Hiawatha Regional Park;
- 38.11 (6) trail, shoreline, water access, picnic, sail
38.12 boat facility, and concession improvements at
38.13 Minneapolis Chain of Lakes Regional Park;
- 38.14 (7) a bird sanctuary, trail stabilization, habitat
38.15 restoration, accessibility improvements, and
38.16 construction of new entrances at Minneapolis
38.17 Chain of Lakes Regional Park; and
- 38.18 (8) a trail connection for the Minnehaha
38.19 Parkway Regional Trail below Lyndale
38.20 Avenue.
- 38.21 (g) \$1,228,000 the first year and \$1,523,000
38.22 the second year are for grants to Ramsey
38.23 County for:
- 38.24 (1) wayfinding for cross-country ski trails
38.25 at Battle Creek Regional Park, Tamarack
38.26 Nature Center, and Grass-Vadnais-Snail
38.27 Lakes Regional Park;
- 38.28 (2) contracts with Conservation Corps
38.29 Minnesota;
- 38.30 (3) design and construction of an early
38.31 learning center at Tamarack Nature Center
38.32 and pedestrian connections, landscape
38.33 restoration, signage, and other site amenities
38.34 at Bald Eagle-Otter Lakes Regional Park;

- 39.1 (4) improvements to Tamarack Nature
39.2 Center;
- 39.3 (5) building and supporting a volunteer corps
39.4 for Tamarack Nature Center and Discovery
39.5 Hollow;
- 39.6 (6) trail development to connect Tamarack
39.7 Nature Center to the Otter Lake boat launch;
- 39.8 (7) a trail on Vadnais Lake, storm water
39.9 management improvements, and site
39.10 amenities at Grass-Vadnais-Snail Lakes
39.11 Regional Park;
- 39.12 (8) trail development and connection, storm
39.13 water management improvements, and site
39.14 amenities at Rice Creek North Regional
39.15 Trail; and
- 39.16 (9) the Bruce Vento Regional Trail.
- 39.17 (h) \$2,424,000 the first year and \$2,507,000
39.18 the second year are for grants to the city of
39.19 Saint Paul for:
- 39.20 (1) an education coordinator;
- 39.21 (2) a volunteer coordinator;
- 39.22 (3) Como Regional Park shuttle operation;
- 39.23 (4) a trail connection to connect Harriet
39.24 Island to the Mississippi Regional Trail;
- 39.25 (5) Estabrook Road reconstruction and
39.26 lighting upgrades at Como Regional Park;
39.27 and
- 39.28 (6) a trail connection and railroad bridge
39.29 reconstruction at Lilydale Regional Park.
- 39.30 (i) \$620,000 the first year and \$640,000 the
39.31 second year are for grants to Scott County
39.32 for an entrance road, parking, and trails at
39.33 Cedar Lake Farm Regional Park.

- 40.1 (j) \$3,667,000 the first year and \$3,796,000
40.2 the second year are for grants to Three Rivers
40.3 Park District for:
40.4 (1) a trail connection to connect Grand
40.5 Rounds to Nine Mile Creek Trail;
40.6 (2) a trail bridge over County State-Aid
40.7 Highway 19 for the Lake Minnetonka LRT
40.8 Regional Trail;
40.9 (3) trail construction on the Crystal Lake
40.10 Regional Trail;
40.11 (4) trail construction on the Bassett Creek
40.12 Regional Trail;
40.13 (5) trail construction on the Twin Lakes
40.14 Regional Trail; and
40.15 (6) trail construction on the Nine Mile Creek
40.16 Regional Trail.
40.17 (k) \$876,000 the first year and \$904,000 the
40.18 second year are for grants to Washington
40.19 County for:
40.20 (1) parking, buildings, and other
40.21 improvements at Swim Pond;
40.22 (2) a trail connection that connects the Point
40.23 Douglas Regional Trail to Wisconsin; and
40.24 (3) improvements to Hardwood Creek
40.25 Regional Trail, including extending the trail
40.26 towards Bald Eagle Regional Park.
40.27 (l) A recipient of a grant awarded under this
40.28 section must give consideration to and make
40.29 timely written contact with Conservation
40.30 Corps Minnesota for possible use of corps
40.31 services to contract for restoration and
40.32 enhancement services. For projects with
40.33 the potential to need historic preservation

41.1 services, a recipient of a grant awarded
 41.2 under this section must give consideration
 41.3 to and make timely written contact with the
 41.4 Northern Bedrock Conservation Corps for
 41.5 possible use of the corps' services.

41.6 Sec. 5. LEGISLATURE \$ 5,000 \$ 5,000
 41.7 \$5,000 the first year and \$5,000 the second
 41.8 year are for the Legislative Coordinating
 41.9 Commission for the Web site required
 41.10 in Minnesota Statutes, section 3.303,
 41.11 subdivision 10, including detailed mapping.

41.12 Sec. 6. Minnesota Statutes 2012, section 10A.01, subdivision 35, is amended to read:

41.13 Subd. 35. **Public official.** "Public official" means any:

41.14 (1) member of the legislature;

41.15 (2) individual employed by the legislature as secretary of the senate, legislative
 41.16 auditor, chief clerk of the house of representatives, revisor of statutes, or researcher,
 41.17 legislative analyst, or attorney in the Office of Senate Counsel and Research or House
 41.18 Research;

41.19 (3) constitutional officer in the executive branch and the officer's chief administrative
 41.20 deputy;

41.21 (4) solicitor general or deputy, assistant, or special assistant attorney general;

41.22 (5) commissioner, deputy commissioner, or assistant commissioner of any state
 41.23 department or agency as listed in section 15.01 or 15.06, or the state chief information
 41.24 officer;

41.25 (6) member, chief administrative officer, or deputy chief administrative officer of a
 41.26 state board or commission that has either the power to adopt, amend, or repeal rules under
 41.27 chapter 14, or the power to adjudicate contested cases or appeals under chapter 14;

41.28 (7) individual employed in the executive branch who is authorized to adopt, amend,
 41.29 or repeal rules under chapter 14 or adjudicate contested cases under chapter 14;

41.30 (8) executive director of the State Board of Investment;

41.31 (9) deputy of any official listed in clauses (7) and (8);

41.32 (10) judge of the Workers' Compensation Court of Appeals;

(11) administrative law judge or compensation judge in the State Office of Administrative Hearings or unemployment law judge in the Department of Employment and Economic Development;

(12) member, regional administrator, division director, general counsel, or operations manager of the Metropolitan Council;

(13) member or chief administrator of a metropolitan agency;

(14) director of the Division of Alcohol and Gambling Enforcement in the Department of Public Safety;

(15) member or executive director of the Higher Education Facilities Authority;

(16) member of the board of directors or president of Enterprise Minnesota, Inc.;

(17) member of the board of directors or executive director of the Minnesota State High School League;

(18) member of the Minnesota Ballpark Authority established in section 473.755;

(19) citizen member of the Legislative-Citizen Commission on Minnesota Resources;

(20) manager of a watershed district, or member of a watershed management organization as defined under section 103B.205, subdivision 13;

(21) supervisor of a soil and water conservation district;

(22) director of Explore Minnesota Tourism;

(23) citizen member of the Lessard-Sams Outdoor Heritage Council established in section 97A.056;

(24) citizen member of the Clean Water Council established in section 114D.30; ~~or~~

(25) member or chief executive of the Minnesota Sports Facilities Authority established in section 473J.07; or

(26) member of the Greater Minnesota Regional Parks and Trails Commission.

Sec. 7. **[85.536] GREATER MINNESOTA REGIONAL PARKS AND TRAILS COMMISSION.**

Subdivision 1. **Establishment; purpose.** The Greater Minnesota Regional Parks and Trails Commission is created to undertake system planning and provide recommendations to the legislature for grants funded by the parks and trails fund to counties and cities outside of the seven-county metropolitan area for parks and trails of regional significance.

Subd. 2. **Commission.** The commission shall include 12 members appointed by the governor representing each of the regional parks and trails districts determined under subdivision 3. Membership terms, compensation, removal of members, and filling of vacancies are as provided in section 15.0575.

43.1 Subd. 3. **Districts; plans and hearings.** (a) The commissioner of natural resources,
43.2 in consultation with the Greater Minnesota Regional Parks and Trails Coalition, shall
43.3 establish 12 regional parks and trails districts in the state encompassing the area outside the
43.4 seven-county metropolitan area. The commissioner shall establish districts by combining
43.5 counties and may not assign a county to more than one district.

43.6 (b) Counties within each district may jointly prepare, after consultation with all
43.7 affected municipalities, and submit to the commission, and from time to time revise
43.8 and resubmit to the commission, a master plan for the acquisition and development of
43.9 parks and trails of regional significance located within the district. The counties, after
43.10 consultation with the commission, shall jointly hold a public hearing on the proposed plan
43.11 and budget at a time and place determined by the counties. Not less than 15 days before
43.12 the hearing, the counties shall provide notice of the hearing stating the date, time, and
43.13 place of the hearing, and the place where the proposed plan and budget may be examined
43.14 by any interested person. At any hearing, interested persons shall be permitted to present
43.15 their views on the plan and budget.

43.16 (c) The commission shall review each master plan to determine whether it meets
43.17 the conditions of subdivision 4. If it does not, the commission shall return the plan with
43.18 its comments to the district for revision and resubmittal.

43.19 Subd. 4. **Regional significance.** For a park or trail to be considered of regional
43.20 significance under this section:

43.21 (1) the park or trail must be natural resource-based;

43.22 (2) at least 30 percent of the park or trail user visits in a calendar year must be from
43.23 users who do not reside within the area of jurisdiction of the governmental unit that has
43.24 the financial and legal responsibility to own, operate, and maintain the park or trail;

43.25 (3) the total usage of the park or trail must exceed 20,000 visitors in a one-year period.
43.26 Park or trail attendance may be demonstrated by validated survey methods, actual user
43.27 data statistics, or another objective and quantifiable measure that is accurate and reliable;

43.28 (4) for parks, the park must be at least 100 acres in size; and

43.29 (5) for trails, the trail connects or will connect to existing state or regional trails as
43.30 demonstrated by the applicant.

43.31 Subd. 5. **Recommendations.** (a) The commission shall submit biennial
43.32 recommendations on appropriations of money from the parks and trails fund to the
43.33 legislature no later than January 15 each odd-numbered year. The commission may submit
43.34 supplemental recommendations by January 15 in even-numbered years.

43.35 (b) In recommending grants under this section, the commission shall make
43.36 recommendations consistent with master plans.

(c) The commission shall determine recommended grant amounts through an adopted merit-based evaluation process that includes the level of local financial support. The evaluation process is not subject to the rulemaking provisions of chapter 14 and section 14.386 does not apply.

(d) When recommending grants, the commission shall consider balance of the grant benefits across greater Minnesota. Grant requests offering a nonstate match of at least 25 percent of the total eligible project costs shall be preferred.

(e) Grants may be recommended only for:

(1) parks and trails included in a plan approved by the commission under subdivision 3; and

(2) trails that connect or will connect to existing state or regional trails as demonstrated by the applicant.

Subd. 6. **Administration.** The Department of Natural Resources shall provide administrative support for the commission.

Subd. 7. **Chair.** The commission shall annually elect from among its members a chair and other officers necessary for the performance of its duties.

Subd. 8. **Meetings.** The commission shall meet at least twice each year. Commission meetings are subject to chapter 13D.

Subd. 9. **Conflict of interest.** A member of the commission may not participate in or vote on a decision of the commission relating to an organization in which the member has either a direct or indirect financial interest.

Subd. 10. **Definition.** For purposes of this section, "commission" means the Greater Minnesota Regional Parks and Trails Commission established under this section.

Sec. 8. **MISSISSIPPI WHITEWATER PARK.**

The appropriation in Laws 2003, chapter 128, article 1, section 5, subdivision 6, from the water recreation account in the natural resources fund for a cooperative project with the United States Army Corps of Engineers to develop the Mississippi Whitewater Park is available until June 30, 2018.

APPENDIX
Article locations in H0641-1

ARTICLE 1 CLEAN WATER FUND Page.Ln 1.10
ARTICLE 2 PARKS AND TRAILS FUND Page.Ln 29.17