

A bill for an act relating to state government; appropriating money from constitutionally dedicated funds and providing for expenditure accountability, administration, and governance of outdoor heritage, clean water, parks and trails, and arts and cultural heritage purposes; establishing and modifying grants, programs, fees, and accounts; requiring reports; amending Minnesota Statutes 2008, sections 3.971, by adding a subdivision; 97A.056, by adding subdivisions; Minnesota Statutes 2009 Supplement, sections 85.53, subdivision 2; 103G.271, subdivision 6; 114D.50, subdivision 4; 129D.17, subdivision 2; Laws 2009, chapter 172, article 2, section 4; proposing coding for new law in Minnesota Statutes, chapters 3; 103G; repealing Laws 2009, chapter 172, article 5, section 9.

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

ARTICLE 1  
OUTDOOR HERITAGE

Section 1. OUTDOOR HERITAGE APPROPRIATION.

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 outdoor heritage fund and are available for the fiscal years indicated for each purpose. The figures "2010" and "2011" used in this article mean that the appropriations listed under them are available for the fiscal year ending June 30, 2010, or June 30, 2011, respectively. "The first year" is fiscal year 2010. "The second year" is fiscal year 2011. "The biennium" is fiscal years 2010 and 2011. The appropriations in this article are onetime.

| <u>APPROPRIATIONS</u>         |             |
|-------------------------------|-------------|
| <u>Available for the Year</u> |             |
| <u>Ending June 30</u>         |             |
| <u>2010</u>                   | <u>2011</u> |

|      |                                                       |    |            |                      |
|------|-------------------------------------------------------|----|------------|----------------------|
| 2.1  | Sec. 2. <u>OUTDOOR HERITAGE</u>                       |    |            |                      |
| 2.2  | Subdivision 1. <u>Total Appropriation</u>             | \$ | <u>-0-</u> | \$ <u>58,939,000</u> |
| 2.3  | <u>This appropriation is from the outdoor</u>         |    |            |                      |
| 2.4  | <u>heritage fund. The amounts that may be</u>         |    |            |                      |
| 2.5  | <u>spent for each purpose are specified in the</u>    |    |            |                      |
| 2.6  | <u>following subdivisions.</u>                        |    |            |                      |
| 2.7  | Subd. 2. <u>Prairies</u>                              |    | <u>-0-</u> | <u>18,093,000</u>    |
| 2.8  | <u>(a) Accelerated Prairie Grassland Restoration</u>  |    |            |                      |
| 2.9  | <u>and Enhancement Program on DNR Lands</u>           |    |            |                      |
| 2.10 | <u>\$5,833,000 in fiscal year 2011 is to the</u>      |    |            |                      |
| 2.11 | <u>commissioner of natural resources to</u>           |    |            |                      |
| 2.12 | <u>accelerate the protection, restoration, and</u>    |    |            |                      |
| 2.13 | <u>enhancement of native prairie vegetation.</u>      |    |            |                      |
| 2.14 | <u>A list of proposed land acquisitions,</u>          |    |            |                      |
| 2.15 | <u>restorations, and enhancements, describing</u>     |    |            |                      |
| 2.16 | <u>the types and locations of acquisitions,</u>       |    |            |                      |
| 2.17 | <u>restorations, and enhancements, must</u>           |    |            |                      |
| 2.18 | <u>be provided as part of the required</u>            |    |            |                      |
| 2.19 | <u>accomplishment plan. All restorations must</u>     |    |            |                      |
| 2.20 | <u>comply with subdivision 9, paragraph (b).</u>      |    |            |                      |
| 2.21 | <u>(b) The Green Corridor Legacy Program</u>          |    |            |                      |
| 2.22 | <u>\$1,651,000 in fiscal year 2011 is to the</u>      |    |            |                      |
| 2.23 | <u>commissioner of natural resources for</u>          |    |            |                      |
| 2.24 | <u>an agreement with the Redwood Area</u>             |    |            |                      |
| 2.25 | <u>Communities Foundation to acquire and</u>          |    |            |                      |
| 2.26 | <u>restore land for purposes allowed under</u>        |    |            |                      |
| 2.27 | <u>the Minnesota Constitution, article XI,</u>        |    |            |                      |
| 2.28 | <u>section 15, in Redwood, Renville, Brown,</u>       |    |            |                      |
| 2.29 | <u>Nicollet, Murray, Lyon, Yellow Medicine,</u>       |    |            |                      |
| 2.30 | <u>Chippewa, and Cottonwood Counties to be</u>        |    |            |                      |
| 2.31 | <u>added to the state outdoor recreation system</u>   |    |            |                      |
| 2.32 | <u>as defined in Minnesota Statutes, chapter</u>      |    |            |                      |
| 2.33 | <u>86A. A list of proposed fee title acquisitions</u> |    |            |                      |
| 2.34 | <u>must be provided as part of the required</u>       |    |            |                      |

3.1 accomplishment plan. The commissioner of  
3.2 natural resources must agree in writing to  
3.3 each proposed acquisition. All restorations  
3.4 must comply with subdivision 9, paragraph  
3.5 (b).

3.6 **(c) Prairie Heritage Fund - Acquisition and**  
3.7 **Restoration**

3.8 \$3,015,000 in fiscal year 2011 is to the  
3.9 commissioner of natural resources for an  
3.10 agreement with Pheasants Forever to acquire  
3.11 and restore land to be added to the state  
3.12 wildlife management area system. A list  
3.13 of proposed fee title acquisitions and a list  
3.14 of proposed restoration projects, describing  
3.15 the types and locations of restorations,  
3.16 must be provided as part of the required  
3.17 accomplishment plan. The commissioner of  
3.18 natural resources must agree in writing to  
3.19 each proposed acquisition. All restorations  
3.20 must comply with subdivision 9, paragraph  
3.21 (b).

3.22 **(d) Northern Tallgrass Prairie National**  
3.23 **Wildlife Refuge Protection**

3.24 \$2,041,000 in fiscal year 2011 is to the  
3.25 commissioner of natural resources for an  
3.26 agreement with The Nature Conservancy  
3.27 to acquire land or permanent easements  
3.28 within the Northern Tallgrass Prairie Habitat  
3.29 Preservation Area in western Minnesota for  
3.30 addition to the Northern Tallgrass Prairie  
3.31 National Wildlife Refuge. A list of proposed  
3.32 fee title and permanent easement acquisitions  
3.33 must be provided as part of the required  
3.34 accomplishment plan. Land removed from  
3.35 this program shall transfer to the state.

4.1 The accomplishment plan must include an  
4.2 easement stewardship plan.

4.3 **(e) Rum River - Cedar Creek Initiative**

4.4 \$1,900,000 in fiscal year 2011 is to the  
4.5 commissioner of natural resources for an  
4.6 agreement with Anoka County to acquire fee  
4.7 title to land at the confluence of the Rum  
4.8 River and Cedar Creek in Anoka County.  
4.9 Land acquired in fee must remain open to  
4.10 hunting and fishing, consistent with the  
4.11 capacity of the land, during the open season,  
4.12 as determined in writing by the commissioner  
4.13 of natural resources. All restorations must  
4.14 comply with subdivision 9, paragraph (b).

4.15 **(f) Minnesota Prairie Recovery Project**

4.16 \$3,653,000 in fiscal year 2011 is to the  
4.17 commissioner of natural resources for an  
4.18 agreement with The Nature Conservancy  
4.19 for a pilot project to acquire interests in  
4.20 land and restore and enhance prairie and  
4.21 prairie/wetland habitat in the prairie regions  
4.22 of western and southwestern Minnesota.  
4.23 The Nature Conservancy may acquire land  
4.24 in fee or through permanent conservation  
4.25 easements. A list of proposed fee title and  
4.26 permanent conservation easements, and a list  
4.27 of proposed restorations and enhancements,  
4.28 must be provided as part of the required  
4.29 accomplishment plan. All restorations must  
4.30 comply with subdivision 9, paragraph (b).  
4.31 The commissioner of natural resources must  
4.32 agree in writing to each acquisition of interest  
4.33 in land, restoration project, and enhancement  
4.34 project. The accomplishment plan must  
4.35 include an easement stewardship plan.

|      |                                                        |            |                  |
|------|--------------------------------------------------------|------------|------------------|
| 5.1  | <u>Subd. 3. Forests</u>                                | <u>-0-</u> | <u>5,603,000</u> |
| 5.2  | <u>(a) Critical Shoreline Habitat Protection</u>       |            |                  |
| 5.3  | <u>Program</u>                                         |            |                  |
| 5.4  | <u>\$816,000 in fiscal year 2011 is to the</u>         |            |                  |
| 5.5  | <u>commissioner of natural resources for an</u>        |            |                  |
| 5.6  | <u>agreement with the Minnesota Land Trust to</u>      |            |                  |
| 5.7  | <u>acquire permanent conservation easements</u>        |            |                  |
| 5.8  | <u>protecting critical shoreline habitats in</u>       |            |                  |
| 5.9  | <u>Koochiching, Cook, Lake, and St. Louis</u>          |            |                  |
| 5.10 | <u>County portions of the northern forest</u>          |            |                  |
| 5.11 | <u>area in northern Minnesota and provide</u>          |            |                  |
| 5.12 | <u>stewardship for those easements. A list of</u>      |            |                  |
| 5.13 | <u>proposed conservation easement acquisitions</u>     |            |                  |
| 5.14 | <u>must be provided as part of the required</u>        |            |                  |
| 5.15 | <u>accomplishment plan. The accomplishment</u>         |            |                  |
| 5.16 | <u>plan must include an easement stewardship</u>       |            |                  |
| 5.17 | <u>plan.</u>                                           |            |                  |
| 5.18 | <u>(b) Protect Key Industrial Forest Land Tracts</u>   |            |                  |
| 5.19 | <u>in Central Minnesota</u>                            |            |                  |
| 5.20 | <u>\$594,000 in fiscal year 2011 is to the</u>         |            |                  |
| 5.21 | <u>commissioner of natural resources for an</u>        |            |                  |
| 5.22 | <u>agreement with Cass County to acquire lands</u>     |            |                  |
| 5.23 | <u>that assist with gaining access for restoration</u> |            |                  |
| 5.24 | <u>and enhancement purposes to existing public</u>     |            |                  |
| 5.25 | <u>land tracts. A list of proposed acquisitions</u>    |            |                  |
| 5.26 | <u>must be provided as part of the required</u>        |            |                  |
| 5.27 | <u>accomplishment plan.</u>                            |            |                  |
| 5.28 | <u>(c) Little Nokasippi River Wildlife</u>             |            |                  |
| 5.29 | <u>Management Area</u>                                 |            |                  |
| 5.30 | <u>\$843,000 in fiscal year 2011 is to the</u>         |            |                  |
| 5.31 | <u>commissioner of natural resources</u>               |            |                  |
| 5.32 | <u>for acceleration of agency programs and</u>         |            |                  |
| 5.33 | <u>cooperative agreements to acquire interests in</u>  |            |                  |
| 5.34 | <u>land within the boundaries of the Minnesota</u>     |            |                  |
| 5.35 | <u>National Guard Army compatible use buffer</u>       |            |                  |

6.1 (ACUB) program. Of this appropriation,  
6.2 \$225,000 is for the Department of Natural  
6.3 Resources to acquire land for wildlife  
6.4 management areas and \$618,000 is for an  
6.5 agreement with the Board of Water and Soil  
6.6 Resources to acquire permanent conservation  
6.7 easements. A list of proposed acquisitions  
6.8 must be provided as part of the required  
6.9 accomplishment plan.

6.10 **(d) Accelerated Forest Wildlife Habitat**  
6.11 **Program**

6.12 \$1,791,000 in fiscal year 2011 is to the  
6.13 commissioner of natural resources for  
6.14 acceleration of agency programs to acquire,  
6.15 in fee, land for state forests and restore and  
6.16 enhance state forest habitat. A list of projects  
6.17 including proposed fee title acquisitions  
6.18 and restorations and enhancements must  
6.19 be provided as part of the required  
6.20 accomplishment plan. All restorations must  
6.21 comply with subdivision 9, paragraph (b).

6.22 **(e) Northeastern Minnesota Sharp-Tailed**  
6.23 **Grouse Habitat**

6.24 \$1,559,000 in fiscal year 2011 is to the  
6.25 commissioner of natural resources for an  
6.26 agreement with Pheasants Forever to acquire  
6.27 interests in land, and to restore and enhance  
6.28 habitat for sharp-tailed grouse in Kanabec,  
6.29 Aitkin, and St. Louis Counties in cooperation  
6.30 with the Minnesota Sharp-Tailed Grouse  
6.31 Society. A list of proposed acquisitions  
6.32 and a list of proposed restorations and  
6.33 enhancements must be provided as part of  
6.34 the required accomplishment plan. The  
6.35 commissioner of natural resources must  
6.36 agree in writing to each acquisition of interest

7.1 in land, restoration project, and enhancement  
7.2 project. All restorations must comply with  
7.3 subdivision 9, paragraph (b).

7.4 Subd. 4. **Wetlands** -0- 16,905,000

7.5 **(a) Accelerated Shallow Lake and Wetland**  
7.6 **Enhancement and Restoration Program**

7.7 \$6,505,000 in fiscal year 2011 is to the  
7.8 commissioner of natural resources to assess,  
7.9 enhance, and restore shallow lake and  
7.10 wetland habitats, to acquire land in fee or  
7.11 through permanent conservation easements  
7.12 for shallow lake program restoration, and to  
7.13 provide stewardship for acquired easements  
7.14 in cooperation with Ducks Unlimited, Inc.  
7.15 Of this appropriation, \$1,463,000 is for the  
7.16 Department of Natural Resources agency  
7.17 program acceleration and \$5,042,000 is for  
7.18 an agreement with Ducks Unlimited, Inc. A  
7.19 list of proposed projects, describing the types  
7.20 and locations of land acquisitions, restoration  
7.21 projects, and enhancement projects,  
7.22 must be provided as part of the required  
7.23 accomplishment plan. The commissioner  
7.24 of natural resources must agree in writing  
7.25 to each acquisition, restoration project, and  
7.26 enhancement project. The accomplishment  
7.27 plan must include an easement stewardship  
7.28 plan. All restorations must comply with  
7.29 subdivision 9, paragraph (b).

7.30 **(b) Accelerate the Waterfowl Production Area**  
7.31 **Program in Minnesota**

7.32 \$3,505,000 in fiscal year 2011 is to the  
7.33 commissioner of natural resources for an  
7.34 agreement with Pheasants Forever to acquire  
7.35 and restore wetland and related upland  
7.36 habitats, in cooperation with the United

8.1 States Fish and Wildlife Service and Ducks  
8.2 Unlimited, Inc., to be managed as waterfowl  
8.3 production areas. Land removed from this  
8.4 program shall transfer to the state. A list of  
8.5 proposed acquisitions and a list of proposed  
8.6 projects, describing the types and locations  
8.7 of restorations, must be provided as part  
8.8 of the required accomplishment plan. All  
8.9 restorations must comply with subdivision  
8.10 9, paragraph (b).

8.11 **(c) Reinvest in Minnesota Wetlands Reserve**  
8.12 **Program Acquisition and Restoration**

8.13 \$6,895,000 in fiscal year 2011 is to the Board  
8.14 of Water and Soil Resources to acquire  
8.15 permanent conservation easements and  
8.16 restore wetlands and associated uplands  
8.17 in cooperation with the United States  
8.18 Department of Agriculture Wetlands Reserve  
8.19 Program. A list of proposed acquisitions  
8.20 and a list of proposed projects, describing  
8.21 the types and locations of restorations,  
8.22 must be provided as part of the required  
8.23 accomplishment plan. All restorations must  
8.24 comply with subdivision 9, paragraph (b).

8.25 Subd. 5. **Habitat** -0- 17,563,000

8.26 **(a) Metro Big Rivers Habitat Program**

8.27 \$2,397,000 in fiscal year 2011 is to the  
8.28 commissioner of natural resources for  
8.29 agreements for projects to protect, restore,  
8.30 and enhance natural systems of the Minnesota  
8.31 River, St. Croix River, Mississippi River,  
8.32 and their major tributaries as follows:  
8.33 \$500,000 with Minnesota Valley National  
8.34 Wildlife Refuge Trust, Inc. for fee title land  
8.35 acquisition, provided that land acquired

9.1 with this appropriation shall transfer to  
9.2 the state if removed from the Minnesota  
9.3 Valley National Wildlife Refuge; \$1,500,000  
9.4 with the Trust for Public Land for fee title  
9.5 land acquisition; \$227,300 with the Friends  
9.6 of the Mississippi River for restoration,  
9.7 enhancement, and conservation easement  
9.8 acquisition; and \$169,700 with Great River  
9.9 Greening for restoration and enhancement.  
9.10 The accomplishment plan must include an  
9.11 easement stewardship plan. All restorations  
9.12 must comply with subdivision 9, paragraph  
9.13 (b).

9.14 **(b) Accelerated Aquatic Management Area**  
9.15 **Acquisition**

9.16 \$3,416,000 in fiscal year 2011 is to the  
9.17 commissioner of natural resources to  
9.18 accelerate land acquisition by fee title and  
9.19 easements to be added to the state aquatic  
9.20 management area system as defined in  
9.21 Minnesota Statutes, chapter 86A, and to  
9.22 restore and enhance stream habitat and lake  
9.23 habitat. Land acquired in fee must remain  
9.24 open to hunting and fishing, consistent  
9.25 with the capacity of the land, during the  
9.26 open season, as determined in writing by  
9.27 the commissioner of natural resources.  
9.28 A list of proposed fee title and easement  
9.29 acquisitions, stream habitat restorations and  
9.30 enhancements, and lake habitat restorations  
9.31 and enhancements must be provided as part  
9.32 of the required accomplishment plan.

9.33 **(c) Cold Water River and Stream Restoration,**  
9.34 **Protection, and Enhancement**

9.35 \$1,269,000 in fiscal year 2011 is to the  
9.36 commissioner of natural resources for

10.1 an agreement with Trout Unlimited to  
10.2 restore, enhance, and protect cold water  
10.3 river and stream habitats in Minnesota. A  
10.4 list of proposed acquisitions and a list of  
10.5 proposed projects, describing the types and  
10.6 locations of restorations and enhancements,  
10.7 must be provided as part of the required  
10.8 accomplishment plan. The commissioner of  
10.9 natural resources must agree in writing to  
10.10 each proposed acquisition, restoration, and  
10.11 enhancement. All restorations must comply  
10.12 with subdivision 9, paragraph (b).

10.13 **(d) Dakota County Riparian and Lakeshore**  
10.14 **Protection and Restoration**

10.15 \$2,097,000 in fiscal year 2011 is to the  
10.16 commissioner of natural resources for  
10.17 an agreement with Dakota County for  
10.18 acquisition of permanent easements and  
10.19 enhancement and restoration of aquatic  
10.20 and associated upland habitat. A list of  
10.21 proposed acquisitions and restorations  
10.22 must be provided as part of the required  
10.23 accomplishment plan. The accomplishment  
10.24 plan must include an easement stewardship  
10.25 plan. All restorations must comply with  
10.26 subdivision 9, paragraph (b).

10.27 **(e) Valley Creek Protection Partnership**

10.28 \$1,218,000 in fiscal year 2011 is to the  
10.29 commissioner of natural resources for  
10.30 agreements on projects to protect, restore,  
10.31 and enhance natural systems of Valley Creek  
10.32 in Washington County as follows: \$838,000  
10.33 with Minnesota Land Trust; \$218,000 with  
10.34 Washington County; \$100,000 with the  
10.35 Belwin Conservancy; \$50,000 with Trout

11.1 Unlimited; and \$12,000 with the Valley  
11.2 Branch Watershed District. All restorations  
11.3 must comply with subdivision 9, paragraph  
11.4 (b).

11.5 **(f) Anoka Sand Plain Restoration and**  
11.6 **Enhancement**

11.7 \$747,000 in fiscal year 2011 is to the  
11.8 commissioner of natural resources for  
11.9 an agreement with Great River Greening  
11.10 to restore and enhance habitat on public  
11.11 property in the Anoka Sand Plain in Anoka,  
11.12 Chisago, Isanti, Benton, Washington,  
11.13 Morrison, and Sherburne Counties. All  
11.14 restorations must comply with subdivision  
11.15 9, paragraph (b).

11.16 **(g) Lower Mississippi River Habitat**  
11.17 **Restoration Acceleration**

11.18 \$1,000,000 in fiscal year 2011 is to  
11.19 the commissioner of natural resources  
11.20 to accelerate agency programs and for  
11.21 cooperative agreements to acquire land in  
11.22 the Root River watershed. A list of proposed  
11.23 acquisitions must be provided as part of  
11.24 the required accomplishment plan. The  
11.25 commissioner of natural resources must  
11.26 agree in writing to each proposed acquisition,  
11.27 restoration, and enhancement. All  
11.28 restorations must comply with subdivision  
11.29 9, paragraph (b).

11.30 **(h) Washington County St. Croix River Land**  
11.31 **Protection**

11.32 \$1,033,000 in fiscal year 2011 is to the  
11.33 commissioner of natural resources for an  
11.34 agreement with Washington County to  
11.35 acquire permanent easements to protect  
11.36 habitat associated with the St. Croix River

- 12.1 Valley. A list of proposed acquisitions  
12.2 must be provided as part of the required  
12.3 accomplishment plan. The accomplishment  
12.4 plan must include an easement stewardship  
12.5 plan.
- 12.6 **(i) Outdoor Heritage Conservation Partners**  
12.7 **Grant Program**
- 12.8 \$4,386,000 in fiscal year 2011 is to the  
12.9 commissioner of natural resources for a  
12.10 program to provide competitive, matching  
12.11 grants of up to \$400,000 to local, regional,  
12.12 state, and national organizations, including  
12.13 government, for enhancement, restoration,  
12.14 or protection of forests, wetlands, prairies,  
12.15 and habitat for fish, game, or wildlife  
12.16 in Minnesota. Up to four percent of  
12.17 this appropriation may be used by the  
12.18 commissioner of natural resources for  
12.19 administering the grant program. Grantees  
12.20 may acquire land or interests in land.
- 12.21 Easements must be permanent. Land  
12.22 acquired in fee must be open to hunting  
12.23 and fishing during the open season unless  
12.24 otherwise provided by state law. The  
12.25 commissioner of natural resources must  
12.26 agree in writing to each proposed acquisition  
12.27 of land or interest in land. The program  
12.28 shall require a cash match of at least ten  
12.29 percent nonstate funds, and for projects  
12.30 funded by the legislature after July 1, 2010,  
12.31 the match shall be 20 percent. The criteria  
12.32 for evaluating grant applications must  
12.33 include, in a balanced and equally weighted  
12.34 order of precedence, the amount of habitat  
12.35 restored, enhanced, or protected; local  
12.36 support; degree of collaboration; urgency;

13.1 capacity to achieve multiple benefits;  
13.2 habitat benefits provided; consistency with  
13.3 current conservation science; adjacency  
13.4 to protected lands; full funding of the  
13.5 project; supplementing existing funding;  
13.6 public access for hunting and fishing during  
13.7 the open season; sustainability; and use  
13.8 of native plant materials. All projects  
13.9 must conform to the Minnesota statewide  
13.10 conservation and preservation plan. Wildlife  
13.11 habitat projects must also conform to the  
13.12 Minnesota wildlife action plan. Subject to  
13.13 the evaluation criteria and requirements  
13.14 of this paragraph and Minnesota Statutes,  
13.15 the commissioner of natural resources  
13.16 shall give priority to organizations that  
13.17 have a history or charter to receive private  
13.18 contributions for local conservation or  
13.19 habitat projects when evaluating projects of  
13.20 equal value. Priority may be given to projects  
13.21 acquiring land or easements associated  
13.22 with existing wildlife management areas.  
13.23 All restoration or enhancement projects  
13.24 must be on land permanently protected by  
13.25 conservation easement or public ownership  
13.26 or in public waters as defined in Minnesota  
13.27 Statutes, section 103G.005, subdivision 15.  
13.28 Subdivision 9 applies to grants awarded  
13.29 under this paragraph. All restorations must  
13.30 comply with subdivision 9, paragraph (b).  
13.31 This appropriation is available until June  
13.32 30, 2014, at which time all grant project  
13.33 work must be completed and final products  
13.34 delivered, unless an earlier date is specified  
13.35 in the grant agreement. No less than five  
13.36 percent of the amount of each grant must

14.1 be held back from reimbursement until  
14.2 the grant recipient has completed a grant  
14.3 accomplishment report by the deadline and  
14.4 in the form prescribed by and satisfactory to  
14.5 the Lessard-Sams Outdoor Heritage Council.

14.6 Subd. 6. **Administration and Other Provisions** -0- 775,000

14.7 **(a) Contract Management**

14.8 \$175,000 in fiscal year 2011 is to the  
14.9 commissioner of natural resources for  
14.10 contract management duties assigned in  
14.11 this section. All determinations, findings,  
14.12 or decisions of the commissioner pursuant  
14.13 to this act must be made in writing and  
14.14 available to the public.

14.15 **(b) Legislative Coordinating Commission**

14.16 \$600,000 in fiscal year 2011 is to the  
14.17 Legislative Coordinating Commission for  
14.18 administrative expenses of the Lessard-Sams  
14.19 Outdoor Heritage Council and for  
14.20 compensation and expense reimbursement  
14.21 of council members.

14.22 **(c) Lessard-Sams Outdoor Heritage Council**  
14.23 **Site Visit Exception**

14.24 Travel to and from site visits by council  
14.25 members that are paid for under paragraph  
14.26 (b) are not meetings of the council for the  
14.27 purpose of receiving information under  
14.28 Minnesota Statutes, section 97A.056,  
14.29 subdivision 5.

14.30 **Subd. 7. Availability of Appropriation**

14.31 Money appropriated in this section may  
14.32 not be spent on activities unless they are  
14.33 directly related to and necessary for a  
14.34 specific appropriation and are specified in the

15.1 accomplishment plan. Money appropriated  
15.2 in this section must not be spent on indirect  
15.3 costs or other institutional overhead charges.  
15.4 Unless otherwise provided, the amounts  
15.5 in this section are available until June 30,  
15.6 2013, when projects must be completed and  
15.7 final accomplishments reported. Funds for  
15.8 restoration or enhancement are available  
15.9 until June 30, 2015, or four years after  
15.10 acquisition, whichever is later, in order to  
15.11 complete restoration or enhancement work.  
15.12 If a project receives federal funds, the time  
15.13 period of the appropriation is extended to  
15.14 equal the availability of federal funding.  
15.15 Funds appropriated for fee title acquisition of  
15.16 land may be used to restore and enhance land  
15.17 acquired with the appropriation.  
15.18 **Subd. 8. Accomplishment Plans**  
  
15.19 It is a condition of acceptance of the  
15.20 appropriations made by this section that the  
15.21 agency or entity using the appropriation shall  
15.22 submit to the council an accomplishment  
15.23 plan and periodic accomplishment  
15.24 reports in the form determined by the  
15.25 Lessard-Sams Outdoor Heritage Council.  
15.26 The accomplishment plan must account for  
15.27 the use of the appropriation and outcomes  
15.28 of the expenditure in measures of wetlands,  
15.29 prairies, forests, and fish, game, and wildlife  
15.30 habitat restored, protected, and enhanced.  
15.31 The plan must include an evaluation of  
15.32 results. None of the money provided in this  
15.33 section may be expended unless the council  
15.34 has approved the pertinent accomplishment  
15.35 plan.

16.1 Subd. 9. Project Requirements

16.2 (a) As a condition of accepting an  
16.3 appropriation in this section, any agency  
16.4 or entity receiving an appropriation must  
16.5 comply with this subdivision for any project  
16.6 funded in whole or in part with funds from  
16.7 the appropriation.

16.8 (b) To the extent possible, a person  
16.9 conducting restoration with money  
16.10 appropriated in this section must plant  
16.11 vegetation or sow seed only of ecotypes  
16.12 native to Minnesota, and preferably of the  
16.13 local ecotype, using a high diversity of  
16.14 species originating from as close to the  
16.15 restoration site as possible, and protect  
16.16 existing native prairies, grasslands, forests,  
16.17 wetlands, and other aquatic systems from  
16.18 genetic contamination.

16.19 (c) All conservation easements acquired with  
16.20 money appropriated in this section must: (1)  
16.21 be permanent; (2) specify the parties to an  
16.22 easement; (3) specify all of the provisions of  
16.23 an agreement that are permanent; (4) specify  
16.24 the habitat types and location being protected;  
16.25 (5) require the grantor to employ practices  
16.26 retaining water on the eased land as long as  
16.27 practicable; (6) specify the responsibilities  
16.28 of the parties for habitat enhancement and  
16.29 restoration and the associated costs of these  
16.30 activities; (7) be sent to the office of the  
16.31 Lessard-Sams Outdoor Heritage Council; (8)  
16.32 include a long-term stewardship plan and  
16.33 identify the sources and amount of funding  
16.34 for monitoring and enforcing the easement  
16.35 agreement; and (9) identify the parties

17.1 responsible for monitoring and enforcing the  
17.2 easement agreement.

17.3 (d) For all restorations, a recipient must  
17.4 prepare and retain an ecological restoration  
17.5 and management plan that, to the degree  
17.6 practicable, is consistent with current  
17.7 conservation science and ecological goals  
17.8 for the restoration site. Consideration should  
17.9 be given to soil, geology, topography, and  
17.10 other relevant factors that would provide  
17.11 the best chance for long-term success of the  
17.12 restoration projects. The plan shall include  
17.13 the proposed timetable for implementing  
17.14 the restoration, including, but not limited  
17.15 to, site preparation, establishment of  
17.16 diverse plant species, maintenance, and  
17.17 additional enhancement to establish the  
17.18 restoration; identify long-term maintenance  
17.19 and management needs of the restoration  
17.20 and how the maintenance, management, and  
17.21 enhancement will be financed; and use the  
17.22 current conservation science to achieve the  
17.23 best restoration.

17.24 (e) For new lands acquired, a recipient  
17.25 must prepare a restoration and management  
17.26 plan in compliance with paragraph (d),  
17.27 including identification of sufficient funding  
17.28 for implementation.

17.29 (f) To ensure public accountability for the  
17.30 use of public funds, a recipient must provide  
17.31 to the Lessard-Sams Outdoor Heritage  
17.32 Council documentation of the selection  
17.33 process used to identify parcels acquired  
17.34 in fee or permanent conservation easement  
17.35 and provide the council with documentation

18.1 of all related transaction costs, including,  
18.2 but not limited to, appraisals, legal fees,  
18.3 recording fees, commissions, other similar  
18.4 costs, and donations. This information  
18.5 must be provided for all parties involved  
18.6 in the transaction. The recipient shall  
18.7 also report to the Lessard-Sams Outdoor  
18.8 Heritage Council any difference between the  
18.9 acquisition amount paid to the seller and the  
18.10 state-certified or state-reviewed appraisal, if  
18.11 a state-certified or state-reviewed appraisal  
18.12 was conducted. Acquisition data such  
18.13 as appraisals may remain private during  
18.14 negotiations but must ultimately be made  
18.15 public according to Minnesota Statutes,  
18.16 chapter 13.

18.17 (g) All restoration and enhancement projects  
18.18 funded with money appropriated in this  
18.19 section must be on land permanently  
18.20 protected by a conservation easement or  
18.21 public ownership or in public waters as  
18.22 defined in Minnesota Statutes, section  
18.23 103G.005, subdivision 15.

18.24 (h) To the extent an appropriation is used to  
18.25 acquire an interest in real property, a recipient  
18.26 of an appropriation under this section must  
18.27 provide to the Lessard-Sams Outdoor  
18.28 Heritage Council and the commissioner  
18.29 of management and budget an analysis of  
18.30 increased operations and maintenance costs  
18.31 likely to be incurred by public entities as  
18.32 a result of the acquisition and of how these  
18.33 costs are to be paid.

18.34 (i) A recipient of money from an  
18.35 appropriation in this section must give

19.1 consideration to and make timely written  
19.2 contact with the Minnesota Conservation  
19.3 Corps or its successor for consideration of  
19.4 possible use of their services to contract for  
19.5 restoration and enhancement services. A  
19.6 copy of the written contact must be filed with  
19.7 the Lessard-Sams Outdoor Heritage Council  
19.8 within 15 days of execution.

19.9 (j) A recipient of money from this section  
19.10 must erect signage according to Laws 2009,  
19.11 chapter 172, article 5, section 10.

19.12 **Subd. 10. Payment Conditions and Capital**  
19.13 **Equipment Expenditures**

19.14 All agreements, grants, or contracts referred  
19.15 to in this section must be administered on  
19.16 a reimbursement basis unless otherwise  
19.17 provided in this section. Notwithstanding  
19.18 Minnesota Statutes, section 16A.41,  
19.19 expenditures directly related to each  
19.20 appropriation's purpose made on or after July  
19.21 1, 2010, are eligible for reimbursement unless  
19.22 otherwise provided in this section. Periodic  
19.23 reimbursement must be made upon receiving  
19.24 documentation that the deliverable items  
19.25 articulated in the approved accomplishment  
19.26 plan have been achieved, including partial  
19.27 achievements as evidenced by approved  
19.28 progress reports. Reasonable amounts may  
19.29 be advanced to projects to accommodate  
19.30 cash flow needs or to match federal share.  
19.31 The advances must be approved as part of  
19.32 the accomplishment plan. Capital equipment  
19.33 expenditures for specific items in excess of  
19.34 \$10,000 must be approved as part of the  
19.35 accomplishment plan.

20.1 Subd. 11. **Purchase of Recycled and Recyclable**  
20.2 **Materials**

20.3 A political subdivision, public or private  
20.4 corporation, or other entity that receives an  
20.5 appropriation in this section must use the  
20.6 appropriation in compliance with Minnesota  
20.7 Statutes, section 16B.121, regarding  
20.8 purchase of recycled, repairable, and durable  
20.9 materials, and section 16B.122, regarding  
20.10 purchase and use of paper stock and printing.

20.11 Subd. 12. **Accessibility**

20.12 Structural and nonstructural facilities must  
20.13 meet the design standards in the Americans  
20.14 with Disabilities Act (ADA) accessibility  
20.15 guidelines.

20.16 Subd. 13. **Land Acquisition Restrictions**

20.17 (a) An interest in real property, including, but  
20.18 not limited to, an easement or fee title, that is  
20.19 acquired with money appropriated under this  
20.20 section must be used in perpetuity.

20.21 (b) A recipient of funding who acquires  
20.22 an interest in real property subject to this  
20.23 subdivision may not alter the intended use of  
20.24 the interest in real property or convey any  
20.25 interest in the real property acquired with the  
20.26 appropriation without the prior review and  
20.27 preliminary approval of the Lessard-Sams  
20.28 Outdoor Heritage Council or its successor.  
20.29 The council shall establish procedures to  
20.30 review requests from recipients to alter the  
20.31 use of or convey an interest in real property.  
20.32 These procedures shall allow for the  
20.33 replacement of the interest in real property  
20.34 with another interest in real property meeting  
20.35 the following criteria: (1) the interest is at

21.1 least equal in fair market value, as certified  
21.2 in writing by the commissioner of natural  
21.3 resources, to the interest being replaced; and  
21.4 (2) the interest is in a reasonably equivalent  
21.5 location and has a reasonably equivalent  
21.6 useful conservation purpose compared to the  
21.7 interest being replaced. The Lessard-Sams  
21.8 Outdoor Heritage Council or its successor  
21.9 must submit legislation seeking legislative  
21.10 approval for changes given preliminary  
21.11 approval under this paragraph.

21.12 (c) A recipient of funding who acquires an  
21.13 interest in real property under paragraph  
21.14 (a) must separately record a notice of  
21.15 funding restrictions in the appropriate local  
21.16 government office where the conveyance  
21.17 of the interest in real property is filed. The  
21.18 notice of funding agreement must contain:  
21.19 (1) a legal description of the interest in real  
21.20 property covered by the funding agreement;  
21.21 (2) a reference to the underlying funding  
21.22 agreement; (3) a reference to this section; and  
21.23 (4) the following statement: "This interest  
21.24 in real property shall be administered in  
21.25 accordance with the terms, conditions, and  
21.26 purposes of the grant agreement controlling  
21.27 the acquisition of the property. The interest  
21.28 in real property, or any portion of the  
21.29 interest in real property, shall not be sold,  
21.30 transferred, pledged, or otherwise disposed  
21.31 of or further encumbered without obtaining  
21.32 the prior written preliminary approval of the  
21.33 Lessard-Sams Outdoor Heritage Council or  
21.34 its successor, and final legislative approval.  
21.35 The ownership of the interest in real property  
21.36 shall transfer to the state if: (1) the holder of

22.1 the interest in real property fails to comply  
22.2 with the terms and conditions of the grant  
22.3 agreement or accomplishment plan; or  
22.4 (2) restrictions are placed on the land that  
22.5 preclude its use for the intended purpose as  
22.6 specified in the appropriation."

22.7 **Subd. 14. Real Property Interest Report**

22.8 By December 1 each year, a recipient of  
22.9 money appropriated under this section that  
22.10 is used for the acquisition of an interest in  
22.11 real property, including, but not limited to,  
22.12 an easement or fee title, must submit annual  
22.13 reports on the status of the real property to  
22.14 the Lessard-Sams Outdoor Heritage Council  
22.15 or its successor in a form determined by the  
22.16 council. The responsibility for reporting  
22.17 under this section may be transferred by  
22.18 the recipient of the appropriation to another  
22.19 person or entity that holds the interest in the  
22.20 real property. To complete the transfer of  
22.21 reporting responsibility, the recipient of the  
22.22 appropriation must: (1) inform the person to  
22.23 whom the responsibility is transferred of that  
22.24 person's reporting responsibility; (2) inform  
22.25 the person to whom the responsibility is  
22.26 transferred of the property restrictions under  
22.27 subdivision 13; (3) provide written notice  
22.28 to the council of the transfer of reporting  
22.29 responsibility, including contact information  
22.30 for the person to whom the responsibility is  
22.31 transferred; and (4) provide the Lessard-Sams  
22.32 Outdoor Heritage Council or its successor  
22.33 written documentation from the person or  
22.34 entity holding the interest in real property  
22.35 certifying its acceptance of all reporting  
22.36 obligations and responsibilities previously

23.1 held by the recipient of the appropriation.  
23.2 After the transfer, the person or entity that  
23.3 holds the interest in the real property is  
23.4 responsible for reporting requirements under  
23.5 this section.

23.6 Subd. 15. **Successor Organizations**

23.7 The Lessard-Sams Outdoor Heritage council  
23.8 may approve the continuation of a project  
23.9 with an organization that has adopted a new  
23.10 name. Continuation of a project with an  
23.11 organization that has undergone a significant  
23.12 change in mission, structure, or purpose  
23.13 will require: (1) notice to the chairs of  
23.14 committees with relevant jurisdiction; and (2)  
23.15 presentation by the Lessard-Sams Outdoor  
23.16 Heritage Council of proposed legislation  
23.17 either ratifying or rejecting continued  
23.18 involvement with the new organization.

23.19 Sec. 3. Minnesota Statutes 2008, section 97A.056, is amended by adding a subdivision  
23.20 to read:

23.21 Subd. 8. **Land management option.** The council shall develop options for a  
23.22 method to assess each recommended project a land management fee. A land management  
23.23 fee is a payment on a onetime basis of all projected costs for the reasonable management,  
23.24 care, restoration, and protection of land acquired through fee title or easement. The  
23.25 council shall also recommend options for methods to escrow these fees, and to provide  
23.26 oversight for payment of future costs from these escrow funds. Legislative proposals  
23.27 pursuant to this section shall be adopted by the council by September 1, 2010, and a fee  
23.28 complying with this mechanism shall be included as a part of all recommended projects  
23.29 from July 2011 onward.

23.30 **EFFECTIVE DATE.** This section is effective the day following final enactment.

23.31 Sec. 4. Minnesota Statutes 2008, section 97A.056, is amended by adding a subdivision  
23.32 to read:

Subd. 9. **Lands in public domain.** No funds appropriated from the outdoor heritage fund shall be used to purchase any land in fee title, or permanent conservation easement, if the land in question is fully or partially owned by the state of Minnesota or a political subdivision of the state for a conservation purpose.

**EFFECTIVE DATE.** This section is effective on July 1, 2010, and applies only to projects proposed after that date.

ARTICLE 2

CLEAN WATER

Section 1. **CLEAN WATER 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 clean water fund, or another named fund, and are available for the fiscal years indicated for each purpose. The figures "2010" and "2011" used in this article mean that the appropriations listed under them are available for the fiscal year ending June 30, 2010, or June 30, 2011, respectively. "The first year" is fiscal year 2010. "The second year" is fiscal year 2011. "The biennium" is fiscal years 2010 and 2011. Appropriations for the fiscal year ending June 30, 2010, are effective the day following final enactment. All appropriations in this article are onetime only.

| <b>APPROPRIATIONS</b>         |                    |
|-------------------------------|--------------------|
| <b>Available for the Year</b> |                    |
| <b>Ending June 30</b>         |                    |
| <b><u>2010</u></b>            | <b><u>2011</u></b> |

|                                         |    |            |    |                |
|-----------------------------------------|----|------------|----|----------------|
| Sec. 2. <b>POLLUTION CONTROL AGENCY</b> | \$ | <u>-0-</u> | \$ | <u>310,000</u> |
|-----------------------------------------|----|------------|----|----------------|

\$310,000 the second year is for continued rulemaking to establish water quality standards for total nitrogen and nitrate nitrogen.

|                                                |    |            |    |                  |
|------------------------------------------------|----|------------|----|------------------|
| Sec. 3. <b>DEPARTMENT OF NATURAL RESOURCES</b> | \$ | <u>-0-</u> | \$ | <u>5,000,000</u> |
|------------------------------------------------|----|------------|----|------------------|

\$5,000,000 the second year shall be transferred to the metropolitan area groundwater monitoring account established under Minnesota Statutes, section 103G.272,

25.1 to be used by the commissioner of natural  
25.2 resources for the following purposes:  
25.3 (1) establish a groundwater monitoring  
25.4 network in the 11-county metropolitan area  
25.5 that monitors nonstressed systems to provide  
25.6 information on aquifer characteristics and  
25.7 natural water level and water quality trends;  
25.8 and  
25.9 (2) develop an automated data system,  
25.10 including existing wells, to capture  
25.11 groundwater level and water use data to  
25.12 enhance the evaluation of water resource  
25.13 changes in aquifer systems that are stressed  
25.14 by pumping of existing wells.  
25.15 The commissioner shall collaborate with the  
25.16 commissioners of health and the Pollution  
25.17 Control Agency in designing the methods  
25.18 used to collect and evaluate the data.

|       |                                               |    |               |                  |
|-------|-----------------------------------------------|----|---------------|------------------|
| 25.19 | Sec. 4. <b><u>BOARD OF WATER AND SOIL</u></b> |    |               |                  |
| 25.20 | <b><u>RESOURCES</u></b>                       | \$ | <u>-0-</u> \$ | <u>1,615,000</u> |

25.21 (a) \$558,000 the second year is to purchase  
25.22 and restore permanent conservation  
25.23 easements on riparian buffers of up to 120  
25.24 feet adjacent to public waters, excluding  
25.25 wetlands, to keep water on the land in  
25.26 order to decrease sediment, pollutant, and  
25.27 nutrient transport, reduce hydrologic impacts  
25.28 to surface waters, and increase infiltration  
25.29 for groundwater recharge. The riparian  
25.30 buffers must be at least 50 feet unless  
25.31 there is a natural impediment, a road, or  
25.32 other impediment beyond the control of  
25.33 the landowner. This appropriation may  
25.34 be used for restoration of riparian buffers  
25.35 protected by easements purchased with

26.1 this appropriation and for stream bank  
26.2 restorations when the riparian buffers have  
26.3 been restored. Up to five percent may be  
26.4 used for administration of this program and  
26.5 up to five percent may be used for technical  
26.6 design, construction, and project oversight.  
26.7 (b) \$557,000 the second year is for grants  
26.8 to watershed districts and watershed  
26.9 management organizations for: (1) structural  
26.10 or vegetative management practices that  
26.11 reduce storm water runoff from developed  
26.12 or disturbed lands to reduce the movement  
26.13 of sediment, nutrients, and pollutants or  
26.14 to leverage federal funds for restoration,  
26.15 protection, or enhancement of water quality  
26.16 in lakes, rivers, and streams and to protect  
26.17 groundwater and drinking water; and (2)  
26.18 the installation of proven and effective  
26.19 water retention practices including, but not  
26.20 limited to, rain gardens and other vegetated  
26.21 infiltration basins and sediment control  
26.22 basins in order to keep water on the land.  
26.23 The projects must be of long-lasting public  
26.24 benefit, include a local match, and be  
26.25 consistent with TMDL implementation plans  
26.26 or local water management plans. Watershed  
26.27 district and watershed management  
26.28 organization staff and administration may  
26.29 be used for the local match. Priority may be  
26.30 given to school projects that can be used to  
26.31 demonstrate water retention practices. Up to  
26.32 five percent may be used for administering  
26.33 the grants and up to five percent may be  
26.34 used for technical design, construction, and  
26.35 project oversight.

27.1 (c) \$500,000 the second year is for  
27.2 permanent conservation easements on  
27.3 wellhead protection areas under Minnesota  
27.4 Statutes, section 103F.515, subdivision 2,  
27.5 paragraph (d). Priority must be placed on  
27.6 land that is located where the vulnerability  
27.7 of the drinking water supply management  
27.8 area, as defined under Minnesota Rules,  
27.9 part 4720.5100, subpart 13, is designated as  
27.10 high or very high by the commissioner of  
27.11 health. Up to five percent may be used for  
27.12 administration of this program and up to five  
27.13 percent may be used for technical design,  
27.14 construction, and project oversight.

27.15 (d) The Star Lake Board, established under  
27.16 Minnesota Statutes, section 103B.702, shall  
27.17 provide recommendations to the Board of  
27.18 Water and Soil Resources on a set of criteria  
27.19 that could be used to designate a lake or river  
27.20 as a "Minnesota Star Lake" or "Minnesota  
27.21 Star River."

27.22 (e) The appropriations in fiscal year 2011 to  
27.23 the Board of Water and Soil Resources in  
27.24 Laws 2009, chapter 172, article 2, section  
27.25 6, are available until June 30, 2012, and,  
27.26 unless otherwise specified, may utilize up to  
27.27 five percent for administration of grant and  
27.28 easement programs and up to five percent for  
27.29 technical design, construction, and project  
27.30 oversight.

27.31 Sec. 5. Minnesota Statutes 2009 Supplement, section 103G.271, subdivision 6, is  
27.32 amended to read:

27.33 Subd. 6. **Water use permit processing fee.** (a) Except as described in paragraphs  
27.34 (b) to (f), a water use permit processing fee must be prescribed by the commissioner in  
27.35 accordance with the schedule of fees in this subdivision for each water use permit in force

28.1 at any time during the year. The schedule is as follows, with the stated fee in each clause  
28.2 applied to the total amount appropriated:

28.3 (1) \$140 for amounts not exceeding 50,000,000 gallons per year;

28.4 (2) \$3.50 per 1,000,000 gallons for amounts greater than 50,000,000 gallons but less  
28.5 than 100,000,000 gallons per year;

28.6 (3) \$4 per 1,000,000 gallons for amounts greater than 100,000,000 gallons but less  
28.7 than 150,000,000 gallons per year;

28.8 (4) \$4.50 per 1,000,000 gallons for amounts greater than 150,000,000 gallons but  
28.9 less than 200,000,000 gallons per year;

28.10 (5) \$5 per 1,000,000 gallons for amounts greater than 200,000,000 gallons but less  
28.11 than 250,000,000 gallons per year;

28.12 (6) \$5.50 per 1,000,000 gallons for amounts greater than 250,000,000 gallons but  
28.13 less than 300,000,000 gallons per year;

28.14 (7) \$6 per 1,000,000 gallons for amounts greater than 300,000,000 gallons but less  
28.15 than 350,000,000 gallons per year;

28.16 (8) \$6.50 per 1,000,000 gallons for amounts greater than 350,000,000 gallons but  
28.17 less than 400,000,000 gallons per year;

28.18 (9) \$7 per 1,000,000 gallons for amounts greater than 400,000,000 gallons but less  
28.19 than 450,000,000 gallons per year;

28.20 (10) \$7.50 per 1,000,000 gallons for amounts greater than 450,000,000 gallons but  
28.21 less than 500,000,000 gallons per year; and

28.22 (11) \$8 per 1,000,000 gallons for amounts greater than 500,000,000 gallons per year.

28.23 (b) For once-through cooling systems, a water use processing fee must be prescribed  
28.24 by the commissioner in accordance with the following schedule of fees for each water use  
28.25 permit in force at any time during the year:

28.26 (1) for nonprofit corporations and school districts, \$200 per 1,000,000 gallons; and

28.27 (2) for all other users, \$420 per 1,000,000 gallons.

28.28 (c) The fee is payable based on the amount of water appropriated during the year  
28.29 and, except as provided in paragraph (f), the minimum fee is \$100.

28.30 (d) For water use processing fees other than once-through cooling systems:

28.31 (1) the fee for a city of the first class may not exceed \$250,000 per year;

28.32 (2) the fee for other entities for any permitted use may not exceed:

28.33 (i) \$60,000 per year for an entity holding three or fewer permits;

28.34 (ii) \$90,000 per year for an entity holding four or five permits; or

28.35 (iii) \$300,000 per year for an entity holding more than five permits;

28.36 (3) the fee for agricultural irrigation may not exceed \$750 per year;

(4) the fee for a municipality that furnishes electric service and cogenerates steam for home heating may not exceed \$10,000 for its permit for water use related to the cogeneration of electricity and steam; and

(5) no fee is required for a project involving the appropriation of surface water to prevent flood damage or to remove flood waters during a period of flooding, as determined by the commissioner.

(e) Failure to pay the fee is sufficient cause for revoking a permit. A penalty of two percent per month calculated from the original due date must be imposed on the unpaid balance of fees remaining 30 days after the sending of a second notice of fees due. A fee may not be imposed on an agency, as defined in section 16B.01, subdivision 2, or federal governmental agency holding a water appropriation permit.

(f) The minimum water use processing fee for a permit issued for irrigation of agricultural land is \$20 for years in which:

(1) there is no appropriation of water under the permit; or

(2) the permit is suspended for more than seven consecutive days between May 1 and October 1.

(g) A surcharge of \$30 per million gallons in addition to the fee prescribed in paragraph (a) shall be applied to the volume of water used in each of the months of June, July, and August that exceeds the volume of water used in January for municipal water use, irrigation of golf courses, and landscape irrigation. The surcharge for municipalities with more than one permit shall be determined based on the total appropriations from all permits that supply a common distribution system.

(h) Beginning January 1, 2010, until June 30, 2015, a water monitoring fee of .0008 cents per gallon shall be applied to the volume of groundwater used in the counties of Anoka, Carver, Chisago, Dakota, Hennepin, Isanti, Ramsey, Scott, Sherburne, Washington, and Wright. Beginning July 1, 2015, or when the groundwater monitoring wells have been completed, whichever is earlier and thereafter, the fee shall be .0006 cents per gallon. Fees collected under this paragraph must be credited to the metropolitan area groundwater monitoring matching account established in section 103G.272.

**Sec. 6. [103G.272] METROPOLITAN AREA GROUNDWATER MONITORING MATCHING ACCOUNT.**

A metropolitan area groundwater monitoring matching account is created in the natural resources fund. Money in the account is appropriated to the commissioner of natural resources to provide local matching funds for monitoring the groundwater quantity and quality of nonstressed systems in the 11-county metropolitan area, to include the

installation, maintenance, and sealing of new or existing groundwater level monitoring wells, monitoring equipment, groundwater data analysis, and data management systems. Money received from the water monitoring fee under section 103G.271, subdivision 6, paragraph (h), and interest earned on the account shall be deposited into the account.

Sec. 7. Laws 2009, chapter 172, article 2, section 4, is amended to read:

|                                         |    |            |    |                       |
|-----------------------------------------|----|------------|----|-----------------------|
| Sec. 4. <b>POLLUTION CONTROL AGENCY</b> | \$ | 24,076,000 | \$ | <del>27,285,000</del> |
|                                         |    |            |    | <u>22,785,000</u>     |

(a) \$9,000,000 the first year and \$9,000,000 the second year are to develop total maximum daily load (TMDL) studies and TMDL implementation plans for waters listed on the United States Environmental Protection Agency approved impaired waters list in accordance with Minnesota Statutes, chapter 114D. The agency shall complete an average of ten percent of the TMDLs each year over the biennium. Of this amount, \$348,000 the first year is to retest the comprehensive assessment of the biological conditions of the lower Minnesota River and its tributaries within the Lower Minnesota River Major Watershed, as previously assessed from 1976 to 1992 under the Minnesota River Assessment Project (MRAP). The assessment must include the same fish species sampling at the same 116 locations and the same macroinvertebrate sampling at the same 41 locations as the MRAP assessment. The assessment must:

(1) include an analysis of the findings; and

(2) identify factors that limit aquatic life in the Minnesota River.

Of this amount, \$250,000 the first year is for a pilot project for the development of

31.1 total maximum daily load (TMDL) studies  
31.2 conducted on a watershed basis within  
31.3 the Buffalo River watershed in order to  
31.4 protect, enhance, and restore water quality  
31.5 in lakes, rivers, and streams. The pilot  
31.6 project shall include all necessary field  
31.7 work to develop TMDL studies for all  
31.8 impaired subwatersheds within the Buffalo  
31.9 River watershed and provide information  
31.10 necessary to complete reports for most of the  
31.11 remaining watersheds, including analysis of  
31.12 water quality data, identification of sources  
31.13 of water quality degradation and stressors,  
31.14 load allocation development, development  
31.15 of reports that provide protection plans  
31.16 for subwatersheds that meet water quality  
31.17 standards, and development of reports that  
31.18 provide information necessary to complete  
31.19 TMDL studies for subwatersheds that do not  
31.20 meet water quality standards, but are not  
31.21 listed as impaired.

31.22 (b) \$500,000 the first year is for development  
31.23 of an enhanced TMDL database to manage  
31.24 and track progress. Of this amount, \$63,000  
31.25 the first year is to promulgate rules. By  
31.26 November 1, 2010, the commissioner shall  
31.27 submit a report to the chairs of the house of  
31.28 representatives and senate committees with  
31.29 jurisdiction over environment and natural  
31.30 resources finance on the outcomes achieved  
31.31 with this appropriation.

31.32 (c) \$1,500,000 the first year and \$3,169,000  
31.33 the second year are for grants under  
31.34 Minnesota Statutes, section 116.195, to  
31.35 political subdivisions for up to 50 percent  
31.36 of the costs to predesign, design, and

32.1 implement capital projects that use treated  
32.2 municipal wastewater instead of groundwater  
32.3 from drinking water aquifers, in order to  
32.4 demonstrate the beneficial use of wastewater,  
32.5 including the conservation and protection of  
32.6 water resources. Of this amount, \$1,000,000  
32.7 the first year is for grants to ethanol plants  
32.8 that are within one and one-half miles of a  
32.9 city for improvements that reuse greater than  
32.10 300,000 gallons of wastewater per day.

32.11 (d) \$1,125,000 the first year and \$1,125,000  
32.12 the second year are for groundwater  
32.13 assessment and drinking water protection to  
32.14 include:

32.15 (1) the installation and sampling of at least  
32.16 30 new monitoring wells;  
32.17 (2) the analysis of samples from at least 40  
32.18 shallow monitoring wells each year for the  
32.19 presence of endocrine disrupting compounds;  
32.20 and

32.21 (3) the completion of at least four to  
32.22 five groundwater models for TMDL and  
32.23 watershed plans.

32.24 (e) \$2,500,000 the first year is for the clean  
32.25 water partnership program. Priority shall be  
32.26 given to projects preventing impairments and  
32.27 degradation of lakes, rivers, streams, and  
32.28 groundwater in accordance with Minnesota  
32.29 Statutes, section 114D.20, subdivision 2,  
32.30 clause (4). Any balance remaining in the first  
32.31 year does not cancel and is available for the  
32.32 second year.

32.33 (f) \$896,000 the first year is to establish  
32.34 a network of water monitoring sites, to  
32.35 include at least 20 additional sites, in public

33.1 waters adjacent to wastewater treatment  
33.2 facilities across the state to assess levels of  
33.3 endocrine-disrupting compounds, antibiotic  
33.4 compounds, and pharmaceuticals as required  
33.5 in this article. The data must be placed on  
33.6 the agency's Web site.

33.7 (g) \$155,000 the first year is to provide  
33.8 notification of the potential for coal tar  
33.9 contamination, establish a storm water  
33.10 pond inventory schedule, and develop best  
33.11 management practices for treating and  
33.12 cleaning up contaminated sediments as  
33.13 required in this article. ~~\$345,000~~ \$645,000  
33.14 the second year is ~~to develop a model~~  
33.15 ~~ordinance for the restricted use of undiluted~~  
33.16 ~~coal tar sealants and~~ to provide grants to local  
33.17 units of government for up to 50 percent of  
33.18 the costs to implement best management  
33.19 practices to treat or clean up contaminated  
33.20 sediments in storm water ponds and other  
33.21 waters as defined under this article. Local  
33.22 governments must have adopted an ordinance  
33.23 for the restricted use of undiluted coal tar  
33.24 sealants in order to be eligible for a grant,  
33.25 unless a statewide restriction has been  
33.26 implemented. A grant awarded under this  
33.27 paragraph must not exceed \$100,000. Up to  
33.28 \$145,000 of the appropriation in the second  
33.29 year may be used to complete work required  
33.30 under section 28, paragraph (c).

33.31 (h) \$350,000 the first year and ~~\$400,000~~  
33.32 \$600,000 the second year are for a restoration  
33.33 project in the lower St. Louis River and  
33.34 Duluth harbor in order to improve water  
33.35 quality. This appropriation must be matched

34.1 by nonstate money at a rate of at least \$2 for  
34.2 every \$1 of state money.

34.3 (i) \$150,000 the first year and \$196,000 the  
34.4 second year are for grants to the Red River  
34.5 Watershed Management Board to enhance  
34.6 and expand existing river watch activities in  
34.7 the Red River of the North. The Red River  
34.8 Watershed Management Board shall provide  
34.9 a report that includes formal evaluation  
34.10 results from the river watch program to the  
34.11 commissioners of education and the Pollution  
34.12 Control Agency and to the legislative natural  
34.13 resources finance and policy committees  
34.14 and K-12 finance and policy committees by  
34.15 February 15, 2011.

34.16 (j) \$200,000 the first year and \$300,000 the  
34.17 second year are for coordination with the  
34.18 state of Wisconsin and the National Park  
34.19 Service on comprehensive water monitoring  
34.20 and phosphorus reduction activities in the  
34.21 Lake St. Croix portion of the St. Croix  
34.22 River. The Pollution Control Agency  
34.23 shall work with the St. Croix Basin Water  
34.24 Resources Planning Team and the St. Croix  
34.25 River Association in implementing the  
34.26 water monitoring and phosphorus reduction  
34.27 activities. This appropriation is available  
34.28 to the extent matched by nonstate sources.  
34.29 Money not matched by November 15, 2010,  
34.30 cancels for this purpose and is available for  
34.31 the purposes of paragraph (a).

34.32 (k) \$7,500,000 the first year and \$7,500,000  
34.33 the second year are for completion of 20  
34.34 percent of the needed statewide assessments  
34.35 of surface water quality and trends. Of this

35.1 amount, \$175,000 the first year and \$200,000  
35.2 the second year are for monitoring and  
35.3 analyzing endocrine disruptors in surface  
35.4 waters.

35.5 (l) \$100,000 the first year and \$150,000  
35.6 the second year are for civic engagement  
35.7 in TMDL development. The agency shall  
35.8 develop a plan for expenditures under  
35.9 this paragraph. The agency shall give  
35.10 consideration to civic engagement proposals  
35.11 from basin or sub-basin organizations,  
35.12 including the Mississippi Headwaters Board,  
35.13 the Minnesota River Joint Powers Board,  
35.14 Area II Minnesota River Basin Projects,  
35.15 and the Red River Basin Commission.  
35.16 By November 15, 2009, the plan shall be  
35.17 submitted to the house and senate chairs  
35.18 and ranking minority members of the  
35.19 environmental finance divisions.

35.20 ~~(m) \$5,000,000 the second year is for~~  
35.21 ~~groundwater protection or prevention of~~  
35.22 ~~groundwater degradation activities. By~~  
35.23 ~~January 15, 2010, the commissioner, in~~  
35.24 ~~consultation with the commissioner of~~  
35.25 ~~natural resources, the Board of Water and~~  
35.26 ~~Soil Resources, and other agencies, shall~~  
35.27 ~~submit a report to the chairs of the house of~~  
35.28 ~~representatives and senate committees with~~  
35.29 ~~jurisdiction over the clean water fund on the~~  
35.30 ~~intended use of these funds. The legislature~~  
35.31 ~~must approve expenditure of these funds by~~  
35.32 ~~law.~~

35.33 *(n) \$100,000 the first year and \$100,000 the*  
35.34 *second year are for grants to the Star Lake*  
35.35 *Board established under Minnesota Statutes,*

36.1 *section 103B.702. The appropriation is a*  
36.2 *pilot program to focus on engaging citizen*  
36.3 *participation and fostering local partnerships*  
36.4 *by increasing citizen involvement in water*  
36.5 *quality enhancement by designating star*  
36.6 *lakes and rivers. The board shall include*  
36.7 *information on the results of this pilot*  
36.8 *program in its next biennial report under*  
36.9 *Minnesota Statutes, section 103B.702. The*  
36.10 *second year grants are available only if*  
36.11 *the Board of Water and Soil Resources*  
36.12 *determines that the money granted in the first*  
36.13 *year furthered the water quality goals in the*  
36.14 *star lakes program in Minnesota Statutes,*  
36.15 *section 103B.701. \* (The preceding*  
36.16 **paragraph beginning "(n) \$100,000 the**  
36.17 **first year" was indicated as vetoed by the**  
36.18 **governor.)**

36.19 Notwithstanding Minnesota Statutes, section  
36.20 16A.28, the appropriations encumbered on or  
36.21 before June 30, 2011, as grants or contracts in  
36.22 this section are available until June 30, 2013.

### 36.23 **ARTICLE 3**

### 36.24 **GENERAL PROVISIONS**

36.25 Section 1. Minnesota Statutes 2008, section 3.971, is amended by adding a subdivision  
36.26 to read:

36.27 Subd. 9. **Restoration audits.** The legislative auditor, at the direction of the  
36.28 Legislative Audit Commission, shall conduct restoration audits on a portion of land  
36.29 restorations funded in whole or in part with state funds to determine whether the activities  
36.30 and programs funded with state funds, including the outdoor heritage fund, the parks and  
36.31 trails fund, the clean water fund, the environment and natural resources trust fund, and  
36.32 state-issued bonds, are accomplishing restoration goals. The audit must include a critical  
36.33 analysis of the restoration goals and objectives, scientific evaluation of the results, and  
36.34 the effectiveness of the restorations in meeting applicable restoration requirements. The

legislative auditor may hire or contract with scientists and other appropriate persons to meet this requirement. Restoration audits shall be funded out of the fund that funded the restoration, when possible. For the purposes of this section, a "restoration audit" is a scientific evaluation of an area of land that has been restored in order to determine whether the restoration meets applicable requirements for the restoration.

**EFFECTIVE DATE.** This section is effective the day following final enactment.

**Sec. 2. [3.9715] PAYMENT FROM HERITAGE FUNDS FOR AUDIT COSTS.**

The outdoor heritage fund, the clean water fund, the parks and trails fund, and the arts and cultural heritage fund, established in the Minnesota Constitution, article XI, section 15, must each pay the legislative auditor for costs incurred by the legislative auditor to examine financial activities related to each fund. The legislative auditor shall provide cost data to the commissioner of management and budget to determine the amount of the required payments. The amount required to make these payments is appropriated from each fund for payments to the legislative auditor under this section. Amounts received by the legislative auditor under this section are appropriated to the legislative auditor for purposes of examining financial activities related to each fund. The legislative auditor shall report by January 15 each year to the chairs and ranking minority members of the house of representatives and senate funding divisions with jurisdiction over the Office of the Legislative Auditor and the funds established in the Minnesota Constitution, article XI, section 15, on past and projected future expenditure of funds under this section.

Sec. 3. Minnesota Statutes 2009 Supplement, section 85.53, subdivision 2, is amended to read:

**Subd. 2. Expenditures; accountability.** (a) A project or program receiving funding from the parks and trails fund must meet or exceed the constitutional requirement to support parks and trails of regional or statewide significance. A project or program receiving funding from the parks and trails fund must include measurable outcomes, as defined in section 3.303, subdivision 10, and a plan for measuring and evaluating the results. A project or program must be consistent with current science and incorporate state-of-the-art technology, except when the project or program is a portrayal or restoration of historical significance.

(b) Money from the parks and trails fund shall be expended to balance the benefits across all regions and residents of the state.

(c) All information for funded projects, including the proposed measurable outcomes, must be made available on the Web site required under section 3.303,

subdivision 10, as soon as practicable. Information on the measured outcomes and evaluation must be posted as soon as it becomes available.

(d) Grants funded by the parks and trails fund must be implemented according to section 16B.98 and must account for all expenditures. Proposals must specify a process for any regrantee envisioned. Priority for grant proposals must be given to proposals involving grants that will be competitively awarded.

~~(e) A recipient of money from the parks and trails fund must display a sign on lands and capital improvements purchased, restored, or protected with money from the parks and trails fund that includes the logo developed by the commissioner of natural resources to identify it as a project funded with money from the vote of the people of Minnesota on November 4, 2008.~~ shall display, where practicable, a sign with the logo selected by the Board of the Arts as follows when funded by the parks and trails fund: on construction projects; at access points to any land or water resources acquired in fee or a less-than-fee title interest; and on lands that were restored, protected, or enhanced. A recipient shall also incorporate the logo, where practicable, into printed and other materials funded with money from the parks and trails fund.

(f) Money from the parks and trails fund may only be spent on projects located in Minnesota.

Sec. 4. Minnesota Statutes 2008, section 97A.056, is amended by adding a subdivision to read:

Subd. 10. **Logo.** A recipient of money from the outdoor heritage fund shall display, where practicable, a sign with the logo selected by the Board of the Arts as follows when funded by the outdoor heritage fund: on construction projects; at access points to any land or water resources acquired in fee or a less-than-fee title interest; and on lands that were restored, protected, or enhanced. A recipient shall also incorporate the logo, where practicable, into printed and other materials funded with money from the outdoor heritage fund.

Sec. 5. Minnesota Statutes 2009 Supplement, section 114D.50, subdivision 4, is amended to read:

Subd. 4. **Expenditures; accountability.** (a) A project receiving funding from the clean water fund must meet or exceed the constitutional requirements to protect, enhance, and restore water quality in lakes, rivers, and streams and to protect groundwater and drinking water from degradation. Priority may be given to projects that meet more than one of these requirements. A project receiving funding from the clean water fund shall

include measurable outcomes, as defined in section 3.303, subdivision 10, and a plan for measuring and evaluating the results. A project must be consistent with current science and incorporate state-of-the-art technology.

(b) Money from the clean water fund shall be expended to balance the benefits across all regions and residents of the state.

(c) All information for proposed and funded projects, including the proposed measurable outcomes, must be made available on the Web site required under section 3.303, subdivision 10, as soon as practicable. Information on the measured outcomes and evaluation must be posted as it becomes available. Information classified as not public under section 13D.05, subdivision 3, paragraph (d), is not required to be placed on the Web site.

(d) Grants funded by the clean water fund must be implemented according to section 16B.98 and must account for all expenditures. Proposals must specify a process for any regrating envisioned. Priority for grant proposals must be given to proposals involving grants that will be competitively awarded.

(e) Money from the clean water fund may only be spent on projects that benefit Minnesota waters.

(f) A recipient of money from the clean water fund shall display, where practicable, a sign with the logo selected by the Board of the Arts as follows when funded by the clean water fund: on construction projects; at access points to any land or water resources acquired in fee or a less-than-fee title interest; and on lands that were restored, protected, or enhanced. A recipient shall also incorporate the logo, where practicable, into printed and other materials funded with money from the clean water fund.

Sec. 6. Minnesota Statutes 2009 Supplement, section 129D.17, subdivision 2, is amended to read:

**Subd. 2. Expenditures; accountability.** (a) Funding from the arts and cultural heritage fund may be spent only for arts, arts education, and arts access, and to preserve Minnesota's history and cultural heritage. A project or program receiving funding from the arts and cultural heritage fund must include measurable outcomes, and a plan for measuring and evaluating the results. A project or program must be consistent with current scholarship, or best practices, when appropriate and incorporate state-of-the-art technology when appropriate.

(b) Funding from the arts and cultural heritage fund may be granted for an entire project or for part of a project so long as the recipient provides a description and cost for

the entire project and can demonstrate that it has adequate resources to ensure that the entire project will be completed.

(c) Money from the arts and cultural heritage fund shall be expended for benefits across all regions and residents of the state.

(d) All information for funded projects, including the proposed measurable outcomes, must be made available on the Legislative Coordinating Commission Web site, as soon as practicable. Information on the measured outcomes and evaluation must be posted as soon as it becomes available.

(e) Grants funded by the arts and cultural heritage fund must be implemented according to section 16B.98 and must account for all expenditures of funds. Priority for grant proposals must be given to proposals involving grants that will be competitively awarded.

(f) A recipient of money from the arts and cultural heritage fund must display a sign with the logo selected by the Board of the Arts on capital projects during construction and an acknowledgment in a printed program or other material funded with money from the arts and cultural heritage fund that identifies it as a project funded with money from the ~~vote of the people of Minnesota on November 4, 2008~~ arts and cultural heritage fund.

(g) All money from the arts and cultural heritage fund must be for projects located in Minnesota.

**Sec. 7. FUNDS CARRYOVER.**

Unless otherwise provided, the amounts appropriated in Laws 2009, chapter 172, are available until June 30, 2011. For acquisition of an interest in real property, the amounts in Laws 2009, chapter 172, are available until June 30, 2012. If a project receives federal funds, the time period of the appropriation is extended to equal the availability of federal funding.

**Sec. 8. PARKS.**

The Minneapolis Park and Recreation Board may acquire the entire property known as the Scherer Brothers Lumber Yard for a metropolitan area regional park and may allocate any future appropriations to the board from the parks and trails fund to acquire the property.

**EFFECTIVE DATE.** This section is effective the day after the Minneapolis Park Board timely completes compliance with Minnesota Statutes, section 645.021, subdivisions 2 and 3.

- 41.1        Sec. 9. REPEALER.
- 41.2        Laws 2009, chapter 172, article 5, section 9, is repealed.

APPENDIX  
Article locations in H3790-1

|           |                          |               |
|-----------|--------------------------|---------------|
| ARTICLE 1 | OUTDOOR HERITAGE .....   | Page.Ln 1.13  |
| ARTICLE 2 | CLEAN WATER .....        | Page.Ln 24.7  |
| ARTICLE 3 | GENERAL PROVISIONS ..... | Page.Ln 36.23 |

APPENDIX  
Repealed Minnesota Session Laws: H3790-1

***Laws 2009, chapter 172, article 5, section 9***

**Sec. 9. 25-YEAR STRATEGIC PLAN.**

By January 15, 2011, the legislative committees, divisions, or councils responsible for recommending expenditures to the full legislature from the outdoor heritage fund, the clean water fund, the parks and trails fund, and the arts and cultural heritage fund must develop, with broad public input, and adopt a 25-year strategic plan for the expenditures that will be recommended from the funds. The plan must include applicable outcomes for restoring, protecting, and enhancing wetlands, prairies, forests, habitat for fish and game, lakes, rivers, streams, groundwater, arts, arts education, arts access, preservation of Minnesota's history and cultural heritage, and supporting parks and trails. The strategic plan shall be updated on a regular basis, but no longer than every five years. The Web site established under section 2 must include a link to the plans developed under this section. The plan for restoring, protecting, and enhancing wetlands, prairies, forests, habitat for fish and game must be based on ecological sections and subsections established by the Department of Natural Resources and be based on current science and achieve benefits across all ecological sections within the state. The plan for restoring, protecting, and enhancing lakes, rivers, streams, and groundwater must be based on watersheds and aquifers, and shall take into account existing plans, be based on current science, and achieve benefits across all ecological sections within the state. Any recommendations for appropriations may be prioritized based on science and urgency.