

**SENATE
STATE OF MINNESOTA
EIGHTY-SEVENTH LEGISLATURE** **S.F. No. 158**

(SENATE AUTHORS: INGEBRIGTSEN, Pederson, Miller, Saxhaug and DeKruif)

DATE	D-PG	OFFICIAL STATUS
01/31/2011	130	Introduction and first reading Referred to Environment and Natural Resources
04/28/2011	1483a	Comm report: To pass as amended and re-refer to State Government Innovation and Veterans
05/02/2011	1599	Comm report: To pass and re-referred to Rules and Administration
05/09/2011	1804	Comm report: To pass and re-referred to Finance

1.1 A bill for an act
 1.2 relating to natural resources; appropriating money from the outdoor heritage
 1.3 fund; modifying certain outdoor heritage provisions; amending Minnesota
 1.4 Statutes 2010, section 97A.056, subdivision 2, by adding a subdivision; Laws
 1.5 2009, chapter 172, article 1, section 2, subdivision 3.

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

1.7 Section 1. OUTDOOR HERITAGE APPROPRIATION.

1.8 The sums shown in the columns marked "Appropriations" are appropriated to the
 1.9 agencies and for the purposes specified in this act. The appropriations are from the
 1.10 outdoor heritage fund and are available for the fiscal years indicated for each purpose. The
 1.11 figures "2012" and "2013" used in this act mean that the appropriations listed under them
 1.12 are available for the fiscal year ending June 30, 2012, or June 30, 2013, respectively. "The
 1.13 first year" is fiscal year 2012. "The second year" is fiscal year 2013. "The biennium" is
 1.14 fiscal years 2012 and 2013. The appropriations in this act are onetime.

1.15	<u>APPROPRIATIONS</u>	
1.16	<u>Available for the Year</u>	
1.17	<u>Ending June 30</u>	
1.18	<u>2012</u>	<u>2013</u>

1.19 Sec. 2. OUTDOOR HERITAGE

1.20 <u>Subdivision 1. Total Appropriation</u>	<u>\$</u>	<u>86,471,000</u>	<u>\$</u>	<u>471,000</u>
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1.21 This appropriation is from the outdoor
 1.22 heritage fund. The amounts that may be
 1.23 spent for each purpose are specified in the
 1.24 following subdivisions.

2.1 Subd. 2. Prairies 32,671,000 -0-

2.2 **(a) Wildlife Management Area, Scientific**

2.3 **and Natural Areas, and Prairie Bank**

2.4 **Easement Acquisition - Phase III**

2.5 \$3,931,000 the first year is to the

2.6 commissioner of natural resources to:

2.7 (1) acquire land in fee for wildlife

2.8 management area purposes under Minnesota

2.9 Statutes, sections 86A.05, subdivision 8, and

2.10 97A.145;

2.11 (2) acquire land in fee for scientific and

2.12 natural area purposes under Minnesota

2.13 Statutes, sections 84.033 and 86A.05,

2.14 subdivision 5; and

2.15 (3) acquire native prairie bank easements

2.16 under Minnesota Statutes, section 84.96.

2.17 A list of proposed land or permanent

2.18 conservation easement acquisitions must

2.19 be provided as part of the required

2.20 accomplishment plan. The accomplishment

2.21 plan must include an easement monitoring

2.22 and enforcement plan. Money appropriated

2.23 from the outdoor heritage fund for easement

2.24 acquisition may be used to establish a

2.25 monitoring and enforcement fund as

2.26 approved in the accomplishment plan,

2.27 and subject to subdivision 15. An annual

2.28 financial report is required for any monitoring

2.29 and enforcement fund established, including

2.30 expenditures from the fund.

2.31 **(b) Accelerated Prairie Restoration and**

2.32 **Enhancement on DNR Lands - Phase III**

2.33 \$1,652,000 the first year is to the

2.34 commissioner of natural resources to

3.1 accelerate the restoration and enhancement
3.2 on wildlife management areas, scientific
3.3 and natural areas, and land under native
3.4 prairie bank easements. All restorations must
3.5 comply with subdivision 9, paragraph (b).

3.6 **(c) Minnesota Buffers for Wildlife and**
3.7 **Water**

3.8 \$2,249,000 the first year is to the Board of
3.9 Water and Soil Resources in cooperation
3.10 with Pheasants Forever to acquire permanent
3.11 conservation easements to enhance habitat
3.12 by expanding riparian wildlife buffers on
3.13 private land. A list of proposed easement
3.14 acquisitions must be provided as part of
3.15 the required accomplishment plan. The
3.16 accomplishment plan must include an
3.17 easement monitoring and enforcement
3.18 plan. Money appropriated from the outdoor
3.19 heritage fund for easement acquisition
3.20 may be used to establish a monitoring
3.21 and enforcement fund as approved in
3.22 the accomplishment plan and subject to
3.23 subdivision 15. An annual financial report is
3.24 required for any monitoring and enforcement
3.25 fund established, including expenditures
3.26 from the fund.

3.27 **(d) Northern Tallgrass Prairie National**
3.28 **Wildlife Refuge Land Acquisition - Phase**
3.29 **III**

3.30 \$1,720,000 the first year is to the
3.31 commissioner of natural resources for an
3.32 agreement with The Nature Conservancy
3.33 to acquire land or permanent easements
3.34 within the Northern Tallgrass Prairie Habitat
3.35 Preservation Area in western Minnesota for

4.1 addition to the Northern Tallgrass Prairie
4.2 National Wildlife Refuge. A list of proposed
4.3 land acquisitions must be provided as part
4.4 of the required accomplishment plan. The
4.5 accomplishment plan must include an
4.6 easement monitoring and enforcement plan.

4.7 **(e) Minnesota Prairie Recovery Project -**
4.8 **Phase II**

4.9 \$4,500,000 the first year is to the
4.10 commissioner of natural resources for an
4.11 agreement with The Nature Conservancy to
4.12 acquire native prairie and savanna and restore
4.13 and enhance grasslands and savanna. A list of
4.14 proposed land acquisitions must be provided
4.15 as part of the required accomplishment plan.
4.16 Acquisitions, restorations, and enhancements
4.17 must be within the two existing and two
4.18 additional pilot focus areas contained in
4.19 the accomplishment plan. Annual income
4.20 statements and balance sheets for income
4.21 and expenses from land acquired with
4.22 appropriations from the outdoor heritage
4.23 fund must be submitted to the Lessard-Sams
4.24 Outdoor Heritage Council. All restorations
4.25 must comply with subdivision 9, paragraph
4.26 (b).

4.27 **(f) Cannon River Headwaters Habitat**
4.28 **Complex - Phase I**

4.29 \$1,533,000 the first year is to the
4.30 commissioner of natural resources for an
4.31 agreement with The Trust for Public Land
4.32 to acquire and restore lands in the Cannon
4.33 River watershed for wildlife management
4.34 area purposes under Minnesota Statutes,
4.35 section 86A.05, subdivision 8, or aquatic

5.1 management areas under Minnesota Statutes,
5.2 sections 86A.05, subdivision 14, and
5.3 97C.02. A list of proposed land acquisitions
5.4 must be provided as part of the required
5.5 accomplishment plan. All restorations must
5.6 comply with subdivision 9, paragraph (b).

5.7 **(g) Accelerating the Wildlife Management**
5.8 **Area Program - Phase III**

5.9 \$5,500,000 the first year is to the
5.10 commissioner of natural resources for an
5.11 agreement with Pheasants Forever to acquire
5.12 prairie and other habitat areas for wildlife
5.13 management area purposes under Minnesota
5.14 Statutes, section 86A.05, subdivision
5.15 8. A list of proposed land acquisitions
5.16 must be provided as part of the required
5.17 accomplishment plan.

5.18 **(h) Accelerating the Waterfowl Production**
5.19 **Area Program - Phase III**

5.20 \$9,815,000 the first year is to the
5.21 commissioner of natural resources for
5.22 an agreement with Pheasants Forever to
5.23 accelerate the acquisition of wetlands and
5.24 grasslands to be added to the waterfowl
5.25 production area system in Minnesota in
5.26 cooperation with the United States Fish and
5.27 Wildlife Service. A list of proposed land
5.28 acquisitions must be provided as part of the
5.29 required accomplishment plan.

5.30 **(i) The Green Corridor Legacy Program -**
5.31 **Phase III**

5.32 \$1,771,000 the first year is to the
5.33 commissioner of natural resources for
5.34 an agreement with the Redwood Area
5.35 Development Corporation to acquire land

6.1 for wildlife management area purposes
6.2 under Minnesota Statutes, section 86A.05,
6.3 subdivision 8, or aquatic management areas
6.4 under Minnesota Statutes, sections 86A.05,
6.5 subdivision 14, and 97C.02. A list of
6.6 proposed land acquisitions must be provided
6.7 as part of the required accomplishment plan.

6.8 Subd. 3. Forests

14,371,000

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6.9 **(a) Minnesota Forests for the Future -**
6.10 **Phase III**

6.11 \$5,409,000 the first year is to the
6.12 commissioner of natural resources to
6.13 acquire forest and wetland habitat through
6.14 working forest easements and fee acquisition
6.15 under the Minnesota forests for the future
6.16 program pursuant to Minnesota Statutes,
6.17 section 84.66. A conservation easement
6.18 acquired with money appropriated under this
6.19 paragraph must comply with subdivision
6.20 13. A list of proposed land acquisitions
6.21 must be provided as part of the required
6.22 accomplishment plan. The accomplishment
6.23 plan must include an easement monitoring
6.24 and enforcement plan. Money appropriated
6.25 from the outdoor heritage fund for easement
6.26 acquisition may be used to establish a
6.27 monitoring and enforcement fund as
6.28 approved in the accomplishment plan
6.29 and subject to subdivision 15. An annual
6.30 financial report is required for any monitoring
6.31 and enforcement fund established, including
6.32 expenditures from the fund.

6.33 **(b) LaSalle Lake: Protecting Critical**
6.34 **Mississippi Headwaters Habitat**

7.1 \$4,632,000 the first year is to the
7.2 commissioner of natural resources for an
7.3 agreement with The Trust for Public Land
7.4 to acquire land adjacent to LaSalle Lake in
7.5 Hubbard County. A list of proposed land
7.6 acquisitions must be provided as part of
7.7 the required accomplishment plan. If the
7.8 acquisition is not completed by July 15,
7.9 2012, or if a balance remains after acquisition
7.10 of land, the money under this paragraph is
7.11 available for acquisition under subdivision
7.12 2, paragraph (a).

7.13 **(c) Accelerated Forest Habitat**

7.14 **Enhancement - Phase II**

7.15 \$826,000 the first year is to the commissioner
7.16 of natural resources to restore and enhance
7.17 lands in state forests, pursuant to Minnesota
7.18 Statutes, 89.021. All restorations must
7.19 comply with subdivision 9, paragraph (b).

7.20 **(d) Northeastern Minnesota Sharp-Tailed**

7.21 **Grouse Habitat Partnership - Phase II**

7.22 \$988,000 the first year is to the commissioner
7.23 of natural resources for an agreement with
7.24 Pheasants Forever in cooperation with the
7.25 Minnesota Sharp-Tailed Grouse Society
7.26 to acquire and enhance lands for wildlife
7.27 management area purposes under Minnesota
7.28 Statutes, section 86A.05, subdivision
7.29 8. A list of proposed land acquisitions
7.30 must be provided as part of the required
7.31 accomplishment plan.

7.32 **(e) Lower Mississippi River Habitat**

7.33 **Partnership - Phase II**

7.34 \$707,000 the first year is to the commissioner
7.35 of natural resources to acquire and enhance

8.1 habitat in the lower Root River and
8.2 lower Zumbro River watersheds, pursuant
8.3 to Minnesota Statutes, section 86A.05,
8.4 subdivisions 7 and 8. A list of proposed land
8.5 acquisitions must be provided as part of the
8.6 required accomplishment plan.

8.7 **(f) Protect Key Forest Habitat Lands in**
8.8 **Cass County - Phase II**

8.9 \$604,000 the first year is to the commissioner
8.10 of natural resources for an agreement with
8.11 Cass County to acquire land in fee for forest
8.12 wildlife habitat. A list of proposed land
8.13 acquisitions must be provided as part of the
8.14 required accomplishment plan.

8.15 **(g) State Forest Acquisition**

8.16 \$1,205,000 the first year is to the
8.17 commissioner of natural resources to acquire
8.18 land in fee and permanent management
8.19 access easements for state forests under
8.20 Minnesota Statutes, section 86A.05,
8.21 subdivision 7. A list of proposed land
8.22 acquisitions must be provided as part of the
8.23 required accomplishment plan.

8.24 Subd. 4. **Wetlands**

15,827,000

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8.25 **(a) Reinvest in Minnesota Wetlands**
8.26 **Reserve Acquisition and Restoration**
8.27 **Program Partnership - Phase III**

8.28 \$13,000,000 the first year is to the Board
8.29 of Water and Soil Resources to acquire
8.30 permanent conservation easements and
8.31 restore wetlands and associated upland
8.32 habitat in cooperation with the United States
8.33 Department of Agriculture Wetlands Reserve
8.34 Program. A list of proposed land acquisitions

9.1 must be provided as part of the required
9.2 accomplishment plan. All restorations must
9.3 comply with subdivision 9, paragraph (b).
9.4 The accomplishment plan must include
9.5 an easement monitoring and enforcement
9.6 plan. Money appropriated from the outdoor
9.7 heritage fund for easement acquisition
9.8 may be used to establish a monitoring
9.9 and enforcement fund as approved in
9.10 the accomplishment plan and subject to
9.11 subdivision 15. An annual financial report is
9.12 required for any monitoring and enforcement
9.13 fund established, including expenditures
9.14 from the fund and a description of monitoring
9.15 and enforcement activities.

9.16 **(b) Accelerated Shallow Lakes and**
9.17 **Wetlands Restoration and Enhancement -**
9.18 **Phase III**
9.19 \$936,000 the first year is to the commissioner
9.20 of natural resources to develop engineering
9.21 designs for shallow lakes and wetlands and
9.22 restore and enhance shallow lakes.

9.23 **(c) Shallow Lake Shoreland Protection:**
9.24 **Wild Rice Lakes**
9.25 \$1,891,000 the first year is to the
9.26 commissioner of natural resources for an
9.27 agreement with Ducks Unlimited and the
9.28 Board of Water and Soil Resources to
9.29 acquire wild rice lake shoreland habitat in
9.30 fee and as permanent conservation easements
9.31 as follows: \$500,000 to the Department
9.32 of Natural Resources; \$1,100,000 to the
9.33 Board of Water and Soil Resources; and
9.34 \$291,000 to Ducks Unlimited. A list of
9.35 proposed land acquisitions must be provided

10.1 as part of the required accomplishment plan.
10.2 The accomplishment plan must include
10.3 an easement monitoring and enforcement
10.4 plan. Money appropriated from the outdoor
10.5 heritage fund for easement acquisition
10.6 may be used to establish a monitoring
10.7 and enforcement fund as approved in
10.8 the accomplishment plan and subject to
10.9 subdivision 15. An annual financial report is
10.10 required for any monitoring and enforcement
10.11 fund established, including expenditures
10.12 from the fund.

10.13 Subd. 5. Habitat 22,914,000 -0-

10.14 **(a) Accelerated Aquatic Management**

10.15 **Area Habitat Program - Phase III**

10.16 \$6,500,000 the first year is to the
10.17 commissioner of natural resources to
10.18 acquire interests in land in fee or permanent
10.19 conservation easements for aquatic
10.20 management areas under Minnesota Statutes,
10.21 sections 86A.05, subdivision 14, and 97C.02,
10.22 to restore and enhance aquatic habitat. A
10.23 list of proposed acquisitions and stream and
10.24 lake habitat restorations and enhancements
10.25 must be provided as part of the required
10.26 accomplishment plan. The accomplishment
10.27 plan must include an easement monitoring
10.28 and enforcement plan. Money appropriated
10.29 from the outdoor heritage fund for easement
10.30 acquisition may be used to establish a
10.31 monitoring and enforcement fund as
10.32 approved in the accomplishment plan
10.33 and subject to subdivision 15. An annual
10.34 financial report is required for any monitoring

11.1 and enforcement fund established, including
11.2 expenditures from the fund.

11.3 **(b) Coldwater Fish Habitat Enhancement**
11.4 **Program - Phase III**

11.5 \$1,533,000 the first year is to the
11.6 commissioner of natural resources for an
11.7 agreement with Minnesota Trout Unlimited.

11.8 A list of proposed projects, describing
11.9 types and locations of restorations and
11.10 enhancements, must be provided as part of
11.11 the required accomplishment plan.

11.12 **(c) Land Addition to the Janet Johnson**
11.13 **Memorial Wildlife Management Area**

11.14 \$577,000 the first year is to the commissioner
11.15 of natural resources for an agreement with
11.16 Chisago County to acquire land in fee to
11.17 be added to the Janet Johnson Memorial
11.18 Wildlife Management Area under Minnesota
11.19 Statutes, section 86A.05, subdivision

11.20 8. A list of proposed land acquisitions
11.21 must be provided as part of the required
11.22 accomplishment plan.

11.23 **(d) Metro Big Rivers Habitat - Phase II**

11.24 \$5,000,000 the first year is to the
11.25 commissioner of natural resources for
11.26 agreements to acquire interests in land in
11.27 fee or permanent conservation easements
11.28 and to restore and enhance natural systems
11.29 associated with the Mississippi, Minnesota,
11.30 and St. Croix Rivers as follows: \$960,000
11.31 to the Minnesota Valley National Wildlife
11.32 Refuge Trust, Inc.; \$150,000 to Great
11.33 River Greening; \$840,000 to Minnesota
11.34 Land Trust; \$150,000 to Friends of the
11.35 Mississippi River; and \$2,900,000 to The

12.1 Trust for Public Land. A list of proposed
12.2 projects, describing types and locations of
12.3 acquisitions, restorations, and enhancements,
12.4 must be provided as part of the required
12.5 accomplishment plan. The accomplishment
12.6 plan must include an easement monitoring
12.7 and enforcement plan. All restorations
12.8 must comply with subdivision 9, paragraph
12.9 (b). Money appropriated from the outdoor
12.10 heritage fund for easement acquisition
12.11 may be used to establish a monitoring
12.12 and enforcement fund as approved in
12.13 the accomplishment plan and subject to
12.14 subdivision 15. An annual financial report is
12.15 required for any monitoring and enforcement
12.16 fund established, including expenditures
12.17 from the fund.

12.18 **(e) Protecting Sensitive Shorelands in**
12.19 **North Central Minnesota**

12.20 \$1,098,000 the first year is to the
12.21 commissioner of natural resources for
12.22 agreements with the Leech Lake Watershed
12.23 Foundation and the Minnesota Land Trust
12.24 as follows: \$339,000 to the Leech Lake
12.25 Watershed Foundation; \$741,000 to the
12.26 Minnesota Land Trust; and \$18,000 to the
12.27 Department of Natural Resources to pay for
12.28 acquisition-related expenses and monitoring
12.29 costs of donated permanent conservation
12.30 easements on sensitive shorelands in north
12.31 central Minnesota. A list of proposed land
12.32 acquisitions must be provided as part of
12.33 the required accomplishment plan. The
12.34 accomplishment plan must include an
12.35 easement monitoring and enforcement
12.36 plan. Money appropriated from the outdoor

13.1 heritage fund for easement acquisition
13.2 may be used to establish a monitoring
13.3 and enforcement fund as approved in
13.4 the accomplishment plan and subject to
13.5 subdivision 15. An annual financial report is
13.6 required for any monitoring and enforcement
13.7 fund established, including expenditures
13.8 from the fund.

13.9 **(f) Restoring Native Habitat and Water**

13.10 **Quality to Shell Rock River - Phase II**

13.11 \$2,577,000 the first year is to the
13.12 commissioner of natural resources for an
13.13 agreement with the Shell Lake Watershed
13.14 District to acquire land in fee at the
13.15 headwaters of the Shell Rock River for
13.16 aquatic management area purposes under
13.17 Minnesota Statutes, sections 86A.05,
13.18 subdivision 14, and 97C.02, to restore
13.19 and enhance aquatic habitat. The leases
13.20 for gravel mining existing at the time of
13.21 acquisition may not be extended and all gross
13.22 income generated from mining operations
13.23 must be transferred to the commissioner of
13.24 management and budget and credited to the
13.25 outdoor heritage fund. A list of proposed
13.26 land acquisitions must be provided as part of
13.27 the required accomplishment plan.

13.28 **(g) Outdoor Heritage Conservation**

13.29 **Partners Grant Program - Phase III**

13.30 \$5,629,000 the first year is to the
13.31 commissioner of natural resources for a
13.32 program to provide competitive, matching
13.33 grants of up to \$400,000 to local, regional,
13.34 state, and national organizations for
13.35 enhancement, restoration, or protection of

14.1 forests, wetlands, prairies, and habitat for
14.2 fish, game, or wildlife in Minnesota. Grants
14.3 shall not be made for activities required to
14.4 fulfill the duties of owners of lands subject
14.5 to conservation easements. Grants shall
14.6 not be made from appropriations in this
14.7 paragraph for projects that have a total
14.8 project cost exceeding \$475,000. \$319,000
14.9 of this appropriation may be spent for
14.10 personnel costs and other administrative
14.11 costs. Grantees may acquire land or interests
14.12 in land. Easements must be permanent.
14.13 Land acquired in fee must be open to
14.14 hunting and fishing during the open season
14.15 unless otherwise provided by state law. The
14.16 program shall require a match of at least ten
14.17 percent from nonstate sources for grants of
14.18 \$100,000 or less and a match of at least 15
14.19 percent from nonstate sources for grants over
14.20 \$100,000. Up to one-third of the match may
14.21 be in-kind resources. For grant applications
14.22 of \$25,000 or less, the commissioner shall
14.23 provide a separate, simplified application
14.24 process. The criteria for evaluating grant
14.25 applications over \$25,000 must include the
14.26 amount of habitat restored, enhanced, or
14.27 protected; local support; encouragement
14.28 of a local conservation culture; urgency;
14.29 capacity to achieve multiple benefits;
14.30 habitat benefits provided; consistency with
14.31 current conservation science; adjacency
14.32 to protected lands; full funding of the
14.33 project; supplementing existing funding;
14.34 public access for hunting and fishing during
14.35 the open season; sustainability; degree
14.36 of collaboration; and use of native plant

15.1 materials. All projects must conform to
15.2 the Minnesota statewide conservation and
15.3 preservation plan. Wildlife habitat projects
15.4 must also conform to the Minnesota wildlife
15.5 action plan. Subject to the evaluation
15.6 criteria and requirements of this paragraph
15.7 and Minnesota Statutes, the commissioner
15.8 of natural resources shall give priority to
15.9 organizations that have a history of receiving
15.10 or charter to receive private contributions
15.11 for local conservation or habitat projects
15.12 when evaluating projects of equal value. If
15.13 acquiring land or a conservation easement,
15.14 priority shall be given to projects associated
15.15 with existing wildlife management areas
15.16 under Minnesota Statutes, section 86A.05,
15.17 subdivision 8; scientific and natural areas
15.18 under Minnesota Statutes, sections 84.033
15.19 and 86A.05, subdivision 5; and aquatic
15.20 management areas under Minnesota Statutes,
15.21 sections 86A.05, subdivision 14, and 97C.02.
15.22 All restoration or enhancement projects
15.23 must be on land permanently protected by a
15.24 conservation easement or public ownership
15.25 or in public waters as defined in Minnesota
15.26 Statutes, section 103G.005, subdivision
15.27 15. Priority shall be given to restoration
15.28 and enhancement projects on public lands.
15.29 Subdivision 9 applies to grants awarded
15.30 under this paragraph. All restorations must
15.31 comply with subdivision 9, paragraph (b).
15.32 This appropriation is available until June
15.33 30, 2015. No less than five percent of the
15.34 amount of each grant must be held back from
15.35 reimbursement until the grant recipient has
15.36 completed a grant accomplishment report by

16.1 the deadline and in the form prescribed by
16.2 and satisfactory to the Lessard-Sams Outdoor
16.3 Heritage Council. The commissioner shall
16.4 provide notice of the grant program in the
16.5 2011 game and fish law summaries that are
16.6 prepared under Minnesota Statutes, section
16.7 97A.051, subdivision 2.

16.8 Subd. 6. Administration 688,000 471,000

16.9 **(a) Contract Management**

16.10 \$175,000 the first year is to the Legislative
16.11 Coordinating Commission to contract with
16.12 the commissioner of natural resources for
16.13 expenses incurred for contract fiscal services
16.14 for the agreements specified in this section.
16.15 The contract management services must be
16.16 done on a reimbursement basis.

16.17 **(b) Legislative Coordinating Commission**

16.18 \$471,000 the first year and \$471,000
16.19 the second year are to the Legislative
16.20 Coordinating Commission for two years of
16.21 administrative expenses of the Lessard-Sams
16.22 Outdoor Heritage Council and for two years
16.23 of compensation and expense reimbursement
16.24 of council members.

16.25 **(c) Technical Assistance Panel**

16.26 \$42,000 the first year is to the commissioner
16.27 of natural resources for a technical assistance
16.28 panel to conduct up to ten restoration audits
16.29 under Minnesota Statutes, section 97A.056,
16.30 subdivision 10.

16.31 **Subd. 7. Availability of Appropriation**

16.32 Money appropriated in this section may
16.33 not be spent on activities unless they are
16.34 directly related to and necessary for a

17.1 specific appropriation and are specified in the
17.2 accomplishment plan. Money appropriated
17.3 in this section must not be spent on indirect
17.4 costs or other institutional overhead charges.
17.5 Unless otherwise provided, the amounts
17.6 in this section are available until June 30,
17.7 2014, when projects must be completed and
17.8 final accomplishments reported. Funds for
17.9 restoration or enhancement are available
17.10 until June 30, 2016, or four years after
17.11 acquisition, whichever is later, in order to
17.12 complete restoration or enhancement work.
17.13 If a project receives federal funds, the time
17.14 period of the appropriation is extended to
17.15 equal the availability of federal funding.
17.16 Funds appropriated for fee title acquisition
17.17 of land may be used to restore, enhance, and
17.18 provide for the public use of land acquired
17.19 with the appropriation. Public use facilities
17.20 must have a minimal impact on habitat on
17.21 acquired lands.

17.22 Subd. 8. **Accomplishment Plans**

17.23 It is a condition of acceptance of the
17.24 appropriations made under this section that
17.25 the agency or entity using the appropriation
17.26 submit to the Lessard-Sams Outdoor
17.27 Heritage Council an accomplishment plan
17.28 and periodic accomplishment reports in
17.29 the form determined by the council. The
17.30 accomplishment plan must identify the
17.31 project manager responsible for expending
17.32 the appropriation and the final product. The
17.33 accomplishment plan must account for the
17.34 use of the appropriation and outcomes of
17.35 the expenditure in measures of wetlands,
17.36 prairies, forests, and fish, game, and wildlife

18.1 habitat restored, protected, and enhanced.
18.2 The plan must include an evaluation of
18.3 results. None of the money provided in this
18.4 section may be expended unless the council
18.5 has approved the pertinent accomplishment
18.6 plan.

18.7 **Subd. 9. Project Requirements**

18.8 (a) As a condition of accepting an
18.9 appropriation made under this section, an
18.10 agency or entity receiving an appropriation
18.11 must comply with this subdivision for any
18.12 project funded in whole or in part with funds
18.13 from the appropriation.

18.14 (b) To the extent possible, a person
18.15 conducting restoration with money
18.16 appropriated under this section must plant
18.17 vegetation or sow seed only of ecotypes
18.18 native to Minnesota, and preferably of the
18.19 local ecotype, using a high diversity of
18.20 species originating from as close to the
18.21 restoration site as possible and must protect
18.22 existing native prairies, grasslands, forests,
18.23 wetlands, and other aquatic systems from
18.24 genetic contamination.

18.25 (c) All conservation easements acquired with
18.26 money appropriated under this section must:
18.27 (1) be permanent; (2) specify the parties to
18.28 the easement; (3) specify all of the provisions
18.29 of an agreement that are permanent; (4)
18.30 specify the habitat types and location
18.31 being protected; (5) where appropriate for
18.32 conservation or water protection outcomes,
18.33 require the grantor to employ practices
18.34 retaining water on the eased land as long as
18.35 practicable; (6) specify the responsibilities

19.1 of the parties for habitat enhancement and
19.2 restoration and the associated costs of these
19.3 activities; (7) be sent to the office of the
19.4 Lessard-Sams Outdoor Heritage Council; (8)
19.5 include a long-term stewardship plan and
19.6 identify the sources and amount of funding
19.7 for monitoring and enforcing the easement
19.8 agreement; and (9) identify the parties
19.9 responsible for monitoring and enforcing the
19.10 easement agreement.

19.11 (d) For all restorations, a recipient must
19.12 prepare and retain an ecological restoration
19.13 and management plan that, to the degree
19.14 practicable, is consistent with current
19.15 conservation science and ecological goals
19.16 for the restoration site. Consideration should
19.17 be given to soil, geology, topography, and
19.18 other relevant factors that would provide
19.19 the best chance for long-term success and
19.20 durability of the restoration projects. The
19.21 plan must include the proposed timetable for
19.22 implementing the restoration, including, but
19.23 not limited to, site preparation, establishment
19.24 of diverse plant species, maintenance, and
19.25 additional enhancement to establish the
19.26 restoration; identify long-term maintenance
19.27 and management needs of the restoration
19.28 and how the maintenance, management,
19.29 and enhancement will be financed; and use
19.30 current conservation science to achieve the
19.31 best restoration.

19.32 (e) For new lands acquired, a recipient
19.33 must prepare a restoration and management
19.34 plan in compliance with paragraph (d),
19.35 including identification of sufficient funding
19.36 for implementation.

20.1 (f) To ensure public accountability for the
20.2 use of public funds, a recipient must provide
20.3 to the Lessard-Sams Outdoor Heritage
20.4 Council documentation of the process
20.5 used to select parcels acquired in fee or as
20.6 permanent conservation easements and must
20.7 provide the council with documentation
20.8 of all related transaction costs, including,
20.9 but not limited to, appraisals, legal fees,
20.10 recording fees, commissions, other similar
20.11 costs, and donations. This information
20.12 must be provided for all parties involved
20.13 in the transaction. The recipient must
20.14 also report to the Lessard-Sams Outdoor
20.15 Heritage Council any difference between the
20.16 acquisition amount paid to the seller and the
20.17 state-certified or state-reviewed appraisal, if
20.18 a state-certified or state-reviewed appraisal
20.19 was conducted. Acquisition data such
20.20 as appraisals may remain private during
20.21 negotiations but must ultimately be made
20.22 public according to Minnesota Statutes,
20.23 chapter 13.

20.24 (g) Except as otherwise provided in this
20.25 section, all restoration and enhancement
20.26 projects funded with money appropriated
20.27 under this section must be on land
20.28 permanently protected by a conservation
20.29 easement or public ownership or in public
20.30 waters as defined in Minnesota Statutes,
20.31 section 103G.005, subdivision 15.

20.32 (h) To the extent an appropriation is used to
20.33 acquire an interest in real property, a recipient
20.34 of an appropriation under this section must
20.35 provide to the Lessard-Sams Outdoor
20.36 Heritage Council and the commissioner

21.1 of management and budget an analysis of
21.2 increased operations and maintenance costs
21.3 likely to be incurred by public entities as
21.4 a result of the acquisition and of how these
21.5 costs are to be paid.

21.6 (i) A recipient of money from an
21.7 appropriation under this section must give
21.8 consideration to and make timely written
21.9 contact with Conservation Corps Minnesota
21.10 for possible use of the corps' services to
21.11 contract for restoration and enhancement
21.12 services. A copy of the written contact
21.13 must be filed with the Lessard-Sams
21.14 Outdoor Heritage Council within 15 days of
21.15 execution.

21.16 (j) A recipient of money under this section
21.17 must erect signage according to Laws 2009,
21.18 chapter 172, article 5, section 10.

21.19 **Subd. 10. Payment Conditions and Capital**
21.20 **Equipment Expenditures**

21.21 All agreements, grants, or contracts referred
21.22 to in this section must be administered on
21.23 a reimbursement basis unless otherwise
21.24 provided in this section. Notwithstanding
21.25 Minnesota Statutes, section 16A.41,
21.26 expenditures directly related to each
21.27 appropriation's purpose made on or after July
21.28 1, 2011, are eligible for reimbursement unless
21.29 otherwise provided in this section. Periodic
21.30 reimbursement must be made upon receiving
21.31 documentation that the deliverable items
21.32 articulated in the approved accomplishment
21.33 plan have been achieved, including partial
21.34 achievements as evidenced by approved
21.35 progress reports. Reasonable amounts may
21.36 be advanced to projects to accommodate

22.1 cash flow needs, support future management
22.2 of acquired lands, or match a federal share.
22.3 The advances must be approved as part of
22.4 the accomplishment plan. Capital equipment
22.5 expenditures for specific items in excess of
22.6 \$10,000 must be itemized in and approved as
22.7 part of the accomplishment plan.

22.8 **Subd. 11. Purchase of Recycled and Recyclable**
22.9 **Materials**

22.10 A political subdivision, public or private
22.11 corporation, or other entity that receives an
22.12 appropriation under this section must use the
22.13 appropriation in compliance with Minnesota
22.14 Statutes, sections 16B.121, regarding
22.15 purchase of recycled, repairable, and durable
22.16 materials, and 16B.122, regarding purchase
22.17 and use of paper stock and printing.

22.18 **Subd. 12. Accessibility**

22.19 Structural and nonstructural facilities must
22.20 meet the design standards in the Americans
22.21 with Disabilities Act (ADA) accessibility
22.22 guidelines.

22.23 **Subd. 13. Land Acquisition Restrictions**

22.24 (a) An interest in real property, including, but
22.25 not limited to, an easement or fee title that
22.26 is acquired with money appropriated under
22.27 this section must be used in perpetuity or for
22.28 the specific term of an easement interest for
22.29 the purpose for which the appropriation was
22.30 made.

22.31 (b) A recipient of funding who acquires
22.32 an interest in real property subject to this
22.33 subdivision may not alter the intended use
22.34 of the interest in real property or convey
22.35 any interest in the real property acquired

23.1 with the appropriation without the prior
23.2 review and approval of the Lessard-Sams
23.3 Outdoor Heritage Council or its successor.
23.4 The council shall notify the chairs and
23.5 ranking minority members of the legislative
23.6 committees and divisions with jurisdiction
23.7 over the outdoor heritage fund at least 15
23.8 business days before approval under this
23.9 paragraph. The council shall establish
23.10 procedures to review requests from recipients
23.11 to alter the use of or convey an interest in
23.12 real property. These procedures shall allow
23.13 for the replacement of the interest in real
23.14 property with another interest in real property
23.15 meeting the following criteria: (1) the
23.16 interest must be at least equal in fair market
23.17 value, as certified by the commissioner
23.18 of natural resources, to the interest being
23.19 replaced; and (2) the interest must be in a
23.20 reasonably equivalent location and have a
23.21 reasonably equivalent useful conservation
23.22 purpose compared to the interest being
23.23 replaced, taking into consideration all effects
23.24 from fragmentation of the whole habitat.
23.25 (c) A recipient of funding who acquires an
23.26 interest in real property under paragraph
23.27 (a) must separately record a notice of
23.28 funding restrictions in the appropriate local
23.29 government office where the conveyance
23.30 of the interest in real property is filed. The
23.31 notice of funding agreement must contain:
23.32 (1) a legal description of the interest in real
23.33 property covered by the funding agreement;
23.34 (2) a reference to the underlying funding
23.35 agreement; (3) a reference to this section; and
23.36 (4) the following statement: "This interest

24.1 in real property shall be administered in
24.2 accordance with the terms, conditions, and
24.3 purposes of the grant agreement controlling
24.4 the acquisition of the property. The interest
24.5 in real property, or any portion of the interest
24.6 in real property, shall not be sold, transferred,
24.7 pledged, or otherwise disposed of or further
24.8 encumbered without obtaining the prior
24.9 written approval of the Lessard-Sams
24.10 Outdoor Heritage Council or its successor.
24.11 The ownership of the interest in real property
24.12 shall transfer to the state if: (1) the holder of
24.13 the interest in real property fails to comply
24.14 with the terms and conditions of the grant
24.15 agreement or accomplishment plan; or
24.16 (2) restrictions are placed on the land that
24.17 preclude its use for the intended purpose as
24.18 specified in the appropriation."

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

24.20 By December 1 each year, a recipient of
24.21 money appropriated under this section that
24.22 is used for the acquisition of an interest in
24.23 real property, including, but not limited to,
24.24 an easement or fee title, must submit annual
24.25 reports on the status of the real property to
24.26 the Lessard-Sams Outdoor Heritage Council
24.27 or its successor in a form determined by the
24.28 council. The responsibility for reporting
24.29 under this section may be transferred by
24.30 the recipient of the appropriation to another
24.31 person or entity that holds the interest in the
24.32 real property. To complete the transfer of
24.33 reporting responsibility, the recipient of the
24.34 appropriation must: (1) inform the person to
24.35 whom the responsibility is transferred of that
24.36 person's reporting responsibility; (2) inform

25.1 the person to whom the responsibility is
25.2 transferred of the property restrictions under
25.3 subdivision 13; (3) provide written notice
25.4 to the council of the transfer of reporting
25.5 responsibility, including contact information
25.6 for the person to whom the responsibility is
25.7 transferred; and (4) provide the council or
25.8 its successor written documentation from the
25.9 person or entity holding the interest in real
25.10 property certifying the person's or entity's
25.11 acceptance of all reporting obligations
25.12 and responsibilities previously held by the
25.13 recipient of the appropriation. After the
25.14 transfer, the person or entity that holds the
25.15 interest in the real property is responsible for
25.16 reporting requirements under this section.

25.17 **Subd. 15. Easement Monitoring and**
25.18 **Enforcement Requirements**

25.19 Money appropriated under this section
25.20 for easement monitoring and enforcement
25.21 may be spent only on activities included in
25.22 an easement monitoring and enforcement
25.23 plan contained within the accomplishment
25.24 plan. Money received for monitoring
25.25 and enforcement, including earnings on
25.26 the money received, shall be kept in a
25.27 monitoring and enforcement fund held by
25.28 the organization and dedicated to monitoring
25.29 and enforcing conservation easements within
25.30 Minnesota. Within 120 days after the close
25.31 of the entity's fiscal year, an entity receiving
25.32 appropriations for easement monitoring
25.33 and enforcement must provide an annual
25.34 financial report to the Lessard-Sams Outdoor
25.35 Heritage Council on the easement monitoring
25.36 and enforcement fund as specified in the

26.1 accomplishment plan. Money appropriated
26.2 under this section for monitoring and
26.3 enforcement of easements and earnings on
26.4 the money appropriated shall revert to the
26.5 state if: (1) the easement transfers to the
26.6 state under subdivision 13; (2) the holder of
26.7 the easement fails to file an annual report
26.8 and then fails to cure that default within 30
26.9 days of notification of the default by the
26.10 state; or (3) the holder of the easement fails
26.11 to comply with the terms of the monitoring
26.12 and enforcement plan contained within the
26.13 accomplishment plan and fails to cure that
26.14 default within 90 days of notification of the
26.15 default by the state.

26.16 Subd. 16. **Successor Organizations**

26.17 The Lessard-Sams Outdoor Heritage Council
26.18 may approve the continuation of a project
26.19 with an organization that has adopted
26.20 a new name. Continuation of a project
26.21 with an organization that has undergone
26.22 a significant change in mission, structure,
26.23 or purpose requires: (1) notice to the
26.24 chairs of the legislative committees with
26.25 relevant jurisdiction; and (2) presentation
26.26 by the council of proposed legislation either
26.27 ratifying or rejecting continued involvement
26.28 with the new organization.

26.29 Sec. 3. Minnesota Statutes 2010, section 97A.056, is amended by adding a subdivision
26.30 to read:

26.31 Subd. 1a. **Definitions.** For the purpose of appropriations from the outdoor heritage
26.32 fund, "recipient" means the entity responsible for deliverables financed by the outdoor
26.33 heritage fund.

26.34 **EFFECTIVE DATE.** This section is effective retroactively from July 1, 2009.

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27.1 Sec. 4. Minnesota Statutes 2010, section 97A.056, subdivision 2, is amended to read:

27.2 Subd. 2. **Lessard-Sams Outdoor Heritage Council.** (a) The Lessard-Sams
27.3 Outdoor Heritage Council of 12 members is created in the legislative branch, consisting of:

27.4 (1) two public members appointed by the senate Subcommittee on Committees of
27.5 the Committee on Rules and Administration;

27.6 (2) two public members appointed by the speaker of the house;

27.7 (3) four public members appointed by the governor;

27.8 (4) two members of the senate appointed by the senate Subcommittee on Committees
27.9 of the Committee on Rules and Administration; and

27.10 (5) two members of the house of representatives appointed by the speaker of the
27.11 house.

27.12 (b) Members appointed under paragraph (a) must not be registered lobbyists.

27.13 In making appointments, the governor, senate Subcommittee on Committees of the
27.14 Committee on Rules and Administration, and the speaker of the house shall consider
27.15 geographic balance, gender, age, ethnicity, and varying interests including hunting and
27.16 fishing. The governor's appointments to the council are subject to the advice and consent
27.17 of the senate.

27.18 (c) Public members appointed under paragraph (a) shall have practical experience
27.19 or expertise or demonstrated knowledge in the science, policy, or practice of restoring,
27.20 protecting, and enhancing wetlands, prairies, forests, and habitat for fish, game, and
27.21 wildlife.

27.22 (d) Legislative members appointed under paragraph (a) shall include the chairs
27.23 of the legislative committees with jurisdiction over environment and natural resources
27.24 finance or their designee, one member from the minority party of the senate, and one
27.25 member from the minority party of the house of representatives.

27.26 (e) Public members serve four-year terms and. Appointed legislative members serve
27.27 at the pleasure of the appointing authority. Public and legislative members continue to
27.28 serve until their successors are appointed. Public members shall be initially appointed
27.29 according to the following schedule of terms:

27.30 (1) two public members appointed by the governor for a term ending the first
27.31 Monday in January 2011;

27.32 (2) one public member appointed by the senate Subcommittee on Committees of the
27.33 Committee on Rules and Administration for a term ending the first Monday in January
27.34 2011;

27.35 (3) one public member appointed by the speaker of the house for a term ending
27.36 the first Monday in January 2011;

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28.1 (4) two public members appointed by the governor for a term ending the first
28.2 Monday in January 2013;

28.3 (5) one public member appointed by the senate Subcommittee on Committees of the
28.4 Committee on Rules and Administration for a term ending the first Monday in January
28.5 2013; and

28.6 (6) one public member appointed by the speaker of the house for a term ending the
28.7 first Monday in January 2013; and.

28.8 ~~(7) two members of the senate appointed by the senate Subcommittee on Committees~~
28.9 ~~of the Committee on Rules and Administration for a term ending the first Monday in~~
28.10 ~~January 2013, and two members of the house of representatives appointed by the speaker~~
28.11 ~~of the house for a term ending the first Monday in January 2013.~~

28.12 (f) Compensation and removal of public members are as provided in section
28.13 15.0575. A vacancy on the council may be filled by the appointing authority for the
28.14 remainder of the unexpired term.

28.15 (g) The first meeting of the council shall be convened by the chair of the Legislative
28.16 Coordinating Commission no later than December 1, 2008. Members shall elect a chair,
28.17 vice-chair, secretary, and other officers as determined by the council. The chair may
28.18 convene meetings as necessary to conduct the duties prescribed by this section.

28.19 (h) Upon coordination with and approval by the Legislative Coordinating
28.20 Commission, the council may appoint nonpartisan staff and contract with consultants
28.21 as necessary to carry out the functions of the council. Up to one percent of the money
28.22 appropriated from the fund may be used to pay for administrative expenses of the council
28.23 and for compensation and expense reimbursement of council members.

28.24 Sec. 5. Laws 2009, chapter 172, article 1, section 2, subdivision 3, is amended to read:

28.25 Subd. 3. **Forests** 18,000,000 18,000,000

28.26 \$18,000,000 in fiscal year 2010 and
28.27 \$18,000,000 in fiscal year 2011 are to the
28.28 commissioner of natural resources to acquire
28.29 land or permanent working forest easements
28.30 on private forests in areas identified through
28.31 the Minnesota forests for the future program
28.32 under Minnesota Statutes, section 84.66.

28.33 Up to \$750,000 in fiscal year 2011 may
28.34 be deposited in an account and used for
28.35 long-term monitoring and enforcement of

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29.1 the easements acquired. Money and interest
29.2 earned shall be kept in a separate fund and
29.3 dedicated to monitoring and enforcement
29.4 of permanent working forest easements
29.5 acquired with appropriations from the
29.6 outdoor heritage fund. Priority must be
29.7 given to acquiring land or interests in private
29.8 lands within existing Minnesota state forest
29.9 boundaries. Any easements acquired must
29.10 have a forest management plan as defined
29.11 in Minnesota Statutes, section 290C.02,
29.12 subdivision 7. A list of proposed fee title
29.13 and easement acquisitions must be provided
29.14 as part of the required accomplishment
29.15 plan. ~~The fiscal year 2011 appropriation~~
29.16 ~~is available only for acquisitions that, by~~
29.17 ~~August 15, 2009, are:~~
29.18 ~~(1) subject to a binding agreement with the~~
29.19 ~~commissioner; and~~
29.20 ~~(2) matched by at least \$9,000,000 in private~~
29.21 ~~donations.~~