

CHAPTER 30—H.F.No. 293

An act relating to state government; appropriating money for environment and natural resources; modifying meeting requirements of the Legislative-Citizen Commission on Minnesota Resources; amending Minnesota Statutes 2006, section 116P.08, subdivision 5.

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

Section 1. MINNESOTA RESOURCES APPROPRIATION.

The sums shown in the columns marked "Appropriations" are appropriated to the agencies and for the purposes specified in this act. The appropriations are from the general fund, or another named fund, and are available for the fiscal years indicated for each purpose. The figures "2008" and "2009" used in this article mean that the appropriations listed under them are available for the fiscal year ending June 30, 2008, or June 30, 2009, respectively. "The first year" is fiscal year 2008. "The second year" is fiscal year 2009. "The biennium" is fiscal years 2008 and 2009. Appropriations for the fiscal year ending June 30, 2007, are effective the day following final enactment.

APPROPRIATIONS
Available for the Year
Ending June 30
2008 2009

Sec. 2. MINNESOTA RESOURCES

Subdivision 1. Total Appropriation \$ 23,366,000 \$ -0-

Appropriations by Fund
2008 2009

Table with 3 columns: Fund Name, 2008, 2009. Rows include Environment and Natural Resources Trust (22,866,000) and State Land and Water Conservation Account (LAWCON) (500,000).

Appropriations are available for either year of the biennium. Any unencumbered balance

remaining in the first year does not cancel and is available for the second year of the biennium.

Subd. 2. Definitions

(a) "Trust fund" means the Minnesota environment and natural resources trust fund referred to in Minnesota Statutes, section 116P.02, subdivision 6.

(b) "State land and water conservation account (LAWCON)" means the state land and water conservation account in the natural resources fund referred to in Minnesota Statutes, section 116P.14.

Subd. 3. LCCMR and Contract Administration

1,318,000

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(a) Legislative-Citizen Commission on Minnesota Resources (LCCMR)

\$1,278,000 is from the trust fund for fiscal years 2008 and 2009 and is for administration as provided in Minnesota Statutes, section 116P.09, subdivision 5.

Notwithstanding Minnesota Statutes, section 16A.281, the availability of up to \$50,000 of the appropriation from Laws 2006, chapter 243, section 19, is extended to June 30, 2008, for communications outreach.

(b) Contract Administration

\$40,000 is from the trust fund to the commissioner of natural resources to complete contract management for duties assigned in Laws 2005, First Special Session chapter 1, article 2, section 11, subdivision 3, paragraph (b), and additional duties as assigned in this section.

Subd. 4. Land

14,835,000

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Appropriations by Fund

Environment and
Natural Resources

Trust 14,335,000 -0-

LAWCON 500,000 -0-

(a) Forest Legacy Conservation Easements

\$2,000,000 is from the trust fund to the commissioner of natural resources to acquire permanent working forest conservation easements on private forests in northern Minnesota, the Mississippi blufflands, and other areas identified through the state forest legacy program. Priority must be given to acquiring easements on private lands within existing Minnesota state forest boundaries. Any easements acquired must have a sustainable forestry practice management plan. Land subject to easements acquired under this appropriation is not eligible for payment under Minnesota Statutes, section 290C.07. The commissioner must report to the Legislative-Citizen Commission on Minnesota Resources with proposed minimum standards for forest conservation easements by June 1, 2007. The commission shall consider the proposed standards as part of the work program approval by June 30, 2007. No funds shall be expended until the commission has reviewed and approved minimum standards for forest conservation easements funded by the trust fund.

(b) Minnesota Habitat Corridors Partnership - Phase IV

\$4,200,000 is from the trust fund to the commissioner of natural resources for acceleration of agency programs and cooperative agreements with Pheasants Forever; Minnesota Deer Hunters Association; Ducks Unlimited, Inc.; National Wild Turkey Federation; The Nature Conservancy; Minnesota Land Trust; The Trust for Public Land; Minnesota Valley National Wildlife Refuge Trust, Inc.; United States Fish and Wildlife Service; Red Lake Band of Chippewa; Leech Lake Band of Chippewa; Fond du Lac Band of Chippewa; USDA-Natural Resources Conservation Service; and the Board of Water and Soil Resources to plan, restore, and acquire fragmented landscape corridors that connect areas of quality habitat to sustain fish, wildlife, and plants. Expenditures are limited

to the project corridor areas as defined in the work program. Land acquired with this appropriation must be sufficiently improved to meet at least minimum habitat and facility management standards as determined by the commissioner. This appropriation may not be used for the purchase of residential structures, unless expressly approved in the work program. All conservation easements must be perpetual and have a natural resource management plan. Any land acquired in fee title by the commissioner with money from this appropriation must be designated:

(1) as an outdoor recreation unit under Minnesota Statutes, section 86A.07; or

(2) as provided in Minnesota Statutes, sections 89.018, subdivision 2, paragraph (a); 97A.101; 97A.125; 97C.001; and 97C.011. The commissioner may similarly designate any lands acquired in less than fee title.

(c) Metro Conservation Corridors - Phase III

\$2,500,000 is from the trust fund to the commissioner of natural resources for acceleration of agency programs and cooperative agreements with The Trust for Public Land; Friends of the Mississippi River; Great River Greening; Minnesota Land Trust; Minnesota Valley National Wildlife Refuge Trust, Inc.; Trout Unlimited; and Friends of the Minnesota Valley for the purposes of planning, restoring, and protecting important natural areas in the metropolitan region, as defined by Minnesota Statutes, section 473.121, subdivision 2, and portions of the surrounding counties, through grants, contracted services, conservation easements, and fee acquisition. Land acquired with this appropriation must be sufficiently improved to meet at least minimum management standards as determined by the commissioner. Expenditures are limited to the identified project corridor areas as defined in the work program. This appropriation may not be used for the purchase of residential structures, unless expressly approved in the work program. All conservation easements must

be perpetual and have a natural resource management plan. Any land acquired in fee title by the commissioner of natural resources with money from this appropriation must be designated:

(1) as an outdoor recreation unit under Minnesota Statutes, section 86A.07; or

(2) as provided in Minnesota Statutes, sections 89.018, subdivision 2, paragraph (a); 97A.101; 97A.125; 97C.001; and 97C.011. The commissioner may similarly designate any lands acquired in less than fee title.

(d) Prairie Stewardship Assistance for Private Landowners

\$220,000 is from the trust fund to the commissioner of natural resources to develop stewardship plans and implement prairie management on private prairie lands on a cost-share basis with private or federal funds.

(e) State Park and Trail Land Acquisition

\$1,500,000 is from the trust fund to the commissioner of natural resources to acquire land for state trails and in-holdings for state parks. Land acquired with this appropriation must be sufficiently improved to meet at least minimum management standards as determined by the commissioner.

(f) Metropolitan Regional Park System Land Acquisition

\$2,500,000 is from the trust fund to the Metropolitan Council for subgrants for the acquisition of lands within the approved park unit boundaries of the metropolitan regional park system. This appropriation may not be used for the purchase of residential structures. Subdivision 12 applies to grants awarded in the approved work program. This appropriation must be matched by at least 40 percent of nonstate money and must be committed by December 31, 2007, or the appropriation cancels. This appropriation is available until June 30, 2010, at which time the project must be completed and final

products delivered, unless an earlier date is specified in the work program.

(g) Nonmetropolitan Regional Parks and Natural and Scenic Area Acquisitions

\$1,000,000 is from the trust fund to the commissioner of natural resources to provide matching grants to local governments for acquisition of natural and scenic areas, as provided in Minnesota Statutes, section 85.019, subdivision 4a, and regional parks outside of the metropolitan area, as defined in Minnesota Statutes, section 473.121, subdivision 2. The local match required for a grant to acquire a regional park or regional outdoor recreation area is \$2 of nonstate money for each \$3 of state money. For the purposes of this paragraph, the match may be either cash or a qualifying land donation. Recipients may receive funding for more than one project in any given grant period. Subdivision 12 applies to grants awarded in the approved work program.

(h) LAWCON Federal Reimbursements

\$500,000 is from the state land and water conservation account (LAWCON) in the natural resources fund to the commissioner of natural resources for priorities established by the commissioner for eligible state projects and administrative and planning activities consistent with Minnesota Statutes, section 116P.14, and the federal Land and Water Conservation Fund Act. Subdivision 12 applies to grants awarded in the approved work program. This appropriation is contingent upon receipt of the federal obligation and remains available until June 30, 2010, at which time the project must be completed and final products delivered, unless an earlier date is specified in the work program.

(i) Biological Control of European Buckthorn and Garlic Mustard

\$300,000 is from the trust fund to the commissioner of natural resources to

research potential insects for biological control of invasive European buckthorn species for the third biennium and to introduce and evaluate insects for biological control of garlic mustard for the second biennium. This appropriation is available until June 30, 2010, at which time the project must be completed and final products delivered, unless an earlier date is specified in the work program.

(j) Neutralization of Reed Canary Grass Root Exudates

\$115,000 is from the trust fund to Minnesota State University, Mankato, to assess plant-soil feedback contribution to the invasiveness of reed canary grass through identification and neutralization of inhibitory root exudates.

Subd. 5. **Water Resources**

5,051,000

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(a) Local Water Management Matching Challenge Grants

\$350,000 is from the trust fund to the Board of Water and Soil Resources to accelerate the local water management challenge grant program under Minnesota Statutes, sections 103B.3361 to 103B.3369, through matching grants to implement high priority activities in state-approved comprehensive water management plans. For the purposes of this paragraph, the match must be a nonstate contribution and may be either cash or qualifying in-kind. The grants may be provided on an advance basis as specified in the work program. This appropriation is available until June 30, 2010, at which time the project must be completed and final products delivered, unless an earlier date is specified in the work program.

(b) Protection of Rare and Unique Rock Outcrop Wetlands

\$563,000 is from the trust fund to the Board of Water and Soil Resources in cooperation with Renville and Redwood Soil and

Water Conservation Districts for perpetual easements of unique wetland and riparian habitats associated with rock outcrops in the Minnesota River Valley.

(c) Land Retirement Effects on Minnesota River Basin Streams

\$275,000 is from the trust fund for the second biennium to the Board of Water and Soil Resources for a cooperative agreement with the United States Geological Survey to define the relation between land retirement and water quality and biological integrity in Minnesota River subbasins and to determine if nutrient transport reductions improve habitat and biodiversity in order to enhance prioritization of future land retirements. This appropriation must be matched by an equal amount of nonstate money and must be committed by December 31, 2007, or the appropriation cancels.

(d) Demonstrating Benefits of Conservation Grasslands on Water Quality

\$374,000 is from the trust fund to the Science Museum of Minnesota to assess the long-term benefits of conservation grasslands in reducing sediment and nutrient loads through quantitative lake sediment analysis in small watersheds with different grassland acreages. This appropriation is available until June 30, 2010, at which time the project must be completed and final products delivered, unless an earlier date is specified in the work program.

(e) Improved River Quality Monitoring Using Airborne Remote Sensing

\$159,000 is from the trust fund to Minnesota State University, Mankato, to monitor river water quality and riparian habitat through airborne dynamic hyperspectral remote sensing on the Blue Earth River.

(f) Evaluating Riparian Timber Harvesting Guidelines - Phase III

\$400,000 is from the trust fund to the University of Minnesota to assess the timber harvesting riparian management guidelines for postharvest impacts on terrestrial, aquatic, and wildlife habitats.

(g) Innovative Springshed Mapping for Trout Stream Management

\$270,000 is from the trust fund to the University of Minnesota to identify and delineate supply areas and springsheds, for springs serving as coldwater sources for modern and historic trout streams, and to assess the impacts from development and groundwater appropriations.

(h) Intra-lake Zoning to Protect Sensitive Lakeshore Areas

\$110,000 is from the trust fund to the commissioner of natural resources in cooperation with Cass County to identify sensitive shorelines of the highest priority lakes to protect water quality and near-shore habitat through improved shoreland zoning by Cass County.

(i) Water Resource Sustainability

\$292,000 is from the trust fund to the University of Minnesota to quantify sustainable supplies of surface and groundwater by integrating surface water, vadose zone, and groundwater systems into defined hydrologic units.

(j) County Geologic Atlas Program Acceleration

\$400,000 is from the trust fund to the University of Minnesota, Minnesota Geologic Survey, to accelerate the production of county geologic atlases that describe location, size, boundaries, and vulnerability of aquifers to enhance the protection and use of groundwater.

(k) Minnesota's Water Resources: Impacts of Climate Change - Phase II

\$300,000 is from the trust fund for the second biennium to the University of Minnesota, Natural Resources Research Institute, to quantify climate, hydrologic, and ecological variability and trends, along with economic impacts of environmental fluctuation on water resources, and to identify indicators of future climate change effects on aquatic systems. This appropriation is available until June 30, 2010, at which time the project must be completed and final products delivered, unless an earlier date is specified in the work program.

(l) Pharmaceutical and Microbiological Pollution

\$302,000 is from the trust fund to the University of Minnesota to develop technologies that eliminate antibiotic-resistant bacteria, hormones, and other pharmaceutical compounds from Minnesota's surface waters.

(m) Threat of Emerging Contaminants to Upper Mississippi Walleye

\$97,000 is from the trust fund to St. Cloud State University to assess whether the genetic diversity of walleye in the Upper Mississippi is negatively impacted by emerging contaminants at pollution hotspots where feminized male fish have been identified.

(n) Cedar Creek Groundwater Project using Prairie Biofuel Buffers

\$659,000 is from the trust fund to the University of Minnesota, Cedar Creek Natural History Area, to provide quantitative data on the ability of diverse prairie buffers to capture runoff pollutants, to produce biofuel with minimal water requirements, and to provide high carbon sequestration. This appropriation is available until June 30, 2010, at which time the project must be completed and final products delivered, unless an earlier date is specified in the work program.

(o) Pyrolysis Pilot Project

\$500,000 is from the trust fund to the University of Minnesota in cooperation with Rural Advantage to demonstrate a water-free pyrolysis technology for converting biomass feedstock to biofuels. This appropriation is available until June 30, 2010, at which time the project must be completed and final products delivered, unless an earlier date is specified in the work program.

Subd. 6. Natural Resource Information

2,002,000

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(a) Minnesota County Biological Survey

\$1,500,000 is from the trust fund to the commissioner of natural resources to accelerate the biological survey that identifies significant natural areas and systematically collects and interprets data on the distribution and ecology of native plant communities, rare plants, and rare animals.

(b) Soil Survey

\$400,000 is from the trust fund to the Board of Water and Soil Resources to accelerate the completion of soil survey mapping and Web-based data delivery in five or more counties. The new soil surveys must be done on a cost-share basis with local and federal funds.

(c) Field Guide for Evaluating Vegetation of Restored Wetlands

\$53,000 is from the trust fund to the Board of Water and Soil Resources for an agreement with Bonestroo, Rosene, Anderlik, & Associates to develop a printed and Web-based field guide to assist the evaluation of the quality of wetland restorations in Minnesota. This wetland guide must be available for downloading free of charge on the Internet.

(d) Natural Resource Data Collection and Mapping

\$49,000 is from the trust fund to the Legislative-Citizen Commission on

Minnesota Resources for analysis and implementation of critical state natural resource data collection and mapping.

Subd. 7. Emerging Issues Account

160,000

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\$160,000 is from the trust fund to an emerging issues account as authorized in Minnesota Statutes, section 116P.08, subdivision 4, paragraph (d).

Subd. 8. Availability of Appropriations

Unless otherwise provided, the amounts in this section are available until June 30, 2009, when projects must be completed and final products delivered. For acquisition of real property, the amounts in this section are available until June 30, 2010, if a binding contract is entered into by June 30, 2009, and closed not later than June 30, 2010. The amounts available in this section may be extended through an approved work program by up to one year. If a project receives a federal grant, the appropriation for the project shall be extended to equal the federal grant period.

Subd. 9. Leveraged Funds for Real Property Interest Requirement

The work program for every appropriation for acquisition of a real property interest shall identify nonstate leveraged funds and a plan for expenditure of funds to maximize the benefit of the trust fund allocation. Any work program that proposes materially less leverage than the proposal shall be brought to the Legislative-Citizen Commission on Minnesota Resources for review and approval or disapproval. The final report of each project shall identify all leverage obtained. Leveraged funds shall be spent concurrently with trust fund appropriations to the extent possible.

Subd. 10. Data Availability Requirements

(a) Data collected by the projects funded under this section that have value for

planning and management of natural resource, emergency preparedness, and infrastructure investments must conform to the enterprise technical architecture maintained by the Office of Enterprise Technology. Spatial data must conform to geographic information system guidelines and standards outlined in that architecture and adopted by the Minnesota Geographic Data Clearinghouse at the Land Management Information Center. A description of spatial data collected must adhere to Office of Enterprise Technology geographic metadata standards and must be submitted to the Land Management Information Center to be made available online through the clearinghouse and the data themselves must be accessible and free to the public unless made private under the Data Practices Act, Minnesota Statutes, chapter 13.

(b) To the extent practicable, summary data and results of projects funded under this section should be readily accessible on the Internet and identified as an environment and natural resources trust fund project.

Subd. 11. Project Requirements

It is a condition of acceptance of the appropriations in this section that any agency or entity receiving the appropriation must comply with Minnesota Statutes, chapter 116P; vegetation planted must be of native ecotypes to Minnesota, and preferably of the local ecotype, unless expressly approved in the work program; parties to an easement must specify in the easement all the provisions of their agreement that are perpetual; an electronic copy of the terms of an easement acquired must be sent to the commission office; and in any acquisition of land or interest in land, priority must be given to lands with high quality natural resources or conservation lands that provide natural buffers to water resources.

Subd. 12. Payment Conditions and Capital Equipment Expenditures

All agreements, grants, or contracts referred to in this section must be administered on a reimbursement basis unless otherwise provided in this section. Notwithstanding Minnesota Statutes, section 16A.41, expenditures made on or after July 1, 2007, or the date the work program is approved, whichever is later, are eligible for reimbursement unless otherwise provided in this section. Periodic payment must be made upon receiving documentation that the deliverable items articulated in the approved work program have been achieved, including partial achievements as evidenced by approved progress reports. Reasonable amounts may be advanced to projects to accommodate cash flow needs or match federal money. The advances must be approved as part of the work program. No expenditures for capital equipment are allowed unless expressly authorized in the project work program.

Subd. 13. Purchase of Recycled and Recyclable Materials

A political subdivision, public or private corporation, or other entity that receives an appropriation in this section must use the appropriation in compliance with Minnesota Statutes, sections 16B.121 and 16B.122, requiring the purchase of recycled, repairable, and durable materials; the purchase of uncoated paper stock; and the use of soy-based ink.

Subd. 14. Energy Conservation and Sustainable Building Guidelines

A recipient to whom an appropriation is made in this section for a capital improvement project shall ensure that the project complies with the applicable energy conservation and sustainable building guidelines and standards contained in law, including Minnesota Statutes, sections 16B.325, 216C.19, and 216C.20, and rules adopted thereunder. The recipient may use the energy planning, advocacy, and state energy office units of the Department of Commerce to obtain

information and technical assistance on energy conservation and alternative energy development relating to the planning and construction of the capital improvement project.

Subd. 15. Accessibility

Structural and nonstructural facilities must meet the design standards in the federal Americans with Disability Act (ADA) accessibility guidelines.

Subd. 16. Carryforward

(a) The availability of the appropriations for the following projects is extended to June 30, 2008:

(1) Laws 2005, First Special Session chapter 1, article 2, section 11, subdivision 7, paragraph (j), improving impaired watersheds: conservation drainage research;

(2) Laws 2005, First Special Session chapter 1, article 2, section 11, subdivision 8, paragraph (d), open space planning and protection; and

(3) Laws 2005, First Special Session chapter 1, article 2, section 11, subdivision 10, paragraph (d), dairy farm digesters.

(b) The availability of the appropriation for the following project is extended to June 30, 2009:

(1) Laws 2005, First Special Session chapter 1, article 2, section 11, subdivision 9, paragraph (a), completing third-party certification of DNR forest lands; and

(2) Laws 2005, First Special Session chapter 1, article 2, section 11, subdivision 10, paragraph (e), wind to hydrogen demonstration.

Sec. 3. Minnesota Statutes 2006, section 116P.08, subdivision 5, is amended to read:

Subd. 5. **Public meetings.** ~~Technical advisory committee and commission (a)~~ Meetings of the commission, committees or subcommittees of the commission, technical advisory committees, and peer review panels must be open to the public. The commission shall attempt to meet throughout various regions of the state during each biennium. For purposes of this subdivision, a meeting occurs when a quorum is present and action

is taken regarding a matter within the jurisdiction of the commission, a committee or subcommittee of the commission, a technical advisory committee, or a peer review panel.

(b) For legislative members of the commission, enforcement of this subdivision is governed by section 3.055, subdivision 2. For nonlegislative members of the commission, enforcement of this subdivision is governed by section 13D.06, subdivisions 1 and 2.

Presented to the governor April 30, 2007

Signed by the governor May 3, 2007, 4:56 p.m.