

CHAPTER 208--H.F.No. 3423

An act relating to legacy; appropriating money from legacy funds; modifying certain requirements related to the legacy fund; amending Minnesota Statutes 2016, section 97A.056, subdivisions 3, 13.

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

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 act. The appropriations are from the outdoor heritage fund for the fiscal year indicated for each purpose. The figures "2018" and "2019" used in this act mean that the appropriations listed under the figure are available for the fiscal year ending June 30, 2018, or June 30, 2019, respectively. "The first year" is fiscal year 2018. "The second year" is fiscal year 2019. "The biennium" is fiscal years 2018 and 2019. These are onetime appropriations.

<u>APPROPRIATIONS</u>	
<u>Available for the Year</u>	
<u>Ending June 30</u>	
<u>2018</u>	<u>2019</u>

Sec. 2. **OUTDOOR HERITAGE FUND**

<u>Subdivision 1. Total Appropriation</u>	<u>\$</u>	<u>-0-</u>	<u>\$</u>	<u>113,923,000</u>
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This appropriation is from the outdoor heritage fund.
The amounts that may be spent for each purpose are
specified in the following subdivisions.

<u>Subd. 2. Prairies</u>	<u>-0-</u>	<u>35,288,000</u>
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(a) DNR Wildlife Management Area and Scientific and Natural Area Acquisition - Phase X

\$2,786,000 the second year is to the commissioner of natural resources to acquire in fee and restore lands for wildlife management under Minnesota Statutes, section 86A.05, subdivision 8, and to acquire lands in fee for scientific and natural areas under Minnesota Statutes, section 86A.05, subdivision 5. Subject to evaluation criteria in Minnesota Rules, part 6136.0900, priority must be given to acquiring lands that are eligible for the native prairie bank under Minnesota Statutes, section 84.96, or lands adjacent to protected native prairie. A list of proposed land acquisitions must be provided as part of the required accomplishment plan.

**(b) Accelerating Wildlife Management Area Acquisition
- Phase X**

\$5,740,000 the second year is to the commissioner of natural resources for an agreement with Pheasants Forever to acquire in fee and restore lands for wildlife management under Minnesota Statutes, section 86A.05, subdivision 8. Subject to evaluation criteria in Minnesota Rules, part 6136.0900, priority must be given to acquiring lands that are eligible for the native prairie bank under Minnesota Statutes, section 84.96, or lands adjacent to protected native prairie. A list of proposed land acquisitions must be provided as part of the required accomplishment plan.

(c) Minnesota Prairie Recovery Project - Phase VIII

\$2,001,000 the second year is to the commissioner of natural resources for an agreement with The Nature Conservancy to acquire lands in fee and to restore and enhance native prairies, grasslands, wetlands, and savannas. Subject to evaluation criteria in Minnesota Rules, part 6136.0900, priority must be given to acquiring lands that are eligible for the native prairie bank under Minnesota Statutes, section 84.96, or lands adjacent to protected native prairie. Annual income statements and balance sheets for income and expenses from land acquired with this appropriation must be submitted to the Lessard-Sams Outdoor Heritage Council no later than 180 days after The Nature Conservancy's fiscal year closes. A list of proposed land acquisitions must be provided as part of the required accomplishment plan, and the acquisitions must be consistent with the priorities identified in *Minnesota Prairie Conservation Plan*.

**(d) Northern Tallgrass Prairie National Wildlife Refuge
Land Acquisition - Phase IX**

\$1,893,000 the second year is to the commissioner of natural resources for an agreement with The Nature Conservancy, in cooperation with the United States Fish and Wildlife Service, to acquire lands in fee or permanent conservation easements and to restore lands in the Northern Tallgrass Prairie Habitat Preservation Area in western Minnesota for addition to the Northern Tallgrass Prairie National Wildlife Refuge. Subject to evaluation criteria in Minnesota Rules, part 6136.0900, priority must be given to acquiring lands that are eligible for the native prairie bank under Minnesota Statutes, section 84.96, or lands adjacent to protected native prairie. A list of proposed land acquisitions must be provided as part of the required accomplishment

plan, and the acquisitions must be consistent with the priorities in *Minnesota Prairie Conservation Plan*.

(e) Cannon River Headwaters Habitat Complex - Phase VIII

\$1,345,000 the second year is to the commissioner of natural resources for an agreement with The Trust for Public Land, in cooperation with Great River Greening, to acquire lands in fee in the Cannon River watershed for wildlife management under Minnesota Statutes, section 86A.05, subdivision 8; to acquire lands in fee for scientific and natural areas under Minnesota Statutes, section 86A.05, subdivision 5; to acquire lands in fee for state forests under Minnesota Statutes, section 86A.05, subdivision 7; and to restore lands in the Cannon River watershed. Of this amount, \$945,000 is to The Trust for Public Land and \$400,000 is to Great River Greening. Subject to evaluation criteria in Minnesota Rules, part 6136.0900, priority must be given to acquiring lands that are eligible for the native prairie bank under Minnesota Statutes, section 84.96, or lands adjacent to protected native prairie. A list of proposed land acquisitions and restorations must be provided as part of the required accomplishment plan.

(f) Accelerated Native Prairie Bank Protection - Phase VII

\$1,490,000 the second year is to the commissioner of natural resources to acquire permanent conservation easements to protect and restore native prairie according to *Minnesota Prairie Conservation Plan*. Of this amount, up to \$176,000 is for establishing monitoring and enforcement funds as approved in the accomplishment plan and subject to Minnesota Statutes, section 97A.056, subdivision 17. Subject to evaluation criteria in Minnesota Rules, part 6136.0900, priority must be given to acquiring lands that are eligible for the native prairie bank under Minnesota Statutes, section 84.96, or lands adjacent to protected native prairie. A list of permanent conservation easements must be provided as part of the final report.

(g) Reinvest In Minnesota (RIM) Buffers for Wildlife and Water - Phase VIII

\$5,000,000 the second year is to the Board of Water and Soil Resources to acquire permanent conservation easements and restore habitat under Minnesota Statutes, section 103F.515, to protect, restore, and enhance habitat by expanding the riparian buffer program under the clean water fund for at least equal wildlife benefits from buffers on private land. Of this

amount, up to \$745,000 is for establishing a monitoring and enforcement fund as approved in the accomplishment plan and subject to Minnesota Statutes, section 97A.056, subdivision 17. A list of permanent conservation easements must be provided as part of the final report.

(h) Prairie Chicken Habitat Partnership of the Southern Red River Valley - Phase IV

\$1,162,000 the second year is to the commissioner of natural resources for an agreement with Pheasants Forever, in cooperation with the Minnesota Prairie Chicken Society, to acquire lands in fee and restore and enhance lands in the southern Red River valley for wildlife management under Minnesota Statutes, section 86A.05, subdivision 8, or to be designated and managed as waterfowl production areas in Minnesota in cooperation with the United States Fish and Wildlife Service. Subject to evaluation criteria in Minnesota Rules, part 6136.0900, priority must be given to acquiring lands that are eligible for the native prairie bank under Minnesota Statutes, section 84.96, or lands adjacent to protected native prairie. A list of proposed land acquisitions must be provided as part of the required accomplishment plan.

(i) Martin County DNR WMA Acquisition - Phase II

\$2,447,000 the second year is to the commissioner of natural resources for an agreement with Fox Lake Conservation League Inc., in cooperation with Ducks Unlimited and The Conservation Fund, to acquire lands in fee and restore and enhance strategic prairie grassland, wetland, and other wildlife habitat in Martin County for wildlife management under Minnesota Statutes, section 86A.05, subdivision 8. Of this amount, \$1,978,000 is to Fox Lake Conservation League Inc., \$400,000 is to Ducks Unlimited, and \$69,000 is to The Conservation Fund. A list of proposed acquisitions must be provided as part of the required accomplishment plan.

(j) Protect and Restore Minnesota's Important Bird Areas - Phase II

\$829,000 the second year is to the commissioner of natural resources for agreements to acquire conservation easements and enhance wildlife habitat in important bird areas identified in *Minnesota Prairie Conservation Plan*. Of this amount, \$209,000 is to Audubon Minnesota and \$620,000 is to Minnesota Land Trust. Up to \$120,000 to Minnesota Land Trust is for establishing monitoring and enforcement funds

as approved in the accomplishment plan and subject to Minnesota Statutes, section 97A.056, subdivision 17. Subject to evaluation criteria in Minnesota Rules, part 6136.0900, priority must be given to acquiring lands that are eligible for the native prairie bank under Minnesota Statutes, section 84.96, or lands adjacent to protected native prairie. A list of permanent conservation easements and enhancements must be provided as part of the required accomplishment plan.

(k) Grassland Conservation Partnership - Phase III

\$1,468,000 the second year is to the commissioner of natural resources for an agreement with The Conservation Fund, in cooperation with Minnesota Land Trust, to acquire permanent conservation easements and to restore and enhance high-priority grassland, prairie, and wetland habitats. Of this amount, \$69,000 is to The Conservation Fund and \$1,399,000 is to Minnesota Land Trust. Up to \$72,000 to Minnesota Land Trust is for establishing a monitoring and enforcement fund as approved in the accomplishment plan and subject to Minnesota Statutes, section 97A.056, subdivision 17. Subject to evaluation criteria in Minnesota Rules, part 6136.0900, priority must be given to acquiring lands that are eligible for the native prairie bank under Minnesota Statutes, section 84.96, or lands adjacent to protected native prairie. A list of proposed acquisitions must be provided as part of the required accomplishment plan, and the acquisitions must be consistent with the priorities in *Minnesota Prairie Conservation Plan*.

(l) Accelerating the USFWS Habitat Conservation Easement Program

\$2,960,000 the second year is to the commissioner of natural resources for an agreement with Ducks Unlimited, in cooperation with Pheasants Forever and the United States Fish and Wildlife Service, to acquire permanent conservation "working land" easements and to restore wetlands and prairie grasslands. Of this amount, \$2,000,000 is to Ducks Unlimited and \$960,000 is to Pheasants Forever. A list of proposed acquisitions must be provided as part of the required accomplishment plan.

(m) DNR Grassland Enhancement - Phase X

\$4,007,000 the second year is to the commissioner of natural resources to accelerate restoration and enhancement of prairies, grasslands, and savannas in wildlife management areas, in scientific and natural areas, on lands in the native prairie bank, in bluff

prairies on state forest land in southeastern Minnesota, and in waterfowl production areas and refuge lands of the United States Fish and Wildlife Service. A list of proposed land restorations and enhancements must be provided as part of the required accomplishment plan.

(n) Enhanced Public-Land Grasslands - Phase III

\$2,160,000 the second year is to the commissioner of natural resources for an agreement with Pheasants Forever to enhance and restore grassland and wetland habitat on public lands. A list of proposed land restorations and enhancements must be provided as part of the required accomplishment plan.

Subd. 3. Forests

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9,131,000

(a) Camp Ripley Partnership - Phase VII

\$1,229,000 the second year is to the Board of Water and Soil Resources, in cooperation with the Morrison County Soil and Water Conservation District and The Conservation Fund, to acquire permanent conservation easements and restore forest wildlife habitat within the boundaries of the Minnesota National Guard Camp Ripley Sentinel Landscape and Army Compatible Use Buffer. Of this amount, \$39,000 is to the Morrison County Soil and Water Conservation District, \$207,000 is to The Conservation Fund, and \$983,000 is to the Board of Water and Soil Resources. Up to \$45,500 to the Board of Water and Soil Resources is to establish a monitoring and enforcement fund as approved in the accomplishment plan and subject to Minnesota Statutes, section 97A.056, subdivision 17. A list of permanent conservation easements must be provided as part of the final report.

(b) Southeast Minnesota Protection and Restoration - Phase VI

\$2,142,000 the second year is to the commissioner of natural resources for agreements to acquire lands in fee for wildlife management under Minnesota Statutes, section 86A.05, subdivision 8; to acquire lands in fee for scientific and natural areas under Minnesota Statutes, section 86A.05, subdivision 5; to acquire lands in fee for state forests under Minnesota Statutes, section 86A.05, subdivision 7; to acquire permanent conservation easements; and to restore and enhance prairies, grasslands, forests, and savannas. Of this amount, \$742,000 is to The Nature Conservancy, \$700,000 is to The Trust for Public Land, and \$700,000 is to Minnesota Land Trust. Up to \$120,000 to Minnesota Land Trust is to establish a monitoring and

enforcement fund as approved in the accomplishment plan and subject to Minnesota Statutes, section 97A.056, subdivision 17. Annual income statements and balance sheets for income and expenses from land acquired with this appropriation must be submitted to the Lessard-Sams Outdoor Heritage Council no later than 180 days after The Nature Conservancy's fiscal year closes. A list of proposed land acquisitions must be provided as part of the required accomplishment plan.

(c) Minnesota Forests for the Future - Phase VI

\$1,473,000 the second year is to the commissioner of natural resources to acquire lands in fee and to acquire easements for forest, wetland, and shoreline habitat through working forest permanent conservation easements under the Minnesota forests for the future program according to Minnesota Statutes, section 84.66. A conservation easement acquired with money appropriated under this paragraph must comply with Minnesota Statutes, section 97A.056, subdivision 13. The accomplishment plan must include an easement monitoring and enforcement plan. Of this amount, up to \$25,000 is for establishing a monitoring and enforcement fund as approved in the accomplishment plan and subject to Minnesota Statutes, section 97A.056, subdivision 17. A list of proposed land acquisitions must be provided as part of the required accomplishment plan. A list of permanent conservation easements must be provided as part of the final report.

(d) State Forest Acquisitions, Richard J. Dorer Memorial Forest - Phase V

\$1,255,000 the second year is to the commissioner of natural resources to acquire in fee and enhance lands for wildlife habitat in the Richard J. Dorer Memorial Hardwood State Forest under Minnesota Statutes, section 86A.05, subdivision 7. A list of proposed land acquisitions must be provided as part of the required accomplishment plan.

(e) Critical Shoreland Protection Program - Phase V

\$1,094,000 the second year is to the commissioner of natural resources for an agreement with Minnesota Land Trust to acquire permanent conservation easements along rivers and lakes in the northern forest region. Of this amount, up to \$120,000 is for establishing a monitoring and enforcement fund as approved in the accomplishment plan and subject to Minnesota Statutes, section 97A.056, subdivision 17. A list of proposed permanent conservation easements

must be provided as part of the required accomplishment plan.

(f) Minnesota Moose Habitat Collaborative - Phase III

\$1,938,000 the second year is to the commissioner of natural resources for an agreement with the Minnesota Deer Hunters Association to restore and enhance public forest lands in the northern forest region for moose habitat. A list of proposed land restoration and enhancements must be provided as part of the required accomplishment plan.

Subd. 4. Wetlands

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28,116,000

(a) Accelerating the Waterfowl Production Area Acquisition - Phase X

\$5,061,000 the second year is to the commissioner of natural resources for an agreement with Pheasants Forever to acquire lands in fee and to restore and enhance wetlands and grasslands to be designated and managed as waterfowl production areas in Minnesota, in cooperation with the United States Fish and Wildlife Service. A list of proposed land acquisitions must be provided as part of the required accomplishment plan.

(b) Shallow Lake and Wetland Protection Program - Phase VII

\$4,770,000 the second year is to the commissioner of natural resources for an agreement with Ducks Unlimited to acquire lands in fee and to restore and enhance prairie lands, wetlands, and land buffering shallow lakes for wildlife management under Minnesota Statutes, section 86A.05, subdivision 8. A list of proposed acquisitions must be provided as part of the required accomplishment plan.

(c) RIM Wetlands Partnership - Phase IX

\$10,000,000 the second year is to the Board of Water and Soil Resources to acquire permanent conservation easements and to restore wetlands and native grassland habitat under Minnesota Statutes, section 103F.515. Of this amount, up to \$292,500 is for establishing a monitoring and enforcement fund as approved in the accomplishment plan and subject to Minnesota Statutes, section 97A.056, subdivision 17. A list of permanent conservation easements must be provided as part of the final report.

(d) Wetland Habitat Protection Program - Phase III

\$1,786,000 the second year is to the commissioner of natural resources for an agreement with Minnesota Land Trust to acquire permanent conservation easements and to restore and enhance prairie, wetland, and other habitat in high-priority wetland habitat complexes in the prairie and forest/prairie transition regions. Of this amount, up to \$240,000 is to establish a monitoring and enforcement fund as approved in the accomplishment plan and subject to Minnesota Statutes, section 97A.056, subdivision 17. A list of proposed conservation easement acquisitions and restorations and enhancements must be provided as part of the required accomplishment plan.

(e) Accelerated Shallow Lakes and Wetlands Enhancement - Phase X

\$2,759,000 the second year is to the commissioner of natural resources to enhance and restore shallow lakes and wetland habitat statewide. A list of proposed land restorations and enhancements must be provided as part of the required accomplishment plan.

(f) Living Shallow Lakes and Wetland Initiative - Phase VII

\$3,740,000 the second year is to the commissioner of natural resources for an agreement with Ducks Unlimited to restore and enhance shallow lakes and wetlands on public lands and wetlands under permanent conservation easement for wildlife management. A list of proposed shallow lake enhancements and wetland restorations must be provided as part of the required accomplishment plan.

Subd. 5. Habitats

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40,978,000

(a) Metro Big Rivers - Phase VIII

\$2,630,000 the second year is to the commissioner of natural resources for agreements to acquire lands in fee and permanent conservation easements and to restore and enhance natural systems associated with the Mississippi, Minnesota, and St. Croix Rivers in the metropolitan area. Of this amount, \$500,000 is to Minnesota Valley National Wildlife Refuge Trust Inc., \$300,000 is to Friends of the Mississippi River, \$700,000 is to Great River Greening, and \$1,130,000 is to Minnesota Land Trust. Up to \$120,000 to Minnesota Land Trust is to establish a monitoring and enforcement fund as approved in the accomplishment plan and subject to Minnesota Statutes, section 97A.056, subdivision 17. A list of proposed land acquisitions and permanent conservation easements

must be provided as part of the required accomplishment plan.

**(b) Mississippi Headwaters Habitat Corridor Partnership
- Phase IV**

\$2,073,000 the second year is to the commissioner of natural resources for agreements to acquire lands in fee and restore wildlife habitat in the Mississippi headwaters. Of this amount, \$73,000 is to the Mississippi Headwaters Board and \$2,000,000 is to The Trust for Public Land. \$925,000 the second year is to the Board of Water and Soil Resources to acquire lands in permanent conservation easements and to restore wildlife habitat, of which up to \$65,000 is for establishing a monitoring and enforcement fund as approved in the accomplishment plan and subject to Minnesota Statutes, section 97A.056, subdivision 17. A list of proposed acquisitions must be included as part of the required accomplishment plan.

(c) Fisheries Habitat Protection on Strategic North Central Minnesota Lakes - Phase IV

\$2,801,000 the second year is to the commissioner of natural resources for agreements to acquire lands in fee and permanent conservation easements to sustain healthy fish habitat on coldwater lakes in Aitkin, Cass, Crow Wing, and Hubbard Counties. Of this amount, \$1,005,000 is to the Leech Lake Area Watershed Foundation and \$1,796,000 is to Minnesota Land Trust. Up to \$120,000 to Minnesota Land Trust is for establishing a monitoring and enforcement fund as approved in the accomplishment plan and subject to Minnesota Statutes, section 97A.056, subdivision 17. A list of acquisitions must be provided as part of the required accomplishment plan.

(d) DNR Trout Stream Conservation Easements

\$642,000 the second year is to the commissioner of natural resources to acquire land in permanent conservation easements to protect trout stream aquatic habitat. Up to \$52,500 is for establishing a monitoring and enforcement fund as approved in the accomplishment plan and subject to Minnesota Statutes, section 97A.056, subdivision 17. A list of permanent conservation easements must be provided as part of the required accomplishment plan.

(e) Metro Wildlife Management Areas

\$1,174,000 the second year is to the commissioner of natural resources for an agreement with The

Conservation Fund to acquire lands in fee in the metro area planning region for wildlife management under Minnesota Statutes, section 86A.05, subdivision 8. A list of proposed land acquisitions must be provided as part of the required accomplishment plan.

(f) Dakota County Habitat Protection/Restoration - Phase VI

\$2,288,000 the second year is to the commissioner of natural resources for an agreement with Dakota County to acquire permanent conservation easements and lands in fee and to restore and enhance riparian and other habitats in Dakota County. A list of proposed land acquisitions and restorations and enhancements must be provided as part of the required accomplishment plan.

(g) Hennepin County Habitat Conservation Program

\$1,514,000 the second year is to the commissioner of natural resources for an agreement with Hennepin County, in cooperation with Minnesota Land Trust, to acquire permanent conservation easements and to restore and enhance habitats in Hennepin County. Of this amount, \$194,000 is to Hennepin County and \$1,320,000 is to Minnesota Land Trust. Up to \$192,000 to Minnesota Land Trust is for establishing a monitoring and enforcement fund as approved in the accomplishment plan and subject to Minnesota Statutes, section 97A.056, subdivision 17. A list of proposed permanent conservation easements and restorations and enhancements must be provided as part of the required accomplishment plan.

(h) Minnesota Trout Unlimited Coldwater Fish Habitat Enhancement and Restoration - Phase X

\$2,291,000 the second year is to the commissioner of natural resources for an agreement with Minnesota Trout Unlimited to acquire permanent conservation stream easements using the payment method prescribed in Minnesota Statutes, section 84.0272, subdivision 2, and to restore and enhance habitat for trout and other species in and along coldwater rivers, lakes, and streams in Minnesota. Up to \$20,000 is for establishing a monitoring and enforcement fund as approved in the accomplishment plan and subject to Minnesota Statutes, section 97A.056, subdivision 17. A list of proposed land acquisitions and restorations and enhancements must be provided as part of the required accomplishment plan.

(i) Lower Mississippi River Habitat Partnership - Phase IV

\$1,555,000 the second year is to the commissioner of natural resources to restore and enhance aquatic and forest habitats in the lower Mississippi River watershed, upper Pool 9 backwater. A list of proposed restorations and enhancements must be provided as part of the required accomplishment plan.

(j) St. Louis River Restoration Initiative - Phase V

\$2,013,000 the second year is to the commissioner of natural resources to restore aquatic habitats in the St. Louis River estuary. Of this appropriation, up to \$1,350,000 is for an agreement with Minnesota Land Trust. A list of proposed restorations must be provided as part of the required accomplishment plan.

(k) Knife River Habitat Rehabilitation - Phase III

\$927,000 the second year is to the commissioner of natural resources for an agreement with Zeitgeist, in cooperation with the Lake Superior Steelhead Association, to enhance trout habitat in the Knife River watershed. A list of proposed enhancements must be provided as part of the required accomplishment plan.

(l) Shell Rock River Watershed Habitat Restoration Program - Phase VII

\$1,421,000 the second year is to the commissioner of natural resources for an agreement with the Shell Rock River Watershed District to acquire lands in fee and to restore and enhance aquatic habitat in the Shell Rock River watershed. A list of proposed acquisitions, restorations, and enhancements must be provided as part of the required accomplishment plan.

(m) Lake George Dam and Rum River Erosion

\$539,000 the second year is to the commissioner of natural resources for an agreement with Anoka County to enhance aquatic habitat in and adjacent to Lake George in Anoka County and to restore and enhance aquatic habitat on the Rum River. A list of proposed habitat enhancements and restorations must be provided as part of the required accomplishment plan.

(n) Buffalo River Watershed Stream Habitat Program

\$1,195,000 the second year is to the commissioner of natural resources for an agreement with the Buffalo-Red River Watershed District to restore and

enhance aquatic and upland habitat associated with the south branch of the Buffalo River and Whisky Creek in the Buffalo River watershed. A list of proposed restorations and enhancements must be provided as part of the required accomplishment plan.

(o) Two Rivers Fish Passage Restoration and Habitat Enhancement

\$2,000,000 the second year is to the commissioner of natural resources for an agreement with the city of Hallock to restore and enhance fish passage and habitat in the South Branch Two Rivers. A list of proposed restorations must be provided as part of the required accomplishment plan.

(p) Six Mile Creek - Halsted Bay Habitat Restoration

\$567,000 the second year is to the commissioner of natural resources for an agreement with the Minnehaha Creek Watershed District to restore and enhance fish habitat in the Six Mile Creek - Halsted Bay subwatershed. A list of proposed restorations and enhancements must be provided as part of the required accomplishment plan.

(q) DNR Aquatic Habitat Restoration and Enhancement

\$2,834,000 the second year is to the commissioner of natural resources to restore and enhance aquatic habitat in degraded streams and aquatic management areas and to facilitate fish passage. A list of proposed land restorations and enhancements must be provided as part of the required accomplishment plan.

(r) Conservation Partners Legacy Grant Program: Statewide and Metro Habitat - Phase X

\$11,589,000 the second year is to the commissioner of natural resources for a program to provide competitive matching grants of up to \$400,000 to local, regional, state, and national organizations for enhancing, restoring, or protecting forests, wetlands, prairies, or habitat for fish, game, or wildlife in Minnesota. Of this amount, up to \$2,567,000 is for grants in the seven-county metropolitan area and cities with a population of 50,000 or greater. Grants must not be made for activities required to fulfill the duties of owners of lands subject to conservation easements. Grants must not be made from the appropriation in this paragraph for projects that have a total project cost exceeding \$575,000. Of the total appropriation, \$536,000 may be spent for personnel costs and other direct and necessary administrative costs. Grantees

may acquire land or interests in land. Easements must be permanent. Grants may not be used to establish easement stewardship accounts. Land acquired in fee must be open to hunting and fishing during the open season unless otherwise provided by law. The program must require a match of at least ten percent from nonstate sources for all grants. The match may be cash or in-kind resources. For grant applications of \$25,000 or less, the commissioner must provide a separate, simplified application process. Subject to Minnesota statutes, the commissioner of natural resources must, when evaluating projects of equal value, give priority to organizations that have a history of receiving, or a charter to receive, private contributions for local conservation or habitat projects. If acquiring land in fee or a conservation easement, priority must be given to projects associated with or within one mile of existing wildlife management areas under Minnesota Statutes, section 86A.05, subdivision 8; scientific and natural areas under Minnesota Statutes, sections 84.033 and 86A.05, subdivision 5; or aquatic management areas under Minnesota Statutes, sections 86A.05, subdivision 14, and 97C.02. All restoration or enhancement projects must be on land permanently protected by a permanent covenant ensuring perpetual maintenance and protection of restored and enhanced habitat, by a conservation easement or by public ownership, or in public waters as defined in Minnesota Statutes, section 103G.005, subdivision 15. Priority must be given to restoration and enhancement projects on public lands. Minnesota Statutes, section 97A.056, subdivision 13, applies to grants awarded under this paragraph. This appropriation is available until June 30, 2022. No less than five percent of the amount of each grant must be held back from reimbursement until the grant recipient has completed a grant accomplishment report by the deadline and in the form prescribed by and satisfactory to the Lessard-Sams Outdoor Heritage Council. The commissioner must provide notice of the grant program in the summary of game and fish law prepared under Minnesota Statutes, section 97A.051, subdivision 2.

Subd. 6. Administration

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410,000

(a) Contract Management

\$210,000 the second year is to the commissioner of natural resources for contract management duties assigned in this section. The commissioner must provide an accomplishment plan in the form specified by the Lessard-Sams Outdoor Heritage Council on expending this appropriation. The accomplishment

plan must include a copy of the grant contract template and reimbursement manual. No money may be expended before the Lessard-Sams Outdoor Heritage Council approves the accomplishment plan.

(b) Technical Evaluation Panel

\$150,000 the second year is to the commissioner of natural resources for a technical evaluation panel to conduct up to 25 restoration and enhancement evaluations under Minnesota Statutes, section 97A.056, subdivision 10.

(c) High-Priority Pretransaction Service Acceleration for Lessard-Sams Outdoor Heritage Council

\$50,000 the second year is to the commissioner of natural resources to provide land-acquisition pretransaction services including but not limited to appraisals, surveys, or title research for acquisition proposals being considered by the Lessard-Sams Outdoor Heritage Council. A list of activities must be included in the final accomplishment plan.

Subd. 7. Availability of Appropriation

Money appropriated in this section may not be spent on activities unless they are directly related to and necessary for a specific appropriation and are specified in the accomplishment plan approved by the Lessard-Sams Outdoor Heritage Council. Money appropriated in this section must not be spent on indirect costs or other institutional overhead charges that are not directly related to and necessary for a specific appropriation. Unless otherwise provided, the amounts in this section are available until June 30, 2021. For acquisition of real property, the amounts in this section are available until June 30, 2022, if a binding agreement with a landowner or purchase agreement is entered into by June 30, 2021, and closed no later than June 30, 2022. Funds for restoration or enhancement are available until June 30, 2023, or five years after acquisition, whichever is later, in order to complete initial restoration or enhancement work. If a project receives at least 15 percent of its funding from federal funds, the time of the appropriation may be extended to equal the availability of federal funding to a maximum of six years if that federal funding was confirmed and included in the second draft accomplishment plan. Funds appropriated for fee title acquisition of land may be used to restore, enhance, and provide for public use of the land acquired with the appropriation. Public-use facilities must have a minimal impact on habitat in acquired lands.

Subd. 8. Payment Conditions and Capital Equipment Expenditures

All agreements 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 directly related to each appropriation's purpose made on or after July 1, 2018, or the date of accomplishment plan approval, whichever is later, are eligible for reimbursement unless otherwise provided in this section. For the purposes of administering appropriations and legislatively authorized agreements paid out of the outdoor heritage fund, an expense must be considered reimbursable by the administering agency when the recipient presents the agency with an invoice, or a binding agreement with the landowner, and the recipient attests that the goods have been received or the landowner agreement is binding. Periodic reimbursement must be made upon receiving documentation that the items articulated in the accomplishment plan approved by the Lessard-Sams Outdoor Heritage Council have been achieved, including partial achievements as evidenced by progress reports approved by the Lessard-Sams Outdoor Heritage Council. Reasonable amounts may be advanced to projects to accommodate cash flow needs, support future management of acquired lands, or match a federal share. The advances must be approved as part of the accomplishment plan. Capital equipment expenditures for specific items over \$10,000 must be itemized in and approved as part of the accomplishment plan.

Subd. 9. Mapping

Each direct recipient of money appropriated in this section, as well as each recipient of a grant awarded pursuant to this section, must provide geographic information to the Lessard-Sams Outdoor Heritage Council for mapping of any lands acquired in fee with funds appropriated in this section and open to public taking of fish and game. The commissioner of natural resources must include the lands acquired in fee with money appropriated in this section on maps showing public recreational opportunities. Maps must include information on and acknowledgment of the outdoor heritage fund, including a notation of any restrictions.

Subd. 10. Carryforwards

(a) The availability of the appropriation in Laws 2014, chapter 256, article 1, section 2, subdivision 5,

paragraph (e), for Mustinka River Fish and Wildlife Habitat Corridor Rehabilitation is extended to June 30, 2022.

(b) The availability of the appropriation in Laws 2015, First Special Session chapter 2, article 1, section 2, subdivision 2, paragraph (j), for Wild Rice River Corridor Habitat Restoration is extended to June 30, 2021.

(c) This subdivision is effective the day following final enactment.

Sec. 3. Minnesota Statutes 2016, section 97A.056, subdivision 3, is amended to read:

Subd. 3. **Council recommendations.** (a) The council shall make recommendations to the legislature on appropriations of money from the outdoor heritage fund that are consistent with the Constitution and state law and that will achieve the outcomes of existing natural resource plans, including, but not limited to, the Minnesota Statewide Conservation and Preservation Plan, that directly relate to the restoration, protection, and enhancement of wetlands, prairies, forests, and habitat for fish, game, and wildlife, and that prevent forest fragmentation, encourage forest consolidation, and expand restored native prairie. In making recommendations, the council shall consider a range of options that would best restore, protect, and enhance wetlands, prairies, forests, and habitat for fish, game, and wildlife. The council's recommendations shall be submitted no later than January 15 each year. The council shall present its recommendations to the senate and house of representatives committees with jurisdiction over the environment and natural resources budget by February 15 in odd-numbered years, and within the first four weeks of the legislative session in even-numbered years. The council's budget recommendations to the legislature shall be separate from the Department of Natural Resource's budget recommendations.

(b) To encourage and support local conservation efforts, the council shall establish a conservation partners program. Local, regional, state, or national organizations may apply for matching grants for restoration, protection, and enhancement of wetlands, prairies, forests, and habitat for fish, game, and wildlife, prevention of forest fragmentation, encouragement of forest consolidation, and expansion of restored native prairie.

(c) The council may work with the Clean Water Council to identify projects that are consistent with both the purpose of the outdoor heritage fund and the purpose of the clean water fund.

(d) The council may make recommendations to the Legislative-Citizen Commission on Minnesota Resources on scientific research that will assist in restoring, protecting, and enhancing wetlands, prairies, forests, and habitat for fish, game, and wildlife, preventing forest fragmentation, encouraging forest consolidation, and expanding restored native prairie.

(e) Recommendations of the council, including approval of recommendations for the outdoor heritage fund, require an affirmative vote of at least nine members of the council.

(f) The council may work with the Clean Water Council, the Legislative-Citizen Commission on Minnesota Resources, the Board of Water and Soil Resources, soil and water conservation districts, and experts from Minnesota State Colleges and Universities and the University of Minnesota in developing the council's recommendations.

(g) The council shall develop and implement a process that ensures that citizens and potential recipients of funds are included throughout the process, including the development and finalization of the council's recommendations. The process must include a fair, equitable, and thorough process for reviewing requests for funding and a clear and easily understood process for ranking projects.

(h) The council shall use the regions of the state based upon the ecological sections and subsections developed by the Department of Natural Resources and establish objectives for each region and subregion to achieve the purposes of the fund outlined in the state constitution.

(i) The council shall develop and submit to the Legislative Coordinating Commission plans for the first ten years of funding, and a framework for 25 years of funding, consistent with statutory and constitutional requirements. The council may use existing plans from other legislative, state, and federal sources, as applicable.

(j) By July 1 each year, the council shall provide counties with a list of project proposals that include potential fee title land acquisitions in the county that is based on that year's funding requests received by the council from nongovernmental organizations.

Sec. 4. Minnesota Statutes 2016, section 97A.056, subdivision 13, is amended to read:

Subd. 13. **Project requirements.** (a) As a condition of accepting money appropriated from the outdoor heritage fund, an agency or entity receiving money from an appropriation must comply with this subdivision for any project funded in whole or in part with funds from the appropriation.

(b) All conservation easements acquired with money appropriated from the outdoor heritage fund must:

(1) be permanent;

(2) specify the parties to the easement;

(3) specify all of the provisions of an agreement that are permanent;

(4) specify the habitat types and location being protected;

(5) where appropriate for conservation or water protection outcomes, require the grantor to employ practices retaining water on the eased land as long as practicable;

(6) specify the responsibilities of the parties for habitat enhancement and restoration and the associated costs of these activities;

(7) be sent to the office of the Lessard-Sams Outdoor Heritage Council;

(8) include a long-term stewardship plan and identify the sources and amount of funding for monitoring and enforcing the easement agreement; and

(9) identify the parties responsible for monitoring and enforcing the easement agreement.

(c) For all restorations, a recipient must prepare and retain an ecological restoration and management plan that, to the degree practicable, is consistent with current conservation science and ecological goals for the restoration site. Consideration should be given to soil, geology, topography, and other relevant factors that would provide the best chance for long-term success and durability of the restoration. The plan must include the proposed timetable for implementing the restoration, including, but not limited to, site preparation, establishment of diverse plant species, maintenance, and additional enhancement to establish the restoration; identify long-term maintenance and management needs of the restoration and how the maintenance, management, and enhancement will be financed; and use current conservation science to achieve the best restoration.

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

(e) To ensure public accountability for the use of public funds, a recipient must provide to the Lessard-Sams Outdoor Heritage Council documentation of the process used to select parcels acquired in fee or as permanent conservation easements and must provide the council with documentation of all related

transaction costs, including, but not limited to, appraisals, legal fees, recording fees, commissions, other similar costs, and donations. This information must be provided for all parties involved in the transaction. The recipient must also report to the Lessard-Sams Outdoor Heritage Council any difference between the acquisition amount paid to the seller and the state-certified or state-reviewed appraisal, if a state-certified or state-reviewed appraisal was conducted. The commissioner of natural resources may conduct or require additional appraisals of parcels to be acquired in fee title or as conservation easements. Acquisition data such as appraisals may remain private during negotiations but must ultimately be made public according to chapter 13.

(f) Except as otherwise provided in the appropriation, all restoration and enhancement projects funded with money appropriated from the outdoor heritage fund must be on land permanently protected by a conservation easement or public ownership or in public waters as defined in section 103G.005, subdivision 15.

(g) To the extent an appropriation is used to acquire an interest in real property, a recipient of an appropriation from the outdoor heritage fund must provide to the Lessard-Sams Outdoor Heritage Council and the commissioner of management and budget an analysis of increased operation and maintenance costs likely to be incurred by public entities as a result of the acquisition and of how the costs are to be paid.

(h) A recipient of money appropriated from the outdoor heritage fund must give consideration to and make timely written contact with Conservation Corps Minnesota for possible use of the corps' services to contract for restoration and enhancement services. A copy of the written contact must be filed with the Lessard-Sams Outdoor Heritage Council within 15 days of execution.

(i) A recipient of money appropriated from the outdoor heritage fund must erect signage according to Laws 2009, chapter 172, article 5, section 10.

(j) At least 30 days before closing on an acquisition of land in fee title with money in whole or in part from the outdoor heritage fund, a nongovernmental organization must notify in writing the county board and town board where the land is located and furnish them a description of the land to be acquired.

Presented to the governor May 21, 2018

Signed by the governor May 29, 2018, 1:22 p.m.