

1.1 moves to amend H.F. No. 2430 as follows:

1.2 Delete everything after the enacting clause and insert:

1.3 "ARTICLE 1

1.4 OUTDOOR HERITAGE FUND

1.5 Section 1. OUTDOOR HERITAGE APPROPRIATION.

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

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

1.17 Sec. 2. OUTDOOR HERITAGE

1.18	<u>Subdivision 1. Total Appropriation</u>	<u>\$</u>	<u>-0-</u>	<u>\$</u>	<u>99,920,000</u>
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1.19 This appropriation is from the outdoor
1.20 heritage fund. The amounts that may be
1.21 spent for each purpose are specified in the
1.22 following subdivisions.

1.23	<u>Subd. 2. Prairies</u>		<u>-0-</u>	<u>24,640,000</u>
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1.24 (a) Minnesota Buffers for Wildlife and Water
1.25 - Phase II

2.1 \$2,090,000 in the second year is to the
2.2 Board of Water and Soil Resources in
2.3 cooperation with Pheasants Forever to
2.4 acquire permanent conservation easements
2.5 to enhance habitat by expanding clean water
2.6 fund riparian wildlife buffers on private land.
2.7 A list of proposed permanent conservation
2.8 easements must be provided as part of the
2.9 final report. The accomplishment plan must
2.10 include an easement stewardship plan. Up
2.11 to \$90,000 is for establishing a monitoring
2.12 and enforcement fund as approved in
2.13 the accomplishment plan and subject to
2.14 Minnesota Statutes, section 97A.056,
2.15 subdivision 17. An annual financial report is
2.16 required for any monitoring and enforcement
2.17 fund established, including expenditures
2.18 from the fund and a description of annual
2.19 monitoring and enforcement activities.

2.20 **(b) Minnesota Prairie Recovery Project - Phase**
2.21 **III**

2.22 \$4,610,000 in the second year is to the
2.23 commissioner of natural resources for an
2.24 agreement with The Nature Conservancy to
2.25 acquire native prairie and savanna and restore
2.26 and enhance grasslands and savanna. A list of
2.27 proposed land acquisitions must be provided
2.28 as part of the required accomplishment plan.
2.29 Annual income statements and balance sheets
2.30 for income and expenses from land acquired
2.31 with this appropriation must be submitted to
2.32 the Lessard-Sams Outdoor Heritage Council
2.33 no later than 180 days following the close of
2.34 The Nature Conservancy's fiscal year.

2.35 **(c) Cannon River Headwaters Habitat**
2.36 **Complex - Phase II**

3.1 \$1,760,000 in the second year is to the
3.2 commissioner of natural resources for an
3.3 agreement with The Trust for Public Land
3.4 to acquire and restore lands in the Cannon
3.5 River watershed for wildlife management
3.6 area purposes under Minnesota Statutes,
3.7 section 86A.05, subdivision 8, or aquatic
3.8 management area purposes under Minnesota
3.9 Statutes, sections 86A.05, subdivision
3.10 14, and 97C.02. A list of proposed land
3.11 acquisitions must be provided as part of the
3.12 required accomplishment plan.

3.13 **(d) Wildlife Management Area Acquisition**

3.14 \$2,900,000 in the second year is to the
3.15 commissioner of natural resources to acquire
3.16 land in fee for wildlife management area
3.17 purposes under Minnesota Statutes, section
3.18 86A.05, subdivision 8. A list of proposed
3.19 land acquisitions must be provided as part of
3.20 the required accomplishment plan.

3.21 **(e) Northern Tallgrass Prairie National**
3.22 **Wildlife Refuge Land Acquisition - Phase IV**

3.23 \$1,580,000 in the second year is to the
3.24 commissioner of natural resources for an
3.25 agreement with The Nature Conservancy
3.26 in cooperation with the United States Fish
3.27 and Wildlife Service to acquire land in
3.28 fee or permanent conservation easements
3.29 within the Northern Tallgrass Prairie Habitat
3.30 Preservation Area in western Minnesota for
3.31 addition to the Northern Tallgrass Prairie
3.32 National Wildlife Refuge. A list of proposed
3.33 land acquisitions must be provided as part
3.34 of the required accomplishment plan. The

4.1 accomplishment plan must include an
4.2 easement monitoring and enforcement plan.

4.3 **(f) Accelerating the Wildlife Management Area**
4.4 **Program - Phase IV**

4.5 \$3,300,000 in the second year is to the
4.6 commissioner of natural resources for an
4.7 agreement with Pheasants Forever to acquire
4.8 land in fee for wildlife management area
4.9 purposes under Minnesota Statutes, section
4.10 86A.05, subdivision 8. A list of proposed
4.11 land acquisitions must be provided as part of
4.12 the required accomplishment plan.

4.13 **(g) Green Corridor Legacy Program - Phase IV**

4.14 \$1,730,000 in the second year is to the
4.15 commissioner of natural resources for
4.16 an agreement with the Redwood Area
4.17 Development Corporation to acquire land in
4.18 fee for wildlife management area purposes
4.19 under Minnesota Statutes, section 86A.05,
4.20 subdivision 8, and for aquatic management
4.21 areas under Minnesota Statutes, sections
4.22 86A.05, subdivision 14, and 97C.02. A list of
4.23 proposed land acquisitions must be provided
4.24 as part of the required accomplishment plan.

4.25 **(h) Accelerated Prairie Restoration and**
4.26 **Enhancement on DNR Lands - Phase IV**

4.27 \$4,300,000 in the second year is to the
4.28 commissioner of natural resources to
4.29 accelerate the restoration and enhancement
4.30 of wildlife management areas, scientific
4.31 and natural areas, and land under native
4.32 prairie bank easements. A list of proposed
4.33 restorations and enhancements must
4.34 be provided as part of the required
4.35 accomplishment plan.

5.1 **(i) Anoka Sand Plain Habitat Restoration and**
5.2 **Enhancement - Phase II**

5.3 \$1,050,000 in the second year is to the
5.4 commissioner of natural resources for
5.5 agreements to restore and enhance habitat on
5.6 public lands in the Anoka Sand Plain and
5.7 along the Rum River as follows: \$558,750 to
5.8 Great River Greening; \$99,400 to the Anoka
5.9 Conservation District; and \$391,850 to the
5.10 National Wild Turkey Federation. A list
5.11 of proposed restorations and enhancements
5.12 must be provided as part of the required
5.13 accomplishment plan.

5.14 **(j) Enhanced Public Grasslands**

5.15 \$1,320,000 in the second year is to the
5.16 commissioner of natural resources for
5.17 an agreement with Pheasants Forever in
5.18 cooperation with the Minnesota Prairie
5.19 Chicken Society to restore and enhance
5.20 habitat on public lands. The criteria for
5.21 selection of projects must be included in the
5.22 accomplishment plan. A list of proposed
5.23 restorations and enhancements must be
5.24 provided as part of the final report.

5.25 Subd. 3. Forests -0- 15,300,000

5.26 **(a) Protecting Mississippi River Corridor**
5.27 **Habitat ACUB Partnership - Phase II**

5.28 \$480,000 in the second year is to the
5.29 Board of Water and Soil Resources to
5.30 acquire permanent conservation easements
5.31 on land adjacent to the Nokasippi River
5.32 and the boundaries of the Minnesota
5.33 National Guard Army compatible use buffer
5.34 (ACUB). A list of proposed land acquisitions
5.35 must be provided as part of the required

6.1 accomplishment plan. The accomplishment
6.2 plan must include an easement stewardship
6.3 plan. Up to \$4,800 is for establishing
6.4 a monitoring and enforcement fund as
6.5 approved in the accomplishment plan and
6.6 subject to Minnesota Statutes, section
6.7 97A.056, subdivision 17. An annual financial
6.8 report is required for any monitoring and
6.9 enforcement fund established, including
6.10 expenditures from the fund and a description
6.11 of annual monitoring and enforcement
6.12 activities.

6.13 **(b) Mississippi Northwoods Habitat Complex**
6.14 **Protection**

6.15 \$12,040,000 in the second year is to the
6.16 commissioner of natural resources for an
6.17 agreement with Crow Wing County to
6.18 acquire land in fee along the Mississippi
6.19 River in Crow Wing County to be added
6.20 to the county forest system. The purchase
6.21 price must not exceed the appraised fair
6.22 market value of the property as reviewed
6.23 and approved under established procedures
6.24 in compliance with the Uniform Standards
6.25 of Professional Appraisal Practice and
6.26 the Department of Natural Resources'
6.27 Supplemental Appraisal and Appraisal
6.28 Review Guidelines (effective July 15,
6.29 2009). A land description must be provided
6.30 as part of the required accomplishment
6.31 plan. Development of a paved trail on land
6.32 acquired under this paragraph constitutes an
6.33 alteration of the intended use of the interest in
6.34 real property and must be handled according
6.35 to new Minnesota Statutes, section 97A.056,
6.36 subdivision 15. Any plan, including trail

7.1 alignment, for the development of a paved
7.2 trail must be submitted to the Lessard-Sams
7.3 Outdoor Heritage Council for approval. No
7.4 paved trail development or paved trail use
7.5 is allowed unless it is specified in the plan
7.6 for trail use and alignment approved by the
7.7 Lessard-Sams Outdoor Heritage Council.

7.8 **(c) Northeastern Minnesota Sharp-Tailed**
7.9 **Grouse Habitat Partnership - Phase III**

7.10 \$1,340,000 in the second year is to the
7.11 commissioner of natural resources for
7.12 an agreement with Pheasants Forever in
7.13 cooperation with the Minnesota Sharp-Tailed
7.14 Grouse Society to acquire and enhance
7.15 lands for wildlife management area purposes
7.16 under Minnesota Statutes, section 86A.05,
7.17 subdivision 8. A list of proposed land
7.18 acquisitions must be provided as part of the
7.19 required accomplishment plan.

7.20 **(d) Protect Key Forest Habitat Lands in Cass**
7.21 **County - Phase III**

7.22 \$480,000 in the second year is to the
7.23 commissioner of natural resources for an
7.24 agreement with Cass County to acquire land
7.25 in fee in Cass County for forest wildlife
7.26 habitat. A list of proposed land acquisitions
7.27 must be provided as part of the required
7.28 accomplishment plan.

7.29 **(e) Minnesota Moose Habitat Collaborative**

7.30 \$960,000 in the second year is to the
7.31 commissioner of natural resources for an
7.32 agreement with the Minnesota Deer Hunters
7.33 Association to restore and enhance public
7.34 forest lands in northeastern Minnesota
7.35 for moose habitat purposes. A list of

8.1 proposed restorations and enhancements
 8.2 must be provided as part of the required
 8.3 accomplishment plan.

8.4 Subd. 4. Wetlands -0- 31,140,000

8.5 (a) Reinvest in Minnesota Wetlands Reserve
 8.6 Program Partnership - Phase IV

8.7 \$13,810,000 in the second year is to the
 8.8 Board of Water and Soil Resources to
 8.9 acquire permanent conservation easements
 8.10 and restore wetlands and associated upland
 8.11 habitat in cooperation with the United
 8.12 States Department of Agriculture Wetlands
 8.13 Reserve Program. A list of land acquisitions
 8.14 must be provided as part of the final report.
 8.15 The accomplishment plan must include
 8.16 an easement stewardship plan. Up to
 8.17 \$180,000 is for establishing a monitoring
 8.18 and enforcement fund as approved in
 8.19 the accomplishment plan and subject to
 8.20 Minnesota Statutes, section 97A.056,
 8.21 subdivision 17. An annual financial report is
 8.22 required for any monitoring and enforcement
 8.23 fund established, including expenditures
 8.24 from the fund and a description of annual
 8.25 monitoring and enforcement activities.

8.26 (b) Accelerating the Waterfowl Production
 8.27 Area Program - Phase IV

8.28 \$5,400,000 in the second year is to the
 8.29 commissioner of natural resources for an
 8.30 agreement with Pheasants Forever to acquire
 8.31 land in fee to be managed and designated as
 8.32 waterfowl production areas in Minnesota,
 8.33 in cooperation with the United States Fish
 8.34 and Wildlife Service. A list of proposed land

9.1 acquisitions must be provided as part of the
9.2 required accomplishment plan.

9.3 **(c) Columbus Lake Conservation Area**

9.4 \$940,000 in the second year is to the
9.5 commissioner of natural resources for an
9.6 agreement with Anoka County to acquire
9.7 land in fee for conservation purposes that
9.8 connect wetlands and shallow lakes to
9.9 the Lamprey Pass Wildlife Management
9.10 Area. A list of proposed land acquisitions
9.11 must be provided as part of the required
9.12 accomplishment plan.

9.13 **(d) Living Shallow Lakes and Wetlands**
9.14 **Initiative - Phase II**

9.15 \$4,490,000 in the second year is to the
9.16 commissioner of natural resources for an
9.17 agreement with Ducks Unlimited to assess,
9.18 restore, and enhance shallow lakes and
9.19 wetlands, including technical assistance,
9.20 survey, design, and engineering to develop
9.21 new enhancement and restoration projects
9.22 for future implementation. A list of
9.23 proposed restorations and enhancements
9.24 must be provided as part of the required
9.25 accomplishment plan.

9.26 **(e) Accelerated Shallow Lakes and Wetlands**
9.27 **Enhancement - Phase IV**

9.28 \$3,870,000 in the second year is to the
9.29 commissioner of natural resources to
9.30 develop engineering designs and complete
9.31 construction to enhance shallow lakes and
9.32 wetlands. A list of proposed restorations and
9.33 enhancements must be provided as part of
9.34 the required accomplishment plan. Work

10.1 must be completed within three years of the
10.2 effective date of this article.

10.3 **(f) Marsh Lake Enhancement**

10.4 \$2,630,000 in the second year is to the
10.5 commissioner of natural resources to
10.6 complete design and construction to modify
10.7 the dam at Marsh Lake and return the historic
10.8 outlet of the Pomme de Terre River to Lac
10.9 Qui Parle.

10.10 **Subd. 5. Habitats** -0- 28,620,000

10.11 **(a) DNR Aquatic Habitat - Phase IV**

10.12 \$3,480,000 in the second year is to the
10.13 commissioner of natural resources to
10.14 acquire interests in land in fee or permanent
10.15 conservation easements for aquatic
10.16 management areas under Minnesota Statutes,
10.17 sections 86A.05, subdivision 14, and
10.18 97C.02, and to restore and enhance aquatic
10.19 habitat. A list of proposed land acquisitions
10.20 must be provided as part of the required
10.21 accomplishment plan. The accomplishment
10.22 plan must include an easement stewardship
10.23 plan. Up to \$25,000 is for establishing
10.24 a monitoring and enforcement fund as
10.25 approved in the accomplishment plan and
10.26 subject to Minnesota Statutes, section
10.27 97A.056, subdivision 17. An annual financial
10.28 report is required for any monitoring and
10.29 enforcement fund established, including
10.30 expenditures from the fund and a description
10.31 of annual monitoring and enforcement
10.32 activities.

10.33 **(b) Metro Big Rivers Habitat - Phase III**

11.1 \$3,680,000 in the second year is to the
11.2 commissioner of natural resources for
11.3 agreements to acquire interests in land in
11.4 fee or permanent conservation easements
11.5 and to restore and enhance natural systems
11.6 associated with the Mississippi, Minnesota,
11.7 and St. Croix Rivers as follows: \$1,000,000
11.8 to the Minnesota Valley National Wildlife
11.9 Refuge Trust, Inc.; \$375,000 to the Friends
11.10 of the Mississippi; \$375,000 to Great River
11.11 Greening; \$930,000 to The Minnesota
11.12 Land Trust; and \$1,000,000 to The Trust
11.13 for Public Land. A list of proposed
11.14 acquisitions, restorations, and enhancements
11.15 must be provided as part of the required
11.16 accomplishment plan. The accomplishment
11.17 plan must include an easement stewardship
11.18 plan. Up to \$51,000 is for establishing
11.19 a monitoring and enforcement fund as
11.20 approved in the accomplishment plan and
11.21 subject to Minnesota Statutes, section
11.22 97A.056, subdivision 17. An annual financial
11.23 report is required for any monitoring and
11.24 enforcement fund established, including
11.25 expenditures from the fund and a description
11.26 of annual monitoring and enforcement
11.27 activities.

11.28 **(c) Dakota County Riparian and Lakeshore**
11.29 **Protection and Management - Phase III**

11.30 \$480,000 in the second year is to the
11.31 commissioner of natural resources for an
11.32 agreement with Dakota County to acquire
11.33 permanent conservation easements and
11.34 restore and enhance habitats along the
11.35 Mississippi, Cannon, and Vermillion Rivers.
11.36 A list of proposed acquisitions, restorations,

12.1 and enhancements must be provided as
12.2 part of the required accomplishment plan.
12.3 The accomplishment plan must include
12.4 an easement stewardship plan. Up to
12.5 \$20,000 is for establishing a monitoring
12.6 and enforcement fund as approved in
12.7 the accomplishment plan and subject to
12.8 Minnesota Statutes, section 97A.056,
12.9 subdivision 17. An annual financial report is
12.10 required for any monitoring and enforcement
12.11 fund established, including expenditures
12.12 from the fund and a description of annual
12.13 monitoring and enforcement activities.

12.14 **(d) Lower St. Louis River Habitat Restoration**

12.15 \$3,670,000 in the second year is to the
12.16 commissioner of natural resources to restore
12.17 habitat in the lower St. Louis River estuary.
12.18 A list of proposed projects must be provided
12.19 as part of the required accomplishment plan.

12.20 **(e) Coldwater Fish Habitat Enhancement -**
12.21 **Phase IV**

12.22 \$2,120,000 in the second year is to the
12.23 commissioner of natural resources for an
12.24 agreement with Minnesota Trout Unlimited
12.25 to restore and enhance coldwater fish lake,
12.26 river and stream habitats in Minnesota. A list
12.27 of proposed restorations and enhancements
12.28 must be provided as part of the required
12.29 accomplishment plan.

12.30 **(f) Grand Marais Creek Outlet Restoration**

12.31 \$2,320,000 in the second year is to the
12.32 commissioner of natural resources for an
12.33 agreement with the Red Lake Watershed
12.34 District to restore and enhance stream and
12.35 related habitat in Grand Marais Creek. A list

13.1 of proposed restorations and enhancements
13.2 must be provided as part of the required
13.3 accomplishment plan.

13.4 **(g) Knife River Habitat Restoration**

13.5 \$380,000 in the second year is to the
13.6 commissioner of natural resources for an
13.7 agreement with the Lake Superior Steelhead
13.8 Association to restore trout habitat in the
13.9 Upper Knife River Watershed. A list of
13.10 proposed restorations must be provided as
13.11 part of the required accomplishment plan.

13.12 **(h) Protect Aquatic Habitat from Asian Carp**

13.13 \$7,500,000 in the second year is to the
13.14 commissioner of natural resources to provide
13.15 structural deterrents for Asian carp to protect
13.16 Minnesota's aquatic habitat. Use of this
13.17 money requires a one-to-one match for
13.18 projects on state boundary waters.

13.19 **(i) Outdoor Heritage Conservation Partners**
13.20 **Grant Program - Phase IV**

13.21 \$4,990,000 in the second year is to the
13.22 commissioner of natural resources for a
13.23 program to provide competitive, matching
13.24 grants of up to \$400,000 to local, regional,
13.25 state, and national organizations for
13.26 enhancing, restoring, or protecting forests,
13.27 wetlands, prairies, and habitat for fish, game,
13.28 or wildlife in Minnesota. Grants shall not
13.29 be made for activities required to fulfill
13.30 the duties of owners of lands subject to
13.31 conservation easements. Grants shall not be
13.32 made from appropriations in this paragraph
13.33 for projects that have a total project cost
13.34 exceeding \$575,000. \$366,000 of this
13.35 appropriation may be spent for personnel

14.1 costs and other direct and necessary
14.2 administrative costs. Grantees may acquire
14.3 land or interests in land. Easements must be
14.4 permanent. Land acquired in fee must be
14.5 open to hunting and fishing during the open
14.6 season unless otherwise provided by state
14.7 law. The program shall require a match of
14.8 at least ten percent from nonstate sources
14.9 for all grants. The match may be cash or
14.10 in-kind resources. For grant applications
14.11 of \$25,000 or less, the commissioner shall
14.12 provide a separate, simplified application
14.13 process. Subject to Minnesota Statutes, the
14.14 commissioner of natural resources shall,
14.15 when evaluating projects of equal value,
14.16 give priority to organizations that have a
14.17 history of receiving or charter to receive
14.18 private contributions for local conservation
14.19 or habitat projects. If acquiring land or a
14.20 conservation easement, priority shall be
14.21 given to projects associated with existing
14.22 wildlife management areas under Minnesota
14.23 Statutes, section 86A.05, subdivision 8;
14.24 scientific and natural areas under Minnesota
14.25 Statutes, sections 84.033 and 86A.05,
14.26 subdivision 5; and aquatic management areas
14.27 under Minnesota Statutes, sections 86A.05,
14.28 subdivision 14, and 97C.02. All restoration
14.29 or enhancement projects must be on land
14.30 permanently protected by a conservation
14.31 easement or public ownership or in public
14.32 waters as defined in Minnesota Statutes,
14.33 section 103G.005, subdivision 15. Priority
14.34 shall be given to restoration and enhancement
14.35 projects on public lands. Minnesota Statutes,
14.36 section 97A.056, subdivision 13, applies

15.1 to grants awarded under this paragraph.
 15.2 This appropriation is available until June
 15.3 30, 2016. No less than five percent of the
 15.4 amount of each grant must be held back from
 15.5 reimbursement until the grant recipient has
 15.6 completed a grant accomplishment report by
 15.7 the deadline and in the form prescribed by
 15.8 and satisfactory to the Lessard-Sams Outdoor
 15.9 Heritage Council. The commissioner shall
 15.10 provide notice of the grant program in
 15.11 the game and fish law summaries that are
 15.12 prepared under Minnesota Statutes, section
 15.13 97A.051, subdivision 2.

15.14 Subd. 6. **Administration** -0- 220,000

15.15 **(a) Contract Management**

15.16 \$175,000 in the second year is to the
 15.17 commissioner of natural resources for
 15.18 contract management duties assigned in this
 15.19 section. The commissioner shall provide a
 15.20 work program in the form specified by the
 15.21 Lessard-Sams Outdoor Heritage Council
 15.22 on the expenditure of this appropriation.
 15.23 No money may be expended prior to
 15.24 Lessard-Sams Outdoor Heritage Council
 15.25 approval of the work program.

15.26 **(b) Technical Evaluation Panel**

15.27 \$45,000 in the second year is to the
 15.28 commissioner of natural resources for a
 15.29 technical evaluation panel to conduct up to
 15.30 ten restoration evaluations under Minnesota
 15.31 Statutes, section 97A.056, subdivision 10.

15.32 **Subd. 7. Availability of Appropriation**

15.33 Money appropriated in this section may
 15.34 not be spent on activities unless they are

16.1 directly related to and necessary for a
16.2 specific appropriation and are specified in
16.3 the accomplishment plan approved by the
16.4 Lessard-Sams Outdoor Heritage Council.
16.5 Money appropriated in this section must not
16.6 be spent on indirect costs or other institutional
16.7 overhead charges that are not directly related
16.8 to and necessary for a specific appropriation.
16.9 Unless otherwise provided, the amounts
16.10 in this section are available until June 30,
16.11 2015, when projects must be completed and
16.12 final accomplishments reported. Funds for
16.13 restoration or enhancement are available
16.14 until June 30, 2017, or four years after
16.15 acquisition, whichever is later, in order to
16.16 complete initial restoration or enhancement
16.17 work. If a project receives federal funds,
16.18 the time period of the appropriation is
16.19 extended to equal the availability of federal
16.20 funding. Funds appropriated for fee title
16.21 acquisition of land may be used to restore,
16.22 enhance, and provide for public use of the
16.23 land acquired with the appropriation. Public
16.24 use facilities must have a minimal impact
16.25 on habitat in acquired lands. If the purchase
16.26 price for a fee title acquisition funded with
16.27 an appropriation in this article falls below
16.28 the estimated purchase price contained in
16.29 the approved accomplishment plan and no
16.30 other acquisitions are listed in the approved
16.31 accomplishment plan the difference between
16.32 the purchase price and the estimated purchase
16.33 price is canceled and returned to the outdoor
16.34 heritage fund.

16.35 **Subd. 8. Payment Conditions and Capital**
16.36 **Equipment Expenditures**

17.1 All agreements referred to in this section must
17.2 be administered on a reimbursement basis
17.3 unless otherwise provided in this section.
17.4 Notwithstanding Minnesota Statutes, section
17.5 16A.41, expenditures directly related to each
17.6 appropriation's purpose made on or after July
17.7 1, 2012, or the date of accomplishment plan
17.8 approval, whichever is later, are eligible for
17.9 reimbursement unless otherwise provided in
17.10 this section. Periodic reimbursement must
17.11 be made upon receiving documentation that
17.12 the items articulated in the accomplishment
17.13 plan approved by the Lessard-Sams Outdoor
17.14 Heritage Council have been achieved,
17.15 including partial achievements as evidenced
17.16 by progress reports approved by the
17.17 Lessard-Sams Outdoor Heritage Council.
17.18 Reasonable amounts may be advanced to
17.19 projects to accommodate cash flow needs,
17.20 support future management of acquired
17.21 lands, or match a federal share. The
17.22 advances must be approved as part of the
17.23 accomplishment plan. Capital equipment
17.24 expenditures for specific items in excess of
17.25 \$10,000 must be itemized in and approved as
17.26 part of the accomplishment plan.

17.27 **Sec. 3. [84.972] PRAIRIE GRASSLANDS PUBLIC GRAZING PROGRAM.**

17.28 The commissioner of natural resources shall enter into agreements with livestock
17.29 owners to annually graze prairie and grasslands administered by the commissioner. In
17.30 addition the commissioner shall establish a target of at least 50,000 acres of prairie
17.31 and grasslands to be enrolled in a prairie grasslands public grazing program. The
17.32 commissioner shall maintain a list of lands grazed under this provision describing the
17.33 location, acreage, and year or years grazed. The program shall be self-sufficient with
17.34 grazing revenues offsetting the costs of the program.

18.1 Sec. 4. Minnesota Statutes 2010, section 97A.056, is amended by adding a subdivision
18.2 to read:

18.3 Subd. 12. **Accomplishment plans.** It is a condition of acceptance of money
18.4 appropriated from the outdoor heritage fund that the agency or entity using the
18.5 appropriation submits an accomplishment plan and periodic accomplishment reports
18.6 to the Lessard-Sams Outdoor Heritage Council in the form determined by the council.
18.7 The accomplishment plan must identify the project manager responsible for expending
18.8 the appropriation and the final product. The accomplishment plan must account for
18.9 the use of the appropriation and outcomes of the expenditure in measures of wetlands,
18.10 prairies, forests, and fish, game, and wildlife habitat restored, protected, and enhanced.
18.11 The plan must include an evaluation of results. If lands are acquired by fee with money
18.12 from the outdoor heritage fund, the accomplishment plan must include a hunting and
18.13 fishing management plan for the lands acquired by fee. No money appropriated from the
18.14 outdoor heritage fund may be expended unless the council has approved the pertinent
18.15 accomplishment plan.

18.16 Sec. 5. Minnesota Statutes 2010, section 97A.056, is amended by adding a subdivision
18.17 to read:

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

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

18.24 (1) be permanent;

18.25 (2) specify the parties to the easement;

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

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

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

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

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

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

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

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

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

19.16 (e) To ensure public accountability for the use of public funds, a recipient must
19.17 provide to the Lessard-Sams Outdoor Heritage Council documentation of the process used
19.18 to select parcels acquired in fee or as permanent conservation easements and must provide
19.19 the council with documentation of all related transaction costs, including, but not limited
19.20 to, appraisals, legal fees, recording fees, commissions, other similar costs, and donations.
19.21 This information must be provided for all parties involved in the transaction. The recipient
19.22 must also report to the Lessard-Sams Outdoor Heritage Council any difference between
19.23 the acquisition amount paid to the seller and the state-certified or state-reviewed appraisal,
19.24 if a state-certified or state-reviewed appraisal was conducted. Acquisition data such as
19.25 appraisals may remain private during negotiations but must ultimately be made public
19.26 according to chapter 13.

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

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

20.1 (h) A recipient of money appropriated from the outdoor heritage fund must give
20.2 consideration to Conservation Corps Minnesota for possible use of the corps' services to
20.3 contract for restoration and enhancement services.

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

20.6 Sec. 6. Minnesota Statutes 2010, section 97A.056, is amended by adding a subdivision
20.7 to read:

20.8 Subd. 14. **Purchase of recycled and recyclable materials.** A political subdivision,
20.9 public or private corporation, or other entity that receives money appropriated from the
20.10 outdoor heritage fund must use the money in compliance with sections 16B.121, regarding
20.11 purchase of recycled, repairable, and durable materials, and 16B.122, regarding purchase
20.12 and use of paper stock and printing.

20.13 Sec. 7. Minnesota Statutes 2010, section 97A.056, is amended by adding a subdivision
20.14 to read:

20.15 Subd. 15. **Land acquisition restrictions.** (a) An interest in real property, including,
20.16 but not limited to, an easement or fee title, that is acquired with money appropriated
20.17 from the outdoor heritage fund must be used in perpetuity or for the specific term of an
20.18 easement interest for the purpose for which the appropriation was made. The ownership
20.19 of the interest in real property transfers to the state if: (1) the holder of the interest in
20.20 real property fails to comply with the terms and conditions of the grant agreement or
20.21 accomplishment plan; or (2) restrictions are placed on the land that preclude its use for the
20.22 intended purpose as specified in the appropriation.

20.23 (b) A recipient of funding that acquires an interest in real property subject to this
20.24 subdivision may not alter the intended use of the interest in real property or convey any
20.25 interest in the real property acquired with the appropriation without the prior review and
20.26 approval of the Lessard-Sams Outdoor Heritage Council or its successor. The council
20.27 shall notify the chairs and ranking minority members of the legislative committees and
20.28 divisions with jurisdiction over the outdoor heritage fund at least 15 business days before
20.29 approval under this paragraph. The council shall establish procedures to review requests
20.30 from recipients to alter the use of or convey an interest in real property. These procedures
20.31 shall allow for the replacement of the interest in real property with another interest in real
20.32 property meeting the following criteria:

20.33 (1) the interest must be at least equal in fair market value, as certified by the
20.34 commissioner of natural resources, to the interest being replaced; and

21.1 (2) the interest must be in a reasonably equivalent location and have a reasonably
21.2 equivalent useful conservation purpose compared to the interest being replaced, taking
21.3 into consideration all effects from fragmentation of the whole habitat.

21.4 (c) A recipient of funding who acquires an interest in real property under paragraph
21.5 (a) must separately record a notice of funding restrictions in the appropriate local
21.6 government office where the conveyance of the interest in real property is filed. The
21.7 notice of funding agreement must contain:

21.8 (1) a legal description of the interest in real property covered by the funding
21.9 agreement;

21.10 (2) a reference to the underlying funding agreement;

21.11 (3) a reference to this section; and

21.12 (4) the following statement: "This interest in real property shall be administered in
21.13 accordance with the terms, conditions, and purposes of the grant agreement controlling the
21.14 acquisition of the property. The interest in real property, or any portion of the interest in
21.15 real property, shall not be sold, transferred, pledged, or otherwise disposed of or further
21.16 encumbered without obtaining the prior written approval of the Lessard-Sams Outdoor
21.17 Heritage Council or its successor. The ownership of the interest in real property transfers to
21.18 the state if: (1) the holder of the interest in real property fails to comply with the terms and
21.19 conditions of the grant agreement or accomplishment plan; or (2) restrictions are placed
21.20 on the land that preclude its use for the intended purpose as specified in the appropriation."

21.21 Sec. 8. Minnesota Statutes 2010, section 97A.056, is amended by adding a subdivision
21.22 to read:

21.23 Subd. 16. **Real property interest report.** (a) By December 1 each year, a recipient
21.24 of money appropriated from the outdoor heritage fund that is used for the acquisition of an
21.25 interest in real property, including, but not limited to, an easement or fee title, must submit
21.26 annual reports on the status of the real property to the Lessard-Sams Outdoor Heritage
21.27 Council or its successor in a form determined by the council. If lands are acquired by fee
21.28 with money from the outdoor heritage fund, the real property interest report must include
21.29 a verification of the status of the hunting and fishing management plan for the lands
21.30 acquired by fee. The responsibility for reporting under this subdivision may be transferred
21.31 by the recipient of the appropriation to another person or entity that holds the interest in
21.32 the real property. To complete the transfer of reporting responsibility, the recipient of
21.33 the appropriation must:

21.34 (1) inform the person to whom the responsibility is transferred of that person's
21.35 reporting responsibility;

22.1 (2) inform the person to whom the responsibility is transferred of the property
22.2 restrictions under subdivision 15; and

22.3 (3) provide written notice to the council of the transfer of reporting responsibility,
22.4 including contact information for the person to whom the responsibility is transferred.

22.5 (b) After the transfer, the person or entity that holds the interest in the real property
22.6 is responsible for reporting requirements under this subdivision.

22.7 Sec. 9. Minnesota Statutes 2010, section 97A.056, is amended by adding a subdivision
22.8 to read:

22.9 Subd. 17. **Easement monitoring and enforcement requirements.** Money
22.10 appropriated from the outdoor heritage fund for easement monitoring and enforcement
22.11 may be spent only on activities included in an easement monitoring and enforcement
22.12 plan contained within the accomplishment plan. Money received for monitoring and
22.13 enforcement, including earnings on the money received, shall be kept in a monitoring
22.14 and enforcement fund held by the organization and is appropriated for monitoring and
22.15 enforcing conservation easements in the state. Within 120 days after the close of the
22.16 entity's fiscal year, an entity receiving appropriations for easement monitoring and
22.17 enforcement must provide an annual financial report to the Lessard-Sams Outdoor
22.18 Heritage Council on the easement monitoring and enforcement fund as specified in the
22.19 accomplishment plan. Money appropriated from the outdoor heritage fund for monitoring
22.20 and enforcement of easements and earnings on the money appropriated shall revert
22.21 to the state if:

22.22 (1) the easement transfers to the state under subdivision 15;

22.23 (2) the holder of the easement fails to file an annual report and then fails to cure that
22.24 default within 30 days of notification of the default by the state; or

22.25 (3) the holder of the easement fails to comply with the terms of the monitoring and
22.26 enforcement plan contained within the accomplishment plan and fails to cure that default
22.27 within 90 days of notification of the default by the state.

22.28 Sec. 10. Minnesota Statutes 2010, section 97A.056, is amended by adding a
22.29 subdivision to read:

22.30 Subd. 18. **Successor organizations.** The Lessard-Sams Outdoor Heritage Council
22.31 may approve the continuation of a project with an organization that has adopted a new
22.32 name. Continuation of a project with an organization that has undergone a significant
22.33 change in mission, structure, or purpose requires:

23.1 (1) notice to the chairs of the legislative committees and divisions with jurisdiction
23.2 over the outdoor heritage fund; and

23.3 (2) presentation by the council of proposed legislation either ratifying or rejecting
23.4 continued involvement with the new organization.

23.5 Sec. 11. Minnesota Statutes 2010, section 97A.056, is amended by adding a
23.6 subdivision to read:

23.7 Subd. 19. **Fee title acquisition; open season.** (a) Lands acquired by fee with
23.8 money appropriated from the outdoor heritage fund that are held by the state must be open
23.9 to the public taking of fish and game during the open season, unless otherwise provided by
23.10 state law.

23.11 (b) Lands acquired by fee with money appropriated from the outdoor heritage fund
23.12 that are held by the U.S. Fish and Wildlife Service must be open to the public taking of
23.13 fish and game during the open season according to the National Wildlife Refuge System
23.14 Improvement Act, United States Code, title 16, section 668dd, et. seq.

23.15 (c) Except as provided in paragraph (b), lands acquired by fee with money
23.16 appropriated from the outdoor heritage fund that are held by a nonstate entity must be open
23.17 to the public taking of fish and game during the open season, unless otherwise prescribed
23.18 by the commissioner of natural resources.

23.19 **EFFECTIVE DATE.** This section is effective retroactively to July 1, 2009.

23.20 Sec. 12. Minnesota Statutes 2010, section 97A.056, is amended by adding a
23.21 subdivision to read:

23.22 Subd. 20. **Pasture land.** (a) For the purposes of this subdivision "pasture" means
23.23 any prairie or grassland that had fencing designed to contain livestock at the time of
23.24 acquisition or that had been actively grazed anytime during the ten-year period prior to
23.25 acquisition, or cropped land intended to be managed as restored prairie or grassland, and
23.26 that is acquired in fee for wildlife management area purposes under Minnesota Statutes,
23.27 Section 86A.05, subdivision 8.

23.28 (b) A recipient of money appropriated from the outdoor heritage fund that is used to
23.29 acquire, in fee, more than 20 acres of pasture, as defined in paragraph (a), shall maintain
23.30 any existing fencing on the land and install new perimeter fencing using funds from
23.31 the outdoor heritage fund appropriation, unless perimeter fencing capable of containing
23.32 livestock for grazing is already present. The commissioner shall enter into an agreement
23.33 or agreements with a livestock owner or owners to provide sufficient grazing of the pasture
23.34 to enhance wildlife habitat and control invasive species.

24.1 (c) The commissioner must annually report to the Lessard-Sams Outdoor Heritage
24.2 Council, for land acquired with the outdoor heritage fund subject to this subdivision, the
24.3 location, acreage, and years grazed.

24.4 (d) Grazing revenue minus expenses to administer the grazing program in section (b)
24.5 shall be deposited in the outdoor heritage fund on or before December 31st of each year.

24.6 Sec. 13. Laws 2011, First Special Session chapter 6, article 1, section 2, subdivision 9,
24.7 is amended to read:

24.8 **Subd. 9. Project Requirements**

24.9 (a) As a condition of accepting an
24.10 appropriation made under this section, an
24.11 agency or entity receiving an appropriation
24.12 must comply with this subdivision for any
24.13 project funded in whole or in part with funds
24.14 from the appropriation.

24.15 (b) All conservation easements acquired with
24.16 money appropriated under this section must:
24.17 (1) be permanent; (2) specify the parties to
24.18 the easement; (3) specify all of the provisions
24.19 of an agreement that are permanent; (4)
24.20 specify the habitat types and location
24.21 being protected; (5) where appropriate for
24.22 conservation or water protection outcomes,
24.23 require the grantor to employ practices
24.24 retaining water on the eased land as long as
24.25 practicable; (6) specify the responsibilities
24.26 of the parties for habitat enhancement and
24.27 restoration and the associated costs of these
24.28 activities; (7) be sent to the office of the
24.29 Lessard-Sams Outdoor Heritage Council; (8)
24.30 include a long-term stewardship plan and
24.31 identify the sources and amount of funding
24.32 for monitoring and enforcing the easement
24.33 agreement; and (9) identify the parties

25.1 responsible for monitoring and enforcing the
25.2 easement agreement.

25.3 (c) For all restorations, a recipient must
25.4 prepare and retain an ecological restoration
25.5 and management plan that, to the degree
25.6 practicable, is consistent with current
25.7 conservation science and ecological goals
25.8 for the restoration site. Consideration should
25.9 be given to soil, geology, topography, and
25.10 other relevant factors that would provide
25.11 the best chance for long-term success and
25.12 durability of the restoration projects. The
25.13 plan must include the proposed timetable for
25.14 implementing the restoration, including, but
25.15 not limited to, site preparation, establishment
25.16 of diverse plant species, maintenance, and
25.17 additional enhancement to establish the
25.18 restoration; identify long-term maintenance
25.19 and management needs of the restoration
25.20 and how the maintenance, management,
25.21 and enhancement will be financed; and use
25.22 current conservation science to achieve the
25.23 best restoration.

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

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

26.1 of all related transaction costs, including,
26.2 but not limited to, appraisals, legal fees,
26.3 recording fees, commissions, other similar
26.4 costs, and donations. This information
26.5 must be provided for all parties involved
26.6 in the transaction. The recipient must
26.7 also report to the Lessard-Sams Outdoor
26.8 Heritage Council any difference between the
26.9 acquisition amount paid to the seller and the
26.10 state-certified or state-reviewed appraisal, if
26.11 a state-certified or state-reviewed appraisal
26.12 was conducted. Acquisition data such
26.13 as appraisals may remain private during
26.14 negotiations but must ultimately be made
26.15 public according to Minnesota Statutes,
26.16 chapter 13.

26.17 (f) Except as otherwise provided in this
26.18 section, all restoration and enhancement
26.19 projects funded with money appropriated
26.20 under this section must be on land
26.21 permanently protected by a conservation
26.22 easement or public ownership or in public
26.23 waters as defined in Minnesota Statutes,
26.24 section 103G.005, subdivision 15.

26.25 (g) To the extent an appropriation is used to
26.26 acquire an interest in real property, a recipient
26.27 of an appropriation under this section must
26.28 provide to the Lessard-Sams Outdoor
26.29 Heritage Council and the commissioner
26.30 of management and budget an analysis of
26.31 increased operations and maintenance costs
26.32 likely to be incurred by public entities as
26.33 a result of the acquisition and of how these
26.34 costs are to be paid.

27.1 (h) A recipient of money from an
 27.2 appropriation under this section must give
 27.3 consideration to ~~and make timely written~~
 27.4 ~~contact with~~ Conservation Corps Minnesota
 27.5 for possible use of the corps' services to
 27.6 contract for restoration and enhancement
 27.7 services. ~~A copy of the written contact~~
 27.8 ~~must be filed with the Lessard-Sams~~
 27.9 ~~Outdoor Heritage Council within 15 days of~~
 27.10 ~~execution.~~

27.11 (i) A recipient of money under this section
 27.12 must erect signage according to Laws 2009,
 27.13 chapter 172, article 5, section 10.

27.14 Sec. 14. **LEGACY FUNDING REQUIREMENTS APPLY.**

27.15 Each direct recipient of money appropriated in this article, as well as each recipient
 27.16 of a grant awarded pursuant to this article, must satisfy all reporting and other requirements
 27.17 incumbent upon legacy funding recipients as provided in Laws of Minnesota 2011, First
 27.18 Special Session chapter 6, article 5.

27.19 **ARTICLE 2**

27.20 **CLEAN WATER FUND**

27.21 Section 1. Minnesota Statutes 2011 Supplement, section 114D.30, subdivision 4, is
 27.22 amended to read:

27.23 Subd. 4. **Terms; compensation; removal.** The terms of members representing the
 27.24 state agencies and the Metropolitan Council are four years and are coterminous with the
 27.25 governor. The terms of other nonlegislative members of the council shall be as provided
 27.26 in section 15.059, subdivision 2. Members may serve until their successors are appointed
 27.27 and qualify. Compensation and removal of nonlegislative council members is as provided
 27.28 in section 15.059, subdivisions 3 and 4. Compensation of legislative members is as
 27.29 determined by the appointing authority. The Pollution Control Agency may reimburse
 27.30 legislative members for expenses. A vacancy on the council may be filled by the
 27.31 appointing authority provided in subdivision 1 for the remainder of the unexpired term.

28.1 Sec. 2. Laws 2009, chapter 172, article 2, section 4, as amended by Laws 2010, chapter
 28.2 361, article 2, section 2, and Laws 2011, First Special Session chapter 6, article 2, section
 28.3 23, is amended to read:

28.4 **Sec. 4. POLLUTION CONTROL AGENCY \$ 24,076,000 \$ 27,630,000**

28.5 (a) \$9,000,000 the first year and \$9,000,000
 28.6 the second year are to develop total
 28.7 maximum daily load (TMDL) studies and
 28.8 TMDL implementation plans for waters
 28.9 listed on the United States Environmental
 28.10 Protection Agency approved impaired
 28.11 waters list in accordance with Minnesota
 28.12 Statutes, chapter 114D. The agency shall
 28.13 complete an average of ten percent of the
 28.14 TMDLs each year over the biennium. Of
 28.15 this amount, \$348,000 the first year is to
 28.16 retest the comprehensive assessment of the
 28.17 biological conditions of the lower Minnesota
 28.18 River and its tributaries within the Lower
 28.19 Minnesota River Major Watershed, as
 28.20 previously assessed from 1976 to 1992 under
 28.21 the Minnesota River Assessment Project
 28.22 (MRAP). The assessment must include the
 28.23 same fish species sampling at the same 116
 28.24 locations and the same macroinvertebrate
 28.25 sampling at the same 41 locations as the
 28.26 MRAP assessment. The assessment must:
 28.27 (1) include an analysis of the findings; and
 28.28 (2) identify factors that limit aquatic life in
 28.29 the Minnesota River.

28.30 Of this amount, \$250,000 the first year is
 28.31 for a pilot project for the development of
 28.32 total maximum daily load (TMDL) studies
 28.33 conducted on a watershed basis within
 28.34 the Buffalo River watershed in order to
 28.35 protect, enhance, and restore water quality

29.1 in lakes, rivers, and streams. The pilot
29.2 project shall include all necessary field
29.3 work to develop TMDL studies for all
29.4 impaired subwatersheds within the Buffalo
29.5 River watershed and provide information
29.6 necessary to complete reports for most of the
29.7 remaining watersheds, including analysis of
29.8 water quality data, identification of sources
29.9 of water quality degradation and stressors,
29.10 load allocation development, development
29.11 of reports that provide protection plans
29.12 for subwatersheds that meet water quality
29.13 standards, and development of reports that
29.14 provide information necessary to complete
29.15 TMDL studies for subwatersheds that do not
29.16 meet water quality standards, but are not
29.17 listed as impaired.

29.18 (b) \$500,000 the first year is for development
29.19 of an enhanced TMDL database to manage
29.20 and track progress. Of this amount, \$63,000
29.21 the first year is to promulgate rules. By
29.22 November 1, 2010, the commissioner shall
29.23 submit a report to the chairs of the house of
29.24 representatives and senate committees with
29.25 jurisdiction over environment and natural
29.26 resources finance on the outcomes achieved
29.27 with this appropriation.

29.28 (c) \$1,500,000 the first year and \$3,169,000
29.29 the second year are for grants under
29.30 Minnesota Statutes, section 116.195, to
29.31 political subdivisions for up to 50 percent of
29.32 the costs to predesign, design, and implement
29.33 capital projects that use storm water or
29.34 treated municipal wastewater instead of
29.35 groundwater from drinking water aquifers,
29.36 in order to demonstrate the beneficial use

30.1 of wastewater or storm water, including
30.2 the conservation and protection of water
30.3 resources. ~~Of~~ Notwithstanding section
30.4 116.195, of this amount, \$1,000,000 the first
30.5 year is for ~~grants~~ a direct grant to an ethanol
30.6 ~~plants~~ plant in Stevens County that are is
30.7 within one and one-half miles of a city for
30.8 improvements that ~~use storm water or reuse~~
30.9 ~~greater than 300,000 gallons of wastewater~~
30.10 per day utilize effluent from a commercial
30.11 water-treatment system and conserve and
30.12 protect water resources. This appropriation
30.13 is available until June 30, 2016.

30.14 (d) \$1,125,000 the first year and \$1,125,000
30.15 the second year are for groundwater
30.16 assessment and drinking water protection to
30.17 include:

30.18 (1) the installation and sampling of at least
30.19 30 new monitoring wells;
30.20 (2) the analysis of samples from at least 40
30.21 shallow monitoring wells each year for the
30.22 presence of endocrine disrupting compounds;
30.23 and

30.24 (3) the completion of at least four to
30.25 five groundwater models for TMDL and
30.26 watershed plans.

30.27 (e) \$2,500,000 the first year is for the clean
30.28 water partnership program. Priority shall be
30.29 given to projects preventing impairments and
30.30 degradation of lakes, rivers, streams, and
30.31 groundwater in accordance with Minnesota
30.32 Statutes, section 114D.20, subdivision 2,
30.33 clause (4). Any balance remaining in the first
30.34 year does not cancel and is available for the
30.35 second year.

31.1 (f) \$896,000 the first year is to establish
31.2 a network of water monitoring sites, to
31.3 include at least 20 additional sites, in public
31.4 waters adjacent to wastewater treatment
31.5 facilities across the state to assess levels of
31.6 endocrine-disrupting compounds, antibiotic
31.7 compounds, and pharmaceuticals as required
31.8 in this article. The data must be placed on
31.9 the agency's Web site.

31.10 (g) \$155,000 the first year is to provide
31.11 notification of the potential for coal tar
31.12 contamination, establish a storm water
31.13 pond inventory schedule, and develop best
31.14 management practices for treating and
31.15 cleaning up contaminated sediments as
31.16 required in this article. \$490,000 the second
31.17 year is to provide grants to local units of
31.18 government for up to 50 percent of the costs
31.19 to implement best management practices to
31.20 treat or clean up contaminated sediments
31.21 in storm water ponds and other waters as
31.22 defined under this article. Local governments
31.23 must have adopted an ordinance for the
31.24 restricted use of undiluted coal tar sealants
31.25 in order to be eligible for a grant, unless a
31.26 statewide restriction has been implemented.
31.27 A grant awarded under this paragraph must
31.28 not exceed \$100,000. Up to \$145,000 of the
31.29 appropriation in the second year may be used
31.30 to complete work required under section 28,
31.31 paragraph (c).

31.32 (h) \$350,000 the first year and \$600,000 the
31.33 second year are for a restoration project in
31.34 the lower St. Louis River and Duluth harbor
31.35 in order to improve water quality. This
31.36 appropriation must be matched by nonstate

32.1 money at a rate of at least \$2 for every \$1 of
32.2 state money.

32.3 (i) \$150,000 the first year and \$196,000 the
32.4 second year are for grants to the Red River
32.5 Watershed Management Board to enhance
32.6 and expand existing river watch activities in
32.7 the Red River of the North. The Red River
32.8 Watershed Management Board shall provide
32.9 a report that includes formal evaluation
32.10 results from the river watch program to the
32.11 commissioners of education and the Pollution
32.12 Control Agency and to the legislative natural
32.13 resources finance and policy committees
32.14 and K-12 finance and policy committees by
32.15 February 15, 2011.

32.16 (j) \$200,000 the first year and \$300,000 the
32.17 second year are for coordination with the
32.18 state of Wisconsin and the National Park
32.19 Service on comprehensive water monitoring
32.20 and phosphorus reduction activities in the
32.21 Lake St. Croix portion of the St. Croix
32.22 River. The Pollution Control Agency
32.23 shall work with the St. Croix Basin Water
32.24 Resources Planning Team and the St. Croix
32.25 River Association in implementing the
32.26 water monitoring and phosphorus reduction
32.27 activities. This appropriation is available
32.28 to the extent matched by nonstate sources.
32.29 Money not matched by November 15, 2010,
32.30 cancels for this purpose and is available for
32.31 the purposes of paragraph (a).

32.32 (k) \$7,500,000 the first year and \$7,500,000
32.33 the second year are for completion of 20
32.34 percent of the needed statewide assessments
32.35 of surface water quality and trends. Of this

33.1 amount, \$175,000 the first year and \$200,000
33.2 the second year are for monitoring and
33.3 analyzing endocrine disruptors in surface
33.4 waters.

33.5 (l) \$100,000 the first year and \$150,000
33.6 the second year are for civic engagement
33.7 in TMDL development. The agency shall
33.8 develop a plan for expenditures under
33.9 this paragraph. The agency shall give
33.10 consideration to civic engagement proposals
33.11 from basin or sub-basin organizations,
33.12 including the Mississippi Headwaters Board,
33.13 the Minnesota River Joint Powers Board,
33.14 Area II Minnesota River Basin Projects,
33.15 and the Red River Basin Commission.
33.16 By November 15, 2009, the plan shall be
33.17 submitted to the house and senate chairs
33.18 and ranking minority members of the
33.19 environmental finance divisions.

33.20 (m) \$5,000,000 the second year is for
33.21 groundwater protection or prevention of
33.22 groundwater degradation activities. By
33.23 January 15, 2010, the commissioner, in
33.24 consultation with the commissioner of
33.25 natural resources, the Board of Water and
33.26 Soil Resources, and other agencies, shall
33.27 submit a report to the chairs of the house of
33.28 representatives and senate committees with
33.29 jurisdiction over the clean water fund on the
33.30 intended use of these funds. The legislature
33.31 must approve expenditure of these funds by
33.32 law.

33.33 Notwithstanding Minnesota Statutes, section
33.34 16A.28, the appropriations encumbered on or

34.1 before June 30, 2011, as grants or contracts in
34.2 this section are available until June 30, 2013.

34.3 Sec. 3. Laws 2011, First Special Session chapter 6, article 2, section 7, is amended to
34.4 read:

34.5	Sec. 7. BOARD OF WATER AND SOIL		<u>27,534,000</u>
34.6	RESOURCES	\$ 27,534,000 \$	<u>31,734,000</u>

34.7 (a) \$13,750,000 the first year and
 34.8 ~~\$13,750,000~~ \$15,350,000 the second year are
 34.9 for pollution reduction and restoration grants
 34.10 to local government units and joint powers
 34.11 organizations of local government units to
 34.12 protect surface water and drinking water; to
 34.13 keep water on the land; to protect, enhance,
 34.14 and restore water quality in lakes, rivers,
 34.15 and streams; and to protect groundwater
 34.16 and drinking water, including feedlot water
 34.17 quality and subsurface sewage treatment
 34.18 system (SSTS) projects and stream bank,
 34.19 stream channel, and shoreline restoration
 34.20 projects. The projects must be of long-lasting
 34.21 public benefit, include a match, and be
 34.22 consistent with TMDL implementation plans
 34.23 or local water management plans.

34.24 (b) \$3,000,000 the first year and ~~\$3,000,000~~
 34.25 \$3,600,000 the second year are for targeted
 34.26 local resource protection and enhancement
 34.27 grants. The board shall give priority
 34.28 consideration to projects and practices
 34.29 that complement, supplement, or exceed
 34.30 current state standards for protection,
 34.31 enhancement, and restoration of water
 34.32 quality in lakes, rivers, and streams or that
 34.33 protect groundwater from degradation. Of
 34.34 this amount, at least \$1,500,000 each year is
 34.35 for county SSTS implementation.

35.1 (c) \$900,000 the first year and ~~\$900,000~~
35.2 \$1,200,000 the second year are to
35.3 provide state oversight and accountability,
35.4 evaluate results, and develop an electronic
35.5 system to measure and track the value of
35.6 conservation program implementation by
35.7 local governments, including submission
35.8 to the legislature by March 1 each year
35.9 an annual report prepared by the board,
35.10 in consultation with the commissioners of
35.11 natural resources, health, agriculture, and
35.12 the Pollution Control Agency, detailing the
35.13 recipients and projects funded under this
35.14 section. The board shall require grantees to
35.15 specify the outcomes that will be achieved
35.16 by the grants prior to any grant awards.

35.17 (d) \$1,000,000 the first year and ~~\$1,000,000~~
35.18 \$1,700,000 the second year are for technical
35.19 assistance and grants for the conservation
35.20 drainage program in consultation with
35.21 the Drainage Work Group, created under
35.22 Minnesota Statutes, section 103B.101,
35.23 subdivision 13, that consists of projects to
35.24 retrofit ~~existing~~ or supplement drainage
35.25 systems with water quality improvement
35.26 practices, evaluate outcomes, and provide
35.27 outreach to landowners, public drainage
35.28 authorities, drainage engineers and
35.29 contractors, and others. The board shall
35.30 coordinate practice standards with the
35.31 Natural Resources Conservation Service of
35.32 the United States Department of Agriculture
35.33 and seek to leverage federal funds as
35.34 part of conservation drainage program
35.35 implementation.

36.1 (e) \$6,000,000 the first year and \$6,000,000
36.2 the second year are to purchase and restore
36.3 permanent conservation easements on
36.4 riparian buffers adjacent to public waters,
36.5 excluding wetlands, to keep water on the
36.6 land in order to decrease sediment, pollutant,
36.7 and nutrient transport; reduce hydrologic
36.8 impacts to surface waters; and increase
36.9 infiltration for groundwater recharge. The
36.10 riparian buffers must be at least 50 feet
36.11 unless there is a natural impediment, a road,
36.12 or other impediment beyond the control
36.13 of the landowner. This appropriation may
36.14 be used for restoration of riparian buffers
36.15 protected by easements purchased with
36.16 this appropriation and for stream bank
36.17 restorations when the riparian buffers have
36.18 been restored.

36.19 (f) \$1,300,000 the first year and ~~\$1,300,000~~
36.20 \$2,300,000 the second year are for
36.21 permanent conservation easements on
36.22 wellhead protection areas under Minnesota
36.23 Statutes, section 103F.515, subdivision 2,
36.24 paragraph (d). Priority must be placed on
36.25 land that is located where the vulnerability
36.26 of the drinking water supply is designated
36.27 as high or very high by the commissioner
36.28 of health. The board shall coordinate
36.29 with the United States Geological Survey,
36.30 the commissioners of health and natural
36.31 resources, and local communities contained
36.32 in the Decorah and St. Lawrence Edge areas
36.33 of Winona, Goodhue, Olmsted, and Wabasha
36.34 Counties to obtain easements in identified
36.35 areas as having the most vulnerability to
36.36 groundwater contamination.

37.1 (g) \$1,500,000 the first year and \$1,500,000
37.2 the second year are for community partners
37.3 grants to local units of government for:
37.4 (1) structural or vegetative management
37.5 practices that reduce storm water runoff
37.6 from developed or disturbed lands to reduce
37.7 the movement of sediment, nutrients, and
37.8 pollutants for restoration, protection, or
37.9 enhancement of water quality in lakes, rivers,
37.10 and streams and to protect groundwater
37.11 and drinking water; and (2) installation
37.12 of proven and effective water retention
37.13 practices including, but not limited to, rain
37.14 gardens and other vegetated infiltration
37.15 basins and sediment control basins in order
37.16 to keep water on the land. The projects
37.17 must be of long-lasting public benefit,
37.18 include a local match, and be consistent with
37.19 TMDL implementation plans or local water
37.20 management plans. Local government unit
37.21 staff and administration costs may be used
37.22 as a match.

37.23 (h) \$84,000 the first year and \$84,000 the
37.24 second year are for a technical evaluation
37.25 panel to conduct up to ten restoration
37.26 evaluations under Minnesota Statutes,
37.27 section 114D.50, subdivision 6.

37.28 (i) The board shall contract for services
37.29 with Conservation Corps Minnesota for
37.30 restoration, maintenance, and other activities
37.31 under this section for \$500,000 the first year
37.32 and \$500,000 the second year.

37.33 (j) The board may shift grant or cost-share
37.34 funds in this section and may adjust the
37.35 technical and administrative assistance

39.1 appropriations under this section are
39.2 available until June 30, 2013.

39.3 (b) The Metropolitan Council shall submit
39.4 a report on the expenditure and use of
39.5 money appropriated under this section to
39.6 the legislature as provided in Minnesota
39.7 Statutes, section 3.195, by March 1 of each
39.8 year. The report must detail the outcomes in
39.9 terms of additional use of parks and trails
39.10 resources, user satisfaction surveys, and
39.11 other appropriate outcomes.

39.12 (c) Grant agreements entered into by the
39.13 Metropolitan Council and recipients of
39.14 money appropriated under this section shall
39.15 ensure that the funds are used to supplement
39.16 and not substitute for traditional sources of
39.17 funding.

39.18 (d) The implementing agencies receiving
39.19 appropriations under this section shall
39.20 give consideration to contracting with the
39.21 Minnesota Conservation Corps for contract
39.22 restoration, maintenance, and other activities.

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

39.24 **ARTICLE 4**

39.25 **ARTS AND CULTURAL HERITAGE FUND**

39.26 Section 1. Laws 2011, First Special Session chapter 6, article 4, section 2, subdivision
39.27 5, is amended to read:

39.28			12,050,000
39.29	Subd. 5. Minnesota Historical Society	12,050,000	<u>12,950,000</u>

39.30 These amounts are appropriated to the
39.31 governing board of the Minnesota Historical
39.32 Society to preserve and enhance access to
39.33 Minnesota's history and its cultural and

40.1 historical resources. Grant agreements
40.2 entered into by the Minnesota Historical
40.3 Society and other recipients of appropriations
40.4 in this subdivision shall ensure that
40.5 these funds are used to supplement and
40.6 not substitute for traditional sources of
40.7 funding. Funds directly appropriated to the
40.8 Minnesota Historical Society shall be used to
40.9 supplement, and not substitute for, traditional
40.10 sources of funding. Notwithstanding
40.11 Minnesota Statutes, section 16A.28, for
40.12 historic preservation projects that improve
40.13 historic structures, the amounts are available
40.14 until June 30, 2015.

40.15 **Statewide Historic and Cultural Grants.**
40.16 \$5,250,000 the first year and ~~\$5,250,000~~
40.17 \$5,450,000 the second year are for history
40.18 programs and projects operated or conducted
40.19 by or through local, county, regional, or
40.20 other historical or cultural organizations; or
40.21 for activities to preserve significant historic
40.22 and cultural resources. Funds are to be
40.23 distributed through a competitive grants
40.24 process. The Minnesota Historical Society
40.25 shall administer these funds using established
40.26 grants mechanisms, with assistance from
40.27 the advisory committee created under Laws
40.28 2009, chapter 172, article 4, section 2,
40.29 subdivision 4, paragraph (b), item (ii).

40.30 **Programs.** \$4,800,000 the first year and
40.31 ~~\$4,800,000~~ \$5,200,000 the second year are
40.32 for programs and purposes related to the
40.33 historical and cultural heritage of the state
40.34 of Minnesota, conducted by the Minnesota
40.35 Historical Society.

41.1 **History Partnerships.** \$1,500,000 the first
41.2 year and ~~\$1,500,000~~ \$1,700,000 the second
41.3 year are for partnerships involving multiple
41.4 organizations, which may include the
41.5 Minnesota Historical Society, to preserve and
41.6 enhance access to Minnesota's history and
41.7 cultural heritage in all regions of the state.

41.8 **Statewide Survey of Historical and**
41.9 **Archaeological Sites.** \$250,000 the first
41.10 year and \$250,000 the second year are
41.11 for a contract or contracts to be let on a
41.12 competitive basis to conduct statewide
41.13 surveys of Minnesota's sites of historical,
41.14 archaeological, and cultural significance.
41.15 Results of this survey must be published in
41.16 a searchable form, available to the public on
41.17 a cost-free basis. The Minnesota Historical
41.18 Society, the Office of the State Archaeologist,
41.19 and the Indian Affairs Council shall each
41.20 appoint a representative to an oversight
41.21 board to select contractors and direct the
41.22 conduct of these surveys. The oversight
41.23 board shall consult with the Departments of
41.24 Transportation and Natural Resources.

41.25 **Digital Library.** \$250,000 the first year and
41.26 \$250,000 the second year are for a digital
41.27 library project to preserve, digitize, and share
41.28 Minnesota images, documents, and historical
41.29 materials. The Minnesota Historical Society
41.30 shall cooperate with the Minitex interlibrary
41.31 loan system and shall jointly share this
41.32 appropriation for these purposes.

41.33 **Commemoration Activities.** \$100,000
41.34 the second year is for activities that
41.35 commemorate the sesquicentennial of

42.1 the American Civil War and the Dakota
42.2 Conflict, as recommended by the Civil War
42.3 Commemoration Task Force established in
42.4 Executive Order 11-15 (2011).

42.5 Sec. 2. **COMMEMORATION PROGRAMMING; APPROPRIATION.**

42.6 \$80,000 is appropriated in fiscal year 2013 from the arts and cultural heritage fund
42.7 to the commissioner of administration for grants to public broadcasting organizations to
42.8 develop programming that commemorates the sesquicentennial of the American Civil War
42.9 and the Dakota Conflict. This appropriation is divided as follows:

42.10 (1) \$15,000 is for a grant to Minnesota Public Radio;

42.11 (2) \$15,000 is for a grant to the Association of Minnesota Public Educational Radio
42.12 Stations; and

42.13 (3) \$50,000 is for a grant to Twin Cities Public Television to complete production
42.14 of two historic documentaries and to develop an educational Web site that provides
42.15 Minnesota educators and students with access to documentary content, video segments,
42.16 and lesson guides. Notwithstanding Minnesota Statutes, section 129D.17, subdivision 2,
42.17 paragraph (f), Twin Cities Public Television may spend a portion of this appropriation for
42.18 travel and filming outside of Minnesota.

42.19 Sec. 3. **FILM PRODUCTION INCENTIVE PROGRAM; APPROPRIATION.**

42.20 \$600,000 is appropriated in fiscal year 2013 from the arts and cultural heritage
42.21 fund to the commissioner of administration for a new film production incentive program.
42.22 The commissioner, in consultation with the Independent Feature Project/Minnesota,
42.23 shall reimburse film producers for eligible production costs incurred to produce a film
42.24 or documentary in Minnesota. Eligible production costs are expenditures incurred in
42.25 Minnesota that are directly attributable to the production of a film or documentary in
42.26 Minnesota. Eligible production costs include talent, management, labor, set construction
42.27 and operation, wardrobe, sound synchronization, lighting, editing, rental facilities and
42.28 equipment, and other direct costs of producing a film or documentary in accordance
42.29 with generally accepted entertainment industry practices. A producer must agree, to
42.30 the greatest extent possible, to procure all eligible production inputs in Minnesota. A
42.31 producer must submit proper documentation of eligible production costs incurred to the
42.32 commissioner of administration.

42.33 Sec. 4. **HISTORICAL RULEMAKING WEB SITE; APPROPRIATION.**

43.1 \$35,000 is appropriated in fiscal year 2013 to the revisor of statutes to design and
43.2 implement a Web site to provide the public searchable access to historical documents
43.3 relating to state agency rulemaking. It is anticipated that the revisor of statutes will match
43.4 this appropriation from carryforward funds and that the revisor will use the carryforward
43.5 funds to design and implement a Web site that will provide the public searchable access to
43.6 future state agency rulemaking documents.

43.7 **Sec. 5. LET'S GO FISHING; APPROPRIATION.**

43.8 \$100,000 in fiscal year 2013 is appropriated from the arts and cultural heritage fund
43.9 to the commissioner of natural resources for a grant to Let's Go Fishing of Minnesota to
43.10 provide community outreach to senior citizens, youth, and veterans and for the costs
43.11 associated with establishing and recruiting new chapters in order to preserve Minnesota's
43.12 cultural heritage of fishing. The grants must be matched with cash or in-kind contributions
43.13 from nonstate sources.

43.14 **Sec. 6. LEGACY FUNDING REQUIREMENTS APPLY.**

43.15 All appropriations in this article are onetime and are subject to the requirements and
43.16 availability provisions provided under Laws of Minnesota 2011, First Special Session
43.17 chapter 6, articles 2 and 5. Each direct recipient of money appropriated in this article, as
43.18 well as each recipient of a grant awarded pursuant to this article, must satisfy all reporting
43.19 and other requirements incumbent upon legacy funding recipients as provided in Laws of
43.20 Minnesota 2011, First Special Session chapter 6, articles 4 and 5.

43.21 **Sec. 7. GOVERNOR TO URGE PRESIDENTIAL PARDON OF CHASKA.**

43.22 The governor, in consultation with the chairs of the house and senate committees
43.23 with jurisdiction over legacy funds, shall urge the President of the United States to pardon
43.24 We-Chank-Wash-ta-don-pee, also known as Chaska, for alleged crimes stemming from
43.25 the Dakota Conflict of 1862."

43.26 Delete the title and insert:

43.27 "A bill for an act
43.28 relating to state government; appropriating money from the outdoor heritage fund,
43.29 clean water fund, and arts and cultural heritage fund; modifying requirements for
43.30 outdoor heritage fund appropriations; changing provisions of grant management;
43.31 changing control and oversight of the film production jobs program to the
43.32 commissioner of administration; amending Minnesota Statutes 2010, section
43.33 97A.056, by adding subdivisions; Minnesota Statutes 2011 Supplement, section
43.34 114D.30, subdivision 4; Laws 2009, chapter 172, article 2, section 4, as amended;
43.35 article 3, section 3; Laws 2011, First Special Session chapter 6, article 1, section
43.36 2, subdivision 9; article 2, section 7; article 4, section 2, subdivision 5; proposing
43.37 coding for new law in Minnesota Statutes, chapter 84."