

Bill Draft, 2011 Session/Version [89](#)

Article I Outdoor Heritage

Section 1. Outdoor Heritage Appropriation

The sums shown in the columns marked "Appropriations" are appropriated to the agencies and for the purposes specified in this article. The appropriations are from the outdoor heritage fund and are available for the fiscal years indicated for each purpose. The figures "2012" and "2013" used in this article mean that the appropriations listed under them are available for the fiscal year ending June 30, 2012, or June 30, 2013, respectively. "The first year" is fiscal year 2012. "The second year" is fiscal year 2013. "The biennium" is fiscal years 2012 and 2013. The appropriations in this article are one-time.

Section 2. Outdoor Heritage	2012	2013
Subdivision 1. Total Appropriation This appropriation is from the outdoor heritage fund. The amounts that may be spent for each purpose are specified in the following subdivisions.	\$86,470,000	470,000
Subdivision 2. Prairies	\$32,671,000	
2(a) Wildlife Management Areas, Scientific and Natural Areas, and Prairie Bank Easement Acquisition, Phase III \$3,931,000 the first year to the commissioner of natural resources to: (1) acquire land in fee for wildlife management area purposes under Minnesota Statutes, sections 86A.05, subdivision 8 and 97A.145; (2) acquire land in fee for scientific and natural area purposes under Minnesota Statutes, sections 84.033 and 86A.05, subdivision 5; and (3) acquire native prairie bank easements under Minnesota Statutes, section 84.96. A list of proposed land or permanent conservation easement acquisitions must be provided as part of the required accomplishment plan. The accomplishment plan must include an easement monitoring, management , and enforcement plan. Money	\$3,931,000	

<p>appropriated from the Outdoor-outdoor Heritage-heritage Fund-fund for easement acquisition may be used to establish a monitoring, management, and enforcement fund as approved in the Accomplishment accomplishment Planplan, and subject to subdivision 15. A financial annual An annual financial report is required for any monitoring, management, and enforcement fund established, including expenditures from the fund.</p>		
<p>2(b) Accelerated Prairie Restoration and Enhancement on DNR Lands, Phase III \$1,652,000 the first year to the commissioner of natural resources to accelerate the restoration and enhancement on wildlife management areas, scientific and natural areas, and land under native prairie bank easements. All restorations must comply with subdivision 9, paragraph (b).</p>	\$1,652,000	
<p>2(c)Minnesota Buffers for Wildlife & Water \$2,249,000 the first year to the Board of Water and Soil Resources in cooperation with Pheasants Forever to acquire permanent conservation easements to enhance <u>habitat</u> by expanding riparian wildlife buffers on private land. A list of proposed easement acquisitions must be provided as part of the required accomplishment plan. The accomplishment plan must include an easement monitoring, management, and enforcement plan. Money appropriated from the Outdoor-outdoor Heritage-heritage Fund fund for easement acquisition may be used to establish a monitoring, management, and enforcement fund as approved in the Accomplishment-accomplishment Pplan, and subject to subdivision 15. A financial annual An annual financial report is required for any monitoring, management, and enforcement fund established, including expenditures from the fund.</p>	\$2,249,000	
<p>2(d) Northern Tallgrass Prairie National Wildlife Refuge Land Acquisition, Phase III</p>	\$1,720,000	

<p>\$1,720,000 the first year to the commissioner of natural resources for an agreement with The Nature Conservancy to acquire land or permanent easements within the Northern Tallgrass Prairie Habitat Preservation Area in western Minnesota for addition to the Northern Tallgrass Prairie National Wildlife Refuge. A list of proposed land acquisitions must be provided as part of the required accomplishment plan. The accomplishment plan must include an easement monitoring, management, and enforcement plan. Money appropriated from the Outdoor Heritage Fund for easement acquisition may be used to establish a monitoring, management, and enforcement fund as approved in the Accomplishment Plan. A financial annual <u>an</u> annual financial report is required for any monitoring, management, and enforcement fund established, including expenditures from the fund.</p>		
<p>2(e) Minnesota Prairie Recovery Project, Phase II \$4,500,000 the first year to the commissioner of natural resources for an agreement with The Nature Conservancy to acquire native prairie and savanna and restore and enhance grasslands and savanna. A list of proposed land acquisitions must be provided as part of the required accomplishment plan. <u>Acquisitions, restorations, and enhancements must be within the two pilot focus areas contained in the accomplishment plan. Laws of Minnesota 2010, Ch. 261, Art.I, Sect. 2, Subd. 2(f).</u> The commissioner of natural resources must agree in writing to each proposed acquisition. Annual income statements and balance sheets for income and expenses from land acquired with the Outdoor-outdoor Heritage heritage Fund fund must be submitted to the Lessard-Sams Outdoor Heritage Council. All restorations must comply with subdivision 9, paragraph (b).</p>	<p>\$4,500,000</p>	
<p>2(f) Cannon River Headwaters Habitat Complex, Phase I</p>	<p>\$1,533,000</p>	

<p>\$1,533,000 the first year to the commissioner of natural resources for an agreement with The Trust for Public Land to acquire and restore lands in the Cannon River watershed for wildlife management area purposes under Minnesota Statutes, sections 86A.05, subdivision 8 or the aquatic management areas under Minnesota Statutes, sections 97C.02 and 86A.05, subdivision 14. A list of proposed land acquisitions must be provided as part of the required accomplishment plan. The commissioner of natural resources must agree in writing to each proposed acquisition. All restorations must comply with subdivision 9, paragraph (b).</p>		
<p>2(g) Accelerating the Wildlife Management Area Program, Phase III \$5,500,000 the first year to the commissioner of natural resources for an agreement with Pheasants Forever to acquire prairie and other habitat areas to be added for wildlife management area purposes under Minnesota Statutes, sections 86A.05, subdivision 8. A list of proposed land acquisitions must be provided as part of the required accomplishment plan. The commissioner of natural resources must agree in writing to each proposed acquisition.</p>	\$5,500,000	
<p>2(h) Accelerating the Waterfowl Production Area Program, Phase III \$9,815,000 the first year to the commissioner of natural resources for an agreement with Pheasants Forever to accelerate the acquisition of wetlands and grasslands to be added to the waterfowl production area system 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. The commissioner of natural resources must agree in writing to each proposed acquisition.</p>	\$9,815,000	
<p>2(i) The Green Corridor Legacy Program, Phase III \$1,771,000 the first year to the commissioner of natural resources for an agreement with</p>	\$1,771,000	

the Redwood Area Development Corporation to acquire land to be added to for the wildlife management area purposes under Minnesota Statutes, sections 86A.05, subdivision 8 or the aquatic management areas under Minnesota Statutes, sections 97C.02 and 86A.05, subdivision 14. A list of proposed land acquisitions must be provided as part of the required accomplishment plan. The commissioner of natural resources must agree in writing to each proposed acquisition.		
Subdivision 3. Forests	\$14,371,000	
3(a) Minnesota Forests for the Future, Phase III \$6,614,000 5,409,000 the first year to the commissioner of natural resources to acquire forest and wetland habitat through working forest easements and fee acquisition under the Minnesota forests for the future program pursuant to Minnesota Statutes, section 84.66. A conservation easement acquired with money appropriated under this paragraph must comply with subdivision 13. A list of proposed land acquisitions must be provided as part of the required accomplishment plan. The accomplishment plan must include an easement monitoring, management, and enforcement plan. Money appropriated from the Outdoor-outdoor Heritage-heritage Fund-fund for easement acquisition may be used to establish a monitoring, management, and enforcement fund as approved in the Accomplishment accomplishment Planplan, and subject to subdivision 15.- A financial annual An annual financial report is required for any monitoring, management, and enforcement fund established, including expenditures from the fund.	\$5,409,000	
3(b) La Salle Lake: Protecting Critical Mississippi Headwaters Habitat \$4,632,000 the first year to the commissioner of natural resources for an agreement with the Trust for Public Land to acquire land	\$4,632,000	

adjacent to La Salle Lake in Hubbard County. A list of proposed land acquisitions must be provided as part of the required accomplishment plan. The commissioner of natural resources must agree in writing to each proposed acquisition. If the acquisition is not completed by July 15, 2012, or if a balance remains after acquisition of land, the money under this paragraph is available for acquisition under subdivision 2, paragraph (a).		
3(c) Accelerated Forest Habitat Enhancement, Phase II \$826,000 the first year to the commissioner of natural resources to restore and enhance lands in state forests, pursuant to Minnesota Statutes, 89.021. All restorations must comply with subdivision 9, paragraph (b).	\$826,000	
3(d) Northeastern Minnesota Sharp-tailed Grouse Habitat Partnership, Phase II \$988,000 the first year to the commissioner of natural resources for an agreement with Pheasants Forever in cooperation with the Minnesota Sharp-Tailed Grouse Society to acquire and enhance lands to be added to the <u>for</u> wildlife management area for purposes under Minnesota Statutes, sections 86A.05, subdivision 8. A list of proposed land acquisitions must be provided as part of the required accomplishment plan. The commissioner of natural resources must agree in writing to each proposed acquisition.	\$988,000	
3 (e) Lower Mississippi River Habitat Partnership, Phase II \$707,000 the first year to the commissioner of natural resources to acquire and enhance habitat in the Lower Root and Lower Zumbro river watersheds, <u>pursuant to Minnesota Statutes, sections 86A.05, subdivisions 7 and 8.</u> A list of proposed land acquisitions must be provided as part of the required accomplishment plan.	\$707,000	
3 (f) Protect Key Forest Habitat Lands in Cass County, Phase II \$604,000 the first year to the commissioner	\$604,000	

of natural resources for an agreement with Cass County to acquire land in fee for forest wildlife habitat. A list of proposed land acquisitions must be provided as part of the required accomplishment plan.		
3 (g) State Forest Acquisition \$1,205,000 the first year to the commissioner of natural resources to acquire land in fee and permanent management access easement for 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.	\$1,205,000	
Subdivision 4. Wetlands	\$15,827,000	
4(a) The Reinvest in Minnesota Wetlands Reserve Acquisition and Restoration Program Partnership, Phase III \$13,000,000 the first year to the Board of Water and Soil Resources to acquire permanent conservation easements and restore wetlands and associated upland habitat in cooperation with the United States Department of Agriculture Wetlands Reserve Program. A list of proposed land acquisitions must be provided as part of the required accomplishment plan. All restorations must comply with subdivision 9, paragraph (b). The accomplishment plan must include an easement monitoring, management , and enforcement plan. Money appropriated from the Outdoor-outdoor Heritage-heritage Fund fund for easement acquisition may be used to establish a monitoring, management , and enforcement fund as approved in the Accomplishment-accomplishment Planplan, and subject to subdivision 15. A financial annual An annual financial report is required for any monitoring, management , and enforcement fund established, including expenditures from the fund and a description of monitoring, and enforcing, and management activities.	\$13,000,000	
4(b) Accelerated Shallow Lakes and Wetlands Restoration and Enhancement, Phase III	\$936,000	

<p>\$936,000 the first year to the commissioner of natural resources to develop engineering designs for shallow lakes and wetlands and restore and enhance shallow lakes.</p>		
<p>4(c) Shallow Lake Shoreland Protection: Wild Rice Lakes \$1,891,000 the first year to the commissioner of natural resources for an agreement with Ducks Unlimited and the Board of Water and Soil Resources to acquire wild rice lake shore-land habitat in fee and permanent conservation easement as follows: Department of Natural Resources (\$500,000); Board of Water and Soil Resources (\$1,100,000); and Ducks Unlimited (\$291,000). A list of proposed land acquisitions must be provided as part of the required accomplishment plan. The accomplishment plan must include an easement monitoring, management, and enforcement plan. Money appropriated from the Outdoor-outdoor Heritage-heritage Fund fund for easement acquisition may be used to establish a monitoring, management, and enforcement fund as approved in the Accomplishment-accomplishment Planplan, and subject to subdivision 15. A financial annual An annual financial report is required for any monitoring, management, and enforcement fund established, including expenditures from the fund.</p>	<p>\$1,891,000</p>	
<p>Subdivision 5. Habitat</p>	<p>\$22,914,000</p>	
<p>5(a) Accelerated Aquatic Management Area Habitat Program, Phase III \$6,500,000 the first year to the commissioner of natural resources to acquire interests in land in fee or permanent conservation easement for aquatic management areas under Minnesota Statutes, sections 97C.02 and 86A.05, subdivision 14 to restore and enhance aquatic habitat. A list of proposed acquisitions and stream and lake habitat restorations and enhancements must be provided as part of the required accomplishment plan. The accomplishment</p>	<p>\$6,500,000</p>	

<p>plan must include an easement monitoring, management, and enforcement plan. Money appropriated from the Outdoor outdoor Heritage heritage Fund fund for easement acquisition may be used to establish a monitoring, management, and enforcement fund as approved in the Accomplishment accomplishment Plan plan, and subject to subdivision 15. A financial annual An annual financial report is required for any monitoring, management, and enforcement fund established, including expenditures from the fund.</p>		
<p>5(b) Coldwater Fish Habitat Enhancement Program, Phase III \$1,533,000 the first year to the commissioner of natural resources for an agreement with Minnesota Trout Unlimited. A list of proposed projects, describing types and locations of restorations and enhancements must be provided as part of the required accomplishment plan.</p>	<p>\$1,533,000</p>	
<p>5(c) Land Addition to the Janet Johnson Memorial Wildlife Management Area \$577,000 the first year to the commissioner of natural resources for an agreement with Chisago County to acquire land in fee to be added to the Janet Johnson Memorial wildlife management area under Minnesota Statutes, sections 86A.05, subdivision 8. A list of proposed land acquisitions must be provided as part of the required accomplishment plan. The commissioner of natural resources must agree in writing to each proposed acquisition.</p>	<p>\$577,000</p>	
<p>5(d) Metro Big Rivers Habitat, Phase II \$5,000,000 the first year to the commissioner of natural resources for agreements to acquire interests in land in fee or permanent conservation easement and restore, and enhance natural systems associated with the Mississippi, Minnesota, and St. Croix rivers as follows: the Minnesota Valley National Wildlife Refuge Trust, Inc. (\$960,000), Great River Greening (\$150,000), Minnesota Land Trust (\$840,000), Friends of the</p>	<p>\$5,000,000</p>	

<p>Mississippi River (\$150,000) and the Trust for Public Land (\$2,900,000.) A list of proposed projects, describing types and locations of acquisitions, restorations and enhancements must be provided as part of the required accomplishment plan.</p> <p>Restorations using money appropriated under this paragraph may be conducted on land subject to a permanent conservation easement that was not acquired with money from the <u>Outdoor outdoor Heritage heritage Fundfund</u>, if the easement allows for a permanent right of management to the entity receiving the appropriation for the restoration. The right of management is subject to subdivision 13. The commissioner of natural resources must certify in writing that each proposed acquisition is a priority for the managing entity. The accomplishment plan must include an easement monitoring, management, and enforcement plan. All restorations must comply with subdivision 9, paragraph (b). Money appropriated from the <u>Outdoor outdoor Heritage heritage Fund fund</u> for easement acquisition may be used to establish a monitoring, management, and enforcement fund as approved in the <u>Aaccomplishment accomplishment Planplan, and subject to subdivision 15.</u> A financial annual An annual financial report is required for any monitoring, management, and enforcement fund established, including expenditures from the fund.</p>		
<p>5(e) Protecting Sensitive Shore Lands in North Central Minnesota \$1,098,000 the first year to the commissioner of natural resources for agreements with the Leech Lake Watershed Foundation and the Minnesota Land Trust, and <u>the</u> Department of Natural Resources as follows: the Leech Lake Watershed Foundation (\$339,000), Minnesota Land Trust (\$741,000), Department of Natural Resources (\$18,000) to pay for acquisition-related expenses and monitoring costs of donated permanent conservation easements on sensitive shore</p>	<p>\$1,098,000</p>	

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<p>lands in north central Minnesota. A list of proposed land acquisitions must be provided as part of the required accomplishment plan. The accomplishment plan must include an easement monitoring, management, and enforcement plan. Money appropriated from the Outdoor-outdoor Heritage-heritage Fund fund for easement acquisition may be used to establish a monitoring, management, and enforcement fund as approved in the Aaccomplishment-accomplishment Planplan, and subject to subdivision 15. A financial annual An annual financial report is required for any monitoring, management, and enforcement fund established, including expenditures from the fund.</p>		
<p>5(f) Restoring Native Habitat and Water Quality to Shell Rock River, Phase II \$2,577,000 the first year to the commissioner of natural resources for an agreement with the Shell Lake Watershed District to acquire land in fee at the headwaters of the Shell Rock River for aquatic management area+ purposes under Minnesota Statutes, sections 97C.02 and 86A.05, subdivision 14 to restore and enhance aquatic habitat. The leases for gravel mining existing at the time of acquisition cannot be extended and all gross income generated from mining operations must be transferred to the commissioner of management and budget and credited to the Outdoor-outdoor Heritage-heritage Fundfund. A list of proposed land acquisitions must be provided as part of the required accomplishment plan. The commissioner of natural resources must agree in writing to each proposed acquisition.</p>	\$2,577,000	
<p>5(g) Outdoor Heritage Conservation Partners Grant Program, Phase III \$5,629,000 the first year 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 enhancement, restoration, or protection of forests, wetlands,</p>	\$5,629,000	

prairies, and habitat for fish, game, or wildlife in Minnesota. Grants shall not be made for activities required to fulfill the duties of ~~grantors~~ owners of lands subject to ~~of~~ conservation easements. Grants shall not be made from appropriations in this paragraph for projects that have a total project cost exceeding \$475,000. \$279,000 of this appropriation may be spent for administrative costs. Grantees may acquire land or interests in land. Easements must be permanent. Land acquired in fee must be open to hunting and fishing during the open season unless otherwise provided by state law. The commissioner of natural resources must agree in writing to each proposed acquisition of land or interest in land. The program shall require a match of at least ten percent from nonstate sources for grants of \$100,000 or less and a match of at least 15 percent from nonstate sources for grants over \$100,000. Up to one-third of the match may be in-kind resources. For grant applications up to \$25,000 the commissioner shall provide a separate, simplified application process. The criteria for evaluating grant applications over \$25,000 must include, ~~in order of precedence,~~ the amount of habitat restored, enhanced, or protected; local support; encouragement of a local conservation culture; ~~degree of collaboration;~~ urgency; capacity to achieve multiple benefits; habitat benefits provided; consistency with current conservation science; adjacency to protected lands; full funding of the project; supplementing existing funding; public access for hunting and fishing during the open season; sustainability; ~~degree of collaboration;~~ and use of native plant materials. All projects must conform to the Minnesota statewide conservation and preservation plan. Wildlife habitat projects must also conform to the Minnesota wildlife action plan. Subject to the evaluation criteria and requirements of this paragraph and Minnesota Statutes, the

<p>commissioner of natural resources shall give priority to organizations that have a history or charter to receive private contributions for local conservation or habitat projects when evaluating projects of equal value. If acquiring land or conservation easement, priority shall be given to projects associated with existing wildlife management areas, as defined under Minnesota Statutes, sections 86A.05, subdivision 8; scientific and natural areas, under Minnesota Statutes, sections 84.033 and 86A.05, subdivision 5; and aquatic management areas as defined under Minnesota Statutes, sections 97C.02 and 86A.05, subdivision 14. All restoration or enhancement projects must be on land permanently protected by conservation easement or public ownership or in public waters as defined in Minnesota Statutes, section 103G.005, subdivision 15. Priority shall be given to restoration and enhancement projects on public lands. Subdivision 9 applies to grants awarded under this paragraph. All restorations must comply with subdivision 9, paragraph (b). This appropriation is available until June 30, 2015. 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 shall provide notice of the grant program in the 2011 game and fish law summaries that are prepared under Minnesota Statutes, section 97A.051, subdivision 2.</p>		
<p>Subd. 6 Administration</p>	<p>\$1,157,000</p>	
<p>6(a) Contract Management \$175,000 the first year is appropriated to the Legislative Coordinating Commission to contract with the commissioner of natural resources for expenses incurred for contract</p>	<p>\$175,000</p>	

fiscal services for the agreements specified in this section. The contract management services must be done on a reimbursement basis.		
6(b) Legislative Coordinating Commission \$470,000 the first year and \$470,000 the second year is to the Legislative Coordinating Commission for two years of administrative expenses of the Lessard-Sams Outdoor Heritage Council and for two years of compensation and expense reimbursement of council members.	\$470,000	\$470,000
6(c) Technical Assistance Panel \$42,000 the first year to the commissioner of natural resources for a technical assistance panel to conduct up to ten restoration audits, under Minnesota Statutes, sections 97A.056, subdivision 10.	\$42,000	
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. Money appropriated in this section must not be spent on indirect costs or other institutional overhead charges. Unless otherwise provided, the amounts in this section are available until June 30, 2014, when projects must be completed and final accomplishments reported. Funds for restoration or enhancement are available until June 30, 2016, or four years after acquisition, whichever is later, in order to complete restoration or enhancement work. If a project receives federal funds, the time period of the appropriation is extended to equal the availability of federal funding. Funds appropriated for fee title acquisition of land may be used to restore, enhance and provide for the public use of land acquired with the appropriation. Public use facilities must have minimal impact on habitat on acquired lands.		

<p>Subd. 8. Accomplishment Plans</p> <p>It is a condition of acceptance of the appropriations made by this section that the agency or entity using the appropriation shall submit to the council an accomplishment plan and periodic accomplishment reports in the form determined by the Lessard-Sams Outdoor Heritage Council. The accomplishment plan must identify the project manager responsible for expending the appropriation and the final product. The accomplishment plan must account for the use of the appropriation and outcomes of the expenditure in measures of wetlands, prairies, forests, and fish, game, and wildlife habitat restored, protected, and enhanced. The plan must include an evaluation of results. None of the money provided in this section may be expended unless the council has approved the pertinent accomplishment plan.</p>		
<p>Subd. 9. Project Requirements</p> <p>(a) As a condition of accepting an appropriation in this section, any agency or entity receiving an appropriation must comply with this subdivision for any project funded in whole or in part with funds from the appropriation. (b) To the extent possible, a person conducting restoration with money appropriated in this section must plant vegetation or sow seed only of ecotypes native to Minnesota, and preferably of the local ecotype, using a high diversity of species originating from as close to the restoration site as possible, and protect existing native prairies, grasslands, forests, wetlands, and other aquatic systems from genetic contamination. (c) All conservation easements acquired with money appropriated in this section must: (1) be permanent; (2) specify the parties to an 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</p>		

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.(d) 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 projects. The plan shall 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 the current conservation science to achieve the best restoration. (e) For new lands acquired, a recipient must prepare a restoration and management plan in compliance with paragraph (d), including identification of sufficient funding for implementation. (f) 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 permanent conservation easement and 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 shall 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. Acquisition data such as appraisals may remain private during negotiations but must ultimately be made public according to Minnesota Statutes, chapter 13.

(g) Except as otherwise provided in this section, all restoration and enhancement projects funded with money appropriated in this section must be on land permanently protected by a conservation easement or public ownership or in public waters as defined in Minnesota Statutes, section 103G.005, subdivision 15. (h) To the extent an appropriation is used to acquire an interest in real property, a recipient of an appropriation under this section must provide to the Lessard-Sams Outdoor Heritage Council and the commissioner of management and budget an analysis of increased operations and maintenance costs likely to be incurred by public entities as a result of the acquisition and of how these costs are to be paid. (i) A recipient of money from an appropriation in this section must give consideration to and make timely written contact with the Conservation Corps Minnesota for consideration of possible use of their 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. (j) A recipient of money from this section must erect signage according to Laws 2009, chapter 172, article 5, section 10.

<p>Subd. 10. Payment Conditions and Capital Expenditures</p> <p>All agreements, grants, or contracts referred to in this section must be administered on a reimbursement basis unless otherwise provided in this section. Notwithstanding Minnesota Statutes, section 16A.41, expenditures directly related to each appropriation's purpose made on or after July 1, 2011, are eligible for reimbursement unless otherwise provided in this section. Periodic reimbursement must be made upon receiving documentation that the deliverable items articulated in the approved accomplishment plan have been achieved, including partial achievements as evidenced by approved progress reports. Reasonable amounts may be advanced to projects to accommodate cash flow needs or support future management of acquired lands or to match federal share. The advances must be approved as part of the accomplishment plan. Capital equipment expenditures for specific items in excess of \$10,000 must be itemized in and approved as part of the accomplishment plan.</p>	<p>Equipment</p>	
<p>Subd. 11. Purchase of Recycled and Recyclable Materials</p> <p>A political subdivision, public or private corporation, or other entity that receives an appropriation in this section must use the appropriation in compliance with Minnesota Statutes, section 16B.121, regarding purchase of recycled, repairable, and durable materials, and section 16B.122, regarding purchase and use of paper stock and printing.</p>		
<p>Subd. 12. Accessibility</p> <p>Structural and nonstructural facilities must meet the design standards in the Americans with Disabilities Act (ADA) accessibility guidelines.</p>		
<p>Subd. 13. Land Acquisition Restrictions</p> <p>(a) An interest in real property, including, but not limited to, an easement or fee title,</p>		

that is acquired with money appropriated under this section must be used in perpetuity or for the specific term of an easement interest for the purpose for which the appropriation was made.(b) A recipient of funding who acquires an interest in real property subject to this subdivision may not alter the intended use of the interest in real property or convey any interest in the real property acquired with the appropriation without the prior review and approval of the Lessard-Sams Outdoor Heritage Council or its successor. The council shall notify the chairs and ranking minority members of the legislative committees and divisions with jurisdiction over the outdoor heritage fund at least 15 business days before approval under this paragraph. The council shall establish procedures to review requests from recipients to alter the use of or convey an interest in real property. These procedures shall allow for the replacement of the interest in real property with another interest in real property meeting the following criteria: (1) the interest must be at least equal in fair market value, as certified by the commissioner of natural resources, to the interest being replaced; and (2) the interest must be in a reasonably equivalent location and has a reasonably equivalent useful conservation purpose compared to the interest being replaced, taking into consideration all effects from fragmentation of the whole habitat.(c) A recipient of funding who acquires an interest in real property under paragraph (a) must separately record a notice of funding restrictions in the appropriate local government office where the conveyance of the interest in real property is filed. The notice of funding agreement must contain: (1) a legal description of the interest in real property covered by the funding agreement; (2) a reference to the underlying funding agreement; (3) a reference to this section; and (4) the following statement: "This

<p>interest in real property shall be administered in accordance with the terms, conditions, and purposes of the grant agreement controlling the acquisition of the property. The interest in real property, or any portion of the interest in real property, shall not be sold, transferred, pledged, or otherwise disposed of or further encumbered without obtaining the prior written approval of the Lessard-Sams Outdoor Heritage Council or its successor. The ownership of the interest in real property shall transfer to the state if: (1) the holder of the interest in real property fails to comply with the terms and conditions of the grant agreement or accomplishment plan; or (2) restrictions are placed on the land that precludes its use for the intended purpose as specified in the appropriation."</p>		
<p>Subd. 14. Real Property Interest Report By December 1 each year, a recipient of money appropriated under this section that is used for the acquisition of an interest in real property, including, but not limited to, an easement or fee title, must submit annual reports on the status of the real property to the Lessard-Sams Outdoor Heritage Council or its successor in a form determined by the council. The responsibility for reporting under this section may be transferred by the recipient of the appropriation to another person or entity that holds the interest in the real property. To complete the transfer of reporting responsibility, the recipient of the appropriation must: (1) inform the person to whom the responsibility is transferred of that person's reporting responsibility; (2) inform the person to whom the responsibility is transferred of the property restrictions under subdivision 13; (3) provide written notice to the council of the transfer of reporting responsibility, including contact information for the person to whom the responsibility is transferred; and (4) provide the Lessard-Sams Outdoor Heritage Council or its successor written documentation from the</p>		

<p>person or entity holding the interest in real property certifying its acceptance of all reporting obligations and responsibilities previously held by the recipient of the appropriation. After the transfer, the person or entity that holds the interest in the real property is responsible for reporting requirements under this section.</p>		
<p><u>Subd. 15. Easement Monitoring and Enforcement Requirements</u> <u>Money from an easement monitoring and enforcement fund may only be spent on activities included in an easement monitoring and enforcement plan in the accomplishment plan. Holders of easement monitoring and enforcement funds must provide an annual financial report 180 days after the close of the entity's fiscal year. Money and interest earned shall be kept in a separate account and dedicated to easement monitoring and enforcement of conservation easements acquired with appropriations from the outdoor heritage fund. The state retains a common interest in state monies deposited in easement monitoring and enforcement funds and interest thereon.</u></p>		
<p>Subd. 1516. Successor Organizations</p> <p>The Lessard-Sams Outdoor Heritage Council may approve the continuation of a project with an organization that has adopted a new name. Continuation of a project with an organization that has undergone a significant change in mission, structure, or purpose will require: (1) notice to the chairs of committees with relevant jurisdiction; and (2) presentation by the Lessard-Sams Outdoor Heritage Council of proposed legislation either ratifying or rejecting continued involvement with the new</p>		

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organization.		
Sec. 3. Laws 2009, chapter 172, article 1, section 2 is amended to read:		
<p>Subdivision 3: Forests</p> <p>\$18,000,000 in fiscal year 2010 and \$18,000,000 in fiscal year 2011 are to the commissioner of natural resources to acquire land or permanent working forest easements on private forests in areas identified through the Minnesota forests for the future program under Minnesota Statutes, section 84.66. <u>Up to \$750,000 in fiscal year 2011 may be deposited in an account and used for long-term monitoring and enforcement of the easements acquired. Money and interest earned shall be kept in a separate account and dedicated to monitoring and enforcement of permanent working forest easements acquired with appropriations from the Outdoor-outdoor Heritage-heritage Fundfund.</u> Priority must be given to acquiring land or interests in private lands within existing Minnesota state forest boundaries. Any easements acquired must have a forest management plan as defined in Minnesota Statutes, section 290C.02, subdivision 7. A list of proposed fee title and easement acquisitions must be provided as part of the required accomplishment plan. The fiscal year 2011 appropriation is available only for acquisitions that, by August 15, 2009, are: (1) subject to a binding agreement with the commissioner; and (2) matched by at least \$9,000,000 in private donations.</p>		
<p>97A.056 Amend as follows:</p> <p>(e) <u>Public members</u> Members serve four-year terms. <u>Appointed legislative members shall serve at the pleasure of the appointing authority. Public and legislative members continue to serve until their successors are</u></p>		

appointed. Public members ~~and~~ shall be initially appointed according to the following schedule of terms:

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

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

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

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

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

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

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

M.S. 97A.056 is amended by adding a subdivision to read:

Subd. 1a Definitions. For the purpose of appropriations from the outdoor heritage fund, "recipient" means the entity

responsible for deliverables financed by the outdoor heritage fund.

EFFECTIVE DATE: This section is effective retroactively on July 1, 2009.