

# Lessard-Sams Outdoor Heritage Council

## Action Agenda Item Memo

DATE December 11, 2012  
SUBJECT: 2013 Legislative Appropriation Recommendation Bill

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### Background

On September 21, 2012, the council made its appropriation recommendations for fiscal year 2014 and directed project managers to draft accomplishment plans that reflected those recommendations. The council reviewed and progressed the draft accomplishment plans at the November 13. The appropriations recommendations bill before the council reflects the program accomplishments anticipated with Outdoor Heritage Fund dollars.

### Motion

“Motion to approve the recommended appropriation language as presented/amended and forward to legislative leaders for consideration during the 2013 session.”

**Suggested Procedure:** Place a motion to approve the appropriation bill language before the Council. Members question staff as needed. Members offer and vote on any amendments. Council votes on appropriations bill as amended.



1 **Outdoor Heritage Fund – DRAFT**

2 **Section 1. Outdoor Heritage Appropriation**

3 The sums shown in the columns marked “Appropriations” are appropriated to the agencies and for the  
4 purposes specified in this act. The appropriations are from the outdoor heritage fund for the fiscal years  
5 indicated for each purpose. The figures “2014” and “2015” used in this act mean that the appropriations  
6 listed under the figure are available for the fiscal year ending June 30, 2014, or June 30, 2015,  
7 respectively. The first year is fiscal year 2014. The second year is fiscal year 2015. The “biennium” is  
8 fiscal years 2014 and 2015, respectively. The appropriations in this act are one-time.

9 **Section 2. Outdoor Heritage Fund** **2014** **2015**

10 **Subd. 1. Total Appropriation** **\$91,532,000** **\$468,000**

11  
12 This appropriation is from the outdoor heritage fund.  
13 The amounts that may be spent for each purpose are  
14 specified in the following subdivisions.

15  
16 **Subd. 2. Prairies** **\$27,730,000**

17  
18 **2a Grasslands for the Future** **\$2,000,000**

19 \$2,000,000 in the first year is to the Board of Water and  
20 Soil Resources for a pilot project to acquire permanent  
21 conservation easements on grasslands in cooperation  
22 with the Minnesota Land Trust and the Conservation  
23 Fund. Up to \$1,850,000 may be used for agreements  
24 with the Minnesota Land Trust to acquire permanent  
25 conservation easements and up to \$75,000 may be used  
26 for establishing monitoring and enforcement funds with  
27 the Minnesota Land Trust and the Board of Water and  
28 Soil Resources as approved in the accomplishment plan  
29 and subject to Minnesota Statutes, section 97A.056,  
30 subdivision 17. Up to \$75,000 may be used for an  
31 agreement with the Conservation Fund for professional  
32 services. Easements funded under this appropriation  
33 are not subject to emergency haying and grazing orders.  
34 Any net proceeds accruing to a project partner from  
35 real estate transactions related to this project must be  
36 used for the purposes outlined in this appropriation. A  
37 list of permanent conservation easements must be  
38 provided as part of the required accomplishment plan.

39  
40 **2b Accelerating the Wildlife Management Area**  
41 **Acquisition, Ph V** **\$7,960,000**

42 \$7,960,000 in the first year is to the commissioner of

1 natural resources for an agreement with Pheasants  
2 Forever to acquire land in fee for wildlife management  
3 purposes under Minnesota Statutes, section 86A.05,  
4 subdivision 8. A list of proposed land acquisitions must  
5 be provided as part of the required accomplishment  
6 plan.

7 **2c DNR Wildlife Management Area, Scientific and**  
8 **Natural Area, and Native Prairie Bank Easement, Ph. V**

\$4,940,000

9 \$4,940,000 in the first year is to the commissioner of  
10 natural resources to acquire land in fee for wildlife  
11 management purposes under Minnesota Statutes  
12 86A.05, subdivision 8; acquire land in fee for scientific  
13 and natural area purposes under Minnesota Statutes,  
14 sections 86A.05, subdivision 5; and to acquire native  
15 prairie bank easements under Minnesota Statute,  
16 section 84.96. Up to \$42,000 is for establishing a  
17 monitoring and enforcement fund as approved in the  
18 accomplishment plan and subject to Minnesota  
19 Statutes, section 97A.056, subdivision 17 for native  
20 prairie bank easements. A list of proposed land and  
21 permanent conservation easement acquisitions must be  
22 provided as part of the required accomplishment plan.

23 **2d Minnesota Prairie Recovery Project, Ph. IV**

\$5,310,000

24 \$5,310,000 in the first year is to the commissioner of  
25 natural resources for an agreement with The Nature  
26 Conservancy to acquire native prairie, wetland, and  
27 savanna and restore and enhance grasslands, wetlands,  
28 and savanna. A list of proposed land acquisitions must  
29 be provided as part of the required accomplishment  
30 plan. Annual income statements and balance sheets for  
31 income and expenses from land acquired with this  
32 appropriation must be submitted to the Lessard-Sams  
33 Outdoor Heritage Council no later than 180 days  
34 following the close of The Nature Conservancy's fiscal  
35 year.

36 **2e Minnesota Buffers for Wildlife and Water, Ph. III**

\$3,520,000

37 \$3,520,000 in the first year is to the Board of Water and  
38 Soil Resources to acquire permanent conservation  
39 easements to protect and enhance habitat by  
40 expanding clean water fund riparian wildlife buffers on

1 private land. Up to \$120,000 is for establishing a  
2 monitoring and enforcement fund as approved in the  
3 accomplishment plan and subject to Minnesota  
4 Statutes, section 97A.056, subdivision 17. Easements  
5 funded under this appropriation are not subject to  
6 emergency haying and grazing orders. A list of  
7 permanent conservation easements must be provided  
8 as part of the final report.

9 **2f Cannon Rivers Headwaters Habitat Complex, Ph. III** \$1,780,000

10 \$1,780,000 in the first year is to the commissioner of  
11 natural resources for an agreement with Trust for Public  
12 Land to acquire and restore lands in the Cannon River  
13 watershed for wildlife management purposes under  
14 Minnesota Statutes 86A.05, subdivision 8, or aquatic  
15 management area purposes under Minnesota Statutes  
16 86A.05, subdivision 14, and 97C.02. A list of proposed  
17 land acquisitions must be provided as part of the  
18 required accomplishment plan.

19 **2g Accelerated Prairie Restoration and Enhancement**  
20 **on DNR Lands, Ph. V** \$2,220,000

21 \$2,220,000 in the first year is to the commissioner of  
22 natural resources to accelerate the restoration and  
23 enhancement of wildlife management areas, scientific  
24 and natural areas, and land under native prairie bank  
25 easements. A list of proposed land restorations and  
26 enhancements must be provided as part of the required  
27 accomplishment plan.

28 **Subd. 3. Forests** \$7,130,000

29 **3a Young Forest Conservation** \$1,180,000

30 \$1,180,000 in the first year is to the commissioner of  
31 natural resources for an agreement with the American  
32 Bird Conservancy to acquire lands in fee to be added to  
33 the wildlife management area system under Minnesota  
34 Statutes, section 86A.05, subdivision 8 and to restore  
35 and enhance habitat on publicly protected land. A list  
36 of proposed land acquisitions must be provided as part  
37 of the required accomplishment plan.



1 easements along rivers and lakes in the Northern Forest  
2 region. Up to \$160,000 is for establishing a monitoring  
3 and enforcement fund as approved in the  
4 accomplishment plan and subject to Minnesota  
5 Statutes, section 97A.056, subdivision 17. A list of  
6 proposed permanent conservation easements must be  
7 provided as part of the required accomplishment plan.

8 **3f Minnesota Moose Habitat Collaborative, Ph. II** \$2,000,000

9 \$2,000,000 in the first year is to the commissioner of  
10 natural resources for an agreement with the Minnesota  
11 Deer Hunters Association to restore and enhance public  
12 forest lands in the Northern Forest region for moose  
13 habitat purposes. A list of proposed land restoration  
14 and enhancements must be provided as part of the  
15 required accomplishment plan.

16 **Subd. 4. Wetlands** \$31,900,000

17 **4a The RIM-WRP Partnership, Ph. V** \$12,390,000

18 \$12,390,000 in the first year is to the Board of Soil and  
19 Water Resources to acquire permanent conservation  
20 easements and restore wetlands and associated upland  
21 habitat in cooperation with the United States  
22 Department of Agriculture Wetlands Reserve Program  
23 and Ducks Unlimited, including \$1,000,000 for an  
24 agreement with Ducks Unlimited to provide technical  
25 and bio-engineering assistance. Up to \$120,000 is for  
26 establishing a monitoring and enforcement fund as  
27 approved in the accomplishment plan and subject to  
28 Minnesota Statutes, section 97A.056, subdivision 17. A  
29 list of permanent conservation easements must be  
30 provided as part of the final report.

31 **4b Accelerating the Waterfowl Production Area**  
32 **Acquisition, Ph. V** \$6,830,000

33 \$6,830,000 in the first year is to the commissioner of  
34 natural resources for an agreement with Pheasants  
35 Forever to acquire land in fee to be designated and  
36 managed as waterfowl production areas in Minnesota,  
37 in cooperation with the United States Fish and Wildlife  
38 Service. A list of proposed land acquisitions must be  
39 provided as part of the required accomplishment plan.

1 **4c Living Shallow Lakes and Wetland Initiative, Ph. III** \$3,530,000  
2 \$3,530,000 in the first year is to the commissioner of  
3 natural resources for an agreement with Ducks  
4 Unlimited to acquire land in fee for wildlife  
5 management purposes under Minnesota statutes  
6 86A.05, subdivision 8. A list of proposed land  
7 acquisitions must be provided as part of the required  
8 accomplishment plan.

9 **4d Wild Rice Shoreland Protection Program, Ph. II** \$1,630,000  
10 \$1,630,000 in the first year is to the Board of Water and  
11 Soil Resources to acquire in fee wild rice lake shoreland  
12 habitat i for native wild rice bed protection and acquire  
13 permanent conservation easements in cooperation with  
14 Ducks Unlimited as follows: \$100,000 is for an  
15 agreement with Ducks Unlimited for acquisition of land  
16 or interests in land to protect native wild rice beds. Up  
17 to \$48,000 is for establishing a monitoring and  
18 enforcement fund as approved in the accomplishment  
19 plan and subject to Minnesota Statutes, section  
20 97A.056, subdivision 17. A list of proposed land  
21 acquisitions must be included as part of the required  
22 accomplishment plan.

23 **4e McGregor Marsh Wetland Protection** \$1,750,000  
24 \$1,750,000 in the first year is to the commissioner of  
25 natural resources to acquire land in fee for wildlife  
26 management purposes under Minnesota Statutes  
27 86A.05, subdivision 8. The management contract of the  
28 wild rice paddy system must be let on a competitive  
29 public bid. Annual financial statements must be  
30 provided to the Lessard-Sams Outdoor Heritage Council  
31 by the contractor in the form determined by the  
32 council. A list of proposed land acquisitions must be  
33 provided as part of the required accomplishment plan.

34 **4f Wetland Habitat Program** \$1,980,000  
35 \$1,980,000 in the first year is to the commissioner of  
36 natural resources for an agreement with the Minnesota  
37 Land Trust to acquire permanent conservation  
38 easements in high priority wetland complexes in the  
39 Prairie and Forest/Prairie transition regions. Up to  
40 \$280,000 is for establishing a monitoring and

1 enforcement fund as approved in the accomplishment  
2 plan and subject to Minnesota Statutes, section  
3 97A.056, subdivision 17. A list of proposed land  
4 acquisitions must be included as part of the required  
5 accomplishment plan.

6 **4g Accelerated Shallow Lakes and Wetlands**  
7 **Enhancement, Ph. V**

\$1,790,000

8 \$1,790,000 in the first year is to the commissioner of  
9 natural resources to enhance and restore shallow lakes,  
10 including \$210,000 for an agreement with Ducks  
11 Unlimited to help implement restorations and  
12 enhancements. A list of proposed land restorations and  
13 enhancements must be provided as part of the required  
14 accomplishment plan.

15 **4h Pelican Lake Enhancement**

\$2,000,000

16 \$2,000,000 in the first year is to the commissioner of  
17 natural resources for an agreement with Ducks  
18 Unlimited to construct a gravity outlet, water control  
19 structure and pump station lift to enhance aquatic  
20 habitat in Pelican Lake in Wright County. A list of  
21 proposed land restoration and enhancements must be  
22 included as part of the required accomplishment plan.

23 **Subd. 5. Habitats**

**\$23,987,000**

24 **5a DNR Aquatic Habitat, Ph. V**

\$5,250,000

25 \$5,250,000 in the first year is to the commissioner of  
26 natural resources to acquire interests in land in fee for  
27 aquatic management purposes under Minnesota  
28 Statutes sections 86A.05, subdivision 14 and 97C.02,  
29 and to restore and enhance aquatic habitat. A list of  
30 proposed land acquisitions and restorations and  
31 enhancements must be provided as part of the required  
32 accomplishment plan.

33 **5b Habitat Protection in Dakota County, Ph. IV**

\$4,100,000

34 \$4,100,000 in the first year is to the commissioner of  
35 natural resources for an agreement with Dakota County  
36 to acquire, restore and enhance lands in Dakota County  
37 for fish and wildlife management purposes under  
38 Minnesota Statutes 86A.05, subdivision 8, or aquatic

1 management area purposes under Minnesota Statutes  
2 86A.05, subdivision 14, and 97C.02; and to acquire  
3 permanent conservation easements and restore and  
4 enhance habitats in rivers and lake watersheds in  
5 Dakota County. Up to \$60,000 is for establishing a  
6 monitoring and enforcement fund as approved in the  
7 accomplishment plan and subject to Minnesota  
8 Statutes, section 97A.056, subdivision 17. A list of  
9 proposed land acquisitions and permanent conservation  
10 easements must be provided as part of the required  
11 accomplishment plan.

12 **5c Root River Protection and Restoration**

\$2,750,000

13 \$2,750,000 in the first year is to the commissioner of  
14 natural resources for agreements to acquire land in fee  
15 for scientific and natural areas under Minnesota  
16 Statutes, sections 86A.05, subdivision 5; and for state  
17 forest purposes under 86A.05, subdivision 7; and for  
18 permanent conservation easements as follows:  
19 \$2,122,000 to The Nature Conservancy; \$628,000 to the  
20 Minnesota Land Trust. Up to \$100,000 is for  
21 establishing a monitoring and enforcement fund as  
22 approved in the accomplishment plan and subject to  
23 Minnesota Statutes, section 97A.056, subdivision 17. A  
24 list of proposed acquisitions and permanent  
25 conservation easements must be provided as part of  
26 the required accomplishment plan.

27 **5d Metro Big Rivers, Ph. IV**

\$1,720,000

28 \$1,720,000 in the first year is to the commissioner of  
29 natural resources for agreements to acquire land in fee  
30 and in permanent conservation easement and to  
31 restore and enhance natural systems associated with  
32 the Mississippi, Minnesota, and St. Croix Rivers as  
33 follows: \$450,000 to the Minnesota Valley National  
34 Wildlife Refuge Trust, Inc; \$160,000 to the Friends of  
35 the Mississippi; \$210,000 to the Great River Greening;  
36 \$450,000 to the Minnesota Land Trust; and \$450,000 to  
37 the Trust for Public Land. Up to \$80,000 is for  
38 establishing a monitoring and enforcement fund as  
39 approved in the accomplishment plan and subject to  
40 Minnesota Statutes, section 97A.056, subdivision 17. A

- 1 list of proposed land acquisitions and permanent  
 2 conservation easements must be provided as part of  
 3 the required accomplishment plan.
- 4 **5e Minnesota Landscape Arboretum** \$1,000,000  
 5 \$1,000,000 in the first year is to the Board of Regents of  
 6 the University of Minnesota to acquire land in fee  
 7 surrounding Lake Tamarack in Carver County to be  
 8 added to the Minnesota Landscape Arboretum. A land  
 9 description must be provided as part of the required  
 10 accomplishment plan.
- 11 **5f Lower Mississippi River Habitat Partnership, Ph. III** \$1,710,000  
 12 \$1,710,000 in the first year is to the commissioner of  
 13 natural resources to enhance aquatic habitat. Of this  
 14 amount, \$450,000 is for an agreement with the United  
 15 States Fish and Wildlife Service to enhance aquatic  
 16 habitat in the lower Mississippi River watershed . A list  
 17 of proposed land restorations and enhancements must  
 18 be provided as part of the required accomplishment  
 19 plan.
- 20 **5g Minnesota Trout Unlimited Coldwater Fish Habitat**  
 21 **Enhancement and Restoration, Ph. V** \$2,470,000  
 22 \$2,470,000 in the first year is to the commissioner of  
 23 natural resources for an agreement with Minnesota  
 24 Trout Unlimited to restore and enhance coldwater river  
 25 and stream habitats in Minnesota. A list of proposed  
 26 land restorations and enhancements must be provided  
 27 as part of the required accomplishment plan.
- 28 **5h Albert Lea Lake Management and Invasive Species**  
 29 **Control Structure, Ph. III** \$1,127,000  
 30 \$1,127,000 in the first year is to the commissioner of  
 31 natural resources for an agreement with the Shell Rock  
 32 River Watershed District to construct structural  
 33 deterrents and lake level controls to enhance aquatic  
 34 habitat on Albert Lea Lake in Freeborn County. A list of  
 35 proposed land restorations and enhancements must be  
 36 provided as part of the required accomplishment plan.
- 37 **5i Conservation Partners Legacy Grant Program, Ph. V** \$3,860,000  
 38 \$3,860,000 in the first year is to the commissioner of

1 natural resources for a program to provide competitive,  
2 matching grants of up to \$400,000 to local, regional,  
3 state, and national organizations for enhancing,  
4 restoring, or protecting forests, wetlands, prairies, and  
5 habitat for fish, game or wildlife in Minnesota. Grants  
6 shall not be made for activities required to fulfill the  
7 duties of owners of lands subject to conservation  
8 easements. Grants shall not be made from  
9 appropriations in this paragraph for projects that have a  
10 total project cost exceeding \$575,000. Of this  
11 appropriation, \$366,000 may be spent for personnel  
12 costs and other direct and necessary administrative  
13 costs. Grantees may acquire land or interests in land.  
14 Easements must be permanent. Land acquired in fee  
15 must be open to hunting and fishing during the open  
16 season unless otherwise provided by state law. The  
17 program shall require a match of at least ten percent  
18 from nonstate sources for all grants. The match may be  
19 cash or in-kind resources. For grant applications of  
20 \$25,000 or less, the commissioner shall provide a  
21 separate, simplified application process. Subject to  
22 Minnesota Statutes, the commissioner of natural  
23 resources shall, when evaluating projects of equal  
24 value, give priority to organizations that have a history  
25 of receiving or charter to receive private contributions  
26 for local conservation or habitat projects. If acquiring  
27 land or a conservation easement, priority shall be given  
28 to projects associated with existing wildlife  
29 management areas under Minnesota Statutes, section  
30 86A.05, subdivision 8; scientific and natural areas under  
31 Minnesota Statutes, sections 84.033 and 86A.05,  
32 subdivision 5; and aquatic management areas under  
33 Minnesota Statutes, sections 86A.05, subdivision 14,  
34 and 97C.02. All restoration or enhancement projects  
35 must be on land permanently protected by a  
36 conservation easement or public ownership or in public  
37 waters as defined in Minnesota Statutes, section  
38 103G.005, subdivision 15. Priority shall be given to  
39 restoration and enhancement projects on public lands.  
40 Minnesota Statutes, section 97A.056, subdivision 13,  
41 applies to grants awarded under this paragraph. This  
42 appropriation is available until June 30, 2017. No less

1 than five percent of the amount of each grant must be  
 2 held back from reimbursement until the grant recipient  
 3 has completed a grant accomplishment report by the  
 4 deadline and in the form prescribed by and satisfactory  
 5 to the Lessard-Sams Outdoor Heritage Council. The  
 6 commissioner shall provide notice of the grant program  
 7 in the game and fish law summaries that are prepared  
 8 under Minnesota Statutes, section 97A.051, subdivision  
 9 2.

10	<b>Section 6. Administration</b>	<b>\$785,000</b>	<b>\$468,000</b>
11	<b>6a Contract Management</b>	\$175,000	
12	<p>12 \$175,000 in the first year is to the commissioner of          13 natural resources for contract management duties          14 assigned in this section. The commissioner shall provide          15 an accomplishment plan in the form specified by the          16 Lessard-Sams Outdoor Heritage Council on the          17 expenditure of this appropriation. The accomplishment          18 plan must include a copy of the grant contract template          19 and reimbursement manual. No money may be          20 expended prior to Lessard-Sams Outdoor Heritage          21 Council approval of the accomplishment plan.</p>		
22	<b>6b Legislative Coordinating Commission</b>	\$468,000	\$468,000
23	<p>23 \$468,000 in the first year and \$468,000 the second year          24 are to the Legislative Coordinating Commission for two          25 years of administrative expenses of the Lessard-Sams          26 Outdoor Heritage Council and for two years of          27 compensation and expense reimbursement of council          28 members. Funds in this appropriation are available          29 under Minnesota Statutes, section 16A.281.</p>		
30	<b>6c Technical Evaluation Panel</b>	\$92,000	
31	<p>31 \$92,000 in the first year is to the commissioner of          32 natural resources for a technical evaluation panel to          33 conduct up to ten restoration evaluations under          34 Minnesota Statutes, section 97A.056, subdivision 10.</p>		
35	<b>6d High Priority Pre-Transaction Service Acceleration</b>		
36	<b>for Lessard-Sams Outdoor Heritage Council</b>	\$50,000	
37	<p>37 \$50,000 in the first year is to the commissioner of          38 natural resources to provide land acquisition pre-</p>		

1 transaction services including, but not limited to,  
2 appraisals, surveys, or title research for acquisition  
3 proposals under consideration by the Lessard-Sams  
4 Outdoor Heritage Council. A list of activities must be  
5 included in the final accomplishment plan.

6 **Subd. 7 Availability of Appropriation**

7 Money appropriated in this section may not be spent on activities unless they are directly related to and  
8 necessary for a specific appropriation and are specified in the accomplishment plan approved by  
9 the Lessard-Sams Outdoor Heritage Council. Money appropriated in this section must not be spent on  
10 indirect costs or other institutional overhead charges that are not directly related to and necessary for a  
11 specific appropriation. Unless otherwise provided, the amounts in this section are available until June  
12 30, 2016. For acquisition of real property, the amounts in this section are available until June 30, 2017, if  
13 a binding agreement with a landowner or purchase agreement is entered into by June 30, 2016, and  
14 closed no later than June 30, 2017. Funds for restoration or enhancement are available until June 30,  
15 2018, or four years after acquisition, whichever is later, in order to complete initial restoration or  
16 enhancement work. If a project receives federal funds, the time period of the appropriation is extended  
17 to equal the availability of federal funding. Funds appropriated for fee title acquisition of land may be  
18 used to restore, enhance, and provide for public use of the land acquired with the appropriation.  
19 Public use facilities must have a minimal impact on habitat in acquired lands.

20 **Subd. 8. Payment Conditions and Capital Equipment Expenditures**

21 All agreements referred to in this section must be administered on a reimbursement basis unless  
22 otherwise provided in this section. Notwithstanding Minnesota Statutes, section 16A.41, expenditures  
23 directly related to each appropriation's purpose made on or after July 1, 2013, or the date of  
24 accomplishment plan approval, whichever is later, are eligible for reimbursement unless otherwise  
25 provided in this section. For the purposes of administering appropriations and legislatively authorized  
26 agreements paid out of the outdoor heritage fund an expense must be considered reimbursable by the  
27 administering agency when the recipient presents the agency with an invoice or binding agreement with  
28 the landowner and the recipient attests that the goods have been received or the landowner agreement  
29 is binding. Periodic reimbursement must be made upon receiving documentation that the items  
30 articulated in the accomplishment plan approved by the Lessard-Sams Outdoor Heritage Council have  
31 been achieved, including partial achievements as evidenced by progress reports approved by  
32 the Lessard-Sams Outdoor Heritage Council. Reasonable amounts may be advanced to projects to  
33 accommodate cash flow needs, support future management of acquired lands, or match a federal share.  
34 The advances must be approved as part of the accomplishment plan. Capital equipment expenditures  
35 for specific items in excess of \$10,000 must be itemized in and approved as part of the accomplishment  
36 plan.

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