

Extension of Appropriation Availability due to COVID-19

The legislature passed the following extension language due to COVID-19:

ML 2020, Ch. 104, Article 1, Sec. 2,

Subd. 12. Extension of Certain Appropriations

(a) Notwithstanding Minnesota Statutes, section 16A.28, or any other law to the contrary, the availability of any appropriation or grant of money from the outdoor heritage fund that would otherwise cancel, lapse, or expire on June 30, 2020, is extended to June 30, 2021, if the recipient or grantee does both of the following:

(1) by June 30, 2020, notifies the Lessard-Sams Outdoor Heritage Council in the manner specified by the council that the recipient or grantee intends to avail itself of the extension available under this subdivision; and

(2) modifies the applicable accomplishment plan in accordance with the Council's accomplishment plan modification procedures.

(b) The council must notify the commissioner of management and budget and the commissioner of natural resources of any extension granted under this subdivision.

Managers were asked to submit an AP amendment to update the timeline. The following programs requested and were granted extensions.

Subd	Title / Organization	Reason in the Amendment Tab
ML 15 2(k)	Accelerated Prairie Restoration on DNR Land, Phase 7 DNR	After the last two very wet, snowy winters we had not been able to complete every project as initially scheduled. We had reconfigured projects and had planned to get a significant amount of projects both started and completed this spring. The Covid crisis interfered with those plans. At this time we'd also like to shift \$100,000 from contracts to supplies, most for seed to conduct restorations. We feel that with an extension we will be able to use the rest of these funds to conduct substantial restorations and enhancements and meet the intended goals of this appropriation.
ML 15 3(b)	SE MN Protection and Restoration, Phase 3 TNC	Several contractors had to pause work on restoration and enhancement projects underway in March and April. Additionally, other contractors have indicated they may not be able to meet deadlines on some projects scheduled for May and June, because of the backlog of projects they're catching up on from the interruption earlier in spring. Additionally, activities were added to the timeline for better clarity and detail of work being performed, and a parcel was added to the accomplishment plan. Some funds were shifted

		from supplies to personnel to account for additional staff time during the extension.
ML 15 4(d)	Accelerated Shallow Lake and Wetland, phase 7 DNR	The extra year of time will allow for at least one more project to be completed using this funding. At least two other projects are also planned for this funding, but will be dependent on how stay at home orders restrict work. We may submit one more amendment request to adjust the appropriation budget to accommodate the planned work in light of the changed schedule.
ML 15 5(a)	DNR Aquatic Habitat - Phase VII DNR	Final construction work on some R/E projects delayed due to COVID-19 restrictions.
ML 15 5(b)	Metro Big Rivers Phase 6 MVT, MLT, FMR, TPL, GRG	GRG and FMR both request extensions to address slow-downs in contractual work and wrapping up final project details while under a "Stay at Home" order. MLT is adding an Enhancement line to its timeline to reflect budget and scope of work changes approved in the July 2019 approved amendment. The date of the final report has been changed to November 2024.
ML 15 5(c)	MN Trout Unlimited Coldwater Fish Habitat, Phase 7	COVID-19 related restrictions on the activities of our contractors and suppliers prevented implementation of many habitat enhancement projects or activities this spring. For example, projects in northeast MN involve crews providing hand labor and they were generally unavailable for the typical mid-April to early June planting season. Travel restrictions disrupted crew schedules and pushed crew availability beyond the planting season. In addition, tree availability was slashed. We had amended our ML 2015 grant so that we could utilize ML 2015 funding on large in-stream projects we had originally planned to cover with later grants, in order to ensure we exhausted grant funds by June 30. However, even the large construction companies which primarily operate heavy equipment (i.e., plenty of social distancing) were unable to operate until very recently. Since every project involves some hand labor with multiple laborers in close proximity to one another, we cannot be sure what the impact of future COVID-19 related restrictions might be. While the ML 2015 projects may be further delayed by COVID-19 related restrictions, assuming spring 2021 tree plantings are not affected we should meet out acreage targets.

		<p>It is worth noting that ML 2016 habitat restoration and enhancement projects may be impacted as well, especially on North Shore projects which by DNR rule we cannot work on between September 15 and June 30. If COVID 19 related restrictions and cascading delays prevent project completion by September 15, 2020, we are not allowed by state laws to work again until after the ML 2016 appropriation expires on June 30, 2021!</p>
ML 15 5(f)	<p>Shell Rock River Watershed, Phase 4</p> <p>SRRWD</p>	<p>All projects are largely complete to date, however, as a result of the COVID impacts, construction crews were delayed during planned spring construction. This is leading to construction projects final completion and touch-up work to be delayed slightly. As a result, all work may not be fully completed by June 30, 2020 and we are requesting an extension to be able to pay for contracted work done after the original grant agreement date.</p> <p>Also at this time, the District noticed that there were projects listed in the parcels tab that were appropriated to different phases of funding based on that Phase 4 was not fully funded. We would like to clear those parcels up. Parcels removed and the Phase that they are now appropriated is as follows: Pickerel Lake Site 12, in Phase 5; School Section Lake, in Phase 6; Unnamed Creek Wetland, in Phase 6 amended to the Miller Tract Wetland; Wedge Creek Reach Number 1, in Phase 5; Headwaters Land number 2; was purchased using CPL funding; and Olson Property, in Phase 6 amended to the Orr Property. As a result of these changes, the acres are reduced but will still be completed as a whole, just identified in different phases.</p>
ML 15 5(g)	<p>Lake Nokomis Shoreline Habitat Enhancements</p> <p>Mpls Parks Board</p>	<p>The COVID-19 pandemic has impacted the performance of work and the ability to successfully complete work as needed under the current timeline. Though nearly all of the construction work is complete and only spring clean-up and punch list items remain, it has become difficult having contractors perform this necessary work. When they are able to perform work they have had to adjust scheduling and sequencing of work. The COVID-19 pandemic has also made it difficult for MPRB staff and consultants to inspect work that has been completed, as the availability of design professionals has been limited. We expect the work will still be complete this year, but not in time for the current expiration of the project.</p>
ML 16 2(f)	<p>Accelerated Native Prairie Bank Protection, Phase V</p>	<p>All parcels have closed except White Earth 20-1 NPB which is delayed due to awaiting Tribal Court proceedings. Due to</p>

	DNR	ownership changes (death in family), the ownership of the parcel is awaiting approval in tribal court and the easement is on-hold pending court decision.
ML 16 4(d)	Wetland Habitat Protection Program, Phase 2 MLT	Progress in concluding the grant has slowed. Though work related to the grant is nearly complete, we will need a couple of additional months to wrap up work associated with the closing of the two conservation easements that extended the grant via option through the June 25, 2019 amendment, and complete the associated grant-related work.
ML 16 5(d)	Fisheries Habitat Protection on Strategic North Central Minnesota Lakes: Phase II Northern Waters Land Trust	An extension is requested to complete the Thunder Lake easement. Delays across the easement process due to COVID-19 resulted in the project not closing in the desired timeline. An option agreement is signed by the landowner and easement closing is expected by September 2020.
ML 16 5(h)	Sand Hill Fish Passage R/E, Phase 2 Sand Hill River Watershed District	<p>Construction delayed due to COVID related issues. Requesting the shifting of funds of \$121,000 from Contract to Professional Services. Additional projects were added and required additional design work.</p> <p>Initially, it was planned that the “Rock Riffles” project would be allocated to the ML 2015 grant and ML 2016 grant. However, due to high water flows last fall and anticipated high water flows this spring, the contractor is unable to complete the Rock Riffles project by the June 30, 2020 deadline for ML 2015. The project labeled Sand Hill Lake Dam modifications, initially allocated to the ML 2016 grant, is complete and we received an amendment to allocate 75% of the total expenses for this project to the ML 2015 grant. The remaining expenses for the Rock Riffles project will then be allocated to the ML 2016 grant. Benefited acres for each project will be allocated to each appropriation based on the percentage of project costs.</p> <p>Due to cost savings with the Kittleson Creek Project, we are requesting to add one more enhancement project to this appropriation. This project will remove a bridge and enhance mid stream habitat and flood plain connectivity.</p>
ML 16 5(k)	CPL DNR	Conservation Partners Legacy (CPL) grant recipients were unable to complete 23 projects that will be expiring on 6/30/2020, and have requested extensions. This is about a third of all of the projects funded for M.L. 2016, Chapter 172, Article 1, Section 2, Subd 5(k). Among the reasons given for needed extensions are: many contractors, including Conservation Corps of Minnesota crews, were unable to work due to executive orders, prescribed burns on most state and federal land were halted for the spring

		burn season, due to executive orders. In addition, there were delays in sourcing seed, trees, plugs, shrubs, etc due to the executive orders. To best accommodate these delays, the CPL program will extend these contracts and the ML2016 CPL appropriation until 6/30/21 through this amendment.
ML 17 2(j)	Anoka Sand Plain Habitat, Phase 5 GRG	The Minnesota Land Trust (MLT) requests a 1 year extension. The final conservation easement project planned to be completed under ASP5 saw delays in the appraisal process and negotiations with the landowners due to COVID-19. We request the following changes to the MLT budget that will enable MLT to close on a third project associated with this grant:
ML 17 3(e)	State Forest Acquisition, Dorer Memorial Phase 4 DNR	Critical staff were unable to complete acquisition project tasks in time to meet fiscal year deadlines due to work reassignment/covid related illness.
ML 17 3(f)	Critical Shoreland Habitat Protection Program - Phase IV MLT	Three projects that were on track to close prior to the end of the grant have had delays due to the COVID situation. They will now likely close the first quarter of FY21. We also amended the budget by adding \$40,000 to personnel and \$10,800 to DSS to accommodate the additional year of work.
ML17 5(a)	Mississippi River Habitat Corridor Project, Phase 3 Mississippi Headwaters Board	The COVID-19 situation has slowed progress on a number of acquisitions, including the pending Savana Esker project
ML 17 5(b)	Fisheries Habitat Protection on Strategic North Central Minnesota Lakes - Phase III Northern Waters Land Trust	A slow-down in the overall easement process resulting from COVID-19 - coupled with an appraisal review process that ultimately required three different appraisals - resulted in delays. Budget changes are necessary modifications due to a final approved appraisal for the Star Lake project that impacted budgets of both Fisheries 3 and Fisheries 4 grants..