

10 - 0083



Lessard-Sams Outdoor Heritage Council
The State of Minnesota

State Office Building, Room G95 100 Dr. Rev. Martin Luther King Jr. Blvd. Saint Paul, Minnesota 55155

January 15, 2010

The Honorable Tim Pawlenty
Governor of Minnesota
130 State Capitol
St. Paul, MN 55155

Dear Governor Pawlenty,

On behalf of the Lessard-Sams Outdoor Heritage Council, it is my honor to present to you the enclosed legislation incorporating the Lessard-Sams Outdoor Heritage Council's recommendations for FY 11 appropriations from the Outdoor Heritage Fund. This legislation has been transmitted to leadership and represents an important step forward in efforts to protect, enhance, and restore Minnesota's prairies, wetlands, forests, and habitat for fish game and wildlife.

These recommendations effectively address the Council's strategic statewide and regionally-based conservation and habitat priorities. These priorities were developed by the Council over the summer and fall with consideration given to over 30 state conservation/habitat/species plans, as well as input from the state's natural resource managers, scientists and the public.

The Council received 42 requests totaling \$185.5 million from a cross-section of public and non-profit organizations. The Council's FY11 recommendations include 22 proposed appropriations with expenditures totaling \$58.939 million. This is in addition to the \$18 million appropriation in FY 11 to Minnesota's Forest for the Future Program that was included in Laws of Minnesota 2009, Chapter 172, Article 1, Section 2, Subdivision 3. Collectively, the actual and recommended FY 11 appropriations from the Outdoor Heritage Fund total \$76.939 million.

The Council's recommendations are consistent with the constitutionally-specified uses of the Outdoor Heritage Fund and promise to have lasting and positive impact on the state's natural resources.

Associated with these recommendations are the following outcomes:

- o 7,112 acres of forest land protected, restored, and enhanced;
- o 11,945 acres of wetland and wetland systems protected, restored, and enhanced;
- o 34,961 acres of prairie and prairie systems protected, restored, and enhanced;
- o \$35 million in leveraged funds will extend the impact of these appropriations; and
- o Broad geographic distribution across the state, with projects represented in at least 82 counties.

The Council recommends just over \$4 million of the projected FY11 receipts to the Outdoor Heritage Fund be held in reserve to accommodate possible further downturns in sales tax collections during the fiscal year. An additional \$5.62 million is being carried forward in the Fund from the projected FY 10

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sales tax collections. In our recommendation submitted on January 15, 2011 we will recommend any balance remaining in this first year reserve be appropriated for habitat projects beginning in FY 12.

The habitat work associated with the Council's recommendations will create jobs. For example, the Council's second largest recommendation, *The Accelerated Shallow Lakes & Wetlands Enhancement, Restoration, and Protection Partnership* (\$6.505 million) will generate work in some areas of the state that have been hard hit by unemployment. As with many other recommended projects, the Shallow Lakes and Wetlands project-related jobs range from natural resource scientists, managers, technicians, and engineers, to construction and burn crews, and contractual positions in law, real estate, and accounting.

The Prairie Recovery Project (\$3.653 million) represents a strategic "working lands" approach to conservation. These lands will be permanently dedicated to conservation purposes, yet remain on the property tax role while providing critical wildlife habitat, supporting grass-based businesses, and ensuring the long-term habitat stewardship needs are met. This project is an example of a creative conservation model that serves the interests of both the state's natural and fiscal resources.

The Council's largest single recommendation, *The Reinvest in Minnesota Reserve -Wetlands Reserve Program Partnership* (\$6.895 million), will protect and restore over 6,400 acres of previously drained wetlands. The program has been a national leader in converting marginal farmland to a thriving wetland-upland habitat complex, while providing economic benefit to the private landholder. This recommended appropriation will leverage \$9.65 million of federal funds, bringing a total state and federal investment in this program to \$16.45 million.

As a council, we are cognizant of the constitutional prohibition to use Legacy funds as a substitute for traditional funding sources, "The dedicated money under this section must supplement traditional sources of funding for these purposes and may not be used as a substitute." Many of the programs that we recommend receive funding from the Outdoor Heritage Fund have been historically supported by other funding sources. In these cases, our allocations were made in the spirit that recommendations from the Outdoor Heritage Fund would be in addition to other sources that have traditionally funded these programs.

The Lessard-Sams Outdoor Heritage Council is confident its recommendations will be broadly supported by the citizens of Minnesota. The Council stands prepared to provide any assistance and additional information necessary during the legislative session.

On behalf of the Lessard-Sams Outdoor Heritage Council, I thank you for the opportunity to serve the people of Minnesota in improving our state's great outdoors.

Sincerely,



Michael A. Kilgore
Chair, Lessard-Sams Outdoor Heritage Council

c: House Speaker Margaret Anderson Kelliher
Senate Majority Leader Larry Pogemiller
Members and staff, Lessard Sams Outdoor Heritage Council
Ms. Robbie LaFleur, Director, Legislative Reference Library

1.1 A bill for an act
 1.2 relating to state government; appropriating money from constitutionally
 1.3 dedicated funds for outdoor heritage purposes.

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

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 act. 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 "2010" and "2011" used in this act mean that the appropriations listed under them
 1.10 are available for the fiscal year ending June 30, 2010, or June 30, 2011, respectively. "The
 1.11 first year" is fiscal year 2010. "The second year" is fiscal year 2011. "The biennium" is
 1.12 fiscal years 2010 and 2011. The appropriations in this act 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>2010</u>	<u>2011</u>

1.17 Sec. 2. OUTDOOR HERITAGE

1.18	<u>Subdivision 1. Total Appropriation</u>	<u>\$</u>	<u>0</u>	<u>\$</u>	<u>58,939,000</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>18,093,000</u>
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2.1 (a) Accelerated Prairie Grassland Restoration
2.2 and Enhancement Program on DNR Lands

2.3 \$5,833,000 in fiscal year 2011 is to the
2.4 commissioner of natural resources to
2.5 accelerate the protection, restoration, and
2.6 enhancement of native prairie vegetation.

2.7 A list of proposed land acquisitions,
2.8 restorations, and enhancements, describing
2.9 the types and locations of acquisitions,
2.10 restorations, and enhancements, must
2.11 be provided as part of the required
2.12 accomplishment plan. All restorations must
2.13 comply with subdivision 9, paragraph (b).

2.14 (b) The Green Corridor Legacy Program

2.15 \$1,651,000 in fiscal year 2011 is to the
2.16 commissioner of natural resources for
2.17 an agreement with the Redwood Area
2.18 Communities Foundation or its successor to
2.19 acquire and restore land for purposes allowed
2.20 under the Minnesota Constitution, article XI,
2.21 section 15, in Redwood, Renville, Brown,
2.22 Nicollet, Murray, Lyon, Yellow Medicine,
2.23 Chippewa, and Cottonwood Counties to be
2.24 added to the state outdoor recreation system
2.25 as defined in Minnesota Statutes, chapter
2.26 86A. A list of proposed fee title acquisitions
2.27 must be provided as part of the required
2.28 accomplishment plan. The commissioner
2.29 of natural resources must agree to each
2.30 proposed acquisition. All restorations must
2.31 comply with subdivision 9, paragraph (b).

2.32 (c) Prairie Heritage Fund - Acquisition and
2.33 Restoration

2.34 \$3,015,000 in fiscal year 2011 is to the
2.35 commissioner of natural resources for an

3.1 agreement with Pheasants Forever or its
 3.2 successor to acquire and restore land to
 3.3 be added to the state wildlife management
 3.4 area system. A list of proposed fee title
 3.5 acquisitions and a list of proposed restoration
 3.6 projects, describing the types and locations
 3.7 of restorations, must be provided as part
 3.8 of the required accomplishment plan. The
 3.9 commissioner of natural resources must
 3.10 agree to each proposed acquisition. All
 3.11 restorations must comply with subdivision
 3.12 9, paragraph (b).

3.13 (d) Northern Tallgrass Prairie National
 3.14 Wildlife Refuge Protection

3.15 \$2,041,000 in fiscal year 2011 is to the
 3.16 commissioner of natural resources for an
 3.17 agreement with The Nature Conservancy or
 3.18 its successor to acquire land or permanent
 3.19 easements within the Northern Tallgrass
 3.20 Prairie Habitat Preservation Area in western
 3.21 Minnesota for addition to the Northern
 3.22 Tallgrass Prairie National Wildlife Refuge.
 3.23 A list of proposed fee title and permanent
 3.24 easement acquisitions must be provided as
 3.25 part of the required accomplishment plan.
 3.26 Land removed from this program shall
 3.27 transfer to the state. The accomplishment
 3.28 plan must include an easement stewardship
 3.29 plan.

3.30 (e) Rum River - Cedar Creek Initiative

3.31 \$1,900,000 in fiscal year 2011 is to the
 3.32 commissioner of natural resources for an
 3.33 agreement with Anoka County to acquire fee
 3.34 title to land at the confluence of the Rum
 3.35 River and Cedar Creek in Anoka County.

4.1 Land acquired in fee must remain open to
 4.2 hunting and fishing, consistent with the
 4.3 capacity of the land, during the open season,
 4.4 as determined by the commissioner of natural
 4.5 resources. All restorations must comply with
 4.6 subdivision 9, paragraph (b).

4.7 **(f) Minnesota Prairie Recovery Project**

4.8 \$3,653,000 in fiscal year 2011 is to the
 4.9 commissioner of natural resources for an
 4.10 agreement with The Nature Conservancy or
 4.11 its successor for a pilot project to acquire
 4.12 interests in land and restore and enhance
 4.13 prairie and prairie/wetland habitat in the
 4.14 prairie regions of western and southwestern
 4.15 Minnesota. The Nature Conservancy may
 4.16 acquire land in fee or through permanent
 4.17 conservation easements. A list of proposed
 4.18 fee title and permanent conservation
 4.19 easements, and a list of proposed restorations
 4.20 and enhancements, must be provided as part
 4.21 of the required accomplishment plan. All
 4.22 restorations must comply with subdivision 9,
 4.23 paragraph (b). The commissioner of natural
 4.24 resources must agree to each acquisition
 4.25 of interest in land, restoration project, and
 4.26 enhancement project. The accomplishment
 4.27 plan must include an easement stewardship
 4.28 plan.

4.29 **Subd. 3. Forests** 0 5,603,000

4.30 **(a) Critical Shoreline Habitat Protection**
 4.31 **Program**

4.32 \$816,000 in fiscal year 2011 is to the
 4.33 commissioner of natural resources for
 4.34 an agreement with the Minnesota Land
 4.35 Trust or its successor to acquire permanent

5.1 conservation easements protecting critical
5.2 shoreline habitats in Koochiching, Cook,
5.3 Lake, and St. Louis County portions of the
5.4 northern forest area in northern Minnesota
5.5 and provide stewardship for those easements.

5.6 A list of proposed conservation easement
5.7 acquisitions must be provided as part of
5.8 the required accomplishment plan. The
5.9 accomplishment plan must include an
5.10 easement stewardship plan.

5.11 **(b) Protect Key Industrial Forest Land Tracts**
5.12 **in Central Minnesota**

5.13 \$594,000 in fiscal year 2011 is to the
5.14 commissioner of natural resources for an
5.15 agreement with Cass County to acquire lands
5.16 that assist with gaining access for restoration
5.17 and enhancement purposes to existing public
5.18 land tracts. A list of proposed acquisitions
5.19 must be provided as part of the required
5.20 accomplishment plan.

5.21 **(c) Little Nokasippi River Wildlife**
5.22 **Management Area**

5.23 \$843,000 in fiscal year 2011 is to the
5.24 commissioner of natural resources
5.25 for acceleration of agency programs and
5.26 cooperative agreements to acquire interests in
5.27 land within the boundaries of the Minnesota
5.28 National Guard Army compatible use buffer
5.29 (ACUB) program. Of this appropriation,
5.30 \$225,000 is for the Department of Natural
5.31 Resources to acquire land for wildlife
5.32 management areas and \$618,000 is for an
5.33 agreement with the Board of Water and Soil
5.34 Resources to acquire permanent conservation
5.35 easements. A list of proposed acquisitions

6.1 must be provided as part of the required
6.2 accomplishment plan.

6.3 (d) Accelerated Forest Wildlife Habitat
6.4 Program

6.5 \$1,791,000 in fiscal year 2011 is to the
6.6 commissioner of natural resources for
6.7 acceleration of agency programs to acquire,
6.8 in fee, land for state forests and restore and
6.9 enhance state forest habitat. A list of projects
6.10 including proposed fee title acquisitions
6.11 and restorations and enhancements must
6.12 be provided as part of the required
6.13 accomplishment plan. All restorations must
6.14 comply with subdivision 9, paragraph (b).

6.15 (e) Northeastern Minnesota Sharp-Tailed
6.16 Grouse Habitat

6.17 \$1,559,000 in fiscal year 2011 is to the
6.18 commissioner of natural resources for
6.19 an agreement with Pheasants Forever or
6.20 its successor to acquire interests in land,
6.21 and to restore and enhance habitat for
6.22 sharp-tailed grouse in Kanabec, Aitkin, and
6.23 St. Louis Counties in cooperation with the
6.24 Minnesota Sharp-Tailed Grouse Society. A
6.25 list of proposed acquisitions and a list of
6.26 proposed restorations and enhancements
6.27 must be provided as part of the required
6.28 accomplishment plan. The commissioner
6.29 of natural resources must agree to each
6.30 acquisition of interest in land, restoration
6.31 project, and enhancement project. All
6.32 restorations must comply with subdivision
6.33 9, paragraph (b).

6.34 Subd. 4. Wetlands 0 16,905,000

6.35 (a) Accelerated Shallow Lake and Wetland
6.36 Enhancement and Restoration Program

7.1 \$6,505,000 in fiscal year 2011 is to the
 7.2 commissioner of natural resources to assess,
 7.3 enhance, and restore shallow lake and
 7.4 wetland habitats, to acquire land in fee or
 7.5 through permanent conservation easements
 7.6 for shallow lake program restoration, and to
 7.7 provide stewardship for acquired easements
 7.8 in cooperation with Ducks Unlimited, Inc.,
 7.9 or its successor. Of this appropriation,
 7.10 \$1,463,000 is for the Department of Natural
 7.11 Resources agency program acceleration
 7.12 and \$5,042,000 is for an agreement with
 7.13 Ducks Unlimited, Inc. A list of proposed
 7.14 projects, describing the types and locations
 7.15 of land acquisitions, restoration projects, and
 7.16 enhancement projects, must be provided as
 7.17 part of the required accomplishment plan.
 7.18 The commissioner of natural resources
 7.19 must agree to each acquisition, restoration
 7.20 project, and enhancement project. The
 7.21 accomplishment plan must include an
 7.22 easement stewardship plan. All restorations
 7.23 must comply with subdivision 9, paragraph
 7.24 (b).

7.25 **(b) Accelerate the Waterfowl Production Area**
 7.26 **Program in Minnesota**

7.27 \$3,505,000 in fiscal year 2011 is to the
 7.28 commissioner of natural resources for an
 7.29 agreement with Pheasants Forever or its
 7.30 successor to acquire and restore wetland and
 7.31 related upland habitats, in cooperation with
 7.32 the United States Fish and Wildlife Service
 7.33 and Ducks Unlimited, Inc. or its successor to
 7.34 be managed as waterfowl production areas.
 7.35 A list of proposed acquisitions and a list of
 7.36 proposed projects, describing the types and

8.1 locations of restorations, must be provided
 8.2 as part of the required accomplishment
 8.3 plan. All restorations must comply with
 8.4 subdivision 9, paragraph (b).

8.5 (c) Reinvest in Minnesota Wetlands Reserve
 8.6 Program Acquisition and Restoration

8.7 \$6,895,000 in fiscal year 2011 is to the Board
 8.8 of Water and Soil Resources to acquire
 8.9 permanent conservation easements and
 8.10 restore wetlands and associated uplands
 8.11 in cooperation with the United States
 8.12 Department of Agriculture Wetlands Reserve
 8.13 Program. A list of proposed acquisitions
 8.14 and a list of proposed projects, describing
 8.15 the types and locations of restorations,
 8.16 must be provided as part of the required
 8.17 accomplishment plan. All restorations must
 8.18 comply with subdivision 9, paragraph (b).

8.19 Subd. 5. Habitat 0 17,563,000

8.20 (a) Metro Big Rivers Habitat Program

8.21 \$2,397,000 in fiscal year 2011 is to the
 8.22 commissioner of natural resources for
 8.23 agreements for projects to protect, restore,
 8.24 and enhance natural systems of the Minnesota
 8.25 River, St. Croix River, Mississippi River, and
 8.26 their major tributaries as follows: \$500,000
 8.27 with Minnesota Valley Trust or its successor
 8.28 for fee title land acquisition; \$1,500,000 with
 8.29 the Trust for Public Land or its successor
 8.30 for fee title land acquisition; \$227,300 with
 8.31 the Friends of the Mississippi River or its
 8.32 successor for restoration, enhancement,
 8.33 and conservation easement acquisition; and
 8.34 \$169,700 with Great River Greening or its
 8.35 successor for restoration and enhancement.

9.1 The accomplishment plan must include an
9.2 easement stewardship plan. All restorations
9.3 must comply with subdivision 9, paragraph
9.4 (b).

9.5 (b) Accelerated Aquatic Management Area
9.6 Acquisition

9.7 \$3,416,000 in fiscal year 2011 is to the
9.8 commissioner of natural resources to
9.9 accelerate land acquisition by fee title and
9.10 easements to be added to the state aquatic
9.11 management area system as defined in
9.12 Minnesota Statutes, chapter 86A, and to
9.13 restore and enhance stream habitat and lake
9.14 habitat. Land acquired in fee must remain
9.15 open to hunting and fishing, consistent with
9.16 the capacity of the land, during the open
9.17 season, as determined by the commissioner
9.18 of natural resources. A list of proposed
9.19 fee title and easement acquisitions, stream
9.20 habitat restorations and enhancements, and
9.21 lake habitat restorations and enhancements
9.22 must be provided as part of the required
9.23 accomplishment plan.

9.24 (c) Cold Water River and Stream Restoration,
9.25 Protection, and Enhancement

9.26 \$1,269,000 in fiscal year 2011 is to the
9.27 commissioner of natural resources for an
9.28 agreement with Trout Unlimited or its
9.29 successor to restore, enhance, and protect
9.30 cold water river and stream habitats in
9.31 Minnesota. A list of proposed acquisitions
9.32 and a list of proposed projects, describing
9.33 the types and locations of restorations and
9.34 enhancements, must be provided as part
9.35 of the required accomplishment plan. The
9.36 commissioner of natural resources must agree

10.1 to each proposed acquisition, restoration, and
10.2 enhancement. All restorations must comply
10.3 with subdivision 9, paragraph (b).

10.4 **(d) Dakota County Riparian and Lakeshore**
10.5 **Protection and Restoration**

10.6 \$2,097,000 in fiscal year 2011 is to the
10.7 commissioner of natural resources for
10.8 an agreement with Dakota County for
10.9 acquisition of permanent easements and
10.10 enhancement and restoration of aquatic
10.11 and associated upland habitat. A list of
10.12 proposed acquisitions and restorations
10.13 must be provided as part of the required
10.14 accomplishment plan. The accomplishment
10.15 plan must include an easement stewardship
10.16 plan. All restorations must comply with
10.17 subdivision 9, paragraph (b).

10.18 **(e) Valley Creek Protection Partnership**

10.19 \$1,218,000 in fiscal year 2011 is to the
10.20 commissioner of natural resources for
10.21 agreements on projects to protect, restore,
10.22 and enhance natural systems of Valley Creek
10.23 in Washington County as follows: \$838,000
10.24 with Minnesota Land Trust or its successor;
10.25 \$218,000 with Washington County;
10.26 \$100,000 with the Belwin Conservancy or its
10.27 successor; \$50,000 with Trout Unlimited or
10.28 its successor; and \$12,000 with the Valley
10.29 Branch Watershed District. All restorations
10.30 must comply with subdivision 9, paragraph
10.31 (b).

10.32 **(f) Anoka Sand Plain Restoration and**
10.33 **Enhancement**

10.34 \$747,000 in fiscal year 2011 is to the
10.35 commissioner of natural resources for an

11.1 agreement with Great River Greening or its
11.2 successor to restore and enhance habitat on
11.3 public property in the Anoka Sand Plain in
11.4 Anoka, Chisago, Isanti, Benton, Washington,
11.5 Morrison, and Sherburne Counties. All
11.6 restorations must comply with subdivision
11.7 9, paragraph (b).

11.8 (g) Lower Mississippi River Habitat
11.9 Restoration Acceleration

11.10 \$1,000,000 in fiscal year 2011 is to
11.11 the commissioner of natural resources
11.12 to accelerate agency programs and for
11.13 cooperative agreements to acquire land in
11.14 the Root River watershed. A list of proposed
11.15 acquisitions must be provided as part of
11.16 the required accomplishment plan. The
11.17 commissioner of natural resources must agree
11.18 to each proposed acquisition, restoration, and
11.19 enhancement. All restorations must comply
11.20 with subdivision 9, paragraph (b).

11.21 (h) Washington County St. Croix River Land
11.22 Protection

11.23 \$1,033,000 in fiscal year 2011 is to the
11.24 commissioner of natural resources for an
11.25 agreement with Washington County to
11.26 acquire permanent easements to protect
11.27 habitat associated with the St. Croix River
11.28 Valley. A list of proposed acquisitions
11.29 must be provided as part of the required
11.30 accomplishment plan. The accomplishment
11.31 plan must include an easement stewardship
11.32 plan.

11.33 (i) Outdoor Heritage Conservation Partners
11.34 Grant Program

11.35 \$4,386,000 in fiscal year 2011 is to the
11.36 commissioner of natural resources for a pilot

12.1 program to provide competitive, matching
12.2 grants of up to \$400,000 to local, regional,
12.3 state, and national organizations, including
12.4 government, for enhancement, restoration,
12.5 or protection of forests, wetlands, prairies,
12.6 and habitat for fish, game, or wildlife in
12.7 Minnesota. The commissioner of natural
12.8 resources shall give priority to organizations
12.9 that have a history or charter to receive
12.10 private contributions for local conservation
12.11 or habitat projects. Up to four percent
12.12 of this appropriation may be used by the
12.13 commissioner of natural resources for
12.14 administering the grant program. Grantees
12.15 may acquire land or interests in land.
12.16 Easements must be permanent. Land
12.17 acquired in fee must be open to hunting
12.18 and fishing during the open season unless
12.19 otherwise provided by state law. The
12.20 commissioner of natural resources must
12.21 agree to each proposed acquisition of land or
12.22 interest in land. The program shall require a
12.23 cash match of at least ten percent nonstate
12.24 funds. The criteria for evaluating grant
12.25 applications must include amount of habitat
12.26 restored, enhanced, or protected; local
12.27 support; degree of collaboration; urgency;
12.28 capacity to achieve multiple benefits;
12.29 habitat benefits provided; consistency with
12.30 sound conservation science; adjacency to
12.31 protected lands; full funding of the project;
12.32 supplementing existing funding; public
12.33 access for hunting and fishing during the
12.34 open season; sustainability; and use of native
12.35 plant materials. All projects must conform
12.36 to the Minnesota statewide conservation and

13.1 preservation plan. Wildlife habitat projects
 13.2 must also conform to the Minnesota wildlife
 13.3 action plan. Priority may be given to projects
 13.4 acquiring land or easements associated
 13.5 with existing wildlife management areas.
 13.6 All restoration or enhancement projects
 13.7 must be on land permanently protected by
 13.8 conservation easement or public ownership.
 13.9 Subdivision 9 applies to grants awarded
 13.10 under this paragraph. All restorations must
 13.11 comply with subdivision 9, paragraph (b).
 13.12 This appropriation is available until June
 13.13 30, 2014, at which time all grant project
 13.14 work must be completed and final products
 13.15 delivered, unless an earlier date is specified
 13.16 in the grant agreement. No less than five
 13.17 percent of the amount of each grant must
 13.18 be held back from reimbursement until
 13.19 the grant recipient has completed a grant
 13.20 accomplishment report by the deadline and
 13.21 in the form prescribed by and satisfactory to
 13.22 the Lessard-Sams Outdoor Heritage Council.

13.23 Subd. 6. Administration and Other 0 775,000

13.24 (a) Contract Management

13.25 \$175,000 in fiscal year 2011 is to the
 13.26 commissioner of natural resources for
 13.27 contract management duties assigned in this
 13.28 section.

13.29 (b) Legislative Coordinating Commission

13.30 \$600,000 in fiscal year 2011 is to the
 13.31 Legislative Coordinating Commission for
 13.32 administrative expenses of the Lessard-Sams
 13.33 Outdoor Heritage Council and for
 13.34 compensation and expense reimbursement
 13.35 of council members.

14.1 (c) Lessard-Sams Outdoor Heritage Council
14.2 Site Visit Exception

14.3 Travel to and from site visits by council
14.4 members that are paid for under paragraph
14.5 (b) are not meetings of the council for the
14.6 purpose of receiving information under
14.7 Minnesota Statutes, section 97A.056,
14.8 subdivision 5.

14.9 Subd. 7. Availability of Appropriation

14.10 Money appropriated in this section may
14.11 not be spent on activities unless they are
14.12 directly related to and necessary for a
14.13 specific appropriation and are specified in the
14.14 accomplishment plan. Money appropriated
14.15 in this section must not be spent on indirect
14.16 costs or other institutional overhead charges.

14.17 Unless otherwise provided, the amounts
14.18 in this section are available until June 30,
14.19 2013, when projects must be completed and
14.20 final accomplishments reported. If a project
14.21 receives federal funds, the time period
14.22 of the appropriation is extended to equal
14.23 the availability of federal funding. Funds
14.24 appropriated for fee title acquisition of land
14.25 may be used to restore and enhance land
14.26 acquired with the appropriation.

14.27 Subd. 8. Accomplishment Plans

14.28 It is a condition of acceptance of the
14.29 appropriations made by this section that the
14.30 agency or entity using the appropriation shall
14.31 submit to the council an accomplishment
14.32 plan and periodic accomplishment
14.33 reports in the form determined by the
14.34 Lessard-Sams Outdoor Heritage Council.
14.35 The accomplishment plan must account for

15.1 the use of the appropriation and outcomes
15.2 of the expenditure in measures of wetlands,
15.3 prairies, forests, and fish, game, and wildlife
15.4 habitat restored, protected, and enhanced.
15.5 The plan must include an evaluation of
15.6 results. None of the money provided in this
15.7 section may be expended unless the council
15.8 has approved the pertinent accomplishment
15.9 plan.

15.10 **Subd. 9. Project Requirements**

15.11 (a) As a condition of accepting an
15.12 appropriation in this section, any agency
15.13 or entity receiving an appropriation must
15.14 comply with this subdivision for any project
15.15 funded in whole or in part with funds from
15.16 the appropriation.

15.17 (b) To the extent possible, a person
15.18 conducting restoration with money
15.19 appropriated in this section must plant
15.20 vegetation or sow seed only of ecotypes
15.21 native to Minnesota, and preferably of the
15.22 local ecotype, using a high diversity of
15.23 species originating from as close to the
15.24 restoration site as possible, and protect
15.25 existing native prairies, grasslands, forests,
15.26 wetlands, and other aquatic systems from
15.27 genetic contamination.

15.28 (c) All conservation easements acquired
15.29 with money appropriated in this section
15.30 must: (1) be permanent; (2) specify the
15.31 parties to an easement; (3) specify all of
15.32 the provisions of an agreement that are
15.33 permanent; (4) specify the responsibilities
15.34 of the parties for habitat enhancement and
15.35 restoration and the associated costs of these

16.1 activities; (5) be sent to the office of the
16.2 Lessard-Sams Outdoor Heritage Council; (6)
16.3 include a long-term stewardship plan and
16.4 identify the sources and amount of funding
16.5 for monitoring and enforcing the easement
16.6 agreement; and (7) identify the parties
16.7 responsible for monitoring and enforcing the
16.8 easement agreement.

16.9 (d) For all restorations, a recipient must
16.10 prepare and retain an ecological restoration
16.11 and management plan that, to the degree
16.12 practicable, is consistent with the highest
16.13 quality conservation and ecological goals for
16.14 the restoration site. Consideration should
16.15 be given to soil, geology, topography, and
16.16 other relevant factors that would provide
16.17 the best chance for long-term success of the
16.18 restoration projects. The plan shall include
16.19 the proposed timetable for implementing
16.20 the restoration, including, but not limited
16.21 to, site preparation, establishment of
16.22 diverse plant species, maintenance, and
16.23 additional enhancement to establish the
16.24 restoration; identify long-term maintenance
16.25 and management needs of the restoration
16.26 and how the maintenance, management, and
16.27 enhancement will be financed; and use the
16.28 best available science to achieve the best
16.29 restoration.

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

17.1 (f) To ensure public accountability for the
17.2 use of public funds, a recipient must provide
17.3 to the Lessard-Sams Outdoor Heritage
17.4 Council documentation of the selection
17.5 process used to identify parcels acquired
17.6 in fee or permanent conservation easement
17.7 and provide the council with documentation
17.8 of all related transaction costs, including,
17.9 but not limited to, appraisals, legal fees,
17.10 recording fees, commissions, other similar
17.11 costs, and donations. This information
17.12 must be provided for all parties involved
17.13 in the transaction. The recipient shall
17.14 also report to the Lessard-Sams Outdoor
17.15 Heritage Council any difference between the
17.16 acquisition amount paid to the seller and the
17.17 state-certified or state-reviewed appraisal, if
17.18 a state-certified or state-reviewed appraisal
17.19 was conducted. Acquisition data such
17.20 as appraisals may remain private during
17.21 negotiations but must ultimately be made
17.22 public according to Minnesota Statutes,
17.23 chapter 13.

17.24 (g) Except as otherwise provided in this
17.25 section, all restoration and enhancement
17.26 projects with money appropriated in this
17.27 section must be on land permanently
17.28 protected by a conservation easement or
17.29 public ownership.

17.30 (h) To the extent an appropriation is used to
17.31 acquire an interest in real property, a recipient
17.32 of an appropriation under this section must
17.33 provide to the Lessard-Sams Outdoor
17.34 Heritage Council and the commissioner
17.35 of management and budget an analysis of
17.36 increased operations and maintenance costs

- 18.1 likely to be incurred by public entities as
18.2 a result of the acquisition and of how these
18.3 costs are to be paid.
- 18.4 (i) A recipient of money from an
18.5 appropriation in this section must give
18.6 consideration to and make timely written
18.7 contact with the Minnesota Conservation
18.8 Corps for consideration of possible use of
18.9 their services to contract for restoration and
18.10 enhancement services. A copy of the written
18.11 contact must be filed with the Lessard-Sams
18.12 Outdoor Heritage Council within 15 days of
18.13 execution.
- 18.14 (j) A recipient of money from this section
18.15 must erect signage according to Laws 2009,
18.16 chapter 172, article 5, section 10.
- 18.17 **Subd. 10. Payment Conditions and Capital**
18.18 **Equipment Expenditures**
- 18.19 All agreements, grants, or contracts referred
18.20 to in this section must be administered on
18.21 a reimbursement basis unless otherwise
18.22 provided in this section. Notwithstanding
18.23 Minnesota Statutes, section 16A.41,
18.24 expenditures directly related to each
18.25 appropriation's purpose made on or after July
18.26 1, 2010, are eligible for reimbursement unless
18.27 otherwise provided in this section. Periodic
18.28 reimbursement must be made upon receiving
18.29 documentation that the deliverable items
18.30 articulated in the approved accomplishment
18.31 plan have been achieved, including partial
18.32 achievements as evidenced by approved
18.33 progress reports. Reasonable amounts may
18.34 be advanced to projects to accommodate
18.35 cash flow needs or to match federal share.
18.36 The advances must be approved as part of

19.1 the accomplishment plan. Capital equipment
19.2 expenditures for specific items in excess of
19.3 \$10,000 must be approved as part of the
19.4 accomplishment plan.

19.5 **Subd. 11. Purchase of Recycled and Recyclable**
19.6 **Materials**

19.7 A political subdivision, public or private
19.8 corporation, or other entity that receives an
19.9 appropriation in this section must use the
19.10 appropriation in compliance with Minnesota
19.11 Statutes, sections 16B.121, regarding
19.12 purchase of recycled, repairable, and durable
19.13 materials, and 16B.122, regarding purchase
19.14 and use of paper stock and printing.

19.15 **Subd. 12. Accessibility**

19.16 Structural and nonstructural facilities must
19.17 meet the design standards in the Americans
19.18 with Disabilities Act (ADA) accessibility
19.19 guidelines.

19.20 **Subd. 13. Land Acquisition Restrictions**

19.21 (a) An interest in real property, including, but
19.22 not limited to, an easement or fee title, that
19.23 is acquired with money appropriated under
19.24 this section must be used in perpetuity or for
19.25 the specific term of an easement interest for
19.26 the purpose for which the appropriation was
19.27 made.

19.28 (b) A recipient of funding who acquires
19.29 an interest in real property subject to this
19.30 subdivision may not alter the intended use
19.31 of the interest in real property or convey
19.32 any interest in the real property acquired
19.33 with the appropriation without the prior
19.34 review and approval of the Lessard-Sams
19.35 Outdoor Heritage Council or its successor.

20.1 The council shall establish procedures to
20.2 review requests from recipients to alter
20.3 the use of or convey an interest in real
20.4 property. These procedures shall allow
20.5 for the replacement of the interest in real
20.6 property with another interest in real property
20.7 meeting the following criteria: (1) the
20.8 interest is at least equal in fair market value,
20.9 as certified by the commissioner of natural
20.10 resources, to the interest being replaced; and
20.11 (2) the interest is in a reasonably equivalent
20.12 location and has a reasonably equivalent
20.13 useful conservation purpose compared to the
20.14 interest being replaced.

20.15 (c) A recipient of funding who acquires an
20.16 interest in real property under paragraph
20.17 (a) must separately record a notice of
20.18 funding restrictions in the appropriate local
20.19 government office where the conveyance
20.20 of the interest in real property is filed. The
20.21 notice of funding agreement must contain:
20.22 (1) a legal description of the interest in real
20.23 property covered by the funding agreement;
20.24 (2) a reference to the underlying funding
20.25 agreement; (3) a reference to this section; and
20.26 (4) the following statement: "This interest
20.27 in real property shall be administered in
20.28 accordance with the terms, conditions, and
20.29 purposes of the grant agreement controlling
20.30 the acquisition of the property. The interest
20.31 in real property, or any portion of the interest
20.32 in real property, shall not be sold, transferred,
20.33 pledged, or otherwise disposed of or further
20.34 encumbered without obtaining the prior
20.35 written approval of the Lessard-Sams
20.36 Outdoor Heritage Council or its successor.

21.1 The ownership of the interest in real property
21.2 shall transfer to the state if: (1) the holder of
21.3 the interest in real property fails to comply
21.4 with the terms and conditions of the grant
21.5 agreement or accomplishment plan; or
21.6 (2) restrictions are placed on the land that
21.7 preclude its use for the intended purpose as
21.8 specified in the appropriation."

21.9 **Subd. 14. Real Property Interest Report**

21.10 By December 1 each year, a recipient of
21.11 money appropriated under this section that
21.12 is used for the acquisition of an interest in
21.13 real property, including, but not limited to,
21.14 an easement or fee title, must submit annual
21.15 reports on the status of the real property to
21.16 the Lessard-Sams Outdoor Heritage Council
21.17 or its successor in a form determined by the
21.18 council. The responsibility for reporting
21.19 under this section may be transferred by
21.20 the recipient of the appropriation to another
21.21 person or entity that holds the interest in the
21.22 real property. To complete the transfer of
21.23 reporting responsibility, the recipient of the
21.24 appropriation must: (1) inform the person to
21.25 whom the responsibility is transferred of that
21.26 person's reporting responsibility; (2) inform
21.27 the person to whom the responsibility is
21.28 transferred of the property restrictions under
21.29 subdivision 13; (3) provide written notice
21.30 to the council of the transfer of reporting
21.31 responsibility, including contact information
21.32 for the person to whom the responsibility is
21.33 transferred; and (4) provide the Lessard-Sams
21.34 Outdoor Heritage Council or its successor
21.35 written documentation from the person or
21.36 entity holding the interest in real property

- 22.1 certifying its acceptance of all reporting
- 22.2 obligations and responsibilities previously
- 22.3 held by the recipient of the appropriation.
- 22.4 After the transfer, the person or entity that
- 22.5 holds the interest in the real property is
- 22.6 responsible for reporting requirements under
- 22.7 this section.