

2005 Natural Resources Legislation

A Summary of the Actions of the 2005 Regular and Special Sessions of the Eighty-Forth Minnesota Legislature

**Minnesota Department of Natural Resources
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2005 Department of Natural Resources Legislative Summary

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WATERS

Chapter 20 HF 3 (SF 1) Omnibus Bonding Bill

Subd. 2. Flood hazard mitigation grants. \$27 million for the state share of flood hazard mitigation grants under law for listed projects, including:

- \$2 million for projects related to the Austin flood in the area included in the disaster declaration DR-1569.
- \$175,000 is for the state share of a Cannon Falls grant to alleviate flooding from bluff runoff and the Little Cannon and Cannon rivers.

Authorizes the commissioner to allocate unused money from projects unable to use all appropriated funds to projects on the priority list.

Provides that the money is the local share of listed projects if the costs exceed a specified threshold.

Requires the state share of the Roseau River Wildlife Management Area, Palmville, and Malung to be \$3 for every \$1 nonstate contribution. Provides that the appropriation is also for the local share of named projects if the project cost exceeds 2 percent of the municipality's median household income times the number of households.

No local share is required for the Canisteo Mine project.

Extends to June 30, 2076, the expiration date for a grant from the Department of Natural Resources to Stillwater for flood hazard mitigation.

Subd. 3. Dam renovation and removal. \$2 million to renovate or remove publicly owned dams, according to priorities determined by the commissioner under law, including: dam removal and restoration of Rush Creek in Chisago County, repair of Rapidan dam in Blue Earth County, repair of Vermillion River dam in St. Louis County, replacement of the Shellrock River dam. The Rapidan dam project is exempt from the local match requirement.

Authorizes the commissioner to transfer unencumbered money in a completed project account for dam renovation or removal projects on the priority list.

Chapter 138 HF 894 (SF 935) Waters Policy Bill

The following changes were made to various water related permitting issues.

PUBLIC WATERS –DOW is now specifically authorized to revise the PWI. A process will be developed. The only significant change from the way it was proposed is that abandoned mine pits was deleted from bodies of water that could be added.

M.S. 103G.201 was amended as follows:

- (e) The commissioner may revise the public waters inventory map and list of each county:
 - (1) to reflect the changes authorized in paragraph (b); and

(2) as needed, to:

- (i) correct errors in the original inventory;
- (ii) add or subtract trout stream tributaries within sections that contain a designated trout stream following written notice to the landowner;
- (iii) add depleted quarries, and sand and gravel pits, when the body of water exceeds 50 acres and the shoreland has been zoned for residential development; and
- (iv) add or subtract public waters that have been created or eliminated as a requirement of a permit authorized by the commissioner under section 103G.245.

CEASE AND DESIST ORDERS –Dow will be able to use cease and desist orders for water appropriation issues.

Minnesota Statutes 2004, section 103G.2372, subdivision 1, was amended to read:

Subdivision 1. [COMMISSIONER OF NATURAL RESOURCES.] (a)

The commissioner of natural resources, conservation officers, and peace officers shall enforce laws preserving and protecting ground water quantity, wetlands, and public waters. The commissioner of natural resources, a conservation officer, or a peace officer may issue a cease and desist order to stop any illegal activity adversely affecting ground water quantity, a wetland, or public waters.

BOATHOUSES –This clarifies the conflict that existed between the rules and the law. DOW will be in a better position to stop the floating condos and will be able to allow small buildings in a commercial marina.

Minnesota Statutes 2004, section 103G.245, subdivision 4, was amended to read:

Subd. 4. [STRUCTURES IN OR ADJACENT TO PUBLIC WATERS.] (a)

The following definitions apply to this subdivision:

(1) "boathouse" means a ~~floating~~ structure or watercraft that is moored by spuds, cables, ropes, anchors, or chains that may be intended for habitation and has walls, a roof, and either an open well for boats or a floor from wall to wall and does not include ~~houseboats~~ watercraft that are designed and operated as motorboats; and

(2) ~~"houseboat"~~ "motorboat" means a ~~motorboat that has either a pontoon or a flat-bottomed hull configuration, and a permanent enclosed superstructure housing, at a minimum, built-in sleeping, cooking, and toilet facilities~~ watercraft that is designed for and is capable of navigation on the water and that has an adequately sized external or internal mechanical propulsion system for the type of watercraft.

(b) The commissioner, subject to the approval of the county board, may grant and prescribe terms and conditions for granting public waters work permits to establish, construct, maintain, and control wharves, docks, piers, levees, breakwaters, basins, canals, and hangars in or adjacent to public waters of the

state, except within the corporate limits of a municipality.

(c) Boathouses are prohibited on public waters of Minnesota, except as allowed by paragraph (d).

(d) The commissioner may issue a public waters work permit for boathouses ~~only, when approved~~ by the local governmental unit and:

(1) only in areas of historic use for such the structures, as determined by the commissioner, and where the boathouse was in existence on public waters prior to January 1, 1997; or

(2) ~~when approved by the local government unit; and~~

(3) ~~where the boathouse is in existence on public waters prior to January 1, 1997~~ serves as a public service structure within a permitted commercial marina.

(e) A boathouse in existence on public waters prior to January 1, 1997, may be repaired or replaced, provided that the repairs or replacement are consistent with the permit issued by the commissioner under paragraph (d).

COMMISSIONERS ORDERS RECORDED ON DEEDS—There was a question from the attorneys about whether we could record a restoration order on a deed. This clarification clearly allows it to be done.

Minnesota Statutes 2004, section 103G.251, subdivision 2, is amended to read:

(f) An order of the commissioner may be recorded or filed by the commissioner in the office of the county recorder or registrar of titles, as appropriate, in the county where the real property is located as a deed restriction on the property that runs with the land and is binding on the owners, successors, and assigns until the conditions of the order are met or the order is rescinded.

CHANGE IN THE WAY PERMIT FEES ARE PAID—This change was needed to make the collection of permit fees consistent with the WIRES process.

Minnesota Statutes 2004, section 103G.301, subdivision 2, is amended to read:

Subd. 2. [PERMIT APPLICATION FEES.] (a) ~~An application for a permit authorized under this chapter, and each request to amend or transfer an existing permit, must be accompanied by~~ A permit application fee to defray the costs of receiving, recording, and processing the application ~~or request to amend or transfer~~ must be paid for a permit authorized under this chapter and for each request to amend or transfer an existing permit.

CONDITIONS ON LAND SALE IN SCOTT COUNTY—This was added to the DOW bill by a local legislator. It clarifies the intent of earlier legislation.

Sec. 25. [PRIVATE SALE OF SURPLUS LAND BORDERING PUBLIC WATERS; SCOTT COUNTY.]

(a) Notwithstanding Minnesota Statutes, sections 92.45; 94.09; 94.10; 97A.135, subdivision 2a; and 103F.535, the commissioner of natural resources shall sell by private sale the surplus land bordering public waters that is described in paragraph (e).

(b) The conveyance shall be in a form approved by the attorney general for consideration of no less than the appraised value of the land.

(c) The deed must contain a restrictive covenant that prohibits altering, disturbing vegetation in, draining, filling, or placing any material or structure of any kind on or in the existing wetland area located on the land; prohibits any increase in ~~run-off~~ runoff rate or volume from the land or future buildings into said wetland; and prohibits diverting or appropriating water from said wetland. This restriction applies only to the public waters wetland on the land identified on the public waters inventory map as 70-148W. Other wetlands on the land are subject to Minnesota Statutes, sections 103G.221 to 103G.2372.

(d) The consideration received for the conveyance shall be deposited in the state treasury and credited to the wildlife acquisition account in the game and fish fund. The money is appropriated to the commissioner of natural resources for wildlife land acquisition purposes.

(e) The land that may be sold is in the Prior Lake wildlife management area in Scott county and is described as: The East 1200 feet of the South 800 feet of the Southwest Quarter of the Southeast Quarter of Section 22, Township 115 North, Range 22 West. Including the abandoned right-of-way of the Chicago, Milwaukee, St. Paul and Pacific Railroad Company (formerly the Hastings and Dakota Railway Company). Containing 22 acres, more or less.

(f) This land no longer fits into the state wildlife management area system because of hunting limitations, its small size, and future development planned for the area. Proceeds from the sale will be used to purchase lands more suitable for wildlife management and public use.

Chapter 89 HF 1839 (SF 1738) Once-through Aquifer Storage Permits (this is a Bushel Boy Tomato proposal. Bushel Boy in Owatonna is considering using a ground water recirculation system for their heating and cooling of 14+ acres of tomatoes. This bill gives DOW the authority to issue a permit if the technical review warrants it)

This measure provides an exemption for DNR to issue once-through system water use permits on an annual basis for aquifer storage and recovery systems that return all once-through system water to the source aquifer. Water use permit processing fees in subdivision 6, paragraph (a), apply to all water withdrawals under this paragraph, including any reuse of water returned to the source aquifer. The approval of the Commissioners of Health and PCA is also required.

Chapter 58 HF 1839 (SF 1146) Agriculture Society Exemption from Local Zoning

Vetoed by Governor Pawlenty

This measure would have expanded and clarified the authority of county or agricultural societies over lands that they own and manage for agricultural fair purposes in M.S. 38. According to the law, lands and buildings owned and managed by county agricultural societies are still exempt from town or city zoning and building ordinances. Although not a big issue, this should probably be looked into at some point in time particularly from a floodplain management perspective.

Chapter 39 SF 1252 (HF 1327) St. Paul Regional Water Consumptive Use Approval

The legislature approved a measure allowing the St. Paul Regional Water Services to increase their appropriation permit for the consumptive use of over 2 million gallons/day over a 30 day period. This step is required before DNR could issue an appropriation permit amendment.

Chapter 30 HF 990 (SF 692) Wild and Scenic River Boundary Change

The Wild, Scenic and Recreational River District boundary in Wright and Sherburne Counties was modified by statute rather than going through a long rule change process. The change is identical to what was proposed through the rule process.

1st Special Session, Chapter 1, SF 69 (HF 78) Agricultural, environmental, natural resources, state parks, and economic development funding provided; programs established and modified; and money appropriated.

Article 2, Section 3

Subd. 3 Water Resources Management

General 10,812,000 10,812,000

Natural Resources 280,000 280,000

- \$210,000 the first year and \$210,000the second year are for grants associated with the implementation of the Red River mediation agreement.
- \$65,000 the first year and \$65,000 the second year are for a grant to the Mississippi Headwaters Board for up to 50 percent of the cost of implementing the comprehensive plan for the upper Mississippi within areas under its jurisdiction.
- \$5,000 the first year and \$5,000 the second year are for payment to the Leech Lake Band of Chippewa Indians to implement its portion of the comprehensive plan for the upper Mississippi.
- \$125,000 the first year and \$125,000 the second year are for the construction of ring dikes under Minnesota Statutes, section 103F.161. The ring dikes may be publicly or privately

owned. Any unencumbered balance does not cancel at the end of the first year and is available for the second year.

Sections 121 to 122 [DNR Water Fees] increases water appropriation fees for once-through cooling and summer water use and the application fees water appropriations and public waters work permits. (DNR Bill)

Section 124 [Underground Storage Permit Fees] provides a statutory appropriation of underground storage fees to the DNR for costs related to the permit. (DNR Bill)

Section 146 [Nonconforming Uses; Floodplains] specifies that municipalities must regulate nonconforming uses and structure in floodplain areas to maintain flood insurance eligibility and not increase flood damage potential. (DNR Bill)

Sections 147 and 148, 157, and 158 [Metropolitan Area Water Supply Planning] directs the Metropolitan Council to carry out planning activities addressing water supply needs of the seven-county metropolitan area. Money for the planning is from housing bond credit enhancement program funds.

Chapter 47 SF 1841 (HF 2042) Elimination of the Project Riverbend Board

This legislation eliminates the Board of Directors of Project Riverbend and eliminates the need for the Board to report to the legislature. The counties and cities must still implement the land use plans Established in the comprehensive plan.

Chapter 143 HF 2279 (SF 2085) Cologne Wetland Replacement Exemption

This legislation provided for a reduced wetland replacement rate at a 1:1 ratio for trail construction near the city of Cologne. BWSR followed this bill—it was sponsored by a local legislator.

HF 826 SF 762 Clean Water Legacy Act—PCA impaired waters initiative that would provide \$70 million for the effort and much of the money would have been provided from a \$30/year charge per sewer hook-up.

FISH AND WILDLIFE

Chapter 20 HF 3 (SF 1) Omnibus Bonding Bill, Article 1, Section 7

Subd. 4. RIM - critical habitat match. \$2 million for the state match for the critical habitat private sector matching account.

Subd. 5. RIM - wildlife area land acquisition. \$10 million to acquire land for wildlife management. Part of this may be used for the state contribution to a buffer zone around Camp Ripley.

Subd. 6. Fisheries acquisition and improvement. \$1.05 million to acquire and to make public improvements to land for aquatic management areas.

Subd. 11. Metro greenways. \$500,000 for grants to local government to acquire or improve greenways and natural areas in the metro region, including purchase of conservation easements, according to priorities determined by the commissioner in consultation with local government and others.

Subd. 17. Fish hatchery improvements. \$1.7 million to renovate fish culture facilities.

Subd. 18. RIM - wildlife management area development. \$600,000 for wildlife management area improvements and protection under law.

Chapter 146 HF 847 (SF 789) Omnibus Game and Fish Bill

1. Allows purchase of two-stroke snowmobile and outboard engines when the commissioner determines that they are as environmentally efficient as four-stroke engines or that four-stroke engines are not practical for the intended natural resource management purpose.
2. Allows use of the expedited rules process for fish tagging.
3. Authorizes comprehensive criminal history checks on volunteer instructors.
4. Makes a very technical correction to DWI conviction record reporting references in the snowmobile/ATV vehicle laws.
5. Clarifies that youth may use any size ATV for the riding component of the ATV training course.
6. Classifies willow cats and stonecats as minnows to allow them to be used for bait purposes.
7. Clarifies provisions for transporting undressed wild turkeys.
8. Clarifies authorities for removing dens, nests, houses, or dams of animals.
9. Expands and clarifies conditions for obtaining replacement deer licenses.
10. Specifies proof of residency for obtaining resident licenses.
11. Allows wild turkey hunting by persons under age 12, if accompanied by a parent or guardian.
12. Removes the requirement that a person drawn in the special landowner turkey drawing may hunt only on land the persons owns or leases within the permit area.
13. Clarifies that free landowner deer licenses used on leased lands are valid only for agricultural leases.
14. Sets a minimum age of five years old for registering fisher, otter, bobcat, and pine marten.
15. Allows a nonresident under age 16 to purchase a fishing license at the resident fee and keep a limit of fish, or be included under a nonresident family fishing license.

16. Clarifies that a nonresident family fishing license is for one or both parents and dependent children under the age of 16.
17. Provides preference to service members serving on active duty in the preceding 24 months for certain lotteries, except moose, elk, and prairie chicken.
18. Eliminates turkey guiding licenses and guiding rules.
19. Removes the permit requirement for training dogs on private lands during the “nesting season.”
20. Modifies and clarifies conditions for permits to use live ammunition and live birds for dog training and field trials
21. Makes technical changes to the firearms safety certification provisions relating to the requirement to adopt rules on course content and to hold classes in certain locations.
22. Clarifies that 11 year olds can obtain hunting licenses after completing a firearms safety course and that any license is not valid for hunting until reaching age 12.
23. Requires trapper education certificates for persons born after December 31, 1989 who have not previously had a trapping license (effective March 1, 2007).
24. Allows .30 caliber M-1 carbines for big game hunting.
25. Streamlines the permit process for use of scopes during the muzzleloader deer season by visually impaired hunters.
26. Allows a person who is totally blind to use a laser sight in an assisted special hunting opportunity.
27. Prohibits computer-assisted remote hunting.
28. Clarifies that an unoccupied permanent stand or blind on public land is public.
29. Simplifies requirements for pursuing and treeing raccoons during the “nesting season.”
30. Eliminates snare permits for bobcat and fox.
31. Allows the commissioner to extend the pheasant or other upland game bird seasons until Jan. 3.
32. Prohibits opening the regular duck season before the Saturday closest to Oct. 1.
33. Clarifies that it is legal to hunt waterfowl on narrow rivers or streams while not in emergent vegetation.
34. Prohibits leaving decoys unattended during the day in public waters for more than four consecutive hours except adjacent to private land with no natural vegetation growing in the water sufficient to conceal a hunter.
35. Tightens existing early season restrictions on use of motorized waterfowl decoys; closes waters and lands within WMAs to motorized decoys and provides additional authorities.
36. Clarifies provisions on disposition of fish hatchery products.
37. Clarifies how fish length is to be legally measured (from tip of nose or jaw, whichever is longer).
38. Provides authority for the commissioner to prescribe rules to allow bowfishing at night.
39. Extends the closing date of the fishing season to the last Sunday in February.
40. Changes the statewide walleye length limit from only one walleye over 24 inches to only one over 20 inches daily.
41. Provides for an advanced/adult hunter education indicator on driver’s licenses, in the same manner as the current firearms and snowmobile safety training indicators.
42. Authorizes charitable gambling funds to be utilized by youth and adult safety training and education programs of the Department of Natural Resources.
43. Allows for conforming changes to rules to be made without going through full rulemaking for the new fish measurement and fish season provisions.
44. Repeals obsolete statutory language related to brook trout fishing in forest fire hazard areas, use of live raccoons for dog training, use of ATVs and snowmobiles by beaver and otter trappers, Mississippi River fish refuge authorities, Rainy River walleye restrictions; and commercial fishing provisions for Lake of the Woods and Rainy Lake.

45. Repeals agency rules related to fox and bobcat snaring and turkey guiding.
46. The bill also contains several provisions from the Enforcement technical bill.

1st Special Session, Chapter 1, SF 69 (HF 78) Agricultural, environmental, natural resources, state parks, and economic development funding provided; programs established and modified; and money appropriated.

Article 2

Subd. 7. Fish and Wildlife Management

	62,688,000	62,866,000
Summary by Fund		
General	2,166,000	1,966,000
Natural Resources	1,740,000	1,740,000
Game and Fish	58,782,000	59,160,000

- \$407,000 the first year and \$412,000 the second year are for resource population surveys in the 1837 treaty area. Of this amount, \$265,000 the first year and \$270,000 the second year are from the game and fish fund.
- \$3,013,000 the first year and \$3,013,000 the second year are from the wildlife acquisition surcharge account for only the purposes specified in Minnesota Statutes, section 97A.071, subdivision 2a. This appropriation is available until spent.
- \$7,233,000 the first year and \$7,233,000 the second year are from the heritage enhancement account in the game and fish fund for only the purposes specified in Minnesota Statutes, section 297A.94, paragraph (e), clause (1).
- Notwithstanding Minnesota Statutes, section 84.943, \$13,000 the first year and \$13,000 the second year from the critical habitat private sector matching account may be used to publicize the critical habitat license plate match program.
- Notwithstanding Minnesota Statutes, section 297A.94, this appropriation may be used for hunter recruitment and retention and public land user facilities.
- \$1,030,000 the first year and \$880,000 the second year are from the trout and salmon management account for only the purposes specified in Minnesota Statutes, section 97A.075, subdivision 3.
- \$1,411,000 the first year and \$1,411,000 the second year are from the deer habitat improvement account for only the purposes specified in Minnesota Statutes, section 97A.075, subdivision 1, paragraph (b).
- \$397,000 the first year and \$397,000 the second year are from the deer and bear management account for only the purposes specified in Minnesota Statutes, section 97A.075, subdivision 1, paragraph (c).
- \$851,000 the first year and \$851,000 the second year are from the waterfowl habitat improvement account for only the purposes specified in Minnesota Statutes, section 97A.075, subdivision 2..
- \$890,000 the first year and \$890,000 the second year are from the pheasant habitat improvement account for only the purposes specified in Minnesota Statutes, section 97A.075, subdivision 4.
- \$142,000 the first year and \$142,000 the second year are from the wild turkey management account for only the purposes specified in Minnesota Statutes, section 97A.075, subdivision 5. Of this amount, \$8,000 the first year and \$8,000 the second year are appropriated from the game and fish fund for transfer to the wild turkey management account for purposes specified in Minnesota Statutes, section 97A.075, subdivision 5.

- \$200,000 the first year is for coordination and implementation of the roadsides for wildlife program, including roadside wildlife management training for road managers and adjacent landowners, development of local partnerships to maximize roadside habitat benefits, identification and cataloguing of existing and needed technical resources, and development of a steering group to monitor the progress of the program and identify and resolve issues of concern for wildlife management in roadsides. This is a onetime appropriation.
- Notwithstanding Minnesota Statutes, section 297A.94, paragraph (e), clause (1), \$325,000 is from the revenue deposited to the game and fish fund under Minnesota Statutes, section 297A.94, paragraph (e), clause (1), for a grant to "Let's Go Fishing" of Minnesota to promote opportunities for fishing. The grant recipient must report back to the commissioner by February 1, 2006, on the use and results of the appropriation. This is a onetime appropriation. (VETOED, the passed in Education Bill)
- Notwithstanding Minnesota Statutes, section 16A.28, the appropriations encumbered under contract on or before June 30, 2007, for aquatic restoration grants and wildlife habitat grants are available until June 30, 2008.

Section 17 [Wild Rice Licenses] provides for the ELS commission on wild rice licenses to be used for the ELS. (DNR Bill)

Section 95 [Game and Fish Oversight Committees] extends the game and fish fund citizen oversight committees to June 30, 2010 and requires that their reports be submitted to legislative committees. (DNR Bill)

Section 97 [Trout and Salmon Stamp] expands the use of the trout and salmon stamp revenue. (DNR Bill)

Section 99 [Lifetime Game and Fish License Revenue] eliminates the requirement for specific project information on projects funded by lifetime game and fish license revenue. (DNR Bill)

Section 100 [Nonresident Hunting Fees; Lynx] eliminates lynx from the nonresident special license fee. (DNR Bill)

Section 101 [Social Security Numbers on Game and Fish License Applications] directs the Commissioners of Human Services and Natural Resources to request a waiver from federal requirements for social security numbers on game and fish and cross-country ski license applications for persons under the age of 16. The requirement for persons under the age of 16 on game and fish licenses is to be amended on the later of January 1, 2006, or when the waiver is granted.

Section 102 [Game and Fish Stamp and Free License Issuing Fees] allows license agents to collect a 50-cent issuing fee on game and fish stamps, issued separately, and free licenses.

Section 103 [ELS Fees; Game and Fish Licenses] provides for the retention of the ELS commission and issuing fees collected by the commissioner on game and fish licenses. (DNR Bill)

Section 104 [Tagging Fish; Rules] allows the Commissioner of Natural Resources to adopt rules relating to tagging fish. (DNR Bill)

Section 105 [Dog Field Training] allows for field training of hunting dogs from April 16 to July 14 on state lands under a permit from the Commissioner of Natural Resources. (DNR Bill)

Sections 106 to 108 [Firearms Safety Certificate; Issuing Fees] provide for the collection of a \$1 issuing fee for duplicate firearms safety certificates. (DNR Bill)

Section 109 [Nonresident Hunting Fees; Lynx] eliminates lynx from the nonresident special license. (DNR Bill)

Section 110 [Special Seasons; Lynx] eliminates lynx from the statutory authority for special hunting seasons. (DNR Bill)

Section 111 [Snaring; Lynx] eliminates lynx from the statutory authorization for snaring. (DNR Bill)

Section 112 [Open Season Prohibition; Lynx] adds lynx to the list of species where an open season is prohibited. (DNR Bill)

Section 113 [Taking Animals Causing Damage; Lynx] eliminates the statutory authorization for taking lynx causing damage. (DNR Bill)

Section 114 [Technical] is a technical change that is related to fish tagging. (DNR Bill)

Section 115 [Fish Tagging Application] establishes the fish tagging application process, including the \$5, nonrefundable application fee. (DNR Bill)

Section 137 [Roadsides for Wildlife] encourages road authorities to utilize native vegetation that reduces the need to mow on roadsides and directs cooperation between DNR and MnDOT to provide enhanced roadside habitat. (DNR Bill)

Section 138 [Critical Habitat Plates; Recreational Equipment] allows for critical habitat plates on recreational equipment (motor homes, campers, tent trailers, etc.) and to have them personalized if designs for the plates are selected after January 1, 2006. (DNR Bill)

Section 141 [Biomass Leases on Tax Forfeited Land] allows for leases on tax-forfeited land for removal of far-grown closed-loop biomass and short-rotation woody crops.

Section 153 [Required Rulemaking] directs the Commissioner of Natural Resources to amend game and fish rules to allow the operation of an ATV on private land during the firearms deer season, if the person is:

1. Pursuing an occupation;
2. Not in possession of a firearm; and
3. The owner of the land, an employee of the owner, or an immediate family member.

Chapter 102, HF42 (SF 149) Silencer provisions for wildlife control

- Authorizes conservation officers, area wildlife managers or a person acting under a contract with DNR to use silencing devices for wildlife control operations that require stealth.
- If the commissioner determines that use of silencing devices is necessary, the commissioner must:
- Establish and enforce a written policy governing the use, possession, and transportation of the devices;

- Limit the number of devices maintained by DNR to no more than 10; and
- Keep direct custody and control of the devices when they are not specifically authorized for use.

Chapter 97, Article 5, SF 1368 (HF 1721) Woody biomass mandate project.

This bill relates to plans to repower the public utility plants at Hibbing and Virginia with biomass boilers.

Requires that woody biomass from state-owned land must be harvested in compliance with an adopted management plan and ecologically based third-party certification.

Guidelines or best management practices for sustainably managed woody biomass must be adopted by: 1) DNR for managing and maintaining brushland and open land habitat; and 2) Minnesota Forest Resource Council for logging slash, with particular attention to soil productivity, biological diversity, and wildlife habitat.

The two utilities shall fund or obtain funding from nonstate sources of up to \$150,000 to complete the guidelines or best management practices.

FORESTRY

Chapter 20, Regular Session , HF 3 (SF 1) Omnibus Bonding Bill

Subd. 10. Reforestation. \$2 million for increased reforestation to meet the requirements in law.

Subd. 16. County Forest Land Reforestation. \$1 million for matching grants to counties for reforestation on county-administered land to supplement timber development funding.

Subd. 19. State forest and forest legacy land acquisitions. \$1.5 million to acquire private lands from willing sellers for state forest infill and within forest legacy areas.

Subd. 20. Forest roads and bridges. \$300,000 for improvements to forest roads and bridges statewide.

Chapter 101, Regular Session, SF 1326 (HF 1438) DNR Prescriptive Road Easements Bill

Creates a process that will allow the commissioner of Natural Resources to record DNR's interest in state forest roads by prescriptive easements through a public process similar to that granted to townships in Minn. Stat. § 164.35. A similar process is provided for recording county forest roads. The public process involves:

- A public hearing where a map of the roads to be recorded can be reviewed.
- A hearing notice published once a week for two successive weeks in a qualified newspaper, the last publication made at least 10 days before the date of the public hearing.
- A hearing notice distributed to property owners directly affected by the roads to be recorded at least 30 days before the date of the public hearing.

Chapter 141, Regular Session, HF823 (SF802) DNR Forestry Bill

Amends Minn. Stat. § 89.71, subdivision 1 to clarify that the only method to designate a state forest road is by commissioner's order and amends Minn. Stat. § 90 to more efficiently administer the state timber sale program by:

- Consolidating public reporting and involvement provisions.
- Clarifying provisions governing when permits are effective and when uncut timber is billed.
- Eliminating infrequently used surety and optional timber provisions.
- Providing explicit definitions for statutory terms that previously had varying interpretations.
- Facilitating the efficient contracting for forest improvement work accomplished by loggers.
- Modernizing and streamlining the reward provisions for timber trespass.

Amends Minn. Stat. § 239.33 to modernize the measurement of pulpwood by:

- Broadening the statute to include a reference for establishing weights for all species of pulpwood.
- Providing flexibility for establishing wood weight between willing buyers and willing sellers.
- Eliminating mandatory weights for aspen pulpwood that have proven inaccurate over time.

Amends Minn. Stat. § 282.04 (County Timber Sales Law) by:

- Expanding the use of letters of credit to secure county timber sales.
- Allowing more flexibility for transferring timber sale security between permits.

Chapter 146, Regular Session, HF 847 (SF 789) DNR Game and Fish Bill

Division of Forestry Initiatives:

Section 1, Subdivision 10 amends Minn. Stat. 2004, Section 84.025 to read:

Subd. 10. [RECREATIONAL VEHICLES AND BOATS USED FOR PUBLIC PURPOSES.] All snowmobiles and outboard motors that are purchased by the commissioner of natural resources must be of the four-stroke engine model, except that the commissioner may purchase models with two-stroke engines if the commissioner determines that they are as environmentally efficient or that four-stroke engines are not practical for the intended natural resource management purpose. The commissioner shall give preference to engine models manufactured in the United States.

Section 32 amends Minn. Stat. 2004 by adding a new section 97B.326 [STANDS AND BLINDS ON PUBLIC LANDS.]:

Any unoccupied permanent stand or blind on public land is public and not the property of the person who constructed it.

1st Special Session, Chapter 1, SF69 (HF 78) Agricultural, environmental, natural resources, state parks, and economic development funding provided; programs established and modified; and money appropriated.

Article 2

Subd. 4. Forest Management

35,526,000 35,126,000

Summary by Fund

General	24,961,000	24,561,000
Natural Resources	10,315,000	10,315,000
Game and Fish	250,000	250,000

- \$7,217,000 the first year and \$7,217,000 the second year are for prevention, presuppression, and suppression costs of emergency firefighting and other costs incurred under Minnesota Statutes, section If the appropriation for either year is insufficient to cover all costs of presuppression and suppression, the amount necessary to pay for these costs during the biennium is appropriated from the general fund.
- By November 15 of each year, the commissioner of natural resources shall submit a report to the chairs of the house of representatives Ways and Means Committee, the senate Finance Committee, the Environment and Agriculture Budget Division of the senate Finance Committee, and the house of representatives Agriculture, Environment and Natural Resources Finance Committee, identifying all firefighting costs incurred and reimbursements received in the prior fiscal year. These appropriations may not be transferred. Any reimbursement of firefighting expenditures made to the commissioner from any source other than federal mobilizations shall be deposited into the general fund.
- \$10,315,000 the first year and \$10,315,000 the second year are from the forest management investment account in the natural resources fund for only the purposes specified in Minnesota Statutes, section 89.039, subdivision 2.
- \$730,000 the first year and \$730,000 the second year are for the Forest Resources Council for implementation of the Sustainable Forest Resources Act.

- \$350,000 the first year and \$350,000 the second year are for the FORIST Timber Management Information System and for increased forestry management. The amount in the second year is also available in the first year.
- \$250,000 the first year and \$250,000 the second year are from the game and fish fund to implement Ecological Classification Systems (ECS) standards on forested landscapes. This appropriation is from revenue deposited in the game and fish fund under Minnesota Statutes, section 297A.94, paragraph (e), clause (1).
- \$400,000 the first year is for grants to the Natural Resources Research Institute for silvicultural research to improve the quality and quantity of timber fiber. The appropriation must be matched in the amount of \$400,000, in cash or in-kind contributions, from the forest products industry members of the Minnesota Forest Productivity Research Cooperative. This is a onetime appropriation.

Section 12 [Forest Trust Lands] place the amounts certified for forest management, forest improvement, and road improvement on school trust lands in the forest management investment account. (DNR Bill)

Sections 66 to 68 [ELS; Burning Permits] allow for burning permits to be sold by the ELS. Persons selling paper permits may charge a fee of \$1 for issuing the permits. (DNR Bill)

Section 69 [ELS; Forest Bough Buyers Permits] provides for the collection of ELS commission on forest bough buyers permits. (DNR Bill)

Section 70 [Forest Management Investment Account] adds money transferred from the forest suspense account to the Forest Management Investment Account. (DNR Bill)

Section 71 [Designation of Forest Trails] clarifies that the rulemaking exemption for designating forest trails also applies changes in designation. (DNR Bill)

Section 72 [Tree Planting Stock] provides a preference for Minnesota grown planting stock when DNR purchases tree planting stock. (DNR Bill)

Section 73 [Tree Seedling Sales] allows the DNR to spend up to \$250,000 per year for forestry education and technical assistance from money received tree seedling sales. (DNR Bill)

Section 74 [Fuel Wood Permits] directs the Commissioner of Natural Resources to recover the cost of issuing fuel wood permits, not to exceed the current market value of the fuel wood. (DNR Bill)

Section 141 [Biomass Leases on Tax Forfeited Land] allows for leases on tax-forfeited land for removal of far-grown closed-loop biomass and short-rotation woody crops.

Section 142 [County Forest Development; Commissioner Approval] eliminates the need for approval by the Commissioner of Natural Resources for county forest development expenditures from tax-forfeited land revenue. (DNR Bill)

Section 143 [IRRRB Assistance Commissioner Approval] eliminates the need for approval by the Commissioner of Natural Resources for the Iron Range Resources and Rehabilitation Board (IRRRB) to assist counties with county forest development expenditures from tax-forfeited land revenue.

Section 152 [Forest Classification Status Review] adds limited forests (forests already classified as limited, i.e. – Pine County) to the forest classification review requirement and allows the Commissioner of Natural Resources the authority to maintain forests north of U.S. Highway 2 in the managed classification for the purpose of OHV use.

Article 4, Section 39 [Special Paper Products Vehicle Permit.] provides special vehicle permits allowing increased load limits and decreased spring load restrictions for hauling paper and other wood products on sections of Trunk highways 2, 169, and 53 connecting Grand Rapids to Duluth.

TRAILS AND WATERWAYS

Chapter 20, Regular Session , HF 3 (SF 1) Omnibus Bonding Bill, Article 1, Section 7

- **Subd. 7. Water access acquisition, betterment, and fishing piers.** \$2 million to acquire and improve public water access on lakes and rivers.
- **Subd. 8. Canoe and boating routes.** \$300,000 to develop the Red River of the North route.
- **Subd. 13. State trail development and acquisition.** \$7.91 million for trail acquisition, and development. Set asides:
 - \$1.5 million for Blazing Star Trail
 - \$435,000 to develop the Preston-Forestville portion of the Blufflands Trail
 - \$200,000 for the Blufflands Trail from Chester Woods County Park to Rochester primarily for nonmotorized use
 - \$400,000 for the Douglas Trail
 - \$400,000 for the Gateway Trail
 - \$725,000 for the Gitchi Gami Trail
 - \$500,000 for the Glacial Lakes Trail
 - \$200,000 for the Goodhue Pioneer Trail
 - \$300,000 for the Heartland Trail
 - \$300,000 for a portion of the Mill Towns state trail
 - \$100,000 for the Minnesota River Trail
 - \$2.4 million for the Paul Bunyan Trail with \$1.5 million for an extension over a road in Baxter to connect with the Oberstar Tunnel and remainder for right-of-way acquisition in Bemidji.
 - \$450,000 for the Shooting Star Trail.
- **Subd. 15. Trail connections.** \$885,000 for matching grants for the following trail connections:
 - \$365,000 to Stearns County for acquisition, engineering and construction on the Lake Koronis Trail
 - \$220,000 to Stearns County to link the Lake Wobegon Trail to the Central Lakes State Trail
 - \$300,000 to the St. Louis and Lake Counties Regional Rail Authority for the Mesabi Station, contingent on an \$800,000 match.
- **Subd. 24. Lake Superior safe harbor.** \$2 million to improve public access and small craft harbors on Lake Superior with the Corps of Engineers and for capital purchases from Lake County.

Chapter 117, Regular Session, HF 436 (SF 929) Natural Resources Department commissioner approval before vacating certain roads adjacent to public waters required and right of intervention created.

This bill amends MN Stat. sections 164.07, subdivision 2; 412.851; 505.14.

Sec 1: Hearing and notice procedures modified.

Sec. 2: Street vacation procedures modified.

Sec. 3: Vacation procedures modified.

1st Special Session, Chapter 1, SF 69 (HF 78) Agricultural, environmental, natural resources, state parks, and economic development funding provided; programs established and modified; and money appropriated.

Article 2, Section 3

Subd. 6. Trails and Waterways Management

	26,971,000	26,660,000
Summary by Fund		
General	1,684,000	1,284,000
Natural Resources	23,196,000	23,289,000
Game and Fish	2,091,000	2,087,000

- \$7,224,000 the first year and \$7,224,000 the second year are from the snowmobile trails and enforcement account in the natural resources fund for snowmobile grants-in-aid. The additional money under this item may be used for new grant-in-aid trails. Any unencumbered balance does not cancel at the end of the first year and is available for the second year.
- \$925,000 the first year and \$825,000 the second year are from the natural resources fund for off-highway vehicle grants-in-aid. Of this amount, \$575,000 each year is from the all-terrain vehicle account; \$150,000 each year is from the off-highway motorcycle account; and \$200,000 the first year and \$100,000 the second year are from the off-road vehicle account. Any unencumbered balance does not cancel at the end of the first year and is available for the second year.
- \$261,000 the first year and \$261,000 the second year are from the water recreation account in the natural resources fund for a safe harbor program on Lake Superior.
- \$742,000 the first year and \$760,000 the second year are from the natural resources fund for state trail operations. This appropriation is from the revenue deposited in the natural resources fund under Minnesota Statutes, section 297A.94, paragraph (e), clause (2).
- \$655,000 the first year and \$655,000 the second year are from the natural resources fund for trail grants to local units of government on land to be maintained for at least 20 years for the purposes of the grant. This appropriation is from the revenue deposited in the natural resources fund under Minnesota Statutes, section 297A.94, paragraph (e), clause (4).
- By June 30, 2007, the department shall establish a boat launch and ramp at Horseshoe Bay in Cook County, and rehabilitate the historic fishing pier on Dower Lake in Todd County.
- \$1,600,000 the first year and \$1,900,000 the second year are from the water recreation account in the natural resources fund for the acquisition, development, maintenance, and rehabilitation of existing sites for public access and boating facilities on public waters. This money is from the watercraft license fee increases in this act.
- \$100,000 the first year is for a grant to the Duluth Port Authority to determine the cause of freshwater corrosion of harbor sheet piling, provided these state funds are matched on a dollar-for-dollar basis by nonstate funds. This is a onetime appropriation.
- \$300,000 is for a grant to the St. Louis and Lake Counties Regional Railroad Authority to complete constructing, furnishing, and equipping Mesabi Station along the 132-mile recreational trail known as Mesabi Trail and located at the intersection of U.S. Highway 53 and marked Trunk Highway 37. This appropriation is dependent upon a matching contribution of \$800,000 from other sources, public or private. This is a onetime appropriation.
- \$75,000 the first year is from the all-terrain vehicle account in the natural resources fund for a study to determine the amount of gasoline used each year by all-terrain vehicle riders in the state, except for riders with vehicles registered for private use.

- The commissioners of natural resources, revenue, and transportation shall jointly determine the amount of unrefunded gasoline tax attributable to all-terrain vehicle use in the state and shall report to the legislature by March 1, 2006, with an appropriate proposed revision to Minnesota Statutes, section 296A.18.
- \$50,000 is appropriated from the all-terrain vehicle account in the natural resources fund to the commissioner of natural resources for fiscal year 2006 for a feasibility study on the use of all-terrain vehicles on the North Shore Trail. All data and information compiled for this study may be used in any future master trail plan revision. The study shall be reported back to the house and senate environment committee chairs by March 1, 2006.
- The appropriation in Laws 2003, chapter 128, article 1, section 5, subdivision 6, from the water recreation account in the natural resources fund for a cooperative project with the United States Army Corps of Engineers to develop the Mississippi Whitewater Park is available until June 30, 2007. By February 15, 2006, the commissioner shall report to the senate Environment, Agriculture and Economic Development Budget Division and the house Environment, Natural Resources, and Agriculture Finance Committees on the management and operational responsibilities for the Mississippi Whitewater Park authorized by Minnesota Statutes, section 85.0156. The report shall identify who the potential operators, owners, and managers of the park will be as well as related issues.

Section 19 [OHV Civil Citations] doubles the civil citation penalty for:

- (1) The second and third OHV violations relating to wetland damage; and
- (2) An ORV or ATV violation with a vehicle that is equipped with a snorkel.

Section 20 [OHV Damage Account] extends the availability of the OHV damage account to June 30, 2008.

Section 21 [Use of Department Resources] allows the Commissioner of Natural Resources to permit DNR personnel and equipment to be used to assist local units of government in maintaining local OHV trails.

Section 22 [OHM Registration; Decal] amends the provision related to dealer registration of off-highway motorcycles (OHMs) and the placement of the OHM registration decal for street-legal motorcycles. (DNR Bill)

Section 23 [OHM Registration; Refunds] allows the Commissioner of Natural Resources to issue refunds of registration fees for OHMs if they were registered incorrectly or registered twice. (DNR Bill)

Section 24 [OHM Sound Emissions] provides specific noise emission levels for OHMs. Competition OHMs on or after January 1, 1998 are limited to no more than 96 decibels; and ones manufactured before that date are limited to no more than 99 decibels. All other OHMs manufactured on or after January 1, 1986 are limited to no more than 96 decibels; and ones manufactured before that date are limited to no more than 99 decibels. The decibel level is measured for all of the OHMs at a distance of 20 inches.

Section 25 [OHM Violator Training] requires that persons receiving an OHM violation must successfully complete the OHM safety and education training program.

Section 26 [OHM Registration; Duplicate Issuing Fees] provides for the collection of a \$1 issuing fee for duplicate OHM safety certificates.

Section 27 [ORV Registration Requirements] clarifies that off-road vehicle (ORV) registration is required for operation of an ORV on state and grant-in-aid ORV trails and ORV areas. This section also exempts ORVs from the registration when used at the Iron range OHV Recreation Area on the third Saturday in May.

Section 28 [ORV Education and Training Program] establishes an ORV education and training program and requires that persons receiving an ORV violation must successfully complete the ORV safety and education training program.

Section 29 [ORV Registration; Refunds] allows the Commissioner of Natural Resources to issue refunds of registration fees for off-road vehicles (ORVs) if they were registered incorrectly. (DNR Bill)

Section 30 [Snowmobile Dealer Registration] amends the provision related to dealer registration of snowmobiles. (DNR Bill)

Section 31 [Snowmobile Registration; Refunds] allows the Commissioner of Natural Resources to issue refunds of registration fees for snowmobiles if they were registered incorrectly or registered twice. (DNR Bill)

Section 32 [State Snowmobile Trail Sticker; Requirement for Residents] extends the snowmobile state trail sticker requirement (\$15/year) to residents who operate on a state or state grant-in aid snowmobile trails. A person may purchase a three-year sticker at the time of snowmobile registration for \$30. Anyone caught on a state or grant-in-aid trail without a sticker is required to purchase a one-year sticker for \$30.

Sections 33 to 35 [State Snowmobile Trail Sticker; ELS] update the language for issuing the state snowmobile trail stickers for issuance under the ELS. (DNR Bill)

Sections 36 and 37 [Snowmobile Ice Trails] adds specific lakes in northern Minnesota to provisions allowing snowmobile grants-in-aid for ice trails and provide the grant-in-aid recipients for the ice trails with immunity from liability for the trails.

Section 38 [Snowmobile Registration; Duplicate Issuing Fees] provides for the collection of a \$1 issuing fee for duplicate snowmobile safety certificates. (DNR Bill)

Section 39 [ATV Dealer Registration] amends the provision related to dealer registration of all-terrain vehicles (ATVs). (DNR Bill)

Section 40 [ATV Registration; Refunds] allows the Commissioner of Natural Resources to issue refunds of registration fees for ATVs if they were registered incorrectly or registered twice. (DNR Bill)

Section 41 [ATV Registration; Duplicate Issuing Fees] provides for the collection of a \$1 issuing fee for duplicate ATV safety certificates and allows ATV safety instructors to charge students up to \$5 for the cost of materials. (DNR Bill)

Section 42 [ATV Training Requirements] provides that a person who was born after July 1, 1987, and is at least 16 years old must successfully complete the independent study course for ATV safety training. A person who receives a citation for ATV operation must successfully complete the

independent study course for ATV safety training before continuing operation of an ATV. A person who receives three or more citations in two years must complete the independent study and the testing and operating course components. (Effective: January 1, 2006)

Section 43 [Youth ATV Operators] allows a 10- and 11-year-olds to operate an ATV with an engine capacity of up to 90cc ATV on public lands and waters if accompanied by a parent or legal guardian. This section requires the riding test for persons age 12 to 15 to receive an ATV safety certificate. (DNR Bill)

Section 44 [ATV Passengers] allows an adult to carry one passenger on an ATV when:

1. the passenger is age 16 or 17 and wears a safety helmet or
2. the passenger is an adult.

Section 45 [Vehicle Use on Public lands; Exceptions]

Subd. 1 [Exception by Permit] expands the permit to cover the prohibitions on specific OHV prohibitions.

Subd. 2 [ATVs; Managed or Limited Forests] provides exceptions to the prohibition on off-trail ATV riding in managed and limited forests for certain big game activities, furbearer trapping, and commercial minnow trapping. (DNR Bill)

Subd. 3 [ATVs; Closed Forests] allows the Commissioner of Natural resources to open specific forest roads in closed forests to ATV use for big game hunting. (DNR Bill)

Subd. 4 [Vehicles; Managed or Limited Forests] allows a person to use a licensed vehicle, an OHM, or and ATV on undesignated forest trails for certain big game activities, furbearer trapping, and commercial minnow trapping. (DNR Bill)

Subd. 5 [Designation of Areas of State Forests] allows the DNR to provide for “closed” areas in “limited” forests

Section 46 [ATV Operation on Roads and Road Rights-of-Way] exempts ATVs that are owned by a utility or pipeline company or operated under contract with a utility or pipeline company on operation on a state or county road or road right-of-way.

Section 47 [ATV Operation; More than One Person; Snorkels] allows an ATV to be operated with more than one person and prohibits the operation with a snorkel except when operating at a public OHV recreation area.

Section 49 [Glacial Lakes Trail] allows for extension of the Glacial Lakes Trail to the city of Cold Spring.

Section 53 [Big Bog State Park] provides that a state park permit is not needed for cars parked in a specific parking lot within Big Bog State Recreation Area. (DNR Bill)

Section 56 [Cross-Country Ski License Increase] increases the annual cross-country ski license to \$14 from \$9 and the three-year license to \$39 from \$24. (DNR Bill)

Section 57 [ELS; Cross-Country Ski License] provides for the electronic licensing commission on cross-country ski licenses and provides that all money from cross-country ski licenses may be used only for grant-in-aid trails. (DNR Bill)

Sections 58 to 63 [Watercraft License Increase] increases certain watercraft license fees by 50 percent.

Section 64 [Watercraft Licensing; Refunds] allows the Commissioner of Natural Resources to issue refunds of license fees for watercraft if they were registered incorrectly, incorrectly charged a title fee, or registered twice. (DNR Bill)

Section 65 [Water Recreation Account] provides statutory language clarifying the water recreation account and adds the fee revenue from aquatic plant control permits to the account. (DNR Bill)

Section 144 [State Park Development; Water Recreation Account] eliminates state park development from the uses of money in the water recreation account. (DNR Bill)

Section 152 [Forest Classification Status Review] adds limited forests (forests already classified as limited, i.e. – Pine County) to the forest classification review requirement and allows the Commissioner of Natural Resources the authority to maintain forests north of U.S. Highway 2 in the managed classification for the purpose of OHV use.

Section 153 [Required Rulemaking] directs the Commissioner of Natural Resources to amend game and fish rules to allow the operation of an ATV on private land during the firearms deer season, if the person is:

4. Pursuing an occupation;
5. Not in possession of a firearm; and
6. The owner of the land, an employee of the owner, or an immediate family member.

Section 162 [Repealers] repeals Minnesota Statutes, sections:

84.901 – OHV safety and conservation program;

PARKS AND RECREATION

Chapter 20, Regular Session, HF 3 (SF 1) Omnibus Bonding Bill, Article 1, Section 7

Subd. 21. State park and recreation area acquisition. \$2.5 million to acquire private lands from willing sellers for state park and recreation area infill. Of this, \$500,000 is to buy land inside the Greenleaf Lake State Park in Meeker County

Subd. 22. State park and recreation area building development. \$1.8 million to improve state parks and recreation areas according to the management plan required in law, with \$300,000 for pre-design and design of a visitor's center at Grand Portage.

1st Special Session, Chapter 1, SF 69 (HF 78) Agricultural, environmental, natural resources, state parks, and economic development funding provided; programs established and modified; and money appropriated.

Article 2, Section 3

Subd. 5. Parks and Recreation Management

	33,001,000	33,161,000
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Summary by Fund

General	19,279,000	19,279,000
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Natural Resources	13,722,000	13,882,000
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- \$640,000 the first year and \$640,000 the second year are from the water recreation account in the natural resources fund for state park water access projects.
- \$3,811,000 the first year and \$3,971,000 the second year are from the natural resources fund for state park and recreation area operations. This appropriation is from the revenue deposited in the natural resources fund under Minnesota Statutes, section 297A.94, paragraph (e), clause (2).

Section 13 [Gift Acknowledgement] increases the value of items that may be given away by the Commissioner of Natural Resources to \$50 from \$10. (DNR Bill)

Section 14 [ELS] updates the general electronic licensing system (ELS) provisions to reflect the additional passes, stickers, registrations, and certifications that will be issued under the ELS process, and provides the Commissioner of Natural Resources with the authority to establish a commission to be paid from the revenue from all sales through the ELS. (DNR Bill)

Sections 50 to 51 [State Park Permits] allows more flexibility in affixing state park permits to vehicles. (DNR Bill)

Section 52 [State park Open House Days] allows flexibility in establishing state park open house days. (DNR Bill)

Section 53 [Big Bog State Park] provides that a state park permit is not needed for cars parked in a specific parking lot within Big Bog State Recreation Area. (DNR Bill)

Section 54 [Reduced State Park Entrance Fees] allows the Commissioner of Natural Resources to waive or reduce state park entrance fees. (DNR Bill)

ECOLOGICAL SERVICES

Chapter 20, Regular Session, HF 3 (SF 1) Omnibus Bonding Bill, Article 1, Section 7

Subd. 9. Stream protection. \$500,000 to restore Trout Brook and Dark River

Subd. 11. Metro greenways. \$500,000 for grants to local government to acquire or improve greenways and natural areas in the metro region, including purchase of conservation easements, according to priorities determined by the commissioner in consultation with local government and others.

Subd. 12. Native prairie bank easements and development. \$1 million to acquire easements and to improve native prairie bank land.

Subd. 13. Scientific and natural area acquisition and development. \$300,000 to acquire land and for development protection and improvements

Chapter 161, Regular Session, HF 814 (SF 891) Public land sales and conveyances provided in specified counties, Itasca land acquisition authorized, scientific and natural areas land use provisions modified, and Mississippi River Recreational Land Use District lands deleted

- Scientific and natural area acquisition. Mandates the procedures be the same as for wetlands for wildlife management purposes, where the local county board has 90 days to approve or disapprove, with possible further resolution by the Land Exchange Board.
- Permits possible hunting, trapping, and fishing in scientific and natural areas when the designating document allows it, or the commissioner of natural resources does so in accordance with notice and hearing as provided under the outdoor recreation act statute for this type of designation.
- Repeals section 84.033, subdivision 2, relating to last year's change to designation of a scientific and natural area

1st Special Session, Chapter 1, SF 69 (HF 78) Agricultural, environmental, natural resources, state parks, and economic development funding provided; programs established and modified; and money appropriated.

Article 2, Section 3

Subd. 8. Ecological Services

	10,196,000	10,235,000
Summary by Fund		
General	3,275,000	3,275,000
Natural Resources	3,215,000	3,215,000
Game and Fish	3,706,000	3,745,000

- \$1,128,000 the first year and \$1,128,000 the second year are from the nongame wildlife management account in the natural resources fund for the purpose of nongame wildlife management.
- Notwithstanding Minnesota Statutes, section 290.431, \$100,000 the first year and \$100,000 the second year may be used for nongame information, education, and promotion.
- \$477,000 the first year and \$477,000 the second year are for the reinvest in Minnesota programs of game and fish, critical habitat, and wetlands established under Minnesota Statutes, section 84.95, subdivision 2.
- \$1,588,000 the first year and \$1,588,000 the second year are from the heritage enhancement account in the game and fish fund for only the purposes specified in Minnesota Statutes, section 297A.94, paragraph (e), clause (1).

Section 48 [Infested Waters; Commercial Fishing Restrictions] makes mostly technical changes to commercial fishing restrictions on infested and noninfested waters.

(DNR Bill)

Section 65 [Water Recreation Account] provides statutory language clarifying the water recreation account and adds the fee revenue from aquatic plant control permits to the account. (DNR Bill)

Section 123 [Aquatic Control Permit Fees] places the fee revenue from aquatic control permits in the water recreation account. (DNR Bill)

Section 138 [Critical Habitat Plates; Recreational Equipment] allows for critical habitat plates on recreational equipment (motor homes, campers, tent trailers, etc.) and to have them personalized if designs for the plates are selected after January 1, 2006. (DNR Bill)

LANDS AND MINERALS

1st Special Session, Chapter 1, SF 69 (HF 78) Agricultural, environmental, natural resources, state parks, and economic development funding provided; programs established and modified; and money appropriated.

Article 2, Section 3

Subd. 2. Land and Mineral Resources Management

	8,903,000	8,675,000
Summary by Fund		
General	5,498,000	5,248,000
Natural Resources	2,222,000	2,222,000
Game and Fish	983,000	1,005,000
Permanent School	200,000	200,000

- 275,000 the first year and \$275,000 the second year are for iron ore cooperative research, of which \$137,500 the first year and \$137,500 the second year are available only as matched by \$1 of nonstate money for each \$1 of state money. The match may be cash or in-kind.
- \$86,000 the first year and \$86,000 the second year are for minerals cooperative environmental research, of which \$43,000 the first year and \$43,000 the second year are available only as matched by \$1 of nonstate money for each \$1 of state money. The match may be cash or in-kind.
- \$2,046,000 the first year and \$2,046,000 the second year are from the minerals management account in the natural resources fund for only the purposes specified in new Minnesota Statutes, section 93.2236, paragraph (c).
 - Of this amount, \$1,526,000 the first year and \$1,526,000 the second year are for mineral resource management,
 - \$420,000 the first year and \$420,000 the second year are for projects to enhance future income and promote new opportunities, including value-added iron products, geological mapping, and mercury research, and
 - \$100,000 the first year and \$100,000 the second year are for environmental review and the processing of permits for mining projects that involve state-owned mineral rights. The appropriation is from the revenue deposited in the minerals management account under Minnesota Statutes, section 93.22, subdivision 1, paragraph (b). \$100,000 each year is a onetime appropriation.
- \$150,000 the first year and \$150,000 the second year are from the state forest suspense account in the permanent school fund to accelerate land exchanges, land sales, and commercial leasing of school trust lands. This appropriation is to be used toward meeting the provisions of Minnesota Statutes, section 92.121, to exchange school trust lands or put alternatives in effect when management practices have diminished or prohibited revenue generation, and the direction of Minnesota Statutes, section 127A.31, to secure maximum long-term economic return from the school trust lands consistent with fiduciary responsibilities and sound natural resources conservation and management principles.
- \$50,000 the first year and \$50,000 the second year are from the state forest suspense account in the permanent school fund to identify, evaluate, and lease construction aggregate located on school trust lands.
- \$250,000 the first year is for a grant to the Board of Regents of the University of Minnesota to drill a 5,000 foot core sampling bore hole at the Tower-Soudan mine complex in support of a National Science Foundation grant. This is a onetime appropriation.

Section 15 [Landowner Bill of Rights; Nonprofits and Government Entities] allows landowner bill of rights restrictions to be waived by mutual agreement when the DNR acquires land from nonprofits or government entities. (DNR Bill)

Section 16 [Landowner Bill of Rights; Right of First Refusal Agreement] allows the Commissioner of natural Resources to enter into a right of first refusal agreement with a landowner prior to determining the value of the land. (DNR Bill)

Section 18 [Road Easement Fee] establishes a \$2,000 fee for road easements across state lands. (DNR Bill)

Section 75 [Technical] makes a technical changes to land exchange statutes. (DNR Bill)

Section 76 [Land Management Account] establishes the land management account for revenue generated from the road easement program. (DNR Bill)

Section 77 [Minerals Management Account] establishes the minerals management account for revenue generated on school trust, consolidated conservation, and tax-forfeited lands. (DNR Bill)

Sections 78 to 82 [Technical] make technical changes to land exchange statutes. (DNR Bill)

Section 83 [Land Exchange Valuation; State Lands] makes the valuation of state land for exchanges consistent with valuation for acquisition. (DNR Bill)

Section 84 [Land Exchange Valuation; State Lands] makes the valuation of tax-forfeited land for exchanges consistent with valuation for acquisition. (DNR Bill)

Section 85 [Land Exchanges; Public Hearing] provides for a public hearing by the Commissioner of Natural Resources rather than the Land Exchange Board when state land is proposed to be exchanged. (DNR Bill)

Section 86 [Land Exchanges; Proposal Form] provides for the land exchange proposal form to be prescribed by the Commissioner of natural Resources rather than the Land Exchange Board. (DNR Bill)

Section 87 [Land Exchange Fees] establishes the minimum landowner fee for land exchanges at one-half the determination of value and survey fee. (DNR Bill)

Sections 88 to 89 [Technical] are technical changes. (DNR Bill)

Section 90 [Land Exchange Valuation; Tax-Forfeited Lands] makes the valuation of tax-forfeited land for exchanges consistent with valuation for acquisition. (DNR Bill)

Section 91 [Tax-Forfeited Land Exchanges; Lower Value] provides for land exchanges of tax-forfeited land, when the land is of less value than the tax-forfeited land. (DNR Bill)

Section 92 [Tax-Forfeited Land Exchanges for State or Federal Land] authorizes exchanges of tax-forfeited land for state land, other than school trust land, or federal land of greater value, if the county agrees to pay the difference in value. (DNR Bill)

Section 96 [Payments in Lieu of Taxes; Camp Ripley] provides for the payment in lieu of taxes for lands in Camp Ripley of 50 percent of the regular in lieu payments. The payments begin after July 1, 2007.

Section 154 [Disposition of Mineral Payments] provides for twenty percent of mineral payments from trust lands to be deposited into the minerals management account. (DNR Bill)

Chapter 161, Regular Session, HF 814 (SF 891) Public land sales and conveyances provided in specified counties, Itasca land acquisition authorized, scientific and natural areas land use provisions modified, and Mississippi River Recreational Land Use District lands deleted

This is the annual bill that permits certain tax-forfeited and surplus state land adjacent to public waters to be sold, notwithstanding specific statutes. The land described in the bill is in parcels in Aitkin, Hennepin, Hubbard, Itasca, Lake, Roseau, St. Louis, Wabasha, and Washington counties.

In addition, other sections are summarized below.

Section 1 - Scientific and natural area acquisition. Mandates the procedures be the same as for wetlands for wildlife management purposes, where the local county board has 90 days to approve or disapprove, with possible further resolution by the Land Exchange Board.

Section 2 - Permits possible hunting, trapping, and fishing in scientific and natural areas when the designating document allows it, or the commissioner of natural resources does so in accordance with notice and hearing as provided under the outdoor recreation act statute for this type of designation.

Section 18 - Allows Itasca county to spend money in the county environmental trust fund to acquire certain land.

Section 19 - Deletes a certain area of about 100 acres in Wright and Sherburne counties from the Mississippi River recreational land use district established by the wild and scenic rivers act.

Section 20 - Repeals section 84.033, subdivision 2, relating to last year's change to designation of a scientific and natural area.

ENFORCEMENT

Natural resources department safety training programs provisions modification and volunteer instructors background checks; motorboat trailers forfeiture subjection; drivers licenses advanced hunter education course completion indication *Introduced as HF 215, SF 569 , passed in Chapter 146 HF 847 (SF 789) Omnibus Game and Fish Bill; Chapter 166, SF 1555 (HF 1801) and 1st Special Session, Chapter 1, SF 69 (HF 78).*

Chapter 146 HF 847 (SF 789) Omnibus Game and Fish Bill

Section 3 - Authorizes the commissioner to run comprehensive criminal history background checks on volunteer instructors who work with children.

Section 4 - Clarifies that the courts shall provide the Dept. of Public Safety copies of all DWI convictions related to snowmobiles and all –terrain vehicles

Section 5 - Clarifies that youth may use any size ATV for the riding component of the all-terrain vehicle (ATV) training course.

Sections 23 and 24- Makes technical changes to the firearms safety certification provisions relating to the requirement to adopt rules on course content and to hold classes in certain locations.

Section 25 - Clarifies that 11 year olds can obtain hunting licenses after completing a firearms safety course, but the license and certificate are not valid for hunting until the person reaches age 12.

Section 50 - Authorizes charitable gambling funds to be utilized by youth and adult safety training and education programs of the Department of Natural Resources.

1st Special Session, Chapter 1, SF 69 (HF 78)

Section 139 [DWI Forfeiture; Boat Trailers] allows boat trailers to be seized along with the boats in boating DWI violation. (DNR Bill)

1st Special Session, Chapter 1, SF 69 (HF 78) Agricultural, environmental, natural resources, state parks, and economic development funding provided; programs established and modified; and money appropriated.

Article 2, Section 3

Subd. 9. Enforcement

	28,492,000	28,817,000
Summary by Fund		
General	3,106,000	3,106,000
Natural Resources	6,963,000	6,938,000
Game and Fish	18,323,000	18,673,000
Remediation	100,000	100,000

- \$1,082,000 the first year and \$1,082,000 the second year are from the water recreation account in the natural resources fund for grants to counties for boat and water safety.
- \$100,000 the first year and \$100,000 the second year are from the remediation fund for solid waste enforcement activities under Minnesota Statutes, section 116.073.
- \$315,000 the first year and \$315,000 the second year are from the snowmobile trails and enforcement account in the natural resources fund for grants to local law enforcement agencies for snowmobile enforcement activities.
- The unexpended balance of money from Laws 1999, chapter 231, section 5, subdivision 6, must be credited to the snowmobile trails and enforcement account and the appropriation for the repair of public trails damaged by snowmobiles shall be canceled.
- \$1,164,000 the first year and \$1,164,000 the second year are from the heritage enhancement account in the game and fish fund for only the purposes specified in Minnesota Statutes, section 297A.94, paragraph (e), clause (1).
- Overtime must be distributed to conservation officers at historical levels; however, a reasonable reduction or addition may be made to the officer's allocation, if justified, based on an individual officer's workload. If funding for enforcement is reduced because of an unallotment, the overtime bank may be reduced in proportion to reductions made in other areas of the budget.
- \$225,000 the first year and \$225,000 the second year are from the natural resources fund for grants to county law enforcement agencies for off-highway vehicle enforcement and public education activities based on off-highway vehicle use in the county. Of this amount, \$213,000 each year is from the all-terrain vehicle account; \$11,000 each year is from the off-highway motorcycle account; and \$1,000 each year is from the off-road vehicle account. The county 89.34 enforcement agencies may use money received under this appropriation to make grants to other local enforcement agencies within the county that have a high concentration of off-highway vehicle use. Of this appropriation, \$25,000 each year is for administration of these grants.
- \$15,000 the first year is from the off-highway motorcycle account in the natural resources fund to produce an interactive CD-ROM training tool for the off-highway motorcycle education and training program under Minnesota Statutes, section 84.791.
- \$15,000 the first year and \$5,000 the second year are from the off-road vehicle account in the natural resources fund to establish the off-road vehicle environment and safety education and training program under Minnesota Statutes, section 84.8015.

OPERATIONS SUPPORT

1st Special Session, Chapter 1, SF 69 (HF 78) Agricultural, environmental, natural resources, state parks, and economic development funding provided; programs established and modified; and money appropriated.

Article 2, Section 3

Subd. 10. Operations Support

	9,288,000	9,348,000
Summary by Fund		
General	4,900,000	4,900,000
Natural Resources	1,595,000	1,595,000
Game and Fish	2,793,000	2,853,000

- \$270,000 the first year and \$270,000 the second year are from the natural resources fund for grants to be divided equally between the city of St. Paul for the Como Zoo and Conservatory and the city of Duluth Zoo. This appropriation is from the revenue deposited to the fund under Minnesota Statutes, section 297A.94, paragraph 90.11 (e), clause (5).

ENVIRONMENTAL TRUST FUND APPROPRIATIONS

Sec. 11. MINNESOTA RESOURCES

Subdivision 1. Total Appropriation

20,457,000	18,829,000
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Summary by Fund

State Land and Water Conservation Account (LAWCON)

1,600,000	-0-
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Environment and Natural Resources Trust Fund

18,829,000	18,829,000
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Great Lakes Protection Account

28,000	-0-
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Appropriations from the LAWCON account and Great Lakes protection account are available for either year of the biennium. For appropriations from the environment and natural resources trust fund, any unencumbered balance remaining in the first year does not cancel and is available for the second year of the biennium. Unless otherwise provided, the amounts in this section are available until June 30, 2007, when projects must be completed and final products delivered.

Subd. 2. Definitions

(a) "State land and water conservation account (LAWCON)" means the state land and water conservation account in the natural resources fund referred to in Minnesota Statutes, section 116P.14.

(b) "Great Lakes protection account" means the Great Lakes protection account referred to in Minnesota Statutes, section 116Q.02, subdivision 1.

(c) "Trust fund" means the Minnesota environment and natural resources trust fund referred to in Minnesota Statutes, section 116P.02, subdivision 6.

Subd. 3. Administration

524,000	525,000
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Summary by Fund

Trust Fund	524,000	525,000
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(a) Legislative Commission on Minnesota Resources

\$449,000 the first year and ~~\$450,000 the second year~~ are (Vetoed) from the trust fund for administration as provided in Minnesota Statutes, section 116P.09, subdivision 5.

(b) Contract Administration \$75,000 the first year and \$75,000 the second year are from the trust fund to the commissioner of natural resources for contract administration activities assigned to the commissioner in this section. This appropriation is available until June 30, 2008.

Subd. 4. Citizen Advisory Committee

10,000	10,000
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Summary by Fund

Trust Fund	10,000	10,000
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\$10,000 the first year and \$10,000 the second year are from the trust fund to the Legislative Commission on Minnesota Resources for expenses of the citizen advisory committee as provided in Minnesota Statutes, section 116P.06. Notwithstanding Minnesota Statutes, section 16A.281, the availability of \$15,000 of the appropriation from Laws 2003, chapter 128, article 1, section 9, subdivision 4, advisory committee, is extended to June 30, 2007.

Subd. 5. Fish and Wildlife Habitat

5,038,000	5,038,000
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Summary by Fund

Trust Fund	5,038,000	5,038,000
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(a) Restoring Minnesota's Fish and Wildlife Habitat Corridors-Phase III

\$2,031,000 the first year and \$2,031,000 the second year are from the trust fund to the commissioner of natural resources for the third biennium for acceleration of agency programs and cooperative agreements with Pheasants Forever, Minnesota Deer Hunters Association, Ducks Unlimited, Inc., National Wild Turkey Federation, the Nature Conservancy, Minnesota Land Trust, the Trust for Public Land, Minnesota Valley National Wildlife Refuge Trust, Inc., U.S. Fish and Wildlife Service, Red Lake Band of Chippewa, Leech Lake Band of Chippewa, Fond du Lac Band of Chippewa, USDA-Natural Resources Conservation Service, and the Board of Water and Soil Resources to plan, restore, and acquire fragmented landscape corridors that connect areas of quality habitat to sustain fish, wildlife, and plants. Expenditures are limited to the 11 project areas as defined in the work program. Land acquired with this appropriation must be sufficiently improved to meet at least minimum habitat and facility management standards as determined by the commissioner of natural resources. This appropriation may not be used for the purchase of residential structures, unless expressly approved in the work program. Any land acquired in fee title by the commissioner of natural resources with money from this appropriation must be designated: (1) 94.56 as an outdoor recreation unit under Minnesota Statutes, section 86A.07; or (2) as provided in Minnesota Statutes, sections 89.018, subdivision 2, paragraph (a); 97A.101; 97A.125; 97C.001; and 97C.011. The commissioner may similarly designate any lands acquired in less than fee title. This appropriation is available until June 30, 2008, at which time the project must be completed and final products delivered, unless an earlier date is specified in the work program.

(b) Metropolitan Area Wildlife Corridors-Phase II

\$1,765,000 the first year and \$1,765,000 the second year are from the trust fund to the commissioner of natural resources for the second biennium for acceleration of agency programs and cooperative agreements with the Trust for Public Land, Ducks Unlimited, Inc., Friends of the Mississippi River, Great River Greening, Minnesota Land Trust, Minnesota Valley National Wildlife Refuge Trust, Inc., Pheasants Forever, Inc., and Friends of the Minnesota Valley for the purposes of planning, improving, and protecting important natural areas in the metropolitan region, as defined by Minnesota Statutes, section 473.121, subdivision 2, and portions of the surrounding counties, through grants, contracted services, conservation easements, and fee acquisition. Land acquired with this appropriation must be sufficiently improved to meet at least minimum management standards as determined by the commissioner of natural resources. Expenditures are limited to the identified project areas as defined in the work program. This appropriation may not be used for the purchase of residential structures, unless expressly approved in the work program. Any land acquired in fee title by the commissioner of natural resources with money from this appropriation must be designated: (1) as an outdoor recreation unit under Minnesota Statutes, section 86A.07; or (2) as provided in Minnesota Statutes, sections 89.018, subdivision 2, paragraph (a); 97A.101; 97A.125; 97C.001; and 97C.011. The commissioner may similarly designate any lands acquired in less than fee title. This appropriation is available until June 30, 2008, at which time the project must be completed and final products delivered, unless an earlier date is specified in the work program.

(c) Development of Scientific and Natural Areas

\$67,000 the first year and \$67,000 the second year are from the trust fund to the commissioner of natural resources to develop and enhance lands designated as scientific and natural areas. This appropriation is available until June 30, 2008, at which time the project must be completed and final products delivered, unless an earlier date is specified in the work program.

(d) Prairie Stewardship of Private Lands

\$50,000 the first year and \$50,000 the second year are from the trust fund to the commissioner of natural resources to develop stewardship plans and implement prairie management on private

prairie lands on a cost-share basis with private or federal funds. This appropriation is available until June 30, 2008, at which time the project must be completed and final products delivered, unless an earlier date is specified in the work program.

(e) Local Initiative Grants-Conservation Partners and Environmental Partnerships

\$250,000 the first year and \$250,000 the second year are from the trust fund to the commissioner of natural resources to provide matching grants of up to \$20,000 to local government and private organizations for enhancement, restoration, research, and education associated with natural habitat and environmental service projects. Subdivision 16 applies to grants awarded in the approved work program. This appropriation is available until June 30, 2008, at which time the project must be completed and final products delivered, unless an earlier date is specified in the work program.

(f) Minnesota ReLeaf Community Forest Development and Protection

\$250,000 the first year and \$250,000 the second year are from the trust fund to the commissioner of natural resources for acceleration of the agency program and a cooperative agreement with Tree Trust to protect forest resources, develop inventory-based management plans, and provide matching grants to communities to plant native trees. At least \$390,000 of this appropriation must be used for grants to communities. For the purposes of this paragraph, the match must be a nonstate contribution, but may be either cash or qualifying in-kind. This appropriation is available until June 30, 2008, at which time the project must be completed and final projects delivered, unless an earlier date is specified in the work program.

(g) Integrated and Pheromonal Control of Common Carp

\$275,000 the first year and \$275,000 the second year are from the trust fund to the University of Minnesota for the second biennium to research new options for controlling common carp. This appropriation is available until June 30, 2009, at which time the project must be completed and final products delivered, unless an earlier date is specified in the work program.

(h) Biological Control of European Buckthorn and Garlic Mustard

\$100,000 the first year and \$100,000 the second year are from the trust fund to the commissioner of natural resources to research potential insects for biological control of invasive European buckthorn species for the second biennium and to introduce and evaluate insects for biological control of garlic mustard. This appropriation is available until June 30, 2008, at which time the project must be completed and final products delivered, unless an earlier date is specified in the work program.

~~(i) Land Exchange Revolving Fund for Aitkin, Cass, and Crow Wing Counties~~

~~\$250,000 the first year and \$250,000 the second year are from the trust fund to the commissioner of natural resources for an agreement with Aitkin County for a six-year revolving loan fund to improve public and private land ownership patterns, increase management efficiency, and protect critical habitat in Aitkin, Cass, and Crow Wing Counties. By June 30, 2011, Aitkin County shall repay the \$500,000 to the commissioner of finance for deposit in the environment and natural resources trust fund.~~ (Vetoed)

Subd. 6. Recreation	7,160,000	5,559,000
Summary by Fund		
Trust Fund	5,560,000	5,559,000
State Land and Water Conservation Account (LAWCON)		
	1,600,000	-0-

(a) State Park and Recreation Area Land Acquisition

\$1,000,000 the first year and \$1,000,000 the second year are from the trust fund to the commissioner of natural resources to acquire in-holdings for state park and recreation areas. Land acquired with this appropriation must be sufficiently improved to meet at least minimum management standards as determined by the commissioner of natural resources. This appropriation is available until June 30, 2008, at which time the project must be completed and final products delivered, unless an earlier date is specified in the work program.

(b) LAWCON Federal Reimbursements

\$1,600,000 is from the State Land and Water Conservation Account (LAWCON) in

the natural resources fund to the commissioner of natural resources for priorities established by the commissioner for eligible state projects and administrative and planning activities consistent with Minnesota Statutes, section 116P.14, and the federal Land and Water Conservation Fund Act. Subdivision 16 applies to grants awarded in the approved work program. This appropriation is contingent upon receipt of the federal obligation and remains available until June 30, 2008, at which time the project must be completed and final products delivered, unless an earlier date is specified in the work program.

~~(c) State Park and Recreation Area Revenue Enhancing Development~~

~~\$100,000 the first year and \$100,000 the second year are from the trust fund to the commissioner of natural resources to enhance revenue generation in the state's park and recreation system. (Vetoed)~~

(d) Best Management Practices for Parks and Outdoor Recreation

\$100,000 the first year and \$100,000 the second year are from the trust fund to the commissioner of natural resources for an agreement with the Minnesota Recreation and Park Association to develop and evaluate opportunities to more efficiently manage Minnesota's parks and outdoor recreation areas.

(e) Metropolitan Regional Parks Acquisition, Rehabilitation, and Development

\$1,000,000 the first year and \$1,000,000 the second year are from the trust fund to the Metropolitan Council for subgrants for the acquisition, development, and rehabilitation in the metropolitan regional park system, consistent with the Metropolitan Council regional recreation open space capital improvement plan. This appropriation may not be used for the purchase of residential structures, may be used to reimburse implementing agencies for acquisition as expressly approved in the work program, and must be matched by at least 40 percent of nonstate money. Subdivision 16 applies to grants awarded in the approved work program. This appropriation is available until June 30, 2008, at which time the project must be completed and final products delivered, unless an earlier date is specified in the work program. If a project financed under this program receives a federal grant award, the availability of the financing from this paragraph for that project is extended to equal the period of the federal grant.

(f) Gitchi-Gami State Trail

\$250,000 the first year and \$250,000 the second year are from the trust fund to the commissioner of natural resources, in cooperation with the Gitchi-Gami Trail Association, for the fourth biennium, to design and construct approximately two miles of Gitchi-Gami State Trail segments. This appropriation is available until June 30, 2008, at which time the project must be completed and final products delivered. If this project receives a federal grant award, the availability of the financing from this paragraph for the project is extended to equal the period of the federal grant.

(g) Casey Jones State Trail

\$600,000 the first year and \$600,000 the second year are from the trust fund to the commissioner of natural resources in cooperation with the Friends of the Casey Jones Trail Association for land acquisition and development of the Casey Jones State Trail in southwest Minnesota. This appropriation is available until June 30, 2008, at which time the project must be completed and final products delivered. If this project receives a federal grant award, the availability of the financing from this paragraph for the project is extended to equal the period of the federal grant.

(h) Paul Bunyan State Trail Connection

\$200,000 the first year and \$200,000 the second year are from the trust fund to the commissioner of natural resources to acquire land to connect the Paul Bunyan State Trail within the city of Bemidji.

(i) Minnesota River Trail Planning

\$100,000 the first year and \$100,000 the second year are from the trust fund to the commissioner of natural resources for an agreement with the University of Minnesota to provide trail planning assistance to three communities along the Minnesota River State Trail.

(j) Local Initiative Grants-Parks and Natural Areas

\$600,000 the first year and \$600,000 the second year are from the trust fund to the commissioner of natural resources to provide matching grants to local governments for acquisition and development of natural and scenic areas and local parks as provided in Minnesota Statutes, section 85.019, subdivisions 2 and 4a, and regional parks outside of the metropolitan area. Grants may provide up to 50 percent of the nonfederal share of the project cost, except nonmetropolitan regional park grants may provide up to 60 percent of the nonfederal share of the project cost. \$500,000 of this appropriation is for land acquisition for a proposed county regional park on Kraemer Lake in Stearns County. The commission will monitor the grants for approximate balance over extended periods of time between the metropolitan area, under Minnesota Statutes, section 473.121, subdivision 2, and the nonmetropolitan area through work program oversight and periodic allocation decisions. For the purposes of this paragraph, the match must be a nonstate contribution, but may be either cash or qualifying in-kind. Recipients may receive funding for more than one project in any given grant period. Subdivision 16 applies to grants awarded in the approved work program. This appropriation is available until June 30, 2008, at which time the project must be completed and final products delivered.

(k) Regional Park Planning for Nonmetropolitan Urban Areas

\$43,000 the first year and \$43,000 the second year are from the trust fund to the commissioner of natural resources for an agreement with the University of Minnesota to develop a plan for a system of regional recreation areas for major outstate urban complexes in Minnesota.

(l) Local and Regional Trail Grant Initiative Program

\$350,000 the first year and \$350,000 the second year are from the trust fund to the commissioner of natural resources to provide matching grants to local units of government for the cost of acquisition, development, engineering services, and enhancement of existing and new trail facilities.

Subdivision 16 applies to grants awarded in the approved work program. This appropriation is available until June 30, 2008, at which time the project must be completed and final products delivered, unless an earlier date is specified in the work program. In addition, if a project financed under this program receives a federal grant award, the availability of the financing from this paragraph for that project is extended to equal the period of the federal grant.

(m) Mesabi Trail

\$500,000 the first year and \$500,000 the second year are from the trust fund to the commissioner of natural resources for an agreement with St. Louis and Lake Counties Regional Rail Authority for the seventh biennium to acquire and develop segments for the Mesabi Trail. This appropriation is available until June 30, 2008, at which time the project must be completed and final products delivered. If this project receives a federal grant award, the availability of the financing from this paragraph for the project is extended to equal the period of the federal grant.

(n) Cannon Valley Trail Belle Creek Bridge Replacement

\$150,000 the first year and \$150,000 the second year are from the trust fund to the commissioner of natural resources for an agreement with the Cannon Valley Trail Joint Powers Board for bridge replacement of the Belle Creek Bridge on the Cannon Valley Trail. This appropriation must be matched by at least \$44,000 of nonstate money.

(o) Arrowhead Regional Bike Trail Connections Plan

\$42,000 the first year and \$41,000 the second year are from the trust fund to the commissioner of natural resources for an agreement with the Arrowhead Regional Development Commission to analyze the Arrowhead's major bike trails and plan new trail connections.

(p) Land Acquisition, Minnesota Landscape Arboretum

\$325,000 the first year and \$325,000 the second year are from the trust fund to the University of Minnesota for an agreement with the University of Minnesota Landscape Arboretum Foundation for the sixth biennium to acquire land from willing sellers. This appropriation must be matched by an equal amount of nonstate money. This appropriation is available until June 30, 2008, at which time the project must be completed and final products delivered, unless an earlier date is specified in the work program.

(q) Development and Rehabilitation of Minnesota Shooting Ranges

\$150,000 the first year and \$150,000 the second year are from the trust fund

to the commissioner of natural resources to provide technical assistance and matching grants to local communities and recreational shooting and archery clubs for the purpose of developing or rehabilitating shooting and archery facilities for public use. Recipient facilities must be open to the general public at reasonable times and for a reasonable fee on a walk-in basis. This appropriation is available until June 30, 2008, at which time the project must be completed and final products delivered, unless an earlier date is specified in the work program.

(r) Birding Maps

\$50,000 the first year and \$50,000 the second year are from the trust fund to the commissioner of natural resources for an agreement with Audubon Minnesota to create a new birding trail guide for the North Shore/Arrowhead region and reprint and distribute guides for three existing birding trails.

Subd. 7. Water Resources 3,027,000 3,000,000

Summary by Fund

Trust Fund 2,999,000 3,000,000

Great Lakes Protection Account 28,000

(a) Local Water Management Matching Challenge Grants

\$500,000 the first year and \$500,000 the second year are from the trust fund to the Board of Water and Soil Resources to accelerate the local water management challenge grant program under Minnesota Statutes, sections 103B.3361 to 103B.3369, through matching grants to implement high priority activities in state-approved comprehensive water management plans. For the purposes of this paragraph, the match must be a nonstate contribution, but may be either cash or qualifying in-kind. The grants may be provided on an advance basis as specified in the work program. This appropriation is available until June 30, 2008, at which time the project must be completed and final products delivered, unless an earlier date is specified in the work program.

(b) Accelerating and Enhancing Surface Water Monitoring for Lakes and Streams

\$300,000 the first year and \$300,000 the second year are from the trust fund to the commissioner of the Pollution Control Agency for acceleration of agency programs and cooperative agreements with the Minnesota Lakes Association, Rivers Council of Minnesota, and the University of Minnesota to accelerate monitoring efforts through assessments, citizen training, and implementation grants. This appropriation is available until June 30, 2008, at which time the project must be completed and final products delivered, unless an earlier date is specified in the work program.

(c) Effects of Land Retirements on the Minnesota River \$150,000 the first year and \$150,000

the second year are from the trust fund to the Board of Water and Soil Resources for a cooperative agreement with the U.S. Geological Survey to evaluate effects of retired or set-aside agricultural lands on the water quality and aquatic habitat of streams in the Minnesota River Basin in order to enhance prioritization of future land retirements. This appropriation must be matched by an equal amount of nonstate money. This appropriation is available until June 30, 2008, at which time the project must be completed and final products delivered, unless an earlier date is specified in the work program.

(d) Recycling Treated Municipal Wastewater for Industrial Water Use

\$150,000 the first year and \$150,000 the second year are from the trust fund to the commissioner of natural resources for an agreement with the Metropolitan Council to determine the feasibility of recycling treated municipal wastewater for industrial use, characterize industrial water demand and quality, and determine the costs to treat municipal wastewater to meet specific industrial needs.

(e) Unwanted Hormone Therapy: Protecting Water and Public Health

\$150,000 the first year and \$150,000 the second year are from the trust fund to the University of Minnesota to determine where behavior-altering estrogenic compounds come from and how

they are distributed in wastewater treatment plants. This appropriation is available until June 30, 2008, at which time the project must be completed and final products delivered, unless an earlier date is specified in the work program.

~~(f) Climate Change Impacts on Minnesota's Aquatic Resources~~

~~\$125,000 the first year and \$125,000 the second year are from the trust fund to the University of Minnesota, Natural Resources Research Institute, to quantify climate, hydrologic, and ecological variability and trends; and identify indicators of future climate change effects on aquatic systems. This appropriation is available until June 30, 2008, at which time the project must be completed and final products delivered, unless an earlier date is specified in the work program.~~

~~(Vetoed)~~

~~(g) Green Roof Cost Share and Monitoring~~

~~\$175,000 the first year and \$175,000 the second year are from the trust fund to the commissioner of natural resources for an agreement with Ramsey Conservation District to install green, vegetated roofs on four commercial or industrial buildings in Roseville and Falcon Heights and to monitor their effectiveness for stormwater management, flood reduction, water quality, and energy efficiency. The cost of the installations must be matched by at least 50 percent nonstate money. (Vetoed)~~

(h) Woodchip Biofilter Treatment of Feedlot Runoff

\$135,000 the first year and \$135,000 the second year are from the trust fund to the commissioner of natural resources for agreements with Stearns County Soil and Water Conservation District and the University of Minnesota to treat feedlot runoff with woodchip biofilters to remove pollutants and assess improvements to surface water quality. This appropriation is available until June 30, 2008, at which time the project must be completed and final products delivered, unless an earlier date is specified in the work program.

(i) Improving Water Quality on the Central Sands

\$294,000 the first year and \$293,000 the second year are from the trust fund to the commissioner of natural resources for agreements with the University of Minnesota and the Central Lakes College Agricultural Center to reduce nitrate and phosphorus losses to groundwater and surface waters of sandy ecoregions through the development, promotion, and adoption of new farming and land management practices and techniques. This appropriation is available until June 30, 2008, at which time the project must be completed and final products delivered, unless an earlier date is specified in the work program.

(j) Improving Impaired Watersheds: Conservation Drainage Research

\$150,000 the first year and \$150,000 the second year are from the trust fund to the commissioner of agriculture to analyze conservation drainage systems at University of Minnesota research and outreach centers for opportunities to retrofit drainage infrastructure with water quality improvement technologies. This appropriation is available until June 30, 2008, at which time the project must be completed and final products delivered, unless an earlier date is specified in the work program.

(k) Hydrology, Habitat, and Energy Potential of Mine Lakes

\$188,000 the first year and \$211,000 the second year are from the trust fund to the commissioner of natural resources for agency work and agreements with Architectural Resources, Inc., and Northeast Technical Services, Inc., for a coordinated effort of the Central Iron Range Initiative to establish ultimate mine water elevations, outflows, and quality; design optimum future mineland configurations for fish habitat and lakeshore development; and evaluate wind-pumped hydropower potential. \$62,000 the first year and \$39,000 the second year are from the trust fund to the Minnesota Geological Survey at the University of Minnesota to assess the geology and mine pit morphometry.

(l) Hennepin County Beach Water Quality Monitoring Project

\$50,000 the first year and \$50,000 the second year are from the trust fund to the commissioner of natural resources for an agreement with Hennepin County to develop a predictive model for on-site determination of beach water quality to prevent outbreaks of waterborne illnesses and provide related water safety outreach to the public.

(m) Southwest Minnesota Floodwater Retention Projects

\$250,000 the first year and \$250,000 the second year are from the trust fund to the commissioner of natural resources for an agreement with Area II MN River Basin Projects, Inc., to acquire easements and construct four floodwater retention projects in the Minnesota River Basin to improve water quality and waterfowl habitat.

~~(n) Upgrades to Blue Heron Research Vessel~~

~~\$28,000 is from the Great Lakes protection account in the first year and \$133,000 the first year and \$134,000 the second year are from the trust fund to the University of Minnesota, Large Lakes Observatory, to upgrade and overhaul the Blue Heron Research Vessel. (Vetoed)~~

(o) Bassett Creek Valley Channel Restoration

\$87,000 the first year and \$88,000 the second year are from the trust fund to the commissioner of natural resources for an agreement with the city of Minneapolis for design and engineering activities for habitat restoration and water quality and channel improvements for Bassett Creek Valley.

(p) Restoration of Indian Lake

\$100,000 the first year and \$100,000 the second year are from the trust fund to the commissioner of natural resources for agreements with Indian Lake Improvement District and Bemidji State University to demonstrate the removal of excess nutrients from Indian Lake in Wright County. This appropriation is available until June 30, 2008, at which time the project must be completed and final products delivered, unless an earlier date is specified in the work program, and is contingent on all appropriate permits being obtained.

Subd. 8. Land Use and Natural Resource

Information	1,000,000	1,000,000
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Summary by Fund

Trust Fund	1,000,000	1,000,000
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(a) Minnesota County Biological Survey

\$500,000 the first year and \$500,000 the second year are from the trust fund to the commissioner of natural resources for the tenth biennium to accelerate the survey that identifies significant natural areas and systematically collects and interprets data on the distribution and ecology of native plant communities, rare plants, and rare animals.

(b) Soil Survey

\$250,000 the first year and \$250,000 the second year are from the trust fund to the Board of Water and Soil Resources to accelerate digitizing of completed soil surveys for Web-based user application and for agreements with Pine and Crow Wing Counties to begin soil surveys. The new soil surveys must be done on a cost-share basis with local and federal funds. This appropriation is available until June 30, 2008, at which time the project must be completed and final products delivered, unless an earlier date is specified in the work program.

~~(c) Land Cover Mapping for Natural Resource Protection~~

~~\$125,000 the first year and \$125,000 the second year are from the trust fund to the commissioner of natural resources for an agreement with Hennepin County to develop GIS tools for prioritizing natural areas for protection and restoration and to update and complete land cover classification mapping. (Vetoed)~~

(d) Open Space Planning and Protection

\$125,000 the first year and \$125,000 the second year are from the trust fund to the commissioner of natural resources for an agreement with Anoka Conservation District to protect open space by identifying high priority natural resource corridors through planning, conservation easements, and land dedication as part of development processes.

Subd. 9. Agriculture and Natural

Resource Industries	1,342,000	1,341,000
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Summary by Fund

Trust Fund	1,342,000	1,341,000
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(a) Completing Third-Party Certification of DNR Forest Lands
 \$125,000 the first year and \$125,000 the second year are from the trust fund to the commissioner of natural resources for third-party assessment and certification of 4,470,000 acres of DNR-administered lands under forest sustainability standards established by two internationally recognized forest certification systems, the Forest Stewardship Council system, and the Sustainable Forestry Initiative system.

(b) Third-Party Certification of Private Woodlands
 \$188,000 the first year and \$188,000 the second year are from the trust fund to the University of Minnesota, Cloquet Forestry Center, to pilot a third-party certification assessment framework for nonindustrial private forest owners.

(c) Sustainable Management of Private Forest Lands
 437,000 the first year and \$437,000 the second year are from the trust fund 107.34 to the commissioner of natural resources to develop stewardship plans for private forested lands, implement stewardship plans on a cost-share basis and for conservation easements matching federal funds. This appropriation is available until June 30, 2008, at which time the project must be completed and final products delivered, unless an earlier date is specified in the work program.

(d) Evaluating Riparian Timber Harvesting Guidelines: Phase 2
 \$167,000 the first year and \$166,000 the second year are from the trust fund to the University of Minnesota for a second biennium to assess the timber harvesting riparian management guidelines for postharvest impacts on terrestrial, aquatic, and wildlife habitat. This appropriation is available until June 30, 2008, at which time the project must be completed and final products delivered, unless an earlier date is specified in the work program.

(e) Third Crops for Water Quality-Phase 2
 \$250,000 the first year and \$250,000 the second year are from the trust fund to the commissioner of natural resources for cooperative agreements with Rural Advantage and the University of Minnesota to accelerate adoption of third crops to enhance water quality, diversify cropping systems, supply bioenergy, and provide wildlife habitat through demonstration, research, and education. This appropriation is available until June 30, 2008, at which time the project must be completed and final products delivered, unless an earlier date is specified in the work program.

(f) Bioconversion of Potato Waste into Marketable Biopolymers
 \$175,000 the first year and \$175,000 the second year are from the trust fund to the commissioner of natural resources for an agreement with Bemidji State University to evaluate the bioconversion of potato waste into plant-based plastics. This appropriation is available until June 30, 2008, at which time the project must be completed and final products delivered, unless an earlier date is specified in the work program.

Subd. 10. Energy	1,896,000	1,896,000
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Summary by Fund

Trust Fund	1,896,000	1,896,000
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(a) Clean Energy Resource Teams and Community Wind Energy Rebate Program
 \$350,000 the first year and \$350,000 the second year are from the trust fund to the commissioner of commerce. \$300,000 of this appropriation is to provide technical assistance to implement cost-effective conservation, energy efficiency, and renewable energy projects. \$400,000 of this appropriation is to assist two Minnesota communities in developing locally owned wind energy projects by offering financial assistance rebates.

~~(b) Planning for Economic Development via Energy Independence
 \$120,000 the first year and \$120,000 the second year are from the trust fund~~

~~to the commissioner of natural resources for an agreement with the University of Minnesota-Duluth to evaluate the socioeconomic benefits of statewide and community renewable energy production and distribution by analyzing system installation, technical capabilities, cost competitiveness, economic impacts, and policy incentives. (Vetoed)~~

(c) Manure Methane Digester Compatible Wastes and Electrical Generation

\$50,000 the first year and \$50,000 the second year are from the trust fund to the commissioner of agriculture to research the potential for a centrally located, multifarm manure digester and the potential use of compatible waste streams with manure digesters.

(d) Dairy Farm Digesters

\$168,000 the first year and \$168,000 the second year are from the trust fund to the commissioner of natural resources for an agreement with the Minnesota Project for a pilot project to evaluate anaerobic digester technology on average size dairy farms of 50 to 300 cows.

(e) Wind to Hydrogen Demonstration

\$400,000 the first year and \$400,000 the second year are from the trust fund to the commissioner of natural resources for an agreement with the University of Minnesota, West Central Research and Outreach Center, to develop a model community-scale wind-to-hydrogen facility.

(f) Natural Gas Production from Agricultural Biomass

\$50,000 the first year and \$50,000 the second year are from the trust fund to the commissioner of natural resources for an agreement with Sebesta Blomberg and Associates to demonstrate potential natural gas yield using anaerobic digestion of blends of chopped grasses or crop residue with hog manure and determine optimum operating conditions for conversion to natural gas.

(g) Biomass-Derived Oils for Generating Electricity and Reducing Emissions

\$75,000 the first year and \$75,000 the second year are from the trust fund to the University of Minnesota to evaluate the environmental and performance benefits of using renewable biomass-derived oils, such as soybean oil, for generating electricity.

(h) Phillips Biomass Community Energy System

\$450,000 the first year and \$450,000 the second year are from the trust fund to the commissioner of natural resources for an agreement with Phillips Community Energy Cooperative to assist in the distribution system equipment and construction costs for a biomass district energy system. This appropriation is contingent on all appropriate permits being obtained and a signed commitment of financing for the biomass electrical generating facility being in place.

~~(i) Laurentian Energy Authority Biomass Project~~

~~\$233,000 the first year and \$233,000 the second year are from the trust fund to the commissioner of natural resources for an agreement with Virginia Public Utility to lease land and plant approximately 1,000 acres of trees to support a proposed conversion to a biomass power plant. (Vetoed)~~

Subd. 11. Environmental Education 360,000 360,000

Summary by Fund

Trust Fund 360,000 360,000

(a) Enhancing Civic Understanding of Groundwater

~~75,000 the first year and \$75,000 the second year are from the trust fund to the commissioner of natural resources for an agreement with the Science Museum of Minnesota to create groundwater exhibits and a statewide traveling groundwater classroom program. This appropriation is available until June 30, 2008, at which time the project must be completed and final products delivered, unless an earlier date is specified in the work program. (Vetoed)~~

(b) Cedar Creek Natural History Area Interpretive

Center and Restoration \$200,000 the first year and \$200,000 the second year are from the trust fund to the commissioner of natural resources for an agreement with the University of Minnesota, Cedar Creek Natural History Area, to restore 400 acres of savanna and prairie; construct a Science Interpretive Center to publicly demonstrate technologies for energy efficiency; and create interpretive trails. This appropriation is available until June 30, 2008, at which time the project

must be completed and final products delivered, unless an earlier date is specified in the work program.

~~(c) Environmental Problem-Solving Model for Twin Cities Schools~~

~~\$38,000 the first year and \$37,000 the second year are from the trust fund to the commissioner of natural resources for an agreement with Eco Education to train high school students and teachers on environmental problem-solving. (Vetoed)~~

(d) Tamarack Nature Center Exhibits

\$47,000 the first year and \$48,000 the second year are from the trust fund to the commissioner of natural resources for an agreement with Ramsey County Parks and Recreation Department to develop interactive ecological exhibits at Tamarack Nature Center.

Subd. 12. Children's Environmental Health	100,000	100,000
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Summary by Fund		
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Trust Fund	100,000	100,000
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Minnesota Children's Pesticide Exposure Reduction Initiative

\$100,000 the first year and \$100,000 the second year are appropriated to the commissioner of agriculture to reduce children's pesticide exposure through parent education on alternative pest control methods and safe pesticide use.

Subd. 13. Data Availability Requirements

(a) During the biennium ending June 30, 2007, data collected by the projects funded under this section that have value for planning and management of natural resource, emergency preparedness, and infrastructure investments must conform to the enterprise information architecture developed by the Office of Technology. Spatial data must conform to geographic information system guidelines and standards outlined in that architecture and adopted by the Minnesota Geographic Data Clearinghouse at the Land Management Information Center. A description of these data that adheres to Office of Technology geographic metadata standards must be submitted to the Land Management Information Center to be made available online through the clearinghouse, and the data themselves must be accessible and free to the public unless made private under the Data Practices Act, Minnesota Statutes, chapter 13.

(b) To the extent practicable, summary data and results of projects funded under this section should be readily accessible on the Internet and identified as an environment and natural resources trust fund project.

(c) As part of project expenditures, recipients of land acquisition appropriations must provide the information necessary to update public recreation information maps to the Department of Natural Resources in the form specified by the department.

Subd. 14. Project Requirements

It is a condition of acceptance of the appropriations in this section that any agency or entity receiving the appropriation must comply with Minnesota Statutes, chapter 116P, and vegetation planted must be native to Minnesota and preferably of the local ecotype unless the work program approved by the commission expressly allows the planting of species that are not native to Minnesota. Bridges that are constructed with appropriations under this section must be made out of metal, concrete, or wood.

Subd. 15. Match Requirements

Unless specifically authorized, appropriations in this section that must be matched and for which the match has not been committed by December 31, 2005, are canceled, and in-kind contributions may not be counted as matching funds.

Subd. 16. Payment Conditions and Capital Equipment Expenditures

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 made on or after July 1, 2005, or the date the work program is approved, whichever is later, are eligible for reimbursement unless otherwise provided in this

section. Payment must be made upon receiving documentation that project-eligible, reimbursable dollar amounts have been expended, except that reasonable amounts may be advanced to projects to accommodate cash flow needs or match federal funds. The advances must be approved as part of the work program. No expenditures for capital equipment are allowed unless expressly authorized in the project work program.

Subd. 17. Purchase of Recycled and Recyclable Materials

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, sections 16B.121 and 16B.122, requiring the purchase of recycled, repairable, and durable materials; the purchase of uncoated paper stock; and the use of soy-based ink, the same as if it were a state agency.

Subd. 18. Energy Conservation

A recipient to whom an appropriation is made in this section for a capital improvement project shall ensure that the project complies with the applicable energy conservation standards contained in law, including Minnesota Statutes, sections 216C.19 and 216C.20, and rules adopted thereunder. The recipient may use the energy planning, advocacy, and state energy office units of the Department of Commerce to obtain information and technical assistance on energy conservation and alternative energy development relating to the planning and construction of the capital improvement project.

Subd. 19. Accessibility

Structural and nonstructural facilities must meet the design standards in the Americans with Disability Act (ADA) accessibility guidelines.

Article 2, Subdivision 3

Sec. 150. Laws 2003, chapter 128, article 1, section 9, subdivision 6, is amended to read:

Subd. 6. Recreation 7,622,000 5,870,000

Summary by Fund

Trust Fund 5,622,000 5,870,000

State Land and Conservation

Account (LAWCON) 2,000,000

(a) State Park and Recreation Area Land Acquisition

\$750,000 the first year and \$750,000 the second year are from the trust fund to the commissioner of natural resources to acquire in-holdings for state park and recreation areas. Land acquired with this appropriation must be sufficiently improved to meet at least minimum management standards as determined by the commissioner of natural resources. This appropriation is available until June 30, 2006, at which time the project must be completed and final products delivered, unless an earlier date is specified in the work program.

(b) LAWCON Federal Reimbursements

\$2,000,000 is from the state land and water conservation account (LAWCON) in the natural resources fund to the commissioner of natural resources for eligible state projects and administrative and planning activities consistent with Minnesota Statutes, section 116P.14, and the federal Land and Water Conservation Fund Act. This appropriation is contingent upon receipt of the federal obligation and remains available until June 30, 2006, at which time the project must be completed and final products delivered, unless an earlier date is specified in the work program.

(c) Local Initiative Grants-Parks and Natural Areas

\$1,290,000 the first year and \$1,289,000 the second year are from the trust fund to the commissioner of natural resources for matching grants to local governments for acquisition and development of natural and scenic areas and local parks as provided in Minnesota Statutes, section 85.019, subdivisions 2 and 4a, and regional parks outside of the metropolitan area. Grants may provide up to 50 percent of the nonfederal share of the project cost, except nonmetropolitan regional park grants may provide up to 60 percent of the nonfederal share of the project cost. The commission will

monitor the grants for approximate balance over extended periods of time between the metropolitan area, under Minnesota Statutes, section 473.121, subdivision 2, and the nonmetropolitan area through work program oversight and periodic allocation decisions. For the purposes of this paragraph, the match must be a nonstate contribution, but may be either cash or qualifying in-kind. Recipients may receive funding for more than one project in any given grant period. This appropriation is available until June 30, 2006, at which time the project must be completed and final products delivered.

(d) Metropolitan Regional Parks Acquisition, Rehabilitation, and Development

\$1,670,000 the first year and \$1,669,000 the second year are from the trust fund to the commissioner of natural resources for an agreement with the metropolitan council for subgrants for the acquisition, development, and rehabilitation in the metropolitan regional park system, consistent with the metropolitan council regional recreation open space capital improvement plan. This appropriation may not be used for the purchase of residential structures. This appropriation may be used to reimburse implementing agencies for acquisition of nonresidential property as expressly approved in the work program. This appropriation is available until June 30, 2006, at which time the project must be completed and final products delivered, unless an earlier date is specified in the work program. In addition, if a project financed under this program receives a federal grant, the availability of the financing from this paragraph for that project is extended to equal the period of the federal grant.

(e) Local and Regional Trail Grant Initiative Program

\$160,000 the first year and \$160,000 the second year are from the trust fund to the commissioner of natural resources to provide matching grants to local units of government for the cost of acquisition, development, engineering services, and enhancement of existing and new trail facilities. This appropriation is available until June 30, 2006, at which time the project must be completed and final products delivered, unless an earlier date is specified in the work program. In addition, if a project financed under this program receives a federal grant, the availability of the financing from this paragraph for that project is extended to equal the period of the federal grant.

(f) Gitchi-Gami State Trail

\$650,000 the first year and \$650,000 the second year are from the trust fund to the commissioner of natural resources, in cooperation with the Gitchi-Gami Trail Association, for the third biennium, to design and construct approximately five miles of Gitchi-Gami state trail segments. This appropriation must be matched by at least \$400,000 of nonstate money. The availability of the financing from this paragraph is extended to equal the period of any federal money received.

(g) Water Recreation: Boat Access, Fishing Piers, and Shore-fishing

\$450,000 the first year and \$700,000 the second year are from the trust fund to the commissioner of natural resources to acquire and develop public water access sites statewide, construct shore-fishing and pier sites, and restore shorelands at public accesses. This appropriation is available until 208.17 June 30, 2006, at which time the project must be completed and final products delivered, unless an earlier date is specified in the work program.

(h) Mesabi Trail

\$190,000 the first year and \$190,000 the second year are from the trust fund to the commissioner of natural resources for an agreement with St. Louis and Lake Counties Regional Rail Authority for the sixth biennium to acquire and develop segments of the Mesabi trail. If a federal grant is received, the availability of the financing from this paragraph is extended to equal the period of the federal grant.

(i) Linking Communities Design, Technology, and DNR Trail Resources

\$92,000 the first year and \$92,000 the second year are from the trust fund to the commissioner of natural resources for an agreement with the University of Minnesota to provide designs for up to three state trails incorporating recreation, natural, and cultural features.

(j) Ft. Ridgely Historic Site Interpretive Trail

\$75,000 the first year and \$75,000 the second year are from the trust fund to the Minnesota historical society to construct a trail through the original fort site and install interpretive markers. This appropriation is available until June 30, 2006, at which time the project must be completed and final products delivered, unless an earlier date is specified in the work program.

(k) Development and Rehabilitation of Minnesota Shooting Ranges

\$120,000 the first year and \$120,000 the second year are from the trust fund to the commissioner of natural resources to provide technical assistance and matching cost-share grants to local recreational shooting and archery clubs for the purpose of developing or rehabilitating shooting and archery facilities for public use. Recipient facilities must be open to the general public at reasonable times and for a reasonable fee on a walk-in basis. This appropriation is available until June 30, 2006, at which time the project must be completed and final products delivered, unless an earlier date is specified in the work program.

(l) Land Acquisition, Minnesota Landscape Arboretum

\$175,000 the first year and \$175,000 the second year are from the trust fund to the University of Minnesota for an agreement with the University of Minnesota Landscape Arboretum Foundation for the fifth biennium to acquire ~~in holdings within the arboretum's boundary~~ land from willing sellers. This appropriation must be matched by an equal amount of nonstate money. This appropriation is available until June 30, 2006, at which time the project must be completed and final products delivered, unless an earlier date is specified in the work program.

LCMR REFORM

1st Special Session, Chapter 1, SF 69 (HF 78) Agricultural, environmental, natural resources, state parks, and economic development funding provided; programs established and modified; and money appropriated.

Article 2

Sec. 156. [ENVIRONMENT AND NATURAL RESOURCES TRUST FUND;ADVISORY TASK FORCE.]

214.35 Subdivision 1. [ESTABLISHMENT.] (a) An advisory task force
214.36 to examine the process for making recommendations on
215.1 expenditures from the environment and natural resources trust
215.2 fund is created, consisting of:
215.3 (1) four former members of the current Legislative
215.4 Commission on Minnesota Resources from the house of
215.5 representatives, appointed by the executive committee of the
215.6 commission;
215.7 (2) four former members of the current Legislative
215.8 Commission on Minnesota Resources from the senate, appointed by
215.9 the executive committee of the commission; and
215.10 (3) eight public members who are not current or past
215.11 members of the Legislative Commission on Natural Resources or
215.12 the Citizens Advisory Council, established under Minnesota
215.13 Statutes, section 116P.06, but who have submitted trust fund
215.14 proposals for funding, appointed by the governor.
215.15 (b) The members of the task force shall select a chair who
215.16 shall preside and convene meetings of the task force. At least
215.17 two house members and two senate members appointed must be from
215.18 the minority caucus. Current legislative members of the task
215.19 force are entitled to reimbursement for per diem expenses plus
215.20 travel expenses incurred in the services of the task force.
215.21 Public members of the task force shall be compensated as
215.22 provided in Minnesota Statutes, section 15.0575.
215.23 (c) The task force shall examine the current process for
215.24 recommending appropriations from the environment and natural
215.25 resources trust fund and make recommendations for changes in the
215.26 process.
215.27 (d) By February 15, 2006, the task force shall report on
215.28 its recommendations to the governor and the legislative
215.29 committees and divisions with jurisdiction over environment and
215.30 natural resources policy and finance.
215.31 Subd. 2. [SUNSET.] The duties of the Legislative
215.32 Commission on Minnesota Resources to recommend expenditures from
215.33 the environment and natural resources trust fund expire on June
215.34 30, 2006.