

2009 Natural Resources Legislation

A Summary of the Action of the 2009 Regular Session Eighty-Sixth Minnesota Legislature

DNR

Department of Natural Resources

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Department of Natural Resources Legislative Summary Table of Contents

Omnibus Environment, Natural Resources & Energy Appropriations	Page.....3
Omnibus DNR Policy	Page...16
Omnibus Capital Investment	Page...35
Omnibus Cultural & Outdoor Resources Appropriations	Page...37
LCCMR	Page...47
Omnibus Agriculture & Veterans Affairs	Page...48
Omnibus Tax Policy	Page...49
Public Waters Drawdown	Page...50
Nonconforming Lots	Page...52
Great River Ridge Trail	Page...53
Mini Truck Use & Operation Regulation	Page...54
BWSR	Page...55
Repealers	Page...60
Line Item Vetoes	Page...61

Article 1, Section 4, Subdivision 1

Natural Resources: Appropriations and Legislative Requirements

- Total Appropriations.
- Requires that any funding used for conducting restoration must utilize vegetation or sow seed of ecotypes native to Minnesota and preferably the local ecotype, using a high diversity of species.
- Requires that grant recipients display on their website detailed information on the expenditure and measurable outcomes and submit this information to the department annually. If the grant recipient does not have a website, they must submit this information to the department and the department is required to display the information.
- Requires the Department of Natural Resources to display its budget on the website in a manner that will allow citizens to easily understand.

Article 1 Land and Mineral Resources Management: (Fiscal Initiatives)

Section 4, Subdivision 2

Mineland Reclamation

\$1,202,000 is appropriated each year from the mining administration account in the natural resources fund to cover costs associated with issuing mining permits. The costs of the Mineland Reclamation Section will be borne by the users of the services (mining companies and fee owners).

Section 4, Subdivision 2

Real Estate Management Services

\$612,000 each year is appropriated from the dedicated receipts account in the natural resources fund to cover costs associated with issuing licenses for land and water crossings and road easements. The cost of issuing real estate contracts will be borne by the requestor.

Section 4, Subdivision 2

Iron Ore Cooperative Research

\$351,000 each year for iron ore cooperative research.

Section 4, Subdivision 2

Minerals Cooperative Research

\$86,000 each year for minerals cooperative research.

Section 4, Subdivision 2

Minerals Management Activities

\$2,696,000 each year from the minerals management account.

Section 4, Subdivision 2

School Trust Lands

\$200,000 each year from the state forest suspense account.

Article 1 Land and Mineral Resources Management: (Policy Initiatives)

Section 12, Subdivision 5

Fees and Disposition

Amends M.S. 84.415, subd. 5 and states that application fees collected by the department for licenses for utility crossings over public lands and waters must be credited to the fund to which other income or proceeds of sale from the land would be credited, otherwise in the general fund; and that the new supplemental application and monitoring fee established is for deposit in the land management account and appropriated to the commissioner to cover costs of issuing and monitoring utility licenses.

Section 13, Subdivision 6

Supplemental Application Fee and Monitoring Fee

Amends M.S. 84.415 by the addition of subdivision 6 which establishes a supplemental application fee for utility crossing licenses of \$1,500 for a public water crossing license and \$4,500 for a public lands crossing license.

Section 14

Conveyance of Interests in Lands to State and Federal Governments

Amends M.S. 84.63 and establishes an application fee of \$2,000 and a monitoring fee for certain easements in order to cover the costs for reviewing and preparing the easements and for monitoring the construction and preparing the easement.

Section 15

Road Easements Across State Lands

Amends M.S. 84.631 and establishes an additional monitoring fee for road easements in order to cover the costs for reviewing and preparing the easements and for monitoring and preparing the easement.

Section 16

Conveyance of Unneeded State Easements

Amends M.S. 84.632 and establishes an application fee for an easement release in order to cover the costs for reviewing and preparing for the release of the easement.

Section 25

Prohibition on Sales of Outdoor Recreation System Lands for Certain Purposes

Addition of M.S. 86A.055 and prohibits the sale of land classified as a unit of the “outdoor recreation systems” for the purposes of achieving the general fund target.

Section 26

Management Account

Amends M.S. 92.685 and appropriates the funds credited to the account to the commissioner to administer specified easement programs.

Section 27, Subdivision 1

Prohibition Against Mining without Permit; Application for Permit

Amends M.S. 93.481, subdivision 1 and establishes application fees for new permits to mine.

Section 28, Subdivision 3

Permit Amendment Application Fee

Amends M.S. 93.481, subdivision 3 and establishes a permit amendment application fee that is ten percent of applicable application fee for a new permit.

Section 29, Subdivision 5

Permit Assignment/Transfer Application Fee

Amends M.S. 93.481, subdivision 5 and establishes a permit assignment fee that is ten percent of applicable application fee for a new permit.

Section 30, Subdivision 7

Mining Administration Account

Amends M.S. 93.481, subdivision 7 with technical changes in response to new mining fees established, stating that interest accrued in the account used for mining fee revenues stays in the account until appropriated.

Section 31, Subdivisions 1 - 3

Reclamation Fees

Addition of M.S. 93.482 and establishes an annual permit to mine fee; supplemental application fee for taconite and nonferrous metallic minerals mining operation; reclamation fee on taconite iron ore production.

Section 32, Subdivision 3

Exchanges of Riparian Land

Amends M.S. 94.342, subdivision 3, and allows for exchanges of state-administered Class A land with other state-administered Class A land without regard as to whether the second parcel of land is riparian. This is designed to allow for an easier process in exchanging riparian school trust land for other nonriparian state lands. The state will still retain the same riparian access after the exchange.

Section 59

Sale of State Land

Extends the deadline in Laws 2007, Chapter 148, article 2, section 73 to June 30, 2011.

Section 60, Subdivision 2

Land Records Database

Amends the Laws 2007, Chapter 57, article 1, section 4, subdivision 2 to extend the FY2008-2009 appropriation for the lands records database to 2011.

Article 1 Water Resources Management: (Fiscal Initiatives)

Section 4, Subdivision 3

Red River Mediation

\$275,000 each year for grants up to 50% of the cost of implementation of the Red River mediation agreement.

Section 4, Subdivision 3

Mississippi Headwaters Board

\$60,000 each year for a grant to the Mississippi Headwaters Board for up to 50% of the cost of implementation.

Section 4, Subdivision 3

Leech Lake Band

\$5,000 each year for a payment to the Leech Lake Band for the band's portion of the comprehensive plan for upper Mississippi.

Section 4, Subdivision 3

Ring Dikes

\$125,000 each year for the construction of ring dikes.

Article 1 Water Resources Management: (Miscellaneous Initiatives)

Section 4, Subdivision 3

Surface and Groundwater Resources

Requires the department to develop a plan for the development of an adequate groundwater level monitoring network in the 11 county metropolitan area.

Article 1 Water Resources Management: (Policy Initiatives)

Section 34, Subdivision 6

Water Use Processing Fees

Amends M.S. 103G.271, subdivision 6 and increases the water use processing fee for large water users and increases the summer water surcharge.

Section 35, Subdivision 2

Water Use Application Fees

Amends M.S. 103G.301, subdivision 2 and makes technical adjustments related to the water use application fee language.

Section 36, Subdivision 3

Field Inspection Fees

Amends M.S. 103G.301, subdivision 3 and establishes that field inspection fees for water permits are credited to account in the natural resources fund and appropriated to the commissioner.

Article 1 Forest Management: (Fiscal Initiatives)

Section 4, Subdivision 4

Forest Management Operations

\$2,000,000 each year from the general fund to maintain forest management operations. This is a one-time appropriation.

Section 4, Subdivision 4

Heritage Enhancement Activities

\$1,200,000 the first year and \$950,000 the second year from the heritage enhancement account in the game and fish fund to maintain and expand the ecological classification system program on state forest lands and prevent the introduction and spread of invasive species on state lands. This is a one-time appropriation.

Section 4, Subdivision 4

Fire Fighting Activities

\$7,217,000 each year for prevention, presuppression, and suppression costs of emergency firefighting and other costs.

Section 4, Subdivision 4

Fire Fighting Report

Requires the department to report firefighting costs and reimbursements by January 15 each year.

Section 4, Subdivision 4

Forest Management Investment Account (FMIA)

\$12,193,000 the first year and \$11,093,000 the second year from the FMIA. This bill reduces the appropriations from the FMIA by \$5.0 million in FY2010 and \$6.1 million in FY2011.

Section 4, Subdivision 4

Forest Resources Council

\$780,000 each year for the implementation of the Sustainable Forest Resources Act.

Forest Management & Energy (Miscellaneous Initiatives)

Section 68

Carbon Sequestration Forestry Report

Requires that the Minnesota Forest Resources Council review the Minnesota Climate Change Advisory Group's recommendation to increase carbon sequestration in forests by planting 1,000,000 acres of trees and shall submit a report.

Article 1 Parks and Trails Management: (Fiscal Initiatives)

Section 4, Subdivision 5

Water Recreation Program

\$1,175,000 each year from the water recreation account in the natural resources fund for enhancing public water access facilities. Of this amount, \$100,000 is a onetime appropriation to provide downloadable GPS coordinates and river gauge data interpretation. The base appropriation is \$1,075,000.

Section 4, Subdivision 5

Whitewater Park

This bill contains language that extends the appropriation in Laws of 2003 for a cooperative project with the United States Army Corps of Engineers to develop the Mississippi Whitewater Park to June 30, 2011.

Section 4, Subdivision 5

State Parks Account

\$4,371,000 each year from the natural resources fund for state park and recreation area operations including \$375,000 for coordinated activities with Explore Minnesota Tourism.

Section 4, Subdivision 5

Snowmobile Grant-in-Aid Program

\$8,424,000 each year from the snowmobile trails and enforcement account in the natural resources fund for the snowmobile grants-in-aid program.

Section 4, Subdivision 5

Snowmobile Grant-in-Aid Program

Provides increased funding of \$400,000 each year from the snowmobile account in the natural resources fund for operation and maintenance of state trails and increased oversight and training for the grant-in-aid program. This is a one-time appropriation.

Section 4, Subdivision 5

Off-Highway Vehicle Grant-in-Program

\$1,360,000 each year from the natural resources fund for the off-highway vehicle grant-in-aid program.

Section 4, Subdivision 5

Local Trail Grants

\$760,000 each year from the natural resources fund for state trail operations.

Article 1 Parks and Trails Management: (Policy Initiatives)

Section 10, Subdivision 3

Citation Authority

Amends 84.0835, subdivision 3 by adding language that allows enforcement authority for nonresident all-terrain vehicle state passes.

Section 17, Subdivision 1a

New Nonresident ATV Exemptions

Amends M.S. 84.922 and exempts ATVs with a new nonresident all-terrain vehicle pass from the registration requirements that apply if the vehicle is operated on state and grant-in-aid trails.

Section 18, Subdivisions 1 - 5

Nonresident All-Terrain Vehicle State Trail Pass

Addition of M.S. 84.9275 and establishes the requirement for a pass and a fee; allows the commissioner to appoint agents to issue trail passes; allows the commissioner to revoke the appointment and adopt additional rules for accounting and handling of passes; requires an agent to observe those rules and promptly deposit and remit all money to the commissioner.

Section 19, Subdivision 2

Transfer of Funds (Water Recreation Account to Invasive Species Account)

Amends Minnesota Statutes 2008, section 84D.15, subdivision 2. In fiscal years 2010 and 2011, the commissioner of finance shall transfer \$725,000 from the water recreation account under section 86B.706 to the invasive species account.

Section 20, Subdivision 1b

Application Fee for Easements

Amends M.S. 85.015, subdivision 1b and establishes an application fee for easements over trail right of ways in order to cover the costs for reviewing and preparing the easement.

Section 21, Subdivision 10

Free Entrance; Totally and Permanently Disabled Veterans

Amends M.S. 85.053 and allows free entrance to state parks to any veteran with a total and permanent service-connected disability.

Sections 22 – 23

Horse Trail Pass

Amends M.S. 85.46 and establishes a commercial annual horse trail pass that may be purchased for \$200 which includes 15 passes; allows the purchase of additional or individual passes for \$20. Pass may be used in lieu of the existing horse trail pass that is required of a person leading, riding, or driving a horse on state trails and other areas.

Section 24

Duplicate Horse Trail Pass

Amends M.S. 85.46, subdivision 7 with a technical clarification as a result of the new commercial annual horse trail pass established in the previous section.

Article 1 Fish and Wildlife Management: (Fiscal Initiatives)

Section 4, Subdivision 6

Gray Wolf Management and Research

Provides \$220,000 each year for this initiative. \$100,000 from the nongame wildlife account in the natural resources fund and \$120,000 each year from the game and fish fund.

Section 4, Subdivision 6

Walleye Stamp

\$285,000 each year from the walleye stamp account in the game and fish fund for purposes defined in statute.

Section 4, Subdivision 6

Wildlife Health Program

\$600,000 each year from the general fund to accelerate wildlife health programs. *This is a one-time appropriation.*

Section 4, Subdivision 6

Heritage Enhancement Activities

\$8,167,000 each year from the heritage enhancement account in the game and fish fund for activities defined in statute. Of this amount, at least 20 percent must be used to purchase or restore land, and of this, over half must be used for restoration. This appropriation may be used to leverage other funds and to provide fish and wildlife technical assistance for shallow lake management and restoration and stream and lake shoreland habitat improvement and maintenance on private lands.

Section 4, Subdivision 6

Dedicated Accounts Appropriations

This bill includes appropriations from the dedicated accounts within the game & fish fund to enable the department to fully utilize the balances in the accounts.

Section 4, Subdivision 6

Prairie Wetlands

\$535,000 each year from the general fund for preserving, restoring, and enhancing grassland/wetland complexes.

Section 4, Subdivision 6

Grants

Appropriations made in the first year are available in the second year.

Article 1 Fish and Wildlife Management: (Policy Initiatives)

Section 33, Subdivision 1

Deer, Bear, and Lifetime Licenses

Amends M.S. 97A.075, subdivision 1 and modifies statutory appropriation language for emergency deer and wild cervidae health management to remove an obsolete provision.

Section 61

Fish and Wildlife Management

Amends Laws 2008, Chapter 363, article 5, section 4, subdivision 7 and removes a requirement that funds for a shooting sports facility be used for a facility at the Vermillion Highlands WMA, and requires the funds to be used for a facility in the seven county metropolitan area.

Section 67

Fish Consumption Advisories

The commissioner of natural resources, in cooperation with the commissioner of health, shall ensure that fish consumption advisories are displayed in at least four different languages, one of which must be English, to fairly represent the population of the state.

Article 1 Ecological Resources: (Fiscal Initiatives)

Section 4, Subdivision 7

Nongame Wildlife Management

\$1,223,000 each year from the nongame wildlife management account in the natural resources fund for the purpose of nongame wildlife management.
\$100,000 each year may be used for nongame information, education, and promotion.

Section 4, Subdivision 7

Heritage Enhancement Activities

\$1,636,000 each year from the heritage enhancement account in the game and fish fund for purposes defined in statute.

Section 4, Subdivision 7

Invasive Species Management

\$2,142,000 each year from the invasive species account and \$2,090,000 each year from the general fund for management, public awareness, assessment and monitoring research, law enforcement, and water access inspection to prevent the spread of invasive species; management of invasive plants in public waters; and management of terrestrial invasive species on state-administered lands.

Section 4, Subdivision 7

Use of Pesticides

This bill prevents invasive species appropriations from being used for pesticides suspected of being endocrine disruptors.

Section 4, Subdivision 7

Waters and Ecological Resources Integration

This bill requires the department to submit a report to the legislature on the outcomes and goals associated with the planned integration of the Waters and Ecological Resources divisions prior to implementing this organizational change.

Article 1 Ecological Resources: (Policy Initiatives)

Section 19, Subdivision 2

Invasive Species Account Transfer

Amends M.S. 84D.15, subdivision 2 to include a transfer of \$725,000 in FY2010 and FY2011 from the water recreation account in the natural resources fund to fix the structural deficit in the Invasive Species Account (ISA).

Article 1 Enforcement: (Fiscal Initiatives)

Section 4, Subdivision 8

Boat & Water Safety Grants

\$1,082,000 each year from the water recreation account in the natural resources fund for grants to counties.

Section 4, Subdivision 8

Snowmobile Enforcement Grants

\$315,000 each year from the snowmobile account in the natural resources fund for grants to local law enforcement agencies.

Section 4, Subdivision 8

Heritage Enhancement Activities

\$1,164,000 each year from the heritage enhancement account in the game and fish fund for purposes defined in statute.

Section 4, Subdivision 8

Off-Highway Vehicle Enforcement & Public Education Grants

\$510,000 each year from the natural resources fund for grants to county law enforcement agencies.

Section 4, Subdivision 8

ATV Safety and Education Grants

\$250,000 each year from the ATV account for grants to qualifying organizations. Organizations receiving a grant must submit a report annually to the commissioner and the chairs of the Environment committees.

Article 1 Enforcement: (Policy Initiatives)

Section 5

Wetlands Enforcement

This bill contains language in BWSR section of the bill which states \$100,000 each year is for transfer to the commissioner of natural resources for enforcement of wetland violations.

Article 1 Operations Support (Fiscal Initiatives)

Section 4, Subdivision 9

Zoo Appropriations

\$320,000 each year from the natural resources fund for grants divided equally between city of St. Paul for Como Zoo and Conservatory and the city of Duluth for the Duluth Zoo.

Article 1 Operations Support: (Policy Initiatives)

Section 11, Subdivisions 1 - 3

Gift Card and Certificate Sales; Receipts, Transfers; Appropriations

Addition of M.S. 84.0854 which permits the department to sell gift cards and certificates and advertise their availability. The proceeds from the sales are

deposited into a special revenue fund. Interest accrued in the account is appropriated to the commissioner to help cover the cost of administering the program.

Article 1 Additional Provisions

Section 66

Compensation of Governor's Staff

This bill includes language that states for FY 2010 and 2011 the Department of Natural Resources, the Pollution Control Agency, and the Board of Water and Soil Resources may not use funds appropriated in this act or funds from any statutory or open appropriation to directly or indirectly pay for compensation costs of the office of the governor.

Article 2 Energy Finance

Section 7

Minnesota Green Enterprise Assistance

This bill adds M.S. 116J.438 and directs the commissioner of employment and economic development to initiate a multi-agency project to coordinate and mandate state agency collaboration on green enterprise and green economy projects.

For legislative text (control + click) to follow link:

[Chapter 37](#)

OMNIBUS ENVIRONMENT & NATURAL RESOURCES POLICY

Chapter 176

HF 1237

HF 1110

Article 1 Natural Resource Policy

Section 1, Subdivision 13

Game and Fish Rules

Amends § 84.027, subdivision 13. Permits the commissioner to open waters for night bow fishing through emergency rule.

Section 2

Wild Rice Season

Ripe wild rice may be harvested from August 15 (was July) to September 30.

Section 3, Subdivision 2

Riparian Lands

Provides technical changes to § 84.66 dealing with riparian lands.

Section 4 and Section 5 (Subdivisions 1 – 12)

ATV Forfeiture

Provides a new gross misdemeanor penalty specified wetland violations, suspension of operating privileges for certain violations, and forfeiture of the vehicle after a second violation of the new gross misdemeanor violation. Forfeiture processes are modeled after the DWI administrative forfeiture provisions.

Section 6, Subdivision 1

Prohibitions on Youthful Operators

Technical change brought forward by user groups.

Section 7, Subdivision 3

Snowmobile Grant-in-Aid (Devil Track and Hungry Jack Lakes)

Expands snowmobile grant-in-aid program for Devil Track and Hungry Jack Lakes in Cook County.

Section 8, Subdivision 8

Definition of Class One ATV (Amended)

Amends the definition of a class one ATV from 800 to 960 cc's.

Section 9, Subdivision 1a

Crossing a Public Road Right of Way

Clarifies that an ATV may be operated in a public road right-of-way to avoid obstructions of environmentally sensitive areas.

Section 10, Subdivision 2

Casey Jones Trail System (Addition of Rock County)

Adds Rock County to the Casey Jones Trail System.

Section 11, Subdivision 26

Des Moines River Valley Trail

Establishes the Des Moines River Valley Trail.

Section 12, Subdivision 3

Additional Vehicle Permits; Modifying § 85.053

Allows the purchase of up to two additional vehicle permits with one full price annual vehicle permit for persons who own more than one vehicle. By offering this option, the DNR is able to reduce some associated public relations issues and encourage more family use of our state parks. The additional sales of third permits to current non-users will be offset by the lost revenue from the discount rate paid by existing customers.

Section 13, Subdivision 15

John Latsch State Park Permit Waiver

Review of self-registration records revealed that revenue at John Latsch State Park was \$212.00 in 2007, indicating that visitors were not purchasing vehicle permits. The DNR requested a waiver of the vehicle permit requirement.

A potential acquisition in 1997 of a property adjacent to John Latsch known as Bass Camp, included potential contracting to operate a restaurant in John Latsch State Park. The plan recommended the sale of liquor on the premises. The DNR is not pursuing this option and the associated language is repealed.

Section 14, Subdivision 16

Greenleaf Lake SRA Entrance Fee Waiver

Waiver of vehicle permit entrance fee at Greenleaf Lake State Recreation Area. The DNR expects the financial impact to be minimal, especially with "free access" at the boat landing.

Section 15, Subdivision 17

Entrance Fee Waiver

The purpose of this initiative is to augment connections with Minnesota's educational system and associated youth through increased outreach to underserved populations in nature-based activities.

Section 16, Subdivision 1

Second or Subsequent Vehicle State Park Permit (Discount Rate)

Amends statute to allow a person to buy a second or subsequent vehicle state park permit at a discounted rate.

Section 17, Subdivision 15

Boater Wayside

Establishment of boater waysides for public use and criteria established.

Section 18, Subdivision 1

Secondary Units

Technical corrections to the Outdoor Recreation Act clarifying authorization of units within other units.

Section 19, Subdivision 1

Master Plan Requirements

Clarifies that no master plan is required for boater wayside.

Section 20, Subdivision 6

Motorboat Move Over Provision

When approaching and passing a law enforcement watercraft with its emergency lights activated, the operator of a watercraft must safely move the watercraft away from the law enforcement watercraft and maintain a slow no-wake speed while within 150 feet of the law enforcement watercraft.

Section 21, Subdivisions 1 - 4

Dogs Pursuing or Killing Big Game

Establishes the appeals process for civil penalties regarding dogs that pursue deer.

Section 22

Taking Wild Animals to Protect Public Safety

A licensed peace officer may, at any time, take any protected wild animal that is posing an immediate threat to public safety.

Section 45

Public Water Inventory (PWI)

Adjustments are made to the public waters inventory process, allowing changes in the inventory to be sent electronically to county auditors and other recipients.

Section 46

Consumptive Uses of Water

Pursuant to Minn. Stat., § 103G.265, subdivision 3, the legislature approves of the consumptive use of water under a permit of more than 2,000,000 gallons per day average in a 30-day period in S. Louis County, in connection with snowmaking, subject to the DNR commissioner making a determination that the water remaining in the basin of origin will be adequate to meet the basin's need for water and approval by the commissioner.

Section 47

Planning and Development (Casey Jones Trail)

The DNR commissioner shall work with Friends of the Casey Jones Trail in planning and developing the extension of the Casey Jones Trail.

Section 48

Planning and Development (Des Moines River Valley Trail)

The DNR commissioner shall work with Friends of the Jackson County Trails in planning and developing the Des Moines River Valley Trail.

Section 49

Wild Rice Harvest Authority

The commissioner of natural resources may, by posting, restrict or prohibit the harvesting of wild rice on public waters based on the stage of ripeness of the wild rice stands in the waters.

Section 51

Appropriation (OHV Administrative Forfeiture)

\$20,000 is appropriated from the natural resources fund to the commissioner of natural resources for the start-up costs of the off-highway vehicle administrative forfeiture processes. Of this amount, \$15,000 is from the all-terrain vehicle account; \$3,000 is from the off-highway motorcycle account; and \$2,000 is from the off-road vehicle account. *(Refer to sections 4 and 5).*

Article 2 Game and Fish Policy

Section 1 (Subdivision 6) and Section 4

ELS Data Privacy

Data on individuals created, collected, stored or maintained by the department for electronic licensing transactions are classified under § 84.0874. Name, address, driver's license number and date of birth are private data on individuals. The data may be disclosed for law enforcement purposes and may be used for natural resource management purposes, including recruitment, retention and training certification and verification.

Section 2, Section 3 (Subdivision 3), Section 36 (Subdivision 29)

Aquatic Farms and Private Fish Hatcheries

General conditions for regulation, license fees clarification and rulemaking exemption regarding aquatic farms and private fish hatcheries.

Section 5, Subdivision 11

Refunds (Off-Road Vehicles)

Amends § 84.788, subdivision 11. Allows registration fees for off-highway motorcycles to be refunded for any error (currently only allowed for registrar/commissioner errors) if the refund is requested within 60 days and the registration is not used or transferred.

Section 6, Subdivision 10

Refunds (Off-Road Vehicles)

Amends § 84.798, subdivision 10. Allows registration fees for off-road vehicles to be refunded for any error (currently only allowed for registrar/commissioner errors) if the refund is requested within 60 days and the registration is not used or transferred.

Section 7, Subdivision 11

Refunds (Snowmobiles)

Amends § 84.82, subdivision 11. Allows registration fees for snowmobiles to be refunded for any error (currently only allowed for registrar/commissioner errors) if the refund is requested within 60 days and the registration is not used or transferred.

Section 8, Subdivision 12

Refunds (ATV)

Amends § 84.922, subdivision 12. Allows registration fees for all-terrain vehicles to be refunded for any error (currently only allowed for registrar/commissioner

errors) if the refund is requested within 60 days and the registration is not used or transferred.

Section 9, Subdivision 11

Refunds (Watercraft)

Amends § 86B.415, subdivision 11. Allows registration fees for watercrafts to be refunded for any error (currently only allowed for registrar/commissioner errors) if the refund is requested within 60 days and the registration is not used or transferred.

Section 10 (Subdivision 3b), Section 56, Section 57 (Subdivision 2), Section 61, and Section 62 (Subdivisions 1 – 5)

Night Bowfishing

Authorizes night bowfishing statewide from May 1 to the last Sunday in February.

Section 11, Subdivision 2

Summary of Game and Fish laws

Technical on delivering supplies of regulations summaries to license agents instead of county auditors.

Section 12 (Subdivision 1), Section 18 (Subdivision 4), Section 20 (Subdivision 7), Section 31 (Subdivision 2), Section 32 (Subdivision 3)

Deer, Bear, and Lifetime Licenses

Various provisions are eliminated related to obsolete multi-zone buck and all-season deer licenses and cross-references are corrected.

Section 13, Subdivision 5

Turkey Account

Technical correction on wild turkey account and deposit of revenues from youth turkey licenses.

Section 14, Subdivision 2

Waterfowl Feeding and Resting Areas

Modifies the electric motor restriction while in waterfowl feeding and resting areas from one with 30 pounds of thrust or less to one that is 12 volts or less.

Section 15, Subdivision 4

Exemption from Certain Local Ordinances

Adds § 97A.137, subdivision 4. Exempts wildlife management areas (WMAs)

that are 160 contiguous acres or larger from local ordinances that limit the use and management of the area, and exempts WMAs that are at least 40 acres but less than 160 acres from ordinances that: restrict trapping, the discharge of archery equipment and certain firearms, or noise; require dogs to be leashed; or otherwise restrict the management of the area.

Section 16, Subdivision 5

Portable Stands

Adds § 97A.137, subdivision 5. Allows a person with a valid bear license, prior to the Saturday on or nearest to September 16, to leave a portable stand in a WMA within 100 yards of a legally tagged and registered bear bait site. Requires a person leaving such a stand to affix their name and address to the stand so that it can be seen from the ground.

Sections 17, 43 and 67

Shining Provisions

Changes provisions on use of artificial lights to spot, locate or take a wild animal while having in possession an implement that could be used to take big game, small game or unprotected wild animals.

Section 18, Subdivision 4

Replacement Licenses

Adds § 97A.405, subdivision 4. Makes technical changes and removes a provision that allowed a person submitting an archery and firearms license for replacement to apply the value of both licenses to the replacement license fee.

Section 19, Subdivision 1

Trapping; Game and Fish Law Violations

Amends § 97A.421, subdivision 1. Adds trapping to the list of game and fish law violations that, when convicted of violating a second time, result in the loss of the annual license.

Section 21, Subdivision 1

Angling; Take a Kid Fishing Weekends

Amends § 97A.445, subdivision 1. Allows those age 16 or older to take a kid fishing under the DNR's "Take a Kid Fishing Weekend."

Section 22, Subdivision 1a

Angling in a State Park

A resident may take fish by angling in a State Park without an angling license

under certain conditions, except in waters where a trout stamp is required.

Section 23, Subdivision 2

Residents Under Age 16; Fishing

Amends § 97A.451, subdivision 2. Allows a resident under the age of 16 years to net ciscoes or whitefish for personal consumption without a license.

Section 24, Subdivision 8

Residents 90 Years of Age or Older; Free Fishing

Residents age 90 or older may take fish without a license.

Section 25, Subdivision 1b

Residents Discharged from Active Service

Specifies that free deer licenses issued to residents with certain military service are valid for deer of either sex.

Sections 26, 27, 28, 29 and Section 30

Resident Lifetime Licenses

Authorizes resident lifetime spearing licenses.

Section 31, Subdivision 2

Resident Hunting

Amends § 97A.475, subdivision 2. Strike multizone license to take antlered deer in more than one zone and strike all season license to take three deer throughout the state in any open deer season, except as restricted under § 97B.305. Other technical language changes.

Section 32, Subdivision 3

Nonresident Hunting

Technical changes to nonresident archery and elimination of multi-zone deer.

Sections 33 and 60

Nonresident Fishing

Allows nonresident spearing and adds a license fee.

Sections 34, 35, and 59

Fish Houses, Dark Houses, and Shelters

Clarifies that a “shelter” in addition to fish and dark houses must be licensed.

Section 37, Subdivision 1

Transporting of Wild Animals

Amends § 97A.525, subdivision 1. Allows a person to transport a wild animal by common carrier if being shipped to a taxidermist, tanner, or fur buyer and eliminates the different requirements for nonresidents and residents.

Section 38, Subdivision 2

Possession of Crossbows

Removes the restriction on possessing crossbows outdoors and removes casing requirements in a motor vehicle during open seasons for game.

Section 39, Subdivision 2

Exception for Disabled Persons

Amends section 97B.045, subdivision 2. Allows a disabled person with a permit to hunt from a vehicle to transport an uncased, unloaded gun.

Section 40, Subdivision 3

Exceptions; Hunting and Shooting Ranges

Addition of section 97B.045, subdivision 3 which provides an exception to gun casing requirements that apply when transporting a firearm.

Section 41

Transportation of Archery Bows

Amends section 97B.051. Removes existing casing requirements for bows provided they are not armed.

Section 42, Subdivision 3

Hunting from a Vehicle by Disabled Hunters

Amends section 97B.055, subdivision 3. Allows the commissioner to issue permits to disabled persons to hunt from a vehicle that are valid for the life of the person. Currently the permits can only be valid for five years, provided the commissioner determines there is no chance the person will become ineligible for a permit.

Section 44

Possession of Night Vision Equipment

Amends section 97B.086, clarifying that restrictions while using night vision equipment apply to all night vision equipment.

Section 45, Subdivision 1

Disabled Hunters; Special Hunt

Amends section 97B.111, subdivision 1 and allows the commissioner to authorize a participant in a special hunt for disabled hunters to allow participants to shoot from a stationary vehicle.

Section 46, Subdivision 3

Baiting and Deer Hunting

Amends section 97B.328, subdivision 3 by modifying the definition of bait for the purposes of restrictions while hunting deer.

Section 47, Subdivisions 1 – 2

Unprotected Mammals and Birds

Importing and exporting live coyotes. A person may not export a live coyote out of the state or import a live coyote into the state unless authorized under a permit from the commissioner.

Section 48, Subdivision 2

Hours for Placing Decoys

Amends section 97B.811, subdivision 2 by extending the hours for placing decoys when hunting waterfowl to two hours before lawful shooting (it currently is one hour).

Section 49, Subdivision 3

Restrictions on Leaving Decoys Unattended

A person may not leave decoys unattended during other times for more than 3 hours.

Section 50, Subdivision 1

Restrictions (Trapping and Firearm Regulations)

Allows a person tending traps for wild animals who is using a light to use the same rimfire firearms as allowed in current law for hunting raccoons with a light.

Section 51, Subdivision 2

Contests Without a Permit

Allows 25 boat minimum for needing a permit (currently 30 participants); exempts rough fish contests and contests with total prize value of \$500 or less.

Section 52, Subdivision 3

Contests Requiring a Permit

Deletes the fee waiver for charitable organizations; cuts the current maximum fees in half.

Section 53, Subdivision 4

Restrictions (Best Practices Certification for Fishing Contests)

Requires the commissioner to develop best practices certification for fishing contests to assure proper handling and release of fish.

Section 54, Subdivision 6

Permit Application Process (Online Web-Based Fishing Contest)

Requires the commissioner to develop an online web-based fishing contest permit application process.

Section 55, Subdivision 9

Permit Restrictions

The commissioner may allow for live release weigh-ins at public accesses.

Section 56

Night Bowfishing; Batteries for Fishing

Batteries used in lighted fishing lures must not contain mercury.

Section 58

Prohibition on Returning Certain Netted Rough Fish to Waters

Prohibits a person from releasing carp and buffalo that are netted back into the water.

Section 59, Subdivision 2

Licensing Requirements (Fish House/Dark House)

Clarifying that a “shelter” in addition to fish and dark houses must be licensed.

Section 60, Subdivision 5

Spearing (Nonresidents)

Permits a nonresident to take fish by spearing.

Section 63, Subdivision 1

Dates for Certain Species

Extends the winter season for lake trout in lakes located entirely within the BWCA to January 1 to March 31.

Section 64

Residents Under Age 16; Small Game

Amends Laws 2008, Ch. 368, Art. 2, Section 25. Extends the effective date, by one year, of a requirement passed last session that would require residents under age 16 to get a free license to hunt small game.

Section 65

Elk Management Plan

Requires the commissioner to develop, present to the Kittson, Marshall, and Roseau County boards, and implement an elk management plan within 180 days of enactment.

Section 66

Rulemaking (Minimum Muskie Size Limit)

Requires the commissioner to amend or adopt rules that establish minimum size limits for muskies on inland waters that establish a 48 inch statewide minimum size limit for muskies and tiger muskies, except for certain lakes managed specifically for tiger muskies in Carver, Dakota, Hennepin, Ramsey, Scott, and Washington Counties, in which case the size limit must be 40 inches. Exempts the rules from the standard rulemaking process under the good cause exemption.

Section 67

Temporary Warning Requirements (Shining)

Violation prior to August 1, 2010 of Minnesota Statutes, section 97B.081, subdivision 2, shall not result in a penalty, but is punishable only by a warning.

Section 68

Zone 3 Deer Season Restrictions

Establishes the dates and restrictions for the Zone 3 (southeastern Minnesota) deer season for 2009.

Section 69

Appropriation (Online Web-Based Fishing Contest)

Appropriates \$15,000 for development of an online web-based fishing contest application system.

Section 70

Let's Go Fishing; Appropriation

\$150,000 in fiscal year 2010 and \$150,000 in fiscal year 2011 are appropriated from

the game and fish fund to the commissioner of natural resources for grants to Let's Go Fishing of Minnesota to provide community outreach to senior citizens, youth and veterans, and for the costs associated with the establishment and recruitment of new chapters. The grants must be matched with cash or in-kind contributions from non-state sources. Numerous work plan and grant requirements are included.

Article 3 State Land Administration

Section 1

Establishment of Boundary Lines Relating to Certain State Land Holdings

Amends § 84.0273. Permits the DNR commissioner to sell, by private sale, surplus lands not needed for natural resource purposes (*except school trust lands*) to adjoining landowners and leaseholders to resolve trespass issues effecting ownership interests of the state or adjoining landowners.

Section 2, Subdivisions 1 - 2

Camp Ripley Buffer Easements

Addition of § 84.0277. Permits the commissioner to acquire perpetual conservation easements from willing landowners consistent with Camp Ripley's Army compatible use buffer project, a three-mile zone around Camp Riley. Establishes payment formulas to be used in calculating the payments.

Section 3

State Parks Additions and Deletions Procedures

Contains DNR recommended state park additions and deletions.

Section 4, Subdivision 13

C. J. Ramstad/Northshore Trail

Changes the name of the Northshore Trail to the C.J. Ramstad/Northshore Trail.

Section 5, Subdivision 13

Conditional Use Permit in Wild and Scenic River District

Allows a local unit of government to issue a conditional use permit in a wild and scenic river district.

Section 6, Subdivision 1

Timber Sales; Land Leases and Uses

Amends § 282.04, subdivision 1. Permits a county auditor, with the approval of the county board, to grant permits, licenses, or leases of tax-forfeited land to be used for facilities needed to recover iron-bearing oxides from tailings basins or

stockpiles, or for a buffer area needed for a mining operation. Raises the maximum time period for such a permit and similar permits from *15 to 25 years*.

Section 7, Subdivision 3

Iron Range Off-Highway Vehicle Recreation Area

Authorizes the commissioner to purchase, lease, or accept land for use as an off-highway vehicle recreation area in the area of the Iron Range.

Section 8, Subdivision 4

Lake Shetek State Park, Murray County

Amends Laws 2008, Ch. 368, Art. 1, § 21, subdivision 4 and corrects a legal description.

Section 9, Subdivision 5

Moose Lake State Park, Carlton County

Amends Laws 2008, Ch. 368, Art. 1, § 21, subdivision 5 and corrects a legal description.

Section 10, Subdivisions 1 – 2

Additions to State Parks

Expands the boundaries of Fort Snelling State Park and Mille Lacs Kathio State Park.

Section 11, Subdivisions 1 – 2

Deletions from State Parks

Removes land from Lake Bemidji State Park and Great River Bluffs State Park.

Section 12

Wind Energy Lease

Requires the DNR commissioner to enter into a 30-year lease of state land with the Mt. Iron Economic Development Authority for the installation of up to four wind turbines and access roads.

Section 13

Lake Vermilion Easements

Requires the DNR commissioner to grant easements across state lands administered by the DNR on Lake Vermilion's Bass Bay in order to access Mud Creek Road. The landowner is required to grant reciprocal easement to the state.

Section 14

Veterans Cemetery

Requires the DNR commissioner to work with the Commissioner of Veterans Affairs to locate sites throughout the state that would be appropriate for a new veterans cemetery.

Section 15

Signs

Requires the DNR commissioner to adopt a suitable marker and sign for the C.J. Ramstad/Northshore Trail.

Article 4 Land Sales

Section 1

Washington County

Authorizes the DNR to sell by public or private sale 31.55 acres of land within the city of Stillwater that was acquired by gift. The land borders Long Lake. (Jackson WMA)

Section 2

Hennepin County

Directs the DNR to sell a 0.199 acre parcel of state acquired land directly to the City of Wayzata for a price not to exceed \$75,000. Requires verification from the city that it has acquired an adjacent parcel.

Section 3

Aitkin County

Authorizes DNR to sell by public sale a total of 9.21 acres of acquired forestry land that borders Big Sandy Lake.

Section 4

Anoka County

Authorizes DNR to sell by private sale to the City of Ham Lake 20 acres of acquired fisheries land. The city currently leases the land for a hiking trail and it would be used in connection with the county's adjoining county park.

Section 5

Beltrami County

Authorizes DNR to sell by public sale 22 acres of school trust land bordering Bass Lake.

Section 6**Beltrami County**

Authorizes DNR to sell by public sale 80 acres of acquired forestry land bordering Grant Creek.

Section 7**Cass County**

Authorizes DNR to sell by public sale 3.03 acres of land acquired as a gift bordering Washburn Lake.

Section 8**Cass County**

Authorizes DNR to sell by public sale 81.15 acres of acquired forestry land, acquired in an exchange in 2001. The land borders Mable Lake.

Section 9**Clearwater County**

Authorizes DNR to sell by private sale 6.89 acres of acquired forestry land with a building (Guthrie Forestry Station). The sale would be to the White Earth Band of Ojibwe. The land may be sold for less than the appraised value, provided that the property reverts to the state if it is no longer used for the public. An easement may be reserved for ingress and egress to adjoining state land.

Section 10**Crow Wing County**

Authorizes DNR to sell by public sale a total of 64.55 acres of acquired forestry land bordering Shaffer Lake.

Section 11**Crow Wing County**

Authorizes DNR to sell by public sale 32 acres of acquired forestry land bordering Pine River.

Section 12**Dakota County**

Allows the City of Egan to use lands it acquired from the state in 1995 for public purposes that were not included in reversionary language of the original land transaction agreement.

Section 13**Fillmore County**

Authorizes the DNR to sell by private sale 4.53 acres of acquired forestry land. The sale would be to the Eagle Bluff Environmental Learning Center for installation of a geothermal heating system.

Section 14**Hennepin County**

Authorizes the DNR to sell by private sale 3.02 acres of acquired land to complete a transfer of small parcels bordering Minnehaha Creek to the City of St. Louis Park.

Section 15**Hubbard County**

Authorizes DNR to sell by public sale 14.6 acres of school trust land bordering Lake Paine.

Section 16**Itasca County**

Authorizes DNR to sell by public sale 0.31 acres of acquired forestry land bordering Eagle Lake.

Section 17**Itasca County**

Provides for distribution of proceeds from the sale of certain tax-forfeited lands in Itasca County.

Section 18**Kittson County**

Authorizes the direct sale of about 33 acres of tax-forfeited land in Kittson County.

Section 19**Murray County**

Authorizes DNR to sell by private sale a road area to Murray Township. Road is being removed from Lake Shetek State Park.

Section 20**Red Lake County**

Authorizes the sale of a few platted tax-forfeited lots in Red Lake County for

conveyance to Red Lake Falls for a city park.

Section 21

St. Louis County

Authorizes DNR to sell by public sale 7.88 acres of school trust land bordering Silver Lake.

Section 22

St. Louis County

Authorizes DNR to sell by public sale 26.5 acres of school trust land bordering St. Mary's Lake. DNR may not sell any of the land that is being used for airport purposes or that is proposed to be used for airport purposes by the City of Eveleth.

Sections 23-27

St. Louis County

Authorizes the sale of tax-forfeited land in St. Louis County.

Section 28

Sherburne County

Authorizes DNR to sell by public sale 40 acres of school trust land bordering Elk River.

Section 29

Todd County

Authorizes DNR to sell by private sale 0.19 acres of acquired wildlife land. The sale would resolve an unintentional trespass by an adjacent owner. (Grey Eagle WMA). A survey in 2003 identified part of a private dwelling and a septic system on state land.

Section 30

Washington County

Authorizes DNR to sell by private sale a total of 0.0755 acres of acquired parks land that is outside the boundary of Afton State Park.

Article 5 Forest and Timber Management

Section 1

Appraised Value Timber Sales; Fiscal Years 2010 and 2011

Requires the DNR to increase the amount of standing timber (stumpage) sold-on-appraised-volume (SOAV) from state lands during fiscal years 2010 and 2011

and evaluate and identify the method, or combination of methods, of selling standing timber that is most efficient and effective in protecting the fiduciary interest of the state. A report on the findings of the evaluation process is to be provided to the Legislature by January 15, 2011.

Section 2

Forest Management Lease-Pilot Project

Requires the DNR to conduct a feasibility study for a pilot project that would lease up to 10,000 acres of state-owned forest lands for management purposes for a term not to exceed 21 years. The DNR would provide the Legislature with a feasibility study/plan for this pilot project by December 15, 2009, and the pilot project would be initiated prior to July 1, 2010. The objective of this study is to determine the cost effectiveness of leasing the management of state forest lands and if a lessee can improve the productivity of these lands through more intensive management. No person or entity may lease more than 3,000 acres and any lessee must comply with the timber harvesting and forest management guidelines developed by the Minnesota Forest Resources Council under section 89A.05 and provide public access. "State-owned forest lands" under this section include school trust lands and university land granted to the state by Congress.

For legislative text (control + click) to follow link:

[Chapter 176](#)

OMNIBUS BONDING BILL

Chapter 93

HF 855

SF 781

Article 1 Capital Improvements

Section 1: Capital Improvement Appropriations

Section 5, Subdivision 1: Natural Resources Appropriations

Section 5, Subdivision 2

Statewide Asset Preservation

For the renovation of state-owned facilities operated by the commissioner of natural resources that can be substantially completed in calendar year 2009, as determined by the commissioner of natural resources, to be spent in accordance with new Minnesota Statutes, section 84.946, including renovation of buildings for energy efficiency, roof replacements, replacement of well and water treatment systems, road resurfacing, major culvert replacement and erosion control, water access rehabilitation, trail resurfacing and widening, and bridge replacement and rehabilitation. The commissioner may use this appropriation to replace buildings if, considering the embedded energy in the building, that is the most energy-efficient and carbon-reducing method of renovation.

Section 5, Subdivision 3

Flood Hazard Mitigation Grants

For the state share of flood hazard mitigation grants for publicly owned capital improvements to prevent or alleviate flood damage under Minnesota Statutes, section 103F.161.

Section 25, Subdivision 1

[84.946] Natural Resources Asset Preservation and Replacement (NRAPR).

Purpose. The legislature recognizes that the Department of Natural Resources owns and operates capital assets that in number, size, and programmatic use differ significantly from the capital assets owned and operated by other state departments and agencies. However, the legislature recognizes the need for standards to aid in categorizing and funding capital projects. The purpose of this section is to provide standards for those natural resource projects that are intended to preserve and replace existing facilities.

Section 25, Subdivision 2

Standards. (a) An appropriation for asset preservation may be used only for a capital expenditure on a capital asset previously owned by the state, within the meaning of generally accepted accounting principles as applied to public expenditures. The commissioner of natural resources will consult with the

commissioner of finance to the extent necessary to ensure this and will furnish the commissioner of finance a list of projects to be financed from the account in order of their priority. The legislature assumes that many projects for preservation and replacement of portions of existing capital assets will constitute betterments and capital improvements within the meaning of the Constitution and capital expenditures under generally accepted accounting principles, and will be financed more efficiently and economically under this section than by direct appropriations for specific projects. (b) An appropriation for asset preservation must not be used to acquire land or to acquire or construct buildings or other facilities. (c) Capital budget expenditures for natural resource asset preservation and replacement projects must be for one or more of the following types of capital projects that support the existing programmatic mission of the department: code compliance including health and safety, Americans with Disabilities Act requirements, hazardous material abatement, access improvement, or air quality improvement; building energy efficiency improvements using current best practices; building or infrastructure repairs necessary to preserve the interior and exterior of existing buildings; or renovation of other existing improvements to land, including but not limited to trails and bridges. (d) Up to ten percent of an appropriation awarded under this section may be used for design costs for projects eligible to be funded from this account in anticipation of future funding from the account.

Section 25, Subdivision 3

Reporting Priorities. The commissioner of natural resources must establish priorities within its natural resource asset preservation and replacement projects. By January 15 of each year, the commissioner must submit to the commissioner of finance and to the chairs of the house and senate committees with jurisdiction over environment and natural resources finance and capital investment a list of the projects that have been paid for with money from a natural resource asset preservation and replacement appropriation during the preceding calendar year as well as a list of those priority projects for which natural resource asset preservation and replacement appropriations will be sought in that year's legislative session.

For legislative text (control + click) to follow link:

[Chapter 93](#)

OMNIBUS CULTURAL & OUTDOOR RESOURCES FINANCE BILL

Chapter 172

HF 1231

SF 1651

SUMMARY

Chapter 172 relates to state government; appropriating money from constitutionally dedicated funds and providing for policy and governance of outdoor heritage, clean water, parks and trails, and arts and cultural heritage purposes.

Article 1: Outdoor Heritage Fund

Section 1: Outdoor Heritage Appropriation

Definition of appropriations to agencies and specified purposes in this article.

Section 2, Subdivision 1: Outdoor Heritage: Total Appropriation

Section 2, Subdivision 2: Prairies

(a) Accelerated Prairie and Grassland Management

\$1,700,000 in FY 2010 to accelerate the restoration and enhancement of native prairie vegetation on public lands, including roadsides.

(b) Green Corridor Legacy Program

\$1,617,000 in FY 2010 for an agreement with the Southwest Initiative Foundation or successor to acquire land for purposes allowed under Article XI, Section 15 of the constitution in Redwood County to be added to the state outdoor recreation system as defined in Minnesota Statutes, Chapter 86A.

(c) Prairie Heritage Fund – Acquisition & Restoration

\$3,000,000 in fiscal year 2010 for an agreement with Pheasants Forever or successor to acquire and restore land to be added to the state wildlife management area system.

(d) Accelerated Prairie Grassland Wildlife

\$3,913,000 in fiscal year 2010 to acquire land for wildlife management areas with native prairie or grassland habitats.

(e) Northern Tall Grass Prairie National Wildlife Refuge Protection

\$1,583,000 in fiscal year 2010 for an agreement with the United States Fish and Wildlife Service to acquire land or permanent easements within the Northern Tall Grass Prairie Habitat Preservation Area in western Minnesota.

(f) Bluffland Prairie Protection Initiative

\$500,000 in fiscal year 2010 for an agreement with the Minnesota Land Trust or successor to acquire permanent easements protecting critical prairie and grassland habitats in the blufflands in southeastern Minnesota.

(g) Rum River – Cedar Creek Initiatives

\$1,900,000 in fiscal year 2010 for an agreement with Anoka County to acquire land at the confluence of the Rum River and Cedar Creek in Anoka County.

Section 2, Subdivision 3: Forests

\$18,000,000 in fiscal year 2010/\$18,000,000 in fiscal year 2011 to acquire land or permanent working forest easements on private forests in areas identified through the Minnesota Forests for the Future Program. The fiscal year 2011 appropriation is available only for acquisitions that by August 15, 2009 are subject to a binding agreement with the Commissioner and matched by at least \$9 million in private donations.

Section 2, Subdivision 4: Wetlands

\$11,478,000 in fiscal year 2010/\$0 in fiscal year 2011. Appropriations in this subdivision are consistent with LOHC recommendations.

(a) Accelerated Wildlife Management Area Acquisition

\$2,900,000 in fiscal year 2010 to acquire land for wildlife management areas.

(b) Accelerated Shallow Lake Restorations and Enhancements

\$2,528,000 in fiscal year 2010 for an agreement with Ducks Unlimited, Inc. or successor to restore and enhance shallow lake habitats. Up to \$400,000 of this appropriation may be used for permanent easements related to shallow lake restorations and enhancements.

(c) Accelerate the Waterfowl Production Area Program in Minnesota

\$5,600,000 in fiscal year 2010 for an agreement with Pheasants Forever or successor to acquire and restore wetland and related upland habitats, in cooperation with the United States Fish and Wildlife Service and Ducks Unlimited, Inc. or successor, to be managed as waterfowl production areas.

(d) Shallow Lake Critical Shoreland

\$450,000 in fiscal year 2010 for an agreement with Ducks Unlimited, Inc. or successor to protect habitat by acquiring land associated with shallow lakes.

Section 2, Subdivision 5: Fish, Game, and Wildlife Habitat

\$13,903,000 in fiscal year 2010/\$0 in fiscal year 2011.

(a) Outdoor Heritage Conservation Partners Grant Program

This subdivision appropriates \$4 million to DNR for a competitive, matching grants program. The appropriation is available until June 30, 2013. Some specifics of this section include: Up to 6 1/2 % of the appropriation may be used for administrative costs. The program is established as a pilot program. The legislative guide described in Article 5, Section 8 must consider whether DNR or other entities should administer this program in future years; wildlife habitat projects must conform to the state wildlife action plan, which is a DNR plan focused on species of greatest conservation need; the DNR is required to report on the feasibility of creating a Minnesota fish and wildlife foundation modeled after the National Fish and Wildlife Foundation before proceeding with the appropriation.

(b) Aquatic Management Area Acquisition

\$5,748,000 in fiscal year 2010 to acquire land in fee title and easement to be added to the state aquatic management area system.

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

\$2,050,000 in fiscal year 2010 for an agreement with Trout Unlimited or successor to restore, enhance, and protect cold water river and stream habitats in Minnesota.

(d) Dakota County Habitat Protection

\$1,000,000 in fiscal year 2010 for an agreement with Dakota County for acquisition of permanent easements.

(e) Lake Rebecca Water Quality Improvement Project

\$450,000 in fiscal year 2010 for an agreement with the Three Rivers Park District to improve the water quality in Lake Rebecca in Lake Rebecca Park Reserve in Hennepin County.

(f) Fountain Lake Fish Barriers

\$655,000 in fiscal year 2010 for an agreement with the Shell Rock River Watershed district to construct fish barriers at three locations on Fountain Lake. Land acquisition necessary for fish barrier construction is permitted.

Section 2, Subdivision 6: Administration and Other

\$880,000 in fiscal year 2010/\$0 in fiscal year 2011.

(a) Contract Management

\$175,000 in fiscal year 2010 is for contract management in fiscal years 2010 and 2011.

(b) Legislative Coordinating Commission

\$705,000 in fiscal year 2010 to the LCC for administrative expenses of the Lessard Outdoor Heritage Council. Up to \$100,000 may be transferred to the game and fish fund as reimbursement for advances to the Lessard Outdoor Heritage Council made in fiscal year 2009.

Section 2, Subdivision 7: Availability of Appropriation

Section 2, Subdivision 8: Cash Advances

Section 2, Subdivision 9: Accomplishment Plans

Section 2, Subdivision 10: Project Requirements

Section 2, Subdivision 11: Payment Conditions and Capital Equipment Expenditures

Section 2, Subdivision 12: Purchase of Recycled and Recyclable Materials

Section 2, Subdivision 13: Accessibility

Section 2, Subdivision 14: Land Acquisition Restrictions

Section 2, Subdivision 15: Real Property Interest Report

Section 2, Subdivision 16: Protect; Definition

For purposes of appropriations in this article, the word protect is defined in this subdivision. The definition contained in subdivision differs from the definition in Article 5, Sec. 3.

Section 3: Lessard Outdoor Heritage Council

This section amends existing statute related to the LOHC and moves administration of the LOHC from DNR to the legislative Coordinating Commission (LCC).

Section 4, Subdivision 3: Council Recommendations

This section requires LOHC recommendations to achieve, rather than consider outcomes of existing plans. This section adds language requiring the Council to work with a number of other institutions and implement a public involvement process in developing recommendations, requires the LOHC to establish

objectives based on DNR ecological regions and sub-regions, and requires submission to the LCC of a 10-year plan and 25 year framework.

Section 5, Subdivision 6: Audit

This section changes LOHC audit requirements from an independent auditor to the legislative auditor.

Section 6: Legislative Oversight

This section modifies language on legislative oversight to reflect the change in LOHC administration from the DNR to the LCC.

Section 7: Appropriations; Forest Protection Reserve

\$2,000,000 in fiscal year 2010 is appropriated to the Commissioner of Agriculture to identify, prevent, and protect Minnesota forests from plant pests. The Department of Agriculture (MDA) is to coordinate efforts with the Forest Resources Council, DNR, and the Forest Protection Task Force.

Section 8: Revisor's Instruction

This section changes the name of the LOHC to the Lessard-Sams Outdoor Heritage Council.

Article 2: Clean Water Fund

Article 2 continues the water quality assessment, TMDL development, and restoration and protection activities that were started last biennium under one time funding within the Divisions of Ecological Resources and Waters, and includes funding to further expand activities within the Division of Fish and Wildlife. It accelerates the development of county geologic atlases. It also implements the development of Mississippi critical area rules, and includes funding for the new High Resolution Elevation Data (LiDAR) technology.

Section 1: Clean Water Fund Appropriations.

Definition of appropriations to agencies and specified purposes in this article.

Section 5: Department of Natural Resources (Appropriations)

\$6,690,000 in fiscal year 2010/ \$7,835,000 in fiscal year 2011

(a) Water Quality Assessments

\$1,240,000 in fiscal year 2010/ \$2,460,000 in fiscal year 2011

This section will allow the continuation of stream flow monitoring, watershed delineation and drainage modeling activities; the coordination of hydrologic and

hydraulic input for TMDL development; and lake indicators of biotic integrity assessments and fish mercury assessments. This section also provides support for lake and stream surveys to support identification of impaired waters.

(b) Drinking Water Source Planning & Protection

\$600,000 in fiscal year 2010/ \$525,000 in fiscal year 2011

This section is to provide for drinking water protection by identifying specific issues, determining protection thresholds and developing a statewide plan for groundwater monitoring.

(c) TMDL Study Development & Implementation

\$1,050,000 in fiscal year 2010/\$1,050,000 in fiscal year 2011

This section provides for ecological, biological, and hydrological technical assistance for TMDL development and web-based tools for assessing watersheds in implementation and restoration planning.

(d) High-Resolution Digital Elevation Data

\$2,800,000 in fiscal year 2010/\$2,800,000 in fiscal year 2011

This section provides for the acquisition of LiDAR imagery which is useful for watershed delineation, the identification of topographic features such as bluffs or other steep slopes, sediment movement, floodplain delineation and others.

(e) Critical Areas Act Program Rulemaking and Public Notification

\$250,000 in fiscal year 2010/\$250,000 in fiscal year 2011

This section provides funding to develop rules for zoning to be implemented by local government units for the Critical are corridor along the Mississippi River through the twin cities.

(f) County Geologic Atlas

\$500,000 in fiscal year 2010/\$500,000 in fiscal year 2011

This section provides funds to accelerate the county geologic atlas program which is becoming a key information source for local and state groundwater planning and management activities.

(g) Nonpoint Source Restoration, Protection, and Preservation

\$250,000 in fiscal year 2010/\$250,000 in fiscal year 2011

This section provides funds for nonpoint source restoration and protection activities such as fisheries nonpoint restoration and protection, shoreland management outreach, and web-based technical assistance for shoreland management.

Article 3: Parks & Trails Fund

Article 3 provides appropriations from the parks and trails fund to the DNR for state parks and trails and to the Metropolitan Council for metropolitan regional parks and trails. The article establishes a grant program to be administered by the DNR to provide grants to parks and trails of regional or statewide significance and provides funding for the program. The article also establishes the Minnesota Naturalist Corps.

Section 1: Parks and Trails Fund Appropriations.

Definition of appropriations to agencies and specified purposes in this article.

Section 2: Natural Resources

\$16,861,000 in fiscal year 2010/\$20,040,000 in fiscal year 2011

(a) Long Term Plan for Parks & Trails

\$250,000 in fiscal year 2010/\$0 in fiscal year 2011

(b) State Parks, Recreation Areas, and Trails

\$12,641,000 in fiscal year 2010/\$15,140,000 in fiscal year 2011

Money is appropriated to: (1) connect people to the outdoors, (2) accelerate natural resource management, restoration, and protection activities at state parks, and (3) accelerate facility maintenance and rehabilitation, including energy-efficiency improvements and the use of renewable sources of energy, such as solar energy.

(c) Contract with Minnesota Conservation Corps

The commissioner shall contract services with the Minnesota Conservation Corps for restoration, maintenance, and other activities under this section for at least \$600,000 in fiscal year 2010 and \$1,000,000 in fiscal year 2011.

(d) Parks & Trails Grants Program

\$3,970,000 in fiscal year 2010/\$4,900,000 in fiscal year 2011 for grants under new Minnesota Statutes, section 85.535, to parks and trails recognized as meeting the constitutional requirement of being a park or trail of regional or statewide significance. Grants under this section must be used only for acquisition, development, restoration, and maintenance. Of this amount, \$500,000 the first year and \$600,000 the second year are for grants for solar energy projects.

(e) Other Requirements

This language requires the Commissioner to develop a ten-year strategic plan for state parks and trails, submit an annual report on the expenditure of the money, and to the extent possible, plant vegetation or sow seed only of ecotypes native to Minnesota.

Section 3: Metropolitan Council

This section appropriates the same amount to the Met Council as DNR.

Section 4: University of Minnesota

This section appropriates \$400,000 to the U of M Center for Changing Landscapes (CCL) to create a statewide parks and trails framework and inventory.

Section 5: Legislative Coordinating Commission

This section appropriates \$15,000 (first year) for the Legislative Coordinating Commission for the Web site required under this act.

Section 6, Subdivision 1: Creation of a Parks and Trails Inventory, Framework, and Plan

The University of Minnesota Center for Changing Landscapes is directed to do an inventory of parks and trail facilities throughout the state. This technical analysis will provide much of the information that DNR will use in the development of the collaborative plan in defined in subdivision 2.

Section 6, Subdivision 2: State and Regional Parks and Trails Plan

The Commissioner of the Department of Natural Resources is responsible for creating a collaborative ten year and 25 year plan for the use of funding. The plans are due by February 15, 2011.

Section 6, Subdivision 3: Parks and Trails Budget Analysis

The Commissioner of the Department of Natural Resources, in consultation with the commissioner of finance, shall estimate the total amount of funding available from all sources, including the parks and trails fund, for parks and trails over the next ten to 25 years. A range of estimates shall be developed to reflect different funding scenarios based on economic and other factors. This information shall be used in preparation of the ten-year strategic parks and trails plan and the 25-year long-range plan. The commissioner shall submit the estimates by August 1, 2009 and submit them to respective committee chairs.

Section 8 [84.992], Subdivisions 1 - 7: Minnesota Naturalist Corps

Establishment of the Minnesota Naturalist Corps, program development, training and mentoring, uniform patch, eligibility, corps member status and employee displacement are covered.

Section 9: [85.535], Subdivisions 1 – 4: Parks and Trails Grant Program

The commissioner of natural resources shall administer a program to provide grants from the parks and trails fund to support parks and trails of regional or statewide significance. Eligibility for grants, priorities, match, and rule exemption are covered in other subdivisions under this section.

Article 5: Governance; General Provisions

Section 1: Application

The definitions of “enhance,” “protect,” and “restore” in section 84.02 apply to all funds appropriated and purposes authorized under the clean water fund, parks and trails fund, and outdoor heritage fund.

Section 2, Subdivision 10: Constitutionally Dedicated Funding Accountability

Requires that the LCC create a web site to provide information to the public on use of all four funds including summaries of both proposed and funded projects, measured outcomes and evaluation, education on relevant issues, frameworks developed for each fund, and application information for each fund. The cost of the website is directed to come from each of the four funds proportionally.

Section 3: Enhance

Amends M.S. 84.02 by adding a subdivision to define “Enhance”.

Subdivision 4a. Enhance. "Enhance" means to improve in value, quality, and desirability in order to increase the ecological value of the land or water.

Section 4: Protect

Amends M.S. 84.02 by adding a subdivision to define “Protect”.

Subdivision 6a. Protect. "Protect" means protect or preserve ecological systems to maintain active and healthy ecosystems and prevent future degradation including, but not limited to, purchase in fee or easement.

Section 5: Restore

Amends M.S. 84.02 by adding a subdivision to define “Restore”.

Subdivision 6b. Restore. "Restore" means renewing degraded, damaged, or destroyed ecosystems through active human intervention to achieve high-quality ecosystems.

Section 6: Parks and Trails Fund

This section amends M.S. 85.53 providing definitions establishment of the parks and trails fund. Also defines what criteria funded projects need to meet and how projects should dispersed and tracked.

Section 7: Clean Water Fund

This section amends M.S. 114D.50 by establishing the clean water fund, the purposes for which the fund can be spent, and establishes the sustainable drinking water account as an account in the clean water fund. This section also includes requirements for expenditures, accountability, and data availability. It includes additional reporting and administration requirements, which will increase the administrative burden on the Clean Water Fund.

Section 8: Legislative Guide

This section requires a 2010-2015 legislative guide for the four funds be developed jointly by legislative committees and the LOHC, and presented to the legislature by January 15, 2010 for action. The guide is to include principles for future expenditures, desired outcomes, a “general statement applicable to later years for these funds”, and consideration of alternative financing methods to be considered for future appropriations.

Section 9: 25-Year Strategic Plan

This section requires a 25-year strategic plan be developed by January 15, 2011 by the legislative committees, divisions, or councils responsible for recommending expenditures for the four funds. The plan must be updated every five years. Both the Outdoor Heritage and Clean Water Fund plans are required to achieve results across all ecological sections of the state.

Section 10: Logo

This section requires the Minnesota Board of Arts to sponsor a contest to select the logo design to be used on projects that receive funding for the dedicated sales tax. This is needed for sign as well as part of the patch for Naturalist Corps program.

For legislative text (control + click) to follow link:

[Chapter 172](#)

**LCCMR
Appropriations
Chapter 143**

SF 1012

HF 2049

Section. 1: Appropriations:

Sums shown in the columns marked “appropriations” are appropriated to agencies and for the purposes specified in this act. The appropriations are from the environment and natural resources trust fund or another named fund and are available for the fiscal years indicated for each purpose.

Section 2, Subdivision 1:	Total Appropriations
Section 2, Subdivision 2:	Definitions
Section 2, Subdivision 3:	Natural Resource Data and Information
Section 2, Subdivision 4:	Land, Habitat, and Recreation
Section 2, Subdivision 5:	Water Resources
Section 2, Subdivision 6:	Aquatic and Terrestrial Invasive Species
Section 2, Subdivision 7:	Energy
Section 2, Subdivision 8:	Administration and Other
Section 2, Subdivision 9:	Availability of Appropriations
Section 2, Subdivision 10:	Data Availability Requirements
Section 2, Subdivision 11:	Project Requirements
Section 2, Subdivision 12:	Payment Conditions & Capital Equipment Expenditures
Section 2, Subdivision 13:	Purchase of Recycled & Recyclable Materials
Section 2, Subdivision 14:	Energy Conservation & Sustainable Building Guidelines
Section 2, Subdivision 15:	Accessibility
Section 2, Subdivision 16:	Carryforward
Section 3, Subdivision 2:	Duties
Section 4, Subdivision 4:	Legislative Recommendations
Section 5	Minnesota Statutes 2008, Sec. 116P.10, amended.

For legislative text (control + click) to follow link:

[Chapter 143](#)

OMNIBUS AGRICULTURE & VETERANS AFFAIRS

Chapter 94

HF 1122

SF 1779

Article 1, Section 3, Subdivision 2

\$75,000 the first year and \$75,000 the second year are for compensation for destroyed or crippled animals under Minnesota Statutes, section 3.737. If the amount in the first year is insufficient, the amount in the second year is available in the first year.

Article 1, Section 89, Subdivision 1

Duties; Generally. (a) The commissioner shall do all things the commissioner determines are necessary to preserve, protect, and propagate desirable species of wild animals. The commissioner shall make special provisions for the management of fish and wildlife to ensure recreational opportunities for anglers and hunters. The commissioner shall acquire wild animals for breeding or stocking and may dispose of or destroy undesirable or predatory wild animals and their dens, nests, houses, or dams. (b) Notwithstanding chapters 17 and 35, the commissioner, in consultation with the commissioner of agriculture and the executive director of the Board of Animal Health, may capture or control nonnative or domestic animals that are released, have escaped, or are otherwise running at large and causing damage to natural resources or agricultural lands, or that are posing a threat to wildlife, domestic animals, or human health. The commissioner may work with other agencies to assist in the capture or control and may authorize persons to take such animals.

Article 1, Section 103

Feral Swine Report

The commissioner of natural resources, in coordination with the commissioner of agriculture and the executive director of the Board of Animal Health, shall develop a report and recommend any necessary changes to state policies, authorities, and penalties related to feral swine and other nonnative or domestic animals released, that have escaped, or that are otherwise running at large. The agencies shall consult with interested stakeholders. No later than January 15, 2010, the commissioner of natural resources shall submit the report to the legislative committees with jurisdiction over natural resources or agriculture policy or finance.

For legislative text (control + click) to follow link:

[Chapter 94](#)

OMNIBUS TAX POLICY

Chapter 88

HF 1288

SF 1257

Article 12, Section 22

Appropriation

\$680,000 in fiscal year 2010 and \$680,000 in fiscal year 2011 are appropriated from the general fund to the commissioner of natural resources to be used to cover the costs associated with issuing mining permits. This is a onetime appropriation and does not become part of the agency's base budget.

For legislative text (control + click) to follow link:

[Chapter 88](#)

PUBLIC WATERS TEMPORARY DRAWDOWN

Chapter 48

SF 640

HF 1539

Chapter 48 identifies the conditions under which the commissioner may issue a public waters work permit for the temporary drawdown of a public water body. The procedures in this bill do not apply to public waters that have been designated for wildlife management under section 97A.101. The bill provides for public projects with public benefits to proceed in a planned manner. A majority of the landowners around the public water must provide written permission for the drawdown.

Section 1

[103G.408] TEMPORARY DRAWDOWN OF PUBLIC WATERS.

- (a) The commissioner, upon consideration of recommendations and objections as provided in clause (4) and paragraph (c), may issue a public waters work permit for the temporary drawdown of a public water when:
- (1) the permit applicant is a public entity;
 - (2) the commissioner deems the project to be beneficial and makes findings of fact that the drawdown is in the public interest;
 - (3) the permit applicant has obtained permission from at least 75 percent of the riparian landowners; and
 - (4) the permit applicant has conducted a public hearing according to paragraph (d).
- (b) In addition to the requirements in section 103G.301, subdivision 6, the permit applicant shall serve a copy of the application on each county, municipality, and watershed management organization, if one exists, within which any portion of the public water is located and on the lake improvement district, if one exists.
- (c) A county, municipality, watershed district, watershed management organization, or lake improvement district required to be served under paragraph (b) or section 103G.301, subdivision 6, may file a written recommendation for the issuance of a permit or an objection to the issuance of a permit with the commissioner within 30 days after receiving a copy of the application.
- (d) The hearing notice for a public hearing under paragraph (a), clause (4), must:
- (1) include the date, place, and time for the hearing;
 - (2) include the waters affected and a description of the proposed project;
 - (3) be mailed to the director, the county auditor, the clerk or mayor of a municipality, the lake improvement district if one exists, the watershed district or water management organization, the soil and water conservation

district, and all riparian owners of record affected by the application; and
(4) be published in a newspaper of general circulation in the affected area.
(e) This section does not apply to public waters that have been designated for
wildlife management under section 97A.101.

For legislative text (control + click) to follow link:
[Chapter 48](#)

NONCONFORMING LOTS IN SHORELAND AREAS REGULATED

Chapter 148

HF 519

SF 747

Chapter 148 establishes standards to be used by city and county zoning authorities to regulate nonconforming lots of record in shoreland areas. Numerous bills have been introduced to the legislature to deal with various nonconforming lot situations, especially when the property owner is trying to sell part of their property consisting of one or more nonconforming lots. Chapter 148 addresses most of these situations.

- In both cities and counties, structures on nonconforming lots may generally be continued but not expanded in shoreland areas. When they are destroyed in excess of 50% of their value, reasonable conditions may be imposed to bring them into conformity or to make them less nonconforming.
- When structures are destroyed (greater than 50% of value) that are set back less than 50% of the required setback from the water, the setback may be increased if practicable and reasonable conditions be imposed to mitigate impacts.
- Single nonconforming lots may be built on without variances from lot size requirements if structure and septic system setbacks can be met, a type 1 sewage treatment system can be installed or the lot is connected to public sewer and the impervious surface coverage does not exceed 25%.
- For two or more contiguous lots in common ownership, an individual lot must meet at least 66% of the lot width and lot size requirement (as opposed to 100% in the current rules) must be connected to a public sewer or be suitable for a type 1 sewage treatment system, must have no more than 25% impervious surface coverage, and be consistent with the adopted local comprehensive plan. A lot not meeting these requirements must be combined with one or more other contiguous lots to form one or more conforming lots as much as possible.
- Notwithstanding the above requirements, nonconforming lots of record that contained habitable structures when they come under common ownership and meet sewage treatment requirements can be sold or purchased individually.

For legislative text (control + click) to follow link:

[Chapter 148](#)

GREAT RIVER RIDGE TRAIL

Chapter 11

HF 865

SF983

Wabasha and Olmsted Counties; Great River Ridge Trail established.

Section 1, Subdivision 26

Minnesota Statutes 2008, section 85.015, is amended by adding a subdivision to read:

Subdivision 27. Great River Ridge Trail, Wabasha and Olmsted Counties.

The trail shall originate in the city of Plainview in Wabasha County and extend southwesterly through the city of Elgin in Wabasha County and the town of Viola in Olmsted County to the Chester Woods Trail in Olmsted County.

EFFECTIVE DATE. This section is effective retroactively from June 2, 2006.

For legislative text (control + click) to follow link:

[Chapter 11](#)

MINI TRUCK USE AND REGULATION

Chapter 158

SF 492

HF 571

This bill authorizes mini truck operation on local streets and highways under a special permit issued by the local unit of government. The bill also authorizes peace officers to issue administrative citations for certain traffic offenses.

Section 1 Information Collected from Local Governments

Adds administrative fines data to the list of information that the state auditor collects annually from all local units of government.

Section 2 Mini Truck

Defines a “mini truck”.

Section 3 Special Vehicle Use on Roadway

Authorizes counties, cities, and towns to issue special permits for mini trucks to be driven on that political subdivision’s roads.

Section 4 Traffic Citation Quota Prohibited

Prohibits law enforcement agencies from mandating a quota for administrative citations.

Section 5 Form

Exempts administrative citations from the requirements of the uniform traffic citation.

Section 6 Administrative Penalties for Certain Traffic Offenses

Section 7 Surcharges on Criminal and Traffic Offenders.

Declares that the criminal surcharge does not apply to administrative citations issued pursuant to section 6.

Section 8 Commissioner of Public Safety; Revise Uniform Citation

Section 9 Severability

Section 10 Effective Date

For legislative text (control + click) to follow link:

[Chapter 158](#)

BWSR Provisions

OMNIBUS ENVIRONMENT & NATURAL RESOURCES APPROPRIATIONS

Chapter 37

HF 2123

SF 1651

Article 1, Section 5: Overview

Section 5 contains provisions dealing with cost share grants, natural resource block grants, SWCD General Service Grants, funding for Red River Basin Commissioner and the MN River JBP, and BWSR Administration. *Refer to bill for appropriation information.*

Chapter 37 also contains the following rider language provisions:

- Cost-share program has been provided greater flexibility. Now the Board is allowed to shift cost-share funds and to adjust the technical and administrative assistance portion of the grant to leverage federal funds or to address high-priority projects identified in local water management plans.
- Native seed language also was adjusted to provide greater flexibility by stating, "To the extent possible, any person conducting a restoration with money appropriated in this section must plant vegetation or sow seed only of ecotypes native to Minnesota, and preferably of the local ecotype, using a high diversity of species originating from as close to the restoration site as possible, and protect existing native prairies from genetic contamination".
- Increased accountability and reporting requirements, as outlined in the following language, "A recipient of a grant funded by an appropriation under this section shall display on its Web site detailed information on the expenditure of the grant funds, and measurable outcomes as a result of the expenditure of funds, and submit this information to the board by June 30 each year. A recipient without an active Web site shall report to the board by June 30 each year detailed information on the expenditure of the grant funds, and measurable outcomes as a result of the expenditure of funds. The board shall display the information received by recipients under this paragraph on the board's Web site".

For legislative text (control + click) to follow link:

[Chapter 37](#)

BWSR Provisions

OMNIBUS CULTURAL & OUTDOOR RESOURCES FINANCE BILL

Chapter 172

HF 1231

SF 1651

Constitutionally Dedicated Funding Governance Provision:

The Legislative Coordinating Commission (LCC) will develop and maintain a user-friendly, public-oriented website that informs, educates and demonstrates how the funds are being expended to meet the requirements of the constitution. Must include proposed measurable outcomes, the plan for measuring outcomes, and the measured outcomes and evaluation of the projects.

Clean Water Fund

Buffer Easements

Purchase and restore permanent conservation easements on riparian buffers adjacent to public waters, except wetlands. Buffers must be at least 50 ft where possible and no more than 100 ft. May be used for restoration of riparian buffers and stream bank restoration. *Refer to bill for appropriation information.*

Wellhead Protection Conservation Easements

Permanent Conservation Easements on wellhead protection areas under M.S. 103F.515, Subdivision 2, paragraph (d). Must be in drinking water supply management areas (DWSMA) designated as high or very high by the Commissioner of Health. *Refer to bill for appropriation information.*

WD/WMO BMPs

Grants to WDs and WMOs for: 1) structural or vegetative practices that reduce storm water runoff from developed or disturbed lands or 2) to leverage federal funds for restoration, protection or enhancement of water quality in surface waters and to protect groundwater. Must have long lasting benefit, include local match (which can be staff/admin), and be consistent with TMDL implementation plans or local water management plans. Priority may be given to school projects that demonstrate water retention practices. *Refer to bill for appropriation information.*

Non-Point Implementation Grants

Grants to WDs, WMOs, Counties and SWCDs to keep water on the land and to protect, enhance, and restore water quality in lakes, rivers and streams and to protect groundwater and drinking water. Must have long-lasting benefit, include local match, and be consistent with TMDL implementation plans or local water

management plans. Priority may be given to school projects that demonstrate water retention practices. *Refer to bill for appropriation information.*

Anoka Conservation District

Seven-county metropolitan landscape restoration program for water quality and improvement projects. *Refer to bill for appropriation information.*

Feedlot Water Quality Improvement Grants: For feedlots under 300 animal units on riparian land, to include water quality assessment to determine the effectiveness in protecting, enhancing and restoring water quality in lakes, rivers and streams and in protecting groundwater from degradation. *Refer to bill for appropriation information.*

Stream Bank, Stream Channel, and Shoreline

- **Conservation Drainage:** Technical assistance and grants to establish a conservation drainage program in consultation with the DWG. Program consists of projects to retrofit existing drainage systems with water quality practices, evaluate outcomes, and provide outreach. *Refer to bill for appropriation information.*
- **Hennepin County:** Grant for riparian restoration and stream bank stabilization in the 10 primary stream systems in Hennepin County. County will work with WDs and WMOs to identify and prioritize projects. To the extent possible, county shall employ youth through MCC and Tree Trust. Must be matched by non-state sources, including in-kind contributions. *Refer to bill for appropriation information.*

Oversight, Support, Accountability Reporting

Includes an annual report to the legislature prepared jointly with DNR and MPCA, detailing recipients and projects funded; anticipated water quality benefits; relationship of restoration projects to TMDL load allocations; relationship of protection projects to monitored water quality trends; and individual county progress in implementing SSTS programs and upgrading open lot feedlots <300 AU in shoreland areas. Organizations receiving grants shall provide information to BWSR. BWSR will require grantees to specify outcomes achieved by the grants prior to any grant awards. *Refer to bill for appropriation information.*

Technical Assistance and Engineering

Targeted nonpoint restoration technical assistance and engineering. *Refer to bill for appropriation information.*

SSTS Programs

Grants to counties to implement SSTS programs including inventories, enforcement, development of databases, and systems to insure SSTS maintenance reporting program results to BWSR and the MPCA and base grants. Priority must be given to protection of lakes, rivers and streams. Grants can only be provided to counties that have adopted SSTS ordinances and can demonstrate enforcement of the ordinances. *Refer to bill for appropriation information.*

Imminent Health Threat Systems

Grants to address imminent health threat and failing SSTS. *Refer to bill for appropriation information.*

Outdoor Heritage Fund 2010

RIM Wetlands Reserve Program

In cooperation with USDA WRP, a list of proposed acquisitions and a list of proposed projects, describing types and locations of restorations, must be provided as part of the required accomplishment report. *Refer to bill for appropriation information.*

BWSR Provisions

OMNIBUS BONDING BILL

Chapter 93

HF 855

SF 781

Red River Valley Flood Relief Bill

RIM Reserve Program and Disaster Relief: Refer to bill for appropriation information.

- RIM Easements on marginal land.
- Erosion, Sediment and water quality control cost share program.
- Red River Basin Commission Grant: Comprehensive plan to address, mitigate, and respond to flooding and related water quality and land conservation issues. Commission will report to the legislature progress on goals and outcomes by January 15, 2010. Any remaining money can be used to implement the plan
- Cost share program waivers provided in the same manner as for the southeast flood.

BWSR Provisions

OMNIBUS ENVIRONMENT & NATURAL RESOURCES POLICY

Chapter 176

HF 1237

HF 1110

- Carbon sequestration added as a wetland functions based on broad scientific findings, but defers incorporation into rulemaking until after August 2009 so that the current Wetland Conservation Act rulemaking now nearly completed is uninterrupted.
- Counties provided the flexibility to derive their local grant matching contribution to the local water planning program grant from a source other than a dedicated levy.
- Efficiency and flexibility changes to update the state's conservation cost share program.
- Reinvest in Minnesota (RIM) Reserve Law updated.
- BWSR Board Membership Expanded.

BWSR Provisions

LCCMR Appropriations

Chapter 143

SF 1012

HF 2049

Soil Survey

Continuation of county soil survey program. *Refer to bill for appropriation information.*

Statewide Ecological Ranking of CRP and other Critical Lands

Determining ecologically critical lands to better target conservation program efforts. In cooperation with the University of Minnesota. *Refer to bill for appropriation information.*

MN Farm Bill Assistance Program

Funding technical staff to implement provisions of conservation programs in the federal farm bill. *Refer to bill for appropriation information.*

For text of legislation (control + click) to follow link:

Chapter 37: [Chapter 37](#)

Chapter 172: [Chapter 172](#)

Chapter 93: [Chapter 93](#)

Chapter 176: [Chapter 176](#)

Chapter 143: [Chapter 143](#)

REPEALERS

1

Laws 2009, Chapter 37

Repealer: Laws 2008, Chapter 363, Article 5, Section 30 (mining administration fees).

2

Laws 2009, Chapter 176, Article 1

Repealer: Minnesota Statutes 2008, sections 84.796, 84.805, 84.929 (ATV violation penalties in relation to the new confiscation law).

3

Laws 2009, Chapter 176, Article 1

Repealer: Minnesota Statutes 2008, section 85.0505 (food and beverage service language related to John A. Latsch State Park).

4

Laws 2009, Chapter 176, Article 2

Repealer: Minnesota Statutes 2008, section 97A.525, subdivision 2 (nonresident transportation of wild animals by common carrier); section 97B.301, subdivisions 7 and 8 (all season and multi-zone deer license provisions); and section 97C.405 (statutory muskie minimum size that is being put into rule).

2009

LINE-ITEM VETO INFORMATION

1

Chapter 37 (HF 2123): Environment & Natural Resources Finance Bill.

Line-Item Veto: \$15,080,000 biennial appropriation from the Environmental Fund for surface water assessment and monitoring.

For text of veto message (control + click) to follow link:

Veto Message: [Chapter 37](#)

2

Chapter 93 (HF 855): Capital Investment Bill.

Line-Item Veto: \$25,000,000 for the Bell Museum of Natural History

For text of veto message (control + click) to follow link:

Veto Message: [Chapter 93](#)

3

Chapter 172 (HF 1231): Cultural & Outdoor Heritage Finance Bill.

Line-Item Veto: \$200,000 appropriation for grants to the Star Lake Board.

For text of veto message (control + click) to follow link:

Veto Message: [Chapter 172](#)