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HOUSE FILE No. 2957

FIRST COMMITTEE ENGROSSMENT

February 14, 2008

Authored by Wagenius, Rukavina, Ozment, Tschumper, Juhnke and others
The bill was read for the first time and referred to the Committee on Finance

Referred by Chair to Environment and Natural Resources Finance Division.

February 25, 2008

Returned to the Committee on Finance as Amended.

1.1 A bill for an act
1.2 relating to capital improvements; authorizing spending to acquire public lands
1.3 and buildings and for other improvements of a capital nature; appropriating
1.4 money for environmental and natural resources capital projects; establishing new
1.5 programs and modifying existing programs; authorizing the sale and issuance of
1.6 state bonds; amending Minnesota Statutes 2006, section 103G.271, subdivision
1.7 6; Minnesota Statutes 2007 Supplement, section 103G.222, subdivision 1;
1.8 proposing coding for new law in Minnesota Statutes, chapter 116.

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

1.10 Section 1. **CAPITAL IMPROVEMENT APPROPRIATIONS.**

1.11 The sums shown in the column under "Appropriations" are appropriated from the
1.12 bond proceeds fund, or another named fund, to the state agencies or officials indicated,
1.13 to be spent for public purposes. Appropriations of bond proceeds must be spent as
1.14 authorized by the Minnesota Constitution, article XI, section 5, paragraph (a), to acquire
1.15 and better public land and buildings and other public improvements of a capital nature, or
1.16 as authorized by the Minnesota Constitution, article XI, section 5, paragraphs (b) to (j), or
1.17 article XIV. Unless otherwise specified, the appropriations in this act are available until
1.18 the project is completed or abandoned subject to Minnesota Statutes, section 16A.642.

1.19 Sec. 2. **NATURAL RESOURCES**

1.20 Subdivision 1. Total Appropriation **\$ 153,587,000**

1.21 To the commissioner of natural resources for
1.22 the purposes specified in this section.

1.23 The appropriations in this section are subject
1.24 to the requirements of the natural resources
1.25 capital improvement program set forth in

2.1 Minnesota Statutes, section 86A.12, unless
 2.2 this section or the statutes referred to in this
 2.3 section provide more specific standards,
 2.4 criteria, or priorities for projects than
 2.5 Minnesota Statutes, section 86A.12.

2.6 To the extent possible, prairie restorations
 2.7 funded in whole or in part with funds from
 2.8 this appropriation must be made using best
 2.9 management practices for native prairie
 2.10 restoration as defined under Minnesota
 2.11 Statutes, section 84.02, subdivision 2.

2.12 The commissioner must record in a central
 2.13 location each project funded in whole or in
 2.14 part with funds from this appropriation, that
 2.15 is expected to have carbon sequestration
 2.16 value in anticipation of guidelines written by
 2.17 an interagency committee in conjunction with
 2.18 the University of Minnesota for assessing
 2.19 changes in carbon budgets resulting from
 2.20 bonded restoration projects including
 2.21 identification of relevant carbon pools, time
 2.22 frames, and measurement protocols.

2.23 **Subd. 2. Statewide Asset Preservation** 1,000,000

2.24 For the renovation of state-owned facilities
 2.25 operated by the commissioner of natural
 2.26 resources, to be spent in accordance with
 2.27 Minnesota Statutes, section 16B.307. The
 2.28 commissioner may use this appropriation
 2.29 to replace buildings if, considering the
 2.30 embedded energy in the building, that is the
 2.31 most energy efficient and carbon reducing
 2.32 method of renovation.

2.33 **Subd. 3. Flood Hazard Mitigation Grants** 16,000,000

2.34 For the state share of flood hazard
 2.35 mitigation grants for publicly owned capital

3.1 improvements to prevent or alleviate flood
3.2 damage under Minnesota Statutes, section
3.3 103F.161.

3.4 \$3,500,000 is for a grant to the Western
3.5 Mesabi Mine Planning Board to construct a
3.6 conveyance system, and other improvements
3.7 to accommodate water level and outflow
3.8 control of the water level in the Canisteo
3.9 mine pit in Itasca County. This appropriation
3.10 does not require a local match. The
3.11 commissioner of natural resources shall be
3.12 responsible to maintain the improvements
3.13 after completion of the project.

3.14 \$3,500,000 is for a grant to the Minneapolis
3.15 Park and Recreation Board to be used in
3.16 conjunction with the Minnehaha Creek
3.17 Watershed District's plan to repair and
3.18 renovate Works Projects Administration
3.19 projects in the glen area of Minnehaha
3.20 Creek to repair, restore, and stabilize the
3.21 shoreline and cavernous banks of Minnehaha
3.22 Creek as it flows past Minnehaha Falls, to
3.23 restore fish and other natural habitat, and
3.24 to provide storm water retention and creek
3.25 bank management at or below the Minnesota
3.26 Veterans Home. This appropriation is
3.27 not available until the commissioner of
3.28 finance determines that \$2,000,000 has been
3.29 committed to the project from nonstate
3.30 sources.

3.31 This appropriation also includes money for
3.32 the following projects, based on need as
3.33 determined by the commissioner, except that
3.34 one-third of the unallocated appropriation
3.35 shall be used to create and restore wetlands

- 4.1 to protect areas from flooding, with emphasis
4.2 on areas that have recently flooded:
- 4.3 (a) Austin
4.4 (b) Breckenridge
4.5 (c) Browns Valley
4.6 (d) Crookston
4.7 (e) Granite Falls
4.8 (f) Inver Grove Heights Heritage Park
4.9 (g) Moorhead
4.10 (h) Montevideo
4.11 (i) North Ottawa Impoundment
4.12 (j) Roseau
- 4.13 For any project listed in this subdivision
4.14 that the commissioner determines is not
4.15 ready to proceed or does not expend all the
4.16 money allocated to it, the commissioner may
4.17 allocate that project's money to a project on
4.18 the commissioner's priority list.
- 4.19 To the extent that the cost of a project
4.20 in Austin, Breckenridge, Browns Valley,
4.21 Crookston, Granite Falls, Montevideo, North
4.22 Ottawa Impoundment, or Roseau exceeds
4.23 two percent of the median household income
4.24 in the municipality multiplied by the number
4.25 of households in the municipality, this
4.26 appropriation is also for the local share of the
4.27 project.
- 4.28 The Roseau project includes the state share
4.29 of land acquisition, engineering and design,
4.30 and bridge construction costs for the U. S.
4.31 Army Corps of Engineers East Diversion
4.32 Flood Control Project, which will protect the
4.33 city of Roseau from recurring flooding.

- 5.1 **Subd. 4. Flood Control Project Relocation** 12,000,000
- 5.2 For a grant to the city of Crookston to design,
- 5.3 construct, furnish, and equip an ice arena
- 5.4 complex to replace an existing facility that is
- 5.5 being relocated to accommodate a planned
- 5.6 flood control project. This appropriation is
- 5.7 not available until the commissioner has
- 5.8 determined that the city of Crookston has
- 5.9 committed at least \$1,720,825 to the project.
- 5.10 **Subd. 5. Stillwater Flood Control Phase III** 200,000
- 5.11 For a grant under Minnesota Statutes,
- 5.12 section 103F.161, to the city of Stillwater to
- 5.13 predesign, design, and begin construction
- 5.14 of Phase III of the Stillwater flood control
- 5.15 project, including flood control structures and
- 5.16 pumping stations. The appropriation is not
- 5.17 available until the commissioner determines
- 5.18 that \$2,000,000 has been committed to the
- 5.19 project from nonstate sources.
- 5.20 **Subd. 6. Dam Renovation and Removal** 2,500,000
- 5.21 To renovate or remove publicly owned dams.
- 5.22 The commissioner shall determine project
- 5.23 priorities as appropriate under Minnesota
- 5.24 Statutes, sections 103G.511 and 103G.515.
- 5.25 This appropriation includes money for the
- 5.26 following projects:
- 5.27 (a) Clayton Lake, Pine County
- 5.28 (b) Cross Lake, Pine County
- 5.29 (c) Hartley, Saint Louis County
- 5.30 (d) King's Mill, Rice County
- 5.31 (e) Lake Bronson, Kittson County
- 5.32 (f) Luverne, Rock County

6.1 (g) Windom, Cottonwood County

6.2 Notwithstanding Minnesota Statutes, section

6.3 16A.69, subdivision 2, upon the award of

6.4 final contracts for the completion of a project

6.5 listed in this subdivision, the commissioner

6.6 may transfer the unencumbered balance

6.7 in the project account to any other dam

6.8 renovation or removal project on the

6.9 commissioner's priority list.

6.10 **Subd. 7. Water Control Structures** 1,000,000

6.11 To rehabilitate or replace water control

6.12 structures used to manage shallow lakes and

6.13 wetlands for waterfowl habitat on wildlife

6.14 management areas under Minnesota Statutes,

6.15 section 86A.05, subdivision 8.

6.16 **Subd. 8. Groundwater Monitoring Wells** 750,000

6.17 To install new groundwater level monitoring

6.18 wells to monitor and assess groundwater for

6.19 water supply planning, including ten to 15

6.20 wells in the metropolitan and adjoining areas

6.21 and several new monitoring wells in the

6.22 south central regions of the state to monitor

6.23 the Mt. Simon aquifer. This appropriation

6.24 may also be used to seal existing monitoring

6.25 wells that are no longer functional. Of this

6.26 appropriation, \$250,000 is from the natural

6.27 resources fund in fiscal year 2009.

6.28 **Subd. 9. Mississippi River Aquatic Invasive**

6.29 **Species Barrier** 500,000

6.30 To predesign and design an adequate barrier

6.31 in the Mississippi River in order to prevent

6.32 aquatic invasive species from migrating

6.33 upriver. This money may be used by the

6.34 commissioner to match available federal

6.35 dollars and dollars from other states. The

- 7.1 commissioner must inform and work with
 7.2 affected federal and state agencies and local
 7.3 communities along the Mississippi River
 7.4 before construction of a river barrier.
- 7.5 **Subd. 10. Stream Protection and Restoration** 2,000,000
- 7.6 For the design and construction of stream
 7.7 protection and restoration projects that
 7.8 concentrate on downstream flooding
 7.9 protection. One-half of this appropriation
 7.10 is for projects within the seven-county
 7.11 metropolitan area and one-half is for projects
 7.12 outside of the seven-county metropolitan
 7.13 area.
- 7.14 **Subd. 11. Shoreline and Critical Aquatic**
 7.15 **Habitat Acquisition** 1,000,000
- 7.16 To acquire land that is critical for fish
 7.17 and other aquatic life under Minnesota
 7.18 Statutes, section 86A.05, and to make
 7.19 public improvements and betterments of a
 7.20 capital nature to aquatic management areas
 7.21 established under Minnesota Statutes, section
 7.22 86A.05, subdivision 14.
- 7.23 **Subd. 12. Fish Hatchery Improvements** 2,000,000
- 7.24 For improvements of a capital nature to
 7.25 create ponds and renovate fish culture
 7.26 facilities at hatcheries owned by the state
 7.27 and operated by the commissioner of
 7.28 natural resources under Minnesota Statutes,
 7.29 section 97A.045, subdivision 1, except those
 7.30 operated in wetlands.
- 7.31 **Subd. 13. Water Access Acquisition** 650,000
- 7.32 For public water access acquisition,
 7.33 construction, and renovation projects of a
 7.34 capital nature on lakes and rivers, including

8.1	<u>water access through the provision of fishing</u>	
8.2	<u>piers and shoreline access under Minnesota</u>	
8.3	<u>Statutes, section 86A.05, subdivision 9.</u>	
8.4	<u>Subd. 14. State Fair Fish Habitat Educational</u>	
8.5	<u>Display</u>	<u>800,000</u>
8.6	<u>To design, construct, furnish, and equip the</u>	
8.7	<u>renovation of the fish habitat educational</u>	
8.8	<u>display at the Minnesota State Fair.</u>	
8.9	<u>Subd. 15. Native Prairie Bank Acquisition and</u>	
8.10	<u>Development</u>	<u>5,000,000</u>
8.11	<u>To acquire tracts of native prairie bank lands</u>	
8.12	<u>under Minnesota Statutes, section 84.96, and</u>	
8.13	<u>to develop and restore certain tracts of prairie</u>	
8.14	<u>bank lands. Prairie restorations, funded</u>	
8.15	<u>in whole or in part with funds from this</u>	
8.16	<u>appropriation, must use native prairie species</u>	
8.17	<u>of a local ecotype as defined in Minnesota</u>	
8.18	<u>Statutes, section 84.02, subdivision 6.</u>	
8.19	<u>Subd. 16. Scientific and Natural Area</u>	
8.20	<u>Acquisition and Development</u>	<u>1,000,000</u>
8.21	<u>To acquire land for scientific and natural</u>	
8.22	<u>areas and for protection and improvements of</u>	
8.23	<u>a capital nature to scientific and natural areas</u>	
8.24	<u>under Minnesota Statutes, sections 84.033</u>	
8.25	<u>and 86A.05, subdivision 5.</u>	
8.26	<u>This appropriation includes money for the</u>	
8.27	<u>following projects:</u>	
8.28	<u>(a) Avon Hills Forest SNA additions in</u>	
8.29	<u>Stearns County</u>	
8.30	<u>(b) Big Woods of Cottonwood River in Lyon</u>	
8.31	<u>County</u>	
8.32	<u>(c) Clinton Falls Dwarf Trout Lily site in</u>	
8.33	<u>Steele County</u>	

- 9.1 (d) Cooks Lake Forest in Otter Tail and
- 9.2 Becker Counties
- 9.3 (e) Des Moines R forest-prairie complex in
- 9.4 Jackson County
- 9.5 (f) Franconia Bluffs in Chisago County
- 9.6 (g) Hovland Woods SNA addition in Cook
- 9.7 County
- 9.8 (h) Lester Lake Forest in Hubbard County
- 9.9 (i) Morton Outcrops in Renville County
- 9.10 (j) Nopeming Unconformity in Saint Louis
- 9.11 County
- 9.12 (k) Pine Bend Bluffs SNA addition in Dakota
- 9.13 County
- 9.14 (l) Wycoff Balsam Fir SNA addition in
- 9.15 Fillmore County
- 9.16 **Subd. 17. Wildlife Area Acquisition and**
- 9.17 **Improvement**
- 9.18 To acquire land in fee for wildlife
- 9.19 management area purposes and for
- 9.20 improvements of a capital nature to develop,
- 9.21 protect, or improve habitat and facilities on
- 9.22 wildlife management areas under Minnesota
- 9.23 Statutes, section 86A.05, subdivision 8. At
- 9.24 least five percent of this appropriation must
- 9.25 be used for restoration of existing wildlife
- 9.26 management areas. Twenty percent of this
- 9.27 appropriation is for restoration on land
- 9.28 acquired with this appropriation. Twenty
- 9.29 percent of this appropriation is for acquisition
- 9.30 of land in the seven-county metro area.
- 9.31 Prairie restorations, funded in whole or in
- 9.32 part with funds from this appropriation, must
- 9.33 use native prairie species of a local ecotype
- 9.34 as defined in Minnesota Statutes, section

14,000,000

10.1	<u>84.02, subdivision 6. The commissioner</u>	
10.2	<u>shall submit a plan to the legislature and the</u>	
10.3	<u>chairs of the house and senate committees</u>	
10.4	<u>with jurisdiction over the environment</u>	
10.5	<u>and natural resources on the management</u>	
10.6	<u>of native prairie lands and harvesting of</u>	
10.7	<u>native prairie vegetation for use for energy</u>	
10.8	<u>production in a manner that does not devalue</u>	
10.9	<u>the natural habitat, water quality benefits, or</u>	
10.10	<u>carbon sequestration functions.</u>	
10.11	<u>Subd. 18. RIM Critical Habitat Match</u>	<u>3,000,000</u>
10.12	<u>To provide the state match for the critical</u>	
10.13	<u>habitat private sector matching account under</u>	
10.14	<u>Minnesota Statutes, section 84.943.</u>	
10.15	<u>Subd. 19. Forest Roads and Bridges</u>	<u>1,000,000</u>
10.16	<u>For reconstruction, resurfacing, replacement,</u>	
10.17	<u>and construction of state forest roads and</u>	
10.18	<u>bridges under Minnesota Statutes, section</u>	
10.19	<u>89.002.</u>	
10.20	<u>Subd. 20. State Forest Land Reforestation</u>	<u>6,000,000</u>
10.21	<u>To increase reforestation activities to meet</u>	
10.22	<u>the reforestation requirements of Minnesota</u>	
10.23	<u>Statutes, section 89.002, subdivision 2,</u>	
10.24	<u>including planting, seeding, site preparation,</u>	
10.25	<u>and purchasing native seeds and native</u>	
10.26	<u>seedlings.</u>	
10.27	<u>Subd. 21. Big Bog State Recreation Area</u>	<u>1,600,000</u>
10.28	<u>For improvements at the Big Bog State</u>	
10.29	<u>Recreation Area, including upgrades to the</u>	
10.30	<u>contact station and forest restoration.</u>	
10.31	<u>Subd. 22. Cuyuna Country State Recreation</u>	
10.32	<u>Area</u>	<u>125,000</u>
10.33	<u>To construct a new access road, rustic</u>	
10.34	<u>campground, and support facilities for</u>	

- 11.1 biking and scuba activities and for other
- 11.2 improvements of a capital nature at the
- 11.3 Cuyuna Country State Recreation Area.
- 11.4 **Subd. 23. State Park and Recreation Area**
- 11.5 **Facility Improvements** 8,000,000
- 11.6 For projects within state parks established
- 11.7 under Minnesota Statutes, section 85.012,
- 11.8 and state recreation areas established under
- 11.9 Minnesota Statutes, section 85.013, contained
- 11.10 in the Department of Natural Resources,
- 11.11 Division of Parks and Recreation's ten-year
- 11.12 project list for the first biennium "New and
- 11.13 Deferred Maintenance Bondable Projects"
- 11.14 dated January 24, 2008. This appropriation
- 11.15 includes money for Afton, Bear Head Lake,
- 11.16 Beaver Creek Valley, Big Stone Lake, Blue
- 11.17 Mounds, Buffalo River, Camden, Cascade
- 11.18 River, Cuyuna Country State Recreation
- 11.19 Area, Flandrau, Forestville Mystery Cave,
- 11.20 Fort Ridgely, Frontenac, George Crosby
- 11.21 Manitou, Glendalough, Great River Bluffs,
- 11.22 Itasca, Judge Magney, Kilen Woods,
- 11.23 Lake Bemidji, Lake Carlos, Lake Louise,
- 11.24 Maplewood, Mille Lacs Kathio, Sakatah,
- 11.25 Savanna Portage, Sibley, Soudan Mine,
- 11.26 Split Rock Creek, Split Rock Lighthouse,
- 11.27 Temperance River, Tettegouche, Upper Sioux
- 11.28 Agency, Whitewater, and William O'Brien
- 11.29 State Parks and deciduous forest restoration
- 11.30 in region 3. The commissioner shall
- 11.31 determine project priorities as appropriate,
- 11.32 based on need.
- 11.33 **Subd. 24. State Park Rehabilitation and**
- 11.34 **Development** 12,000,000
- 11.35 For deferred maintenance including
- 11.36 infrastructure rehabilitation and the

- 12.1 renovation and development of facilities
- 12.2 within state parks established under
- 12.3 Minnesota Statutes, section 85.012,
- 12.4 contained in the Department of Natural
- 12.5 Resources, Division of Parks and Recreation's
- 12.6 ten-year project list for the first biennium
- 12.7 "New and Deferred Maintenance Bondable
- 12.8 Projects" dated January 24, 2008. This
- 12.9 appropriation includes money for Afton,
- 12.10 Banning, Bear Head Lake, Beaver Creek
- 12.11 Valley, Big Stone Lake, Blue Mounds,
- 12.12 Camden, Crow Wing, Flandrau, Forestville
- 12.13 Mystery Cave, Fort Ridgely, Fort Snelling,
- 12.14 Frontenac, Glacial Lakes, Glendalough,
- 12.15 Gooseberry Falls, Hayes Lake, Hill Annex,
- 12.16 Itasca, Jay Cooke, Judge Magney, Lake
- 12.17 Bemidji, Lake Bronson, Lake Carlos,
- 12.18 Lake Louise, Lake Maria, Lake Shetek,
- 12.19 Maplewood, McCarthy Beach, Minneopa,
- 12.20 Moose Lake, Myre-Big Island, Nerstrand,
- 12.21 Old Mill, Rice Lake, Sakatah, Savanna
- 12.22 Portage, Scenic, Sibley, Soudan Mine, Split
- 12.23 Rock Lighthouse, St. Croix, Temperance
- 12.24 River, Tettegouche, Upper Sioux Agency,
- 12.25 Wild River, and William O'Brien State Parks.
- 12.26 The commissioner shall determine project
- 12.27 priorities as appropriate, based on need.
- 12.28 **Subd. 25. Lake Vermilion State Park**
- 12.29 **Acquisition and Development** 17,500,000
- 12.30 To acquire land for Lake Vermilion State
- 12.31 Park and to predesign, design, construct, and
- 12.32 furnish park facilities for the development
- 12.33 of the park.
- 12.34 **Subd. 26. Green Leaf State Recreation Area** 1,000,000

- 13.1 To acquire land for Green Leaf State
- 13.2 Recreation Area authorized under Minnesota
- 13.3 Statutes, section 85.013, subdivision 11b.
- 13.4 **Subd. 27. State Park Prairie Reconstruction**
- 13.5 **and Forest Restoration Projects** 545,000
- 13.6 \$290,000 is for prairie and savanna
- 13.7 reconstruction projects at the following state
- 13.8 parks: Big Stone, Blue Mounds, Camden,
- 13.9 Crow Wing, Frontenac, Glacial Lakes,
- 13.10 Maplewood, Split Rock Creek, Upper Sioux,
- 13.11 and William O'Brien.
- 13.12 \$255,000 is for forest restoration projects
- 13.13 at the following state parks: Itasca, Lake
- 13.14 Bemidji, Nerstrand, and St. Croix.
- 13.15 Prairie restorations, funded in whole or in
- 13.16 part with funds from this appropriation,
- 13.17 must include planting native prairie species
- 13.18 of a local ecotype as defined in Minnesota
- 13.19 Statutes, section 84.02, subdivision 6.
- 13.20 **Subd. 28. Regional and Local Park Grants** 14,642,000
- 13.21 \$492,000 is for a grant to the Central
- 13.22 Minnesota Regional Parks and Trails
- 13.23 Coordination Board to acquire 23 acres of
- 13.24 land adjacent to Warner Lake Park in Stearns
- 13.25 County.
- 13.26 \$1,400,000 is for a grant to Chisago City
- 13.27 to acquire land for the creation of Ojiketa
- 13.28 Regional Park in Chisago County.
- 13.29 \$4,000,000 is for a grant to the city of Sartell
- 13.30 to acquire 68 acres of land located along
- 13.31 the Sauk River near the confluence of the
- 13.32 Mississippi to serve as part of the Central
- 13.33 Minnesota Regional Parks and Trails.

- 14.1 \$750,000 is for a grant to Stearns County
- 14.2 to purchase land for Kraemer Lake Park
- 14.3 under Minnesota Statutes, section 85.019,
- 14.4 subdivision 2.
- 14.5 \$8,000,000 is for a grant to Wright County
- 14.6 to acquire land for Bertram Chain of
- 14.7 Lakes Regional Park, under Minnesota
- 14.8 Statutes, section 85.019, subdivision 2. This
- 14.9 appropriation is not available unless an
- 14.10 easement is placed on the land keeping the
- 14.11 land as a park in perpetuity.
- 14.12 Subd. 29. **State Trail Acquisition and**
- 14.13 **Development** 13,520,000
- 14.14 To acquire land for and to construct and
- 14.15 renovate state trails under Minnesota
- 14.16 Statutes, section 85.015.
- 14.17 \$970,000 is for the Chester Woods Trail from
- 14.18 Rochester to Dover.
- 14.19 \$750,000 is for the Gateway Trail bridge.
- 14.20 \$1,600,000 is for the Gitchi-Gami Trail.
- 14.21 \$1,200,000 is for the Great River Ridge Trail.
- 14.22 \$500,000 is for the Heartland Trail.
- 14.23 \$150,000 is for the Mill Towns Trail in
- 14.24 Faribault.
- 14.25 \$500,000 is for the Mill Towns Trail from
- 14.26 Lake Byllesby Park to Cannon Falls.
- 14.27 \$1,500,000 is for the Minnesota River Trail
- 14.28 from Appleton to Milan.
- 14.29 \$2,000,000 is for the Paul Bunyan Trail from
- 14.30 Walker to Guthrie.
- 14.31 \$100,000 is for the Root River Trail, the
- 14.32 eastern extension.

15.1 \$250,000 is for the Root River Trail, the
 15.2 eastern extension Wagon Wheel.
 15.3 \$4,000,000 is for the rehabilitation of state
 15.4 trails.
 15.5 For any project listed in this subdivision that
 15.6 the commissioner determines is not ready
 15.7 to proceed, the commissioner may allocate
 15.8 that project's money to another state trail
 15.9 project identified in this subdivision. The
 15.10 chairs of the house and senate committees
 15.11 with jurisdiction over the environment and
 15.12 natural resources and legislators from the
 15.13 affected legislative districts must be notified
 15.14 of any changes.

15.15 **Subd. 30. Regional and Local Trails Grants** 5,480,000

15.16 \$2,183,000 is for a grant to Anoka County as
 15.17 the local share to match federal funds for the
 15.18 Rice Creek North Regional Trail from Rice
 15.19 Creek Chain of Lakes Park Reserve in Lino
 15.20 Lakes to the Ramsey County trail system in
 15.21 Shoreview.

15.22 \$225,000 is for a grant to Clara City to design
 15.23 and construct a walking path in Clara City.

15.24 \$500,000 is for a grant to the city of Coon
 15.25 Rapids to predesign, design, and construct
 15.26 a bicycle and pedestrian trail connecting
 15.27 the city of Fridley bicycle and pedestrian
 15.28 trail along 85th Avenue to the Mississippi
 15.29 Regional Trail Corridor in the city of Coon
 15.30 Rapids.

15.31 \$2,000,000 is for a grant to the city of
 15.32 Minneapolis to purchase, install, and
 15.33 replace lighting fixtures along the Grand
 15.34 Rounds. This appropriation may also

16.1 be used to improve the roadway of the
16.2 Grand Rounds. Any outdoor lighting
16.3 fixtures installed, replaced, maintained, or
16.4 operated with these funds must be a full
16.5 cutoff luminaire, as defined in Minnesota
16.6 Statutes, section 16B.328, subdivision 1,
16.7 if the rated output of the outdoor lighting
16.8 fixture is greater than 1,800 lumens, and
16.9 be the minimum illuminance adequate for
16.10 the intended purpose with consideration
16.11 given to nationally recognized standards.
16.12 Full consideration must be given to energy
16.13 conservation and savings, reduction of
16.14 glare, minimization of light pollution, and
16.15 preservation of the natural night environment.

16.16 \$100,000 is for a grant to the city of Inver
16.17 Grove Heights for the Mississippi River
16.18 Bridge 5600 between Inver Grove Heights
16.19 and St. Paul Park.

16.20 \$100,000 is for a grant to the city of Mora
16.21 for construction of pedestrian and bicycle
16.22 trails, bridge restoration and renovation, and
16.23 other improvements of a capital nature for
16.24 the Spring Lake Trail, located in the city of
16.25 Mora.

16.26 \$372,000 is for a grant to the city of Rockville
16.27 to design and construct the Rocori Trail from
16.28 Richmond through Cold Spring to Rockville,
16.29 connecting with the Glacial Lakes Trail, the
16.30 Beaver Island Trail, and the Lake Wobegon
16.31 Trail.

16.32 For any project listed in this subdivision that
16.33 the commissioner determines is not ready
16.34 to proceed, the commissioner may allocate
16.35 that project's money to another state trail

17.1	<u>project identified in this subdivision. The</u>	
17.2	<u>chairs of the house and senate committees</u>	
17.3	<u>with jurisdiction over the environment and</u>	
17.4	<u>natural resources and legislators from the</u>	
17.5	<u>affected legislative districts must be notified</u>	
17.6	<u>of any changes.</u>	
17.7	<u>Subd. 31. Old Cedar Avenue Bridge</u>	<u>2,000,000</u>
17.8	<u>For a grant to the city of Bloomington</u>	
17.9	<u>to renovate the old Cedar Avenue bridge</u>	
17.10	<u>to serve as a hiking and bicycling trail</u>	
17.11	<u>connection.</u>	
17.12	<u>Subd. 32. Fort Snelling Upper Bluff Emergency</u>	
17.13	<u>Building Stabilization</u>	<u>500,000</u>
17.14	<u>For a grant to Hennepin County to conduct</u>	
17.15	<u>emergency building stabilization at Fort</u>	
17.16	<u>Snelling Upper Bluff. This appropriation</u>	
17.17	<u>is not available until the commissioner of</u>	
17.18	<u>finance has determined that Hennepin County</u>	
17.19	<u>has entered into appropriate agreements to</u>	
17.20	<u>use Sentence to Serve labor for the project</u>	
17.21	<u>that will train the Sentence to Serve laborers</u>	
17.22	<u>in the skills needed for the work.</u>	
17.23	<u>Subd. 33. Bell Museum Landscaping</u>	<u>4,000,000</u>
17.24	<u>To design and construct an environmental</u>	
17.25	<u>landscape at the new Bell Museum of Natural</u>	
17.26	<u>History.</u>	
17.27	<u>Subd. 34. Diseased Shade Tree Removal and</u>	
17.28	<u>Replacement</u>	<u>1,500,000</u>
17.29	<u>For grants to cities, counties, townships, and</u>	
17.30	<u>park and recreation boards in cities of the</u>	
17.31	<u>first class for the identification, removal,</u>	
17.32	<u>disposal, and replacement of dead or dying</u>	
17.33	<u>shade trees lost to forest pests or disease.</u>	
17.34	<u>For purposes of this appropriation, "shade</u>	
17.35	<u>tree" means a woody perennial grown</u>	

18.1 primarily for aesthetic or environmental
 18.2 purposes with minimal to residual timber
 18.3 value. The commissioner shall consult
 18.4 with municipalities, park and recreation
 18.5 boards in cities of the first class, nonprofit
 18.6 organizations, and other interested parties in
 18.7 developing eligibility criteria.

18.8 **Subd. 35. Lake Zumbro** 175,000

18.9 For a grant to Olmsted and Wabasha Counties
 18.10 to design and engineer the restoration of
 18.11 Lake Zumbro. The design must include
 18.12 public access.

18.13 **Subd. 36. Red River Basin Digital Elevation**
 18.14 **Model** 600,000

18.15 To develop and implement a high-resolution
 18.16 digital elevation model for the Red River
 18.17 basin. This appropriation is from the general
 18.18 fund.

18.19 **Sec. 3. POLLUTION CONTROL AGENCY**

18.20 **Subdivision 1. Total Appropriation** **\$ 16,500,000**

18.21 To the Pollution Control Agency for the
 18.22 purposes specified in this section.

18.23 **Subd. 2. Closed Landfill Program** 9,000,000

18.24 To design and construct remedial systems
 18.25 and acquire land at landfills throughout the
 18.26 state in accordance with the closed landfill
 18.27 program under Minnesota Statutes, sections
 18.28 115B.39 to 115B.42. \$600,000 is for the
 18.29 Mille Lacs Landfill. None of these funds
 18.30 may be spent on the Washington County
 18.31 landfill until a mutual agreement regarding
 18.32 the cleanup is made between the agency and
 18.33 the city of Lake Elmo.

19.1	<u>Subd. 3. Remedial Systems; Albert Lea</u>	<u>2,500,000</u>
19.2	<u>To design and construct remedial systems at</u>	
19.3	<u>the Albert Lea Landfill, including relocating</u>	
19.4	<u>and incorporating waste from the former</u>	
19.5	<u>Albert Lea Dump owned by the city of Albert</u>	
19.6	<u>Lea pursuant to Minnesota Statutes, section</u>	
19.7	<u>115B.403, which action may be taken by the</u>	
19.8	<u>Pollution Control Agency notwithstanding</u>	
19.9	<u>the provisions of Minnesota Statutes, section</u>	
19.10	<u>115B.403, paragraphs (a) and (b).</u>	
19.11	<u>Subd. 4. Beneficial Reuse of Wastewater Grant</u>	
19.12	<u>Program</u>	<u>5,000,000</u>
19.13	<u>For grants to political subdivisions for up</u>	
19.14	<u>to 50 percent of the costs to predesign and</u>	
19.15	<u>design capital projects that demonstrate the</u>	
19.16	<u>beneficial use of wastewater under Minnesota</u>	
19.17	<u>Statutes, section 116.195.</u>	
19.18	<u>Sec. 4. BOARD OF WATER AND SOIL</u>	
19.19	<u>RESOURCES</u>	
19.20	<u>Subdivision 1. Total Appropriation</u>	<u>\$ 48,000,000</u>
19.21	<u>To the Board of Water and Soil Resources</u>	
19.22	<u>for the purposes specified in this section.</u>	
19.23	<u>The board must record in a central location</u>	
19.24	<u>each project, funded in whole or in part</u>	
19.25	<u>with funds from this appropriation, that is</u>	
19.26	<u>expected to have carbon sequestration value</u>	
19.27	<u>in anticipation of guidelines written by an</u>	
19.28	<u>interagency committee in conjunction with</u>	
19.29	<u>the University of Minnesota for assessing</u>	
19.30	<u>changes in carbon budgets resulting from</u>	
19.31	<u>bonded restoration projects, including</u>	
19.32	<u>identification of relevant carbon pools, time</u>	
19.33	<u>frames, and measurement protocols.</u>	

20.1 To the extent possible, prairie restorations,
 20.2 funded in whole or in part with funds from
 20.3 this appropriation, must be made using best
 20.4 management practices for native prairie
 20.5 restoration as defined under Minnesota
 20.6 Statutes, section 84.02, subdivision 2.

20.7 Subd. 2. **RIM Reserve Program**

42,000,000

20.8 To acquire conservation easements from
 20.9 landowners to preserve, restore, and enhance
 20.10 wetlands, riparian lands, and associated
 20.11 uplands in order to protect soil and water
 20.12 quality, support fish and wildlife habitat,
 20.13 and other public benefits. The provisions of
 20.14 Minnesota Statutes, section 103F.515, apply
 20.15 to this appropriation, except that the board
 20.16 may establish alternative payment rates for
 20.17 easements and practices to establish restored
 20.18 native prairies, as defined in Minnesota
 20.19 Statutes, section 84.02, subdivision 7, and
 20.20 to protect uplands. Of this appropriation, up
 20.21 to ten percent may be used to administer the
 20.22 program.

20.23 \$2,400,000 of this amount is to be available
 20.24 for use in the area designated for relief and
 20.25 recovery from the flooding that occurred
 20.26 on or after August 18, 2007, in the area
 20.27 of Southeast Minnesota designated under
 20.28 Presidential Declaration of Major Disaster,
 20.29 DR-1717. Funds previously appropriated and
 20.30 waivers previously authorized to the Board
 20.31 of Water and Soil Resources for DR-1717
 20.32 flood relief and recovery in Minnesota Laws
 20.33 2007, First Special Session chapter 2, are
 20.34 available and applicable until June 30, 2010.

21.1 The board is authorized to enter into and
 21.2 amend past agreements with landowners
 21.3 as required by Minnesota Statutes, section
 21.4 103F.515, subdivision 5, to allow for
 21.5 restoration, including overseeding and
 21.6 harvesting, of native prairie vegetation for
 21.7 use for energy production in a manner that
 21.8 does not devalue the natural habitat, water
 21.9 quality benefits, or carbon sequestration
 21.10 functions of the area enrolled in the easement.
 21.11 This shall occur after seed production and
 21.12 minimize impacts on wildlife. Of this
 21.13 appropriation, up to five percent may be used
 21.14 for restoration, including overseeding.

21.15 **Subd. 3. Wetland Replacement Due to Public**
 21.16 **Road Projects**

4,575,000

21.17 To acquire land for wetland restoration or
 21.18 preservation to replace wetlands drained or
 21.19 filled as a result of the repair or rehabilitation,
 21.20 reconstruction, or replacement of existing
 21.21 public roads as required by Minnesota
 21.22 Statutes, section 103G.222, subdivision 1,
 21.23 paragraphs (l) and (m). The provisions of
 21.24 Minnesota Statutes, section 103F.515, apply
 21.25 to this appropriation, except that the board
 21.26 may establish alternative payment rates for
 21.27 easements and practices to establish restored
 21.28 native prairies, as defined in Minnesota
 21.29 Statutes, section 84.02, subdivision 7, and to
 21.30 protect uplands. Up to ten percent may be
 21.31 used to administer the program.

21.32 The purchase price paid for acquisition of
 21.33 land, in fee or perpetual easement, must
 21.34 be the fair market value as determined
 21.35 by the board. The board may enter into
 21.36 agreements with the federal government,

22.1 other state agencies, political subdivisions,
 22.2 and nonprofit organizations or fee owners to
 22.3 acquire land and restore and create wetlands
 22.4 or to acquire wetland banking credits.
 22.5 Acquisition of or the conveyance of land may
 22.6 be in the name of the political subdivision.

22.7 **Subd. 4. Clean Water Legacy** 1,425,000

22.8 \$1,425,000 is for improving water quality.
 22.9 The board may expend this amount for the
 22.10 following purposes:

22.11 (1) \$800,000 for a grant to Kandiyohi
 22.12 County to acquire conservation easements,
 22.13 design and construct water control structures
 22.14 and pumping infrastructure, and plant
 22.15 native prairie species of a local ecotype as
 22.16 defined in Minnesota Statutes, section 84.02,
 22.17 subdivision 6, in order to restore the Grass
 22.18 Lake prairie wetland basins adjacent to the
 22.19 city of Willmar in Kandiyohi County. This
 22.20 amount must be matched one-to-one by
 22.21 funding from other sources;

22.22 (2) \$475,000 for a grant to the city of
 22.23 Gaylord to improve water quality in the Lake
 22.24 Titlow watershed. The funds may be used to
 22.25 predesign and design holding ponds upstream
 22.26 from Lake Titlow. The design must include
 22.27 the best location for the ponds, an estimate
 22.28 of the cost of land acquisition or easements,
 22.29 construction costs of the holding ponds, and
 22.30 the estimated expense of maintaining the
 22.31 structures and who will be responsible for
 22.32 the expense. The funds may also be used
 22.33 to construct and reconstruct storm water
 22.34 sewer drains and related facilities to divert
 22.35 water that currently drains into Lake Titlow

23.1 into holding ponds south of the city. The
 23.2 cost of reconstructing city streets as part of
 23.3 this diversion, and as outlined in the city of
 23.4 Gaylord's street improvement plan, is the
 23.5 responsibility of the city. This diversion
 23.6 will keep phosphorus and other chemicals
 23.7 from entering the lake, and will improve
 23.8 the water quality of Lake Titlow. The city
 23.9 must also coordinate with state and county
 23.10 conservation officials to ensure correct
 23.11 conservation practices and improvements in
 23.12 the watershed district. For the purposes of
 23.13 this appropriation, the criteria, limitations,
 23.14 and assessment requirements in Minnesota
 23.15 Statutes, sections 103D.701, 103D.705, and
 23.16 103D.901, are waived. The information
 23.17 gained from this project must be made
 23.18 available for public use. This appropriation
 23.19 is not available until the commissioner of
 23.20 finance determines that \$200,000 has been
 23.21 committed to the project from other sources;
 23.22 and
 23.23 (3) \$150,000 for a grant to the Lower
 23.24 Minnesota Watershed District to acquire land
 23.25 for and to design and construct improvements
 23.26 for dredge material site projects located
 23.27 within the district.

23.28 **Sec. 5. METROPOLITAN COUNCIL**

23.29 **Subdivision 1. Total Appropriation** **\$ 23,700,000**

23.30 To the Metropolitan Council for the purposes
 23.31 specified in this section.

23.32 The commissioner must record in a central
 23.33 location each project, funded in whole or
 23.34 in part with funds from this appropriation,
 23.35 that is expected to have carbon sequestration

24.1 value in anticipation of guidelines written by
 24.2 an interagency committee in conjunction with
 24.3 the University of Minnesota for assessing
 24.4 changes in carbon budgets resulting from
 24.5 bonded restoration projects, including
 24.6 identification of relevant carbon pools, time
 24.7 frames, and measurement protocols.

24.8 **Subd. 2. Metropolitan Regional Parks Capital**
 24.9 **Improvements**

10,500,000

24.10 For the cost of improvements and betterments
 24.11 of a capital nature and acquisition by the
 24.12 council and local government units of
 24.13 regional recreational open-space lands in
 24.14 accordance with the council's policy plan
 24.15 as provided in Minnesota Statutes, section
 24.16 473.147. Priority must be given to park
 24.17 rehabilitation and land acquisition projects.
 24.18 These funds shall not be used for the
 24.19 purchase of easements.

24.20 **Subd. 3. St. Paul National Great River Park**

6,000,000

24.21 For a grant to the city of St. Paul to acquire
 24.22 land for and to predesign, design, construct,
 24.23 furnish, and equip river park development
 24.24 and redevelopment infrastructure in National
 24.25 Great River Park along the Mississippi River
 24.26 in St. Paul. This appropriation is for the
 24.27 first phase and future bond funds must be
 24.28 matched.

24.29 **Subd. 4. St. Paul National Great River Park**
 24.30 **Upper Landing**

3,800,000

24.31 For a grant to the city of St. Paul to acquire
 24.32 land for and to predesign, design, construct,
 24.33 furnish, and equip river park development
 24.34 and redevelopment infrastructure for the

25.1	<u>National Great River Park in St. Paul,</u>	
25.2	<u>including the Bruce Vento Nature Sanctuary.</u>	
25.3	<u>Subd. 5. Springbrook Nature Center</u>	<u>2,500,000</u>
25.4	<u>For a grant to the city of Fridley to predesign,</u>	
25.5	<u>design, construct, furnish, and equip</u>	
25.6	<u>the redevelopment and expansion of the</u>	
25.7	<u>Springbrook Nature Center. No nonstate</u>	
25.8	<u>match is required.</u>	
25.9	<u>Subd. 6. South St. Paul Span Arch Bridge</u>	<u>500,000</u>
25.10	<u>For a grant to the city of South St. Paul to</u>	
25.11	<u>design and construct a span arch bridge under</u>	
25.12	<u>19th Avenue to connect with the Dakota</u>	
25.13	<u>County North Urban Regional Trail.</u>	
25.14	<u>Subd. 7. Father Hennepin Regional Park</u>	<u>400,000</u>
25.15	<u>For a grant to the Minneapolis Park and</u>	
25.16	<u>Recreation Board for repair, restoration, and</u>	
25.17	<u>rehabilitation of trails, picnic areas, lighting,</u>	
25.18	<u>signage, and stairs and for bluff and slope</u>	
25.19	<u>stabilization at Father Hennepin Regional</u>	
25.20	<u>Park.</u>	

25.21 Sec. 6. Minnesota Statutes 2007 Supplement, section 103G.222, subdivision 1, is
 25.22 amended to read:

25.23 Subdivision 1. **Requirements.** (a) Wetlands must not be drained or filled, wholly
 25.24 or partially, unless replaced by restoring or creating wetland areas of at least equal
 25.25 public value under a replacement plan approved as provided in section 103G.2242, a
 25.26 replacement plan under a local governmental unit's comprehensive wetland protection
 25.27 and management plan approved by the board under section 103G.2243, or, if a permit to
 25.28 mine is required under section 93.481, under a mining reclamation plan approved by the
 25.29 commissioner under the permit to mine. Mining reclamation plans shall apply the same
 25.30 principles and standards for replacing wetlands by restoration or creation of wetland areas
 25.31 that are applicable to mitigation plans approved as provided in section 103G.2242. Public
 25.32 value must be determined in accordance with section 103B.3355 or a comprehensive
 25.33 wetland protection and management plan established under section 103G.2243. Sections

26.1 103G.221 to 103G.2372 also apply to excavation in permanently and semipermanently
26.2 flooded areas of types 3, 4, and 5 wetlands.

26.3 (b) Replacement must be guided by the following principles in descending order
26.4 of priority:

26.5 (1) avoiding the direct or indirect impact of the activity that may destroy or diminish
26.6 the wetland;

26.7 (2) minimizing the impact by limiting the degree or magnitude of the wetland
26.8 activity and its implementation;

26.9 (3) rectifying the impact by repairing, rehabilitating, or restoring the affected
26.10 wetland environment;

26.11 (4) reducing or eliminating the impact over time by preservation and maintenance
26.12 operations during the life of the activity;

26.13 (5) compensating for the impact by restoring a wetland; and

26.14 (6) compensating for the impact by replacing or providing substitute wetland
26.15 resources or environments.

26.16 For a project involving the draining or filling of wetlands in an amount not exceeding
26.17 10,000 square feet more than the applicable amount in section 103G.2241, subdivision 9,
26.18 paragraph (a), the local government unit may make an on-site sequencing determination
26.19 without a written alternatives analysis from the applicant.

26.20 (c) If a wetland is located in a cultivated field, then replacement must be
26.21 accomplished through restoration only without regard to the priority order in paragraph
26.22 (b), provided that a deed restriction is placed on the altered wetland prohibiting
26.23 nonagricultural use for at least ten years.

26.24 (d) If a wetland is drained under section 103G.2241, subdivision 2, paragraphs
26.25 (b) and (e), the local government unit may require a deed restriction that prohibits
26.26 nonagricultural use for at least ten years unless the drained wetland is replaced as provided
26.27 under this section. The local government unit may require the deed restriction if it
26.28 determines the wetland area drained is at risk of conversion to a nonagricultural use within
26.29 ten years based on the zoning classification, proximity to a municipality or full service
26.30 road, or other criteria as determined by the local government unit.

26.31 (e) Restoration and replacement of wetlands must be accomplished in accordance
26.32 with the ecology of the landscape area affected and ponds that are created primarily to
26.33 fulfill stormwater management, and water quality treatment requirements may not be
26.34 used to satisfy replacement requirements under this chapter unless the design includes
26.35 pretreatment of runoff and the pond is functioning as a wetland.

27.1 (f) Except as provided in paragraph (g), for a wetland or public waters wetland
27.2 located on nonagricultural land, replacement must be in the ratio of two acres of replaced
27.3 wetland for each acre of drained or filled wetland.

27.4 (g) For a wetland or public waters wetland located on agricultural land or in a greater
27.5 than 80 percent area, replacement must be in the ratio of one acre of replaced wetland
27.6 for each acre of drained or filled wetland.

27.7 (h) Wetlands that are restored or created as a result of an approved replacement plan
27.8 are subject to the provisions of this section for any subsequent drainage or filling.

27.9 (i) Except in a greater than 80 percent area, only wetlands that have been restored
27.10 from previously drained or filled wetlands, wetlands created by excavation in nonwetlands,
27.11 wetlands created by dikes or dams along public or private drainage ditches, or wetlands
27.12 created by dikes or dams associated with the restoration of previously drained or filled
27.13 wetlands may be used in a statewide banking program established in rules adopted under
27.14 section 103G.2242, subdivision 1. Modification or conversion of nondegraded naturally
27.15 occurring wetlands from one type to another are not eligible for enrollment in a statewide
27.16 wetlands bank.

27.17 (j) The Technical Evaluation Panel established under section 103G.2242, subdivision
27.18 2, shall ensure that sufficient time has occurred for the wetland to develop wetland
27.19 characteristics of soils, vegetation, and hydrology before recommending that the wetland
27.20 be deposited in the statewide wetland bank. If the Technical Evaluation Panel has reason
27.21 to believe that the wetland characteristics may change substantially, the panel shall
27.22 postpone its recommendation until the wetland has stabilized.

27.23 (k) This section and sections 103G.223 to 103G.2242, 103G.2364, and 103G.2365
27.24 apply to the state and its departments and agencies.

27.25 (l) For projects involving draining or filling of wetlands associated with a new public
27.26 ~~transportation~~ road project, and for public road projects expanded solely for additional
27.27 traffic capacity, public ~~transportation~~ road authorities may purchase credits from the board
27.28 at the cost to the board to establish credits. Proceeds from the sale of credits provided
27.29 under this paragraph are appropriated to the board for the purposes of this paragraph.
27.30 For purposes of this paragraph, public road authorities include: the state of Minnesota,
27.31 counties, cities, and townships.

27.32 (m) A replacement plan for wetlands is not required for individual projects that
27.33 result in the filling or draining of wetlands for the repair, rehabilitation, reconstruction,
27.34 or replacement of a currently serviceable existing state, city, county, or town public road
27.35 necessary, as determined by the public transportation authority, to meet state or federal
27.36 design or safety standards or requirements, excluding new roads or roads expanded solely

28.1 for additional traffic capacity lanes. This paragraph only applies to authorities for public
28.2 transportation projects that:

28.3 (1) minimize the amount of wetland filling or draining associated with the project
28.4 and consider mitigating important site-specific wetland functions on-site;

28.5 (2) except as provided in clause (3), submit project-specific reports to the board, the
28.6 Technical Evaluation Panel, the commissioner of natural resources, and members of the
28.7 public requesting a copy at least 30 days prior to construction that indicate the location,
28.8 amount, and type of wetlands to be filled or drained by the project or, alternatively,
28.9 convene an annual meeting of the parties required to receive notice to review projects to
28.10 be commenced during the upcoming year; and

28.11 (3) for minor and emergency maintenance work impacting less than 10,000 square
28.12 feet, submit project-specific reports, within 30 days of commencing the activity, to the
28.13 board that indicate the location, amount, and type of wetlands that have been filled
28.14 or drained.

28.15 Those required to receive notice of public transportation projects may appeal
28.16 minimization, delineation, and on-site mitigation decisions made by the public
28.17 transportation authority to the board according to the provisions of section 103G.2242,
28.18 subdivision 9. The Technical Evaluation Panel shall review minimization and delineation
28.19 decisions made by the public transportation authority and provide recommendations
28.20 regarding on-site mitigation if requested to do so by the local government unit, a
28.21 contiguous landowner, or a member of the Technical Evaluation Panel.

28.22 Except for state public transportation projects, for which the state Department of
28.23 Transportation is responsible, the board must replace the wetlands, and wetland areas of
28.24 public waters if authorized by the commissioner or a delegated authority, drained or filled
28.25 by public transportation projects on existing roads.

28.26 Public transportation authorities at their discretion may deviate from federal and
28.27 state design standards on existing road projects when practical and reasonable to avoid
28.28 wetland filling or draining, provided that public safety is not unreasonably compromised.
28.29 The local road authority and its officers and employees are exempt from liability for
28.30 any tort claim for injury to persons or property arising from travel on the highway and
28.31 related to the deviation from the design standards for construction or reconstruction under
28.32 this paragraph. This paragraph does not preclude an action for damages arising from
28.33 negligence in construction or maintenance on a highway.

28.34 (n) If a landowner seeks approval of a replacement plan after the proposed project
28.35 has already affected the wetland, the local government unit may require the landowner to

29.1 replace the affected wetland at a ratio not to exceed twice the replacement ratio otherwise
29.2 required.

29.3 (o) A local government unit may request the board to reclassify a county or
29.4 watershed on the basis of its percentage of presettlement wetlands remaining. After
29.5 receipt of satisfactory documentation from the local government, the board shall change
29.6 the classification of a county or watershed. If requested by the local government unit,
29.7 the board must assist in developing the documentation. Within 30 days of its action to
29.8 approve a change of wetland classifications, the board shall publish a notice of the change
29.9 in the Environmental Quality Board Monitor.

29.10 (p) One hundred citizens who reside within the jurisdiction of the local government
29.11 unit may request the local government unit to reclassify a county or watershed on the basis
29.12 of its percentage of presettlement wetlands remaining. In support of their petition, the
29.13 citizens shall provide satisfactory documentation to the local government unit. The local
29.14 government unit shall consider the petition and forward the request to the board under
29.15 paragraph (o) or provide a reason why the petition is denied.

29.16 Sec. 7. Minnesota Statutes 2006, section 103G.271, subdivision 6, is amended to read:

29.17 Subd. 6. **Water use permit processing fee.** (a) Except as described in paragraphs
29.18 (b) to (f), a water use permit processing fee must be prescribed by the commissioner in
29.19 accordance with the schedule of fees in this subdivision for each water use permit in force
29.20 at any time during the year. The schedule is as follows, with the stated fee in each clause
29.21 applied to the total amount appropriated:

29.22 (1) \$101 for amounts not exceeding 50,000,000 gallons per year;

29.23 (2) \$3 per 1,000,000 gallons for amounts greater than 50,000,000 gallons but less
29.24 than 100,000,000 gallons per year;

29.25 (3) \$3.50 per 1,000,000 gallons for amounts greater than 100,000,000 gallons but
29.26 less than 150,000,000 gallons per year;

29.27 (4) \$4 per 1,000,000 gallons for amounts greater than 150,000,000 gallons but less
29.28 than 200,000,000 gallons per year;

29.29 (5) \$4.50 per 1,000,000 gallons for amounts greater than 200,000,000 gallons but
29.30 less than 250,000,000 gallons per year;

29.31 (6) \$5 per 1,000,000 gallons for amounts greater than 250,000,000 gallons but less
29.32 than 300,000,000 gallons per year;

29.33 (7) \$5.50 per 1,000,000 gallons for amounts greater than 300,000,000 gallons but
29.34 less than 350,000,000 gallons per year;

30.1 (8) \$6 per 1,000,000 gallons for amounts greater than 350,000,000 gallons but less
30.2 than 400,000,000 gallons per year;

30.3 (9) \$6.50 per 1,000,000 gallons for amounts greater than 400,000,000 gallons but
30.4 less than 450,000,000 gallons per year;

30.5 (10) \$7 per 1,000,000 gallons for amounts greater than 450,000,000 gallons but
30.6 less than 500,000,000 gallons per year; and

30.7 (11) \$7.50 per 1,000,000 gallons for amounts greater than 500,000,000 gallons
30.8 per year.

30.9 (b) For once-through cooling systems, a water use processing fee must be prescribed
30.10 by the commissioner in accordance with the following schedule of fees for each water use
30.11 permit in force at any time during the year:

30.12 (1) for nonprofit corporations and school districts, \$150 per 1,000,000 gallons; and

30.13 (2) for all other users, \$300 per 1,000,000 gallons.

30.14 (c) The fee is payable based on the amount of water appropriated during the year
30.15 and, except as provided in paragraph (f), the minimum fee is \$100.

30.16 (d) For water use processing fees other than once-through cooling systems:

30.17 (1) the fee for a city of the first class may not exceed \$250,000 per year;

30.18 (2) the fee for other entities for any permitted use may not exceed:

30.19 (i) \$50,000 per year for an entity holding three or fewer permits;

30.20 (ii) \$75,000 per year for an entity holding four or five permits;

30.21 (iii) \$250,000 per year for an entity holding more than five permits;

30.22 (3) the fee for agricultural irrigation may not exceed \$750 per year;

30.23 (4) the fee for a municipality that furnishes electric service and cogenerates steam
30.24 for home heating may not exceed \$10,000 for its permit for water use related to the
30.25 cogeneration of electricity and steam; and

30.26 (5) no fee is required for a project involving the appropriation of surface water to
30.27 prevent flood damage or to remove flood waters during a period of flooding, as determined
30.28 by the commissioner.

30.29 (e) Failure to pay the fee is sufficient cause for revoking a permit. A penalty of two
30.30 percent per month calculated from the original due date must be imposed on the unpaid
30.31 balance of fees remaining 30 days after the sending of a second notice of fees due. A fee
30.32 may not be imposed on an agency, as defined in section 16B.01, subdivision 2, or federal
30.33 governmental agency holding a water appropriation permit.

30.34 (f) The minimum water use processing fee for a permit issued for irrigation of
30.35 agricultural land is \$20 for years in which:

30.36 (1) there is no appropriation of water under the permit; or

31.1 (2) the permit is suspended for more than seven consecutive days between May 1
31.2 and October 1.

31.3 (g) A surcharge of \$20 per million gallons in addition to the fee prescribed in
31.4 paragraph (a) shall be applied to the volume of water used in each of the months of June,
31.5 July, and August that exceeds the volume of water used in January for municipal water
31.6 use, irrigation of golf courses, and landscape irrigation. The surcharge for municipalities
31.7 with more than one permit shall be determined based on the total appropriations from all
31.8 permits that supply a common distribution system.

31.9 (h) A water monitoring charge of .0002 cents per gallon shall be applied to
31.10 the volume of groundwater used in the counties of Anoka, Carver, Chisago, Dakota,
31.11 Hennepin, Isanti, Ramsey, Scott, Sherburne, Washington, and Wright. The revenue
31.12 collected under this paragraph must be credited to an account in the natural resources
31.13 fund and is available for appropriation to be used for installation and rehabilitation
31.14 of groundwater level monitoring equipment in new or existing wells. The intent of the
31.15 monitoring wells is to collect long-term water level data and to manage and interpret the
31.16 data in order to determine potential depletion rates and sustainable water withdrawal rates
31.17 for aquifers in the state.

31.18 **Sec. 8. [116.195] BENEFICIAL USE OF WASTEWATER; CAPITAL GRANTS**
31.19 **FOR DEMONSTRATION PROJECTS.**

31.20 Subdivision 1. **Definitions.** (a) For the purposes of this section, the following terms
31.21 have the meanings given them.

31.22 (b) "Agency" means the Pollution Control Agency.

31.23 (c) "Beneficial use of wastewater" means use of the effluent from a wastewater
31.24 treatment plant that replaces use of groundwater.

31.25 (d) "Capital project" means the acquisition or betterment of public land, buildings,
31.26 and other public improvements of a capital nature for the treatment of wastewater intended
31.27 for beneficial use. Capital project includes projects to retrofit, expand, or construct new
31.28 treatment facilities.

31.29 Subd. 2. **Grants for capital project design.** The agency shall make grant awards
31.30 to political subdivisions for up to 50 percent of the costs to predesign and design capital
31.31 projects that demonstrate the beneficial use of wastewater. The maximum amount for a
31.32 grant under this subdivision is \$500,000. The grant agreement must provide that the
31.33 predesign and design work being funded is public information and available to anyone
31.34 without charge. The agency must make the predesign and design work available on its
31.35 Web site.

32.1 Subd. 3. **Grants for capital project implementation.** The agency shall make
32.2 grant awards to political subdivisions for up to 50 percent of the costs to acquire,
32.3 construct, install, furnish, and equip capital projects that demonstrate the beneficial use
32.4 of wastewater. The political subdivision must submit design plans and specifications
32.5 to the agency as part of the application.

32.6 The agency must consult with the Public Facilities Authority and the commissioner
32.7 of natural resources in reviewing and ranking applications for grants under this section.

32.8 The application must identify the uses of the treated wastewater and greater weight
32.9 will be given to applications that include a binding commitment to participate by the
32.10 user or users.

32.11 The agency must give preference to projects that will reduce use of the greatest
32.12 volume of groundwater from aquifers with the slowest rate of recharge.

32.13 Subd. 4. **Application form; procedures.** The agency shall develop an application
32.14 form and procedures.

32.15 Subd. 5. **Reports.** The agency shall report by February 1 of each year to the chairs
32.16 of the house and senate committees with jurisdiction over environment policy and finance
32.17 and capital investment on the grants made and projects funded under this section. For each
32.18 demonstration project funded, the report must include information on the scale of water
32.19 constraints for the area, the volume of treated wastewater supply, the quality of treated
32.20 wastewater supplied and treatment implications for the industrial user, impacts to stream
32.21 flow and downstream users, and any considerations related to water appropriation and
32.22 discharge permits.

32.23 **Sec. 9. BOND SALE AUTHORIZATION.**

32.24 To provide the money appropriated in this act from the bond proceeds fund, the
32.25 commissioner of finance shall sell and issue bonds of the state in an amount up to
32.26 \$240,937,000 in the manner, upon the terms, and with the effect prescribed by Minnesota
32.27 Statutes, sections 16A.631 to 16A.675, and by the Minnesota Constitution, article XI,
32.28 sections 4 to 7.

32.29 **Sec. 10. EFFECTIVE DATE.**

32.30 Except as otherwise provided, this act is effective the day following final enactment.