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State of Minnesota

HOUSE OF REPRESENTATIVES

EIGHTY-SIXTH  
SESSION

HOUSE FILE No. 2049

March 23, 2009  
Authored by Wagenius and Carlson  
The bill was read for the first time and referred to the Committee on Finance

1.1 A bill for an act  
1.2 relating to state government; appropriating money for environment and natural  
1.3 resources.

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

1.5 Section 1. MINNESOTA RESOURCES APPROPRIATION.

1.6 The sums shown in the columns marked "Appropriations" are appropriated to the  
1.7 agencies and for the purposes specified in this act. The appropriations are from the  
1.8 environment and natural resources trust fund, or another named fund, and are available for  
1.9 the fiscal years indicated for each purpose. The figures "2010" and "2011" used in this  
1.10 article mean that the appropriations listed under them are available for the fiscal year  
1.11 ending June 30, 2010, or June 30, 2011, respectively. "The first year" is fiscal year 2010.  
1.12 "The second year" is fiscal year 2011. "The biennium" is fiscal years 2010 and 2011.

1.13	<u>APPROPRIATIONS</u>		
1.14	<u>Available for the Year</u>		
1.15	<u>Ending June 30</u>		
1.16		<u>2010</u>	<u>2011</u>

1.17 Sec. 2. MINNESOTA RESOURCES.

1.18	<u>Subdivision 1. Total Appropriation</u>	\$	<u>26,088,000</u>	\$	<u>-0-</u>
1.19	<u>Appropriations by Fund</u>				
1.20		<u>2010</u>	<u>2011</u>		
1.21	<u>Environment and</u>				
1.22	<u>Natural Resources</u>				
1.23	<u>Trust</u>	<u>25,622,000</u>	<u>-0-</u>		

2.1	<u>Great Lakes</u>		
2.2	<u>Protection Account</u>	<u>66,000</u>	<u>-0-</u>
2.3	<u>State Land and</u>		
2.4	<u>Water Conservation</u>		
2.5	<u>Account</u>		
2.6	<u>(LAWCON)</u>	<u>400,000</u>	<u>-0-</u>

2.7 Appropriations are available for two  
 2.8 years beginning July 1, 2009, unless  
 2.9 otherwise stated in the appropriation. Any  
 2.10 unencumbered balance remaining in the first  
 2.11 year does not cancel and is available for the  
 2.12 second year.

2.13 Subd. 2. **Definitions**

2.14 (a) "Trust fund" means the Minnesota  
 2.15 environment and natural resources trust fund  
 2.16 referred to in Minnesota Statutes, section  
 2.17 116P.02, subdivision 6.

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

2.21 (c) "State land and water conservation  
 2.22 account (LAWCON)" means the state land  
 2.23 and water conservation account in the natural  
 2.24 resources fund referred to in Minnesota  
 2.25 Statutes, section 116P.14.

2.26 Subd. 3. **Natural Resource Data and**  
 2.27 **Information**

5,995,000

-0-

2.28 (a) Minnesota County Biological Survey  
 2.29 \$2,100,000 is from the trust fund to the  
 2.30 commissioner of natural resources for  
 2.31 continuation of the Minnesota county  
 2.32 biological survey to provide a foundation  
 2.33 for conserving biological diversity by  
 2.34 systematically collecting, interpreting,  
 2.35 and delivering data on plant and animal

3.1 distribution and ecology, native plant  
3.2 communities, and functional landscapes.

3.3 (b) County Geological Atlas and South-Central  
3.4 Minnesota Groundwater

3.5 \$2,695,000 is from the trust fund for  
3.6 collection and interpretation of subsurface  
3.7 geological information and acceleration of  
3.8 the county geologic atlas program. \$820,000  
3.9 of this appropriation is to the Board of  
3.10 Regents of the University of Minnesota for  
3.11 the geological survey to continue and to  
3.12 initiate the production of county geologic  
3.13 atlases. \$1,875,000 of this appropriation is  
3.14 to the commissioner of natural resources  
3.15 to investigate the physical and recharge  
3.16 characteristics of the Mt. Simon aquifer.  
3.17 This appropriation represents a continuing  
3.18 effort to complete the county geologic atlases  
3.19 throughout the state. This appropriation  
3.20 is available until June 30, 2012, at which  
3.21 time the project must be completed and final  
3.22 products delivered, unless an earlier date is  
3.23 specified in the work program.

3.24 (c) Soil Survey

3.25 \$400,000 is from the trust fund to the Board  
3.26 of Water and Soil Resources to accelerate the  
3.27 county soil survey mapping and Web-based  
3.28 data delivery. This appropriation represents  
3.29 a continuing effort to complete the mapping.  
3.30 The soil surveys must be done on a cost-share  
3.31 basis with local and federal funds.

3.32 (d) Springshed Mapping for Trout Stream  
3.33 Management

3.34 \$500,000 is from the trust fund to continue  
3.35 to identify and delineate supply areas and

4.1 springsheds for springs serving as coldwater  
 4.2 sources for trout streams and to assess  
 4.3 the impacts from development and water  
 4.4 appropriations. Of this appropriation,  
 4.5 \$250,000 is to the Board of Regents of the  
 4.6 University of Minnesota and \$250,000 is to  
 4.7 the commissioner of natural resources.  
 4.8 (e) Restorable Wetlands Inventory  
 4.9 \$300,000 is from the trust fund to the  
 4.10 commissioner of natural resources for an  
 4.11 agreement with Ducks Unlimited, Inc.,  
 4.12 to complete the inventory, mapping, and  
 4.13 digitizing of drained restorable wetlands in  
 4.14 Minnesota. This appropriation is available  
 4.15 until June 30, 2012, at which time the  
 4.16 project must be completed and final products  
 4.17 delivered, unless an earlier date is specified  
 4.18 in the work program.

4.19	<u>Subd. 4. <b>Land, Habitat, and Recreation</b></u>	<u>13,227,000</u>	<u>-0-</u>
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4.20 Appropriations by Fund

4.21	<u>Environment and</u>		
4.22	<u>Natural Resources</u>		
4.23	<u>Trust</u>	<u>12,827,000</u>	<u>-0-</u>
4.24	<u>State Land and</u>		
4.25	<u>Water Conservation</u>		
4.26	<u>Account</u>		
4.27	<u>(LAWCON)</u>	<u>400,000</u>	<u>-0-</u>

4.28 (a) State Parks Acquisition

4.29 \$590,000 is from the trust fund to the  
 4.30 commissioner of natural resources to acquire  
 4.31 in-holdings for state parks. Land acquired  
 4.32 with this appropriation must be sufficiently  
 4.33 improved to meet at least minimum  
 4.34 management standards as determined by the  
 4.35 commissioner of natural resources. A list of  
 4.36 proposed acquisitions must be provided as  
 4.37 part of the required work program.

5.1 (b) State Trail Acquisition

5.2 \$1,000,000 is from the trust fund to the  
5.3 commissioner of natural resources to assist  
5.4 in the acquisition of the Brown's Creek  
5.5 Segment of the Willard Munger Trail in  
5.6 Washington County and Paul Bunyan State  
5.7 Trail in the city of Bemidji.

5.8 (c) Metropolitan Regional Park System  
5.9 Acquisition

5.10 \$1,290,000 is from the trust fund to the  
5.11 Metropolitan Council for subgrants for the  
5.12 acquisition of lands within the approved park  
5.13 unit boundaries of the metropolitan regional  
5.14 park system. This appropriation may not  
5.15 be used for the purchase of residential  
5.16 structures. A list of proposed fee title and  
5.17 easement acquisitions must be provided  
5.18 as part of the required work program. All  
5.19 funding for conservation easements must  
5.20 include a long-term stewardship plan and  
5.21 funding for monitoring and enforcing the  
5.22 agreement. This appropriation must be  
5.23 matched by at least 40 percent of nonstate  
5.24 money and must be committed by December  
5.25 31, 2009, or the appropriation cancels. This  
5.26 appropriation is available until June 30, 2012,  
5.27 at which time the project must be completed  
5.28 and final products delivered, unless an earlier  
5.29 date is specified in the work program.

5.30 (d) Statewide Scientific and Natural Area  
5.31 Acquisition and Restoration

5.32 \$590,000 is from the trust fund to the  
5.33 commissioner of natural resources to acquire  
5.34 high quality native plant communities and  
5.35 rare features and restore parts of scientific

6.1 and natural areas as provided in Minnesota  
6.2 Statutes, section 86A.05, subdivision 5. A list  
6.3 of proposed acquisitions must be provided as  
6.4 part of the required work program.

6.5 (e) Minnesota's Habitat Conservation Partnership  
6.6 (HCP) – Phase VI

6.7 \$3,375,000 is from the trust fund to the  
6.8 commissioner of natural resources for the  
6.9 sixth appropriation for acceleration of agency  
6.10 programs and cooperative agreements.

6.11 Of this appropriation, \$770,000 is for the  
6.12 Department of Natural Resources agency  
6.13 programs and \$2,605,000 is for agreements  
6.14 as follows: \$450,000 with Pheasants  
6.15 Forever; \$50,000 with Minnesota Deer  
6.16 Hunters Association; \$895,000 with Ducks  
6.17 Unlimited, Inc.; \$85,000 with National Wild  
6.18 Turkey Federation; \$365,000 with the Nature  
6.19 Conservancy; \$210,000 with Minnesota Land  
6.20 Trust; \$350,000 with the Trust for Public  
6.21 Land; \$100,000 with Minnesota Valley  
6.22 National Wildlife Refuge Trust, Inc.; \$50,000  
6.23 with the United States Fish and Wildlife  
6.24 Service; and \$50,000 with Friends of Detroit  
6.25 Lakes Watershed Management District  
6.26 to plan, restore, and acquire fragmented  
6.27 landscape corridors that connect areas of  
6.28 quality habitat to sustain fish, wildlife, and  
6.29 plants. The United States Department of  
6.30 Agriculture-Natural Resources Conservation  
6.31 Service is a cooperating partner in the  
6.32 appropriation. Expenditures are limited to  
6.33 the project corridor areas as defined in the  
6.34 work program. Land acquired with this  
6.35 appropriation must be sufficiently improved  
6.36 to meet at least minimum habitat and facility

7.1 management standards as determined by  
7.2 the commissioner of natural resources.  
7.3 This appropriation may not be used for the  
7.4 purchase of residential structures, unless  
7.5 expressly approved in the work program. All  
7.6 conservation easements must be perpetual  
7.7 and have a natural resource management  
7.8 plan. Any land acquired in fee title by the  
7.9 commissioner of natural resources with  
7.10 money from this appropriation must be  
7.11 designated as an outdoor recreation unit  
7.12 under Minnesota Statutes, section 86A.07.  
7.13 The commissioner may similarly designate  
7.14 any lands acquired in less than fee title. A  
7.15 list of proposed restorations and fee title  
7.16 and easement acquisitions must be provided  
7.17 as part of the required work program. All  
7.18 funding for conservation easements must  
7.19 include a long-term stewardship plan and  
7.20 funding for monitoring and enforcing the  
7.21 agreement. To the maximum extent practical,  
7.22 consistent with contractual easement or  
7.23 fee acquisition obligations, the recipients  
7.24 shall utilize staff resources to identify  
7.25 future projects and shall maximize the  
7.26 implementation of biodiverse, quality  
7.27 restoration projects in the project proposal  
7.28 into the first half of the 2010 fiscal year.  
7.29 (f) Metro Conservation Corridors (MeCC) - Phase  
7.30 V  
  
7.31 \$3,375,000 is from the trust fund to the  
7.32 commissioner of natural resources for the  
7.33 fifth appropriation for acceleration of agency  
7.34 programs and cooperative agreements.  
7.35 Of this appropriation, \$2,185,000 is for  
7.36 Department of Natural Resources agency

8.1 programs and \$1,190,000 is for agreements  
8.2 as follows: \$380,000 with the Trust for  
8.3 Public Land; \$90,000 with Friends of the  
8.4 Mississippi River; \$155,000 with Great  
8.5 River Greening; \$250,000 with Minnesota  
8.6 Land Trust; \$225,000 with Minnesota Valley  
8.7 National Wildlife Refuge Trust, Inc.; and  
8.8 \$90,000 with Friends of the Minnesota  
8.9 Valley for the purposes of planning,  
8.10 restoring, and protecting important natural  
8.11 areas in the metropolitan area, as defined  
8.12 under Minnesota Statutes, section 473.121,  
8.13 subdivision 2, and portions of the surrounding  
8.14 counties, through grants, contracted services,  
8.15 technical assistance, conservation easements,  
8.16 and fee title acquisition. Land acquired  
8.17 with this appropriation must be sufficiently  
8.18 improved to meet at least minimum  
8.19 management standards as determined by  
8.20 the commissioner of natural resources.  
8.21 Expenditures are limited to the identified  
8.22 project corridor areas as defined in the work  
8.23 program. This appropriation may not be used  
8.24 for the purchase of residential structures,  
8.25 unless expressly approved in the work  
8.26 program. All conservation easements must  
8.27 be perpetual and have a natural resource  
8.28 management plan. Any land acquired in fee  
8.29 title by the commissioner of natural resources  
8.30 with money from this appropriation must  
8.31 be designated as an outdoor recreation unit  
8.32 under Minnesota Statutes, section 86A.07.  
8.33 The commissioner may similarly designate  
8.34 any lands acquired in less than fee title. A  
8.35 list of proposed restorations and fee title  
8.36 and easement acquisitions must be provided



- 9.1 as part of the required work program. All  
9.2 funding for conservation easements must  
9.3 include a long-term stewardship plan and  
9.4 funding for monitoring and enforcing the  
9.5 agreement. To the maximum extent practical,  
9.6 consistent with contractual easement or  
9.7 fee acquisition obligations, the recipients  
9.8 shall utilize staff resources to identify  
9.9 future projects and shall maximize the  
9.10 implementation of biodiverse, quality  
9.11 restoration projects in the project proposal  
9.12 into the first half of the 2010 fiscal year.
- 9.13 (g) Statewide Ecological Ranking of Conservation  
9.14 Reserve Program (CRP) and Other Critical Lands
- 9.15 \$107,000 is from the trust fund to the Board  
9.16 of Water and Soil Resources to continue the  
9.17 efforts funded by the emerging issues account  
9.18 allocation to identify and rank the ecological  
9.19 value of conservation reserve program (CRP)  
9.20 and other critical lands throughout Minnesota  
9.21 using a multiple parameter approach  
9.22 including soil productivity, landscape, water,  
9.23 and wildlife factors.
- 9.24 (h) Protection of Granite Rock Outcrop Ecosystem
- 9.25 \$1,500,000 is from the trust fund to the  
9.26 Board of Water and Soil Resources, in  
9.27 cooperation with the Renville Soil and Water  
9.28 Conservation District, to acquire perpetual  
9.29 easements of unique granite rock outcrops  
9.30 located in the Upper Minnesota River Valley  
9.31 and to restore their ecological integrity.
- 9.32 (i) Minnesota Farm Bill Assistance Project
- 9.33 \$1,000,000 is from the trust fund to the Board  
9.34 of Water and Soil Resources to provide  
9.35 funding for technical staff to assist in the

10.1 implementation provisions of conservation  
 10.2 programs including the federal farm bill  
 10.3 conservation programs. Documentation must  
 10.4 be provided on the number of landowner  
 10.5 contacts, program participation, federal  
 10.6 dollars leveraged, quantifiable criteria, and  
 10.7 measurement of the improvements to water  
 10.8 quality and habitat.

10.9 (j) Land and Water Conservation Account  
 10.10 (LAWCON) Federal Reimbursements

10.11 \$400,000 is from the state land and water  
 10.12 conservation account (LAWCON) in the  
 10.13 natural resources fund to the commissioner of  
 10.14 natural resources for priorities established by  
 10.15 the commissioner for eligible state projects  
 10.16 and administrative and planning activities  
 10.17 consistent with Minnesota Statutes, section  
 10.18 116P.14, and the federal Land and Water  
 10.19 Conservation Fund Act.

10.20 Subd. 5. **Water Resources**

2,063,000

-0-

10.21 (a) Removal of Endocrine Disruptors; Treatment  
 10.22 and Education

10.23 \$275,000 is from the trust fund to the Board  
 10.24 of Regents at the University of Minnesota  
 10.25 to continue research on the removal of  
 10.26 endocrine disruptors from Minnesota's  
 10.27 waters through strategies of enhancing  
 10.28 treatment at wastewater treatment plants and  
 10.29 decreasing the use of the compounds. This  
 10.30 appropriation is available until June 30, 2012,  
 10.31 at which time the project must be completed  
 10.32 and final products delivered, unless an earlier  
 10.33 date is specified in the work program.

10.34 (b) Vulnerability of Fish Populations in Lakes to  
 10.35 Endocrine Disrupting Contaminants

11.1 \$297,000 is from the trust fund to the  
11.2 commissioner of natural resources for an  
11.3 agreement with the United States Geologic  
11.4 Survey and St. Cloud State University to  
11.5 develop quantitative data on juvenile and  
11.6 adult fish vulnerability to endocrine-active  
11.7 emerging contaminants found in Minnesota  
11.8 lakes. This appropriation is available until  
11.9 June 30, 2012, at which time the project must  
11.10 be completed and final products delivered,  
11.11 unless an earlier date is specified in the work  
11.12 program.

11.13 (c) Cooperative Habitat Research in Deep Lakes

11.14 \$825,000 is from the trust fund to the  
11.15 commissioner of natural resources to assess  
11.16 the consequences of large ecological drivers  
11.17 of change on water quality and habitat  
11.18 dynamics of deep water lakes with coldwater  
11.19 fish populations. This appropriation is  
11.20 available until June 30, 2012, at which time  
11.21 the project must be completed and final  
11.22 products delivered, unless an earlier date is  
11.23 specified in the work program.

11.24 (d) Intensified Tile Drainage Evaluation

11.25 \$300,000 is from the trust fund to the  
11.26 Science Museum of Minnesota for the St.  
11.27 Croix watershed research station to conduct  
11.28 a comparative assessment of hydrologic  
11.29 changes in watersheds with and without  
11.30 intensive tile drainage to determine the  
11.31 effects of climate and tile drainage on river  
11.32 erosion. This appropriation is available until  
11.33 June 30, 2012, at which time the project must  
11.34 be completed and final products delivered,

12.1    unless an earlier date is specified in the work

12.2    program.

12.3    (e) Citizen-Based Stormwater Management

12.4    \$279,000 is from the trust fund to the

12.5    commissioner of natural resources for

12.6    an agreement with Metro Blooms, in

12.7    cooperation with Minnehaha Creek

12.8    Watershed District and the city of

12.9    Minneapolis, to install and evaluate the

12.10   effectiveness of rain gardens on improving

12.11   the impaired water of Powderhorn Lake in

12.12   Minneapolis. This appropriation is available

12.13   until June 30, 2012, at which time the

12.14   project must be completed and final products

12.15   delivered, unless an earlier date is specified

12.16   in the work program.

12.17   (f) Minnesota Drainage Law Analysis and

12.18   Evaluation

12.19   \$87,000 is from the trust fund to the

12.20   commissioner of natural resources for an

12.21   agreement with Smith Partners PLLP to

12.22   identify and analyze legal and policy issues

12.23   where the drainage code conflicts with other

12.24   laws impacting protection of public waters

12.25   and wetlands.

12.26   Subd. 6. **Aquatic and Terrestrial Invasive**

12.27   **Species**

1,068,000

-0-

12.28           Appropriations by Fund

12.29   Environment and

12.30   Natural Resources

12.31   Trust

1,002,000

-0-

12.32   Great Lakes

12.33   Protection Account

66,000

-0-

12.34   (a) Ballast Water Sampling Method Development

12.35   and Treatment Technology

- 13.1 \$300,000 is from the trust fund and \$66,000  
13.2 is from the Great Lakes protection account to  
13.3 the commissioner of the Pollution Control  
13.4 Agency in cooperation with the Department  
13.5 of Natural Resources to conduct monitoring  
13.6 for aquatic invasive species in ballast water  
13.7 discharges to Minnesota waters of Lake  
13.8 Superior and to test the effectiveness of  
13.9 ballast water treatment systems.
- 13.10 (b) Emergency Delivery System Development for  
13.11 Disinfecting Ballast Water
- 13.12 \$125,000 is from the trust fund to the  
13.13 commissioner of the Pollution Control  
13.14 Agency for an agreement with the United  
13.15 States Geologic Survey to test the viability  
13.16 of treating ballast water through tank access  
13.17 ports or air vents as a means to prevent the  
13.18 spread of invasive species.
- 13.19 (c) Improving Emerging Fish Disease Surveillance  
13.20 in Minnesota
- 13.21 \$80,000 is from the trust fund to the Board  
13.22 of Regents of the University of Minnesota  
13.23 to assess mechanisms and control of the  
13.24 transmission of Heterosporosis, an emerging  
13.25 fish disease in Minnesota, to assist in future  
13.26 management decisions and research.
- 13.27 (d) Controlling the Movement of Invasive Fish  
13.28 Species
- 13.29 \$300,000 is from the trust fund to the Board  
13.30 of Regents of the University of Minnesota to  
13.31 develop and test sonic barriers that could be  
13.32 effective in preventing and controlling the  
13.33 movement of invasive carp in Minnesota's  
13.34 waterways. This appropriation is available  
13.35 until June 30, 2012, at which time the  
13.36 project must be completed and final products

14.1 delivered, unless an earlier date is specified  
 14.2 in the work program.  
 14.3 (e) Prevention and Early Detection of Invasive  
 14.4 Earthworms

14.5 \$150,000 is from the trust fund to the Board  
 14.6 of Regents of the University of Minnesota  
 14.7 Natural Resources Research Institute for a  
 14.8 risk assessment of the methods of spreading,  
 14.9 testing of management recommendations,  
 14.10 and identification of key areas for action in  
 14.11 the state to reduce the impacts of invasive  
 14.12 earthworms on hardwood forest productivity.  
 14.13 This appropriation is available until June  
 14.14 30, 2012, at which time the project must  
 14.15 be completed and final products delivered,  
 14.16 unless an earlier date is specified in the work  
 14.17 program.

14.18 (f) Native Plant Biodiversity, Invasive Plant  
 14.19 Species, and Invertebrates

14.20 \$47,000 is from the trust fund to the  
 14.21 commissioner of natural resources for  
 14.22 an agreement with Concordia College to  
 14.23 survey plant, pollinator, and invertebrate  
 14.24 biodiversity in native and restored prairies to  
 14.25 assess impacts on invasive species and food  
 14.26 sources for grassland birds and ecosystem  
 14.27 services.

14.28 Subd. 7. **Energy**

2,323,000

-0-

14.29 (a) Options to Decarbonize Minnesota's Electrical  
 14.30 Power System

14.31 \$143,000 is from the trust fund to the Board  
 14.32 of Regents of the University of Minnesota  
 14.33 to analyze the Minnesota Climate Change  
 14.34 Advisory Group's greenhouse gas reduction  
 14.35 recommendations related to electrical

- 15.1 power from a life-cycle analysis and a  
 15.2 socio-political perspective.
- 15.3 (b) Projecting Environmental Trajectories for  
 15.4 Energy-Water-Habitat Planning
- 15.5 \$180,000 is from the trust fund to the Board  
 15.6 of Regents of the University of Minnesota  
 15.7 to combine detailed climatic records of  
 15.8 Minnesota with present and past ecosystem  
 15.9 boundaries to forecast future fine-scale flow  
 15.10 of climate across the state impacting human  
 15.11 activities and natural resources.
- 15.12 (c) Energy Efficient Cities
- 15.13 \$2,000,000 is from the trust fund to the  
 15.14 commissioner of commerce for an agreement  
 15.15 with the Center for Energy and Environment  
 15.16 for demonstration of innovative residential  
 15.17 energy efficiency delivery and financing  
 15.18 strategies, training, installation, evaluation,  
 15.19 and recommendations for a utility residential  
 15.20 energy conservation program.
- 15.21 Subd. 8. **Administration and Other**
- 15.22 (a) Contract Management
- 15.23 \$158,000 is from the trust fund to the  
 15.24 commissioner of natural resources for  
 15.25 contract management for duties assigned  
 15.26 in Laws 2007, chapter 30, section 2, and  
 15.27 Laws 2008, chapter 367, section 2, and for  
 15.28 additional duties as assigned in this section.
- 15.29 (b) Legislative-Citizen Commission on Minnesota  
 15.30 Resources (LCCMR)
- 15.31 \$1,254,000 is from the trust fund for fiscal  
 15.32 years 2010 and 2011 and is for administration  
 15.33 as provided in Minnesota Statutes, section  
 15.34 116P.09, subdivision 5.

1,412,000-0-

16.1 **Subd. 9. Availability of Appropriations**

16.2 Unless otherwise provided, the amounts in  
16.3 this section are available until June 30, 2011,  
16.4 when projects must be completed and final  
16.5 products delivered. For acquisition of real  
16.6 property, the amounts in this section are  
16.7 available until June 30, 2012, if a binding  
16.8 contract is entered into by June 30, 2011,  
16.9 and closed not later than June 30, 2012. If  
16.10 a project receives a federal grant, the time  
16.11 period of the appropriation is extended to  
16.12 equal the federal grant period.

16.13 **Subd. 10. Data Availability Requirements**

16.14 Data collected by the projects funded under  
16.15 this section that have value for planning and  
16.16 management of natural resources, emergency  
16.17 preparedness, and infrastructure investments  
16.18 must conform to the enterprise information  
16.19 architecture developed by the Office of  
16.20 Enterprise Technology. Spatial data must  
16.21 conform to geographic information system  
16.22 guidelines and standards outlined in that  
16.23 architecture and adopted by the Minnesota  
16.24 Geographic Data Clearinghouse at the  
16.25 Land Management Information Center. A  
16.26 description of these data that adheres to the  
16.27 Office of Enterprise Technology geographic  
16.28 metadata standards must be submitted to  
16.29 the Land Management Information Center  
16.30 to be made available online through the  
16.31 clearinghouse and the data must be accessible  
16.32 and free to the public unless made private  
16.33 under the Data Practices Act, Minnesota  
16.34 Statutes, chapter 13.



17.1 To the extent practicable, summary data and  
17.2 results of projects funded under this section  
17.3 should be readily accessible on the Internet  
17.4 and identified as an environment and natural  
17.5 resources trust fund project.

17.6 **Subd. 11. Project Requirements**

17.7 (a) As a condition of accepting an  
17.8 appropriation in this section, any agency or  
17.9 entity receiving an appropriation must, for  
17.10 any project funded in whole or in part with  
17.11 funds from the appropriation:

17.12 (1) comply with Minnesota Statutes, chapter  
17.13 116P;

17.14 (2) plant vegetation only of native ecotypes  
17.15 to Minnesota and preferably of the local  
17.16 ecotype using a high diversity of species  
17.17 grown as close to the restoration site as  
17.18 possible;

17.19 (3) when restoring prairies for scientific and  
17.20 natural areas:

17.21 (i) use seeds and plant materials that originate  
17.22 as close to the site as possible in the same  
17.23 county as the restoration site or within 25  
17.24 miles of the county border, but not across  
17.25 the boundary of an ecotype region. Ecotype  
17.26 regions are defined by the Department of  
17.27 Natural Resources map, "Minnesota Ecotype  
17.28 Regions Map - County Landscape Groupings  
17.29 Based on Ecological Subsections," dated  
17.30 February 15, 2007;

17.31 (ii) if seeds and plant material described  
17.32 in item (i) are not available, use seeds and  
17.33 plant materials from within the same ecotype

18.1 region or within 25 miles of the ecotype  
18.2 region border.

18.3 Use of seeds and plant materials from beyond  
18.4 the geographic areas described in this clause  
18.5 must be expressly approved in the work  
18.6 program;

18.7 (4) for all other prairie restorations, use seeds  
18.8 and plant materials that originate from within  
18.9 200 miles of the restoration site;

18.10 (5) provide that all conservation easements:

18.11 (i) are perpetual;

18.12 (ii) specify the parties to an easement in the  
18.13 easement;

18.14 (iii) specify all of the provisions of an  
18.15 agreement that are perpetual;

18.16 (iv) are sent to the office of the  
18.17 Legislative-Citizen Commission on  
18.18 Minnesota Resources in an electronic format;  
18.19 and

18.20 (v) include a long-term stewardship plan and  
18.21 funding for monitoring and enforcing the  
18.22 easement agreement;

18.23 (6) for all restorations, prepare an ecological  
18.24 restoration and management plan that, to  
18.25 the degree practicable, is consistent with the  
18.26 highest quality conservation and ecological  
18.27 goals for the restoration site. Consideration  
18.28 should be given to soil, geology, topography,  
18.29 and other relevant factors that would provide  
18.30 the best chance for long-term success of the  
18.31 restoration projects. The plan shall include  
18.32 the proposed time table for implementing  
18.33 the restoration, including site preparation,  
18.34 establishment of diverse plant species,

19.1 maintenance, and additional enhancement to  
19.2 establish the restoration; identify long-term  
19.3 maintenance and management needs of  
19.4 the restoration and how the maintenance,  
19.5 management, and enhancement will be  
19.6 financed; and take advantage of the best  
19.7 available science and include innovative  
19.8 techniques to achieve the best restoration;  
19.9 (7) for new lands acquired, prepare a  
19.10 restoration and management plan in  
19.11 compliance with clause (6), including  
19.12 sufficient funding for implementation;  
19.13 (8) give priority in any acquisition of land  
19.14 or interest in land to high quality natural  
19.15 resources or conservation lands that provide  
19.16 natural buffers to water resources;  
19.17 (9) to ensure public accountability for  
19.18 the use of public funds, provide to the  
19.19 Legislative-Citizen Commission on  
19.20 Minnesota Resources documentation of the  
19.21 selection process used to identify parcels  
19.22 acquired and provide documentation of all  
19.23 related transaction costs, including but not  
19.24 limited to appraisals, legal fees, recording  
19.25 fees, commissions, other similar costs,  
19.26 and donations. This information must be  
19.27 provided for all parties involved in the  
19.28 transaction. The recipient shall also report  
19.29 to the Legislative-Citizen Commission on  
19.30 Minnesota Resources any difference between  
19.31 the acquisition amount paid to the seller  
19.32 and the state-certified or state-reviewed  
19.33 appraisal. Acquisition data such as appraisals  
19.34 may remain private during negotiations but

20.1 must ultimately be made public according to  
20.2 Minnesota Statutes, chapter 13; and  
20.3 (10) give consideration to contracting  
20.4 with the Minnesota Conservation Corps  
20.5 for contract restoration and enhancement  
20.6 services.

20.7 (b) The Legislative-Citizen Commission  
20.8 on Minnesota Resources shall review the  
20.9 requirement in paragraph (a), clause (9),  
20.10 and provide a recommendation whether  
20.11 to continue or modify the requirement in  
20.12 future years. The commission may waive the  
20.13 application of paragraph (a), clause (9), for  
20.14 specific projects.

20.15 **Subd. 12. Payment Conditions and Capital**  
20.16 **Equipment Expenditures**

20.17 All agreements, grants, or contracts referred  
20.18 to in this section must be administered on  
20.19 a reimbursement basis unless otherwise  
20.20 provided in this section. Notwithstanding  
20.21 Minnesota Statutes, section 16A.41,  
20.22 expenditures made on or after July 1,  
20.23 2009, or the date the work program is  
20.24 approved, whichever is later, are eligible for  
20.25 reimbursement unless otherwise provided  
20.26 in this section. Periodic payment must  
20.27 be made upon receiving documentation  
20.28 that the deliverable items articulated in  
20.29 the approved work program have been  
20.30 achieved, including partial achievements  
20.31 as evidenced by approved progress reports.  
20.32 Reasonable amounts may be advanced to  
20.33 projects to accommodate cash flow needs or  
20.34 match federal money. The advances must  
20.35 be approved as part of the work program.  
20.36 No expenditures for capital equipment are

21.1 allowed unless expressly authorized in the  
21.2 project work program.

21.3 **Subd. 13. Purchase of Recycled and Recyclable**  
21.4 **Materials**

21.5 A political subdivision, public or private  
21.6 corporation, or other entity that receives an  
21.7 appropriation in this section must use the  
21.8 appropriation in compliance with Minnesota  
21.9 Statutes, sections 16B.121, regarding  
21.10 purchase of recycled, repairable, and durable  
21.11 materials, and 16B.122, regarding purchase  
21.12 and use of paper stock and printing.

21.13 **Subd. 14. Energy Conservation and**  
21.14 **Sustainable Building Guidelines**

21.15 A recipient to whom an appropriation is made  
21.16 in this section for a capital improvement  
21.17 project shall ensure that the project complies  
21.18 with the applicable energy conservation and  
21.19 sustainable building guidelines and standards  
21.20 contained in law, including Minnesota  
21.21 Statutes, sections 16B.325, 216C.19, and  
21.22 216C.20, and rules adopted thereunder.  
21.23 The recipient may use the energy planning,  
21.24 advocacy, and State Energy Office units  
21.25 of the Department of Commerce to obtain  
21.26 information and technical assistance on  
21.27 energy conservation and alternative energy  
21.28 development relating to the planning and  
21.29 construction of the capital improvement  
21.30 project.

21.31 **Subd. 15. Accessibility**

21.32 Structural and nonstructural facilities must  
21.33 meet the design standards in the Americans  
21.34 with Disabilities Act (ADA) accessibility  
21.35 guidelines.

22.1 Subd. 16. Carryforward

22.2 The availability of the appropriations for the  
22.3 following projects are extended to June 30,  
22.4 2010:

22.5 (1) Laws 2005, First Special Session  
22.6 chapter 1, article 2, section 11, subdivision  
22.7 9, paragraph (a), completing third-party  
22.8 certification of Department of Natural  
22.9 Resources forest lands, as amended by Laws  
22.10 2007, chapter 30, subdivision 16;

22.11 (2) Laws 2005, First Special Session chapter  
22.12 1, article 2, section 11, subdivision 10,  
22.13 paragraph (a), clean energy resource teams  
22.14 and community wind energy rebate, as  
22.15 amended by Laws 2006, chapter 243, section  
22.16 15; and

22.17 (3) Laws 2007, chapter 30, section 2,  
22.18 subdivision 5, paragraph (m), threat of  
22.19 emerging contaminants to Upper Mississippi  
22.20 walleye.