

Lessard Outdoor Heritage Council

The State of Minnesota

500 Lafayette Road

Saint Paul, Minnesota 55155-4010

09 - 0462

March 24, 2009

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

Dear Governor Pawlenty:

On behalf of the Lessard Outdoor Heritage Council, enclosed are copies of jacketed legislation that incorporate the Council's FY 2010 Outdoor Heritage Fund recommendations. This legislation, which has been transmitted to the House and Senate leadership, consists of two bills: 1) an Outdoor Heritage Fund appropriations bill; and 2) a policy bill containing modest statutory changes affecting Council staffing. The Council separated its appropriation and policy recommendations to facilitate the legislative committee review process.

The Council's FY 2010 recommendations include 19 proposed appropriations with expenditures of \$68.7 million from the Outdoor Heritage Fund. These strategic investments, which meet the Fund's constitutional mission to "*restore, protect, and enhance wetlands, prairies, forests, and habitat for fish, game, and wildlife,*" will help to rebuild Minnesota's outdoor infrastructure and yield remarkable results. The highlights of our recommendations include:

- 128,771 acres of forests would be protected.
- 70,840 acres of wetlands would be restored, protected, or enhanced.
- 24,328 acres of prairies and grasslands would be restored, protected, or enhanced.
- 343 miles of shoreline would be restored, protected, or enhanced.
- \$35 million of additional non-state funds would be leveraged for these efforts.
- At least 77 counties from across the state would see conservation activity associated with these recommendations.

Equally important and pursuant to statute, the Council recommends an initial investment of \$4 million in the Conservation Partners Program, designed to "encourage and support local conservation efforts" through matching grants.

Please note that the Council's recommendations leave a \$7.7 million (10%) reserve in the Outdoor Heritage Fund to accommodate a possible further downturn in sales tax receipts during the 2010 fiscal year. We believe this is a prudent approach designed to minimize the risk of overextending the Fund.

The Council's recommended appropriations are the result of a great deal of deliberation and commitment over a short period by the Council, its staff, and the public. Shortly after its first

FY 2010 Outdoor Heritage Fund Recommendations

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meeting on December 1, 2008, the Council established an open and systematic assessment process designed to identify Minnesota's highest priority conservation needs in accordance with the state constitution and law. This effort included reviewing existing statewide and habitat-specific conservation plans and soliciting the expertise of Minnesota's strong network of individuals, experts, and local, state, and national organizations who are guided by good science, a philosophy of stewardship, and a common interest in conservation.

In response to its request for proposals, the Council reviewed 99 proposals from across the state totaling over \$250 million in requested funding from the Outdoor Heritage Fund. The FY 2010 recommendations are the product of the Council's nine public meetings and countless volunteer hours invested in this effort.

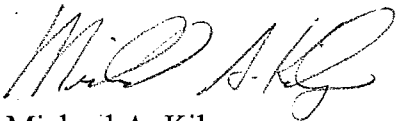
Additionally, the Council has requested an opinion from the Attorney General whether the Outdoor Heritage Fund can be used to make Payment In Lieu of Taxes for lands acquired from the Fund. This opinion will help guide the Council and you in the future on how we may address this important issue.

Moving forward and in accordance with the law, the Council will shortly begin its work to develop its FY 2011 recommended appropriations from the Outdoor Heritage Fund, due January 15, 2010.

As the 2009 Legislative Session continues, please know the Council and those organizations recommended to be recipients of FY 2010 Outdoor Heritage Fund appropriations stand ready to assist in any way possible to advance these recommendations.

On behalf of the members of the Council, please accept our sincere appreciation for bestowing your trust in us and allowing us the opportunity to serve the people of Minnesota in this important effort.

Sincerely,



Michael A. Kilgore

Chair, Lessard Outdoor Heritage Council

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

1.1 A bill for an act
1.2 relating to state government; modifying administration of the Lessard Outdoor
1.3 Heritage Council; amending Minnesota Statutes 2008, section 97A.056,
1.4 subdivisions 2, 7.

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

1.6 Section 1. Minnesota Statutes 2008, section 97A.056, subdivision 2, is amended to
1.7 read:

1.8 Subd. 2. **Lessard Outdoor Heritage Council.** (a) The Lessard Outdoor Heritage
1.9 Council of 12 members is created in the legislative branch, consisting of:

1.10 (1) two public members appointed by the senate Subcommittee on Committees of
1.11 the Committee on Rules and Administration;

1.12 (2) two public members appointed by the speaker of the house;

1.13 (3) four public members appointed by the governor;

1.14 (4) two members of the senate appointed by the senate Subcommittee on Committees
1.15 of the Committee on Rules and Administration; and

1.16 (5) two members of the house of representatives appointed by the speaker of the
1.17 house.

1.18 (b) Members appointed under paragraph (a) must not be registered lobbyists.

1.19 In making appointments, the governor, senate Subcommittee on Committees of the
1.20 Committee on Rules and Administration, and the speaker of the house shall consider
1.21 geographic balance, gender, age, ethnicity, and varying interests including hunting and
1.22 fishing. The governor's appointments to the council are subject to the advice and consent
1.23 of the senate.

2.1 (c) Public members appointed under paragraph (a) shall have practical experience
2.2 or expertise or demonstrated knowledge in the science, policy, or practice of restoring,
2.3 protecting, and enhancing wetlands, prairies, forests, and habitat for fish, game, and
2.4 wildlife.

2.5 (d) Legislative members appointed under paragraph (a) shall include the chairs
2.6 of the legislative committees with jurisdiction over environment and natural resources
2.7 finance or their designee, one member from the minority party of the senate, and one
2.8 member from the minority party of the house of representatives.

2.9 (e) Members serve four-year terms and shall be initially appointed according to
2.10 the following schedule of terms:

2.11 (1) two public members appointed by the governor for a term ending the first
2.12 Monday in January 2011;

2.13 (2) one public member appointed by the senate Subcommittee on Committees of the
2.14 Committee on Rules and Administration for a term ending the first Monday in January
2.15 2011;

2.16 (3) one public member appointed by the speaker of the house for a term ending
2.17 the first Monday in January 2011;

2.18 (4) two public members appointed by the governor for a term ending the first
2.19 Monday in January 2013;

2.20 (5) one public member appointed by the senate Subcommittee on Committees of the
2.21 Committee on Rules and Administration for a term ending the first Monday in January
2.22 2013;

2.23 (6) one public member appointed by the speaker of the house for a term ending the
2.24 first Monday in January 2013; and

2.25 (7) two members of the senate appointed by the senate Subcommittee on Committees
2.26 of the Committee on Rules and Administration for a term ending the first Monday in
2.27 January 2013, and two members of the house of representatives appointed by the speaker
2.28 of the house for a term ending the first Monday in January 2013.

2.29 (f) Compensation and removal of public members are as provided in section
2.30 15.0575. A vacancy on the council may be filled by the appointing authority for the
2.31 remainder of the unexpired term.

2.32 (g) The first meeting of the council shall be convened by the chair of the Legislative
2.33 Coordinating Commission no later than December 1, 2008. Members shall elect a chair,
2.34 vice-chair, secretary, and other officers as determined by the council. The chair may
2.35 convene meetings as necessary to conduct the duties prescribed by this section.

3.1 (h) ~~The Department of Natural Resources shall provide administrative support for~~
3.2 council may employ staff and contract with consultants as necessary to carry out the
3.3 functions of the council. Up to one percent of the money appropriated from the fund may
3.4 be used to ~~cover the staffing and related administrative expenses of the department and to~~
3.5 ~~cover the compensation and travel expenses~~ pay for administrative expenses of the council
3.6 and for compensation and expense reimbursement of council members.

3.7 Sec. 2. Minnesota Statutes 2008, section 97A.056, subdivision 7, is amended to read:

3.8 Subd. 7. **Legislative oversight.** (a) The senate and house of representatives chairs
3.9 of the committees with jurisdiction over the environment and natural resources budget
3.10 shall convene a joint hearing to review the activities and evaluate the effectiveness of the
3.11 council and evaluate the effectiveness and efficiency of the ~~department's~~ administration
3.12 and staffing of the council after five years but no later than June 30, 2014.

3.13 (b) By January 15, 2013, a professional outside review authority shall be chosen by
3.14 the chairs of the house of representatives and senate committees with jurisdiction over
3.15 environment and natural resources to evaluate the effectiveness and efficiency of the
3.16 ~~department's~~ administration and staffing of the council. A report shall be submitted to
3.17 the chairs by January 15, 2014.

2.1	<u>Subd. 2. Prairies</u>	<u>14,213,000</u>	<u>-0-</u>
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2.2 (a) Accelerated Prairie and Grassland
 2.3 Management

2.4 \$1,700,000 in fiscal year 2010 is to the
 2.5 commissioner of natural resources to
 2.6 accelerate the restoration and enhancement
 2.7 of native prairie vegetation on public
 2.8 lands, including roadsides. A list of
 2.9 proposed projects, describing the types and
 2.10 locations of restorations and enhancements,
 2.11 must be provided as part of the required
 2.12 accomplishment plan.

2.13 (b) Green Corridor Legacy Program

2.14 \$1,617,000 in fiscal year 2010 is to the
 2.15 commissioner of natural resources for an
 2.16 agreement with the Southwest Initiative
 2.17 Foundation to acquire land in Redwood
 2.18 County to be added to the state outdoor
 2.19 recreation system. A list of proposed fee
 2.20 title acquisitions must be provided as part
 2.21 of the required accomplishment plan. The
 2.22 commissioner of natural resources must
 2.23 agree to each proposed acquisition. No more
 2.24 than five percent of this appropriation may
 2.25 be spent on professional services directly
 2.26 related to this appropriation's purposes.

2.27 (c) Prairie Heritage Fund – Acquisition and
 2.28 Restoration

2.29 \$3,000,000 in fiscal year 2010 is to the
 2.30 commissioner of natural resources for an
 2.31 agreement with Pheasants Forever to acquire
 2.32 and restore land to be added to the state
 2.33 wildlife management area system. A list
 2.34 of proposed fee title acquisitions and a list
 2.35 of proposed restoration projects, describing

3.1 the types and locations of restorations,
3.2 must be provided as part of the required
3.3 accomplishment plan. The commissioner
3.4 of natural resources must agree to each
3.5 proposed acquisition.

3.6 **(d) Accelerated Prairie Grassland Wildlife**
3.7 **Management Area Acquisition**

3.8 \$3,913,000 in fiscal year 2010 is to the
3.9 commissioner of natural resources to
3.10 acquire land for wildlife management areas
3.11 with native prairie or grassland habitats.

3.12 A list of proposed fee title acquisitions
3.13 must be provided as part of the required
3.14 accomplishment plan.

3.15 **(e) Northern Tall Grass Prairie National**
3.16 **Wildlife Refuge Protection**

3.17 \$1,583,000 in fiscal year 2010 is to the
3.18 commissioner of natural resources for an
3.19 agreement with the United States Fish
3.20 and Wildlife Service to acquire land or
3.21 permanent easements within the Northern
3.22 Tall Grass Prairie Habitat Preservation Area
3.23 in western Minnesota. The commissioner
3.24 may advance funds to the United States Fish
3.25 and Wildlife Service. A list of proposed fee
3.26 title and permanent easement acquisitions
3.27 must be provided as part of the required
3.28 accomplishment plan.

3.29 **(f) Bluffland Prairie Protection Initiative**

3.30 \$500,000 in fiscal year 2010 is to the
3.31 commissioner of natural resources for an
3.32 agreement with the Minnesota Land Trust
3.33 to acquire permanent easements protecting
3.34 critical prairie and grassland habitats in the
3.35 blufflands in southeastern Minnesota. A list

4.1 of proposed fee title and permanent easement
 4.2 acquisitions must be provided as part of the
 4.3 required accomplishment plan.

4.4 **(g) Rum River – Cedar Creek Initiative**

4.5 \$1,900,000 in fiscal year 2010 is to the
 4.6 commissioner of natural resources for an
 4.7 agreement with Anoka County to acquire
 4.8 land at the confluence of the Rum River and
 4.9 Cedar Creek in Anoka County. Acquired
 4.10 land must remain open to hunting and
 4.11 fishing, consistent with the capacity of the
 4.12 land, during the open season, as determined
 4.13 by the commissioner of natural resources.

4.14 This is the first of two planned appropriations
 4.15 for this acquisition.

4.16 **Subd. 3. Forests**

20,000,000

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4.17 \$20,000,000 in fiscal year 2010 is to the
 4.18 commissioner of natural resources to acquire
 4.19 land or permanent working forest easements
 4.20 on private forests in areas identified through
 4.21 the state forest for the future program.

4.22 Priority must be given to acquiring land
 4.23 or interests in private lands within existing
 4.24 Minnesota state forest boundaries. Any
 4.25 easements acquired must have a forest
 4.26 management plan as described in Minnesota
 4.27 Statutes, section 290C.02, subdivision 7.

4.28 A list of proposed fee title and easement
 4.29 acquisitions must be provided as part of
 4.30 the required accomplishment plan. The
 4.31 appropriation is available for closings taking
 4.32 place after April 30, 2010. This is the first of
 4.33 two planned appropriations for this program.

4.34 **Subd. 4. Wetlands**

20,836,000

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5.1 **(a) Accelerated Wildlife Management Area**
5.2 **Acquisition**

5.3 \$2,900,000 in fiscal year 2010 is to the
5.4 commissioner of natural resources to
5.5 acquire land for wildlife management areas.

5.6 A list of proposed fee title acquisitions
5.7 must be provided as part of the required
5.8 accomplishment plan.

5.9 **(b) Accelerated Shallow Lake Restorations and**
5.10 **Enhancements**

5.11 \$2,528,000 in fiscal year 2010 is to the
5.12 commissioner of natural resources for an
5.13 agreement with Ducks Unlimited, Inc. to
5.14 restore and enhance shallow lake habitats.

5.15 Up to \$400,000 of this appropriation may
5.16 be used for permanent easements related to
5.17 shallow lake restorations and enhancements.

5.18 A list of proposed easements and projects,
5.19 describing the types and locations of
5.20 easements, restorations, and enhancements,
5.21 must be provided as part of the required
5.22 accomplishment plan. The commissioner
5.23 of natural resources must agree to each
5.24 easement, restoration, and enhancement.

5.25 **(c) Accelerate the Waterfowl Production Area**
5.26 **Program in Minnesota**

5.27 \$5,600,000 in fiscal year 2010 is to the
5.28 commissioner of natural resources for
5.29 an agreement with Pheasants Forever to
5.30 acquire and restore wetland and related
5.31 upland habitats, in cooperation with the
5.32 United States Fish and Wildlife Service
5.33 and Ducks Unlimited, Inc., to be managed
5.34 as waterfowl production areas. A list of
5.35 proposed acquisitions and a list of proposed
5.36 projects, describing the types and locations

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

6.3 **(d) Reinvest in Minnesota Wetlands Reserve**
6.4 **Program Acquisition and Restoration**

6.5 \$9,058,000 in fiscal year 2010 is to the Board
6.6 of Water and Soil Resources to acquire
6.7 permanent easements and restore wetlands
6.8 and associated uplands in cooperation with
6.9 the United States Department of Agriculture
6.10 Wetlands Reserve Program. A list of
6.11 proposed acquisitions and a list of proposed
6.12 projects, describing the types and locations
6.13 of restorations, must be provided as part of
6.14 the required accomplishment plan.

6.15 **(e) Shallow Lake Critical Shoreland**

6.16 \$450,000 in fiscal year 2010 is to the
6.17 commissioner of natural resources for an
6.18 agreement with Ducks Unlimited, Inc. to
6.19 protect habitat by acquiring land associated
6.20 with shallow lakes. A list of proposed
6.21 acquisitions must be provided as part of
6.22 the required accomplishment plan. The
6.23 commissioner of natural resources must
6.24 agree to each proposed acquisition.

6.25 **Subd. 5. Fish, Game, and Wildlife Habitat** 13,903,000 -0-

6.26 **(a) Outdoor Heritage Conservation Partners**
6.27 **Grant Program**

6.28 \$4,000,000 in fiscal year 2010 is to the
6.29 commissioner of natural resources for
6.30 an agreement with the National Fish and
6.31 Wildlife Foundation to provide competitive,
6.32 matching grants of up to \$400,000 to local,
6.33 regional, state, and national organizations,
6.34 including government, for enhancement,
6.35 restoration, or protection of forests, wetlands,

7.1 prairies, and habitat for fish, game, or
7.2 wildlife in Minnesota. The funds may be
7.3 advanced in three equal sums, on or after
7.4 November 1, 2009, February 1, 2010, and
7.5 April 1, 2010. Grantees may protect land
7.6 through acquisition of land or interests in
7.7 land. Easements must be permanent. Land
7.8 acquired in fee must be open to hunting
7.9 and fishing during the open season unless
7.10 otherwise provided by state law. The
7.11 commissioner of natural resources must
7.12 agree to each proposed acquisition of land or
7.13 interest in land. The program shall require
7.14 a match of at least \$1 nonstate funds to \$10
7.15 state funds. Nonstate dollars match may be
7.16 in-kind. The criteria for evaluating grant
7.17 applications must include amount of habitat
7.18 restored, enhanced, or protected; local
7.19 support; degree of collaboration; urgency;
7.20 multiple benefits; habitat benefits provided;
7.21 consistency with sound conservation science;
7.22 adjacency to protected lands; full funding of
7.23 the project; supplementing existing funding;
7.24 public access for hunting and fishing during
7.25 the open season; sustainability; and use
7.26 of native plant materials. All projects
7.27 must conform to the Minnesota statewide
7.28 conservation and preservation plan. Wildlife
7.29 habitat projects must also conform to the
7.30 state wildlife action plan. All restoration
7.31 or enhancement projects must be on land
7.32 permanently protected by conservation
7.33 easement or public ownership. No more
7.34 than four of the members of the Lessard
7.35 Outdoor Heritage Council may be selected
7.36 to sit on any advising panel developed by

8.1 the National Fish and Wildlife Foundation.
8.2 The program must be open for application
8.3 year-round and grants must be evaluated and
8.4 granted at least every three months. Up to
8.5 six percent of this appropriation is available
8.6 for grant program management expenses,
8.7 including indirect expenses related to this
8.8 grant program, of the National Fish and
8.9 Wildlife Foundation. The National Fish
8.10 and Wildlife Foundation's administration
8.11 and management must be consistent with
8.12 Minnesota Statutes, sections 16B.97 and
8.13 16B.98, and policies adopted thereunder by
8.14 the Department of Administration, Office of
8.15 Grants Management. Subdivision 10 applies
8.16 to grants awarded under this paragraph. This
8.17 appropriation is available until June 30,
8.18 2013, at which time all grant projects must
8.19 be completed and final products delivered,
8.20 unless an earlier date is specified in the grant
8.21 agreement. No less than 15 percent of the
8.22 amount of each grant must be held back from
8.23 reimbursement until the grant recipient has
8.24 completed a grant accomplishment report in
8.25 the form prescribed by and satisfactory to the
8.26 Lessard Outdoor Heritage Council.

8.27 **(b) Aquatic Management Area Acquisition**

8.28 \$5,748,000 in fiscal year 2010 is to the
8.29 commissioner of natural resources to acquire
8.30 land in fee title and easement to be added to
8.31 the state aquatic management area system.
8.32 Acquired land must remain open to hunting
8.33 and fishing, consistent with the capacity
8.34 of the land, during the open season, as
8.35 determined by the commissioner of natural
8.36 resources. A list of proposed fee title and

9.1 easement acquisitions must be provided as
9.2 part of the required accomplishment plan.

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

9.5 \$2,050,000 in fiscal year 2010 is to the
9.6 commissioner of natural resources for
9.7 an agreement with Trout Unlimited to
9.8 restore, enhance, and protect cold water
9.9 river and stream habitats in Minnesota. A
9.10 list of proposed acquisitions and a list of
9.11 proposed projects, describing the types and
9.12 locations of restorations and enhancements,
9.13 must be provided as part of the required
9.14 accomplishment plan. The commissioner
9.15 of natural resources must agree to each
9.16 proposed acquisition, restoration, and
9.17 enhancement.

9.18 **(d) Dakota County Habitat Protection**

9.19 \$1,000,000 in fiscal year 2010 is to the
9.20 commissioner of natural resources for
9.21 an agreement with Dakota County for
9.22 acquisition of permanent easements. A list
9.23 of proposed acquisitions must be provided as
9.24 part of the required accomplishment plan.

9.25 **(e) Lake Rebecca Water Quality Improvement**
9.26 **Project**

9.27 \$450,000 in fiscal year 2010 is to the
9.28 commissioner of natural resources for an
9.29 agreement with the Three Rivers Park
9.30 District to improve the water quality in Lake
9.31 Rebecca in Lake Rebecca Park Reserve
9.32 in Hennepin County. A description of the
9.33 activities to enhance fish habitat in Lake
9.34 Rebecca must be provided as part of the
9.35 required accomplishment plan.

10.1 **(f) Fountain Lake Fish Barriers**

10.2 \$655,000 in fiscal year 2010 is to the

10.3 commissioner of natural resources for

10.4 an agreement with the Shell Rock River

10.5 Watershed District to construct fish barriers

10.6 at three locations on Fountain Lake. Land

10.7 acquisition necessary for fish barrier

10.8 construction is permitted. A list of proposed

10.9 projects, describing the types and locations

10.10 of barriers, must be provided as part of

10.11 the required accomplishment plan. The

10.12 commissioner of natural resources must

10.13 agree to each proposed barrier.

10.14 **Subd. 6. Administration and Other**

870,000

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10.15 **(a) Contract Management**

10.16 \$175,000 in fiscal year 2010 is to the

10.17 commissioner of natural resources for

10.18 contract management, in fiscal years 2010

10.19 and 2011, for duties assigned in this section.

10.20 **(b) Legislative Coordinating Commission**

10.21 \$695,000 in fiscal year 2010 is to the

10.22 Legislative Coordinating Commission for

10.23 administrative expenses of the Lessard

10.24 Outdoor Heritage Council and for

10.25 compensation and expense reimbursement

10.26 of council members. Up to \$100,000 may

10.27 be transferred to the game and fish fund as

10.28 reimbursement for advances to the Lessard

10.29 Outdoor Heritage Council made in fiscal

10.30 year 2009.

10.31 **(c) Lessard Outdoor Heritage Council Site**

10.32 **Visit Exception**

10.33 Travel to and from site visits by council

10.34 members paid for under paragraph (b) are

11.1 not meetings of the council for the purpose
11.2 of receiving information under Minnesota
11.3 Statutes, section 97A.056, subdivision 5.

11.4 **Subd. 7. Availability of Appropriation**

11.5 Unless otherwise provided, the amounts in
11.6 this section are available until June 30, 2011,
11.7 when projects must be completed and final
11.8 accomplishments reported. For acquisition
11.9 of an interest in real property, the amounts in
11.10 this section are available until June 30, 2012.

11.11 If a project receives federal funds, the time
11.12 period of the appropriation is extended to
11.13 equal the availability of federal funding.

11.14 **Subd. 8. Cash Advances**

11.15 When the operations of the outdoor heritage
11.16 fund would be impeded by projected cash
11.17 deficiencies resulting from delays in the
11.18 receipt of dedicated income, and when the
11.19 deficiencies would be corrected within fiscal
11.20 year 2010, the commissioner of finance may
11.21 use fund-level cash reserves to meet cash
11.22 demands of the outdoor heritage fund. If
11.23 funds are transferred from the general fund to
11.24 meet cash flow needs, the cash flow transfers
11.25 must be returned to the general fund as soon
11.26 as sufficient cash balances are available
11.27 in the outdoor heritage fund. Any interest
11.28 earned on general fund cash flow transfers
11.29 accrues to the general fund and not to the
11.30 outdoor heritage fund.

11.31 **Subd. 9. Accomplishment Plans**

11.32 It is a condition of acceptance of the
11.33 appropriations made by this section that the
11.34 agency or entity using the appropriation shall

12.1 submit to the council an accomplishment
12.2 plan and periodic accomplishment reports in
12.3 the form determined by the Lessard Outdoor
12.4 Heritage Council. The accomplishment plan
12.5 must account for the use of the appropriation
12.6 and outcomes of the expenditure in measures
12.7 of wetlands, prairies, forests, and fish, game,
12.8 and wildlife habitat restored, protected, and
12.9 enhanced. The plan must include evaluation
12.10 of results. None of the money provided
12.11 in this section may be expended unless
12.12 the council has approved the pertinent
12.13 accomplishment plan.

12.14 **Subd. 10. Project Requirements**

12.15 (a) As a condition of accepting an
12.16 appropriation in this section, any agency or
12.17 entity receiving an appropriation must, for
12.18 any project funded in whole or in part with
12.19 funds from the appropriation:

12.20 (1) plant vegetation or sow seed only of
12.21 native ecotypes to Minnesota and preferably
12.22 of the local ecotype using a high diversity
12.23 of species grown as close to the restoration
12.24 site as possible, if the planting of vegetation
12.25 or sowing of seed is a component of the
12.26 accomplishment plan;

12.27 (2) provide that all easements:

12.28 (i) are permanent;

12.29 (ii) specify the parties to an easement in the
12.30 easement;

12.31 (iii) specify all of the provisions of an
12.32 agreement that are permanent;

12.33 (iv) are sent to the office of the Lessard
12.34 Outdoor Heritage Council; and

13.1 (v) include a long-term stewardship plan and
13.2 funding for monitoring and enforcing the
13.3 easement agreement;

13.4 (3) for all restorations, prepare an ecological
13.5 restoration and management plan that, to
13.6 the degree practicable, is consistent with the
13.7 highest quality conservation and ecological
13.8 goals for the restoration site. Consideration
13.9 should be given to soil, geology, topography,
13.10 and other relevant factors that would provide
13.11 the best chance for long-term success of the
13.12 restoration projects. The plan shall include
13.13 the proposed timetable for implementing
13.14 the restoration, including, but not limited
13.15 to, site preparation, establishment of
13.16 diverse plant species, maintenance, and
13.17 additional enhancement to establish the
13.18 restoration; identify long-term maintenance
13.19 and management needs of the restoration
13.20 and how the maintenance, management, and
13.21 enhancement will be financed; and use the
13.22 best available science to achieve the best
13.23 restoration;

13.24 (4) for new lands acquired, prepare a
13.25 restoration and management plan in
13.26 compliance with clause (3), including
13.27 identification of sufficient funding for
13.28 implementation;

13.29 (5) to ensure public accountability for the
13.30 use of public funds, provide to the Lessard
13.31 Outdoor Heritage Council documentation
13.32 of the selection process used to identify
13.33 parcels acquired and provide documentation
13.34 of all related transaction costs, including
13.35 but not limited to appraisals, legal fees,

14.1 recording fees, commissions, other similar
14.2 costs, and donations. This information must
14.3 be provided for all parties involved in the
14.4 transaction. The recipient shall also report to
14.5 the Lessard Outdoor Heritage Council any
14.6 difference between the acquisition amount
14.7 paid to the seller and the state-certified or
14.8 state-reviewed appraisal. Acquisition data
14.9 such as appraisals may remain private during
14.10 negotiations but must ultimately be made
14.11 public according to Minnesota Statutes,
14.12 chapter 13;

14.13 (6) provide that all restoration and
14.14 enhancement projects are on land
14.15 permanently protected by conservation
14.16 easement or public ownership; and

14.17 (7) give consideration to contracting with the
14.18 Minnesota Conservation Corps for contract
14.19 restoration and enhancement services.

14.20 (b) The Lessard Outdoor Heritage Council
14.21 may waive the application of paragraph (a),
14.22 clause (5), for specific projects.

14.23 **Subd. 11. Payment Conditions and Capital**
14.24 **Equipment Expenditures**

14.25 All agreements, grants, or contracts referred
14.26 to in this section must be administered on
14.27 a reimbursement basis unless otherwise
14.28 provided in this section. Payments for
14.29 reimbursement may not be made before
14.30 November 1, 2009. Notwithstanding
14.31 Minnesota Statutes, section 16A.41,
14.32 expenditures directly related to each
14.33 appropriation's purpose made on or after July
14.34 1, 2009, are eligible for reimbursement unless
14.35 otherwise provided in this section. Periodic

15.1 payment must be made upon receiving
15.2 documentation that the deliverable items
15.3 articulated in the approved accomplishment
15.4 plan have been achieved, including partial
15.5 achievements as evidenced by approved
15.6 progress reports. Reasonable amounts may
15.7 be advanced to projects to accommodate
15.8 cash flow needs or to match federal share.
15.9 The advances must be approved as part of
15.10 the accomplishment plan. Capital equipment
15.11 expenditures in excess of \$10,000 must be
15.12 approved as part of the accomplishment plan.

15.13 **Subd. 12. Purchase of Recycled and Recyclable**
15.14 **Materials**

15.15 A political subdivision, public or private
15.16 corporation, or other entity that receives an
15.17 appropriation in this section must use the
15.18 appropriation in compliance with Minnesota
15.19 Statutes, sections 16B.121, regarding
15.20 purchase of recycled, repairable, and durable
15.21 materials, and 16B.122, regarding purchase
15.22 and use of paper stock and printing.

15.23 **Subd. 13. Accessibility**

15.24 Structural and nonstructural facilities must
15.25 meet the design standards in the Americans
15.26 with Disabilities Act (ADA) accessibility
15.27 guidelines.

15.28 **Subd. 14. Land Acquisition Restrictions**

15.29 (a) An interest in real property, including but
15.30 not limited to an easement or fee title, that
15.31 is acquired with money appropriated under
15.32 this section must be used in perpetuity or for
15.33 the specific term of an easement interest for
15.34 the purpose for which the appropriation was
15.35 made.

- 16.1 (b) A recipient of funding who acquires
16.2 an interest in real property subject to this
16.3 subdivision may not alter the intended use of
16.4 the interest in real property or convey any
16.5 interest in the real property acquired with the
16.6 appropriation without the prior review and
16.7 approval of the Lessard Outdoor Heritage
16.8 Council or its successor. The council shall
16.9 establish procedures to review requests from
16.10 recipients to alter the use of or convey an
16.11 interest in real property. These procedures
16.12 shall allow for the replacement of the interest
16.13 in real property with another interest in real
16.14 property meeting the following criteria:
- 16.15 (1) the interest is at least equal in fair market
16.16 value, as certified by the commissioner
16.17 of natural resources, to the interest being
16.18 replaced; and
- 16.19 (2) the interest is in a reasonably equivalent
16.20 location and has a reasonably equivalent
16.21 useful conservation purpose compared to the
16.22 interest being replaced.
- 16.23 (c) A recipient of funding who acquires an
16.24 interest in real property under paragraph
16.25 (a) must separately record a notice of
16.26 funding restrictions in the appropriate local
16.27 government office where the conveyance
16.28 of the interest in real property is filed. The
16.29 notice of funding agreement must contain:
- 16.30 (1) a legal description of the interest in real
16.31 property covered by the funding agreement;
16.32 (2) a reference to the underlying funding
16.33 agreement;
16.34 (3) a reference to this section; and

17.1 (4) the following statement: "This interest
17.2 in real property shall be administered in
17.3 accordance with the terms, conditions, and
17.4 purposes of the grant agreement controlling
17.5 the acquisition of the property. The interest
17.6 in real property, or any portion of the interest
17.7 in real property, shall not be sold, transferred,
17.8 pledged, or otherwise disposed of or further
17.9 encumbered without obtaining the prior
17.10 written approval of the Lessard Outdoor
17.11 Heritage Council or its successor. If the
17.12 holder of the interest in real property fails to
17.13 comply with the terms and conditions of the
17.14 grant agreement or work program, ownership
17.15 of the interest in real property shall transfer
17.16 to the state."

17.17 **Subd. 15. Real Property Interest Report**

17.18 By December 1 each year, a recipient of
17.19 money appropriated under this section that
17.20 is used for the acquisition of an interest in
17.21 real property, including but not limited to an
17.22 easement or fee title, must submit annual
17.23 reports on the status of the real property to
17.24 the Lessard Outdoor Heritage Council or
17.25 its successor in a form determined by the
17.26 council. The responsibility for reporting
17.27 under this section may be transferred by
17.28 the recipient of the appropriation to another
17.29 person or entity that holds the interest in the
17.30 real property. To complete the transfer of
17.31 reporting responsibility, the recipient of the
17.32 appropriation must:

17.33 (1) inform the person to whom the
17.34 responsibility is transferred of that person's
17.35 reporting responsibility;

- 18.1 (2) inform the person to whom the
18.2 responsibility is transferred of the property
18.3 restrictions under subdivision 14; and
18.4 (3) provide written notice to the council
18.5 of the transfer of reporting responsibility,
18.6 including contact information for the person
18.7 to whom the responsibility is transferred.
18.8 Before the transfer, the entity receiving
18.9 the transfer of property must certify to the
18.10 Lessard Outdoor Heritage Council, or its
18.11 successor, acceptance of all obligations and
18.12 responsibilities held by the prior owner.
18.13 After the transfer, the person or entity that
18.14 holds the interest in the real property is
18.15 responsible for reporting requirements under
18.16 this section.