Lessard-Sams Outdoor Heritage Council

Action Agenda Item Memo

DATE December 11, 2012

SUBJECT: 2013 Legislative Appropriation Recommendation Bill

Background

On September 21, 2012, the council made its appropriation recommendations for fiscal year 2014 and directed project managers to draft accomplishment plans that reflected those recommendations. The council reviewed and progressed the draft accomplishment plans at the November 13. The appropriations recommendations bill before the council reflects the program accomplishments anticipated with Outdoor Heritage Fund dollars.

Motion

“Motion to approve the recommended appropriation language as presented/amended and forward to legislative leaders for consideration during the 2013 session.”

Suggested Procedure: Place a motion to approve the appropriation bill language before the Council. Members question staff as needed. Members offer and vote on any amendments. Council votes on appropriations bill as amended.
Outdoor Heritage Fund – DRAFT

Section 1. Outdoor Heritage Appropriation

The sums shown in the columns marked “Appropriations” are appropriated to the agencies and for the purposes specified in this act. The appropriations are from the outdoor heritage fund for the fiscal years indicated for each purpose. The figures “2014” and “2015” used in this act mean that the appropriations listed under the figure are available for the fiscal year ending June 30, 2014, or June 30, 2015, respectively. The first year is fiscal year 2014. The second year is fiscal year 2015. The “biennium” is fiscal years 2014 and 2015, respectively. The appropriations in this act are one-time.

Section 2. Outdoor Heritage Fund

<table>
<thead>
<tr>
<th>Subd. 1. Total Appropriation</th>
<th>2014</th>
<th>2015</th>
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<tr>
<td>Subd. 2. Prairies</td>
<td>$27,730,000</td>
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<td>2a Grasslands for the Future</td>
<td>$2,000,000</td>
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$2,000,000 in the first year is to the Board of Water and Soil Resources for a pilot project to acquire permanent conservation easements on grasslands in cooperation with the Minnesota Land Trust and the Conservation Fund. Up to $1,850,000 may be used for agreements with the Minnesota Land Trust to acquire permanent conservation easements and up to $75,000 may be used for establishing monitoring and enforcement funds with the Minnesota Land Trust and the Board of Water and Soil Resources as approved in the accomplishment plan and subject to Minnesota Statutes, section 97A.056, subdivision 17. Up to $75,000 may be used for an agreement with the Conservation Fund for professional services. Easements funded under this appropriation are not subject to emergency haying and grazing orders. Any net proceeds accruing to a project partner from real estate transactions related to this project must be used for the purposes outlined in this appropriation. A list of permanent conservation easements must be provided as part of the required accomplishment plan.

2b Accelerating the Wildlife Management Area Acquisition, Ph V

$7,960,000

$7,960,000 in the first year is to the commissioner of
natural resources for an agreement with Pheasants Forever to acquire land in fee for wildlife management purposes under Minnesota Statutes, section 86A.05, subdivision 8. A list of proposed land acquisitions must be provided as part of the required accomplishment plan.

2c DNR Wildlife Management Area, Scientific and Natural Area, and Native Prairie Bank Easement, Ph. V

$4,940,000 in the first year is to the commissioner of natural resources to acquire land in fee for wildlife management purposes under Minnesota Statutes 86A.05, subdivision 8; acquire land in fee for scientific and natural area purposes under Minnesota Statutes, sections 86A.05, subdivision 5; and to acquire native prairie bank easements under Minnesota Statute, section 84.96. Up to $42,000 is for establishing a monitoring and enforcement fund as approved in the accomplishment plan and subject to Minnesota Statutes, section 97A.056, subdivision 17 for native prairie bank easements. A list of proposed land and permanent conservation easement acquisitions must be provided as part of the required accomplishment plan.

2d Minnesota Prairie Recovery Project, Ph. IV

$5,310,000 in the first year is to the commissioner of natural resources for an agreement with The Nature Conservancy to acquire native prairie, wetland, and savanna and restore and enhance grasslands, wetlands, and savanna. A list of proposed land acquisitions must be provided as part of the required accomplishment plan. Annual income statements and balance sheets for income and expenses from land acquired with this appropriation must be submitted to the Lessard-Sams Outdoor Heritage Council no later than 180 days following the close of The Nature Conservancy’s fiscal year.

2e Minnesota Buffers for Wildlife and Water, Ph. III

$3,520,000 in the first year is to the Board of Water and Soil Resources to acquire permanent conservation easements to protect and enhance habitat by expanding clean water fund riparian wildlife buffers on
private land. Up to $120,000 is for establishing a monitoring and enforcement fund as approved in the accomplishment plan and subject to Minnesota Statutes, section 97A.056, subdivision 17. Easements funded under this appropriation are not subject to emergency haying and grazing orders. A list of permanent conservation easements must be provided as part of the final report.

2f Cannon Rivers Headwaters Habitat Complex, Ph. III $1,780,000

$1,780,000 in the first year is to the commissioner of natural resources for an agreement with Trust for Public Land to acquire and restore lands in the Cannon River watershed for wildlife management purposes under Minnesota Statutes 86A.05, subdivision 8, or aquatic management area purposes under Minnesota Statutes 86A.05, subdivision 14, and 97C.02. A list of proposed land acquisitions must be provided as part of the required accomplishment plan.

2g Accelerated Prairie Restoration and Enhancement on DNR Lands, Ph. V $2,220,000

$2,220,000 in the first year is to the commissioner of natural resources to accelerate the restoration and enhancement of wildlife management areas, scientific and natural areas, and land under native prairie bank easements. A list of proposed land restorations and enhancements must be provided as part of the required accomplishment plan.

Subd. 3. Forests $7,130,000

3a Young Forest Conservation $1,180,000

$1,180,000 in the first year is to the commissioner of natural resources for an agreement with the American Bird Conservancy to acquire lands in fee to be added to the wildlife management area system under Minnesota Statutes, section 86A.05, subdivision 8 and to restore and enhance habitat on publicly protected land. A list of proposed land acquisitions must be provided as part of the required accomplishment plan.
3b The Camp Ripley Partnership, Ph. III

$1,450,000

$1,450,000 in the first year is to the Board of Water and Soil Resources to acquire land in fee to be added to the wildlife management area system under Minnesota Statutes, section 86A.05, subdivision 8 and acquire permanent conservation easements on lands adjacent to the Mississippi and Crow Wing rivers and within the boundaries of the Minnesota National Guard Army Compatible Use Buffer as follows: $1,100,100 to the Board of Water and Soil Resources; $49,900 to Morrison County Soil and Water Conservation District; and $300,000 to Minnesota Department of Natural Resources. Up to $33,600 is for establishing a monitoring and enforcement fund as approved in the accomplishment plan and subject to Minnesota Statutes, section 97A.056, subdivision 17. A list of proposed land acquisitions and permanent conservation easements must be provided as part of the required accomplishment plan.

3c Northeastern Minnesota Sharp-tailed Grouse Habitat Program, Ph. IV

$1,180,000

$1,180,000 in the first year is to the commissioner of natural resources for an agreement with Pheasants Forever in cooperation with the Minnesota Sharp-tailed Grouse Society to acquire and enhance lands in Aitkin, Carlton and Kanabec counties for wildlife management purposes under Minnesota Statutes 86A.05, subdivision 8. A list of proposed land acquisitions must be provided as part of the required accomplishment plan.

3d Protect Key Forest Lands in Cass County, Ph. IV

$500,000

$500,000 in the first year is to the commissioner of natural resources for an agreement with Cass County to acquire land in fee in Cass County for forest wildlife habitat or to prevent forest fragmentation. A list of proposed land acquisitions must be provided as part of the required accomplishment plan.

3e Critical Shoreline Habitat Protection Program, Ph. II

$820,000

$820,000 in the first year is to the commissioner of natural resources for an agreement with Minnesota Land Trust to acquire permanent conservation
easements along rivers and lakes in the Northern Forest region. Up to $160,000 is for establishing a monitoring and enforcement fund as approved in the accomplishment plan and subject to Minnesota Statutes, section 97A.056, subdivision 17. A list of proposed permanent conservation easements must be provided as part of the required accomplishment plan.

3f Minnesota Moose Habitat Collaborative, Ph. II

$2,000,000

$2,000,000 in the first year is to the commissioner of natural resources for an agreement with the Minnesota Deer Hunters Association to restore and enhance public forest lands in the Northern Forest region for moose habitat purposes. A list of proposed land restoration and enhancements must be provided as part of the required accomplishment plan.

Subd. 4. Wetlands

$31,900,000

4a The RIM-WRP Partnership, Ph. V

$12,390,000

$12,390,000 in the first year is to the Board of Soil and Water Resources to acquire permanent conservation easements and restore wetlands and associated upland habitat in cooperation with the United States Department of Agriculture Wetlands Reserve Program and Ducks Unlimited, including $1,000,000 for an agreement with Ducks Unlimited to provide technical and bio-engineering assistance. Up to $120,000 is for establishing a monitoring and enforcement fund as approved in the accomplishment plan and subject to Minnesota Statutes, section 97A.056, subdivision 17. A list of permanent conservation easements must be provided as part of the final report.

4b Accelerating the Waterfowl Production Area Acquisition, Ph. V

$6,830,000

$6,830,000 in the first year is to the commissioner of natural resources for an agreement with Pheasants Forever to acquire land in fee to be designated and managed as waterfowl production areas in Minnesota, in cooperation with the United States Fish and Wildlife Service. A list of proposed land acquisitions must be provided as part of the required accomplishment plan.
4c Living Shallow Lakes and Wetland Initiative, Ph. III  
$3,530,000 in the first year is to the commissioner of natural resources for an agreement with Ducks Unlimited to acquire land in fee for wildlife management purposes under Minnesota statutes 86A.05, subdivision 8. A list of proposed land acquisitions must be provided as part of the required accomplishment plan.

4d Wild Rice Shoreland Protection Program, Ph. II  
$1,630,000 in the first year is to the Board of Water and Soil Resources to acquire in fee wild rice lake shoreland habitat for native wild rice bed protection and acquire permanent conservation easements in cooperation with Ducks Unlimited as follows: $100,000 is for an agreement with Ducks Unlimited for acquisition of land or interests in land to protect native wild rice beds. Up to $48,000 is for establishing a monitoring and enforcement fund as approved in the accomplishment plan and subject to Minnesota Statutes, section 97A.056, subdivision 17. A list of proposed land acquisitions must be included as part of the required accomplishment plan.

4e McGregor Marsh Wetland Protection  
$1,750,000 in the first year is to the commissioner of natural resources to acquire land in fee for wildlife management purposes under Minnesota Statutes 86A.05, subdivision 8. The management contract of the wild rice paddy system must be let on a competitive public bid. Annual financial statements must be provided to the Lessard-Sams Outdoor Heritage Council by the contractor in the form determined by the council. A list of proposed land acquisitions must be provided as part of the required accomplishment plan.

4f Wetland Habitat Program  
$1,980,000 in the first year is to the commissioner of natural resources for an agreement with the Minnesota Land Trust to acquire permanent conservation easements in high priority wetland complexes in the Prairie and Forest/Prairie transition regions. Up to $280,000 is for establishing a monitoring and
enforcement fund as approved in the accomplishment
plan and subject to Minnesota Statutes, section
97A.056, subdivision 17. A list of proposed land
acquisitions must be included as part of the required
accomplishment plan.

4g Accelerated Shallow Lakes and Wetlands
Enhancement, Ph. V
$1,790,000
$1,790,000 in the first year is to the commissioner of
natural resources to enhance and restore shallow lakes,
including $210,000 for an agreement with Ducks
Unlimited to help implement restorations and
enhancements. A list of proposed land restorations and
enhancements must be provided as part of the required
accomplishment plan.

4h Pelican Lake Enhancement
$2,000,000
$2,000,000 in the first year is to the commissioner of
natural resources for an agreement with Ducks
Unlimited to construct a gravity outlet, water control
structure and pump station lift to enhance aquatic
habitat in Pelican Lake in Wright County. A list of
proposed land restoration and enhancements must be
included as part of the required accomplishment plan.

Subd. 5. Habitats
$23,987,000
5a DNR Aquatic Habitat, Ph. V
$5,250,000
$5,250,000 in the first year is to the commissioner of
natural resources to acquire interests in land in fee for
aquatic management purposes under Minnesota
Statutes sections 86A.05, subdivision 14 and 97C.02,
and to restore and enhance aquatic habitat. A list of
proposed land acquisitions and restorations and
enhancements must be provided as part of the required
accomplishment plan.

5b Habitat Protection in Dakota County, Ph. IV
$4,100,000
$4,100,000 in the first year is to the commissioner of
natural resources for an agreement with Dakota County
to acquire, restore and enhance lands in Dakota County
for fish and wildlife management purposes under
Minnesota Statutes 86A.05, subdivision 8, or aquatic
management area purposes under Minnesota Statutes 86A.05, subdivision 14, and 97C.02; and to acquire permanent conservation easements and restore and enhance habitats in rivers and lake watersheds in Dakota County. Up to $60,000 is for establishing a monitoring and enforcement fund as approved in the accomplishment plan and subject to Minnesota Statutes, section 97A.056, subdivision 17. A list of proposed land acquisitions and permanent conservation easements must be provided as part of the required accomplishment plan.

5c Root River Protection and Restoration

$2,750,000

$2,750,000 in the first year is to the commissioner of natural resources for agreements to acquire land in fee for scientific and natural areas under Minnesota Statutes, sections 86A.05, subdivision 5; and for state forest purposes under 86A.05, subdivision 7; and for permanent conservation easements as follows: $2,122,000 to The Nature Conservancy; $628,000 to the Minnesota Land Trust. Up to $100,000 is for establishing a monitoring and enforcement fund as approved in the accomplishment plan and subject to Minnesota Statutes, section 97A.056, subdivision 17. A list of proposed acquisitions and permanent conservation easements must be provided as part of the required accomplishment plan.

5d Metro Big Rivers, Ph. IV

$1,720,000

$1,720,000 in the first year is to the commissioner of natural resources for agreements to acquire land in fee and in permanent conservation easement and to restore and enhance natural systems associated with the Mississippi, Minnesota, and St. Croix Rivers as follows: $450,000 to the Minnesota Valley National Wildlife Refuge Trust, Inc; $160,000 to the Friends of the Mississippi; $210,000 to the Great River Greening; $450,000 to the Minnesota Land Trust; and $450,000 to the Trust for Public Land. Up to $80,000 is for establishing a monitoring and enforcement fund as approved in the accomplishment plan and subject to Minnesota Statutes, section 97A.056, subdivision 17. A
list of proposed land acquisitions and permanent conservation easements must be provided as part of the required accomplishment plan.

5e Minnesota Landscape Arboretum
$1,000,000

$1,000,000 in the first year is to the Board of Regents of the University of Minnesota to acquire land in fee surrounding Lake Tamarack in Carver County to be added to the Minnesota Landscape Arboretum. A land description must be provided as part of the required accomplishment plan.

5f Lower Mississippi River Habitat Partnership, Ph. III
$1,710,000

$1,710,000 in the first year is to the commissioner of natural resources to enhance aquatic habitat. Of this amount, $450,000 is for an agreement with the United States Fish and Wildlife Service to enhance aquatic habitat in the lower Mississippi River watershed. A list of proposed land restorations and enhancements must be provided as part of the required accomplishment plan.

5g Minnesota Trout Unlimited Coldwater Fish Habitat Enhancement and Restoration, Ph. V
$2,470,000

$2,470,000 in the first year is to the commissioner of natural resources for an agreement with Minnesota Trout Unlimited to restore and enhance coldwater river and stream habitats in Minnesota. A list of proposed land restorations and enhancements must be provided as part of the required accomplishment plan.

5h Albert Lea Lake Management and Invasive Species Control Structure, Ph. III
$1,127,000

$1,127,000 in the first year is to the commissioner of natural resources for an agreement with the Shell Rock River Watershed District to construct structural deterrents and lake level controls to enhance aquatic habitat on Albert Lea Lake in Freeborn County. A list of proposed land restorations and enhancements must be provided as part of the required accomplishment plan.

5i Conservation Partners Legacy Grant Program, Ph. V
$3,860,000

$3,860,000 in the first year is to the commissioner of
natural resources for a program to provide competitive,
matching grants of up to $400,000 to local, regional,
state, and national organizations for enhancing,
restoring, or protecting forests, wetlands, prairies, and
habitat for fish, game or wildlife in Minnesota. Grants
shall not be made for activities required to fulfill the
duties of owners of lands subject to conservation
easements. Grants shall not be made from
appropriations in this paragraph for projects that have a
total project cost exceeding $575,000. Of this
costs and other direct and necessary administrative
costs. Grantees may acquire land or interests in land.
Easements must be permanent. Land acquired in fee
must be open to hunting and fishing during the open
season unless otherwise provided by state law. The
program shall require a match of at least ten percent
from nonstate sources for all grants. The match may be
cash or in-kind resources. For grant applications of
$25,000 or less, the commissioner shall provide a
separate, simplified application process. Subject to
Minnesota Statutes, the commissioner of natural
resources shall, when evaluating projects of equal
value, give priority to organizations that have a history
of receiving or charter to receive private contributions
for local conservation or habitat projects. If acquiring
land or a conservation easement, priority shall be given
to projects associated with existing wildlife
management areas under Minnesota Statutes, section
86A.05, subdivision 8; scientific and natural areas under
Minnesota Statutes, sections 84.033 and 86A.05,
subdivision 5; and aquatic management areas under
Minnesota Statutes, sections 86A.05, subdivision 14,
and 97C.02. All restoration or enhancement projects
must be on land permanently protected by a
conservation easement or public ownership or in public
waters as defined in Minnesota Statutes, section
103G.005, subdivision 15. Priority shall be given to
restoration and enhancement projects on public lands.
Minnesota Statutes, section 97A.056, subdivision 13,
applies to grants awarded under this paragraph. This
appropriation is available until June 30, 2017. No less
than five percent of the amount of each grant must be held back from reimbursement until the grant recipient has completed a grant accomplishment report by the deadline and in the form prescribed by and satisfactory to the Lessard-Sams Outdoor Heritage Council. The commissioner shall provide notice of the grant program in the game and fish law summaries that are prepared under Minnesota Statutes, section 97A.051, subdivision 2.

Section 6. Administration

6a Contract Management

$175,000 in the first year is to the commissioner of natural resources for contract management duties assigned in this section. The commissioner shall provide an accomplishment plan in the form specified by the Lessard-Sams Outdoor Heritage Council on the expenditure of this appropriation. The accomplishment plan must include a copy of the grant contract template and reimbursement manual. No money may be expended prior to Lessard-Sams Outdoor Heritage Council approval of the accomplishment plan.

6b Legislative Coordinating Commission

$468,000 in the first year and $468,000 the second year are to the Legislative Coordinating Commission for two years of administrative expenses of the Lessard-Sams Outdoor Heritage Council and for two years of compensation and expense reimbursement of council members. Funds in this appropriation are available under Minnesota Statutes, section 16A.281.

6c Technical Evaluation Panel

$92,000 in the first year is to the commissioner of natural resources for a technical evaluation panel to conduct up to ten restoration evaluations under Minnesota Statutes, section 97A.056, subdivision 10.

6d High Priority Pre-Transaction Service Acceleration for Lessard-Sams Outdoor Heritage Council

$50,000 in the first year is to the commissioner of natural resources to provide land acquisition pre-
transaction services including, but not limited to,
appraisals, surveys, or title research for acquisition
proposals under consideration by the Lessard-Sams
Outdoor Heritage Council. A list of activities must be
included in the final accomplishment plan.

**Subd. 7 Availability of Appropriation**

Money appropriated in this section may not be spent on activities unless they are directly related to and
necessary for a specific appropriation and are specified in the accomplishment plan approved by
the Lessard-Sams Outdoor Heritage Council. Money appropriated in this section must not be spent on
indirect costs or other institutional overhead charges that are not directly related to and necessary for a
specific appropriation. Unless otherwise provided, the amounts in this section are available until June
30, 2016. For acquisition of real property, the amounts in this section are available until June 30, 2017, if
a binding agreement with a landowner or purchase agreement is entered into by June 30, 2016, and
closed no later than June 30, 2017. Funds for restoration or enhancement are available until June 30,
2018, or four years after acquisition, whichever is later, in order to complete initial restoration or
enhancement work. If a project receives federal funds, the time period of the appropriation is extended
to equal the availability of federal funding. Funds appropriated for fee title acquisition of land may be
used to restore, enhance, and provide for public use of the land acquired with the appropriation.
Public use facilities must have a minimal impact on habitat in acquired lands.

**Subd. 8. Payment Conditions and Capital Equipment Expenditures**

All agreements referred to in this section must be administered on a reimbursement basis unless
otherwise provided in this section. Notwithstanding Minnesota Statutes, section 16A.41, expenditures
directly related to each appropriation’s purpose made on or after July 1, 2013, or the date of
accomplishment plan approval, whichever is later, are eligible for reimbursement unless otherwise
provided in this section. For the purposes of administering appropriations and legislatively authorized
agreements paid out of the outdoor heritage fund an expense must be considered reimbursable by the
administering agency when the recipient presents the agency with an invoice or binding agreement with
the landowner and the recipient attests that the goods have been received or the landowner agreement
is binding. Periodic reimbursement must be made upon receiving documentation that the items
articulated in the accomplishment plan approved by the Lessard-Sams Outdoor Heritage Council have
been achieved, including partial achievements as evidenced by progress reports approved by
the Lessard-Sams Outdoor Heritage Council. Reasonable amounts may be advanced to projects to
accommodate cash flow needs, support future management of acquired lands, or match a federal share.
The advances must be approved as part of the accomplishment plan. Capital equipment expenditures
for specific items in excess of $10,000 must be itemized in and approved as part of the accomplishment
plan.