

2010
ENVIRONMENT AND NATURAL RESOURCES TRUST FUND
ADDITIONAL PROJECT REQUIREMENTS

RESTORATION/ENHANCEMENT PROJECTS AND THE USE OF NATIVE SPECIES

The use and protection of native species is required for all projects.

Restorations must utilize seeds and plants only of native ecotypes to Minnesota and preferably of the local ecotype using a high diversity of species originating as close to the restoration site as possible. When restoring prairies, existing prairies must be protected from genetic contamination.

Restoration and enhancement projects must have an ecological restoration and management plan that is consistent with the highest quality conservation and ecological goals for the restoration site. The plan should give consideration to factors such as soil, topography, geology, and other relevant factors that would provide for the best chance for long-term success of the restoration. The plan should include a timetable for implementing the restoration, including identifying long-term maintenance and management needs of the restoration and how it will be financed, and take advantage of the best available science and include innovative techniques to achieve the best restoration.

Project managers must give consideration to contracting with the Minnesota Conservation Corps for contract restoration and enhancement services.

LAND ACQUISITION AND CONSERVATION EASEMENT PROJECTS

Priority is to be given to acquiring lands with high quality natural resources and conservation lands that provide natural buffers to water resources. Conservation easements must be perpetual and include stewardship provisions to perpetually monitor and enforce the conditions of the conservation easements. Requirements in the easement document must address specific water quality protection activities such as keeping water on the landscape, reducing nutrient and contaminate loading, protecting groundwater, and not permitting artificial hydrological modification.

All new lands acquired should have an ecological restoration and management plan that is consistent with the highest quality conservation and ecological goals for the restoration site and include the items listed in the section above.

To ensure public accountability for the use of public funds, documentation of the selection process used to identify parcels acquired and documentation of all related transaction costs, including appraisals, legal fees, recording fees, commissions, other similar costs, and donations must be provided to the LCCMR and to all parties involved in the transaction. The project manager must also report to the LCCMR any difference between the acquisition amount paid to the seller and the state-certified or state-reviewed appraisal. More information about how to provide this documentation can be found on the LCCMR website at http://www.lccmr.leg.mn/Project-Manager-Info/transaction_costs_guidance.pdf.

In addition to these general project requirements, all projects acquiring land or interest in land have two additional requirements: Minnesota Statute 116P.15 Land Acquisition Restrictions, 116P.16 Real Property Interest Report to the LCCMR, and 116P.17 Acquisition of Lands to be Conveyed to the State; Commissioner Approval.

116P.15 LAND ACQUISITION RESTRICTIONS

Subdivision 1. **Scope.** A recipient of an appropriation from the trust fund or the Minnesota future resources fund who acquires an interest in real property with the appropriation must comply with this section. If the recipient fails to comply with the terms of this section, ownership of the interest in real property transfers to the state. For the purposes of this section, "interest in real property" includes, but is not limited to, an

easement or fee title to property.

Subd. 2. Restrictions; modification procedure.

(a) An interest in real property acquired with an appropriation from the trust fund or the Minnesota future resources fund must be used in perpetuity or for the specific term of an easement interest for the purpose for which the appropriation was made.

(b) A recipient of funding who acquires an interest in real property subject to this section may not alter the intended use of the interest in real property or convey any interest in the real property acquired with the appropriation without the prior review and approval of the commission. The commission shall establish procedures to review requests from recipients to alter the use of or convey an interest in real property.

These procedures shall allow for the replacement of the interest in real property with another interest in real property meeting the following criteria:

- (1) the interest is at least equal in fair market value, as certified by the commissioner of natural resources, to the interest being replaced; and
- (2) the interest is in a reasonably equivalent location, and has a reasonably equivalent usefulness compared to the interest being replaced.

(c) A recipient of funding who acquires an interest in real property under paragraph (a) must separately record a notice of funding restrictions in the appropriate local government office where the conveyance of the interest in real property is filed. The notice of funding agreement must contain:

- (1) a legal description of the interest in real property covered by the funding agreement;
- (2) a reference to the underlying funding agreement;
- (3) a reference to this section; and
- (4) the following statement:

"This interest in real property shall be administered in accordance with the terms, conditions, and purposes of the grant agreement or work program controlling the acquisition of the property. The interest in real property, or any portion of the interest in real property, shall not be sold, transferred, pledged, or otherwise disposed of or further encumbered without obtaining the prior written approval of the Legislative-Citizen Commission on Minnesota Resources or its successor. If the holder of the interest in real property fails to comply with the terms and conditions of the grant agreement or work program, ownership of the interest in real property shall transfer to this state."

History: 1Sp2001 c 2 s 141; 2002 c 225 s 4; 2006 c 243 s 21

116P.16 REAL PROPERTY INTEREST REPORT

By December 1 each year, a recipient of an appropriation from the trust fund that is used for the acquisition of an interest in real property must submit annual reports on the status of the real property to the Legislative-Citizen Commission on Minnesota Resources in a form determined by the commission. The responsibility for reporting under this section may be transferred by the recipient of the appropriation to another person who holds the interest in the real property. To complete the transfer of reporting responsibility, the recipient of the appropriation must:

- (1) inform the person to whom the responsibility is transferred of that person's reporting responsibility;
- (2) inform the person to whom the responsibility is transferred of the property restrictions under section 116P.15; and
- (3) provide written notice to the commission of the transfer of reporting responsibility, including contact information for the person to whom the responsibility is transferred.

After the transfer, the person who holds the interest in the real property is responsible for reporting requirements under this section.

History: 1Sp2005 c 1 art 2 s 136; 2006 c 243 s 21

116P.17 ACQUISITION OF LANDS TO BE CONVEYED TO THE STATE; COMMISSIONER APPROVAL

A recipient of an appropriation from the trust fund who acquires an interest in real property must receive written approval from the commissioner of natural resources prior to the acquisition of the interest, if the interest:

- (1) is acquired in whole or in part with the appropriation; and
- (2) will be conveyed to the state for management by the commissioner.

The commissioner shall approve acquisitions under this section only when the interest in the real property:

- (1) is identified as a high priority by the commissioner; or
- (2) meets the objectives and criteria identified in the applicable acquisition plan for the intended management status of the property.

History: 2010 c a s

116P.10 ROYALTIES, COPYRIGHTS, PATENTS, AND SALE OF PRODUCTS AND ASSETS

(a) This section applies to projects supported by the trust fund and the oil overcharge money referred to in section 4.071, subdivision 2, each of which is referred to in this section as a "fund."

(b) The fund owns and shall take title to the percentage of a royalty, copyright, or patent resulting from a project supported by the fund equal to the percentage of the project's total funding provided by the fund. Cash receipts resulting from a royalty, copyright, or patent, or the sale of the fund's rights to a royalty, copyright, or patent, must be credited immediately to the principal of the fund. Receipts from Minnesota future resources fund projects must be credited to the trust fund. The commission may include in its annual legislative bill a recommendation to relinquish the ownership or rights to a royalty, copyright, or patent resulting from a project supported by the fund to the project's proposer when the amount of the original grant or loan, plus interest, has been repaid to the fund.

(c) If a project supported by the fund results in net income from the sale of products or assets developed or acquired by an appropriation from the fund, the appropriation must be repaid to the fund in an amount equal to the percentage of the project's total funding provided by the fund. The commission may include in its legislative bill a recommendation to relinquish the income if a plan is approved for reinvestment of the income in the project or when the amount of the original grant or loan, plus interest, has been repaid to the fund.

ACCESSIBILITY

Structural and nonstructural facilities must meet the design standards in the Americans with Disability Act (ADA) accessibility guidelines.

DATA AVAILABILITY REQUIREMENTS

Data collected by the projects funded under this section that have value for planning and management of natural resource, emergency preparedness, and infrastructure investments must conform to the enterprise information architecture developed by the Office of Enterprise Technology. Spatial data must conform to geographic information system guidelines and standards outlined in that architecture and adopted by the Minnesota Geographic Data Clearinghouse at the Land Management Information Center. A description of these data that adheres to the Office of Enterprise Technology geographic metadata standards must be submitted to the Land Management Information Center to be made available online through the clearinghouse and the data must be accessible and free to the public unless made private under the Data Practices Act, Minnesota Statutes, chapter 13.

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

ENERGY CONSERVATION AND SUSTAINABLE BUILDING GUIDELINES

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

PURCHASE OF RECYCLED AND RECYCLABLE MATERIALS

A political subdivision, public or private corporation, or other entity that receives an appropriation in

this section must use the appropriation in compliance with Minnesota Statutes, sections 16B.121 and 16B.122, requiring the purchase of recycled, repairable, and durable materials; the purchase of uncoated paper stock; and the use of soy-based ink. More information about environmentally responsible purchasing can be found at: <http://www.mmd.admin.state.mn.us/envir.htm>.