

A bill for an act

relating to natural resources; appropriating money for natural resource purposes from the clean water fund; providing for a legacy Web site, signs, and a 25-year strategic plan; modifying provisions relating to the Mississippi River Critical Area; amending Minnesota Statutes 2008, section 116G.15.

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

ARTICLE 1

CLEAN WATER FUND APPROPRIATIONS

Section 1. **SUMMARY OF APPROPRIATIONS.**

The amounts shown in this section summarize direct appropriations from the clean water fund, by agency, made in this article.

	<u>2010</u>	<u>2011</u>	<u>Total</u>
<u>Pollution Control Agency</u>	<u>\$ 15,325,000</u>	<u>\$ 18,600,000</u>	<u>\$ 33,925,000</u>
<u>Department of Natural Resources</u>	<u>6,943,000</u>	<u>9,142,000</u>	<u>16,085,000</u>
<u>Board of Water and Soil Resources</u>	<u>20,175,000</u>	<u>22,865,000</u>	<u>43,040,000</u>
<u>Department of Agriculture</u>	<u>3,935,000</u>	<u>4,360,000</u>	<u>8,295,000</u>
<u>Department of Health</u>	<u>1,600,000</u>	<u>2,150,000</u>	<u>3,750,000</u>
<u>Metropolitan Council</u>	<u>400,000</u>	<u>500,000</u>	<u>900,000</u>
<u>Public Facilities Authority</u>	<u>20,272,000</u>	<u>23,678,000</u>	<u>43,950,000</u>
<u>University of Minnesota</u>	<u>872,000</u>	<u>183,000</u>	<u>1,055,000</u>
<u>Total</u>	<u>\$ 69,522,000</u>	<u>\$ 81,478,000</u>	<u>\$ 151,000,000</u>

Sec. 2. **CLEAN WATER FUND APPROPRIATIONS.**

The sums shown in the columns marked "Appropriations" are appropriated to the agencies and for the purposes specified in this article. The appropriations are from the

2.1 clean water fund, and are available for the fiscal years indicated for allowable activities
 2.2 under the Minnesota Constitution, article XI, section 15. The figures "2010" and "2011"
 2.3 used in this act mean that the appropriation listed under them are available for the fiscal
 2.4 year ending June 30, 2010, or June 30, 2011, respectively. "The first year" is fiscal year
 2.5 2010. "The second year" is fiscal year 2011. "The biennium" is fiscal years 2010 and
 2.6 2011. The appropriations in this act are onetime.

APPROPRIATIONS
Available for the Year
Ending June 30
2010 **2011**

2.11 **Sec. 3. NONPOINT SOURCE PROTECTION**
 2.12 **AND PRESERVATION**

2.13 **Subdivision 1. Total Appropriation** \$ **24,050,000** \$ **27,740,000**

2.14 The appropriations in this section are to
 2.15 the agencies specified for the protection,
 2.16 enhancement, and restoration of lakes, rivers,
 2.17 and streams.

2.18 **Subd. 2. Nonpoint Source Restoration,**
 2.19 **Protection, and Preservation** **1,500,000** **2,000,000**

2.20 To the Department of Natural Resources for
 2.21 nonpoint source restoration and protection
 2.22 activities. Money appropriated under this
 2.23 subdivision must be used to acquire aquatic
 2.24 management areas to address water quality
 2.25 protection under a total maximum daily load
 2.26 (TMDL) implementation plan.

2.27 **Subd. 3. Targeted Nonpoint Source Pollution**
 2.28 **Reduction** **9,200,000** **10,000,000**

2.29 (a) To the Board of Water and Soil Resources
 2.30 for targeted nonpoint source pollution
 2.31 reduction projects to restore water quality in
 2.32 lakes, rivers, and streams. At least 93 percent
 2.33 of this amount must be made available for
 2.34 grants. At least 20 percent of this amount
 2.35 must be for water quality grants in the Twin
 2.36 Cities metropolitan area.

3.1 (b) \$400,000 the first year and \$600,000 the
 3.2 second year are to the Anoka Conservation
 3.3 District for the metropolitan landscape
 3.4 restoration program for water quality and
 3.5 improvement projects.

3.6 (c) The Board of Water and Soil Resources
 3.7 shall contract for services with the Minnesota
 3.8 Conservation Corps for restoration,
 3.9 maintenance, and other activities under this
 3.10 subdivision for at least \$500,000 the first
 3.11 year and \$500,000 the second year.

3.12 **Subd. 4. Nonpoint Restoration Technical**
 3.13 **Assistance and Engineering** 2,500,000 3,000,000

3.14 To the Board of Water and Soil Resources
 3.15 for targeted nonpoint restoration technical
 3.16 assistance and engineering. At least 93
 3.17 percent of this amount must be made
 3.18 available for grants.

3.19 **Subd. 5. Subsurface Sewage Treatment System**
 3.20 **Program** 1,600,000 1,900,000

3.21 To the Board of Water and Soil Resources
 3.22 for grants to implement county subsurface
 3.23 sewage treatment system (SSTS) programs,
 3.24 including inventories, enforcement,
 3.25 development of databases, and systems
 3.26 to insure SSTS maintenance reporting
 3.27 program results to the Board of Water and
 3.28 Soil Resources and the Pollution Control
 3.29 Agency, and base grants. Grants are
 3.30 limited to counties with ordinances adopted
 3.31 pursuant to Minnesota Statutes, section
 3.32 115.55, subdivision 2, that can demonstrate
 3.33 enforcement of the ordinances.

3.34 **Subd. 6. Failing Subsurface Sewage Treatment**
 3.35 **Systems** 800,000 1,000,000

S.F. No. 1651, 2nd Engrossment - 86th Legislative Session (2009-2010) [s1651-2]

4.1 To the Board of Water and Soil Resources for
4.2 grants to address imminent threat and failing
4.3 subsurface sewage treatment systems.

4.4 **Subd. 7. Feedlot Water Quality Grants** 1,800,000 2,200,000

4.5 To the Board of Water and Soil Resources
4.6 for feedlot water quality grants to upgrade
4.7 feedlots in riparian and shoreland areas to
4.8 address feedlot-related water quality impacts.

4.9 **Subd. 8. Local Nonpoint Source Activity**
4.10 **Support** 1,700,000 2,300,000

4.11 To the Board of Water and Soil Resources
4.12 for grants to support local nonpoint source
4.13 protection activities that show demonstrated
4.14 results on lake, river, and stream protection
4.15 and management.

4.16 **Subd. 9. Shoreline Protection and Restoration**
4.17 **Grants** 2,100,000 1,900,000

4.18 (a) To the Board of Water and Soil Resources
4.19 for grants to implement stream bank,
4.20 stream channel, lakeshore, and roadside
4.21 protection and restoration projects that show
4.22 demonstrated results on lake, river, or stream
4.23 protection and management.

4.24 (b) \$500,000 the first year is for a grant to
4.25 Hennepin County for riparian restoration
4.26 and stream bank stabilization in the ten
4.27 primary stream systems in Hennepin County
4.28 in order to protect, enhance, and help
4.29 restore the water quality of the streams and
4.30 downstream receiving waters. The county
4.31 shall work with watershed districts and water
4.32 management organizations to identify and
4.33 prioritize projects. To the extent possible,
4.34 the county shall employ youth through the
4.35 Minnesota Conservation Corps and Tree

5.1	<u>Trust to plant trees and shrubs to reduce</u>		
5.2	<u>erosion and stabilize stream banks. This</u>		
5.3	<u>appropriation must be matched by nonstate</u>		
5.4	<u>sources, including in-kind contributions.</u>		
5.5	<u>Subd. 10. St. Louis River</u>	<u>350,000</u>	<u>400,000</u>
5.6	<u>To the Pollution Control Agency for a</u>		
5.7	<u>restoration project in the lower St. Louis</u>		
5.8	<u>River and Duluth Harbor. This appropriation</u>		
5.9	<u>must be matched by nonstate money at a rate</u>		
5.10	<u>of \$2 for every \$1 of state money.</u>		
5.11	<u>Subd. 11. Mississippi River Critical Area</u>	<u>225,000</u>	<u>225,000</u>
5.12	<u>To the Department of Natural Resources to</u>		
5.13	<u>develop and adopt rules for the Mississippi</u>		
5.14	<u>River corridor critical area under Minnesota</u>		
5.15	<u>Statutes, section 116G.15, in order to achieve</u>		
5.16	<u>the required outcomes. The commissioner</u>		
5.17	<u>shall begin rulemaking under Minnesota</u>		
5.18	<u>Statutes, chapter 14, no later than January</u>		
5.19	<u>15, 2010.</u>		
5.20	<u>Subd. 12. Oversight, Support, and</u>		
5.21	<u>Accountability</u>	<u>275,000</u>	<u>315,000</u>
5.22	<u>(a) To the Board of Water and Soil</u>		
5.23	<u>Resources for state oversight, support,</u>		
5.24	<u>and accountability reporting of local</u>		
5.25	<u>government implementation, including</u>		
5.26	<u>an annual report prepared jointly by</u>		
5.27	<u>the board, the commissioner of natural</u>		
5.28	<u>resources and the commissioner of the</u>		
5.29	<u>Pollution Control Agency to the legislature</u>		
5.30	<u>detailing the recipients and projects funded</u>		
5.31	<u>under this section; the anticipated water</u>		
5.32	<u>quality benefits of projects funded; the</u>		
5.33	<u>relationship of restoration projects to</u>		
5.34	<u>TMDL load allocations; the relationship</u>		
5.35	<u>of protection projects to monitored water</u>		

6.1 quality trends; and individual county and
6.2 aggregated statewide progress in: (1)
6.3 identifying noncompliant SSTS, establishing
6.4 maintenance oversight systems, and SSTS
6.5 upgrades funded under paragraphs (c) and
6.6 (d); and (2) identifying and upgrading
6.7 open lot feedlots under 300 animal units in
6.8 shoreland.

6.9 (b) Organizations receiving grants under
6.10 this section shall provide information to
6.11 the agencies listed in paragraph (a) on the
6.12 information required in the report.

6.13 Subd. 13. **Agriculture BMP Loans** 2,000,000 2,500,000

6.14 To the Department of Agriculture for the
6.15 agricultural best management practices loan
6.16 program under Minnesota Statutes, section
6.17 17.117. At least 90 percent is available
6.18 for pass-through to local governments and
6.19 lenders for low-interest loans and is available
6.20 until spent. Any unencumbered balance
6.21 that is not used for pass-through to local
6.22 governments does not cancel at the end of the
6.23 first year and is available for the second year.

6.24 Subd. 14. **Appropriation Conditions**

6.25 If the appropriations in this section in either
6.26 year are insufficient, the appropriation in
6.27 the other year is available for it. All of
6.28 the money appropriated to the Board of
6.29 Water and Soil Resources in this section
6.30 as grants to local governments shall be
6.31 administered through the Board of Water
6.32 and Soil Resources' local water resources
6.33 protection and management program under
6.34 Minnesota Statutes, section 103B.3369. The
6.35 board may shift grant or cost-share funds in

7.1 this section and may adjust the technical and
7.2 administrative assistance portion of the funds
7.3 to leverage federal or other nonstate funds
7.4 or to address oversight responsibilities or
7.5 high-priority needs identified in local water
7.6 management plans.

7.7 Notwithstanding Minnesota Statutes, section
7.8 16A.28, the appropriations encumbered on or
7.9 before June 30, 2011, as grants or contracts in
7.10 this section are available until June 30, 2013.

7.11 Sec. 4. **POINT SOURCE PROTECTION**

7.12 **Subdivision 1. Total Appropriation** **\$ 20,272,000 \$ 23,678,000**

7.13 The appropriations in this section are to
7.14 the agencies specified for the protection,
7.15 enhancement, and restoration of lakes, rivers,
7.16 and streams.

7.17 **Subd. 2. TMDL Grants** 10,522,000 12,628,000

7.18 To the Public Facilities Authority for
7.19 total maximum daily loads grants under
7.20 Minnesota Statutes, section 446A.073.

7.21 **Subd. 3. Phosphorus Reduction Grants** 6,550,000 6,850,000

7.22 To the Public Facilities Authority for
7.23 phosphorus reduction grants under
7.24 Minnesota Statutes, section 446A.074.

7.25 **Subd. 4. Small Community Wastewater**
7.26 **Treatment Grants and Loans** 2,200,000 3,200,000

7.27 To the Public Facilities Authority for small
7.28 community wastewater treatment grants
7.29 and loans under Minnesota Statutes, section
7.30 446A.075.

7.31 **Subd. 5. Wastewater Reuse Pilot** 1,000,000 1,000,000

7.32 (a) To the Public Facilities Authority for
7.33 grants for wastewater reuse pilot projects.

8.1 (b) \$1,000,000 the first year is for grants
8.2 to ethanol plants that are within one and
8.3 one-half miles of a city for improvements
8.4 that reuse greater than 300,000 gallons of
8.5 wastewater per day.

8.6 Subd. 6. **Appropriation Conditions**

8.7 Appropriations under this section are
8.8 available until spent.

8.9 Sec. 5. **ASSESSMENT, MONITORING, AND**
8.10 **TMDL DEVELOPMENT**

8.11 Subdivision 1. **Total Appropriation** \$ 17,150,000 \$ 25,080,000

8.12 The appropriations in this section are to
8.13 the agencies specified for the protection,
8.14 enhancement, and restoration of lakes, rivers,
8.15 and streams.

8.16 Subd. 2. **Statewide Assessment and Monitoring** 5,850,000 6,950,000

8.17 (a) To the Pollution Control Agency for
8.18 20 percent of the necessary statewide
8.19 assessments and monitoring of surface water
8.20 quality and trends.

8.21 (b) \$150,000 the first year and \$196,000 the
8.22 second year are for grants to the Red River
8.23 Watershed Management Board to enhance
8.24 and expand existing river watch activities in
8.25 the Red River of the North. The Red River
8.26 Watershed Management Board shall provide
8.27 a report that includes formal evaluation
8.28 results from the river watch program to the
8.29 commissioners of education and the Pollution
8.30 Control Agency and to the legislative natural
8.31 resources finance and policy committees
8.32 and K-12 finance and policy committees by
8.33 February 15, 2011.

9.1 (c) \$200,000 the first year and \$300,000 the
 9.2 second year are for coordination with the
 9.3 state of Wisconsin and the National Park
 9.4 Service on comprehensive water monitoring
 9.5 and phosphorus reduction activities in the
 9.6 Lake St. Croix portion of the St. Croix
 9.7 River. The Pollution Control Agency
 9.8 shall work with the St. Croix Basin Water
 9.9 Resources Planning Team and the St. Croix
 9.10 River Association in implementing the
 9.11 water monitoring and phosphorus reduction
 9.12 activities. This appropriation is available
 9.13 to the extent matched by nonstate sources.
 9.14 Money not matched by November 15, 2010,
 9.15 cancel for this purpose and is available for
 9.16 the purposes of paragraph (a).

9.17 **Subd. 3. Endocrine Disruptor Monitoring and**
 9.18 **Analysis**

175,000

200,000

9.19 To the Pollution Control Agency for
 9.20 endocrine disruptor monitoring and analysis.
 9.21 The agency shall monitor and analyze
 9.22 endocrine disruptors in surface waters in at
 9.23 least 20 additional sites. The data must be
 9.24 placed on the agency's Web site.

9.25 **Subd. 4. Water Quality Assessments**

1,240,000

1,760,000

9.26 To the Department of Natural Resources for
 9.27 work assisting in water quality assessments
 9.28 in supporting the identification of impaired
 9.29 waters.

9.30 **Subd. 5. Pesticide Monitoring and Assessment**

535,000

170,000

9.31 (a) To the commissioner of agriculture for
 9.32 pesticide monitoring and assessment.

9.33 (b) \$395,000 the first year is for a
 9.34 demonstration project to monitor agricultural
 9.35 nonpoint source pollution and implement

10.1 best management practices in sub-watersheds
10.2 within the Root River Watershed in
10.3 southeastern Minnesota.

10.4 Subd. 6. PCA TMDL Development 8,250,000 10,000,000

10.5 (a) To the Pollution Control Agency for total
10.6 maximum daily load (TMDL) development
10.7 and TMDL implementation plans for waters
10.8 listed on the United States Environmental
10.9 Protection Agency approved Impaired
10.10 Waters List in accordance with Minnesota
10.11 Statutes, chapter 114D. The agency shall
10.12 complete an average of ten percent of the
10.13 TMDLs each year over the biennium.

10.14 (b) \$250,000 the first year is for a pilot project
10.15 for the development of total maximum daily
10.16 load (TMDL) studies conducted on a
10.17 watershed basis within the Buffalo River
10.18 watershed in order to protect, enhance, and
10.19 restore water quality in lakes, rivers, and
10.20 streams. The pilot project shall include all
10.21 necessary field work to develop TMDL
10.22 studies for all impaired subwatersheds within
10.23 the Buffalo River watershed and provide
10.24 information necessary to complete reports for
10.25 most of the remaining watersheds, including
10.26 analysis of water quality data, identification
10.27 of sources of water quality degradation
10.28 and stressors, load allocation development,
10.29 development of reports that provide
10.30 protection plans for subwatersheds that meet
10.31 water quality standards, and development of
10.32 reports that provide information necessary to
10.33 complete TMDL studies for subwatersheds
10.34 that do not meet water quality standards, but
10.35 are not listed as impaired.

11.1	<u>Subd. 7. DNR TMDL Development</u>	<u>900,000</u>	<u>1,200,000</u>
11.2	<u>To the Department of Natural Resources</u>		
11.3	<u>for TMDL development and TMDL</u>		
11.4	<u>implementation plans for waters listed on</u>		
11.5	<u>the United States Environmental Protection</u>		
11.6	<u>Agency approved Impaired Waters List in</u>		
11.7	<u>accordance with Minnesota Statutes, chapter</u>		
11.8	<u>114D.</u>		
11.9	<u>Subd. 8. MDA TMDL Technical Assistance</u>	<u>200,000</u>	<u>300,000</u>
11.10	<u>To the Department of Agriculture for</u>		
11.11	<u>technical assistance in developing TMDL</u>		
11.12	<u>plans.</u>		
11.13	<u>Subd. 9. Appropriation Conditions</u>		
11.14	<u>Notwithstanding Minnesota Statutes, section</u>		
11.15	<u>16A.28, the appropriations encumbered on or</u>		
11.16	<u>before June 30, 2011, as grants or contracts in</u>		
11.17	<u>this section are available until June 30, 2013.</u>		
11.18	<u>Sec. 6. GROUNDWATER AND DRINKING</u>		
11.19	<u>WATER PROTECTION</u>		
11.20	<u>Subdivision 1. Total Appropriation</u>	<u>\$ 3,200,000</u>	<u>\$ 4,430,000</u>
11.21	<u>The appropriations in this section are to</u>		
11.22	<u>the agencies specified for the protection of</u>		
11.23	<u>groundwater and drinking water sources.</u>		
11.24	<u>Subd. 2. PCA Assessment and Protection</u>	<u>600,000</u>	<u>900,000</u>
11.25	<u>To the Pollution Control Agency for</u>		
11.26	<u>groundwater assessment and drinking water</u>		
11.27	<u>protection.</u>		
11.28	<u>Subd. 3. DNR Assessment and Protection</u>	<u>300,000</u>	<u>440,000</u>
11.29	<u>To the Department of Natural Resources for</u>		
11.30	<u>groundwater assessment and drinking water</u>		
11.31	<u>protection activities.</u>		
11.32	<u>Subd. 4. Contaminant Assessment</u>	<u>600,000</u>	<u>735,000</u>

12.1	<u>To the Department of Health for additional</u>		
12.2	<u>assessment of drinking water contaminants.</u>		
12.3	<u>Subd. 5. Source Water Protection and</u>		
12.4	<u>Preservation</u>	<u>1,000,000</u>	<u>1,415,000</u>
12.5	<u>To the Department of Health for additional</u>		
12.6	<u>source water protection activities.</u>		
12.7	<u>Subd. 6. Metropolitan Master Plan</u>		
12.8	<u>Implementation</u>	<u>400,000</u>	<u>500,000</u>
12.9	<u>To the Metropolitan Council for</u>		
12.10	<u>implementation of the master water</u>		
12.11	<u>supply plan developed under Minnesota</u>		
12.12	<u>Statutes, section 473.1565.</u>		
12.13	<u>Subd. 7. MDA Assessment and Protection</u>	<u>300,000</u>	<u>440,000</u>
12.14	<u>To the Department of Agriculture for</u>		
12.15	<u>groundwater assessment and drinking water</u>		
12.16	<u>protection activities.</u>		
12.17	<u>Subd. 8. Appropriation Conditions</u>		
12.18	<u>Notwithstanding Minnesota Statutes, section</u>		
12.19	<u>16A.28, the appropriations encumbered on or</u>		
12.20	<u>before June 30, 2011, as grants or contracts in</u>		
12.21	<u>this section are available until June 30, 2013.</u>		
12.22	<u>Sec. 7. EDUCATION AND PUBLIC</u>		
12.23	<u>ENGAGEMENT</u>		
12.24	<u>Subdivision 1. Total Appropriation</u>	<u>\$ 300,000</u>	<u>\$ 400,000</u>
12.25	<u>The appropriations in this section are to the</u>		
12.26	<u>agencies specified for education and public</u>		
12.27	<u>engagement on the protection, restoration,</u>		
12.28	<u>and enhancement of waters of the state.</u>		
12.29	<u>Subd. 2. Nonpoint Civic Engagement</u>	<u>200,000</u>	<u>250,000</u>
12.30	<u>(a) To the Board of Water and Soil Resources</u>		
12.31	<u>for grants for civic engagement and education</u>		
12.32	<u>in water restoration and protection activities</u>		
12.33	<u>for nonpoint sources. The board shall give</u>		

13.1 consideration to civic engagement proposals
13.2 from basin or sub-basin organizations,
13.3 including the Mississippi Headwaters Board,
13.4 the Minnesota River Joint Powers Board,
13.5 Area II Minnesota River Basin Projects, and
13.6 the Red River Basin Commission. The board
13.7 shall develop a plan for expenditures under
13.8 this paragraph. By November 15, 2009, the
13.9 plan shall be submitted to the house and
13.10 senate chairs and ranking minority members
13.11 of the environmental finance divisions.

13.12 (b) \$100,000 the first year and \$100,000 the
13.13 second year are for grants to the Star Lake
13.14 Board established under Minnesota Statutes,
13.15 section 103B.702. The appropriation is a
13.16 pilot program to focus on engaging citizen
13.17 participation and fostering local partnerships
13.18 by increasing citizen involvement in water
13.19 quality enhancement by designating star
13.20 lakes and rivers. The board shall include
13.21 information on the results of this pilot
13.22 program in its next biennial report under
13.23 Minnesota Statutes, section 103B.702. The
13.24 second year grants are available only if
13.25 the Board of Water and Soil Resources
13.26 determines that the money granted in the first
13.27 year furthered the water quality goals in the
13.28 star lakes program in Minnesota Statutes,
13.29 section 103B.701.

13.30 **Subd. 3. TMDL Development Civic**
13.31 **Engagement**

100,000

150,000

13.32 To the Pollution Control Agency for civic
13.33 engagement in TMDL development. The
13.34 agency shall develop a plan for expenditures
13.35 under this paragraph. The agency shall give
13.36 consideration to civic engagement proposals

14.1 from basin or sub-basin organizations,
 14.2 including the Mississippi Headwaters Board,
 14.3 the Minnesota River Joint Powers Board,
 14.4 Area II Minnesota River Basin Projects,
 14.5 and the Red River Basin Commission.
 14.6 By November 15, 2009, the plan shall be
 14.7 submitted to the house and senate chairs
 14.8 and ranking minority members of the
 14.9 environmental finance divisions.

14.10 **Subd. 4. Appropriation Conditions**

14.11 Notwithstanding Minnesota Statutes, section
 14.12 16A.28, the appropriations encumbered on or
 14.13 before June 30, 2011, as grants or contracts in
 14.14 this section are available until June 30, 2013.

14.15 **Sec. 8. RESEARCH AND TOOL**
 14.16 **DEVELOPMENT**

14.17 <u>Subdivision 1. Total Appropriation</u>	<u>\$</u>	<u>4,550,000</u>	<u>\$</u>	<u>4,650,000</u>
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14.18 The appropriations in this section are
 14.19 to the agencies specified for research
 14.20 and tool development for the protection,
 14.21 enhancement, and restoration of waters of
 14.22 the state.

14.23 <u>Subd. 2. Agricultural Practice Research,</u>				
14.24 <u>Evaluations, and Effectiveness</u>		<u>900,000</u>		<u>950,000</u>

14.25 (a) To the Department of Agriculture for
 14.26 research, evaluation, and effectiveness
 14.27 monitoring of agricultural practices and
 14.28 load allocations and assisting in TMDL
 14.29 development in restoring impaired waters.

14.30 (b) \$150,000 the first year is for a grant to
 14.31 the South Central Service Cooperative to
 14.32 develop a water ecology pilot program to
 14.33 develop a model curriculum on the protection

15.1 and restoration of the quality of surface water
15.2 and groundwater.

15.3 (c) \$150,000 each year is for grants to the
15.4 livestock environmental quality assurance
15.5 program to develop resource management
15.6 plans, provide resource management analysis
15.7 and assistance, provide an implementation
15.8 plan, and provide for annual reporting on
15.9 water quality assessment and reasonable
15.10 assurance of the water quality effects for
15.11 the purposes of TMDL plans, including an
15.12 assurance walk-through for farms enrolled
15.13 in the program.

15.14 (d) December 15, 2010, the commissioner
15.15 of agriculture shall submit a report to the
15.16 chairs and ranking minority members of the
15.17 legislative committees and divisions with
15.18 jurisdiction over agriculture and environment
15.19 policy and finance on the activities of the
15.20 livestock environmental quality assurance
15.21 program. The report shall include:

15.22 (1) the number of farms enrolled;
15.23 (2) an analysis of the estimated water quality
15.24 improvements to enrolled farms;
15.25 (3) an analysis of the ability to provide
15.26 reasonable assurance of the water quality
15.27 effects; and

15.28 (4) consideration of recommendations
15.29 contained in the commissioner's report on
15.30 Star Farms.

15.31	<u>Subd. 3. County Geologic Atlases</u>	<u>400,000</u>	<u>600,000</u>
15.32	<u>\$400,000 the first year and \$600,000</u>		
15.33	<u>the second year are for collection and</u>		
15.34	<u>interpretation of subsurface geological</u>		

16.1 information and acceleration of the county
 16.2 geologic atlas program. \$122,000 the
 16.3 first year and \$183,000 the second year
 16.4 of this appropriation is to the Board of
 16.5 Regents of the University of Minnesota for
 16.6 the Geological Survey to continue and to
 16.7 initiate the production of county geologic
 16.8 atlases. \$278,000 the first year and \$417,000
 16.9 the second year of this appropriation is
 16.10 to the commissioner of natural resources
 16.11 to investigate physical and recharge
 16.12 characteristics. This appropriation represents
 16.13 a continuing effort to complete the county
 16.14 geologic atlases throughout the state.

16.15 <u>Subd. 4. High-Resolution Elevation Data</u>	<u>2,500,000</u>	<u>3,100,000</u>
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16.16 To the commissioner of natural resources
 16.17 to acquire and distribute high-resolution
 16.18 elevation data collection using light detection
 16.19 and ranging to aid with impaired waters
 16.20 modeling and total maximum daily load
 16.21 implementation under Minnesota Statutes,
 16.22 chapter 114D.

16.23 <u>Subd. 5. Statewide Sustainable Water</u> 16.24 <u>Resources Framework</u>	<u>750,000</u>	<u>0</u>
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16.25 (a) To the University of Minnesota for the
 16.26 development of a statewide sustainable
 16.27 water resources framework to protect,
 16.28 conserve, and enhance the quantity and
 16.29 quality of the state's ground and surface
 16.30 waters. The detailed framework shall be
 16.31 developed by the University of Minnesota
 16.32 Water Resources Center in cooperation with
 16.33 staff from the Environmental Quality Board
 16.34 and representatives who have expertise
 16.35 in water resources from federal agencies,

17.1 state agencies, local governments, private
17.2 nonprofits, and other interested groups.
17.3 The framework must include, but is not
17.4 limited to, identification of infrastructure
17.5 needs; drinking water; groundwater and
17.6 surface waters; storm water; agricultural and
17.7 industrial needs; the interfaces of climate
17.8 change, development and land use, and
17.9 demographics; public engagement strategies;
17.10 and accountability mechanisms.

17.11 (b) The University of Minnesota,
17.12 in cooperation with staff from the
17.13 Environmental Quality Board, shall
17.14 submit the framework to the chairs
17.15 and ranking minority members of the
17.16 legislative committees with jurisdiction over
17.17 environment and natural resources policy
17.18 and finance by January 15, 2011.

17.19 Subd. 6. **Appropriation Conditions**

17.20 Notwithstanding Minnesota Statutes, section
17.21 16A.28, the appropriations encumbered on or
17.22 before June 30, 2011, as grants or contracts in
17.23 this section are available until June 30, 2013.

17.24 Sec. 9. Minnesota Statutes 2008, section 116G.15, is amended to read:

17.25 **116G.15 MISSISSIPPI RIVER CORRIDOR CRITICAL AREA.**

17.26 Subdivision 1. **Establishment; purpose.** ~~(a)~~ The federal Mississippi National
17.27 River and Recreation Area established pursuant to United States Code, title 16, section
17.28 460zz-2(k), is designated an area of critical concern in accordance with this chapter. ~~The~~
17.29 ~~governor shall review the existing Mississippi River critical area plan and specify any~~
17.30 ~~additional standards and guidelines to affected communities in accordance with section~~
17.31 ~~116G.06, subdivision 2, paragraph (b), clauses (3) and (4), needed to insure preservation of~~
17.32 ~~the area pending the completion of the federal plan. The purpose of the designation is to:~~

18.1 (1) protect and preserve the Mississippi River and adjacent lands that the legislature
18.2 finds to be unique and valuable state and regional resources for the benefit of the health,
18.3 safety, and welfare of the citizens of the state, region, and nation;

18.4 (2) prevent and mitigate irreversible damages to these state, regional, and natural
18.5 resources;

18.6 (3) preserve and enhance the natural, aesthetic, cultural, and historical values of the
18.7 Mississippi River and adjacent lands for public use and benefit;

18.8 (4) protect and preserve the Mississippi River as an essential element in the national,
18.9 state, and regional transportation, sewer and water, and recreational systems; and

18.10 (5) protect and preserve the biological and ecological functions of the Mississippi
18.11 River corridor.

18.12 ~~The results of an environmental impact statement prepared under chapter 116D~~
18.13 ~~begun before and completed after July 1, 1994, for a proposed project that is located in~~
18.14 ~~the Mississippi River critical area north of the United States Army Corps of Engineers~~
18.15 ~~Lock and Dam Number One must be submitted in a report to the chairs of the environment~~
18.16 ~~and natural resources policy and finance committees of the house of representatives~~
18.17 ~~and the senate prior to the issuance of any state or local permits and the authorization~~
18.18 ~~for an issuance of any bonds for the project. A report made under this paragraph shall~~
18.19 ~~be submitted by the responsible governmental unit that prepared the environmental~~
18.20 ~~impact statement, and must list alternatives to the project that are determined by the~~
18.21 ~~environmental impact statement to be economically less expensive and environmentally~~
18.22 ~~superior to the proposed project and identify any legislative actions that may assist in the~~
18.23 ~~implementation of environmentally superior alternatives. This paragraph does not apply~~
18.24 ~~to a proposed project to be carried out by the Metropolitan Council or a metropolitan~~
18.25 ~~agency as defined in section 473.121.~~

18.26 ~~(b) If the results of an environmental impact statement required to be submitted by~~
18.27 ~~paragraph (a) indicate that there is an economically less expensive and environmentally~~
18.28 ~~superior alternative, then no member agency of the Environmental Quality Board shall~~
18.29 ~~issue a permit for the facility that is the subject of the environmental impact statement,~~
18.30 ~~other than an economically less expensive and environmentally superior alternative,~~
18.31 ~~nor shall any government bonds be issued for the facility, other than an economically~~
18.32 ~~less expensive and environmentally superior alternative, until after the legislature has~~
18.33 ~~adjourned its regular session sine die in 1996.~~

18.34 Subd. 2. Administration; duties. (a) The commissioner of natural resources may
18.35 adopt rules under chapter 14 as are necessary for the administration of the Mississippi
18.36 River corridor critical area program. Duties of the Environmental Quality Council or the

19.1 Environmental Quality Board referenced in this chapter, related rules, and the governor's
19.2 executive order number 79-19, published in the State Register on March 12, 1979,
19.3 that are related to the Mississippi River corridor critical area shall be the duties of the
19.4 commissioner. All rules adopted by the board pursuant to these duties remain in effect
19.5 and shall be enforced until amended or repealed by the commissioner in accordance with
19.6 law. The commissioner shall work in consultation with the United States Army Corps of
19.7 Engineers, the National Park Service, the Metropolitan Council, other agencies, and local
19.8 units of government to ensure that the Mississippi River corridor critical area is managed
19.9 as a multipurpose resource in a way that:

19.10 (1) conserves the scenic, environmental, recreational, mineral, economic, cultural,
19.11 and historic resources and functions of the river corridor;

19.12 (2) maintains the river channel for transportation by providing and maintaining
19.13 barging and fleeting areas in appropriate locations consistent with the character of the
19.14 Mississippi River and riverfront;

19.15 (3) provides for the continuation and development of a variety of urban uses,
19.16 including industrial and commercial uses, and residential uses, where appropriate, within
19.17 the Mississippi River corridor;

19.18 (4) utilizes certain reaches of the river as a source of water supply and as a receiving
19.19 water for properly treated sewage, stormwater, and industrial waste effluents; and

19.20 (5) protects and preserves the biological and ecological functions of the corridor.

19.21 (b) The Metropolitan Council shall incorporate the standards developed under
19.22 this section into its planning and shall work with local units of government and the
19.23 commissioner to ensure the standards are being adopted and implemented appropriately.

19.24 Subd. 3. **Districts.** The commissioner shall establish, by rule, districts within
19.25 the Mississippi River corridor critical area. The commissioner must seek to determine
19.26 an appropriate number of districts within any one municipality and take into account
19.27 municipal plans and policies, and existing ordinances and conditions. The commissioner
19.28 shall consider the following when establishing the districts:

19.29 (1) the protection of resources that existed as of March 12, 1979;

19.30 (2) the protection of improvements such as parks, trails, natural areas, recreational
19.31 areas, and interpretive centers;

19.32 (3) the use of the Mississippi River as a source of drinking water;

19.33 (4) the protection of resources identified in the Mississippi National River and
19.34 Recreation Area Comprehensive Management Plan;

19.35 (5) the protection of resources identified in comprehensive plans developed by
19.36 counties, cities, and towns within the Mississippi River corridor critical area;

20.1 (6) the intent of the Mississippi River corridor critical area land use districts from
20.2 the governor's executive order number 79-19, published in the State Register on March
20.3 12, 1979; and

20.4 (7) identified scenic, geologic, and ecological resources.

20.5 Subd. 4. **Standards.** (a) The commissioner shall establish, by rule, minimum
20.6 guidelines and standards for the districts established in subdivision 3. The guidelines
20.7 and standards for each district shall include: the intent of each district; key resources
20.8 and features to be protected or enhanced based upon paragraph (b); permitted uses;
20.9 and dimensional and performance standards for development. The commissioner must
20.10 take into account municipal plans and policies, and existing ordinances and conditions
20.11 when developing the guidelines in this section. The commissioner may provide certain
20.12 exceptions and criteria for standards, including, but not limited to, exceptions for river
20.13 access facilities, water supply facilities, stormwater facilities, and wastewater treatment
20.14 facilities, and hydropower facilities.

20.15 (b) The guidelines and standards must protect or enhance the following key
20.16 resources and features:

20.17 (1) floodplains;

20.18 (2) wetlands;

20.19 (3) gorges;

20.20 (4) areas of confluence with key tributaries;

20.21 (5) natural drainage routes;

20.22 (6) shorelines and riverbanks;

20.23 (7) bluffs;

20.24 (8) steep slopes and very steep slopes;

20.25 (9) unstable soils and bedrock;

20.26 (10) significant existing vegetative stands, tree canopies, and native plant

20.27 communities;

20.28 (11) scenic views and vistas;

20.29 (12) publicly owned parks, trails, and open spaces;

20.30 (13) cultural and historic sites and structures; and

20.31 (14) water quality.

20.32 (c) The commissioner shall establish a map to define bluffs and bluff-related features
20.33 within the Mississippi River corridor critical area. At the outset of the rulemaking process,
20.34 the commissioner shall create a preliminary map of all the bluffs and bluff lines within
20.35 the Mississippi River corridor critical area, based on the guidelines in paragraph (d). The
20.36 rulemaking process shall provide an opportunity to refine the preliminary bluff map. The

21.1 commissioner may add to or remove areas of demonstrably unique or atypical conditions
21.2 that warrant special protection or exemption. At the end of the rulemaking process, the
21.3 commissioner shall adopt a final bluff map that contains associated features, including
21.4 bluff lines, bases of bluffs, steep slopes, and very steep slopes.

21.5 (d) The following guidelines shall be used by the commissioner to create a
21.6 preliminary bluff map as part of the rulemaking process:

21.7 (1) "bluff face" or "bluff" means the area between the bluff line and the bluff base. A
21.8 high, steep, natural topographic feature such as a broad hill, cliff, or embankment with
21.9 a slope of 18 percent or greater and a vertical rise of at least ten feet between the bluff
21.10 base and the bluff line;

21.11 (2) "bluff line" means a line delineating the top of a slope connecting the points
21.12 at which the slope becomes less than 18 percent. More than one bluff line may be
21.13 encountered proceeding upslope from the river valley;

21.14 (3) "base of the bluff" means a line delineating the bottom of a slope connecting
21.15 the points at which the slope becomes 18 percent or greater. More than one bluff base
21.16 may be encountered proceeding landward from the water;

21.17 (4) "steep slopes" means 12 percent to 18 percent slopes. Steep slopes are natural
21.18 topographic features with an average slope of 12 to 18 percent measured over a horizontal
21.19 distance of 50 feet or more; and

21.20 (5) "very steep slopes" means slopes 18 percent or greater. Very steep slopes are
21.21 natural topographic features with an average slope of 18 percent or greater, measured over
21.22 a horizontal distance of 50 feet or more.

21.23 Subd. 5. **Application.** The standards established under this section shall be used:

21.24 (1) by local units of government when preparing or updating plans or modifying
21.25 regulations;

21.26 (2) by state and regional agencies for permit regulation and in developing plans
21.27 within their jurisdiction;

21.28 (3) by the Metropolitan Council for reviewing plans, regulations, and development
21.29 permit applications; and

21.30 (4) by the commissioner when approving plans, regulations, and development
21.31 permit applications.

21.32 Subd. 6. **Notification; fees.** A local unit of government or a regional or state agency
21.33 shall notify the commissioner of natural resources of all developments in the corridor that
21.34 require discretionary actions under their rules at least 10 days before taking final action on
21.35 the application. A local unit of government or agency failing to notify the commissioner at
21.36 least ten days before taking final action shall submit a late fee of \$50 to the commissioner.

22.1 For purposes of this section, a discretionary action includes all actions that require a public
22.2 hearing, including variances, conditional use permits, and zoning amendments.

22.3 Subd. 7. Rules. The commissioner shall adopt rules to ensure compliance with this
22.4 section. By January 15, 2010, the commissioner shall begin the rulemaking required by
22.5 this section. Until the rules required under this section take effect, the commissioner
22.6 shall administer the Mississippi River corridor critical area program in accordance with
22.7 the governor's executive order number 79-19, published in the State Register on March
22.8 12, 1979.

22.9 **ARTICLE 2**

22.10 **GENERAL PROVISIONS**

22.11 Section 1. **LEGACY WEB SITE**

22.12 (a) The Legislative Coordinating
22.13 Commission shall establish and maintain
22.14 a Web site to provide information on all
22.15 projects receiving appropriations in this
22.16 act. The commission may provide a link
22.17 to a state Web site that contains all of the
22.18 necessary information on projects to satisfy
22.19 this requirement. The Web site must provide
22.20 information for each project, including, but
22.21 not limited to:

- 22.22 (1) the name of the project;
22.23 (2) a brief description of the project;
22.24 (3) the amount of money appropriated in this
22.25 act for the project;
22.26 (4) any nonstate sources of funding specified
22.27 for the project; and
22.28 (5) goals and outcomes of the project.

22.29 (b) As a condition of accepting an
22.30 appropriation in this act, any agency or entity
22.31 receiving an appropriation must provide the
22.32 information to the Legislative Coordinating
22.33 Commission that is necessary to establish and

23.1 maintain the Web site under paragraph (a).
23.2 The provision of the necessary information
23.3 required for the Web site under paragraph (a)
23.4 to another state entity that is linked to the
23.5 commission's Web site shall be considered
23.6 meeting this requirement.

23.7 (c) \$50,000 in fiscal year 2010 is appropriated
23.8 to the Legislative Coordinating Commission
23.9 for the costs of developing and implementing
23.10 a Web site to contain information on projects
23.11 receiving appropriations from the outdoor
23.12 heritage fund, the clean water fund, and
23.13 the parks and trails fund. Of this amount,
23.14 \$10,000 is from the outdoor heritage fund;
23.15 \$25,000 is from the clean water fund; and
23.16 \$15,000 is from the parks and trails fund.

23.17 **Sec. 2. SIGNS**

23.18 (a) The Legislative Coordinating
23.19 Commission shall sponsor a contest
23.20 for selecting the design of a logo to use on
23.21 signage for projects receiving money from
23.22 the outdoor heritage fund, the clean water
23.23 fund, and the parks and trails fund.

23.24 (b) As a condition of accepting an
23.25 appropriation in this act, any agency or entity
23.26 receiving an appropriation must provide a
23.27 sign with the logo selected under paragraph
23.28 (a) at all access points to any land or water
23.29 resources that were:

23.30 (1) acquired, in fee title or an interest in less
23.31 than fee title, with money appropriated in
23.32 this act; or

23.33 (2) restored, protected, or enhanced with
23.34 money appropriated in this act.

24.1 Sec. 3. 25-YEAR STRATEGIC PLAN.

24.2 By January 15, 2011, the legislative
24.3 committees, divisions, or councils
24.4 responsible for recommending expenditures
24.5 to the full legislature from the outdoor
24.6 heritage fund, the clean water fund, and the
24.7 parks and trails fund must develop, with
24.8 broad public input, and adopt a 25-year
24.9 strategic plan for the expenditures that
24.10 will be recommended from the funds. The
24.11 plan must include applicable outcomes
24.12 for restoring, protecting, and enhancing
24.13 wetlands, prairies, forests, habitat for fish and
24.14 game, lakes, rivers, streams, groundwater,
24.15 and supporting parks and trails. The strategic
24.16 plan shall be updated on a regular basis, but
24.17 no longer than every five years. The Web
24.18 site established under section 1 must include
24.19 a link to the plans developed under this
24.20 section. The plan for restoring, protecting,
24.21 and enhancing wetlands, prairies, forests,
24.22 habitat for fish and game must be based
24.23 on ecological sections and subsections
24.24 established by the Department of Natural
24.25 Resources and be based on sound science
24.26 and achieve benefits across all ecological
24.27 sections within the state. The plan for
24.28 restoring, protecting, and enhancing lakes,
24.29 rivers, streams, and groundwater must be
24.30 based on watersheds and aquifers, and shall
24.31 take into account existing plans, be based on
24.32 sound science, and achieve benefits across
24.33 all ecological sections within the state. Any
24.34 recommendations for appropriations may be
24.35 prioritized based on science and urgency.

APPENDIX
Article locations in s1651-2

ARTICLE 1 CLEAN WATER FUND APPROPRIATIONS Page.Ln 1.7
ARTICLE 2 GENERAL PROVISIONS Page.Ln 22.9