

Proposals identified for member discussion related to fit within constitutional, statutory, and RFP/Strategic Plan guidelines

Constitution.
For staff review purposes, "other natural resources" were considered to be "the outdoor recreation system under section 86A.04 and regional recreation open space systems as defined under section 473.351, subdivision 1." (per. 116P.02 Definitions Subd. 5 Natural Resources) AND trails.

ENRTF ID #	Title	Organization	Last Name	First Name	Final Category	Final Sub Category	\$ Amount Requested	Questions regarding fit per Constitution, 116P, funding priority exceptions in RFP p. 3-5
041-A	Dangerous Current Prediction on Lake Superior Minnesota Coast	U of MN	Shen	Lian	A. Foundational Natural Resource Data and Information		\$ 299,982	Connection to constitution? "For activities that protect, conserve, preserve, and enhance Minnesota's air, water, land, fish, wildlife, and other natural resources"
068-AH	Rock County Aggregate Mapping	Rock County Land Management Office/SWCD	Hartman	Eric	H. Proposals seeking \$200,000 or less in funding	A. Foundational Natural Resource Data and Information	\$ 120,000	Connection to constitution? "For activities that protect, conserve, preserve, and enhance Minnesota's air, water, land, fish, wildlife, and other natural resources"

Statute 116P.03 Trust Fund not to supplant existing funding; appropriations								
272-G	Creating Welcoming Environments at Minnesota State Parks	MN DNR	Hopper	Rachel	G. Land Acquisition for Habitat and Recreation		\$ 2,565,167	- Supplement/supplant?

Statute 116P.08 Subdivision 1, Sec. 5 (capital projects) , and in some cases also Request for Proposal (RFP) provisions: (capital projects)
For staff review, "capital projects" for statutory purposes were considered as: acquisition, pre-design, design, and/or construction AND proposals for which the capital costs represented the majority of the funding request. "Capital projects" for RFP purposes were considered "buildings or building infrastructure."

110-B	Increased Sample Capacity for Analysis of Pesticides	Minnesota Department of Agriculture	Johnson	Heather	B. Water Resources		\$ 736,079	-This appears to be a capital project in conflict with 116P.08 Subd. 1. Expenditures, which states: Money in the trust fund may be spent only for: ...(5) capital projects for the preservation and protection of unique natural resources;
135-C	Connecting Tribal Communities to Sustainable Energy Pathways	Windustry	Daniels	Lisa	C. Environmental Education		\$ 2,187,669	-This appears to be a capital project in conflict with 116P.08 Subd. 1. Expenditures, which states: Money in the trust fund may be spent only for: ...(5) capital projects for the preservation and protection of unique natural resources; -RFP p. 4, C. Environmental Education states "funding for capital projects (e.g. buildings or building infrastructure) will not be considered in this category."
152-CH	Camp Katharine Parsons Conservation and Environmental Education Initiative	Phyllis Wheatley Community Center	Matemba-Mutasa	Gertrude	H. Proposals seeking \$200,000 or less in funding	C. Environmental Education	\$ 200,000	-RFP p. 4, C. Environmental Education states "funding for capital projects (e.g. buildings or building infrastructure) will not be considered in this category."
153-CH	The Longspur Prairie Fund Urban Prairie Learning Lab	The Longspur Prairie Fund	Schultz	Peter	H. Proposals seeking \$200,000 or less in funding	C. Environmental Education	\$ 62,943	-RFP p. 4, C. Environmental Education states "funding for capital projects (e.g. buildings or building infrastructure) will not be considered in this category."

Capital projects (continued)								
ENRTF ID #	Title	Organization	Last Name	First Name	Final Category	Final Sub Category	\$ Amount Requested	Questions regarding fit per Constitution, 116P, funding priority exceptions in RFP p. 3-5
8 154-CH	Living Laboratory for Community Education of Solar Energy	U of MN	Mohan	Ned	H. Proposals seeking \$200,000 or less in funding	C. Environmental Education	\$ 191,100	-RFP p. 4, C. Environmental Education states "funding for capital projects (e.g. buildings or building infrastructure) will not be considered in this category."
9 173-E	Storing Renewable Energy in Flow-Battery for Grid Use	U of MN - Morris	Herrmann	Bryan	E. Air Quality, Climate Change, and Renewable Energy		\$ 3,271,229	-This appears to be a capital project in conflict with 116P.08 Subd. 1. Expenditures, which states: Money in the trust fund may be spent only for: ...(5) capital projects for the preservation and protection of unique natural resources; -RFP p. 4, E. Air Quality, Climate Change, and Renewable Energy states "funding for capital projects (e.g. buildings or building infrastructure) will not be considered in this category."
10 194-E	Minnesota Shrimp Production Using Clean Energy	U of MN	Gardner	Robert	E. Air Quality, Climate Change, and Renewable Energy		\$ 1,129,000	-RFP p. 4, E. Air Quality, Climate Change, and Renewable Energy states "funding for capital projects (e.g. buildings or building infrastructure) will not be considered in this category."
11 205-EH	Rural Distributed Renewable Energy and Back-Up Power	Northwest Renewable Energy LLC	Thibert	Jill	H. Proposals seeking \$200,000 or less in funding	E. Air Quality, Climate Change, and Renewable Energy	\$ 198,500	-This appears to be a capital project in conflict with 116P.08 Subd. 1. Expenditures, which states: Money in the trust fund may be spent only for: ...(5) capital projects for the preservation and protection of unique natural resources; -RFP p. 4, E. Air Quality, Climate Change, and Renewable Energy states "funding for capital projects (e.g. buildings or building infrastructure) will not be considered in this category."
12 280-G	Birch Lake Recreation Area Campground	City of Babbitt	Bissonette	Cathy	G. Land Acquisition for Habitat and Recreation		\$ 350,000	-This appears to be a capital project in conflict with 116P.08 Subd. 1. Expenditures, which states: Money in the trust fund may be spent only for: ...(5) capital projects for the preservation and protection of unique natural resources;
13 282-G	Silver Bay Multi-Modal Trailhead Center	City of Silver Bay	Fralich	Lana	G. Land Acquisition for Habitat and Recreation		\$ 1,400,000	-This appears to be a capital project in conflict with 116P.08 Subd. 1. Expenditures, which states: Money in the trust fund may be spent only for: ...(5) capital projects for the preservation and protection of unique natural resources;
14 283-G	Ranier Safe Harbor/Transient Dock on Rainy Lake	City of Ranier	Gautreux	Sherril	G. Land Acquisition for Habitat and Recreation		\$ 762,650	-This appears to be a capital project in conflict with 116P.08 Subd. 1. Expenditures, which states: Money in the trust fund may be spent only for: ...(5) capital projects for the preservation and protection of unique natural resources;
15 284-G	Crane Lake Voyageurs National Park Campground & Visitors Center	Town of Crane Lake	Janssen	Jim	G. Land Acquisition for Habitat and Recreation		\$ 3,600,000	-This appears to be a capital project in conflict with 116P.08 Subd. 1. Expenditures, which states: Money in the trust fund may be spent only for: ...(5) capital projects for the preservation and protection of unique natural resources;
16 289-GH	Sportsmens Training and Developmental Learning Center	Minnesota Forest Zone Trappers Association	Sogard	Ray	H. Proposals seeking \$200,000 or less in funding	G. Land Acquisition for Habitat and Recreation	\$ 85,000	"-This appears to be a capital project in conflict with 116P.08 Subd. 1. Expenditures, which states: Money in the trust fund may be spent only for: ...(5) capital projects for the preservation and protection of unique natural resources;"

Statute 116P.08 Subd. 2 Exceptions									
ENRTF ID #	Title	Organization	Last Name	First Name	Final Category	Final Sub Category	\$ Amount Requested	Questions regarding fit per Constitution, 116P, funding priority exceptions in RFP p. 3-5	
17	114-B	Innovative Solution for Protecting Minnesota from PFAS contamination	Dem-Con	Keegan	Bill	B. Water Resources		\$ 750,000	-This appears to conflict with 116P.08 Subd. 2. Exceptions, which states: "Money in the trust fund may NOT be spent for: ...(5) solid waste disposal facilities"

Statute 116P.18 Lands in Public Domain									
18	274-G	Acquire Riverfront Land at Upper St. Anthony Falls	Friends of the Lock & Dam	Monson	Kjersti	G. Land Acquisition for Habitat and Recreation		\$ 3,000,000	-per 116P.18 Money appropriated from the trust fund must not be used to purchase any land in fee title or a permanent conservation easement if the land in question is fully or partially owned by the state or a political subdivision of the state or was acquired fully or partially with state money, unless: (1) the purchase creates additional direct benefit to the protection, conservation, preservation, and enhancement of the state's air, water, land, fish, wildlife, and other natural resources; and (2) the purchase is approved, prior to the acquisition, by an affirmative vote of at least 12 members of the commission.

Request for Proposal (RFP) provisions: invasive species									
19	160-D	Tactical Invasive Plant Management Plan Development and Implementation	Minnesota Department of Agriculture	Chandler	Monika	D. Aquatic and Terrestrial Invasive Species		\$ 658,137	-RFP p. 4, D. Aquatic and Terrestrial Invasive Species states "standard control, removal, and maintenance activities of invasive species will not be considered." -TIS- A portion of this project (part of Activity 1) would be eligible for consideration under MITPPC.
20	169-DH	Rainy Lake Non-native Hybridized Cattail Removal	Koochiching Soil & Water Conservation District	Olson	Eric	H. Proposals seeking \$200,000 or less in funding	D. Aquatic and Terrestrial Invasive Species	\$ 199,500	-RFP p. 4, D. Aquatic and Terrestrial Invasive Species states "standard control, removal, and maintenance activities of invasive species will not be considered." -AIS- Not research so not eligible for MAISRC.

Additional Information Related to "Capital Expenditures" and "Capital Projects"

1. **Statute 116P.08 Subdivision 1, Sec. 5 (capital projects):** Staff considered these as acquisition, pre-design, design, and/or construction AND proposals for which the capital costs represented the majority of the funding request. Staff called out *potential issues* in column N, "Questions regarding fit per constitution, 116P, funding priority exceptions in RFP", as well as in the separate document, "List of proposals for discussion regarding fit." Staff sense is that members could make a case either way on whether or not all or some of these projects should be eligible. Staff suggestion is that commission members make those decisions rather than staff.
2. **RFP priorities C. Environmental Education & E. Air Quality, Climate Change, and Renewable Energy p. 4** specifically state "Funding for capital projects (e.g. buildings or building infrastructure) will not be considered in this category." For this purpose, staff considered capital projects as buildings and building infrastructure. Staff called these out on the member evaluation and selection form in column N, "Questions regarding fit per constitution, 116P, funding priority exceptions in RFP" of the members evaluation and selection form as well as in the separate document, "List of proposals for discussion regarding fit." Again, staff suspects members could make a case either way for all or some of these projects being eligible. Staff preference again is that members make those decisions rather than staff.
3. **Guidance on allowable costs- see RFP p. 7 Eligible expenses F.** "Capital expenditures for facilities, equipment, and other capital assets *as expressly approved*" For this purpose, staff merely listed the capital expenses/assets/etc in the member evaluation and selection form in column O, "Generally ineligible costs....costs requiring specific approval..." for member consideration and ultimately for member *express approval* if the project is selected.