

State of Minnesota
HOUSE OF REPRESENTATIVES

EIGHTY-SEVENTH SESSION

H. F. No. 2539

02/27/2012 Authored by LeMieur; Hamilton; Torkelson; Anderson, P., and Swedzinski

The bill was read for the first time and referred to the Committee on Agriculture and Rural Development Policy and Finance

1.1 A bill for an act
1.2 relating to natural resources; modifying the exemption from the Wetland
1.3 Conservation Act for agricultural land subject to certain federal requirements;
1.4 amending Minnesota Statutes 2010, section 103G.2241, subdivision 1.

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

1.6 Section 1. Minnesota Statutes 2010, section 103G.2241, subdivision 1, is amended to
1.7 read:

1.8 Subdivision 1. **Agricultural activities.** A replacement plan for wetlands is not
1.9 required for:

1.10 (1) activities in a wetland that was planted with annually seeded crops, was in a crop
1.11 rotation seeding of pasture grass or legumes, or was required to be set aside to receive
1.12 price support or other payments under United States Code, title 7, sections 1421 to 1469,
1.13 in six of the last ten years prior to January 1, 1991;

1.14 (2) activities in a type 1 wetland on agricultural pasture land that remains in the
1.15 same use, except for bottomland hardwood type 1 wetlands, and activities in a type 2
1.16 or type 6 wetland that is less than two acres in size and located on agricultural pasture
1.17 land that remains in the same use;

1.18 (3) activities in a wetland conducted as part of normal farming practices. For
1.19 purposes of this clause, "normal farming practices" means farming, silvicultural, grazing,
1.20 and ranching activities such as plowing, seeding, cultivating, and harvesting for the
1.21 production of feed, food, and fiber products, but does not include activities that result in
1.22 the draining of wetlands;

1.23 (4) soil and water conservation practices approved by the soil and water conservation
1.24 district, after review by the Technical Evaluation Panel;

2.1 (5) aquaculture activities including pond excavation and construction and
2.2 maintenance of associated access roads and dikes authorized under, and conducted in
2.3 accordance with, a permit issued by the United States Army Corps of Engineers under
2.4 section 404 of the federal Clean Water Act, United States Code, title 33, section 1344,
2.5 but not including construction or expansion of buildings;

2.6 (6) wild rice production activities, including necessary diking and other activities
2.7 authorized under a permit issued by the United States Army Corps of Engineers under
2.8 section 404 of the federal Clean Water Act, United States Code, title 33, section 1344; or

2.9 (7) agricultural activities on agricultural land that is subject to federal farm program
2.10 restrictions ~~that meet minimum state standards under this chapter and sections 103A.202~~
2.11 ~~and 103B.3355 and that have been approved by the Board of Water and Soil Resources,~~
2.12 ~~the commissioners of natural resources and agriculture, and the Pollution Control Agency~~
2.13 under United States Code, title 16, section 3821.