

A bill for an act

relating to natural resources; appropriating money for environment and natural resources; modifying disposition of certain revenue; authorizing certain sales; modifying and creating certain accounts; modifying and establishing certain fees and surcharges; establishing an off-highway vehicle safety and conservation program; defining certain terms; providing for venison donation; providing for prairie establishment guidance; creating the Cuyuna Country State Recreation Area Citizens Advisory Council; exempting certain exchanged land from the tax-forfeited land assurance fee; authorizing certain leases of tax-forfeited lands; modifying definition of public official; modifying agency service requirements; creating a grant program; designating a state wildlife management area; improving oversight of local government water management; modifying authority of watershed district board of managers and soil and water conservation board of supervisors; modifying provisions for wetland conservation; modifying requirements for ditch buffers; modifying provisions for individual sewage treatment systems; providing for civil enforcement; modifying provisions for regulating genetically engineered organisms; establishing requirements for acquisition of easements; modifying access to certain wetlands; modifying percentage of gasoline use attributable to all-terrain vehicles; modifying trail designation requirements; eliminating sunset of sustainable forest resources provisions; authorizing rulemaking; requiring reports and studies; amending Minnesota Statutes 2006, sections 10A.01, subdivision 35; 15.99, subdivision 3; 16A.531, subdivision 1a; 84.025, subdivision 9; 84.026, subdivision 1; 84.0272, by adding a subdivision; 84.0855, subdivisions 1, 2; 84.780; 84.927, subdivision 2; 84.963; 84D.13, subdivision 7; 85.054, by adding a subdivision; 86B.706, subdivision 2; 89.22, subdivision 2; 93.22, subdivision 1; 97A.055, subdivision 4; 97A.065, by adding a subdivision; 97A.133, by adding a subdivision; 97A.475, subdivision 7, by adding a subdivision; 97A.485, subdivision 7; 97C.081, subdivision 3; 103B.101, by adding a subdivision; 103C.321, by adding a subdivision; 103D.325, by adding a subdivision; 103E.021, subdivisions 1, 2, 3, by adding a subdivision; 103E.315, subdivision 8; 103E.321, subdivision 1; 103E.701, by adding a subdivision; 103E.705, subdivisions 1, 2, 3; 103E.728, subdivision 2; 103G.222, subdivisions 1, 3; 103G.2241, subdivisions 1, 2, 3, 6, 9, 11; 103G.2242, subdivisions 2, 2a, 9, 12, 15; 103G.2243, subdivision 2; 103G.235; 103G.301, subdivision 2; 115.55, subdivisions 1, 2, 3, by adding a subdivision; 116C.92; 116C.94, subdivision 1; 116C.97, subdivision 2; 296A.18, subdivision 4; Laws 2003, chapter 128, article 1, section 169; Laws 2006, chapter 236, article 1, section 21; proposing coding for new law in Minnesota Statutes,

chapters 17; 84; 84D; 85; 89; 97B; 103B; 103E; repealing Minnesota Statutes 2006, sections 89A.11; 103G.2241, subdivision 8.

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

ARTICLE 1
ENVIRONMENT AND NATURAL RESOURCES
APPROPRIATIONS

Section 1. ENVIRONMENT AND NATURAL RESOURCES 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 general fund, or another named fund, and are available for the fiscal years indicated for each purpose. The figures "2008" and "2009" used in this article mean that the appropriations listed under them are available for the fiscal year ending June 30, 2008, or June 30, 2009, respectively. "The first year" is fiscal year 2008. "The second year" is fiscal year 2009. "The biennium" is fiscal years 2008 and 2009. Appropriations for the fiscal year ending June 30, 2007, are effective the day following final enactment.

APPROPRIATIONS
Available for the Year
Ending June 30
2008 2009

Sec. 2. POLLUTION CONTROL AGENCY

Subdivision 1. Total Appropriation \$ 100,271,000 \$ 99,989,000

<u>Appropriations by Fund</u>		
	<u>2008</u>	<u>2009</u>
<u>General</u>	<u>27,232,000</u>	<u>27,233,000</u>
<u>State Government</u>		
<u>Special Revenue</u>	<u>48,000</u>	<u>48,000</u>
<u>Environmental</u>	<u>61,425,000</u>	<u>61,622,000</u>
<u>Remediation</u>	<u>11,566,000</u>	<u>11,086,000</u>

The amounts that may be spent for each purpose are specified in the following subdivisions.

Subd. 2. Water 42,928,000 42,248,000

<u>Appropriations by Fund</u>		
<u>General</u>	<u>23,326,000</u>	<u>23,266,000</u>
<u>State Government</u>		
<u>Special Revenue</u>	<u>48,000</u>	<u>48,000</u>

3.1	<u>Remediation</u>	<u>550,000</u>	<u>-0-</u>
3.2	<u>Environmental</u>	<u>19,004,000</u>	<u>18,934,000</u>

3.3 \$2,348,000 the first year and \$2,348,000
3.4 the second year are for the clean water
3.5 partnership program. Any balance remaining
3.6 in the first year does not cancel and
3.7 is available for the second year. This
3.8 appropriation may be used for grants to
3.9 local units of government for the purpose
3.10 of restoring impaired waters listed under
3.11 section 303(d) of the federal Clean Water
3.12 Act in accordance with adopted total
3.13 maximum daily loads (TMDL's), including
3.14 implementation of approved clean water
3.15 partnership diagnostic study work plans that
3.16 will assist in restoration of such impaired
3.17 waters.

3.18 \$2,324,000 the first year and \$2,324,000
3.19 the second year are for grants to delegated
3.20 counties to administer the county feedlot
3.21 program. The commissioner, in consultation
3.22 with the Minnesota Association of County
3.23 Feedlot Officers executive team, may use up
3.24 to five percent of the annual appropriation
3.25 for initiatives to enhance existing delegated
3.26 county feedlot programs, information and
3.27 education, or technical assistance to reduce
3.28 feedlot-related pollution hazards. Any
3.29 unexpended balance in the first year does not
3.30 cancel but is available in the second year.

3.31 \$335,000 the first year and \$335,000 the
3.32 second year are for community technical
3.33 assistance and education, including grants
3.34 and technical assistance to communities for
3.35 local and basinwide water quality protection.

4.1 \$405,000 the first year and \$405,000 the
4.2 second year are for individual sewage
4.3 treatment system (ISTS) administration and
4.4 grants. Of this amount, \$86,000 each year
4.5 is for assistance to counties through grants
4.6 for ISTS program administration. Any
4.7 unexpended balance in the first year does not
4.8 cancel but is available in the second year.

4.9 \$480,000 the first year and \$480,000 the
4.10 second year are from the environmental
4.11 fund to address the need for continued
4.12 increased activity in the areas of new
4.13 technology review, technical assistance
4.14 for local governments, and enforcement
4.15 under Minnesota Statutes, sections 115.55
4.16 to 115.58, and to complete the requirements
4.17 of Laws 2003, chapter 128, article 1, section
4.18 165. Of this amount, \$48,000 each year is for
4.19 administration of individual septic tank fees.

4.20 \$375,000 the first year and \$375,000 the
4.21 second year are to monitor and analyze
4.22 endocrine disruptors in surface waters in at
4.23 least 20 additional sites. The data must be
4.24 placed on the agency's Web site.

4.25 \$15,317,000 the first year and \$15,317,000
4.26 the second year are to implement the
4.27 requirements of Minnesota Statutes, chapter
4.28 114D. Of this amount, \$6,317,000 each
4.29 year is for completion of ten percent of the
4.30 needed statewide assessments of surface
4.31 water quality and trends and \$9,000,000
4.32 each year is to develop TMDL's and TMDL
4.33 implementation plans for waters listed on
4.34 the United States Environmental Protection
4.35 Agency approved impaired waters list. The

5.1 agency shall complete an average of ten
5.2 percent of the TMDL's each year over the
5.3 next ten years.

5.4 \$690,000 the first year and \$690,000 the
5.5 second year are from the environmental fund
5.6 to provide regulatory services to the ethanol,
5.7 mining, and other developing economic
5.8 sectors.

5.9 \$88,000 the first year is for the endocrine
5.10 disruptors report required to be completed
5.11 under article 2.

5.12 \$550,000 is appropriated in fiscal year
5.13 2008 from the remediation fund to the
5.14 commissioner of the Pollution Control
5.15 Agency for transfer to the commissioner
5.16 of health to conduct an evaluation of point
5.17 of use water treatment units at removing
5.18 perfluorooctanoic acid, perfluorooctane
5.19 sulfonate, and perfluorobutanoic acid from
5.20 known concentrations of these compounds
5.21 in drinking water. The evaluation shall be
5.22 completed by December 31, 2007, and the
5.23 commissioner of health may contract for
5.24 services to complete the evaluation.

5.25 By January 15, 2008, the commissioner shall
5.26 amend agency rules and, where legislative
5.27 action is necessary, provide recommendations
5.28 to the house of representatives and senate
5.29 divisions on environmental finance on
5.30 water and air fee changes that will result in
5.31 revenue to the environmental fund to pay for
5.32 regulatory services to the ethanol, mining,
5.33 and other developing economic sectors.

5.34 Notwithstanding Minnesota Statutes, section
5.35 16A.28, the appropriations encumbered

6.1	<u>under contract on or before June 30, 2009,</u>		
6.2	<u>for clean water partnership, individual</u>		
6.3	<u>sewage treatment systems (ISTS), Minnesota</u>		
6.4	<u>River, total maximum daily loads (TMDL's),</u>		
6.5	<u>stormwater contracts or grants, and local and</u>		
6.6	<u>basinwide water quality protection contracts</u>		
6.7	<u>or grants in this subdivision are available</u>		
6.8	<u>until June 30, 2011.</u>		
6.9	<u>Subd. 3. Air</u>	<u>10,623,000</u>	<u>10,890,000</u>
6.10	<u>Appropriations by Fund</u>		
6.11	<u>Environmental</u>	<u>10,623,000</u>	<u>10,890,000</u>
6.12	<u>Up to \$150,000 the first year and \$150,000</u>		
6.13	<u>the second year may be transferred from the</u>		
6.14	<u>environmental fund to the small business</u>		
6.15	<u>environmental improvement loan account</u>		
6.16	<u>established in Minnesota Statutes, section</u>		
6.17	<u>116.993.</u>		
6.18	<u>\$200,000 the first year and \$200,000 the</u>		
6.19	<u>second year are from the environmental fund</u>		
6.20	<u>for a monitoring program under Minnesota</u>		
6.21	<u>Statutes, section 116.454.</u>		
6.22	<u>\$125,000 the first year and \$125,000 the</u>		
6.23	<u>second year are from the environmental fund</u>		
6.24	<u>for monitoring ambient air for hazardous</u>		
6.25	<u>pollutants in the metropolitan area.</u>		
6.26	<u>\$760,000 the first year and \$76,000 the</u>		
6.27	<u>second year are from the environmental fund</u>		
6.28	<u>to provide regulatory services to the ethanol,</u>		
6.29	<u>mining, and other developing economic</u>		
6.30	<u>sectors.</u>		
6.31	<u>Subd. 4. Land</u>	<u>18,081,000</u>	<u>18,151,000</u>
6.32	<u>Appropriations by Fund</u>		
6.33	<u>Environmental</u>	<u>7,065,000</u>	<u>7,065,000</u>
6.34	<u>Remediation</u>	<u>11,016,000</u>	<u>11,086,000</u>

7.1 All money for environmental response,
7.2 compensation, and compliance in the
7.3 remediation fund not otherwise appropriated
7.4 is appropriated to the commissioners of the
7.5 Pollution Control Agency and agriculture
7.6 for purposes of Minnesota Statutes, section
7.7 115B.20, subdivision 2, clauses (1), (2),
7.8 (3), (6), and (7). At the beginning of each
7.9 fiscal year, the two commissioners shall
7.10 jointly submit an annual spending plan
7.11 to the commissioner of finance and the
7.12 house and senate chairs of environment and
7.13 natural resources finance that maximizes the
7.14 utilization of resources and appropriately
7.15 allocates the money between the two
7.16 departments. This appropriation is available
7.17 until June 30, 2009.

7.18 \$3,616,000 the first year and \$3,616,000
7.19 the second year are transferred from the
7.20 petroleum tank fund to the remediation fund
7.21 for appropriation to the commissioner for
7.22 purposes of the leaking underground storage
7.23 tank program to protect the land.

7.24 \$252,000 the first year and \$252,000 the
7.25 second year are from the remediation fund to
7.26 be transferred to the Department of Health
7.27 for health assessments, drinking water
7.28 advisories, and public information activities
7.29 for areas contaminated by hazardous releases.

7.30	<u>Subd. 5. Multimedia</u>	<u>4,879,000</u>	<u>4,911,000</u>
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7.31	<u>Appropriations by Fund</u>		
7.32	<u>General</u>	<u>2,288,000</u>	<u>2,320,000</u>
7.33	<u>Environmental</u>	<u>2,591,000</u>	<u>2,591,000</u>

7.34 \$550,000 the first year and \$550,000 the
7.35 second year are from the environmental fund

8.1 to provide regulatory services to the ethanol,
8.2 mining, and other developing economic
8.3 sectors.

8.4 Notwithstanding Minnesota Statutes, section
8.5 16A.28, the appropriations encumbered
8.6 under contract on or before June 30, 2009, for
8.7 total maximum daily load (TMDL) contracts
8.8 or grants are available until June 30, 2011.

8.9	<u>Subd. 6. Environmental Assistance</u>	<u>22,142,000</u>	<u>22,142,000</u>
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8.10 \$14,000,000 each year is from the
8.11 environmental fund for SCORE block grants
8.12 to counties.

8.13 Any unencumbered grant and loan balances
8.14 in the first year do not cancel but are available
8.15 for grants and loans in the second year.

8.16 All money deposited in the environmental
8.17 fund for the metropolitan solid waste landfill
8.18 fee under Minnesota Statutes, section
8.19 473.843, and not otherwise appropriated, is
8.20 appropriated to the agency for the purposes
8.21 of Minnesota Statutes, section 473.844.

8.22 \$119,000 the first year and \$119,000 the
8.23 second year are from the environmental
8.24 fund for environmental assistance grants
8.25 or loans under Minnesota Statutes, section
8.26 115A.0716.

8.27 \$1,200,000 the first year and \$1,200,000 the
8.28 second year are from the environmental fund
8.29 to retrofit school buses statewide, including
8.30 buses for preschool children, and for loans to
8.31 small trucking firms to install equipment to
8.32 reduce fuel consumption. This is a onetime
8.33 appropriation.

9.1	<u>Notwithstanding Minnesota Statutes, section</u>		
9.2	<u>16A.28, the appropriations encumbered</u>		
9.3	<u>under contract on or before June 30,</u>		
9.4	<u>2009, for environmental assistance grants</u>		
9.5	<u>awarded under Minnesota Statutes, section</u>		
9.6	<u>115A.0716, and for technical and research</u>		
9.7	<u>assistance under Minnesota Statutes,</u>		
9.8	<u>section 115A.152, technical assistance</u>		
9.9	<u>under Minnesota Statutes, section 115A.52,</u>		
9.10	<u>and pollution prevention assistance under</u>		
9.11	<u>Minnesota Statutes, section 115D.04, are</u>		
9.12	<u>available until June 30, 2011.</u>		
9.13	<u>Subd. 7. Administrative Support</u>	<u>1,618,000</u>	<u>1,647,000</u>
9.14	<u>The commissioner may transfer money from</u>		
9.15	<u>the environmental fund to the remediation</u>		
9.16	<u>fund as necessary for the purposes of the</u>		
9.17	<u>remediation fund under Minnesota Statutes,</u>		
9.18	<u>section 116.155, subdivision 2.</u>		
9.19	<u>Sec. 3. NATURAL RESOURCES</u>		
9.20	<u>Subdivision 1. Total Appropriation</u>	<u>\$ 245,211,000</u>	<u>\$ 250,370,000</u>
9.21	<u>Appropriations by Fund</u>		
9.22		<u>2008</u>	<u>2009</u>
9.23	<u>General</u>	<u>80,587,000</u>	<u>82,778,000</u>
9.24	<u>Natural Resources</u>	<u>74,251,000</u>	<u>75,260,000</u>
9.25	<u>Game and Fish</u>	<u>90,073,000</u>	<u>92,032,000</u>
9.26	<u>Remediation</u>	<u>100,000</u>	<u>100,000</u>
9.27	<u>Permanent School</u>	<u>200,000</u>	<u>200,000</u>
9.28	<u>The amounts that may be spent for each</u>		
9.29	<u>purpose are specified in the following</u>		
9.30	<u>subdivisions.</u>		
9.31	<u>Subd. 2. Land and Mineral Resources</u>		
9.32	<u>Management</u>	<u>11,461,000</u>	<u>11,448,000</u>
9.33	<u>Appropriations by Fund</u>		
9.34	<u>General</u>	<u>6,347,000</u>	<u>6,406,000</u>
9.35	<u>Natural Resources</u>	<u>3,551,000</u>	<u>3,447,000</u>

10.1	<u>Game and Fish</u>	<u>1,363,000</u>	<u>1,395,000</u>
10.2	<u>Permanent School</u>	<u>200,000</u>	<u>200,000</u>
10.3	<u>\$475,000 the first year and \$475,000 the</u>		
10.4	<u>second year are for iron ore cooperative</u>		
10.5	<u>research. Of this amount, \$200,000 each year</u>		
10.6	<u>is from the minerals management account in</u>		
10.7	<u>the natural resources fund and \$275,000 each</u>		
10.8	<u>year is from the general fund. \$237,500 the</u>		
10.9	<u>first year and \$237,500 the second year are</u>		
10.10	<u>available only as matched by \$1 of nonstate</u>		
10.11	<u>money for each \$1 of state money. The</u>		
10.12	<u>match may be cash or in-kind.</u>		
10.13	<u>\$86,000 the first year and \$86,000 the</u>		
10.14	<u>second year are for minerals cooperative</u>		
10.15	<u>environmental research, of which \$43,000</u>		
10.16	<u>the first year and \$43,000 the second year are</u>		
10.17	<u>available only as matched by \$1 of nonstate</u>		
10.18	<u>money for each \$1 of state money. The</u>		
10.19	<u>match may be cash or in-kind.</u>		
10.20	<u>\$2,800,000 the first year and \$2,696,000</u>		
10.21	<u>the second year are from the minerals</u>		
10.22	<u>management account in the natural resources</u>		
10.23	<u>fund for use as provided in Minnesota</u>		
10.24	<u>Statutes, section 93.2236, paragraph (c).</u>		
10.25	<u>\$200,000 the first year and \$200,000 the</u>		
10.26	<u>second year are from the state forest suspense</u>		
10.27	<u>account in the permanent school fund to</u>		
10.28	<u>accelerate land exchanges, land sales, and</u>		
10.29	<u>commercial leasing of school trust lands and</u>		
10.30	<u>to identify, evaluate, and lease construction</u>		
10.31	<u>aggregate located on school trust lands. This</u>		
10.32	<u>appropriation is to be used for securing</u>		
10.33	<u>maximum long-term economic return</u>		
10.34	<u>from the school trust lands consistent with</u>		
10.35	<u>fiduciary responsibilities and sound natural</u>		

11.1	<u>resources conservation and management</u>		
11.2	<u>principles.</u>		
11.3	<u>\$15,000 the first year is for a report</u>		
11.4	<u>by February 1, 2008, to the house and</u>		
11.5	<u>senate committees with jurisdiction over</u>		
11.6	<u>environment and natural resources on</u>		
11.7	<u>proposed minimum legal and conservation</u>		
11.8	<u>standards that could be applied to</u>		
11.9	<u>conservation easements acquired with public</u>		
11.10	<u>money.</u>		
11.11	<u>\$701,000 the first year and \$701,000 the</u>		
11.12	<u>second year are to support the land records</u>		
11.13	<u>management system. Of this amount,</u>		
11.14	<u>\$326,000 the first year and \$326,000 the</u>		
11.15	<u>second year are from the game and fish fund</u>		
11.16	<u>and \$375,000 the first year and \$375,000 the</u>		
11.17	<u>second year are from the natural resources</u>		
11.18	<u>fund.</u>		
11.19	Subd. 3. <u>Water Resources Management</u>	<u>12,931,000</u>	<u>13,116,000</u>
11.20	<u>Appropriations by Fund</u>		
11.21	<u>General</u>	<u>12,651,000</u>	<u>12,836,000</u>
11.22	<u>Natural Resources</u>	<u>280,000</u>	<u>280,000</u>
11.23	<u>\$310,000 the first year and \$310,000 the</u>		
11.24	<u>second year are for grants for up to 50</u>		
11.25	<u>percent of the cost of implementing the Red</u>		
11.26	<u>River mediation agreement.</u>		
11.27	<u>\$65,000 the first year and \$65,000 the</u>		
11.28	<u>second year are for a grant to the Mississippi</u>		
11.29	<u>Headwaters Board for up to 50 percent of</u>		
11.30	<u>the cost of implementing the comprehensive</u>		
11.31	<u>plan for the upper Mississippi within areas</u>		
11.32	<u>under the board's jurisdiction.</u>		
11.33	<u>\$5,000 the first year and \$5,000 the second</u>		
11.34	<u>year are for payment to the Leech Lake Band</u>		
11.35	<u>of Chippewa Indians to implement the band's</u>		

12.1 portion of the comprehensive plan for the
12.2 upper Mississippi.

12.3 \$200,000 the first year and \$200,000 the
12.4 second year are for the construction of ring
12.5 dikes under Minnesota Statutes, section
12.6 103F.161. The ring dikes may be publicly
12.7 or privately owned. Any unencumbered
12.8 balance does not cancel at the end of the
12.9 first year and is available for the second
12.10 year. If the appropriation in the first year is
12.11 insufficient, the appropriation for the second
12.12 year is available in the first year.

12.13 \$1,280,000 the first year and \$1,280,000 the
12.14 second year are to support the identification
12.15 of impaired waters and develop plans to
12.16 address those impairments, as required by
12.17 the federal Clean Water Act.

12.18 Subd. 4. **Forest Management** 41,148,000 41,930,000

12.19	<u>Appropriations by Fund</u>		
12.20	<u>General</u>	<u>22,858,000</u>	<u>23,273,000</u>
12.21	<u>Natural Resources</u>	<u>18,033,000</u>	<u>18,393,000</u>
12.22	<u>Game and Fish</u>	<u>257,000</u>	<u>264,000</u>

12.23 \$7,217,000 the first year and \$7,217,000
12.24 the second year are for prevention,
12.25 presuppression, and suppression costs of
12.26 emergency firefighting and other costs
12.27 incurred under Minnesota Statutes, section
12.28 88.12. If the appropriation for either
12.29 year is insufficient to cover all costs of
12.30 presuppression and suppression, the amount
12.31 necessary to pay for these costs during the
12.32 biennium is appropriated from the general
12.33 fund.

12.34 By November 15 of each year, the
12.35 commissioner of natural resources shall

13.1 submit a report to the chairs of the house
13.2 and senate committees and divisions having
13.3 jurisdiction over environment and natural
13.4 resources finance, identifying all firefighting
13.5 costs incurred and reimbursements received
13.6 in the prior fiscal year. These appropriations
13.7 may not be transferred. Any reimbursement
13.8 of firefighting expenditures made to the
13.9 commissioner from any source other than
13.10 federal mobilizations shall be deposited into
13.11 the general fund.
13.12 \$18,033,000 the first year and \$18,393,000
13.13 the second year are from the forest
13.14 management investment account in the
13.15 natural resources fund for only the purposes
13.16 specified in Minnesota Statutes, section
13.17 89.039, subdivision 2.
13.18 \$780,000 the first year and \$780,000 the
13.19 second year are for the Forest Resources
13.20 Council for implementation of the
13.21 Sustainable Forest Resources Act.
13.22 \$350,000 the first year and \$350,000 the
13.23 second year are for the FORIST timber
13.24 management information system, other
13.25 information systems, and for increased
13.26 forestry management.
13.27 \$257,000 the first year and \$264,000 the
13.28 second year are from the game and fish
13.29 fund to implement ecological classification
13.30 systems (ECS) standards on forested
13.31 landscapes. This appropriation is from
13.32 revenue deposited in the game and fish fund
13.33 under Minnesota Statutes, section 297A.94,
13.34 paragraph (e), clause (1).

14.1	<u>\$55,000 the first year and \$55,000 the</u>		
14.2	<u>second year are to develop and implement</u>		
14.3	<u>a statewide information and education</u>		
14.4	<u>campaign regarding the proposed statewide</u>		
14.5	<u>ban on the transport, storage, or use of</u>		
14.6	<u>nonapproved firewood on state administered</u>		
14.7	<u>land.</u>		
14.8	<u>\$75,000 the first year is to the Forest</u>		
14.9	<u>Resources Council for a task force on forest</u>		
14.10	<u>protection and \$75,000 the second year is</u>		
14.11	<u>appropriated for grants to cities, counties,</u>		
14.12	<u>townships, special recreation areas, and park</u>		
14.13	<u>and recreation boards in cities of the first</u>		
14.14	<u>class for the identification, removal, disposal,</u>		
14.15	<u>and replacement of dead or dying shade trees</u>		
14.16	<u>lost to forest pests or disease. For purposes</u>		
14.17	<u>of this section, "shade tree" means a woody</u>		
14.18	<u>perennial grown primarily for aesthetic or</u>		
14.19	<u>environmental purposes with minimal to</u>		
14.20	<u>residual timber value. The commissioner</u>		
14.21	<u>shall consult with municipalities; park and</u>		
14.22	<u>recreation boards in cities of the first class;</u>		
14.23	<u>nonprofit organizations; and other interested</u>		
14.24	<u>parties in developing eligibility criteria.</u>		
14.25	<u>\$50,000 the first year and \$100,000 the</u>		
14.26	<u>second year are from the natural resources</u>		
14.27	<u>fund for forest road maintenance in support</u>		
14.28	<u>of all-terrain vehicle trails.</u>		
14.29	<u>Subd. 5. Parks and Recreation Management</u>	<u>35,141,000</u>	<u>35,959,000</u>
14.30	<u>Appropriations by Fund</u>		
14.31	<u>General</u>	<u>20,560,000</u>	<u>20,923,000</u>
14.32	<u>Natural Resources</u>	<u>14,581,000</u>	<u>15,036,000</u>
14.33	<u>\$640,000 the first year and \$640,000 the</u>		
14.34	<u>second year are from the water recreation</u>		

15.1 account in the natural resources fund for state
15.2 park water access projects.

15.3 \$3,996,000 the first year and \$3,996,000 the
15.4 second year are from the natural resources
15.5 fund for state park and recreation area
15.6 operations. This appropriation is from the
15.7 revenue deposited in the natural resources
15.8 fund under Minnesota Statutes, section
15.9 297A.94, paragraph (e), clause (2).

15.10 \$5,000 each year is for payment of expenses
15.11 of the Cuyuna Country State Recreation Area
15.12 Citizens Advisory Council.

15.13 **Subd. 6. Trails and Waterways Management** 29,442,000 29,647,000

15.14 Appropriations by Fund

15.15 <u>General</u>	<u>2,528,000</u>	<u>2,548,000</u>
15.16 <u>Natural Resources</u>	<u>24,795,000</u>	<u>24,905,000</u>
15.17 <u>Game and Fish</u>	<u>2,119,000</u>	<u>2,194,000</u>

15.18 \$7,924,000 the first year and \$7,924,000
15.19 the second year are from the snowmobile
15.20 trails and enforcement account in the natural
15.21 resources fund for snowmobile grants-in-aid.

15.22 The additional money under this paragraph
15.23 may be used for new grant-in-aid trails. Any
15.24 unencumbered balance does not cancel at the
15.25 end of the first year and is available for the
15.26 second year.

15.27 \$1,140,000 the first year and \$1,132,000 the
15.28 second year are from the natural resources
15.29 fund for off-highway vehicle grants-in-aid.

15.30 Of this amount, \$790,000 the first year
15.31 and \$882,000 the second year are from the
15.32 all-terrain vehicle account; \$150,000 each
15.33 year is from the off-highway motorcycle
15.34 account; and \$200,000 the first year and
15.35 \$100,000 the second year are from the

16.1 off-road vehicle account. Any unencumbered
16.2 balance does not cancel at the end of the first
16.3 year and is available for the second year.
16.4 \$261,000 the first year and \$261,000 the
16.5 second year are from the water recreation
16.6 account in the natural resources fund for a
16.7 safe harbor program on Lake Superior.
16.8 \$742,000 the first year and \$760,000
16.9 the second year are from the natural
16.10 resources fund for state trail operations
16.11 and maintenance. The money may be used
16.12 for trail maintenance, signage, mapping,
16.13 interpretation, native prairie restoration
16.14 using best management practices, and
16.15 maintenance of nonmotorized forest trails.
16.16 This appropriation is from the revenue
16.17 deposited in the natural resources fund
16.18 under Minnesota Statutes, section 297A.94,
16.19 paragraph (e), clause (2).
16.20 \$32,000 the first year and \$107,000 the
16.21 second year are from the game and fish
16.22 fund for expenditures on water access sites
16.23 according to the requirements of the federal
16.24 sport and fish restoration program.

16.25	<u>Subd. 7. Fish and Wildlife Management</u>	<u>67,072,000</u>	<u>68,394,000</u>
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16.26	<u>Appropriations by Fund</u>		
16.27	<u>General</u>	<u>3,255,000</u>	<u>3,255,000</u>
16.28	<u>Natural Resources</u>	<u>1,876,000</u>	<u>1,876,000</u>
16.29	<u>Game and Fish</u>	<u>61,941,000</u>	<u>63,263,000</u>

16.30 \$410,000 the first year and \$418,000 the
16.31 second year are for resource population
16.32 surveys in the 1837 treaty area. Of this
16.33 amount, \$274,000 the first year and \$288,000
16.34 the second year are from the game and fish
16.35 fund.

17.1 \$8,061,000 the first year and \$8,167,000
17.2 the second year are from the heritage
17.3 enhancement account in the game and
17.4 fish fund for only the purposes specified
17.5 in Minnesota Statutes, section 297A.94,
17.6 paragraph (e), clause (1). Of this amount,
17.7 \$1,175,000 the first year and \$1,175,000 the
17.8 second year are for preserving, restoring, and
17.9 enhancing grassland/wetland complexes on
17.10 public lands.

17.11 Notwithstanding Minnesota Statutes, section
17.12 84.943, \$13,000 the first year and \$13,000
17.13 the second year from the critical habitat
17.14 private sector matching account may be used
17.15 to publicize the critical habitat license plate
17.16 match program.

17.17 \$8,000 the first year and \$8,000 the second
17.18 year are appropriated from the game and
17.19 fish fund for transfer to the wild turkey
17.20 management account for purposes specified
17.21 in Minnesota Statutes, section 97A.075,
17.22 subdivision 5.

17.23 \$108,000 the first year and \$108,000 the
17.24 second year are from the game and fish
17.25 fund for costs associated with administering
17.26 fishing contest permits.

17.27 \$182,000 the first year and \$132,000 the
17.28 second year are to accelerate wildlife health
17.29 programs and to prevent the spread of
17.30 disease from livestock and poultry to the
17.31 wildlife population. \$50,000 in the first
17.32 year is for fencing cattle-feeding areas in
17.33 bovine tuberculosis control zones, under the
17.34 emergency deterrent materials assistance
17.35 program in Minnesota Statutes, section

H.F. No. 1651, 1st Committee Engrossment - 85th Legislative Session (2007-2008)

18.1 97A.028, subdivision 3. This appropriation
18.2 is available until June 30, 2009. \$66,000 of
18.3 this amount is permanent.

18.4 \$575,000 the first year and \$575,000 the
18.5 second year are for preserving, restoring, and
18.6 enhancing grassland/wetland complexes on
18.7 public lands.

18.8 \$150,000 the first year and \$150,000 the
18.9 second year are from the game and fish fund
18.10 to expand the roadsides for wildlife program.

18.11 \$175,000 the first year and \$175,000 the
18.12 second year are appropriated from the game
18.13 and fish fund to the commissioner of natural
18.14 resources for grants to Let's Go Fishing
18.15 of Minnesota to promote opportunities for
18.16 fishing. The grants must be matched with
18.17 cash or in-kind contributions from nonstate
18.18 sources. This is a onetime appropriation.

18.19	<u>Subd. 8. Ecological Services</u>	<u>14,201,000</u>	<u>15,404,000</u>
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18.20 Appropriations by Fund

18.21	<u>General</u>	<u>6,831,000</u>	<u>7,934,000</u>
18.22	<u>Natural Resources</u>	<u>3,488,000</u>	<u>3,519,000</u>
18.23	<u>Game and Fish</u>	<u>3,882,000</u>	<u>3,951,000</u>

18.24 \$1,192,000 the first year and \$1,223,000 the
18.25 second year are from the nongame wildlife
18.26 management account in the natural resources
18.27 fund for the purpose of nongame wildlife
18.28 management. Notwithstanding Minnesota
18.29 Statutes, section 290.431, \$100,000 the first
18.30 year and \$100,000 the second year may be
18.31 used for nongame information, education,
18.32 and promotion.

18.33 \$1,612,000 the first year and \$1,636,000
18.34 the second year are from the heritage
18.35 enhancement account in the game and

19.1 fish fund for only the purposes specified
19.2 in Minnesota Statutes, section 297A.94,
19.3 paragraph (e), clause (1), on public lands.

19.4 \$2,765,000 in the first year and \$3,985,000
19.5 in the second year, of which \$1,795,000 the
19.6 first year and \$1,795,000 the second year
19.7 are from the invasive species account in the
19.8 natural resources fund for law enforcement
19.9 and water access inspection to prevent the
19.10 spread of invasive species, grants to manage
19.11 invasive plants in public waters, technical
19.12 assistance to grant applicants for improving
19.13 lake quality, and management of terrestrial
19.14 invasive species on state-administered lands.

19.15 Priority shall be given to preventing the
19.16 spread of aquatic invertebrates. An applicant
19.17 for a grant to manage invasive plants in
19.18 public waters must have a workable plan for
19.19 improving water quality and reducing the
19.20 need for additional treatment. Grants may
19.21 not be made for chemicals that are likely
19.22 endocrine disruptors. A plan to prevent the
19.23 introduction of asian carp into Minnesota
19.24 waters must be made available to the public
19.25 by November 1, 2007.

19.26 \$125,000 the first year is to support
19.27 a technical committee and for land
19.28 management units that manage grass lands
19.29 in order to develop plans to optimize native
19.30 prairie seed harvest and replanting on
19.31 state-owned lands. The work must use best
19.32 management practices with an outcome of
19.33 ensuring the survival of the native prairie
19.34 remaining in Minnesota and to estimate the
19.35 value of the seeds. Maximizing seed harvest
19.36 may include allowing seed producers to keep

20.1 a portion of the seed as compensation for
20.2 supplying equipment and labor.

20.3 The Department of Natural Resources
20.4 in cooperation with the Department of
20.5 Agriculture and the Board of Water and
20.6 Soil Resources shall establish a technical
20.7 advisory committee which has the expertise
20.8 to develop (1) criteria to identify public and
20.9 private marginal lands which could be used
20.10 to produce native prairie seeds of a local
20.11 ecotype or restore native prairies that could
20.12 be used to produce clean energy and (2)
20.13 guidelines for production that ensure high
20.14 carbon sequestration, protection of wildlife
20.15 and waters, and minimization of inputs and
20.16 that do not compromise the survival of the
20.17 native prairie remaining in Minnesota. In
20.18 addition to agency members, the advisory
20.19 committee shall have one member from
20.20 each of two farm organizations, one member
20.21 from a sustainable farmer organization, one
20.22 member each from three rural economic
20.23 development organizations, one member
20.24 each from three environmental organizations,
20.25 and one member each from three wildlife
20.26 or conservation organizations. A report on
20.27 outcomes from the technical committee is
20.28 due December 15, 2007, to the legislative
20.29 finance chairs on environment and natural
20.30 resources.

20.31 \$50,000 in the first year is for the
20.32 commissioner, in consultation with the
20.33 Environmental Quality Board, to report to
20.34 the house and senate committees having
20.35 jurisdiction over environmental policy
20.36 and finance by February 1, 2008, on the

21.1 Mississippi River critical area program. The
21.2 report shall include the status of critical
21.3 area plans, zoning ordinances, the number
21.4 and types of revisions anticipated, and the
21.5 nature and number of variances sought. The
21.6 report shall include recommendations that
21.7 adequately protect and manage the aesthetic
21.8 integrity and natural environment of the river
21.9 corridor.

21.10 \$1,500,000 the first year and \$1,500,000 the
21.11 second year are to support the identification
21.12 of impaired waters and develop plans to
21.13 address those impairments, as required by
21.14 the federal Clean Water Act.

21.15 Subd. 9. Enforcement 30,021,000 30,697,000

21.16	<u>Appropriations by Fund</u>		
21.17	<u>General</u>	<u>3,336,000</u>	<u>3,392,000</u>
21.18	<u>Natural Resources</u>	<u>7,163,000</u>	<u>7,320,000</u>
21.19	<u>Game and Fish</u>	<u>19,422,000</u>	<u>19,885,000</u>
21.20	<u>Remediation</u>	<u>100,000</u>	<u>100,000</u>

21.21 \$100,000 each year is for a conservation
21.22 officer position to be stationed at Mississippi
21.23 Headwaters State Forest to work with local
21.24 jurisdictions, including Native American
21.25 reservations, in enforcing state law along
21.26 the Mississippi River from Lake Itasca
21.27 downstream to Lake Bemidji and in the
21.28 Bemidji region.

21.29 \$1,082,000 the first year and \$1,082,000 the
21.30 second year are from the water recreation
21.31 account in the natural resources fund for
21.32 grants to counties for boat and water safety.

21.33 \$100,000 the first year and \$100,000 the
21.34 second year are from the remediation fund

22.1 for solid waste enforcement activities under
22.2 Minnesota Statutes, section 116.073.

22.3 \$315,000 the first year and \$315,000 the
22.4 second year are from the snowmobile
22.5 trails and enforcement account in the
22.6 natural resources fund for grants to local
22.7 law enforcement agencies for snowmobile
22.8 enforcement activities.

22.9 \$1,164,000 the first year and \$1,164,000
22.10 the second year are from the heritage
22.11 enhancement account in the game and
22.12 fish fund for only the purposes specified
22.13 in Minnesota Statutes, section 297A.94,
22.14 paragraph (e), clause (1).

22.15 \$225,000 the first year and \$225,000
22.16 the second year are from the natural
22.17 resources fund for grants to county law
22.18 enforcement agencies for off-highway
22.19 vehicle enforcement and public education
22.20 activities based on off-highway vehicle use
22.21 in the county. Of this amount, \$213,000 each
22.22 year is from the all-terrain vehicle account,
22.23 \$11,000 each year is from the off-highway
22.24 motorcycle account, and \$1,000 each year
22.25 is from the off-road vehicle account. The
22.26 county enforcement agencies may use
22.27 money received under this appropriation
22.28 to make grants to other local enforcement
22.29 agencies within the county that have a high
22.30 concentration of off-highway vehicle use. Of
22.31 this appropriation, \$25,000 each year is for
22.32 administration of these grants.

22.33 \$15,000 the first year and \$5,000 the second
22.34 year are from the off-road vehicle account
22.35 in the natural resources fund to establish

23.1 the off-road vehicle environment and safety
23.2 education and training program under
23.3 Minnesota Statutes, section 84.8015.
23.4 \$50,000 the first year and \$225,000 the
23.5 second year are from the natural resources
23.6 fund for grants to qualifying off-highway
23.7 vehicle organizations to assist in safety and
23.8 environmental education and monitoring
23.9 trails on public lands. Of this appropriation,
23.10 \$25,000 each year is for administration of
23.11 these grants.
23.12 Overtime must be distributed to conservation
23.13 officers at historical levels; however, a
23.14 reasonable reduction or addition may be
23.15 made to the officer's allocation, if justified,
23.16 based on an individual officer's workload. If
23.17 funding for enforcement is reduced because
23.18 of an unallotment, the overtime bank may be
23.19 reduced in proportion to reductions made in
23.20 other areas of the budget.

23.21	<u>Subd. 10. Operations Support</u>	<u>3,794,000</u>	<u>3,775,000</u>
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23.22	<u>Appropriations by Fund</u>		
23.23	<u>General</u>	<u>2,221,000</u>	<u>2,211,000</u>
23.24	<u>Natural Resources</u>	<u>484,000</u>	<u>484,000</u>
23.25	<u>Game and Fish</u>	<u>1,089,000</u>	<u>1,080,000</u>

23.26 \$38,000 is from the game and fish fund for
23.27 the study on the natural stands of wild rice
23.28 required in article 2.
23.29 \$270,000 the first year and \$270,000 the
23.30 second year are from the natural resources
23.31 fund for grants to be divided equally between
23.32 the city of St. Paul for the Como Zoo
23.33 and Conservatory and the city of Duluth
23.34 for the Duluth Zoo. This appropriation
23.35 is from the revenue deposited to the fund

24.1 under Minnesota Statutes, section 297A.94,
24.2 paragraph (e), clause (5).
24.3 \$55,000 in the first year and \$7,000 in the
24.4 second year are to be transferred to the
24.5 Environmental Quality Board to fulfill the
24.6 requirement of Minnesota Statutes, sections
24.7 116C.92 and 116C.94.

24.8	Sec. 4. <u>BOARD OF WATER AND SOIL</u>			
24.9	<u>RESOURCES</u>	<u>\$</u>	<u>22,369,000</u>	<u>\$</u>
				<u>22,728,000</u>

24.10 \$4,102,000 the first year and \$4,102,000 the
24.11 second year are for natural resources block
24.12 grants to local governments. The board may
24.13 reduce the amount of the natural resources
24.14 block grant to a county by an amount equal to
24.15 any reduction in the county's general services
24.16 allocation to a soil and water conservation
24.17 district from the county's previous year
24.18 allocation when the board determines that
24.19 the reduction was disproportionate. Grants
24.20 must be matched with a combination of local
24.21 cash or in-kind contributions. The base grant
24.22 portion related to water planning must be
24.23 matched by an amount that would be raised
24.24 by a levy under Minnesota Statutes, section
24.25 103B.3369.

24.26 \$3,566,000 the first year and \$3,566,000
24.27 the second year are for grants requested
24.28 by soil and water conservation districts for
24.29 general purposes, nonpoint engineering,
24.30 and implementation of the reinvest in
24.31 Minnesota conservation reserve program.
24.32 Upon approval of the board, expenditures
24.33 may be made from these appropriations for
24.34 supplies and services benefiting soil and
24.35 water conservation districts. Any district

25.1 requesting a grant under this paragraph
25.2 shall create and maintain a Web page that
25.3 publishes, at a minimum, its annual plan,
25.4 annual report, annual audit, and annual
25.5 budget, including membership dues and
25.6 meeting notices and minutes.

25.7 \$3,250,000 the first year and \$3,250,000
25.8 the second year are for grants to soil and
25.9 water conservation districts for cost-sharing
25.10 contracts for erosion control and water
25.11 quality management. Of this amount, at least
25.12 \$1,200,000 the first year and \$1,200,000 the
25.13 second year are for grants for cost-sharing
25.14 contracts to establish and maintain vegetation
25.15 buffers of restored native prairie and restored
25.16 prairie using seeds of a local ecotype region.

25.17 \$300,000 the first year and \$300,000 the
25.18 second year are available to begin county
25.19 cooperative weed management programs
25.20 on natural lands and private lands enrolled
25.21 in state and federal conservation programs
25.22 and to restore native plants in selected
25.23 invasive species management sites by
25.24 providing local native seeds and plants
25.25 to landowners for implementation. This
25.26 appropriation is available until expended. If
25.27 the appropriation in either year is insufficient,
25.28 the appropriation in the other year is available
25.29 for it. Notwithstanding Minnesota Statutes,
25.30 section 103C.501, any balance in the board's
25.31 cost-share program that remains from the
25.32 fiscal year 2007 appropriation is available
25.33 in an amount up to \$2,000 for a grant to
25.34 the Faribault Soil and Water Conservation
25.35 District to pay for erosion repair on the Blue
25.36 Earth River.

26.1 The board shall develop a forestry practice
26.2 docket for cost-share money.

26.3 \$100,000 the first year and \$100,000 the
26.4 second year are for a grant to the Red
26.5 River Basin Commission to develop a Red
26.6 River basin plan and to coordinate water
26.7 management activities in the states and
26.8 provinces bordering the Red River. The
26.9 unencumbered balance in the first year does
26.10 not cancel but is available for the second
26.11 year.

26.12 \$5,450,000 the first year and \$5,450,000
26.13 the second year are for implementation of
26.14 the Clean Water Legacy Act as follows:

26.15 \$1,500,000 each year is for targeted
26.16 nonpoint restoration cost-share and incentive
26.17 payments, of which up to \$1,400,000
26.18 each year is available for grants. Of this
26.19 amount, \$250,000 each year must be
26.20 contracted for services with the Minnesota
26.21 Conservation Corp. The grant funds are
26.22 available until expended; \$2,000,000 each
26.23 year is for targeted nonpoint restoration and
26.24 protection and technical, compliance, and
26.25 engineering assistance activities, of which
26.26 up to \$1,700,000 each year is available for
26.27 grants; \$200,000 each year is for reporting
26.28 and evaluating applied soil and water
26.29 conservation practices; \$1,650,000 each year
26.30 is for grants to implement county individual
26.31 sewage treatment system programs. Of this
26.32 amount, after a county has complied with
26.33 requirements to adopt ordinances pursuant
26.34 to Minnesota Statutes, section 115.55,
26.35 subdivision 2, the county may request grants
26.36 of up to \$60,000 the first year and \$60,000

27.1 the second year to inventory properties with
27.2 individual sewage treatment systems that
27.3 are an imminent threat to public health or
27.4 safety due to water discharges of untreated
27.5 sewage, and require compliance under an
27.6 applicable ordinance. The grant amount
27.7 shall be proportional to the number of
27.8 properties expected to be inventoried. Each
27.9 county receiving an appropriation under
27.10 this paragraph shall report the number of
27.11 inspections and the number determined to be
27.12 an imminent threat to public health or safety
27.13 to the Pollution Control Agency by February
27.14 1 of each year; and \$100,000 each year is
27.15 to the Minnesota River Basin Joint Powers
27.16 Board, also known as the Minnesota River
27.17 Board, for operating expenses to measure
27.18 and report the results of projects in the 12
27.19 major watersheds within the Minnesota
27.20 River basin. If the appropriation in either
27.21 year is insufficient, the appropriation in
27.22 the other year is available for it. All of
27.23 the money appropriated in this paragraph
27.24 as grants to local governments shall be
27.25 administered through the Board of Water
27.26 and Soil Resources' local water resources
27.27 protection and management program under
27.28 Minnesota Statutes, section 103B.3369.
27.29 \$140,000 the first year and \$140,000
27.30 the second year are for a grant to Area
27.31 II, Minnesota River Basin Projects,
27.32 for floodplain management, including
27.33 administration of programs.
27.34 \$1,120,000 the first year and \$1,060,000 the
27.35 second year may be spent for the following
27.36 purposes to support implementation of the

28.1 Wetland Conservation Act: \$500,000 each
28.2 year is to make grants to local units of
28.3 governments to improve response to major
28.4 wetland violations; \$500,000 each year is for
28.5 staffing to provide adequate state oversight
28.6 and technical support to local governments
28.7 administering the Wetland Conservation Act;
28.8 \$60,000 each year is for staff to monitor and
28.9 enforce wetland replacement and wetland
28.10 bank sites; and \$60,000 the first year is
28.11 for rulemaking required by changes to the
28.12 Wetland Conservation Act.

28.13 \$450,000 the first year and \$800,000
28.14 the second year are to implement
28.15 recommendations of the Drainage Work
28.16 Group to enhance public drainage and
28.17 modernization as follows: \$150,000 the first
28.18 year is to develop guidelines for drainage
28.19 records preservation and modernization;
28.20 \$500,000 the second year is for cost-share
28.21 grants to local governments for public
28.22 drainage records modernization; and
28.23 \$300,000 each year is to provide assistance
28.24 to local drainage management officials, to
28.25 facilitate the work of the Drainage Work
28.26 Group, to staff a drainage assistance team,
28.27 and to update the Minnesota Public Drainage
28.28 Manual. All of the money appropriated in
28.29 this paragraph as grants to local governments
28.30 shall be administered through the Board
28.31 of Water and Soil Resources' local water
28.32 resources protection and management
28.33 program under Minnesota Statutes, section
28.34 103B.3369.

28.35 In addition to other authorities, the Board
28.36 of Water and Soil Resources may reduce,

29.1 withhold, or redirect grants and other funding
29.2 if the local water management entity has
29.3 not corrected deficiencies as prescribed in a
29.4 notice from the board within one year from
29.5 the date of the notice.

29.6 Sec. 5. **METROPOLITAN COUNCIL** **\$** **8,620,000** **\$** **8,620,000**

29.7	<u>Appropriations by Fund</u>		
29.8		<u>2008</u>	<u>2009</u>
29.9	<u>General</u>	<u>4,050,000</u>	<u>4,050,000</u>
29.10	<u>Natural Resources</u>	<u>4,570,000</u>	<u>4,570,000</u>

29.11 \$4,050,000 the first year and \$4,050,000
29.12 the second year are for metropolitan parks
29.13 operations.
29.14 \$4,570,000 the first year and \$4,570,000 the
29.15 second year are from the natural resources
29.16 fund for metropolitan area regional parks
29.17 and trails maintenance and operations. This
29.18 appropriation is from the revenue deposited
29.19 in the natural resources fund under Minnesota
29.20 Statutes, section 297A.94, paragraph (e),
29.21 clause (3).

29.22 Sec. 6. **MINNESOTA CONSERVATION**
29.23 **CORPS** **\$** **840,000** **\$** **840,000**

29.24	<u>Appropriations by Fund</u>		
29.25		<u>2008</u>	<u>2009</u>
29.26	<u>General</u>	<u>350,000</u>	<u>350,000</u>
29.27	<u>Natural Resources</u>	<u>490,000</u>	<u>490,000</u>

29.28 The Minnesota Conservation Corps may
29.29 receive money appropriated from the
29.30 natural resources fund under this section
29.31 only as provided in an agreement with the
29.32 commissioner of natural resources.

ARTICLE 2

ENVIRONMENT AND NATURAL RESOURCES POLICY

Section 1. Minnesota Statutes 2006, section 10A.01, subdivision 35, is amended to read:

Subd. 35. **Public official.** "Public official" means any:

(1) member of the legislature;

(2) individual employed by the legislature as secretary of the senate, legislative auditor, chief clerk of the house, revisor of statutes, or researcher, legislative analyst, or attorney in the Office of Senate Counsel and Research or House Research;

(3) constitutional officer in the executive branch and the officer's chief administrative deputy;

(4) solicitor general or deputy, assistant, or special assistant attorney general;

(5) commissioner, deputy commissioner, or assistant commissioner of any state department or agency as listed in section 15.01 or 15.06, or the state chief information officer;

(6) member, chief administrative officer, or deputy chief administrative officer of a state board or commission that has either the power to adopt, amend, or repeal rules under chapter 14, or the power to adjudicate contested cases or appeals under chapter 14;

(7) individual employed in the executive branch who is authorized to adopt, amend, or repeal rules under chapter 14 or adjudicate contested cases under chapter 14;

(8) executive director of the State Board of Investment;

(9) deputy of any official listed in clauses (7) and (8);

(10) judge of the Workers' Compensation Court of Appeals;

(11) administrative law judge or compensation judge in the State Office of Administrative Hearings or referee in the Department of Employment and Economic Development;

(12) member, regional administrator, division director, general counsel, or operations manager of the Metropolitan Council;

(13) member or chief administrator of a metropolitan agency;

(14) director of the Division of Alcohol and Gambling Enforcement in the Department of Public Safety;

(15) member or executive director of the Higher Education Facilities Authority;

(16) member of the board of directors or president of Minnesota Technology, Inc.;

(17) member of the board of directors or executive director of the Minnesota State High School League;

31.1 (18) member of the Minnesota Ballpark Authority established in section 473.755; ~~or~~
31.2 (19) citizen member of the Legislative-Citizen Commission on Minnesota
31.3 Resources;
31.4 (20) manager of a watershed district or member of a watershed management
31.5 organization; or
31.6 (21) supervisor of a soil and water conservation district.

31.7 Sec. 2. Minnesota Statutes 2006, section 15.99, subdivision 3, is amended to read:

31.8 Subd. 3. **Application; extensions.** (a) The time limit in subdivision 2 begins upon
31.9 the agency's receipt of a written request containing all information required by law or by
31.10 a previously adopted rule, ordinance, or policy of the agency, including the applicable
31.11 application fee. If an agency receives a written request that does not contain all required
31.12 information, the 60-day limit starts over only if the agency sends written notice within 15
31.13 business days of receipt of the request telling the requester what information is missing.

31.14 (b) If a request relating to zoning, septic systems, watershed district review, soil and
31.15 water conservation district review, or expansion of the metropolitan urban service area
31.16 requires the approval of more than one state agency in the executive branch, the 60-day
31.17 period in subdivision 2 begins to run for all executive branch agencies on the day a request
31.18 containing all required information is received by one state agency. The agency receiving
31.19 the request must forward copies to other state agencies whose approval is required.

31.20 (c) An agency response, including an approval with conditions, meets the 60-day
31.21 time limit if the agency can document that the response was sent within 60 days of receipt
31.22 of the written request. Failure to satisfy the conditions, if any, may be a basis to revoke
31.23 or rescind the approval by the agency and will not give rise to a claim that the 60-day
31.24 limit was not met.

31.25 (d) The time limit in subdivision 2 is extended if a state statute, federal law, or court
31.26 order requires a process to occur before the agency acts on the request, and the time
31.27 periods prescribed in the state statute, federal law, or court order make it impossible to
31.28 act on the request within 60 days. In cases described in this paragraph, the deadline is
31.29 extended to 60 days after completion of the last process required in the applicable statute,
31.30 law, or order. Final approval of an agency receiving a request is not considered a process
31.31 for purposes of this paragraph.

31.32 (e) The time limit in subdivision 2 is extended if: (1) a request submitted to a state
31.33 agency requires prior approval of a federal agency; or (2) an application submitted to
31.34 a city, county, town, school district, metropolitan or regional entity, or other political
31.35 subdivision requires prior approval of a state or federal agency. In cases described in

32.1 this paragraph, the deadline for agency action is extended to 60 days after the required
32.2 prior approval is granted.

32.3 (f) An agency may extend the time limit in subdivision 2 before the end of the
32.4 initial 60-day period by providing written notice of the extension to the applicant. The
32.5 notification must state the reasons for the extension and its anticipated length, which may
32.6 not exceed 60 days unless approved by the applicant.

32.7 (g) An applicant may by written notice to the agency request an extension of the
32.8 time limit under this section.

32.9 **EFFECTIVE DATE.** This section is effective the day following final enactment.

32.10 Sec. 3. Minnesota Statutes 2006, section 16A.531, subdivision 1a, is amended to read:

32.11 Subd. 1a. **Revenues.** The following revenues must be deposited in the
32.12 environmental fund:

32.13 (1) all revenue from the motor vehicle transfer fee imposed under section 115A.908;

32.14 (2) all fees collected under section 116.07, subdivision 4d;

32.15 (3) all money collected by the Pollution Control Agency in enforcement matters
32.16 as provided in section 115.073;

32.17 (4) all revenues from license fees for individual sewage treatment systems under
32.18 section 115.56;

32.19 (5) all loan repayments deposited under section 115A.0716;

32.20 (6) all revenue from pollution prevention fees imposed under section 115D.12;

32.21 (7) all loan repayments deposited under section 116.994;

32.22 (8) all fees collected under section 116C.834;

32.23 (9) revenue collected from the solid waste management tax pursuant to chapter 297H;

32.24 (10) fees collected under section 473.844; ~~and~~

32.25 (11) interest accrued on the fund; and

32.26 (12) money received in the form of gifts, grants, reimbursement, or appropriation
32.27 from any source for any of the purposes provided in subdivision 2, except federal grants.

32.28 Sec. 4. **[17.035] VENISON DISTRIBUTION AND REIMBURSEMENT.**

32.29 Subdivision 1. **Reimbursement.** A meat processor holding a license under chapter
32.30 28A may apply to the commissioner of agriculture for reimbursement of \$70 towards the
32.31 cost of processing a deer donated according to subdivision 1. The meat processor shall
32.32 deliver the deer, processed into cuts or ground meat, to a charitable organization that is
32.33 registered under chapter 309 and with the commissioner of agriculture and that operates
32.34 a food assistance program. To request reimbursement, the processor shall submit an

application, on a form prescribed by the commissioner of agriculture, the tag number under which the deer was taken, and a receipt for the deer from the charitable organization.

Subd. 2. Distribution. (a) The commissioner of agriculture shall ensure the equitable statewide distribution of processed deer by requiring the charitable organization to allocate and distribute processed deer according to the allocation formula used in the distribution of United States Department of Agriculture commodities under the federal emergency food assistance program. The charitable organization must submit quarterly reports to the commissioner on forms prescribed by the commissioner. The reports must include, but are not limited to, information on the amount of processed deer received and the organizations to which the meat was distributed.

(b) The commissioner of agriculture may adopt rules to implement this section.

Sec. 5. Minnesota Statutes 2006, section 84.025, subdivision 9, is amended to read:

Subd. 9. Professional services support account. The commissioner of natural resources may bill the various programs carried out by the commissioner for the costs of providing them with professional support services. Except as provided under section 89.421, receipts must be credited to a special account in the state treasury and are appropriated to the commissioner to pay the costs for which the billings were made.

The commissioner of natural resources shall submit to the commissioner of finance before the start of each fiscal year a work plan showing the estimated work to be done during the coming year, the estimated cost of doing the work, and the positions and fees that will be necessary. This account is exempted from statewide and agency indirect cost payments.

Sec. 6. **[84.02] DEFINITIONS.**

Subdivision 1. Definitions. For purposes of this chapter, the terms defined in this section shall have the meanings given them.

Subd. 2. Best management practice for native prairie restoration. "Best management practice for native prairie restoration" means using seeds collected from a native prairie within the same county or within 25 miles of the county's border, but not across the boundary of an ecotype region.

Subd. 3. Created grassland. "Created grassland" means a restoration using seeds or plants with origins outside of the state of Minnesota.

Subd. 4. Ecotype region. "Ecotype region" means the following ecological subsections and counties based on the Department of Natural Resources map, "County Landscape Groupings Based on Ecological Subsections," dated February 15, 2007.

34.1	<u>Ecotype Region</u>	<u>Counties or portions thereof:</u>
34.2	<u>Rochester Plateau, Blufflands, and Oak</u>	<u>Houston, Winona, Fillmore, Wabasha,</u>
34.3	<u>Savanna</u>	<u>Goodhue, Mower, Freeborn, Steele,</u>
34.4		<u>Olmsted, Rice, Waseca, Dakota, Dodge</u>
34.5	<u>Anoka Sand Plain, Big Woods, and St.</u>	<u>Anoka, Hennepin, Ramsey, Washington,</u>
34.6	<u>Paul Baldwin Plains and Moraines</u>	<u>Chisago, Scott, Carver, McLeod, Wright,</u>
34.7		<u>Benton, Isanti, Le Sueur, Sherburne</u>
34.8	<u>Inner Coteau and Coteau Moraines</u>	<u>Lincoln, Lyon, Pipestone, Rock, Murray,</u>
34.9		<u>Nobles, Jackson, Cottonwood</u>
34.10	<u>Red River Prairie (South)</u>	<u>Traverse, Wilkin, Clay, Becker</u>
34.11	<u>Red River Prairie (North) and Aspen</u>	<u>Kittson, Roseau, Red Lake, Pennington,</u>
34.12	<u>Parklands</u>	<u>Marshall, Clearwater, Mahnomon, Polk,</u>
34.13		<u>Norman</u>
34.14	<u>Minnesota River Prairie (North)</u>	<u>Big Stone, Pope, Stevens, Grant, Swift,</u>
34.15		<u>Chippewa, Meeker, Kandiyohi, Renville,</u>
34.16		<u>Lac qui Parle, Yellow Medicine</u>
34.17	<u>Minnesota River Prairie (South)</u>	<u>Nicollet, Redwood, Brown, Watonwan,</u>
34.18		<u>Martin, Faribault, Blue Earth, Sibley</u>
34.19	<u>Hardwood Hills</u>	<u>Douglas, Morrison, Otter Tail, Stearns,</u>
34.20		<u>Todd</u>

34.21 Subd. 5. **Native prairie.** "Native prairie" means land that has never been plowed
34.22 where native prairie vegetation originating from the site currently predominates or, if
34.23 disturbed, is predominantly covered with native prairie vegetation that originated from the
34.24 site. Unbroken pasture land used for livestock grazing can be considered native prairie if it
34.25 has predominantly native vegetation originating from the site and conservation practices
34.26 have maintained biological diversity.

34.27 Subd. 6. **Native prairie species of a local ecotype.** "Native prairie species of a local
34.28 ecotype" means a genetically differentiated population of a species that has at least one
34.29 trait (morphological, biochemical, fitness, or phenological) that is evolutionarily adapted
34.30 to local environmental conditions, notably plant competitors, pathogens, pollinators, soil
34.31 microorganisms, growing season length, climate, hydrology, and soil.

34.32 Subd. 7. **Restored native prairie.** "Restored native prairie" means a restoration
34.33 using at least 25 representative and biologically diverse native prairie plant species of a
34.34 local ecotype originating in the same county as the restoration site or within 25 miles of
34.35 the county's border, but not across the boundary of an ecotype region.

34.36 Subd. 8. **Restored prairie.** "Restored prairie" means a restoration using at least
34.37 25 representative and biologically diverse native prairie plant species originating from
34.38 the same ecotype region in which the restoration occurs.

34.39 Sec. 7. Minnesota Statutes 2006, section 84.026, subdivision 1, is amended to read:

Subdivision 1. **Contracts.** The commissioner of natural resources is authorized to enter into contractual agreements with any public or private entity for the provision of statutorily prescribed natural resources services by the department. The contracts shall specify the services to be provided. Except as provided under section 89.421, funds generated in a contractual agreement made pursuant to this section shall be deposited in the special revenue fund and are appropriated to the department for purposes of providing the services specified in the contracts. The commissioner shall report revenues collected and expenditures made under this subdivision to the chairs of the Committees on Ways and Means in the house and Finance in the senate by January 1 of each odd-numbered year.

Sec. 8. Minnesota Statutes 2006, section 84.0272, is amended by adding a subdivision to read:

Subd. 5. **Easement information.** Parties to an easement purchased under the authority of the commissioner must:

- (1) specify in the easement all provisions that are perpetual in nature;
- (2) file the easement with the county recorder or registrar of titles in the county in which the land is located; and
- (3) submit an electronic copy of the easement to the commissioner.

Sec. 9. Minnesota Statutes 2006, section 84.0855, subdivision 1, is amended to read:

Subdivision 1. **Sales authorized; gift certificates.** The commissioner may sell natural resources-related publications and maps; forest resource assessment products; federal migratory waterfowl, junior duck, and other federal stamps; and other nature-related merchandise, and may rent or sell items for the convenience of persons using Department of Natural Resources facilities or services. The commissioner may sell gift certificates for any items rented or sold. Notwithstanding section 16A.1285, a fee charged by the commissioner under this section may include a reasonable amount in excess of the actual cost to support Department of Natural Resources programs. The commissioner may advertise the availability of a program or item offered under this section.

Sec. 10. Minnesota Statutes 2006, section 84.0855, subdivision 2, is amended to read:

Subd. 2. **Receipts; appropriation.** Except as provided under section 89.421, money received by the commissioner under this section or to buy supplies for the use of volunteers, may be credited to one or more special accounts in the state treasury and is appropriated to the commissioner for the purposes for which the money was received. Money received from sales at the state fair shall be available for state fair related costs.

36.1 Money received from sales of intellectual property and software products or services shall
36.2 be available for development, maintenance, and support of software products and systems.

36.3 Sec. 11. Minnesota Statutes 2006, section 84.780, is amended to read:

36.4 **84.780 OFF-HIGHWAY VEHICLE DAMAGE ACCOUNT.**

36.5 (a) The off-highway vehicle damage account is created in the natural resources fund.
36.6 Money in the off-highway vehicle damage account is appropriated to the commissioner
36.7 of natural resources for the repair or restoration of property damaged by the operation of
36.8 off-highway vehicles in an ~~unpermitted~~ illegal area after August 1, 2003, and for the costs
36.9 of administration for this section. Before the commissioner may make a payment from
36.10 this account, the commissioner must determine whether the damage to the property was
36.11 caused by the ~~unpermitted~~ illegal use of off-highway vehicles, that the applicant has made
36.12 reasonable efforts to identify the responsible individual and obtain payment from the
36.13 individual, and that the applicant has made reasonable efforts to prevent reoccurrence.
36.14 ~~By June 30, 2008, the commissioner of finance must transfer the remaining balance in the~~
36.15 ~~account to the off-highway motorcycle account under section 84.794, the off-road vehicle~~
36.16 ~~account under section 84.803, and the all-terrain vehicle account under section 84.927.~~
36.17 ~~The amount transferred to each account must be proportionate to the amounts received in~~
36.18 ~~the damage account from the relevant off-highway vehicle accounts.~~

36.19 (b) Determinations of the commissioner under this section may be made by written
36.20 order and are exempt from the rulemaking provisions of chapter 14. Section 14.386
36.21 does not apply.

36.22 (c) ~~This section expires July 1, 2008~~ These funds are available until expended.

36.23 Sec. 12. **[84.9011] OFF-HIGHWAY VEHICLE SAFETY AND CONSERVATION**
36.24 **PROGRAM.**

36.25 Subdivision 1. **Creation.** The commissioner of natural resources shall establish
36.26 a program to promote the safe and responsible operation of off-highway vehicles in a
36.27 manner that does not harm the environment. The commissioner shall coordinate the
36.28 program through the regional offices of the Department of Natural Resources.

36.29 Subd. 2. **Purpose.** The purpose of the program is to encourage off-highway vehicle
36.30 clubs to assist, on a volunteer basis, in improving, maintaining, and monitoring of trails on
36.31 state forest land and other public lands.

36.32 Subd. 3. **Agreements.** (a) The commissioner shall enter into informal agreements
36.33 with off-highway vehicle clubs for volunteer services to maintain, make improvements to,
36.34 and monitor trails on state forest land and other public lands. The off-highway vehicle

clubs shall promote the operation of off-highway vehicles in a safe and responsible manner that complies with the laws and rules that relate to the operation of off-highway vehicles.

(b) The off-highway vehicle clubs may provide assistance to the department in locating, recruiting, and training instructors for off-highway vehicle training programs.

(c) The commissioner may provide assistance to enhance the comfort and safety of volunteers and to facilitate the implementation and administration of the safety and conservation program.

Subd. 4. **Worker displacement prohibited.** The commissioner may not enter into any agreement that has the purpose of or results in the displacement of public employees by volunteers participating in the off-highway safety and conservation program under this section. The commissioner must certify to the appropriate bargaining agent that the work performed by a volunteer will not result in the displacement of currently employed workers or workers on seasonal layoff or layoff from a substantially equivalent position, including partial displacement such as reduction in hours of nonovertime work, wages, or other employment benefits.

Sec. 13. Minnesota Statutes 2006, section 84.927, subdivision 2, is amended to read:

Subd. 2. **Purposes.** Subject to appropriation by the legislature, money in the all-terrain vehicle account may only be spent for:

- (1) the education and training program under section 84.925;
- (2) administration, enforcement, and implementation of sections 84.773 to 84.929;
- (3) acquisition, maintenance, and development of vehicle trails and use areas;
- (4) grant-in-aid programs to counties and municipalities to construct and maintain all-terrain vehicle trails and use areas;
- (5) grants-in-aid to local safety programs; ~~and~~
- (6) enforcement and public education grants to local law enforcement agencies; and
- (7) maintenance of minimum-maintenance forest roads according to section 89.71, subdivision 5, and county forest roads within state forest boundaries as defined under section 89.021.

The distribution of funds made available through grant-in-aid programs must be guided by the statewide comprehensive outdoor recreation plan.

Sec. 14. Minnesota Statutes 2006, section 84.963, is amended to read:

84.963 PRAIRIE PLANT SEED PRODUCTION AREAS.

(a) The commissioner of natural resources shall study the feasibility of establishing private or public prairie plant seed production areas within prairie land locations. If

prairie plant seed production is feasible, the commissioner may aid the establishment of production areas. The commissioner may enter cost-share or sharecrop agreements with landowners having easements for conservation purposes of ten or more years on their land to commercially produce prairie plant seed of Minnesota origin. The commissioner may only aid prairie plant seed production areas on agricultural land used to produce crops before December 23, 1985, and cropped three out of five years between 1981 and 1985.

(b) The commissioner shall compile, prepare, and electronically disseminate to the public prairie establishment guidance materials and resources. The resources must provide information and guidance on project planning, seed selection including ecotype and species mix, site preparation, seeding, maintenance, and technical service providers. The commissioner shall use actual prairie restoration projects under development on state-owned land to illustrate and demonstrate the practices described.

Sec. 15. Minnesota Statutes 2006, section 84D.13, subdivision 7, is amended to read:

Subd. 7. **Satisfaction of civil penalties.** A civil penalty is due and a watercraft license suspension is effective 30 days after issuance of the civil citation. A civil penalty collected under this section is payable to the commissioner and must be credited to the ~~water recreation account~~ invasive species account.

Sec. 16. **[84D.15] INVASIVE SPECIES ACCOUNT.**

Subdivision 1. **Creation.** The invasive species account is created in the state treasury in the natural resources fund.

Subd. 2. **Receipts.** Money received from surcharges on watercraft licenses under section 86B.415, subdivision 7, and civil penalties under section 84D.13 shall be deposited in the invasive species account. Each year, the commissioner of finance shall transfer from the game and fish fund to the invasive species account, the annual surcharge collected on nonresident fishing licenses under section 97A.475, subdivision 7, paragraph (b).

Subd. 3. **Use of money in account.** Money credited to the invasive species account in subdivision 2 shall be used for management of invasive species and implementation of this chapter as it pertains to invasive species, including control, public awareness, law enforcement, assessment and monitoring, management planning, and research.

Sec. 17. **[85.0146] CUYUNA COUNTRY STATE RECREATION AREA; CITIZENS ADVISORY COUNCIL.**

39.1 Subdivision 1. **Advisory council created.** The Cuyuna Country State Recreation
39.2 Area Citizens Advisory Council is established. Membership on the advisory council
39.3 shall include:

39.4 (1) a representative of the Cuyuna Range Mineland Recreation Area Joint Powers
39.5 Board;

39.6 (2) a representative of the Croft Mine Historical Park Joint Powers Board;

39.7 (3) a designee of the Cuyuna Range Mineland Reclamation Committee who has
39.8 worked as a miner in the local area;

39.9 (4) a representative of the Crow Wing County Board;

39.10 (5) an elected state official;

39.11 (6) a representative of the Grand Rapids regional office of the Department of Natural
39.12 Resources;

39.13 (7) a designee of the Iron Range Resources and Rehabilitation Board;

39.14 (8) a designee of the local business community selected by the area chambers of
39.15 commerce;

39.16 (9) a designee of the local environmental community selected by the Crow Wing
39.17 County District 5 commissioner;

39.18 (10) a designee of a local education organization selected by the Crosby-Ironton
39.19 School Board;

39.20 (11) a designee of one of the recreation area user groups selected by the Cuyuna
39.21 Range Chamber of Commerce; and

39.22 (12) a member of the Cuyuna Country Heritage Preservation Society.

39.23 Subd. 2. **Administration.** (a) The advisory council must meet at least four times
39.24 annually. The council shall elect a chair and meetings shall be at the call of the chair.

39.25 (b) Members of the advisory council shall serve as volunteers for two-year terms
39.26 with the ability to be reappointed. Members shall accept no per diem.

39.27 (c) The state recreation area manager may attend the council meetings and advise
39.28 the council of issues in management of the recreation area.

39.29 (d) Before a major decision is implemented in the Cuyuna Country State Recreation
39.30 Area, the area manager must consult with the council and take into consideration any
39.31 council comments or advice that may impact the major decision.

39.32 Sec. 18. Minnesota Statutes 2006, section 85.054, is amended by adding a subdivision
39.33 to read:

39.34 Subd. 13. **Cuyuna Country State Recreation Area.** A state park permit is not
39.35 required and a fee may not be charged for motor vehicle entry or parking at Croft Mine

40.1 Historical Park and Portsmouth Mine Lake Overlook in Cuyuna Country State Recreation
40.2 Area, except for overnight camping.

40.3 Sec. 19. Minnesota Statutes 2006, section 86B.706, subdivision 2, is amended to read:

40.4 Subd. 2. **Money deposited in account.** The following shall be deposited in the state
40.5 treasury and credited to the water recreation account:

40.6 (1) fees ~~and surcharges~~ from titling and licensing of watercraft under this chapter;

40.7 (2) fines, installment payments, and forfeited bail according to section 86B.705,
40.8 subdivision 2;

40.9 (3) ~~civil penalties according to section 84D.13;~~

40.10 ~~(4)~~ mooring fees and receipts from the sale of marine gas at state-operated or
40.11 state-assisted small craft harbors and mooring facilities according to section 86A.21;

40.12 ~~(5)~~ (4) the unrefunded gasoline tax attributable to watercraft use under section
40.13 296A.18; and

40.14 ~~(6)~~ (5) fees for permits issued to control or harvest aquatic plants other than wild
40.15 rice under section 103G.615, subdivision 2.

40.16 Sec. 20. Minnesota Statutes 2006, section 89.22, subdivision 2, is amended to read:

40.17 Subd. 2. **Receipts to ~~natural resources~~ special revenue fund.** Fees collected under
40.18 subdivision 1 shall be credited to ~~a forest land use account in the natural resources fund~~
40.19 the special revenue fund and are annually appropriated to the commissioner to recoup the
40.20 costs of developing, operating, and maintaining facilities necessary for the specified uses
40.21 in subdivision 1 or to prevent or mitigate resource impacts of those uses.

40.22 **EFFECTIVE DATE.** This section is effective July 1, 2007, and applies to fees
40.23 collected according to Minnesota Statutes, section 89.22, subdivision 1, after August
40.24 1, 2006.

40.25 Sec. 21. **[89.421] FOREST RESOURCE ASSESSMENT PRODUCTS AND**
40.26 **SERVICES ACCOUNT.**

40.27 Subdivision 1. **Creation.** The forest resource assessment products and services
40.28 account is created in the state treasury in the natural resources fund.

40.29 Subd. 2. **Receipts.** Money received from forest resource assessment product sales
40.30 and services provided by the commissioner under sections 84.025, subdivision 9; 84.026;
40.31 and 84.0855 shall be credited to the forest resource assessment products and services
40.32 account. Forest resource assessment products and services include the sale of aerial
40.33 photography, remote sensing, and satellite imagery products and services.

41.1 Subd. 3. **Use of money in account.** Money credited to the forest resource
41.2 assessment products and services account under subdivision 2 is annually appropriated to
41.3 the commissioner and shall be used to maintain the staff and facilities producing the aerial
41.4 photography, remote sensing, and satellite imagery products and services.

41.5 Sec. 22. **[89.62] SHADE TREE PEST CONTROL; GRANT PROGRAM.**

41.6 Subdivision 1. **Grants.** The commissioner may make grants to aid in the control of
41.7 a shade tree pest. To be eligible, a grantee must have a pest control program approved
41.8 by the commissioner that:

41.9 (1) defines tree ownership and who is responsible for the costs associated with
41.10 control measures;

41.11 (2) defines the zone of infestation within which the control measures are to be
41.12 applied;

41.13 (3) includes a tree inspector certified under section 89.63 and having the authority to
41.14 enter and inspect private lands;

41.15 (4) has the means to enforce measures needed to limit the spread of shade tree
41.16 pests; and

41.17 (5) provides that grant money received will be deposited in a separate fund to be
41.18 spent only for the purposes authorized by this section.

41.19 Subd. 2. **Grant eligibility.** The following are eligible for grants under this section:

41.20 (1) a home rule charter or statutory city or a town that exercises municipal powers
41.21 under section 368.01 or any general or special law;

41.22 (2) a special park district organized under chapter 398;

41.23 (3) a special-purpose park and recreation board;

41.24 (4) a soil and water conservation district;

41.25 (5) a county; or

41.26 (6) any other organization with the legal authority to enter into contractual
41.27 agreements.

41.28 Subd. 3. **Rules; applicability to municipalities.** The rules and procedures adopted
41.29 under this chapter by the commissioner apply in a municipality unless the municipality
41.30 adopts an ordinance determined by the commissioner to be more stringent than the rules
41.31 and procedures of the commissioner. The rules and procedures of the commissioner or
41.32 the municipality apply to all state agencies, special purpose districts, and metropolitan
41.33 commissions as defined in section 473.121, subdivision 5a, that own or control land
41.34 adjacent to or within a zone of infestation.

Sec. 23. Minnesota Statutes 2006, section 93.22, subdivision 1, is amended to read:

Subdivision 1. **Generally.** (a) All payments under sections 93.14 to 93.285 shall be made to the Department of Natural Resources and shall be credited according to this section.

~~(a) If the lands or minerals and mineral rights covered by a lease are held by the state by virtue of an act of Congress, payments made under the lease shall be credited to the permanent fund of the class of land to which the leased premises belong.~~

~~(b) If a lease covers the bed of navigable waters, payments made under the lease shall be credited to the permanent school fund of the state.~~

~~(c) If the lands or minerals and mineral rights covered by a lease are held by the state in trust for the taxing districts, payments made under the lease shall be distributed annually on the first day of September as follows:~~

~~(1) 20 percent to the general fund; and~~

~~(2) 80 percent to the respective counties in which the lands lie, to be apportioned among the taxing districts interested therein as follows: county, three-ninths; town or city, two-ninths; and school district, four-ninths.~~

~~(d) Except as provided under this section and except where the disposition of payments may be otherwise directed by law, all payments shall be paid into the general fund of the state.~~

(b) Twenty percent of all payments under sections 93.14 to 93.285 shall be credited to the minerals management account in the natural resources fund as costs for the administration and management of state mineral resources by the commissioner of natural resources.

(c) The remainder of the payments shall be credited as follows:

(1) if the lands or minerals and mineral rights covered by a lease are held by the state by virtue of an act of Congress, payments made under the lease shall be credited to the permanent fund of the class of land to which the leased premises belong;

(2) if a lease covers the bed of navigable waters, payments made under the lease shall be credited to the permanent school fund of the state;

(3) if the lands or minerals and mineral rights covered by a lease are held by the state in trust for the taxing districts, payments made under the lease shall be distributed annually on the first day of September to the respective counties in which the lands lie, to be apportioned among the taxing districts interested therein as follows: county, three-ninths; town or city, two-ninths; and school district, four-ninths;

(4) if the lands or mineral rights covered by a lease became the absolute property of the state under the provisions of chapter 84A, payments made under the lease shall be

43.1 distributed as follows: county containing the land from which the income was derived,
43.2 five-eighths; and general fund of the state, three-eighths; and
43.3 (5) except as provided under this section and except where the disposition of
43.4 payments may be otherwise directed by law, payments made under a lease shall be paid
43.5 into the general fund of the state.

43.6 Sec. 24. Minnesota Statutes 2006, section 97A.055, subdivision 4, is amended to read:

43.7 Subd. 4. **Game and fish annual reports.** (a) By December 15 each year,
43.8 the commissioner shall submit to the legislative committees having jurisdiction over
43.9 appropriations and the environment and natural resources reports on each of the following:

43.10 (1) the amount of revenue from the following and purposes for which expenditures
43.11 were made:

43.12 (i) the small game license surcharge under section 97A.475, subdivision 4;

43.13 (ii) the Minnesota migratory waterfowl stamp under section 97A.475, subdivision
43.14 5, clause (1);

43.15 (iii) the trout and salmon stamp under section 97A.475, subdivision 10;

43.16 (iv) the pheasant stamp under section 97A.475, subdivision 5, clause (2); ~~and~~

43.17 (v) the turkey stamp under section 97A.475, subdivision 5, clause (3); and

43.18 (vi) the deer license surcharge under section 97A.475, subdivision 3a;

43.19 (2) the amounts available under section 97A.075, subdivision 1, paragraphs (b) and
43.20 (c), and the purposes for which these amounts were spent;

43.21 (3) money credited to the game and fish fund under this section and purposes for
43.22 which expenditures were made from the fund;

43.23 (4) outcome goals for the expenditures from the game and fish fund; and

43.24 (5) summary and comments of citizen oversight committee reviews under
43.25 subdivision 4b.

43.26 (b) The report must include the commissioner's recommendations, if any, for
43.27 changes in the laws relating to the stamps and surcharge referenced in paragraph (a).

43.28 Sec. 25. Minnesota Statutes 2006, section 97A.065, is amended by adding a
43.29 subdivision to read:

43.30 Subd. 6. **Deer license surcharge.** The surcharge collected under section 97A.475,
43.31 subdivision 3a, shall be deposited in a special revenue account and is appropriated to
43.32 the commissioner for deer management, including for grants or payments to agencies,
43.33 organizations, or individuals for assisting with the cost of processing deer taken for
43.34 population management purposes for venison donation programs. None of the additional

44.1 license fees shall be transferred to any other agency for administration of programs other
44.2 than venison donation. If any money transferred by the commissioner is not used for a
44.3 venison donation program, it shall be returned to the commissioner.

44.4 Sec. 26. Minnesota Statutes 2006, section 97A.133, is amended by adding a
44.5 subdivision to read:

44.6 Subd. 66. Vermillion Highlands Wildlife Management Area, Dakota County.

44.7 Sec. 27. Minnesota Statutes 2006, section 97A.475, is amended by adding a
44.8 subdivision to read:

44.9 Subd. 3a. **Deer license surcharge.** Fees for annual resident and nonresident licenses
44.10 to take deer by firearms or archery established under subdivisions 2, clauses (4), (5), (9),
44.11 and (11), and 3, clauses (2), (3), and (7), must be increased by a surcharge of \$1, except
44.12 as provided under section 97A.065, subdivision 6. An additional commission may not
44.13 be assessed on the surcharge and the following statement must be included in the annual
44.14 deer hunting regulations: "The \$1 deer license surcharge is being paid by hunters for deer
44.15 management, including assisting with the costs of processing deer donated for charitable
44.16 purposes."

44.17 Sec. 28. Minnesota Statutes 2006, section 97A.475, subdivision 7, is amended to read:

44.18 Subd. 7. **Nonresident fishing.** (a) Fees for the following licenses, to be issued
44.19 to nonresidents, are:

44.20 (1) to take fish by angling, \$34;

44.21 (2) to take fish by angling limited to seven consecutive days selected by the licensee,
44.22 \$24;

44.23 (3) to take fish by angling for a 72-hour period selected by the licensee, \$20;

44.24 (4) to take fish by angling for a combined license for a family for one or both parents
44.25 and dependent children under the age of 16, \$46;

44.26 (5) to take fish by angling for a 24-hour period selected by the licensee, \$8.50; and

44.27 (6) to take fish by angling for a combined license for a married couple, limited to
44.28 14 consecutive days selected by one of the licensees, \$35.

44.29 (b) A \$2 surcharge shall be added to all nonresident fishing licenses, except licenses
44.30 issued under paragraph (a), clause (5). An additional commission may not be assessed
44.31 on this surcharge.

44.32 **EFFECTIVE DATE.** This section is effective March 1, 2008.

Sec. 29. Minnesota Statutes 2006, section 97A.485, subdivision 7, is amended to read:

Subd. 7. **Electronic licensing system commission.** The commissioner shall retain for the operation of the electronic licensing system the commission established under section 84.027, subdivision 15, and issuing fees collected by the commissioner on all license fees collected, excluding:

- (1) the small game surcharge; ~~and~~
- (2) the deer license surcharge; and
- (3) \$2.50 of the license fee for the licenses in section 97A.475, subdivisions 6, clauses (1), (2), and (4), 7, 8, 12, and 13.

Sec. 30. **[97B.303] VENISON DONATIONS.**

An individual who takes a deer may donate the deer, for distribution to charitable food assistance programs, to a meat processor that is licensed under chapter 28A. An individual donating a deer must supply the processor with the tag number under which the deer was taken.

Sec. 31. Minnesota Statutes 2006, section 97C.081, subdivision 3, is amended to read:

Subd. 3. **Contests requiring a permit.** (a) A person must have a permit from the commissioner to conduct a fishing contest that does not meet the criteria in subdivision 2. ~~Permits shall be issued without a fee.~~ The commissioner shall charge a fee for the permit that recovers the costs of issuing the permit and of monitoring the activities allowed by the permit. Receipts collected from this fee shall be credited to the game and fish fund. Notwithstanding section 16A.1283, the commissioner may, by written order published in the State Register, establish contest permit fees. The fees are not subject to the rulemaking provisions of chapter 14 and section 14.386 does not apply.

(b) If entry fees are over \$25 per person, or total prizes are valued at more than \$25,000, and if the applicant has either:

- (1) not previously conducted a fishing contest requiring a permit under this subdivision; or
- (2) ever failed to make required prize awards in a fishing contest conducted by the applicant, the commissioner may require the applicant to furnish the commissioner evidence of financial responsibility in the form of a surety bond or bank letter of credit in the amount of \$25,000.

Sec. 32. Minnesota Statutes 2006, section 103B.101, is amended by adding a subdivision to read:

Subd. 12. **Authority to issue penalty orders.** The board may issue an order requiring violations to be corrected and administratively assessing monetary penalties for violations of this chapter and chapters 103C, 103D, 103E, 103F, and 103G, any rules adopted under those chapters, and any standards, limitations, or conditions established by the board.

EFFECTIVE DATE. This section is effective the day following final enactment.

Sec. 33. **[103B.102] LOCAL WATER MANAGEMENT ACCOUNTABILITY AND OVERSIGHT.**

Subdivision 1. **Findings; improving accountability and oversight.** The legislature finds that a process is needed to monitor the performance and activities of local water management entities. The process should be preemptive so that problems can be identified early and systematically. Underperforming entities should be provided assistance and direction for improving performance in a reasonable time frame.

Subd. 2. **Definitions.** For the purposes of this section, "local water management entities" means watershed districts, soil and water conservation districts, metropolitan water management organizations, and counties operating separately or jointly in their role as local water management authorities under chapter 103B, 103C, 103D, or 103G and chapter 114D.

Subd. 3. **Evaluation and report.** The Board of Water and Soil Resources shall evaluate performance, financial, and activity information for each local water management entity. The board shall evaluate the entities' progress in accomplishing their adopted plans on a regular basis, but not less than once every five years. The board shall maintain a summary of local water management entity performance on the board's Web site. Beginning February 1, 2008, and annually thereafter, the board shall provide an analysis of local water management entity performance to the chairs of the house and senate committees having jurisdiction over environment and natural resources policy.

Subd. 4. **Corrective actions.** (a) In addition to other authorities, the Board of Water and Soil Resources may, based on its evaluation in subdivision 3, reduce, withhold, or redirect grants and other funding if the local water management entity has not corrected deficiencies as prescribed in a notice from the board within one year from the date of the notice.

(b) The board may defer a decision on a termination petition filed under section 103B.221, 103C.225, or 103D.271 for up to one year to conduct or update the evaluation under subdivision 3 or to communicate the results of the evaluation to petitioners or to local and state government agencies.

Sec. 34. Minnesota Statutes 2006, section 103C.321, is amended by adding a subdivision to read:

Subd. 6. **Credit card use.** The supervisors may authorize the use of a credit card by any soil and water conservation district officer or employee otherwise authorized to make a purchase on behalf of the soil and water conservation district. If a soil and water conservation district officer or employee makes a purchase by credit card that is not approved by the supervisors, the officer or employee is personally liable for the amount of the purchase. A purchase by credit card must otherwise comply with all statutes, rules, or soil and water conservation district policy applicable to soil and water conservation district purchases.

Sec. 35. Minnesota Statutes 2006, section 103D.325, is amended by adding a subdivision to read:

Subd. 4. **Credit card use.** The managers may authorize the use of a credit card by any watershed district officer or employee otherwise authorized to make a purchase on behalf of the watershed district. If a watershed district officer or employee makes a purchase by credit card that is not approved by the managers, the officer or employee is personally liable for the amount of the purchase. A purchase by credit card must otherwise comply with all statutes, rules, or watershed district policy applicable to watershed district purchases.

Sec. 36. Minnesota Statutes 2006, section 103E.021, subdivision 1, is amended to read:

Subdivision 1. **Spoil banks must be spread and ~~grass-planted~~ permanent vegetation established.** In any proceeding to establish, construct, improve, or do any work affecting a public drainage system under any law that appoints viewers to assess benefits and damages, the authority having jurisdiction over the proceeding shall order spoil banks to be spread consistent with the plan and function of the drainage system. The authority shall order that permanent grass, other than a noxious weed, be planted on ~~the banks~~ ditch side slopes and ~~on a strip~~ that a permanent strip of perennial vegetation approved by the drainage authority be established on each side of the ditch. Preference should be given to planting native species of a local ecotype. The approved perennial vegetation shall not impede future maintenance of the ditch. The permanent strips of perennial vegetation shall be 16-1/2 feet in width measured outward from the top edge of the constructed channel resulting from the proceeding, or to the crown of the leveled spoil bank, whichever is the greater, ~~on each side of the top edge of the channel of the ditch.~~ except for an action by a drainage authority that results only in a redetermination of

48.1 benefits and damages, for which the required width shall be 16-1/2 feet. Drainage system
48.2 rights-of-way for the acreage and additional property required for the ~~planting~~ permanent
48.3 strips must be acquired by the authority having jurisdiction.

48.4 Sec. 37. Minnesota Statutes 2006, section 103E.021, subdivision 2, is amended to read:

48.5 Subd. 2. **Reseeding and harvesting ~~grass~~ perennial vegetation.** The authority
48.6 having jurisdiction over the repair and maintenance of the drainage system shall supervise
48.7 all necessary reseeding. The permanent ~~grass~~ strips of perennial vegetation must be
48.8 maintained in the same manner as other drainage system repairs. Harvest of the ~~grass~~
48.9 vegetation from the ~~grass~~ permanent strip in a manner not harmful to the ~~grass~~ vegetation
48.10 or the drainage system is the privilege of the fee owner or assigns. The ~~county~~ drainage
48.11 inspector shall establish rules for the fee owner and assigns to harvest the ~~grass~~ vegetation.

48.12 Sec. 38. Minnesota Statutes 2006, section 103E.021, subdivision 3, is amended to read:

48.13 Subd. 3. **Agricultural practices prohibited.** Agricultural practices, other than
48.14 those required for the maintenance of a permanent growth of ~~grass~~ perennial vegetation,
48.15 are not permitted on any portion of the property acquired for ~~planting~~ perennial vegetation.

48.16 Sec. 39. Minnesota Statutes 2006, section 103E.021, is amended by adding a
48.17 subdivision to read:

48.18 Subd. 6. **Incremental implementation of vegetated ditch buffer strips and side**
48.19 **inlet controls.** (a) Notwithstanding other provisions of this chapter requiring appointment
48.20 of viewers and redetermination of benefits and damages, a drainage authority may
48.21 implement permanent buffer strips of perennial vegetation approved by the drainage
48.22 authority or side inlet controls, or both, adjacent to a public drainage ditch, where
48.23 necessary to control erosion and sedimentation, improve water quality, or maintain the
48.24 efficiency of the drainage system. Preference should be given to planting native species of
48.25 a local ecotype. The approved perennial vegetation shall not impede future maintenance
48.26 of the ditch. The permanent strips of perennial vegetation shall be 16-1/2 feet in width
48.27 measured outward from the top edge of the existing constructed channel. Drainage system
48.28 rights-of-way for the acreage and additional property required for the permanent strips
48.29 must be acquired by the authority having jurisdiction.

48.30 (b) A project under this subdivision shall be implemented as a repair according to
48.31 section 103E.705, except that the drainage authority may appoint an engineer to examine
48.32 the drainage system and prepare an engineer's repair report for the project.

(c) Damages shall be determined by the drainage authority, or viewers, appointed by the drainage authority, according to section 103E.315, subdivision 8. A damages statement shall be prepared, including an explanation of how the damages were determined for each property affected by the project, and filed with the auditor or watershed district. Within 30 days after the damages statement is filed, the auditor or watershed district shall prepare property owners' reports according to section 103E.323, subdivision 1, clauses (1), (2), (6), (7), and (8), and mail a copy of the property owner's report and damages statement to each owner of property affected by the proposed project.

(d) After a damages statement is filed, the drainage authority shall set a time, by order, not more than 30 days after the date of the order, for a hearing on the project. At least ten days before the hearing, the auditor or watershed district shall give notice by mail of the time and location of the hearing to the owners of property and political subdivisions likely to be affected by the project.

(e) The drainage authority shall make findings and order the repairs to be made if the drainage authority determines from the evidence presented at the hearing and by the viewers and engineer, if appointed, that the repairs are necessary for the drainage system and the costs of the repairs are within the limitations of section 103E.705.

Sec. 40. **[103E.067] DITCH BUFFER STRIP ANNUAL REPORTING.**

The drainage authority shall annually submit a report to the Board of Water and Soil Resources for the calendar year including:

- (1) the number and types of actions for which viewers were appointed;
- (2) the number of miles of buffer strips established according to section 103E.021;
- (3) the number of drainage system inspections conducted; and
- (4) the number of violations of section 103E.021 identified and enforcement actions taken.

Sec. 41. Minnesota Statutes 2006, section 103E.315, subdivision 8, is amended to read:

Subd. 8. **Extent of damages.** Damages to be paid may include:

- (1) the fair market value of the property required for the channel of an open ditch and the permanent ~~grass~~ strip of perennial vegetation under section 103E.021;
- (2) the diminished value of a farm due to severing a field by an open ditch;
- (3) loss of crop production during drainage project construction; ~~and~~
- (4) the diminished productivity or land value from increased overflow; and

50.1 (5) costs to restore a perennial vegetative cover or structural practice existing
50.2 under a federal or state conservation program adjacent to the permanent drainage system
50.3 right-of-way and damaged by the drainage project.

50.4 Sec. 42. Minnesota Statutes 2006, section 103E.321, subdivision 1, is amended to read:

50.5 Subdivision 1. **Requirements.** The viewers' report must show, in tabular form,
50.6 for each lot, 40-acre tract, and fraction of a lot or tract under separate ownership that
50.7 is benefited or damaged:

50.8 (1) a description of the lot or tract, under separate ownership, that is benefited or
50.9 damaged;

50.10 (2) the names of the owners as they appear on the current tax records of the county
50.11 and their addresses;

50.12 (3) the number of acres in each tract or lot;

50.13 (4) the number and value of acres added to a tract or lot by the proposed drainage of
50.14 public waters;

50.15 (5) the damage, if any, to riparian rights;

50.16 (6) the damages paid for the permanent ~~grass~~ strip of perennial vegetation under
50.17 section 103E.021;

50.18 (7) the total number and value of acres added to a tract or lot by the proposed
50.19 drainage of public waters, wetlands, and other areas not currently being cultivated;

50.20 (8) the number of acres and amount of benefits being assessed for drainage of areas
50.21 which before the drainage benefits could be realized would require a public waters work
50.22 permit to work in public waters under section 103G.245 to excavate or fill a navigable
50.23 water body under United States Code, title 33, section 403, or a permit to discharge into
50.24 waters of the United States under United States Code, title 33, section 1344;

50.25 (9) the number of acres and amount of benefits being assessed for drainage of areas
50.26 that would be considered conversion of a wetland under United States Code, title 16,
50.27 section 3821, if the area was placed in agricultural production;

50.28 (10) the amount of right-of-way acreage required; and

50.29 (11) the amount that each tract or lot will be benefited or damaged.

50.30 Sec. 43. Minnesota Statutes 2006, section 103E.701, is amended by adding a
50.31 subdivision to read:

50.32 Subd. 7. **Restoration; disturbance or destruction by repair.** If a drainage system
50.33 repair disturbs or destroys a perennial vegetative cover or structural practice existing
50.34 under a federal or state conservation program adjacent to the permanent drainage system

51.1 right-of-way, the practice must be restored according to the applicable practice plan or
51.2 as determined by the drainage authority, if a practice plan is not available. Restoration
51.3 costs shall be paid by the drainage system.

51.4 Sec. 44. Minnesota Statutes 2006, section 103E.705, subdivision 1, is amended to read:

51.5 Subdivision 1. **Inspection.** After the construction of a drainage system has been
51.6 completed, the drainage authority shall maintain the drainage system that is located in its
51.7 jurisdiction, including ~~grass~~ the permanent strips of perennial vegetation under section
51.8 103E.021, and provide the repairs necessary to make the drainage system efficient. The
51.9 drainage authority shall have the drainage system inspected on a regular basis by an
51.10 inspection committee of the drainage authority or a drainage inspector appointed by the
51.11 drainage authority. Open drainage ditches shall be inspected at a minimum of every five
51.12 years when no violation of section 103E.021 is found and annually when a violation of
51.13 section 103E.021 is found, until one year after the violation is corrected.

51.14 Sec. 45. Minnesota Statutes 2006, section 103E.705, subdivision 2, is amended to read:

51.15 Subd. 2. ~~Grass~~ Permanent strip of perennial vegetation inspection and
51.16 **compliance notice.** (a) The drainage authority having jurisdiction over a drainage system
51.17 must inspect the drainage system for violations of section 103E.021. If an inspection
51.18 committee of the drainage authority or a drainage inspector determines that permanent
51.19 ~~grass~~ strips of perennial vegetation are not being maintained in compliance with section
51.20 103E.021, a compliance notice must be sent to the property owner.

51.21 (b) The notice must state:

51.22 (1) the date the ditch was inspected;

51.23 (2) the persons making the inspection;

51.24 (3) that spoil banks are to be spread in a manner consistent with the plan and function
51.25 of the drainage system and that the drainage system has acquired a ~~grass~~ permanent strip
51.26 ~~16-1/2 feet in width or to the crown of the spoil bank, whichever is greater~~ of perennial
51.27 vegetation, according to section 103E.021;

51.28 (4) the violations of section 103E.021;

51.29 (5) the measures that must be taken by the property owner to comply with section
51.30 103E.021 and the date when the property must be in compliance; and

51.31 (6) that if the property owner does not comply by the date specified, the drainage
51.32 authority will perform the work necessary to bring the area into compliance with section
51.33 103E.021 and charge the cost of the work to the property owner.

52.1 (c) If a property owner does not bring an area into compliance with section 103E.021
52.2 as provided in the compliance notice, the inspection committee or drainage inspector
52.3 must notify the drainage authority.

52.4 (d) This subdivision applies to property acquired under section 103E.021.

52.5 Sec. 46. Minnesota Statutes 2006, section 103E.705, subdivision 3, is amended to read:

52.6 Subd. 3. **Drainage inspection report.** For each drainage system that the board
52.7 designates and requires the drainage inspector to examine, the drainage inspector shall
52.8 make a drainage inspection report in writing to the board after examining a drainage
52.9 system, designating portions that need repair or maintenance of ~~grass~~ the permanent
52.10 strips of perennial vegetation and the location and nature of the repair or maintenance.
52.11 The board shall consider the drainage inspection report at its next meeting and may repair
52.12 all or any part of the drainage system as provided under this chapter. The ~~grass~~ permanent
52.13 strips of perennial vegetation must be maintained in compliance with section 103E.021.

52.14 Sec. 47. Minnesota Statutes 2006, section 103E.728, subdivision 2, is amended to read:

52.15 Subd. 2. **Additional assessment for agricultural practices on ~~grass~~ permanent**
52.16 **strip of perennial vegetation.** (a) The drainage authority may, after notice and hearing,
52.17 charge an additional assessment on property that has agricultural practices on or otherwise
52.18 violates provisions related to the permanent ~~grass~~ strip of perennial vegetation acquired
52.19 under section 103E.021.

52.20 (b) The drainage authority may determine the cost of the repair per mile of open
52.21 ditch on the ditch system. Property that is in violation of the grass requirement shall be
52.22 assessed a cost of 20 percent of the repair cost per open ditch mile multiplied by the length
52.23 of open ditch in miles on the property in violation.

52.24 (c) After the amount of the additional assessment is determined and applied to the
52.25 repair cost, the balance of the repair cost may be apportioned pro rata as provided in
52.26 subdivision 1.

52.27 Sec. 48. Minnesota Statutes 2006, section 103G.222, subdivision 1, is amended to read:

52.28 Subdivision 1. **Requirements.** (a) Wetlands must not be drained or filled, wholly
52.29 or partially, unless replaced by restoring or creating wetland areas of at least equal
52.30 public value under a replacement plan approved as provided in section 103G.2242, a
52.31 replacement plan under a local governmental unit's comprehensive wetland protection
52.32 and management plan approved by the board under section 103G.2243, or, if a permit to
52.33 mine is required under section 93.481, under a mining reclamation plan approved by the

commissioner under the permit to mine. Mining reclamation plans shall apply the same principles and standards for replacing wetlands by restoration or creation of wetland areas that are applicable to mitigation plans approved as provided in section 103G.2242. Public value must be determined in accordance with section 103B.3355 or a comprehensive wetland protection and management plan established under section 103G.2243. Sections 103G.221 to 103G.2372 also apply to excavation in permanently and semipermanently flooded areas of types 3, 4, and 5 wetlands.

(b) Replacement must be guided by the following principles in descending order of priority:

(1) avoiding the direct or indirect impact of the activity that may destroy or diminish the wetland;

(2) minimizing the impact by limiting the degree or magnitude of the wetland activity and its implementation;

(3) rectifying the impact by repairing, rehabilitating, or restoring the affected wetland environment;

(4) reducing or eliminating the impact over time by preservation and maintenance operations during the life of the activity;

(5) compensating for the impact by restoring a wetland; and

(6) compensating for the impact by replacing or providing substitute wetland resources or environments.

For a project involving the draining or filling of wetlands in an amount not exceeding 10,000 square feet more than the applicable amount in section 103G.2241, subdivision 9, paragraph (a), the local government unit may make an on-site sequencing determination without a written alternatives analysis from the applicant.

(c) If a wetland is located in a cultivated field, then replacement must be accomplished through restoration only without regard to the priority order in paragraph (b), provided that a deed restriction is placed on the altered wetland prohibiting nonagricultural use for at least ten years.

(d) If a wetland is drained under section 103G.2241, subdivision 2, the local government unit may require a deed restriction that prohibits nonagricultural use for at least ten years unless the drained wetland is replaced as provided under this section. The local government unit may require the deed restriction if it determines the wetland area drained is at risk of conversion to a nonagricultural use within ten years based on the zoning classification, proximity to a municipality or full service road, or other criteria as determined by the local government unit.

54.1 (e) Restoration and replacement of wetlands must be accomplished in accordance
54.2 with the ecology of the landscape area affected and ponds that are created primarily to
54.3 fulfill stormwater management, and water quality treatment requirements may not be
54.4 used to satisfy replacement requirements under this chapter unless the design includes
54.5 pretreatment of runoff and the pond is functioning as a wetland.

54.6 ~~(e)~~ (f) Except as provided in paragraph ~~(f)~~ (g), for a wetland or public waters wetland
54.7 located on nonagricultural land, replacement must be in the ratio of two acres of replaced
54.8 wetland for each acre of drained or filled wetland.

54.9 ~~(f)~~ (g) For a wetland or public waters wetland located on agricultural land or in a
54.10 greater than 80 percent area, replacement must be in the ratio of one acre of replaced
54.11 wetland for each acre of drained or filled wetland.

54.12 ~~(g)~~ (h) Wetlands that are restored or created as a result of an approved replacement
54.13 plan are subject to the provisions of this section for any subsequent drainage or filling.

54.14 ~~(h)~~ (i) Except in a greater than 80 percent area, only wetlands that have been
54.15 restored from previously drained or filled wetlands, wetlands created by excavation in
54.16 nonwetlands, wetlands created by dikes or dams along public or private drainage ditches,
54.17 or wetlands created by dikes or dams associated with the restoration of previously drained
54.18 or filled wetlands may be used in a statewide banking program established in rules adopted
54.19 under section 103G.2242, subdivision 1. Modification or conversion of nondegraded
54.20 naturally occurring wetlands from one type to another are not eligible for enrollment in a
54.21 statewide wetlands bank.

54.22 ~~(i)~~ (j) The Technical Evaluation Panel established under section 103G.2242,
54.23 subdivision 2, shall ensure that sufficient time has occurred for the wetland to develop
54.24 wetland characteristics of soils, vegetation, and hydrology before recommending that the
54.25 wetland be deposited in the statewide wetland bank. If the Technical Evaluation Panel has
54.26 reason to believe that the wetland characteristics may change substantially, the panel shall
54.27 postpone its recommendation until the wetland has stabilized.

54.28 ~~(j)~~ (k) This section and sections 103G.223 to 103G.2242, 103G.2364, and
54.29 103G.2365 apply to the state and its departments and agencies.

54.30 ~~(k)~~ (l) For projects involving draining or filling of wetlands associated with a new
54.31 public transportation project, and for projects expanded solely for additional traffic
54.32 capacity, public transportation authorities may purchase credits from the board at the cost
54.33 to the board to establish credits. Proceeds from the sale of credits provided under this
54.34 paragraph are appropriated to the board for the purposes of this paragraph.

54.35 ~~(l)~~ (m) A replacement plan for wetlands is not required for individual projects that
54.36 result in the filling or draining of wetlands for the repair, rehabilitation, reconstruction,

or replacement of a currently serviceable existing state, city, county, or town public road necessary, as determined by the public transportation authority, to meet state or federal design or safety standards or requirements, excluding new roads or roads expanded solely for additional traffic capacity lanes. This paragraph only applies to authorities for public transportation projects that:

(1) minimize the amount of wetland filling or draining associated with the project and consider mitigating important site-specific wetland functions on-site;

(2) except as provided in clause (3), submit project-specific reports to the board, the Technical Evaluation Panel, the commissioner of natural resources, and members of the public requesting a copy at least 30 days prior to construction that indicate the location, amount, and type of wetlands to be filled or drained by the project or, alternatively, convene an annual meeting of the parties required to receive notice to review projects to be commenced during the upcoming year; and

(3) for minor and emergency maintenance work impacting less than 10,000 square feet, submit project-specific reports, within 30 days of commencing the activity, to the board that indicate the location, amount, and type of wetlands that have been filled or drained.

Those required to receive notice of public transportation projects may appeal minimization, delineation, and on-site mitigation decisions made by the public transportation authority to the board according to the provisions of section 103G.2242, subdivision 9. The Technical Evaluation Panel shall review minimization and delineation decisions made by the public transportation authority and provide recommendations regarding on-site mitigation if requested to do so by the local government unit, a contiguous landowner, or a member of the Technical Evaluation Panel.

Except for state public transportation projects, for which the state Department of Transportation is responsible, the board must replace the wetlands, and wetland areas of public waters if authorized by the commissioner or a delegated authority, drained or filled by public transportation projects on existing roads.

Public transportation authorities at their discretion may deviate from federal and state design standards on existing road projects when practical and reasonable to avoid wetland filling or draining, provided that public safety is not unreasonably compromised. The local road authority and its officers and employees are exempt from liability for any tort claim for injury to persons or property arising from travel on the highway and related to the deviation from the design standards for construction or reconstruction under this paragraph. This paragraph does not preclude an action for damages arising from negligence in construction or maintenance on a highway.

~~(m)~~ (n) If a landowner seeks approval of a replacement plan after the proposed project has already affected the wetland, the local government unit may require the landowner to replace the affected wetland at a ratio not to exceed twice the replacement ratio otherwise required.

~~(n)~~ (o) A local government unit may request the board to reclassify a county or watershed on the basis of its percentage of presettlement wetlands remaining. After receipt of satisfactory documentation from the local government, the board shall change the classification of a county or watershed. If requested by the local government unit, the board must assist in developing the documentation. Within 30 days of its action to approve a change of wetland classifications, the board shall publish a notice of the change in the Environmental Quality Board Monitor.

~~(o)~~ (p) One hundred citizens who reside within the jurisdiction of the local government unit may request the local government unit to reclassify a county or watershed on the basis of its percentage of presettlement wetlands remaining. In support of their petition, the citizens shall provide satisfactory documentation to the local government unit. The local government unit shall consider the petition and forward the request to the board under paragraph ~~(n)~~ (o) or provide a reason why the petition is denied.

EFFECTIVE DATE. This section is effective the day following final enactment.

Sec. 49. Minnesota Statutes 2006, section 103G.222, subdivision 3, is amended to read:

Subd. 3. **Wetland replacement siting.** (a) Siting wetland replacement must follow this priority order:

(1) on site or in the same minor watershed as the affected wetland;

(2) in the same watershed as the affected wetland;

(3) in the same county as the affected wetland;

(4) for replacement by wetland banking, in the same wetland bank service area as the impacted wetland, except that impacts in a 50 to 80 percent area must be replaced in a 50 to 80 percent area and impacts in a less than 50 percent area must be replaced in a less than 50 percent area;

(5) for project specific replacement, in an adjacent watershed or county to the affected wetland, or for replacement by wetland banking, in an adjacent wetland bank service area, except that impacts in a 50 to 80 percent area must be replaced in a 50 to 80 percent area and impacts in a less than 50 percent area must be replaced in a less than 50 percent area; and

~~(5) (6) statewide, only for wetlands affected in greater than 80 percent areas and for public transportation projects, except that wetlands affected in less than 50 percent areas~~

must be replaced in less than 50 percent areas, and wetlands affected in the seven-county metropolitan area must be replaced at a ratio of two to one in: (i) the affected county or, (ii) in another of the seven metropolitan counties, or (iii) in one of the major watersheds that are wholly or partially within the seven-county metropolitan area, but at least one to one must be replaced within the seven-county metropolitan area.

(b) Notwithstanding paragraph (a), siting wetland replacement in greater than 80 percent areas may follow the priority order under this paragraph: (1) by wetland banking after evaluating on-site replacement and replacement within the watershed; (2) replaced in an adjacent wetland bank service area if wetland bank credits are not reasonably available in the same wetland bank service area as the affected wetland, as determined by the local government unit or by a comprehensive inventory approved by the board; and (3) statewide.

(c) Notwithstanding paragraph (a), siting wetland replacement in the seven-county metropolitan area must follow the priority order under this paragraph: (1) in the affected county; (2) in another of the seven metropolitan counties; or (3) in one of the major watersheds that are wholly or partially within the seven-county metropolitan area, but at least one to one must be replaced within the seven-county metropolitan area.

(d) The exception in paragraph (a), clause ~~(5)~~ (6), does not apply to replacement completed using wetland banking credits established by a person who submitted a complete wetland banking application to a local government unit by April 1, 1996.

~~(e)~~ (e) When reasonable, practicable, and environmentally beneficial replacement opportunities are not available in siting priorities listed in paragraph (a), the applicant may seek opportunities at the next level.

~~(d)~~ (f) For the purposes of this section, "reasonable, practicable, and environmentally beneficial replacement opportunities" are defined as opportunities that:

(1) take advantage of naturally occurring hydrogeomorphological conditions and require minimal landscape alteration;

(2) have a high likelihood of becoming a functional wetland that will continue in perpetuity;

(3) do not adversely affect other habitat types or ecological communities that are important in maintaining the overall biological diversity of the area; and

(4) are available and capable of being done after taking into consideration cost, existing technology, and logistics consistent with overall project purposes.

~~(e)~~ (g) Regulatory agencies, local government units, and other entities involved in wetland restoration shall collaborate to identify potential replacement opportunities within their jurisdictional areas.

58.1 **EFFECTIVE DATE.** This section is effective the day following final enactment.

58.2 Sec. 50. Minnesota Statutes 2006, section 103G.2241, subdivision 1, is amended to
58.3 read:

58.4 Subdivision 1. **Agricultural activities.** ~~(a)~~ A replacement plan for wetlands is
58.5 not required for:

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

58.10 ~~(2) activities in a wetland that is or has been enrolled in the federal conservation~~
58.11 ~~reserve program under United States Code, title 16, section 3831, that:~~

58.12 ~~(i) was planted with annually seeded crops, was in a crop rotation seeding, or was~~
58.13 ~~required to be set aside to receive price support or payment under United States Code,~~
58.14 ~~title 7, sections 1421 to 1469, in six of the last ten years prior to being enrolled in the~~
58.15 ~~program; and~~

58.16 ~~(ii) has not been restored with assistance from a public or private wetland restoration~~
58.17 ~~program;~~

58.18 ~~(3) activities in a wetland that has received a commenced drainage determination~~
58.19 ~~provided for by the federal Food Security Act of 1985, that was made to the county~~
58.20 ~~Agricultural Stabilization and Conservation Service office prior to September 19, 1988,~~
58.21 ~~and a ruling and any subsequent appeals or reviews have determined that drainage of the~~
58.22 ~~wetland had been commenced prior to December 23, 1985;~~

58.23 ~~(4) activities in a type 1 wetland on agricultural land, except for bottomland~~
58.24 ~~hardwood type 1 wetlands, and activities in a type 2 or type 6 wetland that is less than two~~
58.25 ~~acres in size and located on agricultural land;~~

58.26 (1) activities in a wetland conducted as part of normal farming practices. For
58.27 purposes of this clause, "normal farming practices" means farming, silvicultural, grazing,
58.28 and ranching activities such as plowing, seeding, cultivating, and harvesting for the
58.29 production of feed, food, fuel, fiber, and forest products, but does not include activities
58.30 that result in the draining or filling of wetlands in whole or part;

58.31 (2) soil and water conservation practices approved by the soil and water conservation
58.32 district, after review by the Technical Evaluation Panel;

58.33 ~~(5)~~ (3) aquaculture activities including pond excavation and construction and
58.34 maintenance of associated access roads and dikes authorized under, and conducted in
58.35 accordance with, a permit issued by the United States Army Corps of Engineers under

section 404 of the federal Clean Water Act, United States Code, title 33, section 1344, but not including construction or expansion of buildings; or

~~(6) (4) wild rice production activities, including necessary diking and other activities authorized under a permit issued by the United States Army Corps of Engineers under section 404 of the federal Clean Water Act, United States Code, title 33, section 1344;~~

~~(7) normal agricultural practices to control noxious or secondary weeds as defined by rule of the commissioner of agriculture, in accordance with applicable requirements under state and federal law, including established best management practices; and~~

~~(8) agricultural activities in a wetland that is on agricultural land:~~

~~(i) annually enrolled in the federal Agriculture Improvement and Reform Act of 1996 and is subject to United States Code, title 16, sections 3821 to 3823, in effect on January 1, 2000; or~~

~~(ii) subject to subsequent federal farm program restrictions that meet minimum state standards under this chapter and sections 103A.202 and 103B.3355 and that have been approved by the Board of Water and Soil Resources, the commissioners of natural resources and agriculture, and the Pollution Control Agency.~~

~~(b) Land enrolled in a federal farm program under paragraph (a), clause (8), is eligible for easement participation for those acres not already compensated under a federal program.~~

~~(c) The exemption under paragraph (a), clause (4), may be expanded to additional acreage, including types 1, 2, and 6 wetlands that are part of a larger wetland system, when the additional acreage is part of a conservation plan approved by the local soil and water conservation district, the additional draining or filling is necessary for efficient operation of the farm, the hydrology of the larger wetland system is not adversely affected, and wetlands other than types 1, 2, and 6 are not drained or filled.~~

EFFECTIVE DATE. This section is effective the day following final enactment.

Sec. 51. Minnesota Statutes 2006, section 103G.2241, subdivision 2, is amended to read:

Subd. 2. **Drainage.** (a) For the purposes of this subdivision, "public drainage system" means a drainage system as defined in section 103E.005, subdivision 12, and any ditch or tile lawfully connected to the drainage system. If wetlands drained under this subdivision are converted to uses prohibited under paragraph (b), clause (2), during the ten-year period following drainage, the wetlands must be replaced according to section 103G.222.

(b) A replacement plan is not required for draining of type 1 wetlands, or up to five acres of type 2 or 6 wetlands, in an unincorporated area on land that has been assessed drainage benefits for a public drainage system, provided that:

(1) during the 20-year period that ended January 1, 1992:

(i) there was an expenditure made from the drainage system account for the public drainage system;

(ii) the public drainage system was repaired or maintained as approved by the drainage authority; or

(iii) no repair or maintenance of the public drainage system was required under section 103E.705, subdivision 1, as determined by the public drainage authority; and

(2) the wetlands are not drained for conversion to:

(i) platted lots;

(ii) planned unit, commercial, or industrial developments; or

(iii) any development with more than one residential unit per 40 acres.

~~If wetlands drained under this paragraph are converted to uses prohibited under clause (2) during the ten-year period following drainage, the wetlands must be replaced under section 103G.222.~~

(c) A replacement plan is not required for draining or filling of wetlands, except for draining types 3, 4, and 5 wetlands that have been in existence for more than 25 years, resulting from maintenance and repair of existing public drainage systems.

(d) A replacement plan is not required for draining or filling of wetlands, except for draining wetlands that have been in existence for more than 25 years, resulting from maintenance and repair of existing drainage systems other than public drainage systems.

~~(e) A replacement plan is not required for draining or filling of wetlands resulting from activities conducted as part of a public drainage system improvement project that received final approval from the drainage authority before July 1, 1991, and after July 1, 1986, if:~~

~~(1) the approval remains valid;~~

~~(2) the project remains active; and~~

~~(3) no additional drainage will occur beyond that originally approved.~~

(e) A replacement plan is not required for draining agricultural land that: (1) was planted with annually seeded crops before June 10, except for crops that are normally planted after that date, in eight out of the ten most recent years prior to the impact; (2) was in a crop rotation seeding of pasture grass or legumes in eight out of the ten most recent years prior to the impact; or (3) was enrolled in a state or federal land conservation program and met the requirements of clause (1) or (2) before enrollment.

61.1 (f) The public drainage authority may, as part of the repair, install control structures,
61.2 realign the ditch, construct dikes along the ditch, or make other modifications as necessary
61.3 to prevent drainage of the wetland.

61.4 (g) Wetlands of all types that would be drained as a part of a public drainage repair
61.5 project are eligible for the permanent wetlands preserve under section 103F.516. The
61.6 board shall give priority to acquisition of easements on types 3, 4, and 5 wetlands that have
61.7 been in existence for more than 25 years on public drainage systems and other wetlands
61.8 that have the greatest risk of drainage from a public drainage repair project.

61.9 **EFFECTIVE DATE.** This section is effective the day following final enactment.

61.10 Sec. 52. Minnesota Statutes 2006, section 103G.2241, subdivision 3, is amended to
61.11 read:

61.12 Subd. 3. **Federal approvals.** A replacement plan for wetlands is not required for:
61.13 ~~(1) activities exempted from federal regulation under United States Code, title 33,~~
61.14 ~~section 1344(f), as in effect on January 1, 1991;~~

61.15 ~~(2) activities authorized under, and conducted in accordance with, an applicable~~
61.16 ~~general permit issued by the United States Army Corps of Engineers under section 404~~
61.17 ~~of the federal Clean Water Act, United States Code, title 33, section 1344, except the~~
61.18 ~~nationwide permit in Code of Federal Regulations, title 33, section 330.5, paragraph (a),~~
61.19 ~~clauses (14), limited to when a new road crosses a wetland, and (26), as in effect on~~
61.20 ~~January 1, 1991; or~~

61.21 ~~(3)~~ activities authorized under the federal Clean Water Act, section 404, or the
61.22 Rivers and Harbors Act, section 10, regulations that meet minimum state standards
61.23 under this chapter and sections 103A.202 and 103B.3355 and that have been approved
61.24 by the Board of Water and Soil Resources, the commissioners of natural resources and
61.25 agriculture, and the Pollution Control Agency.

61.26 **EFFECTIVE DATE.** This section is effective the day following final enactment.

61.27 Sec. 53. Minnesota Statutes 2006, section 103G.2241, subdivision 6, is amended to
61.28 read:

61.29 Subd. 6. **Utilities; public works.** (a) A replacement plan for wetlands is not
61.30 required for:

61.31 ~~(1) placement, maintenance, repair, enhancement, or replacement of utility or~~
61.32 ~~utility-type service if:~~

~~(i) the impacts of the proposed project on the hydrologic and biological characteristics of the wetland have been avoided and minimized to the extent possible; and~~

~~(ii) the proposed project significantly modifies or alters less than one-half acre of wetlands;~~

~~(2) activities associated with routine maintenance of utility and pipeline rights-of-way, provided the activities do not result in additional intrusion into the wetland;~~

~~(3) alteration of a wetland associated with the operation, maintenance, or repair of an interstate pipeline within all existing or acquired interstate pipeline rights-of-way;~~

~~(4) emergency repair and normal maintenance and repair of existing public works, provided the activity does not result in additional intrusion of the public works into the wetland and does not result in the draining or filling, wholly or partially, of a wetland;~~

~~(5) normal maintenance and minor repair of structures causing no additional intrusion of an existing structure into the wetland, and maintenance and repair of private crossings that do not result in the draining or filling, wholly or partially, of a wetland; or~~

~~(6) repair and updating of existing individual sewage treatment systems as necessary to comply with local, state, and federal regulations.~~

(1) new placement or maintenance, repair, enhancement, or replacement of existing utility or utility-type service, including pipelines, if:

(i) the direct and indirect impacts of the proposed project have been avoided and minimized to the extent possible; and

(ii) the proposed project significantly modifies or alters less than one-half acre of wetlands;

(2) activities associated with operation, routine maintenance, or emergency repair of existing utilities and public work structures, including pipelines, provided the activities do not result in additional wetland intrusion or additional draining or filling of a wetland either wholly or partially; or

(3) repair and updating of existing individual sewage treatment systems necessary to comply with local, state, and federal regulations.

(b) For maintenance, repair, and replacement, the local government unit may issue a seasonal or annual exemption certification or the utility may proceed without local government unit certification if the utility is carrying out the work according to approved best management practices. Work of an emergency nature may proceed as necessary and any drain or fill activities shall be addressed with the local government unit after the emergency work has been completed.

EFFECTIVE DATE. This section is effective the day following final enactment.

Sec. 54. Minnesota Statutes 2006, section 103G.2241, subdivision 9, is amended to read:

Subd. 9. **De minimis.** (a) Except as provided in paragraphs (b) and (c), a replacement plan for wetlands is not required for draining or filling the following amounts of wetlands as part of a project:

(1) 10,000 square feet of type 1, 2, 6, or 7 wetland, excluding white cedar and tamarack wetlands, outside of the shoreland wetland protection zone in a greater than 80 percent area;

(2) ~~5,000~~ 2,500 square feet of type 1, 2, 6, or 7 wetland, excluding white cedar and tamarack wetlands, outside of the shoreland wetland protection zone in a 50 to 80 percent area;

(3) ~~2,000~~ 1,000 square feet of type 1, 2, or 6 wetland, outside of the shoreland wetland protection zone in a less than 50 percent area;

(4) ~~400~~ 100 square feet of wetland types not listed in clauses (1) to (3) outside of the building setback zone of the shoreland wetland protection zones in all counties; ~~or~~

(5) 400 square feet of ~~type 1, 2, 3, 4, 5, 6, 7, or 8~~ wetland types listed in clauses (1) to (3), in beyond the building setback zone, as defined in the local shoreland management ordinance, but within the shoreland wetland protection zone, except that. In a greater than 80 percent area, the local government unit may increase the de minimis amount up to 1,000 square feet ~~in the shoreland protection zone in areas beyond the building setback~~ if the wetland is isolated and is determined to have no direct surficial connection to the public water. To the extent that a local shoreland management ordinance is more restrictive than this provision, the local shoreland ordinance applies; or

(6) up to 20 square feet of wetland, regardless of type or location.

(b) The amounts listed in paragraph (a), clauses (1) to ~~(5)~~ (6), may not be combined on a project.

(c) This exemption no longer applies to a landowner's portion of a wetland when the cumulative area drained or filled of the landowner's portion since January 1, 1992, is the greatest of:

(1) the applicable area listed in paragraph (a), if the landowner owns the entire wetland;

(2) five percent of the landowner's portion of the wetland; or

(3) 400 square feet.

(d) This exemption may not be combined with another exemption in this section on a project.

(e) Property may not be divided to increase the amounts listed in paragraph (a).

64.1 **EFFECTIVE DATE.** This section is effective the day following final enactment.

64.2 Sec. 55. Minnesota Statutes 2006, section 103G.2241, subdivision 11, is amended to
64.3 read:

64.4 Subd. 11. **Exemption conditions.** (a) A person conducting an activity in a wetland
64.5 under an exemption in subdivisions 1 to 10 shall ensure that:

64.6 (1) appropriate erosion control measures are taken to prevent sedimentation of
64.7 the water;

64.8 (2) the activity does not block fish passage in a watercourse; and

64.9 (3) the activity is conducted in compliance with all other applicable federal,
64.10 state, and local requirements, including best management practices and water resource
64.11 protection requirements established under chapter 103H.

64.12 (b) An activity is exempt if it qualifies for any one of the exemptions, even though it
64.13 may be indicated as not exempt under another exemption.

64.14 (c) Persons proposing to conduct an exempt activity are encouraged to contact the
64.15 local government unit or the local government unit's designee for advice on minimizing
64.16 wetland impacts.

64.17 (d) The board shall develop rules that address the application and implementation
64.18 of exemptions and that provide for estimates and reporting of exempt wetland impacts,
64.19 including those in section 103G.2241, subdivisions 2, 6, and 9.

64.20 **EFFECTIVE DATE.** This section is effective the day following final enactment.

64.21 Sec. 56. Minnesota Statutes 2006, section 103G.2242, subdivision 2, is amended to
64.22 read:

64.23 Subd. 2. **Evaluation.** (a) Questions concerning the public value, location, size,
64.24 or type of a wetland shall be submitted to and determined by a Technical Evaluation
64.25 Panel after an on-site inspection. The Technical Evaluation Panel shall be composed of
64.26 a technical professional employee of the board, a technical professional employee of
64.27 the local soil and water conservation district or districts, a technical professional with
64.28 expertise in water resources management appointed by the local government unit, and
64.29 a technical professional employee of the Department of Natural Resources for projects
64.30 affecting public waters or wetlands adjacent to public waters. The panel shall use the
64.31 "United States Army Corps of Engineers Wetland Delineation Manual" (January 1987),
64.32 including updates, supplementary guidance, and replacements, if any, "Wetlands of
64.33 the United States" (United States Fish and Wildlife Service Circular 39, 1971 edition),
64.34 and "Classification of Wetlands and Deepwater Habitats of the United States" (1979

edition). The panel shall provide the wetland determination and recommendations on other technical matters to the local government unit that must approve a replacement plan, wetland banking plan, exemption determination, no-loss determination, or wetland boundary or type determination and may recommend approval or denial of the plan. The authority must consider and include the decision of the Technical Evaluation Panel in their approval or denial of a plan or determination.

(b) Persons conducting wetland or public waters boundary delineations or type determinations are exempt from the requirements of chapter 326. ~~By January 15, 2001, the board, in consultation with the Minnesota Association of Professional Soil Scientists, the University of Minnesota, and the Wetland Delineators' Association, shall submit a plan for a professional wetland delineator certification program to the legislature. The board~~ may develop a professional wetland delineator certification program.

EFFECTIVE DATE. This section is effective the day following final enactment.

Sec. 57. Minnesota Statutes 2006, section 103G.2242, subdivision 2a, is amended to read:

Subd. 2a. **Wetland boundary or type determination.** (a) A landowner may apply for a wetland boundary or type determination from the local government unit. The landowner applying for the determination is responsible for submitting proof necessary to make the determination, including, but not limited to, wetland delineation field data, observation well data, topographic mapping, survey mapping, and information regarding soils, vegetation, hydrology, and groundwater both within and outside of the proposed wetland boundary.

(b) A local government unit that receives an application under paragraph (a) may seek the advice of the Technical Evaluation Panel as described in subdivision 2, and, if necessary, expand the Technical Evaluation Panel. The local government unit may delegate the decision authority for wetland boundary or type determinations ~~with the zoning administrator~~ to designated staff, or establish other procedures it considers appropriate.

(c) The local government unit decision must be made in compliance with section 15.99. Within ten calendar days of the decision, the local government unit decision must be mailed to the landowner, members of the Technical Evaluation Panel, the watershed district or watershed management organization, if one exists, and individual members of the public who request a copy.

(d) Appeals of decisions made by designated local government staff must be made to the local government unit. Notwithstanding any law to the contrary, a ruling on an

66.1 appeal must be made by the local government unit within 30 days from the date of the
66.2 filing of the appeal.

66.3 (e) The local government unit decision is valid for three years unless the Technical
66.4 Evaluation Panel determines that natural or artificial changes to the hydrology, vegetation,
66.5 or soils of the area have been sufficient to alter the wetland boundary or type.

66.6 **EFFECTIVE DATE.** This section is effective the day following final enactment.

66.7 Sec. 58. Minnesota Statutes 2006, section 103G.2242, subdivision 9, is amended to
66.8 read:

66.9 Subd. 9. **Appeal.** (a) Appeal of a replacement plan, exemption, wetland banking,
66.10 wetland boundary or type determination, ~~or no-loss decision, or restoration order~~ may
66.11 be obtained by mailing a petition and payment of a filing fee ~~of \$200~~, which shall be
66.12 retained by the board to defray administrative costs, to the board within 30 days after the
66.13 postmarked date of the mailing specified in subdivision 7. If appeal is not sought within
66.14 30 days, the decision becomes final. ~~The local government unit may require the petitioner~~
66.15 ~~to post a letter of credit, cashier's check, or cash in an amount not to exceed \$500.~~ If the
66.16 petition for hearing is accepted, the amount posted must be returned to the petitioner.

66.17 Appeal may be made by:

- 66.18 (1) the wetland owner;
66.19 (2) any of those to whom notice is required to be mailed under subdivision 7; or
66.20 (3) 100 residents of the county in which a majority of the wetland is located.

66.21 (b) Within 30 days after receiving a petition, the board shall decide whether to
66.22 grant the petition and hear the appeal. The board shall grant the petition unless the board
66.23 finds that:

- 66.24 (1) the appeal is meritless, trivial, or brought solely for the purposes of delay;
66.25 (2) the petitioner has not exhausted all local administrative remedies;
66.26 (3) expanded technical review is needed;
66.27 (4) the local government unit's record is not adequate; or
66.28 (5) the petitioner has not posted a letter of credit, cashier's check, or cash if required
66.29 by the local government unit.

66.30 (c) In determining whether to grant the appeal, the board shall also consider the
66.31 size of the wetland, other factors in controversy, any patterns of similar acts by the local
66.32 government unit or petitioner, and the consequences of the delay resulting from the appeal.

66.33 (d) All appeals must be heard by the committee for dispute resolution of the board,
66.34 and a decision made within 60 days of filing the local government unit's record and the
66.35 written briefs submitted for the appeal. The decision must be served by mail on the parties

67.1 to the appeal, and is not subject to the provisions of chapter 14. A decision whether to
67.2 grant a petition for appeal and a decision on the merits of an appeal must be considered the
67.3 decision of an agency in a contested case for purposes of judicial review under sections
67.4 14.63 to 14.69.

67.5 (e) Notwithstanding section 16A.1283, the board shall establish a fee schedule to
67.6 defray the administrative costs of appeals made to the board under this subdivision. Fees
67.7 established under this authority shall not exceed \$1,000. Establishment of the fee is not
67.8 subject to the rulemaking process of chapter 14 and section 14.386 does not apply.

67.9 **EFFECTIVE DATE.** This section is effective the day following final enactment.

67.10 Sec. 59. Minnesota Statutes 2006, section 103G.2242, subdivision 12, is amended to
67.11 read:

67.12 Subd. 12. **Replacement credits.** (a) No public or private wetland restoration,
67.13 enhancement, or construction may be allowed for replacement unless specifically
67.14 designated for replacement and paid for by the individual or organization performing the
67.15 wetland restoration, enhancement, or construction, and is completed prior to any draining
67.16 or filling of the wetland.

67.17 (b) Paragraph (a) does not apply to a wetland whose owner has paid back with
67.18 interest the individual or organization restoring, enhancing, or constructing the wetland.

67.19 (c) Notwithstanding section 103G.222, subdivision 1, paragraph ~~(h)~~ (i), the
67.20 following actions, and others established in rule, that are consistent with criteria in rules
67.21 adopted by the board in conjunction with the commissioners of natural resources and
67.22 agriculture, are eligible for replacement credit as determined by the local government unit,
67.23 including enrollment in a statewide wetlands bank:

67.24 (1) reestablishment of permanent native, noninvasive vegetative cover on a wetland
67.25 on agricultural land that was planted with annually seeded crops, was in a crop rotation
67.26 seeding of pasture grasses or legumes, or was in a land retirement program during the
67.27 past ten years;

67.28 (2) buffer areas of permanent native, noninvasive vegetative cover established or
67.29 preserved on upland adjacent to replacement wetlands;

67.30 (3) wetlands restored for conservation purposes under terminated easements or
67.31 contracts; and

67.32 (4) water quality treatment ponds constructed to pretreat storm water runoff prior
67.33 to discharge to wetlands, public waters, or other water bodies, provided that the water
67.34 quality treatment ponds must be associated with an ongoing or proposed project that
67.35 will impact a wetland and replacement credit for the treatment ponds is based on the

68.1 replacement of wetland functions and on an approved stormwater management plan for
68.2 the local government.

68.3 (d) Notwithstanding section 103G.222, subdivision 1, paragraphs ~~(e)~~ (f) and ~~(f)~~ (g),
68.4 the board may establish by rule different replacement ratios for restoration projects with
68.5 exceptional natural resource value.

68.6 **EFFECTIVE DATE.** This section is effective the day following final enactment.

68.7 Sec. 60. Minnesota Statutes 2006, section 103G.2242, subdivision 15, is amended to
68.8 read:

68.9 Subd. 15. **Fees paid to board.** All fees established in ~~subdivision~~ subdivisions 9
68.10 and 14 must be paid to the Board of Water and Soil Resources ~~and credited to the general~~
68.11 ~~fund~~ and to be used for the purpose of administration of the wetland bank and to process
68.12 appeals under section 103G.2242, subdivision 9.

68.13 **EFFECTIVE DATE.** This section is effective the day following final enactment.

68.14 Sec. 61. Minnesota Statutes 2006, section 103G.2243, subdivision 2, is amended to
68.15 read:

68.16 Subd. 2. **Plan contents.** A comprehensive wetland protection and management
68.17 plan may:

68.18 (1) provide for classification of wetlands in the plan area based on:

68.19 (i) an inventory of wetlands in the plan area;

68.20 (ii) an assessment of the wetland functions listed in section 103B.3355, using a
68.21 methodology chosen by the Technical Evaluation Panel from one of the methodologies
68.22 established or approved by the board under that section; and

68.23 (iii) the resulting public values;

68.24 (2) vary application of the sequencing standards in section 103G.222, subdivision 1,
68.25 paragraph (b), for projects based on the classification and criteria set forth in the plan;

68.26 (3) vary the replacement standards of section 103G.222, subdivision 1, paragraphs
68.27 ~~(e)~~ (f) and ~~(f)~~ (g), based on the classification and criteria set forth in the plan, for specific
68.28 wetland impacts provided there is no net loss of public values within the area subject to
68.29 the plan, and so long as:

68.30 (i) in a 50 to 80 percent area, a minimum acreage requirement of one acre of replaced
68.31 wetland for each acre of drained or filled wetland requiring replacement is met within
68.32 the area subject to the plan; and

(ii) in a less than 50 percent area, a minimum acreage requirement of two acres of replaced wetland for each acre of drained or filled wetland requiring replacement is met within the area subject to the plan, except that replacement for the amount above a 1:1 ratio can be accomplished as described in section 103G.2242, subdivision 12; and

(4) in a greater than 80 percent area, allow replacement credit, based on the classification and criteria set forth in the plan, for any project that increases the public value of wetlands, including activities on adjacent upland acres; ~~and.~~

~~(5) in a greater than 80 percent area, based on the classification and criteria set forth in the plan, expand the application of the exemptions in section 103G.2241, subdivision 1, paragraph (a), clause (4), to also include nonagricultural land, provided there is no net loss of wetland values.~~

EFFECTIVE DATE. This section is effective the day following final enactment.

Sec. 62. Minnesota Statutes 2006, section 103G.235, is amended to read:

103G.235 RESTRICTIONS ON ACCESS TO ~~PUBLIC WATERS~~ WETLANDS.

Subdivision 1. Wetlands adjacent to roads. To protect the public health or safety, local units of government may by ordinance restrict public access to public waters wetlands from municipality, county, or township roads that abut public waters wetlands.

Subd. 2. Privately restored or created wetlands. When a landowner creates a new wetland or restores a formerly existing wetland on private land that is adjacent to public land or a public road right-of-way, there is no public access to the created or restored wetland if posted by the landowner.

Sec. 63. Minnesota Statutes 2006, section 103G.301, subdivision 2, is amended to read:

Subd. 2. **Permit application fees.** (a) A permit application fee to defray the costs of receiving, recording, and processing the application must be paid for a permit authorized under this chapter and for each request to amend or transfer an existing permit.

(b) The fee to apply for a permit to appropriate water by a nonpublic, nonagricultural irrigation applicant must be assessed to recover the reasonable costs of preparing and issuing the permit. Fees collected under this paragraph must be credited to an account in the natural resources fund and are appropriated to the commissioner.

~~(b)~~ (c) The fee to apply for a permit to appropriate water, other than a permit subject to the fee under paragraph (b); a permit to construct or repair a dam that is subject to dam safety inspection; or a state general permit or to apply for the state water bank program is \$150. The application fee for a permit to work in public waters or to divert waters for

70.1 mining must be at least \$150, but not more than \$1,000, according to a schedule of fees
70.2 adopted under section 16A.1285.

70.3 Sec. 64. Minnesota Statutes 2006, section 115.55, subdivision 1, is amended to read:

70.4 Subdivision 1. **Definitions.** (a) The definitions in this subdivision apply to sections
70.5 115.55 to 115.56.

70.6 (b) "Advisory committee" means the Advisory Committee on Individual Sewage
70.7 Treatment Systems established under the individual sewage treatment system rules. The
70.8 advisory committee must be appointed to ensure geographic representation of the state
70.9 and include elected public officials.

70.10 (c) "Applicable requirements" means:

70.11 (1) local ordinances that comply with the individual sewage treatment system rules,
70.12 as required in subdivision 2; or

70.13 (2) in areas not subject to the ordinances described in clause (1), the individual
70.14 sewage treatment system rules.

70.15 (d) "City" means a statutory or home rule charter city.

70.16 (e) "Commissioner" means the commissioner of the Pollution Control Agency.

70.17 (f) "Dwelling" means a building or place used or intended to be used by human
70.18 occupants as a single-family or two-family unit.

70.19 (g) "Individual sewage treatment system" or "system" means a sewage treatment
70.20 system, or part thereof, serving a dwelling, other establishment, or group thereof, that
70.21 uses subsurface soil treatment and disposal.

70.22 (h) "Individual sewage treatment system professional" means an inspector, installer,
70.23 site evaluator or designer, or pumper.

70.24 (i) "Individual sewage treatment system rules" means rules adopted by the agency
70.25 that establish minimum standards and criteria for the design, location, installation, use,
70.26 and maintenance of individual sewage treatment systems.

70.27 (j) "Inspector" means a person who inspects individual sewage treatment systems for
70.28 compliance with the applicable requirements.

70.29 (k) "Installer" means a person who constructs or repairs individual sewage treatment
70.30 systems.

70.31 (l) "Local unit of government" means a township, city, or county.

70.32 (m) "Performance-based system" means a system that is designed specifically for a
70.33 site and the environmental conditions on that site and designed to adequately protect the
70.34 public health and the environment and provide long-term performance. At a minimum, a

71.1 performance based system must ensure that applicable water quality standards are met in
71.2 both ground and surface water that ultimately receive the treated wastewater.

71.3 (n) "Pumper" means a person who maintains components of individual sewage
71.4 treatment systems including, but not limited to, septic, aerobic, and holding tanks.

71.5 ~~(n)~~ (o) "Seasonal dwelling" means a dwelling that is occupied or used for less than
71.6 180 days per year and less than 120 consecutive days.

71.7 ~~(o)~~ (p) "Septic system tank" means any covered receptacle designed, constructed,
71.8 and installed as part of an individual sewage treatment system.

71.9 ~~(p)~~ (q) "Site evaluator or designer" means a person who:

71.10 (1) investigates soils and site characteristics to determine suitability, limitations, and
71.11 sizing requirements; and

71.12 (2) designs individual sewage treatment systems.

71.13 ~~(q)~~ (r) "Straight-pipe system" means a sewage disposal system that includes toilet
71.14 waste and transports raw or partially settled sewage directly to a lake, a stream, a drainage
71.15 system, or ground surface.

71.16 Sec. 65. Minnesota Statutes 2006, section 115.55, subdivision 2, is amended to read:

71.17 Subd. 2. **Local ordinances.** (a) All counties ~~that did not adopt ordinances by~~
71.18 ~~May 7, 1994, or that do not have ordinances,~~ must adopt ordinances that comply with
71.19 revisions to the individual sewage treatment system rules by January 1, 1999, unless all
71.20 ~~towns and cities in the county have adopted such ordinances~~ within two years of the final
71.21 adoption by the agency. County ordinances must apply to all areas of the county other
71.22 than cities or towns that have adopted ordinances that comply with this section and are
71.23 as strict as the applicable county ordinances. ~~Any ordinance adopted by a local unit of~~
71.24 ~~government before May 7, 1994, to regulate individual sewage treatment systems must be~~
71.25 ~~in compliance with the individual sewage treatment system rules by January 1, 1998.~~

71.26 (b) A copy of each ordinance adopted under this subdivision must be submitted to
71.27 the commissioner upon adoption.

71.28 (c) A local unit of government must make available to the public upon request a
71.29 written list of any differences between its ordinances and rules adopted under this section.

71.30 Sec. 66. Minnesota Statutes 2006, section 115.55, subdivision 3, is amended to read:

71.31 Subd. 3. **Rules.** (a) The agency shall adopt rules containing minimum standards and
71.32 criteria for the design, location, installation, use, and maintenance of individual sewage
71.33 treatment systems. The rules must include:

71.34 (1) how the agency will ensure compliance under subdivision 2;

(2) how local units of government shall enforce ordinances under subdivision 2, including requirements for permits and inspection programs;

(3) how the advisory committee will participate in review and implementation of the rules;

(4) provisions for ~~alternative~~ nonstandard systems and performance-based systems;

(5) provisions for handling and disposal of effluent;

(6) provisions for system abandonment; and

(7) procedures for variances, including the consideration of variances based on cost and variances that take into account proximity of a system to other systems.

(b) The agency shall consult with the advisory committee before adopting rules under this subdivision.

(c) Notwithstanding the repeal of the agency rule under which the commissioner has established a list of warrantied individual sewage treatment systems, the warranties for all systems so listed as of the effective date of the repeal shall continue to be valid for the remainder of the warranty period.

(d) The rules required in paragraph (a) must also address the following:

(1) a definition of redoximorphic features and other criteria that can be used by system designers and inspectors;

(2) direction on the interpretation of observed soil features that may be redoximorphic and their relation to zones of seasonal saturation; and

(3) procedures on how to resolve professional disagreements on seasonally saturated soils.

These rules must be in place by March 31, 2006.

Sec. 67. Minnesota Statutes 2006, section 115.55, is amended by adding a subdivision to read:

Subd. 12. Advisory committee; county individual sewage treatment system management plan. (a) A county may adopt an individual sewage treatment system management plan that describes how the county plans on carrying out individual sewage treatment system needs. The commissioner of the Pollution Control Agency shall form an advisory committee to determine what the plans should address. The advisory committee shall be made up of representatives of the Association of Minnesota Counties, Pollution Control Agency, Board of Water and Soil Resources, Department of Health, and other public agencies that have an interest in individual sewage treatment systems.

(b) The advisory committee shall advise the agency on the standards, management, monitoring, and reporting requirements for performance-based systems.

73.1 Sec. 68. Minnesota Statutes 2006, section 116C.92, is amended to read:

73.2 **116C.92 COORDINATION OF ACTIVITIES.**

73.3 Subdivision 1. State coordinating organization. The Environmental Quality Board
73.4 is designated the state coordinating organization for state and federal regulatory activities
73.5 relating to genetically engineered organisms.

73.6 Subd. 2. Notice of nationwide action. The board shall notify interested parties if a
73.7 permit to release genetically engineered wild rice is issued anywhere in the United States.
73.8 For purposes of this subdivision, "interested parties" means:

73.9 (1) the state's wild rice industry;

73.10 (2) the legislature;

73.11 (3) federally recognized tribes within Minnesota; and

73.12 (4) individuals who request to be notified.

73.13 Sec. 69. Minnesota Statutes 2006, section 116C.94, subdivision 1, is amended to read:

73.14 Subdivision 1. **General authority.** (a) Except as provided in paragraph (b), the
73.15 board shall adopt rules consistent with sections 116C.91 to 116C.96 that require an
73.16 environmental assessment worksheet and otherwise comply with chapter 116D and rules
73.17 adopted under it for a proposed release and a permit for a release. The board may place
73.18 conditions on a permit and may deny, modify, suspend, or revoke a permit.

73.19 (b) The board shall adopt rules that require an environmental impact statement and
73.20 otherwise comply with chapter 116D and rules adopted under it for a proposed release and
73.21 a permit for a release of genetically engineered wild rice. The board may place conditions
73.22 on the permit and may deny, modify, suspend, or revoke the permit.

73.23 Sec. 70. Minnesota Statutes 2006, section 116C.97, subdivision 2, is amended to read:

73.24 Subd. 2. **Federal oversight.** (a) If the board determines, upon its own volition or at
73.25 the request of any person, that a federal program exists for regulating the release of certain
73.26 genetically engineered organisms and the federal oversight under the program is adequate
73.27 to protect human health or the environment, then any person may release such genetically
73.28 engineered organisms after obtaining the necessary federal approval and without obtaining
73.29 a state release permit or a significant environmental permit or complying with the other
73.30 requirements of sections 116C.91 to 116C.96 and the rules of the board adopted pursuant
73.31 to section 116C.94.

73.32 (b) If the board determines the federal program is adequate to meet only certain
73.33 requirements of sections 116C.91 to 116C.96 and the rules of the board adopted pursuant
73.34 to section 116C.94, the board may exempt such releases from those requirements.

(c) A person proposing a release for which a federal authorization is required may apply to the board for an exemption from the board's permit or to a state agency with a significant environmental permit for the proposed release for an exemption from the agency's permit. The proposer must file with the board or state agency a written request for exemption with a copy of the federal application and the information necessary to determine if there is a potential for significant environmental effects under chapter 116D and rules adopted under it. The board or state agency shall give public notice of the request in the first available issue of the EQB Monitor and shall provide an opportunity for public comment on the environmental review process consistent with chapter 116D and rules adopted under it. The board or state agency may grant the exemption if the board or state agency finds that the federal authorization issued is adequate to meet the requirements of chapter 116D and rules adopted under it and any other requirement of the board's or state agency's authority regarding the release of genetically engineered organisms. The board or state agency must grant or deny the exemption within 45 days after the receipt of the written request and the information required by the board or state agency.

(d) This subdivision does not apply to genetically engineered organisms for which an environmental impact statement is required under sections 116C.91 to 116C.96.

Sec. 71. Minnesota Statutes 2006, section 296A.18, subdivision 4, is amended to read:

Subd. 4. **All-terrain vehicle.** Approximately ~~0.15~~ 0.27 of one percent of all gasoline received in or produced or brought into this state, except gasoline used for aviation purposes, is being used for the operation of all-terrain vehicles in this state, and of the total revenue derived from the imposition of the gasoline fuel tax, ~~0.15~~ 0.27 of one percent is the amount of tax on fuel used in all-terrain vehicles operated in this state.

Sec. 72. Laws 2003, chapter 128, article 1, section 169, is amended to read:

Sec. 169. **CONTINUOUS TRAIL DESIGNATION.**

(a) The commissioner of natural resources shall locate, plan, design, map, construct, designate, and sign a new trail for use by all-terrain vehicles and off-highway motorcycles of not less than 70 continuous miles in length on any land owned by the state or in cooperation with any county on land owned by that county or on a combination of any of these lands. This new trail shall be ready for use by ~~April 1, 2007~~ June 30, 2009.

(b) All funding for this new trail shall come from the all-terrain vehicle dedicated account and is appropriated each year as needed.

(c) This new trail shall have at least two areas of access complete with appropriate parking for vehicles and trailers and enough room for loading and unloading all-terrain

vehicles. Some existing trails, that are strictly all-terrain vehicle trails, and are not inventoried forest roads, may be incorporated into the design of this new all-terrain vehicle trail. This new trail may be of a continuous loop design and shall provide for spurs to other all-terrain vehicle trails as long as those spurs do not count toward the 70 continuous miles of this new all-terrain vehicle trail. Four rest areas shall be provided along the way.

Sec. 73. Laws 2006, chapter 236, article 1, section 21, is amended to read:

**Sec. 21. EXCHANGE OF TAX-FORFEITED LAND; PRIVATE SALE;
ITASCA COUNTY.**

(a) For the purpose of a land exchange for use in connection with a proposed steel mill in Itasca County referenced in Laws 1999, chapter 240, article 1, section 8, subdivision 3, title examination and approval of the land described in paragraph (b) shall be undertaken as a condition of exchange of the land for class B land, and shall be governed by Minnesota Statutes, section 94.344, subdivisions 9 and 10, and the provisions of this section. Notwithstanding the evidence of title requirements in Minnesota Statutes, section 94.344, subdivisions 9 and 10, the county attorney shall examine one or more title reports or title insurance commitments prepared or underwritten by a title insurer licensed to conduct title insurance business in this state, regardless of whether abstracts were created or updated in the preparation of the title reports or commitments. The opinion of the county attorney, and approval by the attorney general, shall be based on those title reports or commitments.

(b) The land subject to this section is located in Itasca County and is described as:

(1) Sections 3, 4, 7, 10, 14, 15, 16, 17, 18, 20, 21, 22, 23, 26, 28, and 29, Township 56 North, Range 22 West;

(2) Sections 3, 4, 9, 10, 13, and 14, Township 56 North, Range 23 West;

(3) Section 30, Township 57 North, Range 22 West; and

(4) Sections 25, 26, 34, 35, and 36, Township 57 North, Range 23 West.

(c) Riparian land given in exchange by Itasca County for the purpose of the steel mill referenced in paragraph (a), is exempt from the restrictions imposed by Minnesota Statutes, section 94.342, subdivision 3.

(d) Notwithstanding Minnesota Statutes, sections 92.45 and 282.018, subdivision 1, and the public sale provisions of Minnesota Statutes, chapter 282, Itasca County may sell, by private sale, any land received in exchange for the purpose of the steel mill referenced in paragraph (a), under the remaining provisions of Minnesota Statutes, chapter 282. The sale must be in a form approved by the attorney general.

76.1 (e) Notwithstanding Minnesota Statutes, section 284.28, subdivision 8, or any other
76.2 law to the contrary, land acquired through an exchange under this section is exempt from
76.3 payment of three percent of the sales price required to be collected by the county auditor
76.4 at the time of sale for deposit in the state treasury.

76.5 Sec. 74. **ENDOCRINE DISRUPTOR REPORT.**

76.6 The commissioner of the Pollution Control Agency shall prepare a report on
76.7 strategies to prevent the entry of endocrine disruptors into waters of the state. The report
76.8 must include an estimate for each strategy of the proportion of endocrine disruptors that
76.9 are prevented from entering the waters of the state. The commissioner shall submit the
76.10 report to the house and senate committees having jurisdiction over environment and
76.11 natural resources policy and finance by January 15, 2008.

76.12 Sec. 75. **EASEMENT REPORT REQUIRED.**

76.13 By January 1, 2008, the commissioner of natural resources must report to the
76.14 house and senate committees with jurisdiction over environment and natural resources
76.15 finance with proposed minimum legal and conservation standards that could be applied
76.16 to conservation easements acquired with public money.

76.17 Sec. 76. **TAX-FORFEITED LANDS LEASE; ITASCA COUNTY.**

76.18 Notwithstanding Minnesota Statutes, section 282.04, or other law to the contrary,
76.19 the Itasca County auditor may lease tax-forfeited land to Minnesota Steel for a period of
76.20 20 years, for use as a tailings basin and buffer area. A lease entered under this section
76.21 is renewable.

76.22 Sec. 77. **WILD RICE STUDY.**

76.23 By February 15, 2008, the commissioner of natural resources must prepare a study
76.24 for natural wild rice that includes:

- 76.25 (1) the current location and estimated acreage and area of natural stands;
76.26 (2) identified threats to natural stands, including, but not limited to, development
76.27 pressure, water levels, pollution, invasive species, and genetic strains; and
76.28 (3) recommendations to the house and senate committees with jurisdiction over
76.29 natural resources on protecting and increasing natural wild rice stands in the state.

76.30 In developing the study, the commissioner must contact and ask for comments
76.31 from the state's wild rice industry, the commissioner of agriculture, local officials with

77.1 significant areas of wild rice within their jurisdictions, tribal leaders within affected
77.2 federally recognized tribes, and interested citizens.

77.3 **EFFECTIVE DATE.** This section is effective the day following final enactment.

77.4 Sec. 78. **CONSTRUCTION.**

77.5 Nothing in sections 68, 69, 70, and 77 affects, alters, or modifies the authorities,
77.6 responsibilities, obligations, or powers of the state or any political subdivision thereof or
77.7 any federally recognized tribe.

77.8 Sec. 79. **TECHNICAL ASSISTANCE.**

77.9 The commissioner of the Pollution Control Agency shall establish a database of
77.10 best practices regarding the installation, management, and maintenance of individual
77.11 sewage treatment systems. The database must be made available to any interested public
77.12 or private party.

77.13 Sec. 80. **RULEMAKING.**

77.14 Within 90 days of the effective date of this section, the Board of Water and Soil
77.15 Resources shall adopt rules that amend Minnesota Rules, chapter 8420, to incorporate
77.16 statute changes and to address the related wetland exemption provisions in Minnesota
77.17 Rules, parts 8420.0115 to 8420.0210, and the wetland replacement and banking provisions
77.18 in Minnesota Rules, parts 8420.0500 to 8420.0760. These rules are exempt from the
77.19 rulemaking provisions of Minnesota Statutes, chapter 14, except that Minnesota Statutes,
77.20 section 14.386, applies and the proposed rules must be submitted to the senate and house
77.21 committees having jurisdiction over environment and natural resources at least 30 days
77.22 prior to being published in the State Register. The amended rules are effective for two
77.23 years from the date of publication in the State Register unless they are superseded by
77.24 permanent rules.

77.25 **EFFECTIVE DATE.** This section is effective the day following final enactment.

77.26 Sec. 81. **VERMILLION HIGHLANDS WILDLIFE MANAGEMENT AREA.**

77.27 (a) The following area is established and designated as the Vermillion Highlands
77.28 Wildlife Management Area, subject to the special permitted uses authorized in this section:

77.29 The approximately 2,840 acres owned by the University of Minnesota lying within
77.30 the area legally described as approximately the southerly 3/4 of the Southwest 1/4 of
77.31 Section 1, the Southeast 1/4 of Section 2, the East 1/2 of Section 10, Section 11, the

78.1 West 1/2 of Section 12, Section 13, and Section 14, all in Township 114 North, Range
78.2 19 West, Dakota County.

78.3 (b) Notwithstanding Minnesota Statutes, section 86A.05, subdivision 8, paragraph
78.4 (c), permitted uses in the Vermillion Highlands Wildlife Management Area include:

78.5 (1) education, outreach, and agriculture with the intent to eventually phase out
78.6 agriculture leases and plant and restore native prairie;

78.7 (2) research by the University of Minnesota or other permitted researchers;

78.8 (3) hiking, hunting, fishing, trapping, and other compatible wildlife-related
78.9 recreation of a natural outdoors experience, without constructing new hard surface trails
78.10 or roads, and supporting management and improvements;

78.11 (4) designated trails for hiking, horseback riding, biking, and cross-country skiing
78.12 and necessary trailhead support with minimal impact on the permitted uses in clause (3);

78.13 (5) shooting sports facilities for sporting clays, skeet, American and international
78.14 trapshooting, and rifle and pistol shooting, including sanctioned events and training for
78.15 responsible handling and use of firearms;

78.16 (6) grant-in-aid snowmobile trails; and

78.17 (7) leases for small-scale farms to market vegetable farming.

78.18 (c) With the concurrence of representatives of the University of Minnesota and
78.19 Dakota County, the commissioner of natural resources may, by posting or rule, restrict the
78.20 permitted uses as follows:

78.21 (1) temporarily close areas or trails, by posting at the access points, to facilitate
78.22 hunting. When temporarily closing trails under this clause, the commissioner shall avoid
78.23 closing all trail loops simultaneously whenever practical; or

78.24 (2) limit other permitted uses to accommodate hunting and trapping after providing
78.25 advance public notice. Research conducted by the university may not be limited unless
78.26 mutually agreed by the commissioner and the University of Minnesota.

78.27 (d) Road maintenance within the wildlife management area shall be minimized, with
78.28 the intent to abandon interior roads when no longer needed for traditional agriculture
78.29 purposes.

78.30 (e) Money collected on leases from lands within the wildlife management area
78.31 must be kept in a separate account and spent within the wildlife management area under
78.32 direction of the representatives listed in paragraph (c). \$200,000 of this money may be
78.33 transferred to the commissioner of natural resources for a master planning process and
78.34 resource inventory of the land identified in Minnesota Statutes, section 137.50, subdivision
78.35 6, in order to provide needed prairie and wetland restoration. The commissioner must work

79.1 with affected officials from the University of Minnesota and Dakota County to complete
79.2 these requirements and inform landowners and lessees about the planning process.
79.3 (f) Notwithstanding Minnesota Statutes, sections 97A.061 and 477A.11, the state
79.4 of Minnesota shall not provide payments in lieu of taxes for the lands described in
79.5 paragraph (a).

79.6 Sec. 82. **REPEALER.**

79.7 (a) Minnesota Statutes 2006, section 89A.11, is repealed.

79.8 (b) Minnesota Statutes 2006, section 103G.2241, subdivision 8, is repealed.

79.9 **EFFECTIVE DATE.** Paragraph (a) of this section is effective July 1, 2007.

79.10 Paragraph (b) of this section is effective the day following final enactment.