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State of Minnesota

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HOUSE OF REPRESENTATIVES

Unofficial Engrossment

House Engrossment of a Senate File

NINETY-THIRD SESSION

S. F. No. 2904

- 04/27/2023 Companion to House File No. 2774. (Authors:Hansen, R.,)
Read First Time and Sent for Comparison
- 05/01/2023 Substituted for H. F. No. 2774
- 05/22/2023 Pursuant to Rule 4.20, returned to the Committee on Environment and Natural Resources Finance and Policy
- 04/02/2024 Adoption of Report: Placed on the General Register as Amended
Read for the Second Time

1.1 A bill for an act

1.2 relating to natural resources; providing for new electronic licensing system;

1.3 providing for native rough fish and making conforming changes to provisions for

1.4 aquatic farm licenses and taking and possessing fish; modifying provisions for

1.5 watersheds, soil and water conservation districts, and wetland management;

1.6 modifying wetland banking program and conservation easement programs;

1.7 clarifying jurisdiction for riparian protection and water quality; extending provisions

1.8 to apportion drainage repair costs; eliminating grants to control beaver damage;

1.9 modifying authority and duties of Board of Water and Soil Resources; modifying

1.10 provisions for native prairie bank; providing for Fish and Wildlife Advisory

1.11 Committee; modifying feral swine provisions; authorizing rulemaking; requiring

1.12 reports; amending Minnesota Statutes 2022, sections 14.386; 17.4983, subdivision

1.13 2; 17.4984, subdivision 2; 17.4988, subdivision 4; 17.4992, subdivisions 1, 3;

1.14 17.4996; 41A.02, subdivision 6; 84.027, subdivision 15; 84.0874; 84.152,

1.15 subdivision 3; 84.788, subdivision 11; 84.798, subdivision 10; 84.8035, subdivision

1.16 1; 84.82, subdivisions 2a, 11; 84.8205; 84.83, subdivision 2; 84.922, subdivision

1.17 12; 84.96, subdivisions 2, 3, 5; 84B.061; 85.41, subdivisions 1, 4; 85.45, subdivision

1.18 1; 85.46, subdivision 3; 86B.415, subdivision 11; 97A.015, subdivisions 3a, 3b,

1.19 39, 43, by adding a subdivision; 97A.055, subdivision 4b; 97A.075, subdivision

1.20 2; 97A.215, by adding a subdivision; 97A.255, subdivision 5; 97A.341, subdivision

1.21 1; 97A.405, subdivisions 3, 4, 4a; 97A.420, as amended; 97A.421, subdivision 2;

1.22 97A.445, by adding a subdivision; 97A.473, subdivisions 1, 3, 4, 5, 5a; 97A.474,

1.23 subdivision 3; 97A.475, subdivision 39; 97A.481; 97A.485, subdivision 6; 97A.535,

1.24 subdivisions 1, 2, 2a, 4; 97A.551, subdivisions 2, 6; 97A.56, subdivision 1;

1.25 97B.055, subdivision 2; 97B.106; 97B.303; 97B.401; 97B.603; 97B.716,

1.26 subdivision 2; 97B.721; 97C.025; 97C.035, subdivision 3; 97C.045; 97C.081,

1.27 subdivision 3a; 97C.087; 97C.211, subdivision 5; 97C.301, subdivision 2a;

1.28 97C.355, subdivision 2; 97C.375; 97C.376, subdivisions 1, 5; 97C.381; 97C.385;

1.29 97C.391, subdivision 1; 97C.395, subdivision 2; 97C.505, subdivision 8; 97C.801,

1.30 subdivision 2; 97C.805, subdivisions 1, 4; 97C.811, subdivision 2; 97C.831,

1.31 subdivision 1; 97C.835, subdivisions 2, 3; 97C.865, subdivision 1; 103B.101,

1.32 subdivision 13; 103C.005; 103C.221; 103C.331, subdivisions 3, 5, 6, 7, 8, 9, 10,

1.33 11, 12, 13, 14, 15, 16, by adding subdivisions; 103D.011, subdivision 10; 103D.201,

1.34 subdivision 2; 103D.205, subdivision 4; 103D.251, subdivisions 5, 6; 103D.255;

1.35 103D.261, subdivisions 1, 2; 103D.271, subdivision 7; 103D.301, subdivisions 1,

1.36 3; 103D.305, subdivisions 2, 5; 103D.311, subdivision 4; 103D.315, subdivisions

1.37 9, 10; 103D.321, subdivision 1; 103D.331, subdivision 2; 103D.335, subdivision

1.38 11; 103D.341, subdivision 1; 103D.345, subdivision 4; 103D.355, subdivision 1;

2.1 103D.401; 103D.405, subdivision 1; 103D.535, subdivision 3; 103D.701;
2.2 103D.705, subdivision 1, by adding a subdivision; 103D.711, subdivisions 3, 4,
2.3 6; 103D.715, subdivision 1; 103D.729, subdivisions 1, 2; 103D.731; 103D.745,
2.4 subdivision 3; 103D.805; 103D.811, subdivision 3; 103D.901, subdivision 2;
2.5 103E.729, subdivision 9; 103F.48, subdivision 1; 103F.511, by adding subdivisions;
2.6 103F.515; 103F.535, subdivision 5; 103G.005, subdivisions 14d, 17b; 103G.222,
2.7 subdivision 1; 103G.2241, subdivisions 1, 2, 6, 9; 103G.2242, subdivisions 2, 2a,
2.8 3; 116.0711, subdivision 1; Minnesota Statutes 2023 Supplement, sections 84.83,
2.9 subdivision 3; 97A.405, subdivision 2; 97B.037; 97C.041; 97C.371, subdivision
2.10 1; 103G.005, subdivision 19; 103G.2242, subdivision 1; proposing coding for new
2.11 law in Minnesota Statutes, chapters 103D; 103F; repealing Minnesota Statutes
2.12 2022, sections 97A.015, subdivision 27a; 97A.485, subdivision 13; 103A.206;
2.13 103D.315, subdivision 4; 103D.405, subdivisions 2, 3, 4, 5, 6; 103D.411; 103D.601;
2.14 103D.605, subdivisions 1, 2, 3, 4; 103D.611; 103D.711, subdivision 1; 103F.511,
2.15 subdivision 8b; 103F.950; Minnesota Statutes 2023 Supplement, section 103D.605,
2.16 subdivision 5; Minnesota Rules, parts 8400.3000; 8400.3030; 8400.3110;
2.17 8400.3210; 8400.3260; 8400.3300; 8400.3400; 8400.3460; 8400.3600; 8400.3610;
2.18 8400.3630; 8400.3700; 8400.3730; 8400.3800; 8400.3830; 8400.3930.

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

2.20 **ARTICLE 1**

2.21 **ELECTRONIC LICENSE SYSTEM**

2.22 Section 1. Minnesota Statutes 2022, section 14.386, is amended to read:

2.23 **14.386 PROCEDURE FOR ADOPTING EXEMPT RULES; DURATION.**

2.24 (a) A rule adopted, amended, or repealed by an agency, under a statute enacted after
2.25 January 1, 1997, authorizing or requiring rules to be adopted but excluded from the
2.26 rulemaking provisions of chapter 14 or from the definition of a rule, has the force and effect
2.27 of law only if:

2.28 (1) the revisor of statutes approves the form of the rule by certificate;

2.29 (2) the person authorized to adopt the rule on behalf of the agency signs an order adopting
2.30 the rule;

2.31 (3) the Office of Administrative Hearings approves the rule as to its legality within 14
2.32 days after the agency submits it for approval and files four paper copies or an electronic
2.33 copy of the adopted rule with the revisor's certificate in the Office of the Secretary of State;
2.34 and

2.35 (4) a copy is published by the agency in the State Register.

2.36 The secretary of state shall forward one copy of the rule to the governor.

2.37 A statute enacted after January 1, 1997, authorizing or requiring rules to be adopted but
2.38 excluded from the rulemaking provisions of chapter 14 or from the definition of a rule does
2.39 not excuse compliance with this section unless it makes specific reference to this section.

3.1 (b) A rule adopted under this section is effective for a period of two years from the date
3.2 of publication of the rule in the State Register. The authority for the rule expires at the end
3.3 of this two-year period.

3.4 (c) The chief administrative law judge shall adopt rules relating to the rule approval
3.5 duties imposed by this section and section 14.388, including rules establishing standards
3.6 for review.

3.7 (d) This section does not apply to:

3.8 (1) any group or rule listed in section 14.03, subdivisions 1 and 3, except as otherwise
3.9 provided by law;

3.10 (2) game and fish rules of the commissioner of natural resources adopted under section
3.11 84.027, subdivision 13, or sections 97A.0451 to 97A.0459;

3.12 (3) experimental and special management waters designated by the commissioner of
3.13 natural resources under sections 97C.001 and 97C.005;

3.14 (4) game refuges designated by the commissioner of natural resources under section
3.15 97A.085; or

3.16 (5) transaction fees established by the commissioner of natural resources for electronic
3.17 or telephone sales of licenses, stamps, permits, registrations, or transfers under section
3.18 84.027, subdivision 15, paragraph (a), clause ~~(3)~~ (2).

3.19 (e) If a statute provides that a rule is exempt from chapter 14, and section 14.386 does
3.20 not apply to the rule, the rule has the force of law unless the context of the statute delegating
3.21 the rulemaking authority makes clear that the rule does not have force of law.

3.22 Sec. 2. Minnesota Statutes 2022, section 84.027, subdivision 15, is amended to read:

3.23 Subd. 15. **Electronic transactions.** (a) The commissioner may receive an application
3.24 for, sell, and issue any license, stamp, permit, pass, sticker, gift card, safety training
3.25 certification, registration, or transfer under the jurisdiction of the commissioner by electronic
3.26 means, including by telephone. Notwithstanding section 97A.472, electronic and telephone
3.27 transactions may be made outside of the state. The commissioner may:

3.28 (1) provide for the electronic transfer of funds generated by electronic transactions,
3.29 including by telephone;

3.30 ~~(2) assign an identification number to an applicant who purchases a hunting or fishing~~
3.31 ~~license or recreational vehicle registration by electronic means, to serve as temporary~~

4.1 ~~authorization to engage in the activity requiring a license or registration until the license or~~
4.2 ~~registration is received or expires;~~

4.3 ~~(3)~~ (2) charge and permit agents to charge a fee of individuals who make electronic
4.4 transactions and transactions by telephone or Internet, including issuing fees and an additional
4.5 transaction fee not to exceed \$3.50;

4.6 ~~(4)~~ (3) charge and permit agents to charge a convenience fee not to exceed three percent
4.7 of the cost of the license to individuals who use electronic bank cards for payment. An
4.8 electronic licensing system agent charging a fee of individuals making an electronic bank
4.9 card transaction in person must post a sign informing individuals of the fee. The sign must
4.10 be near the point of payment, clearly visible, include the amount of the fee, and state:
4.11 "License agents are allowed by state law to charge a fee not to exceed three percent of the
4.12 cost of state licenses to persons who use electronic bank cards for payment. The fee is not
4.13 required by state law.";

4.14 ~~(5)~~ (4) establish, by written order, an electronic licensing system commission to be paid
4.15 by revenues generated from all sales made through the electronic licensing system. The
4.16 commissioner shall establish the commission in a manner that neither significantly
4.17 overrecovers nor underrecovers costs involved in providing the electronic licensing system;
4.18 and

4.19 ~~(6)~~ (5) adopt rules to administer the provisions of this subdivision.

4.20 (b) The fees established under paragraph (a), clauses (2) and (3) ~~and (4)~~, and the
4.21 commission established under paragraph (a), clause ~~(5)~~ (4), are not subject to the rulemaking
4.22 procedures of chapter 14 and section 14.386 does not apply.

4.23 (c) Money received from fees and commissions collected under this subdivision, including
4.24 interest earned, is annually appropriated from the game and fish fund and the natural
4.25 resources fund to the commissioner for the cost of electronic licensing.

4.26 (d) Game and fish licenses under chapters 97A, 97B, and 97C shall be available by
4.27 electronic transaction, regardless of whether all or any part of the biennial appropriation
4.28 law for the department has been enacted. If, by July 1 of an odd-numbered year, legislation
4.29 has not been enacted to appropriate money to the commissioner of management and budget
4.30 for central accounting, procurement, payroll, and human resources functions, amounts
4.31 necessary to operate those functions for the purpose of this paragraph are appropriated from
4.32 the general fund to the commissioner of management and budget. As necessary, the
4.33 commissioner may transfer a portion of this appropriation to other state agencies to support
4.34 carrying out these functions. Any subsequent appropriation to the commissioner of

5.1 management and budget for a biennium in which this section is applicable supersedes and
5.2 replaces the funding authorized in this paragraph.

5.3 Sec. 3. Minnesota Statutes 2022, section 84.0874, is amended to read:

5.4 **84.0874 ELECTRONIC LICENSING SYSTEM DATA.**

5.5 (a) The following data created, collected, stored, or maintained by the department for
5.6 purposes of obtaining a noncommercial game and fish license, cross-country-ski pass, horse
5.7 pass, or snowmobile trail ~~sticker~~ pass; registering a recreational motor vehicle; or any other
5.8 electronic licensing transaction are private data on individuals as defined in section 13.02,
5.9 subdivision 12: name, addresses, driver's license number, and date of birth. The data may
5.10 be disclosed for law enforcement purposes. The data, other than the driver's license number,
5.11 may be disclosed to a government entity and for natural resources management purposes,
5.12 including recruitment, retention, and training certification and verification.

5.13 (b) Private data on individuals under paragraph (a) may be disclosed as follows:

5.14 (1) for use by any government agency, including a court or law enforcement agency, in
5.15 carrying out its functions, or any private person or entity acting on behalf of a federal, state,
5.16 or local agency in carrying out its functions;

5.17 (2) for use in connection with matters of vehicle or operator safety and theft, emissions,
5.18 product alterations, recalls or advisories, and performance monitoring;

5.19 (3) for use in the normal course of business by a legitimate business or its agents,
5.20 employees, or contractors, in order to verify the accuracy of personal information submitted
5.21 by an individual. If the information as submitted is not correct or is no longer correct, correct
5.22 information may be obtained only for the purpose of preventing fraud by, pursuing legal
5.23 remedies against, or recovering on a debt or security interest against the individual. If the
5.24 person requesting access is acting as the agent of a lienholder, the requester must submit
5.25 proof of a contract with the lienholder;

5.26 (4) for use in connection with any civil, criminal, administrative, or arbitration
5.27 proceedings in any federal, state, or local court or agency or before any self-regulatory body,
5.28 including service of process, investigation in anticipation of litigation, and the execution or
5.29 enforcement of judgments and orders, or pursuant to an order of a federal, state, or local
5.30 court, provided that the requester provides a copy of the court order;

5.31 (5) for use by any insurer or insurance support organization, or by a self-insured entity,
5.32 or its agents, employees, or contractors, in connection with claims investigation activities

6.1 or antifraud activities. If the person requesting access is an agent of an insurance company,
6.2 the requester must provide the insurance company's name;

6.3 (6) for use in providing notice to the owners of towed or impounded recreational vehicles
6.4 or watercraft. The person requesting access must provide the name, address, and telephone
6.5 number of the entity that requested that the recreational vehicle or watercraft be towed;

6.6 (7) for use by any licensed private investigative agency or licensed security service for
6.7 any purpose permitted under this section, provided that the person provides a copy of a
6.8 valid license; or

6.9 (8) where the use is related to the physical safety or security of operators, vehicles,
6.10 pedestrians, or property.

6.11 The commissioner must not disclose data under this paragraph if the commissioner concludes
6.12 that the requester is likely to use the data for an improper purpose or other purpose not
6.13 authorized by this paragraph.

6.14 Sec. 4. Minnesota Statutes 2022, section 84.152, subdivision 3, is amended to read:

6.15 Subd. 3. **Application.** (a) ~~An application for a wild rice dealer's license must be made~~
6.16 ~~under a written oath.~~ The form of application for a wild rice dealer's license application
6.17 must include:

6.18 (1) the amount of wild rice, whether raw or processed, bought or sold by the applicant
6.19 during the preceding calendar year;

6.20 (2) the amount of wild rice the applicant estimates will be bought or sold under the
6.21 license; and

6.22 (3) other pertinent information required by the commissioner.

6.23 (b) The license fee must be paid in advance, based on the applicant's estimate. A license
6.24 may not be issued for a fee based on a lesser amount of wild rice than was bought or sold
6.25 by the applicant during the preceding calendar year.

6.26 Sec. 5. Minnesota Statutes 2022, section 84.788, subdivision 11, is amended to read:

6.27 Subd. 11. **Refunds.** The commissioner may issue a refund on a registration, not including
6.28 any issuing fees paid under subdivision 3, paragraph (e), or section 84.027, subdivision 15,
6.29 paragraph (a), clause ~~(3)~~ (2), if the refund request is received within 12 months of the original
6.30 registration and:

7.1 (1) the off-highway motorcycle was registered incorrectly by the commissioner or the
7.2 deputy registrar; or

7.3 (2) the off-highway motorcycle was registered twice, once by the dealer and once by
7.4 the customer.

7.5 Sec. 6. Minnesota Statutes 2022, section 84.798, subdivision 10, is amended to read:

7.6 Subd. 10. **Refunds.** The commissioner may issue a refund on a registration, not including
7.7 any issuing fees paid under subdivision 3, paragraph (b), or section 84.027, subdivision 15,
7.8 paragraph (a), clause ~~(3)~~ (2), if the refund request is received within 60 days of the original
7.9 registration, the registration is not used or transferred, and:

7.10 (1) the off-road vehicle was registered incorrectly; or

7.11 (2) the off-road vehicle was registered twice, once by the dealer and once by the customer.

7.12 Sec. 7. Minnesota Statutes 2022, section 84.8035, subdivision 1, is amended to read:

7.13 Subdivision 1. **Pass required; fee.** (a) Except as provided under paragraph (c), a person
7.14 may not operate an off-road vehicle on a state or grant-in-aid off-road vehicle trail or use
7.15 area unless the vehicle displays an off-road vehicle state trail pass ~~sticker~~ issued according
7.16 to this section. The pass must be ~~viewable~~ available to be viewed by a peace officer, a
7.17 conservation officer, or an employee designated under section 84.0835.

7.18 (b) The commissioner of natural resources shall issue a pass upon application and payment
7.19 of the fee. Fees collected under this section, except for the issuing fee for licensing agents,
7.20 shall be deposited in the state treasury and credited to the off-road vehicle account in the
7.21 natural resources fund and, except for the electronic licensing system commission established
7.22 by the commissioner under section 84.027, subdivision 15, must be used for grants-in-aid
7.23 to counties and municipalities for off-road vehicle organizations to construct and maintain
7.24 off-road vehicle trails and use areas.

7.25 (c) An off-road vehicle state trail pass is not required for:

7.26 (1) an off-road vehicle that is owned and used by the United States, another state, or a
7.27 political subdivision thereof that is exempt from registration under section 84.798, subdivision
7.28 2;

7.29 (2) a person operating an off-road vehicle only on the portion of a trail that is owned by
7.30 the person or the person's spouse, child, or parent; or

7.31 (3) a person operating an off-road vehicle that is registered according to section 84.798.

8.1 (d) The fee for an annual nonresident off-road vehicle state trail pass is \$20. The
8.2 nonresident pass is valid from January 1 through December 31. The fee for a nonresident
8.3 three-year pass is \$30.

8.4 (e) The fee for a resident off-road vehicle state trail pass is \$20. The resident pass is
8.5 valid for 30 consecutive days after the date of issuance.

8.6 Sec. 8. Minnesota Statutes 2022, section 84.82, subdivision 2a, is amended to read:

8.7 Subd. 2a. **Nontrail use registration.** A snowmobile may be registered for nontrail use.
8.8 A snowmobile registered under this subdivision may not be operated on a state or grant-in-aid
8.9 snowmobile trail. The fee for a nontrail use registration of a snowmobile with an engine
8.10 displacement that is greater than 125 cubic centimeters is \$45 for three years. A nontrail
8.11 use registration is not transferable. In addition to other penalties prescribed by law, the
8.12 penalty for violation of this subdivision is immediate revocation of the nontrail use
8.13 registration. The commissioner shall ensure that the registration ~~sticker~~ provided for limited
8.14 nontrail use is of a different color and is distinguishable from other snowmobile registration
8.15 ~~and state trail stickers~~ provided.

8.16 Sec. 9. Minnesota Statutes 2022, section 84.82, subdivision 11, is amended to read:

8.17 Subd. 11. **Refunds.** The commissioner may issue a refund on a registration, not including
8.18 any issuing fees paid under subdivision 2, paragraph (e), or section 84.027, subdivision 15,
8.19 paragraph (a), clause ~~(3)~~ (2), if the refund request is received within 60 days of the original
8.20 registration, the registration is not used or transferred, and:

8.21 (1) the snowmobile was registered incorrectly; or

8.22 (2) the snowmobile was registered twice, once by the dealer and once by the customer.

8.23 Sec. 10. Minnesota Statutes 2022, section 84.8205, is amended to read:

8.24 **84.8205 SNOWMOBILE STATE TRAIL ~~STICKER~~ PASS.**

8.25 Subdivision 1. **Sticker Pass required; fee.** (a) A snowmobile that is not registered in
8.26 the state under section 84.82, subdivision 3, paragraph (a), or that is registered by a
8.27 manufacturer or dealer under section 84.82, subdivision 3, paragraph (b) or (c), may not be
8.28 operated on a state or grant-in-aid snowmobile trail unless a snowmobile state trail ~~sticker~~
8.29 is affixed to the snowmobile pass is available for inspection by a peace officer, a conservation
8.30 officer, or an employee designated under section 84.0835.

9.1 (b) The commissioner of natural resources shall issue a ~~sticker~~ pass upon application
9.2 and payment of a fee. The fee is:

9.3 (1) \$50 for a one-year snowmobile state trail ~~sticker~~ pass purchased by an individual;
9.4 and

9.5 (2) \$15 for a one-year snowmobile state trail ~~sticker~~ pass purchased by a dealer or
9.6 manufacturer.

9.7 (c) In addition to other penalties prescribed by law, an individual in violation of this
9.8 subdivision must purchase an annual state trail ~~sticker~~ pass for a fee of \$70. The ~~sticker~~
9.9 pass is valid from November 1 through June 30. Fees collected under this section, except
9.10 for the issuing fee for licensing agents, shall be deposited in the state treasury and credited
9.11 to the snowmobile trails and enforcement account in the natural resources fund and, except
9.12 for the electronic licensing system commission established by the commissioner under
9.13 section 84.027, subdivision 15, must be used for grants-in-aid, trail maintenance, grooming,
9.14 and easement acquisition.

9.15 (d) A state trail ~~sticker~~ pass is not required under this section for:

9.16 (1) a snowmobile that is owned and used by the United States, an Indian tribal
9.17 government, another state, or a political subdivision thereof that is exempt from registration
9.18 under section 84.82, subdivision 6;

9.19 (2) a collector snowmobile that is operated as provided in a special permit issued for the
9.20 collector snowmobile under section 84.82, subdivision 7a;

9.21 (3) a person operating a snowmobile only on the portion of a trail that is owned by the
9.22 person or the person's spouse, child, or parent; or

9.23 (4) a snowmobile while being used to groom a state or grant-in-aid trail.

9.24 ~~Subd. 2. Placement of sticker. The state trail sticker shall be permanently affixed to~~
9.25 ~~either:~~

9.26 ~~(1) the forward half of the snowmobile directly above or below the headlight of the~~
9.27 ~~snowmobile;~~

9.28 ~~(2) above the expiration year on the top portion of the snowmobile registration validation~~
9.29 ~~decal; or~~

9.30 ~~(3) the lower right corner of a registration plate issued to a dealer or manufacturer under~~
9.31 ~~section 84.82, subdivision 3.~~

10.1 Subd. 3. **License agents.** The commissioner may appoint agents to issue and sell state
10.2 trail ~~stickers~~ passes. The commissioner may revoke the appointment of an agent at any time.
10.3 The commissioner may adopt additional rules as provided in section 97A.485, subdivision
10.4 11. An agent shall observe all rules adopted by the commissioner for accounting and handling
10.5 of ~~stickers~~ passes pursuant to section 97A.485, subdivision 11. An agent shall promptly
10.6 deposit and remit all money received from the sale of the ~~stickers~~ passes, exclusive of the
10.7 issuing fee, to the commissioner.

10.8 Subd. 4. **Issuing ~~stickers~~ passes.** The commissioner and agents shall issue and sell
10.9 snowmobile state trail ~~stickers~~ passes.

10.10 Subd. 5. **Agent's fee.** In addition to the fee for a ~~sticker~~ pass, an issuing fee of \$1 per
10.11 ~~sticker~~ pass shall be charged. The issuing fee may be retained by the seller of the ~~sticker~~
10.12 pass. Issuing fees for ~~stickers~~ passes issued by the commissioner shall be deposited in the
10.13 snowmobile trails and enforcement account in the natural resources fund and retained for
10.14 the operation of the electronic licensing system.

10.15 Subd. 6. **Duplicate state trail ~~stickers~~ passes.** The commissioner and agents shall issue
10.16 a duplicate ~~sticker~~ pass to persons whose ~~sticker~~ pass is lost or destroyed using the process
10.17 established under section 97A.405, subdivision 3, and rules promulgated thereunder. The
10.18 fee for a duplicate state trail ~~sticker~~ pass is \$2, with an issuing fee of 50 cents.

10.19 Sec. 11. Minnesota Statutes 2022, section 84.83, subdivision 2, is amended to read:

10.20 Subd. 2. **Money deposited in account.** Fees from the registration of snowmobiles and
10.21 from the issuance of snowmobile state trail ~~stickers~~ passes and the unrefunded gasoline tax
10.22 attributable to snowmobile use pursuant to section 296A.18 shall be deposited in the state
10.23 treasury and credited to the snowmobile trails and enforcement account.

10.24 Sec. 12. Minnesota Statutes 2023 Supplement, section 84.83, subdivision 3, is amended
10.25 to read:

10.26 Subd. 3. **Purposes; allocation.** (a) The money deposited in the account and interest
10.27 earned on that money may be expended only as appropriated by law for the following
10.28 purposes:

10.29 (1) for a grant-in-aid program to counties and municipalities for construction and
10.30 maintenance of snowmobile trails that are determined by the commissioner to be part of
10.31 the state's grant-in-aid system, including maintenance of trails on lands and waters of
10.32 Voyageurs National Park; on Lake of the Woods; on Rainy Lake; on the following lakes in

11.1 St. Louis County: Burntside, Crane, Little Long, Mud, Pelican, Shagawa, and Vermilion;
11.2 and on the following lakes in Cook County: Devil Track and Hungry Jack. The commissioner
11.3 may establish a performance-based funding formula for annual grants-in-aid. The procedures
11.4 and criteria for grants-in-aid are not subject to the rulemaking provisions of chapter 14, and
11.5 section 14.386 does not apply. In administering the performance-based grants-in-aid, the
11.6 commissioner must:

11.7 (i) determine annual grant amounts based on a funding formula that includes consideration
11.8 of historical costs, snowfall, use, and tourism;

11.9 (ii) make grant payments based on:

11.10 (A) successful completion of performance benchmarks;

11.11 (B) reimbursement of eligible expenditures; or

11.12 (C) a combination of subitems (A) and (B); and

11.13 (iii) assess penalties to nonperforming grant-in-aid recipients, which may include
11.14 withholding grant payments or making the grantee or trail system ineligible for future
11.15 grant-in-aid funding;

11.16 (2) to acquire, develop, and maintain state recreational snowmobile trails;

11.17 (3) for snowmobile safety programs; and

11.18 (4) to administer and enforce sections 84.81 to 84.9011 and appropriated grants to local
11.19 law enforcement agencies.

11.20 (b) No less than 60 percent of revenue collected from snowmobile registration and
11.21 snowmobile state trail ~~sticker~~ pass fees must be expended for grants-in-aid to develop,
11.22 maintain, and groom trails and acquire easements.

11.23 Sec. 13. Minnesota Statutes 2022, section 84.922, subdivision 12, is amended to read:

11.24 Subd. 12. **Refunds.** The commissioner may issue a refund on a registration, not including
11.25 any issuing fees paid under subdivision 2, paragraph (e), or section 84.027, subdivision 15,
11.26 paragraph (a), clause ~~(3)~~ (2), if the refund request is received within 60 days of the original
11.27 registration, the registration is not used or transferred, and:

11.28 (1) the vehicle was registered incorrectly; or

11.29 (2) the vehicle was registered twice, once by the dealer and once by the customer.

12.1 Sec. 14. Minnesota Statutes 2022, section 85.41, subdivision 1, is amended to read:

12.2 Subdivision 1. **Pass in possession.** While skiing on cross-country-ski trails, a person
12.3 age 16 or over shall carry in immediate possession a valid, ~~signed~~ cross-country-ski pass.
12.4 A landowner who grants an easement for a grant-in-aid ski trail is not required to have a
12.5 pass when skiing on the landowner's property.

12.6 Sec. 15. Minnesota Statutes 2022, section 85.41, subdivision 4, is amended to read:

12.7 Subd. 4. **Issuance.** The commissioner and agents shall issue and sell cross-country-ski
12.8 passes. The pass shall be with the skier and available for inspection by any peace or
12.9 conservation officer. The pass shall include the applicant's ~~signature and other~~ information
12.10 deemed necessary by the commissioner.

12.11 Sec. 16. Minnesota Statutes 2022, section 85.45, subdivision 1, is amended to read:

12.12 Subdivision 1. **Skiing without pass.** No person may ski on a cross-country-ski trail
12.13 without a valid, ~~signed~~ cross-country-ski pass. Any person who violates this subdivision is
12.14 guilty of a petty misdemeanor.

12.15 Sec. 17. Minnesota Statutes 2022, section 85.46, subdivision 3, is amended to read:

12.16 Subd. 3. **Issuance.** The commissioner of natural resources and agents shall issue and
12.17 sell horse passes. The pass shall include the applicant's ~~signature and other~~ information
12.18 deemed necessary by the commissioner. To be valid, a daily or annual pass must be ~~signed~~
12.19 ~~by~~ issued to the person riding, leading, or driving the horse, and a commercial annual pass
12.20 must be ~~signed by~~ issued to the owner of the commercial riding facility.

12.21 Sec. 18. Minnesota Statutes 2022, section 86B.415, subdivision 11, is amended to read:

12.22 Subd. 11. **Refunds.** The commissioner may issue a refund on a license or title, not
12.23 including any issuing fees paid under subdivision 8 or section 84.027, subdivision 15,
12.24 paragraph (a), clause ~~(3)~~ (2), or 86B.870, subdivision 1, paragraph (b), if the refund request
12.25 is received within 60 days of the original license or title, the license or title is not used or
12.26 transferred, and:

12.27 (1) the watercraft was licensed or titled incorrectly;

12.28 (2) the customer was incorrectly charged a title fee; or

12.29 (3) the watercraft was licensed or titled twice, once by the dealer and once by the
12.30 customer.

13.1 Sec. 19. Minnesota Statutes 2022, section 97A.015, subdivision 3a, is amended to read:

13.2 Subd. 3a. **Bonus permit.** "Bonus permit" means a license to take ~~and tag~~ deer by archery
13.3 or firearms, in addition to deer authorized to be taken under regular firearms or archery
13.4 licenses, or a license issued under section 97A.441, subdivision 7.

13.5 Sec. 20. Minnesota Statutes 2022, section 97A.015, is amended by adding a subdivision
13.6 to read:

13.7 Subd. 53a. **Validation.** "Validation" means the documentation process for taking a
13.8 specific species under a license for that species, which can be completed electronically or
13.9 on the corresponding paper license, permit, or endorsement to include information specified
13.10 by the commissioner.

13.11 Sec. 21. Minnesota Statutes 2022, section 97A.215, is amended by adding a subdivision
13.12 to read:

13.13 Subd. 4. **Electronic devices.** During an inspection under subdivision 3, if a person uses
13.14 an electronic device to display a document to a conservation officer or peace officer:

13.15 (1) the officer is immune from liability for any damage to the device, unless the officer
13.16 does not exercise due care in handling the device; and

13.17 (2) it does not constitute consent for the officer to access other contents on the device.

13.18 Sec. 22. Minnesota Statutes 2022, section 97A.255, subdivision 5, is amended to read:

13.19 Subd. 5. **Joint and several liability.** When two or more people intentionally aid, advise,
13.20 counsel, conspire with, or act in concert with each other to unlawfully take, transport, or
13.21 possess wild animals when the restitution value of the wild animals exceeds \$500, each
13.22 person is jointly and severally liable for the wild animals for purposes of:

13.23 (1) license seizure, invalidation, and revocation under sections 97A.420 and 97A.421;

13.24 (2) equipment and property seizure under section 97A.221;

13.25 (3) boat, motor, and trailer seizure under section 97A.225; and

13.26 (4) restitution under section 97A.341.

14.1 Sec. 23. Minnesota Statutes 2023 Supplement, section 97A.405, subdivision 2, is amended
14.2 to read:

14.3 Subd. 2. **Personal possession.** (a) A person acting under a license or traveling from an
14.4 area where a licensed activity was performed must have in personal possession:

14.5 (1) the proper paper license, ~~if the license has been issued to and received by the person;~~

14.6 (2) a driver's license or Minnesota identification card that bears a valid designation of
14.7 the proper lifetime license, as provided under section 171.07, subdivision 19;

14.8 (3) the proper paper license identification number or stamp validation, if the license has
14.9 been sold to the person by electronic means ~~but the actual license has not been issued and~~
14.10 ~~received~~; or

14.11 (4) electronic or other evidence satisfactory to the commissioner that the person has the
14.12 proper paperless license.

14.13 (b) If possession of a license or a license identification number is required, a person
14.14 must exhibit, as requested by a conservation officer or peace officer: (1) the proper paper
14.15 license ~~if the license has been issued to and received by the person;~~ (2) a driver's license or
14.16 Minnesota identification card that bears a valid designation of the proper lifetime license,
14.17 as provided under section 171.07, subdivision 19; (3) the proper paper license identification
14.18 number or stamp validation and a valid state driver's license, state identification card, or
14.19 other form of identification provided by the commissioner, ~~if the license has been sold to~~
14.20 ~~the person by electronic means but the actual license has not been issued and received;~~ or
14.21 (4) electronic or other evidence satisfactory to the commissioner that the person has the
14.22 proper paperless license. A person charged with violating the license possession requirement
14.23 shall not be convicted if the person produces in court or the office of the arresting officer,
14.24 the actual license previously issued to that person, which was valid at the time of arrest, or
14.25 satisfactory proof that at the time of the arrest the person was validly licensed. Upon request
14.26 of a conservation officer or peace officer, a licensee shall write the licensee's name in the
14.27 presence of the officer to determine the identity of the licensee.

14.28 (c) Except as provided in paragraph (a), clauses (2) and (4), if the actual license has been
14.29 issued and received, a receipt for license fees, a copy of a license, or evidence showing the
14.30 issuance of a license, including the license identification number or stamp validation, does
14.31 not entitle a licensee to exercise the rights or privileges conferred by a license.

14.32 (d) ~~A paper license issued electronically and not immediately provided to the licensee~~
14.33 ~~shall be mailed to the licensee within 30 days of purchase of the license.~~ A pictorial migratory

15.1 waterfowl, pheasant, trout and salmon, or walleye stamp shall be provided to the licensee
15.2 after purchase of a stamp validation only if the licensee pays an additional fee that covers
15.3 the costs of producing and mailing a pictorial stamp. A pictorial turkey stamp may be
15.4 purchased for a fee that covers the costs of producing and mailing the pictorial stamp.
15.5 Notwithstanding section 16A.1283, the commissioner may, by written order published in
15.6 the State Register, establish fees for providing the pictorial stamps. The fees must be set in
15.7 an amount that does not recover significantly more or less than the cost of producing and
15.8 mailing the stamps. The fees are not subject to the rulemaking provisions of chapter 14, and
15.9 section 14.386 does not apply.

15.10 Sec. 24. Minnesota Statutes 2022, section 97A.405, subdivision 3, is amended to read:

15.11 Subd. 3. **Duplicate licenses.** The commissioner shall prescribe rules for issuing duplicate
15.12 licenses to persons whose licenses are lost or destroyed. ~~A duplicate license may not be~~
15.13 ~~issued unless the applicant takes an oath covering the facts of loss or destruction of the~~
15.14 ~~license.~~

15.15 Sec. 25. Minnesota Statutes 2022, section 97A.405, subdivision 4, is amended to read:

15.16 Subd. 4. **Replacement deer licenses.** (a) The commissioner may permit licensed deer
15.17 hunters to change zone, license, or season options. The commissioner may issue a
15.18 replacement deer license if the applicant ~~submits the original deer license and unused tags~~
15.19 ~~that are being replaced and the applicant~~ pays any increase in cost between the original and
15.20 the replacement deer license. A refund of the difference in fees may be issued when a person
15.21 changes from a regular deer license to a youth deer license.

15.22 (b) A replacement deer license may be issued only if the applicant has not ~~used any tag~~
15.23 ~~from~~ harvested a deer under the original deer license or licenses and meets the conditions
15.24 of paragraph (c). ~~The original deer license or licenses and all unused tags for the deer licenses~~
15.25 ~~being replaced must be submitted to the issuing agent at the time the replacement deer~~
15.26 ~~license is issued.~~

15.27 (c) A replacement deer license may be issued under the following conditions, or as
15.28 otherwise prescribed by rule of the commissioner:

15.29 (1) when the season for the deer license being surrendered has not yet opened; or

15.30 (2) when the person is changing from a regular deer license to a youth deer license.

15.31 (d) Notwithstanding section 97A.411, subdivision 3, a replacement deer license is valid
15.32 immediately upon issuance if the deer license being surrendered is valid at that time.

16.1 Sec. 26. Minnesota Statutes 2022, section 97A.405, subdivision 4a, is amended to read:

16.2 Subd. 4a. **Replacement turkey licenses.** (a) The commissioner may permit licensed
16.3 turkey hunters to change permit areas, licenses, or time periods within the fall turkey season,
16.4 or within the spring turkey season. The commissioner may issue a replacement turkey license
16.5 if the applicant ~~submits the original turkey license and unused tags that are being replaced,~~
16.6 ~~and the applicant~~ pays the fee for a replacement license under section 97A.475, subdivision
16.7 44.

16.8 (b) A replacement turkey license may be issued only if the applicant has not ~~used the~~
16.9 ~~tag from~~ harvested a turkey under the original turkey license and meets the requirements
16.10 of paragraph (c). ~~The original turkey licenses and all unused tags for the turkey licenses~~
16.11 ~~being replaced must be submitted to the issuing agent at the time the replacement turkey~~
16.12 ~~license is issued.~~

16.13 (c) A turkey replacement license may be issued under the following conditions, or as
16.14 otherwise prescribed by rule of the commissioner:

16.15 (1) when the permit area or time period for the turkey license being surrendered has not
16.16 yet opened; and

16.17 (2) licenses are available for the replacement turkey license permit area or time period
16.18 for (i) areas that are not lottery areas, (ii) lottery areas that have remaining licenses, or (iii)
16.19 the applicant is a youth hunter age 17 or younger.

16.20 Sec. 27. Minnesota Statutes 2022, section 97A.420, as amended by Laws 2023, chapter
16.21 60, article 4, section 50, is amended to read:

16.22 **97A.420 SEIZURE OR INVALIDATION OF LICENSES.**

16.23 Subdivision 1. **Seizure or invalidation.** (a) An enforcement officer shall immediately
16.24 seize or invalidate the license of a person who unlawfully takes, transports, or possesses
16.25 wild animals when the restitution value of the wild animals exceeds \$500. Except as provided
16.26 in subdivisions 2, 4, and 5, the person may not use or obtain any license to take the same
16.27 type of wild animals involved, including a duplicate license, until an action is taken under
16.28 subdivision 6. If the license seized or invalidated under this paragraph was for a big game
16.29 animal, the license seizure or invalidation applies to all licenses to take big game issued to
16.30 the individual. If the license seized or invalidated under this paragraph was for small game
16.31 animals, the license seizure or invalidation applies to all licenses to take small game issued
16.32 to the individual.

17.1 (b) In addition to the license seizure or invalidation under paragraph (a), if the restitution
17.2 value of the wild animals unlawfully taken, possessed, or transported is \$1,000 or more, all
17.3 other game and fish licenses held by the person shall be immediately seized or invalidated.
17.4 Except as provided in subdivision 2, 4, or 5, the person may not obtain any game or fish
17.5 license or permit, including a duplicate license, until an action is taken under subdivision
17.6 6.

17.7 (c) A person may not take wild animals covered by a license seized or invalidated under
17.8 this subdivision until an action is taken under subdivision 6.

17.9 (d) The commissioner must make a means of seizing or invalidating and releasing a
17.10 paperless license under this section available to enforcement officers.

17.11 Subd. 2. **Administrative review.** (a) At any time after the seizure or invalidation of a
17.12 license under subdivision 1 and before revocation under section 97A.421, a person may
17.13 request in writing a review of the seizure or invalidation under this section. Upon receiving
17.14 the request for review, the commissioner shall review the seizure or invalidation, the evidence
17.15 upon which it was based, and other material information brought to the attention of the
17.16 commissioner, and determine whether sufficient cause exists to sustain the seizure or
17.17 invalidation.

17.18 (b) Within 15 days after receiving the request for administrative review, the commissioner
17.19 shall issue a written report of the review and shall order that the seizure or invalidation be
17.20 either sustained or rescinded.

17.21 (c) The review provided in this subdivision is not subject to the contested case provisions
17.22 of the Administrative Procedure Act under chapter 14. The availability of administrative
17.23 review does not preclude judicial review under this section.

17.24 Subd. 3. **Judicial review.** (a) Within 30 days following the seizure or invalidation of a
17.25 license under subdivision 1, a person may petition the court for review. The petition must
17.26 be filed with the district court administrator in the county where the incident occurred,
17.27 together with proof of service of a copy on the commissioner and the county attorney. A
17.28 responsive pleading is not required of the commissioner of natural resources and court fees
17.29 may not be charged for the appearance of the representative of the commissioner in the
17.30 matter.

17.31 (b) The petition must be captioned in the name of the person making the petition as
17.32 petitioner and the commissioner as respondent. The petition must state specifically the
17.33 grounds upon which the petitioner seeks rescission of the license seizure or invalidation.

18.1 (c) The filing of the petition does not stay the license seizure or invalidation. The judicial
18.2 review shall be conducted according to the Rules of Civil Procedure.

18.3 Subd. 4. **Hearing.** (a) A hearing under subdivision 3 must be before a district court judge
18.4 in the county where the incident occurred giving rise to the license seizure or invalidation.
18.5 The hearing must be to the court and may be conducted at the same time as hearings upon
18.6 pretrial motions in a related criminal prosecution. The commissioner must be represented
18.7 by the county attorney.

18.8 (b) The hearing must be held at the earliest practicable date and in any event no later
18.9 than 60 days following the filing of the petition for review.

18.10 (c) The scope of the hearing must be limited to the issue of whether there is probable
18.11 cause to believe that the person had unlawfully taken, possessed, or transported wild animals
18.12 with a restitution value over \$500.

18.13 (d) The court shall order that the license seizure or invalidation be either sustained or
18.14 rescinded. Within 14 days following the hearing, the court shall forward a copy of the order
18.15 to the commissioner.

18.16 (e) Any party aggrieved by the decision of the reviewing court may appeal the decision
18.17 as provided in the Rules of Civil Appellate Procedure.

18.18 Subd. 5. **Temporary release of commercial licenses.** At any time during the period
18.19 that a game or fish license is seized or invalidated under subdivision 1, a person possessing
18.20 a commercial license issued under the game and fish laws may make a written request to
18.21 the commissioner to temporarily release the commercial license. If the commissioner
18.22 determines that the public welfare will not be injured, the commissioner may temporarily
18.23 reinstate the commercial license upon payment of a temporary reinstatement fee of \$1,000
18.24 cash or bond in favor of the state for each commercial license to be released. An additional
18.25 fee is not required for vehicles licensed under section 97A.475, subdivision 26, clause (2)
18.26 or (4). If the license is returned under subdivision 6, paragraph (a), the temporary
18.27 reinstatement fee shall be returned to the licensee. If the license is revoked under subdivision
18.28 6, paragraph (b), the temporary reinstatement fee shall be deposited in the game and fish
18.29 fund and is not refundable.

18.30 Subd. 6. **Return or revocation of licenses upon dismissal or conviction.** (a) Upon
18.31 acquittal, dismissal, or determination not to charge a person for a violation, the license
18.32 seizure or invalidation under subdivision 1 is immediately rescinded and any license seized
18.33 or invalidated in connection with the incident must be returned to the licensee or reinstated.

19.1 (b) Upon conviction of a violation when the restitution value of the wild animals exceeds
19.2 \$500, revocation of licenses and license privileges must be imposed as provided under
19.3 section 97A.421, subdivision 2a.

19.4 Sec. 28. Minnesota Statutes 2022, section 97A.445, is amended by adding a subdivision
19.5 to read:

19.6 Subd. 6. License system. In the event of a disruption in the availability of hunting and
19.7 angling licenses, the commissioner may publish in the State Register a notice that exempts
19.8 residents and nonresidents from requirements to possess a license to take game or fish.

19.9 Sec. 29. Minnesota Statutes 2022, section 97A.473, subdivision 1, is amended to read:

19.10 Subdivision 1. **Resident lifetime licenses authorized.** (a) The commissioner may issue
19.11 a lifetime angling license, a lifetime spearing license, a lifetime angling and spearing license,
19.12 a lifetime small-game-hunting license, a lifetime firearm or archery deer-hunting license,
19.13 a lifetime sporting license, or a lifetime sporting with spearing option license to a person
19.14 who is a resident of the state for at least one year or who is under age 21 and the child of a
19.15 person who is a resident of the state for at least one year. The license fees paid for a lifetime
19.16 license are nonrefundable.

19.17 (b) The commissioner may require the holder of a lifetime license issued under this
19.18 section to notify the department each year that the license is used, by:

19.19 (1) telephone or Internet notification, as specified by the commissioner;

19.20 (2) the purchase of stamps for the license; or

19.21 (3) registration ~~and tag issuance~~, in the case of the resident lifetime deer license.

19.22 Sec. 30. Minnesota Statutes 2022, section 97A.473, subdivision 3, is amended to read:

19.23 Subd. 3. **Lifetime small-game-hunting license; fee.** (a) A resident lifetime
19.24 small-game-hunting license authorizes a person to hunt and trap small game, other than
19.25 wolves, in the state. The license authorizes those hunting and trapping activities authorized
19.26 by the annual resident small-game-hunting license and the trapping license for fur-bearing
19.27 animals other than wolves. The license does not include ~~a turkey stamp validation or any~~
19.28 ~~other~~ hunting stamps required by law.

19.29 (b) The fees for a resident lifetime small-game-hunting license are:

19.30 (1) age 3 and under, \$223;

20.1 (2) age 4 to age 15, \$301;

20.2 (3) age 16 to age 50, \$430; and

20.3 (4) age 51 and over, \$274.

20.4 Sec. 31. Minnesota Statutes 2022, section 97A.473, subdivision 4, is amended to read:

20.5 Subd. 4. **Lifetime deer-hunting license; fee.** (a) A resident lifetime deer-hunting license
20.6 authorizes a person to take deer with firearms or by archery in the state. The license
20.7 authorizes those activities authorized by the annual resident firearm deer-hunting license
20.8 or the annual resident archery deer-hunting license. The licensee must ~~register and receive~~
20.9 ~~tags~~ review and confirm information each year that the license is used. ~~The tags shall be~~
20.10 ~~issued at no charge to the licensee.~~

20.11 (b) The fees for a resident lifetime firearm or archery deer-hunting license are:

20.12 (1) age 3 and under, \$458;

20.13 (2) age 4 to age 15, \$607;

20.14 (3) age 16 to age 50, \$741; and

20.15 (4) age 51 and over, \$528.

20.16 Sec. 32. Minnesota Statutes 2022, section 97A.473, subdivision 5, is amended to read:

20.17 Subd. 5. **Lifetime sporting license; fee.** (a) A resident lifetime sporting license authorizes
20.18 a person to take fish by angling and hunt and trap small game, other than wolves, in the
20.19 state. The license authorizes those activities authorized by the annual resident angling and
20.20 resident small-game-hunting licenses and the resident trapping license for fur-bearing
20.21 animals other than wolves. The license does not include a trout-and-salmon stamp validation,
20.22 ~~a turkey stamp validation,~~ a walleye stamp validation, or any other ~~hunting~~ stamps required
20.23 by law.

20.24 (b) The fees for a resident lifetime sporting license are:

20.25 (1) age 3 and under, \$522;

20.26 (2) age 4 to age 15, \$710;

20.27 (3) age 16 to age 50, \$927; and

20.28 (4) age 51 and over, \$603.

21.1 Sec. 33. Minnesota Statutes 2022, section 97A.473, subdivision 5a, is amended to read:

21.2 Subd. 5a. **Lifetime sporting with spearing option license; fee.** (a) A resident lifetime
21.3 sporting with spearing option license authorizes a person to take fish by angling or spearing
21.4 and hunt and trap small game, other than wolves, in the state. The license authorizes those
21.5 activities authorized by the annual resident angling, spearing, and resident
21.6 small-game-hunting licenses and the resident trapping license for fur-bearing animals other
21.7 than wolves. The license does not include a trout-and-salmon stamp validation, ~~a turkey~~
21.8 ~~stamp validation~~, a walleye stamp validation, or any other ~~hunting~~ stamps required by law.

21.9 (b) The fees for a resident lifetime sporting with spearing option license are:

21.10 (1) age 3 and under, \$612;

21.11 (2) age 4 to age 15, \$833;

21.12 (3) age 16 to age 50, \$1,046; and

21.13 (4) age 51 and over, \$666.

21.14 Sec. 34. Minnesota Statutes 2022, section 97A.474, subdivision 3, is amended to read:

21.15 Subd. 3. **Nonresident lifetime small-game-hunting license; fee.** (a) A nonresident
21.16 lifetime small-game-hunting license authorizes a person to hunt small game in the state.
21.17 The license authorizes those hunting activities authorized by the annual nonresident
21.18 small-game-hunting license. The license does not include ~~a turkey stamp validation or any~~
21.19 ~~other~~ hunting stamps required by law.

21.20 (b) The fees for a nonresident lifetime small-game-hunting license are:

21.21 (1) age 3 and under, \$947;

21.22 (2) age 4 to age 15, \$1,280;

21.23 (3) age 16 to age 50, \$1,633; and

21.24 (4) age 51 and over, \$1,083.

21.25 Sec. 35. Minnesota Statutes 2022, section 97A.481, is amended to read:

21.26 **97A.481 LICENSE APPLICATIONS; PENALTY.**

21.27 All information required on a license application form must be furnished. The ~~application~~
21.28 ~~must be made in writing and applicant~~ is subject to the penalty prescribed in section 97A.301,
21.29 subdivision 1, clause (5).

22.1 Sec. 36. Minnesota Statutes 2022, section 97A.485, subdivision 6, is amended to read:

22.2 Subd. 6. **Licenses to be sold and issuing fees.** (a) Persons authorized to sell licenses
22.3 under this section must issue the following licenses for the license fee and the following
22.4 issuing fees:

22.5 (1) to take deer or bear with firearms and by archery, the issuing fee is \$1;

22.6 (2) Minnesota sporting, the issuing fee is \$1;

22.7 (3) to take small game, to take fish by angling or by spearing, and to trap fur-bearing
22.8 animals, the issuing fee is \$1;

22.9 (4) to apply for a limited hunt drawing, the issuing fee is \$1 unless the application requires
22.10 a license purchase at the time of application and the license purchase requires an application
22.11 fee;

22.12 (5) for a prairie-chicken license, the issuing fee is \$1;

22.13 (6) for a turkey license, the issuing fee is \$1;

22.14 (7) for an elk license, the issuing fee is \$1;

22.15 (8) for a moose license, the issuing fee is \$1;

22.16 (9) for a wolf license, the issuing fee is \$1;

22.17 (10) for a stamp validation that is not issued simultaneously with a license, an issuing
22.18 fee of 50 cents may be charged at the discretion of the authorized seller;

22.19 (11) for stamp validations issued simultaneously with a license, there is no fee;

22.20 (12) for licenses, seals, tags, or coupons issued without a fee under section 97A.441,
22.21 subdivisions 1 to 6a, or 97A.465, there is no fee;

22.22 (13) for lifetime licenses, there is no fee; and

22.23 (14) for all other licenses, permits, renewals, or applications or any other transaction
22.24 through the electronic licensing system under this chapter or any other chapter when an
22.25 issuing fee is not specified, an issuing fee of \$1 may be charged at the discretion of the
22.26 authorized seller.

22.27 (b) Only one issuing fee may be collected when selling more than one stamp in the same
22.28 transaction after the end of the season for which the stamp was issued.

22.29 (c) The agent shall keep the issuing fee as a commission for selling the licenses.

22.30 (d) The commissioner shall collect the issuing fee on licenses sold by the commissioner.

23.1 (e) A license, except stamps, must state the amount of the issuing fee and that the issuing
23.2 fee is kept by the seller as a commission for selling the licenses.

23.3 (f) For duplicate licenses, including licenses issued without a fee, the issuing fees are:

23.4 (1) for licenses to take big game, 75 cents; and

23.5 (2) for other licenses, 50 cents.

23.6 ~~(g) The commissioner may issue one-day angling licenses in books of ten licenses each~~
23.7 ~~to fishing guides operating charter boats upon receipt of payment of all license fees, excluding~~
23.8 ~~the issuing fee required under this section. Copies of sold and unsold licenses shall be~~
23.9 ~~returned to the commissioner. The commissioner shall refund the charter boat captain for~~
23.10 ~~the license fees of all unsold licenses. Copies of sold licenses shall be maintained by the~~
23.11 ~~commissioner for one year.~~

23.12 Sec. 37. Minnesota Statutes 2022, section 97A.535, subdivision 1, is amended to read:

23.13 Subdivision 1. **Tags Validation required.** (a) A person may not possess or transport
23.14 deer, bear, elk, or moose taken in the state unless ~~a tag is attached to the carcass in a manner~~
23.15 the person has the required license and validation for that animal as prescribed by the
23.16 commissioner. The commissioner must prescribe the type of tag that has the license number
23.17 of the owner, the year of its issue, and other information prescribed by the commissioner.

23.18 (b) The tag license must be validated at the site of the kill as prescribed by the
23.19 commissioner.

23.20 ~~(c) Except as otherwise provided in this section, the tag must be attached to the deer,~~
23.21 ~~bear, elk, or moose at the site of the kill before the animal is removed from the site of the~~
23.22 ~~kill.~~

23.23 ~~(d) The tag must remain attached to the animal until the animal is processed for storage.~~

23.24 ~~(e) A person may move a lawfully taken deer, bear, elk, or moose from the site of the~~
23.25 ~~kill without attaching the validated tag to the animal only while in the act of manually or~~
23.26 ~~mechanically dragging, carrying, or carting the animal across the ground and while possessing~~
23.27 ~~the validated tag on their person. A motor vehicle may be used to drag the animal across~~
23.28 ~~the ground. At all other times, the validated tag must be attached to the deer, bear, elk, or~~
23.29 ~~moose:~~

23.30 ~~(1) as otherwise provided in this section; and~~

24.1 ~~(2) prior to the animal being placed onto and transported on a motor vehicle, being hung~~
24.2 ~~from a tree or other structure or device, or being brought into a camp or yard or other place~~
24.3 ~~of habitation.~~

24.4 Sec. 38. Minnesota Statutes 2022, section 97A.535, subdivision 2, is amended to read:

24.5 Subd. 2. **Registration required.** Deer, bear, elk, and moose must be registered as
24.6 prescribed by the commissioner; ~~in addition to the tag required in subdivision 1.~~

24.7 Sec. 39. Minnesota Statutes 2022, section 97A.535, subdivision 2a, is amended to read:

24.8 Subd. 2a. **Quartering deer allowed.** A deer that has been ~~tagged~~ validated as required
24.9 in subdivision 1 may be quartered at the site of the kill. The animal's head must remain
24.10 attached to one of the quarters. The quarters must be presented together for registration
24.11 under subdivision 2 and must remain together until the deer is processed for storage.

24.12 Sec. 40. Minnesota Statutes 2022, section 97A.535, subdivision 4, is amended to read:

24.13 Subd. 4. **Transporting by person other than licensee.** A person other than the licensee
24.14 may transport deer, bear, elk, or moose that the licensee has registered as prescribed by the
24.15 commissioner. ~~A tag must be attached to the animal and marked in ink~~ The person
24.16 transporting the animal must possess documentation with the address, license number,
24.17 signature and full legal name of the licensee; and the locations from which and to which
24.18 the animal is being transported.

24.19 Sec. 41. Minnesota Statutes 2022, section 97A.551, subdivision 6, is amended to read:

24.20 Subd. 6. ~~Tagging and Registration.~~ The commissioner may, by rule, require persons
24.21 taking, possessing, and transporting certain species of fish to ~~tag the fish with a special fish~~
24.22 ~~management tag and may require registration of tagged~~ possess an endorsement for and
24.23 register the fish. A person may not possess or transport a fish species taken in the state for
24.24 which a special fish-management ~~tag~~ registration is required unless ~~a tag is attached to the~~
24.25 ~~fish is registered or validated~~ in a manner prescribed by the commissioner. The commissioner
24.26 shall prescribe the manner of issuance and the type of ~~tag~~ endorsement as authorized under
24.27 section 97C.087. ~~The tag must be attached to the fish as prescribed by the commissioner~~
24.28 Immediately upon reducing the fish to possession, the licensee must validate the license
24.29 and the license must remain attached to with the fish until the fish is processed or consumed
24.30 registered. Species for which a special fish management ~~tag~~ registration is required must
24.31 be transported undressed, except as otherwise prescribed by the commissioner.

25.1 Sec. 42. Minnesota Statutes 2022, section 97B.303, is amended to read:

25.2 **97B.303 VENISON DONATIONS.**

25.3 An individual who legally takes a deer may donate the deer, for distribution to charitable
25.4 food assistance programs, to a meat processor that is licensed under chapter 28A. An
25.5 individual donating a deer must supply the processor with the ~~tag~~ licensee's DNR number
25.6 under which the deer was taken.

25.7 Sec. 43. Minnesota Statutes 2022, section 97B.401, is amended to read:

25.8 **97B.401 BEAR LICENSE REQUIRED; APPLICATION.**

25.9 (a) A person may not take bear without a bear license except as provided in section
25.10 97B.415 to protect property.

25.11 (b) A person may not place bait for bears on or after the Friday nearest August 14 unless
25.12 the person has a bear license or is operating under the direction of a person with a valid bear
25.13 license.

25.14 (c) An application for a bear license must be ~~on a form provided~~ made in the manner
25.15 prescribed by the commissioner and accompanied by a \$4 application fee. A person may
25.16 not make more than one application for each season. If a person makes more than one
25.17 application, the person is ineligible for a license for that season after determination by the
25.18 commissioner, without a hearing.

25.19 Sec. 44. Minnesota Statutes 2022, section 97B.603, is amended to read:

25.20 **97B.603 TAKING SMALL GAME BY PARTY.**

25.21 (a) While two or more persons are taking small game as a party and maintaining unaided
25.22 visual and vocal contact, a member of the party may take and possess more than one limit
25.23 of small game, but the total number of small game taken and possessed by the party may
25.24 not exceed the limit of the number of persons in the party that may take and possess small
25.25 game.

25.26 (b) This section does not apply to hunting wolves, migratory game birds, or turkeys,
25.27 except that a licensed turkey hunter may assist another licensed turkey hunter and a licensed
25.28 wolf hunter may assist another licensed wolf hunter for the same zone and time period as
25.29 long as the hunter does not shoot or ~~tag~~ register a turkey or wolf for the other hunter.

26.1 Sec. 45. Minnesota Statutes 2022, section 97B.716, subdivision 2, is amended to read:

26.2 Subd. 2. ~~Tagging and Registration.~~ The commissioner may by rule prescribe
26.3 requirements for the ~~tagging and~~ registration of prairie chickens.

26.4 Sec. 46. Minnesota Statutes 2022, section 97B.721, is amended to read:

26.5 **97B.721 LICENSE REQUIRED TO TAKE TURKEY; ~~TAGGING AND~~**
26.6 **REGISTRATION REQUIREMENTS.**

26.7 (a) Except as provided in paragraph (b) or section 97A.405, subdivision 2, a person may
26.8 not take a turkey without possessing a turkey license.

26.9 (b) An unlicensed adult age 18 or older may assist a licensed wild-turkey hunter. The
26.10 unlicensed adult may not shoot or possess a firearm or bow while assisting a hunter under
26.11 this paragraph and may not charge a fee for the assistance.

26.12 (c) The commissioner may by rule prescribe requirements for the ~~tagging~~ validation and
26.13 registration of turkeys.

26.14 Sec. 47. Minnesota Statutes 2022, section 97C.087, is amended to read:

26.15 **97C.087 SPECIAL FISH MANAGEMENT ~~TAGS~~ REGISTRATION.**

26.16 Subdivision 1. ~~Tags to be issued~~ Registration. If the commissioner determines it is
26.17 necessary to require that a species of fish be ~~tagged with a special fish management tag~~
26.18 registered, the commissioner shall prescribe, by rule, the species to be ~~tagged~~ registered,
26.19 ~~tagging~~ registration procedures, and endorsement eligibility requirements.

26.20 Subd. 2. **Application for tag endorsement.** Application for a special fish management
26.21 ~~tags~~ endorsement must be accompanied by a \$5, nonrefundable application fee for each ~~tag~~
26.22 endorsement. A person may not make more than one ~~tag~~ endorsement application each
26.23 calendar year. If a person makes more than one application, the person is ineligible for a
26.24 special fish management ~~tag~~ endorsement for that calendar year after determination by the
26.25 commissioner, without a hearing.

26.26 Sec. 48. Minnesota Statutes 2022, section 97C.301, subdivision 2a, is amended to read:

26.27 Subd. 2a. **Aquatic invasive species affirmation.** (a) A nonresident license to take fish
26.28 issued under section 97A.475, subdivision 7, includes aquatic invasive species affirmation
26.29 as provided in section 84D.106.

27.1 (b) The aquatic invasive species affirmation portion of the license must be displayed
27.2 with the ~~signed~~ nonresident license to take fish issued under section 97A.475, subdivision
27.3 7. The aquatic invasive species affirmation will be provided at the time of purchase of a
27.4 new or duplicate nonresident license.

27.5 (c) If a license is purchased online, the aquatic invasive species affirmation may be
27.6 completed electronically as part of the online sales process, and the electronic record of the
27.7 license sale is sufficient for documenting the affirmation.

27.8 (d) Failure to complete the aquatic invasive species affirmation in this subdivision is
27.9 subject to the penalty prescribed in section 84D.13, subdivision 5.

27.10 Sec. 49. Minnesota Statutes 2022, section 97C.355, subdivision 2, is amended to read:

27.11 Subd. 2. **License required.** (a) A person may not place a dark house, fish house, or
27.12 shelter, except a portable shelter, on the ice unless ~~the house or shelter:~~

27.13 (1) the house or shelter is licensed by the shelter owner; and

27.14 (2) ~~has the license tag attached to the exterior in a readily visible location, except as~~
27.15 ~~provided in this subdivision~~ the owners' information is displayed according to subdivision
27.16 1.

27.17 (b) ~~The commissioner must issue a tag with a dark house, fish house, or shelter license,~~
27.18 ~~marked with a number to correspond with the license and the year of issue.~~ A dark house,
27.19 fish house, or shelter license is not required of a resident on boundary waters where the
27.20 adjacent state does not charge a fee for the same activity.

27.21 Sec. 50. **REQUIRED RULEMAKING.**

27.22 The commissioner of natural resources may use the good cause exemption under
27.23 Minnesota Statutes, section 14.388, subdivision 1, clause (3), to adopt rules conforming to
27.24 this article. Minnesota Statutes, section 14.386, does not apply to rules adopted under this
27.25 section, except as provided under Minnesota Statutes, section 14.388.

27.26 Sec. 51. **REPEALER.**

27.27 Minnesota Statutes 2022, sections 97A.015, subdivision 27a; and 97A.485, subdivision
27.28 13, are repealed.

28.1 Sec. 52. **EFFECTIVE DATE.**

28.2 Sections 1 to 51 are effective upon full implementation of the replacement electronic
28.3 license system. The commissioner of natural resources must notify the revisor of statutes
28.4 when the replacement electronic license system is fully implemented.

28.5 **ARTICLE 2**

28.6 **NATIVE ROUGH FISH**

28.7 Section 1. Minnesota Statutes 2022, section 17.4983, subdivision 2, is amended to read:

28.8 Subd. 2. **Acquisition from state.** (a) The commissioner may sell aquatic life to licensed
28.9 facilities at fair wholesale market value. Fair wholesale market value must be determined
28.10 by the average market price charged in this state and contiguous states and provinces for
28.11 similar quantities.

28.12 (b) The commissioner shall establish procedures to make aquatic life available to licensed
28.13 facilities if state aquatic life would otherwise die or go to waste, such as in cases of winterkill
28.14 lakes, waters where piscicides will be applied, and waters subject to extreme draw-down.
28.15 The public must be given angling opportunities if public access is available.

28.16 (c) The commissioner shall attempt to provide opportunities to make brood stock available
28.17 to licensed facilities to reduce reliance on out-of-state sources without causing adverse
28.18 impacts to game fish and native rough fish populations.

28.19 (d) If the commissioner denies approval to obtain aquatic life outside the state, a written
28.20 notice must be submitted to the applicant stating the reasons for denial, and the commissioner
28.21 shall:

28.22 (1) designate approved sources if available to obtain the desired aquatic life; or

28.23 (2) sell the aquatic life from state hatcheries at fair wholesale market value if there is a
28.24 surplus from state operations.

28.25 Sec. 2. Minnesota Statutes 2022, section 17.4984, subdivision 2, is amended to read:

28.26 Subd. 2. **Listed waters.** (a) An aquatic farm license must list:

28.27 (1) the specific waters of the state that may be used in connection with the licensed
28.28 aquatic farm and the species approved for each licensed water; and

28.29 (2) whether aeration requiring a permit is approved.

28.30 Additional waters may not be used until they are approved by the commissioner.

29.1 (b) The right to use waters licensed for private fish hatchery or aquatic farm purposes
29.2 may be transferred between licensees with prior approval by the commissioner if requirements
29.3 for species to be raised are met. Waters that are continually connected by a permanent
29.4 watercourse to other waters must not be approved for aquatic farm use, except that connected
29.5 waters that are isolated from other waters may be licensed as a single water body. Waters
29.6 that are intermittently connected or may become connected with other waters may be denied,
29.7 or screening or other measures may be required to prevent passage of aquatic life. Listed
29.8 waters may be changed on approval by the area fisheries supervisor or the commissioner.

29.9 (c) The commissioner shall conduct an inspection of waters to be licensed prior to
29.10 approving or denying initial licensing of the waters. When artificial tanks, jars, or other
29.11 containers are added to existing licensed facilities, an additional inspection is not required.

29.12 (d) Waters containing ~~game~~ fish of significant public value, including game fish and
29.13 native rough fish, may be denied licensing unless the applicant can demonstrate exclusive
29.14 riparian control.

29.15 (e) Waters containing ~~game~~ fish of significant public value, including game fish and
29.16 native rough fish, may be denied licensing unless the game fish and native rough fish of
29.17 significant public value are, at the commissioner's option, and taking into consideration the
29.18 recommendation of the licensed applicant, sold to the licensee, or removed by the Department
29.19 of Natural Resources or disposed of as provided in writing by the commissioner.

29.20 (f) Waters licensed under an aquatic farm license may be aerated during open water
29.21 periods without a separate aeration permit.

29.22 (g) Common carp and bullheads may be removed from licensed waters, and transported
29.23 and disposed of by the licensee.

29.24 Sec. 3. Minnesota Statutes 2022, section 17.4988, subdivision 4, is amended to read:

29.25 Subd. 4. **Aquarium facility.** (a) A person operating a commercial aquarium facility
29.26 must have a commercial aquarium facility license issued by the commissioner if the facility
29.27 contains species of aquatic life that are for sale and that are present in waters of the state.
29.28 The commissioner may require an aquarium facility license for aquarium facilities importing
29.29 or holding species of aquatic life that are for sale and that are not present in Minnesota if
29.30 those species can survive in waters of the state. The fee for an aquarium facility license is
29.31 \$90.

30.1 (b) Game fish and native rough fish transferred by an aquarium facility must be
30.2 accompanied by a receipt containing the information required on a shipping document by
30.3 section 17.4985, subdivision 3, paragraph (b).

30.4 Sec. 4. Minnesota Statutes 2022, section 17.4992, subdivision 1, is amended to read:

30.5 Subdivision 1. **Acquisition and purchase.** Game fish and native rough fish sperm,
30.6 viable game fish and native rough fish eggs, or live game fish and native rough fish may
30.7 not be taken from public waters for aquaculture purposes, but may be purchased from the
30.8 state or acquired from aquatic farms.

30.9 Sec. 5. Minnesota Statutes 2022, section 17.4992, subdivision 3, is amended to read:

30.10 Subd. 3. **Acquisition of fish for brood stock.** (a) Game fish brood stock and native
30.11 rough fish brood stock may be sold to private fish hatcheries or aquatic farms by the state
30.12 at fair wholesale market value. For brood stock development, up to 20 pair of adults of each
30.13 species requested may be provided to a licensee once every three years, if available, by the
30.14 state through normal operations.

30.15 (b) If brood stock is not available by the June 1 following the request under paragraph
30.16 (a) and a permit to take brood stock by angling is requested by the licensee, within 30 days
30.17 of the request, the commissioner may issue a permit to the licensee to take, by angling, up
30.18 to 20 pairs of each species requested. Game and fish laws and rules relating to daily limits,
30.19 seasons, and methods apply to the taking of fish by angling pursuant to a permit issued
30.20 under this paragraph.

30.21 Sec. 6. Minnesota Statutes 2022, section 17.4996, is amended to read:

30.22 **17.4996 WHITE EARTH INDIAN RESERVATION.**

30.23 Until the commissioner reaches an agreement with the White Earth Indian Reservation
30.24 regarding the acquisition and sale of aquatic life from public waters, an aquatic farm licensee
30.25 may acquire and transport native rough fish, as defined in section 97A.015, subdivision 43,
30.26 and yellow perch lawfully acquired and possessed by a tribal member for sale under tribal
30.27 laws and regulations on the White Earth Reservation. Transportation of yellow perch off
30.28 the reservation must be accompanied by documentation showing the source and number of
30.29 the yellow perch.

31.1 Sec. 7. Minnesota Statutes 2022, section 41A.02, subdivision 6, is amended to read:

31.2 Subd. 6. **Agricultural resource project; project.** "Agricultural resource project" or
31.3 "project" means (1) any facility, or portion of a facility, located in the state which is operated
31.4 or to be operated primarily for the production from agricultural resources of marketable
31.5 products, (2) buildings, equipment, and land used for the commercial production of turkeys
31.6 or turkey products, (3) a facility or portion of a facility used for the commercial production
31.7 of fish or of products made from commercially produced fish or native rough fish, as defined
31.8 in section 97A.015, subdivision 43, or common carp that are not commercially produced,
31.9 or (4) real or personal property used or useful in connection with a revenue-producing
31.10 enterprise, or a combination of two or more revenue-producing enterprises engaged in a
31.11 business, that is not used for the production of livestock, other than poultry, or for the
31.12 production of crops, plants, or milk. The land in clause (2) is limited to land on which
31.13 buildings and equipment are situated and immediately surrounding land used for storage,
31.14 waste disposal, or other functions directly related to the commercial production of turkeys
31.15 or turkey products at that project site. The land in clause (2) does not include land used for
31.16 the growing or raising of crops or the grazing of livestock other than poultry. A project
31.17 includes a facility or portion of a facility for mixing or producing substances to be mixed
31.18 with other substances for use as a fuel or as a substitute for petroleum or petrochemical
31.19 feedstocks.

31.20 Sec. 8. Minnesota Statutes 2022, section 84B.061, is amended to read:

31.21 **84B.061 STATE JURISDICTION OVER RAINY LAKE AND OTHER**
31.22 **NAVIGABLE WATERS; DUTIES OF GOVERNOR, ATTORNEY GENERAL, AND**
31.23 **OTHER PUBLIC OFFICERS.**

31.24 As required by this chapter and the act of Congress authorizing Voyageurs National
31.25 Park, the state of Minnesota donated in excess of 35,000 acres of state and other publicly
31.26 owned land for the park, roughly one-fourth of the land area of the park, at a cost of over
31.27 \$5,000,000 to the state. More than 24,000 acres of this land was state trust fund land which
31.28 the state condemned before making its donation. Pursuant to section 84B.06, lands donated
31.29 by the state, along with other lands acquired by the National Park Service for the park, were
31.30 made subject to concurrent jurisdiction by the state and the United States under section
31.31 1.041. In making these donations, none of the navigable waters within the park and the
31.32 lands under them have been donated to the United States. These navigable waters include
31.33 the following: Rainy, Kabetogama, Namakan, Sand Point, and Crane Lakes. Pursuant to
31.34 applicable federal and state law, navigable waters and their beds are owned by the state.

32.1 Ownership of and jurisdiction over these waters and their beds has not been ceded by the
32.2 state, either expressly or implicitly, to the United States. Unlike section 1.044 relating to
32.3 the Upper Mississippi Wildlife and Fish Refuge, where the state expressly granted its consent
32.4 and jurisdiction to the United States to acquire interests in water, as well as land, the consent
32.5 granted by the state in section 84B.06 to acquisitions by the United States for Voyageurs
32.6 National Park is limited to land, only. In the discharge of their official duties, the governor,
32.7 attorney general, other constitutional officers, and other public officials, such as the
32.8 commissioner of natural resources, shall vigorously assert and defend, in all forums, the
32.9 state's ownership of and jurisdiction over these waters and their beds and related natural
32.10 resources, together with associated rights of the state and its citizens arising from the state's
32.11 ownership and jurisdiction. In discharging their duties, the governor, attorney general, other
32.12 constitutional officers, and other public officials shall, additionally, be especially cognizant
32.13 of the free rights of travel afforded to citizens of Minnesota and others under the
32.14 Webster-Ashburton Treaty (proclaimed November 10, 1842) and the Root-Bryce Treaty
32.15 (proclaimed May 13, 1910) on international and associated boundary waters. Also, in
32.16 furtherance of duties under this section, the commissioner of natural resources shall continue
32.17 in effect the commercial removal of native rough fish, as defined in section 97A.015,
32.18 subdivision 43, from these waters, together with any rights to do so possessed by any person
32.19 on January 1, 1995, so long as the commissioner determines that such taking is desirable
32.20 to the management of the native fishery.

32.21 Sec. 9. Minnesota Statutes 2022, section 97A.015, subdivision 3b, is amended to read:

32.22 Subd. 3b. **Bow fishing.** "Bow fishing" means taking native rough fish and common carp
32.23 by archery where the arrows are tethered or controlled by an attached line.

32.24 Sec. 10. Minnesota Statutes 2022, section 97A.015, subdivision 39, is amended to read:

32.25 Subd. 39. **Protected wild animals.** "Protected wild animals" means big game, small
32.26 game, game fish, native rough fish, minnows, leeches, ~~alewives, eiscoes,~~ chubs, ~~lake whitefish~~
32.27 ~~and the subfamily Coregoninae, rainbow smelt,~~ frogs, turtles, clams, mussels, wolf, mourning
32.28 doves, bats, snakes, salamanders, lizards, any animal species listed as endangered, threatened,
32.29 or of special concern in Minnesota Rules, chapter 6134, and wild animals that are protected
32.30 by a restriction in the time or manner of taking, other than a restriction in the use of artificial
32.31 lights, poison, or motor vehicles.

33.1 Sec. 11. Minnesota Statutes 2022, section 97A.015, subdivision 43, is amended to read:

33.2 Subd. 43. **Native rough fish.** "Native rough fish" means ~~carp, buffalo, sucker, sheepshead,~~
33.3 ~~bowfin, gar, goldeye, and bullhead,~~ Amiidae (bowfin), Catostomidae (bigmouth, smallmouth,
33.4 and black buffalo; white, blue, spotted, and longnose sucker; northern hogsucker; quillback;
33.5 river and highfin carpsucker; and black, river, shorthead, golden, silver, and greater redhorse),
33.6 Hiodontidae (goldeye and mooneye), Ictaluridae (black, brown, and yellow bullhead),
33.7 Lepisosteidae (longnose and shortnose gar), and Sciaenidae (freshwater drum), except for
33.8 any fish species listed as endangered, threatened, or of special concern in Minnesota Rules,
33.9 chapter 6134.

33.10 Sec. 12. Minnesota Statutes 2022, section 97A.075, subdivision 2, is amended to read:

33.11 Subd. 2. **Minnesota migratory-waterfowl stamp.** (a) Ninety percent of the revenue
33.12 from the Minnesota migratory-waterfowl stamps must be credited to the waterfowl habitat
33.13 improvement account and is appropriated to the commissioner only for:

33.14 (1) development of wetlands and lakes in the state and designated waterfowl management
33.15 lakes for maximum migratory waterfowl production including habitat evaluation, the
33.16 construction of dikes, water control structures and impoundments, nest cover, ~~rough fish~~
33.17 common carp barriers, acquisition of sites and facilities necessary for development and
33.18 management of existing migratory waterfowl habitat and the designation of waters under
33.19 section 97A.101;

33.20 (2) management of migratory waterfowl;

33.21 (3) development, restoration, maintenance, or preservation of migratory waterfowl
33.22 habitat;

33.23 (4) acquisition of and access to structure sites; and

33.24 (5) the promotion of waterfowl habitat development and maintenance, including
33.25 promotion and evaluation of government farm program benefits for waterfowl habitat.

33.26 (b) Money in the account may not be used for costs unless they are directly related to a
33.27 specific parcel of land or body of water under paragraph (a), clause (1), (3), (4), or (5), or
33.28 to specific management activities under paragraph (a), clause (2).

33.29 Sec. 13. Minnesota Statutes 2022, section 97A.341, subdivision 1, is amended to read:

33.30 Subdivision 1. **Liability for restitution.** A person who kills, injures, or possesses a wild
33.31 animal in violation of the game and fish laws is liable to the state for the value of the wild

34.1 animal as provided in this section. Species afforded protection include members of the
34.2 following groups as defined by statute or rule: game fish, native rough fish, game birds, big
34.3 game, small game, fur-bearing animals, minnows, and threatened and endangered animal
34.4 species. Other animal species may be added by rule of the commissioner as determined
34.5 after public meetings and notification of the chairs of the environment and natural resources
34.6 committees in the senate and house of representatives.

34.7 Sec. 14. Minnesota Statutes 2022, section 97A.421, subdivision 2, is amended to read:

34.8 Subd. 2. **Issuance after conviction; buying and selling wild animals.** A person may
34.9 not obtain a license to take any wild animal or take wild animals under a lifetime license,
34.10 issued under section 97A.473 or 97A.474, for a period of three years after being convicted
34.11 of buying or selling game fish, native rough fish, big game, or small game, and the total
34.12 amount of the sale is \$300 or more.

34.13 Sec. 15. Minnesota Statutes 2022, section 97A.475, subdivision 39, is amended to read:

34.14 Subd. 39. **Fish packer.** The fee for a license to prepare dressed game fish or native rough
34.15 fish for transportation or shipment is \$40.

34.16 Sec. 16. Minnesota Statutes 2022, section 97A.551, subdivision 2, is amended to read:

34.17 Subd. 2. **Fish transported through state.** A person may not transport game fish or
34.18 native rough fish taken in another state or country through the state during the closed season
34.19 or in excess of the possession limit unless the fish are:

34.20 (1) transported by common carrier; or

34.21 (2) tagged, sealed, or marked as prescribed by the commissioner.

34.22 Sec. 17. Minnesota Statutes 2023 Supplement, section 97B.037, is amended to read:

34.23 **97B.037 CROSSBOW HUNTING.**

34.24 (a) Notwithstanding section 97B.035, subdivisions 1 and 2, a person may take deer,
34.25 bear, turkey, common carp, or native rough fish by crossbow during the respective regular
34.26 archery seasons. The transportation requirements of section 97B.051 apply to crossbows
34.27 during the regular archery deer, bear, turkey, common carp, or native rough fish season.
34.28 Crossbows must meet the requirements of section 97B.106, subdivision 2. A person taking
34.29 deer, bear, turkey, common carp, or native rough fish by crossbow under this section must
34.30 have a valid license to take the respective game.

35.1 (b) This section expires June 30, 2025.

35.2 Sec. 18. Minnesota Statutes 2022, section 97B.055, subdivision 2, is amended to read:

35.3 Subd. 2. **Restrictions related to motor vehicles.** (a) A person may not take a wild
35.4 animal with a firearm or by archery from a motor vehicle except as permitted in this section.

35.5 (b) A person may not shoot at a decoy of a wild animal that is placed by a licensed peace
35.6 officer by:

35.7 (1) discharging a firearm from a motor vehicle; or

35.8 (2) discharging an arrow from a bow from a motor vehicle.

35.9 (c) Notwithstanding section 97B.091, a person may transport a bow uncased while in a
35.10 motorized watercraft and may take native rough fish and common carp while in the boat as
35.11 provided in section 97C.376, subdivision 3.

35.12 Sec. 19. Minnesota Statutes 2022, section 97B.106, is amended to read:

35.13 **97B.106 CROSSBOW PERMITS FOR HUNTING AND FISHING.**

35.14 Subdivision 1. **Eligibility.** (a) The commissioner may issue a special permit, without a
35.15 fee, to take big game, small game, ~~or~~ native rough fish, or common carp with a crossbow
35.16 to a person that is unable to hunt or take native rough fish or common carp by archery
35.17 because of a permanent or temporary physical disability. A crossbow permit issued under
35.18 this section also allows the permittee to use a bow with a mechanical device that draws,
35.19 releases, or holds the bow at full draw as provided in section 97B.035, subdivision 1,
35.20 paragraph (a).

35.21 (b) To qualify for a crossbow permit under this section, a temporary disability must
35.22 render the person unable to hunt or fish by archery for a minimum of two years after
35.23 application for the permit is made. The permanent or temporary disability must be established
35.24 by medical evidence, and the inability to hunt or fish by archery for the required period of
35.25 time must be verified in writing by (1) a licensed physician, licensed advanced practice
35.26 registered nurse, or licensed physician assistant; or (2) a licensed chiropractor. A person
35.27 who has received a special permit under this section because of a permanent disability is
35.28 eligible for subsequent special permits without providing medical evidence and verification
35.29 of the disability.

35.30 (c) The person must obtain the appropriate license.

36.1 Subd. 2. **Equipment requirements.** (a) A crossbow used for hunting under the provisions
36.2 of this section must:

36.3 (1) be fired from the shoulder;

36.4 (2) deliver at least 42 foot-pounds of energy at a distance of ten feet;

36.5 (3) have a working safety; and

36.6 (4) be used with arrows or bolts at least ten inches long.

36.7 (b) An arrow or bolt used to take big game or turkey under the provisions of this section
36.8 must meet the legal arrowhead requirements in section 97B.211, subdivision 2.

36.9 (c) An arrow or bolt used to take native rough fish or common carp with a crossbow
36.10 under the provisions of this section must be tethered or controlled by an attached line.

36.11 Sec. 20. Minnesota Statutes 2022, section 97C.025, is amended to read:

36.12 **97C.025 FISHING AND MOTORBOATS RESTRICTED IN CERTAIN AREAS.**

36.13 (a) The commissioner may prohibit or restrict the taking of fish or the operation of
36.14 motorboats by posting waters that:

36.15 (1) are designated as spawning beds or fish preserves;

36.16 (2) are being used by the commissioner for fisheries research or management activities;

36.17 or

36.18 (3) are licensed by the commissioner as a private fish hatchery or aquatic farm under
36.19 section 17.4984, subdivision 1, or 97C.211, subdivision 1.

36.20 An area may be posted under this paragraph if necessary to prevent excessive depletion of
36.21 fish or interference with fisheries research or management activities or private fish hatchery
36.22 or aquatic farm operations.

36.23 (b) The commissioner will consider the following criteria in determining if waters
36.24 licensed under a private fish hatchery or aquatic farm should be posted under paragraph (a):

36.25 (1) the waters contain game fish brood stock or native rough fish brood stock and the
36.26 brood stock that are is vital to the private fish hatchery or aquatic farm operation;

36.27 (2) game fish or native rough fish are present in the licensed waters only as a result of
36.28 aquaculture activities by the licensee; and

36.29 (3) no public access to the waters existed when the waters were first licensed.

37.1 (c) A private fish hatchery or aquatic farm licensee may not take fish or authorize others
37.2 to take fish in licensed waters that are posted under paragraph (a), except as provided in
37.3 section 17.4983, subdivision 3, and except that if waters are posted to allow the taking of
37.4 fish under special restrictions, licensees and others who can legally access the waters may
37.5 take fish under those special restrictions.

37.6 (d) Before March 1, 2003, riparian landowners adjacent to licensed waters on April 30,
37.7 2002, and riparian landowners who own land adjacent to waters licensed after April 30,
37.8 2002, on the date the waters become licensed waters, plus their children and grandchildren,
37.9 may take two daily limits of fish per month under an angling license subject to the other
37.10 limits and conditions in the game and fish laws.

37.11 (e) Except as provided in paragraphs (c), (d), and (f), a person may not take fish or
37.12 operate a motorboat if prohibited by posting under paragraph (a).

37.13 (f) An owner of riparian land adjacent to an area posted under paragraph (a) may operate
37.14 a motorboat through the area by the shortest direct route at a speed of not more than five
37.15 miles per hour.

37.16 (g) Postings for water bodies designated under paragraph (a), clause (1), or being used
37.17 for fisheries research or management under paragraph (a), clause (2), are not subject to the
37.18 rulemaking provisions of chapter 14, and section 14.386 does not apply.

37.19 Sec. 21. Minnesota Statutes 2022, section 97C.035, subdivision 3, is amended to read:

37.20 Subd. 3. **Taking fish.** (a) The commissioner may authorize residents to take fish:

37.21 (1) in any quantity;

37.22 (2) in any manner, except by use of seines, hoop nets, fyke nets, and explosives; and

37.23 (3) for personal use only, except ~~rough fish~~ common carp may be sold.

37.24 (b) The commissioner may authorize the taking of fish by posting notice conspicuously
37.25 along the shore of the waters and publishing a news release in a newspaper of general
37.26 circulation in the area where the waters are located.

37.27 Sec. 22. Minnesota Statutes 2023 Supplement, section 97C.041, is amended to read:

37.28 **97C.041 COMMISSIONER MAY REMOVE NATIVE ROUGH FISH.**

37.29 The commissioner may take native rough fish, common carp, and rainbow smelt with
37.30 seines, nets, and other devices. The commissioner may hire or contract persons, or issue
37.31 permits, to take the fish. The commissioner shall prescribe the manner of taking and disposal.

38.1 The commissioner may award a contract under this section without competitive bidding.
38.2 Before establishing the contractor's compensation, the commissioner must consider the
38.3 qualifications of the contractor, including the contractor's equipment, knowledge of the
38.4 waters, and ability to perform the work.

38.5 Sec. 23. Minnesota Statutes 2022, section 97C.045, is amended to read:

38.6 **97C.045 REMOVING COMMON CARP AND NATIVE ROUGH FISH FROM**
38.7 **BOUNDARY WATERS.**

38.8 The commissioner may enter into agreements with North Dakota, South Dakota,
38.9 Wisconsin, and Iowa, relating to the removal of common carp and native rough fish in
38.10 boundary waters. The agreements may include:

- 38.11 (1) contracting to remove common carp and native rough fish;
- 38.12 (2) inspection of the work;
- 38.13 (3) the division of proceeds; and
- 38.14 (4) regulating the taking of common carp and native rough fish.

38.15 Sec. 24. Minnesota Statutes 2022, section 97C.081, subdivision 3a, is amended to read:

38.16 Subd. 3a. **No permit required.** A person may conduct a fishing contest without a permit
38.17 from the commissioner if:

- 38.18 (1) the contest is not limited to specifically named waters;
- 38.19 (2) the contest is limited to ~~rough fish~~ common carp and participants are required to fish
38.20 with a hook and line; or
- 38.21 (3) the total prize value is \$500 or less.

38.22 Sec. 25. Minnesota Statutes 2022, section 97C.211, subdivision 5, is amended to read:

38.23 Subd. 5. **Price of game fish fry and eggs.** The commissioner may sell or barter game
38.24 fish or native rough fish fry or eggs for not less than the cost associated with the production
38.25 of eggs or fry.

38.26 Sec. 26. Minnesota Statutes 2023 Supplement, section 97C.371, subdivision 1, is amended
38.27 to read:

38.28 Subdivision 1. **Species allowed.** Only common carp, native rough fish, catfish, lake
38.29 whitefish, cisco (tulibee), and northern pike may be taken by spearing.

39.1 Sec. 27. Minnesota Statutes 2022, section 97C.375, is amended to read:

39.2 **97C.375 TAKING NATIVE ROUGH FISH AND COMMON CARP BY**
39.3 **SPEARING.**

39.4 (a) A resident or nonresident may take native rough fish and common carp by spearing
39.5 according to paragraph (b) and during the times, in waters, and in the manner prescribed
39.6 by the commissioner.

39.7 (b) Suckers may be taken by spearing from ~~the last Saturday in April~~ May 1 through the
39.8 last ~~Sunday~~ day in February.

39.9 Sec. 28. Minnesota Statutes 2022, section 97C.376, subdivision 1, is amended to read:

39.10 Subdivision 1. **Season.** (a) The regular bow-fishing season for residents and nonresidents
39.11 is from ~~the last Saturday in April to~~ May 1 through the last ~~Sunday~~ day in February at any
39.12 time of the day.

39.13 (b) The early bow-fishing season for residents and nonresidents is open only south of
39.14 State Highway 210 from ~~the Monday after the last Sunday in February to the Friday before~~
39.15 March 1 through the last ~~Saturday~~ day in April at any time of the day. During the early
39.16 season, a person may bow fish:

39.17 (1) only from a boat; and

39.18 (2) only while on a lake or on the Mississippi, Minnesota, or St. Croix River.

39.19 Sec. 29. Minnesota Statutes 2022, section 97C.376, subdivision 5, is amended to read:

39.20 Subd. 5. **Returning native rough fish and common carp to waters.** Native rough fish
39.21 and common carp taken by bow fishing ~~shall~~ must not be returned to the water, and native
39.22 rough fish and common carp may not be left on the banks of any water of the state.

39.23 Sec. 30. Minnesota Statutes 2022, section 97C.381, is amended to read:

39.24 **97C.381 HARPOONING NATIVE ROUGH FISH.**

39.25 A resident or nonresident may use a rubber powered gun, spring gun, or compressed air
39.26 gun to take native rough fish and common carp by harpooning. The harpoon must be fastened
39.27 to a line not more than 20 feet long. The commissioner may prescribe the times, the waters,
39.28 and the manner for harpooning native rough fish and common carp.

40.1 Sec. 31. Minnesota Statutes 2022, section 97C.385, is amended to read:

40.2 **97C.385 COMMISSIONER'S AUTHORITY TO REGULATE WINTER FISHING.**

40.3 Subdivision 1. **Effect on summer angling season.** If the commissioner closes the
40.4 statutory open season for ~~the spearing of~~ a game fish or native rough fish species in any
40.5 waters, the commissioner must, in the same rule, close the following statutory open season
40.6 for angling for the same species in the waters in the same proportion.

40.7 Subd. 2. **Effect on summer angling limits.** If the commissioner reduces the limit of a
40.8 species of game fish or native rough fish taken by spearing in any waters under section
40.9 97A.045, subdivision 2, the commissioner must reduce the limit for taking ~~of~~ the species
40.10 by angling in the waters during the following open season for angling.

40.11 Subd. 3. **Limiting closures by county.** The commissioner may not close the open season
40.12 for taking game fish or native rough fish through the ice on more than 50 percent of the
40.13 named lakes or streams of a county under section 97A.045, subdivision 2.

40.14 Sec. 32. Minnesota Statutes 2022, section 97C.391, subdivision 1, is amended to read:

40.15 Subdivision 1. **General restrictions.** A person may not buy or sell fish taken from the
40.16 waters of this state, except:

40.17 (1) minnows;

40.18 (2) ~~rough fish~~ common carp;

40.19 (3) smelt taken from Lake Superior and rivers and streams that flow into Lake Superior;

40.20 (4) fish taken under licensed commercial fishing operations;

40.21 (5) fish that are private aquatic life; and

40.22 (6) fish lawfully taken and subject to sale from other states and countries.

40.23 Sec. 33. Minnesota Statutes 2022, section 97C.395, subdivision 2, is amended to read:

40.24 Subd. 2. **Continuous season for certain species.** For sunfish, white crappie, black
40.25 crappie, yellow perch, catfish, rock bass, white bass, yellow bass, burbot, cisco (tullibee),
40.26 lake whitefish, common carp, and native rough fish, the open season is continuous.

40.27 Sec. 34. Minnesota Statutes 2022, section 97C.505, subdivision 8, is amended to read:

40.28 Subd. 8. **Possession for minnow dealers.** When nets and traps are lawfully set and
40.29 tended, minnows ~~and~~, incidentally taken game fish under four inches in length, and

41.1 incidentally taken native rough fish that are not classified as minnows are not considered
41.2 to be in possession until the minnows, native rough fish, or game fish are placed on a motor
41.3 vehicle or trailer for transport on land.

41.4 Sec. 35. Minnesota Statutes 2022, section 97C.801, subdivision 2, is amended to read:

41.5 Subd. 2. **Commercial fish netting on Mississippi River.** (a) A license is required to
41.6 commercially take native rough fish with seines in the Mississippi River from the St. Croix
41.7 River junction to St. Anthony Falls.

41.8 (b) A person may take native rough fish in the Mississippi River, from the St. Croix
41.9 River junction to St. Anthony Falls, only with the following equipment and methods:

41.10 (1) operations shall be conducted only in the flowing waters of the river and in tributary
41.11 backwaters prescribed by the commissioner;

41.12 (2) seines may be used only as prescribed by this section and rules adopted by the
41.13 commissioner;

41.14 (3) seines must be hauled to a landing immediately after being placed;

41.15 (4) two seines may not be joined together in the water; and

41.16 (5) a seine may not be landed between sunset and sunrise.

41.17 Sec. 36. Minnesota Statutes 2022, section 97C.805, subdivision 1, is amended to read:

41.18 Subdivision 1. **Open season.** (a) The commissioner shall, by rule, prescribe the open
41.19 season and open state waters for netting lake whitefish and ciscoes. The commissioner may
41.20 open specific lakes and waters that are otherwise closed if the commissioner posts notice
41.21 of the date and time in appropriate public places at least 48 hours before the open season
41.22 begins.

41.23 (b) The commissioner may close specific lakes and waters that are otherwise open under
41.24 this subdivision if the commissioner posts notice of the closing at a minimum of three sites
41.25 on the shore of the waters, including all public water-access sites. Before closing waters
41.26 under this paragraph, the commissioner shall determine that the closure is necessary to
41.27 protect game fish or native rough fish populations.

42.1 Sec. 37. Minnesota Statutes 2022, section 97C.805, subdivision 4, is amended to read:

42.2 Subd. 4. **No limit on native rough fish netted.** Lake whitefish and ciscoes taken under
42.3 this section may be taken and possessed without limit. Native rough fish caught while netting
42.4 may be retained. All other fish taken while netting must be returned to the water immediately.

42.5 Sec. 38. Minnesota Statutes 2022, section 97C.811, subdivision 2, is amended to read:

42.6 Subd. 2. **Commercial fish defined.** For purposes of this section and section 97A.475,
42.7 subdivision 30, "commercial fish" are common carp; ~~bowfin; burbot; cisco; goldeye; rainbow~~
42.8 ~~smelt; black bullhead, brown bullhead, and yellow bullhead; lake whitefish; members of~~
42.9 ~~the sucker family, Catostomidae, including white sucker, redhorse, bigmouth buffalo, and~~
42.10 ~~smallmouth buffalo; members of the drum family, Sciaenidae, including sheepshead; and~~
42.11 ~~members of the gar family, Lepisosteidae~~ and native rough fish, except for bowfin.

42.12 Sec. 39. Minnesota Statutes 2022, section 97C.831, subdivision 1, is amended to read:

42.13 Subdivision 1. **Lake whitefish, common carp, and native rough fish.** Lake whitefish,
42.14 common carp, and native rough fish may be taken by licensed commercial fishing operators
42.15 unless otherwise changed by rule of the commissioner, under section 97C.805, subdivision
42.16 1, from Namakan Lake and Sand Point Lake.

42.17 Sec. 40. Minnesota Statutes 2022, section 97C.835, subdivision 2, is amended to read:

42.18 Subd. 2. **Types of fish permitted.** Lake trout, ciscoes, chubs, alewives, lake whitefish,
42.19 round whitefish, pygmy whitefish, rainbow smelt, common carp, and native rough fish may
42.20 be taken by licensed commercial fishing operators from Lake Superior, in accordance with
42.21 this section.

42.22 Sec. 41. Minnesota Statutes 2022, section 97C.835, subdivision 3, is amended to read:

42.23 Subd. 3. **Pound nets and trap nets.** Pound or trap nets may be used to take lake whitefish,
42.24 round whitefish, pygmy whitefish, ciscoes, chubs, alewives, rainbow smelt, common carp,
42.25 and native rough fish in Lake Superior, including St. Louis Bay east of the U.S. Highway
42.26 53 bridge, under the rules prescribed by the commissioner.

42.27 Sec. 42. Minnesota Statutes 2022, section 97C.865, subdivision 1, is amended to read:

42.28 Subdivision 1. **License required; records.** (a) A person engaged in a business providing
42.29 services to a person taking fish may not prepare dressed game fish or dressed native rough

43.1 fish for shipment without a fish packer's license. The fish packer must maintain a permanent
43.2 record of:

43.3 (1) the name, address, and license number of the shipper;

43.4 (2) the name and address of the consignee; and

43.5 (3) the number of each species and net weight of fish in the shipment.

43.6 (b) The records of the fish packer must be made available to an enforcement officer
43.7 upon request.

43.8 Sec. 43. **REQUIRED RULEMAKING.**

43.9 The commissioner of natural resources may use the good cause exemption under
43.10 Minnesota Statutes, section 14.388, subdivision 1, clause (3), to adopt rules to conform with
43.11 this article. Minnesota Statutes, section 14.386, does not apply to rules adopted under this
43.12 section except as provided under Minnesota Statutes, section 14.388.

43.13 Sec. 44. **REVISOR INSTRUCTION.**

43.14 The revisor of statutes must renumber Minnesota Statutes, section 97A.015, subdivision
43.15 32b, as Minnesota Statutes, section 97A.015, subdivision 32d, and must renumber Minnesota
43.16 Statutes, section 97A.015, subdivision 43, as Minnesota Statutes, section 97A.015,
43.17 subdivision 32c.

43.18 **ARTICLE 3**

43.19 **BOARD OF WATER AND SOIL RESOURCES**

43.20 Section 1. Minnesota Statutes 2022, section 103B.101, subdivision 13, is amended to read:

43.21 Subd. 13. **Drainage stakeholder coordination.** (a) The Board of Water and Soil
43.22 Resources shall work with drainage stakeholders to foster mutual understanding and provide
43.23 recommendations for drainage system management and related water management, including
43.24 recommendations for updating the drainage law in chapter 103E, the Minnesota Public
43.25 Drainage Manual, and other related provisions. The board may convene informal working
43.26 groups or work teams to develop information, education, and recommendations.

43.27 (b) For the purposes of this subdivision, the Minnesota Public Drainage Manual is a
43.28 publication that is prepared by and adopted by the board and that includes explanations,
43.29 procedures, and guidance consistent with and supplementing the provisions of chapter 103E.
43.30 The manual must include best management practices and be prepared in consultation with

44.1 drainage stakeholders according to paragraph (a) for use by drainage authorities in carrying
44.2 out statutory duties.

44.3 Sec. 2. Minnesota Statutes 2022, section 103C.005, is amended to read:

44.4 **103C.005 SOIL AND WATER CONSERVATION POLICY.**

44.5 Maintaining and enhancing the quality of soil and water for the environmental and
44.6 economic benefits they produce, preventing degradation, and restoring degraded soil and
44.7 water resources of this state contribute greatly to the health, safety, economic well-being,
44.8 and general welfare of this state and its citizens. Land occupiers have the responsibility to
44.9 implement practices that conserve the soil and water resources of the state. Soil and water
44.10 conservation measures implemented on private lands in this state provide benefits to the
44.11 general public by reducing erosion, sedimentation, siltation, water pollution, and damages
44.12 caused by floods. The soil and water conservation policy of the state is to encourage land
44.13 occupiers to conserve soil, water, and the natural resources they support through the
44.14 implementation of practices that:

44.15 (1) control or prevent erosion, sedimentation, siltation, and related pollution in order to
44.16 preserve natural resources;

44.17 (2) ensure continued soil health, as defined under section 103C.101, subdivision 10a,
44.18 and soil productivity;

44.19 (3) protect water quality;

44.20 (4) prevent impairment of dams and reservoirs;

44.21 (5) reduce damages caused by floods;

44.22 (6) preserve wildlife;

44.23 (7) protect the tax base; and

44.24 (8) protect public lands and waters.

44.25 Sec. 3. Minnesota Statutes 2022, section 103C.221, is amended to read:

44.26 **103C.221 CHANGING LOCATION OF PRINCIPAL OFFICE.**

44.27 The location of the principal office of the district board may be changed ~~with the approval~~
44.28 ~~of the state board~~ after the adoption of a resolution by a majority of the district board stating
44.29 the new location within the district and by filing a certified copy of the resolution with the
44.30 secretary of state.

45.1 Sec. 4. Minnesota Statutes 2022, section 103C.331, subdivision 3, is amended to read:

45.2 Subd. 3. **Surveys, investigations, and research.** A district may conduct surveys,
45.3 investigations, and research to identify the problems and preventive practices specified in
45.4 section ~~103A.206~~ 103C.005. ~~To avoid duplication of research activities, no district shall~~
45.5 ~~initiate any research program except in cooperation with a state agency or an agency of the~~
45.6 ~~United States.~~

45.7 Sec. 5. Minnesota Statutes 2022, section 103C.331, subdivision 5, is amended to read:

45.8 Subd. 5. **Demonstration projects.** A district may conduct demonstration projects within
45.9 the district on lands owned or administered by a state agency, with the cooperation of the
45.10 administering agency, and on other lands with the consent of the land occupier, to
45.11 demonstrate practices which implement the state policy specified in section ~~103A.206~~
45.12 103C.005.

45.13 Sec. 6. Minnesota Statutes 2022, section 103C.331, subdivision 6, is amended to read:

45.14 Subd. 6. **Implementing practices.** A district may implement any necessary practices
45.15 within the district, including structural measures and works of improvement ~~for any purpose~~
45.16 ~~specified in section 103A.206, methods of cultivation, the use of vegetation, and changes~~
45.17 ~~in use of land~~ to achieve the purposes of this chapter and fulfill other statutory responsibilities,
45.18 on:

45.19 (1) lands acquired by the district;

45.20 (2) lands owned or administered by a state public agency, with the cooperation of the
45.21 administering agency; and

45.22 (3) other lands, with the consent of the land occupier.

45.23 Sec. 7. Minnesota Statutes 2022, section 103C.331, subdivision 7, is amended to read:

45.24 Subd. 7. **Implementing soil and water conservation policy.** A district may cooperate
45.25 or enter into agreements with and furnish financial or other aid to a land occupier or
45.26 appropriate agency; to implement ~~the policy specified in section 103A.206, within the district~~
45.27 this chapter and fulfill other statutory responsibilities, subject to conditions the district board
45.28 determines ~~is~~ are necessary.

46.1 Sec. 8. Minnesota Statutes 2022, section 103C.331, subdivision 8, is amended to read:

46.2 Subd. 8. **Acquiring and maintaining property.** A district may acquire any rights or
46.3 interests in real or personal property by option, purchase, exchange, lease, gift, grant, bequest,
46.4 devise, or otherwise. It may maintain, operate, administer, and improve any properties
46.5 acquired. It may receive income from the properties and expend the income to implement
46.6 this chapter and ~~sections 103F.401 to 103F.455~~ fulfill other statutory responsibilities. It
46.7 may sell, lease, or otherwise dispose of any of its property or interests.

46.8 Sec. 9. Minnesota Statutes 2022, section 103C.331, subdivision 9, is amended to read:

46.9 Subd. 9. **Using machinery and supplies.** A district may make available, on terms it
46.10 ~~shall prescribe~~ prescribes, to land occupiers within the district, agricultural and engineering
46.11 machinery and equipment, fertilizer, seeds, ~~and~~ seedlings, and other material or equipment
46.12 ~~which will assist~~ that helps land occupiers to implement practices on their land ~~specified in~~
46.13 ~~section 103C.005~~ to implement this chapter and fulfill other statutory responsibilities.

46.14 Sec. 10. Minnesota Statutes 2022, section 103C.331, subdivision 10, is amended to read:

46.15 Subd. 10. **Constructing improvements.** A district may construct, install, improve,
46.16 maintain, and operate structures and works necessary or convenient to perform an operation
46.17 authorized under this chapter and ~~sections 103F.401 to 103F.455~~ other statutory authority.

46.18 Sec. 11. Minnesota Statutes 2022, section 103C.331, subdivision 11, is amended to read:

46.19 Subd. 11. **Comprehensive plan.** (a) A district may develop and revise a comprehensive
46.20 plan, ~~specifying practices to implement the state policy specified in section 103A.206,~~
46.21 ~~including~~ fulfill statutory responsibilities. The plan may include:

46.22 (1) the construction, maintenance, and operation of structural measures;

46.23 (2) methods of cultivation;

46.24 (3) the use of vegetation;

46.25 (4) cropping programs;

46.26 (5) mechanical practices;

46.27 (6) changes in use of land;

46.28 (7) water quality improvement practices;

46.29 (8) other land use, soil erosion reduction, and agricultural practices; ~~and~~

47.1 (9) related technical standards and specifications; and

47.2 (10) other practices, projects, programs, and systems to fulfill statutory responsibilities.

47.3 ~~(b) The plan shall include a classification of the soil types within the district as determined~~
47.4 ~~by the Minnesota Cooperative Soil Survey.~~

47.5 ~~(c) The plan must identify the areas within the district where erosion, sedimentation,~~
47.6 ~~and related water quality problems appear most in need of control methods.~~

47.7 ~~(d) (b) The plan shall~~ must be consistent with the statewide ~~framework water resources~~
47.8 ~~plan, the statewide water quality management plan, and the state board's soil and water~~
47.9 ~~program plan~~ frameworks as provided in chapter 103B.

47.10 ~~(e) Each district that applies for cost-sharing funds under section 103C.501 shall submit~~
47.11 ~~to the state board an annual work plan for the high priority erosion, sedimentation, and water~~
47.12 ~~quality problems in the district. The work plan shall be prepared as required by the rules of~~
47.13 ~~the state board. In preparing the annual work plan, the district shall actively identify and~~
47.14 ~~seek out land occupiers with high priority erosion problems who have not participated in~~
47.15 ~~cost-sharing contracts and encourage their participation in programs to control their erosion~~
47.16 ~~problems.~~

47.17 (c) At least 60 days before submitting the plan to the state board, the district must hold
47.18 a public hearing on the plan and provide notice of the hearing via the district's website. The
47.19 district must give notice of the hearing to the county and all affected cities and towns. To
47.20 allow for public input, the district must also administer a review and comment period of at
47.21 least 30 days before submitting the plan.

47.22 (d) The district must submit the plan to the state board for review and approval before
47.23 adopting the plan at a district meeting.

47.24 Sec. 12. Minnesota Statutes 2022, section 103C.331, subdivision 12, is amended to read:

47.25 **Subd. 12. Assuming other conservation projects.** (a) A district may take over by
47.26 purchase, lease, or otherwise, and may improve, maintain, operate, and administer a soil or
47.27 water conservation, erosion-control, erosion-prevention, water quality improvement,
47.28 watershed protection, flood prevention, or flood control project in its boundaries undertaken
47.29 by the United States or by a state public agency.

47.30 (b) A district may accept donations, gifts, grants, or contributions in money, services,
47.31 materials, or otherwise from the United States, a state public agency, or other source to
47.32 ~~accomplish the authorization in this section~~ statutory responsibilities. A ~~board~~ district may

48.1 enter into a contract or agreement necessary or appropriate to accomplish the transfer. A
48.2 ~~board~~ district may use or expend money, services, materials, or other things to accomplish
48.3 an authorized purpose.

48.4 Sec. 13. Minnesota Statutes 2022, section 103C.331, subdivision 13, is amended to read:

48.5 Subd. 13. **Authority to sue and contract.** A district may sue and be sued in its name,
48.6 have perpetual succession unless terminated as provided in section 103C.225, make and
48.7 execute contracts and other instruments necessary or convenient to the exercise of its powers,
48.8 and make, amend, or repeal rules and regulations consistent with this chapter and ~~sections~~
48.9 ~~103F.401 to 103F.455~~ other statutory authority.

48.10 Sec. 14. Minnesota Statutes 2022, section 103C.331, subdivision 14, is amended to read:

48.11 Subd. 14. **Compensation for work or projects.** As a condition for extending benefits
48.12 for the performance of work, including operations and maintenance, upon lands not owned
48.13 or administered by a ~~state~~ public agency or the district, the ~~supervisors~~ district may require
48.14 compensation or contributions in money, services, materials, or otherwise, commensurate
48.15 with the cost or reasonable value of the operations or work conferring the benefits.

48.16 Sec. 15. Minnesota Statutes 2022, section 103C.331, subdivision 15, is amended to read:

48.17 Subd. 15. **Agreements for state or federal assistance.** (a) A district may ~~submit an~~
48.18 ~~application~~ apply for and enter into an agreement or contract ~~with the secretary of agriculture~~
48.19 ~~or other designated authority~~ to obtain or use state or federal funding or assistance under
48.20 any law providing for state or federal funding or assistance for an authorized purpose of the
48.21 district.

48.22 (b) A district may:

48.23 (1) acquire ~~without cost to the federal government~~ any land, easements, or rights-of-way
48.24 needed in connection with works of improvement installed with federal or state assistance
48.25 or funding;

48.26 (2) assume the proportionate share of the cost of installing works of improvement
48.27 involving state or federal funding or assistance ~~determined by the secretary or other~~
48.28 ~~designated authority to be~~ that is equitable in consideration of anticipated benefits from the
48.29 improvements;

49.1 (3) ~~make arrangements satisfactory to the secretary or other authority~~ arrange to defray
49.2 costs of operating and maintaining works of improvement in accordance with prescribed
49.3 regulations;

49.4 (4) acquire or provide assurance that land occupiers have acquired the water rights and
49.5 other rights, pursuant to state law, needed to install, maintain, and operate the works of
49.6 improvement; and

49.7 (5) obtain agreements to carry out recommended soil and water conservation measures
49.8 and prepare farm plans for owners of not less than 50 percent or other required percentage
49.9 of the lands situated in a drainage area above a retention reservoir installed with federal
49.10 assistance, as prescribed by applicable federal law, and may do any other acts necessary to
49.11 secure and use federal aid.

49.12 Sec. 16. Minnesota Statutes 2022, section 103C.331, subdivision 16, is amended to read:

49.13 Subd. 16. **Budget.** The district ~~board~~ shall annually present a budget consisting of an
49.14 itemized statement of district expenses for the ensuing calendar year to the boards of county
49.15 commissioners of the counties in which the district is located. The county boards may levy
49.16 an annual tax on all taxable real property in the district for the amount that the boards
49.17 determine is necessary to meet the requirements of the district. The amount levied shall be
49.18 collected and distributed to the district as prescribed by chapter 276. The amount may be
49.19 spent by the district ~~board~~ for a district purpose authorized by law.

49.20 Sec. 17. Minnesota Statutes 2022, section 103C.331, is amended by adding a subdivision
49.21 to read:

49.22 Subd. 21. **Water and soil resource management.** A district may initiate, construct,
49.23 operate, and maintain water and soil resource management practices, projects, programs,
49.24 and systems within the boundaries of the district and use, supplement, or otherwise coordinate
49.25 contributions from state, federal, Tribal, or local governments and private entities for similar
49.26 purposes.

49.27 Sec. 18. Minnesota Statutes 2022, section 103C.331, is amended by adding a subdivision
49.28 to read:

49.29 Subd. 22. **Loans.** The district may obtain loans when the district determines it is prudent
49.30 to accomplish its statutory duties.

50.1 Sec. 19. Minnesota Statutes 2022, section 103D.011, subdivision 10, is amended to read:

50.2 Subd. 10. **Engineer.** "Engineer" means ~~the~~ a licensed professional engineer as described
50.3 in section 326.02 and designated by the managers to act as engineer. The board of managers
50.4 or engineer may work in cooperation with other licensed professionals as described in
50.5 section 326.02 in the planning and design of a watershed district project.

50.6 Sec. 20. Minnesota Statutes 2022, section 103D.201, subdivision 2, is amended to read:

50.7 Subd. 2. **Specific purposes.** A watershed district may be established for and use its
50.8 powers to advance any of the following purposes:

50.9 (1) to control or alleviate damage from floodwaters to promote climate resilience;

50.10 (2) to protect, improve stream channels, or restore watercourses and water basins for
50.11 drainage, navigation, water quality, flood mitigation, and any other public purpose;

50.12 (3) to ~~reclaim~~ manage impacts to, restore, or fill replace wet and overflowed land;

50.13 (4) to provide a water supply for irrigation;

50.14 (5) to regulate and conserve the flow of ~~streams and conserve the streams' water~~
50.15 watercourses;

50.16 ~~(6) to divert or change all or part of watercourses;~~

50.17 ~~(7)~~ (6) to provide or conserve water supply for domestic, industrial, recreational,
50.18 agricultural, or other public use;

50.19 ~~(8)~~ (7) to provide for sanitation and public health, and regulate the use of streams, ditches,
50.20 or watercourses to dispose of waste;

50.21 ~~(9)~~ (8) to repair, improve, relocate, modify, consolidate, and abandon all or part of
50.22 drainage systems within a watershed district;

50.23 ~~(10)~~ (9) to control or alleviate soil erosion and siltation of watercourses or water basins;

50.24 ~~(11)~~ (10) to regulate improvements by riparian property owners of the beds, banks, and
50.25 shores of lakes, streams, and wetlands for preservation and beneficial public use;

50.26 ~~(12)~~ (11) to provide for hydroelectric power generation;

50.27 ~~(13)~~ (12) to protect or enhance the water quality in watercourses or water basins; ~~and~~

50.28 ~~(14)~~ (13) to provide for the protection of groundwater and regulate its use to preserve it
50.29 for beneficial purposes.; and

51.1 (14) to otherwise manage and protect surface waters and groundwaters for any beneficial
51.2 purpose.

51.3 Sec. 21. Minnesota Statutes 2022, section 103D.205, subdivision 4, is amended to read:

51.4 Subd. 4. **Filing establishment petitions.** The petitioners must file a copy of the
51.5 establishment petition with the auditors of the counties affected by the proposed watershed
51.6 district, and the commissioner, and the director. The original establishment petition, with
51.7 a signed statement of delivery or receipt for each of the establishment petitions submitted
51.8 to the auditors of affected counties, ~~the commissioners,~~ and the ~~directors~~ director, must be
51.9 filed with the board.

51.10 Sec. 22. Minnesota Statutes 2022, section 103D.251, subdivision 5, is amended to read:

51.11 Subd. 5. **Petition signatures.** (a) A petition for a watershed boundary change must be
51.12 signed by:

51.13 (1) at least one-half of the counties within the proposed watershed district if the boundary
51.14 change were adopted;

51.15 (2) counties having at least 50 percent of the area within the proposed watershed district
51.16 if the boundary change were adopted;

51.17 (3) a majority of the cities within the proposed watershed district if the boundary change
51.18 were adopted;

51.19 (4) at least 50 resident owners or 50 percent of resident owners, whichever is less, in
51.20 ~~the proposed watershed district if the~~ area to be added or removed by the proposed boundary
51.21 change if it were adopted, excluding resident owners within the corporate limits of a city,
51.22 if the city has signed the petition; or

51.23 (5) the managers of a watershed district affected by the proposed boundary change.

51.24 (b) The managers must pass a resolution authorizing the boundary change before the
51.25 managers sign a petition for a boundary change.

51.26 Sec. 23. Minnesota Statutes 2022, section 103D.251, subdivision 6, is amended to read:

51.27 Subd. 6. **Hearing.** The board must set a time and location for a hearing and give notice
51.28 of the hearing in the same manner as an establishment hearing. The board must also give
51.29 notice of the hearing by mail at least ten days before the hearing to the watershed district
51.30 affected by the proposed boundary change. If a petition for a boundary change involves a

52.1 common boundary of two or more watershed districts, the board must determine the
52.2 watershed district where the hearing will be held.

52.3 Sec. 24. Minnesota Statutes 2022, section 103D.255, is amended to read:

52.4 **103D.255 WITHDRAWING TERRITORY.**

52.5 Subdivision 1. **Petition.** (a) Proceedings to withdraw territory from an existing watershed
52.6 district must be initiated by a petition filed with the board.

52.7 (b) A majority of the managers may file a petition for withdrawal. Otherwise, the required
52.8 signatures on a petition for withdrawal are the same as prescribed for an establishment
52.9 petition, but the percentages must be calculated only with reference to the territory that is
52.10 proposed to be withdrawn from the watershed district.

52.11 (c) The petition must state that:

52.12 (1) the territory described has not received or will not receive any benefits from the
52.13 operation of the watershed districts;

52.14 (2) the watershed district can perform the functions for which it was established without
52.15 the inclusion of the territory; and

52.16 (3) the territory is not, in fact, a part of the watershed.

52.17 (d) The petition must request the release of the described territory from the watershed
52.18 district.

52.19 (e) The petition must be served on the board and any affected watershed district, and
52.20 the board shall proceed as prescribed for an establishment petition. The requirements for
52.21 notices and public hearings are as prescribed for the establishment petition. The board must
52.22 also give notice of the hearing by mail at least ten days before the hearing to each watershed
52.23 district affected by the proposed withdrawal of territory.

52.24 Subd. 2. **Board's order of withdrawal.** (a) After the hearing, the board may issue an
52.25 order releasing the territory, or a part of the territory, as described in the petition, if the
52.26 board determines that:

52.27 (1) the territory described in the petition has not received and will not receive any benefit
52.28 from the operation of the watershed district;

52.29 (2) the watershed district can perform the functions for which it was established without
52.30 the inclusion of the territory; and

52.31 (3) the territory is not, in fact, a part of the watershed.

53.1 (b) Property may not be released that has been determined subject to benefits or damages
53.2 for a project previously constructed.

53.3 (c) Property released remains liable for the proportionate share of any indebtedness
53.4 existing at the time of the order. Levies on the property released continue in force until fully
53.5 paid.

53.6 (d) If the board determines that the order prescribing the distribution of managers should
53.7 be amended following the withdrawal of any territory, the board may direct redistribution
53.8 of managers in the order authorizing the withdrawal.

53.9 (e) The board must file a certified copy of the findings and order of withdrawal with the
53.10 secretary of state, the auditor of each county affected by the watershed district, the
53.11 commissioner, and the watershed district.

53.12 Sec. 25. Minnesota Statutes 2022, section 103D.261, subdivision 1, is amended to read:

53.13 Subdivision 1. **Petition.** (a) Proceedings to enlarge an existing watershed district must
53.14 be initiated by a petition filed with the board. A majority of the managers may file a petition.
53.15 Otherwise, the required signatures on a petition to enlarge are the same as for an
53.16 establishment petition, but the percentages must be calculated only with reference to the
53.17 territory that is proposed to be added to the watershed district. The petition must:

53.18 (1) state that the area to be added is contiguous to the existing watershed district;

53.19 (2) state that the area can be feasibly administered by the managers of the existing
53.20 watershed district;

53.21 (3) state reasons why adding the area to the existing watershed district would be
53.22 conducive to the public health and welfare;

53.23 (4) include a map of the affected area;

53.24 (5) state the name of the proposed enlarged watershed district, if other than that of the
53.25 existing watershed district; and

53.26 (6) state a request for the addition of the proposed territory.

53.27 (b) The petition must be served on the board and affected watershed districts, and the
53.28 board must proceed as prescribed for an establishment petition.

53.29 (c) The requirement of notice and public hearings is as prescribed for the establishment
53.30 petition. The board must also give notice of the hearing by mail at least ten days before the
53.31 hearing to each watershed district affected by the proposed enlargement.

54.1 Sec. 26. Minnesota Statutes 2022, section 103D.261, subdivision 2, is amended to read:

54.2 Subd. 2. **Board order.** (a) After the hearing, if the board determines that the enlargement
54.3 of the watershed district as asked for in the petition would be for the public welfare and
54.4 public interest and the purpose of this chapter would be served, the board shall, by making
54.5 findings and an order, enlarge the watershed district and file a certified copy of the findings
54.6 and order with the secretary of state, the auditor of each county affected by the watershed
54.7 district, the director, and the watershed district.

54.8 (b) The name of the watershed district may be changed by order of the board if requested
54.9 in the petition to enlarge the watershed district.

54.10 Sec. 27. Minnesota Statutes 2022, section 103D.271, subdivision 7, is amended to read:

54.11 Subd. 7. **Termination hearing order.** When the board determines a termination petition
54.12 has been filed that meets the requirements of subdivisions 4 and 5, the board must, by order,
54.13 ~~set a time by~~ within 35 days after of its determination, set a time and a location within the
54.14 watershed district for a termination hearing or, if publicly accessible facilities are not
54.15 available within the watershed district, at the nearest suitable publicly accessible facility.
54.16 The board must have each manager of the watershed district personally served with a copy
54.17 of the order.

54.18 Sec. 28. Minnesota Statutes 2022, section 103D.301, subdivision 1, is amended to read:

54.19 Subdivision 1. **More than one affected county.** If more than one county is affected by
54.20 a watershed district, the board must provide that managers are distributed by residence
54.21 among the counties affected by the watershed district and in consideration of the counties'
54.22 portion of the land area and net tax capacity of the watershed.

54.23 Sec. 29. Minnesota Statutes 2022, section 103D.301, subdivision 3, is amended to read:

54.24 Subd. 3. **Redistribution.** (a) After ten years from the establishment of the watershed
54.25 district, the county board of commissioners of a county affected by the watershed district
54.26 may petition the board to redistribute the managers. After holding a public hearing on
54.27 redistributing the managers, the board may redistribute the managers among the counties
54.28 affected by the watershed district if the redistribution is in accordance with the policy and
54.29 purposes of this chapter.

54.30 (b) A petition for the redistribution of managers may not be filed with the board more
54.31 often than once in ten years.

55.1 (c) If more than one county is affected by a watershed district, the board must distribute
55.2 the one-, two-, and three-year terms among counties affected by the watershed district. The
55.3 board may redistribute the three-year terms upon redistributing the managers among the
55.4 affected counties or upon increasing the number of managers.

55.5 Sec. 30. Minnesota Statutes 2022, section 103D.305, subdivision 2, is amended to read:

55.6 Subd. 2. **Petition signatures.** The petition to increase the number of managers must
55.7 request the increase and be signed by one or more of the following groups:

55.8 (1) one-half or more of the counties within the watershed district;

55.9 (2) counties with 50 percent or more of the area within the watershed district;

55.10 (3) a majority or greater number of the cities within the watershed district;

55.11 (4) 50 or more resident owners residing in the watershed district, excluding resident
55.12 owners within the corporate limits of a city if the city has signed the petition; or

55.13 (5) the managers of the watershed district, by resolution adopted by a majority of the
55.14 managers of the watershed district.

55.15 Sec. 31. Minnesota Statutes 2022, section 103D.305, subdivision 5, is amended to read:

55.16 Subd. 5. **Hearing.** (a) If the board determines at the hearing that an increase in the
55.17 number of managers would benefit the public welfare, public interest, and the purpose of
55.18 this chapter, the board must increase the number of managers. The board must make findings
55.19 and an order accordingly and file a certified copy of the findings and order with the secretary
55.20 of state, the auditor of each county affected by the watershed district, the director, and the
55.21 watershed district. The board's order must prescribe the terms for the new managers to be
55.22 appointed by the designated county board or boards.

55.23 (b) If the watershed district affects more than one county, the board, by order, must
55.24 direct the distribution of the managers among the affected counties.

55.25 Sec. 32. Minnesota Statutes 2022, section 103D.311, subdivision 4, is amended to read:

55.26 Subd. 4. **Record of appointed managers.** A record of all appointments made under this
55.27 section must be filed with the county auditor of each county affected by the watershed
55.28 district, the secretary or administrator of the board of managers, and the Board of Water
55.29 and Soil Resources.

56.1 Sec. 33. Minnesota Statutes 2022, section 103D.315, subdivision 9, is amended to read:

56.2 Subd. 9. **First meeting of managers.** (a) Within ~~ten~~ 30 days after the first board of
56.3 managers has received notice by personal service of their selection, the managers must meet
56.4 at the watershed district's principal place of business.

56.5 (b) At the first meeting, the managers must take the oath under subdivision 1, provide
56.6 a bond under subdivision 2, elect officers under subdivision 3, and appoint an advisory
56.7 committee under section 103D.331.

56.8 Sec. 34. Minnesota Statutes 2022, section 103D.315, subdivision 10, is amended to read:

56.9 Subd. 10. **Meetings.** The managers shall meet annually and at other necessary times to
56.10 transact the business of the watershed district. A meeting may be called at any time at the
56.11 request of any manager according to chapter 13D. ~~When a manager requests a meeting, the~~
56.12 ~~secretary of the watershed district must mail a notice of the meeting to each member at least~~
56.13 ~~eight days before the meeting.~~

56.14 Sec. 35. Minnesota Statutes 2022, section 103D.321, subdivision 1, is amended to read:

56.15 Subdivision 1. **Unavailable public facilities.** If ~~public~~ publicly accessible facilities are
56.16 not available for a watershed district's principal place of business within the watershed
56.17 district, the board shall determine and designate the nearest suitable ~~public~~ publicly accessible
56.18 facility as the watershed district's principal place of business. The principal place of business
56.19 is the location of the watershed district's office or, if the district has no office, the location
56.20 of regular meetings of the board of managers.

56.21 Sec. 36. Minnesota Statutes 2022, section 103D.331, subdivision 2, is amended to read:

56.22 Subd. 2. **Members.** (a) The advisory committee consists of at least five members. If
56.23 practicable, the advisory committee members selected should include a representative from
56.24 each soil and water conservation district, a representative of each county, a member of a
56.25 sporting organization, ~~and~~ a member of a farm organization, and a representative of each
56.26 federally recognized Tribal government within the watershed district. Other advisory
56.27 committee members may be appointed at the discretion of the managers. The members must
56.28 be residents of the watershed district, except representatives from Tribal nations, soil and
56.29 water conservation districts, and counties, and serve at the pleasure of the managers.

56.30 (b) In addition, the managers may appoint other interested and technical persons who
56.31 may or may not reside within the watershed district to serve at the pleasure of the managers.

57.1 Sec. 37. Minnesota Statutes 2022, section 103D.335, subdivision 11, is amended to read:

57.2 Subd. 11. **Acquiring or disposing of property.** The managers may acquire by gift,
57.3 purchase, taking under the procedures of this chapter, or by the power of eminent domain,
57.4 necessary real and personal property. The managers may dispose of real or personal property
57.5 when the property no longer serves a purpose of the watershed district. The watershed
57.6 district may acquire property outside the watershed district where necessary for a water
57.7 supply system.

57.8 Sec. 38. Minnesota Statutes 2022, section 103D.341, subdivision 1, is amended to read:

57.9 Subdivision 1. **Requirement.** The managers must adopt rules ~~to accomplish the purposes~~
57.10 ~~of this chapter and~~ to implement the regulatory powers of the managers.

57.11 Sec. 39. Minnesota Statutes 2022, section 103D.345, subdivision 4, is amended to read:

57.12 Subd. 4. **Bond; financial assurance.** The managers may require an applicant for a permit
57.13 to file a bond or other form of financial assurance with the managers in an amount set by
57.14 the managers and conditioned on performance by the applicant of authorized activities in
57.15 conformance with the terms of the permit.

57.16 Sec. 40. Minnesota Statutes 2022, section 103D.355, subdivision 1, is amended to read:

57.17 Subdivision 1. **Requirement.** The managers must have an annual audit completed of
57.18 the books and accounts of the watershed district. The annual audit may be made by a private
57.19 certified public accountant or by the state auditor. The managers must submit the annual
57.20 audit report to the board and the state auditor's office within 180 days of the end of the
57.21 watershed district's fiscal year.

57.22 Sec. 41. **[103D.357] REMOVAL OF MANAGERS.**

57.23 After being provided an opportunity for a hearing before the appointing authority, a
57.24 manager of a watershed district may be removed from the position by a majority vote of
57.25 the appointing authority before term expiration for violation of a code of ethics of the
57.26 watershed district or appointing authority or for malfeasance, nonfeasance, or misfeasance.

57.27 Sec. 42. Minnesota Statutes 2022, section 103D.401, is amended to read:

57.28 **103D.401 WATERSHED MANAGEMENT PLAN.**

57.29 Subdivision 1. **Contents.** (a) The managers must adopt and maintain a watershed
57.30 management plan ~~for any or all of~~ to exercise the powers of a watershed district and fulfill

58.1 the purposes for which a watershed district may be established. The watershed management
58.2 plan must give a narrative description of existing water and water-related problems within
58.3 the watershed district, possible solutions to the problems, and the general objectives of the
58.4 watershed district. The watershed management plan must also conform closely with
58.5 watershed management plan guidelines as adopted and amended from time to time by the
58.6 Board of Water and Soil Resources. The authority to adopt and maintain a watershed
58.7 management plan under this section is retained notwithstanding a watershed district's
58.8 participation in a comprehensive watershed management planning program under section
58.9 103B.801.

58.10 (b) The watershed management plan may include a separate section on proposed projects.
58.11 ~~If the watershed district is within the metropolitan area, the separate section of proposed~~
58.12 ~~projects or petitions for projects to be undertaken according to the watershed management~~
58.13 ~~plan is a comprehensive plan of the watershed district for purposes of review by the~~
58.14 ~~Metropolitan Council under section 473.165.~~

58.15 Subd. 2. **Review Reviewing draft plan.** The managers must send a copy of the proposed
58.16 watershed management plan for a 60-day review and comment period to the county auditor
58.17 of each county affected by the watershed district, the board, ~~the commissioner~~, the director,
58.18 the governing body of each municipality affected by the watershed district, and soil and
58.19 water conservation districts affected by the watershed district. ~~For a watershed district within~~
58.20 ~~the metropolitan area, a copy of the proposed watershed management plan must also be~~
58.21 ~~submitted to the Metropolitan Council.~~ At least ten days before the public hearing, the
58.22 watershed district must respond in writing to all comments by the reviewing parties.

58.23 Subd. 3. ~~**Director's and Metropolitan Council's recommendations.**~~ After receiving
58.24 ~~the watershed management plan, the director and the Metropolitan Council must review~~
58.25 ~~and make recommendations on the watershed management plan. By 60 days after receiving~~
58.26 ~~the plan, the director and the Metropolitan Council must send their recommendations on~~
58.27 ~~the watershed management plan to the board and a copy to the managers of the watershed~~
58.28 ~~district, the county auditor of each county affected by the watershed district, the governing~~
58.29 ~~bodies of all municipalities affected by the watershed district, and soil and water conservation~~
58.30 ~~districts affected by the watershed district. The board may extend the period for review and~~
58.31 ~~transmittal of the recommendations.~~

58.32 Subd. 4. **Hearing notice.** (a) The ~~board~~ managers must give notice and hold a ~~watershed~~
58.33 ~~management plan~~ hearing on the proposed watershed management plan by ~~45~~ no later than
58.34 60 days after receiving the director's and Metropolitan Council's recommendations the close
58.35 of the 60-day review and comment period.

59.1 (b) The ~~board~~ managers must give notice of the ~~watershed management plan~~ hearing by
59.2 publication in a legal newspaper that is published in counties affected by the watershed
59.3 district. The last publication must occur at least ten days before the ~~watershed management~~
59.4 ~~plan~~ hearing.

59.5 (c) The ~~board~~ managers must give notice of the ~~watershed management plan~~ hearing by
59.6 mail to the auditors of counties and to the chief executive officials of municipalities affected
59.7 by the watershed district.

59.8 (d) The notice must include:

59.9 (1) a statement that a copy of the proposed watershed management plan has been filed
59.10 with the board, ~~the Metropolitan Council, where applicable,~~ the auditors of counties affected
59.11 by the proposed watershed district, the commissioner, the director, the governing body of
59.12 each municipality affected by the watershed district, and the soil and water conservation
59.13 districts affected by the watershed district;

59.14 (2) a general description of the purpose of the watershed district;

59.15 (3) a general description of the property included in the watershed district;

59.16 (4) a general description of the proposed watershed management plan;

59.17 (5) the date, time, and location of the hearing; and

59.18 (6) a statement that all persons affected or interested in the watershed district may attend
59.19 and give statements at the ~~watershed management plan~~ hearing.

59.20 Subd. 5. **Board approval.** (a) After the watershed management plan hearing, the ~~board~~
59.21 managers must submit the draft plan, any amendments to the draft plan, all written comments
59.22 received on the draft plan, a record of the public hearing, and a summary of changes
59.23 incorporated as a result of the review process to the board for final review. The board must
59.24 review the plan for conformance with this chapter.

59.25 (b) The board must not prescribe a plan but may disapprove all or parts of a plan that
59.26 the board finds does not conform with this chapter. The board must complete its review
59.27 within 90 days and, by order, ~~prescribe and~~ approve, disapprove, or approve with conditions
59.28 a watershed management plan for the watershed district. ~~The board must send a copy of the~~
59.29 order and approved watershed management plan to the managers, the county board of each
59.30 county affected by the watershed district, the commissioner, the director, the Metropolitan
59.31 Council, where applicable, the governing body of each municipality affected by the watershed
59.32 district, and soil and water conservation districts affected by the watershed district. The

60.1 ~~watershed management plan approved by the board is the watershed management plan for~~
60.2 ~~the watershed district.~~

60.3 (c) A watershed district may seek reconsideration of a decision of the board concerning
60.4 its plan or capital improvement program within 60 days of receiving the decision by filing
60.5 an appeal to the board's dispute resolution committee established under section 103B.101,
60.6 subdivision 10. The dispute resolution committee must complete its reconsideration and
60.7 make a recommendation to the board, which must issue a final decision within 90 days of
60.8 the appeal.

60.9 Subd. 6. **Adoption.** Within 120 days of the board's order, the managers must adopt a
60.10 plan in compliance with the board's order. The managers must send a copy of the order and
60.11 approved watershed management plan to the board, the county board of each county affected
60.12 by the watershed district, the commissioner, the director, the governing body of each
60.13 municipality affected by the watershed district, and soil and water conservation districts
60.14 affected by the watershed district. The watershed management plan approved by the board
60.15 and adopted by the managers is the watershed management plan for the watershed district.

60.16 Subd. 7. **Amendments.** (a) To the extent and in the manner required by the adopted
60.17 plan, all amendments to the adopted plan must be submitted to the towns, cities, counties,
60.18 and state review agencies and to the board for review according to subdivisions 2 to 5,
60.19 except when the proposed amendments are determined to be minor amendments according
60.20 to the following requirements:

60.21 (1) the board has either agreed that the amendments are minor or failed to act within
60.22 five working days of the end of the comment period specified in clause (2), unless an
60.23 extension is mutually agreed upon with the watershed district;

60.24 (2) the watershed district has sent copies of the amendments to the plan review authorities
60.25 for review and comment, allowing at least 30 days for receipt of comments; has indicated
60.26 that the minor amendment procedure is being followed; and has directed that comments be
60.27 sent to the watershed district and the board;

60.28 (3) no county board has filed an objection to the amendments with the watershed district
60.29 and the board within the comment period specified in clause (2), unless an extension is
60.30 mutually agreed upon by the county and the watershed district; and

60.31 (4) the watershed district has held a public meeting to explain the amendments and
60.32 published a legal notice of the meeting twice, at least seven days and 14 days before the
60.33 date of the meeting.

61.1 (b) The following changes to a plan do not require an amendment, but must be distributed
61.2 to agencies and local units of government receiving an adopted plan under subdivision 6:

61.3 (1) formatting or reorganizing the plan;

61.4 (2) revising a procedure meant to streamline administration of the plan;

61.5 (3) clarifying existing plan goals or policies;

61.6 (4) including additional data not requiring interpretation;

61.7 (5) expanding a public process; or

61.8 (6) adjusting how a watershed district carries out program activities within the district's
61.9 discretion.

61.10 Sec. 43. Minnesota Statutes 2022, section 103D.405, subdivision 1, is amended to read:

61.11 Subdivision 1. **Requirements.** (a) The managers ~~and the board~~ must revise the watershed
61.12 management plan for the watershed district at least once every ten years after the original
61.13 watershed management plan is approved. The revised watershed management plan of the
61.14 district must conform closely with adopted watershed management plan guidelines of the
61.15 board of Water and Soil Resources.

61.16 (b) The managers must include the following items in the revised watershed management
61.17 plan:

61.18 (1) updates and supplements of the existing hydrological and other statistical data of the
61.19 watershed district;

61.20 (2) specific projects and programs to be considered for implementation;

61.21 (3) a statement of the extent that the purposes for which the watershed district had been
61.22 established have been accomplished;

61.23 (4) a description of problems requiring future action by the watershed district;

61.24 (5) a summary of completed studies on active or planned projects, including financial
61.25 data; and

61.26 (6) an analysis of the effectiveness of the watershed district's rules and permits in
61.27 achieving its water management objectives in the watershed district.

61.28 (c) A revised watershed management plan must be transmitted, reviewed, recommended,
61.29 and approved as provided in subdivisions 2 to 4 and 6.

62.1 Sec. 44. Minnesota Statutes 2022, section 103D.535, subdivision 3, is amended to read:

62.2 Subd. 3. **Appeals from managers' orders.** (a) If an appeal is taken from an order
62.3 authorizing a project, a trial of an appeal of benefits or damages from the proceedings must
62.4 be stayed until the appeal is decided. If the order authorizing the project is affirmed, a trial
62.5 of an appeal of benefits or damages may commence.

62.6 (b) If the appeal is from an order refusing to authorize a project and the court or the
62.7 board later orders the project, the secretary or administrator of the watershed district shall
62.8 give notice by publication of the filing of the order. The notice is sufficient if it refers to
62.9 the proposed project by general description and recites the substance of the order and the
62.10 date of filing in the court.

62.11 Sec. 45. Minnesota Statutes 2022, section 103D.701, is amended to read:

62.12 **103D.701 PROJECT INITIATION.**

62.13 Projects may not be initiated until the board approves a watershed management plan for
62.14 the watershed district. ~~The projects~~ A project of the watershed district ~~that are to be paid~~
62.15 ~~for by assessment of the benefited properties~~ must be initiated:

62.16 (1) by a project petition filed with the managers;

62.17 (2) by ~~unanimous~~ resolution of a majority of the members of the board of managers; or

62.18 (3) as otherwise prescribed by this chapter.

62.19 Sec. 46. Minnesota Statutes 2022, section 103D.705, subdivision 1, is amended to read:

62.20 Subdivision 1. **Requirements.** (a) A project within the watershed district that generally
62.21 conforms with the watershed management plan may be initiated by a project petition. A
62.22 project petition must contain:

62.23 (1) a description of the proposed project and the purpose to be accomplished;

62.24 (2) a description of the property where the proposed project passes over or is located;

62.25 (3) a general description of the part of the watershed district that will be affected, if less
62.26 than the entire watershed district;

62.27 (4) the necessity for the proposed project;

62.28 (5) a statement that the proposed project will be conducive to public health, convenience,
62.29 and welfare; and

63.1 (6) a statement that the petitioners will pay all costs and expenses that may be incurred
63.2 if the proceedings are dismissed or a construction or implementation contract is not awarded
63.3 for the proposed project.

63.4 (b) A petition may request that the managers adopt a resolution according to section
63.5 103D.707, subdivision 1, to allow sources of funding other than assessment to be used in
63.6 whole or in part for the project. Upon adopting a requested resolution, the managers must
63.7 release the deposit or bond required under subdivision 3.

63.8 Sec. 47. Minnesota Statutes 2022, section 103D.705, is amended by adding a subdivision
63.9 to read:

63.10 Subd. 5. **Determination.** If the managers determine that a proper project petition has
63.11 been filed and that the proposed project promotes the public interest and welfare, is
63.12 practicable, and conforms with the watershed management plan of the watershed district,
63.13 the managers must:

63.14 (1) identify the project by name and number; and

63.15 (2) designate an engineer to make surveys, maps, and a report on the proposed project.

63.16 Sec. 48. **103D.707] PROJECTS INITIATED BY MANAGERS.**

63.17 Subdivision 1. **Resolution.** A majority of the members of the board of managers may
63.18 initiate a project by a resolution finding that the project generally conforms with the
63.19 watershed management plan of the watershed district. The resolution must:

63.20 (1) identify the project by name and number;

63.21 (2) identify intended sources of project funding; and

63.22 (3) designate an engineer to make surveys, maps, and a report on the proposed project.

63.23 Subd. 2. **Funding.** (a) A project initiated under this section may be funded from one or
63.24 more sources of funds available to the watershed district, including but not limited to levy,
63.25 assessment, a water management district charge, and external sources. The availability and
63.26 use of a source of funding must be as specified in applicable law.

63.27 (b) The finding under subdivision 1 as to intended sources of funding is not binding on
63.28 the managers. However, the procedures of this chapter must be afforded to property owners
63.29 affected by any subsequent decision of the managers to expand the use of assessment.

64.1 Subd. 3. **Determining benefits.** Procedures in section 103D.715 for appointing resident
64.2 appraisers and determining benefits apply to a project initiated by resolution of the managers
64.3 only if and to the extent that a project is to be funded in whole or part by assessment.

64.4 Sec. 49. Minnesota Statutes 2022, section 103D.711, subdivision 3, is amended to read:

64.5 Subd. 3. **State and federal projects.** The engineer may adopt, approve, and include as
64.6 a part of the engineer's report a project of the state or federal government that is pertinent
64.7 to the project and may accept data, plats, plans, details, or information pertaining to the
64.8 state or federal project given to the ~~engineer~~ watershed district by the state or federal agency.
64.9 The engineer ~~shall~~ may omit the items required in subdivision 2 from the engineer's report
64.10 if the data given by the state or federal government is sufficient to meet the requirements
64.11 of subdivision 2.

64.12 Sec. 50. Minnesota Statutes 2022, section 103D.711, subdivision 4, is amended to read:

64.13 Subd. 4. **Hearing after unfavorable engineer's report.** (a) If the project has been
64.14 initiated by petition and the engineer's report is unfavorable, the managers shall, by order,
64.15 within 35 days set a time and place within the watershed district for a hearing for the
64.16 petitioners to demonstrate why the managers should not refer the petition back to the
64.17 petitioners for further proceedings or dismiss the petition.

64.18 (b) The hearing notice must state:

64.19 (1) that the engineer's report is unfavorable;

64.20 (2) that the engineer's report is on file with the managers and may be reviewed; and

64.21 (3) the time and place for the hearing.

64.22 (c) The managers shall mail a copy of the notice to each of the petitioners at least 14
64.23 days before the hearing.

64.24 Sec. 51. Minnesota Statutes 2022, section 103D.711, subdivision 6, is amended to read:

64.25 Subd. 6. **Notice for final hearing; timing.** A notice may not be issued for the final
64.26 hearing until the board's advisory report and the director's advisory report are filed or the
64.27 time for filing the reports with the managers has expired. For projects initiated by the
64.28 managers according to section 103D.707, the managers may decide at any time not to
64.29 proceed to final hearing.

65.1 Sec. 52. Minnesota Statutes 2022, section 103D.715, subdivision 1, is amended to read:

65.2 Subdivision 1. **Appointment.** After the engineer's report is filed, if the project is proposed
65.3 to be funded in whole or in part by assessments of benefitted land owners, the managers
65.4 shall, with the least possible delay, appoint three disinterested resident owners of the state
65.5 as appraisers.

65.6 Sec. 53. Minnesota Statutes 2022, section 103D.729, subdivision 1, is amended to read:

65.7 Subdivision 1. **Establishment.** A watershed district may establish a water management
65.8 district or districts in the territory within the watershed, for the purpose of collecting revenues
65.9 and paying the costs of projects initiated under section 103B.231, ~~103D.601, 103D.605,~~
65.10 ~~103D.611,~~ 103D.701, or 103D.730.

65.11 Sec. 54. Minnesota Statutes 2022, section 103D.729, subdivision 2, is amended to read:

65.12 Subd. 2. **Procedure.** A watershed district may establish a water management district
65.13 only by amendment to its plan in accordance with section ~~103D.411, or~~ 103D.401, or
65.14 103B.231 for watershed districts in the metropolitan area, and compliance with subdivisions
65.15 3 and 4. The amendment ~~shall~~ must describe with particularity the territory or the area to
65.16 be included in the water management district, the amount of the necessary charges, the
65.17 methods used to determine charges, and the length of time the water management district
65.18 will remain in force. After adoption, the amendment ~~shall~~ must be filed with the county
65.19 auditor and county recorder of each county affected by the water management district.
65.20 Charges must be collected according to section 444.075, subdivision 2a. The water
65.21 management district may be dissolved by the procedure prescribed for the establishment of
65.22 the water management district.

65.23 Sec. 55. Minnesota Statutes 2022, section 103D.731, is amended to read:

65.24 **103D.731 APPRAISERS' REPORT; EXAMINATION.**

65.25 (a) The appraisers shall prepare an appraisers' report of the benefits and damages
65.26 determined and file the report with the managers.

65.27 (b) After the appraisers' report is filed, the managers shall examine the report and
65.28 determine whether:

65.29 (1) the report was made in conformity with the requirements of this chapter; and

65.30 (2) for each property to be assessed, the total benefits are greater than the ~~total-estimated~~
65.31 ~~costs and damages~~ to be assessed.

66.1 (c) If the managers determine the appraisers' report is inadequate in any manner, the
66.2 managers may return the report to the appraisers for further study and report.

66.3 Sec. 56. Minnesota Statutes 2022, section 103D.745, subdivision 3, is amended to read:

66.4 Subd. 3. **Establishing project.** (a) The managers shall make findings, order and direct
66.5 construction or implementation of the project, and confirm the engineer's report and the
66.6 findings of the appraisers and the appraisers' report if, at the end of the final hearing, the
66.7 managers find that the project will:

66.8 (1) be conducive to public health;

66.9 (2) promote the general welfare;

66.10 (3) be in compliance with this chapter; and

66.11 (4) for each property to be assessed, result in benefits that will be greater than the cost
66.12 ~~of the construction or implementation and damages~~ to be assessed.

66.13 (b) The order may authorize the construction or implementation of the project as a whole
66.14 or authorize different parts of the project to be constructed separately.

66.15 (c) The managers shall order the engineer to proceed with making the necessary surveys
66.16 and preparing plans and specifications that are needed to construct the project and report
66.17 the results of the surveys and plans to the managers.

66.18 Sec. 57. Minnesota Statutes 2022, section 103D.805, is amended to read:

66.19 **103D.805 FILING MANAGERS' ORDER ESTABLISHING PROJECT.**

66.20 An order of the managers establishing the project and authorizing construction must
66.21 immediately be filed with the secretary or administrator of the watershed district, and a
66.22 certified copy of the order must be filed with the auditor of each county affected, the board,
66.23 the commissioner, the director, the Pollution Control Agency, and the commissioner of
66.24 health.

66.25 Sec. 58. Minnesota Statutes 2022, section 103D.811, subdivision 3, is amended to read:

66.26 Subd. 3. **Awarding contract.** (a) At a time and place specified in the bid notice, the
66.27 managers may accept or reject any or all bids and may award the contract to the lowest
66.28 responsible bidder. The bidder to whom the contract is to be awarded must give a bond,
66.29 ~~with ample security~~ as required by section 574.26, conditioned by satisfactory completion
66.30 of the contract.

67.1 (b) Bids must not be considered which in the aggregate exceed by more than 30 percent
67.2 the total estimated cost of construction or implementation.

67.3 (c) As an alternative to the procurement method described in paragraph (a), the managers
67.4 may issue a request for proposals and award the contract to the vendor or contractor offering
67.5 the best value as described in section 16C.28, subdivision 1, paragraph (a), clause (2), and
67.6 paragraph (c).

67.7 (d) The contract must be in writing and be accompanied by or refer to the plans and
67.8 specifications for the work to be done as prepared by the engineer for the watershed district.
67.9 The plans and specifications shall become a part of the contract.

67.10 (e) The contract ~~shall~~ must be approved by the managers ~~and signed by the president,~~
67.11 ~~secretary, and contractor.~~

67.12 Sec. 59. Minnesota Statutes 2022, section 103D.901, subdivision 2, is amended to read:

67.13 Subd. 2. **County funding.** After the assessment statement is filed with the auditor, the
67.14 county board of each affected county shall provide funds to meet its proportionate share of
67.15 the total cost of the project, as shown by the engineer's report and order of the managers.
67.16 The county may issue bonds of the county in the manner provided by section 103E.635. ~~If~~
67.17 ~~an improvement is to be constructed under section 103D.611, the provisions of section~~
67.18 ~~103E.635 requiring the county board to award a contract for construction or implementation~~
67.19 ~~before issuing bonds is not applicable to bonds issued to provide the funds required to be~~
67.20 ~~furnished by this section.~~

67.21 Sec. 60. Minnesota Statutes 2022, section 103E.729, subdivision 9, is amended to read:

67.22 Subd. 9. **Sunset.** This section expires on July 31, ~~2024~~ 2029.

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

67.24 Sec. 61. Minnesota Statutes 2022, section 103F.48, subdivision 1, is amended to read:

67.25 Subdivision 1. **Definitions.** (a) For the purposes of this section, the following terms have
67.26 the meanings given them.

67.27 (b) "Board" means the Board of Water and Soil Resources.

67.28 (c) "Buffer" means an area consisting of perennial vegetation, excluding invasive plants
67.29 and noxious weeds, adjacent to all bodies of water within the state and that protects the
67.30 water resources of the state from runoff pollution; stabilizes soils, shores, and banks; and
67.31 protects or provides riparian corridors.

68.1 (d) "Buffer-protection map" means buffer maps established and maintained by the
68.2 commissioner of natural resources.

68.3 (e) "Commissioner" means the commissioner of natural resources.

68.4 (f) "Executive director" means the executive director of the Board of Water and Soil
68.5 Resources.

68.6 (g) "Local water management authority" means a watershed district, metropolitan water
68.7 management organization, or county operating separately or jointly in its role as local water
68.8 management authority under chapter 103B or 103D.

68.9 (h) "Normal water level" means the level evidenced by the long-term presence of surface
68.10 water as indicated directly by hydrophytic plants or hydric soils or indirectly determined
68.11 via hydrological models or analysis.

68.12 (i) "Public waters" means public waters that are on the public waters inventory as provided
68.13 in section 103G.201.

68.14 (j) "With jurisdiction" means a board determination that the county or watershed district
68.15 has adopted and is implementing a rule, ordinance, or official controls providing procedures
68.16 for the issuance of administrative penalty orders, enforcement, and appeals for purposes of
68.17 this section and section 103B.101, ~~subdivision 12a.~~ This determination is revocable by
68.18 board action if the adoption and implementation of rule, ordinance, or official controls are
68.19 not in compliance with the requirements of this section or board-adopted procedures.

68.20 Sec. 62. Minnesota Statutes 2022, section 103F.511, is amended by adding a subdivision
68.21 to read:

68.22 Subd. 1a. **Agricultural crop production.** "Agricultural crop production" means an
68.23 agricultural activity that is devoted to producing horticultural, row, close-grown, introduced
68.24 pasture, or introduced hayland crops and includes but is not limited to tillage, planting, or
68.25 harvesting operations.

68.26 Sec. 63. Minnesota Statutes 2022, section 103F.511, is amended by adding a subdivision
68.27 to read:

68.28 Subd. 1b. **Agricultural land.** "Agricultural land" means land devoted to the following
68.29 uses and includes any contiguous land associated with the uses:

68.30 (1) pasture or hayland for domestic livestock or dairy animals;

68.31 (2) producing agricultural crops;

69.1 (3) growing nursery stocks; or

69.2 (4) animal feedlots.

69.3 Sec. 64. Minnesota Statutes 2022, section 103F.511, is amended by adding a subdivision
69.4 to read:

69.5 Subd. 1c. **Approved practice.** "Approved practice" means a conservation practice that
69.6 may be established on an easement area and that meets the requirements of section 103F.527.

69.7 Sec. 65. Minnesota Statutes 2022, section 103F.511, is amended by adding a subdivision
69.8 to read:

69.9 Subd. 3a. **Conservation easement program.** "Conservation easement program" means:

69.10 (1) the reinvest in Minnesota reserve program under section 103F.515;

69.11 (2) the permanent wetlands preserve program under section 103F.516;

69.12 (3) the reinvest in Minnesota clean energy program under section 103F.518; or

69.13 (4) the reinvest in Minnesota working lands program under section 103F.519.

69.14 Sec. 66. Minnesota Statutes 2022, section 103F.511, is amended by adding a subdivision
69.15 to read:

69.16 Subd. 3b. **Conservation plan.** "Conservation plan" means a written description and map
69.17 of approved practices that must be applied to or that already exist on an easement area.

69.18 Sec. 67. Minnesota Statutes 2022, section 103F.511, is amended by adding a subdivision
69.19 to read:

69.20 Subd. 5b. **Food plot.** "Food plot" means an area established to provide food for wildlife.

69.21 Sec. 68. Minnesota Statutes 2022, section 103F.511, is amended by adding a subdivision
69.22 to read:

69.23 Subd. 5d. **Land with crop history.** "Land with crop history" means land that has
69.24 produced horticultural, row, or close-grown crops or that has been enrolled at a cropland
69.25 rate in a federal or state conservation program for at least two of the five years preceding
69.26 an application to enroll the land in a conservation easement program. Land with crop history
69.27 includes acres devoted to set-aside or conserving use for programs of the United States
69.28 Department of Agriculture.

70.1 Sec. 69. Minnesota Statutes 2022, section 103F.511, is amended by adding a subdivision
70.2 to read:

70.3 Subd. 7a. **Pasture.** "Pasture" means land that is used for grazing by domestic livestock
70.4 and that is not considered land with crop history.

70.5 Sec. 70. Minnesota Statutes 2022, section 103F.511, is amended by adding a subdivision
70.6 to read:

70.7 Subd. 7b. **Perennial cover.** "Perennial cover" means:

70.8 (1) existing or established perennial vegetation within the easement boundary; or

70.9 (2) a restored or existing wetland or water-covered area within the easement boundary.

70.10 Sec. 71. Minnesota Statutes 2022, section 103F.515, is amended to read:

70.11 **103F.515 REINVEST IN MINNESOTA RESERVE PROGRAM.**

70.12 Subdivision 1. **Establishment.** The board, in consultation with the commissioner of
70.13 agriculture and the commissioner of natural resources, shall establish and administer the
70.14 reinvest in Minnesota reserve program. The board shall implement sections 103F.505 to
70.15 103F.531. Selection of land for the reinvest in Minnesota reserve program must be based
70.16 on its ~~enhancement potential for fish, wildlife, and native plant habitats, reducing erosion,~~
70.17 ~~and protecting water quality~~ benefit to accomplishing the purposes in section 103F.505.

70.18 Subd. 2. **Eligible land.** (a) Land may be placed in the reinvest in Minnesota reserve
70.19 program if the land meets the requirements of paragraphs (b) and (c) or paragraph (d).

70.20 (b) Land is eligible if the land:

70.21 (1) is marginal agricultural land;

70.22 (2) is adjacent to marginal agricultural land and is either beneficial to resource protection
70.23 or necessary for efficient recording of the land description;

70.24 (3) consists of a drained wetland;

70.25 (4) is land that with a windbreak or water quality improvement practice would be
70.26 beneficial to resource protection;

70.27 (5) is land in a sensitive groundwater area;

70.28 (6) is riparian or floodplain land;

71.1 (7) is cropland or noncropland adjacent to restored wetlands to the extent of up to eight
71.2 acres of cropland or ~~one acre~~ of noncropland for each acre of wetland restored;

71.3 (8) is a woodlot on agricultural land;

71.4 (9) is abandoned building site on agricultural land, provided that funds are not used for
71.5 compensation of the value of the buildings; ~~or~~

71.6 (10) is land used for pasture; or

71.7 (11) is land in an environmentally sensitive area, including grasslands, peatlands,
71.8 shorelands, karst geology, trout stream watersheds, and forest lands in priority areas.

71.9 (c) Eligible land under paragraph (a) must:

71.10 (1) be owned by the landowner, or a parent or other blood relative of the landowner, for
71.11 at least one year before the date of application;

71.12 ~~(2) be at least five acres in size, except for a drained wetland area, riparian area,~~
71.13 ~~windbreak, woodlot, wellhead protection area, or abandoned building site, or be a whole~~
71.14 ~~field;~~

71.15 ~~(3)~~ (2) not be set aside, enrolled or diverted under another federal or state government
71.16 program unless enrollment in the reinvest in Minnesota reserve program would provide
71.17 additional conservation benefits or a longer term of enrollment than under the current federal
71.18 or state program; and

71.19 ~~(4) have been in agricultural crop production for at least two of the last five years before~~
71.20 ~~the date of application except drained wetlands, riparian lands, woodlots, abandoned building~~
71.21 ~~sites, environmentally sensitive areas, wellhead protection areas, or land used for pasture.~~

71.22 (3) benefit the purposes in section 103F.505.

71.23 (d) Land is eligible if the land is within a wellhead protection area as defined under
71.24 section 103I.005, subdivision 24, and has a wellhead protection plan approved by the
71.25 commissioner of health.

71.26 (e) In selecting land for enrollment in the program, highest priority must be given to
71.27 permanent easements that are consistent with the purposes stated in section 103F.505.

71.28 Subd. 3. **Conservation easements.** (a) The board may acquire, or accept by gift or
71.29 donation, conservation easements on eligible land. An easement may be permanent or of
71.30 limited duration. An easement acquired on land for wetland restoration or windbreak
71.31 purposes, under subdivision 2, may be only of permanent duration. An easement of limited
71.32 duration may not be acquired if it is for a period less than 20 years. The negotiation and

72.1 acquisition of easements authorized by this section are exempt from the contractual provisions
72.2 of chapters 16B and 16C.

72.3 (b) The board may acquire, or accept by gift or donation, flowage easements when
72.4 necessary for completion of wetland restoration projects.

72.5 Subd. 4. **Nature of property rights acquired.** (a) A conservation easement must prohibit:

72.6 (1) alteration of wildlife habitat and other natural features, unless specifically approved
72.7 by the board;

72.8 (2) agricultural crop production and livestock grazing, unless specifically approved by
72.9 the board for conservation management purposes or extreme drought; ~~and~~

72.10 (3) spraying with chemicals or mowing, except:

72.11 (i) as necessary to comply with noxious weed control laws;

72.12 (ii) for emergency control of pests necessary to protect public health; or

72.13 (iii) as approved by the board for conservation management purposes; and

72.14 (4) extracting or mining any gravel, rock, or topsoil.

72.15 (b) A conservation easement is subject to the terms of the agreement provided in
72.16 subdivision 5.

72.17 (c) A conservation easement must allow repairs, improvements, and inspections necessary
72.18 to maintain public drainage systems provided the easement area is restored to the condition
72.19 required by the terms of the conservation easement.

72.20 (d) Notwithstanding paragraph (a), the board must permit the harvest of native grasses
72.21 for use in seed production or bioenergy on wellhead protection lands eligible under
72.22 subdivision 2, paragraph (d).

72.23 (e) A conservation easement must allow the board and its employees and agents to enter
72.24 the easement area for inspection and for enforcing the terms and conditions of the
72.25 conservation easement.

72.26 Subd. 5. **Agreements by landowner.** The board may enroll eligible land in the reinvest
72.27 in Minnesota reserve program by signing an agreement ~~in recordable form~~ with a landowner
72.28 in which the landowner agrees:

72.29 (1) to convey to the state a conservation easement that is not subject to any prior ~~title,~~
72.30 ~~lien, or encumbrance~~ liens or encumbrances that are determined to be objectionable by the
72.31 attorney general;

73.1 (2) to seed the land subject to the conservation easement, as specified in the agreement,
73.2 to establish and maintain perennial cover of either a grass-legume mixture or native grasses
73.3 for the term of the easement, at seeding rates determined by the board; or to plant trees or
73.4 carry out other long-term capital improvements approved by the board for soil and water
73.5 conservation or wildlife management;

73.6 (3) to convey to the state a permanent easement for the wetland restoration;

73.7 ~~(4) that other land supporting natural vegetation owned or leased as part of the same~~
73.8 ~~farm operation at the time of application, if it supports natural vegetation and has not been~~
73.9 ~~used in agricultural crop production, will not be converted to agricultural crop production~~
73.10 ~~or pasture; and~~

73.11 ~~(5)~~ (4) that the easement duration may be lengthened through mutual agreement with
73.12 the board in consultation with the commissioners of agriculture and natural resources if
73.13 they determine that the changes effectuate the purpose of the program or facilitate its
73.14 administration;

73.15 (5) to be responsible for operating and maintaining approved practices designated in the
73.16 conservation plan;

73.17 (6) to pay, when due, all taxes and assessments that may be levied against the easement
73.18 area;

73.19 (7) to remove any existing structures as required before the conservation easement is
73.20 conveyed and not place, erect, or construct structures on the easement area;

73.21 (8) to remove any existing hazardous and toxic substances or any pollutants and
73.22 contaminants before the conservation easement is conveyed and not place such substances,
73.23 pollutants, or contaminants on the easement area; and

73.24 (9) to properly seal all abandoned wells on the easement area before the conservation
73.25 easement is conveyed and pay all associated costs.

73.26 Subd. 6. **Payments for easements.** (a) The board shall establish rates for payments to
73.27 the landowner for the conservation easement and related practices. The board shall consider
73.28 market factors, including the township average equalized estimated market value of property
73.29 as established by the commissioner of revenue at the time of easement application.

73.30 (b) The board may establish a payment system for flowage easements acquired under
73.31 this section.

74.1 (c) For wetland restoration projects involving more than one conservation easement,
74.2 state payments for restoration costs may exceed the limits set by the board for an individual
74.3 easement provided the total payment for the restoration project does not exceed the amount
74.4 payable for the total number of acres involved.

74.5 ~~(d) The board may use available nonstate funds to exceed the payment limits in this~~
74.6 ~~section.~~

74.7 Subd. 7. **Easement renewal.** When a conservation easement of limited duration expires,
74.8 a new conservation easement and agreement for an additional period of not less than 20
74.9 years may be acquired by agreement of the board and the landowner, under the terms of
74.10 this section. The board may adjust payment rates as a result of renewing an agreement and
74.11 conservation easement only after examining the condition of the established cover,
74.12 conservation practices, and land values.

74.13 Subd. 8. **Correcting boundary lines.** To correct errors in legal descriptions for easements
74.14 that affect the ownership interests in the state and adjacent landowners, the board may, in
74.15 the name of the state, with the approval of the attorney general, convey, without
74.16 consideration, interests of the state necessary to correct legal descriptions of boundaries.
74.17 The conveyance must be by quitclaim deed or release in a form approved by the attorney
74.18 general.

74.19 Subd. 9. **Enforcement and damages.** (a) A landowner who violates the term of a
74.20 conservation easement or agreement under this section, or induces, assists, or allows another
74.21 to do so, is liable to the state for treble damages if the trespass is willful, but liable for double
74.22 damages only if the trespass is not willful. The amount of damages is the amount needed
74.23 to make the state whole or the amount the landowner has gained due to the violation,
74.24 whichever is greater.

74.25 (b) ~~Upon the request of the board,~~ The board may request that the attorney general
74.26 commence a legal action for a violation, and the attorney general may commence an action
74.27 for specific performances, injunctive relief, damages, including attorney's fees, and any
74.28 other appropriate relief to enforce sections 103F.505 to 103F.531 in district court in the
74.29 county where all or part of the violation is alleged to have been committed, or where the
74.30 landowner resides or has a principal place of business. In addition to or in lieu of making
74.31 a request under this paragraph, the board may use its authority under section 103B.101,
74.32 subdivision 12, to issue a penalty order for a violation. The penalties may be forgiven, in
74.33 whole or in part, upon compliance with the conservation easement conditions.

75.1 (c) A landowner is not in violation of the conservation easement if a failure of approved
75.2 practices was caused by reasons beyond the landowner's control.

75.3 Subd. 10. **Use for mitigation prohibited.** Money made available under the reinvest in
75.4 Minnesota reserve program may not be used for environmental regulatory or wetland
75.5 mitigation purposes required under federal or state law.

75.6 Sec. 72. **[103F.527] CONSERVATION PRACTICES.**

75.7 Subdivision 1. **Approved practices.** An approved practice must be consistent with
75.8 section 103F.505. The landowner is responsible for establishing all approved practices on
75.9 the easement area as specified by the board.

75.10 Subd. 2. **Approved practices eligible for reimbursement.** The board must determine
75.11 which approved practices are eligible for payments or reimbursement under a conservation
75.12 easement program. Food plots are not eligible for payments or reimbursement under a
75.13 conservation easement program.

75.14 Subd. 3. **Money from other sources.** The board may augment money available to pay
75.15 for or reimburse approved practices with money from other agencies, organizations, or
75.16 individuals.

75.17 Sec. 73. **[103F.528] SOIL AND WATER CONSERVATION DISTRICT**
75.18 **RESPONSIBILITIES.**

75.19 Subdivision 1. **Program delegation.** With the consent of the Board of Water and Soil
75.20 Resources, a district may enter into an agreement with others, as authorized under section
75.21 103C.231, to delegate, in whole or in part, the responsibility for administering a conservation
75.22 easement program.

75.23 Subd. 2. **Land in more than one district.** If an application involves land in more than
75.24 one district, the districts or delegated parties may jointly agree for one of the districts or
75.25 delegated parties to be the responsible party to review and prioritize the application and
75.26 complete all tasks necessary to convey the conservation easement to the Board of Water
75.27 and Soil Resources.

75.28 Subd. 3. **Violations and enforcement.** The district may take measures that are necessary
75.29 to ensure landowner compliance with the conservation agreement, conservation easement,
75.30 and conservation plan. If the district is unsuccessful in obtaining landowner compliance,
75.31 the district must notify the Board of Water and Soil Resources of the violation and may
75.32 recommend appropriate measures to be taken to correct the violation.

76.1 Sec. 74. Minnesota Statutes 2022, section 103F.535, subdivision 5, is amended to read:

76.2 Subd. 5. **Altering conservation easements.** (a) Conservation easements may be altered,
76.3 released, or terminated by the board after consultation with the commissioners of agriculture
76.4 and natural resources. The board may alter, release, or terminate a conservation easement
76.5 only if the board determines that the public interest and general welfare are better served
76.6 by the alteration, release, or termination.

76.7 (b) The board may adopt policies and procedures to implement this subdivision, including
76.8 provisions to ensure at least equal resource value as a condition of approving a request to
76.9 alter, release, or terminate a conservation easement.

76.10 (c) The landowner must compensate the board for damages and loss of benefits to the
76.11 conservation easement that result from the alteration, release, or termination. The board
76.12 may require the landowner to reimburse the board's administrative expenses and costs
76.13 incurred in altering, releasing, or terminating a conservation easement.

76.14 Sec. 75. Minnesota Statutes 2022, section 103G.005, subdivision 14d, is amended to read:

76.15 Subd. 14d. **Project.** "Project" means a specific plan, contiguous activity, proposal, or
76.16 design necessary to accomplish a goal as defined by the local government unit. As used in
76.17 this chapter, a project may not be split into components or phases for the sole purpose of
76.18 gaining additional exemptions.

76.19 Sec. 76. Minnesota Statutes 2022, section 103G.005, subdivision 17b, is amended to read:

76.20 Subd. 17b. **Wetland type.** "Wetland type" means a wetland type classified according
76.21 to *Wetlands of the United States*, United States Fish and Wildlife Service Circular 39 (1971
76.22 edition), ~~as summarized in this subdivision~~ or *A Hydrogeomorphic Classification for*
76.23 *Wetlands*, United States Army Corps of Engineers (August 1993), including updates,
76.24 supplementary guidance, and replacements, if any, as determined by the board.

76.25 ~~(1) "Type 1 wetlands" are seasonally flooded basins or flats in which soil is covered~~
76.26 ~~with water or is waterlogged during variable seasonal periods but usually is well drained~~
76.27 ~~during much of the growing season. Type 1 wetlands are located in depressions and in~~
76.28 ~~overflow bottomlands along watercourses, and in which vegetation varies greatly according~~
76.29 ~~to season and duration of flooding and includes bottomland hardwoods as well as herbaceous~~
76.30 ~~growths.~~

76.31 ~~(2) "Type 2 wetlands" are inland fresh meadows in which soil is usually without standing~~
76.32 ~~water during most of the growing season but is waterlogged within at least a few inches of~~

77.1 ~~surface. Vegetation includes grasses, sedges, rushes, and various broad-leafed plants.~~

77.2 ~~Meadows may fill shallow basins, sloughs, or farmland sags, or these meadows may border~~
77.3 ~~shallow marshes on the landward side.~~

77.4 ~~(3) "Type 3 wetlands" are inland shallow fresh marshes in which soil is usually~~
77.5 ~~waterlogged early during a growing season and often covered with as much as six inches~~
77.6 ~~or more of water. Vegetation includes grasses, bulrushes, spikerushes, and various other~~
77.7 ~~marsh plants such as cattails, arrowheads, pickerelweed, and smartweeds. These marshes~~
77.8 ~~may nearly fill shallow lake basins or sloughs, or may border deep marshes on the landward~~
77.9 ~~side and are also common as seep areas on irrigated lands.~~

77.10 ~~(4) "Type 4 wetlands" are inland deep fresh marshes in which soil is usually covered~~
77.11 ~~with six inches to three feet or more of water during the growing season. Vegetation includes~~
77.12 ~~cattails, reeds, bulrushes, spikerushes, and wild rice. In open areas, pondweeds, naiads,~~
77.13 ~~coontail, water milfoils, waterweeds, duckweeds, waterlilies, or spatterdocks may occur.~~
77.14 ~~These deep marshes may completely fill shallow lake basins, potholes, limestone sinks, and~~
77.15 ~~sloughs, or they may border open water in such depressions.~~

77.16 ~~(5) "Type 5 wetlands" are inland open fresh water, shallow ponds, and reservoirs in~~
77.17 ~~which water is usually less than ten feet deep and is fringed by a border of emergent~~
77.18 ~~vegetation similar to open areas of type 4 wetland.~~

77.19 ~~(6) "Type 6 wetlands" are shrub swamps in which soil is usually waterlogged during~~
77.20 ~~growing season and is often covered with as much as six inches of water. Vegetation includes~~
77.21 ~~alders, willows, buttonbush, dogwoods, and swamp privet. This type occurs mostly along~~
77.22 ~~sluggish streams and occasionally on floodplains.~~

77.23 ~~(7) "Type 7 wetlands" are wooded swamps in which soil is waterlogged at least to within~~
77.24 ~~a few inches of the surface during growing season and is often covered with as much as one~~
77.25 ~~foot of water. This type occurs mostly along sluggish streams, on floodplains, on flat uplands,~~
77.26 ~~and in shallow basins. Trees include tamarack, arborvitae, black spruce, balsam, red maple,~~
77.27 ~~and black ash. Northern evergreen swamps usually have a thick ground cover of mosses.~~
77.28 ~~Deciduous swamps frequently support beds of duckweeds and smartweeds.~~

77.29 ~~(8) "Type 8 wetlands" are bogs in which soil is usually waterlogged and supports a~~
77.30 ~~spongy covering of mosses. This type occurs mostly in shallow basins, on flat uplands, and~~
77.31 ~~along sluggish streams. Vegetation is woody or herbaceous or both. Typical plants are heath~~
77.32 ~~shrubs, sphagnum moss, and sedges. In the north, leatherleaf, Labrador tea, cranberries,~~
77.33 ~~carex, and cottongrass are often present. Scattered, often stunted, black spruce and tamarack~~
77.34 ~~may occur.~~

78.1 Sec. 77. Minnesota Statutes 2023 Supplement, section 103G.005, subdivision 19, is
78.2 amended to read:

78.3 Subd. 19. **Wetlands.** (a) "Wetlands" means lands transitional between terrestrial and
78.4 aquatic systems where the water table is usually at or near the surface or the land is covered
78.5 by shallow water. For purposes of this definition, wetlands must have the following three
78.6 attributes:

78.7 (1) have a predominance of hydric soils;

78.8 (2) are inundated or saturated by surface water or groundwater at a frequency and duration
78.9 sufficient to support a prevalence of hydrophytic vegetation typically adapted for life in
78.10 saturated soil conditions; and

78.11 (3) under normal circumstances support a prevalence of such vegetation.

78.12 (b) For the purposes of regulation under this chapter, the term wetlands does not include
78.13 public waters wetlands as defined in subdivision 15a.

78.14 (c) Notwithstanding paragraph (a), wetlands includes deepwater aquatic habitats that
78.15 are not public waters or public waters wetlands. For purposes of this paragraph, "deepwater
78.16 aquatic habitats" has the meaning given in *Corps of Engineers Wetlands Delineation Manual,*
78.17 United States Army Corps of Engineers (January 1987).

78.18 Sec. 78. Minnesota Statutes 2022, section 103G.222, subdivision 1, is amended to read:

78.19 Subdivision 1. **Requirements.** (a) Wetlands must not be drained or filled, wholly or
78.20 partially, unless replaced by actions that provide at least equal public value under a
78.21 replacement plan approved as provided in section 103G.2242, a replacement plan under a
78.22 local governmental unit's comprehensive wetland protection and management plan approved
78.23 by the board under section 103G.2243, or, if a permit to mine is required under section
78.24 93.481, under a mining reclamation plan approved by the commissioner under the permit
78.25 to mine. Project-specific wetland-replacement plans submitted as part of a project for which
78.26 a permit to mine is required and approved by the commissioner on or after July 1, 1991,
78.27 may include surplus wetland credits to be allocated by the commissioner to offset future
78.28 mining-related wetland impacts under any permits to mine held by the permittee, the operator,
78.29 the permittee's or operator's parent, an affiliated subsidiary, or an assignee pursuant to an
78.30 assignment under section 93.481, subdivision 5. For project-specific wetland replacement
78.31 completed prior to wetland impacts authorized or conducted under a permit to mine within
78.32 the Great Lakes and Rainy River watershed basins, those basins ~~shall be~~ are considered a
78.33 single watershed for purposes of determining wetland-replacement ratios. Mining reclamation

79.1 plans ~~shall~~ must apply the same principles and standards for replacing wetlands that are
79.2 applicable to mitigation plans approved as provided in section 103G.2242. The commissioner
79.3 must provide notice of an application for wetland replacement under a permit to mine to
79.4 the county in which the impact is proposed and the county in which a mitigation site is
79.5 proposed. Public value must be determined in accordance with section 103B.3355 or a
79.6 comprehensive wetland protection and management plan established under section
79.7 103G.2243. Sections 103G.221 to 103G.2372 also apply to excavation in permanently and
79.8 semipermanently flooded areas of ~~types 3, 4, and 5~~ wetlands.

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

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

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

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

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

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

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

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

79.26 (c) If a wetland is located in a cultivated field, then replacement must be accomplished
79.27 through restoration only without regard to the priority order in paragraph (b), provided that
79.28 the altered wetland is not converted to a nonagricultural use for at least ten years.

79.29 (d) If a wetland is replaced under paragraph (c), or drained under section 103G.2241,
79.30 ~~subdivision 2, paragraph (b) or (c),~~ subdivision 1, clause (1), the local government unit may
79.31 require a deed restriction that prohibits nonagricultural use for at least ten years. The local
79.32 government unit may require the deed restriction if it determines the wetland area drained
79.33 is at risk of conversion to a nonagricultural use within ten years based on the zoning

80.1 classification, proximity to a municipality or full service road, or other criteria as determined
80.2 by the local government unit.

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

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

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

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

80.16 (i) Except in a greater than 80 percent area, only wetlands that have been restored from
80.17 previously drained or filled wetlands, wetlands created by excavation in nonwetlands,
80.18 wetlands created by dikes or dams along public or private drainage ditches, or wetlands
80.19 created by dikes or dams associated with the restoration of previously drained or filled
80.20 wetlands may be used for wetland replacement according to rules adopted under section
80.21 103G.2242, subdivision 1. Modification or conversion of nondegraded naturally occurring
80.22 wetlands from one type to another are not eligible for wetland replacement.

80.23 (j) The Technical Evaluation Panel established under section 103G.2242, subdivision
80.24 2, shall ensure that sufficient time has occurred for the wetland to develop wetland
80.25 characteristics of soils, vegetation, and hydrology before recommending that the wetland
80.26 be deposited in the statewide wetland bank. If the Technical Evaluation Panel has reason
80.27 to believe that the wetland characteristics may change substantially, the panel shall postpone
80.28 its recommendation until the wetland has stabilized.

80.29 (k) This section and sections 103G.223 to 103G.2242, 103G.2364, and 103G.2365 apply
80.30 to the state and its departments and agencies.

80.31 (l) For projects involving draining or filling of wetlands associated with a new public
80.32 transportation project, and for projects expanded solely for additional traffic capacity, public
80.33 transportation authorities may purchase credits from the board at the cost to the board to

81.1 establish credits. Proceeds from the sale of credits provided under this paragraph are
81.2 appropriated to the board for the purposes of this paragraph. For the purposes of this
81.3 paragraph, "transportation project" does not include an airport project.

81.4 (m) A replacement plan for wetlands is not required for individual projects that result
81.5 in the filling or draining of wetlands for the repair, rehabilitation, reconstruction, or
81.6 replacement of a currently serviceable existing state, city, county, or town public road
81.7 necessary, as determined by the public transportation authority, to meet state or federal
81.8 design or safety standards or requirements, excluding new roads or roads expanded solely
81.9 for additional traffic capacity lanes. This paragraph only applies to authorities for public
81.10 transportation projects that:

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

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

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

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

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

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

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

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

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

82.25 Sec. 79. Minnesota Statutes 2022, section 103G.2241, subdivision 1, is amended to read:

82.26 Subdivision 1. **Agricultural activities.** A replacement plan for wetlands is not required
82.27 for:

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

82.32 ~~(2) activities in a type 1 wetland on agricultural pasture land that remains in the same~~
82.33 ~~use, except for bottomland hardwood type 1 wetlands, and activities in a type 2 or type 6~~

83.1 ~~wetland that is less than two acres in size and located on agricultural pasture land that~~
83.2 ~~remains in the same use;~~

83.3 (1) impacts to wetlands on agricultural land labeled prior-converted cropland and impacts
83.4 to wetlands resulting from drainage maintenance activities authorized by the United States
83.5 Department of Agriculture, Natural Resources Conservation Service, on areas labeled farmed
83.6 wetland, farmed-wetland pasture, and wetland. The prior-converted cropland, farmed
83.7 wetland, farmed-wetland pasture, or wetland must be labeled on a valid final certified
83.8 wetland determination issued by the Natural Resources Conservation Service in accordance
83.9 with Code of Federal Regulations, title 7, part 12, as amended. It is the responsibility of the
83.10 owner or operator of the land to provide a copy of the final certified wetland determination
83.11 to, and allow the Natural Resources Conservation Service to share related information with,
83.12 the local government unit and the board for purposes of verification;

83.13 ~~(3)~~ (2) activities in a wetland conducted as part of normal farming practices. For purposes
83.14 of this clause, "normal farming practices" means farming, silvicultural, grazing, and ranching
83.15 activities such as plowing, seeding, cultivating, and harvesting for the production of feed,
83.16 food, and fiber products, but does not include activities that result in the draining of wetlands;

83.17 ~~(4)~~ (3) soil and water conservation practices approved by the soil and water conservation
83.18 district, after review by the Technical Evaluation Panel;

83.19 ~~(5)~~ (4) wetland impacts resulting from aquaculture activities, including pond excavation
83.20 and construction and maintenance of associated access roads and dikes, authorized under,
83.21 and conducted in accordance with, a permit issued by the United States Army Corps of
83.22 Engineers under section 404 of the federal Clean Water Act, United States Code, title 33,
83.23 section 1344, but not including construction or expansion of buildings;

83.24 ~~(6)~~ (5) wetland impacts resulting from wild rice production activities, including necessary
83.25 diking and other activities, authorized under and conducted in accordance with a permit
83.26 issued by the United States Army Corps of Engineers under section 404 of the federal Clean
83.27 Water Act, United States Code, title 33, section 1344; or

83.28 ~~(7)~~ (6) agricultural activities on agricultural land that is subject to the swampbuster
83.29 provisions of the federal farm program restrictions consistent with a memorandum of
83.30 understanding and related agreements between the board and the United States Department
83.31 of Agriculture, Natural Resources Conservation Service.

84.1 Sec. 80. Minnesota Statutes 2022, section 103G.2241, subdivision 2, is amended to read:

84.2 Subd. 2. **Drainage.** ~~(a) For the purposes of this subdivision, "public drainage system"~~
84.3 ~~means a drainage system as defined in section 103E.005, subdivision 12, and any ditch or~~
84.4 ~~tile lawfully connected to the drainage system.~~

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

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

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

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

84.13 ~~(iii) no repair or maintenance of the public drainage system was required under section~~
84.14 ~~103E.705, subdivision 1, as determined by the public drainage authority; and~~

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

84.16 ~~(i) platted lots;~~

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

84.18 ~~(iii) any development with more than one residential unit per 40 acres, except for parcels~~
84.19 ~~subject to local zoning standards that allow for family members to establish an additional~~
84.20 ~~residence on the same 40 acres.~~

84.21 ~~If wetlands drained under this paragraph are converted to uses prohibited under clause (2)~~
84.22 ~~during the ten-year period following drainage, the wetlands must be replaced under section~~
84.23 ~~103G.222.~~

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

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

84.31 ~~(e) A replacement plan is not required for draining agricultural land that:~~

85.1 ~~(1) was planted with annually seeded crops before July 5, except for crops that are~~
85.2 ~~normally planted after that date, in eight out of the ten most recent years prior to the impact;~~

85.3 ~~(2) was in a crop rotation seeding of pasture grass, cover crop, or legumes, or was fallow~~
85.4 ~~for a crop production purpose, in eight out of the ten most recent years prior to the impact;~~

85.5 ~~or~~

85.6 ~~(3) was enrolled in a state or federal land conservation program and met the requirements~~
85.7 ~~of clause (1) or (2) before enrollment.~~

85.8 ~~(f) The~~ (b) A public drainage authority may, as part of the repair of a public drainage
85.9 system, as defined in section 103E.005, subdivision 12, install control structures, realign
85.10 the ditch, construct dikes along the ditch, or make other modifications as necessary to prevent
85.11 the drainage of the wetland wetlands.

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

85.17 Sec. 81. Minnesota Statutes 2022, section 103G.2241, subdivision 6, is amended to read:

85.18 Subd. 6. **Utilities; public works.** (a) A replacement plan for wetlands is not required
85.19 for wetland impacts resulting from:

85.20 (1) new placement or maintenance, repair, enhancement, realignment, or replacement
85.21 of existing utility or utility-type service, including pipelines, ~~if:~~ when wetland impacts are
85.22 authorized under and conducted in accordance with a permit issued by the United States
85.23 Army Corps of Engineers under section 404 of the federal Clean Water Act, United States
85.24 Code, title 33, section 1344, and

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

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

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

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

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

86.9 Sec. 82. Minnesota Statutes 2022, section 103G.2241, subdivision 9, is amended to read:

86.10 Subd. 9. **De minimis.** (a) Except as provided in paragraphs (d), (e), (f), (g), (h), and (i),
86.11 a replacement plan for wetlands is not required for ~~draining or filling~~ impacts to the following
86.12 amounts of wetlands, excluding the permanently and semipermanently flooded areas of
86.13 wetlands, as part of a project outside of the shoreland wetland protection zone:

86.14 (1) ~~10,000 square feet of type 1, 2, 6, or 7 wetland, excluding white cedar and tamarack~~
86.15 ~~wetlands,~~ one-quarter acre of wetland in a greater than 80 percent area;

86.16 (2) ~~5,000 square feet of type 1, 2, 6, or 7 wetland, excluding white cedar and tamarack~~
86.17 ~~wetlands,~~ one-tenth acre of wetland in a 50 to 80 percent area, ~~except within the 11-county~~
86.18 ~~metropolitan area; or~~

86.19 (3) ~~2,000 square feet of type 1, 2, 6, or 7 wetland, excluding white cedar and tamarack~~
86.20 ~~wetlands,~~ one-twentieth acre of wetland in a less than 50 percent area, ~~except within the~~
86.21 ~~11-county metropolitan area; or.~~

86.22 (4) ~~100 square feet of type 3, 4, 5, or 8 wetland or white cedar and tamarack wetland.~~

86.23 (b) Except as provided in paragraphs (e), (f), (g), (h), and (i), a replacement plan for
86.24 wetlands is not required for ~~draining or filling the following amounts of~~ up to 100 square
86.25 feet of impacts to wetlands as part of a project within the shoreland wetland protection zone
86.26 beyond the shoreland building setback zone.:

86.27 (1) ~~400 square feet of type 1, 2, 6, or 7 wetland; or~~

86.28 (2) ~~100 square feet of type 3, 4, 5, or 8 wetland or white cedar and tamarack wetland.~~

86.29 ~~In a greater than 80 percent area, the de minimis amount allowed under clause (1) may be~~
86.30 ~~increased up to 1,000 square feet if the wetland is isolated and is determined to have no~~
86.31 ~~direct surficial connection to the public water or if permanent water runoff retention or~~

87.1 ~~infiltration measures are established in proximity as approved by the shoreland management~~
87.2 ~~authority.~~

87.3 (c) Except as provided in paragraphs (e), (f), (g), (h), and (i), a replacement plan for
87.4 wetlands is not required for ~~draining or filling~~ up to 20 square feet of wetland impacts to
87.5 wetlands as part of a project within the shoreland building setback zone, as defined in the
87.6 local shoreland management ordinance. The amount in this paragraph may be increased to
87.7 100 square feet if permanent water runoff retention or infiltration measures are established
87.8 in proximity as approved by the shoreland management authority.

87.9 (d) Except as provided in paragraphs ~~(b)~~, (c), (e), (f), (g), (h), and (i), a replacement plan
87.10 is not required for ~~draining or filling amounts~~ up to 400 square feet of impacts to the
87.11 permanently and semipermanently flooded areas of wetlands as part of a project.

87.12 ~~(1) 2,500 square feet of type 1, 2, 6, or 7 wetland, excluding white cedar and tamarack~~
87.13 ~~wetlands, outside of the shoreland wetland protection zone in a 50 to 80 percent area within~~
87.14 ~~the 11-county metropolitan area; or~~

87.15 ~~(2) 1,000 square feet of type 1, 2, or 6 wetland, outside of the shoreland wetland~~
87.16 ~~protection zone in a less than 50 percent area within the 11-county metropolitan area.~~

87.17 ~~For purposes of this subdivision, the 11-county metropolitan area consists of the counties~~
87.18 ~~of Anoka, Carver, Chisago, Dakota, Hennepin, Isanti, Ramsey, Scott, Sherburne, Washington,~~
87.19 ~~and Wright.~~

87.20 (e) The amounts listed in paragraphs (a), (b), ~~and (c)~~, and (d) may not be combined on
87.21 a project.

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

87.25 ~~(1) the applicable area listed in paragraph (a), (b), or (c), if the landowner owns the entire~~
87.26 ~~wetland;~~

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

87.28 ~~(3) 400 square feet.~~

87.29 (f) When the total area of impacts to wetlands as part of a project exceeds the applicable
87.30 amount in this subdivision, a replacement plan is required for the entire amount.

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

88.1 (h) Property may not be divided to increase the amounts listed in paragraph (a), (b), (c),
88.2 or (d).

88.3 (i) If a local ordinance or similar local control is more restrictive than this subdivision,
88.4 the local standard applies.

88.5 Sec. 83. Minnesota Statutes 2023 Supplement, section 103G.2242, subdivision 1, is
88.6 amended to read:

88.7 Subdivision 1. **Rules.** (a) The board, in consultation with the commissioner, shall adopt
88.8 rules governing the approval of wetland value replacement plans under this section and
88.9 public-waters-work permits affecting public waters wetlands under section 103G.245. These
88.10 rules must address the criteria, procedure, timing, and location of acceptable replacement
88.11 of wetland values and may address the state establishment and administration of a wetland
88.12 banking program for public and private projects, including provisions for an in-lieu fee
88.13 program; mitigating and banking other water and water-related resources; the administrative,
88.14 monitoring, and enforcement procedures to be used; provisions that protect or mitigate
88.15 impacts to the public values of watercourses that are not public waters; and a procedure for
88.16 the review and appeal of decisions under this section. In the case of peatlands, the
88.17 replacement plan rules must consider the impact on carbon. Any in-lieu fee program
88.18 established by the board must conform with Code of Federal Regulations, title 33, section
88.19 332.8, as amended.

88.20 (b) After the adoption of the rules, a replacement plan must be approved by a resolution
88.21 of the governing body of the local government unit, consistent with the provisions of the
88.22 rules or a comprehensive wetland protection and management plan approved under section
88.23 103G.2243.

88.24 (c) If the local government unit fails to apply the rules or fails to implement a local
88.25 comprehensive wetland protection and management plan established under section
88.26 103G.2243, the government unit is subject to penalty as determined by the board.

88.27 (d) When making a determination under rules adopted pursuant to this subdivision on
88.28 whether a rare natural community will be permanently adversely affected, consideration of
88.29 measures to mitigate any adverse effect on the community must be considered.

88.30 Sec. 84. Minnesota Statutes 2022, section 103G.2242, subdivision 2, is amended to read:

88.31 Subd. 2. **Evaluation.** (a) Questions concerning the public value, location, size, or type
88.32 of a wetland ~~shall~~ must be submitted to and determined by a Technical Evaluation Panel

89.1 after an on-site inspection. The Technical Evaluation Panel ~~shall~~ must be composed of a
89.2 technical professional employee of the board, a technical professional employee of the local
89.3 soil and water conservation district or districts, a technical professional with expertise in
89.4 water resources management appointed by the local government unit, and a technical
89.5 professional employee of the Department of Natural Resources for projects affecting public
89.6 waters or wetlands adjacent to public waters.

89.7 (b) For wetland boundary determinations, the panel shall must use the "United States
89.8 Army Corps of Engineers Wetland Delineation Manual", United States Army Corps of
89.9 Engineers (January 1987), including updates, supplementary guidance, and replacements,
89.10 if any,". For wetland type determinations, the panel must also use Wetlands of the United
89.11 States" (, United States Fish and Wildlife Service Circular 39, (1971 edition), and
89.12 "Classification of Wetlands and Deepwater Habitats of the United States" (1979 edition);
89.13 Classification of Wetlands and Deepwater Habitats of the United States, United States Fish
89.14 and Wildlife Service (August 2013 edition); or A Hydrogeomorphic Classification for
89.15 Wetlands, United States Army Corps of Engineers (August 1993), according to rules
89.16 authorized under this part and including updates, supplementary guidance, and replacements,
89.17 if any, for any of these publications.

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

89.24 ~~(b)~~ (d) A member of the Technical Evaluation Panel that has a financial interest in a
89.25 wetland bank or management responsibility to sell or make recommendations in their official
89.26 capacity to sell credits from a publicly owned wetland bank must disclose that interest, in
89.27 writing, to the Technical Evaluation Panel and the local government unit.

89.28 ~~(e)~~ (e) Persons conducting wetland or public waters boundary delineations or type
89.29 determinations are exempt from the requirements of chapter 326. The board may develop
89.30 a professional wetland delineator certification program.

89.31 ~~(d)~~ (f) The board must establish an interagency team to assist in identifying and evaluating
89.32 potential wetland replacement sites. The team must consist of members of the Technical
89.33 Evaluation Panel and representatives from the Department of Natural Resources; the Pollution

90.1 Control Agency; the United States Army Corps of Engineers, St. Paul district; and other
90.2 organizations as determined by the board.

90.3 Sec. 85. Minnesota Statutes 2022, section 103G.2242, subdivision 2a, is amended to read:

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

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

90.15 (c) The local government unit decision must be made in compliance with section 15.99.
90.16 Within ten calendar days of the decision, the local government unit decision must be mailed
90.17 or sent by electronic transmission to the landowner, members of the Technical Evaluation
90.18 Panel, the watershed district or watershed management organization, if one exists, and
90.19 individual members of the public who request a copy. Notwithstanding section 15.99,
90.20 subdivision 2, the board must establish by rule timelines for project review and comment
90.21 for wetland banking projects.

90.22 (d) The local government unit decision is valid for five years unless the Technical
90.23 Evaluation Panel determines that natural or artificial changes to the hydrology, vegetation,
90.24 or soils of the area have been sufficient to alter the wetland boundary or type.

90.25 Sec. 86. Minnesota Statutes 2022, section 103G.2242, subdivision 3, is amended to read:

90.26 Subd. 3. **Replacement completion.** (a) Replacement of wetland values must be completed
90.27 prior to or concurrent with the actual draining or filling of a wetland, unless:

90.28 (1) an irrevocable bank letter of credit or other financial assurance acceptable to the
90.29 local government unit or the board is given to the local government unit or the board to
90.30 guarantee the successful completion of the replacement; or

90.31 (2) the replacement is approved under an in-lieu fee program according to rules adopted
90.32 under subdivision 1. In the case of an in-lieu fee program established by a board-approved

91.1 sponsor, the board may require that a financial assurance in an amount and method acceptable
91.2 to the board be given to the board to ensure the approved sponsor fulfills the sponsor's
91.3 obligation to complete the required wetland replacement.

91.4 (b) The board may establish, sponsor, or administer a wetland banking program, which
91.5 may include provisions allowing monetary payment to the wetland banking program for
91.6 impacts to wetlands. The board may acquire land in fee title, purchase or accept easements,
91.7 enter into agreements, and purchase existing wetland replacement credits to facilitate the
91.8 wetland banking program. The board may establish wetland credit and in-lieu fee payment
91.9 amounts and hold money in an account in the special revenue fund, which is appropriated
91.10 to the board to be used solely for establishing replacement wetlands and administering the
91.11 wetland banking program.

91.12 (c) The board shall coordinate the establishment and operation of a wetland bank with
91.13 the United States Army Corps of Engineers, the Natural Resources Conservation Service
91.14 of the United States Department of Agriculture, and the commissioners of natural resources,
91.15 agriculture, and the Pollution Control Agency.

91.16 Sec. 87. **REVISOR INSTRUCTION.**

91.17 (a) The revisor of statutes must renumber Minnesota Statutes, section 103F.511,
91.18 subdivision 5a, as Minnesota Statutes, section 103F.511, subdivision 5c.

91.19 (b) The revisor of statutes shall replace references to "section 103A.206" with references
91.20 to "section 103C.005" wherever they appear in Minnesota Statutes, chapter 103C.

91.21 Sec. 88. **REPEALER.**

91.22 (a) Minnesota Statutes 2022, sections 103A.206; 103D.315, subdivision 4; 103D.405,
91.23 subdivisions 2, 3, 4, 5, and 6; 103D.411; 103D.601; 103D.605, subdivisions 1, 2, 3, and 4;
91.24 103D.611; 103D.711, subdivision 1; 103F.511, subdivision 8b; and 103F.950, are repealed.

91.25 (b) Minnesota Statutes 2023 Supplement, section 103D.605, subdivision 5, is repealed.

91.26 (c) Minnesota Rules, parts 8400.3000; 8400.3030; 8400.3110; 8400.3210; 8400.3260;
91.27 8400.3300; 8400.3400; 8400.3460; 8400.3600; 8400.3610; 8400.3630; 8400.3700;
91.28 8400.3730; 8400.3800; 8400.3830; and 8400.3930, are repealed.

92.1 **ARTICLE 4**
92.2 **ENVIRONMENT AND NATURAL RESOURCES MISCELLANEOUS PROVISIONS**

92.3 Section 1. Minnesota Statutes 2022, section 84.96, subdivision 2, is amended to read:

92.4 Subd. 2. **Definition.** For the purposes of this section, "native prairie" means ~~land that~~
92.5 ~~has never been plowed, with less than ten percent tree cover and with predominantly native~~
92.6 ~~prairie vegetation~~ a grassland dominated by original native prairie vegetation, usually
92.7 occurring where the sod has never been broken.

92.8 Sec. 2. Minnesota Statutes 2022, section 84.96, subdivision 3, is amended to read:

92.9 Subd. 3. **Easement acquisition.** (a) The commissioner may acquire native prairie for
92.10 conservation purposes by entering into easements with landowners or with the land
92.11 administrator of state school trust lands. Before acquiring easements under this subdivision
92.12 on school trust lands, the commissioner must receive advice from the school trust lands
92.13 director according to section 127A.353, subdivision 4. The easements must be conservation
92.14 easements as defined in section 84C.01, clause (1), except the easements may be made
92.15 possessory as well as nonpossessory if agreed upon by the landowner or land administrator
92.16 and the commissioner.

92.17 (b) The easements may be permanent or of limited duration. Highest priority must be
92.18 given to permanent easements consistent with the purposes of this section. Easements of
92.19 limited duration must be for at least 20 years, with provision for renewal for at least another
92.20 20-year period. For easements of limited duration, the commissioner may reexamine and
92.21 adjust the payment rates at the beginning of any renewal period after considering current
92.22 land and crop values.

92.23 Sec. 3. Minnesota Statutes 2022, section 84.96, subdivision 5, is amended to read:

92.24 Subd. 5. **Payments.** (a) For interests in lands acquired under this section, the
92.25 commissioner must make payments to the landowner ~~under~~ or land administrator according
92.26 to this subdivision ~~for the easement.~~

92.27 ~~(b) For a permanent easement, the commissioner must pay 65 percent of the permanent~~
92.28 ~~marginal agricultural land payment rate as established by the Board of Water and Soil~~
92.29 ~~Resources for the time period when the application is made.~~

92.30 (b) For a permanent easement, the commissioner may pay up to ten percent more than
92.31 the Board of Water and Soil Resources pays for noncrop easements. If the Board of Water
92.32 and Soil Resources does not establish a noncrop easement payment rate, the commissioner

93.1 must establish land value rates for payments considering market factors, such as
93.2 county-assessed land value and sales ratio studies, along with ecological, biological, and
93.3 cultural factors that take into consideration the global rarity of native prairie. The rates must
93.4 be based on the need to protect the extremely small amount of the globally vulnerable and
93.5 imperiled remaining native prairie in Minnesota.

93.6 (c) For an easement of limited duration, the commissioner ~~must pay~~ may pay up to 65
93.7 percent of the permanent prairie bank easement rate for the time period when the application
93.8 is made.

93.9 (d) To maintain and protect native prairies, the commissioner may enter into easements
93.10 that allow selected agricultural practices. Payment must be based on paragraph (b) or (c)
93.11 but may be reduced due to the agricultural practices allowed after negotiation with the
93.12 landowner or land administrator.

93.13 (e) If a native prairie qualifies for the native prairie bank but the landowner requests that
93.14 the commissioner acquire the native prairie in fee rather than acquire an easement, the
93.15 commissioner may acquire it as any outdoor recreation system classification under section
93.16 86A.05 with protections equivalent to a native prairie bank easement. For acquisition under
93.17 this paragraph, the commissioner may pay up to 25 percent more than what the Board of
93.18 Water and Soil Resources pays for noncrop easements. If the Board of Water and Soil
93.19 Resources does not establish a noncrop easement payment rate, the commissioner must
93.20 establish land value rates for payments considering market factors, such as county-assessed
93.21 land value and sales ratio studies, along with ecological, biological, and cultural factors that
93.22 take into consideration the global rarity of native prairie.

93.23 (f) For a permanent easement acquired on school trust lands under this section, the
93.24 commissioner must pay no less than 100 percent of the easement's appraised value at the
93.25 time of closing.

93.26 Sec. 4. Minnesota Statutes 2022, section 97A.055, subdivision 4b, is amended to read:

93.27 Subd. 4b. ~~Citizen oversight committees~~ Fish and Wildlife Advisory Committee. (a)
93.28 The commissioner shall appoint ~~committees~~ a committee of at least 15 affected persons to:

93.29 (1) review the reports prepared under subdivision 4;

93.30 (2) review ~~the proposed work plans and budgets for the coming year; propose changes~~
93.31 ~~in policies, activities, and revenue enhancements or reductions; review other relevant~~
93.32 ~~information~~ annual outcomes achieved from game and fish fund expenditures; and

- 94.1 (3) make recommendations to the legislature and the commissioner for desired outcomes
94.2 related to:
- 94.3 (i) protecting, restoring, and enhancing fish and wildlife habitat;
94.4 (ii) fish and wildlife population management;
94.5 (iii) fish and wildlife monitoring and research;
94.6 (iv) communications and engagement; and
94.7 (v) improvements in the management and use of money in the game and fish fund.
- 94.8 ~~(b) The commissioner shall appoint the following committees, each comprised of at
94.9 least ten affected persons:~~
- 94.10 ~~(1) a Fisheries Oversight Committee to review fisheries funding and expenditures,
94.11 including activities related to trout and salmon stamps and walleye stamps; and~~
- 94.12 ~~(2) a Wildlife Oversight Committee to review wildlife funding and expenditures,
94.13 including activities related to migratory waterfowl, pheasant, and wild turkey management
94.14 and deer and big game management.~~
- 94.15 ~~(c) The chairs of the Fisheries Oversight Committee and the Wildlife Oversight
94.16 Committee, and four additional members from each committee, shall form a Budgetary
94.17 Oversight Committee to coordinate the integration of the fisheries and wildlife oversight
94.18 committee reports into an annual report to the legislature; recommend changes on a broad
94.19 level in policies, activities, and revenue enhancements or reductions; and provide a forum
94.20 to address issues that transcend the fisheries and wildlife oversight committees.~~
- 94.21 ~~(d) The Budgetary Oversight Committee shall develop recommendations for a biennial
94.22 budget plan and report for expenditures on game and fish activities. By August 15 of each
94.23 even-numbered year, the committee shall submit the budget plan recommendations to the
94.24 commissioner and to the senate and house of representatives committees with jurisdiction
94.25 over natural resources finance.~~
- 94.26 ~~(e) The chairs of the Fisheries Oversight Committee and the Wildlife Oversight
94.27 Committee shall be chosen by their respective committees. The chair of the Budgetary
94.28 Oversight Committee shall be appointed by the commissioner and may not be the chair of
94.29 either of the other oversight committees.~~
- 94.30 ~~(f) The Budgetary Oversight Committee may make recommendations to the commissioner
94.31 and to the senate and house of representatives committees with jurisdiction over natural
94.32 resources finance for outcome goals from expenditures.~~

95.1 (b) The chair of the Fish and Wildlife Advisory Committee is appointed by the
95.2 commissioner.

95.3 (c) By September 15 each year, the committee must submit a report to the commissioner
95.4 and to the chairs and ranking minority members of the legislative committees with jurisdiction
95.5 over natural resources finance and policy. Each even-numbered year, the report must focus
95.6 on biennial budget outcomes achieved from game and fish fund expenditures. Each
95.7 odd-numbered year, the report must focus on outcomes related to protecting habitat, fish
95.8 and wildlife population management, monitoring and research, and communications and
95.9 engagement.

95.10 (d) Annually, the Fish and Wildlife Advisory Committee must hold a meeting for the
95.11 public to review proposed priorities for the next reporting period. The meeting must be
95.12 organized to allow virtual participation.

95.13 ~~(g)~~ (e) The ~~committees~~ committee authorized under this subdivision ~~are~~ is not an advisory
95.14 council or ~~committees~~ committee governed by section 15.059 and ~~are~~ is not subject
95.15 to section 15.059. Committee members appointed by the commissioner may request
95.16 reimbursement for mileage expenses in the same manner and amount as authorized by the
95.17 commissioner's plan adopted under section 43A.18, subdivision 2. Committee members
95.18 must not receive daily compensation for ~~oversight~~ committee activities. ~~The Fisheries~~
95.19 ~~Oversight Committee, the Wildlife Oversight Committee, and the Budgetary Oversight~~
95.20 ~~Committee expire June 30, 2025. The Fish and Wildlife Advisory Committee expires June~~
95.21 ~~30, 2033.~~

95.22 Sec. 5. Minnesota Statutes 2022, section 97A.56, subdivision 1, is amended to read:

95.23 Subdivision 1. **Definition.** ~~For purposes of this section,~~ (a) The definitions in this
95.24 subdivision apply to this section.

95.25 (b) "Domestic hogs" means members of the subspecies *Sus scrofa domesticus*.

95.26 (c) "Feral swine" means ~~a member~~ an animal of the ~~genus and species~~ *Sus scrofa* family
95.27 ~~Suidae or Tayassuidae that lives in the wild; or has lived in the wild during any part of the~~
95.28 ~~animal's lifetime. Feral swine includes released domestic hogs, unless the owner satisfies~~
95.29 ~~the notification requirements of section 17.457, subdivision 4, and recovers the released~~
95.30 ~~domestic hogs within 72 hours of notification.~~

95.31 (d) "Release" has the meaning given under section 17.457, subdivision 1.

96.1 Sec. 6. Minnesota Statutes 2022, section 116.0711, subdivision 1, is amended to read:

96.2 Subdivision 1. **Conditions.** (a) The agency shall not require feedlot permittees to maintain
96.3 records as to rainfall or snowfall as a condition of a general feedlot permit if the owner
96.4 directs the commissioner or agent of the commissioner to appropriate data on precipitation
96.5 maintained by a government agency or educational institution.

96.6 (b) A feedlot permittee shall give notice to the agency when the permittee proposes to
96.7 transfer ownership or control of the feedlot to a new party. The commissioner shall not
96.8 unreasonably withhold or unreasonably delay approval of any transfer request. This request
96.9 shall be handled in accordance with sections 116.07 and 15.992.

96.10 (c) An animal feedlot in shoreland that has been unused may resume operation after
96.11 obtaining a permit from the agency or county, regardless of the number of years that the
96.12 feedlot was unused.

96.13 (d) Notwithstanding Minnesota Rules, chapter 7020, a person who applies manure in a
96.14 level 2 or higher drinking water supply management area as designated under Minnesota
96.15 Rules, part 1573.0040, must follow a manure management plan approved by the
96.16 commissioner. A manure management plan for a level 2 or higher drinking water supply
96.17 management area must include the Department of Agriculture's recommended best
96.18 management practices that are published on the department website for that drinking water
96.19 supply management area.

97A.015 DEFINITIONS.

Subd. 27a. **License identification number.** "License identification number" means a verification number issued under the authority of the commissioner in conjunction with the electronic purchase of a license or stamp and valid until the license is received by the purchaser.

97A.485 ISSUANCE OF LICENSES.

Subd. 13. **One-day paper fishing licenses.** The commissioner must allow one-day paper fishing licenses to be sold by fishing guides operating charter boats.

103A.206 SOIL AND WATER CONSERVATION POLICY.

Maintaining and enhancing the quality of soil and water for the environmental and economic benefits they produce, preventing degradation, and restoring degraded soil and water resources of this state contribute greatly to the health, safety, economic well-being, and general welfare of this state and its citizens. Land occupiers have the responsibility to implement practices that conserve the soil and water resources of the state. Soil and water conservation measures implemented on private lands in this state provide benefits to the general public by reducing erosion, sedimentation, siltation, water pollution, and damages caused by floods. The soil and water conservation policy of the state is to encourage land occupiers to conserve soil, water, and the natural resources they support through the implementation of practices that:

- (1) control or prevent erosion, sedimentation, siltation, and related pollution in order to preserve natural resources;
- (2) ensure continued soil health, as defined under section 103C.101, subdivision 10a, and soil productivity;
- (3) protect water quality;
- (4) prevent impairment of dams and reservoirs;
- (5) reduce damages caused by floods;
- (6) preserve wildlife;
- (7) protect the tax base; and
- (8) protect public lands and waters.

103D.315 MANAGERS.

Subd. 4. **Seal.** The managers must adopt a seal for the watershed district.

103D.405 REVISED WATERSHED MANAGEMENT PLAN.

Subd. 2. **Required ten-year revision.** (a) After ten years and six months from the date that the board approved a watershed management plan or the last revised watershed management plan, the managers must consider the requirements under subdivision 1 and adopt a revised watershed management plan outline and send a copy of the outline to the board.

(b) By 60 days after receiving a revised watershed management plan outline, the board must review it, adopt recommendations regarding the revised watershed management plan outline, and send the recommendations to the managers.

(c) After receiving the board's recommendations regarding the revised watershed management plan outline, the managers must complete the revised watershed management plan.

Subd. 3. **Review.** The managers must send a copy of the revised watershed management plan to the board, the county board and county auditor of each county affected by the watershed district, the director, the governing body of each municipality affected by the watershed district, soil and water conservation districts affected by the watershed district, and the Metropolitan Council, if the watershed district is within the metropolitan area.

Subd. 4. **Director's and Metropolitan Council's recommendations.** The director and the Metropolitan Council, if applicable, must review and make recommendations on the revised watershed management plan. By 60 days after receiving the revised watershed management plan unless the time is extended by the board, the director and the council must send the recommendations on the revised watershed management plan to the board, and a copy of the recommendations to the managers, the county auditor of each county affected by the watershed district, the governing body

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of each municipality affected by the watershed district, and soil and water conservation districts affected by the watershed district.

Subd. 5. **Notice.** (a) The board must give notice and hold a revised watershed management plan hearing on the proposed revised watershed management plan by 45 days after receiving the director's and Metropolitan Council's recommendation.

(b) The board must give notice of the revised watershed management plan hearing by publication in a legal newspaper published in counties affected by the watershed district. The last publication must occur at least ten days before the revised watershed management plan hearing.

(c) The board must give notice of the revised watershed management plan hearing by mail to the auditors of counties and to the chief executive officials of municipalities affected by the watershed district.

(d) The notice must include:

(1) a statement that a copy of the proposed revised watershed management plan has been filed with the board, the Metropolitan Council, where applicable, the auditors of counties affected by the proposed watershed district, the commissioner, the director, the governing body of each municipality affected by the watershed district, and the soil and water conservation districts affected by the watershed district;

(2) a general description of the purpose of the watershed district;

(3) a general description of the property included in the watershed district;

(4) a general description of the proposed revised watershed management plan;

(5) the date, time, and location of the hearing; and

(6) a statement that all persons affected or interested in the watershed district may attend and give statements at the revised watershed management plan hearing.

Subd. 6. **Board order.** After the revised watershed management plan hearing, the board must prescribe a revised watershed management plan for the watershed district. The board must send a copy of the order and approved revised watershed management plan to the managers, the county board of each county affected by the watershed district, the commissioner, the director, the Metropolitan Council, where applicable, and soil and water conservation districts affected by the watershed district. The revised watershed management plan approved by the board is the revised watershed management plan for the watershed district.

103D.411 AMENDMENT OF WATERSHED MANAGEMENT PLAN AND REVISED WATERSHED MANAGEMENT PLAN.

The managers may initiate an amendment of a watershed management plan or revised watershed management plan by submitting a petition with the proposed amendment to the board. The board must give notice and hold a hearing on the amendment in the same manner as for the watershed management plan. After the hearing, the board may, by order, approve or prescribe changes in the amendment. The amendment becomes part of the watershed management plan after approval by the board. The board must send the order and approved amendment to the entities that receive an approved watershed management plan under section 103D.401, subdivision 5.

103D.601 PROJECT INITIATED BY MANAGERS.

Subdivision 1. **Requirements.** (a) The managers may initiate a project by resolution of at least a majority of the managers if:

(1) the project is financed by grants totaling at least 50 percent of the estimated project cost; and

(2) the engineer's estimate of costs to parties affected by the watershed district, including assessments against benefited properties but excluding state, federal, or other grants, is not more than \$750,000 for the project.

(b) A resolution under this subdivision may not be used to establish a project that has drainage as its essential nature and purpose.

Subd. 2. **Preliminary resolution hearing notice.** (a) The managers must set the time and location for a preliminary resolution hearing on the proposed resolution for the project.

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(b) The managers must give notice of the preliminary resolution hearing by publication in a legal newspaper published in the counties affected by the watershed district. The last publication must occur at least ten days before the preliminary resolution hearing.

(c) The preliminary resolution hearing notice must contain:

- (1) the date, time, and place of hearing;
- (2) the substance of the proposed project resolution;
- (3) the means of financing the project; and

(4) a statement that all persons who might be affected by the proposed project or who may be interested in the proposed project may appear and be heard.

(d) Defects in the notice do not invalidate the proceedings.

Subd. 3. **Preliminary report and information.** (a) The managers must have the watershed district engineer or another competent person prepare a preliminary report advising the managers whether the proposed project is feasible and estimating the cost of the project. An error or omission in the preliminary report does not invalidate the proceeding.

(b) The managers may have other helpful information prepared that will aid in determining the desirability and feasibility of the project.

Subd. 4. **Unfavorable preliminary report.** If the preliminary report is unfavorable, the managers must set a time and location for a hearing in the manner provided for the preliminary resolution. After the hearing, the project may be referred back to the watershed district engineer or another competent person for further study and report, or the managers may dismiss the proceeding.

Subd. 5. **Final resolution.** If, after the hearing, the managers determine that the proposed project promotes the public interest and welfare and is practicable and in conformity with the watershed management plan of the watershed district, the managers must adopt a final resolution approving the project and identify the proceeding by name and number.

Subd. 6. **Further procedure.** (a) When a final resolution is adopted, the proceeding must continue as provided for a project initiated by a petition.

(b) After the managers file a statement listing the property benefited, damaged, or otherwise affected by a project with the auditors of counties affected by the project, the proceedings for the project must continue under section 103D.901.

103D.605 PROJECT CONSTRUCTED WITH GOVERNMENT AID OR AS PART OF PLAN.

Subdivision 1. **Required procedure.** The procedure in this section must be followed if:

(1) a project is to be constructed within the watershed district under an agreement between the managers and the state or federal government and the cost of the project is to be paid for in whole or in part by the state or federal government, but the rights-of-way and the cost of the project are assumed by the watershed district; or

(2) the managers are undertaking all or a portion of the basic water management project as identified in the watershed management plan.

Subd. 2. **Board and director reports.** A copy of the project plan must be transmitted to the board and the director. The board and the director must review the project plan and prepare reports on the project. The reports must be transmitted to the managers.

Subd. 3. **Project hearing notice.** (a) After receiving the board's and the director's reports, the managers must set a time and location for a hearing on the proposed project.

(b) The project hearing notice must state:

- (1) the time and location of the project hearing;
- (2) the general nature of the proposed project;
- (3) the estimated cost of the proposed project; and

(4) the method by which the cost of the proposed project is to be paid, including the cost to be allocated to each affected municipality or the state government.

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(c) The managers must give notice by publication before the date of the hearing in a legal newspaper, published in the counties where property is to be improved by the proposed project. The last publication must occur between 30 days and ten days before the project hearing.

(d) At least ten days before the project hearing, notice by mail must be given to the director and the municipalities entirely or partly within the project area.

(e) Failure to give mailed notice or defects in the notice do not invalidate the proceedings.

Subd. 4. **Project hearing.** At the project hearing, the managers must hear all parties interested in the proposed project.

Subd. 5. **Establishment order.** After the project hearing, if the managers find that the project will be conducive to public health, will promote the general welfare, and complies with the watershed management plan and the provisions of this chapter, the managers must, by order, establish the project. The establishment order must include the findings of the managers.

103D.611 CONSTRUCTION BY GOVERNMENT AGENCIES.

Subdivision 1. **Project plan to director and board.** If a project is to be constructed within the watershed district under a contract between the watershed district and the state or the federal government, and the cost of construction or implementation is to be paid by the governmental agency but the rights-of-way, legal, and general expenses of the improvement are to be paid by the watershed district, the managers shall forward a copy of the project plan to the board and the director. The director shall prepare a director's advisory report and the board shall prepare a board's advisory report.

Subd. 2. **Hearing notice.** (a) The managers shall hold a public hearing on the proposed contract following publication of the hearing notice.

(b) The hearing notice must be published once each week for two successive weeks before the date of the hearing in a legal newspaper published in the counties where a part or all of the affected waters and lands are located. The last publication must occur at least ten days before the hearing. The notice must state the time and place of hearing, the general nature of the proposed improvement, its estimated cost, and the area proposed to be assessed.

(c) At least ten days before the hearing, notice must be mailed to each resident owner, as shown on the county auditor's most recent records maintained for taxation purposes, within the area proposed to be assessed, and to the director, and to each public body within the area to be assessed and likely to be affected. Failure to give mailed notice or defects in the notice do not invalidate the proceedings.

Subd. 3. **Hearing.** At the time and place specified in the notice, the managers shall hear all interested parties for and against the proposed project. All questions relative to the project must be determined on evidence presented at the hearing. If the managers find that the project will be conducive to public health and will promote the general welfare, and that it complies with this chapter, the managers shall make findings accordingly, authorize the project, and make the proposed contract or other arrangement.

Subd. 4. **Appraisal.** (a) After authorizing the project, the managers shall appoint three disinterested resident owners of the state to act as appraisers.

(b) After the appraisers sign an oath to faithfully and impartially perform their duties, they shall, with or without the engineer, determine the benefits and damages to property affected by the proposed project. The appraisers shall make a detailed statement and file the statement with the managers showing:

(1) the actual damages that have resulted or will result to individuals, property, or corporations from the construction or implementation of the project; and

(2) a list of property, including highways and corporations, receiving actual benefits by way of drainage, control of floodwaters, or other means authorized in this chapter.

Subd. 5. **Hearing on appraisers' report.** (a) After the appraisers' report and the plans and engineering data prepared by the governmental agency are filed with the managers, the managers shall prepare a detailed statement of all costs, including damages, to be incurred by the watershed district in construction or implementation of the project.

(b) The managers shall order a time and place within the watershed district for a hearing on the appraisers' report by 35 days after the detailed statement of costs is prepared. The managers shall

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give notice by publication and mailing as provided in subdivision 1 for a hearing on a petition. At the time and place specified in the notice, the managers shall hear all parties interested for and against confirming the appraisers' report.

(c) The managers may order and direct the modification of the assessment of benefits and damages, and amend or change the list of properties reported as benefited or damaged. If the amended reports include property not included in the original report, the managers shall adjourn and publish and mail in the manner for the original notice, the proper notice concerning the property not included in the previous notice.

(d) If upon full hearing the managers find that the benefits resulting from the construction or implementation will be greater than the assessments including damages they shall confirm the appraisers' report.

(e) Persons or political subdivisions affected by the order may appeal the order under this chapter.

Subd. 6. **Assessments and levies.** Proceedings for assessments and levies may be brought under section 103D.901 after the managers file a statement with the auditor of a county that lists the property and corporations benefited or damaged or otherwise affected by a project as found by the appraisers and approved by the managers.

Subd. 7. **Exempt from normal project initiation.** Section 103D.701 relating to project initiation does not apply to projects of the watershed district constructed under contract as provided in this section.

Subd. 8. **Acquiring property.** (a) If the watershed district is required to acquire an interest in real property under this section or convey an interest in real property to the federal government, the managers shall, before the filing of the appraisers' report, record a notice of the pendency of a proceeding initiated by the managers to acquire the lands to be conveyed to the federal government. The notice of pendency must be recorded in the office of the county recorder of the affected county. The notice must state the purpose for which the lands are to be taken.

(b) By 20 days before the hearing on the appraisers' report, in addition to the notice required by subdivision 2, the notice of the hearing must be served on the owners of the property to be acquired, in the same manner as the summons in a civil action. The notice must:

- (1) describe the property;
- (2) state by whom and for what purpose the property is to be taken;
- (3) give the names of all persons appearing of record or known to the managers to be the owners;
- (4) state that appraisers have been appointed as provided by subdivision 4, to determine the benefits and damages; and
- (5) state that a hearing will be held by the managers on the appraisers' report at the time and place specified in the notice.

(c) After the managers have confirmed the appraisers' report listing the property to be benefited or damaged as provided in subdivision 5, the managers have all rights of possession and entry conferred in other cases of condemnation by chapter 117.

(d) After confirmation of the appraisers' report, the attorney for the managers shall make a certificate describing the property taken and the purpose for the taking, and reciting the fact of payment of all awards determined by the appraisers appointed by the managers or judgments in relation to the land. When approved by the managers, the certificate establishes the right of the watershed district in the property taken. The certificate must be filed for record with the county recorder of the county where the property is located. The filing constitutes notice to all parties of the title of the watershed district to the property described in the certificate.

(e) After the certificate is filed, the managers may convey the property and interests in the property acquired to the federal government, if necessary.

103D.711 ENGINEER'S REPORT.

Subdivision 1. **Determination.** If the managers determine that a proper project petition has been filed, the proposed project promotes the public interest and welfare, is practicable and conforms with the watershed management plan of the watershed district, the managers must:

- (1) identify the project proceeding by name and number; and

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(2) designate an engineer to make surveys, maps, and a report on the proposed project.

103F.511 DEFINITIONS.

Subd. 8b. **Reinvest in Minnesota reserve program.** "Reinvest in Minnesota reserve program" means the program established under section 103F.515.

103F.950 BEAVER DAMAGE CONTROL GRANTS.

Subdivision 1. **Establishment.** The Board of Water and Soil Resources shall establish a beaver damage control grant program to provide grants for the control of beaver activities causing damage to public waters, roads, and ditches and adjacent private property. The grants may be made to:

- (1) a joint powers board established under section 471.59 by two or more governmental units;
- (2) soil and water conservation districts; and
- (3) Indian tribal governments.

Subd. 2. **Grant amount.** The board may provide up to 50 percent of the costs of implementing a beaver damage control program by a joint powers board.

Subd. 3. **Awarding grants.** Applications for grants must be made to the board on forms prescribed by the board. The board shall consult with town supervisors and county commissioners representing different areas of the state in developing the application form. A joint powers board seeking a grant may be required to supply information on the beaver control program it has adopted, the extent of the problem in the geographic area covered by the joint powers agreement, and the ability of the joint powers board to match the state grant. The board may prioritize the grant applications based upon the information requested as part of the grant application.

Subd. 4. **Report.** (a) Within one year after receiving a grant under this section, a joint powers board must report to the Board of Water and Soil Resources on the joint powers board's efforts to control beaver in the area.

(b) By December 15 of each even-numbered year, the board shall report to the senate and house of representatives environment and natural resources policy and finance committees on the efforts under this section to control beaver.

8400.3000 AUTHORITY.

Minnesota Statutes, sections 84.95, 103A.209, and 103F.501 to 103F.531, authorize the state board, in consultation with districts, private groups, and state and federal agencies, to implement a program to acquire easements on land to retire certain marginal agricultural land and protect environmentally sensitive areas to enhance soil and water quality, minimize damage to flood-prone areas, sequester carbon, and support native plant, fish, and wildlife habitats and to reestablish perennial cover and restore wetlands on that land. Parts 8400.3000 to 8400.3930 provide procedures and criteria to be followed by the state board and district boards in implementing Minnesota Statutes, sections 103F.501 to 103F.531. The state board shall implement the reinvest in Minnesota reserve program with district boards when practical, but may also implement the program directly.

8400.3030 DEFINITIONS.

Subpart 1. **Scope.** The definitions in this part apply to parts 8400.3000 to 8400.3930.

Subp. 2. **Agricultural crop production.** "Agricultural crop production" means an agricultural activity:

- A. including but not limited to tillage, planting, or harvesting operations; and
- B. devoted to the production of horticultural, row, close grown, introduced pasture, or introduced hayland crops.

Subp. 3. [Repealed, 14 SR 1928]

Subp. 3a. **Agricultural land.** "Agricultural land" means land devoted for use as pasture or hayland for domestic livestock or dairy animals, or to agricultural crop production, or to growing nursery stocks, or for use as animal feedlots, and may include contiguous land associated with these uses.

Subp. 4. **Annual plan.** "Annual plan" means a plan prepared by the district under Minnesota Statutes, section 103C.331, subdivision 11, and according to the most recent version of the Guidelines for Soil and Water Conservation District Comprehensive and Annual Plans published by the state board. That publication is subject to periodic change. The current version is available at the district office and state board office and is incorporated by reference.

Subp. 5. **Approved practice.** "Approved practice" means a soil and water conservation practice or wildlife habitat enhancement that may be established on an easement area and is described in the easement program practice specifications.

Subp. 6. [Repealed, 37 SR 1277]

Subp. 6a. [Repealed, 37 SR 1277]

Subp. 7. [Repealed, 14 SR 1928]

Subp. 8. [Repealed, 19 SR 550]

Subp. 9. **Conservation agreement.** "Conservation agreement" means a written contract stating the terms and conditions for conveying a conservation easement by the landowner to the state.

Subp. 10. **Conservation easement.** "Conservation easement" has the meaning given for "conservation easement" in Minnesota Statutes, section 84C.01, paragraph (1).

Subp. 10a. [Repealed, 37 SR 1277]

Subp. 10b. **Conservation easement program.** "Conservation easement program" refers to both the RIM reserve program, as defined in subpart 42, and the permanent wetlands preserve program, as defined in subpart 36a.

Subp. 11. **Conservation plan.** "Conservation plan" means a written description and map of the approved practices that must be applied to or that already exist on the easement area.

Subp. 11a. **Cost-shared practice.** "Cost-shared practice" means an approved practice which qualifies for cost-sharing through a conservation easement program administered by the state board.

Subp. 12. [Repealed, 19 SR 550]

Subp. 13. [Repealed, 19 SR 550]

Subp. 14. **District.** "District" means a soil and water conservation district organized under Minnesota Statutes, chapter 103C.

Subp. 15. **District board.** "District board" means the board of supervisors of a soil and water conservation district organized under Minnesota Statutes, chapter 103C.

Subp. 16. [Repealed, 19 SR 550]

Subp. 17. **District technical representative.** "District technical representative" means a district employee or other designee assigned by the district who has expertise in the design and application of approved practices.

Subp. 17a. **Drained wetland.** "Drained wetland" means a former natural wetland that has been altered by draining, dredging, filling, leveling, or other manipulation sufficient to reduce its natural function.

Subp. 17b. **Easement program practice specifications.** "Easement program practice specifications" means the detailed descriptions of the approved practices that are allowed on lands enrolled in the conservation easement programs.

Subp. 18. [Repealed, 19 SR 550]

Subp. 19. [Repealed, 37 SR 1277]

Subp. 20. [Repealed, 37 SR 1277]

Subp. 20a. [Repealed, 37 SR 1277]

Subp. 20b. **Farmed wetland.** "Farmed wetland" means a wetland, as defined in subpart 48, that has been devoted to agricultural crop production, as defined in subpart 2, since December 23, 1985.

Subp. 21. [Repealed, 19 SR 550]

Subp. 22. [Repealed, 19 SR 550]

Subp. 23. **Food plot.** "Food plot" means an area established for the purpose of providing food for wildlife.

Subp. 24. [Repealed, 37 SR 1277]

Subp. 25. [Repealed, 37 SR 1277]

Subp. 26. [Repealed, 37 SR 1277]

Subp. 27. **Individual.** "Individual" means a person or legal entity, whether or not a resident of Minnesota.

Subp. 28. [Repealed, 37 SR 1277]

Subp. 29. **Introduced hayland.** "Introduced hayland" means an area devoted to the production of forage that has been cultivated in a rotation of row crops or small grains or interseeded with introduced or native species at least twice during the ten years prior to applying for enrollment in a conservation easement program. These areas must have been harvested by mechanical methods at least two years during the five years prior to applying for enrollment in a conservation easement program.

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Subp. 30. **Introduced pasture.** "Introduced pasture" means an area devoted to the production of forage that has been cultivated in a rotation of row crops or small grains or interseeded with introduced or native species at least twice during the ten years prior to applying for enrollment in a conservation easement program. These areas must have been harvested by grazing at least two years during the five years prior to applying for enrollment in a conservation easement program.

Subp. 31. **Landowner.** "Landowner" means an individual or entity that is not prohibited from owning agricultural land under Minnesota Statutes, section 500.24, and who either owns eligible land or is purchasing eligible land under a contract for deed in Minnesota.

Subp. 31a. **Land with crop history.** "Land with crop history" means land that has produced horticultural, row, or close grown crops or that has been enrolled at a cropland rate in a federal or state conservation program at least two of the five years prior to applying for enrollment in a conservation easement program, or land that meets the definition of introduced hayland in subpart 29, or land that meets the definition of introduced pasture in subpart 30. For the purposes of parts 8400.3000 to 8400.3930, land with crop history includes acres devoted to "set aside" or "conserving use" for the United States Department of Agriculture programs.

Subp. 32. [Repealed, 37 SR 1277]

Subp. 33. **Marginal agricultural land.** "Marginal agricultural land" means land that is:

A. composed of class IIIe, IVe, V, VI, VII, or VIII land as identified in the land capability classification system of the United States Department of Agriculture; or

B. similar to land described under item A and identified under a land classification system selected by the board.

Subp. 33a. **Pasture.** "Pasture" means land used for grazing by domestic livestock and land which is not considered land with crop history as defined in subpart 31a.

Subp. 33b. **Pastured hillside.** "Pastured hillside" means land on a hillside that is used for pasture as defined in subpart 33a or used for introduced pasture as defined in subpart 30.

Subp. 34. [Repealed, 19 SR 550]

Subp. 35. [Repealed, 19 SR 550]

Subp. 36. **Perennial cover.** "Perennial cover" means the water area created by restoring a drained wetland or the perennial vegetation established under a conservation easement program, or the perennial vegetation or the water or wetland areas that already exist on the easement area.

Subp. 36a. **Permanent wetlands preserve program.** "Permanent wetlands preserve program" means the program established under Minnesota Statutes, section 103F.516.

Subp. 37. [Repealed, 19 SR 550]

Subp. 38. [Repealed, 19 SR 550]

Subp. 39. [Repealed, 19 SR 550]

Subp. 39a. **Public waters.** "Public waters" means waters as defined in Minnesota Statutes, section 103G.005, subdivision 15, and inventoried under Minnesota Statutes, section 103G.201. A copy of the inventory is available in the district office.

Subp. 39b. **Public waters wetlands.** "Public waters wetlands" means wetlands as defined in Minnesota Statutes, section 103G.005, subdivision 15a.

Subp. 39c. [Repealed, 37 SR 1277]

Subp. 40. [Repealed, 37 SR 1277]

Subp. 41. [Repealed, 19 SR 550]

Subp. 42. **RIM reserve program.** "RIM reserve program" means the program established in Minnesota Statutes, section 103F.515.

Subp. 42a. **Riparian land.** "Riparian land" means land adjacent to public waters, drainage systems, wetlands, or locally designated priority waters.

Subp. 43. **Screening committee.** "Screening committee" means a group established by the district board to assist in implementing the conservation easement programs. The screening committee is chaired by a district board member and is composed of representatives of private, state, and local organizations or clubs, and local, state, and federal agencies with an interest in the conservation easement programs.

Subp. 43a. **Sensitive groundwater area.** "Sensitive groundwater area" means a geographic area defined by natural features where there is a significant risk of groundwater degradation from activities conducted at or near the land surface. These areas may be identified by mapping or other appropriate methods determined by the commissioner of natural resources and the state board. Wellhead protection areas and land that is adjacent and draining to a sinkhole may be designated as a sensitive groundwater area.

Subp. 44. [Repealed, 37 SR 1277]

Subp. 45. **Soil and water conservation practice.** "Soil and water conservation practice" means structural or vegetative practices applied to land for the purposes of controlling soil erosion, sediment, agricultural nutrients or waste, or other water pollutants.

Subp. 46. [Repealed, 37 SR 1277]

Subp. 47. [Repealed, 14 SR 1928]

Subp. 47a. **State board.** "State board" means the Board of Water and Soil Resources.

Subp. 48. **Wetland.** "Wetland" means wetlands as defined in Minnesota Statutes, section 103G.005, subdivision 19.

8400.3110 DURATION OF CONSERVATION EASEMENTS.

For purposes of the RIM reserve program, a conservation easement may be permanent or of limited duration. A conservation easement acquired on restorable drained wetlands, replacement wetlands, or land for highway windbreak purposes, must be of permanent duration. A conservation easement of limited duration may be acquired on other eligible land within a district if it is for a period not less than 20 years and only if the state board has approved enrollment of limited duration conservation easements in that district.

All permanent wetlands preserve program conservation easements must be of permanent duration.

8400.3210 DELEGATION OF PROGRAM TO ANOTHER DISTRICT.

A district board may enter into an agreement with other district boards as authorized by Minnesota Statutes, section 103C.231, to delegate to another district board the responsibility for administering any conservation easement program of the state board. Where such delegation has been mutually agreed upon, each district board must so notify all landowners in their respective district and each district must so notify the state board.

8400.3260 LAND IN MORE THAN ONE DISTRICT.

If an application involves land in more than one district, the participating districts may jointly delegate to one of the districts the responsibility for review and prioritization of that application. If that application is accepted for enrollment, the affected districts may also jointly delegate to one of the districts the responsibility for completing all of the tasks necessary for conveyance of the conservation easement to the state board.

8400.3300 CRITERIA FOR SCREENING COMMITTEE REVIEW OF APPLICATIONS.

The state board may direct districts to utilize a local screening process or committee to prioritize local project areas or applications. The criteria for screening committee prioritization are as follows:

- A. consistency with the purpose and policy of the respective conservation easement program;
- B. the parcel's potential impact on reducing soil erosion and sedimentation, improving water quality, reducing flooding, and enhancing fish and wildlife habitat;
- C. compatibility with established priorities of the organizations and agencies participating in the screening process; and
- D. highest priority must be given to permanent easements pursuant to Minnesota Statutes, section 103F.515, subdivision 2, paragraph (e).

8400.3400 CONSERVATION AGREEMENT FOR EASEMENT.

The district board shall direct its staff or the district technical representative to develop conservation agreements as prescribed by the state board and in a recordable form for all approved applications which incorporate the minimum requirements stated in Minnesota Statutes, section 103F.515, subdivisions 4 and 5. In addition, each conservation agreement must require the landowner to:

- A. pay, when due, all taxes and assessments that may be levied against the easement area;
- B. remove any existing structures as required by the district board or the state board prior to the conveyance of the conservation easement with all associated costs being the responsibility of the landowner, and not place, erect, or construct any temporary or permanent structures on the easement area;
- C. remove any existing hazardous and toxic substances or any pollutants and contaminants prior to the conveyance of the conservation easement with all associated costs being the responsibility of the landowner, and not place such substances, pollutants, or contaminants on the easement area;
- D. properly seal all abandoned wells on the easement area prior to the conveyance of the conservation easement, with all associated costs being the responsibility of the landowner; and
- E. allow the state board and its employees and agents to enter the easement area for the purposes of inspection and enforcement of the terms and conditions of the conservation easement.

8400.3460 TITLE REQUIREMENTS.

The landowner must have good and marketable title that is insurable under a title insurance policy. In addition, the title must not be subject to any prior liens or encumbrances determined to be objectionable by the Attorney General. Objectionable title defects, liens, or encumbrances must be promptly removed or corrected by the landowner prior to easement conveyance.

8400.3600 RENEWAL AND EXTENSION OF CONSERVATION EASEMENTS.

- A. When a conservation easement of limited duration expires, a new conservation agreement and conservation easement for an additional period of not less than 20 years may be acquired by agreement of the state board and the landowner under the rules in force at that time. The state board may adjust payment rates as a result of renewing a conservation

agreement and conservation easement after examining the condition of the established cover, conservation practices, and land values.

B. The easement duration may be lengthened through mutual agreement of the current landowner with the state board, in consultation with the commissioners of agriculture and natural resources, if the state board determines that the changes are consistent with the purpose of the conservation easement program. When converting limited duration easements to permanent easements, the payment is the difference between the amount that would be paid per acre for the permanent easement as established for the most recent sign-up period and the amount already paid for the limited duration easement on the area.

8400.3610 ALTERATION, RELEASE, OR TERMINATION OF CONSERVATION EASEMENTS.

The state board may alter, release, or terminate a conservation easement after consultation with the commissioners of agriculture and natural resources. The board may alter, release, or terminate an easement only if the state board determines that the public interests and general welfare are better served by the alteration, release, or termination.

The state board must be provided the following information at least 30 days prior to a state board meeting, before the state board will consider a request to alter, release, or terminate a conservation easement:

- A. a copy of the letter from the landowner to the district board justifying the change and identifying how the public interest and general welfare will be better served;
- B. a letter from the district board recommending either approval or disapproval of the proposed change;
- C. a letter from the Department of Natural Resources recommending either approval or disapproval of the proposed change; and
- D. other supporting documents, including:
 - (1) an aerial photo identifying the requested change;
 - (2) a soil survey map of the area;
 - (3) cropping history information; and
 - (4) other pertinent documentation that will support the request.

The state board reserves the right to require special provisions to ensure at least equal resource value as a condition of approving the request. The state board must be compensated by the landowner for all damages and loss of benefits to the conservation easement and the state board may also require reimbursement for administrative expenses and costs incurred in the alteration, release, or termination of a conservation easement.

8400.3630 APPROVED PRACTICES.

Subpart 1. **Criteria.** Approved practices must have as their primary purpose the control of soil erosion or sedimentation, protection or improvement of water quality, reduction of flooding, or enhancement of fish and wildlife habitat. Approved practices may be further specified in the easement program policies or practice specifications. Practices that do not qualify as approved practices include, but are not limited to, Christmas tree plantations and fruit orchards. Food plots are not eligible for conservation easement program cost-sharing, but are considered an approved practice and, therefore, are allowed on enrolled acres as specified in the easement conservation plan.

Subp. 2. **Establishment of approved practices.** A landowner is responsible for the establishment of all approved practices on the easement area in accordance with the easement program practice specifications. Establishment of approved practices must be monitored by the district board or its delegate to ensure compliance with the conservation plan and the

conservation easement. Upon establishment or partial completion of an approved practice, a district technical representative shall certify whether or not the approved practice, in whole or part, has been satisfactorily performed.

8400.3700 COST-SHARED PRACTICES.

Subpart 1. **Approved practices eligible for cost-sharing.** The state board shall determine which approved practices are eligible for conservation easement program cost-sharing, consistent with the criteria as described in part 8400.3630, subpart 1.

Subp. 2. Eligible costs for cost-shared practices.

A. Upon satisfactory performance under part 8400.3630, subpart 2, the landowner shall present receipts or invoices to the district board, or its delegate, of the costs incurred in the installation of the cost-shared practice. The district board shall review the receipts or invoices to determine the costs eligible for conservation easement program payment. If the district board determines that the costs requested for reimbursement are reasonable and necessary, it shall recommend payment to the landowner by submitting certification of satisfactory performance and providing documentation of reimbursable practice costs to the state board on forms provided by the state board. If the district board determines that certain costs requested for reimbursement are not eligible or reasonable, it shall notify the landowner in writing of this determination. The landowner may request reconsideration of this determination by the district board within 30 days of receipt of the determination. If additional costs are determined to be eligible and reasonable, the district board shall then recommend payment for the approved amount. The state board reserves the right to approve whether costs requested for reimbursement are eligible and reasonable.

B. Eligible costs for approved practices are limited to those prescribed by the state board as allowed in Minnesota Statutes, section 103F.515, subdivision 6.

C. The state board reserves the right to approve and provide funding for cost-shared practices.

Subp. 3. **Payment for in-kind services.** In-kind services provided by the landowner including, but not limited to, earthwork, seedbed preparation, and seeding, may be credited to the landowner's share of the total cost of establishing the cost-shared practice. The district board shall credit only those costs it determines to be practical and reasonable and may approve receipts or invoices directly or through its delegate.

Subp. 4. **Funds from other sources.** Conservation easement program cost-sharing funds may be augmented by funds from other agencies, organizations, or individuals.

8400.3730 FAILURE OF APPROVED PRACTICES.

Subpart 1. **Cost-shared practices.** A landowner is not in violation of the conservation easement if the failure, in whole or part, of a cost-shared practice was caused by reasons beyond the landowner's control such as extreme weather conditions. In these instances, the district board may recommend to the state board that conservation easement program cost-sharing funds be encumbered for reestablishment of the cost-shared practice. The encumbrance must comply with the limits prescribed by the state board. In no case may a district board authorize conservation easement program financial assistance to a landowner for the reestablishment of cost-shared practices that were removed or altered by the landowner, or that have failed due to improper maintenance during the term of the conservation easement.

Subp. 2. **All other approved practices.** A landowner is not in violation of the conservation easement if the failure of approved practices was caused by reasons beyond the landowner's control.

8400.3800 OPERATION AND MAINTENANCE.

A landowner is responsible for the operation and maintenance of approved practices designated in the conservation plan.

8400.3830 VIOLATIONS AND ENFORCEMENT.

Subpart 1. **District board action.** The district board may take such measures as are necessary to ensure landowner compliance with the conservation agreement, conservation easement, and conservation plan. If the district board is unsuccessful at obtaining landowner compliance, the district board shall notify the state board of the violation and may recommend appropriate measures to be taken to correct violations.

Subp. 2. **State board action.** Upon notification or discovery of a violation of a conservation agreement, conservation easement, or conservation plan, the state board shall take action to resolve the violation.

A landowner who violates the terms of a conservation agreement, conservation easement, or conservation plan under this chapter, or induces, assists, or allows another to do so, is liable to the state for treble damages if the violation is willful or double damages if the violation is not willful. The amount of damages is the amount needed to make the state whole or the amount the landowner has gained due to the violation, whichever is greater.

If the state board is not successful in resolving the violation, it may request the state attorney general to commence legal action to enforce the conservation agreement, conservation easement, or conservation plan.

Subp. 3. **Attorney general action.** Upon request by the state board, the attorney general may commence an action for specific performances, injunctive relief, damages, including attorney fees, and any other appropriate relief to enforce Minnesota Statutes, sections 103F.501 to 103F.531 in district court in the county where all or part of the violation is alleged to have been committed, or where the landowner resides or has a principal place of business.

Conservation easements remain in effect even if maintenance violations have occurred.

8400.3930 RECONSIDERATION AND APPEAL.

Subpart 1. **Reconsideration by district board.** An affected landowner may request the district board to reconsider its:

A. recommendation or determination regarding that landowner's application for enrollment in a conservation easement program;

B. recommendation or determination to cancel that landowner's conservation agreement;

C. determination regarding that landowner's eligible and allowable costs to be reimbursed by the state board;

D. request to that landowner to correct any alleged noncompliant conditions regarding that landowner's enrolled easement area; or

E. recommendation to disapprove that landowner's request to change an enrolled easement area.

Subp. 2. **Time for reconsideration by district board.** A landowner requesting reconsideration under subpart 1 shall mail a written request to the district board within 15 days of receipt of notice of the district board's determination or recommendation of the matters specified in subpart 1. The request for reconsideration shall include the specific reasons for the request and evidence to support the landowner's claims. The district board shall notify the landowner in writing of its final recommendation and the reasons for the recommendation within 60 days of receipt of the landowner's request for reconsideration.

APPENDIX
Repealed Minnesota Rules: UES2904-1

Subp. 3. **Appeal to state board.** An affected landowner may appeal to the state board from a final recommendation made by the district board pursuant to subpart 2. The landowner shall mail a written appeal to the state board within 15 days after receipt of the district board's final recommendation. The appeal shall include the specific reasons for the request and evidence to support the landowner's claims. The state board shall notify in writing the landowner and the district board of its final decision and the reasons for the decision within 60 days of receipt of the landowner's appeal.

Subp. 4. [Repealed, 14 SR 1928]