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State of Minnesota
HOUSE OF REPRESENTATIVES
NINETIETH SESSION

H. F. No. 1863

03/01/2017 Authored by Dettmer, Runbeck and Fischer
The bill was read for the first time and referred to the Committee on Environment and Natural Resources Policy and Finance

1.1 A bill for an act
1.2 relating to waters; modifying wetland replacement requirements; amending
1.3 Minnesota Statutes 2016, sections 103G.005, subdivisions 10b, 10h; 103G.222,
1.4 subdivision 3.

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

1.6 Section 1. Minnesota Statutes 2016, section 103G.005, subdivision 10b, is amended to
1.7 read:

1.8 Subd. 10b. **Greater than 80 percent area.** "Greater than 80 percent area" means a
1.9 county ~~or~~₂ watershed, or, for purposes of wetland replacement, bank service area where 80
1.10 percent or more of the presettlement wetland acreage is intact and:

1.11 (1) ten percent or more of the current total land area is wetland; or

1.12 (2) 50 percent or more of the current total land area is state or federal land.

1.13 Sec. 2. Minnesota Statutes 2016, section 103G.005, subdivision 10h, is amended to read:

1.14 Subd. 10h. **Less than 50 percent area.** "Less than 50 percent area" means a county ~~or~~₂
1.15 watershed, or, for purposes of wetland replacement, bank service area with less than 50
1.16 percent of the presettlement wetland acreage intact or any county ~~or~~₂ watershed, or bank
1.17 service area not defined as a "greater than 80 percent area" or "50 to 80 percent area."

1.18 Sec. 3. Minnesota Statutes 2016, section 103G.222, subdivision 3, is amended to read:

1.19 Subd. 3. **Wetland replacement siting.** (a) ~~Impacted wetlands in a 50 to~~ Wetland
1.20 replacement occurring outside of a greater than 80 percent area must not be replaced in a
1.21 ~~50 to greater than 80 percent area or in a less than 50 percent area. Impacted wetlands in a~~

2.1 ~~less than 50 percent area must be replaced in a less than 50 percent area.~~ All wetland
2.2 replacement must follow this priority order:

2.3 (1) ~~on-site or~~ in the same minor watershed as the impacted wetland;

2.4 (2) in the same watershed as the impacted wetland;

2.5 (3) in the same ~~county or~~ wetland bank service area as the impacted wetland; and

2.6 (4) in another wetland bank service area.

2.7 (b) Notwithstanding paragraph (a), wetland banking credits approved according to a
2.8 complete wetland banking application submitted to a local government unit by April 1,
2.9 1996, may be used to replace wetland impacts resulting from public transportation projects
2.10 statewide.

2.11 (c) Notwithstanding paragraph (a), clauses (1) and (2), the priority order for replacement
2.12 by wetland banking begins at paragraph (a), clause (3), according to rules adopted under
2.13 section 103G.2242, subdivision 1.

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

2.17 (e) For the purposes of this section, "reasonable, practicable, and environmentally
2.18 beneficial replacement opportunities" are defined as opportunities that:

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

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

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

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

2.27 (f) Regulatory agencies, local government units, and other entities involved in wetland
2.28 restoration shall collaborate to identify potential replacement opportunities within their
2.29 jurisdictional areas.

- 3.1 (g) The board must establish wetland replacement ratios and wetland bank service area
- 3.2 priorities to implement the siting and targeting of wetland replacement and encourage the
- 3.3 use of high priority areas for wetland replacement.