

CONFERENCE COMMITTEE REPORT ON H. F. No. 2733

A bill for an act

relating to natural resources; modifying all-terrain vehicle and off-highway motorcycle provisions; providing for certain regulatory efficiencies; modifying invasive species provisions; modifying definition of snowmobile; prohibiting tampering with off-road recreational vehicle odometers; modifying use of forest trails; modifying outdoor recreation system provisions; modifying Water Law; modifying forestry provisions; modifying provision related to environmental impact statements; amending Minnesota Statutes 2012, sections 17.4982, subdivision 18a; 84.027, subdivisions 13a, 14a; 84.0857; 84.791, subdivision 4; 84.81, subdivision 3; 84.92, subdivisions 8, 9, 10; 84.925, subdivision 3; 84.926, subdivision 4; 84D.01, subdivisions 8, 8b, 13, 15, 17, 18; 84D.03, as amended; 84D.06; 84D.10, subdivision 3; 84D.11, subdivision 2a; 84D.12; 84D.13, subdivision 5; 86A.09; 86A.11; 89A.02; 89A.03, subdivisions 1, 6; 89A.04; 89A.05, subdivisions 1, 3; 89A.06, subdivisions 1, 2, 4; 89A.07; 89A.08, subdivisions 1, 2, 3; 89A.09; 89A.10; 89A.11; 97C.821; 103E.065; 103F.121, subdivisions 2, 5; 103F.165, subdivision 3; 103G.245, subdivision 2; 103G.287, subdivision 2; 103G.305, subdivision 1; 103G.615, subdivision 3a; 116D.04, subdivision 2a; 325E.13, by adding a subdivision; 325E.14, subdivisions 1, 3, 4, 6; Minnesota Statutes 2013 Supplement, sections 84.027, subdivision 13; 84.9256, subdivision 1; 84D.10, subdivision 4; 84D.105, subdivision 2; 103C.311, subdivision 2; 103G.287, subdivision 4; proposing coding for new law in Minnesota Statutes, chapter 89A; repealing Minnesota Statutes 2012, sections 84.521; 89.01, subdivision 7; 89A.05, subdivisions 2a, 4; 89A.06, subdivision 2a; 103F.121, subdivisions 3, 4; 103F.165, subdivision 2.

May 5, 2014

The Honorable Paul Thissen
Speaker of the House of Representatives

The Honorable Sandra L. Pappas
President of the Senate

We, the undersigned conferees for H. F. No. 2733 report that we have agreed upon the items in dispute and recommend as follows:

That the Senate recede from its amendments and that H. F. No. 2733 be further amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2012, section 17.4982, subdivision 18a, is amended to read:

Subd. 18a. **Nonindigenous species.** "Nonindigenous species" means a species of fish or other aquatic life that is:

- (1) not known to have been historically present in the state;
- (2) not known to be naturally occurring in a particular part of the state; or
- (3) ~~designated~~ listed by rule as a prohibited or regulated invasive species.

Sec. 2. Minnesota Statutes 2012, section 84.027, subdivision 12, is amended to read:

Subd. 12. **Property disposal; gift acknowledgment; advertising sales.** ~~(a) The commissioner may give away to members of the public items with a value of less than \$50 that are intended to promote conservation of natural resources or create awareness of the state and its resources or natural resource management programs. The total value of items given to the public under this paragraph may not exceed \$25,000 per year.~~

~~(b)~~ (a) The commissioner may recognize the contribution of money or in-kind services on plaques, signs, publications, audio-visual materials, and media advertisements by allowing the organization's contribution to be acknowledged in print of readable size.

~~(e)~~ (b) The commissioner may accept paid advertising for departmental publications. Advertising revenues received are appropriated to the commissioner to be used to defray costs of publications, media productions, or other informational materials. The commissioner may not accept paid advertising from any elected official or candidate for elective office.

Sec. 3. Minnesota Statutes 2013 Supplement, section 84.027, subdivision 13, is amended to read:

Subd. 13. **Game and fish rules.** (a) The commissioner of natural resources may adopt rules under sections 97A.0451 to 97A.0459 and this subdivision that are authorized under:

(1) chapters 97A, 97B, and 97C to set open seasons and areas, to close seasons and areas, to select hunters for areas, to provide for tagging and registration of game and fish, to prohibit or allow taking of wild animals to protect a species, to prevent or control wildlife disease, to open or close bodies of water or portions of bodies of water for night bow fishing, and to prohibit or allow importation, transportation, or possession of a wild animal;

(2) sections 84.093, 84.15, and 84.152 to set seasons for harvesting wild ginseng roots and wild rice and to restrict or prohibit harvesting in designated areas; and

(3) section 84D.12 to ~~designate~~ list prohibited invasive species, regulated invasive species, unregulated nonnative species, and infested waters.

(b) If conditions exist that do not allow the commissioner to comply with sections 97A.0451 to 97A.0459, including the need to adjust season variables on an annual basis based upon current biological and harvest data, the commissioner may adopt a rule under this subdivision by submitting the rule to the attorney general for review under section 97A.0455, publishing a notice in the State Register and filing the rule with the secretary of state and the Legislative Coordinating Commission, and complying with section 97A.0459, and including a statement of the conditions and a copy of the rule in the notice. The conditions for opening a water body or portion of a water body for night bow fishing under this section may include the need to temporarily open the area to evaluate compatibility of the activity on that body of water prior to permanent rulemaking. The notice may be published after it is received from the attorney general or five business days after it is submitted to the attorney general, whichever is earlier.

(c) Rules adopted under paragraph (b) are effective upon publishing in the State Register and may be effective up to seven days before publishing and filing under paragraph (b), if:

(1) the commissioner of natural resources determines that an emergency exists;

(2) the attorney general approves the rule; and

(3) for a rule that affects more than three counties the commissioner publishes the rule once in a legal newspaper published in Minneapolis, St. Paul, and Duluth, or for a rule that affects three or fewer counties the commissioner publishes the rule once in a legal newspaper in each of the affected counties.

(d) Except as provided in paragraph (e), a rule published under paragraph (c), clause (3), may not be effective earlier than seven days after publication.

(e) A rule published under paragraph (c), clause (3), may be effective the day the rule is published if the commissioner gives notice and holds a public hearing on the rule within 15 days before publication.

(f) The commissioner shall attempt to notify persons or groups of persons affected by rules adopted under paragraphs (b) and (c) by public announcements, posting, and other appropriate means as determined by the commissioner.

(g) Notwithstanding section 97A.0458, a rule adopted under this subdivision is effective for the period stated in the notice but not longer than 18 months after the rule is effective.

Sec. 4. Minnesota Statutes 2012, section 84.027, subdivision 13a, is amended to read:

4.1 Subd. 13a. **Game and fish expedited permanent rules.** In addition to the authority
4.2 granted in subdivision 13, the commissioner of natural resources may adopt rules under
4.3 section 14.389 that are authorized under:

4.4 (1) chapters 97A, 97B, and 97C to describe zone or permit area boundaries, to
4.5 designate fish spawning beds or fish preserves, to select hunters or anglers for areas,
4.6 to provide for registration of game or fish, to prevent or control wildlife disease, or to
4.7 correct errors or omissions in rules that do not have a substantive effect on the intent or
4.8 application of the original rule; or

4.9 (2) section 84D.12 to ~~designate~~ list prohibited invasive species, regulated invasive
4.10 species, and unregulated nonnative species.

4.11 Sec. 5. Minnesota Statutes 2012, section 84.027, subdivision 14a, is amended to read:

4.12 Subd. 14a. **Permitting efficiency.** (a) It is the goal of the state that environmental
4.13 and resource management permits be issued or denied within 150 days of the submission
4.14 of a permit application. The commissioner of natural resources shall establish management
4.15 systems designed to achieve the goal.

4.16 (b) The commissioner shall prepare ~~semiannual~~ a permitting efficiency reports
4.17 report that include includes statistics on meeting the goal in paragraph (a). The ~~reports~~
4.18 ~~are report is due February 1 and August 1 each year.~~ For permit applications that have
4.19 not met the goal, the report must state the reasons for not meeting the goal. In stating the
4.20 reasons for not meeting the goal, the commissioner shall separately identify delays caused
4.21 by the responsiveness of the proposer, lack of staff, scientific or technical disagreements,
4.22 or the level of public engagement. The report must specify the number of days from
4.23 initial submission of the application to the day of determination that the application is
4.24 complete. The report ~~for August 1 each year~~ must aggregate the data for the year and
4.25 assess whether program or system changes are necessary to achieve the goal. The report
4.26 must be posted on the department's Web site and submitted to the governor and the chairs
4.27 and ranking minority members of the house of representatives and senate committees
4.28 having jurisdiction over natural resources policy and finance.

4.29 (c) The commissioner shall allow electronic submission of environmental review
4.30 and permit documents to the department.

4.31 (d) Beginning July 1, 2011, within 30 business days of application for a permit subject
4.32 to paragraph (a), the commissioner of natural resources shall notify the project proposer,
4.33 in writing, whether the application is complete or incomplete. If the commissioner
4.34 determines that an application is incomplete, the notice to the applicant must enumerate
4.35 all deficiencies, citing specific provisions of the applicable rules and statutes, and advise

the applicant on how the deficiencies can be remedied. This paragraph does not apply to an application for a permit that is subject to a grant or loan agreement under chapter 446A.

Sec. 6. Minnesota Statutes 2012, section 84.0857, is amended to read:

84.0857 FACILITIES MANAGEMENT ACCOUNT.

(a) The commissioner of natural resources may bill organizational units within the Department of Natural Resources and other governmental units, including tribal governments, for the costs of providing them with building and infrastructure facilities. Costs billed may include modifications and adaptations to allow for appropriate building occupancy, building code compliance, insurance, utility services, maintenance, repair, and other direct costs as determined by the commissioner. Receipts shall be credited to a special account in the state treasury and are appropriated to the commissioner to pay the costs for which the billings were made.

(b) Money deposited in the special account from the proceeds of a sale under section 94.16, subdivision 3, paragraph (b), is appropriated to the commissioner to acquire facilities or renovate existing buildings for administrative use or to acquire land for, design, and construct administrative buildings for the Department of Natural Resources.

(c) The commissioner of natural resources may bill organizational units within the Department of Natural Resources and other governmental units, including tribal governments, for the costs of operating facilities. Receipts shall be credited to a special account in the state treasury and are appropriated to the commissioner to pay the costs for which the billings were made.

Sec. 7. Minnesota Statutes 2012, section 84.791, subdivision 4, is amended to read:

Subd. 4. **Off-highway motorcycle safety courses; reciprocity with other states; accepted equivalencies.** (a) The commissioner may enter into reciprocity agreements or otherwise certify off-highway motorcycle environment and safety education and training courses from other states that are substantially similar to in-state courses. Proof of completion of a course subject to a reciprocity agreement or certified as substantially similar is adequate to meet the safety certificate requirements of sections 84.787 to 84.795.

(b) Proof of completion of the Motorcycle Safety Foundation Dirtbike School is adequate to meet the safety certificate requirements of sections 84.787 to 84.795.

Sec. 8. Minnesota Statutes 2012, section 84.81, subdivision 3, is amended to read:

Subd. 3. **Snowmobile.** "Snowmobile" means a self-propelled vehicle originally manufactured and designed for travel on snow or ice steered by skis or runners.

Snowmobile does not include the following vehicles equipped with aftermarket ski and track configurations:

- (1) an all-terrain vehicle defined in section 84.92;
- (2) an off-highway motorcycle defined in section 84.787;
- (3) an off-road vehicle defined in section 84.797;
- (4) a mini truck defined in section 169.011;
- (5) a utility task vehicle described in section 169.045; or
- (6) any other vehicle being operated off road.

Sec. 9. Minnesota Statutes 2012, section 84.92, subdivision 8, is amended to read:

Subd. 8. **All-terrain vehicle or vehicle.** "All-terrain vehicle" or "vehicle" means a motorized ~~floatation-tired~~ vehicle of not less than three ~~low pressure~~ tires, but not more than six low pressure or non-pneumatic tires, that is limited in engine displacement of less than 1,000 cubic centimeters and includes a class 1 all-terrain vehicle and class 2 all-terrain vehicle.

Sec. 10. Minnesota Statutes 2012, section 84.92, subdivision 9, is amended to read:

Subd. 9. **Class 1 all-terrain vehicle.** "Class 1 all-terrain vehicle" means an all-terrain vehicle that has a total dry weight of less than ~~1,000~~ 1,200 pounds.

Sec. 11. Minnesota Statutes 2012, section 84.92, subdivision 10, is amended to read:

Subd. 10. **Class 2 all-terrain vehicle.** "Class 2 all-terrain vehicle" means an all-terrain vehicle that has a total dry weight of ~~1,000~~ 1,200 to 1,800 pounds.

Sec. 12. Minnesota Statutes 2012, section 84.925, subdivision 3, is amended to read:

Subd. 3. **All-terrain vehicle safety courses; reciprocity with other states; accepted equivalencies.** (a) The commissioner may enter into reciprocity agreements or otherwise certify all-terrain vehicle environmental and safety education and training courses from other states that are substantially similar to in-state courses. Proof of completion of a course subject to a reciprocity agreement or certified as substantially similar is adequate to meet the safety certificate requirements of sections 84.92 to 84.928.

(b) Proof of completion of the ATV RiderCourse offered by the All-Terrain Vehicle Safety Institute is adequate to meet the safety certificate requirements of sections 84.92 to 84.928.

Sec. 13. Minnesota Statutes 2013 Supplement, section 84.9256, subdivision 1, is amended to read:

Subdivision 1. **Prohibitions on youthful operators.** (a) Except for operation on public road rights-of-way that is permitted under section 84.928 and as provided under paragraph (j), a driver's license issued by the state or another state is required to operate an all-terrain vehicle along or on a public road right-of-way.

(b) A person under 12 years of age shall not:

(1) make a direct crossing of a public road right-of-way;

(2) operate an all-terrain vehicle on a public road right-of-way in the state; or

(3) operate an all-terrain vehicle on public lands or waters, except as provided in paragraph (f).

(c) Except for public road rights-of-way of interstate highways, a person 12 years of age but less than 16 years may make a direct crossing of a public road right-of-way of a trunk, county state-aid, or county highway or operate on public lands and waters or state or grant-in-aid trails, only if that person possesses a valid all-terrain vehicle safety certificate issued by the commissioner and is accompanied by a person 18 years of age or older who holds a valid driver's license.

(d) To be issued an all-terrain vehicle safety certificate, a person at least 12 years old, but less than ~~18~~ 16 years old, must:

(1) successfully complete the safety education and training program under section 84.925, subdivision 1, including a riding component; and

(2) be able to properly reach and control the handle bars and reach the foot pegs while sitting upright on the seat of the all-terrain vehicle.

(e) A person at least 11 years of age may take the safety education and training program and may receive an all-terrain vehicle safety certificate under paragraph (d), but the certificate is not valid until the person reaches age 12.

(f) A person at least ten years of age but under 12 years of age may operate an all-terrain vehicle with an engine capacity up to 90cc on public lands or waters if accompanied by a parent or legal guardian.

(g) A person under 15 years of age shall not operate a class 2 all-terrain vehicle.

(h) A person under the age of 16 may not operate an all-terrain vehicle on public lands or waters or on state or grant-in-aid trails if the person cannot properly reach and control the handle bars and reach the foot pegs while sitting upright on the seat of the all-terrain vehicle.

(i) Notwithstanding paragraph (c), a nonresident at least 12 years old, but less than 16 years old, may make a direct crossing of a public road right-of-way of a trunk, county

state-aid, or county highway or operate an all-terrain vehicle on public lands and waters or state or grant-in-aid trails if:

(1) the nonresident youth has in possession evidence of completing an all-terrain safety course offered by the ATV Safety Institute or another state as provided in section 84.925, subdivision 3; and

(2) the nonresident youth is accompanied by a person 18 years of age or older who holds a valid driver's license.

(j) A person 12 years of age but less than 16 years of age may operate an all-terrain vehicle on the bank, slope, or ditch of a public road right-of-way as permitted under section 84.928 if the person:

(1) possesses a valid all-terrain vehicle safety certificate issued by the commissioner; and

(2) is accompanied by a parent or legal guardian on a separate all-terrain vehicle.

Sec. 14. Minnesota Statutes 2012, section 84.926, subdivision 4, is amended to read:

Subd. 4. **Off-road and all-terrain vehicles; limited or managed forests; trails.**

Notwithstanding section 84.777, but subject to the commissioner's authority under subdivision 5, on state forest lands classified as limited or managed, other than the Richard J. Dorer Memorial Hardwood Forest, a person may use vehicles registered under chapter 168 or section 84.798 or 84.922, including class 2 all-terrain vehicles, on forest trails designated for off-road vehicle use and on forest trails that are not designated for a specific use when:

(1) hunting big game or transporting or installing hunting stands during October, November, and December, when in possession of a valid big game hunting license;

(2) retrieving big game in September, when in possession of a valid big game hunting license;

(3) tending traps during an open trapping season for protected furbearers, when in possession of a valid trapping license; or

(4) trapping minnows, when in possession of a valid minnow dealer, private fish hatchery, or aquatic farm license.

Sec. 15. Minnesota Statutes 2012, section 84D.01, subdivision 8, is amended to read:

Subd. 8. **Infested waters.** "Infested waters" means waters of the state ~~designated~~ listed by the commissioner under sections 84D.03, subdivision 1, and 84D.12.

Sec. 16. Minnesota Statutes 2012, section 84D.01, subdivision 8b, is amended to read:

Subd. 8b. **Inspect.** "Inspect" means to examine water-related equipment to determine whether aquatic invasive species, aquatic macrophytes, or water is present and includes removal, drainage, decontamination, collection and sampling, or treatment to prevent the transportation and spread of aquatic invasive species, aquatic macrophytes, and water.

Sec. 17. Minnesota Statutes 2012, section 84D.01, subdivision 13, is amended to read:

Subd. 13. **Prohibited invasive species.** "Prohibited invasive species" means a nonnative species that has been ~~designated~~ listed as a prohibited invasive species in a rule adopted by the commissioner under section 84D.12.

Sec. 18. Minnesota Statutes 2012, section 84D.01, subdivision 15, is amended to read:

Subd. 15. **Regulated invasive species.** "Regulated invasive species" means a nonnative species that has been ~~designated~~ listed as a regulated invasive species in a rule adopted by the commissioner under section 84D.12.

Sec. 19. Minnesota Statutes 2012, section 84D.01, subdivision 17, is amended to read:

Subd. 17. **Unlisted nonnative species.** "Unlisted nonnative species" means a nonnative species that has not been ~~designated~~ listed as a prohibited invasive species, a regulated invasive species, or an unregulated nonnative species in a rule adopted by the commissioner under section 84D.12.

Sec. 20. Minnesota Statutes 2012, section 84D.01, subdivision 18, is amended to read:

Subd. 18. **Unregulated nonnative species.** "Unregulated nonnative species" means a nonnative species that has been ~~designated~~ listed as an unregulated nonnative species in a rule adopted by the commissioner under section 84D.12.

Sec. 21. Minnesota Statutes 2012, section 84D.03, as amended by Laws 2013, chapter 121, section 10, is amended to read:

84D.03 INFESTED WATERS; RESTRICTED ACTIVITIES.

Subdivision 1. **Infested waters; restricted activities.** (a) The commissioner shall ~~designate~~ list a water of the state as an infested water if the commissioner determines that:

(1) the water contains a population of an aquatic invasive species that could spread to other waters if use of the water and related activities are not regulated to prevent this; or

(2) the water is highly likely to be infested by an aquatic invasive species because it is connected to a water that contains a population of an aquatic invasive species.

(b) When determining which invasive species comprise infested waters, the commissioner shall consider:

- (1) the extent of a species distribution within the state;
- (2) the likely means of spread for a species; and
- (3) whether regulations specific to infested waters containing a specific species will effectively reduce that species' spread.

(c) The presence of common carp and curly-leaf pondweed shall not be the basis for ~~designating~~ listing a water as infested.

(d) ~~The designation of infested waters by the commissioner shall be by written order published in the State Register~~ maintain a list of infested waters and provide access to a copy of the listed waters. ~~Designations~~ Listings are not subject to the rulemaking provisions of chapter 14 and section 14.386 does not apply.

Subd. 3. **Bait harvest from infested waters.** (a) Taking wild animals from infested waters for bait or aquatic farm purposes is prohibited, except as provided in paragraph (b) and section 97C.341.

(b) In waters that are ~~designated~~ listed as infested waters, except those ~~designated~~ listed because they contain prohibited invasive species of fish or certifiable diseases of fish, as defined under section 17.4982, subdivision 6, taking wild animals may be permitted for:

(1) commercial taking of wild animals for bait and aquatic farm purposes according to a permit issued under section 84D.11, subject to rules adopted by the commissioner;

(2) bait purposes for noncommercial personal use in waters that contain Eurasian water milfoil, when the infested waters are ~~designated~~ listed solely because they contain Eurasian water milfoil and if the equipment for taking is limited to cylindrical minnow traps not exceeding 16 inches in diameter and 32 inches in length; and

(3) harvest of bullheads, goldeyes, mooneyes, sheepshead (freshwater drum), and suckers for bait from streams or rivers ~~designated~~ listed as infested waters, by hook and line for noncommercial personal use. Other provisions that apply to this clause are:

(i) fish taken under this clause must be used on the same body of water where caught and while still on that water body;

(ii) fish taken under this clause may not be transported live from or off the water body;

(iii) fish harvested under this clause may only be used in accordance with this section;

(iv) any other use of wild animals used for bait from infested waters is prohibited;

(v) fish taken under this clause must meet all other size restrictions and requirements as established in rules; and

(vi) all species listed under this clause shall be included in the person's daily limit as established in rules, if applicable.

(c) Equipment authorized for minnow harvest in a ~~designated~~ listed infested water by permit issued under paragraph (b) may not be transported to, or used in, any waters other than waters specified in the permit.

Subd. 4. **Commercial fishing and turtle, frog, and crayfish harvesting restrictions in infested and noninfested waters.** (a) All nets, traps, buoys, anchors, stakes, and lines used for commercial fishing or turtle, frog, or crayfish harvesting in an infested water that is ~~designated~~ listed because it contains invasive fish, invertebrates, or certifiable diseases, as defined in section 17.4982, may not be used in any other waters. If a commercial licensee operates in an infested water ~~designated~~ listed because it contains invasive fish, invertebrates, or certifiable diseases, as defined in section 17.4982, all nets, traps, buoys, anchors, stakes, and lines used for commercial fishing or turtle, frog, or crayfish harvesting in waters ~~designated~~ listed as infested with invasive fish, invertebrates, or certifiable diseases, as defined in section 17.4982, must be tagged with tags provided by the commissioner, as specified in the commercial licensee's license or permit. This tagging requirement does not apply to commercial fishing equipment used in Lake Superior.

(b) All nets, traps, buoys, anchors, stakes, and lines used for commercial fishing or turtle, frog, or crayfish harvesting in an infested water that is ~~designated~~ listed solely because it contains Eurasian water milfoil must be dried for a minimum of ten days or frozen for a minimum of two days before they are used in any other waters, except as provided in this paragraph. Commercial licensees must notify the department's regional or area fisheries office or a conservation officer before removing nets or equipment from an infested water ~~designated~~ listed solely because it contains Eurasian water milfoil and before resetting those nets or equipment in any other waters. Upon notification, the commissioner may authorize a commercial licensee to move nets or equipment to another water without freezing or drying, if that water is ~~designated~~ listed as infested solely because it contains Eurasian water milfoil.

(c) A commercial licensee must remove all aquatic macrophytes from nets and other equipment before placing the equipment into waters of the state.

(d) The commissioner shall provide a commercial licensee with a current listing of ~~designated~~ listed infested waters at the time that a license or permit is issued.

Sec. 22. Minnesota Statutes 2012, section 84D.06, is amended to read:

84D.06 UNLISTED NONNATIVE SPECIES.

Subdivision 1. **Process.** A person may not introduce an unlisted nonnative aquatic plant or wild animal species unless:

(1) the person has notified the commissioner in a manner and form prescribed by the commissioner;

(2) the commissioner has made the classification determination required in subdivision 2 and ~~designated~~ listed the species as appropriate; and

(3) the introduction is allowed under the applicable provisions of this chapter.

Subd. 2. **Classification.** (a) If the commissioner determines that a species for which a notification is received under subdivision 1 should be classified as a prohibited invasive species, the commissioner shall:

(1) adopt a rule under section 84D.12, subdivision 3, ~~designating~~ listing the species as a prohibited invasive species; and

(2) notify the person from which the notification was received that the species is subject to section 84D.04.

(b) If the commissioner determines that a species for which a notification is received under subdivision 1 should be classified as an unregulated nonnative species, the commissioner shall:

(1) adopt a rule under section 84D.12, subdivision 3, ~~designating~~ listing the species as an unregulated nonnative species; and

(2) notify the person from which the notification was received that the species is not subject to regulation under this chapter.

(c) If the commissioner determines that a species for which a notification is received under subdivision 1 should be classified as a regulated invasive species, the commissioner shall notify the applicant that the species is subject to the requirements in section 84D.07.

Sec. 23. Minnesota Statutes 2012, section 84D.10, subdivision 3, is amended to read:

Subd. 3. **Removal and confinement.** (a) A conservation officer or other licensed peace officer may order:

(1) the removal of aquatic macrophytes or prohibited invasive species from water-related equipment before it is placed into waters of the state;

(2) confinement of the water-related equipment at a mooring, dock, or other location until the water-related equipment is removed from the water;

(3) removal of water-related equipment from waters of the state to remove prohibited invasive species if the water has not been ~~designated~~ listed by the commissioner as being infested with that species; and

(4) a prohibition on placing water-related equipment into waters of the state when the water-related equipment has aquatic macrophytes or prohibited invasive species

13.1 attached in violation of subdivision 1 or when water has not been drained or the drain plug
13.2 has not been removed in violation of subdivision 4.

13.3 (b) An inspector who is not a licensed peace officer may issue orders under
13.4 paragraph (a), clauses (1), (3), and (4).

13.5 Sec. 24. Minnesota Statutes 2013 Supplement, section 84D.10, subdivision 4, is
13.6 amended to read:

13.7 Subd. 4. **Persons transporting water-related equipment.** (a) When leaving waters
13.8 of the state a person must drain water-related equipment holding water and live wells and
13.9 bilges by removing the drain plug before transporting the water-related equipment off
13.10 the water access site or riparian property.

13.11 (b) Drain plugs, bailers, valves, or other devices used to control the draining of water
13.12 from ballast tanks, bilges, and live wells must be removed or opened while transporting
13.13 water-related equipment.

13.14 (c) Emergency response vehicles and equipment may be transported on a public road
13.15 with the drain plug or other similar device replaced only after all water has been drained
13.16 from the equipment upon leaving the water body.

13.17 (d) Portable bait containers used by licensed aquatic farms, portable bait containers
13.18 when fishing through the ice except on waters ~~designated~~ listed infested for viral
13.19 hemorrhagic septicemia, and marine sanitary systems are exempt from this subdivision.

13.20 (e) A person must not dispose of bait in waters of the state.

13.21 (f) A boat lift, dock, swim raft, or associated equipment that has been removed
13.22 from any water body may not be placed in another water body until a minimum of 21
13.23 days have passed.

13.24 (g) A person who transports water that is appropriated from noninfested surface
13.25 water bodies and that is transported by a commercial vehicle, excluding watercraft, or
13.26 commercial trailer, which vehicle or trailer is specifically designed and used for water
13.27 hauling, is exempt from paragraphs (a) and (b), provided that the person does not discharge
13.28 the transported water to other surface waters or within 100 feet of a surface water body.

13.29 (h) A person transporting water from noninfested surface water bodies for
13.30 firefighting or emergencies that threaten human safety or property is exempt from
13.31 paragraphs (a) and (b).

13.32 Sec. 25. Minnesota Statutes 2013 Supplement, section 84D.105, subdivision 2, is
13.33 amended to read:

Subd. 2. **Inspector authority.** (a) The commissioner shall train and authorize individuals to inspect water-related equipment for aquatic macrophytes, aquatic invasive species, and water. The commissioner may enter into a delegation agreement with a tribal or local government where inspection authority as provided under paragraphs (b), (g), and (h) is delegated to tribal and local governments ~~that assume all~~. The delegation agreements may provide for the assumption of legal, financial, and administrative responsibilities for inspection programs on some or all public waters within their jurisdiction.

(b) Inspectors may visually and tactilely inspect watercraft and water-related equipment to determine whether aquatic invasive species, aquatic macrophytes, or water is present. If a person transporting watercraft or water-related equipment refuses to take required corrective actions or fails to comply with an order under section 84D.10, subdivision 3, an inspector who is not a licensed peace officer shall refer the violation to a conservation officer or other licensed peace officer.

(c) In addition to paragraph (b), a conservation officer or other licensed peace officer may inspect any watercraft or water-related equipment that is stopped at a water access site, any other public location in the state, or a private location where the watercraft or water-related equipment is in plain view, if the officer determines there is reason to believe that aquatic invasive species, aquatic macrophytes, or water is present on the watercraft or water-related equipment.

(d) Conservation officers or other licensed peace officers may utilize check stations in locations, or in proximity to locations, where watercraft or other water-related equipment is placed into or removed from waters of the state. Any check stations shall be operated in a manner that minimizes delays to vehicles, equipment, and their occupants.

(e) Conservation officers or other licensed peace officers may order water-related equipment to be removed from a water body if the commissioner determines such action is needed to implement aquatic invasive species control measures.

(f) The commissioner may require mandatory inspections of water-related equipment before a person places or removes water-related equipment into or out of a water body. Inspection stations may be located at or near public water accesses or in locations that allow for servicing individual or multiple water bodies. The commissioner shall ensure that inspection stations:

- (1) have adequate staffing to minimize delays to vehicles and their occupants;
- (2) allow for reasonable travel times between public accesses and inspection stations if inspection is required before placing water-related equipment into a water body;
- (3) are located so as not to create traffic delays or public safety issues;

15.1 (4) have decontamination equipment available to bring water-related equipment
15.2 into compliance; and

15.3 (5) do not reduce the capacity or hours of operation of public water accesses.

15.4 (g) The commissioner may authorize tribal and local governments that enter into
15.5 a delegation agreement with the commissioner to conduct mandatory inspections of
15.6 water-related equipment at specified locations within a defined area before a person
15.7 places or removes water-related equipment into or out of a water body. Tribal and local
15.8 governments that are authorized to conduct inspections under this paragraph must:

15.9 (1) to the extent called for in the delegation agreement, assume all legal, financial,
15.10 and administrative responsibilities for implementing the mandatory inspections, alone or
15.11 in agreement with other tribal or local governments;

15.12 (2) employ inspectors that have been trained and authorized by the commissioner;

15.13 (3) conduct inspections and decontamination measures in accordance with guidelines
15.14 approved by the commissioner;

15.15 (4) have decontamination equipment available at inspection stations or identify
15.16 alternative decontamination equipment locations within a reasonable distance of the
15.17 inspection station that can bring water-related equipment into compliance;

15.18 (5) provide for inspection station locations that do not create traffic delays or public
15.19 safety issues; and

15.20 (6) submit a plan approved by the commissioner according to paragraph (h).

15.21 (h) Plans required under paragraph (g) must address:

15.22 (1) no reduction in capacity or hours of operation of public accesses and fees that
15.23 do not discourage or limit use;

15.24 (2) reasonable travel times between public accesses and inspection stations;

15.25 (3) adequate staffing to minimize wait times and provide adequate hours of operation
15.26 at inspection stations and public accesses;

15.27 (4) adequate enforcement capacity;

15.28 (5) measures to address inspections of water-related equipment at public water
15.29 accesses for commercial entities and private riparian land owners; and

15.30 (6) other elements as required by the commissioner to ensure statewide consistency,
15.31 appropriate inspection and decontamination protocols, and protection of the state's
15.32 resources, public safety, and access to public waters.

15.33 (i) A government unit authorized to conduct inspections under this subdivision must
15.34 submit an annual report to the commissioner summarizing the results and issues related
15.35 to implementing the inspection program.

(j) The commissioner may waive the plan requirement in paragraph (g) for inspection programs where authorized inspectors are placed directly at one or more water access sites, with no requirement for a person to travel from the water access for inspection or decontamination, and no local ordinance or other regulation requiring a mandatory inspection before placing watercraft or water-related equipment into a water body or after watercraft or water-related equipment are removed from a water body.

Sec. 26. Minnesota Statutes 2012, section 84D.11, subdivision 2a, is amended to read:

Subd. 2a. **Harvest of bait from infested waters.** (a) The commissioner may issue a permit to allow the harvest of bait:

(1) from waters that are ~~designated~~ listed as infested waters, except those ~~designated~~ listed because they contain prohibited invasive species of fish or certifiable diseases of fish as defined in section 17.4982, subdivision 6; and

(2) from infested waters as allowed under section 97C.341, paragraph (c).

The permit shall include conditions necessary to avoid spreading aquatic invasive species.

(b) Before receiving a permit, or working for a permittee, a person annually must satisfactorily complete aquatic invasive species-related training provided by the commissioner.

Sec. 27. Minnesota Statutes 2012, section 84D.12, is amended to read:

84D.12 RULES.

Subdivision 1. **Required rules.** The commissioner shall adopt rules:

(1) ~~designating~~ listing prohibited invasive species, regulated invasive species, and unregulated nonnative species of aquatic plants and wild animals;

(2) governing the application for and issuance of permits under this chapter, which rules may include a fee schedule; and

(3) governing notification under section 84D.08.

Subd. 2. **Authorized rules.** The commissioner may adopt rules:

(1) regulating the possession, importation, purchase, sale, propagation, transport, and introduction of invasive species of aquatic plants and wild animals; and

(2) regulating the appropriation, use, and transportation of water from listed infested waters.

Subd. 3. **Expedited rules.** The commissioner may adopt rules under section 84.027, subdivision 13, that ~~designate~~ list:

(1) prohibited invasive species of aquatic plants and wild animals;

- 17.1 (2) regulated invasive species of aquatic plants and wild animals; and
17.2 (3) unregulated nonnative species of aquatic plants and wild animals.

17.3 Sec. 28. Minnesota Statutes 2012, section 84D.13, subdivision 5, is amended to read:

17.4 Subd. 5. **Civil penalties.** (a) A civil citation issued under this section must impose
17.5 the following penalty amounts:

17.6 (1) for transporting aquatic macrophytes in violation of section 84D.09, \$100;

17.7 (2) for placing or attempting to place into waters of the state water-related equipment
17.8 that has aquatic macrophytes attached, \$200;

17.9 (3) for unlawfully possessing or transporting a prohibited invasive species other
17.10 than an aquatic macrophyte, \$500;

17.11 (4) for placing or attempting to place into waters of the state water-related equipment
17.12 that has prohibited invasive species attached when the waters are not ~~designated~~ listed by
17.13 the commissioner as being infested with that invasive species, \$500;

17.14 (5) for intentionally damaging, moving, removing, or sinking a buoy marking, as
17.15 prescribed by rule, Eurasian water milfoil, \$100;

17.16 (6) for failing to have drain plugs or similar devices removed or opened while
17.17 transporting water-related equipment or for failing to remove plugs, open valves, and
17.18 drain water from water-related equipment, other than marine sanitary systems, before
17.19 leaving waters of the state, \$100; and

17.20 (7) for transporting infested water off riparian property without a permit as required
17.21 by rule, \$200.

17.22 (b) A civil citation that is issued to a person who has one or more prior convictions
17.23 or final orders for violations of this chapter is subject to twice the penalty amounts listed
17.24 in paragraph (a).

17.25 Sec. 29. Minnesota Statutes 2012, section 86A.09, is amended to read:

17.26 **86A.09 DEVELOPMENT AND ESTABLISHMENT OF UNITS.**

17.27 Subdivision 1. **Master plan required.** No construction of new facilities or other
17.28 development of an authorized unit, other than repairs and maintenance, shall commence
17.29 until the managing agency has prepared ~~and submitted to the commissioner of natural~~
17.30 ~~resources and the commissioner has reviewed, pursuant to this section,~~ a master plan for
17.31 administration of the unit in conformity with this section. No master plan is required for
17.32 wildlife management areas that do not have resident managers, for scientific and natural
17.33 areas, for water access sites, for aquatic management areas, for rest areas, or for boater
17.34 waysides.

Subd. 2. **Master plan; preparation and ~~content~~ public review.** The managing agency shall supervise preparation of the master plan and shall utilize the professional staffs of any agency of the state when the expertise of the staff of such agency is necessary to adequately prepare the master plan; the master plan shall present the information in a format and detail that is appropriate to the size and complexity of the authorized unit. When the master plan has been completed the managing agency shall announce to the public in a manner reasonably designed to inform interested persons that the master plan is available for public review and in the case of any major unit shall hold at least one public ~~hearing~~ meeting on the plan in the vicinity of the unit. The managing agency shall make the master plan available for review and comment by the public and other state agencies for at least 15 days prior to the public meeting and shall accept comments on the plan for at least 30 days following the announcement and before submitting the master plan to the commissioner of natural resources. Copies of the plan shall be provided to members of the Outdoor Recreation Advisory Council and to any other person on request approval. The managing agency shall prepare a record of the public meeting and any comments received during the comment period.

Subd. 3. **Master plan; ~~review and approval~~ content.** All master plans required by this section shall ~~be submitted to the commissioner of natural resources for review pursuant to this subdivision. The commissioner of natural resources shall review the master plan to determine whether the plan:~~ (a) provides:

(1) provide for administration of the unit in a manner that is consistent with the purposes for which the unit was authorized and with the principles governing the administration of the unit, as specified in section 86A.05 and the statutes relating to each type of unit; and

~~(b) recognizes~~ (2) recognize values and resources within the unit that are primarily the responsibility of another managing agency to protect or develop; and ~~provides~~ provide for their protection or development either through a cooperative agreement with the other managing agency or through designation of the appropriate area as a secondary unit. ~~In reviewing any master plan, the commissioner of natural resources shall consult with other state agencies. Within 60 days after receiving the master plan, the commissioner of natural resources shall notify the managing agency that the plan has been reviewed and forward its recommendations for any changes it might suggest. The managing agency shall review the recommendations and notify the commissioner of natural resources of the disposition made of them. Failure to comment on a master plan within the time specified shall be considered approval of the plan by the commissioner of natural resources. If the commissioner of natural resources feels that the master plan still fails significantly to~~

19.1 ~~comply with this subdivision, the commissioner may request review of the master plan by~~
19.2 ~~the governor. In that event review shall not be deemed completed until after the master~~
19.3 ~~plan has been approved by the governor or 60 days have elapsed without action by the~~
19.4 ~~governor to approve or reject the plan, whichever occurs first.~~

19.5 Subd. 4. **Development.** Construction of necessary facilities and other development
19.6 of the unit shall commence as soon as practicable ~~after review of the master plan by the~~
19.7 ~~commissioner of natural resources, and the governor if requested, and shall be carried out~~
19.8 ~~in conformity with the master plan.~~

19.9 Subd. 5. **Establishment.** When, in the opinion of the managing agency,
19.10 acquisition and development of the unit are sufficiently complete to permit operation and
19.11 administration of the unit in substantial conformity with the master plan as approved, the
19.12 managing agency shall declare the unit established and ready for use.

19.13 Subd. 6. **Master plan amendment.** The managing agency shall prepare an
19.14 amendment to a master plan to address changes proposed for a unit that would vary
19.15 from the approved master plan. The master plan amendment shall address the impacts
19.16 of the proposed changes to the natural and cultural resources, interpretive services,
19.17 recreational opportunities, and administrative activities at the unit. The master plan
19.18 amendment supersedes the master plan for those areas addressed by the amendment. The
19.19 managing agency shall hold a public meeting for master plan amendments that constitute a
19.20 significant change in public use or access to the unit or that may be controversial. Public
19.21 notice and approval of the master plan amendment shall follow the process described in
19.22 subdivision 2. Construction of necessary facilities and other development of the unit shall
19.23 commence as soon as practicable after the master plan amendment is adopted.

19.24 Sec. 30. Minnesota Statutes 2012, section 86A.11, is amended to read:

19.25 **86A.11 REGISTRY OF UNITS.**

19.26 The commissioner of natural resources and the director of the Minnesota Historical
19.27 Society shall each compile and maintain a current registry of the name, location, size,
19.28 and description of all units of the outdoor recreation system ~~under the commissioner's~~
19.29 ~~jurisdiction and under the jurisdiction of the Minnesota Historical Society and the~~
19.30 ~~commissioner of transportation. The commissioner of natural resources~~ their respective
19.31 jurisdictions, and shall publish and distribute the information contained in the registry in
19.32 a form and manner suitable to assist persons wishing to use these units. ~~The Minnesota~~
19.33 ~~Historical Society and the commissioner of transportation shall cooperate with and assist~~
19.34 ~~the commissioner of natural resources in preparing and distributing the registry.~~

20.1 Sec. 31. Minnesota Statutes 2012, section 89A.02, is amended to read:

20.2 **89A.02 POLICY.**

20.3 It is the policy of the state to:

20.4 (1) pursue the sustainable management, use, and protection of the state's forest
20.5 resources to achieve the state's economic, environmental, and social goals;

20.6 (2) encourage cooperation and collaboration between public and private sectors in
20.7 the management of the state's forest resources;

20.8 (3) recognize and consider forest resource issues, concerns, and impacts at the
20.9 site level and landscape ~~levels~~ level; and

20.10 (4) recognize the broad array of perspectives regarding the management, use,
20.11 and protection of the state's forest resources, and establish and maintain processes and
20.12 mechanisms that seek and incorporate these perspectives in the planning and management
20.13 of the state's forest resources.

20.14 Nothing in this chapter abolishes, repeals, or negates any existing authorities related
20.15 to managing and protecting the state's forest resources.

20.16 Sec. 32. Minnesota Statutes 2012, section 89A.03, subdivision 1, is amended to read:

20.17 Subdivision 1. **Membership.** The governor must appoint a chair and 15 other
20.18 members to the Minnesota Forest Resources Council. The Indian Affairs Council will
20.19 appoint one additional member. When making appointments to the council, the governor
20.20 must appoint knowledgeable individuals with an understanding of state forest resource
20.21 issues who ~~fairly~~ reflect a balance of the various interests in the sustainable management,
20.22 use, and protection of the state's forest resources in order to achieve the purpose and
20.23 policies specified in subdivision 2 and section 89A.02. The council membership ~~appointed~~
20.24 ~~by the governor~~ must include the following individuals:

20.25 (1) two representatives from organizations representing environmental interests
20.26 within the state;

20.27 (2) a representative from an organization representing the interests of management
20.28 of game species;

20.29 (3) a representative from a conservation organization;

20.30 (4) a representative from an association representing forest products industry within
20.31 the state;

20.32 (5) a commercial logging contractor active in a forest product association;

20.33 (6) a representative from a statewide association representing the resort and tourism
20.34 industry;

20.35 (7) a faculty or researcher of a Minnesota research or higher educational institution;

- 21.1 (8) a representative from an association representing family forest woodlands who is
21.2 an owner of nonindustrial, private forest land of 40 acres or more;
21.3 (9) an owner of nonindustrial, private forest land;
21.4 (10) a representative from the department;
21.5 (11) a county land commissioner who is a member of the Minnesota Association
21.6 of County Land Commissioners;
21.7 (12) a representative from the United States Department of Agriculture Forest
21.8 Service unit with land management responsibility in Minnesota;
21.9 (13) a representative from a labor organization with membership having an interest
21.10 in forest resource issues;
21.11 (14) an individual representing a secondary wood products manufacturing
21.12 organization; ~~and~~
21.13 (15) a chair; and
21.14 (16) an individual representing the Minnesota Indian Affairs Council.

21.15 Sec. 33. Minnesota Statutes 2012, section 89A.03, subdivision 6, is amended to read:

21.16 Subd. 6. **Biennial report.** The council must report to the governor and to the
21.17 legislative committees and divisions with jurisdiction over environment and natural
21.18 resource policy and finance by February 1 of each odd-numbered year. The report must
21.19 describe the progress and accomplishments made by the council during the preceding
21.20 ~~year~~ two years.

21.21 Sec. 34. Minnesota Statutes 2012, section 89A.04, is amended to read:

21.22 **89A.04 PARTNERSHIP.**

21.23 It is the policy of the state to encourage forest landowners, forest managers, and
21.24 loggers to ~~establish~~ maintain a partnership in which the implementation of council
21.25 recommendations can occur in a timely and coordinated manner across ownerships. The
21.26 partnership shall serve as a forum for discussing operational implementation issues
21.27 and problem solving related to forest resources management and planning concerns,
21.28 and be responsive to the recommendations of the council. This partnership shall also
21.29 actively foster collaboration and coordination among forest managers, landowners, and
21.30 ~~landowners~~ loggers in addressing landscape-level operations and concerns. In fulfilling
21.31 its responsibilities as identified in this chapter, the partnership may advise the council.
21.32 Nothing in this section shall imply extra rights or influence for the partnership.

21.33 Sec. 35. Minnesota Statutes 2012, section 89A.05, subdivision 1, is amended to read:

22.1 Subdivision 1. **Development and revision.** The council shall coordinate the
 22.2 development and periodic revision of comprehensive timber harvesting and forest
 22.3 management guidelines based on the information derived from forest resources, practices,
 22.4 implementation, and effectiveness monitoring programs, and other information deemed
 22.5 appropriate by the council. The guidelines must address the water, air, soil, biotic,
 22.6 recreational, cultural, and aesthetic resources found in forest ecosystems by focusing
 22.7 on those impacts commonly associated with applying site-level forestry practices. The
 22.8 guidelines must reflect a range of practical and sound practices based on the best available
 22.9 scientific information, and be integrated to minimize conflicting recommendations while
 22.10 being easy to understand and implement. ~~By June 30, 2003, the council shall review the~~
 22.11 ~~guidelines and identify potential revisions. If deemed necessary, the council shall update~~
 22.12 ~~the guidelines by June 30, 2005.~~ Changes to the guidelines shall be peer reviewed prior
 22.13 to final adoption by the council. ~~By December 1999, the council must undertake a peer~~
 22.14 ~~review of the recommendations in the forest management guidelines adopted in December~~
 22.15 ~~1998 for protecting forest riparian areas and seasonal ponds.~~

22.16 Sec. 36. Minnesota Statutes 2012, section 89A.05, subdivision 3, is amended to read:

22.17 Subd. 3. **Application.** The timber harvesting and forest management guidelines
 22.18 are voluntary. ~~Prior to their actual use,~~ The council must develop and periodically assess
 22.19 guideline implementation goals ~~for each major forest land ownership category that will~~
 22.20 sustain forest resources. If the information developed as a result of forest resources,
 22.21 practices, ~~compliance~~ implementation, and effectiveness monitoring programs conducted
 22.22 by the department or other information obtained by the council indicates the implementation
 22.23 goals for the guidelines are not being met and the council determines significant adverse
 22.24 impacts are occurring, the council shall recommend to the governor additional measures to
 22.25 address those impacts. The council must incorporate the recommendations as part of the
 22.26 council's biennial report required by section 89A.03, subdivision 6.

22.27 Sec. 37. Minnesota Statutes 2012, section 89A.06, subdivision 1, is amended to read:

22.28 Subdivision 1. **Framework.** The council must ~~establish~~ maintain a framework that
 22.29 will enable long-range strategic planning and ~~landscape~~ coordination to occur, to the
 22.30 extent possible, across all forested regions of the state and across all ownerships. The
 22.31 framework must include:

22.32 (1) identification of the landscapes within which long-range strategic planning of
 22.33 forest resources can occur, provided that the landscapes must be delineated based on

23.1 broadly defined ecological units and existing classification systems, yet recognize existing
23.2 political and administrative boundaries and planning processes;

23.3 (2) a statement of principles and goals for landscape-based forest resource planning;
23.4 and

23.5 (3) identification of a general process by which landscape-based forest resource
23.6 planning occurs, provided that the process must give considerable latitude to design
23.7 planning processes that fit the unique needs and resources of each landscape; reflect a
23.8 balanced consideration of the economic, social, and environmental conditions and needs
23.9 of each landscape; and interface and establish formats that are compatible with other
23.10 landscape-based forest resource plans.

23.11 Sec. 38. Minnesota Statutes 2012, section 89A.06, subdivision 2, is amended to read:

23.12 Subd. 2. **Regional forest resource committees.** To foster landscape-based
23.13 forest resource planning, the council must ~~establish~~ maintain regional forest resource
23.14 committees. Each regional committee shall:

23.15 (1) include representative interests in a particular region that are committed to and
23.16 involved in landscape planning and coordination activities;

23.17 (2) serve as a forum for landowners, managers, and representative interests to
23.18 discuss landscape forest resource issues;

23.19 (3) ~~identify and~~ implement an open and public process whereby landscape-based
23.20 strategic planning of forest resources can occur;

23.21 (4) integrate its ~~report~~ landscape planning efforts with existing public and private
23.22 landscape land management planning efforts in the region;

23.23 (5) facilitate landscape coordination between ~~existing regional landscape planning~~
23.24 ~~efforts of land managers~~ in the region, both public and private;

23.25 (6) identify and facilitate opportunities for public participation in ~~existing~~ landscape
23.26 planning and coordination efforts in ~~this~~ the region;

23.27 (7) identify sustainable forest resource goals for the landscape and ~~strategies~~
23.28 objectives to achieve those goals; ~~and~~

23.29 (8) periodically recommend that the council undertake revisions of the region's
23.30 landscape plan; and

23.31 ~~(8) (9)~~ provide a regional ~~perspective~~ perspectives to the council with respect
23.32 to council activities.

23.33 Sec. 39. Minnesota Statutes 2012, section 89A.06, subdivision 4, is amended to read:

24.1 Subd. 4. **Report.** By November 1 of each even-numbered year, each regional
24.2 committee must report to the council its work activities and accomplishments.

24.3 Sec. 40. Minnesota Statutes 2012, section 89A.07, is amended to read:

24.4 **89A.07 MONITORING.**

24.5 Subdivision 1. **Forest resource monitoring.** The commissioner shall establish
24.6 maintain a program for monitoring broad trends and conditions in the state's forest
24.7 resources at statewide, landscape, and site levels. The council shall provide oversight and
24.8 program direction for the ~~development and~~ implementation of the monitoring program.
24.9 To the extent possible, the information generated under the monitoring program must
24.10 be reported in formats consistent with the landscape regions used to accomplish the
24.11 planning and coordination activities specified in section 89A.06. To the extent possible,
24.12 the program must incorporate data generated by existing resource monitoring programs.
24.13 ~~The commissioner shall report to the council information on current conditions and recent~~
24.14 ~~trends in the state's forest resources.~~

24.15 Subd. 2. ~~**Practices and compliance**~~ **Implementation monitoring.** The
24.16 commissioner shall ~~establish~~ maintain a program for monitoring ~~silvicultural practices~~
24.17 ~~and~~ application of the timber harvesting and forest management guidelines at statewide,
24.18 landscape, and site levels. The council shall provide oversight and program direction for
24.19 the ~~development and~~ implementation of the monitoring program. To the extent possible,
24.20 the information generated by the monitoring program must be reported in formats
24.21 consistent with the landscape regions used to accomplish the planning and coordination
24.22 activities specified in section 89A.06. The commissioner shall report to the council on the
24.23 nature and extent of ~~silvicultural practices used, and compliance with the~~ implementation
24.24 of the timber harvesting and forest management guidelines.

24.25 Subd. 3. **Effectiveness ~~monitoring~~ evaluation.** ~~The commissioner~~ council, in
24.26 cooperation with ~~other~~ research and land management organizations, shall evaluate the
24.27 effectiveness of practices to mitigate impacts of timber harvesting and forest management
24.28 activities on the state's forest resources. ~~The council shall provide oversight and program~~
24.29 ~~direction for the development and implementation of this monitoring program. The~~
24.30 ~~commissioner shall report to the council on the effectiveness of these practices.~~

24.31 ~~Subd. 4. **Other studies and programs.** The council shall monitor the~~
24.32 ~~implementation of other programs, formal studies, and initiatives affecting Minnesota's~~
24.33 ~~forest resources.~~

25.1 Subd. 5. **Citizen concerns.** The council shall ~~facilitate the establishment of~~
25.2 administer a public concerns registration process to accept comments from the public on
25.3 ~~negligent~~ timber harvesting or forest management practices.

25.4 Sec. 41. Minnesota Statutes 2012, section 89A.08, subdivision 1, is amended to read:

25.5 Subdivision 1. **Establishment.** The council chair shall appoint a Forest Resources
25.6 Research Advisory Committee and a chair of that committee. ~~Notwithstanding section~~
25.7 ~~15.059, the council does not expire.~~ The committee must consist of representatives of:

25.8 (1) the College of ~~Natural Resources~~ Food, Agricultural and Natural Resource
25.9 Sciences, University of Minnesota;

25.10 (2) the Natural Resources Research Institute, University of Minnesota, Duluth;

25.11 (3) the department;

25.12 (4) the ~~North Central Forest Experiment~~ Northern Research Station, United States
25.13 Department of Agriculture Forest Service; and

25.14 (5) other organizations as deemed appropriate by the council.

25.15 Sec. 42. Minnesota Statutes 2012, section 89A.08, subdivision 2, is amended to read:

25.16 Subd. 2. **Purpose.** The purpose of the advisory committee is to ~~foster the~~
25.17 ~~identification~~ identify and ~~undertaking of~~ initiate priority forest resources research
25.18 activities by encouraging:

25.19 (1) collaboration between organizations with responsibilities for conducting forest
25.20 resources research;

25.21 (2) linkages between researchers in different disciplines in conducting forest
25.22 resources research; ~~and~~

25.23 (3) interaction and communication between researchers and practitioners in the
25.24 development and use of forest resources research; and

25.25 (4) communication with the legislature on funding the council's priority forest
25.26 resources research activities.

25.27 Sec. 43. Minnesota Statutes 2012, section 89A.08, subdivision 3, is amended to read:

25.28 Subd. 3. **Research assessment.** The advisory committee shall periodically
25.29 undertake an assessment of strategic directions in forest resources research. The
25.30 assessment must be based on input provided by administrators, researchers, practitioners,
25.31 and the general public, and include:

25.32 (1) an assessment of the current status of ~~forestry~~ forest resources research in the state;

25.33 (2) an identification of important forest resource issues in need of research;

(3) an identification of priority forest research activities whose results will enable a better understanding of site-level and landscape-level impacts resulting from timber harvesting and forest management activities; and

(4) an assessment of the progress toward addressing the priority forest resources research needs identified.

The forest resources research assessment must be made widely available to the research community, forest managers and users, and the public.

Sec. 44. Minnesota Statutes 2012, section 89A.09, is amended to read:

89A.09 INTERAGENCY INFORMATION COOPERATIVE.

Subdivision 1. **Establishment.** The dean of the ~~University of Minnesota~~, College of ~~Food, Agricultural and Natural Resources~~ Resource Sciences, University of Minnesota, ~~shall be~~ is encouraged to ~~coordinate the establishment of~~ maintain an Interagency Information Cooperative. ~~Members of the cooperative that~~ must include members from:

(1) the ~~University of Minnesota~~, College of Food, Agricultural and Natural Resources Resource Sciences, University of Minnesota;

(2) the ~~University of Minnesota~~, Natural Resources Research Institute, University of Minnesota, Duluth;

(3) the department;

(4) the Minnesota Geospatial Information Office;

(5) the Minnesota Association of County Land Commissioners;

(6) the United States Department of Agriculture Forest Service; and

(7) other organizations as deemed appropriate by the members of the cooperative.

Subd. 2. **Purpose.** The purposes of the cooperative are to:

(1) coordinate the development and use of forest resources data in the state;

(2) promote the development of statewide guidelines and common language to enhance the ability of public and private organizations and institutions to share forest resources data;

(3) promote the development of information systems that support access to important forest resources data;

(4) promote improvement in the accuracy, reliability, and statistical soundness of fundamental forest resources data;

(5) promote linkages and integration of forest resources data to other natural resource information;

(6) promote access and use of forest resources data and information systems in decision-making by a variety of public and private organizations; and

27.1 (7) promote expanding the capacity and reliability of forest growth, succession,
27.2 and other types of ecological models; ~~and.~~

27.3 (8) ~~conduct a needs assessment for improving the quality and quantity of information~~
27.4 ~~systems.~~

27.5 Subd. 3. **Report.** By November 1 of each even-numbered year, the information
27.6 cooperative shall report to the council its accomplishments in fulfilling the responsibilities
27.7 identified in this section.

27.8 Sec. 45. Minnesota Statutes 2012, section 89A.10, is amended to read:

27.9 **89A.10 CONTINUING EDUCATION; ~~CERTIFICATION.~~**

27.10 It is the policy of the state to encourage timber harvesters and forest resource
27.11 professionals to ~~establish~~ maintain continuing education programs within their respective
27.12 professions that promote sustainable forest management, including the Minnesota Logger
27.13 Education Program and the University of Minnesota Sustainable Forests Education
27.14 Cooperative, respectively. ~~The council shall, where appropriate, facilitate the development~~
27.15 ~~of these programs.~~

27.16 Sec. 46. **[89A.105] IMPLEMENTATION.**

27.17 Implementation of this chapter is subject to biennial appropriations of the legislature.

27.18 Sec. 47. Minnesota Statutes 2012, section 89A.11, is amended to read:

27.19 **89A.11 ~~REPEALER~~ SUNSET.**

27.20 Sections 89A.01; 89A.02; 89A.03; 89A.04; 89A.05; 89A.06; 89A.07; 89A.08;
27.21 89A.09; 89A.10; 89A.105; and 89A.11, are repealed June 30, ~~2017~~ 2021.

27.22 Sec. 48. Minnesota Statutes 2012, section 97C.417, is amended to read:

27.23 **97C.417 ~~REPORTING ASIAN~~ INVASIVE CARP.**

27.24 A person who takes any of the following ~~Asian~~ invasive carp species must report the
27.25 type of carp taken to the commissioner within seven days of taking:

27.26 (1) grass carp (*Ctenopharyngodon idella*);

27.27 (2) bighead carp (*Hypophthalmichthys nobilis*); or

27.28 (3) silver carp (*Hypophthalmichthys molitrix*).

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

27.30 Sec. 49. Minnesota Statutes 2012, section 97C.821, is amended to read:

**97C.821 POSSESSION, SALE, AND TRANSPORTATION OF
COMMERCIAL FISH.**

Subject to the applicable provisions of the game and fish laws, fish taken under commercial fishing licenses may be possessed in any quantity, bought, sold, and transported at any time. Commercial fishing licensees may transport their catch live to holding facilities, if the licensee has exclusive control of the facilities. Commercial fishing licensees may harvest fish from their holding facilities at any time with their licensed gear. The commissioner may prohibit the transport of live fish taken under a commercial fishing license from waters that contain nonnative species, are ~~designated~~ listed as infested waters, or are infected with any certifiable disease.

Sec. 50. Minnesota Statutes 2012, section 103E.065, is amended to read:

103E.065 DRAINAGE INSPECTORS.

In counties or watershed districts having drainage systems constructed in accordance with this chapter, the drainage authority shall appoint a competent person as drainage inspector. The inspector must not be a county commissioner. The inspector may be the county highway engineer. The inspector shall examine the drainage systems designated by the drainage authority. The drainage authority shall specify the appointment period and compensation.

EFFECTIVE DATE. This section is effective August 1, 2015.

Sec. 51. Minnesota Statutes 2012, section 103F.121, subdivision 2, is amended to read:

Subd. 2. Adoption procedure. (a) The commissioner, upon determining that sufficient technical information is available for the delineation of floodplains and floodways on a watercourse, ~~shall~~ may notify affected local governmental units that technical information is available. ~~Within six months after receiving this notice,~~ The local governmental units shall prepare or amend their floodplain management ordinances in conformance with the provisions of sections 103F.101 to 103F.155 and shall submit the ordinance to the commissioner for review and approval before adoption.

(b) The commissioner shall approve or disapprove the proposed ordinance within 120 days after receiving it.

(c) If the proposed ordinance is disapproved, the commissioner shall return it to the local governmental unit with a written statement of reasons for disapproval. Within 90 days after disapproval, the local governmental unit shall resubmit an amended proposed ordinance for further review and approval before adoption. The local governmental unit

29.1 shall adopt a floodplain management ordinance within 90 days after approval by the
29.2 commissioner.

29.3 (d) A floodplain management ordinance adopted by a local governmental unit is
29.4 invalid unless it is approved by the commissioner.

29.5 (e) A local governmental unit may adopt a floodplain management ordinance in the
29.6 absence of notification by the commissioner that the required technical data is available,
29.7 provided that any such ordinance is submitted to the commissioner prior to its adoption
29.8 for approval.

29.9 (f) A local governmental unit may adopt a floodplain management ordinance that is
29.10 more restrictive than required under sections 103F.101 to 103F.155.

29.11 (g) Floodplain management ordinances may be amended by a local governmental
29.12 unit upon the approval of the commissioner.

29.13 Sec. 52. Minnesota Statutes 2012, section 103F.121, subdivision 5, is amended to read:

29.14 Subd. 5. **Major Alterations and hazardous uses prohibited.** (a) If a floodplain
29.15 has been delineated by a floodplain management ordinance under sections 103F.101
29.16 to 103F.155, ~~a major alteration to a structure in existence on the effective date of the~~
29.17 ~~ordinance or a new fill, structure, deposit, or other floodplain use that is unreasonably~~
29.18 ~~hazardous to the public or that unduly restricts the capacity of the floodplain to carry and~~
29.19 ~~discharge a regional flood not in accordance with the local governmental unit's adopted~~
29.20 floodplain management ordinance may not be permitted after the effective date of the
29.21 ordinance delineating the floodplain.

29.22 ~~(b) As used in this subdivision, major alterations of existing structures do not include~~
29.23 ~~repair or maintenance and do not include repairs, maintenance, or alterations to structures~~
29.24 ~~made under the authority of another authorized agency of the state or federal government.~~

29.25 ~~(e)~~ (b) This subdivision does not apply to alterations, repair, or maintenance
29.26 reasonably done under emergency circumstances to preserve or protect life or property.

29.27 ~~(d)~~ (c) This subdivision applies to alterations to existing structures and to new fill,
29.28 structures, deposits, or other floodplain uses by the state and state agencies.

29.29 Sec. 53. Minnesota Statutes 2012, section 103F.165, subdivision 3, is amended to read:

29.30 Subd. 3. **Application for flood insurance.** ~~Within 120 days~~ After receiving notice
29.31 ~~of inclusion on the amended list, from the commissioner or the Federal Emergency~~
29.32 Management Agency that flood hazard areas have been identified, each local governmental
29.33 unit ~~shall~~ is encouraged to apply for participation in the national flood insurance program
29.34 in the manner prescribed by federal laws and regulations.

30.1 Sec. 54. Minnesota Statutes 2012, section 103G.245, subdivision 2, is amended to read:

30.2 Subd. 2. **Exceptions.** A public waters work permit is not required for:

30.3 (1) work in altered natural watercourses that are part of drainage systems established
30.4 under chapter 103D or 103E if the work in the waters is undertaken according to chapter
30.5 103D or 103E; or

30.6 (2) a drainage project for a drainage system established under chapter 103E that does
30.7 not substantially affect public waters; ~~or.~~

30.8 ~~(3) removal of debris, including logs that are at or near the water surface, dead~~
30.9 ~~trees and branches, and trash, that does not alter the original alignment, slope, or cross~~
30.10 ~~section of the waters.~~

30.11 Sec. 55. Minnesota Statutes 2012, section 103G.287, subdivision 2, is amended to read:

30.12 Subd. 2. **Relationship to surface water resources.** Groundwater appropriations
30.13 that will have ~~potential~~ negative impacts to surface waters are subject to applicable
30.14 provisions in section 103G.285.

30.15 Sec. 56. Minnesota Statutes 2013 Supplement, section 103G.287, subdivision 4,
30.16 is amended to read:

30.17 Subd. 4. **Groundwater management areas.** (a) The commissioner may designate
30.18 groundwater management areas and limit total annual water appropriations and uses
30.19 within a designated area to ensure sustainable use of groundwater that protects ecosystems,
30.20 water quality, and the ability of future generations to meet their own needs. Water
30.21 appropriations and uses within a designated management area must be consistent with a
30.22 groundwater management area plan approved by the commissioner that addresses water
30.23 conservation requirements and water allocation priorities established in section 103G.261.
30.24 At least 30 days prior to implementing or modifying a groundwater management area plan
30.25 under this subdivision, the commissioner shall consult with the advisory team established
30.26 in paragraph (c).

30.27 (b) Notwithstanding section 103G.271, subdivision 1, paragraph (b), and Minnesota
30.28 Rules, within designated groundwater management areas, the commissioner may require
30.29 general permits as specified in section 103G.271, subdivision 1, paragraph (c), for water
30.30 users using less than 10,000 gallons per day or 1,000,000 gallons per year and water
30.31 suppliers serving less than 25 persons for domestic purposes. The commissioner may
30.32 waive the requirements under section 103G.281 for general permits issued under this
30.33 paragraph, and the fee specified in section 103G.301, subdivision 2, paragraph (c), does
30.34 not apply to general permits issued under this paragraph.

31.1 (c) When designating a groundwater management area, the commissioner shall
 31.2 assemble an advisory team to assist in developing a groundwater management area plan
 31.3 for the area. The advisory team members shall be selected from public and private entities
 31.4 that have an interest in the water resources affected by the groundwater management area.
 31.5 A majority of the advisory team members shall be public and private entities that currently
 31.6 hold water use permits for water appropriations from the affected water resources. The
 31.7 commissioner shall consult with the League of Minnesota Cities, the Association of
 31.8 Minnesota Counties, the Minnesota Association of Watershed Districts, and the Minnesota
 31.9 Association of Townships in appointing the local government representatives to the
 31.10 advisory team. The advisory team may also include representatives from the University
 31.11 of Minnesota, the Minnesota State Colleges and Universities, other institutions of higher
 31.12 learning in Minnesota, political subdivisions with jurisdiction over water issues, nonprofits
 31.13 with expertise in water, and federal agencies.

31.14 Sec. 57. Minnesota Statutes 2012, section 103G.305, subdivision 1, is amended to read:

31.15 Subdivision 1. **General ~~30-day~~ 150-day limit.** (a) Except as provided in subdivision
 31.16 2, the commissioner must act on a water use permit within ~~30~~ 150 days after the completed
 31.17 application for the permit and the required data are filed in the commissioner's office
 31.18 has been submitted. Within 30 business days of application for a water use permit, the
 31.19 commissioner shall notify the applicant, in writing, whether the application is complete
 31.20 or incomplete.

31.21 (b) The commissioner must direct a hearing to be held on a water use permit
 31.22 application or make an order issuing a permit or denying a permit.

31.23 Sec. 58. Minnesota Statutes 2012, section 103G.615, subdivision 3a, is amended to read:

31.24 Subd. 3a. **Invasive aquatic plant management permit.** (a) "Invasive aquatic plant
 31.25 management permit" means an aquatic plant management permit as defined in rules of the
 31.26 Department of Natural Resources that authorizes the selective control of invasive aquatic
 31.27 plants ~~at a scale~~ to cause a significant ~~lakewide or baywide~~ reduction in the abundance of
 31.28 the invasive aquatic plant.

31.29 (b) The commissioner may waive the dated signature of approval requirement in rules
 31.30 of the Department of Natural Resources for invasive aquatic plant management permits if
 31.31 obtaining signatures would create an undue burden on the permittee or if the commissioner
 31.32 determines that aquatic plant control is necessary to protect natural resources.

31.33 (c) If the signature requirement is waived under paragraph (b) because obtaining
 31.34 signatures would create an undue burden on the permittee, the commissioner shall require

32.1 an alternate form of landowner notification, including news releases or public notices in
32.2 a local newspaper, a public meeting, or a mailing to the most recent permanent address
32.3 of affected landowners. The notification must be given annually and must include: the
32.4 proposed date of treatment, the target species, the method of control or product being
32.5 used, and instructions on how the landowner may request that control not occur adjacent
32.6 to the landowner's property.

32.7 (d) The commissioner may allow dated signatures of approval obtained for an
32.8 invasive aquatic plant management permit to satisfy rules of the Department of Natural
32.9 Resources to remain valid for three years if property ownership remains unchanged.

32.10 Sec. 59. Minnesota Statutes 2012, section 115B.39, subdivision 2, is amended to read:

32.11 Subd. 2. **Definitions.** (a) In addition to the definitions in this subdivision, the
32.12 definitions in sections 115A.03 and 115B.02 apply to sections 115B.39 to 115B.445,
32.13 except as specifically modified in this subdivision.

32.14 (b) "Cleanup order" means a consent order between responsible persons and the
32.15 agency or an order issued by the United States Environmental Protection Agency under
32.16 section 106 of the federal Superfund Act.

32.17 (c) "Closure" means actions to prevent or minimize the threat to public health and
32.18 the environment posed by a mixed municipal solid waste disposal facility that has stopped
32.19 accepting waste by controlling the sources of releases or threatened releases at the facility.
32.20 "Closure" includes removing contaminated equipment and liners; applying final cover;
32.21 grading and seeding final cover; installing wells, borings, and other monitoring devices;
32.22 constructing groundwater and surface water diversion structures; and installing gas control
32.23 systems and site security systems, as necessary. The commissioner may authorize use of
32.24 final cover that includes processed materials that meet the requirements in Code of Federal
32.25 Regulations, title 40, section 503.32, paragraph (a).

32.26 (d) "Closure upgrade" means construction activity that will, at a minimum, modify
32.27 an existing cover so that it satisfies current rule requirements for mixed municipal solid
32.28 waste land disposal facilities.

32.29 (e) "Contingency action" means organized, planned, or coordinated courses of action
32.30 to be followed in case of fire, explosion, or release of solid waste, waste by-products, or
32.31 leachate that could threaten human health or the environment.

32.32 (f) "Corrective action" means steps taken to repair facility structures including
32.33 liners, monitoring wells, separation equipment, covers, and aeration devices and to bring
32.34 the facility into compliance with design, construction, groundwater, surface water, and air
32.35 emission standards.

33.1 (g) "Decomposition gases" means gases produced by chemical or microbial activity
33.2 during the decomposition of solid waste.

33.3 (h) "Dump materials" means nonhazardous mixed municipal solid wastes disposed
33.4 at a Minnesota waste disposal site other than a qualified facility prior to 1973.

33.5 (i) "Environmental response action" means response action at a qualified facility,
33.6 including corrective action, closure, postclosure care; contingency action; environmental
33.7 studies, including remedial investigations and feasibility studies; engineering, including
33.8 remedial design; removal; remedial action; site construction; and other similar
33.9 cleanup-related activities.

33.10 (j) "Environmental response costs" means:

33.11 (1) costs of environmental response action, not including legal or administrative
33.12 expenses; and

33.13 (2) costs required to be paid to the federal government under section 107(a) of
33.14 the federal Superfund Act, as amended.

33.15 (k) "Postclosure" or "postclosure care" means actions taken for the care, maintenance,
33.16 and monitoring of closure actions at a mixed municipal solid waste disposal facility.

33.17 (l) "Qualified facility" means a mixed municipal solid waste disposal facility as
33.18 described in the most recent agency permit, including adjacent property used for solid
33.19 waste disposal that did not occur under a permit from the agency, that:

33.20 (1)(i) is or was permitted by the agency;

33.21 (ii) stopped accepting solid waste, except demolition debris, for disposal by April 9,
33.22 1994; and

33.23 (iii) stopped accepting demolition debris for disposal by June 1, 1994, except that
33.24 demolition debris may be accepted until May 1, 1995, at a permitted area where disposal
33.25 of demolition debris is allowed, if the area where the demolition debris is deposited is at
33.26 least 50 feet from the fill boundary of the area where mixed municipal solid waste was
33.27 deposited; or

33.28 (2)(i) is or was permitted by the agency; and

33.29 ~~(ii)~~ (i) stopped accepting waste by January 1, 2000, except that demolition debris,
33.30 industrial waste, and municipal solid waste combustor ash may be accepted until January
33.31 1, 2001, at a permitted area where disposal of such waste is allowed, if the area where
33.32 the waste is deposited is at least 50 feet from the fill boundary of the area where mixed
33.33 municipal solid waste was deposited; or

33.34 (ii) stopped accepting waste by January 1, 2019, and is located in a county that
33.35 meets all applicable recycling goals in section 115A.551 and that has arranged for all

34.1 mixed municipal solid waste generated in the county to be delivered to and processed by a
 34.2 resource recovery facility located in the county for at least 20 years.

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

34.4 Sec. 60. Minnesota Statutes 2012, section 116D.04, subdivision 2a, is amended to read:

34.5 Subd. 2a. **When prepared.** Where there is potential for significant environmental
 34.6 effects resulting from any major governmental action, the action shall be preceded by a
 34.7 detailed environmental impact statement prepared by the responsible governmental unit.
 34.8 The environmental impact statement shall be an analytical rather than an encyclopedic
 34.9 document which describes the proposed action in detail, analyzes its significant
 34.10 environmental impacts, discusses appropriate alternatives to the proposed action and
 34.11 their impacts, and explores methods by which adverse environmental impacts of an
 34.12 action could be mitigated. The environmental impact statement shall also analyze those
 34.13 economic, employment, and sociological effects that cannot be avoided should the action
 34.14 be implemented. To ensure its use in the decision-making process, the environmental
 34.15 impact statement shall be prepared as early as practical in the formulation of an action.

34.16 (a) The board shall by rule establish categories of actions for which environmental
 34.17 impact statements and for which environmental assessment worksheets shall be prepared
 34.18 as well as categories of actions for which no environmental review is required under this
 34.19 section. A mandatory environmental assessment worksheet shall not be required for the
 34.20 expansion of an ethanol plant, as defined in section 41A.09, subdivision 2a, paragraph
 34.21 (b), or the conversion of an ethanol plant to a biobutanol facility or the expansion of a
 34.22 biobutanol facility as defined in section 41A.105, subdivision 1a, based on the capacity
 34.23 of the expanded or converted facility to produce alcohol fuel, but must be required if
 34.24 the ethanol plant or biobutanol facility meets or exceeds thresholds of other categories
 34.25 of actions for which environmental assessment worksheets must be prepared. The
 34.26 responsible governmental unit for an ethanol plant or biobutanol facility project for which
 34.27 an environmental assessment worksheet is prepared shall be the state agency with the
 34.28 greatest responsibility for supervising or approving the project as a whole.

34.29 A mandatory environmental impact statement shall not be required for a facility
 34.30 or plant located outside the seven-county metropolitan area that produces less than
 34.31 125,000,000 gallons of ethanol, biobutanol, or cellulosic biofuel annually, or produces less
 34.32 than 400,000 tons of chemicals annually, if the facility or plant is: an ethanol plant, as
 34.33 defined in section 41A.09, subdivision 2a, paragraph (b); a biobutanol facility, as defined
 34.34 in section 41A.105, subdivision 1a, clause (1); or a cellulosic biofuel facility, as defined in
 34.35 section 41A.10, subdivision 1, paragraph (d). A facility or plant that only uses a cellulosic

feedstock to produce chemical products for use by another facility as a feedstock shall not be considered a fuel conversion facility as used in rules adopted under this chapter.

(b) The responsible governmental unit shall promptly publish notice of the completion of an environmental assessment worksheet by publishing the notice in at least one newspaper of general circulation in the geographic area where the project is proposed, by posting the notice on a Web site that has been designated as the official publication site for publication of proceedings, public notices, and summaries of a political subdivision in which the project is proposed, or in any other manner determined by the board and shall provide copies of the environmental assessment worksheet to the board and its member agencies. Comments on the need for an environmental impact statement may be submitted to the responsible governmental unit during a 30-day period following publication of the notice that an environmental assessment worksheet has been completed. The responsible governmental unit's decision on the need for an environmental impact statement shall be based on the environmental assessment worksheet and the comments received during the comment period, and shall be made within 15 days after the close of the comment period. The board's chair may extend the 15-day period by not more than 15 additional days upon the request of the responsible governmental unit.

(c) An environmental assessment worksheet shall also be prepared for a proposed action whenever material evidence accompanying a petition by not less than 100 individuals who reside or own property in the state, submitted before the proposed project has received final approval by the appropriate governmental units, demonstrates that, because of the nature or location of a proposed action, there may be potential for significant environmental effects. Petitions requesting the preparation of an environmental assessment worksheet shall be submitted to the board. The chair of the board shall determine the appropriate responsible governmental unit and forward the petition to it. A decision on the need for an environmental assessment worksheet shall be made by the responsible governmental unit within 15 days after the petition is received by the responsible governmental unit. The board's chair may extend the 15-day period by not more than 15 additional days upon request of the responsible governmental unit.

(d) Except in an environmentally sensitive location where Minnesota Rules, part 4410.4300, subpart 29, item B, applies, the proposed action is exempt from environmental review under this chapter and rules of the board, if:

(1) the proposed action is:

(i) an animal feedlot facility with a capacity of less than 1,000 animal units; or

(ii) an expansion of an existing animal feedlot facility with a total cumulative capacity of less than 1,000 animal units;

(2) the application for the animal feedlot facility includes a written commitment by the proposer to design, construct, and operate the facility in full compliance with Pollution Control Agency feedlot rules; and

(3) the county board holds a public meeting for citizen input at least ten business days prior to the Pollution Control Agency or county issuing a feedlot permit for the animal feedlot facility unless another public meeting for citizen input has been held with regard to the feedlot facility to be permitted. The exemption in this paragraph is in addition to other exemptions provided under other law and rules of the board.

(e) The board may, prior to final approval of a proposed project, require preparation of an environmental assessment worksheet by a responsible governmental unit selected by the board for any action where environmental review under this section has not been specifically provided for by rule or otherwise initiated.

(f) An early and open process shall be utilized to limit the scope of the environmental impact statement to a discussion of those impacts, which, because of the nature or location of the project, have the potential for significant environmental effects. The same process shall be utilized to determine the form, content and level of detail of the statement as well as the alternatives which are appropriate for consideration in the statement. In addition, the permits which will be required for the proposed action shall be identified during the scoping process. Further, the process shall identify those permits for which information will be developed concurrently with the environmental impact statement. The board shall provide in its rules for the expeditious completion of the scoping process. The determinations reached in the process shall be incorporated into the order requiring the preparation of an environmental impact statement.

(g) The responsible governmental unit shall, to the extent practicable, avoid duplication and ensure coordination between state and federal environmental review and between environmental review and environmental permitting. Whenever practical, information needed by a governmental unit for making final decisions on permits or other actions required for a proposed project shall be developed in conjunction with the preparation of an environmental impact statement. When an environmental impact statement is prepared for a project requiring multiple permits for which two or more agencies' decision processes include either mandatory or discretionary hearings before a hearing officer prior to the agencies' decision on the permit, the agencies may, notwithstanding any law or rule to the contrary, conduct the hearings in a single consolidated hearing process if requested by the proposer. All agencies having jurisdiction over a permit that is included in the consolidated hearing shall participate. The responsible governmental unit shall establish appropriate procedures for the consolidated hearing

process, including procedures to ensure that the consolidated hearing process is consistent with the applicable requirements for each permit regarding the rights and duties of parties to the hearing, and shall utilize the earliest applicable hearing procedure to initiate the hearing. The procedures of section 116C.28, subdivision 2, apply to the consolidated hearing.

(h) An environmental impact statement shall be prepared and its adequacy determined within 280 days after notice of its preparation unless the time is extended by consent of the parties or by the governor for good cause. The responsible governmental unit shall determine the adequacy of an environmental impact statement, unless within 60 days after notice is published that an environmental impact statement will be prepared, the board chooses to determine the adequacy of an environmental impact statement. If an environmental impact statement is found to be inadequate, the responsible governmental unit shall have 60 days to prepare an adequate environmental impact statement.

(i) The proposer of a specific action may include in the information submitted to the responsible governmental unit a preliminary draft environmental impact statement under this section on that action for review, modification, and determination of completeness and adequacy by the responsible governmental unit. A preliminary draft environmental impact statement prepared by the project proposer and submitted to the responsible governmental unit shall identify or include as an appendix all studies and other sources of information used to substantiate the analysis contained in the preliminary draft environmental impact statement. The responsible governmental unit shall require additional studies, if needed, and obtain from the project proposer all additional studies and information necessary for the responsible governmental unit to perform its responsibility to review, modify, and determine the completeness and adequacy of the environmental impact statement.

Sec. 61. Minnesota Statutes 2012, section 325E.13, is amended by adding a subdivision to read:

Subd. 5. **Off-road recreational vehicle.** "Off-road recreational vehicle" means a snowmobile as defined in section 84.81, subdivision 3, and an off-highway vehicle, as defined in section 84.771.

EFFECTIVE DATE. This section is effective July 1, 2014, and applies to crimes committed on or after that date.

Sec. 62. Minnesota Statutes 2012, section 325E.14, subdivision 1, is amended to read:

Subdivision 1. **Tampering.** No person shall knowingly tamper with, adjust, alter, change, set back, disconnect or, with intent to defraud, fail to connect the odometer of any motor vehicle or off-road recreational vehicle, or cause any of the foregoing to occur to

38.1 an odometer of a motor vehicle or off-road recreational vehicle, so as to reflect a lower
38.2 mileage than has actually been driven by the motor vehicle or off-road recreational vehicle.

38.3 **EFFECTIVE DATE.** This section is effective July 1, 2014, and applies to crimes
38.4 committed on or after that date.

38.5 Sec. 63. Minnesota Statutes 2012, section 325E.14, subdivision 3, is amended to read:

38.6 Subd. 3. **Sales and use restrictions.** No person shall advertise for sale, sell, use or
38.7 install on any part of a motor vehicle or off-road recreational vehicle, or on any odometer
38.8 in a motor vehicle or off-road recreational vehicle, any device ~~which~~ that causes the
38.9 odometer to register any mileage other than the true mileage.

38.10 **EFFECTIVE DATE.** This section is effective July 1, 2014, and applies to crimes
38.11 committed on or after that date.

38.12 Sec. 64. Minnesota Statutes 2012, section 325E.14, subdivision 4, is amended to read:

38.13 Subd. 4. **Sales restriction.** No person shall sell or offer for sale any motor vehicle
38.14 or off-road recreational vehicle with knowledge that the mileage registered on the
38.15 odometer has been altered so as to reflect a lower mileage than has actually been driven
38.16 by the motor vehicle or off-road recreational vehicle without disclosing ~~such~~ the fact to
38.17 prospective purchasers.

38.18 **EFFECTIVE DATE.** This section is effective July 1, 2014, and applies to crimes
38.19 committed on or after that date.

38.20 Sec. 65. Minnesota Statutes 2012, section 325E.14, subdivision 6, is amended to read:

38.21 Subd. 6. **Repair or replacement restriction.** Nothing in this section shall prevent
38.22 the service, repair, or replacement of an odometer, provided the mileage indicated
38.23 thereon remains the same as before the service, repair, or replacement. Where the
38.24 odometer is incapable of registering the same mileage as before ~~such~~ the service, repair,
38.25 or replacement, the odometer shall be adjusted to read zero and a written notice shall be
38.26 attached to the left door frame of the motor vehicle by the owner or an agent specifying
38.27 the mileage prior to repair or replacement of the odometer and the date on which it was
38.28 repaired or replaced. No person shall remove or alter ~~such~~ a notice so affixed.

38.29 **EFFECTIVE DATE.** This section is effective July 1, 2014, and applies to crimes
38.30 committed on or after that date.

39.1 Sec. 66. **MINNESOTA RIVER VALLEY; MASTER PLAN.**

39.2 The commissioner of natural resources shall develop a master plan in accordance
39.3 with Minnesota Statutes, section 86A.09, to conserve the natural and cultural resources of
39.4 the Minnesota River Valley area in Redwood and Renville Counties and to provide for the
39.5 shared use, enjoyment, and understanding of these resources through a broad selection
39.6 of outdoor recreational opportunities and recreational travel routes that connect units of
39.7 the outdoor recreation system in the river valley, including a connection to the Minnesota
39.8 River State Trail authorized in Minnesota Statutes, section 85.015, subdivision 22. The
39.9 plan shall address the impacts to the natural and cultural resources, interpretive services,
39.10 recreational opportunities, and administrative activities in the area and also provide
39.11 recommendations on the unit designation of the area under the Outdoor Recreation Act.

39.12 Sec. 67. **INVASIVE CARP.**

39.13 The commissioner of natural resources shall not propose laws to the legislature
39.14 that contain the term "Asian carp." The commissioner shall use the term "invasive carp"
39.15 or refer to the specific species in any proposed laws, rules, or official documents when
39.16 referring to carp species that are not naturalized to the waters of this state.

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

39.18 Sec. 68. **RULEMAKING; USE OF RABBITS AND HARES TO TRAIN DOGS.**

39.19 (a) The commissioner of natural resources shall amend Minnesota Rules, part
39.20 6234.0600, to add the following language: "A person may use dogs to pursue rabbits and
39.21 hares without killing or capturing the rabbits and hares at any time during the year except
39.22 from April 16 to July 14 or under permit."

39.23 (b) The commissioner may use the good cause exemption under Minnesota Statutes,
39.24 section 14.388, subdivision 1, clause (3), to adopt rules under this section, and Minnesota
39.25 Statutes, section 14.386, does not apply except as provided under Minnesota Statutes,
39.26 section 14.388.

39.27 Sec. 69. **REVISOR'S INSTRUCTION.**

39.28 The revisor of statutes shall delete the term in column A and insert the term in
39.29 column B in Minnesota Rules, parts 6216.0100, 6216.0250, 6216.0260, 6216.0270,
39.30 6216.0290, 6216.0300, 6216.0400, 6216.0500, and 6260.0300.

<u>Column A</u>	<u>Column B</u>
<u>designate</u>	<u>list</u>
<u>designated</u>	<u>listed</u>

40.1	<u>designation</u>	<u>listing</u>
40.2	<u>designating</u>	<u>listing</u>

40.3 Sec. 70. **REPEALER.**

40.4 Minnesota Statutes 2012, sections 84.521; 89.01, subdivision 7; 89A.05,
40.5 subdivisions 2a and 4; 89A.06, subdivision 2a; 103F.121, subdivisions 3 and 4; and
40.6 103F.165, subdivision 2, are repealed."

40.7 Delete the title and insert:

40.8 "A bill for an act
40.9 relating to natural resources; modifying all-terrain vehicle and off-highway
40.10 motorcycle provisions; providing for certain regulatory efficiencies; modifying
40.11 commissioner's authority; modifying landfill cleanup program; modifying
40.12 invasive species provisions; modifying definition of snowmobile; prohibiting
40.13 tampering with off-road recreational vehicle odometers; modifying use of forest
40.14 trails; modifying outdoor recreation system provisions; modifying Water Law;
40.15 modifying forestry provisions; modifying provision related to environmental
40.16 impact statements; requiring rulemaking; amending Minnesota Statutes 2012,
40.17 sections 17.4982, subdivision 18a; 84.027, subdivisions 12, 13a, 14a; 84.0857;
40.18 84.791, subdivision 4; 84.81, subdivision 3; 84.92, subdivisions 8, 9, 10; 84.925,
40.19 subdivision 3; 84.926, subdivision 4; 84D.01, subdivisions 8, 8b, 13, 15, 17, 18;
40.20 84D.03, as amended; 84D.06; 84D.10, subdivision 3; 84D.11, subdivision 2a;
40.21 84D.12; 84D.13, subdivision 5; 86A.09; 86A.11; 89A.02; 89A.03, subdivisions
40.22 1, 6; 89A.04; 89A.05, subdivisions 1, 3; 89A.06, subdivisions 1, 2, 4; 89A.07;
40.23 89A.08, subdivisions 1, 2, 3; 89A.09; 89A.10; 89A.11; 97C.417; 97C.821;
40.24 103E.065; 103F.121, subdivisions 2, 5; 103F.165, subdivision 3; 103G.245,
40.25 subdivision 2; 103G.287, subdivision 2; 103G.305, subdivision 1; 103G.615,
40.26 subdivision 3a; 115B.39, subdivision 2; 116D.04, subdivision 2a; 325E.13, by
40.27 adding a subdivision; 325E.14, subdivisions 1, 3, 4, 6; Minnesota Statutes 2013
40.28 Supplement, sections 84.027, subdivision 13; 84.9256, subdivision 1; 84D.10,
40.29 subdivision 4; 84D.105, subdivision 2; 103G.287, subdivision 4; proposing
40.30 coding for new law in Minnesota Statutes, chapter 89A."

41.1 We request the adoption of this report and repassage of the bill.

41.2 House Conferees:

41.3
41.4	David Dill	Peter Fischer

41.5
41.6	Tom Hackbarth

41.7 Senate Conferees:

41.8
41.9	John Marty	Foung Hawj

41.10
41.11	Bill Weber