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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-THIRD SESSION

H. F. No. 1680

02/13/2023 Authored by Hansen, R.; Hussein; Bierman; Pinto and Brand
The bill was read for the first time and referred to the Committee on Environment and Natural Resources Finance and Policy

1.1 A bill for an act
1.2 relating to natural resources; providing for sustainable diversion limits on
1.3 groundwater appropriations; amending Minnesota Statutes 2022, sections 103G.005,
1.4 by adding subdivisions; 103G.287, subdivision 2.

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

1.6 Section 1. Minnesota Statutes 2022, section 103G.005, is amended by adding a subdivision
1.7 to read:

1.8 Subd. 9c. Ecosystem harm. "Ecosystem harm" means to change the biological
1.9 community and ecology in a manner that results in loss of ecological structure or function.

1.10 Sec. 2. Minnesota Statutes 2022, section 103G.005, is amended by adding a subdivision
1.11 to read:

1.12 Subd. 13b. Negative impact to surface waters. "Negative impact to surface waters"
1.13 means a change in hydrology sufficient to cause aquatic ecosystem harm or alter riparian
1.14 uses long term.

1.15 Sec. 3. Minnesota Statutes 2022, section 103G.005, is amended by adding a subdivision
1.16 to read:

1.17 Subd. 15i. Sustainable diversion limit. "Sustainable diversion limit" means a maximum
1.18 amount of water that can be removed directly or indirectly from a surface water body in a
1.19 defined geographic area on a monthly or annual basis without causing a negative impact to
1.20 the surface water body.

2.1 Sec. 4. Minnesota Statutes 2022, section 103G.287, subdivision 2, is amended to read:

2.2 Subd. 2. **Relationship to surface water resources.** Groundwater appropriations ~~that~~
 2.3 ~~will have negative impacts to surface waters are subject to applicable provisions in section~~
 2.4 ~~103G.285~~ may be authorized only if they avoid known negative impacts to surface waters.
 2.5 If the commissioner determines that groundwater appropriations are having a negative
 2.6 impact to surface waters, the commissioner may use a sustainable diversion limit or other
 2.7 relevant method, tools, or information to implement measures so that groundwater
 2.8 appropriations do not negatively impact the surface waters.

2.9 Sec. 5. **REVISOR INSTRUCTION.**

2.10 The revisor of statutes must renumber the subdivisions of Minnesota Statutes, section
 2.11 103G.005, listed in column A to the references listed in column B. The revisor must make
 2.12 necessary cross-reference changes in Minnesota Statutes and Minnesota Rules consistent
 2.13 with the renumbering:

2.14	<u>Column A</u>	<u>Column B</u>
2.15	<u>subdivision 9b</u>	<u>subdivision 9d</u>
2.16	<u>subdivision 13a</u>	<u>subdivision 13C</u>
2.17	<u>subdivision 15h</u>	<u>subdivision 15j</u>