

1.1 A bill for an act

1.2 relating to natural resources; modifying all-terrain vehicle operating restrictions;  
1.3 providing for certain regulatory efficiencies; modifying use and designation  
1.4 of forest trails; modifying invasive species provisions; modifying Water Law;  
1.5 modifying outdoor recreation system provisions; modifying environmental  
1.6 review requirements; appropriating money; amending Minnesota Statutes 2012,  
1.7 sections 17.4982, subdivision 18a; 84.027, subdivisions 12, 13a, 14a; 84.0857;  
1.8 84.925, subdivision 5; 84.926, subdivisions 2, 4; 84D.01, subdivisions 8, 8b,  
1.9 13, 15, 17, 18; 84D.03, as amended; 84D.06; 84D.10, subdivision 3; 84D.11,  
1.10 subdivision 2a; 84D.12; 84D.13, subdivision 5; 86A.09; 86A.11; 97C.417;  
1.11 97C.821; 103F.121, subdivisions 2, 5; 103F.165, subdivision 3; 103G.245,  
1.12 subdivision 2; 103G.615, subdivision 3a; 116D.04, subdivision 2a; Minnesota  
1.13 Statutes 2013 Supplement, sections 84.027, subdivision 13; 84D.10, subdivision  
1.14 4; 103G.287, subdivision 4; repealing Minnesota Statutes 2012, sections 84.521;  
1.15 89.01, subdivision 7; 103F.121, subdivisions 3, 4; 103F.165, subdivision 2.

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

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

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

1.21 (1) not known to have been historically present in the state;

1.22 (2) not known to be naturally occurring in a particular part of the state; or

1.23 (3) ~~designated~~ listed by rule as a prohibited or regulated invasive species.

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

1.25 Subd. 12. **Property disposal; gift acknowledgment; advertising sales.** (a) ~~The~~  
1.26 ~~commissioner may give away to members of the public items with a value of less than \$50~~  
1.27 ~~that are intended to promote conservation of natural resources or create awareness of the~~

2.1 ~~state and its resources or natural resource management programs. The total value of items~~  
2.2 ~~given to the public under this paragraph may not exceed \$25,000 per year.~~

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

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

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

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

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

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

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

2.25 (b) If conditions exist that do not allow the commissioner to comply with sections  
2.26 97A.0451 to 97A.0459, including the need to adjust season variables on an annual basis  
2.27 based upon current biological and harvest data, the commissioner may adopt a rule  
2.28 under this subdivision by submitting the rule to the attorney general for review under  
2.29 section 97A.0455, publishing a notice in the State Register and filing the rule with the  
2.30 secretary of state and the Legislative Coordinating Commission, and complying with  
2.31 section 97A.0459, and including a statement of the conditions and a copy of the rule in the  
2.32 notice. The conditions for opening a water body or portion of a water body for night bow  
2.33 fishing under this section may include the need to temporarily open the area to evaluate  
2.34 compatibility of the activity on that body of water prior to permanent rulemaking. The

3.1 notice may be published after it is received from the attorney general or five business days  
3.2 after it is submitted to the attorney general, whichever is earlier.

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

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

3.7 (2) the attorney general approves the rule; and

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

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

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

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

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

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

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

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

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

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

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

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

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

4.20 (d) Beginning July 1, 2011, within 30 business days of application for a permit subject  
4.21 to paragraph (a), the commissioner of natural resources shall notify the project proposer,  
4.22 in writing, whether the application is complete or incomplete. If the commissioner  
4.23 determines that an application is incomplete, the notice to the applicant must enumerate  
4.24 all deficiencies, citing specific provisions of the applicable rules and statutes, and advise  
4.25 the applicant on how the deficiencies can be remedied. This paragraph does not apply to  
4.26 an application for a permit that is subject to a grant or loan agreement under chapter 446A.

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

4.28 **84.0857 FACILITIES MANAGEMENT ACCOUNT.**

4.29 (a) The commissioner of natural resources may bill organizational units within  
4.30 the Department of Natural Resources and other governmental units, including tribal  
4.31 governments, for the costs of providing them with building and infrastructure facilities.  
4.32 Costs billed may include modifications and adaptations to allow for appropriate building  
4.33 occupancy, building code compliance, insurance, utility services, maintenance, repair, and  
4.34 other direct costs as determined by the commissioner. Receipts shall be credited to a

5.1 special account in the state treasury and are appropriated to the commissioner to pay the  
5.2 costs for which the billings were made.

5.3 (b) Money deposited in the special account from the proceeds of a sale under section  
5.4 94.16, subdivision 3, paragraph (b), is appropriated to the commissioner to acquire  
5.5 facilities or renovate existing buildings for administrative use or to acquire land for,  
5.6 design, and construct administrative buildings for the Department of Natural Resources.

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

5.12 Sec. 7. Minnesota Statutes 2012, section 84.925, subdivision 5, is amended to read:

5.13 Subd. 5. **Training requirements.** (a) An individual who was born after July 1,  
5.14 1987, and who is ~~16~~ 18 years of age or older, must successfully complete the independent  
5.15 study course component of all-terrain vehicle safety training before operating an all-terrain  
5.16 vehicle on public lands or waters, public road rights-of-way, or state or grant-in-aid trails.

5.17 (b) An individual who is convicted of violating a law related to the operation of an  
5.18 all-terrain vehicle must successfully complete the independent study course component of  
5.19 all-terrain vehicle safety training before continuing operation of an all-terrain vehicle.

5.20 (c) An individual who is convicted for a second or subsequent excess speed, trespass,  
5.21 or wetland violation in an all-terrain vehicle season, or any conviction for careless or  
5.22 reckless operation of an all-terrain vehicle, must successfully complete the independent  
5.23 study and the testing and operating course components of all-terrain vehicle safety training  
5.24 before continuing operation of an all-terrain vehicle.

5.25 (d) An individual who receives three or more citations and convictions for violating a  
5.26 law related to the operation of an all-terrain vehicle in a two-year period must successfully  
5.27 complete the independent study and the testing and operating course components of  
5.28 all-terrain vehicle safety training before continuing operation of an all-terrain vehicle.

5.29 (e) An individual must present evidence of compliance with this subdivision before  
5.30 an all-terrain vehicle registration is issued or renewed.

5.31 Sec. 8. Minnesota Statutes 2012, section 84.926, subdivision 2, is amended to read:

5.32 Subd. 2. **All-terrain vehicles; managed or limited forests; off trail.**

5.33 Notwithstanding section 84.777, but subject to the commissioner's authority under  
5.34 subdivision 5, on state forest lands classified as managed or limited, other than the Richard

6.1 J. Dorer Memorial Hardwood Forest, a person may use an all-terrain vehicle off forest  
6.2 trails or forest roads when:

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

6.5 (2) transporting or installing hunting stands or bait in August and retrieving big  
6.6 game in September, when in possession of a valid big game hunting license;

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

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

6.11 Sec. 9. Minnesota Statutes 2012, section 84.926, subdivision 4, is amended to read:

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

6.13 Notwithstanding section 84.777, but subject to the commissioner's authority under  
6.14 subdivision 5, on state forest lands classified as limited or managed, other than the Richard  
6.15 J. Dorer Memorial Hardwood Forest, a person may use vehicles registered under chapter  
6.16 168 or section 84.798 or 84.922, including class 2 all-terrain vehicles, on forest trails  
6.17 designated for off-road vehicle use and on forest trails that are not designated for a  
6.18 specific use when:

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

6.21 (2) transporting or installing hunting stands or bait in August and retrieving big  
6.22 game in September, when in possession of a valid big game hunting license;

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

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

6.27 Sec. 10. Minnesota Statutes 2012, section 84D.01, subdivision 8, is amended to read:

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

6.30 Sec. 11. Minnesota Statutes 2012, section 84D.01, subdivision 8b, is amended to read:

6.31 Subd. 8b. **Inspect.** "Inspect" means to examine water-related equipment to determine  
6.32 whether aquatic invasive species, aquatic macrophytes, or water is present and includes

7.1 removal, drainage, decontamination, collection and sampling, or treatment to prevent the  
7.2 transportation and spread of aquatic invasive species, aquatic macrophytes, and water.

7.3 Sec. 12. Minnesota Statutes 2012, section 84D.01, subdivision 13, is amended to read:

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

7.7 Sec. 13. Minnesota Statutes 2012, section 84D.01, subdivision 15, is amended to read:

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

7.11 Sec. 14. Minnesota Statutes 2012, section 84D.01, subdivision 17, is amended to read:

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

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

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

7.20 Sec. 16. Minnesota Statutes 2012, section 84D.03, as amended by Laws 2013, chapter  
7.21 121, section 10, is amended to read:

7.22 **84D.03 INFESTED WATERS; RESTRICTED ACTIVITIES.**

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

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

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

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

7.31 (1) the extent of a species distribution within the state;

8.1 (2) the likely means of spread for a species; and

8.2 (3) whether regulations specific to infested waters containing a specific species  
8.3 will effectively reduce that species' spread.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

9.28 Sec. 17. Minnesota Statutes 2012, section 84D.06, is amended to read:

9.29 **84D.06 UNLISTED NONNATIVE SPECIES.**

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

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

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

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

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

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

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

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

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

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

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

10.19 Sec. 18. Minnesota Statutes 2012, section 84D.10, subdivision 3, is amended to read:

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

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

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

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

10.29 (4) a prohibition on placing water-related equipment into waters of the state when  
10.30 the water-related equipment has aquatic macrophytes or prohibited invasive species  
10.31 attached in violation of subdivision 1 or when water has not been drained or the drain plug  
10.32 has not been removed in violation of subdivision 4.

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

11.1 Sec. 19. Minnesota Statutes 2013 Supplement, section 84D.10, subdivision 4, is  
11.2 amended to read:

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

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

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

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

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

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

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

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

11.28 Sec. 20. Minnesota Statutes 2012, section 84D.11, subdivision 2a, is amended to read:

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

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

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

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

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

12.6 Sec. 21. Minnesota Statutes 2012, section 84D.12, is amended to read:

12.7 **84D.12 RULES.**

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

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

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

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

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

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

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

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

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

12.22 (2) regulated invasive species of aquatic plants and wild animals; and

12.23 (3) unregulated nonnative species of aquatic plants and wild animals.

12.24 Sec. 22. Minnesota Statutes 2012, section 84D.13, subdivision 5, is amended to read:

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

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

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

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

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

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

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

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

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

13.12 Sec. 23. Minnesota Statutes 2012, section 86A.09, is amended to read:

13.13 **86A.09 DEVELOPMENT AND ESTABLISHMENT OF UNITS.**

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

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

14.1 The managing agency shall prepare a record of the public meeting and any comments  
14.2 received during the comment period.

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

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

14.11 ~~(b) recognizes~~ (2) recognize values and resources within the unit that are primarily  
14.12 the responsibility of another managing agency to protect or develop; and ~~provides~~ provide  
14.13 for their protection or development either through a cooperative agreement with the other  
14.14 managing agency or through designation of the appropriate area as a secondary unit. ~~In~~  
14.15 ~~reviewing any master plan, the commissioner of natural resources shall consult with~~  
14.16 ~~other state agencies. Within 60 days after receiving the master plan, the commissioner of~~  
14.17 ~~natural resources shall notify the managing agency that the plan has been reviewed and~~  
14.18 ~~forward its recommendations for any changes it might suggest. The managing agency~~  
14.19 ~~shall review the recommendations and notify the commissioner of natural resources of the~~  
14.20 ~~disposition made of them. Failure to comment on a master plan within the time specified~~  
14.21 ~~shall be considered approval of the plan by the commissioner of natural resources. If the~~  
14.22 ~~commissioner of natural resources feels that the master plan still fails significantly to~~  
14.23 ~~comply with this subdivision, the commissioner may request review of the master plan by~~  
14.24 ~~the governor. In that event review shall not be deemed completed until after the master~~  
14.25 ~~plan has been approved by the governor or 60 days have elapsed without action by the~~  
14.26 ~~governor to approve or reject the plan, whichever occurs first.~~

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

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

14.35 Subd. 6. **Master plan amendment.** The managing agency shall prepare an  
14.36 amendment to a master plan to address changes proposed for a unit that would vary

15.1 from the approved master plan. The master plan amendment shall address the impacts  
15.2 of the proposed changes to the natural and cultural resources, interpretive services,  
15.3 recreational opportunities, and administrative activities at the unit. The master plan  
15.4 amendment supersedes the master plan for those areas addressed by the amendment. The  
15.5 managing agency shall hold a public meeting for master plan amendments that constitute a  
15.6 significant change in public use or access to the unit or that may be controversial. Public  
15.7 notice and approval of the master plan amendment shall follow the process described in  
15.8 subdivision 2. Construction of necessary facilities and other development of the unit shall  
15.9 commence as soon as practicable after the master plan amendment is adopted.

15.10 Sec. 24. Minnesota Statutes 2012, section 86A.11, is amended to read:

15.11 **86A.11 REGISTRY OF UNITS.**

15.12 The commissioner of natural resources and the director of the Minnesota Historical  
15.13 Society shall each compile and maintain a current registry of the name, location, size,  
15.14 and description of all units of the outdoor recreation system under the commissioner's  
15.15 jurisdiction and under the jurisdiction of the Minnesota Historical Society and the  
15.16 commissioner of transportation. The commissioner of natural resources their respective  
15.17 jurisdictions, and shall publish and distribute the information contained in the registry in  
15.18 a form and manner suitable to assist persons wishing to use these units. The Minnesota  
15.19 Historical Society and the commissioner of transportation shall cooperate with and assist  
15.20 the commissioner of natural resources in preparing and distributing the registry.

15.21 Sec. 25. Minnesota Statutes 2012, section 97C.417, is amended to read:

15.22 **97C.417 REPORTING ASIAN INVASIVE CARP.**

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

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

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

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

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

15.29 Sec. 26. Minnesota Statutes 2012, section 97C.821, is amended to read:

15.30 **97C.821 POSSESSION, SALE, AND TRANSPORTATION OF**  
15.31 **COMMERCIAL FISH.**

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

16.9 Sec. 27. Minnesota Statutes 2012, section 103F.121, subdivision 2, is amended to read:

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

16.17 (b) The commissioner shall approve or disapprove the proposed ordinance within  
16.18 120 days after receiving it.

16.19 (c) If the proposed ordinance is disapproved, the commissioner shall return it to the  
16.20 local governmental unit with a written statement of reasons for disapproval. Within 90  
16.21 days after disapproval, the local governmental unit shall resubmit an amended proposed  
16.22 ordinance for further review and approval before adoption. The local governmental unit  
16.23 shall adopt a floodplain management ordinance within 90 days after approval by the  
16.24 commissioner.

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

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

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

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

17.1 Sec. 28. Minnesota Statutes 2012, section 103F.121, subdivision 5, is amended to read:

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

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

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

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

17.17 Sec. 29. Minnesota Statutes 2012, section 103F.165, subdivision 3, is amended to read:

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

17.23 Sec. 30. Minnesota Statutes 2012, section 103G.245, subdivision 2, is amended to read:

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

17.25 (1) work in altered natural watercourses that are part of drainage systems established  
17.26 under chapter 103D or 103E if the work in the waters is undertaken according to chapter  
17.27 103D or 103E; or

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

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

18.1 Sec. 31. Minnesota Statutes 2013 Supplement, section 103G.287, subdivision 4,  
18.2 is amended to read:

18.3 Subd. 4. **Groundwater management areas.** (a) The commissioner may designate  
18.4 groundwater management areas and limit total annual water appropriations and uses  
18.5 within a designated area to ensure sustainable use of groundwater that protects ecosystems,  
18.6 water quality, and the ability of future generations to meet their own needs. Water  
18.7 appropriations and uses within a designated management area must be consistent with a  
18.8 groundwater management area plan approved by the commissioner that addresses water  
18.9 conservation requirements and water allocation priorities established in section 103G.261.  
18.10 At least 30 days prior to implementing or modifying a groundwater management area plan  
18.11 under this subdivision, the commissioner shall consult with the advisory team established  
18.12 in paragraph (c).

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

18.21 (c) When designating a groundwater management area, the commissioner shall  
18.22 assemble an advisory team to assist in developing a groundwater management area plan  
18.23 for the area. The advisory team members shall be selected from public and private entities  
18.24 that have an interest in the water resources affected by the groundwater management area.  
18.25 A majority of the advisory team members shall be public and private entities that currently  
18.26 hold water use permits for water appropriations from the affected water resources. The  
18.27 commissioner shall consult with the League of Minnesota Cities, the Association of  
18.28 Minnesota Counties, and the Minnesota Association of Townships in appointing the local  
18.29 government representatives to the advisory team. The advisory team may also include  
18.30 representatives from the University of Minnesota, the Minnesota State Colleges and  
18.31 Universities, and federal agencies.

18.32 Sec. 32. Minnesota Statutes 2012, section 103G.615, subdivision 3a, is amended to read:

18.33 Subd. 3a. **Invasive aquatic plant management permit.** (a) "Invasive aquatic plant  
18.34 management permit" means an aquatic plant management permit as defined in rules of the  
18.35 Department of Natural Resources that authorizes the selective control of invasive aquatic

19.1 plants ~~at a scale~~ to cause a significant ~~lakewide or baywide~~ reduction in the abundance of  
19.2 the invasive aquatic plant.

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

19.7 (c) If the signature requirement is waived under paragraph (b) because obtaining  
19.8 signatures would create an undue burden on the permittee, the commissioner shall require  
19.9 an alternate form of landowner notification, including news releases or public notices in  
19.10 a local newspaper, a public meeting, or a mailing to the most recent permanent address  
19.11 of affected landowners. The notification must be given annually and must include: the  
19.12 proposed date of treatment, the target species, the method of control or product being  
19.13 used, and instructions on how the landowner may request that control not occur adjacent  
19.14 to the landowner's property.

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

19.18 Sec. 33. Minnesota Statutes 2012, section 116D.04, subdivision 2a, is amended to read:

19.19 Subd. 2a. **When prepared.** Where there is potential for significant environmental  
19.20 effects resulting from any major governmental action, the action shall be preceded by a  
19.21 detailed environmental impact statement prepared by the responsible governmental unit.  
19.22 The environmental impact statement shall be an analytical rather than an encyclopedic  
19.23 document which describes the proposed action in detail, analyzes its significant  
19.24 environmental impacts, discusses appropriate alternatives to the proposed action and  
19.25 their impacts, and explores methods by which adverse environmental impacts of an  
19.26 action could be mitigated. The environmental impact statement shall also analyze those  
19.27 economic, employment, and sociological effects that cannot be avoided should the action  
19.28 be implemented. To ensure its use in the decision-making process, the environmental  
19.29 impact statement shall be prepared as early as practical in the formulation of an action.

19.30 (a) The board shall by rule establish categories of actions for which environmental  
19.31 impact statements and for which environmental assessment worksheets shall be prepared  
19.32 as well as categories of actions for which no environmental review is required under this  
19.33 section. A mandatory environmental assessment worksheet shall not be required for the  
19.34 expansion of an ethanol plant, as defined in section 41A.09, subdivision 2a, paragraph  
19.35 (b), or the conversion of an ethanol plant to a biobutanol facility or the expansion of a

20.1 biobutanol facility as defined in section 41A.105, subdivision 1a, based on the capacity  
20.2 of the expanded or converted facility to produce alcohol fuel, but must be required if  
20.3 the ethanol plant or biobutanol facility meets or exceeds thresholds of other categories  
20.4 of actions for which environmental assessment worksheets must be prepared. The  
20.5 responsible governmental unit for an ethanol plant or biobutanol facility project for which  
20.6 an environmental assessment worksheet is prepared shall be the state agency with the  
20.7 greatest responsibility for supervising or approving the project as a whole.

20.8 A mandatory environmental impact statement shall not be required for a facility  
20.9 or plant located outside the seven-county metropolitan area that produces less than  
20.10 125,000,000 gallons of ethanol, biobutanol, or cellulosic biofuel annually, or produces less  
20.11 than 400,000 tons of chemicals annually, if the facility or plant is: an ethanol plant, as  
20.12 defined in section 41A.09, subdivision 2a, paragraph (b); a biobutanol facility, as defined  
20.13 in section 41A.105, subdivision 1a, clause (1); ~~or~~ a cellulosic biofuel facility, as defined in  
20.14 section 41A.10, subdivision 1, paragraph (d). A facility or plant that only uses a cellulosic  
20.15 feedstock to produce chemical products for use by another facility as a feedstock shall not  
20.16 be considered a fuel conversion facility as used in rules adopted under this chapter.

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

20.32 (c) An environmental assessment worksheet shall also be prepared for a proposed  
20.33 action whenever material evidence accompanying a petition by not less than 100  
20.34 individuals who reside or own property in the state, submitted before the proposed  
20.35 project has received final approval by the appropriate governmental units, demonstrates  
20.36 that, because of the nature or location of a proposed action, there may be potential for

21.1 significant environmental effects. Petitions requesting the preparation of an environmental  
21.2 assessment worksheet shall be submitted to the board. The chair of the board shall  
21.3 determine the appropriate responsible governmental unit and forward the petition to it.  
21.4 A decision on the need for an environmental assessment worksheet shall be made by  
21.5 the responsible governmental unit within 15 days after the petition is received by the  
21.6 responsible governmental unit. The board's chair may extend the 15-day period by not  
21.7 more than 15 additional days upon request of the responsible governmental unit.

21.8 (d) Except in an environmentally sensitive location where Minnesota Rules, part  
21.9 4410.4300, subpart 29, item B, applies, the proposed action is exempt from environmental  
21.10 review under this chapter and rules of the board, if:

21.11 (1) the proposed action is:

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

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

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

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

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

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

22.1 determinations reached in the process shall be incorporated into the order requiring the  
22.2 preparation of an environmental impact statement.

22.3 (g) The responsible governmental unit shall, to the extent practicable, avoid  
22.4 duplication and ensure coordination between state and federal environmental review  
22.5 and between environmental review and environmental permitting. Whenever practical,  
22.6 information needed by a governmental unit for making final decisions on permits  
22.7 or other actions required for a proposed project shall be developed in conjunction  
22.8 with the preparation of an environmental impact statement. When an environmental  
22.9 impact statement is prepared for a project requiring multiple permits for which two or  
22.10 more agencies' decision processes include either mandatory or discretionary hearings  
22.11 before a hearing officer prior to the agencies' decision on the permit, the agencies  
22.12 may, notwithstanding any law or rule to the contrary, conduct the hearings in a single  
22.13 consolidated hearing process if requested by the proposer. All agencies having jurisdiction  
22.14 over a permit that is included in the consolidated hearing shall participate. The responsible  
22.15 governmental unit shall establish appropriate procedures for the consolidated hearing  
22.16 process, including procedures to ensure that the consolidated hearing process is consistent  
22.17 with the applicable requirements for each permit regarding the rights and duties of parties to  
22.18 the hearing, and shall utilize the earliest applicable hearing procedure to initiate the hearing.  
22.19 The procedures of section 116C.28, subdivision 2, apply to the consolidated hearing.

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

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

23.1 the responsible governmental unit to perform its responsibility to review, modify, and  
 23.2 determine the completeness and adequacy of the environmental impact statement.

23.3 **Sec. 34. MINNESOTA RIVER VALLEY; MASTER PLAN.**

23.4 The commissioner of natural resources shall develop a master plan in accordance  
 23.5 with Minnesota Statutes, section 86A.09, to conserve the natural and cultural resources of  
 23.6 the Minnesota River Valley area in Redwood and Renville Counties and to provide for the  
 23.7 shared use, enjoyment, and understanding of these resources through a broad selection  
 23.8 of outdoor recreational opportunities and recreational travel routes that connect units of  
 23.9 the outdoor recreation system in the river valley, including a connection to the Minnesota  
 23.10 River State Trail authorized in Minnesota Statutes, section 85.015, subdivision 22. The  
 23.11 plan shall address the impacts to the natural and cultural resources, interpretive services,  
 23.12 recreational opportunities, and administrative activities in the area and also provide  
 23.13 recommendations on the unit designation of the area under the Outdoor Recreation Act.

23.14 **Sec. 35. INVASIVE CARP.**

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

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

23.20 **Sec. 36. REVISOR'S INSTRUCTION.**

23.21 The revisor of statutes shall delete the term in column A and insert the term in  
 23.22 column B in Minnesota Rules, parts 6216.0100, 6216.0250, 6216.0260, 6216.0270,  
 23.23 6216.0290, 6216.0300, 6216.0400, 6216.0500, and 6260.0300.

	<u>Column A</u>	<u>Column B</u>
23.24	<u>designate</u>	<u>list</u>
23.25	<u>designated</u>	<u>listed</u>
23.26	<u>designation</u>	<u>listing</u>
23.27	<u>designating</u>	<u>listing</u>

23.29 **Sec. 37. REPEALER.**

23.30 Minnesota Statutes 2012, sections 84.521; 89.01, subdivision 7; 103F.121,  
 23.31 subdivisions 3 and 4; and 103F.165, subdivision 2, are repealed.