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State of Minnesota
HOUSE OF REPRESENTATIVES

NINETIETH SESSION

H. F. No. 434

01/23/2017 Authored by Fabian; Torkelson; Anderson, P.; Jurgens; Ecklund and others
The bill was read for the first time and referred to the Committee on Environment and Natural Resources Policy and Finance
02/13/2017 Adoption of Report: Amended and re-referred to the Committee on Ways and Means

1.1 A bill for an act
1.2 relating to natural resources; allowing certain temporary conditions for wetland
1.3 replacement for local government roads; appropriating money for wetland banking
1.4 credits.

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

1.6 Section 1. **WETLAND REPLACEMENT; LOCAL GOVERNMENT ROADS;**
1.7 **TEMPORARY CONDITIONS.**

1.8 Until the Board of Water and Soil Resources establishes wetland bank credits in all
1.9 wetland bank service areas that are adequate to replace wetlands for existing public roads
1.10 under Minnesota Statutes, section 103G.222, subdivision 1, paragraph (m):

1.11 (1) to the extent necessary to meet its obligations to replace wetlands drained or filled
1.12 by public transportation projects on existing roads under Minnesota Statutes, section
1.13 103G.222, subdivision 1, paragraph (m), the board must use wetland replacement credits
1.14 from one wetland service bank area for a public transportation project occurring in another
1.15 wetland bank service area to the extent permitted under state or federal law; and

1.16 (2) draining or filling wetlands in accordance with Minnesota Statutes, section 103G.222,
1.17 subdivision 1, paragraph (m), is exempt from replacement when authorized by a general
1.18 permit issued by the United States Army Corps of Engineers under section 404 of the federal
1.19 Clean Water Act, United States Code, title 33, section 1344, and compensatory mitigation
1.20 under section 404 of the federal Clean Water Act is not required.

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

2.1 Sec. 2. **LOCAL GOVERNMENT ROADS; WETLAND REPLACEMENT**
2.2 **PROGRAM; WETLAND CREDIT ACQUISITION; APPROPRIATION.**

2.3 \$5,000,000 in fiscal year 2017 is appropriated from the general fund to the Board of
2.4 Water and Soil Resources to acquire wetland banking credits to replace those wetlands
2.5 drained or filled as a result of repairing, reconstructing, replacing, or rehabilitating existing
2.6 public roads as required by Minnesota Statutes, section 103G.222, subdivision 1, paragraph
2.7 (m). The board may vary the priority order of Minnesota Statutes, section 103G.222,
2.8 subdivision 3, paragraph (a), to implement an in-lieu fee agreement approved by the United
2.9 States Army Corps of Engineers under section 404 of the Clean Water Act. The purchase
2.10 price paid for acquiring wetland credits must be determined by the board. The board may
2.11 enter into agreements with the federal government, other state agencies, political subdivisions,
2.12 nonprofit organizations, fee title owners, or other qualified private entities to acquire wetland
2.13 replacement credits in accordance with Minnesota Rules, chapter 8420.

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