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State of Minnesota  
HOUSE OF REPRESENTATIVES

EIGHTY-NINTH SESSION

H. F. No. 690

02/09/2015 Authored by Fabian, Dill, Torkelson, Newberger, Persell and others

The bill was read for the first time and referred to the Committee on Environment and Natural Resources Policy and Finance

1.1 A bill for an act  
1.2 relating to waters; appropriating money for feasibility study of section 404  
1.3 permit program.

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

1.5 Section 1. **APPROPRIATION; SECTION 404 PERMIT PROGRAM**  
1.6 **FEASIBILITY STUDY.**

1.7 (a) \$...... is appropriated in fiscal year 2016 from the general fund to the Board  
1.8 of Water and Soil Resources and the commissioner of natural resources to study the  
1.9 feasibility of the state assuming administration of the section 404 permit program of the  
1.10 federal Clean Water Act. The study must:

1.11 (1) include an estimate of the costs to the state and savings to local governments of  
1.12 assuming administration of the permit program, including staffing costs;

1.13 (2) identify the potential speed and efficiencies to be gained through state  
1.14 administration of the permit program and include a cost-benefit analysis;

1.15 (3) identify administrative changes necessary to permit the assumption;

1.16 (4) identify the administrative simplification that could be accomplished by unifying  
1.17 administration of section 404, the Wetlands Conservation Act, and public water wetlands;

1.18 (5) include language to define "wetland"; and

1.19 (6) recommend how to meet federal requirements for state section 404 permit  
1.20 assumption.

1.21 (b) A steering committee shall provide oversight of the study and include:

1.22 (1) one representative appointed by the Board of Water and Soil Resources;

1.23 (2) one representative appointed by the commissioner of natural resources;

1.24 (3) one representative appointed by the United States Army Corps of Engineers;

2.1 (4) two representatives appointed by the Association of Minnesota Counties,  
2.2 including one county engineer and one member of a technical evaluation panel  
2.3 representing a local government unit;

2.4 (5) one representative appointed by the League of Minnesota Cities;

2.5 (6) one representative of soil and water conservation districts appointed by the  
2.6 executive director of the Board of Water and Soil Resources, in consultation with the soil  
2.7 and water conservation districts;

2.8 (7) one representative of wetland bank operators appointed by the executive director  
2.9 of the Board of Water and Soil Resources in consultation with the operators;

2.10 (8) three representatives of environmental organizations appointed by the executive  
2.11 director of the Board of Water and Soil Resources in consultation with the organizations;

2.12 (9) two representatives appointed by the Minnesota Chamber of Commerce,  
2.13 including one from the mining industry and one from the forestry industry;

2.14 (10) one representative appointed by the Associated General Contractors of  
2.15 Minnesota; and

2.16 (11) one representative appointed by the American Council of Engineering  
2.17 Companies of Minnesota.

2.18 (c) By January 15, 2016, the Board of Water and Soil Resources must report the  
2.19 study to the legislative policy and finance committees and divisions with jurisdiction  
2.20 over environment and natural resources.