

SENATE
STATE OF MINNESOTA
EIGHTY-NINTH SESSION

S.F. No. 1225

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DATE	D-PG	OFFICIAL STATUS
03/02/2015	493	Introduction and first reading Referred to Environment and Energy
03/18/2015	955a	Comm report: To pass as amended and re-refer to State and Local Government
03/25/2015		Comm report: To pass as amended and re-refer to 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; FEDERAL CLEAN WATER ACT SECTION 404**
 1.6 **PERMIT PROGRAM FEASIBILITY STUDY.**

1.7 (a) \$...... is appropriated in fiscal year 2016 from the general fund to the Board of
 1.8 Water and Soil Resources and the commissioner of natural resources to study the feasibility
 1.9 of the state assuming administration of the section 404 permit program of the federal Clean
 1.10 Water Act. The United States Army Corps of Engineers, St. Paul District; and the United
 1.11 States Environmental Protection Agency shall be consulted with during the development
 1.12 of the study. This appropriation is available until June 30, 2017. The study shall identify:

1.13 (1) the federal requirements for state assumption of the 404 program;

1.14 (2) the potential extent of assumption, including those waters that would remain
 1.15 under the jurisdiction of the Army Corps of Engineers due to the prohibition of 404
 1.16 assumption in certain waters as defined in section 404(g)(1) of the federal Clean Water Act;

1.17 (3) differences in waters regulated under Minnesota laws compared to waters of the
 1.18 United States, including complications and potential solutions to address the current
 1.19 uncertainties relating to determining waters of the United States;

1.20 (4) measures to ensure the protection of aquatic resources consistent with the Clean
 1.21 Water Act, Wetland Conservation Act, and the public waters program administered by the
 1.22 Department of Natural Resources;

2.1 (5) changes to existing state law, including changes to current implementation
2.2 structure and processes, that would need to occur to allow for state assumption of the
2.3 404 program;

2.4 (6) new agency responsibilities for implementing federal requirements and
2.5 procedures that would become the obligation of the state under assumption, including the
2.6 staff and resources needed for implementation;

2.7 (7) the estimated costs and savings that would accrue to affected units of government;

2.8 (8) the effect on application review and approval processes and time frames;

2.9 (9) alternatives to assumption that would also achieve the goals of regulatory
2.10 simplification, efficiency, and reduced permitting times;

2.11 (10) options for financing any additional costs of implementation; and

2.12 (11) other information as determined by the board and commissioner.

2.13 (b) A steering committee shall provide input on the development of the plan of
2.14 study and include:

2.15 (1) one representative appointed by the Pollution Control Agency;

2.16 (2) one representative appointed by the Builders Association of Minnesota;

2.17 (3) two representatives appointed by the Association of Minnesota Counties,

2.18 including one county engineer and one member of a technical evaluation panel

2.19 representing a local government unit;

2.20 (4) one representative appointed by the League of Minnesota Cities;

2.21 (5) one representative appointed by the Minnesota Association of Soil and Water
2.22 Conservation Districts;

2.23 (6) one representative of wetland bank operators appointed by the executive director
2.24 of the Board of Water and Soil Resources in consultation with the operators;

2.25 (7) three representatives of environmental organizations appointed by the Minnesota
2.26 Environmental Partnership;

2.27 (8) two representatives appointed by the Minnesota Chamber of Commerce,
2.28 including one from the mining industry and one from the forestry industry;

2.29 (9) one representative appointed by the Associated General Contractors of
2.30 Minnesota; and

2.31 (10) one representative appointed by the American Council of Engineering
2.32 Companies of Minnesota.

2.33 (c) By January 15, 2017, the board and commissioner must report the study to the
2.34 legislative policy and finance committees and divisions with jurisdiction over environment
2.35 and natural resources.