

SENATE

STATE OF MINNESOTA

EIGHTY-NINTH SESSION

S.F. No. 1225

(SENATE AUTHORS: STUMPF, Dibble, Ingebrigtsen, Weber and Skoe)

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	1315a	Comm report: To pass as amended and re-refer to Finance See HF846, Art. 3, Sec. 3, Sub. 3, Sec. 5, Art. 4, Sec. 137 (vetoed) See SF5, Art. 3, Sec. 3, Sub. 3, Sec. 4, Art. 4, Sec. 137 (First Special Session)

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A bill for an act

relating to waters; appropriating money for feasibility study of section 404

permit program.

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

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Section 1. **APPROPRIATION; FEDERAL CLEAN WATER ACT SECTION 404**

**PERMIT PROGRAM FEASIBILITY STUDY.**

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(a) \$..... is appropriated in fiscal year 2016 from the general fund to the Board of

Water and Soil Resources and the commissioner of natural resources to study the feasibility

of the state assuming administration of the section 404 permit program of the federal Clean

Water Act. The United States Army Corps of Engineers, St. Paul District; and the United

States Environmental Protection Agency shall be consulted with during the development

of the study. This appropriation is available until June 30, 2017. The study shall identify:

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

(2) the potential extent of assumption, including those waters that would remain

under the jurisdiction of the Army Corps of Engineers due to the prohibition of 404

assumption in certain waters as defined in section 404(g)(1) of the federal Clean Water Act;

(3) differences in waters regulated under Minnesota laws compared to waters of the

United States, including complications and potential solutions to address the current

uncertainties relating to determining waters of the United States;

(4) measures to ensure the protection of aquatic resources consistent with the Clean

Water Act, Wetland Conservation Act, and the public waters program administered by the

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) The board and commissioner shall involve stakeholders in the development of  
2.14 the plan of study consistent with Minnesota Statutes, section 103B.101, subdivision 16.
- 2.15 (c) By January 15, 2017, the board and commissioner must report the study to the  
2.16 legislative policy and finance committees and divisions with jurisdiction over environment  
2.17 and natural resources.