

SENATE
STATE OF MINNESOTA
NINETIETH SESSION

S.F. No. 326

(SENATE AUTHORS: INGEBRIGTSEN, Lang, Utke, Johnson and Goggin)

DATE	D-PG	OFFICIAL STATUS
01/23/2017	384	Introduction and first reading Referred to Environment and Natural Resources Policy and Legacy Finance
02/06/2017	508a	Comm report: To pass as amended and re-refer to Transportation Finance and Policy
02/16/2017	621	Comm report: To pass and re-referred to Environment and Natural Resources Finance
02/22/2017	690a	Comm report: To pass as amended and re-refer to Finance
02/27/2017		Comm report: To pass as amended Second reading

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

1.4 replacement credits for local government roads.

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 to repair, rehabilitate, or replace a previously authorized,

1.17 currently serviceable existing public road to the extent the activity is exempt from

1.18 replacement requirements under an applicable general permit issued by the United States

1.19 Army Corps of Engineers under section 404 of the federal Clean Water Act, United States

1.20 Code, title 33, section 1344, is exempt from wetland replacement requirements under

1.21 Minnesota Statutes, section 103G.222.

1.22 **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. This is a onetime
2.14 appropriation and is available until June 30, 2019.

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