

HOUSE RESEARCH

Bill Summary

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Overview

This bill attempts to consolidate state wetland laws. Its goal is to maintain wetland protection to current standards, to coordinate with federal programs, and simplify and make wetland regulation consistent for landowners.

and 33 **Public Waters Inventory (PWI) Refinement.** Changes establish a case-by-case process to allow DNR to initiate changes to PWI which include: Public Waters Wetlands to Wetland Conservation Act (WCA) wetlands or Public Water Wetlands to Public Waters. DNR must obtain the approval of all local government units for the change(s) to become effective.

andand 18 **Common wetland definition.** States what is already the common scientific definition of a wetland elsewhere in law.

andand 15 **Enforcement flexibility.** Allows peace officers to issue orders to contractors under the WCA as is currently possible for Public Waters and allows peace officers to issue cease and desist orders for Public Waters violations (rather than an automatic criminal citation) as is now done under the WCA.

5 **Common standards.**

Wetland Replacement Standards. Changes make WCA standards for replacement of wetlands (for Types 3, 4, and 5) apply similarly to Public Waters Wetlands under DNR jurisdiction in combination with future Rulemaking.

Wetland Replacement Location. Changes based on language in negotiated agreement (1-16-98) between state and federal agencies in the State Wetland Plan. Sets preference for "closer is better" and allows flexibility for wetland replacement in adjacent county or watershed.

Public Roads. Allows local road authorities the choice of either reporting impacts to wetlands when the project proposal is complete or by an annual meeting with the technical review authorities. Allows project reviewers to appeal technical decisions and

provides for state-funded replacement/mitigation or all wetland impacts. Allows minor or emergency public road maintenance without prior reporting.

- 6 **Federal consistency.** Changes are intended to allow the state and federal agencies to develop agreements to perpetuate the minimization of regulatory duplication between state wetland regulations and the federal farm program.
- 7 **Federal consistency.** Provides for interagency agreements to further minimize duplicate regulation by allowing state/local regulatory authorities to defer to the federal regulations process under certain conditions.
- 8 **Federal consistency.** Eliminates the deductibility of the "de minimus" exemption so that WCA-approved projects that impact under two acres will qualify for the abbreviated Federal permit review procedures under the new General Permit/Letter of Permission process that has replaced the Corps Section 404 nationwide permits in Minnesota. Eliminates requirements for a state toll-free phone number because decisions begin at local government offices.
- 10 **Technical Evaluation Panel.** Adds DNR to Technical Evaluation Panel (TEP) when a project is in or adjacent to a Public Water, and makes other changes.
Soil Science Licensure Exemption. Clarifies that persons doing wetland delineation work are exempt from the licensure requirements of Chapter 326 for architects, engineers, geoscientists, land surveyors, etc. Also requires a study to determine the viability of a wetland delineator certification program.
- 11 **Technical Determinations.** Provides for an optional independent decision to resolve technical matters associated with a potential project before moving on to subsequent administrative and development decisions.
- 12 **Fees for services.** Allows local governments to charge fees for technical or administrative services rendered in assisting project sponsors with WCA or other wetland-related regulations.
- 13 **Appeals modifications.** Adds a process for appealing a wetland boundary or type determination independent of another determination (e.g., replacement plan or exemption request) so that landowners can get the technical matters on a property resolved before spending effort on a specific project proposal. Clarifies standards to be met for acceptance of an appeal.
- 14 **Sunset the Wetland Heritage Advisory Committee.**
- 16 **Consolidation of wetland reporting.** States what is already in practice.
- 17 **Regulatory Process consolidation.** Changes are non-binding, but encourages: DNR and LGU teamwork, comprehensive project review, increased efficiency, and one-stop-shopping. Maintains environmental protection at current level with state oversight and eliminates two-boundary problem for many wetland projects.
- 19 **Further Analysis and Reporting.** Requires the agencies to continue efforts towards improvement of wetland regulatory programs.
- **Accelerated Rulemaking/Effective Date.** Allows the statute changes requiring associated
212021 rulemaking and procedural changes to take effect in harmony with training and rulemaking efforts so that the complete set of changes takes effect on August 1, 2000. Certain other sections effective day following final enactment.