

HOUSE RESEARCH

Bill Summary

FILE NUMBER: H.F. 1651

DATE: April 5, 2007

Version: Second committee engrossment

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Subject: Omnibus Environment and Natural Resources Finance

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Overview

Contains two articles, one containing the biennial appropriations for the Pollution Control Agency, Department of Natural Resources, Board of Water and Soil Resources, Metropolitan Council Parks and Trails, and the Minnesota Conservation Corps. The second article has a number of statutory changes; some containing policy on ditch buffers, wetlands and individual sewage treatment systems, and reports on issues to be completed for legislative oversight.

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Article 1: Environment and Natural Resources Appropriations

- 1 Appropriations.** Appropriations total \$760,858,000 for the biennium.
- 2 Technical.**
- 3 Pollution Control Agency.** Totals for the biennium are \$200,260,000 for the biennium. Clean Water Legacy program for impaired water assessment contains \$30,634,000, with a requirement that the agency complete 10 percent of TMDL assessments each year for the next ten years.

\$750,000 split each year for the biennium is to conduct an endocrine disruptor study at 20 additional sites throughout the state. \$550,000 in FY 2008 is a transfer to the Department of Health to analyze water treatment units to reduce the chemicals PFOA PFOS and PFBS from drinking water supply in the east metro area.

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4 Department of Natural Resources. Totals for the biennium are \$496,581,000. Includes \$75,000 for a task force of forest protection to reduce the possibility of tree diseases, and \$75,000 for a local government grant program to assist with dying shade trees. Contains language emphasizing law enforcement and assistance to curtail the spread of aquatic invasive species, with priority to prevent aquatic invertebrates. Requires a DNR plan in November to prevent Asian carp from entering state waters. Includes \$125,000 in FY 2008 to develop plans for the optimization of native prairie seed harvest and replanting on state-owned land. Establishes a joint agency technical advisory committee to look at the production of native prairie seeds that ensure high carbon sequestration, along with the protection of existing native prairie, wildlife and waters. Requires a report on how the critical areas program is working in the metro Mississippi river corridor.

5 Board of Water and Soil Resources. Totals for the biennium are \$45,097,000. Requires districts wanting general operating grants to maintain a web site describing its annual plan and budget. Money is appropriated for:

- vegetation buffers of restored prairie;
- county cooperative weed management programs;
- providing local native seeds and plants;
- evaluating and reporting on performance of local water management entities;
- supporting local response to enforce wetland violations, and for overall implementation of the wetland conservation act; and
- modernizing public drainage records and assisting the drainage work group.

\$10,900,000 is appropriated for clean water legacy implementation, including funding for:

- services provided for nonpoint restoration by the Minnesota Conservation Corps;
- analysis of wetland mitigation opportunities in greater than 80 percent wetland areas;
- evaluating applied soil and water conservation practices;
- county grants up to \$60,000 for ISTS implementation and compliance programs;
- water quality grants for feedlots under 300 animal units; and
- project work done by the Minnesota River Board.

6 Metropolitan Council. Totals for the biennium are \$17,240,000 for the biennium for metropolitan regional parks and trails maintenance and operation.

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7 **Minnesota Conservation Corps.** Totals for the biennium are \$1,680,000 for work under agreement with the DNR.

Article 2: Environment and Natural Resources Policy

- 1 **Public official.** Includes managers of watershed districts and soil and water conservation district supervisors as "public officials" for purposes of campaign finance and public disclosure law.
- 2 **Application; extensions.** Clarifies an agency response with conditions for certain written requests made for approval or denial of a decision.
- 3 **Revenues.** Clarifies what revenue must be deposited in the environmental fund.
- 4 **Venison distribution and reimbursement.** Allows a \$70 reimbursement from the Department of Agriculture to a meat processor who processes a donated deer for charitable purposes in food assistance.
- 5 **Aquaculture license.** Prohibits the commissioner of agriculture from issuing or renewing licenses to use minnows in a natural water body that is protected with federal or state waterfowl stamp proceeds.
- 6 **Professional services support account.** Technical.
- 7 **Definitions.** Contains eight new definitions in the DNR statutes, including "ecotype region," "native prairie," and "restored prairie."
- 8 **Contracts.** Technical.
- 9 **Easement information.** Requires specific information to be included in a DNR easement consummated.
- 10 **Sales authorized; gift certificates.** Technical.
- 11 **Receipts; appropriation.** Technical.
- 12 **Off-highway vehicle damage account.** Removes the sunset date for the off-highway vehicle damage account.
- 13 **Off-road vehicle trails.** Prohibits DNR land in Beltrami, Cass, Crow Wing, and Hubbard counties from being used for off-road vehicle trails, unless in designated OHV areas, or approved by the legislature.
- 14 **Off-highway vehicle safety and conservation program.** Creates a DNR off-highway vehicle safety and conservation program, utilizing OHV clubs to assist on a volunteer basis.
- 15 **Purposes.** Allows money in the all-terrain vehicle account to be used for the maintenance of minimum-maintenance forest roads.
- 16 **Prairie plant seed production areas.** Requires the DNR to disseminate to the public prairie establishment guidance materials and resources, including seed selection and ecotype and species mix.
- 17 **Emergency invasive species work.** Allows the commissioner of natural resources to contract for, or accept volunteers, for emergency invasive species work for prevention and control.
- 18 **Satisfaction of civil penalties.** Allows penalty amounts for certain watercraft violations to go into the invasive species account.
- 19 **Invasive species account.** Creates the invasive species account, with money deposited from watercraft license surcharges, the civil penalties under section 0, and the new annual surcharge on nonresident fishing licenses.
- 20 **Cuyuna Country State Recreation Area; Citizens Advisory Council.** Establishes the Cuyuna Country State Recreation Area Advisory Council of 12 local individuals who must

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be consulted with by the DNR local manager before a major decision takes place in the recreation area.

- 21 **State park entrance.** Allows K-12 school classes to tour the Soudan Underground Mine State Park for free during the school year.
- 22 **Cuyuna Country State Recreation Area.** Allows free motor vehicle entry and parking at the Croft Mine Historical Park and Portsmouth Mine Lake Overlook within the Cuyuna Recreation Area.
- 23 **Money deposited in account.** Technical.
- 24 **Receipts to special revenue fund.** Requires fees for uses of state forestlands to now be deposited in the special revenue fund and appropriated to the DNR for service of these uses.
- 25 **Forest resource assessment products and services account.** Creates a forest resource assessment products and services account for photography and mapping services fees that are annually appropriated to the DNR to produce the services.
- 26 **Shade tree pest control; grant program.** Establishes a local government grant program by the DNR to deal with shade tree pests, including grant criteria.
- 27 **Timber sales.** Allows a bond purchaser to request the release of the bond, which the DNR can grant if the purchaser pays the required down payment in cash plus interest.
- 28 **Generally.** Changes the allocation of payments for mineral leases in the mineral statutes from the general fund receiving 20 percent to a new minerals management account receiving that amount, with the remaining 80 percent credited to certain classes of land, the permanent school fund, counties and taxing districts.
- 29 **Game and fish annual reports.** Technical.
- 30 **Deer license surcharge.** States what a new deer license surcharge may be used for, including deer management and processing payments for venison donation charitable programs.
- 31 **Vermillion Highlands Wildlife Management Area.** Creates the Vermillion Highlands wildlife management area in Dakota County.
- 32 **Deer license surcharge.** Establishes a \$1 deer license surcharge on resident and nonresident deer licenses.
- 33 **Nonresident fishing.** Establishes a \$2 surcharge on nonresident fishing licenses.
- 34 **Electronic licensing system commission.** Prohibits any electronic licensing system commission on the new deer surcharge.
- 35 **Venison donations.** States a deer hunter may donate a deer, with its tag number, to a meat processor for charitable food purposes.
- 36 **Contests requiring a permit.** Establishes the DNR fees for permits to conduct fishing contests around the state.
- 37 **Authority to issue penalty orders.** Provides authority for the Board of Water and Soil Resources (BWSR) to issue penalty orders for violations under their authority.
- 38 **Local water management accountability and oversight.** Requires BWSR to evaluate performance and financial information for local water management entities on a regular basis, and reduce or withhold funding if local water management deficiencies are not corrected within a year's notice.
- 39 **Credit card use.** Allows authorized credit card use for payments by a soil and water conservation district employee.
- 40 **Credit card use.** Allows authorized credit card use for payments by a watershed district employee.
- 41 **Spoil banks must be spread and permanent vegetation established.** Clarifies the point of

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beginning to measure the width of ditch buffer strips when required by statute, and that they be planted in perennial vegetation.

- 42 **Re-seeding and harvesting perennial vegetation.** Clarifies that perennial vegetation, instead of grass, will be maintained for permanent ditch buffer strips in statute.
- 43 Same as above.
- 44 **Incremental implementation of vegetated ditch buffer strips and side inlet controls.** Allows a drainage authority to implement permanent buffer strips of perennial vegetation along a public drainage ditch to control erosion, improve water quality and maintain efficiency. An approved project must be implemented under a statutory "repair," with accompanying damages, landowner notice and statutory timelines.
- 45 **Ditch buffers strip annual reporting.** Requires annual reports by drainage authorities to BWSR on buffer strips, inspections and violations.
- 46 **Extent of damages.** Includes in damages paid on a drainage ditch project the costs to restore permanent vegetative cover, or a structural practice existing under a federal or state conservation program.
- 47 **Requirements.** Technical to conform with the requirements of section 42.
- 48 See section 0.
- 49 See section 0.
- 50 See section 0.
- 51 See section 0.
- 52 See section 0.
- 53 **Requirements.** Relates to a possible deed restriction by local units that can prohibit nonagricultural use after a wetland is drained under the statutory drainage exemption. Clarifies that ponds generally may not be used to satisfy wetland replacement requirements, unless the pond functions as a wetland and includes pretreatment of runoff.
- 54 **Wetland replacement siting.** Allows some flexibility in present law for the replacement of wetlands when drained or filled, depending upon their region in the state.
- 55 **Agriculture activities.** Clarifies when a replacement plan for wetlands is required for agricultural activities, including a new definition for "normal farming practices" that does not require wetland replacement.
- 56 **Drainage.** Clarifies that a wetland replacement plan is not required for certain agricultural land depending when planted with crops, or enrolled in a state or federal conservation program.
- 57 **Federal approvals.** Clarifies when a wetland replacement plan is not required because of a federal approval.
- 58 **Utilities; public works.** Clarifies when a wetland replacement plan is not required for routine utility or sewage treatment work.
- 59 **De minimis.** Reduces the amount of de minimis footage in a project that doesn't require a wetland replacement plan depending on what type of wetland is affected.
- 60 **Exemption conditions.** Requires rules by BWSR on the application and implementation of wetland exemptions, and the reporting of exempt wetland impacts.
- 61 **Evaluation.** Allows BWSR to develop a professional wetland delineator certification program.
- 62 **Wetland boundary or type determination.** Allows 30 days for a ruling on a wetland boundary or type appeal by the affected local unit of government.
- 63 **Appeal.** Authorizes BWSR to establish a fee schedule to defray the administrative costs of wetland appeals to the board, not to exceed \$1,000.

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- 64 Replacement credits.** Technical to conform to immediate above sections on wetlands.
- 65** See section 0.
- 66** See section 0.
- 67 Restrictions on access to wetlands.** Prohibits public access, when posted by landowner, for a private creation or restoration of a wetland that is adjacent to public land or roadway.
- 68 Permit application fees.** Authorizes a DNR water appropriation fee to recover the costs of preparing and issuing a permit by a private nonagricultural applicant.
- 69 Definitions.** Defines "performance-based system" for the individual sewage treatment system (ISTS) statutes.
- 70 Local ordinances.** Requires counties to adopt ISTS ordinances to comply with the PCA rule revisions within two years of final rule adoption.
- 71 Rules.** Technical to comply with section 0.
- 72 Advisory committee; county individual sewage treatment system management plan.** Allows a county to adopt an ISTS management plan, utilizing an advisory committee formed by the PCA.
- 73 Coordination of activities.** Declares the parties to be notified by the Environmental Quality Board (EQB) when a permit to release genetically engineered wild rice is issued anywhere in the U.S.
- 74 General authority.** Requires the EQB to adopt rules requiring an environmental impact statement for a release of genetically engineered wild rice.
- 75 Federal oversight.** Technical to comply with section 0.
- 76 County timber sales.** Allows a county board to sell any timber, including biomass, as appraised or scaled.
- 77 All-terrain vehicle.** Declares now that 0.27 of one percent of gas is used and is the amount of tax for the operation of all-terrain vehicles.
- 78 Continuous trail designation.** Extends the date for completion of the all-terrain and off-highway continuous trail by the DNR until June 30, 2009.
- 79 Exchange of tax-forfeited land; private sale; Itasca County.** States that the tax-forfeited land exchanged in Itasca County and sold for a proposed steel mill is exempt from payment of 3 percent of the sales price collected by the county auditor.
- 80 Endocrine disruptor report.** Requires a PCA report by January 15, 2008, on strategies to prevent the entry of endocrine disruptors into state waters.
- 81 Easement report required.** Requires a DNR report by January 1, 2008, on proposed minimum legal and conservation standards applied to conservation easements acquired.
- 82 Tax-forfeited lands lease; Itasca County.** Allows the Itasca County auditor to lease tax-forfeited land to Minnesota Steel for a 20-year period, including provision for renewal (associated with section 73).
- 83 Wild rice study.** Requires a DNR study by February 15, 2008, on the protection from threats and possible increase in the natural stands of wild rice in the state.
- 84 Construction.** Technical to comply with sections 0 to 0.
- 85 Technical assistance.** Requires the PCA to establish a best practices database for ISTS management and maintenance.
- 86 Rulemaking.** Requires BWSR to adopt temporary rules for wetland replacement and exemption provisions because of changes in this act that are effective for two years until superseded by permanent rules.
- 87 Vermillion Highlands Wildlife Management Area.** Describes permitted uses in the new Vermillion Highlands Wildlife Management Area that will utilize 2,840 acres transferred

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last year by the University of Minnesota to the DNR in the stadium bill. Current leases for agricultural purposes will be eventually phased out, with the intent to plant and restore native prairie. Creates a master planning process and resource inventory for the land.

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Repealer. Repeals Minnesota Statutes, sections 89A.11, which sunsetted the Forest Resources Council and related activities; and 103G.2241, subdivision 8, for an exemption for wetland approved development because of changes above.