

HOUSE RESEARCH

Bill Summary

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Overview

This bill provides the total supplemental appropriations and reductions for the Pollution Control Agency, the Department of Natural Resources, the Board of Water and Soil Resources, and for metropolitan regional parks.

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Article 1: Appropriations

- 1** **Summary of appropriations.** Summarizes the total supplemental environment and natural resources appropriations and reductions for fiscal years 2008 and 2009.
- 2** **Pollution Control Agency.** Provides the total supplemental appropriations and reductions by fund for the Pollution Control Agency, including:
 - an overall general fund reduction for the agency of \$623,000 in fiscal year 2009 for administrative activities; requires this reduction to be made in a way that minimizes the effects on program activities;
 - provides an appropriation of \$134,000 from the environmental fund in fiscal year 2009 for the adoption of the California emission standards;
 - provides an appropriation of \$20,000 from the general fund in fiscal year 2009 for three solid waste reports; and
 - states that \$750,000 of the environmental fund appropriation for fiscal year 2009 for regulatory services to the ethanol and mining industries is contingent upon the agency recovering that amount in fees starting January 1, 2009 .

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3 Natural resources.

Subd. 1. Total appropriation. Provides the total supplemental appropriations and reductions by fund for the Department of Natural Resources.

Subd. 2. Lands and minerals. Provides a general fund reduction of \$225,000 in fiscal year 2009 in the lands and minerals budget. Appropriates \$200,000 from the natural resources fund to cover the costs of administering and monitoring mining permits and requires the commissioner to report to the legislature on an application fee for permits to mine to cover the costs associated with issuing and monitoring the permits for the next biennium.

Subd. 3. Water resource management. Provides a general fund reduction of \$253,000 in fiscal year 2009 in the water resource management budget. Of this amount, \$38,000 is from the modification of water reporting requirements.

Subd. 4. Forest management. Provides an appropriation of \$250,000 from the general fund in fiscal year 2009; \$53,000 is for a grant to the Forest Resources Council for a study on forest fragmentation and parcelization, and \$197,000 is for the Interagency Information Cooperative.

Subd. 5. Parks and recreation management. Switches \$220,000 of the parks and recreation management budget from the general fund to the natural resources fund.

Subd. 6. Trails and waterways. Provides a \$300,000 appropriation from the all-terrain vehicle account in the natural resources fund for monitoring and maintenance of new trails.

Subd. 7. Fish and wildlife management. Provides a \$427,000 general fund reduction in fiscal year 2009 and a \$441,000 base reduction for the fish and wildlife program. Switches \$200,000 of the appropriation for prairie wetland complexes from the general fund to the game and fish fund. Provides \$123,000 from the game and fish fund in fiscal year 2008 and \$246,000 thereafter for fish virus surveillance activities and \$21,000 from the game and fish fund to be added to the base for the aquatic farm permit program. Provides \$300,000 for the study and design of shooting sports facilities at the Vermillion Highlands WMA.

Subd. 8. Ecological Services. Provides a \$230,000 reduction from the appropriation for impaired waters. Provides a \$20,000 base reduction in fiscal years 2010 and 2011 for the Project Wild program. Requires \$594,000 to be transferred from the water recreation account in the natural resources fund for expenses related to invasive species.

Subd. 9. Enforcement. Provides a \$160,000 reduction in the enforcement budget for fiscal year 2009.

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Subd. 10. Operations support. Provides a \$600,000 reduction in the operations support budget for fiscal year 2009.

4 Board of Water and Soil Resources. Provides an overall general fund reduction of \$318,000 in fiscal year 2009 for the Board of Water and Soil Resources, including:

- \$550,000 reduction for cost-sharing contracts to establish native buffers;
- \$100,000 reduction for county cooperative weed management programs;
- \$68,000 reduction for the drainage assistance program;
- \$100,000 reduction for basin management organization grants;
- \$450,000 appropriation for projects included within the DR-1717 flood area; and

- \$50,000 appropriation for the Star Lake and River Program.

5 Metropolitan Council. Provides no net change in the budget for metropolitan regional parks by switching \$160,000 of the general fund appropriation in fiscal year 2009 to a natural resources fund appropriation.

6 Water resources management. Amends Laws 2007, chapter 57, article 1, section 4, subdivision 3. Makes a number of general fund reductions to the water resources management appropriations (as reflected in the total reduction in section 3), including:

- reducing the appropriation for the Red River mediation agreement grants from \$310,000 to \$280,000 in fiscal year 2009;
- making the appropriation for grants to the Mississippi Headwaters Board a one-time appropriation;
- reducing the appropriation for ring dikes from \$200,000 to \$178,000 in fiscal year 2009 and reducing the base for the program to \$105,000 (from \$125,000); and
- reducing the one-time appropriation in fiscal year 2008 for impaired water identification and development under the Clean Water Legacy Act by \$98,000 (captures savings from delayed hiring).

7 Forest management. Amends Laws 2007, chapter 57, article 1, section 4, subdivision 4. Modifies the use of certain forestry related appropriations so that they may be used more generally for forest management activities.

8 Trails and waterways management. Amends Laws 2007, chapter 57, article 1, section 4, subdivision 6. Allows any portion of the appropriation for grants to local units of governments for trails not used in the first year to be available in the second year and extends the availability of financing for projects receiving federal grants to equal the period of the federal grant.

Article 2: Environment and Natural Resources Policy

1 Aquatic farming license. Amends § 17.4988, subdivision 2. Modifies the aquatic farming

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license fee by making the existing fee a base fee and requiring the commissioner to establish an additional fee based on the acreage of the operation.

2 **Inspection fees.** Amends § 17.4988, subdivision 3. Modifies the aquatic farm inspection fees by eliminating the statutory amounts and allowing the commissioner to establish the fees in order to cover the costs of the program and publish the fees in the State Register.

3 **Application; issuance; reports.** Amends § 84.788, subdivision 3. Extends the number of days a temporary registration permit for off-highway motorcycles is valid from ten to twenty-one days.

4 **Application; issuance; reports, additional fee.** Amends § 84.82, subdivision 2. Extends the number of days a temporary registration permit for snowmobiles is valid from ten to twenty-one days. Requires the permit to include the dealer's identification number and telephone number and indicate whether or not a state trail sticker was purchased.

5 **Expiration.** Amends § 84.82 by adding subdivision 3a. Requires all snowmobile registrations (excluding temporary ones) to expire on June 30 of the year of expiration.

6 **Sticker required; fee.** Amends § 84.8205, subdivision 1. Extends the time a state trail sticker for snowmobiles is valid from November 1 to April 30 to November 1 to June 30. Allows a temporary registration permit to include a snowmobile state trail sticker as required in section 2.

7 **Application; issuance; reports.** Amends § 84.922, subdivision 2. Extends the number of days a temporary registration permit for ATVs is valid from ten to twenty-one days.

8 **Prohibitions on youthful operators.** Amends § 84.9256, subdivision 1. Paragraph (c) is modified to allow a person age 12 to 15 to operate an ATV on a state or grant-in-aid trail if the person has a valid ATV safety certificate and is accompanied by an adult who holds a valid driver's license.

A new paragraph (h) is added to prohibit a person under the age of 16 from operating an ATV on public lands or waters, or state or grant-in-aid trails if the person cannot properly reach and control the handle bars and reach the foot pegs while sitting upright.

9 **Confirmation of creation and establishment of state parks, state recreation areas, and waysides.** Amends § 85.011. Technical change to remove the terms "monument" and "state monument" that are no longer needed.

10 **Interstate State Park .** Amends § 85.012, subdivision 28. Clarifies the name of Interstate State Park (was Interstate Park).

11 **Wild River State Park .** Amends § 85.012, subdivision 49a. Clarifies the name of Wild River State Park (was St. Croix Wild River State Park).

12 **Names, acquisition; administration.** Amends § 85.013, subdivision 1. Amends § 85.011. Technical change to remove the terms "monument" and "state monument" that are no longer needed.

13 **Interstate State Park .** Amends § 85.054, subdivision 3. Clarifies the name of Interstate State Park .

14 **Grand Portage State Park .** Adds § 85.054, subdivision 14. States that a state park permit is not required and a fee may not be charged for motor vehicle entry or parking for a certain highway rest area parking lot at Grand Portage State Park.

15 **Temporary certificate.** Amends § 86B.401, subdivision 2. Requires temporary licenses for water craft to be valid for twenty-one days.

16 **Not to be left burning.** Amends § 88.15, subdivision 2. Modifies the responsibility for a campfire by adding a person who maintains the campfire (it previously was the

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responsibility of only the person who started the campfire).

- 17 **Alternative recording for state forest road.** Amends § 89.715. Removes the term “recorded” to clarify the definition of a “state forest road map” and removes a requirement that the maps be prepared on a scale where four inches equals one mile. Modifies the process that a property owner may use to appeal a state forest road map.
- 18 **Mining administration account.** Amends § 93.481 by adding subdivision 7. Establishes a mining administration account within the natural resources fund for the mining administration fees collected and makes the account available for appropriation to cover the costs of administering and monitoring the permits.
- 19 **Citizen oversight subcommittees.** Amends § 97A.055, subdivision 4b. Technical clarification of the name of the Ecological Resources Subcommittee.
- 20 **Acquisition; generally.** Amends § 97A.141, subdivision 1. Allows the commissioner of natural resources more flexibility in acquiring public water access sites by removing the restrictions that sites be no more than seven acres and only where access is inadequate.
- 21 **Groundwater policy.** Amends § 103A.204. Modifies the groundwater responsibilities of the Environmental Quality Board by modifying reporting requirements.
- 22 **Water assessments and reports.** Amends § 103A.43. Consolidates water reporting requirement of the Environmental Quality Board, the Pollution Control Agency, and the Department of Natural Resources.
- 23 **Water planning.** Amends § 103B.151, subdivision 1. Modifies water planning requirements of the Environmental Quality Board.
- 24 **Water supply plans; demand reduction.** Amends § 103G.291, subdivision 3. Requires public water suppliers serving more than 1,000 people to have a conservation rate structure before requesting approval from the Department of Health to construct a new public supply well or increase in volume unless the supplier does not have the proper measuring equipment to track the amount of water used.
- 25 **Conservation rate structure required.** Amends § 103G.291 by adding subdivision 4. Establishes a definition of a “conservation rate structure” and requires public water suppliers serving more than 1,000 people in the metropolitan area to adopt a conservation rate structure by January 1, 2010 , and those in the rest of the state by January 1, 2013 . Exempts public water suppliers without the proper measuring equipment to track the amount of water used from these requirements.
- 26 **Fees.** Amends § 103G.615, subdivision 2. Eliminates the cap on the allowable fee amount for aquatic plant management permits.
- 27 **Landfill; siting.** Adds § 115A.9175. Paragraph (a) requires applicants for a permit for a disposal facility for municipal, ash, industrial, or construction and demolition waste (that was not in operation prior to March 1, 2008) to submit, along with their application, independent laboratory analysis results for major cations and anions, and for enriched tritium in water samples from a well on the site meeting certain criteria and provides exemptions for this requirement under certain geological circumstances.

Paragraph (b) prohibits the commissioner of the Pollution Control Agency from issuing a permit to an applicant if the test results required under paragraph (a) report concentrations of 5 enriched tritium units or greater in any of the tested wells, except as provided in paragraph (c).

Paragraph (c) allows an applicant, when test results exceed the enriched tritium limits under

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paragraph (b), to provide additional information demonstrating that the site is not highly sensitive to groundwater contamination. Allows the commissioner to review this information and request additional testing. Allows the commissioner, after making a determination that the site is not highly sensitive to groundwater contamination, to issue the permit. Defines “highly sensitive to groundwater contamination” for purposes of the section as when the travel time of water from the land surface to the water table or bedrock is less than 20 years.

Paragraph (d) requires the commissioner to review the state’s atmospheric concentration of tritium and adjust the tritium levels in paragraph (b) to one-half the average concentration of tritium in the state beginning July 1, 2010 and every two years thereafter.

Paragraph (e) provides an exemption from paragraphs (a) to (f) for permits for expansions or for permits that modify the type of waste being accepted at facilities operating prior to March 1, 2008 .

Paragraph (f) states that Minnesota Rules, chapter 7035.2815 apply to a disposal site accepting industrial waste. These rules currently provide siting, groundwater performance standards, design, and other requirements for mixed municipal solid waste facilities.

Provides an effective date the day following final enactment.

28 Reports to the legislature. Amends § 473.1565, subdivision 3. Consolidates the legislative reports on water planning prepared by the Metropolitan Council within the “Minnesota Water Plan” which is prepared every ten years and allows five year interim reports to be provided as necessary.

29 Ferrous metals mining administrative fee. Requires the commissioner of natural resources to charge a fee, beginning in 2008 payable by June 30 of each year, to owners, operators, or managers of certain mines and establishes the amount to be paid for each of the mines. The fee is required until the commissioner adopts a new application fee schedule for permits to mine ferrous metals.

States that the section is effective the day following final enactment and applies to owners, operators, and managers holding or applying for a permit to mine under Minnesota Statutes, section 93.481, during the 2007 calendar year.

30 Rules. Requires the commissioner of natural resources to adopt rules to implement the changes in law made in sections 3 to 7, and section 15 and provides an exemption from certain rulemaking procedures.

31 Repealer. Repeals: section 84.961, subdivision 4 (which established a prairie biologist position within the DNR); section 85.013, subdivision 21b (which established the Rush River State Wayside); section 97A.141, subdivision 2 (which eliminates restrictions on the commissioner when acquiring public water access sites); and Minnesota Laws 1989, chapter 335, article 1, section 21, subdivision 8, as amended (which required a biennial financial report by the Enforcement Division).